

**GREEN IMPLEMENTATION ADVANCEMENT BOARD MINUTES**  
**FRIDAY, AUGUST 20, 2020**  
**VIRTUAL MEETING**  
**9:00AM – 11:00AM**

**MEMBERS PRESENT:**

Hal Stern, Chairperson  
Sandy Trento, Vice-Chairperson  
Sarah Lucas, Second Vice-Chairperson  
Susan Lebrun  
Christina Hammond

**MEMBERS ABSENT:**

Lisa Shaheen  
Maren Graben

**STAFF PRESENT:**

Molly Daly, Assistant Sustainability Planner  
Kent Edwards, Sustainability Officer  
Kelly Brandon, Assistant City Attorney  
Brian Ruscher, Transportation Planner

**GUESTS/OTHERS:**

**1. Call to Order**

The meeting was called to order by Hal Stern at 9:01am. Information was provided pursuant to Executive Orders 20-69 and 20-179 about holding Advisory Board meetings virtually.

**2. Roll Call**

Roll call was conducted by staff.

**3. New Member Welcome**

Shaynaz Malleck introduced herself to the Board. She grew up in Canada but has been in Florida for 8 years. Shaynaz has a background in education and has experience in marketing, and a passion for green implementation and the environment.

**4. Approval of Agenda**

Sarah Lucas made a motion to approve the agenda of August 20, 2020, seconded by Susan Lebrun. Said motion passed unanimously.

**5. Approval of Minutes**

Susan Lebrun made a motion to approve the July 17, 2020 meeting minutes as amended by Molly Daly. Said motion was seconded by Sarah Lucas and the motion was passed unanimously.

**6. Public Comments**

None

**7. Discussion and Approval of Annual Presentation to City Commission**

Hal Stern has been working with staff to complete the presentation, which was sent to Board members for review and comment. Hal asked the Board if they would like to approve the presentation so the Board can proceed with making their annual presentation to the City Commission. The Board expressed a preference to give this presentation live during a virtual City Commission meeting, and staff responded that presentation can be made virtually and will request to be on an upcoming agenda.

Hal Stern said that this presentation is to fulfill their requirement as a Board to review City policies and during last year's presentation the City Commission was engaged about the topics, asked a lot of questions, and provided comments. The presentation is important to see initiatives moving forward.

Sarah Lucas made a motion to approve the presentation, which was seconded by Susan Lebrun. Said motion passed unanimously.

## **8. Old Business**

### **a. Polystyrene Discussion – Kelly Brandon, Assistant City Attorney**

Kelly Brandon spoke to the Board about legal limitations to reducing polystyrene use citywide through an ordinance. This discussion was a continuation of the proposal Commissioner Casale had discussed recently with the Board and during a City Commission meeting. Kelly Brandon overviewed Florida Statutes (F.S.) that are at issue with polystyrene regulation – F.S. 500.90 which preempts Local Government from regulating polystyrene unless regulating individuals on public property, temporary vendors on public property, or entities engaged in a contractual relationship with the local government for the provision of goods or services; F.S. 403.7089 which preempts local governments from regulating the packaging of food products; and F.S. 403.7033 which preempts local governments from regulating the use, disposition or sale of auxiliary containers until the state adopts recommendations made in a report by Florida Department of Environment Protection (DEP).

Kelly Brandon also discussed the recent court case, Florida Retail Federation v. Coral Gables, where a local government was sued for their regulation of plastic bags and polystyrene products. The circuit court ruled in favor of the City of Coral Gables, but after an appeal this decision was reversed by the Third District Court of Appeal.

Based on the City Attorney's Office analysis, it is possible to pass an ordinance that regulates polystyrene products that are not auxiliary containers, such as plates and cutlery, that are being used by individuals on public property, temporary vendors operating on public property, or entities engaged in contract with local government for provisions of goods.

Alternatives to an ordinance include adopting a resolution to encourage city businesses and facilities to reduce and eliminate polystyrene use, educating the public to change their behaviors, negotiating a "no polystyrene" use clause into contracts on a case by case basis, and talking to local representatives to support state bills to amend the aforementioned preemptions.

Hal Stern asked for more information about looking at contracts on a case by case basis. Kelly Brandon explained that the Board could recommend to the City Commission to direct staff to include a “no polystyrene” clause into contracts. Vendors could then evaluate the clause and if necessary, negotiate it with the city.

Staff discussed the Florida DEP’s report of plastic bags and polystyrene, as required by F.S. 403.7033. This report was submitted in February 2010 and provided recommendations to the State, but there has not been a response from the legislature to date. Kent Edwards said he will send the DEP’s report to the Board.

Susan Lebrun said that she supports writing a letter to our state representatives about adopting the recommendations included in the DEP report and to write a resolution regarding plastic utensils.

Sarah Lucas made a motion to recommend to City Commission that there be a resolution and/or letter addressing the recommendations included in the DEP report to the State Legislature and about the issue of State preemptions that prevent local regulation of polystyrene containers, and that language addressing polystyrene use be included in future City contracts as a “no polystyrene” clause that is negotiated on a case by case basis. This motion was seconded by Susan Lebrun and was passed unanimously.

The Board gave consensus for staff to draft this letter and will work with Hal Stern to send it to the City Commission.

#### **b. Green Business Certification Program**

Staff recently met with two food establishment businesses to better understand the impacts of COVID-19 and the business’ ability to implement the criteria of this voluntary certification program. They shared tremendous interest and support for the program and asked questions regarding commercial recycling and single-use plastic products.

Sarah Lucas researched green purchasing networks and provided it to staff in addition to information for manufacturers and distributors of eco-alternatives to plastic products. Staff did additional research and found purchasing guidance, and more information on alternative materials and distributors for these products. Kent Edwards spoke to the Chamber of Commerce Advocacy Committee about this during their monthly meeting and the group expressed interest in disseminating this information and potentially providing purchasing assistance to help lower the cost of the products.

Commercial recycling can be done and will not affect the contract with the Solid Waste Authority if the materials do not go to the curb. Thus, there is an opportunity to institute a commercial recycling program, such as with cardboard which is a popular commodity.

Staff is continuing to work on recycling and resources to support businesses in purchasing eco-alternatives to plastic products so that this program will be more successful.

Sarah Lucas made a motion to table this item until the next meeting to allow City staff to continue to work on this program. Said motion was seconded by Susan Lebrun and passed unanimously.

**c. Amendment to Ordinance 10-19**

Hal Stern said this recommendation is to amend the plastic straw ban by adding single-use plastic drink accessories that were included in earlier versions of the draft ordinance. He will contact the City Commission for an update on this recommendation.

**d. Tree Trust Fund and Tree Canopy Program**

Kent Edwards informed the Board that the City Attorney's Office is working with him to determine the process to access the Tree Trust Fund. There is an upcoming tree giveaway between the City and Community Greening scheduled for Saturday, August 22<sup>nd</sup>, 2020. Community Greening informed staff that three schools in the low canopy zones need trees, and staff will consider this for future tree planting. Staff did not have an update on the bid selection process for the tree inventory solicitation.

Sarah Lucas conveyed her concern with upcoming budget cuts and would like the Board and staff to be able to monitor the money in the Tree Trust Fund moving forward. Susan Lebrun told the Board that there is a recent development project that contributed a large amount into the Tree Trust Fund.

Susan Lebrun asked if the City has an idea of how much it will cost to meet the tree planting goal of 10,000 trees in 5 years, and Kent Edwards responded that the current contract with Community Greening costs roughly \$194,000 for 2,000 trees.

The Board asked staff to give an update next meeting about how much money in the Tree Trust Fund and who at the City is overseeing it. Staff will also send the Board information about the contract with Community Greening.

**e. Green Building Ordinance**

Kent Edwards shared that he is pleased with the progress of this draft ordinance which has been a result of work between the Office of Sustainability, Development Services and City Attorney's Office. Molly Daly added that staff has talked to the City of Miami Beach to learn how staff has been able to implement their green building ordinance.

**f. Coastal Resilience Partnership – Brian Ruscher, Transportation Planner**

Brian Ruscher gave an overview of the process behind the upcoming Climate Change Vulnerability Assessment to the Board. He shared updates including a new web page about the project on the County's website, the effects of climate change that were identified threats for the purpose of the study, and informed the Board that updates may be presented to the City Commission in October. Susan Lebrun asked staff if beach erosion and dunes were evaluated and staff said they will provide her with more information about where in the study it is included.

**g. RISE: Climate & Art (Virtual) 2020**

Molly Daly said that a few meetings have been held with last year's participants to discuss how to host this event again this year. Last year was the first RISE: Climate and Art event, which was held over two days in several venues. This year's event will take place over four days' time and almost all of the events will be online. The City will host a livestream kickoff event with the Chamber of Commerce to cover climate change, City projects and give a brief overview of the remaining events that are a part of RISE: Climate and Art weekend. Susan Lebrun said that she has information on a local producer in Boca Raton that produced a new movie about plastics in the ocean and will share with staff if it can be included as part of the event.

**9. New Business**

**a. GIAB Bylaws Article II Discussion: Election of Officers**

The Board's bylaws state that officers are elected each year in September and this item will be on the agenda for next month.

**10. Comments by Board Members**

Hal Stern asked staff to see if there is a list of Homeowner's Associations that the Board can use for outreach and help build awareness within the community, and Shaynaz Malleck offered to help.

**11. Comments by Staff**

Molly Daly shared that Planning and Zoning is working on an ordinance that will require buildings over a certain size to have an indoor bicycle rack, which could help them attain points towards LEED certification. The City is participating in the Wyland Foundation's National Mayor's Challenge for Water Conservation and asked the Board to sign the pledge and share with residents. Staff reminded Board members to submit their information for the census if they have not already.

Kent Edwards said that he will send out the Green Task Force Report which contains important areas of focus for the Board.

**12. Adjournment**

A motion to adjourn the meeting was made by Susan Lebrun and seconded by Shaynaz Malleck. Said motion passed unanimously and Hal Stern declared the meeting adjourned at 11:08am.