

**CITY COUNCIL**

December 15, 2003

**ROLL CALL - PRESENT:**

Alderman Kent  
Alderman Moran  
Alderman Tisdahl

Alderman Rainey  
Alderman Feldman  
Alderman Jean-Baptiste

A Quorum was present.

**NOT PRESENT  
AT ROLL CALL:**

Aldermen Newman, Wynne

**ABSENT:**

Alderman Bernstein

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, December 15, 2003, at 5:38 p.m. in the Aldermanic Library. Alderman Tisdahl moved that Council convene into Closed Session for the purpose of discussing matters related to real estate, litigation and closed session minutes pursuant to 5ILCS Section 120/2 (c) (5), (6), (11) and (21). Seconded by Alderman Feldman.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

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

Roll call. Voting aye – Kent, Moran, Tisdahl, Rainey, Feldman, Jean-Baptiste. Voting nay – none. Motion carried (6-0).

At 6:13 p.m. Alderman Tisdahl moved to reconvene into Open Session and recess. Seconded by Alderman Feldman. Motion carried. No nays.

Mayor Morton reconvened the City Council at 9:25 p.m. in the City Council Chamber.

**ANNOUNCEMENTS:**

Public Works Director David Jennings announced that Christmas week refuse would be collected Monday, Tuesday, Friday and Saturday and recycling pickups would be Monday, Tuesday, Wednesday and Friday. The week of New Year's refuse and recycling pickups would be Monday, Tuesday, Wednesday and Friday.

He announced basic snow removal regulations. When it snows don't park on snow routes at night; during a snow emergency park on the appropriate side of residential streets during the day. Clear sidewalks of ice and snow. Remove snow from parking lots you are responsible for without pushing snow into the street or alley.

Finance Director Bill Stafford announced extended hours for senior citizens to purchase discounted vehicle stickers on Saturdays, January 3 and 10, 2004, from 9:00 a.m. to 2:00 p.m.

Parks/Forestry & Recreation Director Doug Gaynor announced that the Hanukah Festival of Lights would be observed December 19-27 with Evanston's lighting ceremony December 20 in Fountain Square. The 11<sup>th</sup> annual First Night

Evanston celebration would be Wednesday, December 31, from 6:00 p.m. to midnight with fireworks. Admission buttons are for sale at [www.firstnightevanston.org](http://www.firstnightevanston.org) or by phone (847) 289-4248. Buttons are available at Borders in Evanston and Barnes & Noble in Evanston and Old Orchard

City Manager Roger Crum announced the Civic Center would be closed December 24-25, 2003 and January 1, 2004.

Mayor Morton announced the Omni Orrington Hotel will have a \$20 million renovation and close January 1, 2004 for six months. The City is proud that this investment is being made and she was especially proud of Mr. DeStefano, one of the developers, who went all through Evanston public schools.

**COMMUNICATIONS:** None

#### **Public Hearing: Proposed Howard Street TIF District**

Alderman Feldman, Economic Development Committee Chair, reported that the Howard Street TIF District was passed unanimously by the Joint Review Board (City, school boards, Cook County, Township and Ridgeville Park District) and the Economic Development Committee, an initiative long overdue and a positive act. Howard Street has received resources and energy from the City, which have yet to make a difference in the social ills that plague that street. Both the committee and board believe this has a good chance of turning things around. TIF boundaries are the north side of Howard from the El station on the east to Ridge Avenue on the west. The northern boundary of the TIF is the alley north of Howard St., except for a few parcels that exist on the west side of Chicago Ave. north of Howard St., but south of the existing service station. The purpose of the TIF is to stimulate the revitalization of Howard St., a corridor that has experienced little private investment, when many other areas of Evanston have received substantial revitalization.

#### **Citizen Comment**

Jacqueline Verrilli, 1405 Lincoln St., favored creation of this TIF; hoped the City would use discretion in distribution and use of funds. She thought it would infuse new life into the area that is desperate for new investment. She hoped this would be a first step in the City's shifting its focus away from the downtown to other areas that are in greater need of investment. She believed this TIF will be a watershed of benefits for local businesses, residents and the City.

Shaun Kroeger, 127 Clyde Ave., agreed with Ms. Verrilli's statements. His concerns lie in parcels that are north on Chicago Ave., because they have a third floor residence there and are afraid development might block their view of downtown Chicago and the lakefront if anything is built above the train tracks. As a whole he thought it was a good idea and positive for Howard St.

Mark Simon, 217 Kedzie St., a family physician said his office is the Evanston Rogers Park Family Health Center on the Chicago side at Howard/Ashland. He came because he thought they would talk about safety issues on Howard St. They are trying to build a healthy community with the health center, which depends upon economic development. There has been some development with the collaboration with Chicago on the streetscape. Economic development would be greatly appreciated by all who want that to be a healthy community.

Tom McSheehy, 131 Clyde Ave., condominium owner has lived there a year; stated south Evanston needs a lot of help, especially on Howard St. with more diverse businesses and restaurants. He has a parcel on Chicago Ave. and if that were developed with high rises where there is a U-Haul and parking lot, it would impact his investment. His other concern was about rampant condominium conversions. He understood the need for tax dollars. He sees congestion has increased significantly over the last eight-nine years; asked if Council has a vision of how much Evanston can sustain in cars, traffic and people. There is parking under some buildings, but how about the streets and at what point does the quality of life go down from traffic and pollution. He said Howard St. needs investment; hoped for balance and that small businesses don't get moved out.

Peter Braithwaite, 132 Clyde Ave., resident, thanked Council for their support of 8<sup>th</sup> Ward residents on Howard St. and supported remarks of the first speaker and the TIF ordinance.

Abe Hernandez, 130 Clyde Ave., resident for four years, has seen improvement on his street; was thrilled with the landscaping on Howard St. The park was renovated and now he, his wife and two children go there. This is another step that all want to see. If they could just get places they can walk to such as Starbuck's or Tommy Nevins that would be great. They would like to see the focus on south Evanston and he supported the TIF.

Ibrahim Shihadeh, 942 Sherman Ave., developer, said five years ago he invested in a building at Brummel/Clyde. His friends told him to get him head examined. The area was very tough. They did the first condominium conversion that attracted people to live there. Then did several other buildings that were successful. Howard Street is still rough and newcomers want to see it improved. The TIF is a great step in the right direction and they support it.

Albert H. Bowen, 1623 Thelin Ct., has lived here for 57 years; first invested in property on Darrow. Then he sold that and invested on Chicago's west side, which was worse than Clyde Avenue. He came back to Evanston and bought a building on Clyde in 1986. He recalled that area when it was "way up there" but when he bought it was "way down." Now it is coming back and he would like to see it come all the way back. He supported the TIF district.

Samuel Thomas, 703 Brummel St. owns a building at Custer/Brummel; invested about six years ago. The neighborhood has improved. When he heard about the TIF he was excited and hoped it goes through. He said, when mentioned, Howard St. still has a negative impact. He still has some difficulty renting units but it has improved. If the TIF goes through he thought it would get that much better. Howard St. needs a facelift and he looked forward to it happening.

Betty Ester, 1806 Grey Ave., spoke for the TIF and has worked with many people who live there. In that community they will have wonderful artwork, "The Wall of Struggling Dreams," which all should visit. That community started changing due to a tragedy and is still changing. If they go ahead with the TIF and there is residential development, she asked that 25% of the units be set aside for low-income families below the 80% median income.

City Clerk Mary Morris announced that no one had submitted written testimony to the City Clerk's office concerning the Howard Street TIF.

Mayor Morton closed the Howard Street TIF District public hearing at 9:50 p.m.

#### **Public Hearing: 2003 Property Tax Levy**

Finance Director Bill Stafford stated that Illinois law requires a public hearing on the 2003 tax levy. This was advertised in the December 4, 2003 edition of the *Evanston Review*. This is for the ongoing City budget for 2003-04, which was approved by City Council in February 2003. The total tax levy is \$21,550,680, excluding debt service. The tax levy for Special Service Area No. 4 is \$255,000 and the total tax levy for the Township is \$1,232,805.

Betty Ester asked the total assessed value of all property in Evanston. Mr. Stafford stated it is about \$1.6 billion. She asked the amount of money the City needed. Mr. Stafford said the City is requesting \$21,550,580 for the General Fund and police/fire pensions. There is about \$7.5 million for debt service for bonds registered at Cook County. In addition, there is \$255,000 for SSA No. 4 and the Township levy of \$1,232,805.

Bob Janes asked the percent of change in the property tax from the prior budget year. It was about 5.6%.

At 9:55 p.m., Mayor Morton declared the Tax Levy public hearing closed.

#### **CITIZEN COMMENT:**

Betty Ester, 1806 Grey Ave., spoke about Ordinance 112-O-03, written for the 6<sup>th</sup> Ward; which she thought addressed concerns of residents in the 5<sup>th</sup> Ward and should be applied there, too.

Larry Magill, 2744 Lincolnwood Dr., also owns a home at 2751 Hurd Ave. Not a developer, he bought the Hurd property so his family could remain in Evanston. For the past 180 days he has been detained and currently holds two mortgages, which is an economic stress on his family. He strongly objected to the moratorium or any extension of it; also objected to the ordinance, which does not take into consideration the economic impact it would have on the 6<sup>th</sup> Ward. He believed

that a small group within the 6<sup>th</sup> Ward proposed the ordinance. He challenged the alderman to show whether residents of Lincolnwood Dr., Hurd Ave. and other streets have participated actively in this process. He was there because he is directly impacted. He has talked to neighbors who are not directly impacted day to day and who don't come to meetings. He suggested that before Council takes action, they needed to notify all 6<sup>th</sup> Ward residents of this with an opportunity to comment.

Craig Walker, 2418 Payne St., is not a developer; said the 6<sup>th</sup> Ward moratorium affects people outside the 6<sup>th</sup> Ward and sends a signal that discourages people from investing in Evanston. He understood the desire to maintain a neighborhood "feel." All discussions he heard have dealt with size and denial that this was going to be the "taste police" but he still thinks that is partly what is going on. He heard no discussion about the neighbors as opposed to the building that make up the neighborhood. He said the impression they are giving potential neighbors has a negative tone and people should reconsider that aspect.

Jeff Clark, 2815 Hartzell St., 30-year 6<sup>th</sup> Ward resident, was opposed to the prior two speakers; said there is a great need to extend the moratorium. He has attended hearings for commercial properties on Central St. and for the proposed overlay district. He did not envy those who have to referee all of this but it is a job that has to be done. He said the process of deciding whether to enact an overlay district is still under discussion. He disputes that passing the revised zoning restrictions have a huge economic impact on 6<sup>th</sup> Ward property owners. There was discussion about how property values have gone up to everybody's benefit without tearing down houses and putting up larger ones. Many share his viewpoint. Residents don't want the "taste police;" or to scrutinize building materials, but want to maintain a sense of proportion and scale. This discussion is still open and, until voted up or down, the moratorium should stay.

Lewis Koch, 343 Dodge Ave., complained for the second time about the garish time/temperature sign at the Levy Senior Center; said it has more information than before and has gotten worse. He was critical of Doug Gaynor for not getting the sign reprogrammed; said funds were spent and review boards were ignored. He asked Council to demand (to know) if City funds were spent to build and maintain the sign. Was procurement and maintenance of the sign subject to an open bid process? He asked why wasn't the traffic/accident division of the Police Department consulted about it and hearings held with comments from citizens. He said it was time for City Council to do something about these complaints. If the sign distracts a driver and there is a fatality, he asked which elected official will accept some degree of responsibility.

Hal Mead, 2205 Maple Ave., with Evanston Energy Future, stated the group advocates adoption of the 2003 International Energy Conservation Code as part of the general building code, which would apply to all new construction and renovations. Why an energy conservation code? Energy efficient buildings are less expensive to operate; the U.S.A. is running out of fossil fuels and the current energy model is based upon a finite resource of energy. Neighboring communities have such legislation and Evanston wants to stay competitive. Evanston Energy Future wants Evanston to be a leader. This code is a minimum standard that has been reviewed by code officials, architects, builders, engineers and developers; does not represent radical construction methods but shows what can be done and is in use in many communities. The code would be easy to implement, administer and enforce. The importance of getting efficient construction in at the beginning of a project cannot be stressed enough. They see an energy code as an investment in Evanston's future. He suggested the City adopt this code as soon as possible so the benefits can be available to the community now and the future.

Gina Lettiere, 1524 Crain St., reported that volunteers circulated petitions and obtained 800-900 citizen signatures in support of the City adopting an energy efficient building code. People commented that they found the subject interesting; many were surprised that Evanston does not have a current energy code during a period when there has been a lot of building. Some expressed a lack of faith that the Council would work with them on this, but she felt with encouragement and support the Council would adopt the code.

Mayor Morton said that the Energy Commission already has the right to establish an energy policy for the City, which could embody a conservation code.

Derek Supple, 912 Hamlin, Northwestern University engineering student and new chair of the Environment Board, urged adoption of the 2003 International Energy Conservation Code; thought the policy is written so it can be incorporated into

the building code. He emphasized the payback would be in various sized buildings and justifies the initial cost. He showed a table of energy savings prepared for the State of Illinois by the Pacific Northwest Laboratory in 2002, reflecting 2001 energy prices to residential, commercial, retail and educational buildings, showing annual energy savings of more than 10%. These annual savings continue to accrue annually are a great benefit to owners and renters. He noted that the code represents basic good construction and does not propose any radical strategies. The majority of corporations and institutions that own buildings already build to this code or beyond.

Nicolai Schousboe, 1139 Elmwood Ave., 20-year resident, said adopting the 2003 International Energy Conservation Code was a necessary local contribution to the crucial national challenge to attain energy security and independence. He reported that consumption of energy in developed nations is roughly divided into thirds: transportation, industry, and commercial/residential buildings. Their point is that buildings and their operation are a part of the national energy mix. He reported the Department of Energy annual review posted October 2003, gives a snapshot of the extent of energy consumption in the U.S.A. He said that building codes can not ignore where resources come from and how efficiently they are used. Poor decisions made now on the energy efficiency of new buildings will burden future generations with dependency on imported energy and the consequences of expanded greenhouse gas emissions.

Joel Freeman, 2151 Hartrey Ave., 12-year resident, has worked for the last 20 years for an engineering consulting firm in work related to building energy use and building systems design. As of June 2003 more than 20 state governments have adopted code requirements that comply with the amended Energy Policy Conservation Act passed by the federal government. Illinois has not done this. One county, Chicago, Glenview, Des Plaines, Lincolnshire, Schaumburg, Rockford, Peoria and Naperville have begun to adopt current energy conservation codes. He urged Council to adopt the International Energy Conservation Code to supplement its other building codes. Grant money is available from several sources. He hoped that Evanston would follow the vanguard of other states and cities that have adopted an energy conservation code to make energy conservation an important part of public policy.

Len Sciarra, 3003 Park Place, architect, has been involved with energy codes and high performance buildings both nationally and locally. He spoke about implementation and enforcement. Their group supports a self-certification system where the design professional stamps/certifies that the drawings conform to the code. He stated that architects and engineers do this all the time and he did not see this as an additional burden to the City. While not the best enforcement mechanism, it is one that should be considered in tight budget times. A more important aspect and crucial to the success of the code adoption and use is implementation and education of the broader community. Their group would be able to help the City pursue funding opportunities to train City staff, contractors, architects and developers. There is the Illinois Clean Energy Foundation and Illinois Department of Community Affairs. Nationally, there is the Building Codes Assistance Project whose sole mission is to help states and municipalities adopt energy codes. He did not want to see the Energy Code as a burden to development, construction and quality of life, but a benefit; did not want to see the City's Building Division as an obstacle to getting a project done, but a resource for the community. With education they can do that. He urged the City to take advantage of these opportunities. He worked on the Evanston energy policy, which has been stalled and says that the City will encourage energy conservation. This code does that.

Ross Vagnierres, 1002 Washington St., said a newcomer to Evanston will notice colorful parks, beaches, large houses and buildings, and a variety of restaurants; will learn about creative stores, original community programs and support of the arts. He summarized remarks by Evanston's Energy Future speakers in support of the 2003 International Energy Conservation Code. He stated the speakers and groups they represent offer to help answer any questions that could help Council adopt the code. They want to hold Evanston up as a proud city that looks to the future.

Mayor Morton stated that the 2003 International Energy Conservation Code has not been presented to the City Council. Ann Dienner, 1034 Sheridan Rd., stated that evening (and other evenings) the P&D Committee meeting has had a full agenda and a lengthy discussion on a single item with the room crowded beyond capacity. She questioned whether this was against the fire code; suggested when a meeting has a large attendance to move into the Council Chamber where there is more room and, as a courtesy to citizens, people can sit down.

Junad Rizki, 2784 Sheridan Rd., agreed with Ms. Dienner's comments; has come to meetings so crowded that one could not get in, which meant some citizens were denied the opportunity to participate.

He spoke at the last Human Services Committee meeting about crime in Evanston and a committee member suggested that he was against hiring more police officers because it meant raising property taxes. He is against raising taxes and the reason is that the City continues to misuse tax dollars in support of a number of patronage programs. If Council eliminated some positions and the City Manager operated more efficiently, taxes would not have to be increased as much as they have and more police officers could be hired. Crime and taxes are related and both are high. A good example of the misuse of tax dollars and lack of support of the Police Department is the continued funding of the Community Defender. If Council claims to support the Police Department, why do they fund a program not supported by the police? Some officers say this makes their job harder. Council's support makes a mockery of the Police Department since the assumption is police are arresting innocent citizens. He acknowledged it is possible for police to arrest an innocent citizen. Providing the criminal element in Evanston with extra legal representation makes little sense. He stated if Council members who are attorneys believe there is a problem and want to continue this support, they volunteer their personal time and if they are too busy, donate some of their aldermanic salary but stop using tax dollars. Why should the City fund services that are duplicated by Cook County? He realized some on Council are not aware where this funding goes. If they stopped funding the Community Defender, it appears they could hire two more police officers at no real cost to taxpayers. He noted the police chief stated at that meeting that he was down 20 officers. He suggested Council vote on this at the January budget hearing. Citizens should know which public officials support criminals and which support police.

Jeff Wilson, 2628 Thayer St., appealed to Council to pass the moratorium. He said there was a gap and three applications for building permits have come in the past week so neighborhoods are not protected. There is a problem, a reason for the moratorium and why it was extended. Everything is following a process. A zoning subcommittee was appointed, addressed this and put it before the Plan Commission, which unanimously endorsed it. Then it came before P&D Committee and he was disappointed that it did not get resolved that evening so it could be introduced. He urged them to speed things along, but in the meantime, urged extension of the moratorium because there are others not far behind the three who filed for building permits.

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

Alderman Feldman moved Council approval of the Consent Agenda with these exceptions: Housing Rehabilitation Loan Guidelines, Ordinance 112-O-03 – Zoning Ordinance Text Amendment, Ordinance 113-O-03 – Zoning Ordinance Map Amendment, Ordinance 110-O-03 – Vacant/Boarded Building Ordinance, Ordinance 108-O-03 – Extension of Moratorium in 6<sup>th</sup> Ward, Approval of Commission for Public Art and 103-O-03 – Amending Title One, Chapter 13 (Wards/Precincts) of City Code. Seconded by Alderman Wynne. Roll call. Voting aye – Kent, Moran, Tisdahl, Rainey, Feldman, Newman, Jean-Baptiste, Wynne. Voting nay – none. Motion carried (8-0).

**\* ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of November 24, 2003. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (8-0)

**ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, of the City of Evanston payroll for the period ending December 4, 2003 and the City of Evanston bills for the period ending December 16, 2003 that those be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 12/04/03)	\$2,004,901.59
City of Evanston bills (through 12/16/03)	\$3,912,439.32

\* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (8-0)



\* Acceptance of 2004 Local Law Enforcement Grants – Consideration of a recommendation to accept two grants awarded for next year: (1) the Local Law Enforcement Block Grants from the Federal Government (\$90,325); and (2) Cook County Judicial Advisory Council (\$51,956). \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Special Event: Annual First Night Evanston Celebration – Consideration of a request to hold the Annual First Night Evanston Celebration December 31, 2003-January 1, 2004. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Ordinance 104-O-03 – City of Evanston 2003 Property Tax Levy Ordinance – Consideration of proposed Ordinance 104-O-03, introduced November 24, 2003, which legally imposes the City property tax levy. \* ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

\* Ordinance 105-O-03 – 2003 Property Tax Levy Ordinance/Special Service Area #4 – Consideration of proposed Ordinance 105-O-03, introduced November 24, 2003, which legally imposes the property tax levy for Special Service Area #4. \* ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

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

\* Ordinance 111-O-03 – Special Use for 3330 Central St. (Starbucks) – Consideration of proposed Ordinance 111-O-03, which approves a recommendation of the ZBA to grant a Special Use for a Type 2 Restaurant with drive-through window (Starbucks) at 3330 Central St. \* MARKED INTRODUCED – CONSENT AGENDA

#### **HUMAN SERVICES COMMITTEE:**

\* Resolution 75-R-03 – Grant for Mosquito Abatement – Consideration of proposed Resolution 75-R-03, which authorizes the City Manager to sign an agreement accepting a grant from Cook County for mosquito abatement to combat mosquito-borne illness. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (8-0)

Alderman Feldman reported the Human Services Committee voted to request a Special City Council meeting on Wednesday, January 14 at 7:00 p.m. to discuss the Robert Crown Community Center.

#### **APPOINTMENTS:**

Mayor Morton asked that the following appointments be confirmed:

Valerie Calloway 1823 Crain St. For term ending January 15, 2007	Arts Council
F. Stephen Lupton 1325 Monroe St. For term ending January 15, 2008	Environment Board
Warren Michael Green 1631 McDaniel Ave. For term ending January 15, 2007	Human Relations Commission

\* APPROVED – CONSENT AGENDA

Mayor Morton asked that they convene as Township Trustees for Township items. Trustee Feldman moved approval.

Seconded by Trustee Wynne. Roll call. Voting aye – Kent, Moran, Tisdahl, Rainey, Feldman, Newman, Jean-Baptiste Wynne. Voting nay – none. Motion carried (8-0).

\* Ordinance 106-O-03 – Evanston Township 2003 Property Tax Levy Ordinance – Consideration of proposed Ordinance 106-O-03, introduced November 24, 2003, which legally imposes the Evanston Township property tax levy. \* ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

\* Approval of Township Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of November 2003 in the amount of \$90,258.54. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (8-0)

### **REPORT OF THE STANDING COMMITTEES**

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

Alderman Newman, P&D Committee chairman, noted that the meeting started 15 minutes late and regretted it ran long because many people who wanted to address the committee could not.

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.

Ordinance 112-O-03 – Zoning Ordinance Text Amendment – Consideration of proposed Ordinance 112-O-03, which approves a recommendation of the Plan Commission regarding text amendments to the Zoning Ordinance regarding bulk standards for residential districts.

Ordinance 113-O-03 – Zoning Ordinance Text Amendment – Consideration of proposed Ordinance 12-O-03, which approves a recommendation of the Plan Commission to amend the Zoning Map to place the area within current boundaries of the 6<sup>th</sup> Ward within the Neighborhood Conservation Overlay District.

Alderman Newman reported Ordinances 112-O-03 and 113-O-03 were held in committee. The committee was told that they had to get this done due to the moratorium. He suggested Council would not vote for anything that would affect the value of families' properties more than these ordinances. He thought rushing to get this done because of the moratorium was a great mistake. When he compares this with redistricting and the long-term effect, this has a broad impact and deserves an appropriate amount of time.

Ordinance 110-O-03 – Vacant and Boarded Building Ordinance – Consideration of proposed Ordinance 110-O-03, introduced November 24, 2003, regarding vacant and boarded buildings.

Alderman Newman reported that this item was held in committee. The committee will set aside 30 minutes to address this at the beginning of the next meeting.

Ordinance 108-O-03 – Extension of Moratorium in 6<sup>th</sup> Ward – Consideration of proposed Ordinance 108-O-03, introduced November 24, 2003, which extends by 60 days the moratorium on issuance of building permits for construction of new single-family residences in R1 Districts in the 6<sup>th</sup> Ward, provided by Ordinance 56-O-03.

Alderman Newman moved approval. Seconded by Alderman Wynne.

Alderman Newman pointed out that none of them knew the ill-conceived aspects of the moratorium. He reported at the P&D Committee meeting a few homeowners were present from Thayer; a resident on Hastings and one on Hartzell supported the moratorium and a significant number of people were against the moratorium. At the last meeting there was



an effort to suspend the rules and adopt the moratorium extension, which would have been wrong because there are homeowners specifically affected by the moratorium who did not know it was before the Council for extension. While he was criticized for not voting to suspend the rules, the explanation for it not being on the agenda, was the alderman sponsoring it forgot about it. He voted against suspending the rules because he believed the moratorium is wrong. When they started, he thought the moratorium was about not building homes greater than 3,000 square feet. What they did not know was that 3,000 square feet included garage, (paragraph A) and if there are off-street spaces on the property that is already included. That evening they were told the ward is bleeding, a great exaggeration and that there was a rampage for building permits when the moratorium was not in effect for a week. Two Evanston residents came in who bought property because they wanted to build a home for their family. During the moratorium these residents have been carrying double mortgages. To those who support the moratorium, he saw no empathy for those carrying multiple costs. It was as though "those people are rich so it doesn't matter." What is wrong with this moratorium is the garage space under the roof is included, and if there is an area in the basement, that is included. So the net effect is an owner who wants to build a two-story house on Thayer cannot build it because of this definition. In his opinion the definition is unfair. When one talks about the square footage of a home, square footage in the garage and basement are not included. A moratorium on Thayer might make sense. He supported this in good faith, but was at a loss as to why the people who carry two mortgages did not know about the last meeting. They were supposed to have read about it in the newspaper. He thought the scope of this for the entire 6<sup>th</sup> Ward was too broad.

Tonight they heard an argument about affordable housing. The 6<sup>th</sup> Ward has the smallest number of African-Americans here at 2.2%. For those who represent the moratorium as an affordable housing program, it is a program to perhaps maintain houses in the \$300,000-500,000 range. When the term "affordable housing" was used here he thought it was another exaggeration. The Housing Commission should have been involved with the following approach used -- certain housing in the 6<sup>th</sup> Ward either will be preserved or not. They were told that several homes that were torn down would have cost \$300-400,000 to rehab, which is a lot. Some houses have small rooms and not enough bathrooms so those will not be rehabbed. The threshold question is do they want to preserve all this housing? If they do, they should map where they want to preserve it. The broad brush of the moratorium was way too deep. He was concerned that people who want to build a home for their family are being called "developers." Being a developer in Evanston is like something to attack the motivations of property owners. Other people can get hurt by this and don't have all the information. They don't know the people who own property that can get \$300-400,000 as a tear down or \$250,000 if it remains a standing house. Another factor they are not clear on with the new ordinance is how people will be affected who want to add to their home with the proposed increase of size of side yards. He thought the moratorium should not be extended for 60 days; asked if they extend the moratorium, why were garages and basement space included in calculating the 3,000 square feet? Alderman Newman moved to remove garages and basements from the moratorium. Seconded by Alderman Feldman.

Alderman Jean-Baptiste asked what the allusion to African Americans and affordable housing was in context of this discussion?

Alderman Newman said he respects diversity; did not think this should be turned into a diversity issue. He would love to have affordable housing for all people in the 6<sup>th</sup> Ward, but this moratorium is not an issue of affordable housing. That is the way it was represented in committee that evening.

Alderman Jean-Baptiste clarified that "at risk" does not mean black people. Affordable, poor, deprived, disadvantaged does not equal black people. If they have some pre-judgment in context of substantive discussions, he asked those be purged from their understanding. In the United States, in Appalachia and the South, there are more white people on welfare and on drugs than black people He asked them not to integrate, promote and imagineer on false facts and not to equate all of these categories with black people.

Alderman Moran stated that six months ago the Zoning Committee of the Plan Commission began a series of seven-eight hearings, which were widely publicized and written up in local newspapers. There was substantial public discussion of tear downs and rebuild trophy house issues. Regarding affordable housing, he agreed with Alderman Jean-Baptiste and was stunned to hear that affordable housing had become the exclusive domain of racial discussions; thought it was brought up by the 1st Ward alderman to throw as many barbs as possible. From his perspective and the people that he lives with, there are many affordable housing issues that transcend race, age, gender and any other category. He has

many neighbors who are senior citizens who struggle to continue to live in homes where they've raised their families for 30-40 years. He had many issues, some of which were discussed by his neighbor Gail Curry, who has talked about how her four adult children would like to live in Evanston in the neighborhood they grew up in and struggled to find affordable housing.

He said one speaker that evening decried that she had to pay \$450,000 to buy a shack, which she will tear down, then build a house that she will sell to someone for \$1.2-1.3 million. That person will not be struggling with issues of affordable housing. As these houses get knocked down and developed by many people who don't live here and replaced by homes costing \$1.5 million, they will be and are now bleeding the affordability of single-family homes away from people other than those who can afford to pay \$1.5 million for a house. He cannot afford that and many people in his neighborhood cannot. He does not want to lose his neighbors, a big part of what this is about.

The Zoning Committee, consisting of landscape architects, architects, designers and developers, came together with a unanimous consensus on the recommending vote before the P&D Committee, which held up the recommendation. From the tenor of the chair's remarks, it may be held forever. If that is the will of this Council, it will happen but they will do so at the risk of the housing stock and the character of neighborhoods in the 6<sup>th</sup> Ward. He respects the obligation and willingness of every alderman to consider the wisdom and advisability of the proposed revisions for bulk standards for single-family housing; welcomed all outputs. He believed his residency and representation of the 6<sup>th</sup> Ward, and communications with neighbors, had lead him to understand what the people of the 6<sup>th</sup> Ward want. The reason he raised this issue a year ago, and it is where it is now, is that he has had many neighbors, friends and constituents tell him this was affecting their lives profoundly and asked him to do something for them.

This is not a crazy scheme that has been proposed. It is measured, balanced and respects property rights. It is not a "taste police" proposal; does not prohibit tearing down houses; does not prevent replacement housing or construction of larger houses than the ones torn down. It is evolutionary and allows replacement houses to be 120% of the height of the house taken down. It looks toward providing more light and air; to grow tomatoes in the back yard; to preserve trees and does a lot for many people.

Alderman Moran said there was a statement that hardship was imposed on some people. Two people claimed economic hardship that evening. It was not his intention, nor of anybody on the committee, Plan Commission, or 6<sup>th</sup> Ward residents to impose a hardship on anyone. Either they individually or as a group have the ability to impact the environment in a way that is positive or they don't. When change is wrought there can be difficulty or changes that are awkward. But sometimes change needs to be wrought and this is one of those situations.

With regard to the moratorium, he asked Council to respect staff, the Zoning Committee and Plan Commission. The commission supported this unanimously and he asked Council to give some deference to their deliberations, qualifications and ability to speak to these issues to avoid the specter of an avalanche of replacement homes that will change the nature of many 6<sup>th</sup> Ward neighborhoods and ultimately the entire City. In its final debate on these issues, the Plan Commission scared him for one reason. Several members suggested that the changes should be applied to the entire City. He was not sure that was not a bad idea. He appreciated Betty Ester's observation that these suggested changes would provide good changes for the 5<sup>th</sup> Ward. At some point, members of other wards will see the wisdom of this. His concern was the 6<sup>th</sup> Ward is getting hit now. They don't have months and years to wait on this. This moratorium has not been in effect for one week. There have already been three applications for building permits during that time and more are waiting. If this moratorium is not extended, the problem for him is the discussion about the merits and demerits of this issue will become moot as the developers march through block by block and start changing these neighborhoods.

Tonight one gentleman spoke who wanted to build on Thayer. He started out by saying he wanted to be a new neighbor on Thayer Street. Directly after, he said to five or six residents on Thayer (present in the room), describing them as a small minority of people who caused this terrible headache for him. He had told this gentleman about eight months ago, that virtually every one of his proposed new neighbors believed in these proposed amendments. If there was any more prophetic testimony that could be given, it was given by Jeff Wilson who has done amazing amount of work on this and said "Thayer Street is done" -- it is converted into something other than what it was. He asked Council to consider saving other places; on blocks other than the one he lives on. He asked them to listen to the witness of Jeff Wilson who has lived

with this and to the witness of other people who have lived with this and reside on Hastings, Prospect, Hartzell, Park Place, Prairie, Ridgeway, Pioneer, Noyes and Payne who are troubled by what is happening in the 6<sup>th</sup> Ward. In the future they will vote on the ultimate proposed change. He asked them not to let the horse out of the barn before that debate and vote. Please don't let their housing stock go away by not extending the moratorium and allowing them to take that vote.

Alderman Wynne supported extending the moratorium; had experienced when it was clear a zoning change was under way in the 3<sup>rd</sup> Ward and somebody was going to sneak through before the change and attempt to build something that the community consensus believed was a bad idea. She said there are plenty of examples such as Hinsdale and other communities of what ultimately can happen. They have to get ahead of this and are to some extent. There are serious examples of super-sized houses whose volume is completely out of proportion to neighboring homes. She commended the Zoning Committee for doing a comprehensive job. She said these issues are difficult to work on as she learned on Chicago Avenue. She has some questions about some of their recommendations, which should be debated by Council but doesn't want to be debating the issue while people are applying for building permits. Tonight they heard from three people who said they were not permitted to build. The first person had clear notice this moratorium was going to take place and that person was not harmed because he knew what was happening. The second person, who bought the \$400,000 shack, is a developer. The third person is Mr. Magill for whom she sympathizes because he was caught in the zoning change, which was unfortunate. By circumstance he was able to shoot through a small loophole that was created at the last meeting. She appreciated some would suffer as a result of this change. She thought changes needed to be made and well thought out. That is why they need to extend the moratorium so they are not under pressure that every week another property is going to turn over. This takes time. The Zoning Committee did not take a simple approach and simply alter height. They looked at other issues so they will have an ordinance they don't have to go back to and will serve as a model for other communities. They have excellent examples of what other communities have done to protect themselves by taking the necessary steps.

Alderman Rainey asked for clarification on the "under roof" issue with the square footage of garages and basements.

Community Development Director James Wolinski reported that the Plan Commission recommendation included garages. When the Zoning Committee discussed the moratorium, they recommended including garages in the total square footage as well as basements.

Alderman Wynne asked to have basement defined. She explained there could be a basement only two feet below grade. That is part of the reason she thought the Plan Commission would recommend the basement in the 3,000 square feet. There could be an above ground floor, because only two feet have to be below grade under the current ordinance.

Alderman Rainey said there has to be a way to distinguish between cheaters, who are going to use basement space as living space, and a real legitimate finished basement. She would support that if that was not included. Her house is 3,000 square feet not including the garage and basement and she does not live in a super-sized house. That would be an extremely small house, if they included a 2½-car garage and the entire footprint of a house if it was a legitimate basement. Mr. Wolinski thought the recommendation was based upon the fact that either a super-sized house or not would be allowed. If there is a difference of a couple hundred feet to allow a permit or not, it would not meet the intent of the moratorium. With the basement included, the height issue, they would end up with a super-sized house as defined 24 inches below grade. It was their call and was accepted.

Alderman Rainey would recommend to the P&D Committee, which wants to see a vote for the moratorium, some way to fix that. She thought the height issue was different than the square footage and agreed with the height issue. She did not support anything beyond the required height and that would allow for a basement underground.

Alderman Kent was at an impasse. He heard a developer tell the committee that they bought a \$400,000 shack which they thought worth about \$200,000 and planned to tear it down and market a new home for \$1.5 million. That told him this developer is flipping a property. He heard what Alderman Moran was talking about and has always been against anything that destroys the fabric of the community, but was confused. When this moratorium came up he was banking on the fact that they were talking about people like this developer, senior citizens and young adults who cannot buy into the community because of what is going on there. Through that evening's committee meeting he felt they did not know

what they're doing. He was against trophy homes and McMansions and listened to residents. He would like to have somebody knock down a single-family house in the 5<sup>th</sup> Ward and put up another single-family house because he has yet to see that happen. When different areas are compared he failed to see how one is bleeding more than another. While some say that Thayer Street is lost, others say that the entire low-moderate income section of the 5<sup>th</sup> Ward is lost. They are talking about the same thing but he asked why it was so hard to see? They see blatant gentrification not McMansions. If he could afford a \$300,000 house, chances are he could live anywhere in Evanston. But there are some areas, where if that house is gone, or purchased by a developer, the rent is so high that the people in the neighborhood cannot afford it. People cannot go to Rogers Park anymore so where are these people going to go? They are now at a point where teachers, police, firemen, secretaries and others cannot afford to live here. They spew rhetoric and there is a lot they agree on if they are talking about saving neighborhoods. He heard people talk about diversity that evening, but Evanston is losing it everyday. That is not to say there aren't issues in the 6<sup>th</sup> Ward. Everything he has heard he has been saying for years and it starts with scattered site housing between the 2<sup>nd</sup> and 5<sup>th</sup> wards. It stinks and that was his issue. He supported this moratorium because he cares about Evanston residents; supports it because he hoped that when and if they can stop some of this stuff going on currently in the 6<sup>th</sup> Ward, that some of the faces would stop the same thing from happening in other communities. He sees no trophy houses in the 5<sup>th</sup> Ward; has seen beautiful houses where the developers throw \$25,000 into it and won't rent to anybody other than Northwestern University students. He has seen family homes for 30-50 years sold, renovated by great Evanston developers, put on the market for \$320,000 when nobody in the community can (afford to) buy. If they are bleeding in the 6<sup>th</sup> Ward, they are bleeding in the 5<sup>th</sup> Ward. The problem is in seeing that everybody is bleeding something. He said this must be stopped all over. What troubles him about the moratorium even though he supports it, is that he can give a list of developers in the 5<sup>th</sup> Ward where a developer might even give more credit than the property is worth. These are people with money who have come in and abused the community. He wished he had one that said, "Hello, I want to be your neighbor," instead has those who come in and if you go to their door they won't answer. If they are that frightened to come to the door, why come? Some people are coming because they cannot live anywhere else in Evanston. He was troubled that they have two Evanston homeowners, not the developer who was going to flip the house, who purchased their houses, who want to move up and make a better home for their families and they are holding them hostage. The same thing happened in the 5<sup>th</sup> Ward. He still has people who say they are in the pipeline. He said if they cannot get something solved in 60 days, they will have to deal with what they are putting on the table. Eight months ago a gentleman was told by neighbors that whatever they are going through would result in him holding onto his property, he obviously decided it was worth it to do it. He is holding on. If he is going to move into a new house, he thought he was treated unfairly. He was speaking of two residents. He asked Mr. Wolinski about the pipeline about Mr. Lipton and Mr. Magill. Were there any other homeowners carrying two mortgages?

Mr. Wolinski said that Mr. Magill at 2751 Hurd had submitted an application for a building permit and his issue is moot. There are two other perfected permits, 2719 Payne St., to Ms. Rogelski, a developer who would flip the property. One came in that day at 2728 Noyes St., but he was not sure whether it was a developer or resident. For Mr. Lipton at 2600 Thayer, this was the week to submit for a permit, unless he was not aware of the window. Those are the three that would be permitted in abeyance of the moratorium. He knew there were others out there who are seeking to tear down and build. The people they are talking about have been abreast of the process since the moratorium was initiated and have continued to talk to his office to try to fit into the 3,000 square feet. They were not able to do so if they elected not to do so until the moratorium ended.

Alderman Newman said his comment about African American people in the 6<sup>th</sup> Ward was not intended for that affect. It was one statistic. It was not intended to say that affordable housing is not for everybody. If it was interpreted that way, he regretted that. The idea of keeping things the way they are is an affordable housing program, was to him a misrepresentation of what affordable housing is. Because the small houses in poor condition in the 6<sup>th</sup> Ward will require substantial rehab. If bought, one would have to have a lot of money to maintain them. Mr. Lipton did not make a good impression on his neighbors that evening so they ought to punish him because he did not express himself well and because he knew about the moratorium when he bought. He did not know that the moratorium was for 90 days or that it would be extended four or five times. What Alderman Wynne said about the basement issue was significant. When one comes up with a moratorium it starts adding figures together that make no sense at all to get to 3,000 square feet and a homeowner comes in and says he wants to build a two-story house. The reason he is not in was his architect could not figure what the final thing was going to be because it keeps changing. Nobody knew what the Plan Commission was

going to do, so he was not able to have his plans ready to go. It was a two-story house. Was it the intent when they voted on the moratorium to not allow a two-story home to go up on Thayer? Of course it was not. That is why the definition needs to be changed. It's ill-conceived and it does not go to the merits. Evanston has had 22 houses in five years torn down, so this is not a rampage. He suggested the homes built have expanded the tax base and was not convinced that any property values were diminished. He urged them to go by the 3000 block of Highland. One could argue that houses on Thayer are too large. His motion is not to include the garage or the basement space. If they are concerned about people using the basement and that there should not be a house of more than 35 feet height built during the moratorium measured from grade, then say it. If they do that, then this man can build because he is at 25 feet. All agree on that part of the ordinance. Another part all agree on is impervious lot coverage. So say in the ordinance whatever is pending. What they don't agree on is the proposed down zoning of residential. He acknowledged that the Plan Commission had worked hard on this. It is an attack on property values of every owner in the 6<sup>th</sup> Ward. It is saying that people in the 6<sup>th</sup> Ward cannot build to what everybody else in Evanston can build to. It will affect people who have lived here 20-30 years in the amount they can get when they sell their homes. He suggested they forget about developers who are buying. While they might like what goes up, he asked them to think about people who own property and what this is saying. The down zoning is that instead of being able to get \$400,000 as a tear down they will get less money because a larger house cannot be built. They ought to understand what they are doing before they affect them. The only public notice was for a Plan Commission hearing, which was hard to understand. Most people in the 6<sup>th</sup> Ward don't know what is going on. What is represented here is a lot of exaggeration. People want to build single family homes, which will increase the tax base. One of the houses now paying \$6,000 will in the future pay \$15,000 in property taxes. This is, if adopted, an anti-economic development program. He said in the 1<sup>st</sup> Ward, where there is a historic district, they don't take away people's R1 rights. People can build a house as big as their neighbor's if they come before the commission. They are not told, as a matter of right, that they have to go to the ZBA and show hardship. What is on the table is to take 6<sup>th</sup> Ward home owners and down zone their properties. What they want to get to during the interim is fairness. The term "trophy houses" has been used. He said many of the houses are beautiful and fit in. He admitted the houses on Thayer do not fit in as well. But they should not do to somebody who wants to build a two-story house because of the definition. Who describes their house and includes the garage under the roof as square footage? He asked did this not reach out to their basic sense of fairness. He thought so. He did not think the area in a basement, unless used as living space, should be counted in the square footage. Alderman Rainey stated that height should be the defining factor. Let 3,000 square feet and 35-foot height be the defining factors.

Alderman Newman moved to eliminate the part of (a) garages and (b) and substitute 35-feet to be counted from grade and that the house not be in excess of 3,000 square feet, not including basement or garage. He would add impervious lot coverage. He left in the off-street parking. Seconded by Alderman Rainey.

Assistant Corporation Counsel Ellen Szymanski asked when Council was ready to vote on the moratorium that a substitute ordinance be used, which was handed out that evening dated 12/04/03. The reason was that it amends the ordinance introduced 11/24/03. The amendment was necessary because that ordinance had the moratorium expiring 12/06/03. That left a gap between the expiration of that ordinance and whatever action was taken that night. The substitute ordinance provides that the moratorium, if enacted, is for 60-days beginning December 15, 2003. The ordinance has some minor procedural recitations; was introduced November 24 and rules suspension was not obtained.

Mr. Crum advised before making any amendments, the substitute ordinance needed to be made the base ordinance. Alderman Newman moved approval of the substitute ordinance. Seconded by Alderman Wynne.

Alderman Feldman said the most incisive comments were by Alderman Kent who did not think they knew what they were doing. He agreed. He said this issue was vital to so many people; heard threats and what had happened in other communities but he had no idea of impending doom to Evanston. Twenty-two teardowns in six years did not sound like an avalanche to him. He knew what happened on Thayer Street and did not know whether that malady was applicable citywide or to the entire 6<sup>th</sup> Ward. He has been expected to vote on something that would affect property values. He looks at a moratorium as a device to use in extreme circumstances. Not all moratoriums are equal. Because something is going on the 3<sup>rd</sup> Ward doesn't mean that a moratorium is needed in the 6<sup>th</sup> Ward and if one is needed in the 5<sup>th</sup> Ward it may not be needed in the 3<sup>rd</sup>. Each of these are separate issues requiring separate analysis and thought. Nobody has made a case to extend this moratorium. When he originally voted for it, he voted "yes" out of respect for the 6<sup>th</sup> Ward alderman

but did not buy it anymore; was not convinced anybody is bleeding; that there is a rampage or that the neighborhoods are threatened. He would not vote for the moratorium until he was convinced. He read from the second clause in the ordinance: "the moratorium provided for a ninety-day period to allow for continuation of a study underway by the Plan Commission of the proliferation of teardowns and the "monster" or trophy houses in the 6<sup>th</sup> Ward." He asked what "monster" had to do with anything. Whose idea of a house was a monster house? He sees houses in the 3<sup>rd</sup>, 6<sup>th</sup> and 7<sup>th</sup> wards that they bring people in busses to see. Evanston's architectural heritage is little different from those he saw. He asked who wrote this ordinance; called it a pejorative that begs the case. It starts off that decent people who want to buy a decent house buy a lot and wind up paying more for the lot than it is worth and the senior citizen that owns the lot gets more – were they going to take that away from the senior citizen? If Council is going to do that, make sure they have a good reason. He did not think they were ready for an extension of the moratorium and had a lot of work to do because this is a serious issue in view of property rights and for someone to use their property to its fullest extent. The City limits that often, but has to have a good reason to do so and to diminish the value of property. When somebody can take a piece of property and build a home of a certain value it is worth something. When the potential value is cut down dramatically, the value of the house drops as well. If they are going to do that Council should know exactly what they are doing. They don't know that and he heard nothing that evening from any P&D Committee member that would warrant any serious action by Council.

Alderman Tisdahl would vote to extend the moratorium but with anguish because Mr. Lipton was a neighbor and friend who is not building a "monster" house. Any amendment that permits him to build his house would be a public good. He did know about this ahead of time, called her and asked about the moratorium. She had no idea it was going to be extended. This would be the last time she would vote for an extension because Mr. Lipton went ahead and proceeded based upon the time of the initial moratorium. Mr. Lipton's plight is in part her fault because she did not know. She would support any amendment that permits him to build a house that is in no way a trophy house.

Alderman Jean-Baptiste supported the moratorium but did not understand what has been done so far. Why the limitation of 3,000 square feet and why were garages and basements are included? Are there any distinctions being made between a developer flipping a property and local residents wanting to increase the size of their home? He asked Alderman Moran to clarify; suggested that perhaps the amendment would help them satisfy the desires of homeowners.

Alderman Moran explained since the last time Council extended the moratorium, the Zoning Committee of the Plan Commission continued to meet and made a recommendation to the commission in November. The Plan Commission adopted that recommendation and unanimously voted to recommend the change in bulk limitations to single-family residential to the City Council. He suggested there were two major accomplishments since the last extension of the moratorium. The committees that spoke to this issue are recommending bodies to Council and have completed their work. At the end of November when he asked for an extension of the moratorium, he was presenting to the P&D Committee and Council completed work. This moratorium does not prevent someone from tearing down a house. It addresses what can be built in its place. Two things can be built: a house of no more than 3,000 square feet or a house that would have the same square footage of the previous house. Regarding the 3,000 square feet, there was an examination by staff and the Zoning Committee of the trend in sizing of houses being built. Although there was no demarcation, it was decided that 3,000 square feet was close to the dividing line between the past size of houses in many neighborhoods most impacted and a dividing line above which the new infill larger houses were being built. 3,000 square feet was a kind of fault line and based upon general observations of sizes of houses before and now. The notion being that the trend toward larger houses was considered to some degree the problem. If one sees that as the problem, look to see where the problem fits, then try to describe within the moratorium language a size that is close to the dividing line. That is where the 3,000 square feet came from. Regarding garage and basements, if there was going to be an error falling on either side of the line, the sense of the committee and commission was to flop to the side where the larger house would not be allowed. If they throw in a garage that would provide that much more protection. The basement falls within the same category. Alderman Jean-Baptiste asked if Alderman Moran opposed the amendments. Yes. Alderman Moran said it seemed the amendments were proposed so that another person could build a house on the south side of Thayer Street. He did not hear Mr. Lipton say how large his house would be. He has had numerous conversations and met with him months ago. He asked to see drawings, which were never shown to him. He did not know whether anybody at the City knew what Mr. Lipton had in mind. The problem is this is the block that is the epi-center for this thing. He thought that it would be a betrayal by him to the people most severely impacted by this phenomenon to say "go ahead and build

another big house.” If he is doing a disservice to Mr. Lipton by saying no to another big house, he will apologize in advance but he does not know the size of it. It would not be fair to people if he said fine and this amendment lets him slide through, then he has gone to this neighborhood, fine, and they get hit again. He did not want to do that, which seemed unfair. Alderman Jean-Baptiste said that Alderman Rainey was not thinking about needs of a particular individual. Alderman Rainey acknowledged the individual did not enter into her thinking.

Alderman Newman said a house at 2614 Thayer, where height was measured from the porch rather than the ground, there seemed to be consensus that should not be allowed. Alderman Newman did not quite understand what Alderman Moran said, because when he said that a tear down could be built at the square footage of the previous home, he was really saying, due to economics, that tear downs are not allowed. They wanted houses no larger than 3,000 square feet which seemed to be the drawing line. His point is when people talk about the size of their house of 3,000 square feet, they don't include the basement or garage. In this case, he heard someone at the P&D Committee say he wanted to build a two-story house and when this person called him that he could not do it due to the way the square footage was added up. He did not think people on Thayer intended to say that someone could not build a two-story house on their block because in the ordinance they are guaranteed a two-story house. This moratorium was drawn in such a way that made no sense and he wanted it to make sense. If they don't want houses above 3,000 square feet, say it. He supports helping people and looking at the problem on Thayer. He has driven around the 6<sup>th</sup> Ward and it has some of the largest homes imaginable. The idea that they are applying this moratorium to the 6<sup>th</sup> Ward is almost beyond belief because it has the largest homes in Evanston. Look at Central Park Avenue. There is no need for it on Central Park. This is an ordinance where one could pick out two or three streets. He agreed that Thayer could be one of them. Cowper would be definitely in there. What they are doing is telling people in the 6<sup>th</sup> Ward that they cannot build a house like one on Central Park. He guessed they were calling those big beautiful houses “monster” and trophy houses. He thought the moratorium was misconceived and they should have mapped several blocks like Thayer, but it does not do that, is too sweeping and fair definitions are needed.

Alderman Tisdahl said she had no idea of the size of Mr. Lipton's house.

Alderman Wynne called the question.

Mr. Crum clarified that the substitute ordinance needed to be put on the floor before they amended it. Alderman Newman moved to approve the substitute ordinance. Seconded by Alderman Rainey.

The amendment was that the floor area of 3,000 square feet was not to include garage or basement space and the absolute height is 35 feet from grade. Garages would be eliminated from (a) and (c) eliminated from the ordinance. Motion carried.

Roll call. Voting aye – Kent, Moran, Tisdahl, Rainey, Feldman, Jean-Baptiste Wynne. Voting nay – Newman. Motion carried (7-1).

Alderman Newman reported an extensive discussion about the Kendall property. Neighbors expressed strong feeling that the property should be zoned R1. The committee hoped for more communication between the new owners and neighbors.

#### **HUMAN SERVICES COMMITTEE:**

Approval of Commission for Public Art – Consideration of a recommendation to approve the commission of Adelheid Mers to create and install artwork at the Central Street Fire Station #3.

Alderman Feldman moved approval. Seconded by Alderman Wynne.

Alderman Moran said in going through the materials he could not tell what art was being proposed. A diagram at the end of the RFP showed three potential areas for art. One for a potential interior mural, another for an exterior mural and a third for a potential outdoor sculpture. Mr. Gaynor stated this is an indoor/outdoor mural and they were asking for

approval of the artist and would come back to Council with specific artwork. The artwork would be from photographs of firefighter scenes and etched into anodized aluminum by the artist. He said this process went through the Public Art Committee and was supported by firefighters. He showed a couple of examples; said the forms would be on the inside and outside of the station and had not been completely decided by the artist. He lauded great cooperation from the Public Art Committee and the firefighters. Mayor Morton clarified that staff was asking for approval to grant the commission to Mr. Mers. Mr. Gaynor stated they wanted to show in concept what the committee accepted and will have final art to show when they come back with a contract with the artist.

Alderman Moran said he could vote to approve the concept, but was interested in placement of the art. He is a big fan of public art, wanted to promote it and thought it should be public. He was surprised to see a schematic of a mural in the wall of a bay of the fire station. His concept of public art is something the public can see. He suggested that whatever proposal comes back, be public art. It could be sculpture or a placard but to be public should be in a place where the public can see it. Seconded by Alderman Rainey.

Alderman Newman noted this has the endorsement of the Public Art Committee, so-called experts in public art. Maybe this underscores that Council doesn't agree with every recommendation that comes from committees. Alderman Rainey agreed with Alderman Moran. When Council voted to have a set-aside for public art, it was so that new properties could display art to the public and the only reason they did it. To have public art inside a fire bay was nonsense and noted that other public art mistakes have been made. Public art at this new fire station, for which residents have paid dearly, must be on the exterior. Alderman Feldman noted there are occasions when public art is in inside, such as the library -- a public space, and a fire station bay clearly is not. Mayor Morton noted there is public art on the exterior of the library, the Hunt bookends sculpture, up high near the roof.

Mr. Gaynor suggested that Chief Hunter had more information about where the project started and where it will end. Chief Hunter said there was lengthy discussion about whether the art would be inside and outside. When the committee voted, half wanted the art work inside and half outside. After more discussion, depending on the numbers of panels that the artist could work with, they would start with some of the art inside and the rest would wrap around the exterior and fit into the pattern of the aluminum windows. The majority of Station #3 is glass, so they could work with only a certain section of the exterior. It was suggested starting on the west side bay and moving to the east side. Alderman Feldman asked if they were putting the art on the inside because there is not enough space on the outside. Chief Hunter said not necessarily, but that was a compromise. Alderman Feldman suggested they take direction from the City Council sentiments. If the panels cannot fit on the outside, reduce the number or find something else to do that is appropriate to the building. It sounded to him like they had a set mind about a specific project and then ask where they will put it. Chief Hunter said their understanding was the panels would be of various sizes so they would fit with the architecture. Alderman Feldman respected the Public Art Committee but disagreed that public art should be placed inside a building the public does not go. The idea of public art is to enhance the visual experience as people walk down the street. He recalled when the library was looking for public art and a food basket stuck on the outside of a window was proposed, that suggestion was rejected, although the Public Art Committee had accepted it. Mayor Morton said Alderman Rainey was correct. If there is a problem, someone did not inform the committee of the procedures. She recalled when Joe Zendell and Ron Isaacson asked that funds be set aside for public art in new construction and it was for public art for the exterior. Mayor Morton suggested they check to see if public art is by ordinance. Mr. Gaynor stated they would take the message back to the committee and see if the panels work. When they return with an agreement, it will say that the art will be available to the public. Mayor Morton asked if the anodized aluminum would stand up to weather and needed to be cleaned. Mr. Gaynor said the anodized aluminum is fine in weather. Voice vote, motion carried. No nays.

#### **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 Wynne.



Alderman Jean-Baptiste moved to substitute Map 15e in Exhibit A of Ordinance 103-O-03. Seconded by Alderman Rainey. Mayor Morton said this map has not been presented to the public and asked would that create a problem? First Assistant Corporation Counsel Herb Hill said the map was presented that evening; may have gone out in packets last week and the exhibit to the ordinance is subject to amendment until passage. The public was aware this matter was on the agenda which met requirements of the Open Meetings Act. There are no technical problems. The map was also displayed on the City's website.

Alderman Newman said nearly three years ago, he drew a map that met the requirements of the redistricting law and they went through several years in the Rules Committee which was an interesting experience for him. He saw some well-intended people and others who came forward under the guise of objectivity. Another, who was an integral part of the citizens committee, was the same person who years ago was overpaid by thousands of dollars by the City. He thought the Council saw the problem addressed in his ward, which was not about him but about the ability of somebody not affiliated with Northwestern University to have a fair chance to be elected in the 1<sup>st</sup> Ward. He appreciated those seven aldermen who saw that argument and to give people in his ward, whoever runs after him, a chance to win. He thought that this process showed that when the Council is given a difficult task they can work toward consensus. They can communicate, listen and work to come up with something that looked fairly at problems in the community. He appreciated work done by Aldermen Jean-Baptiste, Bernstein and Rainey. He appreciated that on this map, people left the 8<sup>th</sup> Ward. It did not have to be that way and he would have supported an alternative. A proposed map that eliminated the 8<sup>th</sup> Ward struck him. What they saw that evening was the work going on in the 8<sup>th</sup> Ward under leadership provided by Alderman Rainey. She did not deserve to be in a downtown ward which they rejected. He thought they had done the right thing. Some will argue they spent too little time on the redistricting map, while he argued they spent too much time on it and took away from other business. For those who think this was rushed through, he could not think of anything that affects Evanston less in many ways than this map. He suggested the 6<sup>th</sup> Ward moratorium and the Zoning Ordinance deserve much more time. He also thanked Alderman Tisdahl.

Roll call. Voting aye – Kent, Tisdahl, Rainey, Feldman, Newman, Jean-Baptiste, Wynne. Voting nay - Moran. Motion carried (7-1).

City Manager Crum thanked Pat Keegan of GIS for his work on this project.

#### **CALL OF THE WARDS:**

**4<sup>th</sup> Ward.** No report.

**5<sup>th</sup> Ward.** Alderman Kent wished all a safe and happy holiday.

**6<sup>th</sup> Ward.** No report.

**7<sup>th</sup> Ward.** Alderman Tisdahl made a reference to the P&D Committee to place on its agenda consideration of adoption of the 2003 International Energy Conservation Code.

**8<sup>th</sup> Ward.** Alderman Rainey thanked south Evanston residents who spoke in favor of adoption of the Howard Street Tax Increment Financing District. She stated there is a bias operating in the P&D Committee, which has to do with placing more importance on people building beautiful homes than neighborhoods living with boarded up buildings. People living with boarded up buildings were much more important than people building mansions. She pleaded with the P&D Committee to re-examine their priorities because this is important. Another important issue before the committee is to include condominiums in the City's rehab program which includes townhouses and homes. There are old condominiums with some on Oakton Street close to 30 years old that are occupied by people who have lost their jobs and senior citizens on fixed incomes. A condominium building on the block of Mulford has serious problems. If any single-family home or townhouse had the same problems they would receive rehab assistance. But because condominiums are not included, they cannot get help. There are three-flat condominiums all over the 3<sup>rd</sup> Ward that are falling apart where people are unemployed, on social security or fixed incomes who cannot get help to make major code repairs. She said this has been a discriminatory program since the rehab program began. She asked them to re-consider the cap of \$7,500

for an owner-occupied unit. Any townhouse owner who qualifies for a rehab loan can get it and there is no reason why condominium owners cannot be provided that advantage. Nobody is talking about repairing common areas, putting on siding or repairing roofs. She was speaking about interior needs. There was nothing to fear. If the owner does not meet the income guidelines or the qualifications, they don't get the rehab loan. She asked that condominium owners be included in the rehab guidelines.

**9<sup>th</sup> Ward.** No report.

**1<sup>st</sup> Ward.** Alderman Newman found it hard, when a room full of people appear, to tell them that the committee is spending too much time on their problem, especially when a moratorium which has been extended affects them. He would like people to be at the committee meeting about the condominium ordinance and it would have been helpful when they got it if they had presented some cases of need.

He thanked Chief Kaminski for providing maps of robberies during 2003. He noted in November there seemed to be a jump in robberies across the City and a perception that it was in one part of the City. He said the Police Department has done a terrific job of dealing with some of these robberies. In one case, two people were arrested but let out immediately on bond. Within a month to six weeks they were again arrested while out on bond. After they violated their bond, one was let out for \$100 and the other for \$500. He said Evanston has a problem with the court at 5600 Old Orchard Road. Anybody concerned about citywide crime has to be concerned about somebody picked up for robbery who, while out on bond, was picked up for another robbery then let out the next day. The state asked for a heavy bond in this case, so the offenders would have had to put up \$20-30,000. He recalled the person involved in a theft at the Lucky Platter that lead to a police chase, was arrested more than 40 times. Somebody casing places in 1<sup>st</sup> Ward alleys has been arrested more than 40 times. There is a new presiding judge in the 2<sup>nd</sup> Municipal District. He was going to talk with him and urged others to talk with the new judge because these two people out on the street is an outrage. The City expends funds to have officers undercover for hours and catch people twice and then they are out on the street. All who care about crime need to make an impression there. He wished all a happy New Year and appreciated all work done on issues by Council.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste accepted Alderman Newman's explanation of his earlier statement. He expressed Merry Christmas, Happy Hanukkah, Happy Kwanza and Happy New Year. He congratulated Police Officer Dennis Prieto, assigned to Beat 74, who was promoted to sergeant and worked very hard. He hoped for a worthy replacement. He thanked all who helped take the redistricting task to finality. Many in the community were well-intentioned. The NAACP, George Mitchell, Pat Keegan who worked hard, Northwestern students and many others. Some may continue to complain or even want to reverse what has been done. He thought the Council was ethical in what it did and the community was thoroughly involved in the process.

**3<sup>rd</sup> Ward.** Alderman Wynne was pleased Alderman Tisdahl made the energy conservation reference to the P&D Committee. Environment Board members come to them about that and she appreciated those who spoke about it that evening; urged Council to act quickly on it.

She noted that December 17 would mark the 100<sup>th</sup> anniversary of powered flight in the United States when the Wright Brothers flew. A piece of the "flyer," their plane, went to the moon with Neil Armstrong, 66 years after 1903. She wished all happy holidays.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 12:53 a.m.

Mary P. Morris,  
City Clerk

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