

**CITY COUNCIL**

September 25, 2006

**ROLL CALL - PRESENT:**

Alderman Rainey	Alderman Bernstein
Alderman Hansen	Alderman Holmes
Alderman Wollin	Alderman Moran
Alderman Wynne	Alderman Tisdahl

**NOT PRESENT AT  
ROLL CALL:**

Alderman Jean-Baptiste

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 25, 2006, at 9:03 p.m. in the Council Chamber.

**ANNOUNCEMENTS:**

Parks, Forestry & Recreation Director Doug Gaynor introduced Lois Roewade, Arts Council Chair, who invited all to attend the Arts Week kick-off party Friday, October 6 from 6-8:00 p.m. at Maple/Church Plaza with a sidewalk parade and food donated from local restaurants. Along with the Arts in Business Committee, the Arts Council took the lead on creating more events than any other community in Illinois outside of Chicago for Arts Week. They will have a gallery tour on October 7 at Noyes Cultural Arts Center and on October 8 at the Evanston Arts Center. One night during the week the West Side Arts District is doing West Side Story. At Clark Street beach on Saturday October 7 people can participate in creating a giant city sand sculpture. On Central, Main and Dempster people will find buckets of chalk to draw or write on sidewalk squares. ECMC will be out October 14 interviewing people who are participating. She invited people to do something they have not done before during Arts Week October 6 through 15.

City Manager Julia Carroll reported the Vest-a-Dog Ceremony was held that day at Northwestern University for Jack, who received a bullet-proof vest.

**Mayor Morton proclaimed  
October 3 Voter Registration Day in Evanston**

**Presentation to Patricia and Jerry Franke**

Mayor Morton presented a plaque to Patricia and Jerry Franke thanking them for their generous contribution to the bird sanctuary in the Ladd Arboretum. Ecology Center Manager Linda Lutz reported that the Franke's wanted to increase its biodiversity and added an area where people can have more association with nature. They gave \$50,000 to do that. Ground was broken in March and the area was dedicated September 3.

Patricia Franke acknowledged the help of Ms. Lutz and the Ladd Arboretum Board and hoped others who have extra time or money or both, would find a project they can work on because the City cannot do everything. She thought it important to make the City as amenable as possible.

**U.S. Mayor's Climate Protection Agreement presentation**

Environment Board Stephen Lupton, Co-Chair, introduced Co-chair Leonard Sciarra and acknowledged members Gladys Bryer and Vicky McKinley. Mr. Lupton presented a proposal to the City Council, that the City sign on to the U.S. Mayor's Climate Protection Agreement.

Alderman Tisdahl asked why the recommended action was "no action" at this time? Ms. Carroll said they wanted Council to authorize staff to bring back a resolution that would approve it. She thanked the Environment Board for working on this with staff. Alderman Jean-Baptiste moved to bring back a resolution to Council. Seconded by Alderman Tisdahl. Motion carried unanimously.

**COMMUNICATIONS:** City Clerk Mary Morris reported that Tuesday, October 10 is the deadline to register to vote for the upcoming November 7 General Election. The City Clerk's office will register voters weekdays and the next two Saturday mornings 9-12:00 noon and the Evanston League of Women Voters will register voters from 1-5:00 p.m. on those two Saturdays at the main Library 1703 Orrington. If somebody misses the deadline for regular registration, Grace Period Registration and Voting starts Tuesday October 11 through Tuesday, October 24 at the Cook County Clerk's Office at 69 W. Washington St., in Room 500, in downtown Chicago.

She announced Early Voting starts Monday, October 16 through Thursday, November 2 in the City Clerk's office.

**CITIZEN COMMENT:**

Liane Casten, 1030 Asbury Ave., 32-year resident, thanked Council for supporting the Climate Protection Agreement. The issue for her is water and the fact that we will enter a serious water crisis within ten years. There are many things happening that will affect our ability to have clean, potable water for citizens anywhere. Global warming is a serious issue because more water will evaporate. More than 50% of all waterways in the United States are polluted. She announced a conference at Northwestern University on the climate crises October 22 at Tech Auditorium from 1-5:00 p.m. She noted that City Manager Carroll and Representative Julie Hamos will be involved and invited all to attend.

Betsy Bouchard, 418 Church St., recently returned from Sweden with a group of City planners and community activists who had met with Swedish planners and officials in cities like Stockholm, rural areas and some communities in the Arctic Circle. During the tour it became clear that the engine for sustainable, economic and environmental development would be initiatives in municipalities, not from the top down. By signing this agreement, Evanston would join 295 Mayors, 49 million Americans and 114 countries. The City has a partner in the Network for Evanston's Future. Last spring, citizens and staff came to the Earth Month Forum where Steve Cohen gave a slide show on the things done in Portland, Oregon to create a sustainable city and economy. This year the Network will start Evanston's Global Warming Initiative with the goal of enlisting businesses, schools, religious congregations and community organizations to identify and carry out appropriate actions in their sectors. They will call upon the creativity of Evanston citizens to use this campaign to build the community they want to see in 2012. She thought the Climate Protection Agreement would unite the City and citizens to protect our future.

Nathan Kipnis, 1642 Payne St., architect, is involved with a lot of green architecture and thought it an important subject. He urged the City to make an effort to make each project it can "green" or it's a lost opportunity. Time is limited on how quickly we can respond to this (global warming). On the solar panel initiative, he recommended that not be limited in any significant way. To incentivize people to do green work, he suggested no tear-down tax if a green project will be done.

Alex Sproul, 646 Judson Ave., spoke as a member of the Unitarian Church. During October more than 4,000 congregations around the country will show Al Gore's film, "An Inconvenient Truth." He invited the public to the Unitarian Church to see a free showing of the film on Tuesday, October 3, Fridays, October 6, 20 and 27 and Sunday October 15 at 12:30 p.m. Other congregations will screen the film also. At their church when the film is shown, their environmental group will propose a geo-thermal application for their church building that would replace the gas-fired furnace to take advantage of energy available in the ground. It is a major initiative that will cost several hundred thousand dollars if approved by the congregation. It will eliminate the use of natural gas entirely and increase the use of electricity, which will result in a net reduction of about 50% in consumed energy. What is left is to purchase carbon offsets, which can be done in various ways so they will become a net carbon-free facility. He applauded the action of Council to proceed with the Kyoto Agreement. There is a great deal to be done on this and he urged they proceed.

Asayo Horibe, 1812 Washington St., 35-year resident, spoke as a trustee for the Parliament of World Religions; president, Council of Buddhist of the Midwest; and sailor and Fleet Captain of the Northwest Sailing Association. She is also active in the National Council for Community and Justice. She commended Council for approving the resolution to be presented to them because the world has become very broken. Council will have the support of all the organizations of which she is a part. Four trustees of the World Parliament of Religions live in Evanston. They are proud of aldermen willing to take this step and join others who had the foresight to see that we need to try and fix what people with less foresight have tried to destroy. A place for our children and grandchildren is needed. When sailing, she must climb down more ladders due to the lower lake level.

David Ucker, 2720 Park Pl., spoke about developing a positive youth environment. He saw a reflexive/reactiveness on

the part of Council, an inclination to reply immediately to a loud concern that is relatively uncomplicated by careful consideration or the need for action. We've seen it before and the bees exemplify it again. Is it necessary or even possible for Council to legislate where bees live? Obviously we've always had them and all live with them. Do they imagine there are only two hives in Evanston? Do we truly believe that bees will respect a mandate of 25 feet in their flight pattern? A more important perspective, that seems to have escaped discussion of this issue, is about an ambitious student who chose to undertake a constructive and educational project. It is consonant with everything they've heard that evening and the initiative Council just bought into, environmentalism and sustainability. He knows Gabriel Jacobs and has watched him grow up. His comments are not limited to Gabriel's project specifically. It seems there is only one kind of response to this initiative and that is Council should celebrate and support it. The proposals they are considering are designed to squelch and shackle a creative spirit. Don't do it. He asked them to remember that the manner in which they act, the perspectives they bring and the actions they take, teach an important lesson about leadership. He urged Council to keep a perspective, don't get bogged down in unnecessary reactivity and celebrate examples of leadership in our youth.

Junad Rizki, 2767 Ridge Ave., said that sustainability is really about sustainable taxes. Last week there was a budget meeting. Tonight Council said it wants to support sustainability. Perhaps Council should tell what they did to the elm trees last year. Council approved a contract for \$700,000 to inject all elm trees and ended up spending \$600,000 to inject half of them. There is a lot of politics here. It is really about how the City spends money. Council wants to tear down this building because they don't have the money to repair it. They can approve all these things, but it is really about the budget and how the money is proportioned. He understands that they will start to cut employees. A mandate to cut two employees from each department is not managing anything. For years Council has not managed anything. If they cannot run the City, how will they take care of the environment? There's no knowledge here. Is paving alleys sustainable? It is a highly popular thing, but it increases the heat. He will be at the next budget meeting.

Medo Srdic, 1710 Brummel St., has kept bees for 20 years in Evanston and worked for 18 years with honeybees in Bosnia. He was asked to move his bees due to construction. He helped people put bees at a center in Chicago. He talked to his neighbors and all agreed he could bring his bees back to the second floor of the building where he lives. Since he moved them, nobody has noticed them. People sit in their backyards and kids play outside. Honeybees don't eat cheese or meat. A neighbor across the street saw bees coming for water and said they did not bother him. Evanston has many beautiful trees. Honeybees produce honey and don't bother people. He was surprised at how many hours people spent discussing this subject. One year ago when he did not have bees, thousands of bees flew to his neighbor's trees. Some bees fly four miles into Evanston because there are thousands of Linden trees here. He asked Council to please not make Evanston a "black hole" in the state.

Jim Graham, 742 Wesley Ave., said this regulation was not drafted to deal with a bee problem, because after years of beekeeping in Evanston there is no problem. The same was true in Chicago, where bees are actively encouraged; no problem in Paris, France with a population density of 68,000 people per square mile, yet bee keeping is encouraged. This regulation is about a people problem, appeasing a small vocal protest. Regulating bees has the practical result of prohibiting a time-tested, salutary effort for over half of the inhabitants based upon their lot size in an arbitrary manner. What reasons do we have to believe 25 feet is the magic number other than the fact that it squelches this one particular hive effectively. He felt if Council went through with this regulation, it would be an abuse of this body's power.

Michaela Kandsberger, 1530 Madison St., lives on the same block as the beehive. The bees don't bother her at all and her children like having the bees and go into the backyard and watch them. They like it that there is a teenager who is taking care of something, rather than drinking alcohol. It is a good thing to have the bees. She hoped they vote it down.

Thomas Schroeder, 939 Wesley Ave., described how the City's Forestry Division came through his block last week and trimmed the ash trees and it was wonderful. He asked a tree trimmer if they ever find honeybees in trees. He was told they find several every year. He was happy that honeybees are coming back to Evanston, Green City. Sunday afternoon he walked two blocks north on Ashland and got 50 signatures from residents who signed petitions that they were aware of a honeybee hive at 1517 Madison St. and that citizens should have the right to keep and maintain honeybees, regardless of lot size. Many who have followed the story told him they don't know what to think about the City Council. Some feel that Evanston is a laughingstock. There was an article about bees in Thursday's *Tribune* that a sixth-grade student took to the science class. To Council and the three people against the student's hive, he asked where is their compassion, mercy, and love your neighbor as yourself. Here is a boy who has a constructive hobby. Some want him to

get rid of the bees and he could become a druggie in two years, etc. He noted that if they cannot regulate bees in the trees, why regulate somebody with a box in the backyard.

Ivan Medard, 703 Wesley Ave., 35-year resident, was concerned about the bees. When he came in June, the issue was there was no approval for bees to be brought in, but they were brought in anyway. He thought there were rules and regulations and that bees were not allowed in and why should they be allowed to stay now. He was not against bees and not against people who have bees. If people are expected to abide by the rules, they should stick with the rules.

Paul Jacobs, 909 Madison St., father of Gabriel Jacobs, the boy with the beehive; noted there was no rule against bringing bees into Evanston when the beehive was brought in. Gabriel is an honor student at Evanston Township High School and takes his hobby seriously. If they choose to make this arbitrary regulation, which is basically a 25-foot setback, is a ban in that neighborhood because the lots are 35-feet wide. If Council enacts this regulation that bans Gabriel from having a beehive, they are telling him that his pursuit of things that interest him, that don't harm anybody and no one has been harmed by his beehive in the time that it has been there. He stated that this is a punitive measure against a 14-year old boy who is only interested in a productive hobby. There are far worse things that a boy could be doing. Perhaps Council should address those issues rather than trying to regulate bees from flying around in people's yards.

Heather Eloff, 1523 Madison St., lives one house west of Gabriel's beehive and is a 10-year resident. She has two children; a butterfly garden, roses and a cherry tree in the backyard. Her children are in the backyard and have not noticed a problem with the bees, wasps, bumblebees or honeybees. She has seen them all; urged Council not to take this decision lightly because it affects a lot of people on Madison who want to keep the bees and make them part of pollination where they live.

Chris Djuric, 734 Wesley Ave., lives down the street from the honeybee hive and is a pro-bee person. She represents a household of eight who also believe the hive should be there. She has had honeybees in her garden pollinating the squash and going in and out of the flowers. They have not been a problem for pets and children who play in the yard.

Carolyn Zezima, 1602 Main St., also is pro-bee on many levels; comes from a perspective of sustainability and urban farming and thought that bees are exceedingly important and needed to pollinate vegetables and flowers. She was terrified of bees as a child; was stung by yellow jackets that got into her house. However, she loves honeybees because they are docile and come to her garden. In Italy she visited a winery where they had honeybees and was surrounded by them. She recognized the difference between honeybees and yellow jackets.

Jennifer Bahan Fenton, 2413 Payne St., lives in close proximity to a beehive. She grew up in the country where there were many beehives. The only bee that ever stung her was when she stepped on one barefoot. She spends a lot of time in her yard with her dog and found it ironic that a city that prides itself on progressiveness would want to remove such an essential part of the ecological system. She was uncomfortable as a voter/taxpayer that Council would become involved in what seemed to be a dispute between neighbors and try to regulate that. She planned to put up bat houses and asked if she would have to be back in a few months because some neighbor is afraid of the remote possibility that a bat has rabies. She thought this was setting a bad precedent and one child should not be forbidden to have a beehive because he was breaking no law. She suggested Council was headed down a bad road.

Mary McAndrew, 1529 Madison St., spoke as a bee advocate and for her parents. She urged Council not to be swayed by a small vocal minority. The majority of people who live near the beehive support Gabriel Jacobs. They like the bees and what they have done for their neighborhood and want it to continue.

Susan Dickman, 1517 Madison St., said their bees are Italian. Beekeeping is legal in Illinois and in most communities in the United States. Beekeeping is not dangerous and is beneficial for the environment. Like any legal activity, it does not require a neighbor's permission. At the beginning of this, she asked if they could put a beehive at the Ecology Center. They could not. She asked if they could put the beehive in the Nature Center at ETHS. They could not. She stated the proposed ordinance is discriminatory and designed to prevent this family from keeping a beehive. They want only one beehive, not beehives. Some opponents of the beehives are gardeners and she did not understand how they grow fruits and vegetables yet complain about insects flying into their yards. A logical piece is missing. She believed that it is the

City's responsibility to prove that a honeybee hive is a danger and has produced no evidence of that. The Evanston Now Blog has 75 votes in a poll of which 70% said either leave the bees alone or make the honeybee the City's insect, which many states have done. A petition was circulated in their neighborhood and signed by 122 Evanston residents and 111 persons from their neighborhood have said that this hive has not negatively affected their neighborhood. She has a letter from her neighbor at 1515 Madison who could not be present but wanted her opinion known. They had an on-line petition that had 80 residents on it. Chicago and surrounding communities are concerned about what Evanston proposed to do. Channel 11, will have a story about it on "Chicago Tonight" on Wednesday.

Attorney Cannon, 1507 Madison St., represented approximately 73 people who live on Madison, Wesley and Washington. He would not say these 73 people are anti-bee. They are for quality of environment where they live and raise their families. Council has heard their argument and that is that beekeeping is really an agricultural activity. They have raised safety issues. He asked Council to study in detail the Illinois Statutes on what is safe and what is not in 510 ILCS 20/1 et al. He pointed out the statutory scheme focuses on safety. The assumption is that there is a risk to raising bees, particularly in an urban environment like Evanston. He suggested the 25-foot setback is an excellent choice because that provides greater safety for neighbors that run the risk of being next to a hive. The fencing for the fly away and the water provision are both good points. The enforcement of this ordinance will be a problem. He stated that 9-4-20 (B) in the ordinance relates to loss of a license if any terms of the ordinance are violated. The license is issued by the State of Illinois and he did not believe the City could unilaterally revoke a license issued by the state. They will have to come up with some sort of registration function and he suggested they could address licensing or the number of bees, just as dogs and cats are licensed. He did not think this young gentleman was being stepped on. If he cannot meet the 25-foot setback, he has an easy remedy. He can move the beehive to a place where it conforms to the ordinance and did not think that would cause him to do drugs. He thought Gabriel has better judgment than that because he has shown that. He stated the Council's responsibility is to follow the recommendation of Ms. Lutz who found there was a potential liability to the City and had bees removed from the Ecology Center. He urged them to follow the state statute, look to implementation of the ordinance on a 25-foot setback and to local registration, plus licensing by the state. The City cannot revoke a State of Illinois license but the City can revoke its own.

Dolan McMillan, 1519 Madison St., came to support the ordinance and said the arguments were the same as they heard in April and it a localized argument. He thought they moved beyond that in July. Those in the neighborhood are opposed to beekeeping as it stands and are not opposed to bees. They recognize there is a natural population of bees. It is the concentration of bees and the practice of beekeeping by future owners. He knows Gabriel Jacobs and his mother. Their beekeeping has not posed a problem for him this summer. It makes sense citywide to set some kind of guidance as to the safe practice for keeping bees. It was not about the neighbor, Madison Street or the southwest side.

Bob Harper, 2418 Noyes St., said they keep bees in their backyard and have for many years. He does not envy Council, people who have to come up with a solution to what is not really a problem. Hobby beekeeping has not caused harm in Evanston. Some of the benefits of beekeeping are: sharing honey with neighbors and friends; the plants and gardens are pollinated and school children see their bees in special glass observation frames that are taken into the classroom. These are small benefits that enrich the community and he wished Council would do nothing and drop this issue. But he imagined they would have to do something since they have come this far. He hoped what they do won't harm people who have kept honeybees in the community without harm for many years.

Wendy Miller, 2418 Noyes St., asked Council to re-think the issue of backyard hobby beekeeping. That is what they are talking about, not trying to have commercial ventures. She considered the regulation that would limit the number of hives to two per lot would make the regulation straightforward and simple. She thought that hobby beekeeping has proven over the past few months to pose no danger to the community. If one assumes the purpose of rules and regulations is to protect the community, then it follows that it poses a danger before any action is taken. She did not think anybody has reported to the Health and Human Services Department that the bees have posed a danger. She clarified that bees were not kept on Ecology Center property but on property elsewhere. When asked, the hive was removed, without enacting regulation. It required that people talk to each other. Honeybees have posed no harm in Evanston and take that into consideration.

Colleen and Claire Harper, 2418 Noyes St., middle and high school students, have lived with bees for as long as they can remember. Their grandfather had bees. Never once have they been stung. They have never been concerned about safety. Since having bees, neighbors have moved in with young children and nobody has been harmed. They don't pose much

risk as a hobby. They hoped that Council allowed them to keep their bees.

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

Alderman Moran moved Council approval of the Consent Agenda with these exceptions: Ordinance 93-O-06 – Zoning Ordinance Text Amendment, “C2 Special Uses;” Ordinance 94-O-06 – Zoning Ordinance Text Amendment, “I2 Special Uses;” and Ordinance 65-O-06 – Regulation of Beekeeping. Seconded by Alderman Rainey.

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

**ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of September 11, 2006. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

**ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, of City of Evanston payroll for the period through September 21, 2006 and City of Evanston bills for the period ending September 26, 2006, authorized and charged to the proper accounts:

City of Evanston payroll (through 09/21/06)	\$2,267,123.83
City of Evanston bills (through 09/26/06)	\$2,692,592.27

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

\* Approval of the lowest responsive and responsible proposal from RJN Group Inc. (200 W Front St, Wheaton) in the not-to-exceed amount of \$248,628 for engineering services related to the 2007 Water Main, Sewer, and Street Improvement projects. Funding provided by Water Depreciation, Improvement & Extension account. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Approval of professional services contract with JJR (30 W Monroe St, Chicago) in the amount of \$35,800 for the Perry Park Renovation project. Funded by the Capital Improvement Project Fund. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Approval of professional services contract with the Site Design Group (888 S Michigan Ave, Chicago) in the amount of \$40,100 for the Smith Park Renovation project. Funded by the Capital Improvement Project Fund and CDBG. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Approval of professional services contract with Thompson Dyke & Associates (213 W Institute Pl, Chicago) in the amount of \$33,128.40 for Megowan Park Renovation project. Funded by the Capital Improvement Project Fund. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Resolution 56-R-06 – Lease Agreement with the Metropolitan Water Reclamation District of Greater Chicago for Permalawn – Consideration of Resolution 56-R-06, which authorizes the City Manager to sign an amendment to the lease agreement dated April 6, 2006, between the City of Evanston and the MWRD for 2.1 acres of real estate at 2222 Green Bay Rd. (formerly known as Permalawn – North Shore Parcels 2.12 and 2.13). \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 101-O-06 – Kendall College Property Public Alley Vacation – Consideration of proposed Ordinance 101-O-06, by which City Council would vacate a City alley located north of Colfax St., east of Sherman Ave., south of Lincoln St. and west of Orrington Ave. \* MARKED INTRODUCED – CONSENT AGENDA

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

Alderman Holmes moved approval of Ordinance 101-O-06. Seconded by Alderman Wollin.

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

\* Ordinance 102-O-06 – Increase in the Number of Class B Liquor Licenses – Consideration of proposed Ordinance 102-O-06, which amends Section 3-5-6(B) of the City Code to increase the number of Class B liquor licenses from 15 to 16 due to the addition of Bandana Entertainment, LLC, dba BAT 17 at 1709 Benson Ave. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 92-O-06 – Increase in Number of Class D Liquor Licenses – Consideration of proposed Ordinance 92-O-06, introduced September 11, 2006, 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. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

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

\* 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. \* MARKED INTRODUCED – CONSENT AGENDA

\* Plat of Subdivision – Kendall College Property – Consideration of a request from Smithfield Development to subdivide the Kendall College property. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Release of Restrictive Covenant – Kendall College Property – Consideration of the release of the Restrictive Covenant dated July 17, 1987, which imposed certain restrictions on the operation of Kendall's Culinary School. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 27-O-06 – Inclusionary Housing Ordinance – Consideration of Ordinance 27-O-06, an Inclusionary Housing Ordinance, to require specified planned developments to include affordably priced dwelling units. The Housing Commission recommends adoption of this ordinance. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 96-O-06 – Zoning Ordinance Text Amendment – Planned Development Submission Requirements – Consideration of a Plan Commission recommendation, introduced September 11, 2006, 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. Further modification to amend the list of public benefits to include projects that exhibit sustainable design, energy conservation and/or other related environmental benefits. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

#### **APPOINTMENTS:**

Mayor Morton asked that the following reappointment be confirmed:

Kathy Hadden  
2300 Sherman Ave.  
For term ending September 30, 2009

Commission on Aging

\* APPROVED – CONSENT AGENDA

**REPORT OF THE STANDING COMMITTEES**

**PLANNING & DEVELOPMENT:**

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.

Alderman Wynne reported Ordinance 93-O-06 was withdrawn from the agenda at the request of the applicant.

Ordinance 94-O-06 – Zoning Ordinance Text Amendment – I2 Special Uses – Consideration of the Plan Commission recommendation, introduced September 11, 2006, to amend the text in the Zoning Ordinance, I2 General Industrial District regulations, to include retail uses as special uses.

Alderman Wynne moved approval. Seconded by Alderman Bernstein.

Alderman Rainey stated that pet grooming and pet day care in an I2 District is a perfect use. She objected to it being categorized as a retail use. Because they have to categorize as that, that means all retail uses and services can be an I2 zone. She asked, why, because animal uses are unique, can't they amend the I2 to allow animal uses? Every time she has had a problem with a use in a C or B District she is always told they cannot do anything about it because it is a retail use or service. In Evanston everything from a tattoo parlor, to a pornographic video store to an Ann Taylor Loft is a retail use. They have not done a good job of being specific when it is required. She asked legal staff if it would be possible to amend this ordinance to allow a special use for a special category called animal services.

Community Development Director James Wolinski stated there is no specific definition in the Zoning Ordinance for animal pet care. If they go that way, they would have to make a text amendment to identify that specific use and would have to amend the ordinance and go through the Plan Commission. Alderman Rainey has no problem with the use in any I2 location.

First Assistant Corporation Counsel Herb Hill wanted to know how the notice read. Mr. Wolinski told him the notice did not read the way he hoped to achieve what Alderman Rainey wanted. He urged Council to give staff two weeks to check all the notices to see if they were broad enough to make the amendment. Alderman Rainey did not want to hold this up; thought there were definitions in some districts. Mr. Hill's focus was on the notice that went out and asked was the public apprised of an amendment to the Zoning Ordinance for retail uses or for retail uses that include animal services.

Alderman Bernstein encouraged Council to go forward because they can scrutinize any potential retail use that comes in due to the special use request. They don't have to accept it. First they have the intention of a retailer to go into this district thinking they can do business, and they have to meet the muster of a special use. They cannot start, because it not allowed. Let it go forward then vote “yes” or “no” down the road.

Alderman Rainey suggested Council members give a lot of thought to a retail use and retail services in an industrial zone when they revise the Zoning Ordinance.

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

**HUMAN SERVICES COMMITTEE:**



Ordinance 65-O-06 – Regulation of Beekeeping – Consideration of proposed Ordinance 65-O-06, whereby City Council would amend Title 9 of the City Code to regulate the practice of beekeeping in Evanston.

Alderman Tisdahl moved introduction of Ordinance 65-O-06. Seconded by Alderman Moran.

Alderman Rainey asked that this be removed from the Consent Agenda in order to vote against its introduction. Voice vote, the motion to introduce carried.

**CALL OF THE WARDS:**

**8<sup>th</sup> Ward.** Alderman Rainey reported during Arts Week, on October 11 the public will have the opportunity to meet the five artists and see their Sherman Plaza public art pieces.

**9<sup>th</sup> Ward.** Alderman Hansen invited all to a Town Hall meeting on Thursday, October 5 at 7:00 p.m. at the Levy Center.

**1<sup>st</sup> Ward.** Alderman Wollin stated that maquettes of the Sherman Plaza public art pieces would be on display at the Library from October 7 through 15. People will be encouraged to give their comments on the five pieces.

She reported that the party for Jack as he got his bulletproof vest was wonderful and thanked all the donors and officers who make the canine unit work.

Alderman Wollin reported that last Sunday many Evanston restaurants hosted Big Bite Night for Northwestern students. Hundreds of students sampled Evanston cuisine and Al's Italian Beef on Davis opened with a long line.

She suggested that the Plan Commission, ZBA, and City Council sit down informally, discuss their priorities and visions, and recognize that all want the same high quality of life for the City.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste announced that the store "We are Beautiful" opened at Dempster/Dodge Plaza next door to Panino's.

He reported since a shooting on Fowler about six months ago, neighbors and troubled youth have met and the situation is improved. He noted the West Side planning process has gotten stronger with increased attendance.

He said FAMM had its first draft of the registration sticker, which reminded him of their work over a long time.

**3<sup>rd</sup> Ward.** Alderman Wynne thanked Patricia and Jerry Franke for their generous gift; recalled when she was on the Environment Board and Patricia was the chair and a real leader. She appreciated her words urging people to become involved in their community.

She noted over the past few years there have been informal meetings with the P&D Committee, Plan Commission and ZBA; thought bashing each other via transcripts was not helpful.

**4<sup>th</sup> Ward.** Alderman Bernstein said he read all transcripts. He urged all who are not registered to vote, to register to vote with various groups doing voter registration.

He wished a happy new year to those who observe.

**5<sup>th</sup> Ward.** Alderman Holmes also thanked the Franke's noting it was inspiring to hear of their time and financial commitment in support of the community.

She invited all to the second annual Spiritual Walk on Saturday September 30 starting at 7:30 a.m. at the Mt. Carmel Missionary Baptist Church at 2016 Emerson St. The walk is co-sponsored by the American Cancer Society and the

African-American Health Ministry to promote health and wellness. There will be healthy foods, screenings, free T-shirts and goodie bags. There is a short route for those who cannot walk far, a medium distance route and a marathon route.

**6<sup>th</sup> Ward.** Alderman Moran noted getting the Inclusionary Housing Ordinance introduced was a big step.

He congratulated the Arts Council for its tremendous work; read the brochure and felt that arts really are the heart of Evanston.

He saluted Alderman Wollin for her stewardship of the Kendall College issue, her patience and steady hand in the face of volatile issues and getting to a place that pleased everybody.

Alderman Moran praised the FAMM program and was glad that organization would be recognized on the 2007 City Sticker. Gene Bell and Bill Logan do a fabulous job for youth and are so successful that FAMM has almost outgrown Evanston. Up and down the North Shore, youth who want to play basketball want to be in FAMM.

**7<sup>th</sup> Ward.** Alderman Tisdahl thanked the Franke family for the marvelous addition to the Ecology Center. She reported attending a meeting of the garden clubs with Assistant City Manager Judith Aiello and Linda Lutz with the Nature Conservancy to discuss a migratory bird sanctuary. They are hopeful that as Evanston develops its lakefront plan, their input will be included because migratory birds need places to stop as they migrate. She asked that this be considered as they do lakefront planning.

At 11:05 p.m., Alderman Bernstein moved that Council convene into Closed Session for the purpose of discussing matters related to litigation and minutes pursuant to 5 Illinois Compiled Statutes 120/2 (c ) (11) and (21). Seconded by Alderman Wynne.

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

(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 – Rainey, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran, Tisdahl. 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 11:20 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.