



City Commission Work Session Minutes

February 14, 2024 at 2:00 PM

City Hall Commission Chambers

401 S. Park Avenue

Present

Mayor Phil Anderson; Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada and Todd Weaver; City Manager Randy Knight; Assistant City Manager Michelle del Valle and City Clerk Rene Cranis.

1. Meeting Called to Order

Mayor Anderson called the work session to order at 2:09 p.m. He explained this meeting is for discussion and no public comments will be taken. Any action and public comment will be heard in a regular meeting.

2. Discussion Item

a. Leaf Blower Ordinance

Mayor Anderson noted previous meetings with contractors and in a special meeting, the Commission approved delaying enforcement/penalties to January 1, 2025. He said the focus of this discussion will be on noise issues and communication/education. Mr. Knight has had discussions with Senator Brodeur on this ordinance and on projects where the city may need assistance with grants/funding.

Mayor Anderson said it has been established by some that gas-powered leaf blowers are perceived as noise pollutants and detrimental environment and health impacts. He suggested the city be proactive by having a page on the website that includes a list of contractors that have committed to using electric or battery-operated leaf blowers and a list of equipment options for purchase by residential users. He would like to re-visit the noise issues, guidelines and enforcement.

Commissioner Cruzada suggested amending the noise ordinance that sets a decibel level for enforcement. If the true intent is to regulate noise, it needs to address other types of equipment through a maximum decibel level toward being respectful of neighbors. He supports having a webpage with information for consumers and suggested adding data on decibel ratings for equipment.

Mayor Anderson asked if noise standards were considered when the ordinance was adopted. Commissioner Weaver said he recalls 60 decibels at the property line along with a study of decibel levels which show gas-powered equipment operate at 20 decibels higher than electric or battery-operated leaf blowers. He supports an amendment to the noise ordinance but feels it would be difficult to enforce and a strain on staff time.

Mayor Anderson suggested updating that information in comparison to the code. Ms. del Valle noted the code does not speak to decibels but speaks to a 50-foot distance from a property line. She clarified the decibel restriction applies to the downtown area.

Mayor Anderson suggested the update look at both decibel and frequency levels and discussion followed on frequency as it relates to efficiency, maintenance, and cost of batteries, particularly commercial equipment.

Commissioner Weaver spoke about improved technology since the ordinance was adopted and discussion followed. Commissioner Cruzada feels there is a gap in dissemination of information on leaf blowers and a misconception of what brand works better.

Commissioner DeCiccio asked for the effectiveness in other cities that have adopted a similar ban. Mr. Knight said staff has reached out to other cities and none have expressed any challenges or repealed their ordinance. Commissioner DeCiccio suggested that information be disseminated on how those cities are handling the issues being discussed today.

Mayor Anderson asked for a high-level report on what funding and incentives are available for the next meeting with landscape contractors.

Commissioner Cruzada asked if tax credits are available from the Federal Government for commercial landscapers. Mr. Knight said staff is looking at opportunities for tax credits (to be included in the report).

Mr. Knight said Senator Brodeur filed a bill that would ban cities from prohibiting gas-powered equipment but withdrew while retaining the right to refile. He and Senator Brodeur discussed the ordinance and came to the following compromise:

- City delays enforcement of the current ordinance until June 1, 2025
- City Commission places an ordinance on the March 2025 ballot with a question giving the citizens the opportunity to repeal (or with a "no" vote, confirm) the gas leaf blower ban
- Senator Brodeur will not file his preemption bill.

Commissioner DeCiccio asked how a preemption bill would impact other cities that have an ordinance in place. Mr. Knight responded that it would preempt their ability to have the ordinance they already have in place.

Mayor Anderson spoke about options to identify what constituents want and letting the voters decide. Another consideration is to let the market speak and let buyers decide but educate people in the marketplace. He feels the ordinance should stay in place, work as if it is going to stay in place and with education and required voter signatures, put on the ballot. He believes this is Senator Brodeur's message.

Commissioner Sullivan said the commission represents the city's registered voters and if the majority wants something, it should be considered. He feels the ban is a great step forward for the city and is hesitant about the compromise brought forth by Senator

Brodeur. He said he is more inclined to the retain ordinance as drafted.

Mr. Knight explained that City Attorney Ardaman said the state does have the ability to preempt legislation that the city has already adopted and gave examples of preemptions and discussion followed.

Commissioner Weaver opposed the city commission putting a question on the ballot and but should be done by petition of voters.

Mr. Knight explained the process for placing a referendum on the ballot, which could be the general election in March 2025 without additional cost.

Commissioner DeCiccio feels the item should be put on the ballot through voter referendum as opposed to commission action.

City Attorney Ardaman arrived at 3:00.

Discussion followed on possible preemption by the state and impact of decision. Mayor Anderson feels the city should continue with the ordinance. The city would be extending enforcement for an additional six months and committing to placing the referendum on the ballot. Discussion followed the process for a referendum.

Mayor Anderson summarized that no action would be taken at this meeting and consensus is to bring ordinance forward at the February 28th commission meeting to consider putting it on the ballot next March. Contractor and equipment information will be placed on the city website.

Commissioner Weaver is opposed to delaying enforcement to June 1, 2025.

Mayor Anderson feels this process allows time for the city to educate residents and contractors and make market rate choices. He noted another meeting will be held with contractors to discuss equipment financing.

3. Adjournment

The meeting adjourned at 3:17 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis