

CITY COUNCIL

November 24, 2003

ROLL CALL - PRESENT:

Alderman Wynne	Alderman Tisdahl
Alderman Bernstein	Alderman Rainey
	Alderman Newman

A Quorum was present.

**NOT PRESENT
AT ROLL CALL:**

Aldermen Kent, Moran, Feldman, Jean-Baptiste

ABSENT:

None

PRESIDING:

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, November 24, 2003, at 6:52 p.m. in the Aldermanic Library. Alderman Wynne moved that Council convene into Closed Session for the purpose of discussing matters related to real estate and closed session minutes pursuant to 5ILCS Section 120/2 (c) (5), (6) and (21). Seconded by Alderman Bernstein.

(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.

(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.

Roll call. Voting aye – Wynne, Bernstein, Kent, Tisdahl, Rainey, Newman. Voting nay – none. Motion carried (6-0).

At 7:10 p.m. Alderman Wynne moved to reconvene into Open Session and recess. Seconded by Alderman Bernstein. Motion carried. No nays.

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

ANNOUNCEMENTS:

Public Works Director David Jennings announced that due to the Thanksgiving holiday, refuse, recycling and yard waste pickups would be delayed by one day, i.e. Thursday's recycling pickup would be Friday, November 28 and refuse and yard-waste pickups would be Saturday, November 29. He stated that yard waste pickups would end Thursday, December 4 and the weekend drop-off for yard waste would end Sunday, December 14. He explained no drop-offs or pickups after those dates were due to IEPA regulations.

Mr. Jennings reviewed snow regulations, which are effective December 1, and on the City's website and in *Highlights*.

City Manager Roger Crum gave special recognition to Fire Chief John Wilkinson, who was retiring with 36 years of service having served in every position in the Fire Department. Mr. Crum presented him with a special handmade plaque made by a firefighter and thanked him for his service.

Fire Chief Wilkinson said the 36 years provided exciting experiences and a multiple career. It was great to work for the City and to be a part of the Evanston Fire Department, which is the measure other fire departments try to meet. Mayor Morton stated that the Fire Department and many citizens view Chief Wilkinson with a great deal of affection. She thanked him for his contributions to Evanston; wished him a good future life with health and happiness.

Mayor Morton announced that the City has received a Day Care Action Council of Illinois Award, which is given in recognition of the way Evanston has addressed the needs of families and children relating to child care and early

education. The Mayor will accept the award December 3 at the Chicago Children's Museum.

Mayor Morton read a framed prayer presented to her from Calvary Baptist Church on behalf of the City.

Mayor Morton noted that the new apartment building at 1930 Ridge Avenue had opened and a condition for rezoning this property was that some units would be put aside as affordable housing units, the first new building in Evanston to have an affordable housing component. She attended a lottery that had 40 applicants for the affordable units and looked forward to seeing it implemented.

COMMUNICATIONS:

City Clerk Mary Morris reported receipt of a letter from Lt. Governor Pat Quinn asking municipal authorities to support a resolution to place a Taxpayer Action Amendment for Education and Permanent Property Tax Relief on the City's ballot as an advisory referendum for the March 16 2004 Primary Election. January 12, 2004 is the deadline to submit an advisory referendum resolution for the March 16 primary. Alderman Rainey referred this to the Rules Committee.

CITIZEN COMMENT:

George P. Mitchell, 1229 Emerson St., president of the NAACP, Evanston/North Shore branch, supported citizen input into the redistricting process. He restated NAACP objectives: be certain the interests of African Americans were considered and use population as the basis for drawing a new map. He thought they were on that track and all have learned a lot about redistricting issues; hoped that they would continue to use that knowledge as they go into the future and the next census. Those who participated learned a lot about the dynamics of the political process and political representation. However, he said, there continue to be needs to be met that involve recognizing communities of interest, cultural differences and economic impediments to full participation in the democratic process. He hoped in the future the City would empower citizens to act and Council to vote.

Gerald Adler, 2235 Wesley Ave., said the controversy about whether NU student precincts are retained in their present wards or shifted was a wash. Keeping students in their present ward will not make them a monolithic voting block. In town/gown controversies no one knows how students will vote because they are as divided as is Evanston by class, ethnicity, race, and the department in which they are students. As a history teacher, for people to worry that students will invariably vote for a school administration, ignores that fact that during the 1960s, few student organizations supported university administrations; asked how many Yale students supported that university's union-busting proclivities. He taught for 35 years and never supported a school administration and for good reason. If student voters are scattered they can become swing voters in other wards. No one can anticipate how they will vote. In the last municipal election, his candidate for the 7th Ward based his campaign exclusively on taxing Northwestern University and lost, but not due to a backlash of NU students supporting the administration. In the 1st Ward, the election seemed to have driven some of these changes. He felt the present alderman attacked NU for not paying money in lieu of taxes and by using the momentum of the referendum for NU to pay taxes, he may have won by a larger margin. Students vote like others if issues bring them out so that fear of a student block is a paper tiger.

Lewis Koch, 343 Dodge Ave., protested the sign he described as "42 Street brothel red" at the Levy Center that tells time, temperature and announces the Levy Center; said this sign is not appropriate and degrades this beautiful building and James Park. It was a mystery how it came about. Sign Appeals & Review Board minutes showed only two members present (no quorum). The proposed sign was brought to the board as a courtesy. Those present expressed concerns about the movement and brightness of the sign. Parks/Forestry & Recreation Director Doug Gaynor assured them that the bulbs would not be flashing and colors would be a subdued orange/pink. This garish sign blights the entire street.

Mimi Peterson, 748 Wesley Ave., asked why in two weeks time the effective date of the new map had been changed twice. When introduced the effective date was the March 16, 2004 Primary Election. Today the effective date is April 5, 2005, the date of the next municipal election. She was told that this is an arbitrary date that has no consequences; that management had made a mistake. She said the new date was a recipe for confusion. She asked who is eligible for candidacy. She suggested having the effective date of the map would affect those who choose to seek aldermanic offices.

A candidate must circulate petitions and obtain signatures of residents who live in the ward they are running for. If residents live in their old ward until the date of the next election, how will they vote in their new ward? She suggested the March 16 date made the most sense.

Alderman Feldman understood the effective date was changed to August 1 and asked for clarification. City Manager Crum explained when they get to redistricting that would be discussed by First Assistant Corporation Counsel Hill and the August 1 date is a recommended compromise. He pointed out part of the problem is that people have elected a currently sitting alderman and the City does certain things now by ward. The question is when does one change allegiance to a sitting alderman, yet the redistricting has to be done before the next municipal election.

Robert Janes, 802 Colfax St., urged people to read the last Council meeting's minutes because a lot of people who made efforts to come up with an adequate distribution in the nine wards were degraded. He thought they were ready to approve a version of Map 15d and noted they never had a chance to have a public hearing on that version of the map. People would like to ask questions. There were 15-20 maps submitted by various organizations, not one body of people for or against one alderman. They tried to do this for the entire City and their efforts were not given proper consideration. He noted the 7th Ward turned upside down looks like Cape Cod, stretching from the Ecology Center to the Alice Millar Chapel on NU's campus. He said there are many good people trying to make things better for the City.

Mary Singh, 1711 Hinman Ave., hoped Council would pass the map that evening because it helps the 1st Ward by keeping single-family dwellings in the ward and gives them single-family dwellings from the 7th Ward. There are few single-family homes in the 1st Ward. She has served as a poll watcher in the 5th Precinct of the 1st Ward, and most people who live in single family homes come out to vote as do many people who live in low rises.

Allan Drebin, 2018 Orrington Ave., felt Council was not well informed about the legal aspects of redistricting. The whole purpose of the exercise is one person, one vote. Wards must be as equal as possible under the law. Map proposal 15 from last meeting was supposed to be changed and tweaked but changes went in the wrong direction. In proposed Map 15 the difference between the largest and smallest wards was 677. With proposal 15d, the difference is now 711, so rather than decreasing the difference, it increased. The Supreme Court has ruled an easy way to reduce the differences is to change some census blocks from one ward to another. He suggested that last time, which apparently fell on deaf ears. He suggested that Ward 8 under proposal Map 15 is too large by 286 people and Ward 9 is too small by 105. There is a census block on the border with 101 people in it. By moving that from Ward 8 to Ward 9, that would help equalize the wards. The census block removed from Ward 5 and put into Ward 7, when Ward 7 was already the largest ward and has 427 more than the average. Moving that back to Ward 5 would reduce the difference. There was a census block on the border between Ward 7 and Ward 1, which was shifted from Ward 1 to Ward 7 (south of Sheridan Road) with 335 people in it. Ward 1 now has a deficit of 253 and Ward 7 is over by 427. Moving that one census block would reduce the difference among the wards. He urged Council to consider the law, which states "one person, one vote."

Jeff Smith, 2724 Harrison St., said his beef was that people will be treated unequally under Map 15 or 15d and creates a three-tier system for white single-family homeowners. They will go out of their way to draw crazy boundaries to create a dumbbell shaped ward that forces other wards to be crazily shaped. For racial minorities, although there was no finding of racially polarized voting, they will ensure the two wards are 50% African American and have super majorities of racial minorities, a remedy that is imposed in lawsuits that haven't occurred here. For students, overwhelmingly property less and low income, they made an extra effort to ensure their voice is not heard. He is hard pressed as to why Evanston would want this. Regarding the 1st Ward, he did not think that single-family homeowners are currently under represented by the City Council and has no particular beef with them. Regarding students, he thought the basic principal of representative government was that the majority ruled. Apparently the problem during these considerations is the students are a majority in the current 1st Ward and rather than represent their voice they are seeing an effort to sidestep the fundamental principal of majoritarian representative government by deferring to a minority. People that say there are so few of them in this ward, but they want to control the politics of it. The Supreme Court has repeatedly said the right to vote is fundamental and that people have to be treated equally. He has heard aldermen say they don't equate students with homeowners and that 20-year residents should get priority. The Supreme Court says the right to vote is fundamental and one source of that lies in the equal dignity owed to each voter. It does not say anything about giving anybody priorities. A vote can be debased through dilution of the weight of a citizen's vote just as effectively as by not allowing

them into the polling place. The arguments about property and longevity don't wash. In *Dunn vs. Blumstein* in 1972, the Supreme Court struck down a residency requirement for voting. The arguments the State of Tennessee made were the same ones that they are hearing here that "a long-time resident is more likely to exercise his vote more intelligently and people in the state less than one year are likely to be unaware of the issues." That did not wash. In *Kramer vs. Union School District*, they heard from some aldermen who have advocated here, that property allows one to vote. The Supreme Court struck that down. It is not the class of the people who are adversely affected that makes the difference, but it is the right to vote itself that triggers it. He has worked on this issue for 25 years--has nothing to do with personal enmity. They will not find a record of him at any aldermanic coffee for the last eight years for or against. He never met Mr. Drebin until a few weeks ago. If caring about the youngest members of citizenry and believing in the Constitution make him a political enemy of anybody, then he wears the label proudly.

David Kim, 1835 Hinman Ave., debated whether or not to speak but decided to after hearing the previous speakers, because they are a diverse voting block now. All of a sudden they (students) are being punished for their diversity. Because they have students from different backgrounds, with different majors is the reason they (Council) are punishing them. He thought they could say that about every other community in Evanston. It could be said for African Americans who have different jobs. Single family homeowners are Democrats and Republicans. Now because they are diverse, they are being voted against and split up, which was ridiculous, and at the same time ignored because they do have issues. He asked Council to think about the recent attacks on students. Think about the fact that in the past and now students will push for better off-campus lighting because they are the only group that relies on walking as their single means of transportation with a significant portion of students living off-campus. He reminded them that they were not there because of NU's administration, but because of their free will. Council saw a sampling of diversity when 50 students came here and spoke about issues and at the same time spoke as one voice. He assured Council that if more students heard some of the statements made that evening about NU students, even more would be here. He would not have known about this issue unless a friend was working on it. The reason he stayed on it was due to statements that were made recently. He started the year as an American politics major, but when it gets down to City politics with its dealing and bargaining, it is really sad. Now he is an econ major and hopes that America will be a lot cleaner than what he has seen recently.

Madelyn Ducre, 1929 Foster St., comments were about the Human Services Committee meeting on November 3. The agenda was full but no aldermen commented on Item #4. She wanted deposition of citizen complaint against police officers put back on the agenda, given consideration and discussed by aldermen.

Jim Corirossi, 1640 Maple Ave., spoke about the proposed gas tax as president of the Church Street Station Condominium Association, as a property owner and businessman in Evanston. He explained the condominium association recently switched to a broker to buy gas to save money. Their current gas bill is \$40,000 annually. The state has put on a 2.5% tax and the City proposes to add 2.5% tax. So all their work to save money will be gone due to these taxes and they may as well have stayed with Nicor. As a businessman, he rents an office and if this tax is passed, he will see an increase in rent he pays. This will be passed on to tenants. As a property owner, he went to a broker to reduce gas costs. Renters will end up paying. This is increasing taxes. If this is a budget item, put it there and don't call it equalization and he stated to call it what it is--a new tax to raise money.

Dan Schermerhorn, 2737 Central St., spoke about the natural gas tax. His firm represents a number of rental properties and about 25 condominium associations. Natural gas is the single largest expense and, between the state and city tax, they are looking at a 5-7% increase in the overall cost of gas expense. Last year their savings from using a broker was between 7-8%. Putting this tax in place will eliminate savings for buildings of 25-200 units, which they manage. He thought this was not a commercial versus residential equalization idea but was really introducing a tax to some residents who through efforts of management or associations have worked to try to curb expenses so savings will be erased. He urged postponing this until budget deliberations due to the impact on residential decisions here.

Jenny Kim, 2400 Sheridan Rd., found it reprehensible that the City Council would vote on a redistricting map that was not given due process or citizen comment on Map 15 or amendments to the map. Wards are not compact in either map. The main campus is split into wards 7 and 1, however, there are off-campus students residing in wards 2, 4, and 5 so students are split into five wards. Students are a community of interest with the same issues and concerns. The Associated Student Government would like to see an amendment that moves census tracts taken from the 1st Ward and

given back to the 7th Ward. The 7th ward could in return give back the tracts at the north end of maps 15 or 15d to the 1st Ward. She urged Council to use August 1, 2004 as the effective date for the map to ensure fair access to the political process for those whose ward boundaries will change due to redistricting.

Jonathan Perman, 1560 Sherman Ave., executive director Chamber of Commerce, expressed appreciation for the history of gas deregulation provided by staff. Deregulation has lowered gas prices by providing incentives for greater supply. The response by both residential and commercial consumers has defined the lowest responsive and responsible bid. He stated the proposed tax increase would result in an inequality of tax burden and won't provide savings for Nicor buyers but penalize the non-Nicor buyers. This is not a commercial/industrial versus residential issue. As they have heard nearly all condominiums and multi-family dwellings buy from brokers. The proposed tax increase bears no relation to City services. Greater gas use costs the City no money; it is simply a purchase from a third party. They will hear arguments about the differential in tax rates but there are many tax rates that are different based upon the type of user. Under Cook County's classification system, commercial and industrial property owners are assessed at about twice the rate as residential owners. If not for large users of natural gas, smaller user's rates would be even higher. That is why states and localities want a healthy manufacturing sector because those users, who pay the highest property tax rates, help to subsidize the cost of all residential utilities. Now the City wants to tax the very customers who help keep residential rates lower. This proposal lies outside the context of budget and tax discussions for the 2004-05 budget. Any proposed tax increase should be part of a larger discussion about spending cuts, other taxing choices and service spending efficiencies they will grapple with in the next few months. The Chamber hoped this proposal would be placed in that larger context.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Feldman moved Council approval of the Consent Agenda with these exceptions: Ordinance 92-O-03 – Equalization of Gas Use Tax to Gas Utility Tax, Housing Rehabilitation Loan Guidelines, CVS Asbury Consolidation Plan, Ordinance 107-O-03 – Extension of Moratorium in 5th Ward, Ordinance 108-O-03 – Extension of Moratorium in 6th Ward and Ordinance, and 103-O-03 – Amending Title One, Chapter 13 (Wards/Precincts) of City Code. Seconded by Alderman Rainey. Roll call. Voting aye – Wynne, Bernstein, Kent, Moran, Tisdahl, Rainey, Feldman, Newman, Jean-Baptiste. Voting nay – none. Motion carried (9-0).

*** ITEMS APPROVED ON CONSENT AGENDA**

MINUTES:

* Approval of Minutes of the Regular City Council Meeting of November 10, 2003. * 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 November 20, 2003 and the City of Evanston bills for the period ending November 25, 2003 that those be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 11/20/03)	\$1,889,411.88
City of Evanston bills (through 11/25/03)	\$4,412,099.95

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

* Approval of the lowest responsive and responsible bid of E.J. Equipment for one combination sewer cleaning truck for the Water/Sewer Division of Public Works at a cost of \$161,915, including two-year warranty. (Funding available in Fleet Services Capital Outlay Account.) * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Approval of the pre-qualified consultant contract for the Mason Park Field House Renovation Project, awarded to Elliott Dudnik & Assoc. in the amount of \$47,250. (Funded through 2003-04 and proposed 2004-05 CDBG grants.) * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)



* Resolution 70-R-03 – Agreement for City of Evanston Tennis Program – Consideration of proposed Resolution 70-R-03, which authorizes the City Manager to sign an agreement for tennis instruction with Frank Sacks Tennis Camps, Inc. to conduct the City of Evanston Tennis Program for 2003-2006. * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Resolution 72-R-03 – Grant Agreement for Energy Efficient Lighting Upgrade Grant – Consideration of proposed Resolution 72-R-03, which authorizes the City Manager to sign a grant agreement for a 2003 Energy Efficient Lighting Upgrade Grant for a lighting upgrade project at Fleetwood-Jourdain Community Center. * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Ordinance 104-O-03 – City of Evanston 2003 Property Tax Levy Ordinance – Consideration of proposed Ordinance 104-O-03, which legally imposes the City property tax levy. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 105-O-03 – 2003 Property Tax Levy Ordinance/Special Service Area #4 – Consideration of proposed Ordinance 105-O-03, which legally imposes the property tax levy for Special Service Area #4. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 106-O-03 – Evanston Township 2003 Property Tax Levy Ordinance – Consideration of proposed Ordinance 106-O-03, which legally imposes the Evanston Township property tax levy. * MARKED INTRODUCED – CONSENT AGENDA

Alderman Feldman asked if Ordinance 106-O-03 had to be passed by the City or Township? Mayor Morton advised that they needed to convene as Township Trustees on this. Mr. Hill stated that prior opinions were provided on this because Council is the Board of Trustees and did not need to convene as trustees to introduce and approve this item. The Mayor had spoken with the Township Supervisor, consulted the *Guide to Township Government* and understood they were to convene as Township Trustees when dealing with the Township levy and other business, but not on matters brought before the Human Services Committee. She suggested they have a meeting. Mr. Hill stated if Council met as a Board of Trustees and passed legislation it would cause no harm and would be the ultimate level of protection to the correctness of the levy, possibly the most important act of the Trustees.

* Ordinance 102-O-03 – Declaring City Property as Surplus – Consideration of proposed Ordinance 102-O-03, introduced November 10, 2003, which declares street paving bricks as surplus property so they may be sold. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

PLANNING & DEVELOPMENT:

* Ordinance 110-O-03 – Vacant and Boarded Building Ordinance – Consideration of proposed Ordinance 110-O-03 regarding vacant and boarded buildings. * MARKED INTRODUCED – CONSENT AGENDA

HUMAN SERVICES COMMITTEE:

* Resolution 71-R-03 – Acceptance of Donation from American Legion Post 42 – Consideration of proposed Resolution 71-R-03, which authorizes acceptance of a donation to the Evanston Human Relations Commission's Holiday Fund from American Legion Post 42. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0) (The donation was \$2,500.)

OTHER COMMITTEES:

* Resolution 73-R-03 – Assignment and Assumption of Redevelopment Agreement – Consideration

of proposed Resolution 73-R-03, which authorizes the City Manager to execute an assignment and assumption of redevelopment agreement and note for 909 Davis St. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolution 74-R-03 – Assignment and Assumption of Parking Lease – Consideration of proposed Resolution 74-R-03, which authorizes the City Manager to execute an assignment and assumption of parking lease for 909 Davis. * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

APPOINTMENTS:

Mayor Morton asked that the following appointments be introduced:

Valerie Calloway 1823 Crain St.	Arts Council
F. Stephen Lupton 1325 Monroe St.	Environment Board
Warren Michael Green 1631 McDaniel Ave.	Human Relations Commission

* APPROVED – CONSENT AGENDA

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Ordinance 92-O-03 – Equalization of Gas Use Tax to Gas Utility Tax – Consideration of proposed Ordinance 92-O-03, introduced October 13, 2003, approving an equalization of the Gas Use Tax to the Gas Utility Tax, creating equity in taxation among residential, commercial and industrial sectors.

Alderman Rainey clarified this is a tax that is a revenue item and not a 2.5% increase in the tax. This is a 1.5 cents per therm addition to wholesale gas tax which is currently .0095. The tax being suggested is 2.5 cents, an increase of about 1.5 cents per therm. Alderman Rainey moved to table Ordinance 92-O-03. Seconded by Alderman Feldman. Voice vote. Motion carried.

Alderman Rainey explained that this has no effect on any Nicor gas customers and only affects those purchasing wholesale gas through a broker.

PLANNING & DEVELOPMENT:

Housing Rehabilitation Loan Guidelines – Consideration of a recommendation to amend the Housing Rehabilitation Loan Guidelines to include condominiums within the guidelines.

Alderman Newman reported that this item was held in committee.

CVS Asbury Consolidation Plat – Consideration of a recommendation of the Site Plan & Appearance Review Committee to approve a consolidation plat of CVS property at the northeast corner of Asbury and Howard.

Alderman Newman moved to remove this item from the agenda because it was not ready. Seconded by Alderman Bernstein. Alderman Rainey asked if this was going to be handled administratively. Community Development Director James Wolinski explained that when the plat was reviewed, legal staff discovered it did not contain a signoff from the

Cook County Recorder of Deeds. This will be brought back when ready. Voice vote. Motion carried. No nays.

Ordinance 107-O-03 – Extension of Moratorium in 5th Ward – Consideration of proposed Ordinance 107-O-03, which extends a building permit moratorium for construction of new residential construction other than single-family residential in the 5th Ward, provided by Ordinance 61-O-03.

Alderman Newman asked that this item be marked introduced.

Alderman Newman moved to Suspend the Rules to adopt an ordinance at the meeting in which it was introduced. Seconded by Alderman Kent.

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

Alderman Newman moved approval. Seconded by Alderman Kent.

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

Ordinance 108-O-03 – Extension of Moratorium in 6th Ward – Consideration of proposed Ordinance 108-O-03, which extends by 60 days the moratorium on issuance of building permits for construction of new single-family residences in R1 Districts in the 6th Ward, provided by Ordinance 56-O-03.

Alderman Newman asked that this item be marked introduced. He reported the committee voted 4-1 to suspend the rules to approve it that evening.

Alderman Newman moved to Suspend the Rules to adopt an ordinance at the meeting in which it was introduced. Seconded by Alderman Moran.

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

Alderman Moran raised a Point of Order; he did not think a unanimous vote was needed to suspend the rules according to Council rules. He referred to Rule 17, which said that 2/3 vote was necessary and also referred to Robert's Rules of Order, which said that a general motion to suspend rules requires a 2/3 vote. Mayor Morton said according to Council rules, page 21, a unanimous vote was required to suspend the rules.

OTHER COMMITTEES:

Ordinance 103-O-03 – Amending Title One, Chapter 13 (Wards and Precincts) of the City Code – Consideration of proposed Ordinance 103-O-03, which amends Title One, Chapter 13 of the City Code (Wards and Precincts) establishing ward and precinct boundaries.

Alderman Jean-Baptiste moved approval of Ordinance 103-O-03. Seconded by Alderman Bernstein.

Alderman Moran thought this was a fait accompli and objected to the map. At prior meetings his preference was that City Council consider other proposed maps that accomplished the objectives, but this map has the clear impact of diluting the vote of NU students and is consistent with remarks made that evening and other times, and was an unfortunate development. Through implementation of other proposed maps, Council has the ability to maintain two majority/minority wards, which he supported. But it did not have to be done at the sacrifice of ardent civic involvement of students. He found it disappointing that Council did not consider other maps that would have avoided this result, nevertheless it will go forward. Perhaps there is a lesson to be learned from this. It was disquieting how this process went forward with the number of public meetings held, citizen comment, proposals from groups and individuals, which he welcomed and they

were offered in the best interests of citizen involvement. At prior meetings they had maps that were never discussed. They had maps proposed by a small number of Council members who chose to put maps forward with only a few days consideration. If the result in this process and feelings it has generated are ultimately realized, he hoped the democratic process will be enhanced and instill in some that they have to keep their "eye on the ball." If that means getting out and organizing, setting forth a position, inciting people to come out and vote, maybe it would be a good end for the process. He wasn't be inspired by this particular map and its consequences; hoped in the future he would be inspired by actions that result from this process.

Alderman Tisdahl moved that August 1, 2004 be the effective date of the map. Seconded by Alderman Feldman Mr. Hill said that the Law Department suggested that date. They sought a different date for certainty for candidates for elective office and Cook County to create precincts. The City Clerk did research on this and it appears August 1 would allow sufficient time to create precincts and time to circulate petitions for office, which was the basis of the request for the new date. Voice vote. Motion carried. No nays.

In response to Alderman Rainey, Alderman Jean-Baptiste restated the motion that Council adopt Map 15d, under proposed Ordinance 103-O-03. Seconded by Alderman Bernstein. Alderman Feldman stated that Map 15 had been introduced. City Manager stated an amendment was needed to incorporate Map 15d. Mr. Hill advised Council to make an amendment to substitute Map 15d in Exhibit A. Alderman Feldman moved that Council substitute Map 15d in Exhibit A. Seconded by Alderman Bernstein. Voice vote. Motion carried. No nays.

Alderman Jean-Baptiste had a different perspective than Alderman Moran about the redistricting process. Map 15d was the result of collective deliberations by citizens and elected officials. They started the process with Map 1 and engaged most aldermen in discussions with some agreeing to move forward and others wanting more time to consider different options. A meeting was organized of concerned citizens and Map 2 was put forward. Alderman Newman and he came back with Map 3, discussed that and others came back with maps 4, 5 and 6, etc. They engaged in discussions during that process. He called every alderman and was involved in map making. Citizens groups came forward with maps and others were put forward then pulled back and contained significant creative ideas. The NAACP made a significant statement at a public hearing when they suggested the standard they were using might not have been appropriate, which was taken into consideration. At the Rules Committee all were asked to read *Barnett versus City of Chicago*. Some went to the GIS office to engage in map making and, in the process, took each other's ideas and concerns into consideration. That continued until the final Map 15d was put on the table. He respected Alderman Moran and noted that he did not engage in map making or in the process and had the option of putting forward an alternative map, and arguing for it. Unless one engaged in the process, one does not take into consideration other's issues and does not understand the relevance of different boundaries to Council members and others. He respected Alderman Moran's dissent but when he stood to make a statement that was not enough. He did not think the students had been disempowered. None looked forward to redistricting because it was time consuming and it meant integrating new people into new boundaries. Except for the legal necessity, they would have not done it. When they had to shift numbers from various wards they had an obligation to engage in the process, make certain choices and this is the result. It had nothing to do with malice toward students and with what dissenters articulated. At the last Human Services Committee meeting, there were initiatives to license landlords (particularly those near the university) and to bring more light to that community. He did not think elected officials had moved away from meeting the needs of students but had moved closer to them.

Alderman Newman asked Mr. Hill if he had heard all the arguments made by citizens. Yes he had. He had heard the arguments regarding the 1983 Supreme Court case about the number of people that had to be in each district, arguments about population of 18-year olds and over and all arguments about illegalities. Alderman Newman asked Mr. Hill if Map 15d met all the legal requirements from the state and federal laws. Mr. Hill and legal staff believed that Map 15d satisfied the legal requirements and met the standards of the Voting Rights Act and the U.S. Constitution. It is consistent as interpreted by the Court of Appeals in their circuit; consistent with federal decisions of courts and they believed the map was sustainable and reflected proper redistricting standards, methods and actions.

Alderman Newman recalled talk of gerrymandering and showed maps drawn by the legislature of the entire state and in particular the 4th Congressional District, which was upheld in court. He asked these be shown to see what some districts look like; did not know what public hearings the state held on redistricting congressional and legislative districts.

He stated that Evanston held many public hearings on redistricting and suggested that not many people cared about this. Some census blocks were changed in the 1st Ward and he received only one email and one phone call. The Associated Student Government came and asked people to show up. While this has gone on, the *Daily* had run articles on this. All knew Council was redistricting a new map with some shifts. He stated the current map puts approximately 2,300 students in the 7th Ward. In the last election the winner got 1,000 votes. Council was told by those who don't like this map that they are diluting – taking away the opportunity for student representation. They have put 2,300 voters 18 and over into a second ward where it took approximately 1,000 people to get elected. It seemed to him they have created the opportunity for students to elect not one but two aldermen. The 1st Ward had too many people, so some had to go. He looked at every map that came forward and had nothing to do with Map 15d. During this process citizen comments were considered and some things were drastically changed, but not everything was changed to everybody's liking. One Council member dislikes this map so much that he is telling people to run against everybody else. He has the right to do that. Not one voter was changed in that alderman's ward. He heard no outcry from 6th Ward residents. The 1st Ward now has 7,966 and the 2nd Ward has 8,041. Since the 2000 Census in the 2nd Ward, there is a large condominium building that was not counted, so it can take some growth. In the 1st Ward a building going up at 1800 Sherman, will add 240 units and another at Sherman Plaza will add 200 units. This allows them to contemplate this growth.

Regarding long-term homeowners, he thought Council has the right to look at diversity in all wards. When the City passes bonds, those are 20-year obligations paid from the property taxes. That is a long obligation for residents to be subject to. They want to look at the long-term, because if they don't, they can do anything in a three-four year period, but the bills have to be paid. He heard that evening that long-term homeowners are given preference. What is happening is that they looked at diversity and, in this case, the 1st Ward has by far the least number of single-family homes. When they are through, the 1st Ward will still have the most multi-family homes. He acknowledged that people look at political considerations in remapping. When any map is drawn in the state, Republicans and Democrats consider political impacts. He noted Evanston's congressman asked the state to look at the map again. What is so surprising about this is that somehow it was only Council members who had political considerations. Everybody else had pure motives. He did not buy that and could give examples. He said this process was as open as any redistricting process. Some say it was not long enough. He noted they started two and one half years ago. Every meeting was posted and both proponents and opponents could have been present. He said much time has been put into this map, with other important issues, to him it was too much, but they did what they had to do. Aldermen Jean-Baptiste and Bernstein have a map on the table that he will support because he thought it was fair to all who choose to run for alderman in the 1st Ward after him. There are still thousands of students in the 1st Ward and he won the last election with 850 votes. There is opportunity for anybody to get elected if people come out and push. When it takes 850 votes to win and there are still thousands of voters, it is a non-argument – somebody had to be moved out. They have maintained diversity and kept single-family homeowners and Council did as good a job as they could. Most people in Evanston don't care about this except the politicians.

Alderman Moran responded to Alderman Jean-Baptiste's comments; recalled redistricting started in May/June and that it was mentioned 2½ years ago but nobody did anything. When the Rules Committee met with a map, Alderman Jean-Baptiste was not happy with it and there was a clear ground swell toward adoption of that map. He stood with Alderman Jean-Baptiste then to resist the effort to adopt a map that would be adverse to his interests. Next there was a relenting of the urgency to do a map. At least at one Rules Committee, a chairman said there was plenty of time to work on a new map and they would get a map in summer 2004. At the next meeting there was a rush to get the map done. An issue on the table was that the committee and Council would vote on a map before the students returned. That night he weighed in but his arguments did not carry, but he was happy to report that they (students) were able to come back and join this discussion. At a prior meeting, he suggested the Council consider four maps. He did not feel the necessity to create a map because there were plenty of them that would have served the interests of all people. He saw several maps that were responsive to needs that were expressed. At that meeting he suggested they entertain four maps by way of a motion. That motion did not get a second. That silence was the most profound commentary as to the openness of the process and his ability to influence it. He wanted Alderman Jean-Baptiste to understand his perspective on his remarks. Alderman Moran moved to hold Ordinance 103-O-03 over. Seconded by Alderman Rainey.

Alderman Newman moved to overrule the holdover. Seconded by Alderman Rainey. Mr. Hill read Council rule 18.12, page 16.

Alderman Newman stated the motion was for the purpose of delay; the maker of the motion has not one block affected by redistricting and was incorrect when he said they had started in June. Alderman Newman recalled they had many meetings and were going to do various things over a two year period. He said there have been multiple public hearings and Rules Committee meetings and saw no good reason to delay this. In December they have only one meeting with a packed agenda. If Alderman Moran had an issue before tonight he could have picked up the phone and do what the rest of them have done. He thought they should vote on the ordinance and that they are done

Alderman Feldman said there are significant issues before Council that require hard work. They have spent enough time on this and there are no competing maps with 15d. He saw no good reason to hold this and urged them to finish.

Alderman Rainey stated that she seconded the motion for the purpose of delay. She met with Alderman Bernstein and Pat Keegan in the GIS Division and her concern was that Map 15 was produced without any discussion with her and chopped one of her active neighborhood groups (community of interest) in two. She had agreed to make a couple of changes in a meeting with Alderman Bernstein and Pat Keegan so that her ward was divided another way. When she got home, it was clear when she looked at the neighborhoods she traded off, that she had made a mistake. She would like two weeks to take another look at how to carve up her ward and that's the only reason to delay. She would have moved to hold over had not Alderman Moran done so. She promised she would vote on the resulting map. If those two weeks give others opportunities to come up with something, that was fine. She would work with Alderman Feldman and realized she had to give up people because she has the largest number of children in her ward. She ends up with 8,000 plus population, but more than 2,000 are under 18 years of age. The reason she was not involved all along was because she had 100 less than the standard deviation for 18 and over population, which was what she thought this map was going to be generated from. Now that it is not, she wanted time to talk to a few people and look at another way to take those people out of her ward. She asked once the redistricting is voted on if the map could be amended?

Mr. Hill noted that ordinances in the City Code are subject to amendment. He thought if an amendment was requested it could be considered but once there has been an election he thought it would be inappropriate to pass an amendment. Alderman Rainey was thinking about amending the map prior to August 1, 2004. Mr. Hill was not aware of situations where maps have been redone without a court order.

Alderman Jean-Baptiste acknowledged that Alderman Moran had participated in the process, referring to the fact that engagement in the process could have put a product out that reflected Alderman Moran's perspective. While he did not engage in producing a map, he was not sure any map could have satisfied Alderman Moran. Regarding Alderman Rainey's intervention, he looked at the 18 and over population in the wards; saw the 8th Ward has 6,067, the 9th Ward has 6,228 and the 5th Ward has 5,998. The 2nd Ward has 5,864. He thought they had been fair and open to each other's concerns and urged colleagues to vote to override the holdover.

Alderman Rainey stated that she was not talking about taking anything from Alderman Feldman's ward but was talking about "giving" to Alderman Feldman's ward. She has accepted the fact that they are dealing with total population. She wanted to reconfigure the cuts from her ward into his ward and needed time to do that.

Alderman Feldman would not oppose Alderman Rainey's request for additional time because she gave a good reason for it and supported the holdover.

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

CALL OF THE WARDS:

3rd Ward. Alderman Wynne shared Lewis Koch's concern about the Levy Center sign. She did not think that digital signs were permitted here; wanted an explanation as to how it appeared, its cost and did not think it was appropriate. She requested an up-to-date set of Council rules for each alderman's desk. Wished all a happy Thanksgiving.

4th Ward. Alderman Bernstein congratulated Chief Wilkinson and wished him the best in retirement; congratulated

Assistant to the City Manager Maureen Barry upon graduation from the Citizens Police Academy 18th class. He encouraged all to enroll in this program, which begins again in March 2004.

At the last meeting he mentioned the ETHS pompom squad lacked \$4,000 to participate in a national competition and thanked the pompom angel who contributed the \$4,100 needed.

He encouraged all to Shop Evanston First for gifts, which would help Evanston's economy. He reported the CD committee just concluded distribution of federal funds and thanked the agencies who came before them on behalf of those in need. He said to address those problems, one sees the worst problems of society and people.

He wished all a happy, healthy Thanksgiving and asked people to hug their families

5th Ward. Alderman Kent echoed Alderman Bernstein's comments to Chief Wilkinson and urged him to have fun.

He reported in the 1900 block of Dewey Avenue a beautiful single-family home was neglected and the owner sold it. The buyer plans to demolish it and build a two-unit building. Neighbors were not included in the plans. This is about opening up plans to the community. It was an abuse he was tired of taking and awaited a report on how this single-family home turned into a two-flat. He made a reference to the P&D Committee to investigate procedures that would not allow homes to be demolished until a plan is created for that property

He appreciated the percentage of set asides at 1930 Ridge but was not in favor of the project then or now; thought the underground parking and going down to four-stories were the result of a team effort. He favored many fewer units. He thought they should revel in the fact that they carved out some affordable housing. He noted at the lottery there was no language that these units were for Evanston families, so they may not help Evanston families. He made a reference to the Law Department to put affordable set asides in for Evanston residents. He wished all a happy Thanksgiving.

6th Ward. Alderman Moran expressed gratitude to the Zoning Committee of the Plan Commission for working hard to address the issues of bulk limitations on single-family homes. That proposal was adopted unanimously by the Plan Commission. He was sorry one person forestalled the continuation of the moratorium. Perhaps nothing would happen in the gap of eight days. He thanked Zoning Administrator Arthur Alterson for all his hard work and the 6th Ward residents who came forward.

He thanked Chief Wilkinson for his hard work over the past 36 years and as chair of the 9-1-1 Board, Chief Wilkinson had been a strong contributor and gave wise counsel. He wished him well.

Alderman Moran expressed condolences to the Grumman family on the death of Blair Grumman. He said she was a tremendous force for good in many ways; contributed to child care, early childhood education and did a wonderful job. When he became involved with the early childhood consortium, he recalled her encyclopedic knowledge about childhood issues; said she will be sorely missed. He wished all a happy Thanksgiving.

7th Ward. Alderman Tisdahl expressed appreciation to Chief Wilkinson for years of keeping all safe and wished him well. She reported speaking to the student government at Northwestern University; students asked for signs for safety shuttle pickups and announced Mr. Crum agreed the City would do that. Due to a business trip she cannot attend the Rules Committee meeting on December 1. She hoped all would enjoy a wonderful Thanksgiving.

8th Ward. Alderman Rainey thanked the P&D Committee and Community Development staff for the board-up ordinance and discussion on licensing Evanston landlords. She was concerned because she was not present for inclusion of condominium units in the rehab program; hoped someone could explain why that was not brought to Council.

She thanked Fire Chief Wilkinson for his hard work and praised the department.

In reference to the proposed gas tax, she noted that bulk gas purchasers receive cheaper gas than those who don't use enough gas to buy in bulk. The tax for single family and small users through Nicor is 5.15 cents. Those buying cheaper bulk gas are paying less than one penny. This has cost Evanston and other municipalities hundreds of thousands, even

million of dollars a year. There is a huge gap and it is money that the City used to receive when everybody bought through Nicor. That money has to be made up. The landlords are saying that if this tax is put on, they will pass it onto tenants. She asked when landlords started purchasing wholesale gas and got this huge reduction in their gas bill did they pass the savings on to their tenants? She did not think they did. Every tax that is imposed on anything is to raise revenue. The City does it because it takes money to run the City.

Regarding the sewer tax, she thought years ago the Council would have added the cost of rehabilitating sewers to the property tax bill so taxpayers could deduct that enormous burden from their income tax. The reason they could not do that was the City was able to include not-for-profit institutions to pay for that work. That is why the citizens are burdened by the large sewer charges. She wished all a happy Thanksgiving.

She appreciated those who supported the holdover; reported the news media failed to report on the murder of two young men at Howard/Custer/Damen on Tuesday.

9th Ward. No report.

1st Ward. Alderman Newman reported discussion at the last Human Services Committee meeting of disturbances in the 5th Ward west of Sherman, east of Ridge, north of Emerson and south of Colfax and of robberies around the university. He stated Chief Kaminski has had undercover work and all kinds of things done so there was no question that resources of the Evanston Police Department took this situation seriously. Evanston has the largest police department of any suburb north or west. Council has made a large commitment to public safety and done so in the face of high taxes because of the importance of public safety. NU's representative was there and one thing that struck a nerve was when he mentioned the size of the University of Chicago and Northwestern police forces, which roughly have the same number of students. He acknowledged they aren't exactly the same. The University of Chicago police force is 163 while Northwestern has only 31. He was told he was misusing that fact and thought he was onto something. He has pushed for the university to add additional people, which is a win/win for everybody – a win for the university because they can increase security for students and a win for people in the downtown area. It's a win for the City because other wards will have additional uniformed police on the street without the police force having to put their resources around the university. Two years ago he asked NU to put a foot patrol on Clark because of situations there with students and women. What NU gave was an officer 20 minutes every four hours. That was prior to recent events. He suggested if they want to stop things from happening in the 700-800 block of Foster Street, between the El and the university, they might want to put in another foot patrol. People walk there late at night. There is an opportunity for NU to put more funds into their budget to help the community be more secure. All should push for this.

He stated he had good reason to vote against the 6th Ward moratorium that evening and that zoning by ward is a difficult concept. He went and took a good look; thought the 6th Ward alderman was prone to exaggeration and, at times, distortion. He said at a past Council meeting, the City restricted an owner of landmark property from putting up a roof six-feet higher. In that case, Council sustained the decision of the Preservation Commission. They were told by Alderman Moran that doing that “bordered on totalitarian activity and he was offended by it.” Now there is a proposal that substantially restricts thousands of owners on how high the roof of houses in the 6th Ward can be. There are parts of the proposal that he can support. It was almost a joke to him the amount of public hearings that they have had on redistricting and little on this proposal, where homeowners are having their property down-zoned substantially. He looked at the house on Grant in the 7th Ward and that is a tough situation. He looked at homes on Hurd that were beautiful. Usually in land use and zoning they do things to preserve property values because they are concerned about adverse effects. He was not sure what was going on here. When somebody builds a slightly bigger house, property values are increased. If a fantastic new house is built and replaces an old dilapidated house, the block has been improved so for a blanket (limitation) saying they want it to happen in the entire 6th Ward, there needs to be a lot of explanation. This is much different than the historic district. In the historic district they did not reduce the size of an addition that could be put on a house. All the R1 regulations are in effect in historic districts. He has a 2½-story addition going onto a house on his block, which is in a historic district. He said they are significantly reducing people's ability to put additions onto their houses. This is not just about tear downs. He suggested that parts of this ordinance may be right but they need to see that people in the 6th Ward know what is going on. By the time they voted on the historic district, there had been many meetings and everybody had a chance to register. He said notices were sent out by the Plan Commission and asked that

all Council members receive that notice. One part of the ordinance he supported was measuring from grade to the top of a house to get a "true" 36 feet (from the ground), but this ordinance does more than that. It has implications on lot coverage. He advised people to go down the streets to see whether or not the 6th Ward is bleeding. To put the whole thing everywhere, compared to what was demanded by that ward, they have done nothing. He did not know what would come from the 5th Ward but did not think it would encompass the entire ward. If it is, there has to be justification for it. To start that is going down the wrong road. They need to downzone where they have an identifiable problem. He urged all to go and look. He did not see a crisis. There are some houses he would not have built. He expected to be visited by organized 6th Ward homeowners who support the changes and get bawled out at the next meeting. He said, in regard to suspension of the rules, if Alderman Moran had put this on the agenda at the last meeting, it could have been voted on that evening. He has serious reservations about this, received no communication and could not vote on it. If somebody wants his support for suspension of the rules on something of this magnitude he suggested he be called before the meeting.

2nd Ward. Alderman Jean-Baptiste announced the December 1 Rules Committee meeting was cancelled and there would be a Human Services Committee meeting at Robert Crown Center. During the holiday season he called upon Evanston businesses to hire Evanston residents and called on the Chamber of Commerce to help with that process. He asked the City Manager to send letters to local businesses.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 11:42 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.