

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
JUNE 23, 2014**

The City Council of the City of Mountain Brook, Alabama met in public session in the Pre-council Room (A106) of City Hall at 5:45 p.m. on Monday, the 23rd day of June, 2014. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard, III
Jesse S. Vogtle, Jr.
Lawrence T. Oden, Mayor

Also present were City Attorney Burgin Kent, City Manager Sam Gaston, and City Clerk Steven Boone.

1. AGENDA

1. Request for an additional \$5,000 for construction administration with respect to the Safe-Routes-to-Schools project – Nimrod Long of Nimrod Long & Associates. (Resolution No. 2014-075 was added to the formal meeting agenda.)
2. Proposal to beautify and landscape the four (4) corners of Mountain Brook Parkway/Overbrook Road-Nimrod Long.

The members of the City Council expressed their general agreement to allow the beautification measures and that they did not expect to pay the entire cost of such improvements.

3. Food/fashion truck regulations – Dana Hazen (Appendix 1).

The members of the City Council expressed their general agreement to the provisions of the draft language presented. Council member Pritchard asked Ms. Hazen to identify those areas in the villages where food trucks can operate. The draft ordinance will be presented in final form for consideration by the City Council on July 14, 2014.

4. Street light conversion for Mountain Brook Parkway and additional street light at the pedestrian crossing signals east of Cahaba Road – Sam Gaston. (Resolution No. 2014-074 was added to the formal meeting agenda.)
5. Crestline Piggly-Wiggly update – Robert Jolly of Retail Specialists.

Mr. Jolly reported that the project is moving forward and had a representative (Jeff Slayton) of the project architect review preliminary renderings of the proposed layout and look of the store. Skipper Consulting has been engaged to study traffic flow and patterns in the vicinity. The traffic study will likely lead to further design adjustments and changes. The developer will continue talking with affected parties (school officials and area residents) to discuss concerns and other matters related to the development.

Members of the audience addressed the Council about traffic congestion concerns along Vine Street, Dexter and adjacent intersections. Other matters of concern brought up included safety, parking, noise, and service to the grocery store.

6. David Faulkner, State Representative Elect of House District 46, to address the Mayor/City Council. (This matter was removed from the agenda due to the absence of Mr. Faulkner.)

7. Conditional use/assemblage in Local Business Districts-send to Planning Commission for review and a recommendation?

After some discussion, the members of the City Council expressed their desire not to send this matter to the Planning Commission for their consideration. Representatives of The Advent were not present at the meeting but will be allowed pursue their conditional use application at a future meeting.

Upon conclusion of the City Council's review of the other formal [7 p.m.] agenda issues, Council President Smith adjourned the meeting.



Steven Boone, City Clerk



CITY OF MOUNTAIN BROOK

Dana O. Hazen, AICP
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Mountain Brook, Alabama 35213
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www.mtnbrook.org

DATE: June 16, 2014
TO: Mayor, City Council, City Manager and City Attorney
FROM: Dana Hazen, City Planner
RE: Draft Food Truck Ordinance

The attached draft is nearly the same as the one presented to the council on the evening the merchants were present; the main revision is what could be sold on private property (it was limited to food and beverage, only, in the last draft).

At the council meeting of June 9, Virginia asked me to include a provision excluding retail merchant trucks from vending in the public right-of-way, but to allow them on private property with the property owner's permission.

This ordinance still has its limitations as far as allowing vending that we aren't threatened by (like the ice cream truck) and limiting or disallowing vending that may compete with the established businesses.

This ordinance, as drafted, limits mobile vending on a great majority of our primary commercial streets (due to the angled parking thereon); however, some parallel parking does exist (mainly in English Village)... so we may need a different approach.

You may remember that, last year, when this subject first came up, my recommendation was simple: **disallow mobile vending on streets designated in our village overlay as "primary frontage streets."** These streets house almost all of our bricks-and mortar businesses. I have attached the village maps which indicate such streets.

However, many discussions at the council level have since ensued and I have been asked by the council to study what other cities are doing, and to come up with alternatives; this I have done, and it has resulted in the draft before you today.

It might be nice if we could simply "do nothing" but as our ordinances stand right now, mobile vendors are not prohibited and have been operating in the City since 2012. The City has issued eight mobile vending licenses to-date. These include Shindigs, Melt, Spoonfed Grill, Our Ice Cream, Hole in One Donuts, Rapicci's Italian Ice, Birmingham Fashion Truck, and Gypsy Blue Fashion Truck.

What we are attempting to do at this time is draft an ordinance to either disallow mobile vending or to regulate when, where and how the vendors may operate. I am happy to draft any ordinance the council directs.

Draft

**Mobile Vending Ordinance
City of Mountain Brook
June 16, 2014**

Public Right-of-Way Sales

Types of Wares permitted for sale: Food and beverage

A valid City business license must be secured; a copy of which is to be retained in the mobile vehicle, along with a copy of the County Health Department certificate.

A mobile vehicle is permitted one moveable freestanding sign not to exceed 2 feet x 3 feet.

Umbrellas and awnings attached to the mobile vehicle are allowed. Tents are prohibited.

Movable chairs, tables and umbrella are permitted, but must comply with ADA requirements allowing passage on sidewalks.

Refuse containers shall be provided by the vendor on or within 15 feet of the mobile vehicle; and it shall be the responsibility of the mobile vendor to clear the area of debris after vending.

City trash/recycling receptacles may not be used for mobile vending operations or for related customer-generated refuse.

Mobile vending hours of operation shall be limited between 6:00 a.m. and 10:00 p.m.; and the mobile vehicle may be at any one location for no more than 3 continuous hours (including set-up and take-down of mobile vending operation).

Noise is limited to 70 decibels.

Mobile vending in the right-of-way shall only occur from the side of a mobile vehicle that is parked abutting and parallel to the curb and sidewalk, and may only occur where a sidewalk is adjoining the parallel parking space.

Mobile vehicles shall comply with all City parking and traffic regulations.

Any power required for the mobile vehicle shall be self-contained. The mobile vehicle shall not draw its power from the public right-of-way. No power cable or equipment shall be extended at grade or overhead across any public street, alley or sidewalk.

A minimum 50' separation shall be required between the mobile vehicle and the front door/entrance to any existing restaurants and related outdoor dining areas (measured to the closest dining table). This rule only applies when such restaurant is open for business.

10' separation required from intersections, crosswalks, fire stations, police stations, and fire hydrants and other mobile vendors.

Private Property Sales

Types of Wares permitted for sale: Any retail item permitted in the Local Business zoning district.

The property on which mobile vending is proposed must be zoned Local Business, Mixed-Use, Commercial Shopping, Office Park or Professional.

The mobile vendor must provide to the City written expressed consent from the owner to use the business property on which mobile vending is proposed; and must retain a copy in the mobile vehicle, along with the City business license and Health Department certificate.

Refuse containers shall be provided by the mobile vendor on or within 15 feet of the mobile vehicle; and it shall be the responsibility of the mobile vendor to clear the area of debris after vending; refuse shall not be placed in any private container without expressed written consent of the property owner.

City trash/recycling receptacles may not be used for mobile vending operations or for related customer-generated refuse.

Mobile vending shall not obstruct the use of any street intersection or pedestrian crosswalk, shall not impede the ingress or egress of any driveway, and shall not obstruct pedestrian space.

Mobile vehicles shall not be left unattended or stored at any time when vending is not taking place or during restricted hours of operation.

Mobile vending hours of operation shall be limited between 6:00 a.m. and 10:00 p.m.; and the mobile vehicle may be at any one location for no more than 3 continuous hours (including set-up and take-down of mobile vending operation).

Noise limited to 70 decibels.

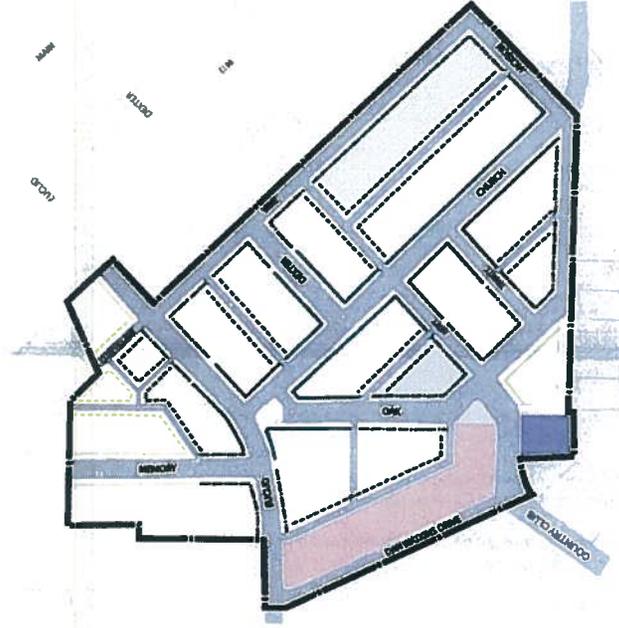
A mobile vehicle is permitted one moveable freestanding sign not to exceed 2 feet x 3 feet which must be contained on the private property. At no time shall any signage be placed within the public right-of-way.

Any power required for the mobile vehicle shall be self-contained. The mobile vehicle shall not draw its power from the public right-of-way. No power cable or equipment shall be extended at grade or overhead across any public street, alley or sidewalk.

**City of
MOUNTAIN BROOK**

**CRESTLINE VILLAGE
BUILDING AND DEVELOPMENT
REGULATING PLAN**

- BUILDING FRONTAGE TYPES**
- Primary Frontage
1 story
 - Secondary Frontage
1 story
 - Support Frontage
1 story
 - Residential ("Neighborhood") Frontage
1 story
 - Village Boundary Line
 - Area controlled by base zoning district standards only
 - Overlay Districts: Not applicable; use standards and court decisions only.



Revised Draft: 11/02/2010

City of MOUNTAIN BROOK

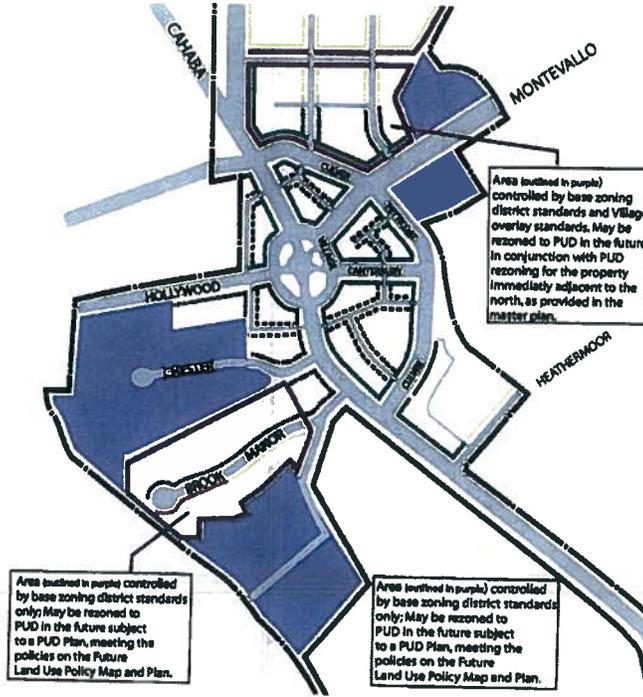
MOUNTAIN BROOK VILLAGE Village Center

BUILDING AND DEVELOPMENT REGULATING PLAN

BUILDING FRONTAGE TYPES

- Primary Frontage
2 story
3 story
- Secondary Frontage
2 story
3 story
- Support Frontage
2 story
3 story
- Residential ("Neighborhood") Frontage
2 story
3 story
4 story
- Village Boundary Line
- Area controlled by base zoning district standards only

Revised 01/28/06



APPENDIX 1

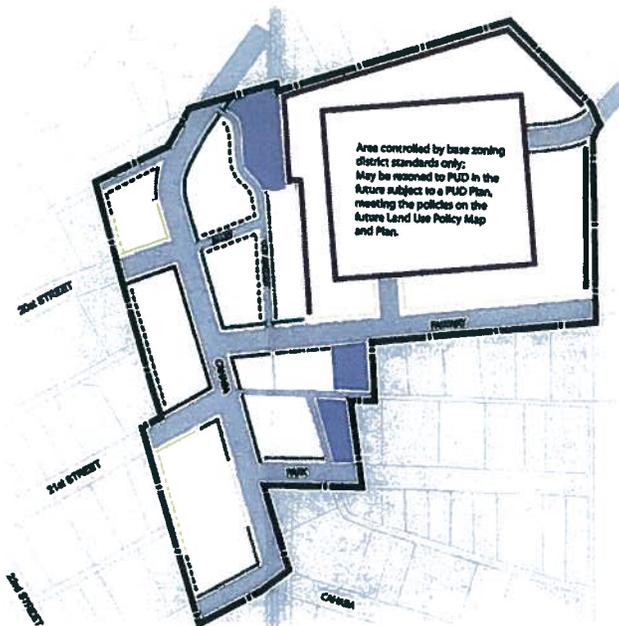
City of MOUNTAIN BROOK

ENGLISH VILLAGE BUILDING AND DEVELOPMENT REGULATING PLAN

BUILDING FRONTAGE TYPES

- Primary Frontage
2 story
3 story
- Secondary Frontage
2 story
3 story
- Support Frontage
2 story
3 story
- Residential ("Neighborhood") Frontage
2 story
3 story
- Village Boundary Line
- Area controlled by base zoning district standards only

Revised 12/20/07



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**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA
JUNE 23, 2014**

The City Council of the City of Mountain Brook, Alabama met in public session in the City Hall Council Chamber at 7:00 p.m. on Monday, the 23rd day of June, 2014. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard, III
Jesse S. Vogtle, Jr.
Lawrence T. Oden, Mayor

Also present were City Attorney Burin Kent, City Manager Sam Gaston, and City Clerk Steven Boone.

The City Council President stated that a quorum was present and that the meeting was open for the transaction of business.

1. RECOGNITION OF GUESTS

Council President Smith recognized three Boy Scouts from Troop 320 in attendance for their Communications merit badge.

2. CONSENT AGENDA

Council President Smith announced that the following matters will be considered at one time on the consent agenda provided no one in attendance objects:

Approval of the minutes of the June 9, 2014 meeting of the City Council.

2014-073	Reappoint Billy Angell to the Tree Commission (term to end May 9, 2017).	Exhibit 1
2014-074	Authorize the installation of (and request Alabama Power Company to install) one (1) [new] 150 W MH Cut-off Bronze Cobra street light on an existing pole located at the Mountain Brook Parkway pedestrian crossing signal and replace the eleven (11) existing APC street lights with a combination of eight (8) 150 W MH Cut-off Bronze Cobra and three (3) 350 W MH Cut-off Bronze Cobra light along the Mountain Brook Parkway.	Exhibit 2, Appendix 1
2014-075	Authorize additional consideration in an amount not to exceed \$5,000 to Nimrod Long and Associates for services provided (and yet to be provided) with respect to the Safe Routes to Schools (SRTS) sidewalk construction project.	Exhibit 3, Appendix 2

Thereupon, the foregoing minutes and resolutions were introduced by Council President Smith and their immediate adoption was moved by Council member Pritchard. The minutes and resolutions were then considered by the City Council. Council member Vogtle seconded the motion to adopt the foregoing minutes and resolutions. Council member Pritchard then stated for the record that he will abstain from voting with respect to Resolution No 2014-075. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President
 Amy G. Carter, Council President Pro Tempore
 Jack D. Carl
 William S. Pritchard III (abstained on Resolution No. 2014-075)
 Jesse S. Vogtle, Jr.

Nays: None

Council President Smith thereupon declared that said minutes and Resolution Nos. 2014-073 and 2014-074 are adopted by a vote of 5—0 and that Resolution No. 2014-075 is adopted by a vote of 4—0.

3. PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE AMENDING SECTION 109-32 OF THE CITY CODE (RESIDENTIAL CODE) REGARDING THE WAIVER OF CERTAIN REPLACEMENT FENESTRATION PROVISIONS (EXHIBIT 4)

Council President Smith introduced the ordinance in writing and invited comments and questions from the audience.

Tommy Patton of Pella Windows asked how this ordinance will be interpreted with respect to a porch enclosure involving the installation of glass windows without any other additions to the house. Does such enclosure require [building] code compliance with respect to meeting the shade coefficient of the windows. Also, what about the installation of windows in a space that is not air conditioned?

Ronnie Sample, remodeling contractor from Pelham, spoke in favor of the ordinance. His interpretation of the proposed ordinance is that it allows windows to be installed in a home that do not meet the more stringent energy efficiency codes.

Upon conclusion of the discussion, Council President Smith stated that due to the absence of the City's Building Inspection Superintendent and the technical nature of the questions raised regarding the proposed ordinance, she is entering a motion that the public hearing be continued until July 14, 2014 at 7 p.m. The motion was seconded by Council member Pritchard. Thereupon, Council President Smith called for a vote with the following results:

Ayes: Virginia Smith, Council President
 Amy G. Carter, Council President Pro Tempore
 Jack D. Carl
 William S. Pritchard, III
 Jesse S. Vogtle, Jr.

Nays: None

The President of the Council declared that the motion carried by a vote of 5—0 and that this matter will be considered again on July 14, 2014.

4. PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE (NO. 1907) AMENDING THE PARK AT OVERTON RESIDENTIAL INFILL DISTRICT (RID) MASTER DEVELOPMENT PLAN FOR THE CONSOLIDATION OF TWO LOTS INTO ONE AND LIMITING THE DEVELOPMENT TO EIGHTEEN (18) OR FEWER LOTS TO ALLOW FOR THE FUTURE CONSOLIDATION OF LOTS (WITHOUT COUNCIL APPROVAL) (EXHIBIT 5, APPENDIX 3)

Council President Smith introduced the ordinance in writing and invited comments and questions from the audience. There being none, Council member Pritchard made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance is given and that the reading of

the ordinance at length be waived. The motion was seconded by Council member Vogtle and was carried, as follows:

Ayes: Virginia Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard, III
Jesse S. Vogtle, Jr.

Nays: None

The President of the Council declared the motion carried by a vote of 5—0.

After said ordinance had been considered in full by the Council, Council member Pritchard then moved for the adoption of said ordinance. The motion was seconded by Council member Vogtle. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard, III
Jesse S. Vogtle, Jr.

Nays: None

The President of the Council declared that the ordinance (No. 1907) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

5. CONSIDERATION: ORDINANCE (NO. 1906) AMENDING SECTION 34-7 OF THE CITY CODE TO PROHIBIT THE OPERATION OF ANY MECHANICALLY POWERED LAWN EQUIPMENT OPERATED FOR COMMERCIAL PURPOSES WITHIN A RESIDENTIAL DISTRICT BETWEEN THE HOURS OF 6:00 P.M. AND 8:00 A.M. (EXHIBIT 6, APPENDIX 4)

Council President Smith introduced the ordinance in writing and invited comments and questions from the audience.

Brian Word of Northcoat Drive and president of Blackjack Horticulture asked that the City Council consider changing the start time from 8 a.m. to 7 a.m. to align with construction start times. [Blackjack typically does not work weekends. Mr. Gaston stated that construction start times have been set at 7 a.m. on weekdays and 8 a.m. on weekends.]

Clay Ragsdale of 3837 Cove Drive:

- Suggested that the City adopt a policy outlining the best practices for the proper and respectful use of powered equipment to minimize noise pollution and circulate such policy to business licensees and other users of such equipment (Appendix 4).

Bob Berryhill of Kingshill Road:

- Asked for clarification of the existing noise ordinance.
- Questioned how the existing noise ordinance is enforced.
- Views the noise ordinance as too subjective and has allowed his neighbor to effectively use the police department to force he and his wife to no longer listen to their radio [set at a conversational level] outside by their pool.
- The complainant is unidentified and therefore he and his wife are unable to work the situation out with the neighbor.

Chief Cook:

- The police department responds to all nuisance calls, meets with the complainant, then the alleged offender and warns them of the complaint.
- Before an officer would make an arrest for such complaint, the situation would have to be extreme.
- If the offender refuses to heed the warning, the police would bond the offender to court.
- An arrest is not out of the realm of possibility.

There being no further comments, Council member Pritchard moved: 1) that the ordinance be amended with respect to the start time from 8 a.m. to 7 a.m. on weekdays and 8 a.m. on weekends, and 2) that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said amended ordinance be suspended, and that unanimous consent to the immediate consideration of said amended ordinance is given and that the reading of the amended ordinance at length be waived. The motion was seconded by Council member Vogtle and was carried, as follows:

Ayes: Virginia Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard, III
Jesse S. Vogtle, Jr.

Nays: None

The President of the Council declared the motion carried by a vote of 5—0.

After said amended ordinance had been considered in full by the Council, Council member Pritchard then moved for the adoption of said amended ordinance. The motion was seconded by Council member Vogtle. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard, III
Jesse S. Vogtle, Jr.

Nays: None

The President of the Council declared that the ordinance (No. 1905), as amended, is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

6. ANNOUNCEMENT REGARDING AN UPCOMING PUBLIC HEARING

Council President Smith announced that the City Council shall conduct a public hearing on July 14, 2014 at 7 p.m. at City Hall (Room A108) to consider an ordinance amending the [Mixed Use] master development plan for the property located at 1930 Cahaba Road in English Village (re: Vino Restaurant).

7. ANNOUNCEMENT REGARDING THE NEXT REGULAR MEETING OF THE CITY COUNCIL

Council President Smith announced that the next meeting of the Mountain Brook City Council will be held on Monday, July 14, 2014 at 7 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213. Please visit the City's web site (www.mtnbrook.org) for more information.

8. ADJOURNMENT

There being no further business to come before the City Council at this time, Council President Smith adjourned the meeting.


Steven Boone, City Clerk

EXHIBIT 1

RESOLUTION NO. 2014-073

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that Billy Angell is hereby re-appointed to serve a third term on the Tree Commission, to serve without compensation, with the term of office to end May 9, 2017.

EXHIBIT 2

RESOLUTION NO. 2014-074

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, as follows:

- (a) That Alabama Power Company be requested to install one (1) [new] 150 W MH Cut-off Bronze Cobra street light on an existing pole located at the Mountain Brook Parkway pedestrian crossing signal and replace the eleven (11) existing APC street lights with a combination of eight (8) 150 W MH Cut-off Bronze Cobra and three (3) 350 W MH Cut-off Bronze Cobra lights (see attached map/ illustration - Exhibit A).
- (b) That the City Clerk be directed to furnish the Alabama Power Company a certified copy of this resolution.

APPENDIX 1

EXHIBIT 3

RESOLUTION NO. 2014-075

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes additional consideration 1) in an amount of \$2,400.00 for professional services already performed and 2) in an amount not to exceed \$2,600.00 for future professional services to be performed by Nimrod Long & Associates, in the form as attached hereto as Exhibit A, with respect to the Safe Routes to Schools (SRTS) sidewalk construction project; and

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Manager is hereby authorized and directed to engage Nimrod Long & Associates for and on behalf of the City of Mountain Brook, Alabama for said work and to execute such other documents that may be determined necessary with respect to said engagement all subject to review by the City Attorney.

APPENDIX 2

EXHIBIT 4

ORDINANCE NO.

DRAFT

AN ORDINANCE AMENDING CHAPTER 109 OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Mountain Brook that Chapter 109, Article II - Building Code, Division I of the Code of the City of Mountain Brook, Alabama ("City Code") shall be amended as follows:

Section 1. Section 109-32 of the City Code shall be amended by adding subsection (f) so that the entire Section 109-32, as amended, shall be as follows:

Sec. 109-32. Same---Amendments

The building code adopted by section 109-31 is amended as follows:

- (a) Section R108.2 of the International Residential Code is hereby repealed and replaced with the following:

"R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee or fees as set forth in City Code Section 14-1 shall be paid at the time of filing application, in accordance with such fee schedule as shall be set from time to time by the city council. A list of such fees shall be kept on file in the city clerk's office."

- (b) Section R110.1 of the International Residential Code is hereby repealed and replaced with the following:

"R110.1 Use and occupancy. No residential building or structure shall be used or occupied, and no change in the existing occupancy classification of a residential building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy which has been signed by the building official and the city manager. No commercial building or structure shall be used or occupied, and no change in the existing occupancy classification of a commercial building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy which has been signed by the building official, the fire official, and the city manager. A certificate of occupancy shall not be issued until after the city manager shall have determined that the building conforms to all provisions and regulations of the city with respect thereto, including its use under the zoning ordinances of the city. A certificate of occupancy (whether a temporary certificate or the regular certificate) issued without the signature of the building official, fire official (in the case of commercial buildings), and the city manager shall not be deemed to be a certificate of occupancy issued under this code or under the city's zoning ordinance."

- (c) Section R112 (Board of Appeals) of the International Residential Code is hereby repealed and replaced with the following:

"Section R112 Board of Appeals. Appeals regarding the application of the adopted building and fire codes may be presented to the city manager for consideration. The city manager may elect to render a decision on such appeal or remand the appeal to the board of zoning adjustment. In cases where the appeal is heard by the city manager and a decision is rendered, the appellant, if not satisfied with the decision, may then appeal to the board of zoning adjustment.

The board of zoning adjustment of the City of Mountain Brook, Alabama, as said board is prescribed by Section 11-52-80 Code of Alabama (1975), as amended, shall constitute a board of adjustments and appeals under this code."

- (d) Section R113.4 of the International Residential Code is hereby repealed and replaced with the following:

"R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

In instances where a person commences work prior to making application for a required permit, all applicable permit fees shall be doubled. Once notified in writing by the building official of the city that a report or building permit application must be submitted, such person must submit such report within ten (10) days. Persons who fail to make such report within the time period required shall be subject to additional penalties as provided under Sec. 1-6.1 of the city code and by § 13A-10-4 of the Code of Alabama."

- (e) Section P2904.1 of the International Residential Code shall be hereby amended by adding the following provision:

"P2904.1.2 Sprinkler Exemption. Any homeowner may, upon application to the City, request an exemption to the sprinkler requirement of P2904.1.1 and such exemption shall be granted upon the following:

- a. The applicant must either confer with the Fire Marshal or his or her designee about the benefits of installing a residential fire sprinkler system or review presentation materials developed by the Fire Marshal concerning sprinkler systems; and
- b. The applicant must certify that he or she has met the requirements in subsection (a) above, and fully understands and acknowledges the risks of opting not to install a residential fire sprinkler system.

Exception:

1. No exemption shall be granted for any dwelling constructed less than 5 feet from the property line in accordance with Table R302.1 (1).
2. No exemption shall be granted for 2-family dwelling units."

“(f) The following provisions of the International Residential Code (IRC) are inapplicable with respect to the repair, renovation, alteration, reconstruction of or room additions to existing buildings and structures that are within the scope of the IRC:

- a. **Subsection N1102.3.6 (R402.3.6) Replacement fenestration in Chapter 11 - Energy Efficiency; and**
- b. **Subsection AJ102.4 Replacement windows of Appendix J -Existing Buildings and Structures.”**

Section 2. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

Section 3. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 4. This section shall become effective immediately upon adoption and publication as provided by law.

EXHIBIT 5

ORDINANCE NO. 1907

AN ORDINANCE TO AMEND THE MASTER DEVELOPMENT PLAN FOR THE PARK AT OVERTON, IN THE CITY OF MOUNTAIN BROOK, ALABAMA, TO ALLOW THE EXISTING 18 OR FEWER LOTS WITHIN THE SUBDIVISION.

WHEREAS, after due consideration, the City Council has determined that the master development plan for The Park at Overton should be permitted future resurveys within the subdivision that would result in the same or fewer lots.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook as follows:

1. Master Development Plan. The Master Development Plan and the materials submitted by the applicant, as required by Section 129-497 of the Mountain Brook City Code, are made a part hereof and are specifically incorporated herein by reference, said Plan and materials constituting regulatory standards for use of the affected Property, subject to modification only as provided for in Article XXVIII, Chapter 129 of the Mountain Brook City Code.

2. Description of Affected Property. The property that is the subject of the rezoning approved by this ordinance is described as follows:

LOTS 1-11, 12-A & 14-19 OF THE PARK AT OVERTON, AS RECORDED IN MAP BOOK 215, PAGE 60 IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA, BEING SITUATED IN SECTION 15, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA.

3. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

4. Severability. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law.

APPENDIX 3

EXHIBIT 6

ORDINANCE NO. 1906

AN ORDINANCE AMENDING CHAPTER 34 OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Mountain Brook that Chapter 34 of the Code of the City of Mountain Brook, Alabama ("City Code") shall be amended as follows:

Section 1. Section 34-7 of the City Code shall be amended by inserting two additional provisions as subsections (b) and (c) and by moving the former subsection (b) to subsection (d) so that the entire Section 34-7, as amended, shall be as follows:

Sec. 34-7. Noise.

- a) It shall be unlawful for any person to make, cause to be made or permit to be made, in or about a dwelling, church, hospital, public school, public building, public park, store, street or other public thoroughfare in the city, any noise, either by crying out, calling or shouting or by means of a whistle, siren, megaphone, bell, gong, drum, victrola, radio or other instrument or mechanical device, for the purpose of advertising any business or any article for sale or exchange or for the purpose of attracting attention or inviting the patronage of any person to any business whatsoever; or to make, cause or permit to be made in or about any of the aforesaid places any unnecessary or excessive noise, either by crying out, calling or shouting or by means of any instrument or mechanical device whatsoever.
- b) It shall be unlawful and a nuisance for any person to make, continue or cause to be made or continued any unreasonably loud or excessive noise which unreasonably annoys, disturbs, injures, endangers or interferes with the comfort, repose, health, peace or safety of others in the corporate limits of the City of Mountain Brook, Alabama. It shall also be unlawful and a nuisance for any person to permit any such noise to be made in or upon any house or premises owned, possessed, managed or controlled by such person.
- c) In addition to the general prohibition set forth above, the following acts or noises are declared to be in violation of this Code, provided however, that such enumeration shall not be deemed to be exhaustive or exclusive:

The operation or permitting the operation of any mechanically powered lawn equipment operated for commercial purposes within a Residential district, between the hours of 6:00 p.m. and 7:00 a.m. weekdays (8 a.m. weekends). For the purposes of this subsection, lawn equipment includes, but is not limited to, leaf blowers, lawnmowers, tractors, stump grinders, chippers, string trimmers, clippers, edgers and any other mechanically powered garden tool, blower or device.

- d) Any person who shall violate any provision of this section shall, upon conviction thereof, be punished within the limits and as provided by section 1-9 of this Code.

Section 2. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

Section 3. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 4. This section shall become effective immediately upon adoption and publication as provided by law.

APPENDIX 4

Street Lighting Modifications



Alabama Power Company

Gentlemen:

This to advise that CITY Council City of Mountain Brook, Alabama

on the 23rd day of June, 2014, adopted resolutions which appear in the minutes of

this meeting, authorizing the following street lighting modifications:

Fixture Ownership				Size Lamp (Lumens)	Location
Number of Fixtures Owned by Co.		Number of Fixtures Owned by Consumer			
Install	Remove	Install	Remove		
		9	11	150w MH Cut-Off Bronze Cobra	Mountain Brook Parkway
		3		350w MH Cut-Off Bronze Cobra	Mountain Brook Parkway

The requested modifications will change the present billing amounts as shown below:

- (a) Additions See attached \$ _____
- (b) Removals See attached \$ _____
- (c) Other \$ _____
- (d) Net Change in Annual Billing \$ _____
- (e) Previous Annual Billing \$ _____
- (f) New Annual Billing \$ _____
- (g) New Monthly Billing \$ _____

For Company Use Only:
 W. E. Number W. E. No. required
 Co. Description Date

Alabama Power Company
 Approved: _____
 By: Lawrence T. Oden
 Title: Mayor

Sam Gaston

From: Therrell, Deborah L.
 Sent: Monday, June 02, 2014 2:37 PM
 To: gastons@MTNBROOK.org
 Subject: Class Lighting recommendation
 Attachments: Scanned from a Xerox Multifunction Device.pdf
 Sam,

According to the information Robln White/T J sent me the recommendation of the class was to:
 replace the 100 watt Mercury Vapor Open Bottom fixtures with 150 Watt Metal Halide Cut-Off Bronze Cobra heads
 replace the 400 watt High Pressure Sodium Cobra head fixtures with 350 watt Metal Halide Cut-Off Bronze Cobra heads
 replace the 150 Watt High Pressure Sodium fixtures with 150 Watt Metal Halide Cut-Off Bronze Cobra heads
 High pressure sodium is a "Pinkish Yellow" light where Metal Halide is a "White" light. The kids preferred the White light.

See attached. They used the existing lights/sizes as they appear in our mapping system. Robin said they noticed however when they "walked" it out that there are actually 12 lights here instead of 8. For the class project they stuck with the 8 lights that show in our mapping drawing.

Debbie Therrell
 Alabama Power Co.
 600 North 18th St. 3S-1635
 Birmingham, AL 35203
 205-226-1807 Office
 205-226-1099 Fax
 251-331-3500 Cell



EXHIBIT A

6/20/2014

APPENDIX I



Class Project

Fixtures Currently Billed					
Light Type	Qty.	Cost per Fixture		Total Cost All Fixtures	
		Monthly	Annual	Monthly	Annual
100w MV Open Bottom	3	4.04	48.48	12.12	145.44
400w HPS Standard Gray Cobra	2	18.41	220.92	36.82	441.84
150w HPS Standard Gray Cobra	3	10.58	126.96	31.74	380.88
Total		33.03	396.36	80.68	968.16

A B B x 12 Mos. A X B A x B X 12 mos.



Class Project Recommendation - This was based on 8 fixtures

Proposed Fixtures					
Light Type	Qty.	Cost per Fixture		Total Cost All Fixtures	
		Monthly	Annual	Monthly	Annual
150w MH Cut-Off Bronze Cobra	6	15.07	180.84	90.42	1085.04
350w MH Cut-Off Bronze Cobra	2	21.88	262.56	43.76	525.12
Total		36.95	443.4	134.18	1610.16

A B B x 12 Mos. A x B A x B x 12 mos.



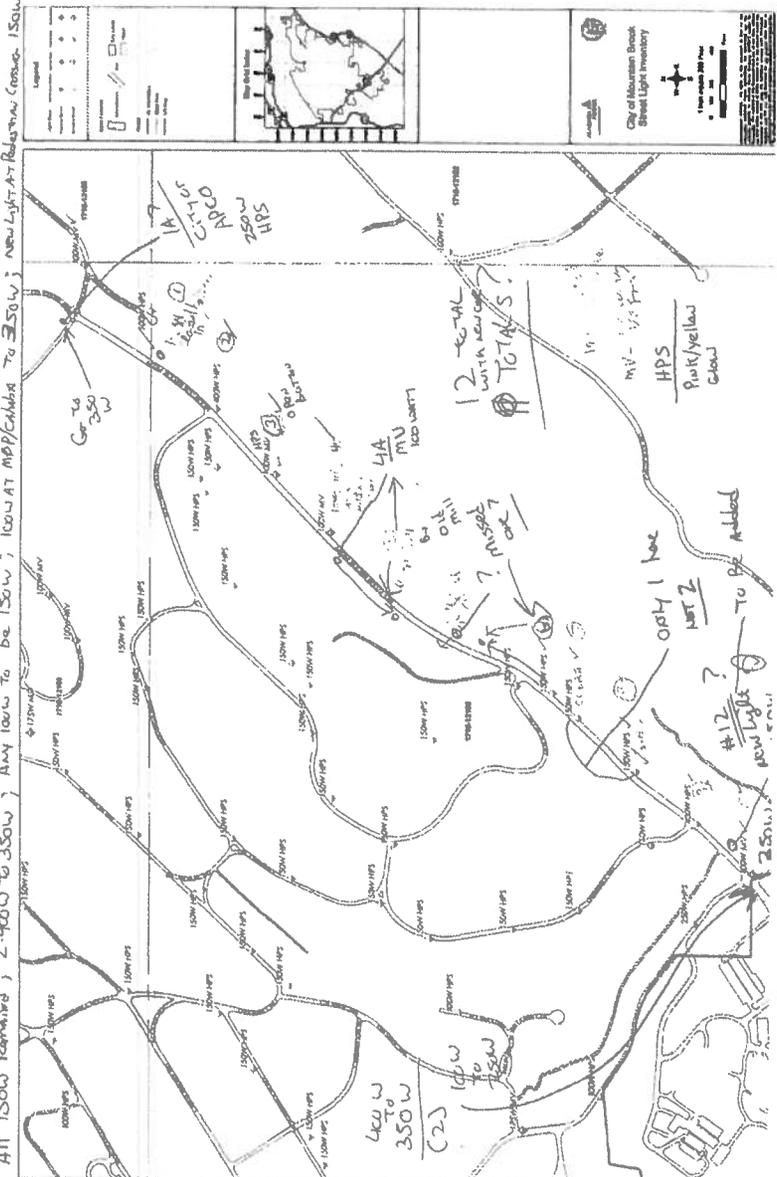
Field verification revealed there are actually 11 APC street lights currently on Mountain Brook Parkway
 Proposed Fixtures below include proposed 150 W Light by Pedestrian Crossing & City Owned Street
 Light that City wants Alabama Power to maintain Bulb & Photo cell.

Proposed Fixtures					
Light Type	Qty.	Cost per Fixture		Total Cost All Fixtures	
		Monthly	Annual	Monthly	Annual
150w MH Cut-Off Bronze Cobra	9	15.07	180.84	135.63	1627.56
350w MH Cut-Off Bronze Cobra	3	21.88	262.56	65.64	787.68
cost to maintain Bulb/PE cell on 350w	1	12.69	152.28	12.69	152.28
Totals		49.64	595.68	213.96	2567.52

A B B x 12 mos. A x B A x B x 12 mos

Currently you are paying ~~\$80.68~~ a month for the lights on Mountain Brook parkway. The new monthly payment would be \$213.96 mo.
 This includes the new light by the Ped. Crossing you are wanting us to put up & the cost of maintaining the bulb & photo cell on the City owned pole/fixture (350 watt) you will install.

APPENDIX I



Nimrod Long
And Associates

L O N G

Lead Planners
Landscape Architects
Urban Designers

June 11, 2014

Mr. Sam Gaston
City of Mountain Brook
P.O. Box 130009
Mountain Brook, AL 35213

RE: Project No. SRTS-SR09(903) & (904)
Safe Routes to School, Construction Observation
City of Mountain Brook, Jefferson County

Dear Sam:

As you are aware, during Construction we have been called upon numerous times to assist with the project. We have been billing on an hourly basis not to exceed \$8,500, but have gone over that amount by \$2,400 due to several unforeseen site issues that required our assistance.

We are requesting additional services for the hours we have gone over the limit, and an estimate of future services for construction observation to complete the project. We proposed that the average hours, and future hours not exceed \$5,000.00

Thank you again for your consideration.

Sincerely,

Nimrod W.E. Long, III
FASLA, LEED AP

cc: File
06-147\Corr\Re-Bid Corr\6-11-14 Letter to Sam - Additional Service.doc

2013-154

Nimrod Long
And Associates

L O N G

Lead Planners
Landscape Architects
Urban Designers

City of Mountain Brook
P. O. Box 130009
Mountain Brook, AL 35213

Invoice No: 19740
Billing Period: 4/21/14-5/20/14
Invoice Date: May 31, 2014
Project Name: SRTS Construction Administration
#13-401.02 DG

Attn: Sam Gaston, City Manager

Project Description:

Construction Administration
To be billed at our hourly rates, to a maximum of \$8,500.00, plus reimbursable expenses x 1.1

Professional Services:	Hours	Rate	Fee	Expenses:	Charge
Long, Nimrod	7.00	\$135.00	\$945.00	Mileage	\$0.00
Eliason, Joel	0.00	100.00	0.00	Travel Fare	0.00
Giddens, Dave	14.55	100.00	1,455.00	Postage/Shipping	0.00
Stambaugh, Madeline	0.00	70.00	0.00	Telephone	0.00
				Printing/Copying	0.00
Total Professional Services	21.55		\$2,400.00	Total Expenses:	\$0.00

Current Invoice Total:	\$2,400.00
Past Due Balance (See Attachment)	0.00
Total Amount Due:	\$2,400.00

Project Summary:

Professional Services Fees:	
Previous Billing	\$8,500.00
Current Billing	2,400.00
Total Professional Services	\$10,900.00

2213 Morris Ave., First Floor, Birmingham AL 35203 Tel: 205 323-6072 Fax: 205 324-6128

2213 Morris Ave., First Floor, Birmingham, AL 35203 Tel: 205 323-6072 Fax: 205 324-6128

APPENDIX 2

Nimrod Long
And Associates



Land Planners
Landscape Architects
Urban Designers

City of Mountain Brook
P. O. Box 130009
Mountain Brook, AL 35213

Invoice No: 19740
Billing Period: 4/21/14-8/20/14
Invoice Date: May 31, 2014
Project Name: SRTS Construction Administration
#13-401.02 DG

Attn: Sam Gaston, City Manager

Project Description:

Construction Administration
To be billed at our hourly rates, to a maximum of \$8,800.00, plus reimbursable expenses x 1.1

Professional Services:	Hours	Rate	Fee	Expenses:	Charge
Long, Nimrod	7.00	\$135.00	\$945.00	Mileage	\$0.00
Elison, Joel	0.00	100.00	0.00	Travel Fare	0.00
Gliddens, Dave	14.55	100.00	1,455.00	Postage/Shipping	0.00
Stambaugh, Madeline	0.00	70.00	0.00	Telephone	0.00
				Printing/Copying	0.00
Total Professional Services	21.55		\$2,400.00	Total Expenses:	\$0.00

Current Invoice Total:	\$2,400.00
Past Due Balance (See Attachment)	0.00
Total Amount Due:	\$2,400.00

Project Summary:
Professional Services Fees:
Previous Billing \$8,500.00
Current Billing 2,400.00
Total Professional Services \$10,900.00

2213 Morris Ave., First Floor, Birmingham AL 35203 Tel: 205 323-6072 Fax: 205 324-6128

APPENDIX 2

Sam Gaston

From: Nimrod Long
Sent: Thursday, June 12, 2014 9:28 AM
To: Sam Gaston
Subject: RE: SRTS - Additional Fees

Sam:
The monthly bill shows that we have been not charging for our additional time for several months. I was hoping that it would just be a few hundred dollars which I would have just not charged. However, you know the time required and the challenges in dealing with some of these people.
Nim

Nimrod W.E. Long III
FASLA, LEED AP
President

Nimrod Long and Associates
Land Planners | Landscape Architects | Urban Designers
2213 Morris Avenue, First Floor
Birmingham, AL 35203
205-323-6072 Voice
205-910-8730 Cell
205-324-6128 Fax

From: Sam Gaston [mailto:gastons@mtnbrook.org]
Sent: Wednesday, June 11, 2014 8:42 PM
To: Nimrod Long
Subject: Re: SRTS - Additional Fees

Why haven't u told me that u were getting close. ?

Sent from my iPhone
Sam Gaston

On Jun 11, 2014, at 2:35 PM, Nimrod Long <Nimrod@nimrodlong.com> wrote:

Sam:
We have gone over our hourly allotment of time on SRTS by over \$2,000. We need to ask for more fees to cover meeting with all the homeowners or with the contractor. Please review the attached letter and tell me if that is acceptable.
Thanks,
Nim

Nimrod W.E. Long III
FASLA, LEED AP
President

Nimrod Long and Associates
Land Planners | Landscape Architects | Urban Designers

6/16/2014

Nimrod Long
and Associates



Land Planners
Landscape Architects
Urban Designers

June 17, 2014

Mr. Sam Gaston
City of Mountain Brook
P.O. Box 130009
Mountain Brook, AL 35213

RE: Project No. SRTS-SR09(903) & (904)
Safe Routes to School, Construction Observation
City of Mountain Brook, Jefferson County

Dear Sam:

As you are aware, during Construction we have been called upon numerous times to assist with the project. We have been billing on an hourly basis not to exceed \$8,500, but have gone over that amount by \$2,400 due to several unforeseen site issues that required our assistance, such as the wall at the Campbell's, the drainage at West Montcrest, parking pad issues, and other homeowner issues, etc.

We are requesting additional services for the hours we have gone over the limit, and an estimate of future services for construction observation to complete the project. We proposed that the overage hours, and future hours not exceed \$5,000.00. In addition to the attached invoice for \$2,400, we anticipate billing up to \$2,600 for the following:

- Planting Review and Staking;
- Respond to Homeowner Issues;
- Final Review and Close-out Assistance for ALDOT Portion of SRTS;
- Field Review of Drainage Structure on W. Montcrest; and
- Field Design of Sidewalk Extension on W. Montcrest beyond ALDOT Project.

Thank you again for your consideration.

Sincerely,

Nimrod W.E. Long, III
FASLA, LEED AP

cc: File
08-147\Corr\Re Bid Corr\6-17-14 Letter to Sam - Additional Service.doc

2213 Morris Ave., First Floor, Birmingham, AL 35203 Tel: 205 323-6072 Fax 205 324-6128

Nimrod Long
And Associates



Lead Planners
Landscape Architects
Urban Designers

City of Mountain Brook
P. O. Box 130009
Mountain Brook, AL 38213

Invoice No: 19740
Billing Period: 4/21/14-6/20/14
Invoice Date: May 31, 2014
Project Name: SRTS Construction Administration
#13-401.02 DG

Attn: Sam Gaston, City Manager

Project Description:

Construction Administration
To be billed at our hourly rates, to a maximum of \$8,500.00, plus reimbursable expenses x 1.1

Professional Services:	Hours	Rate	Fee	Expenses:	Charge
Long, Nimrod	7.00	\$135.00	\$945.00	Mileage	\$0.00
Elason, Joel	0.00	100.00	0.00	Travel Fare	0.00
Giddens, Dave	14.55	100.00	1,455.00	Postage/Shipping	0.00
Stambaugh, Madeline	0.00	70.00	0.00	Telephone	0.00
				Printing/Copying	0.00
Total Professional Services	21.55		\$2,400.00	Total Expenses:	\$0.00

Current Invoice Total:	\$2,400.00
Past Due Balance (See Attachment)	0.00
Total Amount Due:	\$2,400.00

Project Summary:

Professional Services Fees:	
Previous Billing	\$8,500.00
Current Billing	2,400.00
Total Professional Services	\$10,900.00

2213 Morris Ave., First Floor, Birmingham AL 35203 Tel: 205 323-6073 Fax: 205 324-6128

466

AMENDED DEVELOPMENT PLAN FOR THE PARK AT OVERTON

Petition Summary

Request to amend the master development plan for The Park at Overton to allow the existing 18 lots or fewer (allowing for the potential for vacant lots to be combined in the future).

The Park at Overton is a Residential Infill District, where the approved development plan serves as the zoning. The development was originally approved with 19 lots. In 2012, Lots 12 & 13 were combined into one lot (12-A) via a resurvey and amended development plan (Case 1855).

The current proposal is to combine Lots 7 & 8. The attached lot layout indicates lots that are currently vacant and those under construction. All others in the subdivision are developed. As may be seen on this plan, there are only two instances where a vacant lot adjoins another one, with the potential for future combining from two lots into one lot: Lots 7/8 and Lots 14/15.

An approval of this amended development plan would allow the current 18 lots or fewer (in the case of future combining of lots).

Subject Property and Surrounding Land Uses

The subject development contains single family dwellings and is surrounded by the same.

Affected Regulation

Article XXVIII, Residential Infill District

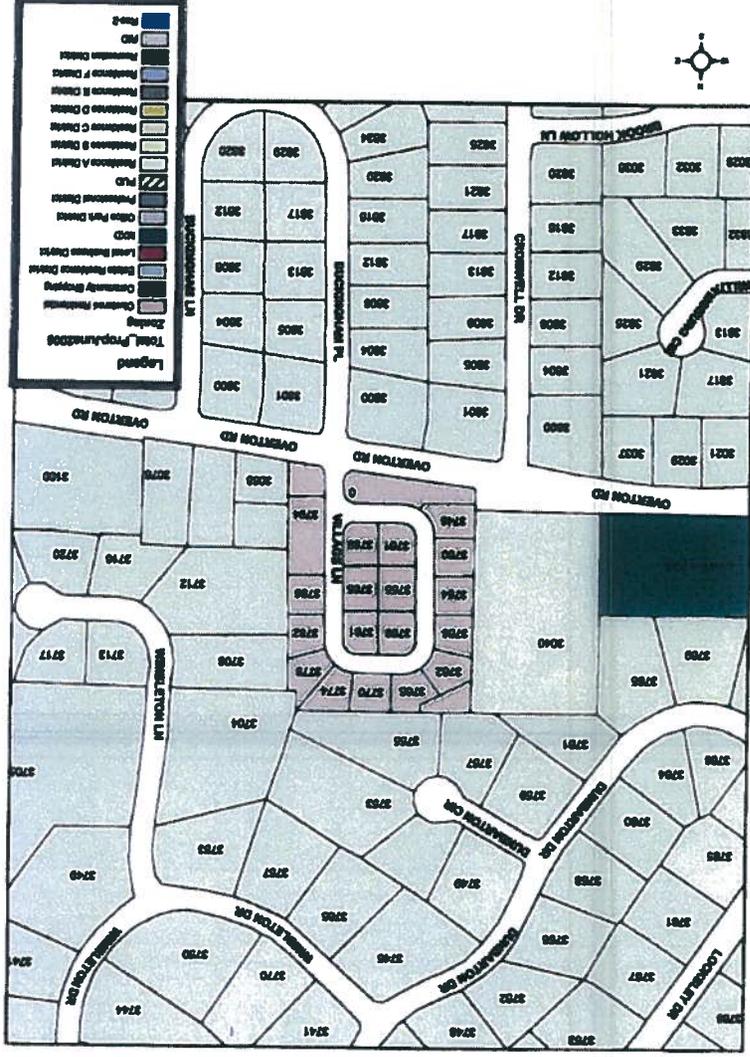
Appends

LOCATION: 3746 - 3794 Village Lane

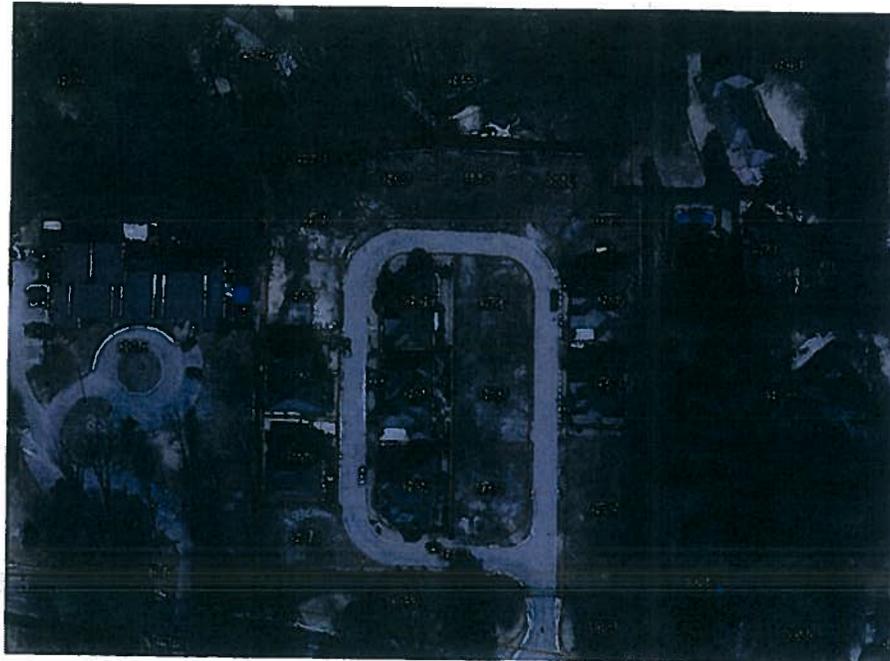
CURRENT ZONING: RID

APPLICANT: Overton Investors, LLC

AGENT: Tommy Brigham

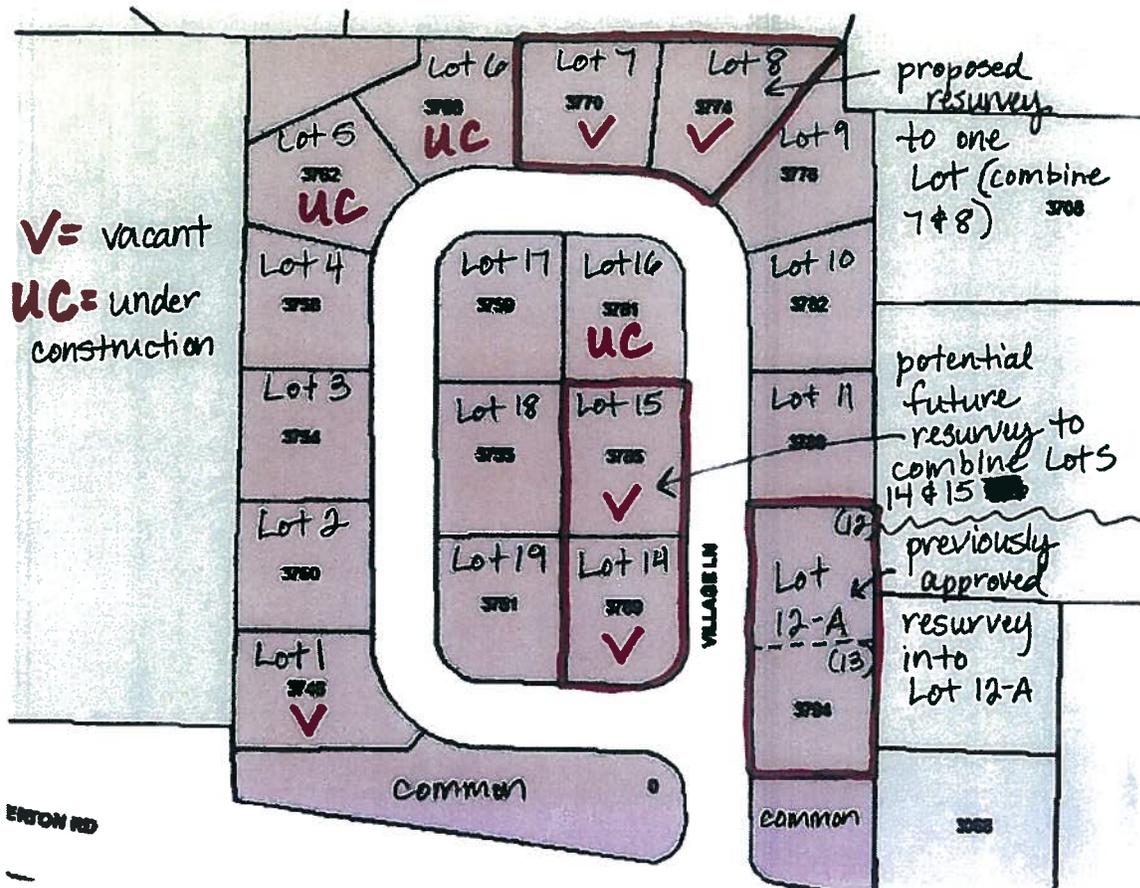


ORD 1907



1914

APPENDIX 3



Excerpt from Professional Landcare Network [PLANET] Position Statement on Leaf Blowers

PLANET is the national trade association representing more than 100,000 landscape and lawn care industry professionals

- Although PLANET prefers other methods of dealing with noise from leaf blowers **it does not oppose efforts to prohibit outmoded equipment** — as long as the standards are not unreasonable in light of the existing technology on the market. We suggest that efforts to prohibit outmoded equipment be accompanied by buy-back programs. At a minimum, bans on outmoded equipment should go into effect at least one year after a decision is made. This would give users crucial lead time to phase-out their equipment.
- PLANET believes the vast majority of commercial operators use their leaf blowers responsibly. Nevertheless, we acknowledge that improper use is a problem. It is caused chiefly by lack of knowledge, but, regrettably, it is sometimes a result of lack of courtesy for others.
- Cities, municipalities, and PLANET should partner together to educate the public as well as the green industry about proper use of leaf blower equipment. Educational programs should include the following information:
 1. Generally speaking, **leaf blowers should be run at half throttle most of the time**. Low throttle speeds not only significantly reduce noise, but they also provide the operator with maximum control. Full throttle is seldom necessary.
 2. Leaf blowers **should not be used in residential areas at unreasonable hours** —early in the morning or late at night when people are likely to be disturbed.
 3. **Debris should never be blown onto adjacent property, the street, vehicles, people, or pets.**
 4. Leaf blowers should not be used within 10 feet of doors or windows.
 5. Crews should **operate only one leaf blower at a time** on small residential sites.
 6. Rakes or brooms should be used to loosen heavier debris.
 7. The full nozzle extension should be used so the air stream can work close to the ground.
 8. The muffler, air intakes, and air filters should be checked routinely to make sure they are working properly.
 9. Leaf blowers should not be used to move large debris piles from one spot to another.
- PLANET believes that informed citizens and green industry workers are likely to be more considerate. **For the few who may lack common courtesy even after increased knowledge, city ordinances mandating proper use under penalty of a steep fine may be necessary. PLANET does not oppose ordinances that mandate common sense rules of courtesy for using leaf blowers.**

- **Nor would PLANET oppose an ordinance requiring a governor attachment to leaf blowers that limited their throttle speed** in order to meet local dBA requirements. Such an ordinance would address the noise problem from outmoded equipment without going so far as to remove that equipment from the market. On the negative side, however, this solution would prevent users from switching to a higher throttle speed on the few occasions when it may be appropriate to do so, such as when they are doing their work at a substantial distance away from other people.

<https://www.landcarenetwork.org>

Echo

Guidelines for proper leaf blower use:

The primary solution to solving the leaf blower noise problem, after improving leaf blower design, is operator education. People must be made aware of the issues and become sensitive to the bystander's complaint. Once trained, the conscientious operator should help others to understand how to avoid generating complaints. The trained operator can even help in the organization of additional training programs within their own company and community. If at the present time there is no leaf blower sound or noise related issue in your area, that is the best time to implement the following guidelines. In other wards, prevent the problem before it gets started. Once it reaches the point of pending legislation to control leaf blowers, it can be very difficult to reverse the trend. The leaf blower noise issue is best resolved at the source and before it becomes a problem.

Guideline #1.

Always be considerate of bystanders and adjoining property.

Debris should never be blown in the direction of people. No one wants to be pelted by particles of sand and debris. It can take one's breath away. It is almost a certainty that there will be a complaint. People have been known to become hostile. Some see it as a type of assault and have even called the police.

On the other hand, a neighbor or passerby will smile back at you when you idle down your blower and point the nozzle away. They usually realize that you are only doing your job and will give you credit for being courteous.

Respect other people's property. Do not blow material at automobiles or on neighbor's lawns and driveways. This could start retaliatory action. They may blow it back... with interest.



Watch out for open windows and doors. Pointing the blower nozzle at or toward an open door will not only send debris into someone's home, but it directs and increases the noise they must endure. Why call attention to what you are doing. Close the door.

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Keep in mind that it is not only the neighbor and passerby that deserves consideration. If you are working on someone's property as a contractor, you should always be considerate of the owner, his or her property and everyone living there, including pets. Being inconsiderate here is a sure way to lose your contract.

The best practice is to be aware of who is around you at all times and know where the debris is being blown. Always be considerate, courteous and conscientious.

Guideline #2

Know and observe your local noise ordinances.

Sometimes, there are local ordinances in place to limit blower use to certain hours of the day and days of the week. As an operator, you should be aware of these times and make sure you do not violate them.

Even if there are no designated hours for blower use, common sense should prevail. Do not create a problem by using leaf blowers late in the day or very early before people are normally up and about.

Guideline #3

Run blowers only at the revolutions per minute (RPM) needed.

Only run the blower at throttle settings necessary to do the job. Rarely does a large backpack blower have to run at full throttle in a residential area. The faster the engine runs, the louder it will be and the more irritating the whine will be (older blowers).

Guideline #4

Avoid using more than one blower at a time.

Two blowers will probably do the job in half the time, but rarely is it necessary. One exception may be when moving large piles of leaves during fall cleanup. This condition is seasonal and normally will not upset anyone because people understand that this is not an ongoing practice. Never the less, if possible, use only one blower.



Guideline # 5

Minimize dust during normal cleanup operations.

There is a logical, yet incorrect conclusion that leaf blowers generate vast amounts of dust. Of course, they can, but when used properly, they contribute very little to the particulate matter in the air. It is all in the way one holds the nozzle and the amount of air generated.

To begin with, one should ensure that whatever dust is created should not be allowed to travel toward any nearby person or neighboring property. Understand that there are times when the blower simply should not be used. The job should be performed at a time when no one is around or when the prevailing wind is in a favorable direction.

To minimize the generation of dust, hold the nozzle above the ground and at a distance from the debris such that the airflow at the ground is only sufficient to move the material you want moved. In dusty areas and when using larger blowers, the nozzle must be held even higher above the ground with an aiming point farther away from the operator. Air velocity is what dislodges the material to be moved and air volume is what keeps it suspended once it is in the air. Practice this by starting with the nozzle well above the ground and then lower it to where it picks up the debris but not the dust.



You may think that dust is very light and easily lifted into the air. In reality, it is very heavy per unit volume. A good example is cement dust. One cubic yard of concrete is 1000 pounds heavier than one cubic yard of sand, yet because the particles of cement are very fine, a leaf blower can lift them if enough air movement is applied. A leaf, a blade of grass or a paper cup, on the other hand, has a weight or density hundreds of times lower than dust. One can find the correct airflow speed and volume to move only the leaf and not the dust with only a little practice.

The measured and published velocity of any commercial leaf blower is the highest value one can measure. That means it is measured at the end of the nozzle. The actual velocity at the ground can be much less without slowing the engine. The airflow speed falls off rapidly as it travels away from the nozzle and spreads out over a wide area. Skilled blower operators direct only enough air to move the unwanted debris, controlling the velocity, volume and position of the nozzle to avoid kicking up any dust.

The concept of a larger blower generating more dust is incorrect. Large blowers are intended for cleaning large areas and can be handled in such a way that very little dust is generated. It takes practice to do this, but it can and must be learned to avoid this complaint.

Guideline #6

Never deliberately use a leaf blower to move dusty materials.

On occasion, the leaf blower is used to clean extremely dusty materials. A leaf blower, any blower, is not the proper machine for this job. It must be understood that there are occasions when the leaf blower is simply the wrong tool.

Heavy concentrations of gravel, construction dirt, plaster dust, pulverized cement, concrete dust and dry garden topsoil should never be moved with a leaf blower because these materials have excessive amounts of dust particles that will become airborne. In a residential area, this type of debris should be cleaned up with vacuums or with power brooms having water injected to control the dust. Even using a hand broom is incorrect for this job. Sometimes only a garden hose (water) will do the job courteously and safely.

Guideline #7

Replace your old leaf blower with a new low noise blower.

There have been many changes in the design of leaf blowers resulting in a much quieter and less irritating product. See your local Echo dealer for the finest products available and do your part to eliminate the complaint generated by inconsiderate use of old noisy leaf blowers.

You can learn more about the leaf blower at: <http://members.cox.net/leafblower>.

Echo's entire leaf blower product line can be seen at: http://www.echo-usa.com/prods_list.asp?Category=POWERBLOWER.

Summary:

The leaf blower issue is noise. Here are the main steps one should take to avoid irritating people when using a leaf blower:

- Purchase and use new quiet leaf blowers
- Run blowers at part throttle whenever possible
- Be a considerate and courteous operator
- Avoid generating dust
- Use only one leaf blower at any given time
- Know and observe leaf blower ordinances
- Do not use leaf blowers late in the evening or early in the morning

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Minute Book 86



Using a Quiet Echo Leaf Blower
In a Thoughtful and Courteous Way
Will Put an End to
Leaf Blower Complaints

Echo Incorporated
400 Oakwood Road
Lake Zurich, IL 60047-1564
1-847-540-8400

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