



# City of Pensacola

## Environmental Advisory Board

### Minutes

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Thursday, August 4, 2022, 2:00 PM

Hagler/Mason Conference Room

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

**Members Absent:** Kristin Bennett, Chair, Jay Massey, Drew Dittmar, Katie Dineen

**Others Present:** Don Kraher, Council Executive, Sonja Gaines, Council Assistant, Mark Jackson, Sustainability Coordinator, Planning staff members Leslie Statler, Gregg Harding

### CALL TO ORDER AND WELCOME:

The meeting was called to order by Vice Chair Hagen.

### ROLL CALL AND DETERMINATION OF QUORUM:

A quorum was established.

### APPROVAL OF MINUTES:

1. [22-00427](#) APPROVAL OF ENVIRONMENTAL ADVISORY BOARD MEETING MINUTES OF JULY 7, 2022.

**Recommendation:** That the Environmental Advisory Board approve the meeting minutes from the July 7, 2022

**Sponsors:** Kristin Bennett

**Attachments:** [EAB Minutes 07.07.2022](#)

**Member Kopytchak moved for approval of the July 7, 2022 minutes, seconded by Member Richards. The motion carried 5 – 0, with four members absent for the vote.**

### PRESENTATIONS:

There were no presentations.

## **SUSTAINABILITY COORDINATOR COMMUNICATIONS:**

Sustainability Coordinator provided the following updates:

On August 9, 2022 the U.S. Environmental Protection Agency (EPA) will hold a community meeting to provide an update and other information on the remediation action for the American Creosote Works (ACW) Site to be held at 6 p.m. at Sander's Beach-Corinne Jones Community Center.

The City of Pensacola received a Phase I EPA Brownfield Assessment Grant and explained the purpose of the Phase I grant.

At the Agenda Conference, scheduled for August 15, 2022, he will be making a presentation on the Solar Feasibility Study as it pertains to meeting the goal of 30% reduction by 2030.

Also, a reminder of the August 24, 2022 Climate Smart Workshop.

He introduced members of the Planning Department staff, Leslie Statler, Sr. Planner and Gregg Harding, Historic Preservation Planner, who were present to answer any questions the Board might have with regard to the review of Section 12-6-2 of the Tree and Landscape Ordinance. There were no specific questions submitted by Board members in advance of the meeting.

Vice Chair Hagen mentioned a request from Chair Bennett that the Board discuss the sign and size of the sign regarding a no spray zone around pollinator habitats, possibly placing one at the 17<sup>th</sup> Avenue/trestle habitat and other potential areas around stormwater parks where there is the potential for pollinator habitats.

Member Fox suggested the size be something like do not mow signs used on highways vs. the large sign that was featured in the email from Christian Wagley.

Sustainability Coordinator indicated that the City's stormwater ponds are maintained in a clean way, so that they look presentable and are manicured and mowed on a more frequent basis than what a pollinator garden would be. The City is currently not planting a wildflower mix, all they have are grass seeds and different types of shrubs. Public Works does not spray chemicals around stormwater ponds.

Also discussed was the possibility of posting small, educational type signs that notify the public that no chemicals are used around the pond.

This item will be brought back for further discussion at the next meeting.

### **ACTION ITEMS:**

There were no action items.

### **DISCUSSION ITEMS:**

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

Vice Chair Hagen opened discussion on Sec. 12-6-2.

Member Butts had questions about (c) exemptions and the exemption of C-2A for downtown retail commercial district and how many other jurisdictions have exemptions for health care facilities.

Sr. Planner explained that the C-2A also is discussed in subsection 12-6-6, which the Board has not reviewed yet. Also, the health care exemption for acute care hospital was included when Sacred Heart Hospital was doing their master planning for their campus and the ordinance was being tweaked at the time. They asked City Council for an exemption and that is why the very specific language is in the ordinance. The property has to be owned by an entity who is a licensed acute care hospital under F.S.ch. 395. It is very specific as to what type of facility can take that exemption.

She reviewed the process involved in making changes to the Land Development Code.

Member Fox asked if the health care exemption was eliminated, would they still have to pay into the tree planting trust fund as provided in section (c).

Sustainability Coordinator indicated that they would.

Vice Chair reviewed the suggested changes she put forward several months ago with regard to Sec. 12-6-2.

Discussion occurred on the removal of the healthcare related uses in the exemptions. She proposed eliminating the sentence beginning with: "All healthcare related uses of property owned or controlled by an entity which is licensed as an acute care hospital

under F.S. ch. 395, owned or controlled by a parent company of an entity which is licensed as an acute care hospital under F.S. ch. 395 are exempt from the provisions of this chapter, except as provided for in section 12-6-3 and subsection 12-6-6(1), (3), (5), (6) and (7). In conjunction with the development of any such healthcare related use, a payment of \$5,000.00 per acre of new developed impervious surface area shall be made to the tree planting trust fund.”

**Member Butts moved that the language beginning with “All healthcare related uses of property owned or controlled by an entity which is licensed as an acute care hospital under F.S. ch. 395, owned or controlled by a parent company of an entity which is licensed as an acute care hospital under F.S. ch. 395 are exempt from the provisions of this chapter, except as provided for in section 12-6-3 and subsection 12-6-6(1), (3), (5), (6) and (7). In conjunction with the development of any such healthcare related use, a payment of \$5,000.00 per acre of new developed impervious surface area shall be made to the tree planting trust fund.” Be removed from exceptions. Member Kopytchak seconded the motion.**

Member Fox expressed concern with eliminating the sentence concerning payment into the tree trust fund. After further clarification, she indicated she was good with the motion.

**The motion failed 4 – 1, with Member Richards dissenting and 4 members absent for the vote.**

Council Executive pointed out that the vote requires an affirmative vote by a majority of the board membership and not a majority of those present. In order for the motion to pass, it would have required 5 votes. Since the board is still reviewing the tree ordinance, the board can revisit this when they are finalizing their review, or someone from the prevailing side, could move for reconsideration.

In consideration of the hour spent on discussing this issue, **Member Richards moved for reconsideration of the vote so that he could change his vote. Member Kopytchak seconded the motion and it carried 5 – 0, with 4 members absent for the vote.**

Member Butts asked where FPL’s notice for tree pruning where the power lines are is located on the City’s website. He would like to see what their process is.

Council Executive thought that it was part of their franchise agreement where they send the plan into the city. He did not think that it was posted on the website.

Member Richards would like to be sure there is a section in the tree ordinance that addresses having FPL's plan submitted to the City. FPL is presenting their five year plan for undergrounding utilities to the Public Service Commission.

Member Kopytchak explained the previous relationship that was developed between Gulf Power and the City with regard to tree pruning, especially along the 12<sup>th</sup> Avenue tree canopy and Seville Historic District. A new relationship needs to be developed with Florida Power and Light so that they are aware of the few areas that are important and are heritage spots.

Vice Chair reviewed other suggestions she put forth. In section (5) *Other districts*, she suggested deleting "be used as guidelines" and replacing with "apply".

Member Kopytchak stated that that seems like a big switch.

Senior Planner indicated that the City no longer approves SSD's. The SSD's that are existing have either been built out or are City Council approved developments that could come up. There is a SSD that was approved by City Council, on Tarragona Street in the 90's and amended in 2006. Another common type of development would be a PUD, planned unit development and that would be similar to an SSD. SSD's are approved with very specific guidelines, intents and uses.

Historic Preservation Planner indicated that it was written to be used as guidelines because SSD's may or may not have typical requirements. You want a little flexibility in an SSD.

Sr. Planner indicated that she felt it was important to leave as written, especially since airport transition zones are involved.

Consensus of the Board was to leave (5) as written in the tree ordinance.

Vice Chair Hagen then suggested in subsection (b) *Public institutional uses and churches*, that language be added in the first sentence following uses, "including the City of Pensacola". This would insure that the City of Pensacola has to play by all the same rules.

Sr. Planner reviewed some of the listed public institutional uses, which included city buildings, parks.

Consensus of the Board was to leave section (b) as is.

Vice Chair Hagen reviewed an additional proposed change to (c) *Exemptions*, to eliminate “All single family and duplex uses are exempt from the provisions of this chapter, except as provided for in” and add at the end of the sentence “remain applicable.”

The section would then read, Sections 12-3-56 (buffer yards), subsection (d) (heritage trees), section 12-6-6(4) (new subdivisions) and section 12-6-7(5) (heritage tree removal mitigation) remain applicable.

Member Kopytchak inquired as to whether this would remove homeowner’s rights? He is not in favor of any change that would remove homeowner’s rights.

Member Hagen indicated that the sections listed give the exemptions anyway and the definition is in those sections.

Council Executive asked if by moving those two, single family and duplex uses from the exemptions, what is the unintended consequence? You are exempt from all of the provisions in chapter 12-6 except for those sections listed. If you remove that language, what all will they be subject to?

Sr. Planner stated she thought that would be a question for legal. The way it is written is general language. With the proposed revision, the property would be subject to every tree on the lot, whether it was a protected species and what size it is.

Further questions were raised with regard to mitigation fees and how they are applied, specifically to residential property for removal of protected trees and heritage trees if the language is removed.

Vice Chair Hagen requested that someone from legal be invited to the next meeting to review what this proposed change would do to homeowner’s rights and to address the exemptions.

#### **BOARD MEMBER COMMENTS:**

Member Richards inquired about the Climate Smarts Floridian Program and how many people have signed up. There is a \$20 sign up fee, it is all virtual participation with two field trips planned.

Sustainability Coordinator stated that IFES is tracking the participants. There will be a walk around downtown that Christian Wagley is doing and then there will be tour of a green certified building. It is capped at 20 people.

Member Kopytchak had several questions with regard to the Tree Trust Fund appropriations, allocations and expenditures and Council Executive explained the report.

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## **PUBLIC COMMENT:**

There were no public comments.

## **ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 4:09 p.m.