



City of Pensacola
ENVIRONMENTAL ADVISORY BOARD
Agenda

September 2, 2021

2:00 pm

Hagler/Mason Conference Room,
2nd Floor

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

1. Call to Order/Quorum
2. Approval of Meeting Minutes:
 - a) August 5, 2021
3. Presentation:
 - a) Logan McDonald, Community Outreach Coordinator
Pensacola/Perdido Bay Estuary Program
4. Update: Sustainability Coordinator Mark Jackson
5. Discussion Items:
 - a) Comprehensive Review of the Tree Ordinance
Jonathan Bilby, Inspections Services Director
Bill Kimball, Program Manager, Parks and Recreation
 - b) RePlant Species -- Member Blase Butts
 - c) Review of Power Point Presentation made by Assistant City Attorney Heather Lindsay—Member Kyle Kopytchak (previously distributed)
 - d) Determine Process
6. Board Member Comments/Updates, Reports and Announcements
 - a) Signage—12th Avenue Tree Tunnel—Member Kyle Kopytchak
 - b) Single Use Products on Public Property—Member Blase Butts
7. Public Comments—Open Forum
8. Adjourn

MEMBERS OF THE PUBLIC MAY ATTEND AND PARTICIPATE VIA LIVE STREAM AND/OR PHONE.

To watch the meeting live visit: cityofpensacola.com/Video.

To provide input:

- For Open Forum, for items not on the agenda: citizens may submit an online form here: www.cityofpensacola.com/EABInput **beginning at 11 A.M. until 2 P.M.** only on the day of the meeting to indicate they wish to speak during Open Forum **and include a phone number. Staff will call the person** at the appropriate time so the citizen can directly address the Environmental Advisory Board using a telephone held up to a microphone.
- For agenda items: citizens may submit an online form here: www.cityofpensacola.com/EABInput **beginning at 11 A.M. on the day of the meeting until that agenda item has been voted upon** to indicate they wish to speak to a specific item on the agenda and **include a phone number. Staff will call the person** at the appropriate time so the citizen can directly address the Environmental Advisory Board using a telephone held up to a microphone. **Any form received after an agenda item has been voted upon will not be considered.**

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 or TDD 435-1666 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



City of Pensacola

ENVIRONMENTAL ADVISORY BOARD

Minutes

August 5, 2021

2:00 pm

Hagler/Mason Conference Room,
2nd Floor

Members Present: Kristin Bennett, Chair, Kelly Hagen, Vice Chair, Neil Richards
Kyle Kopytchak, Blase Butts, Alex Kozmon, Jay Massey

Members Absent: Katie Fox, Michael Lynch

Others Present: Don Kraher, Council Executive, Sonja Gaines, Keith Wilkins,
Christian Wagley

1. Call to Order/Quorum

The meeting was called to order. A quorum was established.

2. Approval of Meeting Minutes:
a) July 1, 2021

Member Massey pointed out under item 3, the acronym "IGLE" should be corrected **ICLEI**.

Member Kopytchak moved for approval of the minutes as amended.
Member Kozmon seconded the motion and it carried 7 – 0 with two board members absent from the meeting.

3. Update: Sustainability Coordinator
a) Public Announcement Florida Native Plant Society—2021 Request for
North West Florida Native Plant Proposals

Chair Bennett indicated that Sustainability Coordinator was unable to be present; however he did provide the public announcement from the Florida Native Plant Society included with the agenda for EAB members to share with others.

Member Kopytchak inquired about the status of the actions from the July meeting for presentations from Gulf Power and Pensacola Energy and also an update from the Sustainability Coordinator on the greenhouse gas emissions report.

Chair Bennett reported that the original contact the Sustainability Coordinator had with Gulf Power is no longer there and he was giving the new contact time to get acclimated. Gulf Power will be presenting at a future date. He had proposed to have Pensacola Energy speak in September, however Chair Bennett suggested having Pensacola Perdido Bay Estuary Program make a presentation in September to coincide with Estuary Week and have Pensacola Energy and Gulf Power make informational presentations on their current plans in subsequent months.

Member Kopytchak requested an update be provided to the Board on where the Sustainability Coordinator is on getting the benchmarks on the greenhouse gas reductions.

Other comments were made regarding how to drastically reduce the use of carbon as an energy source in the City of Pensacola by 2030, what steps are being taken by Gulf Power, Pensacola Energy and others to help accomplish this goal. Gulf Power has gone from coal to natural gas and is trying to replace natural gas with solar. The goal is to reduce carbon emissions by 2030.

Council Executive indicated that the City is not prohibited from entering into a contract with any entity that may want to place solar panels on city buildings or make proposals for use of solar. They are not bound to do with any one company. They go by proposals.

Member Richards suggested creating incentives for individual residents in the city for rooftop solar and that could possibly be a recommendation to the Mayor and or City Council to create incentives for placing rooftop solar to help reduce the carbon footprint.

Chair Bennett clarified the issue in front of the board was what presentations the Board is going to have, what is Gulf Power doing today and what is Pensacola Energy doing today. Is the Board ok with having the estuary plan presented in September and either Gulf Power or Pensacola Energy in October and November.

Consensus of the Board approved the educational presentations as outlined by the Chair.

4. Discussion Items:
 - a) Plan and Process for EAB Comprehensive Review of Tree Ordinance and Process for Tree Trust Fund Grants and Requests

Chair Bennett reviewed the City Council action to have the Environmental Advisory Board undertake the comprehensive review of the tree ordinance and the tree trust fund. She asked the Council Executive to provide information on what the process would be.

Council Executive indicated that the process for review would be up to the Board. He provided some suggestions. This will not be a two meeting process. It should be an extensive process whereby you bring in staff members, experts on whatever the Board may be talking about. Staff members will want to be part of this process, to get them involved early and get their input and insight into what is workable, what is not, what is logistically a challenge, what may be legally preempted from doing and work with them throughout the process. Once the EAB has completed its work and has an item ready to send to City Council for them to refer to the Planning Board since it is part of the Land Development Code all of the heavy work will have been done by the EAB, to include public input into each section that you review and then into the overall document. The Planning Board will then review and do whatever and then it will go back to the City Council for their action. There will be additional public hearings by both Planning Board and City Council. The public will have ample time to weigh in on the document. We want to use the EAB's expertise, staff's expertise, and have the public fully involved throughout the process. He suggested breaking the tree ordinance into sections for review. The goal would be to plan a process on how you want to break it down, so that the public would be aware of the sections being considered and able to comment on at that time. It will enable the appropriate staff, experts if necessary, to know what sections are under consideration and receive their input as well as the public's input.

Member Hagen suggested that EAB members review the tree ordinance and identify the things that could be problematic and could be changed, bullet point those within each section, to create a rough draft of ideas. For each section that the Board goes through, have people guide the Board, someone on the protection side of things, someone on the development side and some academia people to help guide discussion on what are the issues, problems, what could be better, what could be reworked, what doesn't need to be reworked, to get that structure prior to having public workshops. The stakeholders would change depending on

what section the Board is reviewing to make informed decisions.

Member Butts indicated it would be helpful to have someone familiar with the types of trees beneficial to the area.

Member Kopytchak stated that he would like to understand the process of how funds come into the tree trust fund and how they go out. He would like to have Mr. Bilby attend to review his process of identifying whether they are a protected tree, a heritage tree, what the cost would be and that takes an opinion from an Arborist.

Council Executive indicated that the City is taking in mitigation funds but the tree trust fund is frozen for expenditures out of it. Any dollar amounts out of the tree trust fund can be unfrozen by a vote of City Council. There is an item coming to the August City Council meeting to take money out of the tree trust fund to replace trees in parks from Hurricane Sally. The City is in the process of hiring an Arborist.

City Administrator Keith Wilkins addressed the Board, thanking them for taking on the review of the tree ordinance. They are moving forward in hiring an arborist. They currently have four firms under contract to do various environmental work across the city, one of which has services of an arborist. They have worked with the city on four parks for this year, they are working on the rest of the parks for next year. They have identified the gaps, species that would be site appropriate and are moving forward with solid methodology to achieve those goals. With regards to the ordinance and the funds being frozen, to unfreeze it, there needs to be a plan, know what we are going to do how to utilize the funds, what the goals are. In 2018, Council passed a plan to conduct a tree canopy study in order to know what is lacking, what type of trees need to go where, then a planting program and the hiring of an arborist. They are identifying the funds to do the canopy study. He personally thought smaller sub-committee groups would be more productive in reviewing the ordinance, however providing staff would be problematic. With regard to the tree canopy study, they will review the 2014 existing tree canopy study and update that study.

Member Kopytchak inquired as to whether staff was tracking the mitigation funds per district that the trees were removed from and the plans for replacing the trees in that district.

City Administrator indicated that from the adopted 2018 plan, \$10,000 per district was allocated, which hasn't been fully utilized. The tree canopy study would be a baseline of need that would go into a management and planting plan and then implementation of that plan.

As pointed out by Chair Bennett, there has been great input on how to proceed. The Board needs to be educated, that some of the staff people come to the next Board meeting to educate the Board on where the tree ordinance stands now, what are the issues.

Member Hagen suggested having Jonathan Bilby and Bill Kimball from Parks and Rec. One thing the Board needs to consider is if the power lines are going underground in the next ten years and if so, the trees may not have to be a certain height. Having an academic come that knows about what species of trees would make the most sense, most cost effective, most symbiotic with the ecosystem they will be going into and having someone who can guide on the infrastructure that could potentially limit or inhibit the trees that are planted.

Council Executive stated that what the Board initially was talking about was having staff come in and identify what they thought some of the issues were. This item is in the Land Development Code so it would be beneficial to have someone from Planning attend, since there are issues with zoning in the tree ordinance that they are knowledgeable about.

City Administrator indicated that Sherry Morris and Cynthia Cannon from Planning would guide the process for Planning. They are very good with ordinance drafting. As far as content of the ordinance, pros and cons, Johnathan Bilby would have the most integral knowledge and Bill Kimball.

Council Executive suggested having Jonathan Bilby and Bill Kimball attend the next meeting and when the Board gets into the zoning aspect of the ordinance, to include the planning department staff. The Board may already have some questions in mind with regard to process and identifying trees. The presentations would be an overview and get their initial perception of some of the challenges they see in the current ordinance and/or some of the things they may be having difficulties with performing their jobs. They may be hampered with what they can do because of the way the ordinance currently reads.

Chair Bennett also pointed out that the Board needs to know what is working well. She suggested that in between meetings, the Board members take the time to read the ordinance, highlight areas that are a concern or have an issue with and come prepared. Perhaps submit some questions, prior to their presentations.

Council Executive indicated that if Board members had individual questions to go ahead and submit them to him, he would compile the questions and submit them so that they will be able to do their research and be ready to answer. He will also forward the compiled questions to the Board members as well.

City Administrator stated that Bill Kimball deals with individual residential tree removals in yards and right-of way. Jonathan Bilby deals with construction projects, things that come through building permitting—from single family all the way up to sub division development. Enforcement is an area that has been confused. They had hoped to straighten it out with the last revisions, but enforcement is typically through Jonathan Bilby.

Member Hagen inquired about the role of the Code Enforcement Department and if there was a way to have them be more proactive than reactive and if that was a recommendation that could be made to City Council.

City Administrator stated that enforcement in general is something that needs to be better defined and looked at for improvement.

Member Hagen asked if it would be possible to obtain a copy of the document that City Attorney Heather Lindsay had worked on and have it sent out to the Board for their review.

Chair Bennett reviewed the path forward—invite Jonathan Bilby and Bill Kimball to the next meeting, Board members read the tree ordinance, if they have questions, present them to Council Executive to compile, he will present to all of the Board members as well as Johnathan and Bill to help them prepare.

Member Hagen also indicated that she would also be pulling up other city's tree ordinances—New Orleans, Savannah, Montgomery to see what smart ideas the Board could pull from to create a document that will be a model for other cities to look at.

Member Richards asked for clarification on the recently amended section 12-6-6 and if that was something that did not need to be reviewed for changes.

Council Executive indicated that those were minor changes that were recently made. There may be other changes to consider as the Board reviews the ordinance.

Member Butts inquired about how much time at each EAB meeting should be devoted to the review of the tree ordinance so that there would be time to consider other items of business that may come before the board.

The Board further discusses the amount of time to devote to review of the tree ordinance and dividing it up into sections and allowing time for other items to be discussed. There needs to be some flexibility depending on whether the meeting has a public workshop or does the public workshop need to be held after regular hours. The agenda will change each time.

Member Hagen suggested at the next meeting come back with suggestions of how to break up the tree ordinance into sections. It will require a lot of time.

Member Richards inquired about the tree trust fund grant program and how that would be handled.

Council Executive indicated that it would be part of the overall review process of the ordinance. Neighborhood associations have been made aware of the program; however there has been little interest so far. Council referred this item to the EAB for their comprehensive review and he would be concerned with sending items back to Council in a piecemeal fashion. It should be part of and incorporated into the final document.

Member Butts was satisfied with that process, especially in light of the City hiring an arborist who would be able to assist and advise in planting the right tree in the right spot.

Member Richards was not because he's been encouraging neighborhoods to apply for funds to plant trees during the upcoming tree planting season.

Council Executive stated that there needs to be a plan so that the right tree is planted in the right place. Some of the reforestation that needs to take place can't take place where they have taken the trees from because that land now has commercial development on it. The majority of the tree trust fund money has come from the uptown area, where most of the land for development to be built is located. More thought needs to be given in the design of parking areas, using pervious surfaces, placement of trees, etc.

Member Kopytchak suggested having Jimmie Jarrett, Arborist with Escambia County review the tree ordinance and have her give the Board her thoughts and opinions on it since the City has an inter-local agreement with the County.

Council Executive indicated that he would follow up on the inter-local agreement and making contact with Ms. Jarrett.

5. Board Member Comments/Updates, Reports and Announcements

Member Kozmon asked for an update on the request to the Mayor for the establishment of the internal committee to look at sustainability practices. Also he asked if there could be a notice sent to board members seeking items for the agenda and some idea when to expect the agenda.

Council Executive indicated that any board member could submit an item to him, he would review and if need be, discuss with the board member if there are any potential issues. He will follow-up on the request forwarded to the Mayor for the establishment of the internal committee.

Member Butts mentioned previous discussions about the amount of trash, stormwater and the amount of debris around the City and asked if it was the Board's place to go against pre-emptive legislation against the use of plastic grocery bags, Styrofoam, etc. The City could stop the use in city buildings, parks, and sidewalks. They can't prohibit restaurants and other others from using it.

Council Executive indicated that Council has already taken action to do away with Styrofoam and plastic plates in City Hall; all of the purchases are now paper and environmentally friendly and installed water refilling stations.

Member Massey made a suggestion to look at what other cities have done and review for possible recommendation to the City Council.

Chair Bennett also indicated that it ties in with the Pensacola Perdido Bay Estuary Programs. They had an EPA grant for Trash Free Waters and she will ask them to include that in their presentation.

6. Public Comments—Open Forum

Christian Wagley stated he was glad to hear about presentations being made to the Board from Gulf Power and Pensacola Energy to learn what they are doing. They are taking some steps and he would send the Board some information about what Gulf Power/ Florida Power and Light are doing with regard to renewable energy. Their filings with the State don't show that they are going to really progress by 2029.

He also commented on the use of solar panels. Clearly renewable energy is going toward solar and wind and the utility companies have a monopoly in Florida and they work very hard to keep individuals from generating their own solar power. There was a bill in the legislature to allow school districts to have power purchasing agreements. It went absolutely nowhere because of the opposition from utility companies. He also hoped that the Board would have a presentation from Solar United Neighbors or a local solar panel company.

On October 5th there will be a zoom meeting regarding Blocking Rooftop Solar.

In addition, he was pleased with the discussion of the tree ordinance and encouraged the Board to have a wide range of participants and to have interactive public exchanges. He also suggested including a civil engineer to address parking lot layouts and code requirements.

Member Hagen requested that consideration be given to have someone from the solar industry make a presentation to the Board especially in light of the more solar panels that can be placed on rooftops, less land would be needed for solar fields and would provide a means to educate the public on rooftop solar.

Council Executive indicated that a presentation could possibly be arranged with the non-profit organization. The same ground rules for all energy presentations to the Board would apply: what is currently being done/planned to reduce greenhouse gas emissions.

7. Adjourn: There being no further business to come before the Board, the meeting was adjourned at 4:06 p.m.

RePlant Species

Shade Trees

Trees commonly available in Pensacola

A. Small Trees

	Native	
Crape Myrtle	No	<i>Lagerstroemia indica</i>
Dahoon Holly	No	<i>Ilex cassine</i>
Fringe Tree	No	<i>Chionanthus virginicus</i>
Glossy Privet	No	<i>Ligustrum lucidum</i>
Loquat	No	<i>Eriobotrya japonica</i>
Hawthorne	No	<i>Crataegus spp.</i>
American Holly	No	<i>Ilex opaca</i>
Savannah Holly	No	<i>Ilex attenuata/cassine</i>
East Palatka Holly	Yes	<i>Ilex attenuata/cassine</i>
Eagleston Holly	Yes	<i>Ilex attenuata/cassine</i>
Fineline Holly	Yes	<i>Ilex cornuta</i>
Emily Bruner Holly	Yes	<i>Ilex latifolia x cornuta</i>
East Bay Holly	Yes	<i>Ilex latifolia x cornuta</i>
Mary Nell Holly	Yes	<i>Ilex cornuta x pernyi</i>
Nellie R. Stevens	Yes	<i>Ilex aquifolium x cornuta</i>
Green Japanese Maple	Yes	<i>Acer palmatum</i>
Eastern Red Bud	Yes	<i>Cercis canadensis</i>
Drake Elm	Yes	<i>Ulmus parvifolia</i>
Yaupon Holly	Yes	<i>Ilex vomitoria</i>
Ashe Magnolia	Yes	<i>Magnolia Ashe</i>
Wax Myrtle	Yes	<i>Myrica cerifera</i>
Flatwoods Plum	Yes	<i>Prunus umbellata</i>
Myrtle Oak	Yes	<i>Quercus myrtifolia</i>
Rusty Blackhawk	Yes	<i>Viburnum rufidulum</i>
Dogwood	Yes	<i>Cornus florida</i>
Red Bud	Yes	<i>Cercis canadensis</i>

B. Medium and Large Trees

American Sycamore		<i>Plantanus occidentalis</i>
Birch, River		<i>Betula nigra</i>
Cedar, Atlantic White		<i>Chamaecyparis thyoides</i>
Cedar, Southern Red		<i>Juniperus silicicola</i>
Chinese Pistache		<i>Pistacia chinensis</i>
Bald Cypress		<i>Taxodium distichum</i>
Eastern Poplar		<i>Populus deltoides</i>
Elm, Winged		<i>Ulmus alata</i>
Holly, American		<i>Ilex opaca</i>
Loblolly Pine		<i>Pinus taeda</i>
Maple, Florida Suagar		<i>Acer barbatum floridanum</i>
Mulberry, Red		<i>Morus rubra</i>
Oak, Nuttall		<i>Quercus nuttallii</i>
Oak, Post		<i>Quercus stellata</i>
Oak, Shumard		<i>Quercus shumardii</i>
Oak, Southern Red		<i>Quercus falcata</i>
Oak, Overcup		<i>Quercus lyrata</i>
Live Oak		<i>Quercus virginiana</i>
Palm, Cabbage		<i>Sabal palmetto</i>
Palm, Pindo		<i>Butia capitata</i>
Red Maple		<i>Acer rubrum</i>
Swamp Red Maple		<i>Acer rubrum drummondii</i>
Sweetbay		<i>Magnolia virginiana</i>
Sweet Gum		<i>Liquidambar styraciflua</i>
Tulip Tree		<i>Liriodendron tulipifera</i>
Willow Oak		<i>Quercus phellos</i>
Windmill Palm		<i>Trachycarpus fortunei</i>
Southern Magnolia		<i>Magnolia grandiflora</i>

RePlant Species - Not Common

Trees not common to Pensacola or not sold

A. Small Trees

	Native		
Hop-hornbeam	No	<i>Ostrya virginiana</i>	
Hornbeam	No	<i>Carpinus caroliniana</i>	
Smooth Redbay	No	<i>Persea borbonia</i>	
Red Buckeye	No	<i>Aesculus pavia</i>	

B. Medium and Large Trees

Ash, White		<i>Fraxinus americana</i>	
Chalkbark Maple		<i>Acer leucoderme</i>	
Elm, Florida		<i>Ulmus americana</i>	
Hickory		<i>Carya spp.</i>	
Loblollybay		<i>Gordonia lasianthus</i>	
Oak, White		<i>Quercus alba</i>	
Tupelo, Water		<i>Nyssa aquatica</i>	
Walnut, Black		<i>Juglans nigra</i>	

Item 6 (b)

Submitted by Member Blase Butts

Sustainability by reducing single use plastic products and Styrofoam.

The preemption laws in Florida do NOT prevent local governments from banning single use plastics and Styrofoam on city owned property. This includes city buildings, event venues and parks.

- FL 500.90 - Regulation of polystyrene products.
- FL 403.7033 - Departmental analysis of particular recyclable materials regarding plastic bags
- SB 588/ HB 603 – Remove regulatory powers from local government for plastic straws

A list of some of the cities in Florida to institute ban for city departments, contractors or special event permit holders to sell or disburse these two types of products;

- **Boynton Beach** 04/20/2021. Also specifies use of balloons and confetti in outdoor areas of city property.
- **Largo** 12/18/18. Ordinance 2019-19.
- **Stuart** 11/5/2019. Ordinance 2413-2019
- **Orange County** 02/03/2020. Also specifies plastic bags, plastic straws, stirrers foam cups/plates/containers
- **Ft. Lauderdale** July 2019 Ordinance 16-140 and 11/17/2020 Ordinance 16-151. Also specifies plastic bags, plastic straws, stirrers foam cups/plates/containers
- **Orlando** 10/01/2019 Ordinance 137.2

There are 10+ more



Single-Use Products on Public Property

Policy Briefing Sheet

Objective:

To further advance the environmental sustainability of Orlando by reducing the use of non-biodegradable polystyrene products and single-use plastics in the City and encouraging the use of recyclable, reusable, or compostable alternatives on City-owned property, venues, parks, and/or affiliates events.

Purpose:

To provide and maintain for the citizens and visitors of the City a healthy and aesthetically-pleasing experience, while simultaneously advancing the City's sustainability goals and contributing to its long-term economic vitality, by eliminating the use of these non-biodegradable and environmentally deleterious products into surrounding ecosystems and landfills.

Background:

- Green Works Orlando mission: "Transform Orlando into the most environmentally-friendly, socially inclusive, and economically vibrant City in America." - Orlando Mayor Buddy Dyer
- In 2017, Mayor Dyer asked Chris Castro to explore a policy to eliminate polystyrene and single-use products from city-owned property.
- 2017 Green Works Municipal Sustainability Action Plan
 - Goal #7: 100% of municipal materials meet environmentally-preferential purchasing (EPP) and disposal standards by 2030
- 2018 Green Works Community Sustainability Action Plan
 - Strategy #25: Implement a Polystyrene, Plastic Bag and Plastic Straw Ban for All City Facilities, Parks and Affiliated Events

Issues with polystyrene and single-use plastic items:

- Made of fossil fuels and synthetic chemicals, contributing to air pollution and climate change.
- Non-biodegradable products that add waste to our landfills
- Put wildlife at risk if accidentally mistaken for food
- Contaminate our stormwater ponds, lakes, parks, and nearby marine environment
 - Plastic Bags
 - 102 billion plastic bags used annually in the US; 12 million barrels of oil¹
 - 113 countries + 127 cities in the U.S. have bag bans or charge fee for plastic bags²

¹ Waste Management statistics: <http://www.wmnorthwest.com/guidelines/plasticvspaper.htm>

² Center for Biological Diversity: https://www.biologicaldiversity.org/programs/population_and_sustainability/sustainability/plastic_bag_facts.html



- Plastic Straws³
 - America uses 500 million drinking straws every day
 - 1/10 of the marine debris around the World
- Expanded Polystyrene (EPS aka Styrofoam)⁴
 - 25 billion Styrofoam coffee cups every year
 - 3 million tons of EPS are produced each year

Key reasons for moving this policy forward:

1. Expanded polystyrene (aka styrofoam), plastic bags, and plastic straws are **non-biodegradable products** that are made from fossil fuels and contributing to environmental degradation. These items are often used for a few minutes and discarded, only to be around in our environment for hundreds of years for plastic, and in the case of expanded polystyrene, over 1 million years before they decompose. They are simply unsustainable.
2. The current recycling markets in Orlando and across America is having challenges with **contamination in recycling**, products that people are putting into the bin because they wish it can be recycled. The three top items found to contaminate recycling streams are expanded polystyrene, plastic bags, and plastic straws. As such, to improve our recycling diversion rates and minimize our contamination in recycling, we are addressing the root of the problem by moving away from using those contaminants where the City has control.
3. The **main liter items** found in our parks, lakes, rivers, and oceans are expanded polystyrene, plastic bags, and plastic straws. They are hazardous for wildlife as they get confused as food, they make these natural places unpleasant aesthetically, they affect water quality, and they are beginning to impact human health with the onset of bioaccumulation of microplastics.

Current State pre-emptions regarding plastic bags, polystyrene, and plastic straws overview:

- FL 500.90 - Regulation of polystyrene products.
- FL 403.7033 - Departmental analysis of particular recyclable materials regarding plastic bags
- SB 588/ HB 603 – Remove regulatory powers from local government for plastic straws
(Passed Spring 2019 legislature. Vetoed by Governor Ron DeSantis)

Community outreach & stakeholder engagement:

- Executive Offices (Mayor, CAO, City Attorney)
- OCNR
- OFB / Procurement
- Real Estate (4Rivers, Relax Grill, Mesa21, Super Rico, Tropical Smoothie)
- FPR
- Orlando Venues

³ New York Times, <https://www.nytimes.com/2018/07/09/business/starbucks-plastic-straws.html?module=inline>

⁴ Earth Day Network, "How Much Disposable Plastic?": <https://www.earthday.org/2018/04/18/fact-sheet-how-much-disposable-plastic-we-use/>



- EDV
- DDB / CRA
- Permitting
- OPD

Additional Florida cities with Polystyrene, Bag, and/or Straw policies

- Polystyrene ban (5): Miami-Dade County, Coral Gables, Gainesville, Hollywood, St. Petersburg
- Plastic Bag ban (2): Coral Gables and Gainesville
- Plastic Straw ban (10): St. Petersburg, Miami Beach, Surfside, Sanibel, Marco Island, Hallandale Beach, Ft. Myers, Deerfield Beach, Dania Beach, Hollywood
- No city or County in Florida has passed internal policy to eliminate all three items

Summary of Recommended policy, 137.2:

- Define "Single-use products" as food service related products that are designed to be used only once in the same form and then disposed of or destroyed. Single-use products include, but not limited to, polystyrene products, plastic straws, and plastic bags.
- Recommended policy would mean "single-use products", as defined above, may not be sold or disbursed on City property or used by City contractors, permittees, or licensees, unless authorized by the Chief Administrative Officer, Chief Financial Officer, Chief Venue Officer, or designee.
- Policy would require the use of compostable materials, biodegradable materials, reusable materials, or recyclable materials (plastic #1 and #2) as alternatives.
- In recognition of the needs of customers with disabilities, plastic straws may be provided upon request.
- Policy would affect all City-owned facilities, venues, parks, and affiliated events (18A permits).
- Applicable contracts, agreements, leases, permits, and licenses should include a notice to contractors, permittees, and licensees that single-use products are not permitted on City property. The use of recyclable, reusable, biodegradable, and compostable alternatives is encouraged.
- This policy only applies to new contracts solicited or entered into, and permits granted, after its effective date.



- Exemptions:
 - Single-use products used for pre-packaged food that have been filled and sealed prior to receipt by the City contractor or permittee, or for packaging unwrapped food items, such as raw meat, poultry and fish.
 - Single-use products used by a City permittee for events or facility rentals attended by 100 people or less.
- Effective date: October 1st, 2019

Enforcement

- The City may revoke or cancel any permit for non-compliance with this policy, and may use past non-compliance as grounds for not renewing or re-issuing a permit.
- Where applicable under the terms of a contract, the City may pursue appropriate contractual remedies for non-compliance with this policy, including termination and/or preclusion or debarment from future City contracts.
- The City may hold the “damage deposit” for any park event or 18A permitted event following non-compliance with this policy.
- Events or facility rentals by 100 people or less will be encouraged to comply by receiving the “Parks Rules” which will include this policy. No enforcement will be needed as these events are exempt.

Financial impact:

- Alternative products range from cost neutral to \$0.06/unit in additional cost, depending on the alternative being selected.
- See matrix of items for reference

Timeline:

- **Nov 2018 – April 2019:** Stakeholder engagement
- **March 2019 – May 2019:** Policy language development and stakeholder feedback
- **May 28th, 2019:** Policy recommendation to Operations Committee for approval
- **June 3rd, 2019:** City Council resolution
- **October 1st, 2019:** Policy begins