



# City of Pensacola

## Environmental Advisory Board

### Minutes

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Thursday, June 2, 2022, 2:00 PM

Hagler/Mason Conference Room,  
2nd Floor, City Hall.

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

**Members Absent:** Katie Fox, Drew Dittmar

**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. [22-00427](#) APPROVAL OF ENVIRONMENTAL ADVISORY BOARD MEETING MINUTES OF MAY 5, 2022.

**Recommendation:** That the Environmental Advisory Board approve the meeting minutes from the May 5, 2022 EAB meeting.

**Sponsors:** Kristin Bennett

**Attachments:** [EAB Minutes 05.05.2022](#)

**Member Kopytchak moved for approval of the May 5, 2022 minutes, seconded by Member Dineen. The motion carried 7 – 0 with two members absent.**

#### PRESENTATIONS:

There were no presentations.

#### SUSTAINABILITY COORDINATOR COMMUNICATIONS:

Sustainability Coordinator provided updates on the Carpenter Creek Watershed Management Plan, Scape is going to do some concept designs on three areas, they had some public meetings in May. Transportation wise, the City Council approved the consultant to work on an active transportation plan for bike paths and all forms of mobility around Pensacola. The City is conducting a transportation safety study for Langley Avenue. The Florida Alabama TPO has their annual priority projects out and may be of interest. Some of the projects are walking trails, corridor improvements and road diets. The City was awarded a brownfield assessment grant from EPA to do 10 Phase I and 3 Phase II Brownfield assessments. Bruce Beach project is moving forward. The Audubon Society will be putting out some signs talking about history and plants. The Garden Street Plan is ongoing, planting trees etc. and a grant was just recently awarded to continue that project from "A" Street to "C" Street.

Vice Chair Hagen asked if it would be possible to get a presentation from Cynthia Cannon on the continuation of the sea level rise vulnerability assessment project.

Sustainability Coordinator stated that the second phase would add in rainfall and storm surge. As part of the grant, there will definitely be public engagement and participation. The first phase is published on the City's website, with an interactive map.

Member Richards requested an update on the rooftop solar co-op and also on the trees being planted if it affects the tree trust fund, and to get a monthly balance of the tree trust fund.

Sustainability Coordinator indicated that the 300 trees that were being planted from damage caused by Hurricane Sally were approved by Council from the tree trust fund. Any trees planted within construction projects are part of the construction project. FEMA money does not cover replacement of trees.

For the Solar United Neighborhood Co-op, there were 137 applicants. As of Tuesday, 269.78 kilowatts dc was slated to be installed. Applications to the co-op closed in April. No one new can come in.

Member Richards also inquired about the ongoing source of pollution at Bruce Beach and who is responsible for watering the trees that the Audubon Society planted at Bruce Beach.

Sustainability Coordinator was not aware of any watering contract or MOU for the trees planted by the Audubon Society. Those trees will not be impacted by any of the park's improvements. With regard to the pollution tracking, that project is still being worked on. He is not aware of any other contaminants being tested for at Bruce Beach.

Chair Bennett indicated that there was a discussion item included on the agenda relating to the ongoing water quality at Bruce Beach.

Member Hagen expressed concern over industrial pollutants, such as dioxin, in light of the superfund site being less than a mile down the road and the fuel tank farm next to the site. She was surprised that there was not other testing being done at the site besides bacteria testing. She felt that the City had a responsibility to insure that the water is safe before they make it a big attraction.

Sustainability Coordinator stated that it would be essentially testing state waters. It would fall under the Florida Department of Environmental Protection.

Council Executive distributed the latest tree planting trust fund report. The unassigned balance at the end of the second quarter is \$290,370. Assigned funds include \$130,000 for Marketplace Greenway, \$150,000 tree replacement at various parks, \$49,424 for City Council, in their respective districts, and \$3,575 for a neighborhood grant.

Discussion occurred on the mitigation fine fee for property located at 1203 East Hayes Street and how it was collected. The process used is important as the Board moves forward with the review of the tree ordinance and mitigation or appellate process.

Sustainability Coordinator pointed out that the Arborist does not have citation authority. That would be the building official and/or code enforcement. There is a process that is pretty well spelled out in their own authorities and codes that give them the rights to write the citations and issue the fines.

Chair Bennett mentioned the recently adopted legislation clarifying the intent of previous legislation that allows for removal of trees and the documentation that is necessary as part of that state statute. It was Senate Bill 518. It defined specifically what residential property meant.

Member Kopytchak commented on the Spring Street Tree appeal. The Spring Street lot is a very small, non-conforming lot. It is half the size of what North Hill would allow you to develop. You have to get what is call a lot of record, which gives different set backs in the rear and on the sides. Specifically in the rear, from 25 feet to 5 feet. The owners had a letter from an arborist and per that statute, you don't have to do anything else. The City filed an injunction and they won. The owners appealed the decision in the appellate court and lost by a three judge panel. The City went back and requested an in-bank hearing for certification to the Supreme Court, which is where it is now. Their letter said that the tree could harm the property or a person. If there is no damage to the tree, the land development code has a mitigation plan. If the tree is perfectly healthy, there is a mitigation plan in place, go through the process, pay the money, and cut it down.

Chair Bennett read the language provided in Senate Bill 518 pertaining to what a local government can do on residential property. There is also a specific definition for documentation.

Further discussion occurred on hiring arborists and their criteria and ethical standards. State statutes trump city ordinances. The State is pre-empting local governments from enforcing their own ordinances. The mitigation process is contained in the ordinance. There are differences in mitigation fees for existing owner occupied residential property and new construction residential property.

Member Kopytchak indicated that in light of this discussion, item 21-00975, could be removed for consideration of further discussion.

## **ACTION ITEMS:**

2. [22-00637](#) INTEGRATED PEST MANAGEMENT PLAN (IPM) - REVIEW AND RECOMMENDATION
- Recommendation:** That the Environmental Advisory Board (EAB) review, holistically, the city's current IPM and make recommendations regarding the development of an IPM suitable for use citywide, to include indoor applications. Further that any recommendations be sent to City Council within 60-days from the date of EAB's June Meeting.
- Sponsors:** Kristin Bennett
- Attachments:** [Referral to EAB- IPM Plan- Myers- Memo.docx \(001\)](#)  
[City's IPM Plan](#)  
[IPM Plan For Athletic Fields\\_KF](#)

Chair Bennett indicated that this is different than previous discussion on the Integrated Pest Management Plan which the EAB had worked on for quite some time. The IPM plan applied to the athletic fields and the Board was reviewing whether it could be applied to the stormwater ponds and other city maintained properties. This specific referral, with a 60-day time limit, is to look at the current IPM plan for use city wide, to look at indoor applications as well as to have some type of referral back to the City Council. This is much broader than where the EAB was two years ago.

Member Richards stated that at the time it was referred to the Environmental Advisory Board, the City did not have an IPM plan. The plan was developed by Parks and Recreation before the Board could come up with one for recommendation to the City Council and they instituted it as policy by the Mayor for Parks and Recreation. It was limited to athletic fields, that fell under the purview of Parks and Recreation. Also, consideration needs to be given to what areas are under maintenance contracts and what areas are maintained by the City and what is being sprayed.

Chair Bennett suggested coming up with a starting point for what properties the Board would like to consider for the IPM plan. Is it every park, stormwater pond, etc.

Member Massey offered all public spaces that the City maintains or pays to maintain.

Council Executive clarified that the Council wants the EAB to look at and make a recommendation on whether there should be an IPM plan that covers the City, not just athletic fields but public spaces, to include city facilities. According to information previously provided to the Board, the City does not spray around stormwater ponds. He indicated that one of the things Council is concerned about is the notice. If a building is going to be treated, the public be provided adequate notice.

After further discussion, if the Board feels like they need additional time in order to provide a more comprehensive review of the plan, then the Board could request Council for more time. He also mentioned the IPM Plan from San Francisco that Council Member Myers provided as information to the Board because it also addressed indoor activity.

Member Dineen pointed out the language contained in the San Francisco plan pertaining to posting notices that was more specific than what is currently in the City's plan.

Sustainability Coordinator indicated that the scheduling of the fields, whether for activities or spraying is scheduled through Parks and Recreation. It hinders them a lot, because the fields are almost continuously used. They have to take all aspects into consideration with regard to athletic fields. With regard to public spaces and city hall, people are going to come into those places regardless of whether a sign is up or not. At that point, it is on them as long as the notification is done. It would be up to the building manager to insure there are no conflicting schedules. Perhaps the Board could give a broader brush, to say we agree that this needs to happen, give some boundaries and then staff could then take that and move forward with it, if approved by Council, and Mayor directs staff to do it. Then staff could take the boundaries and iron out all the operational standards, the costs, the contracts and all that staff would have to look at if that is the recommendation.

Member Massey stated that it boils down to notification. Then citizens can decide what they want to do.

Sustainability Coordinator suggested public spaces could be defined as publicly owned and operated spaces.

Member Dineen mentioned the IPM Plan from the City of Deton, Texas that it is a living document that evolves as organization and technology evolves. Any where they are spraying herbicides and pesticides that someone could have an adverse reaction to should have public notification and trying to be as minimally toxic as possible to both human health and ecological health. They have a three year review process and a stakeholder collective made up of representatives from gardening groups, local educators, government agencies, field experts, and engaged citizens that monitor the plan.

Consensus of the Board is to proceed with an IPM that addresses publicly city owned and operated properties and to look at notification requirements, how it is provided, whether

electronic notice on building or perimeter of the property, and when it is posted and the length of posting and ADA compliance. The Board will just be making recommendations on what should be in the plan and not actually writing the plan. Chair encouraged the Board to bring their ideas back on what should be addressed in the plan.

### **DISCUSSION ITEMS:**

3. [21-00966](#) REVIEW OF SECTION 12-6-1 TO 12-6-3 OF THE TREE AND LANDSCAPE ORDINANCE

There was no further discussion on the tree ordinance.

4. [21-00975](#) TREE ORDINANCES AFTER SECTION 163.045; CONTROVERSIES AND STRATEGIES - POWERPOINT

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

Member Kopytchak indicated this item could be removed due to previous discussion.

5. [22-00638](#) WATER TESTING AT BRUCE BEACH

*Sponsors:* Kristin Bennett

*Attachments:* [Source Tracking at Bruce Beach Presentation](#)  
[Bruce Woody Presentation re Bruce Beach](#)

There was no further discussion.

### **BOARD MEMBER COMMENTS:**

Chair Bennett passed around a notice of a sign posted about the use of pollinator plants around stormwater ponds that would eliminate the need for any type of spraying. The Board might want to make this as a suggestion with the IPM plan. Potential sights could be Bruce Beach and Marketplace Greenway. She'll possibly have something to present on it next month.

### **PUBLIC COMMENT:**

Christian Wagley commented on the involvement of state government in local government policies, the spraying sign posted with regard to mosquito spraying, and the landscaping utilized by the City doesn't require a lot of chemicals. He also mentioned the transportation system as one of the biggest sources of environmental impact and encouraged the Board to look at those opportunities to become more engaged in it and to make the city more walkable and bikeable. He mentioned the 15 Minute Cities Movement, which is either to walk, bike or transit trip and not use a car. The next slow ride is Friday, Jun 24. He attended the Public Service Commission regarding FPL and their 10 year plan, how they are going to provide

service for the next 10 years. They were asking for something unusual that happened in Texas, where there could be an extreme cold event in Florida that they don't have the capacity to meet the citizen demand and therefore they need to upgrade distribution and transmission lines and keep some plants on line and in service in case that happens. What was shown by other expert witnesses who testified was that their scenarios were pretty far out and ridiculous. They were one of the four monopoly utilities who testified who chose such a scenario. The system incentivizes them to do that. The more stuff they build, they get to pass that cost on to the consumers, plus a profit built into that. That is another fee that is tacked onto your bill for infrastructure.

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 4:08 p.m.