

ROLL CALL - PRESENT:

Alderman Rainey	
Alderman Feldman	Alderman Bernstein
Alderman Newman	Alderman Kent
Alderman Jean-Baptiste	
Alderman Wynne	

A Quorum was present.

NOT PRESENT AT ROLL CALL:

Alderman Moran

ABSENT:

Mayor Morton

PRESIDING:

Mayor Pro Tem Engelman

In the absence of Mayor Morton, City Clerk Mary Morris announced that nominations for the election of a Mayor Pro Tem were in order and, that in accordance with Council rule 14.7, Alderman Engelman is next on the list of aldermen by seniority who have not served as Mayor Pro Tem. Alderman Feldman nominated Alderman Engelman and moved that the nominations be closed and that Alderman Engelman be elected. Seconded by Alderman Wynne. Motion carried unanimously.

A SPECIAL MEETING of the City Council was called to order by Mayor Pro Tem Engelman on Monday, June 3, 2002, at 6:12 p.m. in the Council Chamber for the purpose of receiving a report from the Administration & Public Works and Planning & Development Joint Committee on the Ridge Avenue Traffic Signal Modernization Project.

Alderman Moran was present at this time.

Alderman Feldman moved that Council resolve itself into a Committee of the Whole for discussion of the Ridge Avenue Traffic Signal Modernization Project. Seconded by Alderman Wynne. Motion carried. No nays.

City Manager Roger Crum reported a joint committee of the A&PW and P&D Committees met two weeks ago to discuss this project and at that time staff was directed to stop work on the project and to officially pursue a waiver of two IDOT requirements: to allow for post top signals in place of mast arm signals and to allow signals to be placed less than four feet at or near the current location of the post tops. Staff was asked to pursue any/all means to get the request approved. Staff did the official request for the waiver to IDOT and, based on that, asked the design contractor to start giving estimates on what a post top signalization project might cost and delays involved in shifting to that design. That work has started. Larry Suffredin, the City's lobbyist, was contacted in Springfield and the delegation representing Evanston. Mr. Suffredin was asked to do all he could to coordinate the request with the legislative body, to let IDOT know how important this is and to work with Congresswoman Schakowsky on anything that needed to be done at the federal level.

Mr. Suffredin reported meeting with Senator Ronen, Representatives Julie Hamos and Jeff Schoenberg and Matt Davidson, Director of Intergovernmental Affairs for IDOT. They reviewed the situation and the request for two waivers; went through in detail why the request was reasonable in view of the current lights and post tops staying in their current location having been reasonable all these years and would be reasonable in the future. Safety concerns could be improved by increasing the diameters

of the light fixtures and tree trimming necessary to keep the signals visible. Mr. Davidson indicated he would discuss this matter with IDOT Secretary Curt Brown. The next day Congresswoman Schakowsky and Ra Joy discussed the request for waivers with Secretary Brown. He was aware of the waivers because of Matt Davidson's comments and said he would give it a thorough review. They then had a number of conversations with Matt Davidson and Secretary Brown, who expressed concerns about safety issues, especially since Ridge has averaged 101 accidents annually for some years. Mr. Davidson assured them he would use his power with as much discretion as he could to assist Evanston. He called the next day and said IDOT would have to deny the request based on safety data and could not justify either waiver. They then had another conversation with Secretary Brown and Congresswoman Schakowsky and he asked for a variation on the plan, which was a letter presented last Friday prepared by staff, again, emphasizing why they thought the post tops with larger diameters and slightly higher posts would be appropriate. A letter was received that day turning down that request. The Secretary said that turn down was not closing the door and was open for further discussion with the City to see what could be done. In the meantime, Congresswoman Schakowsky contacted the federal authorities, since this is a Federal Clean Air grant and not a highway paving or safety grant, to see what they might do. A review of the file revealed that there should have been a 106 Hearing. On Friday the federal authorities told the City to stop work on the project and a letter from them indicated the need to go through a Section 106 process which would involve a public hearing, with a component for the community, with city officials and IDOT, to discuss various alternatives. Representative Hamos and Mr. Suffredin called the Illinois Historic Preservation Agency that day because usually it would conduct such a hearing. Anne Haaker, the individual who deals with the Evanston area, is on vacation. IHPA was aware of this case and the supervisor stated they would determine timing and process for conducting a 106 Hearing. Technically this process is under federal rules, which always designate the state agency to be the convening authority. They will work with the congresswoman's office to ensure the federal authorities make that designation so the preservation agency can begin this as quickly as possible. He and Representative Hamos have a conference call the next day to discuss timing and would report back to the community. He thought they would hold a hearing in the Council Chamber on various design/safety issues and other factors. IHPA told them they have held many 106 hearings in historic districts and have come up with viable solutions that were satisfactory to communities. He reported that Representative Hamos was working closely with IDOT to make sure other alternatives were available to Evanston. Representatives Schoenberg and Hamos, Senator Ronen and Congresswoman Schakowsky are available to Evanston and will use their offices to get Secretary Brown and IDOT staff to be receptive to the community's ideas and to make sure the hearing is productive in resolving the controversy.

City Manager Roger Crum quoted from a June 3, 2002 letter from Nancy Magnus, P.E., IDOT, Bureau Chief of Local Roads and Streets, where the City asked the second question on whether they fully understood the issue for post tops and willingness to do the large signals. That response said: "We received your June 3, 2002 letter requesting further consideration of post tops instead of mast arms. Even with tree trimming to mitigate sight distance problems we want to re-emphasize our position previously relayed to you in our May 30, 2002 letter. Mast arms are required on Ridge Avenue. Where posts are used in addition to mast arms, the department can consider a deviation from the minimum post setback of four feet from the curb as safety is not jeopardized and 12-inch diameter signal heads are used on all mast arms and posts." That was the final word received by the City on June 3. Mr. Crum quoted from a letter from the U.S. Department of Transportation to the state government, which said they have issued a verbal order to the state "to cease and desist all construction on the subject project." That was issued Friday, May 31, 2002. "This order is due to incomplete Section 106 processing in Phase I. Upon completion of the 106 process, project construction may continue." There is an official "stop work" order and a process to be followed. The initial response from IDOT is that mast arms are required.

Mr. Suffredin stated that Secretary Brown was taking a personal interest in the matter and the denial of the waivers is not a "knee jerk reaction." While he does not know the solution, he thought that Mr. Brown was counting on the City collectively to present him with a solution. His only concern is safety.

Representative Julie Hamos stated that input from citizens and Council was important in reshaping this project; legislators were behind the process and want to be in a problem-solving mode. She stated that IDOT wants to be cooperative to the extent that they can and IHPA also wanted to be helpful. She announced that she had put \$500,000 into the state budget specifically for this project to help with the redesigning and whatever work will be undertaken to resolve this problem. She hoped all would work together to resolve the situation.

Mayor pro tem Engelman, on behalf of Evanston citizens, expressed appreciation for her zealous advocacy for Evanston's interests and her ability to work miracles for south Evanston in the past and Ridge Avenue now. He thanked Larry Suffredin,

Ra Joy on behalf of Congresswoman Schakowsky, Senator Ronen and Representative Schoenberg.

Alderman Wynne asked for more explanation of Section 106 and what law it is a part of? Mr. Suffredin said it is a federal law and part of the National Historic Preservation Act. He stated the 106 process is required when work is done in a historic district and why the federal agency usually designates the state agency to go forward.

Alderman Feldman noted the amount of letter writing and declarations of their position stated repeatedly – not to approve any installation that does not include mast arms. Mr. Suffredin said IDOT's position is the safety of the street requires mast arms. Alderman Feldman asked if IDOT's conclusion, if anything less, is a compromise? Mr. Suffredin stated that Secretary Brown is reasonable but would not take on the responsibility of modifying the design of traffic signals where he believes that a different style might save a life. He is open to working with the City and the key issue is how drivers will be able to see these lights. They discussed Ridge Avenue since it is not a truck route and did that give the City a benefit. He was told that it did, except that Ridge Avenue is a bus route. Buses actually block people's view of the post tops more than trucks. He and his staff are open to other approaches, provided they feel comfortable that drivers will have better visibility of traffic signals. Going from an 8-inch diameter lens to 12-inch diameter lens means different visibility characteristics and there are standards for those, but his real issue is visibility. The studies he has show signals in a visible overhead position. That is where they start. Mr. Suffredin was not sure what the other alternatives are. Alderman Feldman asked if Mr. Brown or his representative has visited Ridge Avenue? Mr. Suffredin stated that District Engineer staff have looked at Ridge Avenue and are aware of the tree canopy and issues related to the trees. They have reviewed accidents and numbers of light poles knocked over in traffic accidents in the past five years, which cause them concern. Alderman Feldman asked if IDOT was insistent on not accepting a waiver from the 4-foot setback. Yes. Mr. Crum stated that IDOT indicated they might consider a waiver on the additional post tops that might be needed for pedestrian crossings, but only after mast arms were in place. Mr. Suffredin said the original request was for a waiver from the 4-foot setback rule for post tops. Alderman Engelman stated IDOT is requiring mast arms where IDOT said they might consider something less than 4-foot setback for a post top signal on the additional post tops that augments mast arms. Alderman Feldman understood that the City must come up with a design that satisfies their safety concept that is more in keeping with the City's needs on Ridge Avenue. That was correct. Alderman Feldman asked if that effort was started? Mr. Crum stated that the 106 process was the next step to determine whether the historic concerns are sufficiently handled and whether that would change the decision. From a technical point, IDOT has given their view and delivered their preliminary decision on that subject to historic preservation review. Alderman Engelman thought it was unclear who has jurisdiction authority over the other between the IHPA acting as the designated agent before the U.S./DOT to hold a 106 Hearing and IDOT, which is looking at it solely from a safety point of view.

Mr. Suffredin reiterated that IHPA has conducted many 106 hearings throughout the state in historic districts. They have never had a disagreement because of the format of the 106 hearings. They will have to deal with safety issues and if there is any way to alleviate Secretary Brown's fears and he did not know there was. They need to look at the 101 average accidents on this stretch of highway. Alderman Newman wanted to be clear that historic agencies had successes with IDOT, which meant to him that through the 106 Hearing they could come up with some kind of post top solution that satisfies IDOT, a post top solution that preserves historic Ridge Avenue and passes muster with IDOT. Neither Mr. Suffredin nor Representative Hamos asked for post tops. They were trying to find the procedures. He stated that in their conversation that day they have worked out design issues of mast arms and other things to the satisfaction of communities. He thought they would ask for the waivers again and try to justify that at the 106 Hearing to get IDOT to accept that. He predicted it would be a difficult task. He has always found Secretary Brown a reasonable person to deal with and receptive. He has suggested that a modified mast arm might be a more reasonable approach. Alderman Engelman suggested the ultimate goal is to create a traffic signal system that is sensitive to the historic character of the roadway. Mr. Suffredin also noted that the focus of this grant is to improve air quality by timing of lights to cut down on air pollution. It's a combination of putting it together and at this time they don't have the answer they want but there are processes to get that. Not having the 106 Hearing appears to have been an oversight and gives them an opportunity to raise the issues in a better forum.

Alderman Wynne asked for information on other communities where workable solutions were found with problems similar to Evanston's. Mr. Suffredin said they would request that the next day. She asked if mast arms are required but post tops are available for pedestrian signs? Alderman Engelman responded that the letter about the waiver said that mast arms are required, and where IDOT would consider a waiver of the 4-foot setback would be on those post tops that are adjacent to the mast arms. That seem illogical to Alderman Wynne. Public Works Director David Jennings explained that in the May 30 letter, IDOT said

that low volume side streets can be designed with post mounted signals since the streets usually are a reduced width. Post top signals are allowed on low volume side streets. IDOT said they would consider additional post tops in addition to mast arms that are set back less than the 4-foot setback rule. IDOT is saying when there are mast arms, there may be additional poles required. Alderman Feldman called attention to page 3 of a letter from IDOT District Engineer John Kos in which he made reference to other historic districts. The letter indicates that all seemed to have mast arms or combination mast arm and post tops. The design changed but not the concept. He saw no precedent for IDOT to change their mind.

Citizen Comment:

Vera Chatz, 1430 Ridge Ave., reported speaking to someone at IDOT in Schaumburg and found that the historic districts were all in downtown areas. North Michigan Ave. (Chicago) was referred to as a historic district that did not want mast-arms. She asked if any of the historic districts were in residential districts. They were not. Evanston's historic district is residential. She asked if 101 annual accidents over past years was a lot compared to other streets in Evanston and how was the conclusion reached that this was a lot of accidents?

Mr. Jennings responded that information provided was what happened on Ridge Ave. over nine years and no comparative analysis of Ridge to other streets was done. These facts were given to IDOT. The Secretary of Transportation has said that is a lot of accidents. Alderman Feldman interpreted letters from the Secretary to mean he was concerned about safety only in relation to the difference that mast-arms would make as opposed to the current situation. Mast arms would reduce accidents.

Steve Armstrong, 1313 Ridge Ave., commented about noise pollution and that he goes to sleep and wakes up to the sound of honking horns. The traffic does not bother him. He reported that when he mows the lawn, there is a good chance of being hit by a vehicle. Lately people turn into his driveway to avoid a left-hand turn. He wanted to see more traffic enforcement. (Mr. Armstrong's driveway goes between Ridge Ave. and another street.)

Barbara Gardner, 1307 Ridge Ave., referred to a letter from IDOT to the Federal Highway Administration saying that IDOT was going to work with the City, IHPA and the Evanston Preservation Commission to meet and try to reach a solution. She never heard anything and was concerned that IDOT was making a decision for the City and they don't live here. She spoke with Anne Haaker at IHPA, who was on vacation, and was assured nothing would be done until she returned. She did not like the fact that a meeting would take place that does not involve all the parties. It seemed to her that decisions were being made for them and not by them. She said that Ridge Ave. is a state route and the City could make it a local street; she wondered does the City lose money by taking it back? The state won't repave it and it has not been paved for 40 years. She said the state won't pave it because the City refuses to widen it and they won't pave it either. The state should be consistent in taking responsibility to pave and make it a decent road. She asked how the City could take back Ridge Ave. from the state and control it?

Mr. Crum responded that the state would probably be glad to give it back to the City. However, the City believes it is the state's responsibility to give the City the money to pave it before they give it back. That cost is estimated at \$4 million. Ridge Avenue will not be widened. The intent is to get the \$4 million then the City would assume all responsibility at that point. The City does not wish the route due to the need for paving at this time.

Mayor Pro Tem Engelman said the discussion the next day was legislative. Representative Hamos said legislators were brought in to find out the process because they believe timing is critical; did not want to stop the project for too long because time is money in construction projects. Their thrust was to reach out to the historic preservation agency, learn about the process and they were assured the state wanted to bring Anne Haaker in for a conversation about the process.

Alderman Newman asked if Ridge was not a state highway, would that change IDOT's jurisdiction over the roadway? Mr. Crum confirmed if Ridge was not a state route, IDOT would not have jurisdiction over it. Traffic safety regulations would still be the same. Mr. Jennings stated the City made a proposal to the state, knowing that the state will not pave it in its current form. The City made a request to the state with an alternative for them, where the City said they understood it would not be reconstructed/paved in its current form and requested the state pay the City the cost to fix the street and the City would assume jurisdiction. Normally the jurisdictional process occurs when the state does the work. That happened on Green Bay Rd. and they will see it on McCormick Blvd. That is how state roads get fixed currently. There are no strategic regional arterial streets in Evanston. That is the lowest class of street that the state will spend significant dollars on. Ridge is a urban or local arterial

street and not in a class of streets that the City could get money for. In response to Alderman Newman, Mr. Jennings said this proposal to the state had been out since January 2002. It has been done with maybe one community in the past. Alderman Newman asked if the City took back the street and was not subject to IDOT regulation on post tops or mast arms would there be opportunity to get the \$4 million? Mr. Jennings stated if the City took the street back, they would not get the \$4 million or the CMAQ grant. If the design is changed, the City may not get the CMAQ grant. Alderman Newman asked if Ridge was not a state highway would the City be subject to the regulation? Mayor Pro Tem Engelman said they would not be subject to IDOT but federal requirements may apply. They don't know about the CMAQ grant. Mr. Crum pointed out that Sheridan Rd. is next on the list of projects the City would like to get repaved.

Alderman Rainey asked if the regulations/restrictions come from the CMAQ grant? She noted the Golden Rule applies, he who has the gold makes the rules. Mr. Jennings said yes and are consistent in this case. Mr. Crum noted the City has not asked the federal government if they would give a CMAQ grant without a mast arm system. He said that no one in the country has post tops on a street with 20,000 cars a day. Mr. Jennings noted there is no doubt that Ridge is a residential and a arterial street.

Alderman Bernstein asked if CMAQ would give funds not administered by IDOT? Ra Joy, suburban director for Congresswoman Schakowsky did not see the federal government providing funds to Evanston directly. IDOT serves as the gateway. Alderman Bernstein asked Ra Joy to find out if Ridge Ave. was Evanston's, could the City administer the funds or was there another avenue for administering those funds? Ra Joy responded to Barbara Gardener's comments about the 106 process in a May 22 letter from IDOT indicating they would take into account the views of local citizens in making a decision. He was concerned about that because, to date, IDOT had not reached out to Evanston's Preservation Commission or residents regarding their views. He stated that Representative Schakowsky held back until Friday when she heard the two waiver requests were denied at which time her office contacted the Advisory Council on Historic Preservation at the Federal Highway Administration requesting they investigate this project. IDOT classified this project as "late discovery" or "post construction discovery" which meant they would not have to follow Section 106 guidelines. On Friday it was determined they must follow Section 106 guidelines, which mandates that the views of stakeholders have an opportunity to weigh in on the project. It means starting over. He distributed copies of Section 106 to Council members.

Gerald Gordon, 1228 Lake St., reported that Chicago has begun reducing the number of mast arm signals on corners such of Randolph/Franklin and no mast-arms on Michigan Ave. He suggested this be pursued and asked why Chicago is doing this and Evanston is forced to put mast arms in. He noted the application for CMAQ funds made no mention of safety problems; said the safety aspect was brought up in hindsight and thought Mr. Brown was over-emphasizing that. He thought it important that they were not concerned about safety of the traffic signals on Ridge before Mr. Brown brought it up. He asked for and received from staff a compilation of accidents on Ridge Ave. In nine years (1993-2001) there were 839 accidents at intersections with traffic signals. He thought about 28 were listed as incapacitating and the rest involved minor injuries or fender benders. He has not completed his analysis but suggested an official analysis be prepared before they speak with Mr. Brown or his representatives at the hearing, because the type of accident was as important. He pointed out at Greenwood/Ridge there were 102 accidents during that period with no traffic signal and 107 accidents at Ridge/Dempster with signals. He asked how traffic signals affect the accident rate? Either the City or state's traffic departments can answer those questions.

Steve Patton, 1462 Ridge Ave., asked if those studies were the same ones mentioned by the City and IDOT? He asked if in any meetings with IDOT was there substantive discussion about the data or conclusions for determining that for Evanston mast-arms will be safer than post top signals? Mr. Crum responded that they are not relying on Evanston's studies for decision making. Mr. Patton asked if there was any discussion with IDOT about those studies or observations and what were they based on? Mr. Crum said there has been no discussion. Mr. Patton asked if anyone has met with IDOT to see if the studies being invoked have any applicability to Ridge Ave.? Mr. Crum noted that Mr. Suffredin spoke to IDOT about the unique quality of Ridge and why it was not the same as anywhere else. No one tried to go through outside studies and analyze differences in them. Mr. Patton, in conversation with Mr. Suffredin that day, understood the concern is the 101 annual accidents on Ridge. Mayor Pro Tem Engelman suggested they not get hung up on number of accidents or statements of Secretary Brown regarding his position. What is known, with assistance of Congresswoman Schakowsky, is there is an opportunity to have a dialogue with IDOT and IHPA to try and address these concerns at which community members will be present. Mr. Patton asked whether there would be decision-makers such as Secretary Brown at the Section 106 Hearing, since this seemed to be driven by safety concerns? Mayor Pro Tem Engelman said in the past, when such meetings were held, somebody from IDOT was present who works with the preservation people to address the issues.

Alderman Feldman agreed with Mr. Patton that IDOT's decisions are driven by the safety issue and it was important to understand why IDOT thinks safety is so important that they would deny a waiver and that citizens have a right to understand. He wanted to know that IDOT's interpretation of data is applicable to Ridge Avenue.

Alderman Jean-Baptiste thought Mr. Patton's question about who from IDOT would be at the hearing was important; that Evanston's concerns are communicated by Mr. Suffredin and Representative Hamos to IDOT so the right representatives are there. Mr. Patton said there is a core issue that won't go away. Those who are concerned with preservation values in the community are concerned with safety but don't want mast arms. He said mitigation means doing something to mast arms to make them look a bit better. He did not think anybody had joined issue with Mr. Brown on the issue of safety. He won't rest until he is convinced, with data and applicability, that mast arms are better. He was not convinced. He knew that the five studies cited did not establish that fact. He suggested a forum is needed where that issue could be examined. Now they are talking about mitigation. He hears they will have a historic preservation representative of IDOT at the meeting. He did not think anybody had talked to IDOT about the core issue of safety that is driving this dispute. He asked when were accident statistics provided to IDOT? He asked what is the benchmark? What should they expect in terms of accident frequency? How do they know that mast arms will reduce accident numbers? He asked that they direct Mr. Suffredin and representatives at the hearing that they have decision-makers with whom they can engage and sort out the safety issue.

Mayor Pro Tem Engelman expressed appreciation for the object of concern, noting that all agree that the underlying basis of Secretary Brown's decision has not been a subject of discussion between IDOT and the City. He noted that telephone calls the next day by Mr. Suffredin and Representative Hamos would set the framework for how this meeting will go forward. Mr. Patton's comments will be taken into consideration to shape what the 106 Hearing will be.

Alderman Feldman stated that the community should be able to understand, not through City staff or elected representatives, but directly in a dialogue with decision-makers at IDOT so the issue can be put to rest. He was convinced the people interested in Ridge Ave. are also interested in safety. If convinced that mast arms might make a reasonable difference and save a life, he was certain that would alter opposition to mast arms. The case has not yet been made.

Alderman Newman asked if they could have Secretary Brown at the 106 meeting? He saw a concern from neighbors that the IDOT representative at the hearing have authority. He asked if they could have an opportunity for neighbors to meet with him? One point made two weeks ago was that mast arms are typically used on much wider streets than Ridge. Mr. Suffredin said the request can be made. They will have the District Engineer Mr. Kos and Nancy Manges. He reiterated that Secretary Brown has been accessible. He said 101 or 105 accidents is not the issue. Safety is the issue. Data involving the accidents is a factor, but safety is Secretary Brown's concern. They need to sit down with him and meet his threshold for safety with a proposal and so far that has not been reached.

Sue Kleinman, 736 Ridge Ave., had questions about the accident numbers – were there left turn traffic signals at those intersections? A 22-year resident, she lives at Ridge/Madison between traffic signals at Main and Monroe. She reported many accidents have occurred on her corner in the middle of the night. Someone once ran into her home. There is no traffic signal there. She stated that Ridge has become a racetrack. She was curious about the nature of the accidents – were they turning or people speeding through the lights? People blowing through lights will not be stopped by mast arm signals. She believed Gerald Gordon's analysis of accident data and asked in what season are the accidents occurring? In the winter there is no problem with trees blocking traffic signals. She takes safety seriously but if making changes, decisions should be based on sound data.

Mr. Gordon suggested that citizens receive copies of the studies referred to by Secretary Brown before the 106 Hearing.

Barbara Smutnik, 701 Ridge Ave., was interested in the traffic volume, the number and types of accidents before 1993 when trucks began to be ignored on Ridge. She said trucks are a problem and there has been no change in enforcement since this was brought up weeks ago. All that has happened is a sign that says "B" trucks are allowed. She asked how many fewer vehicles would there be if trucks were gone and how much safer would it be if trucks taking up a lane and a half were not there? She observed that in some areas a four-foot setback would result in poles in the middle of the sidewalk. Other corners will have eight ugly poles instead of four. She asked if anybody has considered going to three lanes, as did Green Bay Rd.? She said that

driving on Green Bay is much more pleasant now. A middle lane would be available for emergency vehicles. She thought this would discourage truck traffic and racing more than other alternatives. She suggested if the street were not four lanes, maybe it would not be required to have mast arms. She thought the street would not have to be widened if it were three lanes because the lanes would be wider and they would not have to give up the trees.

Alan Barr, 732 Ridge Ave., asked the options available regarding the traffic signals? He noted they could acquiesce to mast arms; another option would be to persuade IDOT to accept the variation that would allow for post tops that would be four feet removed; another is that the two variations could be persuasive and post tops on top of the present poles would be paid for. He asked if there is the option to do nothing and maintain signals at City expense as needed? Did the City have a legal option if they want to pay for updating to 12-inch lenses on existing post tops? Mayor Pro Tem Engelman explained the City has the ability to do whatever they want as long as they are willing to pay for it. Mr. Barr asked what the City would lose by renegeing on the current \$1.5 million contract? Mayor Pro Tem Engelman stated they could not comment on potential litigation. Mr. Barr asked the cost of putting 12-inch lenses on current post tops? Mayor Pro Tem Engelman responded that staff has not investigated that at this time; staff has been trying to figure how to save federal funds rather than giving up and spending \$1.5 million of City money. If Mr. Barr were deciding aesthetically on whether to have mast arms or the post tops pushed inward and jeopardizing 50 trees he would rather have the mast arms. That did not mean he wanted mast arms.

Vito Brugliera, 1304 Wesley Ave., lives at Wesley/Dempster; noted that Wesley is called the Asbury Avenue by-pass. With new signals at Asbury/Dempster they have had such an increase in traffic on Wesley that a traffic circle had to be put in as a calming device. An engineer, he said data is meaningless unless it is compared to something else. He wanted to see comparative data on Ridge, Dempster, Asbury, Chicago and McCormick – equivalent accident records and types of accidents, which are all urban arterial streets. Looking at data provided by Gerald Gordon, he noted since 1995 there has been one fatality at Mulford/Ridge. He pointed out if they go back four-feet on Ridge and many other streets, then all the Tallmadge street lights and most elms will have to go to meet the safety criterion.

Kris Davis, 1236 Wesley Ave., Dewey Community Conference board member, said safety was a concern of all; all recognized that Ridge Ave. needed to be fixed, but the present proposal does not meet community standards. She recalled a proposal made in the summer of 1971 to widen Dempster St. east of Ridge, which would've meant cutting down 30 elm trees. The community was up in arms. The proposal alleged that eastbound traffic was creating a problem. A citizens group did an analysis and the problem turned out to be westbound traffic and was due to sun being in drivers' eyes. She thought all were concerned about having over 100 accidents annually on Ridge. She said the real question is why did these accidents take place. She noted 102 accidents at Ridge/Greenwood and guessed those were due to visibility going eastbound and had nothing to do with the traffic signal. She asked what time accidents occurred, time of year and would mast arms solve this or are there other conditions that created these accidents that mast arms won't address.

Lynn Bartlett, 1221 Greenwood St., stated that accidents occur at Greenwood/Ridge because drivers cannot turn left on Dempster so go to Greenwood. She reported her daughter did a traffic study for a Science Fair Project in Vera Chatz's yard. She sat for a week from 4:30-6:00 P.M. and counted how many people ran the red light. These are people who did not stop before turning right on red or they sped up to get through yellow light. She stated there is not enough traffic enforcement on Ridge. In 10½ hours, 175 cars ran the red light. Her daughter wanted to find out if Ridge/Lake was a unique corner. So she observed Ridge/Dempster and in 1½ hours, 41 cars ran the red light. She said there were no police around and suggested they need to talk about enforcement of traffic laws.

Mayor Pro Tem Engelman said there will have to be a 106 Hearing, with information staff will put together including a thorough analysis of traffic accidents and an understanding of what is important to IDOT.

Mr. Crum assured citizens that the City would notify concerned residents of the 106 Hearing even if IDOT does not.

Alderman Wynne moved that this matter be held until the next Council meeting for a staff report and timeframe. Seconded by Alderman Moran. Motion carried. No nays.

The Council reconvened from a Committee of the Whole at 7:40 p.m.

Alderman Feldman moved the Council convene into Closed Session for the purpose of discussion of a matter involving litigation. Seconded by Alderman Wynne. The Closed Session is authorized by 5ICS 120/2 (c) (11), by the following exception:

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court of administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

Roll call. Voting aye – Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent, Moran, Engelman. Voting nay – none. Motion carried. (9-0)

The Council so moved at 7:42 p.m. and adjourned from the Closed Session at 8:09 p.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.