

CITY COUNCIL

April 23, 2001

ROLL CALL - PRESENT:

Alderman Rainey
Alderman Feldman
Alderman Newman
Alderman Drummer

Alderman Wynne
Alderman Bernstein
Alderman Kent
Alderman Moran
Alderman Engelman

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, April 23, 2001 at 7:23 p.m. in the Council Chamber.

City Manager Announcements:

City Manager Roger Crum asked Public Works Director David Jennings to introduce new Deputy Director of Public Works and City Engineer, Keith Fujihara. Mr. Jennings reported that Mr. Fujihara would oversee Engineering, Traffic Engineering and Parking divisions.

Communications: None

CITIZEN COMMENT:

Margaret Nagel, 631 Hinman Ave., asked Council to approve the moratorium on the agenda. Her concern was that building decisions are being made that will be with them for many years.

Maureen Glasoe, 901 Hinman Ave., favored a vote for the moratorium on Main Street. She thought it important to take time to look at all issues such as height, setbacks and the moratorium would allow them to do that.

Laura Williams, 515 Lee St. spoke in favor of the moratorium. She recently moved back to Evanston after a few years away and found discouraging changes, especially in the Chicago/Main Street area. She did not think time was taken to plan for aesthetics and height and a moratorium will allow time to step back and plan.

Niki Hiltwein, 820 Hinman Ave., urged support for the moratorium to give people some breathing room; to make some good decisions without pressure and not to let inappropriate things slide under. She said good-bye to Alderman Drummer and thanked him for all the work he had done.

Doug Hood, 3232 Hartzell St., representative of the North Suburban Chapter of Christmas in April, invited Council,

along with 350 volunteers, to do rehab work on eight Evanston homes on Saturday. In addition, they are putting a roof on a home on Brown Avenue with Hanson Roofing and resurfacing the playground at Oakton School.

Betty Ester, 2100 Lake St., offered congratulations and thanks to Alderman Drummer from the Lake, Brown, Grey, Greenwood & Hartrey Block Club. She said there is a saying in the medical profession “doctor do no harm.” The April 16 Council vote did harm to neighbors who live near a public school and more harm to the King Lab neighbors when they did not discuss the reasons they voted “yes” to amend the ordinance to allow administrative offices to be built near King Lab. She noted people voted for Council to help them, not hurt them.

Peggy Tarr, 907 Sherman Ave., expressed best wishes to Alderman Drummer on his retirement. She was alarmed by the Council’s vote to allow District 65 to build on open space north of the King Lab School; disappointed by the Council’s lack of sensitivity to the plight of the King Lab neighbors and the Mayor’s decision not to veto the amendment. There was an assumption that Council would override such a veto. She said sometimes it is necessary to make a gesture and that Evanston has far to go in addressing its populations equitably.

Judith Treadway, 612 Mulford St., wished farewell and good stead to Alderman Drummer, who has served the past five years as chair of the CDBG Committee, calling him an inspiration to her. She thanked him for balance, direction and insights, especially the years of experience that helped volunteers see things in a different way and for his years of service to the community.

Sidney Zwick, 1720 Washington St., congratulated Council for a beautiful example of hypocrisy and subtle racism, plus incivility to citizens. He said the past Monday evening when, after Alderman Drummer made his impassioned presentation, there was no discussion or explanation of the vote. He said that he took responsibility for raising the issue of racism, having been accused of bad taste by some. He said a NU student saw the hypocrisy by Council that rushed to provide relief from a threat to homes on Orrington Avenue if the University tore down some of the homes on Sheridan Road and put up institutional buildings. That same concern was not shown for the black working-class people on McDaniel whose home values are seriously threatened by this development. This perception pointed out the subtlety of racism that is practiced here. He spoke of an essay that will appear in the *Beacon* that he has submitted to the Op Ed page of the *New York Times*. He wanted them to know that Evanston was founded as the Athens of the Midwest and has fallen far short of its original founders; noted that U.S. Representative Jan Schakowsky touts the liberal nature of her constituents and Council’s behavior will cause her embarrassment when this appears in the *New York Times*. He hoped the new Council would show better judgment.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Drummer moved Council approval of the Consent Agenda with these exceptions: Approval of the proposal of the Idriss Co. for tree growing services; Special Event – Custer’s Last Stand; Ordinance 42-O-01 – Moratorium on New Construction – B3 Zoning District; Ordinance 34-O-01 – Special Use for 1900 Dempster St.; Annual Review of Cooperative Agreement between NU Police and EPD; Resolution 21-R-01 – Intergovernmental Agreement with Skokie Park District; and Ordinance 46-O-01 – Amends Chapter 25, Title 3 of City Code Regulating Farmers’ Market. Seconded by Alderman Moran. Roll call. Voting aye – Rainey, Feldman, Newman, Drummer, Wynne, Bernstein, Kent, Moran, Engelman. Voting nay – none. Motion carried (9-0).

*** ITEMS APPROVED ON CONSENT AGENDA**

MINUTES:

* Approval of Minutes of the Regular City Council Meeting of April 10, 2001 and Special City Council meeting of April 4, 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 April 12, 2001 and the City of Evanston bills for the period ending April 24, 2001 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 4/12/01)	\$1,726,530.58
City of Evanston bills (through 4/24/01)	\$2,679,227.36

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

* Approval of the lowest responsive and responsible bid of DNB Construction (MBE) for replacement of sewer structures and spot repairs for Public Works at a cost of \$537,701. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the lowest responsive and responsible bid of Metromex Contractors (MBE) for South Blvd. limestone wall reconstruction for Public Works at a cost of \$74,051. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the lowest responsive and responsible bid of Schroeder & Schroeder for the 2001 50/50 Sidewalk/Curb Replacement Program for Public Works at a cost of \$77,325. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the State of Illinois low bid of Bob Ridings, Inc. for a Ford F350 truck with service body and plow and two Ford F550 trucks with dump body and plow (includes 5-yr/75,000 warranty) for Public Works for a total of \$163,779. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)



* Resolution 24-R-01 – 2001 Motor Fuel Tax Resurfacing Resolution – Consideration of proposed Resolution 24-R-01, which authorizes the expenditure of \$880,000 of MFT funds for resurfacing various streets. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolution 25-R-01 – 2001 Motor Fuel Tax Maintenance by Contract Resolution – Consideration of proposed Resolution 25-R-01, which authorizes appropriation of \$370,000 of Motor Fuel Tax funds to finance the maintenance by contract of six segments of streets. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Special Event – Young Evanston Artists’ (YEA) Festival – Consideration of a recommendation to approve the annual Young Evanston Artists’ (YEA) Festival on May 19, 2001 from 10:00 a.m. to 4:00 p.m. on sidewalks along Dempster St. and Chicago and Sherman avenues. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 48-O-01 – Declaring City Property as Surplus – Consideration of proposed Ordinance 48-O-01, which would declare various vehicles and equipment as surplus property so that they might be publicly offered for sale at the Village of Libertyville Auction on June 2, 2001. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 43-O-01 – Vacation of Portion of Alley east of Custer, north of South Blvd. – Consideration of proposed Ordinance 43-O-01, introduced April 10, 2001, by which the City Council would vacate the alley portion east of Custer, north of South Blvd. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

* Ordinance 37-O-01 – Increase in Class C Liquor Licenses – Consideration of proposed Ordinance

37-O-01, introduced April 10, 2001, which increases Class C Liquor Licenses from 19 to 20 due to the opening of JTS Inc., dba Northlight Restaurant, 1932 Central St. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

* Ordinance 38-O-01 – Decrease in Class C Liquor Licenses – Consideration of proposed Ordinance 38-O-01, introduced April 10, 2001, which decreases the Class C Liquor Licenses from 20 to 19 due to the closing of Lindo Mexico, 1934 Maple Ave. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

* Ordinance 39-O-01 – Decrease in Class D Liquor Licenses – Consideration of proposed Ordinance 39-O-01, introduced April 10, 2001, which decreases the number of Class D Liquor Licenses from 21 to 20 due to a counting error. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

* Ordinance 40-O-01 – Decrease in Class D Liquor Licenses – Consideration of proposed Ordinance 40-O-01, introduced April 10, 2001, which decreases Class D Liquor Licenses from 20 to 19 due to the change in ownership of Daruma Japanese Restaurant, 2901 Central St. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

* Ordinance 41-O-01 – Increase in Class D Liquor Licenses – Consideration of proposed Ordinance 41-O-01, introduced April 10, 2001, which increases Class D Liquor Licenses from 19 to 20 due to the change in ownership of Daruma Japanese Restaurant, 2901 Central St. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

PLANNING & DEVELOPMENT:

* Sidewalk Café Permit/Trattoria Trullo – Consideration of the recommendation of the Site Plan & Appearance Review Committee to approve a sidewalk café permit for Trattoria Trullo, 1700 Central St. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolution 22-R-01 – Reservation of City of Evanston’s Bond Volume Cap – Consideration of proposed Resolution 22-R-01 to reserve the City of Evanston bond volume cap of \$4,479,937.50. Recommendation is that the City cede \$1.6 million to the Illinois Housing Development Authority for a first-time homebuyer program and \$2,879,937.50 for creating affordable housing units. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 47-O-01 – Ceding \$1,600,000 of 2001 Bond Volume Cap – Consideration of proposed Ordinance 47-O-01, which cedes \$1.6 million of the 2001 Bond Volume Cap to the Illinois Housing Authority for a first-time homebuyer program. * MARKED INTRODUCED – CONSENT AGENDA

Alderman Wynne moved to Suspend the Rules for the purpose of adopting an ordinance at the same meeting at which it is introduced. Seconded by Alderman Feldman. Motion carried. No nays.

Alderman Wynne moved adoption of Ordinance 47-O-01. Seconded by Alderman Bernstein. Roll call. Voting aye – Rainey, Feldman, Newman, Drummer, Wynne, Bernstein, Kent, Moran, Engelman. Voting nay – none. Motion carried (9-0).

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 January 2001 in the amount of \$81,934.11. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Township Bills – Consideration of a recommendation that the City Council approve the Township bills, payroll and medical payments for the month of February 2001 in the amount of \$78,207.37. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Township Bills – Consideration of a recommendation that the City Council approve the Township bills, payroll and medical payments for the month of March 2001 in the amount of \$71,073.15. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Consideration of FY 2002 Emergency Shelter Grant Funding Recommendations – Consideration of recommendations for FY 2002 Emergency Shelter Grant funding (\$83,000 allocation). * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

APPOINTMENTS:

Mayor Morton asked for introduction of the following appointment:

William S. Smith, Jr. Civil Service Commission
3038 Hartzell St.

* APPROVED – CONSENT AGENDA

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Approval of the proposal of the Idriss Company to provide tree growing services for Parks/Forestry & Recreation at a not-to-exceed cost of \$262,500 to be paid over the next 6-7 years, contingent on tree growth rates.

Alderman Moran reported that this item was held in committee.

Special Event – Custer’s Last Stand – Consideration of a request to hold the 29th annual Custer Street Fair on June 16-17, 2001.

Alderman Moran moved approval of this event. Seconded by Alderman Rainey.

Alderman Newman asked whether the committee discussed if the fair would charge for access to the street. Alderman Moran responded that they did not. Alderman Newman acknowledged the fair was a great event, but raised the issue of charging in context of the jazz festival sponsored by the Chamber of Commerce and the Clean Plate Club. He suggested a policy for closing streets or charging for an event should be uniform and needed to be addressed.

City Manager Crum commented that as a result of the many special events here, the City has formed an internal committee that reviews all special event requests. The Custer Fair was discussed. David Jennings reported that last year the City specifically stated there was to be no entry fee and that donations could be collected. However, the appearance was that an entry fee was charged last year. Mr. Jennings met with the fair organizers and there is an agreement that there will be no appearance of an entry fee. They will have a donation table and all signage will indicate entry is free. Alderman Rainey noted documents they received indicated the fair would be open with signs saying it was free. Motion carried. No nays.

PLANNING & DEVELOPMENT:

Ordinance 42-O-01 – Moratorium on New Construction – B3 Zoning District – Consideration of proposed Ordinance 42-O-01, which would place a 180-day moratorium on new building construction on Main St. from Sherman east to Hinman, and on Chicago Ave., in the B3 zoning district, north and south of Main St.

Alderman Wynne moved the following amendments to Ordinance 42-O-01: the time is changed from 180 days to “150 days;” page three, subsection 2, a) height was modified west of the tracks from 37-feet to “45-feet;” b) formalized “67-feet” east of Main Street. Seconded by Alderman Bernstein.

Assistant Corporation Counsel Ellen Szymanski clarified that the “150 days” also appears in section 4 of page 4 of the ordinance. She asked that two procedural matters be added to the motion. On page 1, the 5th whereas clause, add the date “April 12, 2001” to the meeting dates to reflect another meeting of the Neighborhood Planning Committee. She asked for another whereas clause indicating the dates this matter was before the P&D Committee and City Council. The clause states: “whereas this ordinance 42-O-01 was considered by the Planning & Development Committee at its April 10, 2001 and April 23, 2001 meetings and by the City Council at its April 10, 2001 and April 23, 2001 meetings.” Alderman Wynne accepted these into her motion.

Voice vote on the amendment, motion carried. No nays.

Alderman Rainey asked if there were projects that would not be covered by this moratorium that have been discussed in the community? Alderman Wynne explained the committee discussed the somewhat different character of Main Street east and west of the tracks. The height of 45-feet west of the tracks is being considered potentially. East of the tracks, the 67-foot height conforms with the C1a height modification made about a year ago.

Alderman Engelman noted there are two projects and they have a confidential legal opinion on one, which is The Main. The other is the Evanston Bank, before it moves across the street, and the developer can do that project within the height limitation imposed by the moratorium. Staff has told aldermen there is not a single project that would be stifled by the moratorium at this time.

Alderman Wynne moved approval of Ordinance 42-O-01 as amended. Seconded by Alderman Bernstein.

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

Ordinance 34-O-01 – Special Use for 1900 Dempster St. – Consideration of proposed Ordinance 34-O-01, introduced March 26, 2001, which approves a recommendation of the ZBA to grant a Special Use application for two Type 2 restaurants each with drive-through facility.

Alderman Wynne moved approval of the amendments. Seconded by Alderman Bernstein. Ellen Szymanski noted the amendments followed discussions between staff and the developer and read them into the record.

Page one, first whereas clause: “WHEREAS, development of the 1900 Dempster Street premises, the Dempster and Dodge Shopping Center, is subject to the Redevelopment Agreement with Evanston Plaza L.L.C., approved by the City in Ordinance 132-O-99; and”

Page two, “WHEREAS, the City Council at its meetings of March 26, 2001, April 10, 2001, April 16, 2001, and April 23, 2001 considered the findings and recommendations of the ZBA and the recommendation of the Planning and Development Committee and approved the Special Use with modifications,”

Page two, Section 2, a delete “the testimony presented by” and add “to the ZBA, the Planning and Development Committee, and the City Council,” b now reads: “Prior to the opening for business of each Type 2 restaurant, the applicant shall cause the operator of each Type 2 restaurant to submit to the Zoning Division a litter collection plan,

requiring the policing of an area located within a 250-foot radius of the building in which the use is located. This area shall be policed once every three hours during the hours the use is in operation and shall be kept free of all litter, including, but not limited to, food, beverages, napkins, straws, containers, bags, utensils, plates, cups, bottles, cans and all other litter of any type emanating from any source. The operator of each Type 2 restaurant shall comply with the Litter Collection plan. This Ordinance shall prevail over any inconsistent or contrary provisions in the plan.”

(2) For the purpose of this Ordinance, “litter” shall include, but is not limited to: putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food; other putrescible waste, including animal waste, dead animals, yard clippings and leaves; nonputrescible solid waste, including rubbish, ashes, street cleanings, abandoned automobiles, solid business, commercial, and industrial wastes, paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials; and all other waste materials which, if thrown or deposited as herein prohibited, may create a danger to public health, safety, or welfare.”

c (1) “Each Type 2 restaurant shall have dumpsters in a number adequate in the City’s judgment and collections therefrom a minimum of three (3) times a week. Dumpsters shall be sufficient in number and capacity to contain, with the lids tightly shut, all litter emanating from operation of the use, collected pursuant to the above-described litter collection plan, and accumulating between collections.”

c (2) “Litter collection receptacles shall be placed on the sidewalks around the building containing the Type 2 restaurants. Said receptacles shall be emptied a minimum of once a day and the contents removed to a lawful location.”

c (3) “Within seven (7) days of written notice from the City to do so, the number of dumpsters, litter receptacles, and/or the number of collections from each shall be increased or modified in accordance with the City’s directive. All dumpsters and litter receptacles shall be maintained in a clean condition with tight-fitting lids.”

d (1) “Type 2 restaurants shall not be operated beyond the hours of six a.m. (6:00 a.m.) and twelve midnight (12:00 a.m.), seven (7) days a week.”

d (2) “Drive-through pick-up windows shall not be operated beyond the hours of six a.m. (6:00 a.m.) and twelve midnight (12:00 a.m.), seven (7) days a week. No drive-through pick-up window shall be operated except during the hours of operation of its respective Type 2 restaurant.”

e “All reasonable steps shall be taken to prevent loitering within the Type 2 restaurants and on the premises set forth in the Site Plan.”

f “A minimum of seventy-five percent (75%) of the floor area of each Type 2 restaurant to which customers are permitted access shall have no fewer than ten (10) dining tables or shall have buffet or counter service, all of which 1) utilize reusable dishware and 2) have waitstaff and/or table bussing service.”

g “Exterior menu boards are prohibited.”

h “Signage for the Type 2 restaurants shall require prior review and approval by the Site Plan and Appearance Review Committee (“SPAARC”).”

i “Final Site Plan and Appearance Review Committee approval is a prerequisite to City issuance of building permits, except for demolition permits.”

j (1) “The Applicant shall submit a landscape plan to SPAARC and receive final approval thereof from that body and from the Director of Parks/Forestry and Recreation.”

j (2) “Said approved landscape plan shall set forth the location, quantities, sizes, and types of landscaping materials on the subject property and on the adjacent right-of-way. The approved plan shall, at a minimum, a) provide for maintenance and care of plantings, and b) for replacement of dead or dying plantings at the earliest time permitted by the applicable planting season. The landscape maintenance plan shall be recorded with the Cook County Recorder’s Office and evidence of said recordation provided to the Zoning Division as a condition precedent to issuance of a final Certificate of Occupancy.”

k “The applicant shall, within forty-five (45) days of written notice to do so, make installations deemed appropriate by the Director of Public Works to limit vehicular traffic access across established parking spaces.”

l “When necessary to effectuate the above conditions, the Applicant, and his heirs, successors, and assigns shall assure that all persons operating the Type 2 restaurants provided for by this Ordinance comply with the terms of this Ordinance applicable to operation of such Type 2 restaurants.”

m “The Evanston Plaza Redevelopment Agreement approved by the City in Ordinance 132-O-99 is incorporated into this Ordinance and made a part hereof.”

Alderman Feldman stated he was a strong supporter of this development to this point and could not have supported these plans if they were in this development from the beginning. He pointed out within 150 yards there are three Type 2 restaurants and with approval of these two, there will be five Type 2 restaurants. He did not think so many Type 2 restaurants belonged there and if they do, he wanted to know why. He suggested they would be an unsightly addition to the neighborhood and had never seen a Type 2 restaurant that added to either quality of life or the way a community looks. He has been against having Type 2 restaurants in the 9th Ward. He took a serious interest in the development of Dempster Plaza and would support everything the City can do to make it a success. He could not believe the success of that development rests on their approval of two Type 2 restaurants. He thought it was unprecedented that Council would take this action without knowing what these restaurants would be. He appreciated the work that went into the negotiations for the amendments after the fact. He related an experience with a grocery store at Main/Dodge that has a similar agreement to keep their area litter-free and gets many calls from neighbors about them. They never have been shut down, but affect the neighborhood and clean up when they are told. He believed even with an agreement there will be an effect upon the community. The case had not been made to warrant his support for two Type 2 restaurants in a shopping center. He thought they were giving them a blank check, in spite of the restrictions put on them. If P&D Committee members are convinced that without these two restaurants this development is doomed to failure, he wanted to hear why and how.

Alderman Newman stated he would vote “no” on this.

Alderman Rainey recalled being depressed after the last Council meeting over the vote on the 2nd Ward and the District 65 issue because she thought the greater good was the neighborhood. At that meeting she made recommendations regarding this. After hearing the amendments read, she thought any business that requires that much regulation cannot be good for the community. She asked why anybody would want something that they had to control to that extent? It is controlled because without it, it would be disastrous. After the last meeting she received a communication from a 2nd Ward resident which did not quite say, “how dare you stick your nose into the 2nd Ward – and said they needed Type 2 restaurants in the 2nd Ward in order to make that shopping center successful.” She suggested they were doing it again to the 2nd Ward. By putting in two Type 2 restaurants at the intersection of Dempster/Dodge, they have a Payday Loan, three fast food restaurants, two more coming, and a Three-Check Taxes in the center. If Alderman Drummer wants this, she will support it. However, she thought this would diminish this development.

Alderman Bernstein said the developer, who turned this center around, is requesting this and the developer’s wisdom tells him that this is necessary. He called attention to paragraph f. Historically he did not think there has been a requirement to designate 75% of the interior space for seating, which along with reusable silverware and dishware makes this a Type 1 restaurant. At the P&D meeting they were told the drive-through was an adjunct to what was customarily a Type 1 restaurant. He did not think Type 2 restaurants were pariahs and endorsed this request for special use.

Alderman Drummer stated that Alderman Rainey was right in addressing issues and Alderman Bernstein got to some of the issues confronting the community. He pointed out it is always a balancing act to get things done. He recalled through the years that this shopping center has been an eyesore with the vacant Pizza Hut and the Kids R Us store, which was built the wrong way. The community wants this shopping center to be a success. He hears skepticism about who the user will be. He said with the amendments, it would not be McDonald’s or Burger King. The drive-through would be similar to Walgreen’s, where somebody has phoned in an order and comes to pick it up. There are no menu boards to order from in the drive-through. Most service will be inside the restaurant. It appears it has the potential to be a lot of things and he would look at restaurants like Old Country Buffet or Boston Market. He noted there are no good family restaurants in Evanston. If they have to give up something to get that building torn down, shape up the shopping center and bring in a family-style restaurant, he thought it was worth investigating.

Jim Sutphen, with Joseph Freed and Associates, hoped everybody was comfortable with answers to concerns that were voiced. They structured this the way they did, knowing the City did not want a McDonald’s or Burger King. They did not want to be overly restricted in what they could bring in as a Type 2 restaurant. It is structured so that they could bring in something like a Boston Market, with which they are talking. They need this in today’s market in that shopping center. They lost Office Depot and the last thing they need is a vacancy. Restaurants react quickly. If they have to spend four-five

months on this, restaurants will go elsewhere.

Alderman Feldman asked why the applicant did not apply for a Type 1 restaurant with a special use for the drive-through?

Community Development Director Jim Wolinski acknowledged that any restaurant with a drive-through is a special use in Evanston, which makes it a Type 2 restaurant. The developer wants restaurants that are not quite a Type 2 or a Type 1. Boston Market uses regular dishware but plastic flatware. They wanted flexibility, so that is why a hybrid was developed. Alderman Feldman understood the developer's position; has looked at this shopping center as a vital economic engine for that neighborhood. When they lost Phar Mor it deteriorated. It has changed as the result of the developer and the community. In addition to the financial aspect, it should be something neighbors could be proud of. He thought this action mitigates that in spite of the protections offered. Alderman Feldman moved that this be returned to committee. Seconded by Alderman Newman.

Alderman Drummer asked the purpose of sending this back? Alderman Feldman hoped that a better case could be made of the necessity for this application. He heard what the developer wants but did not hear why something else or other types of restaurants are out of the question. He had not heard that the amount of retail has reached its apex and no additional retail would be possible. Alderman Feldman only heard protestations of the developer and thought this was significant enough to warrant additional time. He had seen nothing that convinced him that the fate of this development lies on this action.

Alderman Drummer stated neighbors met on this and have few concerns. They see what McDonald's and Burger King do and are satisfied this will be neither. They want a family-type restaurant. He thought the worst case it could be would a family-type restaurant that he described. It could also be a Type 1. It cannot be the traditional fast-food drive-through with a big sign. There is a lot invested in moving this project forward. Neighbors believe this will be an improvement. He pointed out that competition today is such that it is not proper for City Council to dictate what the restaurant is because of the competitive market. They need to make it happen. He thought the shopping center would be at a serious disadvantage if it is not able to compete on the level of prepared food. They have seen the empty Pizza Hut for years and people have wanted to have a place in the neighborhood where they could sit and have dinner. Many people don't want to cook, and there are few places to dine out. Neighbors see this as attractive and will help draw people there. He noted restaurant owners are sharp business people, so when they put their money somewhere they have researched it. These are business people who are willing to take a risk and this provides such an opportunity for them. He noted there is a cooperative relationship between the Freed Company and the neighbor organizations and much to gain by continued cooperation. He was confident they will be able to communicate down the line.

Alderman Rainey did not believe that they should not tell developers what to do with high-impact uses. She thought the developer was sent the message that Alderman Drummer described – a desire for family-type restaurants. She noted a new family-style restaurant at Howard/Western had attracted many families with children. If they could bring that to this shopping center, she thought out of deference to Alderman Drummer, they ought to not send this back to committee.

Alderman Newman withdrew his second to the motion and called the question. Seconded by Alderman Rainey.

Voice vote on the amendments, motion carried.

Roll call. Voting aye – Rainey, Drummer, Wynne, Bernstein, Kent, Moran, Engelman. Voting nay – Feldman, Newman. Motion carried (7-2).

HUMAN SERVICES:

Annual Review – Cooperative Agreement between Northwestern University Police and EPD – Consideration of approval of the continuation of the cooperative agreement between NU Police and

the EPD.

Alderman Rainey moved approval of this item. Seconded by Alderman Engelman.

Alderman Rainey reported statistical results from Northwestern University and noted an example of how NU aided the City was that Northwestern Police cited 535 moving violations and 46 DUI arrests.

Motion carried. No nays.

Resolution 21-R-01 – Intergovernmental Agreement with Skokie Park District – Consideration of proposed Resolution 21-R-01, which authorizes the City Manager to sign an intergovernmental agreement with the Skokie Park District to construct a soccer field and canine area.

Alderman Rainey moved approval of Resolution 21-R-01. Seconded by Alderman Bernstein. Alderman Engelman asked that this item be held. Seconded by Alderman Moran. This item was held at the request of two aldermen.

Ordinance 46-O-01 – Amending Chapter 25, Title 3 of the Evanston City Code Regulating the Farmers' Market – Consideration of proposed Ordinance 46-O-01 amending the City Code to add a subsection to the definition of saleable items (bread).

Alderman Rainey asked that Ordinance 46-O-01 be marked introduced and referred back to the committee.

Alderman Rainey asked for Council approval to locate the Farmer's Market on Lot #7 in the Research Park and recommended that staff make a formal request to Northwestern University to have the Farmers' Market there this summer.

Alderman Rainey reported the Human Services Committee is working on the Township budget and welcomed non-committee members to join them in that effort.

The Council recessed at 8:20 p.m. and reconvened at 8:55 p.m.

OTHER BUSINESS:

Resolution 26-R-01 – Upon the Retirement of Township Supervisor Betty Payne – Consideration of proposed Resolution 26-R-01, by which the City Council would approve a commendatory Resolution for Township Supervisor Betty Payne.

Alderman Drummer read Resolution 26-R-01 aloud.

Betty Payne thanked all for the opportunity to participate in the political process; said it was educational and rewarding.

Resolution 27-R-01 – Upon the Retirement of Alderman Dennis R. Drummer – Consideration of proposed Resolution 27-R-01, by which the City Council would approve a commendatory Resolution for Alderman Dennis R. Drummer.

Alderman Feldman read Resolution 27-R-01 aloud.

Alderman Feldman said there was no litany that could adequately describe the kind of work, effort, commitment, loyalty, dedication and, most rare, the innermost part of his being – his soul -- that Dennis Drummer had given. He noted that Alderman Drummer gave his heart and soul to the 2nd Ward and to residents. There were no words that could express the gratitude and thankfulness for all that he has done. Alderman Feldman paraphrased lines from a poem by Stephen

Spender, "I think (continually) of those who are truly great... Who wear at their hearts fire's center. Born of the sun, they traveled (a short while) toward the sun and...they sign the vivid air with their honor."

Resolution 28-R-01 – Approval of Results of the Consolidated Election – Consideration of proposed Resolution 28-R-01, which approves the results of the Consolidated Election.

Alderman Feldman moved approval of Resolutions 26-R-01, 27-R-01 and 28-R-01. Seconded by Alderman Engelman. Motion carried unanimously.

CALL OF THE WARDS:

Accolades from fellow aldermen to retiring Alderman Drummer follow: He was the epitome of the saying "all politics is local;" always did the right thing in his ward. He is a man who has a remarkable story and life journey. Dennis Drummer never held a grudge. He was a primary leader in passing legislation, committed to achieving consensus and put his personal feelings aside. He has a deep knowledge of the City and Council, a remarkable memory and wisely understood the art of politics. He was the wind beneath the wings of this Council. He was the Community Development Block Grant guru. He was courageous and honest and practiced the art of the possible. It was a privilege to serve with him and an honor to know him. He taught fairness in legislating and how to legislate and how to work with each other.

City Manager Crum expressed appreciation for Alderman Drummer's respectful and caring treatment of staff.

Alderman Newman made a reference to the Plan Commission to look at the parking requirements for new construction including condominiums and to use the Chicago Avenue initiative as a guide. Seconded by Alderman Rainey. Motion carried. No nays.

Alderman Engelman made a reference to the Economic Development Committee to consider a proposal from the Central Street Theater and Dance Center. Seconded by Alderman Rainey. Motion carried. No nays.

Mayor Morton said she would not be Mayor if it were not for Dennis Drummer. Those who served with him marvel at his elephantine memory, willingness to work toward compromise, ability to work with others and determination when 2nd Ward interests were imperiled. All will miss him. She thanked his family for the sacrifices they made as he served. An outstanding alderman, they feel sweet sorrow as he leaves.

Alderman Drummer thanked colleagues for being a part of their lives. He introduced his family and thanked them for their support. He acknowledged Joan Barr, Bob Barr, Bill Towns, Jay Lytle and Don Colleton (his hero and inspiration). He enumerated the neighborhood organizations that have stood by him and thanked them for their trust. He praised the City and named many staff who get the job done. He spoke of his relationship to his church and God and said all have an obligation to make the world a better place. He praised fellow aldermen, the City Manager and recognized Bob Heiberger and Marv Juliar. Alderman Drummer stated he was the luckiest man in the world because friends, staff and family enriched his life. He praised Mayor Morton for being an inspiration and for making people feel good. He concluded by reflecting that the 2nd Ward is what the world looks like with its diversity and that it will be in good hands with Alderman-elect Lionel Jean-Baptiste. He thanked all for what they have given him and his family.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn sine die. The Council so moved at 10:07 p.m.

Mary P. Morris,
City Clerk

On the same evening and in the same place, following adjournment of the 75th City Council, Mayor Morton convened the first meeting of the 76th City Council at 10:08 p.m.

Mayor Morton announced that Alderman-elect Lionel Jean-Baptiste is the first person of Haitian extraction to be elected to public office in Evanston. Mr. Jean-Baptiste introduced his family.

The Reverend Robert H. Oldershaw, St. Nicholas Church, offered the invocation.

The Honorable Judge Mary Thomas administered the Oath of Office to Mayor Lorraine H. Morton, City Clerk Mary P. Morris, Township Supervisor Patricia A. Vance and Township Assessor Sharon Eckersall.

Mayor Morton read the Athenian Oath of Citizenship and administered the Oath of Office to Aldermen Arthur B. Newman, Alderman of the First Ward; Lionel Jean-Baptiste, Alderman of the Second Ward; Melissa A. Wynne, Alderman of the Third Ward; Steven J. Bernstein, Alderman of the Fourth Ward; Joseph N. (Joe) Kent, Alderman of the Fifth Ward; Edmund B. Moran, Jr.; Alderman of the Sixth Ward; Stephen B. Engelman, Alderman of the Seventh Ward; Ann Rainey, Alderman of the Eighth Ward and Gene Feldman, Alderman of the Ninth Ward.

ROLL CALL – PRESENT:

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

A Quorum was present.

PRESIDING: Mayor Lorraine H. Morton

CALL OF THE WARDS:

Alderman Jean-Baptiste was welcomed by colleagues and in turn expressed appreciation for their good wishes. The newly elected alderman and returning aldermen thanked and acknowledged family and individuals who worked on their campaigns and voted for them. Each pledged to serve their ward and dedicated themselves to working for the betterment of Evanston in a spirit of cooperation for the next four years. Staff was thanked for their contributions.

Mayor Morton welcomed Alderman Jean-Baptiste and Township Supervisor Pat Vance and congratulated returning aldermen, city clerk and township assessor. She noted citizens have given them the charge of conducting business in their best interest. There are no islands and invisible tributaries connect all. She said that the recent campaigns were significant in that citizens verbalized their satisfactions and concerns. They heard a cry for civility as the Council engages in discourse; for immediate attention by staff and Council to cries for help; quick responses to personal requests and prudence in decisions. She noted the City Code requires that Council operate solely as a legislative body with a requirement to vote on all matters before it; that the code regulates executive powers to the Mayor and administration to the City Manager and it was essential there be a synergy between them. A synergy that embodies the need for the best in human behavior and adherence to rules. She urged that they hear all matters together. She said the public expects much of them and their reach must exceed their grasp. As Mayor, she pledged to honor the Council's constituted autonomy of its affairs and expected respect for the Mayor's exercise of legal prerogatives. Her wish was for a Council that exhibits mutual respect, graciousness and fidelity to the mandate voters conferred upon them.

Alderman Wynne announced a Rules Committee meeting the next evening at 7:00 p.m.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so

moved at 12:00 midnight.

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.