

LEGISLATIVE REVIEW COMMITTEE

Thursday, January 20, 2022

Committee Members Present:

Commissioner Russell Edwards, Chair
Commissioner Jesse Houle
Commissioner Carol Myers
Commissioner Allison Wright

Committee Members Absent:

Commissioner Ovita Thornton

Staff:

Niki Jones, Assistant Manager
Sherrie Hines, Chief Assistant Attorney
Lisa Pappas, Assistant Attorney
Suki Janssen, Solid Waste
Doug Hansford, Building Permits & Inspection
Gavin Hassemer, Central Services

Alex Bond, Leisure Services
Jeanne Connell, Central Services
Lt. Philip Basinger, Police Department
Sarah George, Recorder

Commissioner Edwards called the meeting to order at 1:01 p.m.

A. Approval of Agenda:

Commissioner Myers made a motion to approve the agenda. Commissioner Houle seconded. The motion passed unanimously.

B. Approval of Minutes:

Commissioner Wright made a motion to approve the December 2, 2021 minutes. Commissioner Myers seconded. The motion passed unanimously.

Commission Identified Items of Interest:

C. Review of regulation of use of gas-powered leaf blowers, including as pertains to our noise ordinance. (Mayor Girtz assigned to LRC on November 4, 2020)

Niki Jones introduced the topic and reviewed the Mayor's charge. Doug Hansford reviewed the existing noise ordinance and how it pertains to gas-powered leaf blowers. He emphasized that the noise ordinance excludes noises or sounds caused by manufacturing, governmental, or commercial entities in the normal course of their business. The noise ordinance is, however, applicable within any residential zoning district or in areas within 300 feet of any residential zoning district between the hours of 8:00 p.m. and 8:00 a.m. He also reviewed the ordinance associated with construction noise and nuisance conditions on property.

Suki Janssen explained her department has done pilot programs with multiple electric leaf blowers downtown. She shared that they finally have enough in to cover their litter techs, along with rapid chargers and extra batteries, and her department will have fully converted leaf blowers used in the downtown district to EGO electric leaf blowers. The electric leaf blowers are rated as 64 decibels; for comparison, the gas-powered leaf blowers that are currently used are 75 to 80 decibels. She noted that the Mayor and Commission had approved some extra funds in their litter tech budget to allow them to do the pilot program, and she would be happy to share her department's comparison matrix.

Commissioner Edwards shared that, in his experience, the key thing is to be sure to store the batteries properly to make sure they do not get too cold, as that would destroy them. Suki Janssen explained that this was something her department has had to work out, because they do not have indoor storage; they are working with downtown parking to store the batteries when it is very cold. Her team has already been downtown to ensure they have space to secure the equipment and batteries. She also noted that they have tested the rapid charger, and the batteries charge in only 20 minutes. They will be able to share more in the coming weeks after they have been able to fully implement them downtown.

Gavin Hassemer shared that Central Services has piloted a few electric or battery-operated leaf blowers within their Landscape Management and Facilities Management divisions. Landscape Management has close to about 40 different leaf blowers that have to be used at any one point in time amongst the many crews. He shared that, although they are certainly open to any changes the Mayor and Commission would like to implement, they have both pros and cons that they have discovered thus far, and there are also budget implications that would likely arise if something is implemented on a wider scale. Jeanne Connell shared that her team has been using the electric leaf blower at the water treatment facilities, and they also have two weed eaters and a couple of edgers that are electric. The only obstacle they have seen with those pieces of equipment is that, with the RPMs on that equipment, they do not get more than a half hour of time with each battery. She explained that, once they are operating, they work well and have no issues; the only issue is the continuation of recharging. Gavin Hassemer explained that Landscape Management would need to test and pilot equipment, given their crews continually use equipment throughout the day, and they would need the equipment selected could stand up to that constant use.

Commissioner Edwards explained that he could understand that there is budget implications and challenges with the continuous workload requirements but also expressed concern that we are putting employees out in a field using machines that we know are hazardous to their health and hearing. He explained that he believes we need to also look at the long term implications in addition to the quickness of the job to be done. He shared that, if we can switch the fleet over and have rapid recharging, there could be a work around for some of the continuous workload requirements. Niki Jones agreed and added that this is why departments have moved to piloting this equipment.

Alex Bond explained that Leisure Services has a couple of electric leaf blowers deployed out in the field at different locations. He shared that they have some very specific uses for leaf blowers, and, typically, it is more intermittent uses like blowing leaves off of t-pads for disc golf or park shelters. They used operational dollars to purchase the STIHL electric leaf blower with the 3,000 battery backpack and were able to get about four hours of run time out of it. He shared that the entire backpack is the battery; it is heavy, so they are also considering alternatives that may be lighter, but it has been overall helpful for their operations. They have been able to cut out the idle time that they usually have when walking from one place to another and have been able to use these in the field around parkgoers; when anyone comes up with a question, staff is able to shut it down instantly for their safety and the noise. He shared that they are pretty happy with the equipment, but the cost is the biggest concern. He explained that they would continue to replace equipment in their fleet, but they would need to secure funding for that.

Commissioner Wright shared that she was excited to learn about the pilot programs going on in departments, and these experiences will help them with specifics that can be put into dollar amounts. She explained that it may be helpful for them to learn more about the amount of funding that may be needed and timeline, so the Committee can support this during the budget process. Commissioner Myers agreed with Commissioner Wright that it would be helpful to have

a budget amount. She also shared that she was curious whether or not this is something that the departments are initiating themselves. She noted that they have the 100% renewable energy resolution, and there will be some policy suggestions in it. She inquired as to whether or not there were policies in place that address this or if there could be a policy put in place to require it. Commissioner Edwards explained that he believes that is what they are moving forward on and identifying how they can transition the government. He shared that he views this as part of their 100% renewable energy pledge by moving away from fossil fuels and towards renewable energy. As soon as they get some budget figures and identify what else is needed to make a complete transition, they could absolutely go ahead and phase the gas-powered equipment out. Niki Jones recommended that they tie this into the ACCGov strategic plan, as, theoretically, the strategic plan also ties to the budget. He suggested taking an incremental approach and identify some milestones that each year we would want to hit, so the budget does not take the full impact in one year. Rather than a policy, he believes it could be a strategy.

Commissioner Edwards expressed interest in also knowing the best estimate we can get on our fuel costs. He understands that the life cycle on the gas-powered equipment is shorter. He explained that he would like an all-encompassing look at the budget ramifications by incorporating the costs associated with the status quo. Commissioner Houle explained that they are encouraged by the department updates and support moving forward to transitioning ACCGov to all electric as soon as possible. They noted that the Mayor and Commission has an upcoming retreat to discuss the strategic plan, and they also support making this transition part of the plan. From their perspective, the concern they initially had with this topic has been about legislating this in people's private lives at the local level. Since the first meeting on this topic, Commissioner Houle shared that they have spoken with Commissioner Edwards, and, given the Committee largely agrees with the transition to electric on the internal side, they would encourage discussion regarding the external side and discuss what, if anything, they would like to do in that regard. Commissioner Edwards explained that taking a look at what we can do as a local government to do the best we can to create a peaceful environment for our residents while taking care of worker safety and moving towards a renewable future is important. This would help us set an example, and then they can move forward from there and determine what the appetite is from the community at-large regarding this topic and see what can be done more broadly.

Suki Janssen inquired as to whether or not it would be helpful for them to share pros and cons as they continue to use the electric equipment. Commissioner Edwards agreed that it would be helpful. Niki Jones explained that staff would come back with some additional updates as they continue to use the electric equipment, and he also hopes to share some budget estimates.

D. **Review and make recommendations regarding current alcohol serving opportunities for Special Events on public properties and public rights-of-way (both free public activities and ticketed events), including flexibility regarding shape and size requirements of drinking areas, food service requirements, furniture requirements, and consideration of the ratio of police officers required per physical size or occupancy, as well as review of areas managed by Leisure Services that may be available for Special Events that serve alcohol.** (Mayor Girtz assigned to LRC on February 4, 2020)

Niki Jones reviewed the Mayor's charge and summarized the history of the topic, including what was addressed by the ordinance change and special events pilot program. He explained that staff requested the Mayor and Commission extend the special events pilot program for another year, as they did not believe they had enough events participate or time to evaluate the implications of the change. There were two events that have participated in the pilot program and used a festival zone, and there have been some lessons learned from those events.

Lt. Philip Basinger explained that, every time they had an event participate in the special events pilot program, they have learned about some opportunities for continuous improvement. Lt. Basinger described some of the issues that they have experienced, including confusion concerning the demarcation of the festival zones and participants walking out of a festival zone with an open container. Additionally, they experienced difficulty with having a parade start in a festival zone, as people carried open containers throughout the entire parade. He explained that he does not have a problem with a parade ending at a festival zone, but he would strongly recommend that we do not have any parades begin at a festival zone. He shared that, other than those two issues, he believes the festival zones work well from a law enforcement standpoint.

Niki Jones shared that staff has some recommendations regarding revisions to the ordinance based on the experience from the two events that participated, including:

1. Increase advanced education to event planners, licensed alcohol sellers, and the public at large concerning the do's and don'ts of festival zones;
2. Implement clearer requirements on the size, number, and visibility of signage and barricades that demarcate festival zones;
3. Continue of the requirement of an age-verified armband (managed by the event staff) to drink within festival zones;
4. Restrict parade routes from beginning within a designated festival zone with open containers; and
5. Do not expand the size/scale of the festival zones beyond what is currently permitted at this time by the pilot program.

Gavin Hassemer shared that staff is looking for confirmation from the Committee that they would like staff to move forward with some of these recommendations and that they would like staff to begin drafting these ordinance revisions for Committee consideration.

Commissioner Wright explained that she appreciates the feedback on the pilot program. She suggested that recommendation #4 be rephrased to specify that, when there is a parade, that the festival zone is only allowed at the end of the route. She also expressed concern with recommendation #3, as the wrist bands are often not tight enough and can slip off. She would suggest that the event staff put the wrist bands on participants rather than having participants put it on themselves; this may make them tighter and ensure they are not shared with others. Commissioner Edwards suggested modifying "armband" in recommendation #3 to "wristband" and call out explicitly that festival organizers are responsible for installing or placing wristbands.

Commissioner Myers made a motion to approve the recommendations as described by Commissioner Edwards and have staff draft the ordinance revisions. Commissioner Houle seconded. The motion passed unanimously.

E. Schedule/Agenda Changes

The next LRC meeting is scheduled for February 3, 2022 at 1:00 p.m. and will be held remotely via WebEx.

Commissioner Wright made a motion to adjourn. Commissioner Houle seconded the motion. The motion passed by unanimous vote. The meeting adjourned at 1:42 p.m.