

GREEN IMPLEMENTATION ADVANCEMENT BOARD MINUTES
THURSDAY, APRIL 15, 2021
VIRTUAL MEETING
9:00AM – 11:00AM

MEMBERS PRESENT:

Hal Stern, Chairperson
Sarah Lucas, Vice-Chairperson
Lisa Shaheen, Second Vice-Chairperson
Christina Hammond
Susan Lebrun
Shaynaz Malleck

MEMBERS ABSENT:

Maren Graben

STAFF PRESENT:

Kelly Brandon, Assistant City Attorney
Molly Daly, Assistant Sustainability Planner
Kent Edwards, Sustainability Officer
Casey LaRosa, Intern

GUESTS/OTHERS:

1. Call to Order

The meeting was called to order by Hal Stern at 9:0am. Information was provided pursuant to Executive Orders 20-69 and 20-246 about holding Advisory Board meetings virtually.

2. Roll Call

Roll call was conducted by staff.

3. Approval of Agenda

Sarah Lucas made a motion to approve the agenda. Said motion was seconded by Lisa Shaheen and the motion was passed unanimously.

4. Approval of Minutes

Hal Stern corrected a spelling error on the minutes. Lisa Shaheen made a motion to approve the February meeting minutes as amended. Said motion was seconded by Susan Lebrun and the motion was passed unanimously.

5. Public Comments

None

6. Discussion of Monthly Staff Report

Lisa Shaheen asked for an update on the tree planting RFP. Comments have been sent to Purchasing and staff will soon be in the final steps to execute an agreement to complete the tree inventory. The RFP for tree planting years 2-5 has been drafted, and the Office of Sustainability and Resilience (OSAR) will be working with a new purchasing agent on this.

Susan Lebrun asked for an update on the Florida legislative session and the plastics preemption bill. Kent Edwards answered that there are a few different ones, but the bill that would change the due date for the DEP's (Department of Environmental Protection) plastic report was picked up by committee while the other ones have not yet moved.

Sarah Lucas asked if there was information about the use of EV (electric vehicle) chargers. Staff has some information about the chargers at City Hall since those chargers are on their own meter, whereas the meter for the chargers at Bankers Row also includes energy use from the outdoor lighting. Christina Hammond commented that she visits the Tennis Center frequently and has seen the EV charger spaces being filled. The chargers at City Hall are used frequently as well.

Hal Stern asked if the selected vendor for the tree inventory RFP made the April 9th deadline, and if the Board should see the responses to the RFP to fulfill the Board's role as recommended by staff to the City Commission over a year ago. Kent Edwards said he inquired about this with the City Attorney's Office, and it was brought up that purchasing procedures are confidential up until the point that an agreement is made. Kelly Brandon then said since the draft RFP for tree planting years 2-5 has not yet been released, the City Attorney's Office has some concerns about releasing that at this point as to not give an unfair advantage to anyone who may respond. Hal Stern asked if he could see the RFP for the tree inventory, and Kelly Brandon responded that she would talk with Kent Edwards to see what point they are at and circle with Purchasing.

Hal Stern asked if there are different levels for the Local Green Government Certification, and it was answered that the levels are green, silver, gold and platinum and the City is expected to meet Green level certification and has plans to try and raise the rating in the future. Hal Stern also asked for clarification about who is reviewing the City specific strategies as mentioned in the report, and Kent Edwards responded that he would be reviewing it and will distribute it to other staff as necessary. A presentation is going to be given to the City Commission on May 18.

Susan Lebrun asked if the City's consideration of a seawall ordinance is part of the report for the Climate Change Vulnerability Assessment. Kent Edwards said that setting a specific seawall elevation will not be, but a strategy in the report could include engineering solutions which would encompass the setting of the seawall elevation. Development Services is working on the seawall ordinance.

Hal Stern asked if the City has a target number for EV chargers and if they have talked to FPL about future locations. The City and FPL are both interested in installing additional chargers. The EV chargers at Bankers Row and City Hall were not installed with the software to track usage, so the City uses the energy use to monitor it.

Hal Stern asked what the concerns were that had been voiced to OSAR regarding the green building ordinance. The green building ordinance was on the agenda for a Downtown Development Authority (DDA) meeting on April 12th, and four out of the five members had questions about additional construction costs that will negatively affect development in Delray Beach. Hal Stern asked if he has heard from any of the developers, and Kent Edwards answered that he has not heard from corporations or LLCs themselves but does take the DDAs comments as representative. The Pineapple Main Street Board gave positive comments and voted to support the ordinance. The DDA voted not to support the ordinance.

Hal Stern asked if the Board should be more involved in the green building ordinance. Kelly Brandon said that when the Board reviewed it and voted on it, that vote will be transmitted to the City Commission. Comments and concerns will also be included in a presentation. The Board voted on supporting this ordinance recently. Kent Edwards said that if the Board wishes for a memo to be written then the Board can agree on it, give staff guidance on what will be written for the memo. The green building ordinance may go to City Commission in June.

7. New Business

a. Noise Pollution

At the Board's workshop meeting, there was a public comment about gas powered leaf blowers. The member of the community emailed Kent Edwards, and Kent said he brought the topic to Neighborhood and Community Services. Staff confirmed that it would take revision to an existing ordinance in order to address this public comment. Other municipalities that have done regulations had a transition period with an incentive type or rebate program to help businesses transition to electric. This could be enforced with the existing noise ordinance, since the member of the public did download an app on their phone to measure the volume and the decibels was higher than the ordinance allows.

Susan Lebrun said that when they were initially discussing the plastic straw ban, they received the same response, but through a year of education it turned out that the restaurants and the City were very supportive of this. She suspects that there would also be support for this since many are irritated about the noise all day long. Hal Stern added that these devices are powered by fossil fuels and contribute to greenhouse gas emissions.

Susan Lebrun voiced that she thinks the first step should be looking at the other ordinances that cities have passed and reviewing them to see if they are appropriate for our city. Christina Hammond agreed, and shared that there is one landscaping company that handles her HOA (homeowner association) and is concerned that businesses like that may not be able to convert over quickly. Lisa Shaheen said that in her neighborhood she hears landscapers all day long and now that people are staying at home more, she thinks people will embrace this. She added that if this is a movement, they want to make then it is time to explore it – fossil fuel is going to be in the past someday. The more people are educated on environmental issues, the more they realize that this is going to benefit them in some way.

Kelly Brandon reminded the Board that if they want to make a recommendation, it will need to go to City Commission then come down the proper channels to staff since this would be a lot of manpower that staff would have to take to try to evaluate the different ordinances from other cities and potentially create one. If you want to recommend that City Commission, take a look at that, it needs to come down as a recommendation from them to City Manager and then staff.

Sarah Lucas said she is supportive of learning more about this issue but is sensitive to the fact that those who work in landscaping and maintenance may be disproportionately represented in policy making and thinks it is important for the

Board to recognize that if they take action in this area the people they might be impacting are some of the people who need more support now more than ever.

Hal Stern agreed, saying that all segments of the economy need to be looked at to find where progress can be made and said there might be landscaping associations that could be contacted.

Kent Edwards said that staff does not have the time to evaluate the ordinances but searching will be pretty quick to find what other cities have done and would like to put it on next month's agenda.

Review of City of Boynton Beach Ordinance No. 21-12 (Polystyrene Foam Waste Reduction Ordinance)

Hal Stern said he was contacted by a member of the League of Women Voters who alerted him to the fact that Boynton is putting forward the attached ordinance which would ban polystyrene, confetti, and balloons on city property. When they thought they could move forward on plastic bags, the Florida Retail Federation (FRT) made it very clear they would oppose any action by cities. Several cities had passed ordinances but rescinded them because they were looking at a lawsuit by the FRT. He has not gathered that there has been push back from the FRT or any other entities against the Boynton or other city ordinances that ban these products on city property.

Hal Stern recommends that the Board follows this closely and take another look at ordinance in several months to see if there is a way to strengthen it. Kelly Brandon said nothing at this point has changed since the Florida 3rd DCA decision came out. F.S. 500.90 says we can regulate it on city property, but unfortunately there is still the F.S. 403.7033 that says until the legislator adopts the recommendation of the department, we can't regulate auxiliary containers.

Kent Edwards said there is a bill that was introduced specifically for the statute language addressing the DEP report. The stand-alone bill was picked up by another solid waste bill, which was a good sign although he said he does not think it will make it through. The report in the original statute language was due in February 2010, and this would update the due date.

Kelly Brandon also shared an update that she has worked with the Purchasing director to come up with a paragraph to write in the City's RFPs that we will be negotiating with each contractor to put a "no polystyrene use" paragraph into their contracts. The City is making strides within the confines of the preemption. The Purchasing director is also reaching out to all of the departments so that contracts that aren't necessarily at the RFP level, that they also try to negotiate the no polystyrene use clause into their contracts. This effort began as a Board recommendation.

Questions were raised about the City's current green purchasing policies, Kent Edwards said that staff can ask to resend an existing memo.

Kent Edwards said he will include the status of bills in the next month's staff report.

8. Old Business

a. Annual Report

Sarah Lucas suggested the report to be more forward looking related to the reduction of vehicle related emissions, such as one issue discussed was potentially recommending a change in fleet services. Hal Stern agreed and said that he thinks the City Commission would like to hear ideas and recommendations for moving forward.

Hal Stern said he thinks they need to mention the impact on staff, trees, and that in the comprehensive plan it says that the City will make a plan to reduce greenhouse gas emissions within two years of completing a greenhouse gas inventory. Kelly Brandon commented that specific recommendations should be made if the Board gives consensus for each item.

Sarah Lucas suggested focusing what we've done, what we want to focus on, what we need help with, and not necessarily an audit of places where we feel the City has been deficient.

Hal Stern agreed that they can mold the conversation in such a way that it becomes an action item rather than a criticism of the City.

Consensus was given to include the following topics in the annual report: urban forestry management plan, reduction of greenhouse gas emissions, noise pollution, and becoming more informed on solid waste management. Consensus was also given for the Chairperson to work on the annual report with staff.

b. Amendment to Ordinance 10-19

This item was not discussed due to time constraints.

c. SWA Recycling Follow-up

Kent Edwards said that he will try to get a presentation by DEP Solid Waste, who regulates SWA, on next month's agenda and staff from Neighborhood and Community Services has expressed interest in attending since they manage the contract with SWA.

9. Comments by Board Members

Hal Stern said that in January, Mayor Shelly Petrolia sent him a picture of a trash receptacle with buckets that people can use to pick up trash while at the beach at Pompano Beach. These are also in Palm Beach and Boynton Beach. In his personal capacity, Hal Stern requested designs and prices, which he will share with Missie Barletto, Director of Public Works and Kent Edwards. Sarah Lucas suggested adding this to next month's agenda. City Commission expressed interest in this project and gave direction to the Interim City Manager.

10. Comments by Staff

None

11. Adjournment

A motion to adjourn the meeting was made by Shaynaz Malleck and seconded by Susan Lebrun. Said motion passed unanimously and the meeting adjourned at 11:15am.