



# City of Pensacola

## Environmental Advisory Board

### MINUTES

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Thursday, December 2, 2021, 2:00 PM

Hagler/Mason Conference Room,  
2nd Floor

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**Members Present:** Kristin Bennett, Chair, Kelly Hagen, Vice Chair, Neil Richards, Katie Fox, Blase Butts, Jay Massey, Alex Kozmon

**Members Absent:** Kyle Kopytchak, Michael Lynch

**Others Present:** Don Kraher, Council Executive, Sonja Gaines, Council Assistant, Mark Jackson, Sustainability Coordinator, 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.

### APPROVAL OF MINUTES

1. [21-01071](#) APPROVAL OF MINUTES - NOVEMBER 4, 2021,  
ENVIRONMENTAL ADVISORY BOARD MEETING

**Recommendation:** That the EAB approve the minutes from the November 4, 2021, EAB meeting.

**Sponsors:** Kristin Bennett

**Attachments:** [EAB Minutes 11.04.2021](#)

**Member Richards moved for approval of the minutes of the November 4, 2021 meeting. Member Butts seconded the motion and it carried 7 – 0, with two members absent.**

### PRESENTATIONS

2. [21-01068](#) PRESENTATION FROM SOLAR UNITED NEIGHBORS

**Recommendation:** That the Environmental Advisory Board receive a presentation from Solar United Neighbors.

**Sponsors:** Kristin Bennett

Julia Herbst, Gulf Coast Program Coordinator with Solar United Neighbors a 501(c)3 non profit agency, made a power point presentation (on file) to the Board on their agency and the services they provide, on solar technology and solar co-op models.

Member Richards inquired about the net metering town hall meeting Solar United Neighbors will be holding and the effects of the continuous attacks by public utilities against net metering.

Ms. Herbst indicated that people did need to register for the webinar and they could go to the events page on Solar United Neighbors of Florida. Legislation has been introduced that would eliminate net metering, it is really changing the statute around net metering which is a policy to get fair credit for solar that you produce and share with the grid. Investor owned utilities are a one to one net metering system right now. Solar United Neighbors is doing everything they can to educate and rally around that policy. Solar owners who have already gone solar will be grandfathered in. If the policy goes through, you will not be able to install and get fair credit for your clean solar power generation.

Further discussion occurred on Senate Bill 1024 and House Bill 724 that were just introduced and are in committees now.

Solar United Neighbors does not recommend any one particular solar company. They basically provide education and support to neighborhood co-ops throughout the process, to insure a good value on installation, competitive pricing on quality equipment and warranties.

## **SUSTAINABILITY COORDINATOR COMMUNICATIONS**

Sustainability Coordinator Mark Jackson had nothing to report.

## **ACTION ITEMS**

## **DISCUSSION ITEMS**

Chair Bennett indicated that there were a couple of Board Members who needed to leave early and with no objection, asked that the Board consider the Integrated Pest Management item first. Item #4 was considered first, followed by consideration of Item #3 on the agenda.

3. [21-00949](#) SINGLE USE PRODUCTS ON PUBLIC PROPERTY

**Attachments:** [Reduction-Removal of styrofoam, plastic bottles & Non-environmenta](#)  
[Single-Use Products Policy briefing sheet FINAL](#)  
[Single-use products policy FINAL](#)  
[Green Works Foam Bags Straws](#)  
[Plastic Products Ban in Other Cities](#)  
[Webstaurant price comparison](#)  
[Single Use Info](#)

Member Butts stated that so far this year, Ocean Hour has collected over 36,000 pounds of litter from parks and beaches. The City did stop the purchase and use of Styrofoam products used in City Hall and installed water bottle filling stations. It is time to expand this program to all city offices and buildings as well. **He made a motion that City Council direct all departments to stop purchasing Styrofoam products, including drink containers and to use alternative paper based products.**

**Member Richards seconded the motion.**

Council Executive cautioned that the Board in their motion should not have city council “direct”, that it should be something like to encourage City Council extend to other city facilities. That way City Council is not directing someone they don’t have the authority to direct.

Member Richards stated they could make a recommendation to the Mayor, since this seems like a simple purchasing decision at the Mayor/staff’s level.

Further discussion occurred on the process of taking action on discussion items and moving items forward to the Council. There was consensus for the Council Executive to move the Board’s approved motions forward to City Council without having to come back to the Board.

Chair Bennett restated the motion, **that City Council be encouraged to extend the policy (number to be provided) to all city departments and facilities to stop purchasing Styrofoam products, including drink containers and to use alternative paper based products. The motion passed 7 – 0, with two members absent.**

4. [21-00976](#) INTEGRATED PEST MANAGEMENT (IPM) PROGRAM

*Attachments:*        [City's IPM Plan](#)  
                              [IPM Plan For Athletic Fields\\_KF](#)  
                              [Kozman Comments\\_COP IPM Plan](#)

Member Fox updated the Board on the status of the IPM plan, which dealt with athletic fields only and indicated the possibility of looking into integrating the plan into other areas, such as other city parks. Can these practices be implemented city-wide?

Member Richards indicated that the Board initially was limited to athletic fields. But then discussion occurred with regard to use at city parks and by contractors who maintain parks as well as public works with regard to maintenance of stormwater ponds. Any chemicals used by the City of Pensacola at these sources should be covered by the IPM.

Member Kozmon indicated that the next step was to receive a presentation from Public Works on their protocols. The presentation the Board received from Parks and Recreation on the athletic fields was an integrated spraying plan with respect to field use and not an integrated pest management plan. They were very clear that they rely on spraying as the primary intervention. What the Board doesn't know is where they are in either evaluating or accepting the comments that were submitted to the plan.

Member Fox indicated that her comments were suggestions, not telling them what to do. She was not sure if her comments were related specifically to athletic fields or if they were city wide. She volunteered to take this on as an action item.

Sustainability Coordinator informed the Board that he could ask Parks and Recreation and Public Works to come to the next meeting if the Board wants to take some action to have them come to the following meeting for further discussion. He has shared the information with both departments and hasn't heard anything negative. Staff wants to do everything possible to make a safe environment for the recreational community and the community in general. From what he understands, he doesn't think Public Works uses any type of pest management on any of the facilities they maintain. The way you manage the pests in stormwater ponds is by having the fountains. That eliminates standing water. There are other things, like birds and plants that work to keep the pest population at bay.

Member Butts also suggested that all city neighborhood parks that have playground equipment and are used year round should also be included in the review.

Member Kozmon stated with regard to Public Works, if they are spraying herbicides along the curbs and sidewalks, that would technically fall under the IPM as well. If we are talking about bird and fish populations at Bill Gregory Park, Corrine Jones Park and Maritime

Park, if we capture all the information and build into these IPM recommendations, the maintenance and ecologies of those habitats, that is purely what integrated pest management is. That is what we should be striving for. Athletic fields are completely different. Where we can integrate what nature is doing for us, is what integrated pest management is.

Member Massey inquired as to whether pest referred to flora or fauna.

Member Kozmon stated that when you look at any of the integrated pest management information, whether it is the Extension Service, EPA, CDC, it's multi-faceted that looks at both flora and fauna. For the Board's discussion, maybe decide on what are the protocols, because the integrated part is all the steps in evaluating the issue, deciding on what is the best way to act, and circling back to evaluating the landscape again.

Further discussion occurred on the process, where to go from here and who would reach out to Parks and Recreation and Public Works to find out what is being done already, with chemicals being used on city parks and other city properties.

Council Executive indicated the Board has not taken any action to approve anything being sent for consideration.

Member Fox indicated that on a personal level, she did forward to Parks and Recreation. She wanted to regroup and review what is currently before the Board, talk to Parks and Recreation and Public Works and then come back to the Board for discussion in January.

Council Executive reminded that the Board that anything to do with athletic fields, neighborhood parks, and other parks is handled by Parks and Recreation or their sub contractors. The reason it was restricted to athletic fields at the time is because that was the ask of City Council. It was a very narrow question. The Board could explore other pest management practices and policies within the City; however that would be more of an operational function and should probably be addressed to the Mayor or the Assistant City Administrator who is over that area. If the Board wants to put it in an ordinance form, then that should be addressed to the City Council. The city is getting new people in new positions that are bringing in some new ideas and processes. Now is a good time to come forward with ideas.

5. [21-00966](#) REVIEW OF SECTION 12-6-1 TO 12-6-6 OF THE TREE AND LANDSCAPE ORDINANCE

Chair Bennett opened discussion on the review of the Tree Ordinance. She suggested starting at section 12-6-1, with any comments. There has been conflicting direction on how to approach this and is open for suggestions on how to proceed. Talked about red-line, not red-line. She provided several comments and questions, as well as Member Kozmon's red-lined changes.

Chair Bennett reviewed the purpose, to establish protective regulations for trees and landscaped areas within the city and asked if members were comfortable with the purpose and intent as indicated in the introductory paragraph. What does protection mean? Member Kozmon proposed a change that the intent is to provide for the preservation of existing trees, providing for the future of our citizens and ecology through maintaining vital native and non-native species that will preserve the local ecological systems and reproduce for future generations. He added some additional language, maintaining a balance between ecological preservation, economic development, and property rights will insure maximum protection for existing trees and plan for the purposeful planting and reforestation of the City's urban tree canopy. Properly maintained trees, greenbelts and forested areas as well as commercial and residential landscapes preserve the ecological balance of the environment, including providing for erosion control, sedimentation, and stormwater runoff prevention, providing shade and reducing heat and glare and reducing energy costs, abate noise pollution and buffer incompatible land uses. It really gets into the purpose of the preservation.

Member Kozmon stated that it was in essence what was already there, just rearranged a little bit, with some supporting words that helped clarify the original intent.

Member Hagen indicated there were a couple of things that should be considered in the purpose. Enforcement methods should be specified, flexibility should be designed into the ordinance, these are things that were listed in planning for an ordinance. Responsibility for enforcement should be designated and authority granted. There are a few things missing from the purpose.

Sustainability Coordinator advised that the City has been interviewing Arborist candidates and hopefully, one will be selected soon. He asked for clarification on the words preservation, protection and conservation. Those words can all carry different weight and he wanted to make sure they were clear on the intent and purpose. To preserve is to preserve for as long as possible for ever and ever. To conserve is to maintain what can be, but still use some of the natural resources as needed. Protect is just protecting what is there. Protect to a certain level, which is currently what the City has, heritage and protected species. He asked for clarification and definition on what the intents were on those words, so that staff is getting the right intents across and using the right definitions and meanings.

Chair Bennett indicated that the definitions were a great suggestion for clarification. On the preservation, need to be careful with not conflicting with the State Statute 163.045.

Member Kozmon stated there should be a section that speaks to the enforcement authority and the empowerment of that and then tie into the scope of penalties. That may be in there later on in the ordinance. It may be worth spelling out and incorporating in a new section.

Sustainability Coordinator indicated that enforcement was included in the policy as well as the land development code. as well. It is not in the purpose section. It is in Chapter 12.

Member Hagen felt that in an effective tree ordinance, enforcement is a major component and should be included in the purpose, to set out enforcement strategies. To her, enforcement means spelling out very clearly in the ordinance the process for which enforcement will be executed. The amount of time when the permit was applied for and when it

can be granted, the signage that's to be posted. There weren't any enforcements on how long the sign had to go up. That has been changed. It is now two weeks from the time the signage goes up that the permit can be granted. That was a change in how that regulation would be enforced. Also need to build in flexibility.

Member Kozmon inquired as to whether in the Code there was a provision or standardization as to how investigations and enforcement are conducted.

Sustainability Coordinator indicated there are rules that Code Enforcement is governed by, and some of those are state statutory rules as well as local rules and procedures, time notifications for code violations and some relate to the trees as well as what the Inspection Services Director does with enforcement of trees. It is a shared role depending on what the violation is and the stage that it is at.

Member Fox stated that she did not feel enforcement belongs in the purpose. The purpose should describe why the chapter is here. The A and the B need to be reworked slightly. There is the purpose statement and then the intent: A should be to provide for the preservation; B should follow the same action to maintain, and then C would be to maintain again.

Member Kozmon pointed out that this was referred to the Board as a review and not a complete re-write. Need to identify what needs to be clarified and what needs to be bolstered up. Our review may not even hold up by the time it gets to planning, the Council and wherever else it has to go. Need to review it and make sure it is stronger than when it was referred to the Board.

Member Hagen indicated that the actual re-writing of the ordinance needs to come from the staff. The Board could make some suggestions for consideration, the technical writing needs to be left to the City staff. The Board needs to come at it in the broader picture of where it is lacking. She encouraged Board Members to review the guidelines for developing and evaluating tree ordinances. The Board needs to determine what it wants to change in a broad sense and leave the details to staff, and then come back to the Board for review.

Sustainability Coordinator suggested it would be helpful to get the intent of what the Board would like to have the ordinance say, staff could then put something together.

Chair Bennett agreed that putting forward the ideas and concepts of what the Board would like to see is where the time would be better spent.

Member Hagen suggested having someone from the development side, an academic person, and someone from the preservation side review and give the Board their view points on weaknesses or things that were not clear and what may or may not be problematic. The Board needs to take a broader look at it.

Further discussion occurred on how the Board should proceed with the review process.

Chair Bennett indicated that the Board would still focus on Sections 1 – 6 for next month, with members bringing back concepts and ideas.

Member Richards indicated it would be beneficial to recognize where the important trees are located within the City. This ordinance should be a model for the City. Need to be proactive to recognize the bigger trees of a particular native species and have an annual educational presentation of what those trees are actually doing to take carbon out of the air. Also look at increasing the stormwater fee and putting it in a budget item to take care of the trees. And, then talking about mitigation. There are still benchmark, model ordinances out there that staff can help the Board with.

Member Hagen brought up what is the future of the power lines, are they going to go underground and what effects that will have on the tree canopy and also the setbacks that are currently allowed in the CRA. They are only 3 feet. That is problematic and is something that needs to be addressed.

Further discussion occurred regarding placement of underground utilities and the various effects that could potentially occur to damage trees planted in the right-of way. The basis for placing power lines underground is for mitigating line damage, with trees falling on power lines. Undergrounding is going to happen and there will be losses one way or the other.

6. [21-00975](#) TREE ORDINANCES AFTER SECTION 163.045; CONTROVERSIES AND STRATEGIES - POWERPOINT

*Attachments:* [Lindsay Tree Ordinances PPT - corrected](#)

There was no discussion of this item.

## **BOARD MEMBER COMMENTS:**

Member Richards mentioned the Solar United Neighbors Net Metering program taking place on Monday, December 9 and also the Tuesday night Legislative Delegation Public Meeting.

Member Massey announced the Gonzalez Street Share-Way taking place on Saturday, from 10 – 4. Starting at Bayview Park and going through to Pace Boulevard, with several events taking place at Bayview Park, Cordova Square and Alabama Square.

## **PUBLIC COMMENT**

There were no public comments.

## **ADJOURNMENT**

There being no further comments to come before the Board, the meeting was adjourned at 4:20 p.m.