



# City of Pensacola

## Environmental Advisory Board

### Agenda

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Thursday, January 6, 2022, 2:00 PM

Hagler/Mason Conference Room,  
2nd Floor

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Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

One or more members of City Council may be in attendance. The meeting can be watched via live stream at [cityofpensacola.com/video](http://cityofpensacola.com/video).

#### CALL TO ORDER AND WELCOME

#### ROLL CALL AND DETERMINATION OF QUORUM

#### APPROVAL OF MINUTES

- [22-00022](#) APPROVAL OF MINUTES FROM DECEMBER 2, 2021, ENVIRONMENTAL ADVISORY BOARD (EAB) MEETING  
*Recommendation:* That the EAB approve the minutes from the December 2, 2021, EAB Meeting.  
*Sponsors:* Kristin Bennett  
*Attachments:* [EAB Minutes 12.02.2021](#)

#### PRESENTATIONS

#### SUSTAINABILITY COORDINATOR COMMUNICATIONS

#### ACTION ITEMS

#### DISCUSSION ITEMS

- [21-00966](#) REVIEW OF SECTION 12-6-1 TO 12-6-6 OF THE TREE AND LANDSCAPE ORDINANCE
- [21-00975](#) TREE ORDINANCES AFTER SECTION 163.045; CONTROVERSIES AND STRATEGIES - POWERPOINT  
*Attachments:* [Lindsay Tree Ordinances PPT - corrected](#)

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

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

**BOARD MEMBER COMMENTS**

**PUBLIC COMMENT**

**ADJOURNMENT**

*If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

*The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.*



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 22-00022

Environmental Advisory Board

1/6/2022

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### **ACTION ITEM**

**SPONSOR:** Kristin Bennett, Chairperson

**SUBJECT:**

APPROVAL OF MINUTES FROM DECEMBER 2, 2021, ENVIRONMENTAL ADVISORY BOARD (EAB) MEETING

**RECOMMENDATION:**

That the EAB approve the minutes from the December 2, 2021, EAB Meeting.

**SUMMARY:**

Approval of minutes

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) 12-2-21 EAB Meeting Minutes



# 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.



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 21-00966

Environmental Advisory Board

1/6/2022

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### **DISCUSSION ITEM**

**SPONSOR:** Kristin Bennett, Chair

**SUBJECT:**

REVIEW OF SECTION 12-6-1 TO 12-6-6 OF THE TREE AND LANDSCAPE ORDINANCE

**SUMMARY:**

A comprehensive review of the Tree and Landscape Ordinance was referred to the EAB. The EAB is in the process of conducting that review.

This item allows for suggested modifications to the currently existing language to be considered by the Board as a whole.

**PRIOR ACTION:**

July 15, 2021 - City Council referred to EAB a comprehensive review of the Tree and Landscape Ordinance

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1) (to be distributed)

**PRESENTATION:** No



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 21-00975

Environmental Advisory Board

1/6/2022

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### **DISCUSSION ITEM**

**SPONSOR:** Kyle Kopytchak, Board Member

**SUBJECT:**

TREE ORDINANCES AFTER SECTION 163.045; CONTROVERSIES AND STRATEGIES - POWERPOINT

**SUMMARY:**

The PowerPoint being referenced was made in response to a recently (at the time) passed statute and some of the controversies and challenges being viewed across the state.

It does have a quasi-tie in to litigation the City is currently involved in which is under appeal.

I would caution the board about speaking to an issue the City is currently involved in, until such time as that issue has reached its legal conclusion.

**PRIOR ACTION:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1) Tree Ordinances after Section 163.045; controversies and strategies

**PRESENTATION:** No



TREE ORDINANCES  
AFTER SECTION 163.045:  
CONTROVERSIES AND  
STRATEGIES

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WHAT TO DO ABOUT DANGEROUS TREES?



# Tallahassee to the Rescue:

*Saving property owners from  
arbitrary local governments*



# SECTION 163.045, Florida Statutes (2019)

(1) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property.

(2) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.

(3) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333

As George Carlin said, “rhetoric paints with a broad brush.”

- No definitions in the statute:
  - Residential*
  - Danger*
  - Documentation*
  - Tree*
- No language regarding implementing ordinances or existing definitions in local laws
- No understanding of the disruption caused by eliminating notice
- No acknowledgment of the consequences of a failure to mitigate



Has the Legislature authorized the clear-cutting of the State of Florida?

## Tree Regulations – Safer at Home

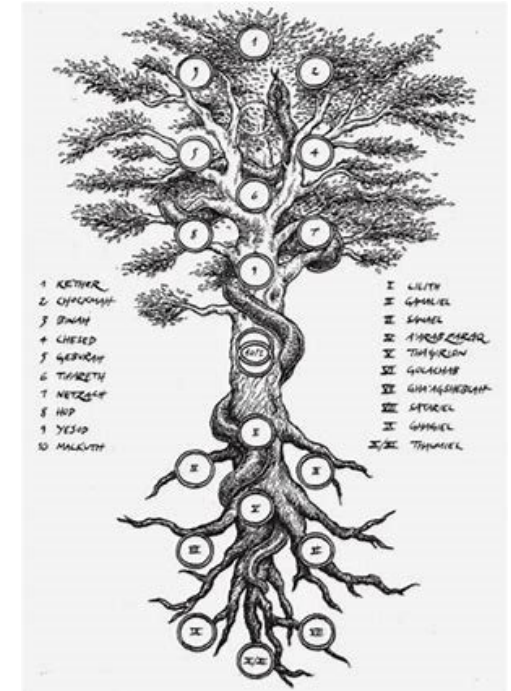
- Other than protecting mangroves, the legislation lacks specificity
- No recognition of heritage trees in spite of local standards preserving them
- No recognition of delegation of police power to private parties
- Legislation punishes local governments and their residents by treating every local government as if it has been arbitrary and abusive, but legitimate concerns were isolated
- Local issues are best resolved locally – one size does not fit all



What's so special about trees?

# Benefits of Trees

- Air quality
- Storm protection
- Stormwater storage and treatment
- Soil stabilization and strengthening
- Protection from heat, energy savings
- Beautification, privacy, enhanced property value

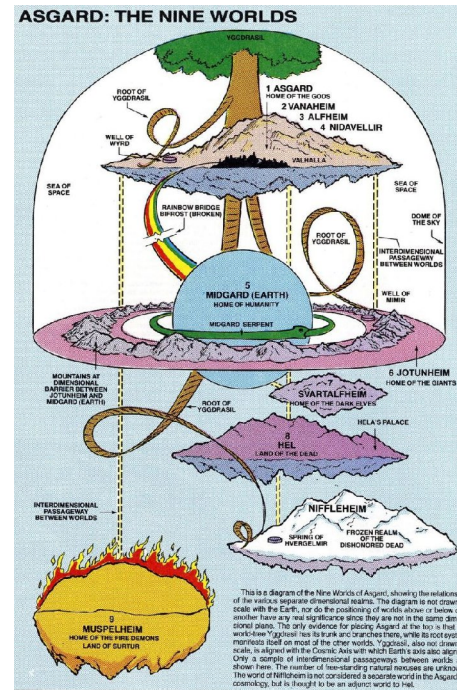
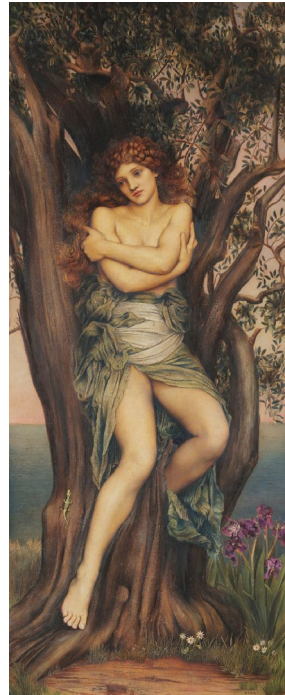


# Trees Have Intrinsic Value to Many



Trees figure  
in sacred  
traditions  
worldwide





Throughout History, In Every Culture

## Any Surprise That Controversies Abound?

- City of Pensacola v. Larry and Ellen Vickery (on appeal)
- S Tile & Marble Inc. v. City of Tampa; Miller & Sons, LLC v. City of Tampa (on appeal)
- Temple Terrace (code enforcement officer found no violation)
- Broward County v. Tom Chapman and Sherlock Tree Service (final order issued against the county)
- Village of Pinecrest (Village prevailed)
- Dania Beach (developing)





The City of Tampa pursued code enforcement violations after apparently healthy trees were destroyed on commercial property

Hefty fines were imposed

appeals filed in November 2020

<https://www.tampabay.com/news/tampa/2020/11/27/tampa-tree-cutting-spat-headed-to-an-appeals-court/>

## Temple Terrace – No Violation

- The arborist shifted his story (as happened in Vickery)
- The tree at issue had been determined healthy by the city arborist
- The arborist contradicted the city arborist after looking at photographs, with no inspection at the site
- Arborist admitted at hearing that he could not view the tree except from sixty feet away late in the day, and the tree was merely a “danger” to a decorative wall that was not attached to the house
- The property owner did not want to have to remove branches and leaves from his roof
- Tree service counsel argued that the city has no authority to question the accuracy of the opinion; however, the tree was not correctly identified by species or by location or size



# Broward County: no violation, no appeal

- The matter arose during removal, as inspector responded to a complaint
- Documentation generally claimed trees (misidentified) were a danger, noted driveway damage; no hazard was evaluated
- Stipulation property was residential
- Substantive corrections were made after the fact to the “documentation” in an effort to cure the asserted violation
- Hearing Examiner expressed the statute is “vague, ambiguous, [and] overbroad”
- Nonetheless, Hearing Examiner determined statute had to be applied in favor of the property owner and tree cutting company in spite of these concerns
- Determination not to appeal to avoid risk of adverse ruling



## Village of Pinecrest – no statutory exemption

- Property owner failed to provide documentation dated or prepared prior to removal of the trees
- Property owner submitted “documentation” from a medical doctor regarding allergies of the owner and his family, from the owner of a landscaping company, and finally from a certified arborist
- The arborist stated merely that he looked at the property (not visited) and that he agreed with the doctor the trees were dangerous
- The arborist seemingly failed to make an independent determination the trees were dangerous and failed to appear at the hearing to present evidence
- Further, a development order with a landscape buffer to mitigate impacts of development was akin to a contract and could not be impaired by the statutory exemption\*

\**Standard Distributing Co. v. Fla. Dept. of Business Regulation*, 473 So. 2d 216 (Fla. 1<sup>st</sup> DCA 1985)





## Tree Removal Prompts Consideration of Overlay Ordinance

**Dania Beach Residents Object to  
Tree Removal**

<https://www.local10.com/news/local/2020/12/02/mayor-gets-involved-as-residents-of-dania-beach-neighborhood-fight-over-removal-of-old-oak-trees/>

## Strategies

- Evaluate how the statute fits within the applicable local standards, including multi-family landscape plans and development orders
- Consider a preservation overlay with narrowly tailored exemption consistent with local community standards
- Define what documentation is acceptable (TRAQ)
- Hold professionals accountable for documentation
- Clarify that residential property owners with valid documentation have a complete defense to any code enforcement action
- Ensure code enforcement officers educated



# Code Amendments

- Define residential to mean currently occupied
- Define documentation to include the certifying person's identity and qualifications (the ISA license check can be done with just the name)
- Require documentation to be no less than a completed Basic Tree Risk Assessment Form (disciplined inquiry, mitigation options are part of the assessment) \*
- Most tree regulations already include a definition for hazardous or diseased trees, but the legislature's use of "danger" is not necessarily communicating the same idea to the average person; thus, clarify to define "danger" consistent with imminent or probable risk of failure which is likely to cause significant or severe consequences
- Clarify the residential property owner is subject to code enforcement action without this documentation being prepared prior to any action being taken with regard to the tree(s)

\*[https://www.isa-arbor.com/education/resources/BasicTreeRiskAssessmentForm\\_Fillable\\_FirstEdition.pdf](https://www.isa-arbor.com/education/resources/BasicTreeRiskAssessmentForm_Fillable_FirstEdition.pdf)

## Lobbying for Amendments

(1) A local government may not require an notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on developed, occupied, single-family residential property if the property owner obtains and submits to the local government for review documentation a Tree Risk Assessment from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property has an extreme or high risk rating prior to pruning, trimming or removal.

(2) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section, except to meet landscape plan minimum standards.

(3) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333, or to healthy trees with preservation designations pursuant to local ordinance.



**Representative  
Sabatini's  
Memorandum**

- On August 8, 2019, Representative Sabatini stated that “it is my opinion that the Florida Legislature has expressly preempted local government ... [and] ... any local government that seeks to enforce its local tree ordinances in hits situation likely runs afoul” of Section 163.045
- Representative Sabatini also referenced the new law concerning attorney fees and costs being awarded to a prevailing party where a local government adopts or enforces an expressly preempted local ordinance.



**Speaker  
Oliva's  
Memorandum**

- In January 2020, Speaker Oliva sent a memorandum to licensed professionals with a request that they contact his office if they became aware of any local government “restricting the free exercise of property owners’ rights”
- Tone of memorandum reflects belief that local governments threaten sanctions or levy fines against arborists and landscape architects for engaging in their fields of expertise
- Speaker Oliva also in January 2020 warned local governments that the House would protect the rights of property owners against illegal governmental actions

## Dillon's Rule

Municipalities possess only those powers expressly granted by the state legislature, those fairly implied from the powers expressly granted, and those essential to the declared purposes of the corporation. If reasonable doubt exists as to whether a municipality can exercise a certain power, the doubt is, as a matter of law, resolved against the municipality.

## Home Rule

Every municipality in this state has the authority to conduct municipal government, or perform municipal functions, and render municipal services. The only limitation on that power is that it must be exercised for a valid "municipal purpose." It would follow that municipalities are not dependent upon the state legislature for further authorization. Legislative statutes are relevant only to determine limitations of authority.

Article VII, Section 2, Fla. Const.

## Only Conflict Preemption Theoretically Applies

- A municipality may legislate concurrently on any matter not preempted to the state
- Intrusions on home rule are construed narrowly
- Express preemption requires explicit language reflecting intent to occupy the field
- Implied preemption applies only when a legislative scheme is so pervasive that evidence of intent to preempt can be found
- Conflict preemption occurs if enforcement of the local ordinance prevents compliance with the state statute or compliance with the local ordinance is a violation of the state statute

*Tallahassee Memorial Regional Med. Center, Inc. v. Tallahassee Med. Center, Inc.*, 681 So. 2d 826 (Fla. 1<sup>st</sup> DCA 1996)

*Phantom of Clearwater v. Pinellas County*, 894 So. 2d 1011 (Fla. 2d DCA 2005)

# Municipal Legislative Power

Pursuant to section 166.02(4), Florida Statutes,

The provisions of this section shall be so construed as to secure for municipalities the broad exercise of home rule powers granted by the constitution. It is the further intent of the Legislature to extend to municipalities the exercise of powers for municipal governmental, corporate, or proprietary purposes not expressly prohibited by the constitution, general or special law, or county charter and to remove any limitations, judicially imposed or otherwise, on the exercise of home rule powers other than those so expressly prohibited.



## Community-based Strategies

Accountability of ISA Florida Chapter, which committed to a public awareness campaign to teach people that trees are not inherently dangerous and to education on ethics of its certified arborists:

<https://files.constantcontact.com/962ea051201/bce1a8c3-44fd-4f93-9b5a-81cb25f3fec5.pdf> (noting that the Florida Legislature “with support from the insurance and construction industries,” in enacting Section 163.045, was placing more trust in this private organization than in Florida’s local governments)

ISA has produced a guide to creating preservation ordinances:

<https://www.isa-arbor.com/Portals/0/Assets/PDF/Certification/Tree-Ordinance-Guidelines.pdf>

Locating significant trees in your community for historical preservation purposes could raise awareness of the value of trees: <https://www.americanforests.org/get-involved/americas-biggest-trees/>

Each community will vary on how to value trees, but evidence supports valuing them based on environmental benefits



# Final Thoughts

- Don't overlook the impact of 5G: with the loss of control of public rights-of-way, protecting trees is challenged by more than Section 163.045
- Legislators are less inclined to respect Home Rule principles
- Private parties are being given more influence over processes that involve public safety and balancing competing interests among stakeholders
- Local governments must persist in advocating for retaining flexibility to address local concerns



## Acknowledgments

I am grateful for the contributions of so many during the litigation of the *Vickery* matter and in preparing this presentation, including

Susan Woolf, City Attorney, City of Pensacola

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Vanessa Moore, Assistant City Attorney, City of Pensacola

Jose Arango, Esq., & Chad Friedman, Esq., of Weiss Serota, *et al.*

Eve Boutsis, Assistant City Attorney, City of Dania Beach

Pamela Cichon, City Attorney, City of Temple Terrace

Michael Owens, Senior Assistant County Attorney, Broward County

Ursula Richardson, Chief Assistant City Attorney, City of Tampa



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 21-00976

Environmental Advisory Board

1/6/2022

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### **DISCUSSION ITEM**

**SPONSOR:** Katie Fox, Board Member

**SUBJECT:**

INTEGRATED PEST MANAGEMENT (IPM) PROGRAM

**SUMMARY:**

The City has created an IPM for the use on athletic fields. The question that has arisen is should there be an IPM that incorporates the entire city, not just athletic fields.

This item seeks to discuss what has previously taken place, board member proposed amendments to the existing document and a discussion of the need to have an overriding document that incorporates the entire city.

This item will provide an update.

**PRIOR ACTION:**

The Environmental Advisory Board has discussed at numerous meetings.

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) City's IPM Plan
- 2) IPM Plan For Athletic Fields\_KF
- 3) Kozman Comments\_COP IPM PLAN

**PRESENTATION:** No

## Integrated Pest Management (IPM) Plan Athletic Fields City of Pensacola

The City of Pensacola Parks and Recreation Department recognizes the potentially serious risks inherent in using chemical pesticides on athletic facilities – especially in an environmentally sensitive areas. We are committed to implementing a comprehensive Integrated Pest Management Plan (IPM) for all athletic fields in the city. The IPM plan will be defined as the coordinated use of physical, biological and cultural controls, and in the face of any public health threat or substantial property damage, the use of least-toxic pest control chemicals.

The objectives for using an IPM plan for athletic fields in the City of Pensacola are to:

- Maintain a safe and sustainable environment;
- Protect the health of residents, staff and visitors by controlling or eliminating pests that pose an imminent threat to public health and safety;
- Reduce or eliminate human exposure to pesticides through use of least-risk management practices;
- Reduce or prevent pest damage to athletic playing areas;
- Reduce or eliminate environmental pollution and degradation;
- Maintain economically sound practices for pest management on athletic fields
- Enhance the overall quality of play for those who use city athletic fields.

Integrated Pest Management is understood to involve monitoring of pest populations, establishment of tolerance thresholds, modifications of habitats (to eliminate sources of food, water and harborage and entry), utilization of least-toxic controls, keeping records and evaluation of performance on an ongoing basis. It is the responsibility of the Ball Crew Operations Supervisor and Ball Crew personnel to ensure that any maintenance and pest control services provided by Parks and Recreation staff comply with the best practices listed in this IPM plan to minimize the use of fertilizers, pesticides and herbicides. A pesticide is defined as any insecticide, rodenticide, herbicide, algacide, disinfectant or other chemical utilized to kill or repel a pest. Any use of chemicals will be in compliance with federal and state laws

### **Detection and Monitoring**

An IPM approach to turf management begins with a monitoring program. Monitoring entails making regular inspections of the turf to gather and record site-specific information on which to base pest control decisions.

- identify the pest(s)
- identify any natural enemies of the pest(s)
- apply preventive methods to reduce the occurrence of pest problems
- determine if any treatment is needed
- determine where, when, and what kind of treatments is needed
- evaluate and fine-tune treatments as the pest management program continues over the seasons

## **Tolerance Threshold**

- Weeds: The goal for the athletic field turf is not to eliminate all weeds; it is to keep weed numbers low enough to prevent significant visual damage. Lawns are a very dynamic ecosystem, and even under optimum grass-growing conditions some weeds will become established. Even height smooth turf is required on athletic fields. Treatment for weeds will be considered necessary if weed growth causes the lawn surface to be too uneven for field sports and thus endangers athletes using the respective field.
- Diseases: Lawn diseases, if encountered, will be managed quickly after discovery to minimize the spread of disease.
- Insects: Even height smooth turf is required on field areas. The presence of an infestation will be verified prior to treatment. Treatment for insect infestation will be considered necessary when damage is noticeable, unsightly and/or impacting play on the athletic field and potentially endangering athletes.

## **Preventative Measures and Treatment**

- The Parks and Recreation Department will follow the recommendations for management of weeds, diseases, insects and other lawn issues in the Green Industry Best Management Practices guidelines along with consultation with a professional pest and lawn maintenance company. The following management techniques will be employed, with preference given to using the least-toxic methods first.
- Physical measures can include the use of buffer zones adjacent to environmentally sensitive areas surrounding athletic fields. Buffer zones will receive no pesticide or fertilizer applications.
  - Weeds: Mowing, pulling or weed-eating will be used to remove rank growth before weeds have flowered and set to seed.
  - Diseases: Physical removal of diseased turf may be possible if the disease is discovered early enough.
  - Insects: When possible, pest insects will be physically eradicated.
  - Other lawn problems: Shade stress will be managed by pruning tree branches to minimize shade whenever appropriate. Stress from compaction will be minimized in the following ways:
    - Use of sidewalks in pedestrian pathways, where possible as it relates to athletic field areas.
    - Physical barriers or signs to prevent foot traffic.
- Cultural: Consistent use of the following cultural lawn care practices will provide high quality turf and successfully limit weed, disease, insect and other lawn problems. The presence of weeds and other pests can often be correlated to stressful lawn maintenance practices. The following cultural methods will be utilized:
  - Irrigation: It is difficult to maintain an athletic field without periodic irrigation, especially in a relatively hot climate as that of Pensacola. An irrigation system will be utilized for the turf areas of athletic fields. Irrigation will be managed to supplement rainfall. Frequency and duration will depend on environmental factors. The best time to irrigate is just before wilt occurs. Enough water needs to be applied to soak the soil to a depth of at least 6 to 8 inches. This will likely mean applying approximately 1 inch of water per week during the summer before sunrise or after sunset to reduce water loss from

evaporation. If irrigation is necessary, it will generally be utilized 24 to 48 hours before a major field use to reduce soil compaction. Irrigation will be closely monitored and scheduled by staff to prevent over and under watering and help conserve water.

- Mowing: Proper mowing promotes deep rooting and good shoot density, desirable mat, and uniform growth. Regular mowing at the right height with properly-maintained equipment will be the goal. Mowing height of the turf will depend on the type of turf used on athletic fields. For Bermuda grasses a mowing height, 1½ to 2 inches is preferred. The first mowing in the spring should be low by as much as one-half the desired final height. This helps increase turf density and allows the cutting height to be raised during the summer if scalping occurs. Turf should be mowed often enough so that no more than one-third of the leaf surface is removed at a mowing. Generally, this means the field should be cut twice a week during the summer. Higher mowing heights do not need as frequent mowing but result in lower quality and weaker turf. If mowing frequency is properly adjusted, clippings may be returned without harming the turf. If excessive clumping of clippings occurs, they should be dispersed or removed. Regardless of the type of mower used, it is important to keep the blades sharp and properly adjusted.
- Aeration: Lawns will be aerated regularly, as needed. Aeration will occur more frequently in areas that are compacted by frequent foot traffic or athletic play. As a general rule, the spacing between aeration holes should be 2 to 3 inches. Aerate fields a minimum of two times per year. The first should be done in the spring just before fertilization and the second in mid-summer. Each aeration should involve a minimum of three passes over the playing field. If field use is heavy or the soil is compacted, aerate monthly during the growing season. After the soil cores have dried, they can be crumbled and spread over the turf by using a flexible steel drag mat or some other means. Slicing with solid blades ¼ to ½ inch wide cultivates the soil with minimum surface disruption. Units with offset tines can be quite effective in relieving soil compaction. Aerate when soil moisture is at field capacity. This generally translates to 8 to 24 hours after rainfall or irrigation or when a spoon-type aerator would remove soil cores to the surface. If moisture were higher or lower, cores would not easily move to the surface. However, some equipment, particularly solid tines or blades, are most effective when soil moisture is drier than field capacity. Aerate when the turf is actively growing and not under stress.
- Fertilization: Soil examination by soil test (pH) and/or professional visual analysis will be performed regularly to determine the need for fertilization. When required, fertilization will be accomplished by the use of a granular organic fertilizer. If additional fertilization is required, as demonstrated by soil test and/or professional visual analysis, 1/2 pound of nitrogen per 1000 square feet will be added no more than eight times a year, as required.
- Over seeding: Winter rye grass seeding may be employed, as it works with the respective athletic field schedule.
- Biological: Biological control tactics for weeds, insects, diseases and other lawn issues will be employed when possible.
  - Weeds: There are no biological controls proposed for weeds at this time.
  - Diseases: There are no biological controls proposed for diseases at this time.
  - Insects: Biological control of caterpillars, such as armyworms and sod webworms, will include the use of the bacteria *Bacillus thuringiensis* (Bt). More information about Bt can be found in Grow Green's Earth-wise Guide to Caterpillars.



- Chemical: Chemical controls will only be employed on an “as-needed” basis when problems exist that have not been or cannot be addressed by physical, cultural or biological practices. The following information is a sample of possible approaches. Specific chemical controls will change as availability and improvements in chemicals change.
  - Weeds: Initial spot treatment will be with acetic acid / horticultural grade vinegar (‘CedarCide RidAWeed’ and ‘Burnout’). If required, spot treatment with glyphosate (‘Roundup’) will be used. No pre-emergent herbicide use will be practiced. For nutgrass, Manage (halosulfuron) will be used, if necessary.
  - Diseases: Least toxic chemical controls for brown patch and take-all patch include corn gluten meal (Concern ® Weed Prevention Plus) and Thiophanate methyl (Green Light ® Systemic Fungicide Disease Control).
  - Insects: Positive identification of the insect pest will be made prior to the use of any chemical control.

### **Use of IPM Plan**

Pesticide products change on a regular basis, and those listed in this plan are provided for reference only. Listing of a specific product trade name does not constitute an endorsement of its use. Many pesticide products other than those listed in this plan are available and may be suitable for use. If a pest problem occurs that is not addressed by this management plan, or if the Ball Crew Operations Supervisor desires to use pesticides of greater toxicity than those listed, the Operations Supervisor shall alert the City of Pensacola Parks and Recreation Director. It should also be noted that this IPM Plan is a dynamic document and will periodically be reviewed and revised as circumstances in the City of Pensacola change and as new pest management products and techniques become available. The City of Pensacola Parks and Recreation Director will be notified whenever this document is substantially revised or altered.

### **Application of Pesticides or Chemicals**

When it is determined that pesticides or chemicals are needed for pest management on athletic fields, only products registered for use in the State of Florida will be applied with strict adherence to label directions. Applications will be undertaken only qualified staff. No pesticides or fertilizers will be used within 150 feet of any known critical environmental features or streams.

### **Notification**

Appropriate signs and notifications will be posted on or around athletic fields notifying the public prior to pest management activities that involve application of pesticides, herbicides or other potential chemical applications that could be harmful to humans. Appropriate efforts will be made to eliminate individuals coming in contact with any such applications to athletic fields within manufacturer specifications.

### **Recordkeeping**

A log book of all pest sightings and pest management activities will be kept in the office of the Ball Crew Operations Supervisor 2130 Summit Blvd , Pensacola, FL 32503. This log will be kept current by and will be available for public viewing upon request. Additionally, any time a pesticide is used for pest management purposes, a copy of the pesticide label, as well as the pesticide's Material Safety Data Sheet (MSDS) will be kept on record in an easily accessible location as a reference for applicators on proper use, storage and safety

### **Training**

City of Pensacola Parks and Recreation staff will be provided with training on the IPM policy during annual update training. Training will include the rationale for the IPM policy and program and specific elements including use of the pest-sighting log and prohibition on pesticide applications by non-certified individuals.

Additionally, designated will receive advanced training on identifying pest infestations and pest-conducive conditions. This training will improve the ability of staff to oversee compliance with City of Pensacola IPM policy and plan.

# Integrated Pest Management (IPM) Plan

## Athletic Fields

### City of Pensacola

#### **Statement of Purpose**

The City of Pensacola Parks and Recreation Department recognizes the potentially serious risks inherent in using chemical pesticides on athletic facilities – especially in an environmentally sensitive areas. We are committed to implementing a comprehensive Integrated Pest Management Plan (IPM Plan) for all athletic fields in the City. The City of Pensacola IPM Plan is defined as the coordinated use of physical, biological and cultural controls, and in the face of any public health threat or substantial property damage, the use of least-toxic pest control chemicals.

#### **Objectives**

The objectives of the IPM Plan for athletic fields in the City of Pensacola are to:

1. Maintain a safe and sustainable environment;
2. Protect human health and the surrounding environment by employing a range of preventative strategies and using least-toxic products for pest control and eradication.
3. Protect human health and the surrounding environment by controlling or eliminating pests that pose an imminent threat to public health and safety;
4. Reduce and/or eliminate human exposure to pesticides through minimization of the quantity and toxicity of chemicals used for pest management.
5. Establish clear criteria for acceptable circumstances in which using a pesticide other than a least-toxic pesticide is necessary; toxic pesticides shall only be used when there is a threat to public health and safety, or to prevent economic or environmental damage, and only after other alternatives have been implemented and are shown to be ineffective.
6. Reduce and/or prevent pest damage to athletic playing areas;
7. Reduce or eliminate environmental pollution and degradation;
8. Maintain economically sound practices for pest management on athletic fields
9. Enhance the overall quality of play for those who use city athletic fields.

#### **IPM Response Plan**

One of the characteristics of an IPM Plan is that it facilitates a streamlined decision making process approach for any pest problem in any location. This process involves monitoring of pest populations, establishment of tolerance thresholds, modifications of habitats (to eliminate sources of food, water and harborage and entry), utilization of least-toxic controls, keeping records and evaluation of performance on an ongoing basis. It is the responsibility of the Ball Crew Operations Supervisor and Ball Crew personnel to ensure that any maintenance and pest control services provided by Parks and Recreation staff comply with the best practices listed in this IPM plan to minimize the use of fertilizers, pesticides and herbicides. A pesticide is defined as any insecticide, rodenticide, herbicide, algaecide, disinfectant or other chemical utilized to kill or repel a pest. Any use of chemicals will be in compliance with federal and state laws.

## Detection and Monitoring

The IPM approach to turf management begins with a monitoring program. Monitoring entails making regular inspections of the turf to gather and record site-specific information on which to base pest control decisions.

- identify the pest(s)
- apply preventive methods to reduce the occurrence of pest problems
- monitor pest population
- identify any natural enemies of the pest(s)
- determine if any treatment is needed
- determine where, when, and what kind of treatments is needed
- evaluate and fine-tune treatments as the pest management program continues over the seasons

A sample evaluation form is provided below. The facilitate implementation and enhancement of the IPM Plan in the future, completed forms shall be retained in **Appendix A** of this IPM Plan.

Pest Name:	Actions take to control the problem						
Pest Location:							
This pest is a (circle all that apply)	Apply Preventative Methods	Monitor Pest Population	Identify Natural Enemies of the Pest	Determine Injury and Action Level	Monitor for Pest	Treat the Problem using IPM Tiered Procedures	Follow Up
Heath Concern Safety Issue Nuisance Aesthetic Concern Other:							

## Tolerance Threshold

Before any course of action can be determined, it is first important to determine the injury level. The injury level is the level of damage or the level of pest population that causes unacceptable injury. Once the injury level has been determined, an action level must be set. The injury level will always be higher than the action level, meaning that action should occur before the situation progresses the point of unacceptable injury. The following definitions and thresholds have been adopted as part of this IPM Plan:

### Definitions:

**Aesthetic Injury** applies mainly to the damage of plants. This is injury that affects the appearance without affecting the health of the plant.

**Economic Injury** refers to pest damage that causes monetary loss.

**Human Health Injury** relates to human health problems caused by pests.

**Emergency** – A pest outbreak that poses an immediate threat to public health or will cause significant economic or environmental damage.

**Tiered Materials** – Pesticide classification system based on hazard potential. Products are evaluated against comprehensive list of hazard criteria including carcinogenicity, reproductive toxicity, endocrine disruption, acute toxicity, hazard to birds/fish/bees/wildlife, persistence, and soil mobility, and are placed within the Tier structure based on the evaluation results.

Tier 1: Highest concern

Tier 2: Moderate concern

Tier 3: Lowest concern

Tier 4: Insufficient information available to assign to above tiers

**Least-toxic pesticide** – The term “least toxic” refers to pesticides that have low or no acute or chronic toxicity to humans, affect a narrow range of species and are formulated to be applied in a manner that limits or eliminates exposure of humans and other non-target organisms. Fortunately, there are an increasing number of pesticides that fit within this least toxic definition. Examples include products formulated as baits, pastes or gels that do not volatilize in the air and that utilize very small amounts of the active ingredient pesticide and microbial pesticides formulated from fungi, bacteria or viruses that are toxic only to specific pest species but harmless to humans.

Any pesticide product that meets the Tier 3 hazard criteria is low hazard, and considered a least-toxic pesticide. Tier 3 products are the next line of defense against pests after preventative measures are exhausted.

- To qualify as a Tier 3 material, all of the following statements must be true:
- Product contains no known, likely, or probable carcinogens
- Product contains no reproductive toxicants (CA Prop 65 list)
- Product contains no ingredients listed by CA DTSC as known, probable, or suspect endocrine disrupters
- Active ingredients has soil half-life of thirty days or less
- Product is labeled as not toxic to fish, birds, bees, wildlife, or domestic animals

**Pesticide** – Any substance, or mixture of substances, used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, which may be detrimental to vegetation, humans, or animals.

### **Thresholds:**

**Weeds** - The goal for the athletic field turf is not to eliminate all weeds; it is to keep weed numbers low enough to prevent significant visual damage. Lawns are a very dynamic ecosystem, and even under optimum grass-growing conditions some weeds will become established. Even height smooth turf is required on athletic fields. Treatment for weeds will be considered necessary if weed growth causes the lawn surface to be too uneven for field sports and thus endangers athletes using the respective field.

**Diseases** - Lawn diseases, if encountered, will be managed quickly after discovery to minimize the spread of disease.

**Insects** - Even height smooth turf is required on field areas. The presence of an infestation will be verified prior to treatment. Treatment for insect infestation will be considered necessary when damage is noticeable, unsightly and/or impacting play on the athletic field and potentially endangering athletes.

### **Preventative Measures and Treatment**

The Parks and Recreation Department will follow the recommendations for management of weeds, diseases, insects and other lawn issues in the Green Industry Best Management Practices guidelines along with consultation with a professional pest and lawn maintenance company. The following management techniques will be employed, with preference given to using the least-toxic methods first.

**Habitat Modification.** Pests need food, water and shelter to survive. If the pest manager can eliminate or reduce the resources pests need to flourish, the environment will support fewer pests. Examples of habitat modification include: design or redesign of structures and landscape plantings; improved sanitation; eliminating water sources for pests; and eliminating the pest habitat.

**Physical Controls:** Methods of physical control (or direct removal of pests from an environment) include trapping and removing pests by hand. Physical measures also include the use of buffer zones adjacent to environmentally sensitive areas surrounding athletic fields. Buffer zones will receive no pesticide or fertilizer applications. The following physical controls will be utilized:

- Weeds: Mowing, pulling or weed-eating will be used to remove rank growth before weeds have flowered and set to seed.
- Diseases: Physical removal of diseased turf may be possible if the disease is discovered early enough.
- Insects: When possible, pest insects will be physically eradicated.
- Other lawn problems: Shade stress will be managed by pruning tree branches to minimize shade whenever appropriate. Stress from compaction will be minimized in the following ways:
  - Use of sidewalks in pedestrian pathways, where possible as it relates to athletic field areas.
  - Physical barriers or signs to prevent foot traffic.

**Cultural Controls:** Consistent use of the following cultural lawn care practices will provide high quality turf and successfully limit weed, disease, insect and other lawn problems. The presence of weeds and other pests can often be correlated to stressful lawn maintenance practices. The following cultural methods will be utilized:

- Irrigation: It is difficult to maintain an athletic field without periodic irrigation, especially in a relatively hot climate as that of Pensacola. An irrigation system will be utilized for the turf areas of athletic fields. Irrigation will be managed to supplement rainfall. Frequency

and duration will depend on environmental factors. The best time to irrigate is just before wilt occurs. Enough water needs to be applied to soak the soil to a depth of at least 6 to 8 inches. This will likely mean applying approximately 1 inch of water per week during the summer before sunrise or after sunset to reduce water loss from evaporation. If irrigation is necessary, it will generally be utilized 24 to 48 hours before a major field use to reduce soil compaction. Irrigation will be closely monitored and scheduled by staff to prevent over and under watering and help conserve water.

- **Mowing:** Proper mowing promotes deep rooting and good shoot density, desirable mat, and uniform growth. Regular mowing at the right height with properly-maintained equipment will be the goal. Mowing height of the turf will depend on the type of turf used on athletic fields. For Bermuda grasses a mowing height, 1½ to 2 inches is preferred. The first mowing in the spring should be low by as much as one-half the desired final height. This helps increase turf density and allows the cutting height to be raised during the summer if scalping occurs. Turf should be mowed often enough so that no more than one-third of the leaf surface is removed at a mowing. Generally, this means the field should be cut twice a week during the summer. Higher mowing heights do not need as frequent mowing but result in lower quality and weaker turf. If mowing frequency is properly adjusted, clippings may be returned without harming the turf. If excessive clumping of clippings occurs, they should be dispersed or removed. Regardless of the type of mower used, it is important to keep the blades sharp and properly adjusted.
- **Aeration:** Lawns will be aerated regularly, as needed. Aeration will occur more frequently in areas that are compacted by frequent foot traffic or athletic play. As a general rule, the spacing between aeration holes should be 2 to 3 inches. Aerate fields a minimum of two times per year. The first should be done in the spring just before fertilization and the second in mid-summer. Each aeration should involve a minimum of three passes over the playing field. If field use is heavy or the soil is compacted, aerate monthly during the growing season. After the soil cores have dried, they can be crumbled and spread over the turf by using a flexible steel drag mat or some other means. Slicing with solid blades ¼ to ½ inch wide cultivates the soil with minimum surface disruption. Units with offset tines can be quite effective in relieving soil compaction. Aerate when soil moisture is at field capacity. This generally translate to 8 to 24 hours after rainfall or irrigation or when a spoon-type aerator would remove soil cores to the surface. If moisture were higher or lower, cores would not easily move to the surface. However, some equipment, particularly solid tines or blades, are most effective when soil moisture is drier than field capacity. Aerate when the turf is actively growing and not under stress.
- **Fertilization:** Soil examination by soil test (pH) and/or professional visual analysis will be performed regularly to determine the need for fertilization. When required, fertilization will be accomplished by the use of a granular organic fertilizer. If additional fertilization is required, as demonstrated by soil test and/or professional visual analysis, 1/2 pound of nitrogen per 1000 square feet will be added no more than eight times a year, as required.
- **Over seeding:** Winter rye grass seeding may be employed, as it works with the respective athletic field schedule.

**Biological Controls:** Biological control tactics for weeds, insects, diseases and other lawn issues will be employed when possible. The following biological controls will be utilized:

- Weeds: There are no biological controls proposed for weeds at this time.
- Diseases: There are no biological controls proposed for diseases at this time.
- Insects: Biological control of caterpillars, such as armyworms and sod webworms, will include the use of the bacteria *Bacillus thuringiensis* (Bt). More information about Bt can be found in Grow Green's Earth-wise Guide to Caterpillars.

**Least Toxic Chemical Controls.** Least toxic pesticides are those with all or most of the following characteristics: they are effective against the target pest, have a low acute and chronic toxicity to mammals, biodegrade rapidly, kill a narrow range of target pests and have little or no impact on non-target organisms. These include materials such as the following:

- Pheromones and other attractants
- Insect growth regulators
- Repellents
- Desiccating dusts
- Pesticidal soaps and oils
- Some botanical pesticides

The following criteria should be used when selecting a pesticide:

- Safety
- Species specificity
- Effectiveness
- Endurance
- Speed
- Repellency
- Cost

Least toxic pesticides include:

- a) Boric acid and disodium octobrate tetrahydrate 6
- b) Silica gels
- c) Diatomaceous earth
- d) Nonvolatile insect and rodent baits in tamper resistant containers
- e) Microbe based pesticides
- f) Pesticides made with essential oils (not including synthetic pyrethroids) without toxic synergists and
- g) Materials for which the inert ingredients are nontoxic and disclosed.

The term least toxic pesticides does not include a pesticide that is:

- a) Determined by the U.S. EPA to be a possible, probable or known carcinogen, mutagen, teratogen, reproductive toxin, developmental neurotoxin, endocrine disrupter or immune system toxin;
- b) A pesticide in U.S. EPA's toxicity category I or II



- c) Any application of the pesticide using a broadcast spray, dust, tenting, or fogging application.

**Other Chemical Controls:** Chemical controls will only be employed on an “as-needed” basis when problems exist that have not been or cannot be addressed by physical, cultural or biological practices. The following information is a sample of possible approaches. Specific chemical controls will change as availability and improvements in chemicals change.

- Weeds: Initial spot treatment will be with acetic acid / horticultural grade vinegar (‘CedarCide RidAWeed’ and ‘Burnout’). If required, spot treatment with glyphosate (‘Roundup’) will be used. No pre-emergent herbicide use will be practiced. For nutgrass, Manage (halosulfuron) will be used, if necessary.
- Diseases: Least toxic chemical controls for brown patch and take-all patch include corn gluten meal (Concern ® Weed Prevention Plus) and Thiophanate methyl (Green Light ® Systemic Fungicide Disease Control).
- Insects: Positive identification of the insect pest will be made prior to the use of any chemical control.

### **Use of IPM Plan**

Pesticide products change on a regular basis, and those listed in this plan are provided for reference only. Listing of a specific product trade name does not constitute an endorsement of its use. Many pesticide products other than those listed in this plan are available and may be suitable for use. If a pest problem occurs that is not addressed by this management plan, or if the Ball Crew Operations Supervisor desires to use pesticides of greater toxicity than those listed, the Operations Supervisor shall alert the City of Pensacola Parks and Recreation Director. It should also be noted that this IPM Plan is a dynamic document and will periodically be reviewed and revised as circumstances in the City of Pensacola change and as new pest management products and techniques become available. The City of Pensacola Parks and Recreation Director will be notified whenever this document is substantially revised or altered.

### **Application of Pesticides or Chemicals**

When it is determined that pesticides or chemicals are needed for pest management on athletic fields, only products registered for use in the State of Florida will be applied with strict adherence to label directions. Applications will be undertaken only qualified staff. No pesticides or fertilizers will be used within 150 feet of any known critical environmental features or streams.

### **Notification**

Appropriate signs and notifications will be posted on or around athletic fields notifying the public prior to pest management activities that involve application of pesticides, herbicides or other potential chemical applications that could be harmful to humans. Appropriate efforts will be made to eliminate individuals coming in contact with any such applications to athletic fields within manufacturer specifications.

### **Recordkeeping**

A log book of all pest sightings and pest management activities will be kept in the office of the Ball Crew Operations Supervisor 2130 Summit Blvd , Pensacola, FL 32503. This log will be kept current by and will be available for public viewing upon request. Additionally, any time a pesticide is used for pest management purposes, a copy of the pesticide label, as well as the pesticide's Material Safety Data Sheet (MSDS) will be kept on record in an easily accessible location as a reference for applicators on proper use, storage and safety. The Florida Department of Agriculture and Consumer Services Division of Agricultural Environmental Services Suggested Pesticide Recordkeeping Form is provided in **Appendix B** of this IPM Plan.

### **Training**

City of Pensacola Parks and Recreation staff will be provided with training on the IPM policy during annual update training. Training will include the rationale for the IPM policy and program and specific elements including use of the pest-sighting log and prohibition on pesticide applications by non-certified individuals.

Additionally, designated will receive advanced training on identifying pest infestations and pest-conducive conditions. This training will improve the ability of staff to oversee compliance with City of Pensacola IPM policy and plan.

# APPENDIX A

<b>Pest Name:</b>	<b>Actions take to control the problem</b>						
<b>Pest Location:</b>							
<b>This pest is a (circle all that apply)</b>	<b>Apply Preventative Methods</b>	<b>Monitor Pest Population</b>	<b>Identify Natural Enemies of the Pest</b>	<b>Determine Injury and Action Level</b>	<b>Monitor for Pest</b>	<b>Treat the Problem using IPM Tiered Procedures</b>	<b>Follow Up</b>
Heath Concern							
Safety Issue							
Nuisance							
Aesthetic Concern							
Other:							

# APPENDIX B



NICOLE "NIKKI" FRIED  
COMMISSIONER

Florida Department of Agriculture and Consumer Services  
Division of Agricultural Environmental Services

**SUGGESTED PESTICIDE RECORDKEEPING FORM**

Telephone Number (850) 617-7880

FDACS recommends recordkeeping for all pesticide applications regulated by Chapter 487, F.S., using this form or similar format. When properly completed, this form meets the recordkeeping requirements for restricted use pesticides and the central posting requirements for the federal Worker Protection Standard.

Licensed Applicator (R) \_\_\_\_\_ License No. (R) \_\_\_\_\_ Property Owner Authorizing Application (R) \_\_\_\_\_

1. Date 2. Start Time 3. End Time  All R/W	Actual applicator if different from above (include license no. if licensed) (R)	1. Location/Description of Treatment Site (R/W) 2. Target Site or Crop (R)	Total Size of Treatment Area (R)	1. Pesticide Brand Name (R & W) 2. EPA Reg. No. (R/W) 3. Active Ingredients (W)	Total Amt. of Pesticide Applied (R)	Application Method (R)	Restricted Entry Interval (W)

(R) = For Restricted Use Pesticides (W) = For Worker Protection Standard Requirement (Vea dorso para definición de términos en español)  
Page 1 of 2

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November 10, 2020

Review of Integrated Pest Management (IPM) Plan  
Athletic Fields  
City of Pensacola

Since this is a living document, I like that it is at least a starting point. Any new plan will take some time to settle in and become perfected. My comments are listed below, based upon my experience with IPM through Extension.

Page 1 -Detection and Monitoring

Typically, IPM (from Extension) consists of the following steps:

- Prevent problems through sound cultural practices including proper water, fertilization, and placement of plants

- Monitor the area for signs of problems

- Decide if a problem requires action – is there a level of tolerance for the imperfect?

- Intervene using a non-toxic or least toxic approach

- Evaluate the effectiveness of the intervention

- Return to monitoring if successful or decision making if not.

The City of Pensacola plan varies slightly in that it defaults to some type of treatment or appears to do so. Having said that, treatment could also mean an intervention, such as hand picking a problem away.

Step 3 – apply preventive methods to reduce the occurrence of pest problems –

Is “preventive methods” referring to cultural practices or treatment options? If it refers to cultural practice changes, I feel that should be specifically stated.

Page 2 - Preventive Measures and Treatment

Bullet 2- Physical: Other lawn problems: “...by pruning tree branches to minimize...”

This is an IPM document but since pruning is being referenced as a cultural practice method, does it need to be specified that reference to proper pruning techniques, including cut types, appropriate time of year, and minimizing damage or opportunity for disease to set will be conducted?

Bullet 3 – Cultural: the last sentence refers to watering “...during the summer before sunrise or after sunset to reduce...” It is never recommended to water after sunset because the water that remains on the turf will increase the likelihood of fungal growth. Based upon Extension recommendations, watering should always be performed at a time when the excess water can dry from the surface of the turf to reduce the opportunity for a fungal infection to set in.



Page 3 – Preventive Measures and Treatment (con't.)

Bullet 3 – Fertilization: there is no mention of proper fertilization timing. Generally, fertilizer is recommended between April 15 and October 15, to coincide with the rise and decline in soil temperature. Soil cooler than 70F, generally before April 15 and after October 15, is unable to make nitrogen available to the plants. Hence, it is a wasted product and wasted money when applied at the wrong time. Additionally, there is no mention of any state or federal regulations around the application of chemical fertilizers, although there is a general mentioned on page 4 regarding the application of pesticide and chemicals.

Page 4 – Preventive Measures and Treatment (con't.)

Chemical > Weeds – using vinegar will burn back the leaves, but generally does not kill the plant. This may result in bare patches in which the weed will regrow, or a new weed take hold faster than the turf is able to fill in.