

ROLL CALL - PRESENT:

Alderman Rainey
Alderman Feldman

Alderman Newman
Alderman Jean-Baptiste
Alderman Moran

A Quorum was present.

ABSENT:

Aldermen Engelman, Wynne, Bernstein, Kent

PRESIDING:

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, April 9, 2002 at 8:40 p.m. in the Aldermanic Library. Alderman Feldman moved that Council convene into Closed Session for the purpose of discussing matters related to collective bargaining and closed session minutes pursuant to 5ILCS Section 120/2 (c) (2) and (21). Seconded by Alderman Rainey.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06

Roll call. Voting aye –Rainey, Feldman, Newman, Jean-Baptiste, Moran. Voting nay – none. Motion carried (5-0).

At 8:45 p.m. Alderman Rainey moved to reconvene into Open Session and recess. Seconded by Alderman Feldman. Motion carried. No nays.

Mayor Morton reconvened the City Council at 11:30 p.m. in the City Council Chamber after the annual Town Meeting.

Announcements:

City Manager Roger Crum announced that the Flood & Pollution Control Commission will meet on April 17 at 6 p.m. and the Budget Committee will meet the same evening at 7:30 p.m.

Health & Human Services Director Jay Terry announced the Health Department would celebrate Public Health Month with an open house Wednesday, April 17 from 9 a.m. to 4 p.m. in the Civic Center, with health screenings for cholesterol, prostate cancer and signup for the KidCare program. He encouraged Council members and residents to visit.

First Assistant Corporation Counsel Herb Hill explained with only five aldermen present the Council had a unique circumstance; five votes were necessary to pass an ordinance and a majority vote was required on resolutions and motions. Item A3.4 would have to be held over because it required six votes for approval.

Communications: None

CITIZEN COMMENT:

Toshie Davis, 1108 Austin St., spoke on behalf of homeowner Nancy Hoppa of 610 Callan Ave., who wants to make

changes to her landmark home; stated a famous quote about Nazi Germany and not speaking up. She alleged the Preservation Ordinance does not allow much opportunity for the ordinary citizen to speak; was against the treatment of the Hoppa family, the “intrusive and poorly written” 1994 Preservation Ordinance and the proposed Oakton Historic District. She claimed that the ordinance does not work; ordinary citizens have no advocate in the process and limited access to information. She stated preservationists assume by holding the threat of lengthy and vague appeal processes, the average homeowner will “cave” to the commission’s whim in order to improve their home. She stated that Nancy Hoppa has to beg to be able to add a couple of bedrooms to her modest home, located on a dead-end street, across from railroad tracks. Non-landmark homes nearby do not face these problems because they have been rehabbed or are new structures. Hoppa wishes to remain in her home as her family has for over 50 years. She stated that developers do not face similar difficulties under the 1994 Preservation Ordinance and cited the 1998 decision to demolish the ComEd substation in the Research Park; suggested the 1994 ordinance was designed for and by “ladies who lunch” and not for working families. She termed what once was a noble quest to save landmarks has dissolved into an intrusive and elitist hobby for a small fanatical, special interest group. She wrote a letter about the proposed historic district and her phone has not stopped ringing. Neighbors are worried and angry; understand what is at risk and she predicted the struggle over the Oakton Historic District would deteriorate into a nasty fight. She asked for leadership to do what is right for the Hoppa family and to make preservationist hobbyists back off the neighborhood.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Feldman moved Council approval of the Consent Agenda with these exceptions: approve Sound Corp. as telecom equipment supplier for Levy Center, Special Event – Avon Three-Day Walk, Resolution 25-R-02 – Lease with League of Women Voters, Ordinance 27-O-02 – Revised Street Cleaning Regulations, Ordinance 29-O-02 – Revised Parking Meter Hours, Ordinance 36-O-02 – Amends Trial Period for Booting in Central Business District, Ordinance 13-O-02 - Special Use for 337 Howard - Type 2 Restaurant (Subway), Seconded by Alderman Moran. Roll call. Voting aye – Rainey, Feldman, Newman, Jean-Baptiste, Moran. Voting nay – none. Motion carried (5-0).

*** ITEMS APPROVED ON CONSENT AGENDA**

MINUTES:

* Approval of Minutes of the Regular City Council Meeting of March 25, 2002 and Special City Council Meeting of February 18, 2002. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (6-0)

ADMINISTRATION & PUBLIC WORKS:

* Approval, as recommended, of the City of Evanston payroll for the period ending March 28, 2002 and the City of Evanston bills for the periods ending April 1, 10, and 11, 2002 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 03/28/02)	\$1,791,523.21
City of Evanston bills (through 04/10/02; FY 01-02)	\$ 558,681.17
City of Evanston bills (through 04/01/02; FY 02-03-Special)	\$ 93,200.00
City of Evanston bills (through 04/11/02; FY 02-03)	\$2,600,289.14

*** APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (5-0)**

* Approval of the lowest responsive and responsible bid of Metro Environmental Contractors for completion of the UST (Underground Storage Tank) project at the Municipal Service Center at a cost of \$85,890. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (5-0)

* Approval of the proposal of Wolff-Clements for Phase II consulting services for the Levy Center courtyard and exterior landscape design at a cost of \$58,200. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (5-0)

* Approval of the State of Illinois low bidder, Landmark Ford, for the purchase of six police package 2003 Ford Crown Victoria sedans in the amount of \$135,720 including delivery and warranty. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (5-0)

* Approval of the lowest responsive and responsible bid from Hawk Enterprises for Traffic Signal Replacement Project (Dempster/Elmwood & Sheridan/Main) at a cost of \$182,519.50. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (5-0)

* Approval of Change Order #1 with Clauss Brothers, Inc. for the James and Bent Park Redevelopment Project, increasing the contract amount by \$22,596.25. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (5-0)

* Approval of revision to the Professional Services Contract with Camiros for Fleetwood-Jourdain Master Planning and Sculpture Garden Design project, for an increase of \$40,550. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (5-0)

* Approval of revision to professional services contract with Wolff-Clements for James & Bent Park athletic field and irrigation project for a cost increase of \$5,600. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (5-0)



* Special Event: Young Evanston Artists (YEA) Festival – Consideration of a request to hold the annual YEA festival on May 18, 2002, from 10:00 a.m. to 4:00 p.m. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (5-0)

* Resolution 21-R-02 – Agreement with Rothschild Foundation and Life Enrichment Fund for the Levy Center Courtyard – Consideration of proposed Resolution 21-R-01, which authorizes the City Manager to sign an agreement between the Rothschild Foundation and Life Enrichment Fund of the Levy Center, Inc. for a grant for the Levy Center to enable garden and courtyard development. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (5-0)

* Resolution 24-R-02 – General Maintenance Motor Fuel Tax Resolution – Consideration of proposed Resolution 24-R-02, which appropriates \$600,000 in Motor Fuel Tax funds for FY03 for general maintenance of streets. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (5-0)

* Resolution 26-R-02 – Extension of Agreement with IDOT – Consideration of proposed Resolution 26-R-02, by which the City Manager would sign a 10-year extension of the maintenance agreement with the Illinois Department of Transportation for Traffic Signal Maintenance. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (5-0)

* Ordinance 35-O-02 – Creation of a Class B1 Liquor License – Consideration of proposed Ordinance 35-O-02, which creates a Class B1 liquor license, extending hours for liquor sales from 11:00 a.m. to 2:00 a.m. Sunday-Thursday and to 3:00 a.m. on Friday and Saturday in the Downtown Core District. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 38-O-02 – Creation of Class U Liquor License – Consideration of proposed Ordinance 38-O-02, which creates a Class U liquor license for retirement communities. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 39-O-02 – Creation of Class V Liquor License – Consideration of proposed Ordinance 39-O-02, which creates a Class V liquor license for grocery stores of more than 5,000 square feet. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 40-O-02 Increase in Class D Liquor Licenses – Consideration of proposed Ordinance 40-O-02, which increases Class D liquor licenses from 20 to 21 with the addition of Annam Café (technical correction). * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 37-O-02 – Amending Sections of the City Code Establishing Special Pickup Fee for Refuse – Consideration of proposed Ordinance 37-O-02, which amends Sections 8-5-9, 8-5-14 and 8-5-15 of the City Code to establish a special fee for pickup of refuse.* MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 28-O-02 – Revision of Fine for Parking Too Far from Curb – Consideration of proposed Ordinance 28-O-02, introduced March 25, 2002, which amends Ordinance 6-O-02 to clarify the fine for violating Section 10-4-8, parking more than 12 inches from curb. * ADOPTED CONSENT AGENDA AND ROLL CALL (5-0)

* Ordinance 31-O-02 – Establishing a Loading Zone at 2042 Dewey Ave. – Consideration of proposed Ordinance 31-O-02, introduced March 25, 2002, which amends Section 10-11-7, Schedule VII(B) of the City Code to establish a loading zone at 2042 Dewey Ave. for a disabled resident. * ADOPTED CONSENT AGENDA AND ROLL CALL (5-0)

* Ordinance 32-O-02 – Prohibiting Parking on Forest at Greenleaf and at Hamilton – Consideration of proposed Ordinance 32-O-02, introduced March 25, 2002, which amends Section 10-11-8, Schedule VIII(A) of the City Code to prohibit parking on Forest Ave. at Greenleaf and Hamilton intersections. * ADOPTED CONSENT AGENDA AND ROLL CALL (5-0)

* Ordinance 33-O-02 – Passenger Loading Zone on Wesley Avenue – Consideration of proposed Ordinance 33-O-02, introduced March 25, 2002, amends Section 10-11-7, Schedule VII(A) of the City Code to establish a passenger loading zone on Wesley Ave. at Dewey School from 8:00 a.m. to 4:30 p.m. * ADOPTED CONSENT AGENDA AND ROLL CALL (5-0)

AGENDA ADDENDUM

* Approval of Contract – Consideration of approval of the collective bargaining agreement between the City of Evanston and the Fraternal Order of Police (Evanston Police Sergeants' Association) effective March 1, 2002 through February 28, 2003. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (5-0)

PLANNING & DEVELOPMENT:

* Ordinance 24-O-02 – Special Use for 1701-03 Simpson St. – Type 2 Restaurant – Consideration of proposed Ordinance 24-O-02, which approve a recommendation of the ZBA to grant a special use to permit a Type 2 Restaurant at 1701-03 Simpson St. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 23-O-02 – Special Use for 835 Main St. – Type 2 Restaurant – Consideration of proposed Ordinance 23-O-02, which approves a recommendation of the ZBA to grant a special use to permit a Type 2 Restaurant (hot dogs and fries) at 835 Main St.* MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 25-O-02 – Special Use for 930 Church St. – Type 2 Restaurant – Consideration of proposed Ordinance 25-O-02, introduced March 25, 2002, which approves a recommendation of the ZBA to grant a special use to permit Noodles & Co. at 930 Church St. * ADOPTED CONSENT AGENDA AND ROLL CALL (5-0)

HUMAN SERVICES:

* Approval of Township Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of March 2002 in the amount of \$106,019.34.* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (6-0)

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Approval of the sole-source purchase from Sound Corporation of Levy Center telecom equipment at a cost of \$21,659.60.

Alderman Rainey reported the committee recommended approval and this item would be held.

Special Event: Avon Three-Day Walk – Consideration of a request to hold the Avon Three Walk on June 15-16, 2002, using Garden, Mason and Dawes parks as stations.

Alderman Rainey moved approval. Seconded by Alderman Jean-Baptiste. Alderman Newman asked to hold this item over. Seconded by Alderman Feldman. At the request of two aldermen this item was held.

Resolution 25-R-02 – Lease Agreement with League of Women Voters – Consideration of proposed Resolution 25-R-02, which authorizes the City Manager to sign a lease agreement for Room 1002 of the Civic Center with the League of Women Voters.

Alderman Rainey reported the League of Women Voters had asked to extend their current lease by three months (through July 2002) instead of renewing their lease. Alderman Rainey moved approval. Seconded by Alderman Moran. Motion carried, no nays.

Ordinance 27-O-02 – Revised Street Cleaning Regulations – Consideration of proposed Ordinance 27-O-02, introduced March 25, 2002, which amends Section 10-4-12 of the City Code to revise street cleaning regulations.

Alderman Rainey moved approval. Seconded by Alderman Feldman. Alderman Newman stated this repeals the current ordinance but did not say what was replacing it. He noted it says posting will be at the discretion of the Public Works Director without discussion, notification about what the posting schedule would be. He suggested more discussion and written information about the process was needed before approval. Alderman Newman asked to hold this item. Seconded by Alderman Moran. At the request of two aldermen this item was held.

Ordinance 29-O-02 – Revised Parking Meter Hours – Consideration of proposed Ordinance 29-O-02, introduced March 25, 2002, which revises Section 10-11-12, Schedule XII, of the City Code to extend parking meter hours in the Downtown area from 9:00 a.m.-6:00 p.m. to 8:00 a.m.-9:00 p.m.

Alderman Rainey moved approval. Seconded by Alderman Feldman. Alderman Newman asked to hold this item. Seconded by Alderman Feldman. At the request of two aldermen this item was held.

Ordinance 36-O-02 – Amending Ordinance 102-O-01 – Increasing Trial Period for Private Immobilization of Vehicles in Central Business District (Booting) – Consideration of proposed Ordinance 36-O-02, introduced March 25, 2002, which extends the trial period for private immobilization of vehicles (booting) in the Central Business District to April 1, 2003.

Alderman Rainey moved approval. Seconded by Alderman Feldman. Alderman Newman asked to hold this item. Seconded by Alderman Moran. At the request of two aldermen this was held.

Alderman Rainey expressed appreciation to the Rothschild and Levy foundations for providing grants totaling \$367,600 for an enabling garden and landscaping in the new Levy Center Courtyard.

Alderman Newman also thanked Parks/Forestry & Recreation Director Doug Gaynor and staff and the City Manager's

Office staff for an outstanding job getting grants for the City.

PLANNING & DEVELOPMENT:

Ordinance 24-O-02 – Special Use for 1701-03 Simpson St. – Type 2 Restaurant – Consideration of proposed Ordinance 24-O-02, which approves a recommendation of the ZBA to grant a special use to permit a Type 2 Restaurant at 1701-03 Simpson St. * MARKED INTRODUCED – CONSENT AGENDA

Alderman Newman moved this item be returned to the committee. Seconded by Alderman Feldman

Ordinance 23-O-02 – Special Use for 835 Main St. – Type 2 Restaurant – Consideration of proposed Ordinance 23-O-02, to approve a recommendation of the ZBA to grant a special use to permit a Type 2 Restaurant (hot dogs/fries) at 835 Main St. * MARKED INTRODUCED – CONSENT AGENDA

Alderman Newman moved this item be returned to the committee. Seconded by Alderman Feldman

Ordinance 13-O-02 – Special Use for 339 Howard St. (Type 2 Restaurant: Subway) – Consideration of proposed Ordinance 13-O-02, introduced March 11, 2002, which approves a recommendation of the ZBA to grant a special use permit for a Subway restaurant at 339 Howard St.

Alderman Newman moved to table this item. Seconded by Alderman Feldman.

Roll call. Voting aye – Feldman, Newman, Jean-Baptiste. Voting nay – Rainey, Moran. Motion carried (3-2).

CALL OF THE WARDS:

6th Ward. No report

7th Ward. No report

8th Ward. Alderman Rainey asked for a date to remove Ordinance 13-O-02 from the table. Alderman Newman responded that he would move to remove it from the table at the next meeting.

She made a reference to the A&PW Committee to develop an ordinance that would require licensing for door-to-door solicitors, including non-profit organizations.

9th Ward. Alderman Feldman reported there is only one enabling garden in the metropolitan Chicago area comparable to the one that will be at the new Levy Center and that is at the Chicago Botanic Garden.

1st Ward. Alderman Newman referred to the speaker on preservation issues and respected any person who objected to the Preservation Ordinance or who wants to change it, but found attacking people who have worked in preservation for many years, and the reference to Nazi Germany uncalled for; did not believe that kind of debate furthers anything.

Alderman Newman noted the Total Crime Index in 1997 was 7,669 crimes and at the end of 2001 it was down to 4,444 – a decrease of more than 3,000 crimes. He said it could be explained by the economy, a great police chief and outstanding work by the Police Department and that resources invested in public safety have reduced victims by more than 3,000. He called it a major success story they need to talk about more.

He thanked Northwestern University, Bill Banis (VP Student Affairs) and their response to the Women's Coalition at the University for significant response on campus lighting, especially along Sheridan Road and other parts of the campus.

Alderman Newman made a reference to the Plan Commission to hold a hearing regarding whether funeral homes should be

included among the permitted or special uses for various non-residential districts. Funeral homes are no longer listed as permitted or special uses in any zoning district since adoption of the current Zoning Ordinance in April 1993. Presently, existing funeral homes are legally existing non-conformances. The 1960 Zoning Ordinance had a classification of undertaking establishments, funeral parlors and the use category was a permitted use in several of the zoning districts at that time. Today, for an existing funeral home to expand, move or locate here, the City will need to amend the Zoning Ordinance. Seconded by Alderman Rainey. Motion carried. No nays.

Alderman Newman spoke of Cameel Halim, who owns more than 15 building including the Carlson Building. After complaints about refuse in the alley and double-parking, the City found 40 cars parked on Orrington although there were only 12 units in a building at 724 Simpson St., owned by Mr. Halim. It was checked for over-occupancy and inspectors found various units with five-six names on single mailboxes. Most units are three-four bedrooms and rent for \$2,600 month. After a notice of inspection was sent to the landlord, he held a meeting and instructed tenants to deceive inspectors; and someone changed the number of names on mailboxes to three. The landlord also instructed residents to take mattresses and beds to the basement to avoid being found by building inspectors. Alderman Newman credited the *Daily Northwestern* with breaking this story on April 5. Many residents were interviewed and, contrary to instructions from Mr. Halim, told the truth to inspectors even though they faced possible eviction. Alderman Newman stated that nobody would be evicted and the City will attempt to achieve compliance. He suggested any landlord who purposely deceives or instructs others to deceive the City is virtually committing criminal behavior. If the landlord wants to change the ordinance or get a variance, he needs to come to the City. Until that time, his duty is to comply with the law. He said this building does not have space for parking unless there is something in the rear. He reported that condominium owners across the street would meet with the Director of Public Works because they cannot find parking. He stated that a community has to be able to count on property owners to tell the truth; found Mr. Halim's management of the Carlson Building disappointing and hurtful to the downtown and this man's conduct hurts tenants and the neighborhood. He thanked the *Northwestern Daily* for their investigative reporting and service to the community; Jim Wolinski and staff for doing a thorough inspection and their efforts to get compliance and concluded that fines would be involved.

2nd Ward. Alderman Jean-Baptiste reported he would attend three neighborhood meetings in the Dewey/Darrow neighborhood that week. These meetings are occurring because numbers of young people have not learned to co-exist with adults. He asked various groups in the 2nd Ward to stay vigilant and reach out to youth. In one neighborhood there is a graffiti campaign because neighbors have been meeting to try and stabilize the community. He urged people to remain organized; call the City on the graffiti; call him and work to find solutions at meetings and call police to find ways to facilitate peace.

3rd Ward. No report

4th Ward. No report

5th Ward. No report.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 12:16 a.m.

Mary P. Morris,
City Clerk

A videotape recording of this meeting has been made part of the permanent record and is available in the City Clerk's office.