

## **City of Coral Gables City Commission Meeting**

**Agenda Item E-1**

**October 26, 2010**

**City Commission Chambers**

**405 Biltmore Way, Coral Gables, FL**

### **City Commission**

**Mayor Donald D. Slesnick, II**

**Vice Mayor William H. Kerdyk, Jr.**

**Commissioner Maria Anderson**

**Commissioner Rafael “Ralph” Cabrera, Jr.**

**Commissioner Wayne “Chip” Withers**

### **City Staff**

**City Manager, Patrick Salerno**

**City Attorney, Elizabeth Hernandez**

**City Clerk, Walter J. Foeman**

**Deputy City Clerk, Billy Urquia**

### **Public Speaker(s)**

**Linda Zemon, Coral Gables Resident**

**Mark Bixler, Representing STIHL Southeast, Inc.**

**Mildred Kirsner, Coral Gables Resident**

**Jon Goldman, Coral Gables Resident (Yielded his time to Mr. Vara)**

**Albert Vara, Coral Gables Resident**

**Charlie Girtman, Coral Gables Resident**

**Dr. Joel Schankman, Coral Gables Resident**

**Roger Serola, Coral Gables Resident**

**Jacqueline Skap, Coral Gables Resident**

**Dr. Katherine deBly, Coral Gables Resident**

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**E-1 [Start: 10:03:35 a.m.]**

An Ordinance of the City Commission of the City of Coral Gables Florida creating Chapter 34, Article VI, entitled “Lawn Maintenance Equipment” of the Code of the City of Coral Gables, Florida and regulating debris produced and coming from all lawn maintenance equipment; amending Article V by changing the hours of operation for power tools and landscaping equipment under Chapter

34; providing for restrictions on the use of motorized leaf blowers; providing for exemptions; providing for enforcement and penalties; providing for severability, repealer, codification and an effective date. (Passed on First Reading September 28, 2010).

Mayor Slesnick: We have Item E-1 on Second Reading, Madam City Attorney.

City Attorney Hernandez: An Ordinance of the City Commission of the City of Coral Gables Florida creating Chapter 34, Article VI, entitled “Lawn Maintenance Equipment” of the Code of the City of Coral Gables, Florida and regulating debris produced and coming from all lawn maintenance equipment; amending Article V by changing the hours of operation for power tools and landscaping equipment under Chapter 34; providing for restrictions on the use of motorized leaf blowers; providing for exemptions; providing for enforcement and penalties; providing for severability, repealer, codification and an effective date. (Passed on First Reading September 28, 2010).

Mayor Slesnick: Before we go further, I and other members of the Commission have provided our City Clerk with e-mails that we have received pro/con, or just observations, and without objection of the Commission we will enter these into the record, so that everyone’s comments who have e-mailed the Commission and who the Commission has responded to if they have, will be entered into the record, so those become part of the record without objection, so done. Mr. Cabrera.

Commissioner Withers: Ralph, can I say one thing before you start?

Commissioner Cabrera: I don’t know why I was asked to start, I wasn’t on the queue, but I will.

Mayor Slesnick: I thought you’d like to present it...

Commissioner Cabrera: Oh, OK, if you’d like me to, I was ready to listen to the public hearing.

Mayor Slesnick: Your choice, it’s your item.

Commissioner Withers: I’d like to let Mr. Withers speak.

Commissioner Withers: I just want to – it’s been on my mind a lot, this issue for the past two weeks, and I just want to express some feelings about it. You know, regardless of where we end up at the end of the vote here, I received e-mails like everyone has, and for the most part a lot of the e-mails were well written and they offered suggestions and some of them were pure caustic,

which is a little disappointing because regardless of how we end up, whenever this Commission brings forth an issue, or whenever an individual brings forth an issue, most of the time they do it, is to try to improve the quality of life and the quality of the residents in Coral Gables; and regardless of which side of the issue you are on, whoever the Commissioner is, Mayor, Commissioner, Vice Mayor, most of the time it's for the goodwill; and the great thing about this Commission we work together to come to a solution that's fair, and I just want to thank Ralph for bringing the issue up. I know we did it with the intention of improvement and quality of life in Coral Gables, and Ralph I just wanted to say that to you before we discuss the issue.

Commissioner Cabrera: I appreciate that very much. Thank you. I tell you what I was going to suggest, I know there are a lot of folks here that are interested in speaking on this item both pro and against, and given the fact that I requested that it be time certain so that people could do that, I would like to go ahead and allow public hearing to take place because I'm sure some of these folks want to get back to their place of business and/or homes, so it's up to you, I'd like for them to stick around.

Mayor Slesnick: That's fine. It's your item, we'll go it that way, we'll go public first.

Commissioner Cabrera: Is that acceptable to the rest of the Commission?

Commissioner Anderson: Absolutely.

Mayor Slesnick: Good. OK. We are then going to go, Billy are you ready?- OK we are going to do three minutes per person, we have a number of people that have asked to speak, and we would ask based on Commissioner Withers' comments, we have had a number of e-mails, some of them had been not as polite as I would have hoped that we would be here today to each other. Linda Zemon, 1401 Baracoa.

Ms. Zemon: Good morning. Since 1999, I have lived on Baracoa and San Amaro Drive where leaf blowers will be used no matter what occurs when the voting of this issue occurs. The university will be exempt, the median will be exempt, and the house on the corner of San Amaro Drive and Ancona will also be exempt because it is owned by the University of Miami. I was aware of all the items that Mr. Cabrera mentioned in his article on his soap box in Neighbors, except for the "poop scoop", because people still poop in my front yard, and I have my dogs poop in an exempt zone at the U of M. Sidewalks – most of the ordinances that you mentioned are not enforced including the no parking on my block. The sidewalks are cracked, uneven, so slippery when wet that I have broken three ribs and a bone in my foot while walking my dogs. Additionally, there are dirty roofs, grass eleven and-three-quarters inches high, and I requested that the oak tree on San Amaro be trimmed properly because they are providing a landscape

intrusion because you have not trimmed them. I submitted to my request to e-BetterPlace. You can poke your eye out walking there. Certainly, this has not been resolved either. Where do you expect to obtain the funds that would be necessary to enforce a leaf blower ordinance and why would a gardener want to work in Coral Gables? I myself would love to apply to be your leaf blower administrator. This budget year sir, many positions have been cut including the one for which I am now the volunteer for. Mr. Salerno immediately cut from the Office of Public Information Department at Coral Gables Police a \$50,000 administrative assistant position that I as a volunteer have voluntarily taken over. The hiring freeze has left many important departments understaffed and under-budgeted. If you have nothing better to do than research leaf blowers sir, then perhaps you need to take up a rake, a pressure cleaner....

Mayor Slesnick: Excuse you, Ms. Zemon, please address the Commission, this is not between you and Commissioner Cabrera.

Commissioner Cabrera: No, it's OK.

Ms. Zemon: He used to live on this block.

Commissioner Cabrera: I did.

Ms. Zemon: He did.

Commissioner Cabrera: That gives you the right to insult me, that's OK, go ahead.

Mayor Slesnick: But please, but please this is a Commission issue.

Ms. Zemon: Is this my three minutes?

Commissioner Cabrera: I'll give you an extra three if you like.

Mayor Slesnick: No, no.

Ms. Zemon: I don't want an extra three, I just want to finish.

Mayor Slesnick: Please I interrupted you, but I would ask that you address the Commission.

Ms. Zemon: The Commission – pardon me. I suggest that you pick up the items I mentioned including concrete filler, and a tree pruner and get to work in this City Beautiful as I do on a

voluntary basis. You will not get my vote and maybe I'll even throw my hat in the ring to join the political circus.

Commissioner Cabrera: I think you should, but I can't get your vote anymore because I'm termed out.

Ms. Zemon: Good – because I've always voted for you anyway.

Commissioner Cabrera: Well, I'm sorry about that, I'm sorry I disappointed you.

Mayor Slesnick: Thank you, thank you. Mark Bixler of 1142 N. University Drive, Plantation, Florida.

Mr. Bixler: Good morning. My name is Mark Bixler; I'm the Territory Manager for STIHL Southeast, which is the distributor of steel products in South Florida. In the minutes of the September 28<sup>th</sup> meeting, it was mentioned that six municipalities in California that were solicited information from responses that they received very little negativity as a result of their decision. However, I have with me today several newspaper articles from Palo Alto, California, articles include titles such as, "*Ban Did Not Fix Woes Over Leaf Blowers*", "*Leaf Blowers Ban Stalled*", and "*Cleaner Ways to Clean Up*". Also, why was information only solicited from cities in California that adopted similar bans to the one proposed, but not from cities as close as Naples, Florida, that considered a similar ban, but struck it down in 2008. This seems like one sided research. Second, during the last Commission meeting there was a discussion about the legitimacy of exempting government entities from the ordinance. With all due respect can anyone really say that, that is fair? I believe it was Mr. Cabrera that stated in the last meeting that after special events it would be nearly impossible for workers to clean up without blowers. I can't help but think that this is a clear example of the members of the Commission recognizing there would be a negative financial impact on the City because of this if it's forced to use rakes and brooms in lieu of blowers. The same impact would be felt by homeowners and business owners. Lastly, in the minutes of the September 28<sup>th</sup> meeting, Mr. Cabrera referenced the Sunday paper insert from Home Depot and used an electrical blower as an example. Please understand that most electric hand held blowers have a two or three position switch that allows the option of on or off, or on, low, and high, they are not equipment generally used by professional landscapers. Professional landscapers typically use units designed with variable speed power, so that the operator can use only the power necessary. Also, skilled...[inaudible]...industry leader being conscience in the environment as evident are "green" products, including BR500 backpack blower, which has a reduced emission engine and a noise rating of 65 BPA, which the City of Coral Gables is currently using in their Public Works Department. Please note that the 65 BPA is less than the many of the electrical models which are approved for homeowners under this ordinance, less than...air conditioning units, less than the delivery trucks driving up and down

the road, and most definitely less than most construction equipment. My point here has been to hopefully make you aware that there are many alternatives to an across the board ban of blowers, and that other hand held power equipment and this ordinance is not ready for approval. STIHL Southeast and I would be more than happy to assist in any way possible to help you make a reasonable and educated decision on this matter. I brought with me copies of our literature and DVD's that will elaborate on the strides that STIHL is making to provide eco-friendly equipment. I'll be happy to share them with you. Thank you for your time and consideration.

Mayor Slesnick: Thank you.

Commissioner Cabrera: Can I address some of your...first of all, thank you for your thoughtful feedback, very helpful. I think you brought up an issue that deserves at least, my response because you asked why did I not survey other cities? I tell you when I initially began my research, which incidentally was done at my own time, not any city staff time, I didn't direct anyone in the City to do this, I did this on my own time, which I think I'm still allowed to do. Here's what I did?- I wrote to ten municipalities, and these were the four questions, well let me read you the letter, because I think it's important you understand the basis for posing those questions, and you made a valid point, did not reach other cities because quite frankly I wanted to talk to cities that had already approved some sort of a law, some sort of an ordinance because they are going to be the best testament to whether this works or doesn't work. At that time I really had not developed any kind of position, but allow me if you will to read the letter that I sent to ten municipalities. It says, *"Dear Mr. City Manager, I am a City Commissioner in Coral Gables, Florida, I plan on discussing in an upcoming City Commission meeting whether the use of leaf blowers should be banned in our City, because of the extent to which they create both noise and air pollution. I understand that your municipality has banned the use of combustion engine leaf blowers and I am hoping that your experience can help to inform my discussion on this issue. While I greatly appreciate any information you can provide, I have a few basic questions that I hope you or your staff will address. Question Number 1: Has the ban largely achieved its objectives? Question Number 2: Has the ban result in significant cost increases for homeowners who use commercial lawn maintenance companies? Question Number 3: Did you encounter substantial or widespread resistance to the ban from citizens or lawn maintenance service companies?- and the last question was: Did you encounter any unintended negative consequences as a result of the ban?"* What turned out was, of the ten that I sent this e-mail to, I believe I received five responses along with a response from Vancouver, British Columbia, and I went ahead and included that in a package to my colleagues. So, I felt that at least if nothing else, I needed to explain to you what my rationale was for doing this survey.

Mr. Bixler: And I assumed that survey, I'm sure that it's much easier to find municipalities that passed ordinances than struck them down.

Commissioner Cabrera: I don't know how to find the others, so I had to work...

Mr. Bixler: We'd be more than happy to help you with that.

Commissioner Cabrera: I'm sure you would, but my point is I really wanted to hear from people that went through this exercise, because really depending upon what they said; I was either going to move forward or not do anything at all.

Mr. Bixler: I can appreciate that.

Commissioner Cabrera: So I just felt I needed to respond to you.

Mr. Bixler: And with Palo Alto, you'd like the articles; I'd be more than happy to share those with you.

Commissioner Cabrera: Well, I have some of their – you know, I know they have had mixed results, but I do know that the ordinance is still in effect, it hasn't been defeated.

Mr. Bixler: In Pacific Steel out in California, the distributor in California, they worked very closely with the different municipalities and counties and everything else, to work with anything from hourly restrictions to dust levels and everything else that can help better serve the communities and the environment, but at the same time moving forward in technology and not moving backwards to brooms and rakes. So that was really the point of the whole thing; we are here to work with you if you want our help.

Mayor Slesnick: Thank you – and I think it should be for the general public listening to you; you introduced yourself properly that you represent Steel and Steel is a manufacturer of leaf blowers.

Mr. Bixler: Yes sir.

Mayor Slesnick: OK. I thought that we should make that clear.

Mr. Bixler: Yes sir.

Mayor Slesnick: We appreciate you volunteering to help.

Commissioner Cabrera: And last but not least, Palo Alto did try to respond, but the way they responded was through a, "call us and we'll tell you more about it", and I called this number

numerous times and just never received a call back. If you want this information, incidentally this is all public record. When this is over I'd be happy to give you my package so you can review it more extensively.

Mr. Bixler: OK, I'd appreciate that.

Commissioner Cabrera: Thank you sir.

Mr. Bixler: Thank you.

Mayor Slesnick: Thank you. Mildred Kirsner from 500 Alminar. Good morning Mildred.

Ms. Kirsner: Good morning Commissioners.

Mayor Slesnick: Pull it down right to your...right at your mouth.

Ms. Kirsner: Right at my mouth – this OK. I'm at 500 Alminar, down the street from Gables High School, there may be even a Commissioner who went to school with my youngest child, five of them graduated from Gables High and one of them is now teaching at Gables High. I've been a resident of Coral Gables since 1964, so I've seen a lot of changes take place in the City of Coral Gables. I've seen a lot of Codes changed, improved, added, not only in Coral Gables but throughout the country as a matter of fact. I can remember the same sort of hullabaloo when it was suggested that smoking be banned because of pollution, and all sorts of negative responses to that. There is pollution from the leaf blowers, there is noise pollution which everyone hears, you have to close your windows in beautiful weather, if you want to have a conversation with someone at the same time that your next door neighbor is having their grass cut. So far as environmental pollution is concerned, there is such a push on to automobile manufacturers, we've already seen smoking stopped, just because someone may get away with something is no reason not to have a law against it. I've seen people park where they weren't supposed to park, maybe we should end all the parking codes that we have, and permit people to park any place they want to park, just because this is a free country. When my house was built, it was built with windows that cost a lot less than it cost me to replace my windows because there is a new Code, I have to have impact windows, but that was done not because somebody is going to make a lot more money from me, it was done to protect me and the Code that was passed on First Reading was passed for the benefit of the citizens of Coral Gables and I urge you Commissions to pass it on Second Reading.

Mayor Slesnick: Thank you Mildred. Jon Goldman of 535 Reinante Avenue.

Mr. Goldman: Mayor, I'd like to if possible defer my time over to Al Vara, he's got a bit of a presentation that I think it would be beneficial to everybody. I'd appreciate it if I could give him my three minutes, and I think...[inaudible – off mike]...

Mayor Slesnick: OK. We've allowed that before for one speaker to yield their time to another. Mr. Al Vara of 8131 Los Pinos Boulevard. Mr. Vara you will have a total of six minutes if you need it.

Mr. Vara: [Inaudible – off mike]

Mayor Slesnick: Yes.

Mr. Vara: [Inaudible – off mike]

Mayor Slesnick: Well Mr. Vara before you start, I understand that it is your desire to use a PowerPoint and this was brought to my attention yesterday, and I was unprepared to address that. We are going to, without objection to the Commission of course, allow that, but Mr. Manager I have sensed, this bothered me because we've never had another citizen come with a PowerPoint that has not been reviewed by this Commission, and I want to call your attention to Section 268(b) of the Code of our City, that in the future where citizens ask for a PowerPoint that they be turned in prior, three days before the regular meeting, three business days so that we can view these PowerPoints to ensure the contents are not objectionable to the...I don't want to put things on...I'm not suggesting yours is, I'm only...

Mr. Vara: No, but I don't need it, I just thought with the limited time.

Mayor Slesnick: We are going to let you go for it, you were told you could.

Commissioner Cabrera: But incidentally, I support giving the six minute to Mr. Vara, but that ordinance is not just for residents, so I want to make sure we are not just targeting Mr. Vara. It's for any and all materials that come before the Commission, and I will now memorialize that section of the Code in a memorandum to the City Manager's office and respectfully request that he abide by it.

Mayor Slesnick: Mr. Vara.

City Manager Salerno: Mayor, I need to just respond. I'll respond; I'll try to do my best with responding to all ordinances. But if that ordinance and I have a question, if that ordinance is intended for all presentations, all presentations, which is what Commissioner Cabrera said...

Mayor Slesnick: It is.

City Manager Salerno:...then the presentation that he made several weeks ago where he passed out made a presentation, a PowerPoint presentation, that I never saw nor any member of the Commission saw before was in violation. So I only want to put that on the record.

Commissioner Cabrera: Well let me just say that I provided that information to the City of Coral Gables prior to the City Commission meeting of that date, and staff members here in the City of Coral Gables had that information readily available to prepare in order to justify presenting it on that day. So I quite frankly have no idea what he is talking about.

City Manager Salerno: Just exactly what I said, I never received a presentation, did not know a presentation was going to be made, nor do I think the Commissioners understood there was a presentation at that meeting. But as long as everybody will follow that, I certainly have no problem following it...

Commissioner Cabrera: Well, I'll follow as well but let me just remind you that you report to us, we don't report to you.

City Manager Salerno: There's no question about that Commissioner.

Commissioner Cabrera: So, I appreciate the educational advice and I strongly urge you to become more familiar with the Charter.

Mayor Slesnick: OK. We are going to move on.

Mr. Vara: OK. I need the PowerPoint....

Mayor Slesnick: Thank you. Mr. Vara please.

Mr. Vara: OK, I'm sorry, I'll be quick.

Mayor Slesnick: Mr. Vara don't let us interfere with you, we've given you your time and your presents, so.

Commissioner Anderson: Take a breath and start.

Mr. Vara: Thank you very much. These are the reasons we are here: Leaf blowers make noise, they have bad emissions, they increase particulate matter, they are not necessary for efficiency, they are used to pollute rights-of-ways, and the Code can be enforced, this is the argument. One important thing as we get into the noise, and I'll take them one by one; for every 6dB that we drop, because there are a lot of dB's (decibels) being thrown around when you look at leaf blowers, you cut in half the noise and every time you double the distance you cut the noise in half. Just for clarification, the noise exposure laws for OSHA (Occupational Safety and Health Administration) are 85 dB. If you are an employee and you are using one of these things, and your are at 85 dB, you have to have hearing guards on. So that's the number. This is from the California Air Resource Board from February 2000, and it shows the loudness of leaf blowers; 75 being loud, 70 being average, 65 being quiet; there are some 65 dB quiet machines, 70 dB is like an average machine. This is a little hard to read, but a leaf blower between 62 and 75, and today when you were reading the proclamations, I had my dB reading out, my machine, and the proclamations were at 70 dB, which puts the reading of the proclamation in this room at the volume of a vacuum cleaner. The applause was 80 dB or twice the sound of a leaf blower at 50 feet, which puts it at the same level as a garbage disposal.

Mayor Slesnick: Are the neighborhoods lucky we don't read proclamations.

Mr. Vara: Maybe we should outlaw applause, I don't know. OK. That's the noise, now I'm going to talk about air pollution. The City of Coral Gables because of the Federal Clean Air Act of 1990 cannot, cannot say that a leaf blower is illegal because of pollution. There are only two government agencies in the country that rule on emissions; the California EPA and the EPA of the United States, but I do believe that Commissioner Cabrera's comments regarding at the First Reading emissions I think they were well founded. You can always use noise as an excuse; you can say it's the noise, so I want to address that. OK. So this is from the California Air Resources Board in February 2000. "Emissions have only been controlled since 1995, with more stringent standards taking effect in 2000. The exhaust emissions from leaf blowers are consistent with the exhaust emissions of other, similar off-road equipment powered by small, two-stroke engines, such as string trimmers. Manufacturers have developed several different methods to comply with the standards and have done an acceptable job certifying and producing engines that are below the regulated limits." This is what leaf blower engines have done since 2000. The whole brew ha-ha in most of those cities that have banned leaf blowers were done in 1999, look at what leaf blowers have done and I have the entire EPA report if you want it as part of the public record...

Mayor Slesnick: Hold the time because I want to ask a question; don't want to take it off Mr. Vara's time. Mr. Vara when you show a chart like this, as you know my questions are mostly aimed at trying to make sure everybody gets the exact story.

Mr. Vara: Right.

Mayor Slesnick: When you show a chart like this you are talking about newer models, right?

Mr. Vara: No, no, this was the EPA...

Mayor Slesnick: I'm saying you are talking about – you are lowering; what are you lowering here?- you are lowering the emissions?- you are lowering the noise?

Mr. Vara: These are the requirements by the EPA.

Mayor Slesnick: The requirements, OK, the requirements, are lowered, that doesn't mean that all the models being used by lawn crews are models that meet these.

Mr. Vara: No, but I have an answer for that.

Mayor Slesnick: Oh, you have an answer for that, OK. I just want to make sure people understand that, OK.

Commissioner Cabrera: Mr. Vara, I beg your pardon, when you were mentioning this you said that some of the bans by some of the cities were done pre – what year?

Mr. Vara: A lot of them were done in 1999; California had a huge mess in 1999, they had hunger strikes all about leaf blowers.

Commissioner Cabrera: Well let's try to avoid that. I'll try to respond to you, but I don't want to take away from your presentation.

Mr. Vara: No, no, no, that's OK.

Mayor Slesnick: OK. Start Mr. Vara's time again. Thank you Mr. Vara.

Mr. Vara: Thank you. So this is the inventory, your study, done by the EPA Phase II study, and you can see that the graph took longer than 2005 to take an effect because the EPA study took into account your comment, that there were older machines in use, but you can see when they put the ordinance in, the federal law in Phase II, what happened to tons per year of exhaust coming out of leaf blowers, and you can see how even though 2005 was the year, because of that it took to 2007. OK. Leaf blowers cause particulate matter. This is the best argument for banning leaf blowers, I would give this to you Commissioner Cabrera, this is the best argument. This is the

one thing I talked to a lady at the California Air Resource Board whose name is on the website, and she talks about this being a number one concern in California, particulate matter. So there was a study done by the University of California and recertified in January 2006, it was done 2009; and they didn't just say particulate matter is in the air and caused leaf blowers and makes people sick, they did a study, took measurements, and it was certified; and they came up with this graph. If you notice after three minutes, after the leaf blowing stops, you can see the entire graph and I can spend five minutes on this graph alone, and you can see how it tails off. The reason is, yes, leaf blower is 12 miles per hour, but it dies off very quickly especially as you get away from the nozzle. They multiply this times, I'm not going to do it, all the homes in the San Joaquin valley in the current county district and they came up with tons of particulate matter in the air, and they come up with agriculture, paved roads, leaf blowers were 0.52 per tons per day, and the local air district does not regulate sources that produce less than 0.90 tons per day. I went ahead and did a study on PubMed; PubMed is run by the National Institutes of Health, and I ran leaf blowers, one thing came up saying that leaf blowers can help kill ticks in leaves. There were 116,000 PubMed articles on asthma; none of them had the word leaf blowers. Why is California so concerned?- this is why California is so concerned. This is the Nonattainment Map for particulate matter 10 microns from the EPA website, you can see where California is, red is serious, yellow (moderate), they should be worried about these. This is where we are; this is from the reading here in Miami, and this is the average for the readings here in Miami. We are one-fourth the national standard. You can use rakes and brooms, not in pool areas, not on a 4,000 square foot driveway. One of the websites talks about a grandmother that did this and did it faster than a leaf blower, she did a 10 x10 foot area, and she is 58 years old, not the little old lady we are thinking of. Gravel driveways you can't do. This is a time/motion study done by the City of Coronado; I have that for the public record. You can't read it very well; I'm running out of time.

Commissioner Cabrera: You've done a lot of work so we should give you the time.

Mr. Vara: I'm trying, I'm trying, and I have some recommendations that I think will help.

Mayor Slesnick: Why don't you go to the recommendations?

Mr. Vara: I will; but the time/motion study show 80 minutes to 6 minutes, but anyways – let me see. I'm going to go to recommendations; Oh, I did check with some enforcement, I have some printouts; they can't because they say that it's hard to enforce leaf blowers because people can't understand why you need a weed whacker. OK. Forget the conclusions, here are my recommendations, and I do think that I spoke to several gardeners who live in the City of Coral Gables and I asked them how are they abused? So I have my recommendations. Restrict the time of use, from one time to another time, they are doing that now. I looked at four ordinances that I thought were the most thoughtful ordinances that I saw regarding leaf blowers in California, just

because it doesn't bother me doesn't mean it doesn't bother you. So if it doesn't bother me and I live in a bigger lot, and you live in a smaller lot, I think you have the right to address it. I think limited use of the leaf blower, 20 minutes per leaf blower per property, that's being done on some sites. The people I talked to, the gardeners said people walk up with four leaf blowers and they just and it impresses the customer that you are using all these leaf blowers. The machine must be built after 2005, with a one year grace period, that's going to be tough to enforce. I'll leave that up to you guys, you are smarter than me; and this I think is an important one, I think you can limit one leaf blower to every 10,000 square feet or perhaps a lot size of 1 per half acre. If you live in Coral Gables you can have a leaf blower in the pool deck, I mean if you live in Gables Estates you can a leaf blower in the pool deck and a leaf blower in the front driveway. I asked three gardeners, how many leaf blowers do you need?- they said, one leaf blower, 20 minutes; I can do a three-quarter acre property. So, I think you can limit it for one leaf blower for 10,000 square feet, I think that would help. Also, you cannot disperse material to adjacent property. My gardener uses it to clean up the street; he doesn't use it to blow it into the street, he cleans up the street, and I don't want him to sweeping the street, but if he is going to cut the grass he is going to get the street full of grass, he should clean it. Limit the ANSI Standard to 75 DB; the blowers had DB ratings on them; 75 DB will cover every leaf blower manufacturer today. You have to use the full nozzle extension and I have training brochures that are free on several websites that I can give you; you can print these out and if there is abuse by a Code Enforcement officer on any of these things you can hand them out.

[Applause]

Mayor Slesnick: Mr. Vara thank you very much.

Commissioner Cabrera: Mr. Vara thanks again, before you sit down though, I'm sorry, I know that's heavy. You made an interesting comment about some of the cities that have banned the use of leaf blowers. From a research paper I found on the Internet, let me give you some of the cities that have recently done so.

Mr. Vara: OK.

Commissioner Cabrera: Scottsdale, Arizona in March of 2008 passed a ban on leaf blowers; Yonkers, New York January 2008; Cambridge Massachusetts December 2007; Greenberg, New York 2007; Pelham Manor, New York starting January 2006; Houston, Texas 2005; Evanston, Illinois 2005; I know this is outside of our country, but Vancouver, British Columbia February of 2004; Greenidge, Connecticut June of 2006; yes, you're right some of them like Beverly Hills 1978, or Carmel 1975, but there are even others that have done it. The latest that I could find, there were two, one was Portland, Oregon that did not ban the use of leaf blowers, but heavily

restricted their use, and that was effective September 2009, and the latest that I have been able to see in terms of restricting the use of leaf blowers is the State of Hawaii that adopted it in July of this year, 2010, and in fact in doing so the State asked the municipalities or gave the municipalities the ability to even impose more restrictive ordinances on it. So I think your argument is strong, but I also believe that there are still municipalities that are concerned enough about the adverse effects of them to continue to ban their use.

Mr. Vara: It's on the.....Commission for next month, so there are people – I agree with that. The entire State of Arizona banned it on all public property by government employees, but not to the cities.

Commissioner Cabrera: Thank you sir.

Mayor Slesnick: Thank you for all your work, well Al, Al, wait a minute, not a question, but I want to say something to you. We have your PowerPoint and we thank you for that, if you would share your other information at times if we would ask you for it, we'd appreciate that too.

Mr. Vara: No problem, anytime.

Mayor Slesnick: Mr. Charles Girtman, 744 Tibidabo.

Mr. Girtman: That's a hard act to follow. Very well put together.

Mayor Slesnick: And by the way Mr. Goldman, your card is in the mix, your name is in the hopper and you are part of the record.

Mr. Girtman: Charles Girtman, 744 Tibidabo. I'm going to start out with a little story here. Several years ago, if you check the records at the Coral Gables Police Department, I confronted a group of robbers in my house. Many gun shots were fired, the burglars fled; my house and also the house behind me which they were robbing at the same time. The Police came, Gables and Metro, the robbers got away and fortunately no one, especially me was hurt. I was younger and dumber then. The reason I bring this up is that one neighbor complained about me shooting guns in Coral Gables. So there are going to be two sides to every argument, and I think everybody looks at them in good faith. I would like to bring up several quality of life issues that have come before the public in the past for many years. In 1970 auto catalytic converters came in front of the public, there were more people than you can imagine; it's going to ruin the car, it's going to ruin the mileage, I was mad about it taking my carbonator away from my hot rod. I don't think any of us would like to go back to the exhaust spewing days of the 70's and beyond. In the 1980's noise and pollution reduction of aircraft, those of that can remember a 707 taking off, you

could hear it at Miami International Airport right now, right here, and you can see the four streams of black smoke going out behind the airplane. One thing that has been pointed out by Mr. STIHL (Bixler), the representative of STIHL here, which I have his products here they are the best, is just by bringing this up you are going to make a change. People are going to start saying people are interested in having a quieter life and better equipment, so just by bringing this up you'll make a change. You remember the exhaust of buses?- you get behind a bus and he'd take off with big black smoke, 1990's they changed the emission standard on buses so you don't see that anymore. Something close to my heart, which I thought said would ruin the industry, in 2000 they changed the exhaust standards for boats; you can't have a boat spewing out oil on your lake now or a lot of particulate in the air. I don't think any of us would go back to those times before even though a lot of us, myself, stood up and said hell no when it was brought up. Right now you can take an airplane to Europe with 350 people on it; 20 years ago the same airplane took four engines to get from here to Lisbon or to London or to Paris, now they do it on two. Why?- because the government made regulations to make better engines and less noise. You can stand at the airport and carry on a conversation with an air bus A380 takes off. It happened because restrictions were put in place like the man, I'm sorry, I don't remember your name, the man from STIHL, he's going to build better products. The gentleman that gave this great presentation in front of you, there are going to be better products out there, it's going to happen. Commissioner Cabrera has pointed out adequately the problems with blowers. I run on Old Cutler Road except on the days when South Florida Management Corporation is blowing the leaves – am I running out of time?- 30 seconds. The leaves put out a cloud of dust a quarter of a mile, there is no argument with that. I saw on Monday there were raking, there was no dust; they were doing the same thing, picking up the leaves, raking. Coral Gables has rules for construction, they have rules for parties, they have rules for air conditioners, they have rules for street sweepers, imagine if the street sweeper used blowers instead of the power brooms they use. The solutions are at hand right now. Again, 65 DB anyone can live with if everybody had them; self bagging mowers, when your mower goes by it picks up the leaves and put them in the bag. I tell you gentlemen, as it already has been pointed out by the speaker in front of me, this is going to come. The federal government has proposals for small gas engines, exhaust standards, and noise standards, and they are going to be placed in effect. Let's help it along gentlemen, let's help it along. Let's do something today. Thank you very much.

Mayor Slesnick: Thank you Charlie. John Davis, 1252 Venetia. John Davis. OK, you said you do not wish to speak. Shall I read your card?

Mr. Davis: I sent a letter to you and the Commissioners....

Mayor Slesnick: Well, do you want me to read your comment? OK. It's Mr. John Davis, 1252 Venetia, he said he doesn't wish to speak and I'm sorry I didn't read that; he's an opponent of us

passing it, and he said that this ordinance something unacceptable will result in out of control citations, it is completely unrealistic, I'm not sure I can read the rest, but anyways he's opposed to it and he says it's unrealistic and creates more citations than we can handle. We have Dr. Joel Schankman of 10800 Leucadendra Drive.

Dr. Schankman: Mayor and Commissioners, Joel Schankman, 10800 Lakeside Drive.

Mayor Slesnick: Sorry, Lakeside Drive. You all have to help us with better handwriting, OK. Of course you are a medical doctor, so I don't expect...

Dr. Schankman: Correct. I want to thank you, you know, for being here. I found out this Friday, I've been travelling a lot, and just happened to speak to my landscape people and gardeners Friday morning, and they were all kind of upset about this new proposal. So, over the weekend I wrote a letter, and I want to thank all the Commissioners including the Mayor and Sunday I got a response, I got two from Commissioner Cabrera...

Commissioner Cabrera: Yes, I'm sorry, my first response I was at the Dolphin game.

Dr. Schankman: I understand how upset you were at that score.

Commissioner Cabrera: I was, I was.

Dr. Schankman: I grew up in Miami; I grew up about a mile from where I live now in Coral Gables. I enjoy being a Coral Gables resident; wasn't initially because I attended Palmetto High School, and then when we switched over from unincorporated Coral Gables, the only thing was I played sports for Palmetto, so being a Coral Gables resident playing Palmetto-Coral Gables. I enjoy working out in the yard; my folks still live in the home I grew up in several acres on Pinecrest. I enjoy coming home relaxing; I do have a leaf blower, there are neighbors that are not happy that I live next to. I try to meet when to do it so they don't get upset, but sometimes people are unreasonable, so no time using my leaf blower for one of my neighbors was any good during normal hours. I'm opposed to having this ordinance pass, certainly Commissioner Cabrera sent out some websites to look up information, you know, truthfully I didn't see many scientific websites with founded information, maybe there is a way to go a little further than the ones you gave me; most of them were activist sites from California. The reason I like to live in Miami and only visit California which I love in the parks and the restaurants is because I can come back and live in Coral Gables in Florida. So I am opposed to it, I just hope we come up with something reasonable; time restrictions – you have time restrictions there that, if I owned a lawn company maybe I can start cutting the lawns under lighting situations and cut from 8 o'clock at night til 10:30 at night on any night of the week, I mean, people don't do that. So you have to be

reasonable, and you know, I live on several acres, I mean to hand rake my yard my landscape people would be certainly I'll get more exercise, but I mean, people that make a living from this are not, and I enjoy using my yard; 20 minutes, 15 I'm done, my pool doesn't have all the leaves in it. So I think you made the point, I think that certainly they have more data from the EPA or medical associations, but certainly in the data that all the sites prove, there are no substantial data that people get lung disease and so forth. Thank you for letting me speak and thank you for your great response.

Mayor Slesnick: Thank you. Thank you doctor; this is our chance to get to see citizens we don't normally to see.

Commissioner Cabrera: And I thank Dr. Schankman also. He did write me during a very difficult Dolphins game, and it was hard to respond completely, but I was able to get back to him with some additional information, and you have a point as far as the websites I gave you, but every one of the websites had additional data that was medically related. I didn't respond to a lot of people because I found it too difficult to do so, but I found that it was important to respond to a medical doctor and especially the way that you wrote to us, and so I'm sorry you didn't see the information but I have one in front of me now that was completed by medical doctors and it was from the Southern Medical Journal, and its 23 pages that I would be happy to give you as a copy for you to review. Again, as a medical doctor I don't want to see you go through a lot of anguish over this issue, but there is a lot of medical data that supports some of the adverse effects of it, whether you chose to believe me or not that's entirely up to you, but I'll make that available to you doctor.

Mayor Slesnick: Roger Serola, Mr. Serola is of Coco Plum, 7166 is it Lago Drive?- you know your writing is deteriorating Roger over the years.

Mr. Serola: Yes, and so has my memory (laughter).

Mayor Slesnick: Well you got up when I called your name.

Mr. Serola: I hobbled over. Yes. The noise issue is interesting; the pollution issue is just as interesting. I was taken aback that the applause was as loud as the leaf blowers. Perhaps there weren't as many people applauding as there were leaf blowers blowing this morning while I was trying to get into the car to come here. It's amazing how many leaf blowers can be there on a small piece of property, but they get there. Needless to say, I'm in favor of this bill. I, unfortunately have not been able to figure any way to sit in my home and enjoy the morning newspaper without the piercing wale of these engines, whether it be from my lawn man or from the one next door or the one two blocks away. It would be nice that we had technology that

wasn't quite as invasive, but we don't, perhaps it will come. In our community we have banned the noise before 7:30 in the morning and on Sundays, we've also banned piling of debris out on the roadway, I'd like to say that it works; it's an issue to enforce. I believe that in my e-mail yesterday to the Commission, I also mentioned that we spent over \$200,000 to improve the guardhouse at Coco Plum, it's a little bit disappointing that I live where I live, get to Coco Plum Road and see trash and lawn debris out on the street. I no sooner sent that e-mail I got in the car, got to Coco Plum Road and there it was, all over. Their lawn men are blowing it in the street, our guys are raking it up blowing it back, garbage is piled up because somebody put leaves out there two days before they were supposed to, but the guy next door said he'll just throw his garbage on him. We have to have some type of regulation, unfortunately there is nothing else we can do, and as my predecessor said, we've had a lot of good improvements in technology because of the enforcement actions that's been done by the local, state and federal governments. I urge you to pass this, I urge you not to listen to the nay-sayers and I urge you to remember that the applause in this room is not the same as two leaf blowers going. Thank you.

Mayor Slesnick: Thank you. Jacqueline, is it Skap?- Skap.

Ms. Skap: Skap.

Mayor Slesnick: Skap, I'm sorry. Jacqueline Skap of 6300 Riviera Drive, Jacqueline welcome.

Ms. Skap: Thank you. Well you just heard my name, its Jacqueline Skap and I'll just start by saying, I've lived in Coral Gables since I was 5 years old, and for the past 28 years in the Riviera section with my husband. Part of the reason we chose to live in Coral Gables is the beautiful landscape, lush canopies, and manicured look of Coral Gables; and while we do recognize the pollutant nature of gas blowers, we strongly oppose banning the use of the machines, and I'd like to give you some of the reasons why, and funnily enough in all of the speeches I have not heard anyone discuss how we propose to keep properties clean with the kind of canopies and berries and mess that we get here after torrential rains. Our property like most houses in the Gables is shaded with trees. The gas powered machines are used by our lawn service contractor on a weekly basis to keep the pool deck, the driveway, rooftop, and city sidewalk clean from leaves, chips, berries and all kinds of debris. A rake would remove the debris, but it certainly won't keep them clean, and for owners to be confined to using electric blowers trailing long electric cords around pools, driveways, and after some of our torrential rains, is most clearly a hazard to life and limb; and also trailing electric cords on rooftops where many of us have to blow our rooftops to keep the gutters clean from berries and so forth. I've not heard anyone discuss how you propose to do this if you come up with a ban. In our case, we certainly would not be able to keep the city sidewalk clean, there is not an extension cord long enough to reach the city sidewalk. At this point my people blow, after the lawnmower goes, they rake and clean the street and the city

sidewalk, which is beautiful, but we would not be able to keep that up if you would accept this ban. I will mention a few other things just in response to some other things I heard today. I at one point in my life did feasibility studies as a management consultant, and one of the things that we had to do when doing a feasibility study is to compare like territories. So in everything I've heard about other communities that have past this law, I have not heard of any that both have our tree canopy and our eco system, meaning climate; and I think one would acknowledge that neither Phoenix nor Southern California have tropical climates with the kind of debris that falls from trees. I've heard discussion about how many leaf blowers per 10,000 square feet, well it very much depends on your tree canopy what is acceptable and not. I happen to have a lot of trees, but everyone in the Riviera section has a lot of trees; and the other thing that's not been mentioned is the additional cost to homeowners in the form of people to come rake because somehow this has to get cleaned; I don't know how under these proposals, but I suspect that there would be quite an economic cost of rakers. I did read Commissioner Cabrera's article in the Sunday Herald that it would not be an additional cost, but that is on the leaf blowers, you did not include the cost of additional rakers. So again, I thank you very much; I will also say I only received acknowledgements from Mayor Slesnick and Commissioner Withers, and I thank you for your acknowledgments of my letters, to the rest of you after all these year at Coral Gables, I wish I had received an acknowledgement.

Commissioner Anderson: I'm sorry; I receive a lot, if I missed it, I'm terribly sorry; I responded very briefly to everybody, but if I missed it I'm sorry, I apologize.

Ms. Skap. Thank you, thank you for your time.

Mayor Slesnick: Thank you.

Commissioner Cabrera: Let me make a couple of comments, because I think the resident's comments are noteworthy. Number one, in terms of tree canopy, as a lifelong resident of the City as you are, I'm not, I've only lived here since I was nine and I'm currently 52, but I learned shortly after Andrew in 1992 and then Katrina and Wilma, and forgive me for not giving you the very specifics, but I learned through our Public Service Department that we lost about 35 percent of our tree canopy in our City, which I think is a fairly logical commentary to make, and if Mr. Keys is here and I'm putting you on the spot I'm sorry, Dan, but I believe that's what you told me. So I guess what my question to us is, and you don't have to answer this, you talked about the fact that all this tree canopy requires the use of these machines, my question back to you and its rhetorical, knowing that our tree canopy was much larger prior to 1992, and the devastating effects of Katrina, Wilma and Andrew, and the devastating effects that it had on two species of trees, Fichus Benjamena and Banyan, my question is, how did we keep the City clean prior to 1970?- because before 1970 we did not have leaf blowers in our City, they did not exist ladies

and gentlemen, they were invented in the 1970's in Japan and they were not invented to blow leaves, they were invented to apply pesticides; and then somebody in California got the idea of retooling them to become blowers of air. So, I wanted to make that comment; and the comment about the cost, all I can tell you is that based on the research that I did on the cities that I asked to provide me back information, no one in the response said that the cost went up, if they had then obviously I would have taken into effect that issue, but no one came back with a cost increase based upon a ban on leaf blowers. So, I just wanted that opportunity to respond to you.

Mayor Slesnick: Dr. Katherine deBly – Dr. Katherine – hi, is it...

Dr. deBly: It's deBly.

Mayor Slesnick: deBly – I thought I knew that, but it looked liked...1400 Madrid Street. Doctor, thank you for being here.

Dr. deBly: That's right, thank you. Commissioner Cabrera has done a fine job of informing you and documenting the many adverse effects of using leaf blowers and particularly gas powered ones. He has told you of the effects of the pitch and timber of the 85 and above decibel noise on those who are frequently exposed, and that this type of noise is related to the development of aggravation of cardiovascular problems, gastrointestinal distress, sleep deprivation, increased number of accidents, and social discord including decreased healthy behavior, and increased hostility. He has explained the content of the pollution which is spewed into the air, the hours or days that it can hang there, and the health problems which ensue from exposure to carcinogenic pesticides, viruses, pollens, animal feces, bacteria, mold, and man-made materials such as break lining, and asbestos. He has told you about the danger to those who use it, such as hearing loss, deafness, and respiratory problems. He has explained the inefficiency of two-stroke gasoline powered machines, and burning this gas, and that one hour of using the leaf blower is equivalent to 300 hours of driving the modern automobiles. Everything that Commissioner Cabrera has told you is the truth and he didn't even have the time to tell you everything. What Commissioner Cabrera told you about was not his opinion, but the findings of many studies that are irrefutable. I'd like to add another thing more to this truth; the people most at risk are those using the machines on a nearly daily basis, these are the lawn crews. They do not have a choice about using these machines nor is it likely that they have been informed about the risk they are assuming. Very few of them are wearing any kind of protective garb, but even if they are wearing goggles and ear covers, this does not protect them from respiratory damage nor from hearing loss caused by the vibration of the machine carried on their backs. These workers do not have OSHA or a union to protect them, and when they do become damaged or ill it is doubtful that they have insurance to help mitigate the effects. It seems a clear moral choice for us to do right by them. I am aware of the types of protests that some citizens have made to this ban, and I

would like to point out the errors in thinking that are inherent in their complaints. First, their vision is too narrow; they are thinking too small. If theirs was the only leaf blower in the community, the effects would be negligible, but we need to have a much larger vision and understanding why these machines are such a problem. If everyone in the Gables has their lawn cut twice a month, we are talking about tons of matter being projected into the air; and as the noise from these machines can travel half a mile, many of our residents are exposed for several hours a day, many days of the week. Second, residents of the City are not banned from using leaf blowers; they simply have to upgrade their machines. Third, there are many hidden costs with the use of these machines; a month's supply of Claritin is about \$38, a trip to the emergency room with your asthmatic child is financially and emotionally draining, damage to vegetation is costly to replace, the Public Health Trust is burdened likely raising our taxes, scientists from all 15 European union countries who are drafting a common noise policy estimate that excessive traffic cost government as much as 2 percent of gross domestic product in lowered productivity, increased accidents and more frequent illnesses. In 1999, in the U.S....

Mayor Slesnick: Doctor, Doctor, I think we have reached the end basically. Do you have a few more seconds?

Dr. deBly: OK. Alright. Finally, I want to comment on the issue of integrity. In life we have two choices to make; the first is what we believe and the second how we act. Integrity occurs when one acts consistent with ones belief; of course if the belief is wrong then acting in accord with this is going to lead to a poor outcome. If you don't believe all the evidence presented here about the effects of using these machines, then you can blow away to your heart's content with integrity, but the consequences to others and ultimately to yourself will accrue nonetheless. In every good thing there is a sacrifice; when the move was made to lead for gas, we paid more at the pump. It is appropriate role of government to do things for us that we cannot do ourselves. We cannot build roads, regulate traffic, or enact legislation to protect workers or force corporate enterprises to be accountable. It is the appropriate role of government to lead, and to do the right thing even when citizens whine and drag their feet.

Mayor Slesnick: Doctor thank you for your thoughtful remarks, I appreciate it. Dianne Gottlib, 180 Edgewater Drive.

Ms. Gottlib: Good morning everyone.

Mayor Slesnick: Good morning Dianne.

Ms. Gottlib: I just want to thank everybody for their individual responses, I really truly did get a response back from each and every one of you, and I do appreciate that; and I also want to thank

the Commissioners and the new City Manager for all of your efforts on behalf of the City to get us back on a fiscally responsible path, and I do feel that you have been working hard and that this issue is really separate from that. About the ordinance, I agree in principle with the effects to limit the nuisance caused by lawn maintenance equipment and in particular the parts that address the dispersible debris. If the purpose of the ordinance is to preserve the comfort, health and peace of the City, and I'm reading from the ordinance, then why did you single out leaf blowers to ban? Other gas powered equipment is potentially as noisy and polluting; we can all go back to push powered lawnmowers, hand edgers, brooms, rakes, and axes for that matter. As far as exemptions, owners should be able to designate a maintenance company as their agent and be able to use electric blowers as well. I understand there are....I'm sure those can be addressed without a ban. How will residents who are elderly, unwell, or working difficult schedules who must hire companies to keep their properties up to Gables standards, be able to do so without violating this ordinance? Why are government entities and their designees able to be exempt when working on public property, which potentially exposes more people to the noise, pollution, and dispersal of debris than one resident can with 15 minutes of leaf blowing in the yard? When driving around town or shopping I'm constantly exposed to city workers blowing debris onto U.S.-1 or the road when I have my windows open. Pollution is pollution whether on public or private land, or by an individual or a hired helper, or city worker. There are new gas power blowers which I understand the representative from STHIL talked about, which by the way you do have the best equipment, and other lawn equipment that are quieter there are blowers that are below the 65 decibel standard and that are less polluting; and like Mr. Girtman talked about, changes are coming and they are not coming because of bans, they are coming because cities are thinking and government agencies are trying to get people to move forward with education. I think the particulars of the ordinance are arbitrary, punitive, and not well thought out enough to be helpful, fair, and effective at the same time. As a nurse and a health educator, I found that a campaign of education and public awareness as well as incentives are more effective than outright bans, and this has been the case for alcohol and tobacco use that have seen a decrease in abusive behavior through these types of efforts. Banning drugs have done little to decrease abuse and in fact has created an underground lucrative network that perpetuates and glorifies its use. Expense, inconvenience and non compliance should never be used as a reason to continue behavior, that is truly detrimental to one's health, but I don't believe that this is the proper ordinance. Thank you.

[Applause]

Mayor Slesnick: Thank you Dianne. We hereby close the public hearing and we are going to take a five minute break so that the Commission can get their heads together and think about the input, and we'll come back here in five minutes to finish the discussion on this item.

[Note for the record: The Commission took a five minute break]

Mayor Slesnick: Thank you all. We are going to come back into session and we are now going to deliberate the proposal that we've been discussing by the public and we are going to give Commissioner Cabrera the first opportunity to discuss that.

Commissioner Cabrera: Well obviously a lot of interest in this matter and the only comment I will give in terms – I have a lot to say about the ordinance, but the only comment I have to say about the feedback; as much as I welcome any and all feedback, I wish there was this much interest in our City when it comes to our Budget, Fire Rescue Fees, Fire Rescue Transport Fees, Coral Gables Country Club, the Biltmore Hotel, and any of the other major issues that we handle as a Commission, because quite frankly we deal with many, many serious issues in this Commission; and so while I am really glad that many of you came out, I'm certainly glad that Mr. Vara did what he did. I just had to make that personal observation, and I'm going to take the time whether some of you like it or some of you don't like it too much to restate what I, by the way, I didn't write an article, what I did was I wrote a letter to the Editor and I think it's every citizens right to do so; and I did this because of the overwhelming number of e-mails that we received as a Commission body, and incidentally there was very strong position to this proposed ordinance on both sides. I'd like to begin by telling you that among the many issues addressed by this Commission are environmental protection; environmentally sustainable practices, public health and the quality of life of our residents. In fact, this Commission recently created a Green Task Force that will assist the City by identifying and developing environmentally and sustainable practices. Once again last January, I began a concerted effort to learn more about environmental protection and the ways local governments are trying to aid the cause. I was surprised when I discovered that extensive research had been done on the question of whether leaf blowers were a significant source of health damaging pollution. Any skepticism I had about the issue was overshadowed by the quality and volume of research that had addressed this. Mr. Vara had made that point very clearly. Many well designed studies have confirmed that leaf blowers do indeed cause significant health damaging pollution. I don't believe this question is any longer a seriously debated one. It has been answered – gas powered two stroke engines are the primary culprits, leaf blowers are not simply loud and irritating, they are a health hazard most particularly to those that use them; and I think that's an important statement to make because we have a lot of workers throughout our City, and incidentally many of them are minorities, and I don't believe there is anything wrong with saying that, it's the truth, and if that offends some people, I'm sorry, that's what I see. Many of them are minorities who are a) low wage earners and b) do not have access to health care services, and when they go through a full day of using a leaf blower that has an adverse effect on their bodies, it has an adverse effect on their ears, their noses, their mouth, and those are somehow serious issues that don't seem to be brought up; but this is why hundreds of cities throughout the United States have either banned or heavily

restricted the use of leaf blowers and that's why I tried to bring this ordinance forward. Now, I'd like to talk a little bit about some of the messages and feedback we received. The words "necessary" and "essential" were prominently featured in the pro leaf blower feedback I got. What does the evidence say about whether leaf blowers are required for optimal, excuse me, required or optional for effective property maintenance?- a) History says they are not necessary, leaf blowers were introduced in the early 1970's, and their use became widespread in the 1980's. Coral Gables became a beautiful City and residents took excellent care of their property without the use of leaf blowers well before 1970; b) None of the 400 plus cities that have banned or restricted the use of leaf blowers have reversed their decision for any reason much less as a result of discovering that residents were unable to properly maintain their property without using leaf blowers; and c) None of the people who contacted me to register their opposition to the proposed ordinance cited even one task that required the use of any leaf blower much less a gas powered one. Assertions that leaf blowers are essential for property maintenance are simply not true; they also distort and undermine legitimate debate by incorrectly, unfairly and dramatically overstating the importance of leaf blowers. Leaf blowers are quite simply labor-saving devices which may enable users to complete certain tasks more quickly, and with less effort than other methods of doing the same task. In short, the use of leaf blowers is a matter of efficiency and convenience and that at least is a defensible statement. A number of residents complained that the proposed ordinance would result in a cost to them to replace their gas powered blowers with electric blowers. The number of residents thus affected seems to be relatively small, not many Coral Gables residents are inclined to strap gasoline powered machines to their backs; beyond this the cost of an electric leaf blower would average about \$1 to \$2 per month over the expected life of the machine. Electric blowers are also more reliable and cheaper to operate than gas blowers. Many residents in our City, and it's been proven based upon testimony today hire companies to tend to their property. Some of the residents expressed concern about and resentments regarding the possibility that the cost of this service would increase dramatically if the proposed ordinance is enacted. The concern is understandable and it has been raised in many of the cities that have banned or restricted the use of leaf blowers. However, reports from some of these cities indicate that lawn maintenance fees have not increased to a significant degree if at all. You know, the proposed ordinance has been attacked and ridiculed as, let me see, insane, moronic, government regulation gone wild, and unwarranted intrusion into our lives, or a violation of property rights. The State of California where many cities have banned leaf blowers also took a good beating. Several people have attributed California's financial problems directly to government over-regulation, of the sort they believe the proposed ordinance to be. In response, I will first point out that no one has a right to pollute the air and disturb the peace; virtually all of the gas powered leaf blowers currently use violate existing city noise ordinances. If the leaf blower users could contain the filth that they blast into the air and the noise they create to their own property then this proposed ordinance would not have been offered. Let me just end by letting you know that the bulk of the anti-ordinance feedback with the exception of Mr. Vara, that I have received

contain not the slightest hint of a fact-based logically coherent argument about any of the relevant issues, instead many of the messages we received contain personal insults and/or threats, nearly all the assertions rest on three pillars and they are, apathy, personal freedom, or property rights. None of them reveal to me any awareness or any kind of curiosity of the adverse health effects related to leaf blower use. None of them revealed any sense of caring about the adverse health effects suffered by the lawn maintenance workers, as I said before, who use leaf blowers many hours per week. None of them reflected any inclination much less obligation to value the greater social good of cleaner air, enhanced public health, and peace and tranquility more than their personal convenience; and as I said in my letter as I ended the letter, the good news is the number of messages we received which fit those that are against this ordinance, constitutes less than one-third of one percent of the adult population of Coral Gables. On the other hand, it is a well established political reality that loudly expressed emotions and opinions frequently prevail over quietly expressed reason and facts. So let me leave you with some final facts about leaf blowers and all of this information that I provide to you is available if any of you have any inclination to read about it, and by the way it's available in here as well. As I said before, the State of Hawaii passed a law that went into effect this last July, July 1, 2010, restricting the use of leaf blowers. Talk about sub-tropical climate – the law included specific provisions allowing municipalities to pass more restrictive measures. I gave you a brief sampling of the cities that have banned leaf blowers, I'm sorry if I sound repetitive, but once again, Scottsdale, Arizona; Yonkers, New York; Cambridge, Massachusetts; Greenberg, New York; Houston, Texas; Evanston, Illinois; Beverly Hills, California; Santa Barbara, California; Princeton, New Jersey; A gentleman was very kind to speak to me during the break, and said well you know, you didn't really hit on Florida. Well two cities in Florida are very seriously looking at this, Palm Beach, Florida and Tampa, Florida; and a county that has already adopted something like this is West Chester County in New York. One of the biggest commentaries that I received was, what will be the next ban?- lawnmowers?- no – None of the other cities that I polled had banned lawnmowers and that's because blowers are uniquely problematic. The lawn manufacturer Toro, which is a competitor I'm sure of STHIL, no longer manufactured gas powered leaf blowers, instead they market electric powered ones because they are primarily less noisy, they have no exhaust and they have no emissions; and finally ladies and gentlemen whether you decide to be for or against this ordinance, which incidentally I don't see it passing, in any way shape or form, the United States Environmental Protection Agency has finalized a new emissions control program to reduce hydro-carbon emissions from small spark ignition engines by about 35 percent. The new exhaust emission standards will take effect in 2011 or 2012 depending on the size of the engine. The final rule also includes new standards to reduce evaporative emissions from the fuel systems; these standards will reduce the harmful health effects of ozone and carbon monoxide from these types of engines, and therefore whether we end up passing something today, tomorrow or next year, I think the United States government is already on top of the issue. So, I at this juncture, I really have nothing else to add. I had a video from Los Angeles, California that

I provided to the City within the appropriate timeframe; I did provide it to the City Manager's office, I believe, either last Wednesday or Thursday, I don't think it's worth showing it too you, its narrated by Peter Graves, and its broadcasted throughout California, but it once again outlines many of the adverse effects that I've outlined for you today. So with that in mind Mr. Mayor, I don't know how you would like to proceed with this matter?

Mayor Slesnick: OK. Well, do you want to move your item?

Commissioner Cabrera: Sure. I move that we accept E-1.

Mayor Slesnick: It has been moved, looking for a second for discussion purposes. Can I have a second?

Commissioner Withers: I'll second.

Mayor Slesnick: It's been moved and seconded by Mr. Withers; moved by Mr. Cabrera seconded by Mr. Withers, and this is on the Second Reading and therefore the adoption of E-1, which is the ordinance which we have now discussed in full and the title has been read into the record.

Commissioner Withers: I'll say something. Ralph, I meant it earlier when I said, when you took this issue on, you did it with the intensions of probably knowing you were going to get some ridicule, but I think I know you well enough that you did it because you felt it was the right thing to do and that you believe in it.

Commissioner Cabrera: But you know, you generally, we've known each other a long time, you generally – I always believe what you have to say to me whether it's positive or negative, I believe it.

Commissioner Withers: Yes – and so I'm sincerely sorry for you that you did get harpooned a lot because I don't think you brought this issue up for anything other than trying to improve the quality of life for the citizens of Coral Gables, and I'm sorry for that.

Commissioner Cabrera: No, but don't be, because there were a lot of very polite, civil people that had really good feedback, I mean, I'm delighted that Mr. Vara took the time that he took to research this issue, and I told him so, and he actually has given me some additional information. I applaud citizens like him that take the time and are not destructive and demeaning, but it is what it is, that's why we signed up for this job and in many ways it's a lot of fun.

Commissioner Withers: It's not always deserving, but anyway you're a big boy and you know what you were getting into, so. Even though I did oppose this ordinance on the First Reading, I do feel that I don't plan to vote for it, but I really think there is some tweaking, there are some additions there are some things we can do to it that will maybe not get a total ban, but get partially a way there. I don't know where we want to go with this, if we want to discuss this now Don, if you think there is another venue that we can further discuss it. That's just how I feel.

Mayor Slesnick: Let me say a few words. I've tried to respond to everybody; there are some people I must admit that wrote to me yesterday, last night and this morning that I did not respond to, I could not, other than that I think I responded to over 100 something e-mails, which is more than we got on the charter school, more than we got on the budget, more than we got on the tax rate, more than we – so it's amazing.

Commissioner Cabrera: Anything that we've received over the years.

Mayor Slesnick: Well in fact one of the people that wrote to me very upset with any of us for taking on what they consider to be an inconsequential issue and wasting our time, I told them in response that number one, you must not understand that we tackle hundreds of issues literally every year, hundreds that most people don't take much notice of that reigns the whole gamut, 180 degrees either in importance or in impact or whatever, but they are important in the sense of running the City, and planning the City's future; and secondly, I said that we took months worrying about pensions, months worrying about our union negotiations, months worrying about our budget, years worrying about the University of Miami, we took 30 minutes on leaf blowers, but it took hours to answer the e-mails. As everyone remembers, I hope from the last time, I have had, and Mr. Cabrera knows it, I have had concerns with leaf blowers for some years, and have spoken with the City Attorney over and over, and she and I have addressed thoughts about maybe strengthening ordinances and so forth. I have expressed that here that the two things that bother me most, although noise never excites me nor does pollution, but the two things that I thought that the City needed to address and address aggressively, which is blowing it into the streets which eventually takes it from the streets to the sewers, and clogs the sewers and if you live on a street that's flooded you'll know that we've had to come out and unflood the street, unclog the sewers, and guess whose money we are using to do that?- it's your taxpayers money. It's a problem and when we are caught off guard for major rain storms or hurricanes it can be – the flood can be greater than just the normal rain storm. So that I truly deeply believe we've got to address; I was interested to know from one of the people testifying today that he has his yard people blow it off the street and so forth, but that's not the traditional approach. I drive along the streets as you do and people blow that right at my car and so that on a daily basis. So I really do believe we have to address some issues here and whether or not the full ban passes or whether it should pass is debatable, obviously you all have debated and we're debating it, I certainly respect

Commissioner Cabrera's efforts, I felt badly for the Commissioner and myself and Commissioner Anderson and Vice Mayor Kerdyk and Commissioner Withers with some of the e-mails that suggested that we had completely lost it, and maybe we have.

Commissioner Withers: There is some truth to that though Don.

Commissioner Anderson: I think there is some truth to that, yes.

Commissioner Cabrera: It goes back to 2001. I lost it when I decided to run for office.

Mayor Slesnick: OK. So anyways – having said that, the one thing that I would consider, and this is just my thought, is that before either passing or defeating the legislation that is proposed that we might consider referring it to our new Green Committee, which will not please proponents and will not maybe please people that are against it, but we do have a new Green Committee which has been fully described, Commissioner Cabrera and Commissioner Anderson...

Commissioner Cabrera: Primarily Commissioner Anderson.

Mayor Slesnick: OK, Commissioner Anderson with Commissioner Cabrera's help...

Commissioner Anderson: Thank you.

Mayor Slesnick:...proposed a Green Committee and it is in fact a committee that we entrust or I think we are going to entrust to looking at health, safety, environment, not safety, health and environment and trying to have our City meet new standards, much as what you mentioned for the EPA and so forth.

Commissioner Cabrera: I know. May I chime in for one second?- because I have a copy of the ordinance that created that committee or task force, and the only concern – I'm willing to have them look at it, it's our way, it's the way we do things here; we try to be gentler and kinder and it's a great way to get it off our plate, let's face it, it's been no fun. But the creation of this board – let me share with you what it was created for – *“Created for the purpose of promoting environmental sustainability for the City which is a way of living and conducting business to ensure a quality of life for the future of Coral Gables. The task force shall make non-binding recommendations for taking environmentally progressive actions within the City in support of promoting environmental sustainability.”* So, I'm not sure this is really their task, but nonetheless it may be a good project for them to take on. I don't see this going anywhere.

Mayor Slesnick: Well what brought it to mind was Mr. Vara, first of all your impressive research that you have books and things on, Mr. Vara's research that is there, the STHIL's company that is willing to come back with materials to talk about it.

Commissioner Cabrera: No, I wouldn't mind all these good folks getting together and moving the issue forward, I just want you to know that the purpose may not directly affect this project, but nonetheless it can be moved, I'm sorry, it can be moved to the task force or deferred to the task force and I would certainly be supportive of that. I know Mr. Vara would provide his information, the gentleman from STHIL would probably take part in that, I would give the information I was able to collect and the data that I was able to analyze, and I would be happy to do so. I'm not opposed to this. I'm not opposed to any direction we take, but I don't see this motion, I don't see this ordinance passing in any way shape or form as it is today.

Vice Mayor Kerdyk: Let me just – did you want to go ahead?- go ahead.

Commissioner Anderson: I'll save the best for last.

Vice Mayor Kerdyk: You sure?

Commissioner Cabrera: We'll be the judge of that.

Vice Mayor Kerdyk: No, I also share both Commissioner Withers', Mayor Slesnick's and I'm sure Commissioner Anderson will also say that the intestinal fortitude that you displayed Ralph, for bringing this forward there is no doubt about it, it takes a lot of guts to bring an issue that could be or is somewhat controversial and to take the amount of grief that you had, which nobody, nobody deserves that type of grief for sure. I've looked at the ordinance and I think it's a good idea to go ahead and defer it; the two issues that stand out of course is probably where you were going was the discharge of debris into other people's properties and the city's right-of-ways and also the fact that moderating times are very, very important to me to see something like that come to fruition. I also would certainly take any input from that committee and take it into consideration when it moves forward, but those are the two items. There are several other items that were mentioned in Mr. Vara's that we could look at that were also possible a moderation of the leaf blowers itself, but again thank you for bringing it up and making it an issue, thank you for all those e-mails that we received based on it being an issue; but I look forward to hearing the results from our committee coming back forward and presenting it to the Commission.

Commissioner Anderson: I know its consolation at this time, but if I could recall a time when I had an ordinance that I really worked hard on, and I ended up voting against it because as a young Commissioner I kind of let it get ahead of me, and I voted against it, and that was painful,

so I do understand your position as far as having the courage to present something. I think I would like to see recommendations to begin to limit as Mr. Vara puts in here, the hours and maybe at some point phasing in certain things that can be done over time. I wouldn't mind actually working having the task force look at it, but giving them a little time to get under their feet, so they get started and have that information. I always say that there is always something, you never know it may happen, but right now I think for me in my opinion hard to enforce from our City's perspective, from the Code Enforcement perspective, and a bit draconian on the forces that work in our City, the lawn maintenance folks that work, who are the low wage earners in this world. So against my husband's suggestion and one of my best friend's encouragement, I would like to see something different, but I can't support this right now, but I thank you.

Commissioner Cabrera: I do worry about the lawn maintenance crews and their ability to get the work done. I also worry about their personal health and I'm sorry, I don't have this with me today, but there was a very extensive medical study done, and I'll provide it to you Mr. Vara, on the adverse effects on people who do this 8 to 10 hours a day, and the saddest part about it is many of these people don't have health insurance as I pointed out earlier, and we end up actually funding their care because they have no other choice but to turn to a public health care facility for assistance when they develop respiratory problems and when they develop inability to hear and things of that nature. So what do you want to do?

Mayor Slesnick: Well let me ask you Ralph, would you like to move it to do that?- it's yours.

Commissioner Cabrera: No, but I support it. I wouldn't be fair to myself, just like Ms. Anderson said, she didn't end up voting for her ordinance for obvious reasons, we don't have to go back to those days, but you know, I respected her position then; I would certainly be supportive of whatever you folks do, but I move to accept the ordinance on Second Reading. So let's go ahead and move it in that direction, Mr. Withers, Mr. Kerdyk, or Ms. Anderson would like to go there, I'm certainly going to be supportive, and I'm going to work with any and all who come to me with some other ideas. Listen, Mr. Vara during the break had tremendous observations, so did Mr. Girtman, who incidentally Mr. Girtman as much I would like to give you credit for this initiative, Mr. Girtman you know how I feel about you personally, but Mr. Girtman was not the brainchild for me to take on leaf blowers and by the way it's not the last project that I'm trying to tackle because I'm desperate for a project to call my own. I would probably enjoy going into a pool of water with a Great White Shark than to have to bring something like this to all of you. So having said that, I would suggest that this move forward, I know that Mr. Vara seems to be, gosh he invested a lot of time and effort in this, I'm sure he would love to be a part of this work group.

Commissioner Withers: If you want me to remove my second, so we don't have to go to vote on this Ralph....

Commissioner Cabrera: That's fine...

Commissioner Withers: It's up to you.

Commissioner Cabrera: It's a waste of time for all of us, so I agree; thank you for seconding for discussion especially.....

Mayor Slesnick: We have a motion on the floor, Mr. Withers has taken back his second; do we have another second?- hearing no second the motion to approve fails but I would do, the Chair would entertain a motion that we defer this item and send it to our new, what is the name of our new....

Commissioner Cabrera: Green Task Force.

Commissioner Anderson: I'd be happy to second that as long as we give them a little time, so that they get their task together and their feet under them, they haven't even had their first meeting.

Mayor Slesnick: OK. Mr. Withers would you like to move that we defer Item E-1 that we refer it to the new Green Task Force for their consultation and their study and their recommendations back to us at a later date.

Commissioner Withers: That's exactly what I'd like to do Mr. Mayor.

Commissioner Anderson: And I'd gladly second that.

Mayor Slesnick: OK, it's been moved and seconded. I think Mr. Clerk you have the motion.

City Clerk Foeman: Yes Mr. Mayor.

**Mayor Slesnick: Will you call the roll?**

**Mr. Clerk**

**Commissioner Withers: Yes**

**Commissioner Anderson: Yes**

**Commissioner Cabrera: Yes**

**Vice Mayor Kerdyk: Yes**

**Mayor Slesnick: Yes**  
**(Vote: 5-0)**

Mayor Slesnick: We'd like to thank everyone and I sincerely mean that, everyone that took their time to come here today to give us their thoughts, their opinions, to the many e-mail writers and in fact we've actually had some real people sit down and write letters still, and we've had some letters. No matter what your position or whatever, we still encourage and hope that civility is always the rule of the day, but for those who gave us solid input both pro and con we appreciate it, we thank you. We are here to serve you; we thank you for your guidance

[End: 11:51:52 a.m.]