

CITY COUNCIL

March 12, 2001

ROLL CALL - PRESENT:

Alderman Moran	Alderman Newman
Alderman Feldman	Alderman Drummer
	Alderman Bernstein

A Quorum was present.

**NOT PRESENT AT
ROLL CALL:**

Aldermen Kent, Engelman, Rainey, Wynne

ABSENT:

None

PRESIDING:

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, March 12, 2001 at 5:50 p.m. in the Aldermanic Library. Alderman Drummer moved that Council adjourn into Closed Session for the purpose of discussing matters of collective bargaining, purchase and selling of real estate, litigation and minutes pursuant to 5ILCS Section 120/2 (c) (2), (5), (6), (11) and (21).

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

(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.

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

Seconded by Alderman Feldman. Roll call. Voting aye – Moran, Feldman, Newman, Drummer, Bernstein. Voting nay - none. Motion carried (5-0).

At 7:07 p.m. Alderman Rainey 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 9:03 p.m. in the Council Chamber.

Announcements:

Mayor Morton praised Chief Kaminski and the Police Department for the work they have done to reduce crime in Evanston and noted that the Chief attributed the decrease in crime to increased support in the community.

City Clerk Mary Morris announced that in-person absentee voting would begin in the City Clerk's office Thursday, March 15 and continue weekdays 8:30 a.m. – 5:00 p.m. through Monday, April 2 with voting on Saturday, March 17, 24 and 31 from 9:00 a.m. – 12:00 noon. Ms. Morris explained that in-person absentee voting had been delayed due to several electoral challenges. In response to Alderman Drummer, Ms. Morris stated that voter registration closed Tuesday, March 6.

Communications: None

CITIZEN COMMENT:

Bennett J. Johnson, 708 Washington St., said that without vision the people perish and vision is lacking here in many situations. He stated the key is planning, an exacting science that unless applied there are problems when rapid and upward growth occur. He thought that for most businesses and residents the primary concern is property taxes. He recalled the long moratorium on increasing property taxes here and now taxes have to be increased. The solution is increased revenues, about which a number of discussions have been held, but never any extended action taken as to how to solve the problem. All have ideas, plans and agendas, but there is no citywide agreement on how to cure the problem of increasing costs and decreasing revenues. The short-term solution has been residential development. He noted downtown development wouldn't impact the City positively for some time. The condominiums along Chicago Avenue will produce increased revenues to the City, therefore, would have a positive impact on lessening property taxes throughout the City. The other problem is retail versus residential. In the past Evanston relied on industrial development, which was effective in reducing property taxes for homeowners but the City does not have that choice now. Another part of the dilemma is that increased population has a direct impact upon schools, police, street maintenance, parks, recreation and traffic. As these developments come downstream there is an increased cost to maintain the City. He spoke about the McDaniel/Fowler community and placing a school facility there; thought there was general agreement that the building is pedagogically correct and appropriate to have a facility with pre-school care and administration offices. The McDaniel community complains about light, traffic and noise pollution and is looking to the school district to solve these problems, which are not the district's responsibilities. The primary concern is traffic. Right now the plan is to bring buses down McDaniel from the north to the building. He suggested that the City's Traffic Division look at this site and bring buses from the south, instead of the north, and that McDaniel be widened. He noted the report stated McDaniel did not need to be widened, nor sidewalks increased or anything done about alleys, but the community says they need to. He said when burdens of increased traffic, noise, activity and light are placed on a community; it should be listened to. He knows there have been calls of racism because racial segregation is a matter of fact here. He recommended that Council meet with the school board and community and get all on board to solve these problems.

Peggy Tarr, 907 Sherman Ave., held up a City employment application in which there is a space for birth date and an attachment for EOE. She noted on the attachment, it states if all blanks are not filled in, it may not be processed. She asked if that was legal and was it mandatory that an applicant fills in all the blanks? She has attended school district meetings and P&D Committee meetings and believed the community wants the District 65 building built somewhere else. She was told there is some anti-Semitic literature being distributed, which she had not seen, that she has been accused of distributing. She had not distributed it, had not authorized anyone else to do so and encouraged anyone who had received this literature to contact the Human Relations Commission.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Drummer moved Council approval of the Consent Agenda with these exceptions: Approval of the bid of Andy Pollina, Inc. for landscape maintenance; Approval of contract with Ross, Barney & Jankowski for construction management for Senior Center; Speed Humps/Criteria and Prioritization; Resolution 17-R-01 – Lease for Levy Center; Special Event – McGaw YMCA Family Fun/Run/Walk; Ordinance 31-O-01 – Five-Year Lease of 2022 Central St.; Ordinance 24-O-01 – Zoning Ordinance Text Amendment and Ordinance 25-O-01 – Type I Street Ordinance. Seconded

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

*** ITEMS APPROVED ON CONSENT AGENDA**

MINUTES:

* Approval of Minutes of the Regular City Council Meeting of February 26, 2001 and the Special City Council meetings of February 5, 2001 and February 19, 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 March 1, 2001 and the City of Evanston bills for the periods ending March 13 (FY 00-01) and March 14, 2001 (FY 01-02) and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 3/1/01)	\$1,651,424.88
City of Evanston bills (through 3/13/01 for FY 00-01)	\$2,112,004.02
City of Evanston bills (through 3/14/01 for FY 01-02)	\$ 119,121.79

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

* Approval of the lowest responsive and responsible bid of Moore Landscapes, Inc. for a two-year contract for Green Bay Rd. landscape maintenance for Parks/Forestry & Recreation at a cost of \$138,040. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the proposal of MKM Consortium (WBE) to provide software implementation consulting services for the financial and human resources software package at a cost not to exceed \$300,000. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the lowest responsive and responsible bid of Vermeer-Illinois for a portable brush chipper for Parks, Forestry & Recreation at a cost of \$31,456 including warranty. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the lowest responsive and responsible bid from Hoskins Chevrolet for a cargo van for the Police Dept./Animal Control Division at a cost of \$23,050 including warranty. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the State of Illinois low bid of Bob Ridings, Inc. for two trucks (Dodge Dakota 4x4 pickup for Streets & Sanitation, Dodge Ram one-ton dump truck with plow and spreader for Parking Systems) at a cost of \$69,065 including warranty on pickup truck. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Change Order #1 with Civil Contractor Engineers, Inc. for Phase VII, Contract H, Relief Sewer Project (incorporating current federal wage rates in contract, with no change in contract price or time). * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)



* Resolution 13-R-01 – License Agreement with Union Pacific – Consideration of proposed Resolution 13-R-01, which authorizes the City Manager to sign a license agreement with Union Pacific for the tunnel at Church Street Metra Station for use of Chef’s Station. * APPROVED – CONSENT

AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 22-O-01 – Special Assessment #1445 – Consideration of proposed Ordinance 22-O-01, which approves Special Assessment #1445 for alley paving north of Noyes, east of Orrington Ave.

* MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 28-O-01 – Loading Zone at 2008 Dodge and 1416 Dewey – Consideration of proposed Ordinance 28-O-01, which amends Section 10-11-7, Schedule VII (B) to install a loading zone at 2008 Dodge and 1416 Dewey (deleting 2211 Emerson). * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 33-O-01 – Amending Section 11-2-3(A) of the City Code Regarding Liability of Vehicle Lessors – Consideration of proposed Ordinance 33-O-01, which amends Section 11-2-3(A) of the City Code regarding liability for vehicle lessors registered with the Secretary of State for parking violations.

* MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 30-O-01 – Declaring City Property as Surplus – Consideration of proposed Ordinance 30-O-01, which declares various items as surplus so that the vehicles and other equipment can be publicly offered for sale at the April 7, 2001 Village of Fox Lake auction. * MARKED INTRODUCED – CONSENT AGENDA

* Consideration of Approval of Proposal 2001-03 Noyes Center Leases – Consideration of a request to approve 2001-03 Noyes Cultural Arts Center tenant leases. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 32-O-01 – Amends Section 3-5-6(N) to Provide a Minimum Square Footage for Sale of Alcoholic Liquor – Consideration of proposed Ordinance 32-O-01, which amends Section 3-5-6(N) of the City Code as to minimum footage required for Class N licenses. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 23-O-01 – Special Assessment #1446 – Consideration of proposed Ordinance 23-O-01, introduced February 26, 2001, which approves Special Assessment #1446 for alley paving north of Grant St. and east of Prospect Ave. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

* Ordinance 26-O-01 0 Loading Zone on Lee St. at Washington School – Consideration of proposed Ordinance 26-O-01, introduced February 26, 2001, which amends Section 10-11-7, Schedule VII(B) to establish a loading zone on Lee St. at Washington School during school hours. * ADOPTED CONSENT AGENDA AND ROLL CALL (8-0-1) Alderman Kent abstained due to a possible conflict of interest.

* Ordinance 29-O-01 – Increasing Home Rule Sales Tax – Consideration of proposed Ordinance 29-O-01, introduced February 26, 2001, which amends the City Code to increase the Home Rule Sales Tax by one-quarter of one percent (¼%) to one percent (1%) of gross receipts. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

OTHER COMMITTEES:

* Ordinance 16-O-01- Authorizing Negotiation of Sale of Real Estate – Consideration of proposed Ordinance 16-O-01, introduced February 12, 2001, by which City Council would authorize the City Manager to negotiate the sale of real estate at 1840 Oak Avenue. * ADOPTED CONSENT AGENDA

AND ROLL CALL (9-0)

* Ordinance 17-O-01–Authorizing Sale of Real Estate–Consideration of proposed Ordinance 17-O-01, introduced February 12, 2001, by which City Council would authorize the City Manager to enter into a real estate contract for 1840 Oak Ave. * ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

APPOINTMENTS:

Mayor Morton asked for introduction of the following reappointments:

Charles R. Staley 2206 Lincoln St.	Board of Ethics
Heidi Pawlowski Carey 910 Madison St.	Preservation Commission

Mayor Morton asked for confirmation of the following appointments:

Rose L. Jourdain 531 Michigan Ave. For term ending March 15, 2004	Arts Council
Robert V. Thonander 19 Calvin Circle For term ending March 15, 2004	Commission on Aging
Alan L. Kistler 3241 Park Pl. For term ending March 15, 2005	Energy Commission
David Dankert 1145 Sherman Ave. For term ending March 15, 2005	Environment Board
Leonard Sciarra 3003 Park Pl. For term ending March 15, 2005	Environment Board
Mitchel Zacks 927 Hinman Ave. For term ending March 15, 2003	M/W/EBE Committee
Laura Hodes Zacks 927 Hinman Ave. For term ending March 15, 2004	Preservation Commission
Ricky L. Hilliard 816 Hartrey Ave. For term ending March 15, 2004	Property Services Board
Adrienne N. Hirsch 1019 Hinman Ave.	Public Art Committee

For term ending March 15, 2004

Mary Koberstein
2401 Lawndale Ave.
For term ending March 15, 2006

Zoning Board of Appeals

* APPROVED – CONSENT AGENDA

Mayor Morton asked for confirmation of the following reappointments:

Percy Berger
1211 Greenleaf St.
For term ending March 15, 2004

Economic Development Committee

John Hammerschlag
311 Lake St.
For term ending March 15, 2004

Parking Committee

Barbara Gardner
1307 Ridge Ave.
For term ending March 15, 2004

Preservation Commission

* APPROVED – CONSENT AGENDA

AGENDA ADDENDUM

* Approval of Contract – Consideration of approval of the collective bargaining agreement between the City of Evanston and the Evanston Firefighter Association, IAFF Local 742, effective March 1, 2001 through February 28, 2003. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Approval of the lowest responsive and responsible bid of Andy Pollina Inc. for a two-year contract for right-of-way landscape maintenance for Parks/Forestry & Recreation at a cost of \$59,880.

Alderman Moran reported the committee rejected the bid. Alderman Moran moved to reject the bid of Andy Pollina, Inc. Seconded by Alderman Rainey.

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

Approval of the contract with Ross, Barney & Jankowski to provide construction management services for the construction of the Senior Center at a cost not to exceed \$109,129.18.

Alderman Moran reported the committee voted was 3-1 to accept the contract with his the dissenting vote. Alderman Moran moved approval of the contract. Seconded by Alderman Feldman.

Alderman Rainey reported that she and Alderman Feldman held a neighborhood meeting with the Recreation Department

and Levy Center members that was well attended. She said the project was accepted by the neighborhood and there was good rapport with the architectural team.

Alderman Feldman reported citizens were excited about the construction of the center and involved in its ecological strong points. He related that people who have access to the Evanston Athletic Club and the YMCA as a result of their Levy Center membership were positive and hoped that association would continue.

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

Speed Humps/Criteria and Prioritization – Consideration of a recommendation to establish criteria and prioritization methodology for speed humps.

Alderman Moran reported that this item was held in committee; that there was consensus that this program has been widely accepted. Part of the policy discussed related to the funding mechanism and the committee was interested in increasing the budget allotment, if possible, and there were other issues that need to be ironed out. The committee asked the Traffic Division to come back at a later time with a revised policy in relation to criterion and prioritization, a contemplated increase in funding and specifically address some other criterion in the proposed policy.

Mayor Morton asked if the policy contains a provision for signs that identify speed humps? Alderman Moran stated there was discussion of identifying speed humps in various ways.

Resolution 17-R-01 – Lease for Levy Center – Consideration of proposed Resolution 17-R-01, which authorizes the City Manager to sign a lease renewal for the interim Levy Center extending the lease until April 30, 2002.

Alderman Moran reported that this item had been removed from the agenda.

Special Event – McGaw YMCA Family Fun/Run/Walk – Consideration of a request to hold a McGaw YMCA Fun/Run/Walk from the Y on Grove St. east to Sheridan, north on Sheridan to Chicago Ave., north on sidewalk along Sheridan to Lincoln, east on Lincoln to lakefront, south on bike path to Grove and west to the Y, on Saturday, April 7, 2001.

Alderman Moran moved approval. Seconded by Alderman Feldman.

Alderman Rainey recalled during budget discussions, the extraordinary amount of overtime in streets/sanitation and police/fire departments and one of the reasons cited for overtime was special events. She stated this special event was unique because participants are charged \$15 to participate. Since the YMCA sought an exemption from paying for police, traffic control and parking enforcement, this would cost the taxpayers money. Either citizens should know on whatever publicity the YMCA does, that the City has given \$200 toward the special event or the YMCA should pay for it. She believed when people are charged for an event, the sponsor should pay fees that are passed onto taxpayers.

Voice vote to approve the Special Event. Motion carried.

Ordinance 31-O-01 – Five-Year Lease of 2022 Central St. – Consideration of proposed Ordinance 31-O-01, which authorizes the City Manager to enter into a five-year lease for the City-owned storefront at 2022 Central St. with Rebecca Seely d/b/a Perennials.

Alderman Moran moved that Ordinance 31-O-01 be marked introduced.

He reported the committee discussed a particular clause in the lease. His understanding was that the Law Department

or library administration would address that issue with the potential tenant and report back to the committee.

Alderman Rainey stated the lease should be introduced as amended. Alderman Moran noted there was no committee vote to amend it. Alderman Rainey stated the point of taking an amended lease to the tenant was so there could be discussion and the tenant could either accept or reject it. She explained this is a five-year lease requiring an annual lump sum payment of the property tax. She believed it would be better for the tenant to pay this tax in monthly increments; was told the lump sum payment was there because "it was always done that way." She thought it should be changed.

Alderman Feldman said a reason to amend the lease was time. The committee thought if Council acted on an amended lease, then brought it to the tenant who signed, they would have everything needed. Now this cannot have a signature until Council okays the lease, which will be next time. He asked if there was a way to amend the introduced lease?

Alderman Moran stated the lease before them was negotiated with the potential tenant through the library administration. Alderman Rainey wanted to change the lease. He did not think the City had the authority to change the lease. If there was a demand that the proposed lease be changed, that would lead to further negotiation and may or may not end up in an amended lease and brought back either accepted or rejected by the tenant. He understood two members of the committee wanted part of the lease changed, which was fine. He thought the library administration could go back to the tenant with the change and she could accept or reject. He did not think they could unilaterally change an agreement because they don't have an agreement.

Alderman Drummer confirmed that the lease was negotiated between the parties. He said these things work both ways and was not detrimental to a small business. Alderman Engelman thought they want to find out one way or the other how the potential tenant feels about this change. If Council, as a policy, wants the lease a certain way, the lease should be proposed that way. He thought it could be resolved over the next two weeks. It cannot be voted on until it is signed.

Alderman Rainey stated if the tenant agreed to this lease, she had not signed it. They have no indication from the tenant. This is the same tenant who was going to rent the space for five years, then backed out. Alderman Rainey's suggestion was not made for the benefit of the tenant, but for the benefit of the City, which would receive monthly tax payments as opposed to the risk of receiving the payment once a year. She stated there is a 90-day notification clause in the lease, so the tenant could pay six months' rent and leave, so this is really a 90-day lease. However, Alderman Rainey thought it was a mistake to let anybody ride one year before paying the property tax and did not withdraw her suggestion.

Alderman Newman thought the more important issue raised was a five-year lease where the tenant can get out in 90-days and wanted an answer from the Library Board on that. To him, a five-year lease meant five-years and thought the City should be able to count on the rent for five-years, as opposed to giving the tenant a way out in 90 days.

Alderman Feldman said the purpose of the amendment was to state a Council position. He thought it was better to get part of the taxes monthly rather than annually. This does not cost the tenant more and is a better business practice.

Alderman Moran stated the staff negotiates an agreement and brings it for approval or rejection. He stated this was negotiated with the tenant. A committee decided after that negotiation that they did not like the agreement. He said it couldn't be changed unilaterally. There has to be an indication from the tenant that it is acceptable.

First Assistant Corporation Counsel Herb Hill stated that when the Law Department negotiates on behalf of the City, any negotiation is premised on the final decision of the City Council. They will bring a recommendation back to the Council, but the Council is the ultimate determiner of terms and conditions. As a general matter, the City Manager is authorized to negotiate any additional terms and conditions that may be in the best interests of the City. When approved, a consistent amendment can be made by the City Manager. If the will of Council is to change the rent payment to include a 1/12th payment monthly based upon present year's taxes, that amendment can be suggested. The library administration can present that to the tenant who can accept or reject it.

In response to Alderman Feldman, Mr. Hill stated that Council could direct staff to come back with an amendment to Paragraph 5 of the lease setting forth that the property tax be paid in equal installments. Mr. Hill stated staff could come back with language in the ordinance of equal payments during the year and it could be adopted at the next meeting.

PLANNING & DEVELOPMENT:

Ordinance 24-O-01 – Zoning Ordinance Text Amendment – Consideration of proposed Ordinance 24-O-01, by which City Council would approve the recommendation of the Plan Commission to amend Chapter 18 “Definitions” of the Zoning Ordinance to be explicit in including within the definition the offices and support facilities of a public school district when these are a zoning lot substantially used for classrooms.

Alderman Wynne asked that Ordinance 24-O-01 be marked introduced and referred back to the committee.

Ordinance 25-O-01 – Type I Street Ordinance – Consideration of proposed Ordinance 25-O-01, introduced February 26, 2001, which approves a recommendation to the Plan Commission to permit City Council to determine where front yard fences may be permitted without public hearing before the Plan Commission.

Alderman Wynne moved approval of Ordinance 25-O-01. Seconded by Alderman Feldman.

Alderman Engelman stated over the years he has voiced concern about front yard fences and it was not just opposition to front yard fences as to why he opposes this. He stated this ordinance provides a short cut to normal procedures to amend the Zoning Ordinance by allowing a group of residents within a two-block area to petition the City Council directly to allow front yard fences. Normally, an amendment to the Zoning Ordinance goes to the Plan Commission, which makes these decisions based upon the Comprehensive General Plan for the entire community and the impact upon the community. He did not believe what they were voting on was an appropriate format. He stated this should not be a political decision, rather it should be a planning decision.

Alderman Feldman wanted discussion on why they should avoid the Plan Commission and go directly to City Council.

Alderman Newman supported this because of unique situations in some parts of the City, while agreeing that front yard fences are inappropriate aesthetically. In this case, they have a part of town where people have front yard fences and it becomes strange because existing front yard fences have been grandfathered in and people living nearby wonder why they cannot have a front yard fence. People have different views on security. He did not think putting up a fence should be a federal case. The idea was, if there was consensus, they would give the community a way of doing it quicker.

Roll call. Voting aye – Kent, Newman, Drummer, Wynne, Bernstein. Voting nay – Moran, Engelman, Rainey, Feldman. Motion carried (5-4).

HUMAN SERVICES COMMITTEE: No report

CALL OF THE WARDS:

Alderman Kent thanked Council on behalf of the 5th Ward for voting for front yard fences. He announced a candidate forum would be held Thursday, March 15 at 7:00 p.m. at Bethel AME Church, Dodge and Lyons.

Alderman Moran complimented Bill Stafford and staff on a presentation made at the A&PW Committee. It was about moving the City forward on information services so that the City could interface with citizens, businesses and other governments. He thought it an important step and would lead to further improvements in communications.

Alderman Engelman announced a Budget Committee meeting on Wednesday, March 21 at 7:00 p.m. He stated it was not too soon to start and hoped for a significant turnout. He said they want to begin to look at services offered and get a handle on what the community talked about during the budget deliberations. He would like to discuss reaching out to other segments of the community about the City's budget problems and how they could be resolved.

Alderman Engelman had submitted a petition to staff and made a reference to the Parking Committee regarding parking on the 1400 block of Lincoln Street and also gave a petition to staff some five-six months ago regarding parking on the 800 block of Lincoln and was waiting for staff recommendations. He said that residents deserve a response.

Alderman Engelman had also made a reference regarding the intersection of Prairie Avenue and Harrison Street. It was reported the Parking Committee did not want to deal with that until the parking study came out on the Green Bay Road/Central Street corridor. He said there are immediate problems that could use an interim solution if the Parking Committee does not believe that study will come within the next two or three months. He hoped an interim solution could be devised before the summer season starts.

In response to Mayor Morton, Alderman Engelman explained the Budget Policy Committee is an ad hoc committee. All aldermen and the Mayor are invited to participate. He stated if re-elected, he would press to have the Budget Committee made a formal committee.

Alderman Rainey announced a Human Services Committee meeting on Monday, March 19 at 7:30 p.m.

Alderman Rainey reported despite a decrease in crime in other parts of Evanston, in the past month the 8th Ward has been a shooting gallery. Windows on two floors of an apartment were shot up one night, another night windows in an apartment building on Custer were shot and vehicles have had bullet holes through their windows. In the last week, five-six police officers were involved in intensive investigations with citizens and recovered two guns. Through e-mail she asked people to acknowledge this, to congratulate the police officers and urge that vigilance by the Police Department must continue. She handed Mayor Morton more than 35 letters from residents to the Chief about police work.

Alderman Newman commented on a report from Chief Kaminski about the Problem Solving Team and enforcement of the Panhandling Ordinance downtown. Within the report, one person was detained and found to be a parole violator; another person was found to be in possession of drug paraphernalia and another person detained is one of the most problematic individuals with regard to misconduct. He thought the ordinance was succeeding and thanked the police for their efforts. One of the merchants who signed the petition to do something about aggressive panhandling has seen an improvement. He thought Council had act appropriately in putting the needs of citizens first.

Alderman Newman commended Alderman Kent for recusing himself at the P&D Committee meeting from voting on the District 65 application for zoning relief for the new childcare center and administrative facility because he is employed by District 65. He thought Council rules were clear. When a Council member has a conflict of interest, they are obligated under the law of the people of Evanston to recuse themselves. He said it was an act of integrity to make that decision as there was pressure on Alderman Kent by his employer.

Alderman Rainey asked that the report on panhandling be distributed to all members of Council.

In response to Mayor Morton, Mr. Hill stated the obligation to recuse oneself regarding a conflict of interest lies within an alderman's own determination. The Law Department will provide information to an alderman and the Board of Ethics, at appropriate times, will provide information. He recalled situations in the City's history where aldermen have thought the advice given to them by the Law Department was incorrect and acted differently from it. He stated there is a request from Alderman Kent on this matter. The consequences are on the alderman who makes the ultimate decision on how to act.

Alderman Bernstein reported the Neighborhood Planning Committee of the Plan Commission had been meeting. The

discussion underway is about the B3 district on Main Street with both the east and west sides of Chicago Avenue on Main Street under consideration. Presently under B3, building heights can go to 125 feet. The tallest building west on Main Street to Sherman Avenue is about 35 feet. Alderman Bernstein made a reference to the P&D Committee to impose a moratorium on the construction of buildings, pursuant to the ordinance, which would allow height limitation to 125 feet, for a six month period to allow the Plan Commission and City Council to determine whether the 125 feet height limit is appropriate for certain areas of the community. He proposed that no building be taller than buildings within one block of it, which would be 35-feet west of Chicago Avenue.

Alderman Bernstein noted the building boom here and situations have occurred where balancing is required. A problem has arisen in two locales in the 4th Ward where property owners have been impacted negatively by adjacent development. At the last two P&D Committee meetings, residents from the 1200 block of Sherman came forward whose houses were vibrating due to demolition and the impact of supportive ledges by the developer who is building on Chicago Avenue. He stated there was documentation by video and staff engineers who went out before and after the vibration occurred showing that certain problems and defects suddenly appeared. They have met with the developer and to urge him to remedy the situation, which Alderman Bernstein believes is the developer's responsibility. When he first approached the Law Department and Community Development some months ago, he found that the City has few teeth in its ordinance for this kind of situation. The City determines whether a developer can build by issuing building permits, allows the developer to use their devices and "do the right thing." The City is absolved of responsibility if the right thing is not done. He said there are people who are frightened that their 130-year old frame house will fall down. The homeowner and he believe, due to the vibrations, a beam in the basement cracked. The beam is being shored up temporarily. The homeowner is concerned that additional building in their area will cause irreparable damage. That is why he has asked Community Development Director James Wolinski to not issue building permits for Phase 2 and/or Phase 3 unless or until the developer comes to the aid of residents who are impacted. (Alderman Bernstein asked this be a reference to the P&D Committee.) He said the developer claims the vibration did not damage the property and, that due to the building's structural integrity, over time the problem would have existed anyway. He said civil remedies are allowed but thought it incumbent upon the City to protect residents. He also noted a situation downtown where a large corporation has a seismologist to investigate and document damage to a building due to demolition. He reported that Phases 2 and 3 are not imminent, is excited about the Chicago Avenue project, but a balance of interests has to be addressed. He asked who has the authority to stop issuance of building permits?

Mayor Morton reported two citizens with homes on Maple Avenue have claimed their homes were impacted due to the City's long-term sewer work and have asked for redress. Alderman Bernstein made a similar reference regarding some recompense due to the impact of the City's sewer work to citizens at Lee and Maple who lost the use of their home for months. He thought the City has some culpability whether the damage was caused by public or private entities.

Alderman Bernstein congratulated the Evanston Wildkits State Champions in swimming and on the 100th anniversary of Washington School. He held up a pamphlet from Century Theaters listing restaurants that encourages people to come to the entertainment complex and thanked David Jennings for quick action on the loading zone on Lee Street.

There being no further business to come before Council, Mayor Morton adjourned the meeting at 10:28 p.m.

Mary P. Morris,
City Clerk

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