

City of Coral Gables City Commission Meeting
Agenda Item F-5
June 13, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Deputy City Attorney, Stephanie Throckmorton

Community Recreation Director, Fred Couceyro

Development Services Director, Suramy Cabrera

Public Speaker(s)

Joanne Marr

Agenda Item F-5 [11:37 a.m.]

An Ordinance of the City Commission amending the City of Coral Gables Code, Chapter 34-Nuisances, Article VI- Noise, Section 34-166-Definitions, and Section 34-169- Enumerated Prohibited Acts in order to prohibit the use of gasoline powered leaf blowers within the City, and amending Chapter 1- General Provisions, Section 1-7- Penalties in order to add associated penalties, providing for a repealer provision, severability clause, codification, and providing for an effective date.

(Sponsored by Commissioner Fernandez)

(Sponsored by Vice Mayor Anderson)

(Sponsored by Commissioner Castro)

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Mayor Lago: We'll move on to F-5 before I take the time certain.

City Attorney Suárez: F-5 is an ordinance of the City Commission amending the City of Coral Gables Code, Chapter 34, Nuisances, Article 6, Noise, Section 34-166, Definitions, and Section 34-169, Enumerated Prohibited Acts, in order to prohibit the use of gasoline-powered leaf blowers within the City, and amending Chapter 1, General Provision, Section 1-7, Penalties, in order to add associated penalties providing for a repealer provision, severability clause, codification, and providing for an effective date. Deputy City Attorney Stephanie Throckmorton can present the item, and this is a public hearing item.

Deputy City Attorney Throckmorton: Good morning again, everybody. This item before you today changes some sections of our noise code to address gas-powered leaf blowers. It adds a definition of leaf blower, and it finds that as an enumerated prohibited act, it is prohibited to use a gasoline-powered leaf blower within the City. It provides that battery and electric-powered leaf blowers may be used provided they do not exceed a decibel level of 65 dBA, which has to be shown on the manufacturer's label affixed to the leaf blower. It is also subject to the noise and time restriction -- I mean, the time and noise restrictions that we have elsewhere in the code. So, those time prohibitions still apply. In the event of a hurricane, tropical storm, or similar extreme weather event, the City Manager, in his discretion, may temporarily suspend provisions of that subsection to permit the use of gas-powered leaf blowers. There's also a financial hardship waiver for individual property owners or principals of small businesses who want to get a hardship waiver for a year through a form that we will comply -- we will put together with the City Manager's Office, and it provides for a penalty of \$250 per violation to be assessed.

Mayor Lago: So, let's talk about this just for -- kind of lay the groundwork. So, in May of -- May 10th of 2022, I sponsored a resolution to the Commission establishing a goal to cease use of gas-operated leaf blowers by City staff and City contractors by 2024. That was also sponsored by Commissioner Menendez and Commissioner Anderson. On April of the 26th, we had a discussion regarding leaf blowers, any leaf blowers, which I sponsored. On August 24, 2021, we had a discussion regarding leaf blowers in the City of Coral Gables, sponsored by Commissioner Menendez, Anderson, and myself. This has been a discussion that has been talked about for the last three or four years ad nauseam. I'm in favor of this. I use an electric leaf blower in my house. It works well, not as well as gas. The battery doesn't last long. I have to use two or three different batteries to do all my property. It's costly. But what I want to really understand here is are we passing laws to pass laws, or are we finally ready to do this? The City hasn't adopted this, correct?

Deputy City Attorney Throckmorton: I don't believe the City is fully electric. I'll defer to the City Manager, but there has been some movement in Green Space Management to purchase some, and I believe there's a new need request for the next budget for some parks purchasing.

Mayor Lago: That's my first question. Number two, how are we going to enforce this? So, I passed a piece of legislation that now has been preempted by the state which required all gardeners, landscaping companies to be placed on a list and for them to register. That is no longer allowed as of this year. So, moving forward, are we going to fine the landscaping company, or are we going to fine the resident who hired the landscaping company?

Deputy City Attorney Throckmorton: So, as written, it's not delineated who would receive that citation, both one or the other. We can certainly amend that to (INAUDIBLE)...

Commissioner Fernandez: Right. So, if I can answer, I guess, your two questions. For starters, this Commission in the past has taken a lot of efforts to get us to where we are today. This was an issue that came out during the campaign repeatedly. I'd say it was probably the fifth largest issue that residents were addressing because a lot of residents are working from home, and they are being impacted by the leaf blowers constantly blowing throughout the day. The way that I discussed this with staff was to piggyback off of what we already have, which is requiring that the City be compliant by the end of 2024. This would give residents and landscaping companies more than enough time to make the transition to electric leaf blowers. And it would give us enough time to put out PSAs and information out to residents to inform. This specific ordinance as I sent it to staff is really two different versions, Naples and Miami Beach who have already enacted it. And I have actually asked staff for a second reading not to come before the Commission until September because as they were recommending, there are two other municipalities, South Miami and Miami Beach, who will go into effect over the next two months so that we can see what measures they're taking for enforcement. And we can fine tune ours before coming up for a second reading.

Mayor Lago: I know the Beach enacted it, but they haven't started it yet, correct?

Deputy City Attorney Throckmorton: No, I believe enforcement begins in August.

Commissioner Fernandez: Right.

Mayor Lago: So, I'm all in favor of this. I just -- I don't see how we're going to address two issues. Number one, the fact that the systems do not compare to the strength that is provided by a gas-operated system, number one. So when you talk about heavy machinery, like landscaping companies, it's very different when I just blow my leaves from the morning or from the afternoon compared to a landscaping company that has to really elevate the quality based on the simple fact that when you cut grass and it's wet, it sticks to the ground. You just can't lift it with an electric blower. There isn't much strength. Number two, the cost is pretty significant. So, we're going to have to address that issue on who's going to get the fine. So, if your landscaping company is not in compliance and your neighbor calls and says, "Listen, the following landscaping company is using gas blowers," Code Enforcement will go out there, stop them from cutting the yard, hit them with a fine or a warning, whatever that may be. That's the second thing. The third thing that we've encountered here, which I think was brought up today, is the issue of addressing -- which we've never been able to address, and the only way to address it is with enforcement -- is the issue

of the blowers just basically blowing into your neighbor's yard. That's something that, again, no matter -- we would have to hire hundreds of Code Enforcement officers to be on every single corner addressing that issue. Because do you remember how many landscaping companies registered, do you remember?

Deputy City Attorney Throckmorton: I don't know that number offhand. I think it was done through the Finance Department.

City Attorney Suárez: I think Finance maintained that database.

Deputy City Attorney Throckmorton: Yeah.

Mayor Lago: But I remember that it worked because, as a matter of fact, up to three months ago -- a few months ago, our team and Code Enforcement actually caught somebody illegally dumping and they went off the sticker that was still on that landscaping company's car. So, I'm in favor of this. I just don't know if it's really enforceable this year or even next year because these landscaping companies -- the cost is pretty significant. And the idea of -- I want to see what other municipalities are going to do, and the technology's not there because I use this technology in my house. And I don't see it working at a, you know, commercial grade level. I just don't see it.

Commissioner Menendez: Can I -- I just want to add a couple thoughts. If we haven't mentioned it, it seems every time we do something, the state turns around and preempts us. So, I just want to make sure, though I understand a lot of residents want this, but I -- during the election cycle, and I wasn't even running -- I got a resident yelling that we were taking away their rights because we were forcing people to go to electric gas blowers when I explained to them, no, it's the city. It was like Emily Latella from Saturday night, "Never mind." But I got -- you know, so though there are -- I think the majority want us to go in that direction, there is still some that don't. So, I'm also concerned if we go in too hard, like a sledgehammer, the state may turn around and start coming back towards local government. So, I want to be very careful. So, I have a suggestion. One is, when is the date that this would be started?

Commissioner Fernandez: The end of 2024 is what the City has in mind for itself, so that's what I would...

Commissioner Menendez: Yeah, okay.

Deputy City Attorney Throckmorton: So, as drafted, it's June 1st, 2024, but if the sponsor wants to amend that to be the end of 2024...

Commissioner Menendez: Yeah, I'd like...

Deputy City Attorney Throckmorton: We could certainly do that.

Commissioner Menendez: I'd like the dates to mirror each other.

Commissioner Fernandez: Yeah.

Commissioner Menendez: This is a suggestion, and you can accept it or not, but I would like to see a staggered. I would like to go first with the commercial landscaping companies and then X a certain amount of time later, have it impact residents -- the residents themselves. We want to see how it works with the landscaping companies before we throw everybody in at the same time. Staggered.

Mayor Lago: Can I ask you a quick question? Again, I don't have that much...

Commissioner Menendez: I don't have a gas -- I don't have a leaf blower.

Mayor Lago: I don't have -- I just like the blower.

Commissioner Menendez: Yeah.

Mayor Lago: Just to keep the front area clean. That's it. I would love to know -- I think it's got to be 95 percent of the City has a landscaping company that probably comes and cuts their yard.

Commissioner Menendez: Yeah.

Mayor Lago: Or 90 percent, or something to that effect. So, at the end of the day, everybody's affected because they're going to pass a cost on to the residents.

Commissioner Menendez: Yeah.

Mayor Lago: They're going to say, listen, you want me to spend -- Mr. Manager, what are we talking about in regards to electric? Just the little one that I have was \$300, \$400 from Home Depot. An industrial one with a backpack, which has the battery pack in the back that lasts longer, they've got to be...

Commissioner Fernandez: I think Fred...

Mayor Lago: They've got to be pretty...

Commissioner Fernandez: I think Fred has the numbers.

Mayor Lago: Fred, do you know what the numbers are?

Community Recreation Director Couceyro: We were looking at some, and you know, it is an industrial company, it's a big-time manufacturer. It's not like what you get at a Home Depot. It

was a Husqvarna, which is a big manufacturer. The setups that we saw that my guys demoed and liked the best with the unit and the backup batteries, because you need a second set, because if not, you're going all the way back to 72nd if you're at Green Scape, where you're going back to Granada, if you're at Parks. It was about \$2,500 a setup, and we need several setups. And then there's an ongoing cost annual because the batteries burn out.

Mayor Lago: And how do they match up with gas powered blowers?

Community Recreation Director Couceyro: My staff told me that they're adequate, but the gas blowers are -- they're more powerful. They're -- so -- but here's the thing that -- I mean, you will get technology, we'll continue. There's more and more emphasis on electric, so I think you'll continue to get more. So, as you go and you go to replacements over the years, you'll be able to get more powerful ones. The hope is that at one point, they'll match up to the performance of the gas ones.

Commissioner Menendez: Go ahead, I'm sorry.

Vice Mayor Anderson: No, no, no. Go ahead, finish up and then I'll take over.

Commissioner Menendez: I think by the time this is initiated, I mean, plenty of time has come for the technology at least to improve. That's what I'm hoping. And the reason why I wanted to focus first on the landscaping companies and the residents, I think we have the ability to deal with the landscaping, with the issues that arise through the landscaping companies than trying to deal with the issues that arise with every single resident in Coral Gables. I just find it as a proper step one before we go into full mode.

Vice Mayor Anderson: So, as someone who actually cuts their yard and uses leaf blowers and has been doing it for her entire life, okay, I'm going to give you some insight. The leaf blowers for the homeowners are the easy lift, okay? I've been running one, electric one, for at least 10 years, okay? Same one, just change out the batteries every once in a while. I've offered them to people that I've had come onto my property because I prefer that over the gas. And there's technique as well that you use. You got mahogany leaves, your best bet is to loosen them first and then blow, because they're glued to whatever surface they land on, especially when wet. So, I spoke to a landscaper and asked him for his input, and he says, you know, the stuff that we have, and he's referring to the grass, causes a lot of carbon impact. And the amount of carbon impact from lawn maintenance is equal to the vehicles that we drive down the street. That's amazing. He was not opposed to going to electric. Okay, and I think if we do it by the end of 2024 with the way that battery technology is evolving, they're lighter and lighter as we go. If I compared the batteries that I originally got for this machinery to the ones that I have now that I can buy, they're half the weight than what I used to get, you know, 10 years ago. And the charges last much longer, the discharge is deeper on the battery. Enforcement, of course, is going to be one of the key items. I'm glad you brought this forward, okay? I'd like to add to it. I'd also like to suggest that we start off a little lighter on the penalties, 50 bucks on the resident for the first year, 100 for the second

year. And if you want to go to 150, we can do that on the third year. That encourages people to find a solution. Go out and buy the electric leaf blower. You want -- you can have it on your front porch for the guy to use, or you can make arrangements for that, or have extra charged batteries for them. There's a way to work around this. So, the other thing I'd like to add to it is, in the following years, weed eaters and lawnmowers. I've had people send me -- I've been using an electric lawnmower, battery powered, for well over five years. Sounds like a fan running, makes, you know, 25 percent of the dust. And if you really know what you're doing when you're cutting the lawn with these bigger machines, you point the grass to go in a direction so you don't have to blow the entire yard, okay?

Mayor Lago: So, Vice Mayor, if I may ask you, just I want to understand the intent. I'm in favor. Are we going to -- is this for commercial use for the landscaper showing up at your house or is this just for residents and the City?

Vice Mayor Anderson: No, it's both.

Unidentified Speaker: Right.

Vice Mayor Anderson: We can state...

Mayor Lago: You want to cross the board, everybody.

Vice Mayor Anderson: Across the board, everything. This was a huge complaint because you get the chorus of leaf blowers going, blowing all the leaves down the street, even our staff, every single leaf doesn't need to come off the astroturf, because the kids have fun playing with them.

Mayor Lago: And also, in regards to the fines, so if -- again, to avoid a landscaping company just paying a fine for an entire year, is it a one-time fine, it's \$50, or is it when they get caught over and over and over again using the same equipment, is it \$50, \$100, \$150? How is it going to work?

Deputy City Attorney Throckmorton: As drafted, it's \$250 for each violation. So, each time you would be cited for that. So if you got house by house and you got caught 10 times, that would be 10 fines.

Commissioner Fernandez: And remind me where those fines came from?

Deputy City Attorney Throckmorton: The fines are the -- similar to Miami Beach's fines, but again, happy to amend however the Commission wishes.

Mayor Lago: I'm in favor of it. I'm in favor. I already use an electric blower in my house. I'm just saying we have to figure out a way in 2024 if the technology's not there to address City staff.

Vice Mayor Anderson: So, I'd say, you know, rather than every single property, let's say day one, they get a fine. They're not going to be able to buy, you know, an electric leaf blower immediately.

Deputy City Attorney Throckmorton: So, there's maybe some logistical issues with Code Enforcement not giving -- so for instance, if a company works on one street in one zone and then goes to another house in another zone, one zone, they might've been cited that same day and then they go to another zone, the Code Enforcement officer might not know that that...

Vice Mayor Anderson: That's true.

Deputy City Attorney Throckmorton: Company received a citation. One thing is also keeping track of companies versus property owners. In our systems, it's easier to sort of keep track of a property where a citation was given. It's a little bit harder if somebody puts ABC Lawn Corp and then one person puts ABC Lawn Corporation or just puts ABC Lawn. You know, there's some sort of differences...

Vice Mayor Anderson: But you have...

Deputy City Attorney Throckmorton: To keep track versus folio numbers, for example.

Vice Mayor Anderson: But we have tag numbers, right, on the vehicles so...

Deputy City Attorney Throckmorton: So, not any longer with the landscape registration tag.

Vice Mayor Anderson: No, no.

Commissioner Fernandez: No, I think she means license plates.

Deputy City Attorney Throckmorton: Oh, their license plates?

Vice Mayor Anderson: License plates. So, when the citations come into us, we can have, you know, a maximum up to per day. You know, we can put a cap on it so that it's equitable and not so difficult to enforce. So, when they come in, and most tickets get computerized and entered into a system somehow, we combine it with the vehicle tag number, you'll be able to know who's already been cited for that day.

Deputy City Attorney Throckmorton: So, I'll have to defer...

Commissioner Fernandez: And if -- I think...

Deputy City Attorney Throckmorton: To Code Enforcement on that.

Commissioner Fernandez: You were saying no?

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Anderson: Well, we can add it. We can add it now.

City Attorney Suárez: For purposes of tracking, I'm sure that there's a way that Code could sort this out.

Deputy City Attorney Throckmorton: Yeah.

City Attorney Suárez: We just thought that it would be kind of a more direct and easier process if it was just per violation. I'm sure Code can figure out a way to track it.

Deputy City Attorney Throckmorton: Yeah, we can put whatever -- whatever's the will of the Commission, we can figure out. I just -- I'm not sure of the process, how it's entered right now.

Mayor Lago: Commissioner Castro.

Commissioner Castro: Yeah, I don't know exactly how it is that the legality behind fining the lawn company. I think if it goes directly towards the owner and maybe the first one, we could start off as a warning. We'll be engaging more in like a campaign of them knowing that this is like an active ordinance, instead of going directly towards the lawn people that they can use different ones, or it could be a little harder to track.

City Attorney Suárez: So, it would really be up to the Commission whether you want to cite the landscape company, the property owner, or both? You could do both. In terms of...

Commissioner Fernandez: On that question, we currently have fines for specific, like for example, doing work on a holiday. Who gets fined? The homeowner or the landscape company?

City Attorney Suárez: I don't know specifically right now without looking what the code provisions is.

Commissioner Fernandez: Right.

City Attorney Suárez: But generally, anyone who violates a provision of our City Code is a violator and can be cited generally, unless otherwise specified in the Code.

Mayor Lago: Commissioner Menendez.

City Attorney Suárez: So, we could make it so that both of them can be subject to a citation, or you can specify it be the property owner, it's really up to the Commission.

Mayor Lago: Commissioner Menendez.

Commissioner Menendez: So, since the sponsor -- sponsors mentioned it, second reading will be in September, right?

Commissioner Fernandez: I would -- we could even move it to October to give more time...

Commissioner Menendez: Yeah.

Commissioner Fernandez: To see how the enforcement work might be.

Commissioner Menendez: My suggestion is if it's the will of the Commission to pass first reading, we have time to come up with the nuts and bolts of how it would be enforced -- implemented and enforced. It gives us time and obviously each one of you can work with the Administration, with Law. My point again is, we all want world peace, but to get there, you have to make sure it's not a straight path, it's a series of twists and turns. I want to make sure every turn we do is the right turn to get there. So, that's why my position is start the date that we discussed a little while ago. I would like to see phased implementation so we just don't have to deal with everything at the same time. But I'm looking forward to more of the details, but I'm there with you.

Mayor Lago: So, Mr. Clerk, do we have any public comment?

City Clerk Urquia: Yes, Mr. Mayor, we do.

Mayor Lago: Okay.

City Clerk Urquia: Ms. Joanne Marr.

Joanne Marr: I apologize for my casual attire. I just came here from Coconut Grove Food Pantry. I wasn't planning to speak on this, but -- and sadly, I think my comments may engender laughter, but I wanted to put it on the record because maybe there's a possibility for educating people. So, nothing I say today is going to change anything right now, but what's wrong with a rake? I feel that the blowers are bad news. And as I speak with my landscape architect, she backs me up in this, because over time the leaf blowers blow all of the great soil that's on the top, which has all the good insects and everything, out of it, out of your yard, and you end up with roots exposed for your plants. And so, in the end, you're not really doing yourself any favors for your yard by blowing the leaves out of them. So, and it -- I mean, I know that this isn't going to stop tomorrow, but perhaps there's a way to continue to educate residents as to the benefits of, one, shrinking your lawn, creating garden rather than lawn, which doesn't necessarily contribute to the environment, creating lawns that have flowering trees that flower at different times, and you know, the butterflies and that kind of thing that can still be very, very beautiful, and then also helping them determine and talk with their lawn people to say, okay, you know, let's rake out this part of it, and then you can, you know, you can blow it and use the lawn blowers less and less and less. And it's all about

education. And in a way, we'd be helping the residents rather than, you know, telling them, oh, you can't do this, and you're taking away a right. We're actually helping them understand the benefits of using the leaf blowers less and less.

Mayor Lago: Can I ask you a quick question?

Ms. Marr: Yeah.

Mayor Lago: Is -- do you -- does your landscaper use --?

Ms. Marr: I don't have a landscaper. I have an old-fashioned, my grandfather's lawnmower, and I rake it.

Mayor Lago: The reason I was going to ask you is maybe there's a home next to the Vice Mayor's of a resident that I forgot her name, that her whole front yard is like planted with native brush. It doesn't even have one drop of grass. And it looks beautiful.

Ms. Marr: My front yard doesn't have any. I have some grass in the back, and of course, my swale. I'm still working on trying to get rid of the grass in the swale. But yeah --

Commissioner Fernandez: An incredible garden.

Ms. Marr: So, I don't have any grass in my front yard.

Commissioner Fernandez: Incredible garden.

Ms. Marr: Thank you.

Vice Mayor Anderson: If I didn't have two greyhounds, I probably wouldn't have any grass either. But you'll be happy to know that I don't blow my grass in the grass section. I just blow off the sidewalk and I put it back in the grass.

Ms. Marr: Yeah, there you go.

Vice Mayor Anderson: So (INAUDIBLE).

Ms. Marr: So, it's all education.

Vice Mayor Anderson: It's mulching. I mulch it down in.

Ms. Marr: So, thank you.

Mayor Lago: Thank you very much. Mr. Clerk?

City Clerk Urquia: That's it, Mr. Mayor.

Mayor Lago: Okay. What is the will of the sponsor?

Commissioner Fernandez: So, I would say, let's take -- let's vote on it with -- I would make a motion with Vice Mayor Anderson's recommendations and Commissioner Menendez's recommendation to phase it in October 1st of next year for commercial and at the end of 2024 for residents. Would that work for you?

Vice Mayor Anderson: So, let me ask you if you're willing to include the other suggestions I had. And that is the year after, bring in weed eaters, and the year after that, mowers. They exist right now. I have a video of a Ryder mower on battery power so...

Commissioner Menendez: I suggest we add that later. Don't fill this one up too much.

Vice Mayor Anderson: Weed eaters are easy.

Commissioner Menendez: Rakes are easier.

Vice Mayor Anderson: That's -- are you going to...

Commissioner Menendez: I listen...

Vice Mayor Anderson: Scissor your sidewalk of grass growing? I know you don't do your lawn.

Commissioner Menendez: I'm hiring her so, you know.

Vice Mayor Anderson: Yeah, but edgers used to exist with motors. Now we use weed eaters and the battery powered ones are fantastic. And they have -- mine even has a plug for a cord.

Commissioner Fernandez: I use the one with a cord.

Vice Mayor Anderson: Yeah, I have -- you know, mine's both. I can use a battery or a cord. So, weed eaters are easy, guys.

Commissioner Fernandez: Weed eaters are easy. I think the lawnmower is the one that's a little bit more difficult. Because I don't know that the technology's there.

Vice Mayor Anderson: I'll send you guys...

Commissioner Fernandez: Right, but for landscape companies, that may be a very...

Vice Mayor Anderson: I'll share the video.

Commissioner Menendez: Do we have weed eater legislation already in place? Oh, sorry.

Commissioner Fernandez: Let's work through the Chair.

Commissioner Menendez: Through the Chair and the Mayor, does our code even mention weed eaters?

Deputy City Attorney Throckmorton: I'm not aware offhand. I know we have some information about landscape maintenance equipment being used. I think the noise code addresses them maybe separately than -- we used to not have a definition of blowers until this item. So, I think it was all lumped into landscape maintenance equipment. I know the City of South Miami's item does address those other landscape maintenance equipments. The other items that the Commissioner looked at do not. They are leaf blower centric.

Commissioner Fernandez: Specific.

Vice Mayor Anderson: Yeah, I mean it's the difference between having a two-cycle engine and having an electric motor. So, that's the difference.

Deputy City Attorney Throckmorton: So, as I understand just the sponsor's motion was the October 1st commercial, January 1st residence, and then incorporating the Vice Mayor's suggestion about citing the individual vehicles once per day and the phasing of the fines 50, 100, 150 over those three years.

City Attorney Suárez: And just one clarification, when you say start by citing commercial, you mean the landscape companies that are using the gas-powered ones on commercial properties?

Mayor Lago: No.

City Attorney Suárez: Or commercial companies?

Commissioner Fernandez: That was Commissioner Menendez's recommendation, so that would be?

Commissioner Menendez: What did I say?

City Attorney Suárez: Commercial versus residential, what do you mean by commercial? Do you mean when they're used on commercial properties?

Commissioner Menendez: I'm saying if a resident -- the landscaping companies that come into the landscaping on people's -- at people's homes.

City Attorney Suárez: Okay.

Commissioner Menendez: I'd like to go -- have this apply with them first, and then bring in residents that aren't using landscaping companies.

City Attorney Suárez: So, then you're saying start citing landscape companies, so the code provision is the same, start citing landscape companies October 2024, and then later start citing the property owners as well.

Commissioner Menendez: Just to see how it goes.

City Attorney Suárez: Okay.

Commissioner Menendez: We can -- based on how it goes with the landscaping companies, we can tweak it before it goes straight to the resident. I just want to have a cushion to make adjustments along the way if we realize we needed to add something that we didn't add.

Mayor Lago: So...

Deputy City Attorney Throckmorton: Mr. Mayor, if I just may ask the sponsor, did you all come to a consensus about who would receive that citation? I assume then it would be the commercial vehicle...

Commissioner Fernandez: Correct.

Deputy City Attorney Throckmorton: Or the operator or the landscaping company operator, if the application doesn't apply to residents in that October to January period.

Mayor Lago: May I ask you a question?

Deputy City Attorney Throckmorton: Please.

Mayor Lago: So, if you fine the commercial operator, how do we enforce that?

Deputy City Attorney Throckmorton: We have limited capabilities as we can't lien unless there's property in the City, so it's...

Mayor Lago: It's unenforceable.

City Attorney Suárez: So, we would issue a ticket, essentially.

Mayor Lago: Madam City Attorney, it's unenforceable. So, this is what I'm saying, what I said in the beginning. This is what I said in the beginning. It's -- they're not going to follow the rules if it costs so much money when you're cutting people's yards for \$50, \$60, \$100. It's unenforceable. This is the issues that we have with the lien rights. So, we can pass a law. I'm going to vote in favor of it. I'm just saying that there's no teeth to it unless you're willing to fine the residents.

Vice Mayor Anderson: That is why we had the fine on blowing into other people's property, go to the residents. I know I had some construction folks, when they were putting in windows in my home, start working on a Saturday, I went out there and I stopped them. You know, and that's what a homeowner needs to do.

Commissioner Fernandez: I mean, I'm in favor of that. If we're currently fining probably residents, because I don't think we're finding the commercial companies if they're working on holidays, then we should follow that same guideline that we're currently using.

Deputy City Attorney Throckmorton: I'll defer to Code Enforcement on who they ticket when those items come up. I think without knowing what the code provisions exactly say, generally we could do both or either as a matter of law.

Commissioner Menendez: What do the other cities do?

Deputy City Attorney Throckmorton: I'm not sure. We didn't look at that issue in advance of this, but we can certainly, between first and second, look at...

Commissioner Menendez: Look for teeth.

Deputy City Attorney Throckmorton: Look at what they do.

Mayor Lago: Perfect. Commissioner Castro.

Commissioner Castro: I -- Suramy, Code Enforcement cannot cite a tag, correct?

Vice Mayor Anderson: That's correct.

Development Services Director Cabrera: We can cite an individual, but if they don't pay, we don't -- we can't really do anything.

Commissioner Castro: But they don't cite tag numbers, do they?

Deputy City Attorney Throckmorton: We could keep track of them via tag number, but we can't -- we're not the DHSMV. We can't like withhold registration or put a ticket on someone's tag.

Development Services Director Cabrera: To ask them to give us their name, and if they don't want to show us their driver's license, they don't have to. So, it's...

Commissioner Castro: So, it's an easier process to go ahead and fine the...

Development Services Director Cabrera: The resident.

Commissioner Castro: The resident of the property, the resident.

Vice Mayor Anderson: Right, the tag number was for the...

Mayor Lago: So, you hope...

Vice Mayor Anderson: Purpose of tracking it.

Mayor Lago: You hope -- the purpose of it is that you hope that after a year of education that you have a conversation with your landscaper and you're clear about the guidelines for the City that you don't want to receive a fine and that it would be -- the fine will be attributed to the resident if their landscaper's not following the rules. That may throw things into a tailspin unless other cities adopt it, because they may say, listen, I don't do -- I don't want to be your landscaper anymore. Just giving the worst case scenario and you have to find someone new.

Commissioner Fernandez: No, I understand.

Mayor Lago: You know, that may happen. That may happen.

Commissioner Fernandez: That's what South Miami's adopting. At least it's our neighboring municipality, so I would guess that many of these landscapers are probably working in a similar area.

Mayor Lago: The hope is that West Miami adopts it, Miami-Dade County adopts it, City of Miami adopts it, all the neighboring communities adopt it so that we can build some consensus here. I just -- if we're going to do something, let's do it where there's actual teeth to it because right now the Vice Mayor is correct. You're not allowed to blow -- that ordinance that she proffered, and the Commission approved, you're not allowed to blow your clippings or your leaves onto your neighbor's yard.

Deputy City Attorney Throckmorton: Yeah, that's correct.

Mayor Lago: And I'm going to take a guess without knowing, I don't think we've done 10 fines in the City because the residents have to turn the neighbor in. You know, you have to call Code Enforcement, Code Enforcement has to go out there and there has to be some proof of it, and you know, there has to be a dispute. And again, we have to be neighborly, and we have to be thoughtful

of your neighbor. It's a person you see every single day, but at the end of the day, it's going to be difficult to enforce it. Vice -- Commissioner Anderson.

Commissioner Menendez: So, in lieu of this to second reading, what are the key pillars of legislation that are needed now so that it can move to second reading, and what are the pieces that aren't -- we don't have to agree to now, but you can come back later, because I know there's certain key pillars of legislation that are required for us to vote on it.

Deputy City Attorney Throckmorton: Sure, so as I understand the sponsor's suggested motion, it addresses the enforcement date, which is two separate dates, and it addresses the fine amounts, which are escalating fines versus certain years, and it addresses who would receive that citation, which I understand to be the vehicle -- the landscape company.

Development Services Director Cabrera: The landscape company.

Mayor Lago: But why don't we...

Commissioner Fernandez: No, we said the resident. We said the resident.

Commissioner Menendez: Resident.

Deputy City Attorney Throckmorton: Okay, okay.

City Attorney Suárez: So, then no staggered enforcement date because you're just going to start with enforcing against the property owner.

Commissioner Fernandez: Right.

Commissioner Menendez: But I would like -- okay, if they're not going to do staggered, I'd like an extensive warning phase.

Commissioner Fernandez: So, maybe we can...

Commissioner Menendez: If the landscaper comes twice, once every month, by the third month, the resident has seen the warning, so it's not a surprise.

Deputy City Attorney Throckmorton: So, we have in the past with other ordinances provided for like a six-month warning period. So, enforcement to begin, let's say January 1st, six months of warning, no actual citations given until June 1st. Like we can build a warning period in like that. Code obviously always retains discretion to give warnings in certain situations like this. So, there'll always be, you know, one-off warnings given, but we can build in a general educational campaign warning period like we did with cardboard and swales, fertilizer. We've done that in the past with other items.

Commissioner Fernandez: Yeah, I'm okay with that.

Commissioner Castro: Yeah.

Vice Mayor Anderson: All right. Can we, in that warning period, also give them reminders of the other blower ordinances we've had on blowing in other properties?

Deputy City Attorney Throckmorton: Of course, we can.

Vice Mayor Anderson: The advantage of the media.

Deputy City Attorney Throckmorton: We can work through the Manager's Office and the Communications team to make sure that whatever notice goes out is comprehensive about the time -- the time that blowers can be used, where they can be, you know, dispersing the leaves, et cetera. So, a six-month educational warning period to begin...

Commissioner Castro: I would actually feel more comfortable if we would issue three warnings to the resident, the -- instead of the six months because they could get the first warning right at the ending of the six months. You got...

Deputy City Attorney Throckmorton: Understood, that may be a little bit -- yeah, we could do that.

City Attorney Suárez: It can be done.

Deputy City Attorney Throckmorton: Yeah, we can do it.

City Attorney Suárez: Three warnings...

Deputy City Attorney Throckmorton: Yeah.

City Attorney Suárez: If that's what the Commission desires.

Deputy City Attorney Throckmorton: Yeah.

Vice Mayor Anderson: Within the six-month period, and after that it's no more warnings?

Commissioner Fernandez: Yeah.

Deputy City Attorney Throckmorton: So...

City Attorney Suárez: And like the Deputy City Attorney mentioned, Code always has the discretion to issue a warning instead of a citation immediately, so they can do that. The officer has the discretion to do that.

Deputy City Attorney Throckmorton: Yeah.

City Attorney Suárez: But I think what the direction was a significant period for just issuing warnings before starting actual citations.

Deputy City Attorney Throckmorton: Yeah, that may mean that individual homeowners get -- if they have a landscaper come once a week, they may be getting 24 warnings by the end of the six-month period rather than just three if they have a landscaper -- you know, depending on how Code goes out.

Commissioner Menendez: I just want them to know that there's going to be a kickoff date where they will be penalized.

Deputy City Attorney Throckmorton: Yeah.

Commissioner Menendez: I don't want them...

Deputy City Attorney Throckmorton: A standardized kickoff date.

Commissioner Menendez: Kickoff date.

Mayor Lago: Can we do -- can we --? So, let's bring it back to the Chair. So, do we have an actual amended ordinance on F-5?

Deputy City Attorney Throckmorton: As I understand it, we do.

Commissioner Fernandez: And a motion.

Deputy City Attorney Throckmorton: With the changes to the citations, the -- who gets them, the amounts of the citations. The only clarification I would ask is that when that six-month education warning period begins, October 1st, January 1st, whatever date, since we've had a couple of dates. I just would like to clarify that.

Mayor Lago: So...

Commissioner Fernandez: So, do we need clarification today or can we do that at second reading?

Deputy City Attorney Throckmorton: I would suggest we do it so that the second reading ordinance comes with a specific date, if you all have that in mind, if it's January 1st, 2025 or

October 1st, 2024 were the dates that were suggested before for when that six-month period would begin or end, if you all have a consensus on that.

Mayor Lago: So, as the sponsor...

Commissioner Fernandez: October 1st, 2024?

Mayor Lago: As the sponsor, what would you like?

Commissioner Fernandez: And then that way we'll know that by April 1st of 2025, the fines will be issued.

Commissioner Menendez: I'm good with that.

Deputy City Attorney Throckmorton: Understood. So, I think I understand the sponsor's motion at this moment. Thank you.

Mayor Lago: So, we have a motion. We have a...

Vice Mayor Anderson: So, I'll do a separate one for weed eaters later.

Mayor Lago: Okay. So, we have a motion on the floor. Do we have a second?

Commissioner Castro: I second.

Mayor Lago: Mr. Clerk.

Commissioner Castro: Yes.

Commissioner Fernandez: Yes.

Commissioner Menendez: Yes.

Vice Mayor Anderson: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: Moving on to F-8.

Deputy City Attorney Throckmorton: Thank you. And just...

Mayor Lago: It's already 11:30.

Deputy City Attorney Throckmorton: Just to clarify, we'll bring that back when the sponsor's ready, but no earlier than August.

Mayor Lago: Perfectly fine.

Deputy City Attorney Throckmorton: I mean, than September.

Commissioner Fernandez: Right.

Deputy City Attorney Throckmorton: (INAUDIBLE). Thank you.