

CITY COUNCIL

November 28, 2005

ROLL CALL - PRESENT:

Alderman Bernstein
Alderman Holmes
Alderman Moran

Alderman Tisdahl
Alderman Wollin
Alderman Jean-Baptiste
Alderman Wynne

A Quorum was present.

**NOT PRESENT AT
ROLL CALL:**

Aldermen Rainey and Hansen

ABSENT:

Mayor Lorraine H. Morton

PRESIDING:

Mayor Pro Tem Bernstein

City Manager Julia Carroll announced that Mayor Morton was absent because her sister, who lived in New York, had passed away.

City Clerk Mary Morris announced that, in the absence of Mayor Morton, nominations for the election of a Mayor Pro Tem are in order and, in accordance with Council Rule 14.7, Alderman Steve Bernstein is next on the list of aldermen, by seniority, who have not served as Mayor Pro Tem.

Alderman Wynne moved that nominations be closed and that Alderman Bernstein be elected Mayor Pro Tem. Seconded by Alderman Jean-Baptiste. Motion carried. No nays.

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Pro Tem Bernstein on Monday, November 28, 2005, at 9:20 p.m. in the Council Chamber.

ANNOUNCEMENTS:

Ms. Carroll announced that Congresswoman Jan Schakowsky would sponsor an Energy Assistance Forum on Saturday, December 17, from 10:00 a.m. to 2:00 p.m. at the Civic Center.

Truth in Taxation Public Hearing

Finance Director Bill Stafford announced that the Truth in Taxation Public Hearing is required by Illinois law. A legal notice appeared in the *Evanston Review* on November 17, 2005. Ordinance 126-O-05 is the City Levy Ordinance for the General Fund, Fire and Police Pensions for a total of \$24,508,043. The second is Ordinance 129-O-05, the Township Levy consisting of two levies: the Town Levy for \$357,935 and the General Assistance Levy for \$954,492 for a total of \$1,312,427. Last is Ordinance 130-O-05 for Special Service Area #4 for \$255,000. These levies were approved as part of the Council's budget deliberations in February 2005 and passed. Because of the Cook County Tax Collection system, levies are collected one year in arrears. The A&PW Committee asked for the percentage of the total budget for property taxes and debt service, which totals about \$33 million of a budget of \$175 million and is 18.9%. More than \$142 million is generated by taxes, fees and other charges.

Mayor Pro Tem Bernstein declared the public hearing over at 9:25 p.m.

Mayor Pro Tem Bernstein acknowledged Ben Mayer, Police Sergeant Bob Mayer's son who was present working on a Boy Scout badge.

CITIZEN COMMENT:

Fred Wittenberg, 1726 South Blvd., 34-year resident, protested the possible change to the leaf blower ordinance; suggested they were replacing the current unenforceable ordinance with another unenforceable ordinance. No

consideration is given to air pollution. It appeared that Mr. Prinz, a landscaper here, is prompting this change. He questioned whether police could enforce an ordinance calling for 65 decibels or less; advised they not plunge in because they have four months to consider this.

Tom Schroeder, 939 Wesley Ave., 46-year resident, has a 50-foot lot, reported that he cannot sit on his patio with friends or family and talk due to leaf blowers that create dust and noise. He feels violated in his own yard by the actions of lawn care people who have lucrative businesses. The landscapers don't have a phone number or address and tell him they don't speak English. He has to use ear plugs and should not have to smell gasoline fumes. This is a quality-of-life issue. Evanston should ban leaf blowers.

Richard Prinz, 2823 Harrison St., represented landscapers, argued the current leaf blower ordinance is dated and based upon blowers of the 1980s. Leaf blowers are much quieter today and comply with federal emissions standards. Blowers have been singled out from noisy tools used by other trades. Leaf blowers play a central role in their maintenance work and reduce the time spent at a homeowner's property. He thought the ordinance would help the City by making it easier to maintain the parks and other properties. Blower use at residences is minimal and less noisy than a lawn mower.

Don Zeigler, 1430 Elmwood Ave., opposed amending the code to allow minors in liquor licensed establishments beyond midnight to hold fund-raisers; commended Northwestern students for their history of successful fund-raisers that benefit numerous worthy causes and promote socially desirable philanthropic experiences by students. He recalled an event several years ago when Dance Marathon raised over \$135,000 for the American Heart Association and it was in alcohol-free Norris Center. He spoke as a member of the Evanston Substance Abuse Prevention Council, stating that allowing minors of 18-20 in drinking establishments is a regulator's nightmare and presents enforcement challenges. He asked that the current ordinance be kept; have fund-raisers in non-alcohol venues or before midnight.

Beth Steffen, 418 Dempster St., opposed changing the leaf blower ordinance because they are loud; curtail her ability to have windows open and spend enjoyable time in her yard. She believes that 85% of her block currently uses lawn services and hears leaf blowers all day long. It has reached absurdity in her neighborhood with landscapers trucks parked in the alleys. She suggested that landscaping companies be licensed and not be allowed to use them between June 15 and September 15. She recommended \$500 for a license and \$1,000 fine if caught using between June and September.

Mary Senn, 1015 Florence Ave., project coordinator for the Evanston Substance Abuse Prevention Council, spoke against adoption of Ordinance 128-O-05, which would undermine previous Council action that barred minor's access to establishments that serve alcohol after midnight. She considered this as a parent and as someone working in prevention; recognized that as a parent sometimes she has to make unpopular decisions and that is what the Council needs to do. Northwestern students are to be commended for their fund-raising endeavors. To suggest that these fund-raisers can only occur in bars late at night seemed shortsighted. Where there is greater access to alcohol, there is greater consumption. The legal age for drinking is 21. If everyone followed the law they would not have this discussion. She asked them to think seriously about the safety of young people and the rest of the community.

Sara Christensen, 906 Davis St., program chair for the Evanston Substance Abuse Prevention Council, opposed Ordinance 128-O-05. Their main concern is the health and safety of residents and visitors. Underage drinking is serious and a factor in suicides, accidents, homicides, fatal injuries, sexual assaults, date rapes and a *major* factor in unprotected sex among youth. Underage drinking cost the nation \$61.9 billion in 2001. Restricting access to persons under 21 in B1 establishments was a step in the right direction and an action that research shows can be effective in reducing underage drinking and related harm. She stated, as a community, they must take a stand against underage drinking by prohibiting access to these establishments after 12 midnight with no exceptions. The proposed amendment would only encourage underage drinking and confuse enforcement issues for servers and police. There is nothing to prevent minors from attending fund-raisers prior to midnight and there is a long history of fund-raisers prior to more restrictive regulations regarding minors. They hope that organizations will comply with existing laws; suggested that prior to introducing an amendment like this, time be taken to observe the current effect of the new ordinance. They warn against jumping the gun and making decisions that will affect the health and safety of the community without proper research and information.

Jan Weeks, 2040 Brown Ave., registered/licensed dietitian and the Quaker baker for charitable causes, was interested in the inclusionary housing discussion. She invited Council members to share a meal at her place because she wanted them to think and experience inclusionary housing and Section 8 housing. Evanston is a wonderful town and she has a terrific apartment and wanted them to see another part of reality; suggested inclusionary housing needs to be expanded and made ADA accessible. Her phone is 847 864-1777 or thequakerbaker@aol.com by email.

Lori Keenan, 2214 Colfax St., works from a home office with 13 windows and has experienced many occasions when the leaf blower ban has been in effect which she has had to enforce herself. She prints out the regulations in English and Spanish and hands them to the offending landscaper workers. The thought of leaf blowing permitted year-round is daunting and made her wonder what part of lifting leaf blower restrictions would benefit Evanston residents. She suggested writing in a decibel level would be more difficult to enforce because no backpack blower on the market meets the 65 decibel level; noted the decibel scale is logarithmic, which means an increase from 60 to 70 is ten times louder. The World Health Organization recommends general daytime outdoor noise level of 55 decibels or less and 45 decibels to meet sleep criteria. Even a 65 decibel leaf blower would be 100 times too loud for napping children. The 1997 *Right to Quiet Newsletter* stated that noise controls space, travels through walls, enters homes, molests bodies, violates privacy and stops thought. Noise causes a loss of community and is both a sign and cause of violence. She understood Mr. Prinz put pressure on aldermen to support lifting the ban citing hardships to their workforce and increased cost of doing business. A California grandmother outperformed leaf blowers with a rake in tests conducted by an area task force. She invited residents to call her personally when the ban is violated and she would coordinate the report and violations to the appropriate non-emergency numbers. She suggested that leaf blowers be banned year-round.

Junad Rizki, 2784 Sheridan Rd., asked why the firefighters are so interested in the appointment of Ron Nayler to the ZBA; suggested they should be interested in the operation of their department. He understood that overtime in the Fire Department is in the hundreds of thousands. The streets are falling apart while being funded at \$2 million annually, yet they are rebuilding all the fire stations. He recalled one Council member suggested combining fire stations but that did not happen. He recalled an African-American firefighter sued the City and received \$200,000 so it appears the Fire Department has other issues than just hiring. Aldermen who have given lip service to reform during election campaigns and others running for political office should not seek the support of City employees or unions, especially when they approve their contracts, which, while legal, is against the public interest.

Liz Karns, 2210 Colfax St., supported keeping the present leaf blower ordinance and strengthening it. She saw the ordinance as community-driven that is enforced by the people who live with it daily. Residents have some recourse--call and have it enforced or do as Ms. Keenan does and hand out the ordinance and hope they pay attention to it. If there is no ordinance, what recourse do they have? Are they supposed to get noise meters, check decibel levels and then complain? An ordinance based on noise level would go unenforced. The City does not have the money to chase down every leaf blower problem. She suggested the ban be kept and significantly raise fines to property owners when the law is violated and that would send the right message quickly. Increased revenues could be used to pay for leaf raking teams and a lot of people would get some exercise.

George Galland, 408 Lake St., said the landscaper's arguments were weak. One was that the new leaf blowers are no louder than a lawn mower. He asked how many times you hear a lawn mower used without a leaf blower. A leaf blower doubles the noise. Many hear these machines operated simultaneously. Anybody who thinks a leaf blower is no more irritating than a lawn mower is not listening. Mr. Prinz says there are other sources of pollution and only leaf blowers are being singled out. That seemed akin to not regulating vehicle emissions because factories are polluting the air. The case for regulating leaf blowers is a lot stronger than regulating construction tools. Tools to build buildings are necessary, but people don't have to use leaf blowers to rake leaves or to keep property looking decent. There is the argument that this hurts employment, which is used by anti-environmental forces. All environmental laws have some impact on business and that is why they are needed. He defied anybody to name five people in their ward who are employed by landscapers. Then there is an argument that the present law is unenforceable. He did not know why Mr. Prinz would come forward and ask to change the current ordinance, if it was not the fact that the ordinance was crimping his style because he doesn't like having to obey it. It seemed to him this was the same situation where a business does not like environmental regulation. He urged Council to keep what we have.

Andrew Xia, 2349 Sheridan Rd., spoke in favor of Ordinance 128-O-05, the exception that allows minors into B1 liquor

establishments. As a student leader, he asked Council to consider this amendment for the sake of fund-raising. All know that alcohol has negative health consequences and that underage drinking is a problem. With increased security at these events he asked that they consider this ordinance as well. Philanthropic events do not profit from alcohol sales but from attendance. They asked for this amendment so that more than half of the Northwestern student body could come and support events. Most friends have someone under 21 and if one is not allowed, most likely others would not attend. Bars are ideal places to hold fund-raisers because they provide entertainment, security and are well suited to large crowds. Northwestern students lead busy lives and classes and meetings often prevent them from attending events earlier in the evenings. The Dance Marathon has only raised a quarter of what was raised last year.

Bernadette Port, 938 Elmwood Ave., 32-year resident spoke on behalf of her husband, who could not be present and was against amending the leaf blower ordinance. She saw no need for leaf blowers outside of the seasons when leaves are on the ground and used for anything else is a misuse. Anything else means an imposition on residents' ability to enjoy the quality of life here for which they pay high taxes. She noted most of the landscapers come from outlying suburbs and employ immigrant workers and don't have money to invest in modern decibel-reduced equipment. Changing the ten year ordinance means subjecting Evanston residents to cruel and unnecessary noise. Leaf blowers are notorious for stirring up lots of dust which is a great liability for people with allergies. At a time when children's allergies are growing, would the City allow the year-round use of increasing numerous devices that jeopardize the health of children and other residents? She strongly agreed with persons who suggested increasing fines for violators of this ordinance.

Holly Reynolds, 204 Davis St., said a number of studies show the harmful effects of noise. Anyone unlucky enough to have lived or worked around loud intrusive noise probably understands how hard it can be on people. Noise is a form of pollution and people have to learn to control it as they have controlled other forms of pollution. In addition to hearing loss, it does psychological and mental harm. Children have been found to concentrate and study less well in noisy environments. Adults can attest to its stressful effects. There are places in Evanston where leaf blowers can be heard many times during the day. The fact that gas powered leaf blowers are being manufactured at lower decibel levels would seem evidence of public sentiment against them and a step back for Evanston to rescind an ordinance that was adopted with thought and public discussion to mitigate their effects. She advised that they add the 65 decibel level for blowers used in the spring and fall to the current ordinance or perhaps eliminate them altogether. Unlike other noise sources that Mr. Prinz mentioned, which are serious, leaf blowers are used weekly. Peace and quiet are age-old ideas that benefit most people. If unnecessary and excessive noise can be controlled, that contributes a key ingredient to the quality of life here.

Bennett Johnson, 708 Washington St., member of the Evanston Substance Abuse Prevention Council and a former student leader, opposed Ordinance 128-O-05. Alcohol creates driving problems, is an essential element to a lot of criminal behavior, and creates health problems that cause fetal alcohol syndrome and many other ills. As he grew up, the spirit of Frances Willard still existed in Evanston and alcohol could not be purchased here. Kids circumvented the law then to obtain alcohol. What is important about staying the course is that the community makes an important statement that they do not want minors drinking alcohol because it is very destructive.

Pete Greenan, 1424 Hartrey Ave., said his concern was the few remaining intersections that still have left turn arrows. When he approaches an intersection with a left turn arrow during the day or late at night he just sits and it is aggravating. City Manager Carroll gave him her card.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Moran moved Council approval of the Consent Agenda with the following exceptions: Policy to establish minimum street widths for emergency vehicle access; Ordinance 128-O-05 – Exception to the Limitations of the Presence of Minors at Certain Licensed Establishments; Major Variation for Open Parking Space – 2434 Sherman; Ordinance 115-O-05 – Amendment to Preservation Ordinance; Ordinance 124-O-05 – Leaf Blower Regulation and Appointment Confirmation – Ronald Naylor. Seconded by Alderman Wynne. Roll call. Voting aye – Bernstein, Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne. Voting nay – none. Motion carried (9-0).

ITEMS APPROVED ON CONSENT AGENDA

MINUTES:

* Approval of Minutes of the Regular City Council Meeting of November 14, 2005 and the Special City Council Meeting of November 5, 2005. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

ADMINISTRATION & PUBLIC WORKS:

* Approval, as recommended, of the City of Evanston payroll for the period through November 24, 2005 and City of Evanston bills for the period ending November 29, 2005, authorized and charged to the proper accounts:

City of Evanston payroll (11/24/05)	\$2,549,366.85
City of Evanston bills (through 11/29/05)	\$3,472,876.07

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

* Approval of the lowest responsive and responsible bid from Clauss Brothers (360 W. Schaumburg Rd., Streamwood, IL) in the amount of \$99,626 for James Park east baseball fields renovation project. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the Lovelace Park renovation contract extension (13 calendar days for electrical work and 51 calendar days for equipment installation) for the completion of the Lovelace Park renovation project by Clauss Brothers, Inc. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolution 76-R-05 – Temporary Closing of Sheridan Rd. – Consideration of proposed Resolution 76-R-05, which assumes responsibility for temporarily closing Sheridan Rd. for the First Night Evanston fireworks display. * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Ordinance 126-O-05 - City of Evanston Tax Levy – Consideration of proposed Ordinance 126-O-05, which legally imposes the City of Evanston property tax levy of \$24,508,043 for FY 2005-06. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 129-O-05 – Township Tax Levy – Consideration of proposed Ordinance 129-O-05, by which the City Council would enact the Township tax levy of \$1,312,427 for FY 2005-06. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 130-O-05 – Special Service Area #4 Tax Levy – Consideration of proposed Ordinance 130-O-05, which legally imposes the annual property tax levy of \$255,000 for Special Service Area #4 for FY 2005-06. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 131-O-05 – Increase in Parking Fines for Violations of Disabled Parking – Consideration of proposed Ordinance 131-O-05, which increases the fines from \$100 to \$250 for violation of disabled parking provisions. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 132-O-05 – Easement Agreement with Metropolitan Water Reclamation District for Colfax/Bryant Sewer Project – Consideration of proposed Ordinance 132-O-05, which authorizes the City Manager to execute an Easement Agreement with Metropolitan Water Reclamation District for a storm sewer at Colfax St. and Bryant Ave. on the southeast bank of the North Shore Channel. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 134-O-05 – Increase in the number of Class D Liquor Licenses – Consideration of proposed Ordinance 134-O-05, which amends Section 3-5-6(D) of the City Code to increase the number of Class D liquor licenses from 23 to 24 for the New Day Café, 2916 Central St. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 138-O-05 – Parking Restrictions on Hartzell, Grant and Garrison Streets – Consideration of proposed Ordinance 138-O-05, amends Section 10-11-8, Schedule VIII to prohibit parking at all times on parts of Hartzell, Grant and Garrison streets. * MARKED INTRODUCED - CONSENT

AGENDA

* Ordinance 122-O-05 – Increase Number of Class C Liquor Licenses – Panino’s, 1968 Dempster St. – Consideration of proposed Ordinance 122-O-05, introduced November 14, 2005, which amends Section 3-5-6(C) of the City Code to increase the number of Class C liquor licenses from 21 to 22 due to the opening of Panino’s Inc., dba Panino’s Café and Bar, 1968 Dempster St. * ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Ordinance 123-O-05 – Declaration of City Surplus Property – Consideration of proposed Ordinance 123-O-05, introduced November 14, 2005, which recommends approval of services from B&P Apparatus Inc. (1552 Bryan Ct., Aurora), a brokerage firm, and authorizes the sale of personal property owned by the City. The items are two used ambulances (#316 and #317). * ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

PLANNING & DEVELOPMENT:

* Ordinance 125-O-05 – Revision to Planned Development (Sienna Gardens) at 1100 Clark St. – Consideration of Ordinance 125-O-05, introduced November 14, 2005, and the Plan Commission recommendation to grant a major adjustment to the Sienna Gardens Planned Development, 1100 Clark St. * ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Ordinance 136-O-05 – Zoning Ordinance Text Amendment – Consideration of a Plan Commission recommendation to create a new Zoning District B1a, which is characterized by having reduced building height and residential density. * MARKED INTRODUCED – CONSENT AGENDA

Alderman Rainey 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 Rainey moved approval of Ordinance 136-O-05 with the following amendment to page 6, purpose statement: (A) The B1a Business District is designed to accommodate and encourage the continued viable use of neighborhood business districts and pedestrian-oriented shopping areas found throughout the City primarily on arterial roadways and often adjacent to single-family residential areas. Seconded by Alderman Moran.

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

* Ordinance 137-O-05 – Zoning Ordinance Map Amendment – Consideration of a Plan Commission recommendation for a Zoning Ordinance Map Amendment to designate Central St. between Marcy and Bennett avenues as a B1a Zoning District. * MARKED INTRODUCED – CONSENT AGENDA

Alderman Rainey 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 Rainey moved approval of Ordinance 137-O-05. Seconded by Alderman Moran.

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

* Ordinance 117-O-05 – Affordable Housing Demolition Tax – Consideration of a staff recommendation, introduced October 24, 2005, to adopt a Demolition Teardown Tax, which requires a \$10,000 tax for all single-family homes demolished, \$10,000 for two-family attached (townhouse) and two family structures, and for multi-family, \$10,000 or \$3,000 per unit whichever is greater. * ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Request for Mayor's Special Housing Funds – Consideration of a Housing Commission recommendation for \$69,000 in Mayor's Special Housing Funds for an Employer Assisted Housing Program. * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Ordinance 127-O-05 – Amendment to the Fire Prevention Code – Consideration of proposed Ordinance 127-O-05, which updates the existing Sprinkler Retrofit Ordinance to reflect the adoption of the International Building and Fire Codes.* MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 120-O-05 – Special Use and Major Variation request for a Type 2 Restaurant at 1111 Chicago – Consideration of Ordinance 120-O-05, introduced November 14, 2005, and the Zoning Board of Appeals recommendation to grant a special use for a Type 2 restaurant in the Wild Oats Store, 1111 Chicago Ave. * ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Alderman Jean-Baptiste moved approval of a proposed policy to establish minimum street widths for City streets to provide for emergency vehicle access. Seconded by Alderman Wynne.

Alderman Jean-Baptiste asked that a committee amendment be added “that no streets will be widened without prior discussions with the sitting alderman,” and moved approval of the policy as amended. Seconded by Alderman Rainey.

Alderman Moran asked what action would follow a community discussion related to this issue. Will there be some ability to address concerns of citizens following discussions? Alderman Jean-Baptiste thought aldermen would make recommendations to proceed or not or propose specific adjustments; no Council action would be required and the proposed widening would be negotiated.

City Manager Carroll explained there is no problem with notifying the aldermen when staff is considering widening a street. If they are adopting a policy, it should be a minimum of 24 feet. Staff would like 26 feet as the standard. She thought it defeated having a policy if they cannot consistently have a certain street width. Alderman Tisdahl reported meeting with Colfax, Bryant, Grant and Garrison neighbors where she proposed that, before a street is widened, residents have a vote like they do for speed bumps. Nobody wants to deny access to emergency vehicles and she supported 24 or 26 feet, although it would be good to clear that up. Ms. Carroll said if this policy is approved and aldermen are notified, what is the next step? Do they want staff to come back each time or do they want to have a neighborhood meeting and, if okay, then proceed? She does not want to clog up things or spend a lot of time on an already approved policy.

Alderman Moran recalled when it was announced that Hartzell would be widened on a two block stretch, it was controversial. Nobody has a problem with granting access to emergency vehicles, but people don't want parkways torn up or to lose trees. At that meeting a rationale was worked out for getting widening done by adopting parking on one side of the street where they had parking on both sides on one block and the opposite side on the next block. If they agree that all streets at minimum need to be 24-feet, they will work on many streets, which is a major issue. When people get a notice that a previously 20-foot wide street is being widened to 24-feet, they get concerned.

Alderman Jean-Baptiste thought each block would respond differently and they could handle it like they do speed humps. They go to staff and see what can be implemented, but would not move forward without some consultation and consent.

Ms. Carroll was hearing that this could be done by administrative action after the meeting and a solution is arrived at. Mayor Pro Tem Bernstein thought they were talking about methods of implementation and would be 24 feet or 26 if possible. Alderman Rainey wanted to clarify what they are doing. If people are given choices at a meeting in which parking on one side is eliminated, they have to come to Council to make the other side illegal and agreed that they should do postcard surveys. Alderman Rainey asked that the proposed policy be that streets are as wide as possible and no less than necessary to drive emergency vehicles through either by widening the street or removing parking. She wanted to avoid the number. The decision would be made by the neighbors and ward alderman. Seconded by Alderman Tisdahl.

Public Work Director David Jennings stated the intent was to do what Alderman Rainey suggested and have street widths no less than 24 feet wide with parking on both sides. That gives them the opportunity to prohibit parking as an option and no street is to be widened without consultation with the ward alderman. He did not want to dictate the method because in some cases they are talking about a six-inch widening. He will provide a list of streets at the beginning of the year that indicate which can go to 24 feet and 26 feet so they will have time to work with residents.

Voice vote. Motion carried. No nays.

Ordinance 128-O-05 – Exceptions to the Limitations of the Presence of Minors at Certain Licensed Establishments – Consideration of proposed Ordinance 128-O-05, which restricts individuals under the age of 21 from being in a Class B1 licensed premises after 12:00 midnight.

Alderman Jean-Baptiste reported that this item was held in committee. Amendments would be considered at the December 12 meeting.

PLANNING & DEVELOPMENT:

Major Variation request for an Open Parking space in the front yard at 2434 Sherman Ave. – Consideration of a major variation request heard by the Zoning Board of Appeals for building lot coverage and an open parking space in the front yard at 2434 Sherman Ave.

Alderman Rainey moved to approve the staff recommendation to deny the major variation request for an open parking space in the front yard at 2434 Sherman. Seconded by Alderman Moran.

Voice vote to deny the request. Motion carried.

Ordinance 115-O-05 – Amendment to the Preservation Ordinance – Consideration of a staff recommendation, introduced October 24, 2005, that will require the Preservation Commission to complete its review and render a final decision within 60 days from the first public meeting or hearing on all applications including: certificates of appropriateness, landmark and historic district nominations, plan developments, certificates of economic hardship, zoning and fence variances, special uses, nominations to the National Register of Historic Places, review and comment on City projects or activities affecting landmarks and historic districts and subdivision or consolidation.

Alderman Rainey reported the committee recommended this item be referred to the City Manager for inclusion in the analysis being done by the planning consultant. Alderman Rainey moved that this item be removed from the agenda. Seconded by Alderman Holmes. Motion carried unanimously.

HUMAN SERVICES COMMITTEE:

Ordinance 124-O-05 – Leaf Blower Regulation – Consideration of proposed Ordinance 124-O-05, introduced November 14, 2005, which amends the City Code on regulation for use of backpack-mounted or hand-held gasoline-powered leaf blower types of machines.

Mayor Pro Tem Bernstein moved approval of Ordinance 124-O-05. Seconded by Alderman Jean-Baptiste.

Alderman Wynne spoke against adopting this ordinance because of unceasing opposition to it; had received emails, been stopped on the street and all support maintaining the ban. Friday she heard leaf blowers for five hours. She urged staff to look into other regulations and fining homeowners whose landscaping services violate the regulation. She suggested that staff look to someone besides police officers, such as the park rangers, to write tickets and that landscapers be licensed. She noted that the Chicago area is a non-attainment area for clean air and this pollution adds to already dirty air. A rake can do the job just as well and it is better to mulch. There are also worker safety issues. She asked that current regulations

be tightened, enforcement improved and that Council vote against this ordinance.

Alderman Rainey had received notification that the staff recommended this item be tabled. Ms. Carroll confirmed that was correct because additional information was asked for which staff was unable to get.

Alderman Jean-Baptiste explained that 18 months ago Nature's Perspective called him and told him that the current leaf blower ordinance does not take into account new technology in use and urged it be looked into and the regulation relaxed. The matter was referred by the City Manager to the Environment Board, which looked at the current ordinance, studied the matter and conversed with landscapers. Air pollution was not a factor in creating the current ordinance. New products have less pollution. He was surprised at the general reaction to this ordinance. His view is that lawn mowing goes on all the time and that mowers and edgers are louder than leaf blowers and there are snow blowers in the winter. He thought it unfair that businesses are attacked for violating the law by hiring immigrants. He suggested that nothing will happen if hours of operation are increased; objected to comments about people who don't speak English. He urged they follow the lead of the Environment Board's recommendation, which is reasonable and recommended supporting this ordinance.

Alderman Tisdahl heard from 7th Ward residents that when leaf blower technology is as good as a rake, they will okay it.

Alderman Wynne had suggested staff do random sampling of lawn care persons to determine if they are using new leaf blowers as was alleged. She thought that with all they had heard from the community that evening they don't need any more information. She recalled an Environment Board member said if the machine was used correctly by a properly trained person, it could be operated at 65 decibels and doubted that would happen. She said there is no substitute for lawn mowers, but a rake can be used instead of a leaf blower. Alderman Moran recalled that at the Human Services Committee meeting Mr. Lupton had reported typical leaf blowers in use operate above 65 decibels. He thought the Environment Board was off on this proposal and if people knew about this they would be completely against it. He was inundated with calls and emails and did not need more information. Alderman Wollin served on the Environment Board from 1981-89 when there were considerable outcries about leaf blowers. She, too, had received numerous emails and calls and promised to vote against it.. Mayor Pro Tem Bernstein found it incredible that the Environment Board proposed this. He used a plug-in blower recently and was shocked at the filth created. He made a reference to staff to look into new technology with an eye toward mandating its use in spring and fall cleanups.

Roll call. Voting aye – Jean-Baptiste. Voting nay – Bernstein, Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Wynne. Motion failed (1-8).

APPOINTMENTS:

Alderman Rainey asked that the appointment confirmation of Ronald Nayler to the Zoning Board of Appeals be tabled until the December 12, 2005 City Council meeting. Seconded by Alderman Moran. Motion carried unanimously.

CALL OF THE WARDS:

Mayor Pro Tem Bernstein and Alderman Rainey thanked Tommy Nevin's Pub for their generosity in feeding hungry people on Thanksgiving Day.

There being no further business to come before the Council, Mayor Pro Tem Bernstein asked for a motion to adjourn and the Council so moved at 11:05 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.