

**CITY COUNCIL**

**January 22, 2001**

**ROLL CALL - PRESENT:**

Alderman Drummer	Alderman Moran
Alderman Wynne	Alderman Engelman
Alderman Bernstein	Alderman Rainey
Alderman Kent	Alderman Feldman
	Alderman Newman

A Quorum was present.

**ABSENT:** None

**PRESIDING:** Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, January 22, 2001 at 6:38 p.m. in the Aldermanic Library. Alderman Drummer moved that Council adjourn into Closed Session for the purpose of discussing matters involving real estate, litigation and criminal investigations pursuant to 5ILCS Section 120/2 (c) (5), (6), (11) and (14).

(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.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

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

At 7:25 p.m. Alderman Feldman moved to reconvene into Open Session. Seconded by Alderman Drummer. Motion carried, no nays. Council then recessed so aldermen could attend standing committee meetings.

Mayor Morton reconvened the Council meeting at 8:58 p.m. in the Council Chamber.

**Announcements:**

City Manager Roger Crum announced that February is Black History Month. The City's celebration has begun and will continue through February with events at Noyes Cultural Arts Center and Fleetwood-Jourdain Theater.

Facilities Management Director Max Rubin reported that the City of Evanston is eligible for FEMA funds that would

cover 75% of the cost of the most expensive 48-hour period of snow removal.

**A Resolution of Congratulations for  
“Northwestern University Sesquicentennial”**

Mayor Morton read a resolution congratulating Northwestern University on its 150<sup>th</sup> Anniversary on January 28, 2001.

City Clerk Mary Morris announced that January 23 was the last day to file petitions for municipal offices. Ms. Morris conducted a lottery for ballot positions for aldermanic candidates who had filed nominating petitions simultaneously.

**Communications:** None

**CITIZEN COMMENT:**

Walter Anderson, 1024 Cleveland St., lifelong resident, supported putting a parks/recreation referendum on the April ballot. He stated that the Robert Crown Center is the most heavily used facility here and invited people to visit it, which he alleged, is structurally unsound. Parent of a hockey player, he stated the hockey association is in a downward spiral and in danger of losing accreditation. He urged action this year and more communication between the Recreation Board, the City and the Robert Crown Advisory Board. Funds raised are put back there but with loss of hockey that would change because they buy a lot of “ice” time.

Carol Moschandreas, 2720 Simpson St., spoke about the panhandling ordinance. Her concern was Section B and not being able to say certain words at certain times and places. She discussed the prohibitions on speech, place and time in Section B. She and other attorneys believe this violates the constitution. The other criticism of the ordinance was that it was designed to be enforced selectively against those who are considered undesirable. Selective enforcement because of what a person says or who they are is a violation of the equal protection clause of the Illinois Constitution. She provided an ordinance that addresses those concerns and that provides strong protection against aggressive panhandling. She outlined the panhandling activities that would be illegal in her proposal and the ordinance before them. She said the proposal focuses on speech and on harassing panhandling. She asked Council to pass an alternative that protects speech and favors equal enforcement or pass nothing. She said passing the ordinance before them was a bad deal because many people think it is unconstitutional, which should give them pause. She thought the ordinance trades everyone’s free rights for 20 panhandlers and asks to be challenged. She noted the City’s financial condition because it has had to pay out judgments due to violations of individual’s rights. She agreed that this ordinance may be fine for Indianapolis but not for Evanston. She related locking keys in her car and the kindness of resident homeowners she asked for help, which would be prohibited in the ordinance before them.

Alderman Bernstein moved to extend Citizen Comment. Seconded by Alderman Wynne. Motion carried. No nays.

Rick Sauk, 1312 Monroe St., long-time member of the Ramp Association, an organization of power boaters who launch from the Church Street ramp, was told the breakwater constructed in the early 1980s had its link shortened and massive sand deposits that have to be removed annually were the result. He was told there have been conversations between his organization and Director of Parks/Forestry & Recreation Doug Gaynor in soliciting his help from the state and other governmental fund to enhance the breakwater’s effectiveness and floating pier’s usefulness. He understood the proposed referendum does not contain any funds for the ramp. Because of the convenient location of the Church Street ramp, many non-resident members pay the \$450 annual fee and residents pay \$250. Fees were doubled in 1999. In a typical year more than 100 permits are sold. There are no daily or week launch permits sold. He thought the launch fees adequately offset the cost of operations. He urged placing a referendum on the April ballot as well as assistance in improving the ramp.

Marion Flynn, 1720 Main St., spoke as a Recreation Board member and Robert Crown Center neighbor. She lives across the street from what was the big hole for the deep tunnel project, which she found inconvenient for a greater good. She believes it is a greater good to have improved recreation facilities for youth. Associated with a sub-committee of the Levy Center, she said many groups were involved with that process; had confidence the Recreation Department and City will

do right by citizens.

Joel Lisinski, 2020 Pratt Ct., City employee supported a referendum for the parks division. He related a story about the lack of adequate locker rooms; said the facility is shoddy and there are problems with the wall/roof over the main rink; related that the building is being crushed and falling into the rink area.

Briana Unruh, 1421 Brummel St., said that Robert Crown Center needs to be rebuilt. She went to pre-school there and said there are many leaks. She hoped that Council would vote to rebuild Crown.

Mort Denlow, 2206 Orrington Ave., 29-year resident, raised four children here who participated in recreation facilities and a former Recreation Board member and president of EYBA, thought important values and skills are learned by those who participate in sports. Teamwork, sportsmanship, leadership, hard work, responsibility, participation and a sense of community are generated through recreation activities. He noted that people from all over Evanston come together to watch their children play and make friendships they might not have made otherwise. Evanston is lucky to have hundreds of volunteers who run youth programs which require fields, gyms, rinks and courts that only a community can provide. He stated that recreation buildings have not kept pace with the growth of recreational programs. Because this community has inclusive programs, every child who tries out is on a team. This means there are more youth ranging from 5-15 years of age participating. Just one new field has been added in recent years. He noted the tremendous growth in girls and women's sports, plus the explosion of soccer has increased demand for facilities. He stated while the numbers of participants have grown, there is a lack of practice sites. He stated the strategic plan was developed with public hearings. He thought the \$21 million program represents a reasonable first step; that recreational facilities are no less important than a first-class library and an adequate sewer system and urged Council to act.

David Ucker, 2720 Park Pl., regional commission of AYSO, comprised of 1,800 girls and boys and 150 teams has 500 adult volunteers. Their association is a youth development organization around recreational soccer, which provides programs where children learn positive values, sportsmanship, teamwork, cooperation and self-reliance. They are inclusive and supportive. All can participate without regard to ability or financial needs. Over 10% of children participating receive scholarships and they have a program for children with disabilities. Their primary concern is for improving and expanding outdoor playing fields. He said outdoor fields represent the single best resource for recreational use for the greatest number of children in the community and it was wise to invest in them. He stated thousands of children have participated in AYSO over the years. Their program is self-supporting through registration fees and entirely run by volunteers. He asked the City to invest in outdoor fields.

Mary Rosic, 2239 Forestview Rd., member of the Chandler-Newberger Advisory Board and mother of two boys who play baseball, soccer and basketball supported the remarks of the previous two speakers.

Tom Omundson, 2500 Lincoln St., 23-year resident has four active children; supported a referendum and was disappointed it would not have real enhancements to indoor facilities. Robert Crown Center needs help and revenues should be reinvested there. Recreation needs have changed over the past 20 years; facilities have not been upgraded and demand has outstripped supply. There is much competition for use of facilities. Girls participate in sports now as boys do. Parks and recreation is not a luxury item but a basic need all year long. He urged creation of an indoor, green space to be used year round. He stated Robert Crown is a valuable amenity to the neighborhood and, if done right, real estate values should be enhanced. He thought parks and recreation deserved the same attention as Evanston's library, perhaps more. He asked if they don't act now, when will they? He said there will always be special interest groups that don't see the whole picture and other ways to spend tax dollars. The City's credit rating has never been better. He believed there is strong support for the original plan from the Recreation Board and the lesser version will fall short and they are not asking for enough. He termed youth recreation sports a vital part of the culture in Evanston.

Sandra Brown, 1221 Judson Ave., 32-year resident, parent of four children and an owner of Lakeshore Partners said her husband has coached for FAM for nine years. As a Realtor, she spoke for those coming into Evanston. People want good schools, day care, transportation and recreational opportunities. She noted Evanston has a great lakefront but Robert Crown Center does not compare with Skokie facilities and neighboring communities. She suggested there be facilities

here that cater to teenagers and encouraged support of a referendum.

Tom Horne, 923 Hinman Ave., president, Chandler-Newberger Advisory Board, supported the Recreation Board's proposal for various improvements to recreational facilities. A resident almost his entire life and the father of two boys, he coached baseball and served on the board of EYBA for some years. He recalled the state of the facilities in James Park and believed youth should have something his kids did not have, facilities they could be proud of. He remembered James Park fields as being too hot/cold and too wet/dry. The fields lacked neither proper irrigation nor field construction to keep the field in good condition regardless of weather. He recalled how James Park fields paled in comparison to fields in other communities. Parents wondered why Evanston could not have facilities like other communities. When they had to host visiting teams, it was embarrassing. He thought the proposal would rectify these conditions in James Park and throughout the City and urged them to act now. His son played basketball from grade school through ETHS. He described the basketball experience here as outstanding and continues to grow. He suggested it be cultivated because it provides healthy and character building activity that can shape lives. He stated Evanston sorely needs more gyms for practice space and to host tournaments; urged Council to reconsider a multiplex at Robert Crown Center. He supports the needs of other sports and improvements are long overdue. He urged Council to support the referendum.

Joe Keitel, 2410 Lawndale Ave., was born here and has youth at ETHS who have been involved in tennis, baseball and basketball. He praised the volunteers but said the facilities are not very good. He urged Council to put this on a referendum and let the citizens decide. He agreed with the previous speakers and urged Council to move forward.

Gabe Val, 1641 Hinman Ave., founder and program director of Evanston Junior Wildkit Football program said they started with two teams and now have five, with more than 800 children participating. There is not a 100-yard regulation football field in Evanston; 150 youth show up for football. He attended ETHS and this past year bought a home in another community. He could not pay Evanston taxes knowing that there is no commitment to parks. He hopes someday that the parks will be renovated. One of the most important qualities instilled by sports is community pride. He thought adults were sending a message to youth that they are not important by not giving them facilities that are needed. His organization cannot grow and he urged a commitment be made to youth.

Allen "Bo" Price, 1805 Monroe St., 78-year resident; agreed much has to be done to improve recreational facilities here. He is on the advisory board at Fleetwood-Jourdain and is there every day. They need more space. They have FAAM on Saturdays and summer basketball for ages five and up. He understands the situation of tax dollars in Evanston. He wanted to see Evanston be one of the finest communities for recreation. He has seen four or five generations training in Evanston facilities and expects the sixth generation. He urged them to "not let their nose spite their face" like previous aldermen who said "no." The burden is in their lap and he urged them not to fail the kids of Evanston.

Suzanne Carson, 2679 Stewart Ave., presented a report from the Transportation Committee of the Interreligious Sustainability Circle of Evanston. She reported the circle came together two years ago under the auspices of the Center for Neighborhood Technology, a Chicago-based non-profit organization. The basis for these circles, which now number seven in the metropolitan area, is religious people and institutions have a view of the creation that links it to the Holy. Continuing sustainability of the Creator's gift would be a moral and spiritual issue, attuned to a religious perspective. She quoted the Archbishop of Canterbury, "Our energy burning lifestyles are pushing our planet to the point of no return. He's got the whole world in His hands, goes the old spiritual. It speaks to us of a God who created all things and of a God who invites us all to share in the work of His hands for God links His hands to ours and in them we hold the destiny of our planet." With that perspective, the Evanston Circle began and currently has representatives from 14 religious communities working toward a sustainable future for Evanston through such activities as promoting butterfly gardens, advocating for affordable housing, looking at ways to make Evanston and its residents more energy efficient, and developing reports such as this one. They recognize that Evanston is uniquely situated to become a model sustainable City due to its underused and under-promoted public transportation assets. At the last Housing Commission meeting she heard business representatives lament about the lack of affordable housing accessible to public transit as one cause of difficulty in filling vacancies. This report notes the importance of public transit to a household budget among other items. There are 16 recommendations in the report and they believe the first step Council should take is the creation of a Public

Transportation Working Group, which would consist of transit users, providers, business representatives, and civic and community organizations. The group would have the power to send recommendations to appropriate authorities to place accurate transit maps in appropriate places, promote checks or other transit incentives to downtown employers, recommend zoning changes to make the City more pedestrian and bicycle friendly and advocate for the City with transit providers to offer user friendly transit services.

Sharon Feigon, 1125 Colfax St., associate member, Plan Commission, and manager, Research & Development at the Center for Neighborhood Technology, stated they are an incubator organization developing policy and tools promoting livable communities locally and nationally. Most communities want what Evanston has -- a public transportation system. Evanston has great assets and their concern is that those assets are deteriorating and not being fully utilized. A *RoundTable* survey showed public transit is a key reason people move here. Businesses depend on public transit. New condominiums downtown are desirable because they are near public transit. Her organization did a study of transportation costs, which are the number two household expense today. People spend more on transportation than they spend on food or healthcare. To address affordable housing here, public transportation must be looked at. If they can make it work, it means families would have one car, rather than two, or no car instead of one car. As the transit system has deteriorated in Evanston, she can see on her block that people have increased ownership of cars. The other consequence is a loss of quality of life, with an increase in traffic and spending a lot to support the automobile infrastructure. This decreases the City's walkability and increases pedestrian accidents. She pointed out that taxpayers pay a portion of sales tax to the RTA and, in Cook County, an additional quarter percent. Evanston needs to make it work. The report recommends taking advantage of existing assets. One example: Northwestern and Evanston Hospital run many shuttle buses and there are CTA and PACE buses with some running half-empty. She recommended taking these, combining them and scheduling where people need to go and when. She noted with Metra/CTA, if one travels at off-peak times, it is difficult to get an Evanston Express or get back at night on Metra. She thought much could be done. She stated a lot of innovation is going on in Chicago and other suburbs. Evanston is not taking advantage of this. Her organization has set up an energy-efficient mortgage. She stated there is state and federal money for some programs and Evanston is not getting any. Her organization has worked with communities to obtain funds. She observed there has not been a focus on public transportation in Evanston for a long time. She distributed a report on the cost of driving and asked Council to consider her suggestions.

David Hodgman, 1112 Forest Ave., Recreation Board member, stated there were two proposals, one at \$19.8 million and the second at \$21.6 million, which both address Robert Crown Center and most of the athletic facilities. There are no tennis courts in the lower number or a new beach entrance station. The larger proposal included rebuilding one of five beach entrance stations. An earlier proposal for \$35 million was not included, which had a real addition to indoor recreation space in the community. He and other Recreation Board members were disappointed that was not met with enthusiasm and they would be back with that. He stated they need to start somewhere and there is enormous support in the community for improvements.

Frank Summers, 2126 Orrington Ave., 22-year resident with two children, spoke as coach of soccer and baseball. He has coached soccer for nine years at every level and there are big problems on every field they play on. It was almost a pre-game ritual at Chute to scour the fields for broken glass. At Bent Park, the field would be muddy even on a sunny day. At the James Park softball field, they played soccer. The field is a wind tunnel with half grass/half dirt. He bicycles to other communities and sees a world of difference in the soccer fields. He coaches baseball in Skokie, where his son plays, because the facilities are much better. He noted the roster on the Skokie Indians Little League is made of half Evanston children. Parents tell him they send their children to Skokie because of the parks. His son plays on a traveling baseball team and of all the fields, the worst is in James Park. As a community he thought Evanston could do better.

Mayor Morton stated that parks/recreation in Skokie are separate from the Village with separate funding authority and not really comparable.

Mark McKeown, 1725 Lee St., spoke on behalf of Robert Crown Neighbors and said if Robert Crown Center is broken to fix it. He said the issue is not how to pay for it, the issue is can Evanston afford it? Can Evanston still be affordable

and do the things people want done here? When they look at the upcoming reassessment of property, tripling of gas bills, cable fees up, water bills going up, property taxes up, school taxes going up – they have the tough call to make. He said if they make that call, they have to sell the program. He described the presentation the previous Tuesday as a data dump and a strategic plan but they were not told how to sell it to the public. He commented it is tough to sell underground drainage systems for \$20 million and a beach kiosk with cleaner restrooms. He believed if the program is presented as it was on Tuesday, it would be voted down because people will fear they cannot afford to live in Evanston with current taxes and those in the future. He pointed out Council must balance what is funded in the community. He noted that at Robert Crown, people have talked about those who pay to use the facility but have not discussed those who do not pay. If they knocked Robert Crown down for two years and built a new one, would the paying programs come back? How will be the revenue shortfall of \$1 million for two years be made up? Where will people get childcare? How will traffic be handled? Until those issues are addressed, he suggested the referendum would fail.

Dudley Brown, current president, FAAM, which provides recreation for 350 youth with 75 volunteers; announced February 10 was Pancake Day. He stated Coach Bryan, who attended ETHS and Drake University, is an example of what FAAM is all about. He stated FAAM is about producing solid citizens, by providing positive male role models. He said about cost -- either pay now or pay later. He noted Evanston's facilities are in dire need of repair. Evanston cannot compete with other communities. It has a traveling all-star team, but cannot host tournaments here because there is no a facility with multiple gymnasiums. He suggested they needed to find a way to bring all the facilities up to speed.

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

Alderman Drummer moved Council approval of the Consent Agenda with these exceptions: Approval of proposal from Kemper Insurance; Resolution 7-R-01 – Authorizing Expenditure of Motor Fuel Tax Funds; Ordinance 2-O-01 – Adding a new Chapter 32 to Title 3 (Head Tax); Variances for 1723 Benson Ave.; Ordinance 3-O-01 – Amendment to Zoning Ordinance: 1,000-ft. Maximum Distance between Parking and Principal Use; Ordinance 132-O-00 – Amending Zoning Ordinance: Restaurants in the U1 District; Ordinance 127-O-00 – Establishing Fine Schedules for Certain Buildings; Ordinance 128-O-00 – Amending Title 4, Chapter 15 of City Code; Resolution 4-R-01 – Adopting the Parks & Recreation Strategic Master Plan; and Resolution 5-R-01 – Place Referendum on April 3, 2001 Ballot to Issue Bonds for Phase I of P&R Strategic Master. Seconded by Alderman Engelman. Roll call. Voting aye –Drummer, Wynne, Bernstein, Kent, Moran, Engelman, Rainey, Feldman, Newman. Voting nay – none. Motion carried (9-0).

**\* ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of January 8, 2001 and the Special City Council Meeting of January 6, 2001. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

**ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, of the City of Evanston payroll for the period ending January 18, 2001 and the City of Evanston bills for the period ending January 23, 2001 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 1/18/01)	\$1,696,184.61
City of Evanston bills (through 1/23/01)	\$2,326,754.52

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

\* Approval of the lowest responsive and responsible bid of United Rentals for a towable hydraulic lift for Facilities Management for use at the Maple Avenue Garage at a cost of \$32,900. \* APPROVED – CONSENT AGENDA

MOTION AND ROLL CALL (9-0)

\* Approval of the lowest responsive and responsible bid of SES, Inc. (MBE) for the rental of an excavator and loader for the Parks/Forestry & Recreation Department at a cost of \$18,900. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the lowest responsive and responsible bid of Dueco, Inc. for an aerial lift truck with chipper body for Parks/Forestry & Recreation at a cost of \$97,941 including a five-year extended warrant on aerial. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #1 for Central Lakes for the Howard Street Police Outpost at an increase of \$8,000. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #6 for W.E. O'Neil Construction for the Maple Avenue Garage (Church Street Plaza) for \$471,374 increasing the contract amount from \$20,419,667 to \$20,891,041. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)



\* Traffic Calming Plan – Wesley and Ashland between Emerson and Church – Consideration of a proposal to make Ashland one-way north between Lyons and Emerson and one-way south between Lyons and Church; also included is a recommended cul-de-sac on Wesley south of Emerson. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Traffic Calming Plan – Speed Bumps – Consideration of a recommendation to place speed bumps at 900 Brown (east alley). \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Resolution 6-R-01 – Extension of Service Contract – Consideration of proposed Resolution 6-R-01, which authorizes an extension until July 16, 2001 of the service agreement with Evanston Community Media Center for PEG coordination and management. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Ordinance 6-O-01 – Parking Tax Increase in City-Owned Parking Garages – Consideration of proposed Ordinance 6-O-01 to amend Title 3, Section 3-2-16-2(A) of the City Code to increase the parking tax in City-owned parking garages. \* MARKED INTRODUCED – CONSENT AGENDA

PLANNING & DEVELOPMENT:

\* Ordinance 4-O-01 – Planned Development – 1511 Monroe Street (Schwind's Greenhouse) – Consideration of proposed Ordinance 4-O-01, which approves the recommendation of the Plan Commission to grant a planned development at 1511 Monroe St. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 5-O-01 – Special Use for 2650 Ridge (Evanston Hospital) – Consideration of proposed Ordinance 5-O-01, which approves the recommendation of the ZBA to grant a special use application for a physical expansion to Evanston Hospital. \* MARKED INTRODUCED – CONSENT AGENDA

HUMAN SERVICES:

\* Approval of Township Bills – Consideration of a recommendation that the City Council approve the Township bills, payroll and medical payments for the month of December 2000 in the amount of \$80,583.91. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Special Event: Relay for Life Walk – Consideration of a request of the American Cancer Society to

hold a Relay for Life walk in Centennial Park from noon June 1 to noon June 2 and set up a stage, sound system and tents. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

**SPECIAL ORDER OF BUSINESS:**

Ordinance 131-O-00 – Amending Chapter 5, Title 9 of City Code Regulating Panhandling – Consideration of proposed Ordinance 131-O-00, introduced December 18, 2000, which amends Chapter 5, Title 9 of the City Code to regulate panhandling on public property.

Alderman Rainey moved approval of proposed Ordinance 131-O-00. Seconded by Alderman Feldman.

Alderman Wynne moved to amend the ordinance in Section B to eliminate subsection 1 and have Section B read: **“It shall be unlawful to engage in an act of panhandling when the person being solicited is located in a sidewalk café, in a public transportation vehicle, or in a public transportation facility.”** Seconded by Alderman Rainey. Motion carried. No nays.

Alderman Wynne moved to substitute for Section 1 (C) the following:

**“(C) AGGRESSIVE PANHANDLING PROHIBITED**

**It shall be unlawful to engage in an act of panhandling in an aggressive manner. A person’s manner is aggressive if the person engages in any of the following actions:**

- (1) Panhandling a person who is standing at an automatic teller machine while located within ten (10) feet of that person;**
- (2) Panhandling a person who is standing at an automatic teller machine while the person is standing at the machine and within fifteen (15) seconds after the person begins to leave the machine;**
- (3) Repeating a panhandling request when the person solicited is stationary and has refused an immediately prior request made at that location. Examples of a person who is stationary include but are not limited to:
 
  - (a) someone waiting in line, at a bus stop, or for a traffic signal, or**
  - (b) someone seated on a public bench or in a car parked or stopped in a public street or alley;****
- (4) At any time immediately before, during, or after the panhandling request, touching the solicited person without that person’s consent;**
- (5) Panhandling while blocking the path of the person solicited or the entrance to any building or vehicle;**
- (6) Following behind, alongside, or ahead of the person solicited during or after the panhandling request;**
- (7) Directing profane or abusive language at the person solicited at any time immediately before, during or after panhandling;**
- (8) Immediately before, during, or after panhandling, making any statement other than the panhandling request or acting in any other manner which, in light of the circumstances taken as a whole, i.e., darkness, would cause a reasonable person to feel harassed, intimidated, or compelled to contribute.”**

Seconded by Alderman Rainey. Motion carried. No nays.

Alderman Kent was concerned about how this law will be enforced and that they are talking about a targeted group of people who have no advocates. He asked how will panhandler A,B, C be handled when this law is enforced the seventh or eighth time and the City is unable to get fines or get them to provide community service. He was not saying the City should not do something about panhandling. Something has to be done about this problem. He suggested there be a process set up similar to the Human Services Committee process on citizen complaints regarding police, so that panhandlers who (allegedly) violate this ordinance can come before the committee as do other citizens. He did not think panhandlers would file a complaint nor have family members come to the Police Department with a complaint. He noted that of the 25-30 panhandlers, there are three or four who everybody knows by name. Although worried about how the ordinance would be enforced, he gave the police every benefit of the doubt. All know that there are mistakes made daily.



He has heard that women and senior citizens are intimidated by panhandlers, but did not feel they have the checks and balances in place to zero in on certain panhandlers. He saw no reason not to see names of panhandlers to see if this is being enforced fairly. He found it hard to vote for this. When he sees panhandlers, he sees people who look like him.

Alderman Engelman stated "spare change" made by a young man in the '60s or '70s with hair to his shoulders wearing a tie-dyed shirt and bell bottom pants was considered objectionable and a panhandler. He noted a young person standing on a corner on tag day, offering a donation or tag, under this definition is a panhandler. This ordinance is said to attack harassing panhandlers, but it attacks conduct with speech. What is a harassing panhandler? He said it is somebody doing something wrong at the same time they are asking for money. He asked if Evanston needs a law to prohibit harassment (there are already laws to prevent harassment) so why do they need a law that prohibits harassment and speech? People say there are 15-20 people out there panhandling in Evanston. He thanked Alderman Wynne for the amendments and all who voted for them because the prior ordinance was a serious infringement on free speech rights. He said that two people standing on a corner on tag day asking people who drive by to buy tags or poppies were being outlawed. If he is in the back of a taxi, panhandling is still being outlawed. He appreciated the concerns of many people who are confronted by panhandlers who do not know what the word "no" means. He heard somebody at the Human Services Committee meeting say what is intimidating is a person who says to a young girl, "I just got out of prison, I want a dollar." That is intimidating and is also nothing but pure speech and will not be stopped by this ordinance. He noted an aggressive panhandler will be fined or do community service. He asked how do you give community service? What if the person says "no". The individual cannot be jailed. Giving a fine to someone who cannot afford to pay for housing or he would not be panhandling was not an effective tool. He did not think they needed to add another law that won't solve the problem. He appreciated the concern of young people and senior citizens, because panhandling is objectionable. Free speech is one of America's most important rights and America's freedoms are not free. Many fought in wars they did not agree with.

Alderman Wynne moved that Alderman Engelman be permitted to speak beyond five minutes. Seconded by Alderman Bernstein. Motion carried. No nays.

Alderman Engelman pointed out that there are certain inconveniences in life -- that all have to sacrifice to protect our freedoms. He believed this ordinance was inappropriate and would not give up that inconvenience for his free speech.

Alderman Newman stated this ordinance has been discussed many times and was requested at the Human Services Committee by Police Chief Kaminski and Officer Steinhoff, who spends more time downtown than anyone on Council. The City has a long history of efforts to deal with panhandling and has supported compassionate techniques and will continue to do so. Evanston has a homeless shelter and soup kitchens. Human Services Committee members who supported this ordinance were responsible for helping the Center for Public Ministry get federal funds for the Entry Point program, which reaches out to people who need help with jobs, employment training and drug counseling in the downtown. They have also heard from owners of businesses and how their customers were scared away when they bought a cup of coffee. He agreed that this ordinance alone would not solve the problem and the City needs more police protection downtown. His constituents who are elderly walk downtown daily and at night. He noted that when somebody gets off the Metra and is approached by someone who says, "I just got out of the penitentiary, can I have a dollar," that speech is designed to intimidate and cause fear to induce a contribution. That is not about petitioning the government or expressing an idea that is saying something to cause a person to do something that they might not want to do. The committee asked the police chief and officer if the laws on the books were adequate to deal with panhandling. They said "no" and wanted this ordinance. Even with the amendments, which he voted for to try to achieve a consensus on this important point, police will have something to work with. He noted when people don't live downtown, it is easy to talk about ideals all cherish. He did not think they were there to protect somebody from intimidating another citizen. They were not there to drive out senior citizens who live near downtown and are fearful on downtown streets. He said they were there to create an atmosphere where all can shop and be downtown without fear of intimidation. He thought the ordinance was a step in the right direction and in the 1st Ward residents have requested action because they are there all the time and know what is going on. He stated Council should stand for a safe downtown. If they don't want this law,

he asked them to commit to having adequate police protection downtown from 4:00-11:00 p.m. He noted this has been an eight-year quest. They have new movie theaters downtown and new outdoor cafes are planned and outdoor ATMs. He thought the ordinance was fair and supported it.

Alderman Bernstein said if this was only a question of precluding people from going into a business, he could not support it. Like Alderman Newman, his ward has individuals who fear walking downtown. Perhaps it is their perception and the reality is that individuals are on the streets asking for money. The people who are asked appear to be "easy prey" and that is the reason why he would invoke some control over free speech. Other parts of the 4<sup>th</sup> Ward have folks who live with medication and he has many calls from people who are being aggressively panhandled for money. These people don't have the means to pay a fine. His problem with the ordinance is the sanction penalty, noting this is not to the level of asking for incarceration. He had difficulties with asking for community service. He wondered if the City's Health Department could provide some kind of treatment – try to get these panhandlers to a place where they could be sent to a job center or to address the cause. He has seen many people get off the train, panhandle and get back on. Those people do not want to be assisted. He wants to modify the ordinance so they have some way to deal with these individuals whose lives can be impacted in a positive way. While somewhat repugnant, he thought the ordinance was something they must have.

Alderman Kent suggested they were on different planes. As a child he heard "I just got out of prison and need a dollar," or "I need food and somewhere to stay." It meant just that. That was how it has always been to him, but he understood the fear when seniors are solicited. Where are these people supposed to go? He thought it was important that downtown is safe and people could go there without fear and it was important for all of Evanston. He said problems of loitering, congregating, dealing drugs and gang members exist in more than one ward. He asked the Human Services Committee to look at the Chicago gang loitering ordinance and would not object if panhandlers were included. It was hard for him to understand what a police officer will see when he sees a senior citizen and someone with a history or does not look like he has good intentions. They put a lot of trust in the police. He said the ordinance was vague and difficult to enforce.

Alderman Rainey wanted to hear how the ordinance will be enforced and how are people who are panhandling will be given tickets. What will happen when someone panhandles? Police Chief Frank Kaminski stated they would use an 8-1/2x11 compliance ticket and a panhandler would either pay a \$75 fee or appear before the administrative adjudicator. Alderman Rainey gave an example of a senior citizen walking downtown who is approached by a panhandler asking for money and says no, but does not call the police so there is no formal complaint. If a police officer is there, sees something going on and asks the woman if she is being bothered and she says "no," would a ticket be given? Probably not. Alderman Rainey thought they would see a lot of that, did not think it would stop panhandling, because all the pieces have to come together at the moment the act of panhandling occurs. Chief Kaminski stated there has to be a victim that the officer observes so he/she can take action. If the person does not wish to file a complaint, the officer who observed the offense can still write a citation of ordinance violation.

Alderman Drummer wondered when one has been panhandled and the panhandler moved down the street, if the complainant can call the police and file a report. Using administrative adjudication Chief Kaminski explained the police would answer the call, see the person, do a description match and observe that conduct, the officer could take action. Alderman Drummer said a weak piece of this is that the business owner can do the same thing if a panhandler is harassing his customers, he can file a complaint. Chief Kaminski reiterated the officer would respond, observe what is going on and if the conduct described in the ordinance is occurring, he can take action. Like others Drummer has wrestled this. As an owner of a small business, he has had to deal with the all kinds of public persons. If somebody asks for money, you say no, then he comes back and asks again, he has violated the ordinance and has invaded the business owner's rights. Alderman Drummer noted that businessmen are at the mercy of this paper tiger. He agreed with Alderman Rainey that it would not do anything for them. It might give them confidence that Council is thinking about what they are encountering. He said if somebody has invested their money in a small business and is just barely making it, and there is someone standing outside intimidating customers, the business owner cannot tolerate it. He agreed with Alderman Kent that when somebody comes up and says, "I just got out of prison and I need a dollar," he recognized that and had no problem with it. But also there is an element that uses that same line everyday. He appreciated the work of Carol

Moschandreas and noted there can be abuses, referring to racial profiling in a suburb to the north. He predicted that is what it will come to and the City will be accused of that. At the same time, they have to protect businessmen and no one has the right to violate their business space and peace. This will not stop panhandling. He envisioned being asked for money and giving it and also being asked to give when he did not wish to give. He did not feel panhandlers have the right to bother people and was on the side of the average citizen and businessmen who say they don't want to give and leave me alone. He would reluctantly vote for the ordinance and thought it was a matter of economic hardship.

Alderman Feldman recalled the Human Services Committee received testimony from police officers, business people and citizens when this matter came before them. They did not talk about the down and out person who comes on the El or someone who comes here overnight and needs help. They were talking about familiar, professional, aggressive, obnoxious panhandlers who make their living by intimidation and threats. To use the term, "I just got out of prison and need a dollar" over and over knowing it incites terror is using speech as a weapon. He said those are the people who this ordinance is aimed at. If citizens need help, Council must try to help. He thought Alderman Kent's question of where panhandlers are to go was a legitimate one. He noted that Council tries to build institutions where people can go, find help and find a path that leads some other way. To allow hopes and dreams of this community's effort and energy for a downtown that is striving to become an economic engine and relieve the tax burden on residents, to be affected negatively, was not what they want to do. He saw they would have difficulty enforcing this. He pointed out the bicycle ordinance prohibits riding on the sidewalks downtown and he sees it all the time; trucks are not allowed on Ridge Avenue and he sees them there. Both laws are on the books. He thought this was a tool to begin, is designed fairly and is not a document of persecution but of protection.

Alderman Wynne offered the amendments because she wanted to ensure Council protected free speech. She pointed out they will have to live with people who ask for money because this is an urban environment. She supported the ordinance believing it would not infringe on free speech rights but did not want it too far in favor of property owners, because rights can be given away in an effort to achieve a goal. She thought Council needed reporting on how the ordinance works and who is picked up. She thanked Carol Moschandreas for her suggestions. She thought the ordinance was drafted narrowly to protect rights. If the goal is not achieved, Council needs to know that and amend the ordinance. She recalled several years ago there was a public relations effort with posters telling people giving to panhandlers was not the way to help. That was attacking the supply side of this equation. She thought many who supplied money to panhandlers were students who did not think this was a big deal. That population changes every four years and she suggested there needs to be a regular education process and wanted to talk to the City Manager about reactivating that program. Students need to be urged not to give because of the harm to the community so the supply can be dried up.

Alderman Engelman did not think they had gone far enough with the ordinance and that they could do better as they had in the past as Alderman Wynne suggested. One said if this ordinance was not passed they would have to commit to bringing more police to downtown. He pointed out it cannot be enforced without police officers being downtown and giving the ticket. He asked if a piece of paper would enforce the ordinance that tells the offender to be someplace or they will be fined? They cannot jail these people. It is not a criminal offense and they cannot sentence them to community service. It is an offense that can be fined. What scares him is they have talked about the Constitutional "fine line" and he was afraid that they have stepped over that line and that is why he intended to vote against the ordinance. He did not believe they needed to spend money to defend the question that all have acknowledged they have problems with. He said reasonable minds could differ on what is and is not protected speech.

Alderman Newman confirmed with First Assistant Corporation Counsel Herb Hill that they were told in committee when a violation went to administrative adjudication and the violator did not show up and community service was the sanction, the Law Department would follow up and seek contempt citations in Circuit Court which could be punishable by incarceration.

Alderman Bernstein thought the ordinance was more about conduct than speech. They were talking about people walking alongside, behind, blocking paths or using profanity against people. His hope was that it would be less conducive for panhandling with this as a tool for police officers. He thought initially there would be aggressive enforcement, which

hopefully would produce behavior modification. To do nothing does not help his constituents.

Alderman Kent said the term “professional panhandlers” resonated with him and thought Chief Kaminski could come up with a list of the people who are getting out of jail every day. He asked if these people could be tagged differently and since they are talking about professional panhandlers, could aldermen have their names? Chief Kaminski stated they could give the number of citations given regularly.

Mr. Hill stated there is no targeted group and the law will be enforced as it applies to actions in the street. People who receive citations have their name on the citation, which is a public record. It would be a matter of collecting and assembling such information to make it available. The ordinance and amendments do not target any individual or category of individuals and applies across the board to any person who seeks a donation in the circumstances described. If a request meets the definition of panhandling, it applies.

Alderman Drummer thought panhandling is a violation of the law similar to selling drugs or running a stop sign. He gave an example of a woman who comes by his business each morning for coffee and is confronted by a panhandler who intimidates her so she has stopped coming. That panhandler violated the woman’s rights and impinges on his ability to do business, which was not fair. He said that these people are plain violating the law and their rights are not better than anyone else’s rights. He quoted, “students will give a quarter to a cockroach,” which is part of the problem. He asked if selling *Streetwise* was legal? Mr. Hill said under the ordinance it was not panhandling because something of value was being sold. Alderman Drummer asked if somebody said “I’ll sing you a song, give me a quarter,” was a violation of the ordinance? Mr. Hill went to the amended definition of panhandling and said it did not change that paragraph of the proposed ordinance. Singing would not be regulated.

Alderman Engelman was concerned about the Constitution as applied, noting there is no indentured servitude in America and no debtor prisons. To seek to hold someone who got a citation and did not go to court, he/she cannot be sentenced to community service if he/she does not want to go.

Roll call. Voting aye –Drummer, Wynne, Bernstein, Kent, Moran, Rainey, Feldman, Newman. Voting nay – Engelman. Motion carried (8-1).

## **REPORT OF THE STANDING COMMITTEES**

### **HUMAN SERVICES COMMITTEE:**

Acceptance of Parks & Recreation Strategic Master Plan – Consideration of a recommendation to accept the strategic master plan as a long-term plan for development and redevelopment of the Parks & Recreation Department’s improvements.

Alderman Rainey reported this plan was discussed at great length by the Human Services Committee and it was determined to view it as a flexible, working document.

Alderman Rainey moved approval. Seconded by Alderman Feldman.

Alderman Moran agreed that this be accepted as a strong effort, working document and flexible plan and that it could be used as blue print as they go forward.

Alderman Bernstein was concerned about the lack of communication with many constituencies, (Crown Park Neighbors) who were told they wanted a multiplex in their park. He was contacted by the Ecology Center, which indicated what they would ask for is different than what is in this plan. He could accept it as a flexible but not inclusive plan.

Alderman Engelman also heard from members of boards and commissions of the City whose function deals with certain aspects of this plan that they were not consulted and their vision was different than in the plan. He understood they were accepting this as a communication and not as a plan.

Alderman Rainey also heard from people and was told staff had not been contacted. There were things in the plan already accomplished and, in at least one case, there was a serious question concerning the work product of the component.

Voice Vote. Motion carried, no nays.

Resolution 5-R-01 – Placing a Referendum Question on the April 3, 2001 Ballot to Issue Bonds for Phase I of Parks & Recreation Strategic Master Plan – Consideration of proposed Resolution 5-R-01, which would place a referendum question on the April 3, 2001 ballot to issue bonds for Phase I of the Parks & Recreation Strategic Master Plan.

Alderman Rainey moved approval of Resolution 5-R-01. Seconded by Alderman Kent.

Alderman Rainey explained Council members had received a large packet on Friday with six options for a referendum and items selected from the original proposed \$35 million budget, which is Phase 1. The plans range from \$19.8 million to just over \$20 million. They were presented with a variety of funding options, either bonding completely for the amount being requested for 20-years, a mixture of bonding and pay-as-you-go for ten years and pay-as-you-go completely. It varies the total dollars to be spent and the different totals result in a difference in the projects that could be done. The Human Services Committee recommended all options be presented to Council. The Recreation Board had a minimum of \$17 million and a maximum of \$21 million and has come with actual costs of projects starting at \$19.8 million. Alderman Rainey stated they need to choose one of the six options or no option; noted they received spreadsheets, which show completed projects over the next five years, projects started and when money would start being generated. Alderman Rainey clarified that her motion was for a referendum for recreational needs. Seconded by Alderman Feldman.

Alderman Newman moved to amend the motion to insert \$22 million. Seconded by Alderman Feldman. Alderman Newman referred to the January 19 memo where the \$19.8 million and \$21.6 million were laid out. It seemed that from the communications about the condition of tennis courts, they should be included; also the Recreation Board felt strongly the beach kiosk should be included to create a better situation for collecting beach fees. He supported the \$22 million so this could be done in a complete way.

Alderman Rainey asked for a discussion about whether they can afford it. She was afraid for some people who might have to leave Evanston, because they cannot afford to make Evanston parks look like Skokie parks. She said it could be argued that knowing parks will be improved, property values would increase. She was certain if a portion of the population is run out of Evanston because they cannot afford to pay for parks, brokers will benefit, because everything in Evanston sells. She wanted families and children in ice skating, hockey, baseball and soccer to have the kind of fields they deserve and for Robert Crown Center to look as great as any of Skokie's facilities. She thought this decision would be put to the voters. Her concern was, if the referendum failed, she hoped Council would honor that as the will of the community. She thought they could afford to fix the fields, step back for a couple of years and see what revenue can be generated from additional housing stocks and sales tax. She suggested things would look good in a few years and the City would be able to afford some of the things they cannot afford today. If Council votes to support a referendum, she will support it, but whether she would support a "yes" vote on the ballot was something else. Alderman Rainey suggested that residents have reached their limit and taxpayers who don't have children deserve to be able to stay here and not be forced out.

Alderman Bernstein found this one of the most difficult decisions he has had to make on Council; noted all who had children in soccer had picked up rocks and glass prior to games and were frustrated in seeing newer communities with superior facilities compared to the parks here. He was concerned whether this was affordable. He gets calls from people who cannot afford the 10% increase in their sewer bill and saw this as a "no win" situation. Clearly, Robert Crown Park needs to be fixed up. His concern was going for a referendum in which they give an alternative (recreation) and should

they instead give residents the opportunity to choose from among all the City's capital needs. He noted the Robert Crown Advisory Board was never asked about what it wanted and Crown Park Neighbors were never consulted as to whether they wanted a multiplex. All want to fix Crown Center and the fields. He recalled the deterioration of Park School and the District 65 method of maintenance, which lets buildings run down before they are repaired. He pointed out Robert Crown Center is 27 years old and they have had funds coming in so they could have maintained this building. He noted the facility is small; had walked around Crown Park and thought about the impact of a multiplex in a residential area. He thought the basic question may be wrong noting the unused recycling center in James Park. He supported resurrecting Robert Crown and all fields but needed community feedback and from fellow aldermen as to why he should vote for this referendum. He was afraid the referendum would pass and diversity would be lessened because some won't be able to pay taxes. If voters say no, the will of the people would be not to fix the parks, which was ludicrous. They have to fix the parks.

Alderman Feldman stated they cannot afford not to do this if one looked at recreation as equal to educational facilities and the library. He noted a \$23 million bond was issued for the library, which did not have a referendum nor was whether it was affordable discussed much. He thought the reason was that the library was vital to the quality and life of the community. He knew that decision imposed hardships on people, which continue to be paid. He stated quality of life for young people is a vital reason to come and stay in Evanston. The alternative, to him, would be a steady spiraling down of the quality of the environment and the ability of young people to engage in recreational activities on a meaningful level. He said that has never been acceptable in Evanston. He suggested if anybody knows of alternative funding for this, they don't need the referendum. If alternative funding comes, there are many are needs citizens are clamoring for. The parks must be fixed with communication and sensitivity to the community. The rumor that placed a multiplex in Crown Park was not true. Discussed initially for James Park, it was a possibility, but not a plan and if it was more than that without consulting people, that was a mistake. He said this was a need they cannot refuse to meet.

Mayor Morton asked that the improvements and amounts outlined for a referendum be explained to the public.

Alderman Rainey stated improvements for \$19.8 million and \$21.6 million would include new/replacement Robert Crown Center; basketball court renovations – 9 full courts and 2 half courts; soccer/football renovations – 6 fields; baseball/softball renovations – 3 infields and 4 outfields; athletic field irrigation system – 6 soccer/football fields and 7 baseball/softball fields; 14 neighborhood park renovations. Only the following would be included with the \$21.6 million: 14 tennis court renovations; 6 tennis court lighting renovations and beach entrance station.

Alderman Rainey wished to discuss dealing honestly and fairly with the electorate. She thought the language was misleading and read from Option C: "Shall the City of Evanston, Cook County, Illinois, enact a special four year property tax levy dedicated for the purpose of building and improving the City of Evanston Parks and Recreation System including rebuilding the Crown Ice Rink and Community Center, athletic fields, neighborhood parks, tot lots, the lakefront, community centers, and park shelters; for an amount not to exceed (to be decided)." She thought that language implied that everything that is broken will be fixed; community centers will be built; neighborhood parks and tot lots renovated; something would happen at the lakefront and park shelters improved. She stated only selected items would be done and they need to fix this language.

Alderman Kent said a lot of money is involved and they need to be concrete about what would be done for a given amount and needed some kind of strategy to do what needs to be fixed. He advised people to go to Crown when it is raining and see the cans catching roof leaks. He said Crown Center is part of many people's lives and was concerned about the transition when Crown is down and being rebuilt. He asked where do these people go? He noted that Crown is full every day. He said is Council going to investigate and sell this or are they just going to throw it out there? He could favor putting this on a referendum but agreed with Alderman Rainey that they are talking about a number of people who are struggling to pay their water bills and to hang on. He thought they needed to do more analysis and other items could have been selected by the Recreation Board. He thought there was support to have Robert Crown fixed, but everything should be in place to do it. He suggested they needed to whittle down and make sure this is what they want to do and assure citizens that every possible channel has been looked at and they have picked the best to build on.

Alderman Newman gave outstanding General Obligation bonds for recreation in other communities: Wilmette \$17 million; Glenview \$31 million; Northbrook \$25 million; Skokie \$44 million and Evanston with \$8 million. He thought that Evanston was mixed up about its capital needs. While people say there are many capital needs, the way staff picked the number, in his view, was to keep the proposed real estate tax increase under 10%. He said years ago Evanston should have spent \$7-8 million annually on capital needs. For every year that they spend \$3.5 million instead of \$7 million for capital needs, they lose \$3-4 million. He stated this plan is comprehensive and fixes up 14 parks from Isabella Street to Howard Street. He pointed out basketball courts, tennis courts and fields are all over the City. He said there are parks in the poorest part of town that nobody uses. In the 1<sup>st</sup> Ward nobody went to Tallmadge Park until it was renovated and now it is used. He said this is about giving the recreation people a chance to make their case with the public. The idea that the City cannot afford this is acknowledged by the fact that they are making it a referendum. If they could afford it, many know the needs are there and the money would be spent now. The recreation community is asking for a chance to make their case and taking a risk. The idea that this is not affordable is reasonable and he urged those who feel that way to go out and campaign against it. He was talking about mediocrity. He said this is a plan they have whittled down to try to get it on the ballot to persuade the community to think better and about civic pride and children. He thought it important to have a public debate if people feel they cannot afford this. He sees Council as a conduit and giving residents a vote. The Recreation Board knows this could go down but at least they would have community participation.

Alderman Bernstein asked what did new/replacement of Robert Crown Center mean? Council members were told there were two different structural engineer views on the building. He asked if they planned to tear down Robert Crown Center or put a new one in and generate revenue during that time? Parks/Forestry & Recreation Director Doug Gaynor said the preliminary discussion while creating the plan involved the structural engineers who looked at separation of the ceiling and walls and other deterioration. Then when the engineering firm hired to evaluate the building for this plan came in, they said for the same money a new center could be built rather than renovate. The idea was to rebuild Crown. It was clear, regardless of where a multiplex might be placed, such as Crown or James Park, that the Crown Center would continue to operate while constructing a new facility. When the new facility was up and operating the old facility would be razed. Alderman Bernstein found it confusing that \$9.9 million was for Crown replacement and another figure was for \$14 million. Mr. Gaynor clarified that a multiplex was two indoor soccer fields and three indoor gymnasiums separate from Crown. The original proposal was to build a multiplex at James Park. At the same time, the new senior citizens center was being discussed. The senior citizens center had a higher priority and moved along more quickly. The multiplex is a different kind of facility than the Crown Center. City Manager Crum asked if the plan was to build a different footprint for the Crown Center replacement, so the old building is kept up or will it be torn down and replaced on the footprint. Mr. Gaynor explained the idea was to build a new Crown Center somewhere on Crown property (a new footprint) while the existing Crown Center continued to provide service. When the new Crown Center was up and running, the existing Crown Center would be razed. Alderman Bernstein confirmed the \$9.9 million pays for a new Crown Center at the Crown site. Alderman Bernstein asked if they had considered where to build the new center? No. Mr. Gaynor said a typical process is an objective evaluation of the parks is made and presented to Council. They then appropriate funds for those parks and then it goes to various communities to develop or redevelop parks. Typically they would be in that process at budget time and that was coming up Saturday. Mr. Crum asked where would the new Crown Center be placed? Mr. Gaynor stated they have not gone that far. Soil conditions have to be examined and they need to talk to neighbors. Alderman Bernstein asked if that included parking during construction and the staging area, noting there are not enough fields now. Mr. Gaynor said everything is self-contained on the site and he could not answer where that would be. That is part of the process once they start the investigation with the consultants and the community.

Alderman Engelman believed there was a need to fix the playing fields but was not convinced they needed to spend \$10 million to replicate the Crown Center. They have not thought through any of the issues. They heard conflicting engineering reports and the conflict was that they can renovate it to fix it versus build a new facility. He noted Mr. Gaynor had said the senior center was a higher priority when discussing a possible sports facility at James Park. He pointed out the senior center was a higher priority, but not part of a plan. They never looked at the needs, how will they balance them and what shall be done first. The plan he thought was needed was for an indoor practice facility and practice fields are needed. It was not just going to voters and asking if they are willing to pay to do this – they must be

clear in the language on how the money will be used. What bothered him was what the City won't be able to afford it if voters say "yes" to a referendum. Because if voters say yes to \$35, \$21 or \$19 million, are they thinking what will happen in two years, when Council finds a \$2 million shortfall in its budget and needs a 7% tax increase to balance the General Fund and other capital needs which were not a priority on January 22, 2001, but they are a priority then because they cannot get by because a street is collapsing or a building is falling down. He noted Evanston is a 100-year old community. He pointed out when they planned to rebuild the sewer system, because the infrastructure was falling apart after 100 years, what was not thought about was how far can they push taxpayers and what will they not be able to do because they are doing the sewers. He said the strategic plan is not strategic and is not a plan. He asked what is the plan? If they say redo the fields, how will they get money to do Robert Crown Center and if they do both, the indoor practice facility and everything else that is in the \$100 million plan?

Alderman Rainey explained the plan for replacing the Levy Senior Center was in effect for 14 years. The building of the Levy Center is TIF financed and has no impact on money available for these recreation projects. This was not a Levy Center or a recreation center decision. She said the multiplex in the \$35 million plan was always presented to Council as being in Crown Park and could not recall alternative locations. Alderman Bernstein thought it was either James or Crown Park in the Strategic Plan.

Alderman Feldman said the criteria of -- if money is spent now, what will they do when something else arises -- comes up all the time. Spending decisions are made and there is consideration of what will be needed in the future. He thought if they could not make that kind of expenditure, it was a recipe for total paralysis. It enables them not to make any decision or to be able to know what they will do over the next 10-15 years, where the money will come from and how they will approach it. He did not think that would happen; could not recall an issue that has had the parade of citizens advocating for this kind of expenditure. People call to tell him to do whatever he can to create a viable recreational program here and spend as much money as it takes to do it. Phone calls are about 20-1 for it. What they are doing is turning this back to the citizens to make the decision. According to legal staff, the referendum is not legally binding. They have a needs analysis to find what people want in recreation. He agreed a referendum question had to be more specific. The recreation people were saying, "let us sell it," have a great American debate. If the people refuse, that is where it ends. His priority was to create a park/recreational system that they can be proud of and their children deserve.

Alderman Wynne agreed with Alderman Engelman, that if this passes, what will they forego in other areas they are not aware of? An advocate of planning she thought the City has not looked ahead enough in the past, which is an issue. She was also concerned about paralysis and that the fields will only get worse. More children will not have the opportunity to play on good fields or have a Robert Crown. She asked what the cost would be in five years to fix Crown Center? She sees a Recreation Board fired up, ready to go out and get this done. That opportunity will pass if the Council says no. She questioned why this decision could not be made by Council because they were elected to do that. There is a wide variety of views among aldermen and the fields need to be fixed up. The mother of two children, she would not want them to be in high school before these facilities are fixed and sees the possibility to get something done. They are hearing from constituents and if this is going to work, it must be clear and people must understand what their dollars will do. Now people are doubtful about authorizing something. She thought District 65's problems will make it harder for this referendum. The numbers need to be solid and people must know the City won't come back in six months and say it's going to cost more. Her inclination was to move forward on this. Many people are aware that the streets need work as well as other serious capital needs. There is momentum here and a discreet plan. She could put up with driving to Highland Park if she did not have to pick up glass from playing fields; was inclined to put something on the ballot. People need to be educated about this.

Alderman Drummer confirmed that this referendum is binding, not advisory. He recalled in the 1970s when property tax bills went up due to reassessments. This was because prior City Councils in the 1950-60s kept taxes low and did not fix anything. All of a sudden things started to fall apart and had to be fixed. Slowly, Evanston is getting to that point again. He noted it would take \$33 million to pave alleys; \$15 million for the Civic Center; \$60 million for streets and \$100 million for the recreation plan. All are needs and not frivolous. In addition to that, the City has incurred \$150 million debt to rehab the sewers and has current capital debt of \$65 million. That comes to \$198 million. To borrow money to finance that would be about \$400 million of debt plus \$150 million for sewers plus another \$65 million which is around



\$615 million in the future. He noted these issues will be here 5-10 years from now and capital needs will not be met by spending \$3.5 million a year. If they were to come up with a comprehensive plan and bond for \$17 million and split between four projects, they would not be doing more than they are doing now. He suggested they have to seriously look at getting to the City's capital needs. He stated that aldermen have to make tough decisions and do not always have the luxury of asking citizens what they should do. The City is going to grow and have needs. They have a chance to take a chunk off and get to what they need, not what they want. They wish to have an indoor facility. But they need to consider other issues. He did not think they have ever come up with a creative way of financing projects and always turn to bonds. He thought the way to sell this would be to demonstrate they had done their homework on the money and stretched the dollars as far as they can go. They are getting their \$17 million worth with a pay-as-you-go-plan. If such a plan were taken and financed out, another \$15-16 million has to be added. He said recreation was before them and if they don't do something about it now, will be back next year. They have to bite the bullet. He stated they won't get the money from sales taxes and, ultimately, citizens have to pay for this. If they taxed citizens now, it would cost half as much as it would cost if citizens were taxed later. He looked at the list of parks already funded; noted they were not having an easy time getting parks completed. He said if they bonded for \$17 million for parks they could not spend it. There is a way to do this, tell citizens the truth and they will understand.

Alderman Engelman thought to characterize asking for a plan as "bringing about paralysis" was unfair. To say they have never been able to put together a strategic plan for 10-15 years does not mean they should not do so now. He believed they have to do the fields, get moving and cannot continue to fall behind. He asked if they do this ad hoc as it comes in with whoever makes the most noise at the time, or do they have a comprehensive understanding of what the infrastructure needs are and try to prioritize them? If they go out for the \$20 million and it gets voted down, they cannot go to the voters again. If it passes, they may still be unable to go to the voters again and it could be jacked up another 7%. If they go for \$10 million and do the fields, they don't have as much of a problem. Then there will be time to develop a plan for Robert Crown Center to determine its location and how to deal with its replacement -- the kinds of things they have always done for projects. They knew for 14 years they would replace the Levy Center. He was not sure they know what they will do with the Crown Center. He suggested they come back on Saturday to deal with this.

Alderman Rainey thought they had to get to the language of the proposal on the ballot, the projects that will be included and their cost. She noted that Alderman Newman had said aldermen who do not think this is affordable could go out and speak against it in the community. She thought the spirit in which that was said was unfortunate and could not imagine any member of Council, if this matter has support to get on the ballot, campaigning against it. She stated the Recreation Board and special interest groups who were supporting this have an obligation to go into neighborhoods where this issue is not high on people's agendas, where people don't understand it that well and don't have children participating on the fields. She hoped such a campaign would be conducted equitably across the City, not just where the votes are for it. She asked them to be open, fair and impartial to help all people in the community understand it.

Alderman Bernstein did not know whether Robert Crown would stand for 14 years. Alderman Drummer suggested they need time to deliberate and develop a plan they can all agree on, something they can put forth to citizens. If they wanted to vote that evening, he would, but suggested they wait until Saturday, January 27. Alderman Moran would not be able to attend due to prior plans. Alderman Newman wanted to finish and thought they had enough time to debate; suggested they could pick another night to discuss the finance schedule. Alderman Drummer fully supported the initiative to put this on the ballot but thought the financing scheme was important. Alderman Bernstein moved to hold the matter over until Saturday. Seconded by Alderman Wynne. City Manager Crum confirmed that this matter would be handled the first thing Saturday, January 27.

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

Approval of the proposal from Kemper Insurance to provide \$1,000,000-\$20,000,000 excess liability insurance at a cost of approximately \$131,000.

Alderman Moran moved approval of the committee recommendation that the alternative proposal be included to provide

\$1 million to \$10 million in excess liability insurance at a cost of about \$98,250 (13-month premium). Seconded by Alderman Rainey.

Roll call. Voting aye – Drummer, Wynne, Bernstein, Kent, Moran, Engelman, Rainey, Feldman. Voting nay – none. (Motion carried. 8-0) Alderman Newman was out of the Council Chamber.

Resolution 7-R-01 – Authorizing Expenditure of Motor Fuel Tax Funds – Consideration of proposed Resolution 7-R-01, which would appropriate \$150,000 in Motor Fuel Tax Funds for the McCormick Blvd. Phase I Study.

Alderman Moran reported this item was held in committee with information to be provided at the next meeting.

Ordinance 2-O-01 – Adding a New Chapter 32 to Title 3 Regarding Evanston Employers' Expense Tax – Consideration of proposed Ordinance 2-O-01, which adds a new Chapter 32 to Title 3 of the City Code regarding an Evanston Employers' Expense Tax.

Alderman Moran reported this item was tabled in committee by a 3-1 vote.

#### **PLANNING & DEVELOPMENT:**

Variances for 1723 Benson Avenue – Consideration of the findings and report of the ZBA concerning variances for the Evanston Athletic Club.

Alderman Wynne reported that this item was held in committee at the request of the applicant.

Ordinance 3-O-01 – Amendment to Zoning Ordinance: 1,000 Foot Maximum Distance between Parking and Principal Use – Consideration of proposed Ordinance 3-O-01 to approve the recommendation of the Plan Commission to amend the Zoning Ordinance so that off- and on-site parking facilities must be within 1000-ft. of buildings that generate the requirement of such parking.

Alderman Wynne reported that this item was tabled until the March 12 committee meeting.

Ordinance 132-O-00 – Amending Zoning Ordinance: Restaurants in the U1 District – Consideration of proposed Ordinance 132-O-00, which amends the Zoning Ordinance so that Type 1 restaurants are no longer permitted uses, but are special uses in the U1 District, and restricting such restaurants to being accessory to college/university uses.

Alderman Wynne reported that this item was held in committee.

Ordinance 127-O-00 – Establishing Fine Schedules for Certain Buildings and BOCA Violations – Consideration of proposed Ordinance 127-O-00, introduced January 8, 2001, which approves the fine schedules for Property Standards violations.

Alderman Wynne moved approval. Seconded by Alderman Engelman. Alderman Bernstein moved to hold over Ordinance 127-O-00. Seconded by Alderman Moran.

Ordinance 128-O-00 – Amending Title 4, Chapter 15 of the City Code – Consideration of proposed Ordinance 128-O-00, introduced January 8, 2001, which amends Title 4, Chapter 15 of the City Code to establish a new fine schedule for dangerous buildings and amends definition of same.

Alderman Wynne moved approval. Seconded by Alderman Engelman. Alderman Bernstein moved to hold over

Ordinance 128-O-00. Seconded by Alderman Moran.

**CALL OF THE WARDS:**

Alderman Wynne thanked Mayor Morton on behalf of students and parents for presenting a special program at Lincoln School on the life of Martin Luther King, Jr.

Alderman Wynne announced the next 3<sup>rd</sup> Ward Town Hall Meeting would be Saturday, February 10 at Lincoln School from 10-11:30 a.m. She let everybody know she is in good health.

Alderman Moran congratulated the First Night people for doing a great job in producing a great celebration. He reported the Supreme Court had decided on the solid waste decision in a way that the \$31 million investment has come back to the 22 communities, which threatened to go away with an adverse decision in that case. The Court decided the case on the most narrow grounds, which he had anticipated.

Alderman Rainey expressed disappointment with Alderman Feldman's motion to table the Employees Expense Tax in the A&PW Committee meeting that evening. She thought it uncharacteristically political given the closeness to the upcoming election and hoped that more than she had the courage to support its removal from the table. She thought the matter was entitled to a thorough hearing and debate by Council.

Alderman Rainey made a reference the P&D Committee to consider an amendment to current ordinances that would disallow a new business license to an establishment being housed in a property with code violations.

Alderman Rainey stated to Linda Buch and the Evanston Property Owners Association, that ongoing interference with good building practices and quality housing was becoming obvious. She noted those items have been on the agenda for some time and it seemed that an organization representing itself as a leadership group for a large portion of housing here, should be aware of items Council is dealing with. She stated that delaying implementation of all housing issues to administrative adjudication was detrimental to the tenant community and to all responsible people who have to continue to tolerate living in bad buildings with bad landlords. She urged the P&D Committee to consider their concerns quickly. She urged improving things because both tenants and neighborhoods are suffering.

There being no further business to come before Council, Mayor Morton adjourned the meeting at 1:30 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.