

**CITY COUNCIL**

September 22, 2008

**ROLL CALL – PRESENT:**

Alderman Rainey  
Alderman Hansen  
Alderman Wollin  
Alderman Jean-Baptiste

Alderman Wynne  
Alderman Bernstein  
Alderman Holmes  
Alderman Moran  
Alderman Tisdahl

A Quorum was present.

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton on Monday, September 22, 2008, at 9:00 p.m. in the Council Chamber.

**MAYORAL ANNOUNCEMENTS:**

**Mayor Morton Proclaimed:**

**October—Evanston Chapter of United  
Way of the North Shore Month**

**October 15, 2008 - Meals at Home 40<sup>th</sup> Anniversary Day**

**CITY MANAGER ANNOUNCEMENTS:**

Interim City Manager Rolanda Russell asked Tom Janetske, from the Fire Department, to step up. Mr. Janetske stated that October 5-11 was Fire Prevention Week. The Fire Department has reaffirmed its commitment to raise awareness of fire prevention to keep the Evanston citizens safe. Around the world, fires injure and kill thousands of people each year. In Evanston the leading cause for residential fires are cooking related. To reduce the risks, they suggest that we turn off fires when not in use, turn pot handles inward to avoid tipping over, never leave candles unattended when we leave our homes. Evanston can reduce many of the fires by installing smoke detectors and fire-extinguishers in our homes and offices. There will be an open house on October 4<sup>th</sup> at Fire Station #1, 1332 Emerson St., from 11:00 am until 3:00 pm.

**COMMUNICATIONS:**

City Clerk Rodney Greene announced that a memorial service and reception for Ellen Schrodt, former Evanston GOP leader, will be held Saturday, September 27, 2:00 p.m., at the First United Methodist Church, 516 Church St. Evanston.

Mr. Greene reported that the Illinois General Assembly had changed the Municipal Code with respect to non-partisan primaries. Under Public Act 95-699, a non-partisan primary is triggered only if the number of candidates for an office exceeds **four times** the number to be elected.

Additionally, he announced important dates for the upcoming Municipal Election: (1) September 16, 2008—candidates for the Office of Mayor may begin to circulate petitions. (2) October 28, 2008—Alderman, City Clerk, Township Assessor and Township Supervisor may begin circulating petitions. (3) December 8-15, 2008—Petitions for the Office of Mayor must be filed with the City Clerk.

**CITIZEN COMMENT: AGENDA ITEMS**

Sharon Eckersall, 2519 Ashland Ave., spoke in regards to the Compensation Committee's report for salaries for the upcoming elections. She pointed out that the Township Assessor and Supervisor did not receive any health benefits, and suggested that the monies be granted as a lump sum instead of increments of \$500 over 4 years, because the increments did not even amount to one month's supply of gas. She also passed out a prepared report on salaries that she had just received from the County.

Junad Rizki, 2756 Ridge Ave., talked about compensation, salaries in particular for the Aldermen. The Compensation Committee failed to include the health benefits, which amount to \$12,000 (if they take family coverage) so in actuality the pay increase is not \$12,000 from \$10,000 but really \$24,000/year. This seems odd because the Aldermen get health but the Assessor does not. He asserted that the taxpayers were being lied to. He quoted the differences in the cost of health care coverage for the City employees, Police and Fire Departments as they related to the cost for the elected Aldermen. He felt that it was unfair for the taxpayers to support health benefits for part-time aldermen.

**CITIZEN COMMENT: NON-AGENDA TOPICS**

Mayor Morton, before allowing the citizens to comment on the AT&T boxes, stated she had received some information that there might be something that could be done about it. Mayor Morton asked Dickelle Fonda to come up and explain what she had heard, then she would respectfully request those who have signed up to speak about the boxes would defer your comments until afterwards.

Alderman Jean-Baptiste asked the Mayor was she saying some public comments are to be heard? You are not presenting as public comments.

Mayor Morton answered that she was not presenting. She was having a citizen present something, just for Council's information, but nothing to act on.

Alderman Bernstein asked the Mayor if she had any knowledge that could be done to address this issue (AT&T boxes).

Mayor Morton replied that some information was given to her tonight that the Council should be aware.

Alderman Bernstein asked if it is coming from the people who are going to address Council.

Mayor Morton responded yes, but here is what she's getting at, 11 people have signed up to speak on the same thing about the AT&T boxes. Everyone is aware we don't have any control; it isn't something that can come up through us as we know right now. It's a federal regulation

Alderman Bernstein reiterated it was a state, state (regulation).

Mayor Morton said she wanted him to hear (as well as the others here) what she heard tonight and then those people who want to speak about those boxes, we know all about it. This is not something that we are pushing at all. She had to tell them that.

Alderman Bernstein asked the Mayor, could she share with them what she had heard?

Mayor Morton said that Sharon Solomon would do it. Ok, you are going to hear it first hand.

Sharon Solomon, 1221 Washington St., was informed by a neighbor that AT&T was placing a box the size of a refrigerator in front of her house. Shocked and outraged she began to make phone calls. She also wondered about the impact they would have on her property value, the safety to the public and her family because they have high voltage signs on them. She was concerned about the environmental impact and the aesthetic value that everyone enjoys here. She suggested that Council go back to the Consortium to see if they could go jointly to legislators and convince them to reverse their decision to allow AT&T privileges that are not in the best interests of the Evanston community.

Mayor Morton asked Ms. Solomon not to leave yet. She was under the impression and had received an email, that some states were doing something about this. She wanted the Council to know about that, that's the part that concerned her. Ms. Solomon continued that the State of Connecticut Department of Public Utilities is working on an ordinance that would require AT&T to work with municipalities to get permission regarding the placement of the boxes. DuPage County also has tried fighting it by passing ordinances and many of them have been sued by AT&T. They have not been able to maintain because of the money involved.

Mayor Morton asked about the person who would give more information, who is she? She was trying to get this out

because there is no reason for everyone saying the same thing. Dickelle are you the one, do you have some more?

Alderman Bernstein instructed one of the citizens who was speaking to come up to the podium as it's being televised.

Reid Hagee understood from an email that the State of Connecticut put a stop on the AT&T boxes because the company hadn't gotten informed consent from the adjacent property owners. The boxes were going on the parkways, but the adjacent property owners had not been informed, so they didn't have "informed consent." On that ground, they put a stop to AT&T. She didn't know if it was just a temporary stop, but they made some headway.

Mayor Morton remarked okay, that's what I wanted everyone to know. I wanted the public to know.

Alderman Hansen said that, in terms of what's happened and the history of Evanston, the ordinance that we've passed maybe we can have John Burke come up and talk a few minutes on what we've done. Our staff did a great job monitoring this legislation and when it was passed, they started working on an ordinance because that statewide franchise pre-empted any franchise that we could make AT&T come under. The City put an ordinance together to put some controls and measures on these boxes.

Public Works Director John Burke would defer to Kenneth Cox for the legal side of it, but his understanding is that the law pre-empted the Home Rule as it was stated. They moved to get the Municipal League's Model Ordinance in place on the City's right-of-way to provide some controls over these large structures. That was the attempt that the Council passed in the fall. He thought that they put together a multidiscipline between Parks & Forestry and Public Works to go out with AT&T meeting with them for seven or eight months now, to try to get them to go near the existing boxes that are already out there and have been for years. They need 20-ft. alleys and there are not enough of them. A \$1,500 landscaping option is available for each resident to screen the area.

Alderman Jean-Baptiste believed the majority of the citizens who are here have some knowledge of what Mr. Burke is talking about. They are here to express their concerns and ideas. He suggested they just hear them out, because they are outraged and have suggestions on how to do what we are trying to do. He wanted to run this segment as it is usually done and give residents the time necessary to express themselves.

Mayor Morton responded that they can always have the time, but if everybody is going to say the same thing then it is kind of a waste of time. We are all outraged and she thought that the Council was outraged, too. She does not know what this Council could do to stop this. She asked about the width of Evanston's alleys and are they the right size?

Mr. Burke responded that the alleys range from the 8-9 feet up to 19 feet. They actually have 20 foot right-of-ways, but the alleys were built to 19 because you need enough space to maneuver.

Staff Attorney Kenneth Cox stated that last year the Illinois Legislature passed an act called the Illinois Cable and Video Competition Law of 2007, it accidentally pre-empted the municipalities ability to require new video operators to get franchises in their own jurisdictions. When utilities, such as AT&T, come in for video services would have taxes to the right-of-way just like the electric companies as well as telephone companies. So as long as they abide by the regular permitting process available in each jurisdiction, they can come in and put in their facilities.

Mayor Morton thanked Mr. Cox for the information and invited the signers to come and line up to the right of the podium to speak about the AT&T boxes. She also explained that since there were many people who wanted to speak, she narrowed their time down to two minutes each.

Robb Broome, 2627 Highland Ave., gave a long dissertation on the problems he saw affecting the neighborhood with the AT&T boxes being placed, and it scared the hell out of him. He asked the City Council to take action to stop this and, if not, impose on AT&T to change their plans.

Leonard Kaplan, 3220 Hartzell St., has been a resident for more than 14 years. He found about this just yesterday from a concerned neighbor. It's not a new issue for the City, but it's a new issue for our neighborhood. The issue is, why has this

sat in the legislative and planning process for months and the neighborhood just finds it out? He was shocked that people were not notified who live near these things. He asked the Council to address why neighborhoods and residents weren't notified of these things and the locations. Is there is any recourse and if not, maybe as a community residents need to look at other ways such as canceling AT&T service and using other providers.

Dickelle Fonda, 1220 Darrow Ave., a 28-year resident, was here to speak to the sea of outrage that is felt. There are a few cities beside the Connecticut situation, San Francisco has temporarily halted installment of the AT&T boxes. That's under an environmental issue and an environmental attorney has filed suit against AT&T. They probably won't win but at least they will get an environmental study, which Evanston hasn't gotten. She asked for one from our legislators and has not received any response from them. There was a litany of concerns and she didn't need to list them. She hoped that the Council members would come to the Thursday night meeting to listen and hear the concerns of the neighbors.

Alan Gratch, 1134 Judson Ave., a resident of Evanston for 40 years, addressed this as a lawyer. He wanted to ask the Legal Department to determine the range of the discretion that the City has and has chosen to exercise or not to exercise with regard to these matters. For example: the safety of the boxes and the aesthetic appearance of the properties. He asked the Council not to write new ordinances, but to look to see what the ordinances say and what the range of leverage is. Then consider taking action to enforce its own ordinances.

Linda Kimball, 2620 Lincoln St., a ten year resident, voiced her outrage as a citizen and underscored all of the articulate concerns raised by the other presenters this evening. She used this opportunity, as Alderman Jean-Baptiste had said, to use her voice to say what she felt about this circumstance in a form that hasn't been heard before.

Margye Smith, 2615 Highland Ave., can't add to what the other people have said, but pointed out it is their parkway on Hartzell Street where the box is supposed to be. There are several sheets of plywood out there with some blinking lights and barricades. We won't mind to see enough of our property to have AT&T to place a box over there, if only they had talked to us, and that is the problem. The only notice was a doorknob hanger and that didn't tell much of anything. If they had talked to us, we could have worked something out.

Alderman Bernstein said, with respect to Mrs. Smith's comments, if the boxes haven't gone in yet my son-in-law says you can call AT&T and they might, I don't know if they will pay.

Alderman Wollin stated she had some contact from people in the Public Art community who have asked about the boxes. She was told the boxes have been sprayed with anti-graffiti coating. The response from AT&T was that the internal mechanism is too sensitive and the boxes can't be touched.

Alderman Wynne had a question for the organizers of the Thursday meeting. If they had invited the state legislators to attend, she believed that it would be a critical element to be included in this meeting.

Reid Hagee, 1232 Harrison St. stated that many people have talked to the legislators and told them how they feel. That people were not happy and felt that this would lower their home's price, but in reality it doesn't. They decided not to invite them(state legislators) because they have City staff, Legal staff and considered to invite representatives from AT&T and we felt that is enough at this point. They will have a meeting with legislators, but probably after this one.

Alderman Tisdahl asked the Legal Department if they've done what Mr. Gratch suggested, to look at the City's existing ordinances and if there is any help there?

Mr. Cox restated that as long as AT&T and any other video operator abides by the local municipality's permitting process, they can install their boxes essentially where their permit states. AT&T has already installed 56 of their boxes, and is waiting for sufficient staff to install the remainder. Since their permits have been issued and reviewed, they are in compliance with Evanston's ordinances.

Alderman Tisdahl asked, are they in compliance with all of our ordinances?

He replied if they are not, then the permits should not have been issued. Mr. Cox understood they have been. As far as

the day-to-day operations of the implementations and installations, he could not speak to that and deferred to Mr. Burke.

Alderman Tisdahl stated that Kenneth Cox was a good lawyer and she was sure that he could have found some reason to have permitted them.

Mr. Burke stated that all of these projects follow the City's permit requirements. Traffic Engineering inspects every single one for site distance and that's under our own State and City Ordinance. When they have had complaints on someone who is does not follow the City Ordinance, they have been shutdown. He was not aware of any that are not following the City Ordinance, but those that are shutdown will remain so until they comply.

Alderman Jean-Baptiste felt that some of the concerns expressed here are linked to whether or not the Legal Department has looked closely at alternatives and approaches to slow this down, whether or not situations where there are violations move the City to shut them down as John Burke said. If that is the pattern, if we are shutting them down, he's not sure if they are on top of all of the complaints and have heard from everyone. A good number of the constituents who have these in front of their house do not know what it is yet. Hopefully, out of their meeting on Thursday, there will be some clear proposals on how to manage the process since AT&T will be present. There could be some better dialogue as to what they are willing and not willing to do, but he thinks they need time.

Mayor Morton said most of you can see that this is an issue where we are all together. The Council as well as the citizens are not at all happy. Is there an opt-out position that this community can initiate concerning the free lunch program that AT&T seems to be offering if you join up?

Kenneth Cox told the Mayor there were two levels to her question. 1) Whether or not Evanston can say "no" to AT&T to coming in to put in the boxes. He reiterated that, as per the mandate by the State of Illinois, the City cannot. When AT&T comes and wants to put in a box we cannot say no. 2) What the City *can* do is tell them where to put it and under what circumstance they can install their VRAP boxes. If the community is upset they can unsubscribe to AT&T services, which is analogous with the free lunch program.

Alderman Rainey asked could the City have instructed them to bury the boxes?

Mr. Cox stated that the question was raised during their legislation. There is a portion in the right-of-way ordinance that deals with above-ground versus below-grade installations. He was sure that AT&T made representations that placing these devices underground was functionally impossible. Whenever they would have a new customer, they would need access to the box to make that connection, so due to that fact (unless there was some kind of conduit) they would have to dig up the box to make that connection.

Alderman Rainey asked so you're not sure that we could have required them to do that or not?

He responded that he didn't know how the ordinance played into what AT&T is installing. They essentially got the green light from the state to install these devices. He did not know if the state would have required them (through their negotiations) to use different devices for this build out.

Alderman Rainey stated one of the most difficult things to accept is the size of the box. What is the technology that requires the size, how is it different from telephone lines or cable? Would this become obsolete soon?

Kenneth Cox stated he understood that the reason why telephone companies are able to move into the cable television market with greater pace than vice-versa is that they have greater fiber-optic networks. There are three levels to the network: 1) to the street, 2) to the node and 3) to the home. Verizon is the only company nationwide that has a multibillion dollar project where they are going into the home. The reason they had to build these boxes was to enable them to catch-up with the competition.

Mayor Morton said that all have benefited from this discussion and that those listening have learned something as well.

**CONSENT AGENDA (Any item marked with an Asterisk\*)**

Alderman Moran moved Council approval of the Consent Agenda with these exceptions: Resolution 43-R-08 – Lease for 1223 Simpson St.; Ordinance 89-O-08 – Local Employment Program; Ordinance 102-O-08 – Add a Four-Way Stop at Orrington/Central; Ordinance 96-O-08 - Authorize City Manager to Execute Contract for Sale of 709 Chicago Ave.; Ordinance 101-O-08 – Modify Special Sign District – Uncle Dan’s Retail; Ordinance 99-O-08 – Special Use for Convenience Store at 2536 Ewing Ave.; and Ordinances 107-O-08 through 111-O-08 Related to Compensation for Election Officials. Seconded by Alderman Jean-Baptiste.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran, Tisdahl. Voting nay – none. Motion carried (9-0).

### ITEMS APPROVED ON CONSENT AGENDA

#### MINUTES:

\* Approval of Minutes of the Regular City Council Meeting of September 8, 2008. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

#### ADMINISTRATION & PUBLIC WORKS:

\* Approval, as recommended, City of Evanston payroll for the period September 18, 2008, and City of Evanston bills through September 23, 2008, as authorized and charged to the proper accounts:

City of Evanston payroll (through 09/18/08)	\$2,378,405.82
City of Evanston bills (through 09/23/08)	\$4,362,424.85

\* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommend approval of an agreement with Credentials to process the FY 2009 vehicle sticker applications and payments. Per unit fees are provided at no increase over last year’s program with a total estimated cost of \$42,542.80. Funded by the General Fund Finance Collections Division. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommend approval of the lowest responsive and responsible bid (09-34) from Video and Sound Services, Inc. (40 W. Lake St., Northlake) in the amount of \$74,580 for the Robert Crown Center fire alarm system installation project. Funded by the Capital Improvement Plan. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommend approval of the lowest responsive and responsible bid (09-37) for a contract with DiPaolo Company (4350 DiPaolo Center, Glenview) for the 36-inch Skokie Feeder Main Repair in the amount of \$144,017.50. Funded by Water Fund. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommend approval of the lowest responsive and responsible bid (09-41) from MY BAPS Construction (7601 S. Kedzie, Chicago) for the Green Alley Pilot Project for the alley north of Dobson St. and east of Ashland Ave. (southern, east-west leg only) in an amount not to exceed \$259,074. Funded by the Community Development Block Grant (CDBG), \$80,000 and GO Bond Funds, \$179,074. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommend approval of Change Order (#2) for the 2008 50/50 Sidewalk and Curb Replacement Program with Schroeder & Schroeder, Inc. (7307 Central Park Ave., Skokie). This will increase the contract amount by \$53,000 from \$181,362 to \$234,362. Funded by the Capital Improvement Program’s 50/50 Sidewalk and Curb Replacement Fund. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Resolution 54-R-08 – Authorizes the City Manager to Execute an Amendment to the Water Supply Contract with the Northwest Water Commission – Consideration of proposed Resolution 54-R-08, which authorizes the City Manager to execute Amendment No. 1 to the Amended and Restated Water Supply Contract between the Northwest Water Commission and the City of Evanston. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 106-O-08 – Authorizes the Sale of City-Owned Surplus Fleet Vehicles - Consideration of proposed Ordinance 106-O-08, which declares various equipment and vehicles as surplus property to be sold at public auction through Obenauf Auction Services (118 N. Orchard, Round Lake).

\* MARKED INTRODUCED-CONSENT AGENDA

\* Ordinance 100-O-08 – Amends a Section of Taxi Cabs – Vehicles for Hire – Consideration of proposed Ordinance 100-O-08, introduced August 11, 2008, which amends Section 3-19-7(C)(b) of the City Code to change it from Chicago Chauffeur’s License to Evanston Chauffeur’s License.

\* ADOPTED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

### **PLANNING & DEVELOPMENT:**

\* Motion for Approval of Subdivision Plat for the Property Located at 604 Judson Ave. – Consideration of a request to subdivide a single lot into two lots for the purpose of constructing two single-family dwellings. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Sidewalk Café for Type 1 Restaurant – 1512 Sherman Ave. – Consideration of the Site Plan & Appearance Review Committee recommendation to approve a sidewalk café for Jamaica Jamaica, 1512 Sherman Ave. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

### **HUMAN SERVICES COMMITTEE:**

\* Approval of August 2008 Township Monthly Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of August 2008 in the amount of \$147,363.04. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

## **REPORT OF THE STANDING COMMITTEES**

### **ADMINISTRATION & PUBLIC WORKS:**

Resolution 43-R-08 – Authorizes the City Manager to Enter into a Lease for 1223 Simpson St. – Consideration of proposed Resolution 43-R-08, which authorizes the City Manager to enter into a lease with Norma and Nolan Robinson for the property at 1223 Simpson St.

Alderman Hansen moved approval of Resolution 43-R-08. Seconded by Alderman Wynne.

Alderman Rainey said she opposed the lease for one reason and one reason only. She did not understand the economics of preparing a lease for people who are \$2,333 behind in their rent.

Alderman Hansen noted that she had referred it back to committee on September 8. One of the reasons the committee refused to renew was because the City staff had put together a payment structure to have back rent and current rent paid up. The committee felt that the arrangement would be a burden on the Robinsons, but Mr. Robinson came to Council and shed some light on their situation. The committee went back to reconsider its decision. Mrs. Robinson was here tonight and was at committee and she stated they are ready and able to pay the rent.

Mayor Morton asked how many children are in that building? Mr. Gaynor indicated four children. The Mayor continued that it seemed that the committee has resolved the issue and she doesn’t have to call DCFS in here to take care of those kids. She would do it in a minute if it had to be done.

Alderman Jean-Baptiste stated that he did not think that this was appropriate. To raise this kind of an issue has nothing to do with a lease agreement. Tenants get into problems based on employment issues and it has nothing to do with the care of children. At this point in time, he wanted to call for the question and see if they could get a vote on this issue.

Mayor Morton responded to Alderman Jean-Baptiste that she understood what he was saying and respected his ability as an attorney, but some of us are human beings and she is always concerned about children. She will always be concerned about children and, whether he thought it was appropriate or not, she is still concerned about those children.

Alderman Jean-Baptiste called out, Madam Mayor.

Mayor Morton said let me finish. She knew that if something happened there, she has resources that she could gather to give them some help. She does not pass over issues like this and, if she had to call in DCFS, she meant exactly what she said. By law, if anything is happening to children and, we know about and don't do something, we are held liable.

Alderman Jean-Baptiste said, Madam Mayor that is not an issue at all.

Mayor Morton said it does not make a difference if it is or not.

Alderman Jean-Baptiste stated it should not be discussed by the Council, on the public airways, about people's children. There is no child abuse.

Mayor Morton stated that he may think that, but she presides. Now let's go on, where are we?

City Clerk stated that a vote needed to be taken.

Voice vote. Motion carried.

Ordinance 89-O-08 – Local Employment Program – Consideration of proposed Ordinance 89-O-08, which amends Section 1-17-1 of the City Code with the addition of subsection 1-17-1(C) “Local Employment Program.”

Alderman Hansen reported this item was held in committee. She stated that there has been continued discussion about the threshold amounts for the contracts of the proposed projects written by the Local Employment Program.

Ordinance 102-O-08 – Amends Section 10-11-5, Schedule V(D) of the City Code to Establish a Four-Way Stop at Orrington Ave. and Central St. - Consideration of proposed Ordinance 102-O-08, by which the City Council would amend Section 10-11-5, Schedule V(D) of the City Code to establish a four-way stop at Orrington Ave. and Central St.

Alderman Hansen moved introduction of Ordinance 102-O-08. Seconded by Alderman Wynne.

Alderman Tisdahl moved to Suspend the Rules to accommodate the parents who walk their children to school at those corners so that this could be an action item and pass it. Seconded by Alderman Wynne. Voice vote. Motion carried.

Alderman Tisdahl moved approval of Ordinance 102-O-08; the motion was seconded.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran, Tisdahl. Voting nay – none. Motion carried (9-0).

Ordinance 96-O-08 – Authorizes the City Manager to Execute a Contract for the Sale of City-Owned Property on the 700 Block of Chicago Avenue to Devco LLC - Consideration of proposed Ordinance 96-O-08, introduced August 11, 2008, which authorizes the sale of City-owned property in the 700 block of Chicago Avenue to Evanston Devco (AMLI Development) for \$900,000. The parcel will be consolidated with two private parcels to the north for a private mixed-use redevelopment project.

Alderman Hansen moved approval of Ordinance 96-O-08 as amended.

Kenneth Cox stated that there were amendments voted on in committee, which had to be read into the record before the

ordinance is voted on. He directed the Council's attention to page 8 and proceeded to read the amendments.

Alderman Hansen moved to accept the amended changes. Seconded by Alderman Wynne.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran, Tisdahl. Voting nay – none. Motion carried (9-0).

**PLANNING & DEVELOPMENT:**

Ordinance 101-O-08 – Modifications to Special Sign District for Uncle Dan's Retail Store – 901 Church St. – Consideration of the recommendation by the Sign Review & Appeals Board to approve modifications to the Special Sign District for Uncle Dan's at 901 Church St.

Alderman Wollin moved to Suspend the Rules in order to adopt an ordinance at the same meeting at which it was introduced. The motion was seconded by Alderman Jean-Baptiste. Voice vote, motion carried unanimously.

Alderman Wollin moved approval of Ordinance 101-O-08. Seconded by Alderman Jean-Baptiste.

Alderman Moran expressed a concern about this proposal regarding the signs being placed on the eastern portion of the building. This would cause undue pressure on the Council, with others coming forward demanding the same treatment as Uncle Dan's. He will vote against the proposal and has the same opinion for only one sign being placed.

Roll call. Voting aye – Aldermen Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Tisdahl. Voting nay – Alderman Moran. Motion carried (8-1).

Ordinance 99-O-08 – Special Use for a Convenience Store – 2536 Ewing Ave. – Consideration of the Zoning Board of Appeals recommendation for approval of a Special Use for a 7-Eleven Store.

Alderman Wollin reported that this item was held over until the October 13, 2008 meeting.

**OTHER COMMITTEES:**

Ordinance 107-O-08 – Amends Section 1-6-10 of the City Code – Consideration of Ordinance 107-O-08, which would amend Section 1-6-10 of the City Code to increase the Mayor's annual salary from the current level of \$17,000 to \$19,000 over the next four (4) years in increments of \$500 per year. Requires that the Compensation Committee submit its report regarding the Mayor's compensation not less than 240 days prior to the next regularly scheduled municipal election.

Alderman Rainey moved approval of Ordinance 107-O-08 as amended. Seconded by Alderman Wynne.

Alderman Moran said the remarks that he had on this ordinance, as well as the next four, are: his general observation is that they should not seek raises for elected officials' salary as it sends the wrong message to citizenry. He didn't think it was the time to be seeking raises and referred to the telephone salary survey that was attached. He would vote against it.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Tisdahl. Voting nay – Moran. Motion carried (8-1).

Ordinance 108-O-08 – Amends Section 1-5-9 of the City Code – Consideration of Ordinance 108-O-08, which would amend Section 1-5-9 of the City Code to increase the Aldermen's annual salary from the current level of \$10,000 to \$12,000 over the next four (4) years in increments of \$500 per year. Requires that the Compensation Committee submit its report regarding the Aldermen's compensation not less than 240 days prior to the next regularly scheduled municipal election.

Alderman Rainey moved approval of Ordinance 108-O-08. Seconded by Alderman Holmes.

Alderman Rainey stated there are probably candidates and elected officials among us who can afford the time and effort not to be compensated or feel that the \$10,000 they've lived with for the past four years is sufficient. However, for some that is not the case, and she would call upon those aldermen who feel they are overcompensated to do the generous thing and give back to the City treasury any monies they feel are excessive. She encouraged everyone to support the motions.

Alderman Moran stated that he was sure that a lot of people would like to get a 20% raise, but the only people who will get that raise are the City Council. He reiterated that he would be voting against it.

Alderman Bernstein supported the motion, not for himself but for his successor because he will not run. This is not a part-time job. They put in many hours in a day and night with calls and concerns. There has not been a raise in eight years and 20% is a big jump, but you will not be compensated for all that you do.

Alderman Tisdahl stated she had planned to vote against all of these raises, but has been convinced that it would be a mistake. They need to ensure a diverse Council is maintained. These raises will allow those who would like to run, but can't afford to serve without this raise, to do so.

Alderman Jean-Baptiste believed that this raise is not a representation of any kind of expectation of any kind of situation that an alderman would receive for the work they do. He supported the ordinance.

Alderman Hansen could not see how anybody could say they are self-serving because this will take effect when the present Council is gone next year and she didn't know who would be on the next Council. She believed the \$2,000 is a drop in the bucket for all the work they do and agreed that this is not a part-time job. For those who do call it a part-time job, if you ever run for election your voters should know you consider it a part-time job.

Alderman Moran noted, in comparison to municipalities as represented on the attached survey, Evanston's aldermen make twice as much as the other elected officials; maybe they should think about cuts instead.

Alderman Holmes wanted to see the comparisons of the amount of work that's done in the other communities. If you do your job correctly, you put in lots of hours every week. Maybe some of us need to start logging the number of telephone calls made and received, the meetings attended in the community and here. She didn't consider it pay at all. It's just a nice stipend that helps pay the cell phone bill, which the City does not pay or any other bills that she has. It's only an incentive for those who might run--to help make a decision.

Alderman Wynne stated that, like Alderman Tisdahl, she was going to vote against all of these except for the City Clerk. Upon the discussion tonight she realized that it is just a stipend, but she remembered how she used the monies. Every single penny went to baby-sitting and it didn't cover it what she was doing. The \$2,000 increase in the aldermanic salary could buy a fair amount of baby-sitting for those who have young children to consider running for election. They don't know who will be sitting up here next year and we do need to have a broad spectrum of people from the community. Alderman Wollin wanted to repeat what her fellow Council members had said, because they do spend an enormous amount of time both in the evening and the day, and there's an enormous amount of paperwork. When you do your job well, you are out in the community listening because you want to hear what they are saying. She only has a part-time job and she doesn't understand how someone with a full-time job can be an alderman because it is so time consuming. This (raise) is just a symbol and the aldermen in the future certainly deserve it.

Mayor Morton asked Alderman Rainey if she wanted to move this ordinance be introduced as amended? Alderman Rainey moved that the ordinance be amended for \$12,000 a year for 2009-2012 for the Aldermen.

Mayor Morton stated if there are no objections it would be marked introduced.

Alderman Rainey moved to Suspend the Rules. The motion was seconded. Voice vote. Motion carried.

Alderman Rainey moved the adoption of Ordinance 108-O-08 as amended and it was seconded.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Tisdahl. Voting nay – Moran.  
Motion carried (8-1).

Ordinance 109-O-08 – Amends Section 1-7-5 of the City Code – Consideration of Ordinance 109-O-08, which would amend Section 1-7-5 of the City Code to increase the City Clerk’s annual salary from the current level of \$49,000 to \$50,000. Requires that the Compensation Committee submit its report regarding the City Clerk’s compensation, not less than 240 days prior to the next regularly scheduled municipal election.

Alderman Rainey moved that Ordinance 109-O-08 be marked introduced.

Alderman Rainey moved to Suspend the Rules. The motion was seconded. Voice vote. Motion carried.

Alderman Rainey moved approval of Ordinance 109-O-08 as amended. Seconded by Alderman Holmes.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Tisdahl. Voting nay – Moran.  
Motion carried (8-1).

Ordinance 110-O-08 – Increases the Salary of the Township Supervisor – Consideration of Ordinance 110-O-08, which increases the Township Supervisor’s annual salary from the current level of \$11,400 to \$13,400 over the next four (4) years in increments of \$500 per year.

Alderman Rainey moved introduction of Ordinance 110-O-08. Seconded by Alderman Holmes.

Alderman Rainey moved to change the Township Supervisor’s salary from \$11,400 to \$13,400 for the years 2009-2012. The motion was seconded by Alderman Bernstein. She submitted an amendment to the ordinance, it was seconded and then moved for adoption.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Tisdahl. Voting nay – Moran.  
Motion carried (8-1).

Ordinance 111-O-08 – Increases the Salary of the Township Assessor – Consideration of Ordinance 111-O-08, which increases the Township Supervisor’s annual salary from the current level of \$6,000 to \$8,000 over the next four (4) years in increments of \$500 per year.

Alderman Rainey moved to introduce Ordinance 111-O-08. Seconded by Alderman Holmes.

She moved to Suspend the Rules, and it was seconded. Voice vote, motion carried unanimously.

Alderman Rainey moved for adoption of the amended ordinance. Seconded by Alderman Holmes.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Tisdahl. Voting nay – Moran.  
Motion carried (8-1).

Mayor Morton asked why the committee did not consider the medical benefits. The Compensation Committee’s report was silent on the medical benefits. The ordinance prepared for tonight was written before this Council said anything about whether or not they agreed or disagreed with the Compensation Committee’s report, and it was changed prior to any decision on the part of this Council. Now we have gone through it and done what we should have done, but she didn’t want someone coming up to that podium and say that the committee made no reference to what the Compensation Committee did last time. This time they did not bring back medical, because they only had salaries to deal with.

Alderman Rainey stated when she made the motions, she made them on the ordinances to include the medical benefits.

Interim First Assistant Corporation Counsel Elke Purze reported that the committee was silent on the medical. Since it

was codified already to include the medical benefits, they decided to keep them in.

Mayor Morton replied to the City Attorney that it doesn't work that way. That's why we go through this process each year even though the decision is made by the Council. The medical benefits are part of compensation, it has always been included but this time it's not. The ordinance that you prepared included this prior to our meeting tonight to approve it. She said to the Council that she didn't see anything wrong with making a motion to include your compensation as approved in previous years, then there's no problem.

Alderman Rainey moved that the members of the City Council, the Mayor's, and the City Clerk's medical benefits continue as they have in the past for the period of 2009 to 2012 term of office. Seconded by Alderman Jean-Baptiste.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran, Tisdahl. Voting nay – none. Motion carried (9-0).

### **CALL OF THE WARDS**

**8<sup>th</sup> Ward.** Alderman Rainey – No Report.

**9<sup>th</sup> Ward.** Alderman Hansen – No Report

**1<sup>st</sup> Ward.** Alderman Wollin extended her sympathies to the Ellen Schrodt family.

She announced Voterpolooza on Saturday, September 27 at various sites in the downtown, from 10 a.m. to 5 p.m. She hoped that people will come out and register--remember you can't vote if you are not registered.

Alderman Wollin announced a special foreclosure prevention workshop at the Library on Saturday, September 27, from 2:00-3:00 p.m. in the Community Room on the first floor. It will be hosted by the Interfaith Housing Conference.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste – No Report

**3<sup>rd</sup> Ward.** Alderman Wynne pointed out that Alderman Holmes had set a new standard. She must serve food now, too. She can't do that for 100 people at a town-hall meeting.

She, too, extended her condolences to the Schrodt family.

**4<sup>th</sup> Ward.** Alderman Bernstein thanked everyone for the condolences sent to his family on the death of his niece. He also sent out his condolences to the Ellen Schrodt family.

Mayor Morton also commented on Ellen's character and how she will truly be missed.

**5<sup>th</sup> Ward.** Alderman Holmes – No Report

**6<sup>th</sup> Ward.** Alderman Moran added his condolences to Ellen's husband and spoke of what a wonderful person she was and how she will be missed.

**7<sup>th</sup> Ward.** Alderman Tisdahl added one more thing to what everyone had said--that Ellen gave great parties.

At 11:25 p.m. Alderman Bernstein moved to convene into Executive Session to discuss matters related to personnel, real estate and litigation pursuant to 5 Illinois Compiled Statutes 120/2 ( c ) (1) and (11) as follows:

2. All meetings of public bodies shall be public meetings except for the following:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public

body or against legal counsel for the public body to determine its validity.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or 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.

Seconded by Alderman Jean-Baptiste.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran, Tisdahl. Voting nay – none. Motion carried (9-0).

There being no further business to come before the Council, Mayor Morton asked for a motion to adjourn and the Council so moved at 12:05 a.m.

Rodney Greene,  
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.