



VILLAGE OF WILMETTE

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MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE, ILLINOIS HELD IN THE COUNCIL ROOM OF SAID VILLAGE HALL, 1200 WILMETTE AVENUE, WILMETTE, ILLINOIS ON TUESDAY, APRIL 27, 2010.

Item:

The Village President called the meeting to order at 7:35 p.m.

1.0 ROLL CALL:

President	Christopher S. Canning
Trustees	Alan Swanson
	Michael W. Basil
	Karen Spillers
	Mari D. Terman
	Ted McKenna
	Cameron Krueger

Staff Present:

Timothy J. Frenzer, Village Manager
Kathleen Gargano, Assistant Village Manager
Michael F. Zimmermann, Corporation Counsel
Barbara L. Hirsch, Deputy Village Clerk
John Adler, Director of Community Development
Brigitte Mayerhofer, Director of Engineering
Peter Skiles, Director of Information Services

2.0 APPROVAL OF MINUTES:

2.1 Trustee Basil moved approval of minutes of the Regular Board meeting held March 23, 2010, seconded by Trustee Terman. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

Virginia Grossman, 2621 Greenleaf, asked to remove item 6.16 from the Consent Agenda.

Tracy Knudson said the address for item 6.18 should be 210 6th Street rather than 210 16th Street.

4.0 REPORTS OF OFFICERS:

Village Manager Timothy Frenzer said the Village Hall Council Chambers will have a new sound/cable system installed in May. The May 25th Regular Village Board meeting will be held at the Historical Museum located at 609 Ridge Road.

4.1 Consent Agenda. Trustee Terman moved approval of the Consent Agenda as follows:

- 6.11 Minutes, Ad Hoc Zoning Review Committee.
- 6.12 Minutes, Ad Hoc Zoning Review Committee.
- 6.13 Minutes, Plan Commission.
- 6.14 Minutes, Appearance Review Commission.
- 6.15 Temporary Use Permit #2010-TU-06 for the North Shore Art League and Plaza del Lago to sponsor a Fine Arts Fair on Saturday and Sunday, June 12 and 13, 2010.
- 6.17 ARC Report, Case #2009-AR-20, Respite Care regarding a request for a variation to allow a business without street frontage to install one permanent ground sign and a variation from the requirement that the activity have at least 60 feet of frontage at-grade.
- 6.18 ZBA Report, Case #2010-Z-09, 210 6th Street regarding a request for variations to permit the construction of a front porch and steps in accordance with the plans submitted; adoption of Ordinance #2010-O-24.
- 6.19 ZBA Report, Case #2010-Z-10, 1420 Washington Avenue regarding a request for variations to permit the reconstruction and expansion of a detached two-car garage in accordance with the plans submitted; adoption of Ordinance #2010-O-25.
- 6.191 ZBA Report, Case #2010-Z-08, 84 Indian Hill Road regarding a request for a variation to allow two parking spaces in the required front yard as part of a proposed circular driveway serving a new home in accordance with the plans submitted; adoption of Ordinance #2010-O-26.
- 6.192 ZBA Report, Case #2009-Z-55, 21 Locust Road regarding a request for variations to permit a new 6.5' solid fence in a required front yard on Illinois Road in a side yard adjoining a street, Locust Road, and in a side yard adjoining a street, Grant Street in accordance with the plans submitted – REMAND TO ZONING BOARD OF APPEALS.
- 6.21 Adoption of Resolution #2010-R-19 approving investments as previously authorized in the Illinois Public Treasurer's Investment Pool (IPTIP).
- 6.31 Minutes, Bicycle Task Force.
- 6.32 Minutes, Historic Preservation Commission.

- 6.33 Approval of contract, Des Plaines Office Equipment, Elk Grove Village, IL for the 60 month lease of a copier.
- 6.34 Introduction of Ordinance #2010-O-29 authorizing the disposal of surplus Village-owned furniture, as currently stored at the Public Works Facility, 711 Laramie, Wilmette, Illinois.
- 6.35 Approval of Intergovernmental Agreement with the Village of Northbrook for the provision of Food Inspection Services.
- 6.36 Adoption of Resolution #2010-R-18 regarding an amendment to the 2010 Pay and Classification Plan for the position of "Sanitarian".

- 6.41 Approval of contract, Sullivan Roofing Inc., Schaumburg, IL for the roof rebuild project at the Water Plant.
- 6.42 Approval of contract, A. Lamp Concrete Contractors, Inc., Schaumburg, IL for the 2010 Road Program.
- 6.43 Approval of a Joint Agreement between the Village of Wilmette and the City of Evanston for the Isabella Street Emergency Repair Program.
- 6.44 Approval of Local Agency Agreement between the Village of Wilmette and the Illinois Department of Transportation for the Glenview Road Emergency Repair Program Project.
- 6.45 Approval of Preliminary Engineering and Construction Guidance Agreement for Emergency Road Program Funds for the Glenview Road Project.
- 6.46 Approval of contract, ECS Illinois, LLC, Buffalo Grove, IL for geotechnical engineering and construction material testing services.
- 6.47 Approval of extension of contract, Lechner and Sons, Mount Prospect, IL for uniform rental and cleaning.
- 6.48 Approval of contract, ILT Vignocchi Landscape Architects and Contractors, Wauconda, IL for landscaping.
- 6.49 Adoption of Resolution #2010-R-17 concerning construction on State Highways.

- 6.51 Adoption of Resolution #2010-R-20 authorizing the acceptance of a grant in the amount of \$69,505 from the Cook County Judicial Advisory Council.
- 6.52 Adoption of Resolution #2010-R-21 authorizing the acceptance of a grant in the amount of \$20,813 from the Cook County Judicial Advisory Council.

- 6.61 Adoption of Ordinance #2010-O-23 amending the Village Code, Chapters 5 & 12 to permit and license outdoor cooking by licensed food handlers.
- 6.62 Introduction of Ordinance #2010-O-27 amending the Village Code, Chapter 11 to amend the terms of the Class K Liquor License to allow up to 40 patrons instead of the current limit of 30.

- 6.63 Introduction of Ordinance #2010-O-28 amending the Village Code, Chapter 11 to amend the terms of the Class L Liquor license to change allowable seating configuration and capacity as well as minimum and maximum square footage of eligible stores.
- 8.1 Notice of vacancy, Board of Health.
 8.2 Notice of vacancy, Housing Commission.
 8.3 Notice of vacancy, Community Relations Commission.
 8.4 Notice of vacancy, Board of Health.
 8.5 Notice of vacancy, Fine Arts Commission.
 8.6 Notice of vacancy, Housing Commission.
 8.7 Notice of vacancy, Commission for Persons with Disabilities.
 8.8 Notice of vacancy, Board of Health.
 8.9 Notice of vacancy, Historic Preservation Commission.
 8.91 Notice of vacancy, Fine Arts Commission.
 8.92 Notice of vacancy, Youth Commission.
 8.93 Notice of vacancy, Youth Commission.
 8.94 Notice of vacancy, Community Relations Commission.
 8.95 Notice of vacancy, Youth Commission.
 8.96 Notice of vacancy, Historic Preservation Commission.
 8.97 Notice of vacancy, Fine Arts Commission.
 8.98 Notice of vacancy, Historic Preservation Commission.
 8.99 Notice of vacancy, Appearance Review Commission.
 8.991 Notice of vacancy, Community Relations Commission.
 8.992 Notice of vacancy, Youth Commission.
- 9.1 Reappointment, Police Pension Fund Board of Trustees.
 9.2 Recommendation of reappointment, Police Pension Fund Board of Trustees.
 9.3 Recommendation of reappointment, Transportation Commission.
 9.4 Notice of vacancy, Appearance Review Commission.
 9.5 Appointment of Sheila Bower as Chair of the Youth Commission.

Trustee Basil seconded the motion. Voting yes: Trustees Swanson, Basil, Spillers, Terman, McKenna, Krueger and President Canning. Voting no: none. The motion carried.

- 4.2 Proclamation designating April 30, 2010 as Arbor Day and announcement of the Tree City USA Recognition from the Arbor Day Foundation.

President Canning read aloud the Proclamation and noted that this is Wilmette's 26th USA Recognition from the Arbor Day Foundation.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER:

No Report.

6.0 STANDING COMMITTEE REPORTS:

6.1 LAND USE COMMITTEE REPORT:

- 6.11 Presentation of minutes of the Ad Hoc Zoning Review Committee meeting held June 24, 2009 was handled with the Consent Agenda.
- 6.12 Presentation of minutes of the Ad Hoc Zoning Review Committee meeting held July 23, 2009 was handled with the Consent Agenda.
- 6.13 Presentation of minutes of the Plan Commission meeting held January 5, 2010 was handled with the Consent Agenda.
- 6.14 Presentation of minutes of the Appearance Review Commission meeting held March 1, 2010 was handled with the Consent Agenda.
- 6.15 Approval of Temporary Use Permit #2010-TU-06 for the North Shore Art League and Plaza del Lago to sponsor a Fine Arts Fair on Saturday and Sunday, June 12 and 13, 2010 was handled with the Consent Agenda.
- 6.16 Approval of Temporary Use Permit #2010-TU-07 for the District 39 Foundation to hold a circus fund raiser on Saturday, September 25, 2010.

Trustee Swanson moved approval of Temporary Use Permit #2010-TU-07 for the District 39 Foundation to hold a circus fund raiser on Saturday, September 25, 2010, seconded by Trustee Basil.

Virginia Grossman, 2621 Greenleaf, asked the Village Board to deny the request as she is concerned with the inhumane treatment of wild animals and safety issues.

Trustee McKenna asked if Ms. Grossman was familiar with the wholesale change in the way circuses are operated with animals.

Ms. Grossman said she does not believe there is a wholesale change in the way circuses with animals are operated, there is a big change in using circuses that do not use animals, they use people instead for entertainment.

Ms. Grossman said she is not anti-circus, she is anti-circus with wild animals.

Trustee Krueger asked if circuses were regulated and inspected by any Federal organizations.

Ms. Grossman said in theory they are inspected and regulated under the Animal Welfare Act which is enforced by the Animal Plant and Health Inspection Service. There are only 100 inspectors for the entire country with 12,000 venues. Inspections are not made in a timely fashion and are not followed up on according to her research.

Valerie Chalcraft, 1838 Isabella, said she has a Ph.D. in animal behavior and asked that the request to have a circus in Wilmette be denied. She reviewed the material that she sent to the Village Board noting that there are no barriers between humans and animals in the circus so they retain the traditional training approach to try to ensure control by forcing dominance. She asked that Wilmette join other local communities to promote an animal free circus.

Ann Carrole Witort, 1610 Central Avenue, said the circus is one of the biggest fundraisers for the District 39 Education Foundation and they have not had any problems in past years. The circus is regularly inspected and there are veterinarians on site for the animals. They are convinced that the Kelly Miller Circus is committed to maintaining the health and well-being of the animals. She asked that the Village Board grant the request.

Trustee Terman asked if this is the first time the District 39 Foundation has been asked to have a circus without animals for their fundraiser.

Mimi Drey, 425 Cedar Lane, said the Kelly Miller Circus has been in Wilmette four times and each time the Foundation has discussed at length the pros and cons of having the circus. The circus has been a success and this is the first time a letter of complaint has been written regarding the animals in the circus. There were tigers as well as elephants at the circus two years ago with no problems.

President Canning noted there was no else present to address the request.

Trustee Swanson said he has not heard of any abuse problems with the Kelly Miller Circus so he is inclined to grant the request.

Trustee Basil said the concerns that Ms. Grossman and Ms. Chalcraft have seem to be better suited to persuading the District 39 Foundation not to have the circus for their fundraising event rather than asking the Village Board to deny a request for a previously successful event.

Trustee Terman said she does recall seeing an elephant in shackles at the District 39 event two years ago which she found distressing. She agrees with Trustee Basil that the discussion should be between the sponsors of the event and the persons who are concerned about the animals.

President Canning said he agrees with Trustee Basil's comments and since District 39 has had a good track record he will support the request. He said Ms. Grossman's request that the Village pass an ordinance to prevent wild animals performing in the Village would be better served made on a State or a National basis.

Voting yes: Trustees Swanson, Basil, Spillers, Terman, McKenna, Krueger and President Canning. Voting no: none. The motion carried.

- 6.17 Appearance Review Commission Report, Case #2009-AR-20, Respite Care regarding a request for a variation to allow a business without street frontage to install one permanent ground sign and a variation from the requirement that the activity have at least 60 feet of frontage at-grade.

The request was handled with the Consent Agenda for a variation to allow a business without street frontage to install one permanent ground sign and a variation from the requirement that the activity have at least 60 feet of frontage at-grade.

- 6.18 Zoning Board of Appeals Report, Case #2010-Z-09, 210 6th Street regarding a request for a 2.08' front yard porch setback variation, a 4.58' front yard porch step setback variation, and a 21.23 square foot (13.87%) front yard porch impervious surface coverage variation to permit the construction of a front porch and steps in accordance with the plans submitted; adoption of Ordinance #2010-O-24.

The request was handles with the Consent Agenda for a 2.08' front yard porch setback variation, a 4.58' front yard porch step setback variation, and a 21.23 square foot (13.87%) front yard porch impervious surface coverage variation to permit the construction of a front porch and steps in accordance with the plans submitted. Ordinance #2010-O-24 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.19 Zoning Board of Appeals Report, Case #2010-Z-10, 1420 Washington Avenue regarding a request for a 4.63' side yard setback variation, a 12.9' side yard adjoining a street setback variation, a 3.3' side yard eave setback variation, a 9.67' side yard adjoining a street eave setback variation, a 55.36' square foot (5.98%) rear yard total impervious surface coverage variation, a 160.17 square foot (17.31%) rear yard structural impervious surface coverage variation to permit the reconstruction and expansion of a detached two-car garage in accordance with the plans submitted; adoption of Ordinance #2010-O-25.

The request was handled with the Consent Agenda for a 4.63' side yard setback variation, a 12.9' side yard adjoining a street setback variation, a 3.3' side yard eave setback variation, a 9.67' side yard adjoining a street eave setback variation, a 55.36' square foot (5.98%) rear yard total impervious surface coverage variation, a 160.17 square foot (17.31%) rear yard structural impervious surface coverage variation to permit the reconstruction and expansion of a detached two-car garage in accordance with the plans submitted. Ordinance #2010-O-25 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.191 Zoning Board of Appeals Report, Case #2010-Z-08, 84 Indian Hill Road regarding a request for a variation to allow two parking spaces in the required front yard as part of a proposed circular driveway serving a new home in accordance with the plans submitted; adoption of Ordinance #2010-O-26.

The request was handled with the Consent Agenda for a variation to allow two parking spaces in the required front yard as part of a proposed circular driveway serving a new home in accordance with the plans submitted. Ordinance #2010-O-26 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.192 Zoning Board of Appeals Report, Case #2009-Z-55, 21 Locust Road regarding a request for a 2.5' fence height and openness variation to permit a new 6.5' solid fence in a required front yard on Illinois Road in a side yard adjoining a Street, Locust Road, and in a side yard adjoining a street, Grant Street in accordance with the plans submitted – REMAND TO ZONING BOARD OF APPEALS was handled with the Consent Agenda.

6.2 FINANCE COMMITTEE REPORT:

- 6.21 Adoption of Resolution #2010-R-19 approving investments as previously authorized in the Illinois Public Treasurer's Investment Pool (IPTIP) was handled with the Consent Agenda.

6.3 ADMINISTRATION COMMITTEE REPORT:

- 6.31 Presentation of minutes of the Bicycle Task Force meeting held February 8, 2010 was handled with the Consent Agenda.
- 6.32 Presentation of minutes of the Historic Preservation Commission meeting held February 3, 2010 was handled with the Consent Agenda.
- 6.33 Approval of contract with Des Plaines Office Equipment, Elk Grove Village, IL for the 60 month lease of a copier was handled with the Consent Agenda.
- 6.34 Introduction of Ordinance #2010-O-29 authorizing the disposal of surplus Village-owned furniture, as currently stored at the Public Works Facility, 711 Laramie, Wilmette, Illinois was handled with the Consent Agenda.
- 6.35 Approval of Intergovernmental Agreement with the Village of Northbrook for the provision of Food Inspection Services was handled with the Consent Agenda.
- 6.36 Adoption of Resolution #2010-R-18 regarding an amendment to the 2010 Pay and Classification Plan for the position of "Sanitarian" was handled with the Consent Agenda.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

- 6.41 Approval of contract in an amount not to exceed \$300,000 with Sullivan Roofing Inc., Schaumburg, IL for the roof rebuild project at the Water Plant was handled with the Consent Agenda.
- 6.42 Approval of contract in the amount of \$1,248,725.28 with A. Lamp Concrete Contractors, Inc., Schaumburg, IL for the 2010 Road Program was handled with the Consent Agenda.
- 6.43 Approval of a Joint Agreement between the Village of Wilmette and the City of Evanston for the Isabella Street Emergency Repair Program was handled with the Consent Agenda.
- 6.44 Approval of Local Agency Agreement between the Village of Wilmette and the Illinois Department of Transportation for the Glenview Road Emergency Repair Program Project was handled with the Consent Agenda.

- 6.45 Approval of Preliminary Engineering and Construction Guidance Agreement for Emergency Road Program Funds for the Glenview Road Project was handled with the Consent Agenda.
 - 6.46 Approval of contract with ECS Illinois, LLC, Buffalo Grove, IL for geotechnical engineering and construction material testing services was handled with the Consent Agenda.
 - 6.47 Approval of extension of contract in the amount of \$21,838.44 with Lechner and Sons, Mount Prospect, IL for uniform rental and cleaning was handled with the Consent Agenda.
 - 6.48 Approval of contract in the amount of \$20,026 with ILT Vignocchi Landscape Architects and Contractors, Wauconda, IL for landscaping was handled with the Consent Agenda.
 - 6.49 Adoption of Resolution #2010-R-17 concerning construction on State Highways was handled with the Consent Agenda.
- 6.5 PUBLIC SAFETY COMMITTEE REPORT:
- 6.51 Adoption of Resolution #2010-R-20 authorizing the acceptance of a grant in the amount of \$69,505 from the Cook County Judicial Advisory Council was handled with the Consent Agenda.
 - 6.52 Adoption of Resolution #2010-R-21 authorizing the acceptance of a grant in the amount of \$20,813 from the Cook County Judicial Advisory Council was handled with the Consent Agenda.
- 6.6 JUDICIARY COMMITTEE REPORT:
- 6.61 Adoption of Ordinance #2010-O-23 amending the Village Code, Chapters 5 & 12 to permit and license outdoor cooking by licensed food handlers was handled with the Consent Agenda.
 - 6.62 Introduction of Ordinance #2010-O-27 amending the Village Code, Chapter 11 to amend the terms of the Class K Liquor License to allow up to 40 patrons instead of the current limit of 30 was handled with the Consent Agenda.

- 6.63 Introduction of Ordinance #2010-O-28 amending the Village Code, Chapter 11 to amend the terms of the Class L Liquor license to change allowable seating configuration and capacity as well as minimum and maximum square footage of eligible stores was handled with the Consent Agenda.
- 6.64 Report and recommendation from the Environmental and Energy Commission concerning leaf blowers; Adoption of Ordinance #2010-O-18 amending the Village Code, Chapter 14 regarding leaf blowers.

Trustee Krueger noted that the report and recommendation from the Environmental and Energy Commission was presented to the Village Board.

Trustee Basil moved to adopt Ordinance #2010-O-18 amending the Village Code, Chapter 14 regarding leaf blowers, seconded by Trustee Spillers.

Trustee Krueger reviewed the history concerning leaf blowers as presented to the Village Board.

President Canning noted that many emails, petitions and letters were received and entered into the record. He asked if there was anyone who wished to address the Village Board regarding the item.

Charlotte Adelman, 232 Lawndale, urged the Village Board to deny the request to repeal the previous Ordinance. She has been before the Village Board three times on the issue of leaf blowers. She believes the reasons given by the Board of Health, Environmental and Energy Commission and Respiratory Health Association should be taken into account by the Village Board.

Trustee Krueger asked if there was a reason to believe the particulate matter kicked up by a gas leaf blower was different than the matter kicked up by an electric leaf blower.

Ms. Adleman said the difference is that gas powered leaf blower use in summertime creates ozone. The constant use of gas powered leaf blowers would cause a tremendous amount of particulate matter to get into the air and be very harmful to people with asthma, lung conditions and small children.

Malcolm Hast, 210 Fourth Street, said he was on the Board of Health when the original Ordinance to ban leaf blowers was recommended. The ban is very minimal and he urged the Village Board to keep the ban on leaf blowers for noise and air pollution issues.

Trustee Krueger asked how Mr. Hast differentiated between a gas powered leaf blower and gas powered snow blowers and lawnmowers.

Mr. Hast said snow blowers are used minimally in the winter to save people's backs and hearts. An electric device is much quieter and does not emit the pollutants that gas powered appliances do.

Jane Liten, 1114 Lake Avenue, said she sees no reason to lift the ban on gas leaf blowers as they are bad for air quality and are very noisy.

Karen Dexter Rollison, 2012 Chestnut, said she has asthma and knows many children in the area that have asthma. Gas leaf blowers emit much more pollution than other devices. She stays in her home when leaf blowers are used and urged the Village Board to vote against the repeal of the leaf blower ban.

Lois Welch, 1420 Washington, said as someone trained in research, any research finding can be debated. She has recently retired and looks forward to spending time in her yard. She cannot stay outside when the leaf blowers are being used due to the high pitched sound they emit.

Margaret Martin Heaton, 715 Linden, said Wilmette has been a member of Clear Air Counts since 2002. She believes lifting the leaf blower ban would be a step in the wrong direction and urges the Village Board not to lift the ban.

Trustee McKenna asked Ms. Heaton what she believed would be the next thing to ban.

Ms. Martin Heaton said she believed gas powered edgers should be banned as the next step.

Trustee Krueger asked what step is too much.

Ms. Martin Heaton said there is no "too much" but the process should be gradual as people do not have big pockets to replace items.

Jim Griffith, 1210 Glendenning, asked the Village Board to consider that this an ordinance that affects people that like to stay home and be outside. He noted that asthma is on the increase and banning leaf blowers helps that condition. He believes that having fines paid at the Police Department is a good idea.

Nan Hoff, 2024 Greenwood, said the question of where we can go from here should be asked of the Environmental and Energy Commission. It is clear to her that the burden of gas powered leaf blowers outweighs the benefit to the community. She urged the Village Board to continue the ban on leaf blowers.

Ted Welch, 1420 Washington, said in regard to Trustee Krueger's question of where do we go next, he would like to see fire pits banned due to their pollution of the air.

Ed Ziesel, 1325 Maple, said he is a pediatrician and noted that asthma is really on the rise. The summer months are when children are outside playing so he urged the Village Board to keep the ban on leaf blowers.

Trustee Krueger thanked all the residents for the many email and letters and those who also attended all the meetings. As many people know, he conducted his own survey to 700 residents and all responses were included in his results. The survey method was imperfect but the results are clearly directional and clearly indicative in pointing in one direction. He summarized his survey results noting that many residents did not favor more restrictions. According to Clear Air Counts, the Wilmette leaf blower ban has one of the highest costs and lowest impact of the twenty potential strategies we could employ to reduce pollution in the Village. He recommends that Wilmette put in place a plan that gives the right incentive to upgrade to new equipment rather than create an unworkable and difficult Ordinance to enforce that targets a single piece of equipment. According to the 2009-2010 Clean Air Counts file, Wilmette's leaf blower ban removes 4,378 pounds of pollutants from the air in a year at a cost of \$1.24 per pound. A single no idle zone around a school is 20% more effective than the entire leaf blower ban in reducing pollution at the cost of 10 cents per pound. By simply giving each household a new gas container we can cut 2.3 million pounds of pollution out of Wilmette's foot print. This strategy is 521 times more beneficial at 1/100th the cost of the leaf blower ban in terms of dollars spent per pound of pollution removed. He believes we are barking up the wrong tree with the leaf blower ban. He would rather encourage people to do the right thing rather than force them to do something he thinks is right. He believes the 2006 Ordinance is outdated and the impact is arguably marginal. We have proven that it is unenforceable and costly. He said most new outdoor power equipment is 85% cleaner than the equivalent machine built 10 years ago. For him it is a question of good social policy and he does not think the 2006 Ordinance is a good policy. He encourages everyone to consider that if the Village keeps the status quo Ordinance, they may feel good about their environmental actions but are locking in an ineffective, outdated policy that removes the incentive to do anything better. He believes the Village can do better by repealing the current Ordinance.

Trustee McKenna thanked Trustee Krueger for all the research and information he provided. He said the people he has come in contact with are overwhelming supportive of the current Ordinance and the only question he receives is how to make enforcement tougher.

Trustee Spillers said there have been a variety of opinions heard. What she finds most interesting is that people who want to keep the law are not addressing that if we keep the law, how should we better enforce the law. There are many communities that have leaf blower bans but no one can really enforce the bans effectively. She said there are many other issues that are more important and a better use of the Village resources.

Trustee Basil said the seasonal ban on gas powered leaf blowers was a well intentioned and rational approach. He is in favor of reduced air and noise pollution. When he looks back at the past 3 ½ years of enforcing the ban and compares it with the goal that was intended, and the impact the rule has had in practice, it seems clear to him that the ban is not working and is not fairly enforced. He has reached the conclusion that the Village should not keep the ban. Instead of discouraging the use of noisy, power consuming lawn equipment in the summer, people instead substituted equally noisy and energy intensive equipment to do the same work. They use electric blowers that kick up the same amount of particulate matter into the air. Our public policy should not be based on fear and misinformation, it should be based on objective, economic, liberty based principals. It should not be blind to the fact that what was well intentioned four years ago, may not be working toward the goal of reduced noise and air pollution. It is further problematic that we continue to exempt large property owners, and government from this regulation. If it is OK in the spring and fall, then it ought to be OK in the summer to use gas leaf blowers when it is least used or needed. He believes the seasonal leaf blower ban sends the wrong message, it is well intentioned but objectively and empirically ineffective. He believes the Village should eliminate the seasonal gas powered leaf blower ban and look at the ideas that Trustee Krueger raised on how to have the best and biggest impact with the least imposition on residents and their freedom. He urged the Village Board to repeal the gas leaf blower ban.

Trustee Terman thanked all the residents who have sent emails and letters as well as attended meetings. She believes it demonstrates that our community has responded well to an issue that has merit. She said reducing pollution in one area does not preclude making efforts in other areas. She profoundly disagrees with the risk benefit calculation that has been presented. There is empirical evidence from residents speaking this evening and who have written to the Board about the benefit of reducing volatile, organic compounds especially during the summer.

Trustee Terman believes there was an error in the 2006 Ordinance and that error was the enforcement as it has proven to be very costly and ineffective to take people to court. That is not a reason to repeal the ban, that is a very good reason to change what we have been doing in terms of enforcement. She is strongly in favor of retaining the ban and amending the ordinance in terms of enforcement.

Trustee Swanson said one of the positives of living in the community is the breadth and depth of knowledge of the residents. The Energy and Environmental Commission has some very talented people that have weighed in and given us an opinion, and that opinion and report weighs a great deal with his opinion and what he chooses to do. There is no question in his mind that gas powered leaf blowers do pollute the atmosphere with particulate and noise. He voted for the ban four years ago and he intends to vote in favor of the ban this time. However, he does believe a simpler and more direct system of fines would be more effective and benefit the Village.

President Canning said the issue started last Spring when he started going back to court for his law practice and saw judges dismissing the tickets for fines. He asked Corporation Counsel what could be done to change the ticket process. He appreciates the passion for the issue but it was never his intent to do anything other than try to increase the revenue for the Village, cut down the cost, and deal with the fact that in three years he had not heard anyone speak about the ordinance. He appreciates everyone who has commented on the issue and also all the work that Trustee Krueger has done.

Voting yes: Trustees Basil, Spillers, Krueger. Voting no: Trustees Swanson, Terman, McKenna and President Canning. The motion failed.

Trustee McKenna moved to amend the motion to state in section 14-6.8 (b) "Any person who violates any of the provisions of Section 14-6.6 of this Chapter, may avoid prosecution for violating any of said Section 14-6.6 by surrendering the citation or other notice of violation and paying to the Police Department within 10 days from the date appearing on said violation notice, the sum of \$75 for a first offense, and \$150 for a second or subsequent offense within one year. Any person making such payment shall receive a receipt therefore from the Police Department", seconded by Trustee Terman.

Trustee Krueger said he would like to review the fine structure at a Judiciary Committee meeting.

Trustee Basil said he has some ideas regarding the amendment and it also occurs to him that maybe the Village should look at other areas where people could pay fines at the Police Department.

Trustee Swanson said it seems clear to him that the fine for leaf blowers should be paid at the Police Department and then the Village Board could look at other fine structures.

Voting yes on the motion to amend: Trustees Swanson, Basil, Spillers, Terman, McKenna, Krueger and President Canning. Voting no: none. The motion carried.

Trustee Krueger moved to refer the Ordinance with the new amendment to the Judiciary Committee for discussion of the fine structure, seconded by Trustee Basil.

Trustee McKenna said time is of the essence and he would like to do it sooner rather than later to provide expectations to everyone involved and supports doing it now.

Voting yes on the motion to refer to the Judiciary Committee: Voting yes: Trustees Basil, Spillers, Krueger and President Canning. Voting no: Trustees Swanson, Terman and McKenna. The motion carried.

7.0 REPORTS FROM SPECIAL COMMITTEES:

No Reports.

8.0 UNFINISHED BUSINESS:

- 8.1 Notice of vacancy on the Board of Health due to the term expiration of Malcolm Hast was handled with the Consent Agenda.
- 8.2 Notice of vacancy on the Housing Commission due to the term expiration of Marilyn Schaffer was handled with the Consent Agenda.
- 8.3 Notice of vacancy on the Community Relations Commission due to the term expiration of Shahid Siddiqui was handled with the Consent Agenda.
- 8.4 Notice of vacancy on the Board of Health due to the term expiration of Diana Hackbarth was handled with the Consent Agenda.

- 8.5 Notice of vacancy on the Fine Arts Commission due to the term expiration of Peter Yang was handled with the Consent Agenda.
- 8.6 Notice of vacancy on the Housing Commission due to the term expiration of John Thomason was handled with the Consent Agenda.
- 8.7 Notice of vacancy on the Commission for Persons with Disabilities due to the resignation of Sally Schiller was handled with the Consent Agenda.
- 8.8 Notice of vacancy on the Board of Health due to the term expiration of Kenneth Krebs was handled with the Consent Agenda.
- 8.9 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Neal Vogel was handled with the Consent Agenda.
- 8.91 Notice of vacancy on the Fine Arts Commission due to the resignation of Philip Simmons was handled with the Consent Agenda.
- 8.92 Notice of vacancy on the Youth Commission due to the resignation of Emily Swann was handled with the Consent Agenda.
- 8.93 Notice of vacancy on the Youth Commission due to the resignation of Nicole Kukulka was handled with the Consent Agenda.
- 8.94 Notice of vacancy on the Community Relations Commission due to the term expiration of Robert Gordon was handled with the Consent Agenda.
- 8.95 Notice of vacancy on the Youth Commission due to the resignation of Dennis Allen was handled with the Consent Agenda.
- 8.96 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Richard Brill was handled with the Consent Agenda.
- 8.97 Notice of vacancy on the Fine Arts Commission due to the term expiration of Mary Ann Grannemann was handled with the Consent Agenda.
- 8.98 Notice of vacancy on the Historic Preservation Commission due to the term expiration of William Shapiro was handled with the Consent Agenda.
- 8.99 Notice of vacancy on the Appearance Review Commission due to the term expiration of James Kalas was handled with the Consent Agenda.

8.991 Notice of vacancy on the Community Relations Commission due to the term expiration of Gerald Smith was handled with the Consent Agenda.

8.992 Notice of vacancy on the Youth Commission due to the term expiration of Stephani Becker was handled with the Consent Agenda.

9.0 NEW BUSINESS:

9.1 Reappointment of David Farina to the Police Pension Fund Board of Trustees from April 2010 to April 2012 was handled with the Consent Agenda.

9.2 Recommendation of reappointment of Jeffrey Kinzel to the Police Pension Fund Board of Trustees from May 2010 to May 2012 was handled with the Consent Agenda.

9.3 Recommendation of reappointment of Cathy Albrecht to the Transportation Commission from May 2010 to May 2014 was handled with the Consent Agenda.

9.4 Notice of vacancy on the Appearance Review Commission due to the resignation of Paul Holzman was handled with the Consent Agenda.

9.5 Appointment of Sheila Bower as Chair of the Youth Commission was handled with the Consent Agenda.

10.0 ADJOURNMENT:

Trustee Terman moved to adjourn the meeting at 9:35 p.m., seconded by Trustee Basil. All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk