

ROLL CALL - PRESENT:

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

A Quorum was present.

NOT PRESENT AT ROLL CALL:

Alderman Wynne

ABSENT:

None

PRESIDING:

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, December 3, 2001 at 8:45 p.m. in the Council Chamber.

City Manager Announcements:

Parks/Forestry & Recreation Director Doug Gaynor announced the Festival of Lights ceremony with lighting of the Menorah would be held Monday, December 10 at Fountain Square at 5:30 p.m. The *Nutcracker Ballet on Ice* will be performed December 7-9 at the Robert Crown Center ice arena. He also announced that First Night Evanston would be held on December 31 at various venues in Evanston. He announced a change in Christmas tree pickup. Crews will pick up trees from the parkways only, not alleys, beginning January 7 for three consecutive weeks. People are asked to remove all decorations from discarded trees.

Public Works Director David Jennings announced that this is the last week yard waste will be collected on the regular collection day. One exception is there will be one more pass the week of December 10 to pick up branches. Branch collection is being deferred in order to comply with Illinois EPA regulations regarding formulation of compost. The last day yard waste will be accepted at the drop-off site (former recycling center) is Sunday, December 9 and December 14 is the last day that gasoline-powered leaf blowers can be used.

Communications: City Clerk Mary Morris reported a letter from the Illinois EPA concerning the Metropolitan Water Reclamation District's request for a federally enforceable state operating permit for air emissions from the north side water reclamation plant. Public comment period is open until December 15. Citizens who wish to comment or ask questions are to call 217-782-7027, Bradley Frost, Div. of Air Pollution Control permit section or the City Clerk's office.

CITIZEN COMMENT:

Eileen Katman, 936 Hinman Ave., spoke against granting the special use permit for Starbucks at 519 Main St. citing concerns about alley parking between Lee/Main streets and heavy traffic in that alley. With the new condominium and bank facility, she predicted traffic would worsen. She noted no stop sign in the alley at Main so people zoom out and she has narrowly escaped being hit several times. She stated on both Main/Dempster people double-park illegally when viable parking spaces are available there and on Chicago Ave. She did not think people would change their behavior and

they should plan for what people do now.

Andy Steingruebl, 510 Kedzie St., stated there is a lot of double parking in the alley despite available spaces nearby on Chicago Avenue. Neighbors believe the “fast-in, fast-out” nature of a dry cleaner or Type 2 restaurant being proposed is the cause and that is why he is against Starbucks coming in.

Heather Steingruebl, 510 Kedzie St., remarked that she was not on an anti-Starbucks crusade, but felt that Starbucks was not right for this location. She and others are concerned about developing the community with a vision. She understood an applicant for a special use permit must prove they meet criteria set forth and had not heard them do so. She urged the special use be denied.

Bryan Mullen, 1113 Ashland Ave., asked Council to adopt the ordinance against excessive feeding. He stated that more neighbors have reported vermin in garages and homes; listed staff and aldermen who have worked on the problem of excessive ground feeding on Ashland over the years and thought others were also feeding excessively on the ground. Without this ordinance the City does not have the tools to deal with this problem. He said the ordinance was well researched. Mr. Huckleberry of the Skokie Health Department did research and Cornell University, the National Wildlife Federation, Illinois Department of Conservation and American Humane Society. He said the ordinance is based on facts and history and has worked well in Skokie.

David Katz, 936 Hinman Ave., spoke against the special use for Starbucks at 519 Main St. He was not against competition and not anti-Starbucks, admires their products and how they treat employees. This was about traffic and safety and making an already bad situation worse. He appreciated the traffic survey and parking availability survey by Mr. Jennings. He surveyed the block early mornings each weekday and found few parking spaces but many spaces on Chicago Avenue and illegally parked cars across the street from legal spaces. On weekends there were no spaces available on Main St. and illegally parked cars on the street and alley.

Maureen Glasoe, 901 Hinman Ave., opposed granting a special use permit for a type 2 restaurant at 519 Main St. She has seen congestion and traffic worsen there. She is encouraged by positive developments and a vision for the neighborhood, which includes livability and safety. She noted at Dempster St. people park illegally and run in for coffee. She pointed out the Chicago/Main intersection is one of the busiest in Evanston. A concern is the school children walking to/from Lincoln School and children being dropped off at the Hemenway Methodist Church in the alley. She witnessed a child hit by an auto coming out of the alley by the White Hen and wants to prevent that in the future. Neighbors support successful businesses and believe some other kind of business could be found for that location.

A.M. Klapat, 835 Judson Ave., 23 year resident, walks a lot and has nearly been hit several times by cars coming out of the alley on Main and crossing Chicago Avenue. She noted Main Street from Judson to west of the railroad tracks is saturated with traffic; that drivers don't observe traffic signs, don't stop before turning right and give pedestrians no right of way. She noted that now a number of residents are moving into the new condominium and to give Starbucks a special use means they will have more illegal parking. She was against it.

Bev Wright, 904 Hinman Ave., was against giving a special use permit to Starbucks at 519 Main Street. She noted a large condominium has opened with a traffic problem already and in two years there will be a 10-story building across the street. She envisioned what happens now will worsen and hoped Council votes against the special use.

Margaret Nagel, 631 Hinman Ave., opposed a Type 2 restaurant at 519 Main. She replied to “Evanston regards this section as business not residential.” She pointed out that all new development, including the new bank building, old bank building, and Dominick's are primarily residential in character. “Businesses depend on a concentration of businesses to attract people.” She noted that people don't have to be attracted to this area, they already live here. When the developments are completed, more people will live here to patronize existing businesses. “Customers already double-park at the newsstand and no one complains.” She responded that the newsstand is not as much of a bottleneck as the new bank building. Any double parkers at existing businesses will exacerbate the situation for a new Type 2 restaurant. “People were terrified about Home Depot's attack on livability before it was built.” Now nothing is heard about it. She noted that Home Depot supports its business with an enormous parking lot. “Businesses won't come here if businesses

are turned away.” She responded if Evanston turned businesses away capriciously, it deserves to lose them. In this case, Evanston is following variance guidelines. Businesses recognize that community’s guidelines exist for good reason and should not assume a variance will be granted. “Areas with businesses inevitably increase in traffic density. Witness changes at Touhy/McCormick.” She asked does Touhy/McCormick represent their vision for east Evanston?

David Bond, 1500 Crain St., lifetime resident, property owner, loves animals and birds and spoke against allowing excessive ground feeding. He reported the “bird lady” on Ashland throws lot of food on the ground, which attracts as many as 40 pigeons and 30 crows at one time. He cited mice and raccoons in the neighborhood due to this feeding. He stated for reasons of sanitation, health and aesthetics, this ordinance should be passed.

Jane Woolley, 425 Kedzie St., spoke about a bus to the high school that cannot pass due to double parking on Main St. She has witnessed people double parked waiting for a parking spot on Dempster and that will happen on Main St.

Moira Sullivan, 606 Dempster St., spoke against the special use for Starbucks. She lives near Chicago/Dempster and over the past 8-9 years said that this intersection has become a nightmare, a clogged artery of SUVs and limos double-parked with air and noise pollution from auto exhaust and loud stereos. Starbucks’ customers dash in and out, some walk their dogs and some use the Laundromat. She does not see them strolling with coffee in hand frequenting local businesses. She asked them to not let happen to Main St. what has happened to Dempster. It’s a quality of life issue.

Ted Glasoe, 901 Hinman Ave., asked Council to not grant the special use permit; said it is the applicant’s responsibility to prove why they deserve to be granted the special use. He has not heard that from Starbucks, other than offering some alternatives that people would have to live with that they don’t like. One is a police officer to keep people from double parking. He said this is not anti-Starbucks and if it were another fast food, they would cite the same problems because these are quick “in and out” businesses. This is a choice location for retail. The bank has three teller lanes and a fourth for an ATM and people must enter the alley to use them. The 63 residents park their cars on the second ramp and access through that alley. It creates a huge bottleneck and he is concerned about a business that generates a lot of traffic flow.

Ana-Jo Mounce, 522 Main St., card store owner spends at least seven hours there daily and does not see a lot of double parking but sees alley parking. She did not think traffic/parking issues were unique to this neighborhood but universal due to more cars in commercial districts. She stated this is a commercial district and those who choose to live nearby will find compromises on ease of parking and traffic flow. She pointed out that alleys are for commercial use and did not think a business should be held responsible for illegal parking practices of a community and they were asking that of Starbucks. She said that neighbors should be happy that Starbucks is offering to bring in a police officer and putting speed bumps in the alley. She stated the people who spoke were a small minority in the community and that many of her customers hope Starbucks would come. She hoped the special use permit would be allowed.

Public Hearing: 2001 Property Tax Levy’s for the City of Evanston and Special Service Area #4

Finance Director Bill Stafford, stated the public hearing was to comply with Illinois law that requires all taxing bodies to hold a public hearing on their tax levies on designated nights in December. Ordinance 117-O-01 relates to the City’s general tax levy and Ordinance 118-O-01 is for Special Service Area #4. Both levies are for the budget already in place. Public comment is the reason for the hearing. These levies must be submitted to Cook County before December 31.

There was no public comment. At 9:27 p.m. Mayor Morton closed the public hearing.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Feldman moved Council approval of the Consent Agenda with these exceptions: Special Event – Chicago Football Classic, Special Use for 519 Main St. (Starbucks), Ordinance 112-O-01 – Ground Feeding of Animals on Public and Private Property and Neighborhood Business District Improvement Program Recommendation. Seconded by Alderman Engelman. Roll call. Voting aye – Moran, Engelman, Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent. Voting nay – none. Motion carried (9-0).

* **ITEMS APPROVED ON CONSENT AGENDA**

MINUTES:

* Approval of Minutes of Regular City Council Meeting of November 12, 2001. * **APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)**

ADMINISTRATION & PUBLIC WORKS:

* Approval, as recommended, of the City of Evanston payroll for the periods ending November 21, 2001 and the City of Evanston bills for the period ending December 4, 2001 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 11/21/01)	\$1,787,394.17
City of Evanston bills (through 12/04/01)	\$2,936,087.62

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

* Approval of the proposals for local and long distance services, awarding to two vendors on one RFP: SBC Ameritech (for local and related services) and Qwest Communications (for long distance service) for a 36-month agreement for municipal telecommunication services. * **APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)**

* Approval of the lowest responsive and responsible bid from Kings Point General Cement, Inc. for alley paving north of Central St., east of Lincolnwood Dr. for Public Works at a cost of \$115,075. * **APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)**

* Approval of Change Order #1 to the contract with GeoAnalytics for the GIS database development/infrastructure management software project, increasing the contract amount by \$3,750. * **APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)**

* Approval of Change Order #1 with Great Lakes Group, Inc. for the Noyes Cultural Arts Center Rehabilitation Project, increasing the contract amount by \$24,829, from \$610,555 to \$635,384 and adding 27 calendar days to completion date. * **APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)**



* **Ordinance 117-O-01 and Ordinance 118-O-01 – 2001 Property Tax Levy Ordinances** – Consideration of proposed Ordinance 117-O-01, which legally imposes the City property tax levy and Ordinance 118-O-01, which legally imposes the property tax levy for Special Services Area #4. * **MARKED INTRODUCED – CONSENT AGENDA**

* **Ordinance 111-O-01 – Amending Title 3, Chapter 29 of City Code** – Consideration of proposed Ordinance 111-O-01 regarding payment of a final judgement prior to issuance of the real estate transfer tax stamps. * **MARKED INTRODUCED – CONSENT AGENDA**

* **Ordinance 110-O-01 – Amending City Code to Adopt State Record Retention Schedules** – Consideration of proposed Ordinance 110-O-01, which adopts document retention schedules provided by the State of Illinois, Cook County Local Records Commission. * **MARKED INTRODUCED – CONSENT AGENDA**

* **Ordinance 113-O-01 – Revisions to Ordinance Prohibiting Parking on Sidewalks** – Consideration of proposed Ordinance 113-O-01, introduced November 12, 2001, which revises the sidewalk parking regulations for parking and obstruction of sidewalks. * **ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)**

PLANNING & DEVELOPMENT

* Exemption from Special Use Provisions for Homeless Shelter – Consideration of a request from Connections for the Homeless that the City Council renew the one-year exemption (Ord. 49-O-86) from special use provisions of the Zoning Ordinance for the homeless shelter. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Plat of Subdivision – 1511 Monroe St. – Consideration of a recommendation to approve a plat of subdivision for the planned development of townhouses at 1511 Monroe St. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 114-O-01 – Special Use Presbyterian Homes Expansion – 3200 Grant St. – Consideration of proposed Ordinance 114-O-01, which approves a recommendation of the Zoning Board of Appeals to grant an expansion to the retirement community special use to Presbyterian Homes for additions and attached garages to Trinity Court Townhomes. * MARKED INTRODUCED – CONSENT AGENDA

HUMAN SERVICES:

* Resolution 92-R-01 – Acceptance of Donation – Consideration of proposed Resolution 92-R-01, by which the City Council would authorize the acceptance of a donation from American Legion Post No. 42 to the Evanston Human Relations Holiday Fund. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

OTHER COMMITTEES:

* Ordinance 59-O-01 – Revisions to the Ethics Ordinance – Consideration of proposed Ordinance 59-O-01, which amends provisions of the Ethics Ordinance regarding complaint procedures, Ethics Disclosure Statements and the annual Board report. * MARKED INTRODUCED – CONSENT AGENDA

APPOINTMENTS:

Mayor Morton asked for introduction of the following appointment:

Robin Snyderman Pratt 1025 Sherman Ave.	Housing Commission
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Mayor Morton asked for confirmation of the following appointment:

Thomas G. Suk 1411 Washington St. For term ending December 15, 2005	Mental Health Board
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* APPROVED – CONSENT AGENDA

REPORT OF THE STANDING COMMITTEES**ADMINISTRATION & PUBLIC WORKS:**

Special Event – Chicago Football Classic – Consideration of a request to hold the sixth annual Chicago Football Classic at Ryan Field on Saturday, August 31, 2002.

Alderman Rainey reported that this item was held in committee.

PLANNING & DEVELOPMENT:

Special Use for 519 Main St. (Starbucks) – Consideration of a recommendation of the Zoning Board of Appeals to deny a Special Use application for a Type 2 restaurant (Starbucks) at 519 Main St.

Alderman Kent moved approval of the Zoning Board of Appeals recommendation to deny a Special Use for 519 Main St. (Starbucks). Seconded by Alderman Rainey.

This came from the committee without recommendation. In committee, Aldermen Kent and Wynne concurred with the ZBA recommendation. Aldermen Bernstein and Newman voted to overrule the ZBA recommendation to allow the special use for Starbucks with some conditions. Those were for Starbucks to provide a police officer to guide parking and traffic from opening until 8:30 a.m., put speed bumps in the alley to slow traffic and provide a mirror by the alley where there is high-volume traffic. Alderman Engelman was at the A&PW Committee meeting.

Alderman Wynne spoke of her long involvement with Chicago Avenue and the three-year study of the corridor which resulted in a down zoning of a quarter mile of Chicago Avenue from 107-ft height to 67-ft. and an increase of the parking requirement for new residential buildings, which will benefit the community. The corner of Main/Chicago was subject of a study done during the Chicago Avenue Corridor Study and it was considered the most saturated parking area. Saturation is a technical term that means no parking is available. Three years ago this area was 10 percentage points above saturation. She thinks Starbucks is a fine company, but the point is a Type 2 restaurant and what it will do to one of the City's most congested areas. The new condominiums are open and were built before the revised zoning so there is only one parking space per unit. From studies they know that building will produce 20 more cars than it has parking spaces. Those cars will go into an already saturated neighborhood. They know The Main is scheduled for demolition and a 10-story building will go there with an appropriate amount of parking. However, it will be a large building and cars will access Main/Chicago through the alley. The bank building will increase in height and have condominiums. This corner is already a problem in the community. She did not believe adding a business that they know will draw about 60-70 cars an hour during peak traffic times will not add to congestion. They know this because they have a Starbucks on Dempster/Chicago and she has watched how people behave there. They know people don't want to park on Chicago Ave. There was a City lot on Chicago Ave. and it was empty during the day. People who go to Starbucks do not park there, but instead park in the alley, on Hinman, or illegally up to the crosswalk. Finally the spaces were restriped so people could see that they were parking illegally. They still did it! She has seen people park illegally with a legal space in front of them and go into Starbucks. She noted that people who patronize Starbucks believe they are going for a quick cup of coffee when, in fact, they are purchasing a custom-made product that takes some time. She pointed out that Dempster carries fewer cars than Main St., a narrow street that carries about 13,000 cars daily. There are problems every winter with snow removal and it is a bus route. She predicted people would inch their way into the bus stop because that's what people do when they want that quick cup of coffee. The alleys between Chicago/Hinman are a problem. She made a reference at the last meeting regarding impacts from new construction on these alleys.

Alderman Newman moved that time be extended to Alderman Wynne. Seconded by Alderman Rainey.

Alderman Wynne stated that the City has an ordinance about Type 2 restaurants for a reason. It is because that type of establishment has a greater impact on the community. She believed that cannot be ignored when something is proposed that would add to congestion and refused to believe that residents have to accept congestion but that they have to manage it. Economic development is good but it has secondary impacts. In this case, she thought the secondary impacts outweighed the value of the retail business.

Alderman Bernstein pointed out that initially a Starbucks was not a Type 2 restaurant under Evanston's ordinance but a specialty retail food store, categorized with Dunkin' Donuts and similar stores. It is now with fast food establishments such as Tastee Freez and McDonalds, which he thought were two different things. He suggested the reason Starbucks wishes to locate a business four blocks south of another one is that this is a pedestrian area and the densest area in the City. He found it interesting that neighbors say there is no parking in the area and, if that is true, what retail tenant would go into this space? He noted two vacant commercial spaces on Main and four vacancies on Chicago Avenue where The Main is coming down and saw this as an opportunity to put in a viable retail draw. He was excited about Starbucks

coming in because they have made many compromises. He acknowledged saturation. To mitigate traffic concerns, Starbucks has agreed to hire an off-duty police officer to monitor traffic during the busiest times. Starbucks does about 80% of their business during morning hours. According to his observation and Dave Jennings, there is ample parking available. Will people park in the alley? He thought they would. Is Starbucks responsible for society problems obeying parking laws? Of course not but the presence of a police officer will abate that problem. His concern is that they are sending a bad message by not allowing a viable retail commodity. He has lived and worked for 25 years within four blocks of this site and his pattern takes him by there regularly. He has changed his pattern as will others if it becomes too saturated. He thought this will accommodate people walking to the busiest El stop from new construction and provide a draw for additional customers. This space will not remain vacant and some kind of retail store will be there. One permitted use, such as a dry cleaner, will produce similar problems for a longer period. A Type 1 restaurant, probably a most effective use of that space, would worsen an already difficult problem at night with numerous valet parking operations. He did not think it would be the traffic problem some people envision but would eliminate some traffic congestion at the Starbucks on Dempster. He asked the decision of the ZBA be overruled.

Alderman Kent acknowledged the work of neighbors on this. He said that traffic might not seem like a big deal, but anyone who has tried to cross Emerson St. when they see the “walk” sign has to sprint to make it. There is an acknowledged problem, yet they want to go ahead and put this in. Neighbors and Alderman Wynne stated this was not against Starbucks but that it was not right for their community. He thought Starbucks a wonderful, community-minded company and other areas such as the 5th Ward would welcome a Starbucks. The conditions Starbucks has agreed to are fine, but he argued they should also be concerned about the afternoon hours when children walk by, the people who live there and the alley traffic. They know a 10-story apartment building and more density is coming. The people who live there have much to live with and he urged them to help alleviate some of those problems rather than compound them. He thought it came down to the character of Evanston and sees this problem in other areas that don’t have the luxury of a Starbucks coming in but have to deal with heavy traffic, public transportation routes and that want to deal with the quality of life in their neighborhood they see is fleeting. He thought this was about preserving a business district.

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

Alderman Newman moved that staff prepare an ordinance granting the special use to Starbucks with conditions agreed upon in the Planning & Development Committee for the December 17 City Council agenda. Seconded by Alderman Bernstein. Motion carried.

HUMAN SERVICES:

Ordinance 112-O-01 – Ground Feeding of Animals on Public and Private Property – Consideration of proposed Ordinance 112-O-01, introduced November 12, 2001, which bans the ground feeding of animals on public and private property and specifies acceptable types of feeders.

Alderman Feldman moved approval. Seconded by Alderman Moran.

Alderman Moran understood the difficulty meant to be prohibited by the ordinance, which is ground feeding of animals or birds and the origin of the problem as outlined by Mr. Mullens. He was sympathetic and agreed that ground feeding should be prohibited; thought it could be done by implementing Section 8-4-7-2 and that Section 8-4-7-7, prevention of nuisance, made sense. He noted the ordinance allows for a platform feeder and was not sure how consistent that was with the overall initiative. He did not know what a platform feeder is and thought it was meant to be placed on the ground and could allow for abuse in that somebody could put a lot of feed on it. Other types of feeders would be restricted except for Hummingbird feeders, on which there would be no limit. He thought the other types of feeders restricted was contrary to what people do now. He urged Council not to use overkill and that the problem is people who place excessive amounts of feed on the ground to attract critters and create a nuisance. He wanted to send the ordinance back or amend it.

Alderman Moran moved to amend Ordinance 112-O-01 by eliminating Section F, Platform Feeders, Section 8-4-7-5, Platform Feeders, Section 8-4-7-3 Number of Feeders, and Section 8-4-7-6 Location. Seconded by Alderman Engelman.

Alderman Rainey stated that those who put out excessive feed are also guilty of overfilling platform feeders; that platform feeding was meant for ground feeding animals and causes a lot of vermin in garbage and alleys. She suggested feeders not be placed on the property line so the debris goes into a neighbor's yard. She related seeing a Jewel store employee at Howard/Hartrey with a grocery cart filled with unpackaged bakery goods to the outlots where it was thrown out to hundreds of birds and seagulls. This is a regular activity and the reason there are hundreds of birds there. She noted every respectable wildlife organization supports this ordinance and urged passage to do something about vermin.

Alderman Newman urged Council to reject the proposed amendment. Although offered in good faith, he did not think it was well thought out. He noted the ordinance was worked on by Human Services staff; Health & Human Services Director Jay Terry has investigated ordinances in other communities and that Skokie had an extensive study of this concern and came up with a terrific ordinance. This ordinance does not prevent people from feeding birds on private property but regulates feeding and gives public health staff the ability to step in when there is a problem. This will only affect those who overdo it and affect the property rights of others. Noting this has been well publicized, he has numerous constituents who feed birds that support this ordinance. He saw this as a positive step on behalf of public health. He urged them to review the November 6 memo from Mr. Terry indicating that this ordinance has worked well in Skokie for 10 years and to benefit from Skokie's experience and the expertise of the public health staff. If in the future, people are unable to feed birds in their backyards, they can revisit it. He pointed out under viaducts and in public plazas, there are serious abusers and staff needs the ability to regulate that activity.

Alderman Engelman noted those who have stepped up have told horror stories about excessive ground feeding and has no problem with prohibiting it. He thought the gist of Alderman Moran's amendment was to prohibit excessive ground feeding, but not prohibit citizens from having the kind of feeders they want in their back yard or feeding birds in the park as long as not done excessively. He said he might misunderstand what a platform feeder is. He thought it could be a post-mounted feeder, so he assumed if 8-4-7-3 was in and if somebody had a post-mounted feeder (which is not mentioned in the ordinance) that home would be in violation. He has a feeder on a post; cannot use a hanging feeder because the squirrels come down the branches and jump onto the feeder. He has a post mount feeder in front and one in back and only one platform feeder is allowed. That was why he supported the amendment. He would prefer that the Human Services Committee look at this and figure out a tighter way of doing this. It was said this would be enforced only by complaint but that is not true. When City inspectors go out and see a violation they must cite it. He spoke about a recent roadblock on Sheridan Road where police were looking for drunk drivers, but people were cited for other law violations as well. If two neighbors have a dispute, he predicted code violations would be cited.

Alderman Feldman noted the ordinance limits the amount of feed on a platform, requires it to be cleaned up and covered at night. He noted that post-mount feeders are not designed to feed mammals but birds. He thought the ordinance had been well researched by Evanston/Skokie and represents the wisdom of animal rights organizations. They want to give people some flexibility to enjoy animals and birds without creating a nuisance in the community and saw nothing in the amendment that enhances the goal. He asked if they only had excessive feeding, who decides what that is? There is a limit of one pound on a feeder.

Alderman Kent supported the ordinance as is. If he voted for the amendment he thought they would be weakening what is out of control now and wondered whether this will be enough to curb the excessive feeding? He was more concerned about the hand feeders who throw out large amounts of bread into yards and parks. He noted squirrels climb up onto gutters, get into soffits and cause major problems. He hoped this would pass and they could get some of the wildlife under control. He noted they had not mentioned rats, raccoons and skunks; has a neighbor who feeds raccoons regularly. He has talked to neighbors who feel their neighborhood is under attack.

Alderman Bernstein invited Alderman Engelman, who believes it is okay to spread breadcrumbs in the park, to walk barefoot under the Main, Greenleaf or Dempster streets viaducts or to come and observe the masked sanitation workers who must clean the residue there. He thought the ordinance was appropriate. His concern was to inhibit the increase of vermin and recalled a lengthy discussion about how to make garbage containers inaccessible to squirrels. He stated Evanston has to get its trash up off the ground and does not want vermin close enough to invade restaurants.

Alderman Newman called the question. Seconded by Alderman Wynne.

Voice vote on the amendment, motion failed.

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

OTHER COMMITTEES:

Neighborhood Business District Improvement Program Recommendations – Consideration of a recommendation of the Economic Development Committee to fund five applications totaling \$55,000 for FY 2001/02.

Alderman Feldman moved approval. Seconded by Alderman Wynne.

Alderman Moran noted five applications for assistance were received, four from neighborhood business districts and one from the Chamber of Commerce. Direction from staff was a maximum grant of \$10,000. Three of the applications for \$10,000 were approved. One application, which was substantially above \$10,000, was granted \$15,000. He was glad to see them get this but did not think it right when they tell people they can apply for only \$10,000, then they give one 50% over that, although the organization is worthy. Unfortunately one application that did not get under the wire was for the Central Street/Green Bay Merchants Association, which he thought a good application. Staff recommended full funding. The Economic Development Committee did not like one component of the proposal, which considered the possibility of radio advertising so \$5,000 was held in reserve pending further indications. He urged the Economic Development Committee to give full/fair consideration to what the merchants' association brings forward. He thought their suggestion was creative and potentially effective and urged support of the other proposals. He hoped the Council and Economic Development Committee would support the Central Street/Green Bay Merchants Association. He respects what they do; said that area is a real draw for Evanston and a nice place to visit and shop. He attributes a lot of that to members of this association. There was a sense at the Economic Development Committee meeting that members of this association are a large moneyed group. He said the vast majority are people who work hard together to make Central Street as nice as it is and thanked them for that.

Alderman Feldman stated the Economic Development Committee used its best judgement and did so with courtesy and respect; said the merchants association was a credit to Evanston. The committee hopes they will come up with something creative and examine whether or not a radio advertising program is their final choice and perhaps it would be accompanied by more definition to satisfy the committee, which wanted nothing more than that money be used to the best advantage of the merchants for which the program was created along with other neighborhood business districts. The City derives a benefit from whatever success neighborhood businesses have. He saw it as a good session; that neighborhood people were satisfied and the delay on the \$5,000 would not affect any of their plans considering that they might use this to benefit the association to be implemented later in the year. He urged support of the recommendation.

Alderman Bernstein asked if there was a \$10,000 cap; noted the Dr. Hill Association was getting \$15,000 and asked how they got that figure? Alderman Feldman said there was no cap. Originally the committee had \$50,000 and when divided by 5, it was \$10,000 each. Then they discovered an additional \$12,000 in the fund. One proposal was so compelling in its creativity and design they wanted to offer further support. This organization did not ask for this. The committee wanted to support this initiative. He saw it as rewarding something that was needed by the community. Nobody objected that this was unfair except Alderman Moran. He pointed out these are leveraged funds. People are spending a great deal of money to implement their program.

Alderman Engelman appreciated the comments of the chair of the Economic Development Committee because he was confused when he read the minutes of that meeting. He wanted to make sure that the \$5,000 held in abeyance was not confusing to the merchants' association either. He assumed it was not the radio funding but the particular proposal. So if this group comes back and identifies why radio advertising is beneficial to that area there would be no prohibition from using it. Alderman Feldman said the radio advertising described in the proposal did not receive much support but that the

association understood they would get the \$10,000 allocation. They needed \$5,000 for Christmas funding, which was given and to come back with something other than the program submitted. The merchants' association was not sure that radio advertising was what they wanted to do. Alderman Engelman clarified that the merchants' association could come back with a program that is not necessarily infrastructure related.

Alderman Kent thanked the Economic Development Committee on behalf of the Hill project. He did not want to get into a situation where one business district is pitted against another. He said the Hill group is starting from ground zero and what they are doing is wonderful. He noted that E-Town and the Black American Heritage House are also starting from ground zero and that groups are in different stages of development.

Alderman Moran stated that Alderman Bernstein did read maximum funding for selected projects in the RFP was \$10,000, agreed with Alderman Kent and was supportive of the Dr. Hill Association. He was concerned when the maximum stated was \$10,000 and that they needed to follow the rules. If others were told to put in other proposals for more than \$10,000, perhaps more would have done so.

Alderman Newman called the question.

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

CALL OF THE WARDS:

6th Ward. No report.

7th Ward. Alderman Engelman reported a meeting of the Flood & Pollution Control Commission and the next phase of design for the sewer project is for 7th Ward residents. The phase that includes southeast Evanston is on hold.

He announced the Rules Committee would not meet during December instead would meet Monday, January 7. The agenda is undecided and will be provided after the holidays. He reported the Budget Committee met last Wednesday with community leaders and a wide-range of people for helpful sessions of community dialogue. All who attended were urged to hear the City Manager's proposed budget the next evening. They will meet Wednesday, December 12 in the Council Chamber. Approximately 60 people will break into four groups and begin the working session, which will culminate on January 9 with a comprehensive proposal and recommendation to the City Council. He thanked Mayor Morton and Council members who came.

8th Ward. Alderman Rainey was proud to see so many 8th Ward residents at the budget meeting. She reported the death of Mary Lane, long-time south Evanston activist whose principles she admired. She hoped their thoughts and prayers were with her family and noted that a trust fund was set up at a bank. She said that Mary Lane's death created an enormous void and that she would miss her.

9th Ward. Alderman Feldman reported meeting with 20 new resident families who have purchased condominiums in a building on Reba Place. They are young, bright people from all walks of life and he was fascinated by their questions. They were not concerned about taxes, but about safety, using the streets at night and the parks, quality of life and neighborhood organizations. The police and neighbors were present. All wanted Evanston as their first choice.

He announced the December 12 Economic Development Committee meeting was cancelled. He announced that Steak 'N Shake is open 24-hours daily.

1st Ward. Alderman Newman reported he would be meeting with student groups on the quality of lighting on streets. He announced the December 12 Parking Committee meeting was cancelled.

Alderman Newman made a reference to the Rules Committee to review the ordinance that regulates the functioning of the 911-

Emergency System Board and asked that reporting requirements for that board to City Council be clarified

He noted the Evanston Hospital building on Maple Avenue is open, looks terrific and will add to the City's tax base. He recalled four years ago of being told by citizens that Maple Avenue would be jammed and Church Street would be a traffic jam. He said it is difficult to respond to citizens concerns on traffic. The City has to go with experience and do its best to regulate traffic. He said the opening of the Harry Potter movie was magnificent and the Maple Avenue garage was filled. He looks forward to dialogue with citizens.

2nd Ward. Alderman Jean-Baptiste asked residents to stay vigilant as they go through the budget process and to defend what is important to them. He hoped the budget process would prioritize what is important. He asked that the aldermen on the Budget Committee who lead the focus groups be vigilant as to responsibility of staff. Because of lack of time, they defer to staff to clarify points, give justifications or conclusions as to why there is a problem. He wanted to make sure they are able to ask who is responsible for over-expenditures in various departments that have occurred this year. He ask that they ask questions. The trend he sees is over-expenditure in essential service areas and to balance the budget they do so on the backs of non-essential services. He asked them to represent the values and aspirations of the community as opposed to giving way to bureaucratic functioning. He recalled a retreat where priorities were identified. He noted Council is more in touch with the community than staff and knows people's interests. He asked that justifications not be allowed to go through without hard questioning.

3rd Ward. Alderman Wynne reported speaking to a 3rd grade class at Lincoln School about government. An issue that came up was graffiti and how much they dislike it. She shared maps with the class and enjoyed the experience.

4th Ward. Alderman Bernstein thanked Alderman Engelman for his good work on the Budget Committee. He was excited about seeing the community interested in helping with the budget process. He urged residents to explore, to find things that Council and staff cannot see. He thought that was the reason to bring everybody in. They want to reach consensus as to community priorities.

He thanked the Mayor and the Rockettes for the tree lighting and wished a happy Chanukah to those who observe.

He noted District 65 would auction the administration building in spring 2002. He announced a series of meetings starting December 13, 7:00 p.m. at the Unitarian Church to give prospective purchasers an idea of appropriate development for that corner. He has invited members of the ZBA, Plan Commission, Preservation Commission, Nichols Neighbors, Dewey Community Conference and anyone with an interest in maximizing the profit from the sale and minimizing an inappropriate use for the area to come.

Mayor Morton asked why the property is being auctioned? Alderman Bernstein explained by state law the district has to sell the property to the highest bidder. He stated they have hired an effective real estate company and was glad that this company shared his feelings as to getting some consensus of what would be appropriate on that corner and somebody bidding not knowing what is appropriate.

Alderman Feldman questioned how a bidder would know what is permissible or desired? Alderman Bernstein said it is an R1 zone, so only single-family residential is allowed. It is one zoning lot with a main building, coach house and the ESCA building. A developer would have to come in with a planned unit development consistent with an R1 zone or a variation. The administration building is on the National Historic District registry, which means sight lines on Ridge Avenue cannot be imposed upon. The building is also within the Ridge Historic District, so the Preservation Commission will have the opportunity to look at whatever development is forthcoming. He hoped that they could give a developer a comfort level that if they come in with a reasonable development that would be acceptable to the various boards and commissions who will vote on it. The reason he is inviting groups is to get some sense of the community to the prospective purchaser. The alternative is to sell it without reserve, meaning they buy it and do what they choose knowing it's an R1 zone with historical designations. Both planning and zoning staff are making a presentation on what could go there. Different scenarios will be discussed, without any certainty, to give a consensus to prospective purchasers. Alderman Feldman wanted the Law Department to be involved. He hoped the City, as a participant in the dialogue, is not liable for being responsible for somebody having an agreement. Alderman Bernstein stated no definitive opinions would be offered. The prospective buyers are being offered a consensus and they will be informed

that there is no final authority. He has had communications from people who want to put up 20-story towers. To the extent that they can eliminate those prospective purchasers, they have served a function. He said they were trying to facilitate this because they are in it together and if District 65 benefits, so will the City. They will bring in people to say what the law allows or is potentially allowed given certain considerations.

5th Ward. Alderman Kent announced the Plan Commission would hold a meeting December 6 at 7:00 p.m. at Fleetwood-Jourdain where they will prioritize major issues such as quality of life and preserving community character.

He noted over the summer aldermen met with department heads, which had been useful. He asked the City Manager to meet with him and department heads as soon as possible about problem homes in the area designated by the City/ Northwestern Task Force. He would like to report to the task force and have something for the December 17 Council meeting. He thanked Council for acting on the ordinance prohibiting parking on sidewalks that was brought forth by Dan Garrison.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 11:21 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.