

Observer: Betty Hayford

Aldermen present: All

Media present: Four. Evanston Now, Review, Roundtable, NU Daily

Meeting started: 7:00pm

Meeting ended: 8:45pm

Announcements. Nick Cummings was introduced as a new City Attorney.

Public comment. Eight speakers. Everyone got three minutes. 3 spoke in favor of the arts and against expanding amusement tax; 1 spoke in support of new restaurant at Dempster/Dodge and 1 introduced themselves as new owners of Tapas Barcelona; 1 each opposed drones, expressed concern about tainted food, expressed support for Evanston Voter Initiative.

Special order of business. (SP1) Discussion on proposed revisions to the Amusement Tax. City Manager Erica Storlie and budget staff presented possible options for revision. This year the amusement tax was raised from 4% to 5%. The primary payer of the tax is the movie theater. Possible changes include remove non-profit exemption; define an exemption according to number of seats; add new types of commercial events such as pub crawls, virtual reality events, arcades (as Skokie as recently done).

Alderman Rainey said aldermen could start by clarifying what they do not want to include in the tax, such as itinerant theater companies (Mudlark), or museums. She would like to tax events at Welsh Ryan. Wilson expressed concern about a profit/non-profit distinction; he does not want to tax occasional events used as marketing by small businesses. Rue Simmons want to continue to exempt non-profits such as Fleetwood Jourdain or Noyes; staff pointed out that they are exempt as government entities. Braithwaite noted a contradiction between wanted to raise more revenue, but not wanting to tax non-profits or occasional business events. Fiske questioned whether a small tax on non-profit theaters would really reduce participation. Wynne and Revelle warned against weakening arts organizations which contribute to the health of the city. Storlie said staff would take time to consider the discussion and return with a proposal, perhaps in March.

Consent agenda. Mayor Hagerty asked aldermen to identify any agenda item they wanted to take off the consent agenda. Rules were suspended for two items for Introduction and Action. (For reducing, adding and changing liquor licenses.) Alderman Rainey asked if this meant each item on the consent agenda would not be read aloud. The Mayor answered that this is the new process and the full packet is on the web site to provide transparency on the agenda. Rainey explained that there is often interesting discussion in committee meetings.

The consent agenda was moved and seconded and passed 9-0.

From **Administration and Public Works** Rainey presented (A7) Authorizing the City Manager to purchase a vacant lot at 1829 Simpson Street for an amount not to exceed \$55,000. Rue Simmons supported the measure and suggested it could be made into a park. She said residential or commercial use was unlikely. The motion passed 7-2 with Suffredin and Fleming voting no.

(A12) provides an R-1 Liquor License for Levy Premium Food Service at Welsh Ryan Arena, 2705 Ashland Avenue to allow the sale of alcohol and up to 2 drinks per customer. The motion passed 5-4. Suffredin, Revelle, Rainey and Wynne voted no.

(A14) amending the E liquor license relating to package stores to allow on-site consumption for purposes of tasting only in stores passed for Introduction 9-0.

From **Economic Development** Alderman Rainey presented (ED1) authorizing the City Manager to negotiate a TIF forgivable loan agreement with Zipaktli LLC for the Interior Renovation at 1813 Dempster Street for a new restaurant. Rainey expressed support for this new restaurant planned by a strong proposal from a successful restaurant owner faced with unexpected costs because of undisclosed damage to the property. Wilson agreed and said this was an appropriate use of TIF funds. Braithwaite also expressed support for the restaurant owner and the use of TIF funds. The motion passed 7-2, Fleming and Suffredin voting no.

Call of the wards. There were no significant announcements or referrals from aldermen, but Suffredin announced his opposition to going into executive session to discuss the city manager search as planned. Hagerty said it was a personnel matter which should be in executive session. Suffredin said the discussion focused on a search, not an individual and should be open. Clerk Reid agreed with Suffredin. Fiske asserted that the Clerk should not participate in the discussion. Corporation counsel is inexperienced and could not offer a legal opinion. Wilson moved to hold the discussion with the Search firm until the next meeting.

Extensive discussion followed in a confused manner. The Mayor and aldermen were uncertain about how to proceed. Suffredin complained that aldermen were not informed about the content of the executive session until Sunday night. He again asserted that the discussion with the Search firm should be open and public. Fiske said she recalled similar meetings in the past that were executive sessions and this one should be closed. The representative from the Search firm said similar discussions had often raised issues or discussed potential candidates that were appropriate to executive sessions. She will be unavailable to attend the next Council meeting. Fleming said aldermen needed advice on the Open Meetings Act. She would prefer the discussion be open to the public because this is a tense time for the city.

The Clerk again said the law required an open discussion. Fiske said it was not appropriate for the Clerk to address the issue. The City Code outlines duties of the Clerk and do not provide a vote or voice in Council. Council could change the rules but current rules prevent the Clerk from speaking. Reid challenged her statement and she responded that participating in Council discussion is not his job (in a testy exchange).

Wilson moved to go into executive session to discuss litigation. The motion passed 8-1, Suffredin voted no.

The meeting adjourned at 8:45pm.