



City of Pensacola

Environmental Advisory Board

Minutes

Thursday, October 6, 2022, 2:00 PM

Hagler/Mason Conference Room,
2nd Floor

Members Present: Kristin Bennett, Chair, Kelly Hagen, Vice Chair, Neil Richards, Kyle Kopytchak, Katie Fox, Blase Butts, Katie Dineen

Members Absent: Jay Massey

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

CALL TO ORDER AND WELCOME:

The meeting was called to order by Chair Bennett.

ROLL CALL AND DETERMINATION OF QUORUM:

A quorum was established. Chair Bennett announced that she was going to allow Vice Chair Kelly Hagen to make comments as a member of the Mayor's Transition Team Focus Group on the Environment. Also, she announced that due to scheduling conflicts, the November Board meeting would be canceled.

ACTION ITEMS

1. [22-00427](#) APPROVAL OF ENVIRONMENTAL ADVISORY BOARD MEETING MINUTES OF SEPTEMBER 1, 2022.

Recommendation: That the Environmental Advisory Board approve the meeting minutes from the September 1, 2022

Sponsors: Kristin Bennett

Attachments: [EAB Minutes 09.01.2022](#)

Member Hagen moved for approval of the September 1, 2022 minutes, seconded by Member Fox. The motion carried 7-0, with one member absent for the vote.

PRESENTATIONS:

Member Hagen announced that she and Christian Wagley were appointed to the Environmental Focus Group of the Mayor's Transition Team and are seeking input from the community on important environmental issues and priorities. They have scheduled three community meetings to be held on October 13th, October 27th and November 10th. Also, there will be a CNAP meeting on Monday, October 10th at Sanders Beach Corrine Jones Center where the Environmental and Livability Focus Groups of the Mayor's Transition Team will be present to receive citizen and neighborhood input on important issues and priorities.

She indicated that she has reviewed the environmental recommendations made in the previous Mayor's Transition Team report, along with the recommendations made by the Climate Mitigation and Adaptation Task Force. She will also be meeting with staff members.

(Christian Wagley arrived and was cautioned not to participate in discussions.)

She encouraged the members of the Board to review the recommendations made by the previous Mayor's Transition Team as well as the Climate Mitigation and Adaptation Task Force and if members had any concerns or recommendations for her or Christian between now and November 20th to please reach out. How do you think Pensacola, as a city, can do better? What areas need improvement? What areas should be the priority?

Council Executive indicated that the Board, as a Board, could talk about it, if there is just no participation or exchange back and forth between Kelly and Christian.

Member Hagen reviewed the environmental topics that were contained in the previous Mayor's Transition Report. Further comments were made concerning the progress that has been made with the hiring of the Sustainability Coordinator and the various programs and projects that he has been working on to help reach some of the goals and recommendations made by the Climate Mitigation and Adaptation Task Force as well as the recommendations contained in the transition report. It has also been beneficial to have an arborist on board to help with the tree canopy assessment. There is an item going to Council to add the Darlington Oaks to the protected tree listing, since they are the majority of oaks in the City instead of Laurel Oaks. Also discussed was looking at measurable achievements, i.e. reduction in miles traveled, encouraging walkability and other modes of transportation.

With regard to stormwater drains, Member Butts suggested mentioning at neighborhood association meetings the possibility of having members of the associations take ownership of the drains and clean debris that blocks the grates to allow for a free flow.

Further discussion occurred on reaching the 30% reduction by 2030 goal and the efforts to date on reaching that goal. Member Richards made a suggestion to look at hydrogen as a fuel source for trucks to lessen the use of carbon and an electric truck or fleet car replacement

plan. With regard to FPL and the franchise agreement need to have some way for the city to have net metering and a say in where the underground utilities are placed.

In light of what happened in South Florida from Hurricane Ian, Member Butts suggested looking at what the impact is with storm surge in the low lying areas of the City as far as being able to get water out so that emergency services will be available.

Member Fox suggested an item to list prioritizing community resiliency. Also, Member Dineen suggested reaching out to Molly McDaniel with the Pensacola Perdido Bay Estuary Program since they are looking for community input as far as these issues go with regard to storm surge and resiliency after storms.

Chair Bennett requested that an item be placed on the December agenda for Member Hagen to provide an update to the Board on the proposed report.

SUSTAINABILITY COORDINATOR COMMUNICATIONS:

Sustainability Coordinator was attending a conference and unavailable to attend the meeting.

DISCUSSION ITEMS

2. [21-00966](#) REVIEW OF SECTION 12-6-2 + OF THE TREE AND LANDSCAPE ORDINANCE

Board reviewed previous comments made by Assistant City Attorney Heather Lindsay regarding the exemptions to health care facilities as well as the single family duplex language and unintended consequences regarding lot splits. Further discussion occurred on the pruning of trees and FPL's responsibility for submitting a plan, implementing the plan and what enforcement is followed with regard to the plan they submit. Is it covered in the franchise agreement? Should or could there be some provision provided in the tree ordinance that they would be required to follow?

Member Richards suggested getting a representative from FPL to make a presentation to the Board on their pruning practice.

Member Fox reiterated the comments made by the Assistant City Attorney at the September meeting with regard to public utilities complying with the American National Standards Institute on pruning trees.

Chair Bennett asked if the Council Executive could follow up with the Assistant City Attorney asking her if there are parameters the Board should be following as they address the issue with regard to public utilities tree pruning.

Council Executive informed the Board that the City was in the process of hiring someone to help with the franchise agreement negotiations. The Board could make a recommendation to the Mayor. City Council does not negotiate agreements.

Various suggestions to include in the proposed recommendation were offered by Board Members such as the City adopting that they cannot trim more than 30%, to adopt and abide by the American National Standards Institute pruning activities, submit their pruning plan to the City arborist for feedback and input prior to pruning and if there are ramifications because they ignored the plan, cut more than 30% or cut it inappropriately, and get public notice prior to pruning.

Member Dineen felt that there were two parts to consider: recommend to the City in the franchise agreement they negotiate, that they follow the American National Standards and then the other part is to request the Assistant City Attorney to see if there is anything that the Board can do in reviewing the tree ordinance, if it can be strengthened to include if the national standard isn't followed, what are the ramifications? It would be helpful to get answers from the Assistant City Attorney for the December Board meeting.

Chair Bennett requested the Council Executive to see if the Assistant City Attorney could provide information on whether the 30% pruning and complying with the American National Standards Institute requirements and ramifications if they don't follow it can be include in the franchise agreement and what utility companies are pre-empted from following by State statute with regard to city ordinances.

Member Richards suggested having someone reach out to the Public Service Commission to see if they do any follow up with the utilities, once they submit their plan, to see if they are in compliance and what are the ramifications if they are not in compliance.

Council Executive suggested reviewing Florida Statute 163.3209 because it deals with electric utilities in the right-of-way and what they can and can't do. There are some pre-emptions in there with cities and there are also other rules and standards that utilities have to follow.

Member Fox also suggested looking at NCA.300, Part 1 relating to permitting.

Member Dineen asked what the game plan is for the December meeting.

Information needed for the next meeting: what is the current plan for FPL to submit a plan to the City, is there a time line, is it publicly noticed, is there oversight. Also review the State statute, then move on to Section 12-6-3 and update on Transition Team report.

Council Executive indicated the statute states what is required. He will ask the question of is that being done.

Member Fox indicated that the Assistant City Attorney was also going to review the ordinance to see if there was an opportunity to make it more robust as it applies to the utilities.

BOARD MEMBER COMMENTS:

Chair Bennett reminded Board members of the Transition Team Focus Group meetings and to contact either Member Hagen or Christian Wagley with any individual comments.

Council Executive updated the Board on an amendment to the tree ordinance relating to the landscape plan for tree removal requests and the permits that are required. There was some discrepancy about the way the language read and was a plan approved prior to the public notice and prior to the signage. City Council changed that language that says the landscape plan or tree removal plan will initially go to the arborist, who will approve it in content, that it meets the requirements, but not approve the plan. Then the sign will go up and stay up for 21 days. The City Council Member in that district is notified, and the sign has to be black on white. The Planning board recommended 30 days; City Council backed it off to 21 days. Once the 21 days are passed, then the permit will be issued.

Member Richards, representing the Master Gardeners, announced a Master Gardeners Fall Festival on Saturday, October 8 from 8 – 11 at the extension office on Stefani Road.

Chair Bennett announced, at the request of the Sustainability Coordinator, the Active Transportation Plan, a public engagement driven plan to develop a blueprint for future multi modal transportation investments in the community. They will be focusing on topics like safety, activity and connectivity to figure out how to best build out the network. This is a planning project, with no funding attached to it. They will be identifying several projects, based on citizen input that the City could take on in the future depending on available funding. It is a one year project, already kicked off with the consultant providing data analysis. They will finish up July 2023. The City will host mobility fairs and seek public input on the Active Transportation Plan on Tuesday, October 18 at 5:30 p.m. – 7 p.m. at Fricker Community Center and on Thursday, October 20 from 5 – 6:30 p.m. at the Tryon Branch Library. These will be open house style with attendees welcome to drop in at any time. There will be a live project survey starting on Friday, October 14. Also, the project team will be doing presentations/events with the Slow Ride on October 22, the Scenic Heights Neighborhood Association Trunk or Treat on October 22, Try Transit on October 25, and the Palafox Market on November 5.

Minutes of the Environmental Advisory Board

October 6, 2022

Page 6

PUBLIC COMMENT:

Christian Wagley commented on the Slow Ride event on October 22 at the Community Garden. Katie Dineen and her group will be playing music at the event from 12 – 2 p.m.

Also on October 19, there will be a program at the Downtown Library on the Inflation Reduction Act and what it means for the Gulf Coast.

ADJOURNMENT:

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