

City of Coral Gables City Commission Meeting
Agenda Item F-2
September 13, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Public Service Director, Brook Dannemiller

Public Speaker(s)

Agenda Item F-2 [2:50:44 p.m.]

Discussion regarding the modification of the Noise Ordinance, suggesting the use of electrical debris blowers over noise gas engine devices.

Mayor Cason: We are going to move onto F-2. Commissioner Keon this is your...

Commissioner Keon: Yes. Walter, do you have the copies that I asked for please? Thank you. I know that there – before I was here elected to office, I know I remember there was a lengthy discussion by the Commission on leaf blowers of some sort and I guess it created, fairly it created a lot of discussion and never got anywhere.

Mayor Cason: And controversy.

Commissioner Keon: A lot of controversy and never got anywhere or anything else; and I think at that time it was to ban leaf blowers, and we still continue to get e-mails from residents often

about the noise associated with them. So we haven't really gone back to this, because how controversial it was previously. I spoke with Matt, because one of the residents that was e-mailing us really talked about the pollution, in addition to the noise, the pollution created by gasoline leaf blowers, so I asked Matt, I asked him about it, does it really pollute?- is it really a problem?- are the battery operated leaf blowers work as well as the gas powered ones? etc. So what's been passed out to you is a memo from Matt talking about it. Then he does concur that they do create pollution -- do you want to come up Matt?- they do create considerable pollution just by the design of that particular, the motors that run them; and we all know the issues of the noise and we know more and more and more in all that we say it's between 7 and 10 in the morning. You know we know that people work shift work or they may be sleeping during these times, more and more people work from home as we have remote employees. The whole concept of people leaving home during the day and going to work no longer really exist; people are in their homes at all times of the day, because they work from their homes often times. What I would like Matt to just talk about the pollution issue and what the City is doing, because I asked him also we use those same leaf blowers, so it's hard to talk to people maintaining their homes and that's what we use too, but Matt told me you are changing.

Mr. Anderson: For the record, Matt Anderson again, Sustainability Specialist with the City of Coral Gables. Looking at the research that's been done with regards to gas powered leaf blowers, I kind of looked around the country and seeing what other ordinances are in place. Primarily most of them are located in California; they have very strict outdoor air quality standards there, so pretty much you can break them down into five different categories. Some cities and municipalities have banned leaf blowers all together whether it is gas, electric, some have just banned gas, some have set standards on the noise level that it can create; some have done it based on times of the day. So there is a variety of different options out there. Unfortunately, most of the leaf blowers that probably the landscaping community use, you are looking at two stroke engines and those do create more pollution, because there is a mixture of oil and gas going on there, some statistics say upwards of 30 percent of it doesn't actually...you know it can cause pollution. Obviously, the electric ones cleaner source, you are not producing any emissions just from where you are generating that electricity from. So there are a variety of options out there. I know in talking with Brook, I can ask him to come up as well, with regards to Public Service right now we are using gas, but we are looking into, or we are in the process of trying out some electric ones, and I'll turn it over to Brook and he can add a little bit more to that.

Public Service Director Dannemiller: I know when this conversation came up a few years ago; a better technology wasn't where it is today. Currently there is one particular manufacturer has a backpack battery that then can power blowers, hedgers, trimmers, and we are going to be demoing those next week, City of Miami one of the former employees is working over there

recommended it to us, so we are going to test it out, and if it works well then we are going to try to implement that, because its cleaner from emissions and quieter because its electric.

Commissioner Keon: So it doesn't produce a noise and it doesn't produce...

Public Service Director Dannemiller: Well there is still some noise; you just don't have the small engine noise. You'll still have the noise of – if you have a battery operated blower it's much quieter than the gas blowers, same with the hedgers and the trimmers, so it's much quieter and its less emissions, because you are using battery operated.

Commissioner Keon: When will you start?

Public Service Director Dannemiller: We are going to demo it next week and test it out, because it's got to last all day, it's got to hold up to the rigors of daily use. It looks promising and then if it holds up then we'll just slowly phase out our – our small equipment we replace on a pretty regular cycle...

Commissioner Keon: How costly are they?

Public Service Director Dannemiller: Well you have to look at the cost of maintenance, its low maintenance, but the battery pack, I think it's about 15 pounds, it goes on your back that runs around \$800, but then all the other components, the hedger, the blower are much cheaper, because they don't have an engine on them. So when you look at the whole package of different tools we use, and then you don't have the maintenance or the fuel cost either, we are going to do that cost comparison, but even if it cost a little bit more we think it would be worthwhile pursuing that in the long term.

Mayor Cason: Right now we have noise ordinances in place; we also have an ordinance that say you can't have people that make noise commercially working on weekends, if I'm not mistaken.

Mr. Anderson: Correct.

Mayor Cason: So some of this can be addressed by enforcing what we have right now.

Mr. Anderson: Yes – and other cities that – there is an opportunity if we can extend those hours a little bit more, instead of now it said ranges like 6 to 9 a.m. maybe make it 5 p.m. to 9 a.m., something like that.

City Attorney Leen: I have the noise ordinance right here. So right now for power tools and landscaping equipment, which includes blowers, it says that it's prohibited between the hours of 11 p.m. and 7:30 a.m. the following days on Sunday, Monday, Tuesday, Wednesday, and Thursday; and then for weekends basically, it says between the hours of midnight and 9 a.m. the following days on Friday and Saturday. So on Saturday and Sunday they cannot be done before 9 a.m.

Mayor Cason: But don't we have something that says commercial – there's another one?

Mr. Anderson: Yes. There is another one on commercial maintenance equipment; said it couldn't be within 100 feet of a residential area between the hours of 6 p.m. and 7:30 a.m. on the following day on Monday, Tuesday, Wednesday, and Thursday, between the hours of 6 p.m. on Friday and 9 a.m. on Saturday, between the hours of 5 p.m. on Saturday and 7:30 a.m. on Monday and holidays are prohibited as well.

City Attorney Leen: Let me ask about that. So, because it does include blowers and that too, as examples, do we apply that to – so if you are a homeowner and you have your blower, do we apply 11 or do we apply 10? I guess it would be good for Code Enforcement.

Public Service Director Dannemiller: Yes, I think that would be a question for Code Enforcement.

City Attorney Leen: But it sounds like the Commission wants to apply the more restrictive, whatever it may be.

Mayor Cason: Well one of the things – and I see commercial landscaping people working on Sundays, for example. I always thought that they are not supposed to be doing that.

Commissioner Keon: They are not supposed to.

Commissioner Lago: They are not supposed to.

Mayor Cason: So it's not being enforced, partly because we have fewer people on board on the weekends, I think than we do during the day, during the week day. So a lot could be done by enforcing what we have and the noise ordinance as well.

Commissioner Lago: Mayor, if I may. I have an electric blower at my home and it works pretty well. It's probably about one-fourth as effective and powerful as a gas blower, the battery runs out probably in about five minutes. Again, it's effective, I don't have that many leaves, I use it in

the front yard. But I think this goes back to what we had discussed probably about a year ago, and the issue of enforcement. Remember when I brought up the issue of, we should try to get every landscaper in Coral Gables as doing business here on a yearly basis pay a \$5 fee.

Mayor Cason: So we know who is here.

Commissioner Lago: So then we have that information of who is conducting business in the City of Coral Gables in a database. I've been talking about this for a while, because the idea of restricting gas blowers, I'm 110 percent behind it, how are you going to enforce it?

Mayor Cason: And I'm opposed, but I'll tell you in a minute.

Commissioner Lago: How are you going to enforce it?- there is no possible way to enforce it. The only way, like for example we talked about for the trash pits and other issues that we are trying to curb, and restrict, in the near future, you have to have that database where you can contact these companies, and right now we don't. Right now we have a bunch of companies parking on the street, they have their cones out, they are restricting traffic flow, they are producing a lot of congestion and they are making a lot of noise. So unless we decide that we are going to pass a law where every person conducting business in the landscaping industry in Coral Gables has to come into City Hall and pay \$5, like what they do in the City of Miami. Mr. Iglesias can tell you. Every contractor in the City of Miami that does business in the City of Miami could not pull a permit if you did not submit your license and your insurance once a year and pay \$20, that's a requirement, and trust me, everybody did it because they needed to pull permits.

Mayor Cason: And that's really important...

Commissioner Lago: Sorry Mayor, the last point. What they do is very simple, when there is a holiday, when there is a change in procedure, when there is a change in the Code that affects contractors, engineers, and architects, they immediately send an e-mail to everybody in their database, and their database is up-to-date, because you can't pull a permit without paying that money.

Mayor Cason: And to go along with that as well, the vans need to have a name and who they are, because sometimes you see a white van parked outside a house on a Sunday, are they a burglar?- or are they a landscaper?- you don't know sometimes, because they are just unmarked. I agree with you. The reason that I – when this came up five and-a-half years ago, almost six years ago, I listened to a lot of residents and I was opposed to it, because I looked up the cost of buying an electric blower, a good one, a medium one is \$100. We have 17,070 homes, that's \$1.7 million,

even if we set to go all electric, the people are going to have to pay to get electric ones; secondly, how many homes have an outdoor electric plug for the wires to plug in for the crews to come if you hire them, or for yourself. The batteries don't last that long, the ones you are talking about are \$800 bucks.

Commissioner Keon: But what they are talking about now is that the technology has improved over the last five and-a-half years that they are testing, they are going to start testing a battery pack in a blower or whatever, that can stand up all day, that is equivalent of a commercial gas blower without the noise and without the level of pollution. So all I would like to do would be, give them the opportunity to test it for three months, come back and tell us, do those blowers are they effective?- do they do as good a job?- are they quiet?- obviously we know they don't pollute and everything else, and if that's the case then, I would like to deal with it at that time. Eventually, what I'd like to see, I'd like to see us outlaw or not permit or only permit that type of blower in the City of Coral Gables, and you would give them a year. You would tell then over a course of a year you can phase out what you have, whatever, but you know go buy a new blower, don't use them...

Mayor Cason: I certainly think – one of the reasons it didn't pass before was because the City said, but we are going to continue to use gas blowers.

Commissioner Keon: But see we are not, so.

Mayor Cason: I have no problem with testing it out, if the City goes electric – great, but I think we have to look at the residents, there are a lot of residents that are going to say, wait a minute, I'm going to go out and spend all this money to put these things on my back or the gardening crews are going to charge double if they...

Commissioner Lago: Well what you could do is you could phase them out.

Commissioner Keon: You just phase them out – give them a course of a year or something.

Commissioner Lago: Another thing too is, I mentioned this before, this was brought to my attention by a lot of residents. The blowers are being used in a fashion, which is basically just throwing your clippings onto your neighbor's yard and onto the street.

Mayor Cason: But electric blowers will do the same thing. So the guys that uses them, if they do that they are going to blow them on the street with electric or gas.

Commissioner Lago: But if we had the information, Mayor, of every single landscaper in this community, we could write them notifying them that listen, our Code Enforcement staff is going to be looking out for this and we expect you to be on your best behavior.

Mayor Cason: I agree with that part.

Commissioner Lago: But right now we can't even contact them, we don't even know, and I'm not saying they are criminals, please, we don't know what individuals, what type of person is in our neighborhood. We should be able to use that list as, for example, Mr. Fernandez can add some info, we should be able to use that list like a BOLO (Be On the Look Out) for the following person. Those landscapers are in our backyards every day.

City Manager Swanson-Rivenbark: And Commissioner, it came up too when equipment was being taken from the landscape vehicles, and we said at the Department Head Meeting, that had we had that list we could have sent and notified them that way, so they are working on it. I'm sorry, I had no understanding of why it has not been done yet, but there are multiple reasons why that will benefit us to have that.

Commissioner Lago: We are tackling a lot of things and again, if it gets done it would be great. There are no negatives, its only benefits.

Mayor Cason: This is a menu of possible things. So 100 percent, we need to know, contractors are here, how to contact them for many reasons; to make sure that a vehicle is working on the weekend to either fine them, if they are making too much noise we know who to call, and the neighbors can say that so and so company in the wrong hours or whatever, and then certainly if the City wants to move to electric first, but I do think we need to engage the citizens, because there is going to be a lot of pushback about having to spend a lot of money, and a lot of people hire a company and the company may say well, we are going to charge you double to come do it. So anyway, I agree with the idea, let's cut the noise, let's do what we can to cut pollution, but there is a cost side that we have to be aware of.

Commissioner Keon: But I'd like us to give the City a three month period to try it out and come back and say, yes they are, we'll know what they cost, whatever, because I think the cost for them with the battery pack when you buy the whole thing is the equivalent of what a gas blower is, and you don't have the repair and you don't have a lot of other stuff on it, so; and we can move to a quieter, cleaner community, and phase it in. We can have – talk to the neighbors, talk to the residents too, and not like one day, from one day to the next its gone, but it's over a course of a year we would phase it out.

Mayor Cason: But even if you do it, don't expect it's going to stop the leaves from going out on the street; and secondly, then you've got the gas powered lawnmowers and the gas powered other things.

Commissioner Lago: But those are far and few between. You don't see that many people, except for North Gables cutting their own yards. In my neighborhood I barely see anybody.

Mayor Cason: Right, but the people that come are the gardening companies making a lot of noise and spewing...

Commissioner Lago: And also, we are going to continue to have this problem till we fix the swales and get rid of the trash, the trash pits, because like I've said it before and say it again, our City is, basically they are using our City as a dumping ground throughout. All the landscapers who cut in South Miami, West Miami, City of Miami, Miami-Dade County, they leave us for the afternoons and they dump all their clippings into our swales, because they know we are going to pick it up, and we've been doing it for years. I bet you, I bet you that if we were to implement this, and when we get rid of the swales you are going to see the tonnage drop significantly.

Mayor Cason: That discussion to be continued in future meetings. Again, I have found people that have done that and actually Code Enforcement went and caught them, because they threw a box in with the address in Coconut Grove, and they went over there and gave them a citation, because the lawn crew from across the street dumped it. But again, having the vehicles with knowing who they are, you'll know who did it, right now you don't.

Commissioner Lago: OK.

Commissioner Keon: I'd like to make a motion one that we create a database of the landscapers and people that work in the City, but I'd like the City to come back in three months, is that an adequate time?

Commissioner Lago: So moved.

Mr. Anderson: That should be adequate.

Commissioner Keon: In three months and report on how they work, the effectiveness, and whatever of the battery operated leaf blowers, and we'll continue.

Mayor Cason: And try something that is commercially available like at Home Depot, so that if we move forward you've tested something that somebody has an option to buy. We are not going to buy one from Stainless Steel.

Public Service Director Dannemiller: The homeowner models that they have battery operated are quite effective now, the newer ones, and then this is the first one that we are aware of for commercial application, so we are excited to see how well it performs.

Commissioner Lago: Brook maybe you can give us some cost modelling in reference to since we are getting away from buying gas...

Mayor Cason: We want a solar powered one.

Commissioner Lago: I wish I had a solar panel, but just give us kind of a cost modelling of what it would pay itself, how long would it take to pay itself off using electricity versus gas.

Public Service Director Dannemiller: OK.

Mayor Cason: So we have a resolution.

Commissioner Lago: So moved.

Mayor Cason: Commissioner Keon made the motion, Commissioner Lago seconds – City Clerk.

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 4-0)

(Vice Mayor Quesada: Absent)

Commissioner Keon: So three months we'll talk to you again.

City Manager Swanson-Rivenbark: In December, the first meeting in December, I think...

Commissioner Keon: Or January, whatever.

[End: 3:09:41 p.m.]

