

**CITY COUNCIL**

September 11, 2006

**ROLL CALL - PRESENT:**

Alderman Tisdahl  
Alderman Rainey  
Alderman Hansen  
Alderman Wollin

Alderman Jean-Baptiste  
Alderman Wynne  
Alderman Bernstein  
Alderman Holmes  
Alderman Moran

A Quorum was present.

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton on Monday, September 11, 2006, at 8:56 p.m. in the Council Chamber.

**ANNOUNCEMENTS:**

Assistant City Manager Judith Aiello announced that notebooks for the Budget Policy Committee meeting to be held Monday, September 18, were on their desks.

Ms. Aiello announced that Saturday, September 16 would be Not-For-Profit Day at the Farmers' Market where residents could learn about the many not-for-profit organizations in Evanston.

Mayor Morton reported attending the opening of the Vineyard Church in its new location at the former Shure Bros. property. She was impressed with the quality of the changes made to the facility. There is a cafeteria and great facilities for youth; suggested that the Vineyard may be able to help with the City's Youth Initiative.

Mayor Morton stated that TV news that day was crowded with footage of the September 11, 2001 terrorist attack and the impact it had on the lives of Americans. Firefighters, volunteers, construction workers and many more traveled and helped at the disaster sites. She asked that we remember them all with hope for the future, a prayer for the elimination of our fear of attack and, as a sign of respect, to stand for a moment of silence.

**CITIZEN COMMENT:**

Gladys Bryer, 550 Sheridan Sq., spoke as a member of the Network for the Future about the Zoning Ordinance text amendment on solar panels, improvements over existing law, particularly a simpler appeal process and provisions on panel quality. Their organization urged non-approval at this time, and referral back to the committee for another look at their task, keeping in mind Evanston's new Strategic Plan, Goal #5, Environmental Sustainability. Section A, Review current City policies and procedures to identify and improve sustainable, environmental-friendly practices for the City and its citizens. Solar panels are one of the most environmental-friendly things they can think of in the area of energy conservation. She asked if the committee really looked at its task with this environmental sustainability goal in mind? Or, as they state in their June report to the Plan Commission, Commissioner Deutsch stated on page five, "the general philosophy here, was that they, the solar panel, should not be obtrusive. And that non-obtrusiveness was the rule that they generally follow. It limited panel placement, not for life safety and not for core value sustainability, but for obtrusiveness. There were some statements about how important solar panels are. But when Chairman Hunter of the Plan Commission asked if the committee considered any incentives for this important addition to our community, the answer was no. Then a second answer was "well, we've made it relatively easy." I think that they meant easier to the appeal process which was simplified somewhat. She urged Council to remand this matter back to the Zoning Committee; urged them to re-look at their standard. Obtrusiveness should not be more important than environmental sustainability. She thought they should consciously look at that standard to see if they could make the proposed law more environmentally sustainable.

Suzanne Germann, 53 W. Jackson, Chicago, Landmarks Illinois, spoke about the Preservation Commission's denial of a Certificate of Appropriateness for the demolition of property at 1218 Elmwood Avenue. This property is a local landmark because of its historic significance. The Preservation Commission reviewed this petition at two public hearings and

decided, based upon standards outlined in their ordinance, that the demolition did not meet the criteria and therefore, denied demolition. She encouraged Council to support the Preservation Commission in their decision and not approve this demolition.

Andrew Fisher, 1580 Sherman Ave., spoke about solar panels. A Network for Evanston's Future member, he believed they should be more concerned about renewable energy and solar panels. He agreed that looking nice is good but the renewable energy from solar panels is of much greater importance, if they are going to adhere to the Strategic Plan. He urged Council to send this ordinance that puts appearance of solar panels ahead, back to the committee and turn it around.

Barbara Wallace, 1203 Maple Ave., also addressed the zoning amendment regarding solar panels; felt that aesthetics should not be an overwhelming concern for solar panels. Any restrictions based on how solar panels look could effectively stop people from putting them on because solar panels need to be faced to catch the sun's rays. That could be counter to the Strategic Plan and Evanston's goal of being a green City.

Judy Fiske, 2319 Sherman Ave., spoke about the Kendall ordinances, assuming they would be adopted. She recalled about seven years ago, neighbors became aware that Kendall College was in financial difficulties and it was likely that the property would be sold and the land redeveloped. As neighbors expected, three years ago it was sold to Smithfield Properties. At that time neighbors came to Council and asked that the property be re-zoned R1. Alderman Tisdahl responded to that and put in a reference to the Planning & Development Committee and it stayed on the table for quite a while. In response to that the neighborhood put up 500 "R1" signs two years ago. In 2005 they put up another 500 signs that said "R1 means more than single-family houses," R1 means zoning continuity, historic preservation, neighborhood integrity and good design. She thought that had been achieved with the Kendall ordinance that evening; thanked all who participated from Council, staff, the developer who cooperated in good faith with the neighborhood and mostly, the people who live on Emerson to the south and on the north to Sheridan Place, who expressed incredible support for R1 zoning for this property. All know they are under a lot of pressure from downtown and various institutions to redevelop parts of this neighborhood. She expressed thanks for standing strong for support of her neighborhood and for the hundreds of people who sent their wishes to Council through numerous petitions and R1 signs.

Sue Carlson, 2679 Stewart Ave., addressed the issue of affordable housing and this Council's policy; expressed disappointment in the process by which Council passed a Real Estate Transfer Tax Referendum question. Council did this without consulting the City's Housing Commission and with little discussion. It reminded her of how much discussion has gone into inclusionary housing prospects and how little was discussed the night of passage. She thought, if they had more discussion, they could have a referendum that could pass. If Council had thought about excluding individuals selling their homes at \$300,000 or less, and/or if they had excluded those selling a home in Evanston and re-buying here, this referendum would be more likely to pass and be easier to defend. She was disappointed that did not happen. If the referendum fails the Council needs to take some responsibility for a process that wasn't the best. Another issue was the fact that they are asking citizens to contribute to housing needs before asking the developers to contribute. Council has asked for voluntary contributions, but had not passed an inclusionary ordinance that has been around for more than two years. She stated they were putting the cart before the horse. Another issue raised by the referendum is the fund that money raised would go into. That big issue is accountability. If this money goes into the Mayor's Special Housing Fund, she did not think they have had clear reporting on where this money goes. If tax money is going into a fund, it must be accountable to the public and transparent. The public should know where it will go, if it is effective, what will happen to this money and when.

Suzanne Calder, 1509 Asbury Ave., chair of the Evanston Alliance on Homelessness, stated that one root cause of homelessness is the lack of affordable housing. Part of their mission is to develop housing opportunities in Evanston that are safe, decent and affordable. The need for affordable housing here is blatant. From 1999 to 2003, 634 units of rental housing were converted to condominiums. The last census data showed there are 992 overcrowded dwelling units in Evanston. Overcrowded means three or more persons per room. The average cost of a two bedroom apartment for a mother with two children is \$1,125 per month. To afford that, the mother would have to earn at least \$20 an hour. That is significantly above the minimum wage and more than the \$19.38 per hour that is the top rate for clerical positions in the City. The Alliance supports the concept of the referendum to increase the Real Estate Transfer Tax to build a fund for affordable housing in Evanston. This mechanism allows for a steady stream of income and is not limited to the vagaries

of new housing projects. The concept behind the referendum is commendable. However, to better convince the community of its merits, Council should define the fund that will be built. What is meant by affordable housing? Is it just for purchase of housing or is it available for rental assistance as well? Who will qualify to access this fund? Will it be limited to persons at 80% of the income mean? What about those at 50% or 30% of the income mean? How will the fund be administered? Where does the accountability rest? The Alliance asks that Council tell the public how they intend to implement this referendum so voters can make an educated decision in November. Without answers you are asking us to buy a pig in a poke. The Alliance urges Council to take further action on the critical issue as is called for in the Strategic Plan. Adopt a robust inclusionary housing ordinance before the November election so that citizens know that developers that come here to build projects, then leave with profits, will also shoulder their share of supporting this fund. It is time not to just have plans and talk the talk, but to walk the walk. This Council needs to ensure that the means are available to provide safe and affordable housing for all Evanstonians.

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

Alderman Moran moved Council approval of the Consent Agenda with these exceptions: Ordinance 85-O-06 - Planned Development & Map Amendment – 2408 Orrington Ave.; Appeal of Preservation Commission Decision – 2408 Orrington Ave.; Ordinance 98-O-06 – Amends 97-O-77 (Kendall Property); Ordinance 100-O-06 – Repeals Ordinance 53-O-71 (Covenant Release: Kendall Property); Ordinance 93-O-06 – Zoning Ordinance Text Amendment “C2 Special Uses;” Ordinance 97-O-06 – Amendments to Landlord & Tenant Ordinance; Appeal of the Preservation Commission’s Denial of Certificate of Appropriateness for Demolition of 1218 Elmwood and Ordinance 87-O-06 – Zoning Ordinance Text Amendment – Solar Panels. Seconded by Alderman Jean-Baptiste.

Roll call. Voting aye –Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran. Voting nay – none. Motion carried (9-0).

**ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of August 14, 2006. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

**ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, of City of Evanston payroll for the periods through August 24, 2006 and September 7, 2006 and City of Evanston bills for the period ending September 12, 2006, authorized and charged to the proper accounts:

City of Evanston payroll (through 08/24/06)	\$2,572,716.67
City of Evanston payroll (through 09/07/06)	\$2,191,419.67
City of Evanston bills (through 09/12/06)	\$6,222,747.33

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

\* Approval of the contract for professional services with Muller & Muller Architects (700 N Sangamon, Chicago) to provide architectural consulting services for the Police Department in an amount not-to-exceed \$46,250.93. Funded by the FY 06/07 CIP budget. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the lowest responsive and responsible bid from Home Towne Electric Inc. (35220 Rte. 83, Lake Villa, IL) for the Central St./Crawford Ave./Gross Point Rd. signal, street and road lighting improvement project in the amount of \$1,131,371.40. Funding provided by CIP funds. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Approval of a Change Order #3 with Alvord, Burdick & Howson, LLC (20 N Wacker Dr, Chicago) for engineering services relating to the replacement of low-lift pump #7, increasing the not-to-exceed amount by \$5,000, and the contract amount from \$308,232.33 to \$313,232.33. Funded by the Water Fund. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Approval of a Change Order #3 for Phase X, Contract A with DiPaolo Co. (4350 DiPaolo Center, Glenview) for the Relief Sewer Project, decreasing the contract amount by \$688,559.08 from \$10,065,521.95 to \$9,376,962.87 and extending the contract time for completion of the project by 364 calendar days or September 8, 2007. Funding provided by IEPA loans. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 92-O-06 – Increase in Number of Class D Liquor Licenses – Consideration of proposed Ordinance 92-O-06, which amends Section 3-5-6(D) of the City Code to increase the number of Class D liquor licenses from 24 to 25 due to the addition of Maki Box, Inc. dba Royin Japanese Restaurant, 1930 Central St. \* MARKED INTRODUCED - CONSENT AGENDA

### **PLANNING & DEVELOPMENT:**

\* Ordinance 99-O-06- Repeals Ordinance 80-O-66 (Kendall College Property) – Consideration of Ordinance 99-O-06, to repeal Ordinance 80-O-06 which rezoned 721-735 Colfax St., 2351 Sherman Ave. and 2348 Orrington Ave., from U1 University zoning to U2 University zoning under the 1960 Zoning Ordinance and releasing a covenant that limited construction on the rezoned property to certain University Uses. \* MARKED INTRODUCED - CONSENT AGENDA

Alderman Moran moved to Suspend the Rules to adopt an ordinance at the same meeting at which it was introduced. Seconded by Alderman Wynne. Motion carried unanimously.

Alderman Moran moved adoption of Ordinance 99-O-06. Seconded by Alderman Wynne. Roll call. Voting aye –Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran. Voting nay –none. Motion carried (9-0).

\* Ordinance 94-O-06 – Zoning Ordinance Text Amendment – I2 Special Uses – Consideration of the Plan Commission recommendation to amend the text in the Zoning Ordinance, I2 General Industrial District regulations, to include retail uses as special uses. \* MARKED INTRODUCED - CONSENT AGENDA

\* Ordinance 95-O-06 – Renaming and Amending Title 4, Chapter 22, “Affordable Housing Demolition Tax” – of the Evanston City Code – Consideration of the staff recommendation to amend Title 4, Chapter 22, and rename the “Affordable Housing Demolition Tax” to the “Affordable Housing Demolition Tax and Affordable Housing Fund.” \* MARKED INTRODUCED- CONSENT AGENDA

Alderman Moran moved to Suspend the Rules to adopt an ordinance at the same meeting at which it was introduced. Seconded by Alderman Moran. Motion carried unanimously.

Alderman Wynne moved adoption of Ordinance 95-O-06. Seconded by Alderman Moran.

Roll call. Voting aye –Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran. Voting nay – none. Motion carried (9-0).

\* Ordinance 96-O-06 – Zoning Ordinance Text Amendment – Planned Development Submission Requirements – Consideration of a Plan Commission recommendation to amend the text of the Zoning Ordinance, Chapter 3, “Implementation and Administration,” ss. 6-3-6-7 and ss. 6-3-6-3, by adding a requirement that a planned development request include a statement showing how the proposed development is compatible with the City’s design guidelines for planned developments. \* MARKED INTRODUCED - CONSENT AGENDA

\* Ordinance 90-O-06 – New Construction Moratorium on Central St. from Ashland Ave. to Hartrey Ave. – Consideration of an Aldermanic request, introduced August 14, 2006, to impose a moratorium on all new construction for a period of 180 days between Ashland Ave. to 2200 Central St. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 86-O-06 – Planned Development – 2400 Main St. (Fifth Third Bank) – Consideration of a Plan Commission recommendation, introduced August 14, 2006, to approve a planned development for a Fifth Third Bank with a drive-thru at 2400 Main St. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

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

\* Approval of August 2006 Township Monthly Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of August 2006 in the amount of \$84,284.28. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

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

#### **ADMINISTRATION & PUBLIC WORKS:**

Alderman Holmes reported that the increase in the Change Order of \$5,000 with Alvord, Burdick & Howson, LLC will be pursued by the Legal Department to see if it can be recouped from the bond company.

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

Ordinance 85-O-06 - Planned Development & Map Amendment – 2408 Orrington Ave. (Kendall College Property) – Consideration of an amended Planned Development and Map Amendment, introduced July 24, 2006, for a proposed development consisting of 20 single-family detached homes and rezoning of the site from U1 to R1.

Alderman Wynne moved approval of Ordinance 85-O-06. Seconded by Alderman Wollin.

Assistant Corporation Counsel Ellen Syzmanski reported amendments made to the ordinance in committee. Section 13, page 29, page 2 of handout, ninth line, add, “Applicant and Successors specifically acknowledge and affirm that they have notice of, and are aware of, the provisions and obligations of this Section 13, that they acquire title subject to the provisions and obligations of this Section 13, and, as a condition precedent to the grant of Special use for Planned Development, in the case of Applicant, and as a condition precedent to purchase or acquisition, in the case of the Successors, that they waive any right they have or may have to cause the owned or acquired portion of the Subject Property to be or to become exempt in whole or in part from the payment of real estate taxes to the City, to School District 65, or to Evanston Township High School District 202, and expressly agree to pay the aforescribed taxes in a timely manner consistent with the then-current Cook County real estate tax payment schedule.”

Ms. Syzmanski directed attention to Section 19, page 33, first sentence now reads: “That Section 4 of this Ordinance 85-O-06, which rezones the Subject Property from U1 University Housing District to R1 Single-family Residential District, shall be in full force and effect immediately upon its passage due to the urgency of preventing development inconsistent with the R1 Single-Family Residential District zoning on the Subject Property and with the Single-family areas to the northwest and south of the Subject Property.”

Ms. Syzmanski directed attention to Section 19, three lines from the bottom, Subparagraph (4) now reads: “Recordation by Applicant of this Ordinance 85-O-06, including all exhibits thereto, the covenant required by Section 13 of this Ordinance 85-O-06” with the remainder of the sentence the same.

Alderman Wynne moved approval of the amendments. Seconded by Alderman Wollin. Motion carried unanimously.

Alderman Wynne moved approval of 85-O-06 as amended. Seconded by Alderman Wollin.

Roll call. Voting aye – Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran. Voting nay – none. Motion carried (9-0).

Appeal of the Preservation Commission Decision – 2408 Orrington, Kendall College – Consideration of the Appeal in support of granting a Certificate of Appropriateness for the demolition of structures at 2408 Orrington, 2344 Orrington, 2340 Orrington, 725 Colfax, 730 Lincoln, 735 Colfax and 2351 Sherman. City Council accepted consideration of the appeal on April 25, 2005, and stayed final action at the request of the applicant pending completion of the Plan Commission’s review of the amended application for planned development.

Alderman Wynne moved approval of this item. Seconded by Alderman Wollin. Motion carried unanimously.

Ordinance 98-O-06 – Amends Ordinance 97-O-77 (Kendall College Property) – Consideration of an amendment to Ordinance 97-O-77, which vacated a portion of the north-south alley on the Kendall Property to delete requirement of restricting use of the vacated portion to parking and releasing the recorded covenant restricting said use.

Ms. Szymanski direction attention to page three, Section 4. The document number required an amendment. The number is “91630061.” Alderman Wynne moved approval. Seconded by Alderman Wollin.

Alderman Wynne asked that Ordinance 98-O-06 as amended be marked introduced.

Alderman Wynne moved to Suspend the Rules to adopt an ordinance at the same evening at which it was introduced. Seconded by Alderman Wollin. Motion carried unanimously.

Alderman Wynne moved adoption of Ordinance 98-O-06. Seconded by Alderman Wollin.

Roll call. Voting aye –Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran. Voting nay – none. Motion carried (9-0).

Ordinance 100-O-06 – Repeals Ordinance 53-O-71 (Covenant Release: Kendall College Property) – Consideration of Ordinance 100-O-06 to repeal Ordinance 53-O-71, which approved a variation from the off-street parking provisions of the Zoning Ordinance and releases a restrictive covenant regarding use of the parking lot at 2306 Noyes Court and limitations of total student enrollment.

Ms. Szymanski directed attention to page three, Section 4, last line should read: “adoption of this Ordinance 100-O-06.” Alderman Wynne moved approval of the amendment. Motion carried unanimously.

Alderman Wynne asked that Ordinance 100-O-06 as amended be marked introduced.

Alderman Wynne moved to Suspend the Rules to adopt an ordinance at the same meeting at which it was introduced. Seconded by Alderman Wollin. Motion carried unanimously.

Alderman Wynne moved adoption of Ordinance 100-O-06.

Roll call. Voting aye –Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran. Voting nay – none. Motion carried (9-0).

Ordinance 93-O-06 – Zoning Ordinance Text Amendment – C2 Special Uses – Consideration of the Plan Commission recommendation to amend the text of the Zoning Ordinance to add “Commercial Storage Facility” to the list of special uses in the C2 Commercial District.

Ordinance 97-O-06 – Amendments to the Residential Landlord and Tenant Ordinance – Consideration of the Human Relations staff recommendation to amend the Residential Landlord and Tenant Ordinance. The amendments include: requiring that all rental agreements be written, allowing

landlords the opportunity to terminate a rental agreement, and redefining the options that are available to tenants when a landlord fails to provide essential services.

Alderman Wynne reported that ordinances 93-O-06 and 97-O-06 were held in committee.

Appeal of the Preservation Commission's Denial of Certificate of Appropriateness for the Demolition of the Evanston Landmark at 1218 Elmwood Ave. – Consideration of the application appealing the Preservation Commission's denial of a Certificate of Appropriateness (COA) for demolition of the Evanston Landmark at 1218 Elmwood Ave.

Alderman Wynne reported that at the August 14 meeting of the Planning & Development Committee voted to hear the appeal at the next City Council meeting.

Alderman Bernstein moved to reverse the Preservation Commission's denial of a Certificate of Appropriateness. Seconded by Alderman Moran.

Ms. Szymanski said the Council's decision to grant or deny an appeal of a Certificate of Appropriateness had to be made on the record. Since Council has expressed its intent to grant the Certificate of Appropriateness and reverse the Preservation Commission, it must cite the condition of the property which included mold and problems with the foundation which make it virtually impossible to rehabilitate the property as stated in evidence given by the structural engineer Moshe Calamaro to the Preservation Commission. Alderman Moran moved to include that recitation as part of the findings. Motion carried unanimously.

Alderman Wynne said this building was a historical landmark not because of its architectural value but because a historical person had lived there and has been altered significantly since then.

Motion carried unanimously.

Ordinance 87-O-06 – Zoning Ordinance Text Amendment – Solar Panels – Consideration of a Plan Commission recommendation, introduced August 14, 2006, to amend Chapter 4 “General Provisions,” Section 6-4-6-3 “Allowable Accessory Uses and Structures (Detached from Principal Structure),” Chapter 18 “Definitions” 6-4-6-3 and the creation of Section 6-4-6-8 to address the location, size and appearance of solar collectors.

Alderman Wynne stated at the August 14 P&D committee meeting, Interim Zoning Administrator Arlova Jackson summarized the changes proposed by the Plan Commission. Since then Wynne had received many communications from the public indicating the decision was ill-considered. She noted there is some misinformation in the community and urged that they seek more information from staff outlining the Plan Commission's lengthy discussion. Some knowledgeable citizens participated, particularly Ellen Galland, who won an award for a green home. She wanted to hear from the Network for Evanston's Future about information they received from an Environment Board member. She asked the Zoning Division to provide a more detailed summary. There were several prior meetings' transcripts, which Council members had not received, that talked about balancing aesthetics versus sustainability. The Plan Commission took that into consideration and that needs to be brought to the attention of Council and the community.

Alderman Rainey said to compare the product that Ellen Galland did is a lot different than the solar panels that are on the 300 block of Dodge on a small ranch house. When she sees solar panels, she has a good reaction and doesn't think about them being intrusive and that a fine statement is being made. In addition to staff, she wanted to hear from the Environment Board. This decision did not feel good to her.

Alderman Bernstein stated that the Energy Commission should be involved and it seemed inappropriate that the Plan Commission would be determine the nature of the panels.

Alderman Moran said as part of the Environment Board's consideration of this, the efficacy and efficiency of solar panels

may be heavily influenced by the angle at which they are placed in relation to the sun.

Alderman Wynne asked that this item be held. Seconded by Alderman Bernstein. At the request of two aldermen this item will be held and referred back to the P&D committee.

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

**7<sup>th</sup> Ward.** Alderman Tisdahl said due to 9/11 she thanked the Evanston Police and Fire Departments for all they do.

**8<sup>th</sup> Ward.** Alderman Rainey was disappointed at the reaction to the referendum for affordable housing revenue; saw this as an opportunity for a campaign around a specific issue. She heard fear from the affordable housing community that Evanstonians won't support affordable housing to the extent that they would make a contribution. Evanstonians are extremely charitable. She rejected the concern that persons selling a \$200,000 or \$300,000 home would lose a lot of money. If the referendum fails, it would fail because the affordable housing community has done nothing but publish commentary about what a bad idea it is. She thought it was a great idea. If they leave it to developers to generate funds for affordable housing they will generate a pittance. The referendum will generate \$800-900,000 a year. Those who support affordable housing on Council need to join with the affordable housing people and conduct a citywide campaign. She stated that they must have a plan for spending these funds and has seen nothing to address that. She urged that these funds go toward purchase of modest homes that are on the market. There are many two and three bedroom homes and condominiums for sale that are affordable. She urged they get a program in place because they have a lot of work to do.

Alderman Rainey reported that last week there was a closing on the Bristol, a new rental building on Howard Street.

**9<sup>th</sup> Ward.** Alderman Hansen asked the city manager's office about practices under examination in the Streets & Sanitation Division. She was told that they were using a different system that prolongs the life of graded alleys. They are taking another look at the dumpster program. In the past, this has been abused with contractors putting their stuff in dumpsters. This came to light when someone inquired about getting a dumpster. She asked that any practices that affect neighborhoods on a routine basis should be communicated to aldermen.

She reported they now have a continuous sidewalk from Dodge to McCormick (along Oakton) in the 8<sup>th</sup> and 9<sup>th</sup> wards. Many people are excited about it when they discover it. Public Works did a great job.

**1<sup>st</sup> Ward.** Alderman Wollin didn't see a leader stepping forward to organize a campaign to work with advocates for affordable housing and agreed with Alderman Rainey's comments. She had asked for a breakdown of the Mayor's Special Housing Fund to learn how it is dispensed and how much CDBG spends on housing. She pointed out that a referendum is a huge undertaking, requiring a time-consuming public education program and they needed a commitment to do it with little time available.

Alderman Wollin reported that a community picnic with neighbors and NU students who live off-campus the day before was very successful despite rain and thanked NU for sponsoring the event.

Ms. Aiello explained that there are certain restrictions that apply to the City Council regarding a referendum. All they may do is provide neutral education, telling what the issues are, but may not advocate either pro or con. That would have to be done by the community. A flyer can be produced that explains the issue.

First Assistant Corporation Counsel Herb Hill advised that staff can inform the public about where the funds from the Real Estate Transfer Tax would go but City funds cannot be spent to advocate for or against an issue. Public funds can be used to explain what the issue is and what is in place now.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste reported the planning sessions launched in the 2<sup>nd</sup> and 5<sup>th</sup> wards are going well with good participation.

He announced that Panino's now is open at Dempster/Dodge Plaza with plenty of parking.

Alderman Jean-Baptiste reported that he was invited to Freshman Day at ETHS and met the new superintendent, who is



enthusiastic about being here, and urged fellow Council members to call him.

He announced that on Wednesday, September 20, 5:30 p.m., journalist Amy Goodman was invited by the peace community to speak at Northwestern University. She is on WLWU, 88.7 FM from 9-10 a.m. and on 88.3 FM from 7-9 p.m. and on-line at DemocracyNow.org. He urged people to attend to get a different perspective.

**4<sup>th</sup> Ward.** Alderman Bernstein encouraged Council members to participate at the Farmer's Market upcoming Saturday for Not-for-Profit-Day.

He thanked and congratulated Human Relations Executive Director Paula Haynes and the Police/Fire Departments for a wonderful CommUNITY picnic – it was the best yet.

Alderman Bernstein thanked police and firefighters who serve the community and put their lives on the line every day.

**5<sup>th</sup> Ward.** Alderman Holmes invited all to a new little store called “We are Beautiful” at 1966 Dempster next to Paninos. Former Evanston resident Nicky Henry came back and she and her husband operate the store.

She offered condolences to the families of Joseph Burton, retired captain in the Evanston Fire Department and Marian Vett Johnson, long-time residents who will be missed.

Alderman Holmes invited all to attend the third and fourth community meetings on the West Evanston plan on Wednesday, September 13 and Thursday, September 21. The community plan will be a part of the regular ward meeting on September 21, at 6:30 p.m.

She acknowledged all the block clubs in the 5<sup>th</sup> Ward that have been meeting and holding block parties over the summer months; welcomed back the 1700 and 1800 Hartrey block club, which is active again.

Alderman Holmes congratulated the Fireman's Park neighbors who met yesterday in Engelhart's lounge due to the rain.

**6<sup>th</sup> Ward.** Alderman Moran congratulated Alderman Rainey for the call to work on the referendum for the affordable housing program; agreed that a \$1 increase will not impose any great hardship upon sellers. He noted that Evanston people are very generous, but sometimes think they are overtaxed. He thought this is an opportunity to have a community discussion, looked forward to it and hoped it will pass. He invited the affordable housing community to view it as an opportunity and to treat it appropriately so they can go forward. He said they should not despair about restrictions about what they can and cannot do. The term is to educate and address the issues. He suggested if they get enough of the facts out, people will accept it. Council and staff have some work to do.

He noted recently the Plan Commission invited a man from California to speak about form-based codes in relation to zoning. Many Council members were present and he found it one of the most illuminating discussions he has heard. He thought they have a lot to gain by looking at form-based codes as opposed to the standard zoning they have. He made a reference to the Plan Commission to consider examining and to think about making recommendations on the Evanston Zoning Ordinance to make it adhere closer to the form-based code that was discussed that night. Seconded by Alderman Rainey. Motion carried unanimously.

Alderman Moran extended condolences to all those who suffered five years ago on 9/11/01: the people in the towers, people at the Pentagon and the people who ended up in the field in Pennsylvania, all the first responders and their families. He thought all should continue to be grateful and think about the sacrifices they made. He extended his thanks and concern to the men and women in the Armed Forces who gave up their lives in the pursuit of the war on terror. He recalled how unified the nation was right after the 2001 attack. Since then they have seen devolution of that unity. He hoped that Americans and people involved in government could find a way back to that sense of unity coming out of the wake of those sorrowful events and find a way to return to peace.

At 10:24 p.m., Alderman Bernstein moved that Council convene into Closed Session for the purpose of discussing

matters related to personnel, acquisition of real estate, litigation and minutes pursuant to 5 Illinois Compiled Statutes 120/2 (c ) (1), (5), (11) and (21). Seconded by Alderman Wynne.

2. All meetings of public bodies shall be public meetings except for the following:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity.

(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.

(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 Section2.06.

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

There being no further business to come before the Council, Mayor Morton asked for a motion to adjourn and the Council so moved at 11:15 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.