



City of Pensacola

ENVIRONMENTAL ADVISORY BOARD

Minutes

September 2, 2021

2:00 pm

Hagler/Mason Conference Room,
2nd Floor

Members Present: Kristin Bennett, Chair, Neil Richards, Katie Fox, Alex Kozmon
Jay Massey

Members Absent: Michael Lynch, Blase Butts, Kelly Hagen, Kyle Kopytchak

Others Present: Don Kraher, Council Executive, Mark Jackson, Sustainability
Coordinator, Bill Kimball, Program Manager, Parks and Recreation,
Eve Herron, Logan McDonald, Christian Wagley

1. Call to Order/Quorum

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

2. Approval of Meeting Minutes:
a) August 5, 2021

**Member Richards moved for approval of the minutes of August 5, 2021.
Member Massey seconded the motion and it carried 5 – 0 with four members
absent from the meeting.**

3. Presentation:
a) Logan McDonald, Community Outreach Coordinator
Pensacola/Perdido Bay Estuary Program

Chair Bennett introduced Logan McDonald, Community Outreach Coordinator for the Pensacola/Perdido Bay Estuary Program.

Logan McDonald gave an update on the Pensacola/Perdido Bay Estuary Program and the new rebranding of the program and logo as they have been developing their comprehensive conservation and management plan that will serve as a blueprint for the

restoration of the bays. They have held tailored workshops around specific stressors, things that impact the systems through the technical and education and outreach committees. They have also held workshops on what are the different indicators to look at for measurable change over time as they tackle the various stressors. They put out a community value survey, and had over 700 responses about what they value in the systems, what they are concerned about and why it matters to them.

They received state appropriation funds the last fiscal year and were able to use those funds to scale up the monitoring in the area. One of those efforts was the national coastal condition assessment that is a nationwide survey conducted every five years in association with the EPA. They added an additional 24 sites to the survey. The survey looks at water and sediment quality and authentic communities that live on the floor of the bays, as well as fish tissue contaminants.

In addition, there is the national wetland condition assessment that focuses on estuary sites that are fresh water and salt water mixed. They surveyed 30 sites and looked at wetland vegetation, hydraulic conditions, soil parameters and water quality.

She provided an update on the oyster mapping in East Bay and Escambia Bay and the recent trash free waters event at Jones Creek and the deployment of a litter capture boom which is a floating boom that collects trash as it flows down the creek. Volunteers will assist them with emptying the booms as well as taking data on them to determine if there are specific sources contributing to the litter in the creeks.

There will be a clean up tentatively set for October 2 at Carpenters Creek, in conjunction with Emerald Coastkeepers. They have already installed a litter capture boom there. They are also partnering with the City of Pensacola to put on Oar Fest to get out and try the paddle craft sport and learn about why the environments are so important and the many ways they add to our lives and communities. They have also had volunteers out at various boat ramps to educate boaters about manatee safety and going slow where sea grass is below.

They also have a community grant program and she provided highlights of some of the projects funded and also mentioned the various events and programs planned to celebrate National Estuaries Week.

She also mentioned several partnerships on NOAA projects regarding sea grass restoration, looking at resiliency to climate stress through genetic variation, a NOAA sea level rise grant, and a national academy of sciences grant, assisting with the University of Auburn with a Pensacola/Perdido Bay land use workshop.

The Pensacola/Perdido Bay Estuary Program will be expanding their team to include an Environmental Scientist and an Outreach Assistant.

Board members had several questions with regard to environmental and/or economic benefit of the oyster programs, some of the survey sites in Perdido Bay and Carpenters Creek with regard to pollution sources, and debris recovered in clean up efforts.

Chair Bennett indicated that there were some people present and some that were going to call in during Open Forum and asked the Board's indulgence to allow the Open Forum portion of the meeting to be moved ahead of the other items on the agenda. There was no objection

7. Public Comments – Open Forum:

Ms. Eve Herron, 1900 East LaRue Street addressed the Board regarding the harmful effects of two stroke gas powered leaf blowers used throughout the community. Commercial over use of these machines is having an adverse effect on the environment in the residential neighborhoods. There are several ways the City can work together to reduce the carbon footprint. She asked that letters be sent to the City Council concerning overuse of two stroke leaf blowers in neighborhoods, recommend the City calculate attainable carbon emission reductions of these machines and to review the science and research from other cities about these obsolete machines. She pointed out three major effects—pollution, public health issues, and noise level. She proposed three “D’s” for commercial landscaping—days, duration, and device. Days—Monday thru Friday for commercial leaf blowers; duration—30 minutes, hours from 8 – 5 and seasonal restrictions; device—65 decibels or less and a gradual shift to battery powered blowers. Educate the public and landscape companies on best landscape practices and to encourage the City to include these provisions in the noise ordinance.

Ms. Phyllis Bardin, 1409 East Gadsden Street encouraged amendment of the City's noise ordinance to address the use of leaf blowers, days and times of use for both landscape companies and homeowners. She pointed out the health problems that are associated with the use of gas leaf blowers on law care crews as well as the effects of the gas emissions on birds and pollinators.

Mr. David Anderson, 1871 East LaRue Street made brief comments about neighborhood noise. He mentioned studies made by the American Heart Association, the Harvard School of Public Health and the medical school with regard to health issues

associated with blowers. There is a clear need for policy to reduce noise exposure. One third of the fuel from a two stroke engine goes directly into the air. A professional landscape magazine recommends to never run a leaf blower before 8 a.m. or after 5 p.m. and never use a blower on Sundays or holidays.

Mr. John Herron, 1900 East LaRue Street requested the Board review the science and research from other cities about the pollution from these obsolete two-stroke gas engine leaf blowers and to write the City Council members to express concern as the Council considers the noise ordinance later this month. From an environmental and public health perspective, continued use of gas engine leaf blowers, trimmers, and similar machines is an anomaly that needs to be addressed. He mentioned several cities in Florida who have done great work in this area and he encouraged the Board to embrace their work and improve upon it and to convey their concerns to the City Council. He's reviewed the draft noise ordinance, that essentially copied Coral Gables model; however, it substantially increased hours for use of outdoor landscape equipment and it exempts the City. The two stroke gas powered engine on landscape equipment is a high polluter and particularly loud.

Chair Bennett asked for clarification and background information on this issue and what the role of the Environmental Advisory Board would be.

Council Executive stated that what Mr. Herron was referring to is that he sent him a draft copy of an amendment to the current noise ordinance that City Council will be looking at probably at their next workshop. City Council has not weighed in on this subject. It is a starting point for Council to take the steps to adjust it in any way they deem appropriate. The Environmental Advisory Board will have an opportunity to review and weigh in on the draft amendment once presented to City Council at their workshop and prior to it being adopted.

Member Richards mentioned the issue of blowing yard debris into the street, which is in violation of an existing city ordinance and the impact it has on the stormwater drains.

After further comments and discussion, Chair Bennett thanked individuals for coming down and indicated that if it is something the Board would like to add to the agenda, it would fall within the Board's authority and is something to be aware about.

4. Update: Sustainability Coordinator Mark Jackson

Sustainability Coordinator indicated he is putting together a solar feasibility study and has requested to use ARPA funds for that as well as using ARPA funds for Solar United Neighbors to have them come and do a co-op here. The Arborist position has been posted and will close on September 10th. Yesterday, they did an EV demonstration and learning event at City Hall and the Greenhouse Gas Inventory Report will be available for the second City Council meeting in September. They have had some discussions about the recommendation the EAB made regarding a Sustainability Committee. With some transition changes and new staffing coming in the administration, it is not the right time, but it is something that they will keep in mind. They are discussing appropriate times and when to do it. He handed out an application about a Native Plant grant application for the Board's information.

Further comments were made with regard to the EV demonstration, the solar canopy and charging station, the Co-op with Solar United and the feasibility study to look at City buildings to see if they have roof-top availability, can the roof handle the extra weight of the solar panels, and what electrical upgrades will need to be made. They will also look at three parking lots as well. The feasibility study will help with assessing reaching the 30% reduction goal by 2030. It will provide a good starting point and will provide a plan of action to begin budgeting for the projects to accomplish the reduction goal.

If the Council approves the use of ARPA funds for the Co-op with Solar United, he will work with them to come here, probably after the first of the year. One of the things still to be worked out is whether to work with Escambia County or would it just be for the City. They could do a remote presentation. Their website does have a lot of information.

5. Discussion Items:

- a) Comprehensive Review of the Tree Ordinance
Jonathan Bilby, Inspections Services Director
Bill Kimball, Parks Superintendent, Parks and Recreation

Council Executive indicated that unfortunately, Mr. Bilby was unable to attend the meeting, however Bill Kimball, Parks Superintendent, Parks and Recreation is available.

Bill Kimball, Parks Superintendent, stated that he handles the tree permit process for already developed, residential and commercial property. Not much changed in the revised tree ordinance with what he deals with. One of the things that changed was the size of the trees that make a tree become heritage. If someone wants to take down a

diseased or hazardous heritage tree, Parks Department will go out and inspect the tree and issue the permit to remove the tree. An application is submitted for removal and the Parks Department goes out to inspect. The tree has to meet one of the six removable guidelines. They first check the species of tree and size of tree to see if it requires a permit and if it does, it has to meet one of the six removable guidelines. Ninety-five percent of what they deal with is residential property, someone wants to take a single tree down in their yard. They are exempt from posting a sign.

Member Kozmon inquired if there was an inspection 100% of the time.

Bill Kimball said they visually inspect all permits that come into his office 100% of the time. Sometimes it is a drive by, if the tree is visually dead. Sometimes they do have to measure and sometimes, the tree is located in the back yard and the homeowner is not available but they do a visual inspection.

He does receive messages from people concerned about someone taking a tree down. The first thing they do is check to see if they have a permit for that address. If they don't, then they send someone out and 95% of the time the tree is undersized or not a protected species so they are taking a tree down without having to have a required permit. If it is not one of the 27 protected species, a property owner can take that tree down without a required permit needed. A water oak is not one of the 27 protected species. Laurel Oak is a protected tree.

The property owner is responsible for obtaining the permit and any liabilities of fines. A lot of times, some of the larger tree removal companies will inform the property owner of this requirement.

Member Kozmon asked how the arborist will be part of the permitting and enforcement process.

Sustainability Coordinator indicated the intent would be that the arborist would be part of this process of where or when and in conjunction with Parks and Recreation. Initially, it would be a hand in hand effort and in some point in time a team effort.

Chair Bennett did a word search of the tree ordinance and designated arborist is mentioned 31 times, or appropriate city staff. There are requirements stated in the ordinance of what the arborist is required to do. So as the Board looks at proposed revisions to the ordinance, may need to look at what makes sense for who is doing what. There has to be some kind of balance.

Sustainability Coordinator also pointed out the plan review process and the amount of time that is needed to review plans for approval and the time restrictions placed by the State on issuing building permits. Hopefully, the Inspections Services Director will be able to attend the next meeting to answer any questions.

Council Executive asked Bill to forward any concerns with the process not working or are troublesome to him so that he can inform the EAB so that the document created is logistically and functionally efficient.

Christian Wagley asked how often a permit has to be denied and how often they have to do enforcement on a tree that was removed.

Bill Kimball answered that there were several permits that were denied and several that were turned over for enforcement of tree removal. For the most part, tree companies apply for the permit for the property owner and are aware of the requirements. However, there are instances where trees were cut down without a permit being issued. If it is a heritage tree, even if it is a dead heritage tree, a \$75 permit fee is required. There is no mitigation fee for a dead heritage tree. They can avoid the \$75 permit with a certified letter from an arborist or landscape architect. However, most of the tree companies obtain the permit. It is actually listed as an "inspection fee".

b) RePlant Species -- Member Blase Butts

Member Butts was unable to attend the meeting. This information will be added to the agenda for discussion next month.

c) Review of Power Point Presentation made by Assistant City Attorney Heather Lindsay—Member Kyle Kopytchak (previously distributed)

Council Executive stated that this was written in response to a specific question or a specific action that was being taken possibly in response to a lawsuit the City was involved in regarding a tree at the time. He expressed caution in using something that was written for a specific purpose as this is how it covers everything.

d) Determine Process

Chair Bennett asked how the Board wanted to proceed with the process of reviewing the tree ordinance. Member Massey suggested having individual board members red-line the document for discussion purposes. Member Kozmon asked if the Minutes of the Environmental Advisory Board

City had a project manager that could possibly help the Board develop a process for undertaking the task.

Council Executive indicated the City Project Manager is now the Interim Public Works Director and will soon be the Assistant City Administrator. The existing tree ordinance document is the framework. The process of having individual members red-line and bring in for discussion has not been overly successful. Staff and the public need to be included as part of the process. This is a time consuming process. There are certain parts that the Board will not have a problem with. For each meeting, the Board could identify one or two sections to discuss and the Board comes into the meeting prepared for the discussion process. He hoped that the Environmental Advisory Board would work through the document, with staff and the public and prepare something that would then be sent to the City Council for their referral to the Planning Board.

Member Richards suggested there may be a better format for the tree ordinance. He looked at the City of Gainesville. To him, simpler is better. The tree ordinance is thick and so detailed that it is easy to become confusing. He has also heard other comments that Fairhope also has a good one.

Member Fox liked the idea of identifying sections to review. Orlando is also pretty progressive in their efforts.

Christian Wagley suggested looking at various cities that are celebrated for their trees, like Savannah, with their tree canopy and the city's investment in trees. There are three things that are the crux of the tree ordinance. The definition of a protected tree, that involves the species, the size. The standards which you allow a protected tree to be cut with a permit. Does that list need to be expanded or retracted or adjusted in some way. Mitigation—which is mainly commercial. What does the City require to be planted back either on site or in lieu of, pay fees to the City to plant trees. In those three issues, the Board needs to come up with what are the problem areas, what needs to be improved.

Chair Bennett liked the suggestion of identifying sections and with the expertise of the individual board members, productive discussion could take place, similar to the process that took place with identifying the Board's priorities. The map of the zoning districts was provided to the Board, since there was a reference to the various zoning districts in the ordinance. She suggested reviewing sections 1 – 4 for discussion at the next meeting and reading the entire ordinance in context.

6. Board Member Comments/Updates, Reports and Announcements

a) Signage—12th Avenue Tree Tunnel—Member Kyle Kopytchak

Council Executive provided an update on the signage for the 12th Avenue Tree Tunnel. It is being done. They will be putting signs at the front of the tree tunnel and the end of the tree tunnel.

b) Single Use Products on Public Property—Member Blase Butts

Information from Member Butts was included in the agenda packet. This item was not discussed, since Member Butts was absent.

Member Fox inquired about where the Board was on their other priorities and in particular, mentioned the IPMA Plan as it relates to all city properties, not just athletic fields and includes properties that they sub out to other contractors to manage.

Further discussion occurred on the priorities and Chair Bennett indicated she would ask the Council Executive to send out the list of priorities so the Board could focus on that.

Member Kozmon mentioned with the resurgence of COVID, is it reasonable to undertake a discussion on the meeting schedule and alterations to it. Does the Board want to continue meeting monthly, or every other month or quarterly?

Council Executive indicated that they have to have a physical quorum in attendance at the meeting. Previously remote participation was allowed because the Governor had an executive order to allow it. That has expired. The Board can discuss items, they just can't vote on anything without a quorum being present. Social distancing of the board can take place with additional tables. Remote participation can be arranged, as long as there is a quorum present at the meeting. Remote participation is allowed basically, if you have COVID, are quarantined, or have a fear of it because of your family situation. It can't be used for convenience.

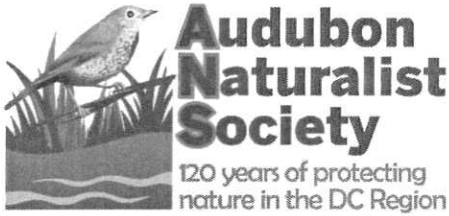
Chair Bennett made further comments about the Oar Event at Bayview Park on October 23 from 10 a.m. to 2 p.m.

7. Public Comments—Open Forum

There were no other public comments.

8. Adjourn

There being no further business to come before the Board, the meeting was adjourned at 4:17 p.m.



June 28, 2018

Testimony to the Washington, DC Council on Bill 22-234, the “Leaf Blower Regulation Amendment Act of 2017”

Submitted by Eliza Cava (Audubon Naturalist Society Director of Conservation), Janet Bogue (ANS Member & Volunteer), and David Cottingham (ANS Member & Volunteer).

Presented at July 2nd hearing by David Cottingham.

Thank you for the opportunity to submit testimony to the Council on Bill 22-234, the “Leaf Blower Regulation Amendment Act of 2017.” The Act would ban the sale or use of gasoline-powered leaf blowers in the District of Columbia beginning in 2022.

On behalf of our over 10,000 members and supporters in the greater Washington, D.C. region, the Audubon Naturalist Society (ANS) hereby submits testimony on the aforementioned bill. ANS commits itself to inspiring residents of the greater Washington, D.C. region to appreciate, understand, and protect their natural environment through outdoor experiences, education and advocacy. The history of our organization is grounded in the Audubon movement of the late 1800s, and many of our members are dedicated birders and naturalists. Because of this commitment, **our staff and supporters support Bill 22-234 for the reasons described below.**

Washington’s parks, gardens and rivers host 340 species of birds. From Mister President and The First Lady, the iconic bald eagle pair nesting at the National Arboretum, to DC’s official bird, the Wood Thrush, singing on summer nights in Rock Creek Park, Washington’s birds are gifts to our eyes and ears. They are also essential to healthy ecosystems, not least as pollinators and dispersers of plant seeds and a check-and-balance on insect populations, including pest species.

Birds vocalize to warn of danger, recognize their own species, defend their territories, find mates, stay in contact with their young, and find their way during migration. Birds also need to hear predators coming, and some birds, such as owls, use sound to find prey. This dependence on sound makes birds especially vulnerable to acoustic impacts. Recent peer-reviewed scientific studies have shown that where there is loud, human-caused noise, many bird species suffer. Struggling to hear and be heard, they are less protected from predators and less able to find mates. Their stress hormones are elevated, with poor consequences for their health and reproductive success. Research has found that many species of birds have tried to change their voices to be heard above the roar of human activities -- or simply have abandoned noisy environments.

Woodend Sanctuary | 8940 Jones Mill Road, Chevy Chase, Maryland 20815 | 301-652-9188

Rust Sanctuary | 802 Childrens Center Road, Leesburg, Virginia 20175 | 703-669-0000

anshome.org

Scientists have documented declines in bird numbers, bird diversity and bird nesting success in environments with elevated, non-natural noises.¹

When we drive out and drown out birds, we suffer, too. It would be hard to imagine a hearing at which residents complained about too much birdsong. In fact, some schools in Britain use recorded birdsong to enhance students' concentration, while a children's hospital in Liverpool uses birdsong – what the poet Shelley called "a rain of melody"² – to reduce stress for their young patients.³ If we reduce unnecessary noises like those of gas-powered leaf blowers, birds and people will share the benefits.

The National Park Service, a critical District landowner and stakeholder, provides the following information on the impacts of noise on other non-bird wildlife on their website at

https://www.nps.gov/subjects/sound/effects_wildlife.htm:

Research shows that males of at least one frog species are adapting to traffic noise by calling at a higher pitch.⁴ This could be problematic for the females, because they prefer lower-pitched calls, which indicate larger and more experienced males. Human-caused noise has produced similar results in multiple bird species.⁵

In general, a growing number of studies indicate that animals, like humans, are stressed by noisy environments.⁶ The endangered Sonoran pronghorn avoids noisy areas frequented by military jets; female frogs exposed to traffic noise have more difficulty locating the male's signal; gleaning bats avoid hunting in areas with road noise.⁷

For these reasons, Audubon Naturalist Society supports the passage of Bill 22-234 and urges the Council to also support this legislation.

Sincerely,



Eliza Cava
Director of Conservation
Audubon Naturalist Society



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¹ Catherine P. Ortega, "Effects of Noise Pollution on Birds: A Brief Review of Our Knowledge," Ornithological Monographs No. 74, The American Ornithologists' Union, 2012; and Nathan J. Kleist et al., "Chronic Anthropogenic Noise Disrupts Glucocorticoid Signaling and Has Multiple Effects on Fitness in an Avian Community," Proceedings of the National Academy of Sciences, 2017.

² Percy Bysshe Shelley, "To a Skylark"

³ Marc Henshall, "Can Birdsong Really Help You Relax and Concentrate?" soundmattersblog.com, 2016; and Stephen Moss, "Birdsong: The Cure for All Ills?" The Guardian, August 24, 2010.

⁴ Parris, K. M., M. Velik-Lord, and J. M. A. North. 2009. Frogs call at a higher pitch in traffic noise. *Ecology and Society* 14(1): 25. [online] URL: <http://www.ecologyandsociety.org/vol14/iss1/art25/>

⁵ Barber, J. R., Crooks, K. R., & Fristrup, K. M. (2010). The costs of chronic noise exposure for terrestrial organisms. *Trends in ecology & evolution*, 25(3), 180-189.

⁶ Shannon, Graeme, et al. "A synthesis of two decades of research documenting the effects of noise on wildlife." *Biological Reviews* 91.4 (2016): 982-1005.

⁷ Id at 5.

LANDSCAPING

Clean & Quiet

Spring is in the air...and we are grateful commercial landscapers keep our neighborhoods beautiful, but remember great neighborhoods are quiet too. Please follow 'best practices' for commercial use of gas powered leaf blowers and other two-stroke machines. Doing this minimizes environmental impacts and protects worker and public health.

- Follow professional guidelines for commercial use: operate leaf blowers only at reasonable times. Avoid commercial leaf blower use on weekends.
- Respect the community: avoid using more than one blower at a time in residential areas, and limit blowing to thirty minutes. Realize some residents may work from home, raise children at home, or want to enjoy the peace and quiet of their home.
- Minimize noise: always run a leaf blower at the lowest possible throttle speed for the task and minimum amount of time.
- Be careful: stay alert when people or pets, especially children and older adults. Dust and pollutants from blowers cause harm.
- Think twice: Sweep and rake where possible.
- Personal safety matters: ensure workers wear approved hearing protection. Leaf blower noise is rated fifty feet away, but noise energy inside fifty feet is much higher.
- Battery Powered leaf blowers get results: technology has improved and they're much quieter.

Get charged up!

We can all work together to make our neighborhoods a better place to live.

We appreciate your work, the jobs you provide, and the contributions to the aesthetics of our neighborhoods. We hope you take the time to read these best practices and implement them into your business practices.

Thank you

Quiet Pensacola

To learn more, visit www.quietpcola.com

Best practices obtained from the Stihl BR 900 Instruction Manual, Echo PB-9010 Operator's Manual, RedMax EBZ8500 Owner's / Operator's Manual and the Stihl Guide to Safe and More Courteous Use.

