



AGENDA
ENVIRONMENTAL ADVISORY BOARD
CITY OF PORT ORANGE

Meeting Date: Tuesday, April 24, 2018

Time: 5:15 PM

Type of Meeting: Regular

Location: 2nd Floor Conference Room
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call

B. DISCUSSION/ACTION

2. Discussion on Board Member attendance
3. Consideration of January 23, 2018 Minutes
4. Consideration of February 26, 2018 Special Meeting Minutes
5. Finalization of the Tree Ordinance Update

C. PUBLIC COMMENTS

D. BOARD COMMENTS

E. NEXT MEETING DATE

6. Next Meeting Date: July 24, 2018
7. Items for Next Agenda

F. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **ENVIRONMENTAL ADVISORY BOARD** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. **NOTE:** IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

Environmental Attendance

Member Name:	24-Jan	25-Apr	28-Jul	25-Jul	24-Oct	28-Jan	26-Feb
Newton White	E						
Derek LaMontagne							
Philip Klema							
Dennis Young		U					
Kristine Cunningham			E				
Danielle Elwood	U	U			U	U	U
Nancy Vaughn							
John Macaluso				E			

Chapter 2, Article III, DIVISION 4. - ENVIRONMENTAL ADVISORY BOARD

Sec. 2-116. - Establishment.

There is hereby created and established an environmental advisory board of the city.

(Code 1981, § 2-82; Ord. No. 1992-18, § 2, 7-7-92)

Sec. 2-117. - Purpose, duties and functions.

- (a) The environmental advisory board shall serve in an advisory capacity to the city council on environmental matters. The environmental advisory board shall represent the community's interest and serve as an information resource in matters relating to the planting and preservation of trees and the full and proper protection of the environment in the city.
- (b) The environmental advisory board shall make recommendations to the city council as to tree planting, tree preservation and environmental policies and procedures in the city. In this regard the environmental advisory board shall exercise specific responsibilities as enumerated herein and, in addition, the city council may refer other environmental related matters to the environmental advisory board for study and recommendation. To accomplish these goals, the specific responsibilities of the environmental advisory board shall include, but not be limited to, the following:
 - (1) Assist in determining the tree needs of the community.
 - (2) Provide opportunity for combined public opinion and professional skill in the determination of community tree needs.
 - (3) Consider suggestions and criticisms and make recommendations to the city council.
 - (4) Assist the city forester in developing and updating a comprehensive urban forestry plan, including a community tree inventory.
 - (5) Assist in encouraging citizens, businesses and organizations to undertake individual tree planting projects.
 - (6) Maintain a reference library of materials relevant to city trees at the city planner's office.
 - (7) Assist in formulating environmental policies to be recommended to the city council.
 - (8) Review and comment on proposed policies, regulations and ordinances related to environmental matters in the city.
 - (9) Review and comment on state and federal action and activities which impact on the city.
 - (10) Review and comment on special environmental matters referred by the city council with the authority to conduct workshops, as necessary, in the performance of its duties.
 - (11) Suggest the necessity and/or desirability of special environmental assessment studies in the city to the city council.
 - (12) Provide environmental input and evaluation into major updates of or amendments to the city comprehensive land use plan.
 - (13) Make reports to the city council as necessary relating to environmental matters.
 - (14) Serve as a conduit and liaison between the city council and concerned citizens and environmental groups.

However, nothing within this division shall prohibit the city council from acting upon any matter not previously referred to or reviewed by the environmental advisory board.

- (c) The environmental advisory board shall serve in an advisory capacity to the city council on brownfield agreements for redevelopment and rehabilitation. The purpose, duties and functions of the environmental advisory board shall include acting as the brownfield advisory committee for the City of Port Orange, addressing agreements relating to redevelopment and rehabilitation of those areas or sites determined by city council resolution to be a brownfield area or a brownfield site, by:
- (1) Receiving notification from the person responsible for the brownfield site rehabilitation (PRBSR) of that person's intent to rehabilitate and redevelop the site before actually executing the brownfield site rehabilitation agreement;
 - (2) Receiving and reviewing a copy of the draft plan for site rehabilitation from the PRBSR which should address those elements contained in F.S. § 376.80(5);
 - (3) Holding public meetings providing for public participation and receiving public comment on the proposed rehabilitation and redevelopment of the brownfield site, including future land use, local employment opportunities, community safety, and environmental justice;
 - (4) Providing comment and recommendations to the city council regarding the draft plan for site rehabilitation, with the ultimate purpose of achieving an agreement between the PRBSR and the city on redevelopment of the brownfield site pursuant to F.S. § 376.80(5)(i); and
 - (5) Receiving a copy of the final, executed brownfield site rehabilitation agreement from the PRBSR, and reviewing the findings in the site assessment report or the technical document containing the proposed course of action following site assessment.

(Code 1981, § 2-83; Ord. No. 1992-18, § 3, 7-7-1992; Ord. No. 2008-14, § 1, 5-20-2008)

Sec. 2-118. - Composition; qualifications of members.

- (a) The city council shall appoint a seven-member environmental advisory board. Each member of the board shall be a qualified elector residing in the city. Members shall not hold any elective public office. Members may serve on other advisory boards of the city.
- (b) Members of the board shall be generally sympathetic to and knowledgeable of the principles and objectives of environmental protection. They should be guided by a sincere interest in preserving and protecting the environment and quality of life in the city and in accomplishing the purposes and goals set forth in this division.

(Code 1981, § 2-84; Ord. No. 1992-18, § 4, 7-7-1992)

Sec. 2-119. - Appointments, terms.

The initial appointments to the board shall be as follows:

- (1) Two members shall be appointed for terms expiring May 7, 1993.
- (2) Two members shall be appointed for terms expiring May 7, 1994.
- (3) Three members shall be appointed for terms expiring May 7, 1995.

Thereafter all appointments shall be made for a term of three years. All terms shall expire on May 7 in the year of their given expiration. A board member may be reappointed for any number of consecutive terms.

(Code 1981, § 2-85; Ord. No. 1992-18, § 5, 7-7-1992)

Sec. 2-120. - Vacancies, removal of members.

Any member of the environmental advisory board who is no longer a qualified elector residing in the city or who fails to attend two of three successive meetings without good cause shall forfeit his appointment and the city council may determine a vacancy to exist, which shall be promptly filled by the city council. A member of the board may be removed from the board by the city council for cause upon written charges and after a public hearing before the city council. Appointments to fill any vacancy shall be for the remainder of the unexpired term of the former member.

(Code 1981, § 2-86)

Sec. 2-121. - Organization, rules of procedure.

- (a) *Officers.* The members of the environmental advisory board shall elect a chairman, and a vice-chairman to preside in the absence of the chairman. Such election shall take place at the first meeting of the board of each calendar year.
- (b) *Responsibilities of chairman.* The chairman shall be responsible for the orderly running of all meetings, shall direct the preparation of all reports and shall make all necessary reports to the city council.
- (c) *Responsibilities of secretary; minutes.* The city recording secretary shall be responsible for keeping and recording minutes. A copy of the minutes of each meeting shall be kept on file in the city clerk's office.
- (d) *Quorum; rules of order.* The presence of four or more members shall constitute a quorum of the board necessary to take action or conduct business. The board shall adopt Robert's Rules of Order, latest edition, or such other written rules and procedures as may be desirable and necessary to promote and effectuate the purposes, objectives and business of the board in an orderly, timely and productive manner.
- (e) *Compensation.* Members of the board shall serve without compensation but may be reimbursed for such travel, mileage, per diem or other expenses as may be authorized by the city council.

(Code 1981, § 2-87; Ord. No. 1992-18, § 6, 7-7-1992)

ENVIRONMENTAL ADVISORY BOARD MEETING MINUTES
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE – CITY HALL
2ND FLOOR CONFERENCE ROOM
January 23, 2018 AT 5:15 P.M.

A Regular Meeting of the Environmental Advisory Board was called to order by Chairman LaMontagne at 5:15 p.m.

Present: John Macaluso, Chairman
Nancy Vaughn, Vice Chairman
Newton White
Philip Klema
Kristine Cunningham
Derek LaMontagne

Absent: Danielle Elwood

Also Present: Michelle Cusella, Sr. Administrative Assistant
Jake Johansson, City Manager
Margaret Tomlinson, Construction and Engineering Manager
Briana Conlan-King, Planner

B. ELECTION OF OFFICERS

Motion was made by Member Cunningham to nominate Member Macaluso for Chairman, Seconded by Member White. Member Macaluso accepted the nomination. Motion carried unanimously by voice vote.

Motion was made by Member Cunningham to nominate Member Vaughn for Vice Chairman, Seconded by Member White. Member Vaughn accepted the nomination. Motion carried unanimously by voice vote.

Chairman Macaluso informed the board of his background in Environmental Engineering and his desire to see the Board meet monthly rather than quarterly.

Jake Johansson, City Manager, advised the board on the differences between commissions and advisory boards. He also stated he was shocked to hear a board member had not heard of the Harbor Oaks project which is currently one of the biggest projects happening in the City. Mr. Johansson stated he was made aware of the plowing of the planted trees and would like to make it right under the right circumstances.

Member White stated his frustrations with the unrepresented last Environmental Advisory Board meeting. There was no City staff in attendance to help guide the board on the only agenda item that Council was voting on in an upcoming meeting.

Mr. Johansson advised the board their obligation is to look over the Ordinance, come to a consensus and report to Council on how the board wants to change it, not rewrite it.

Both Ms. Tomlinson and Ms. Conlan-King introduced themselves to the new board members as well as explained their job title/duties. Ms. Tomlinson apologized for her absence at the last meeting.

C. DISCUSSION/ACTION

2. Consideration of Minutes

Motion was made by Member Cunningham to approve the minutes for the meeting held July 25, 2017, Seconded by Member Klema. Motion carried 4-2 with Member LaMontagne and Chairman Macaluso voting no.

Motion was made by Member White to approve the minutes for the meeting held October 24, 2017, seconded by Member Cunningham. Motion carried 5-1 with Member LaMontagne voting no.

3. Tree Planting Projects

Member LaMontagne inquired about the donation for seedlings, as well as how much the budget would be for Arbor Day. He believes at least 1000 trees will be needed, and only one acre to grow them would suffice.

Mr. Johansson stated this would need to be a well thought out plan. If this proposed project is written out and presented to the Chairman, it will be looked over and presented to Council for their consideration.

Chairman Macaluso asked Member LaMontagne if he would spearhead the planting project. Member LaMontagne agreed to work on this project plan and present it to the Board at the next meeting.

Mr. Johansson stated the City celebrates Arbor day in conjunction with Earth Day in April.

Mr. Johansson advised the Board on the Water Summit and the Stem competition that Port Orange initiated and the possibility of exploring ways to resolve science and technological issues within the City of Port Orange.

Ms. Tomlinson advised the Board of the upcoming Dunlawton Ave. median Project from Spruce Creek Road to I95 which will be 3.1 miles of repurposed trees and plants. Chairman Macaluso suggested if the Board has any recommendations where to relocate these trees and plants, to get them together for the next meeting and the Board can make an official proposal.

Motion was made by Member LaMontagne to make a recommendation to Council about reviewing all future planting projects, Seconded by Member Cunningham. Motion carried unanimously by voice vote.

4. Tree Mitigation Bank Overview

Ms. Tomlinson provided the board with an overview of the Tree Bank as well as a fact sheet.

Discussion ensued about the enforcement of the tree mitigation bank.

Member White would like to recommend tree mitigation funds be used to fund the same kind of tree that was removed.

Motion was made by Member White to recommend the tree mitigation bank money be used to replace similar trees and landscape, Seconded by Member LaMontagne. Motion carried unanimously by voice vote.

5. Tree Ordinance Update

Ms. Tomlinson questioned what was discussed about hat racking at the last meeting.

Member White recapped the last meetings tree ordinance discussion and about wanting to add nuisance trees and additional species to the tree ordinance in order to protect them.

Member LaMontagne provided the City of Jacksonville's Tree Protection Ordinance again for the Board to look over to possibly use as direction for the City of Port Orange.

The Board agreed to add Tree Ordinance Discussion to the next meeting.

6. Development Projects in Review

Member White explained the Development Projects attachment is split into two sections; commercial and residential and shows the projects that are in progress and the status of the progress. The review is always available on the City's website under Community Development.

Member LaMontagne suggested adding to the next agenda a discussion on environmental/health impact of the Yorktowne Extension. The Board agreed to add this item.

D. PUBLIC COMMENTS- There were none.

E. BOARD COMMENTS- Member LaMontagne suggested holding a special meeting next month on February 26th in the Community Development Conference Room. The Board also agreed on this date.

The Board would like to add Map of Wetland Mitigation Bank /Timber Harvesting Map to next agenda.

F. NEXT MEETING DATE

7. Next Meeting Date: 4/24/18

G. ADJOURNMENT- 7:56 p.m.

Chairman Macaluso

ENVIRONMENTAL ADVISORY BOARD SPECIAL
MEETING MINUTES
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE – CITY HALL
2ND FLOOR COMMUNITY DEVELOPMENT CONFERENCE ROOM
February 26, 2018 AT 5:15 P.M.

A Special Meeting of the Environmental Advisory Board was called to order by Chairman Macaluso at 5:15 p.m.

Present: John Macaluso, Chairman
Newton White
Philip Klema
Kristine Cunningham
Derek LaMontagne

Absent: Nancy Vaughn, Vice Chairwoman (Excused)
via Phone Conference
Danielle Elwood

Also Present: Deanna Massey, Administrative Assistant
Jake Johansson, City Manager
Margaret Tomlinson, Construction and Engineering Manager
Briana Conlan-King, Planner
Shannon Bungart, Special Events Coordinator

Motion was made by Member Lamontagne to accept Vice Chairwoman Vaughn via telephone conference, Seconded by Member White. Motion carried unanimously by voice vote.

B. DISCUSSION/ACTION

2. House Bill on Tree Trimming

Chairman Macaluso asked board members if they all had a chance to review the house Bill on tree trimming.

Vice Chairwoman Vaughn spoke about bill and stated she called the Senator about her concerns.

Chairman Macaluso asked Mr. Johansson if anyone on City Council is following this bill.

Jake Johansson, City Manager, stated all of the City Council members are following this bill actively.

Chairman Macaluso stated that as an Advisory Board, he doesn't see any reason to take any action on this matter.

Mr. Johansson stated the reason he sent this bill to Chairman Macaluso was because he wanted to make sure they communicate with one another. He wants to make sure the Board knows what is going on.

Chairman Macaluso summed up the item by saying they still have time to give their opinions to the state.

Mr. Johansson stated Council has already weighed in and does not support the bill.

Motion was made by Member Newton to move to voice their opposition to house bill 521, Seconded by Member LaMontagne.

Member White moved to amend his motion to oppose the bill and support the Council's opposition to support bill 521, Seconded by Member LaMontagne. Motion carried unanimously by voice vote.

3. Future meeting times

Chairman Macaluso lead a discussion about future meeting times, and time limits. Members all stated they are available to meet during daytime hours before 5:00pm. He would like to meet each month, at 5:15 for the next fiscal year if possible.

During the next meeting on April 24th future times will be revisited.

4. Tree Ordinance Suggestions submitted by Derek LaMontagne

Member Lamontagne presented an overview of the Tree Ordinance packet included with the agenda.

Member White stated that the tree mitigation fund bank was used to buy Palm Trees at Riverfront Park, he doesn't think the funds were meant for that purpose.

Mr. Johansson explained what the tree mitigation bank was meant for.

Member White suggests they put limits on what the money is being spent on.

Member Lamontagne would like to create a rule against the practices of clear cutting and slash and burn techniques.

Mr. Johansson weighed in on clear cutting, and why it is used. He explained that there is not much space left to build on. He mentioned one of the issues with build to suit is you have to raise the level of the entire development up.

Member Lamontagne would like to create a new class of trees called nuisance trees. He also would like exemption rules during a hurricane situation.

Sandy Habali, citizen, presented a list of native trees to the board.

Member Lamontagne would like to require all development projects to provide a pre-development tree survey.

Margaret Tomlinson, Construction and Engineering manager, clarified the current tree surveys that are required. All subdivisions are required to go to Council.

Mr. Johansson explained the cost anticipated with the tree surveys.

Chairman Macaluso stated the purpose of this agenda item was to get everyone's ideas out on the table to discuss.

Member LaMontagne would like a section on environmental impact included in developmental projects.

Mr. Johansson stated the codes are written to reflect and meet environmental impact.

Member Lamontagne would like to create a Tree Ordinance to collect revenue from clearing the trees.

Mr. Johansson stated the money in the fund is used for forestry stuff, the general fund does not touch this.

Member Lamontagne would like to see funds moved into the tree bank.

Mr. Johansson will find out the exact name of the fund, but cannot combine the funds together, as they need to be kept separate.

Member Lamontagne would like the tree ordinance to determine how the money in the tree bank is spent.

Mr. Johansson doesn't think a tree ordinance is the best way to go, but can report to the EAB quarterly.

Member Lamontagne would like to change the 1 tree per 2500 S.F of lot area to 1 tree per 1500 S.F.

Ms. Tomlinson will be contacting Ormond Beach to discuss this and find out what they have in place.

Member Lamontagne discussed making the tree bank available online at all times for the public to view.

Member Lamontagne would like the City to consider a resolution not allowing palm trees as replacement trees.

Member White inquired about a tree ordinance about a dead tree in a neighbor's yard. Mr. Johansson stated they could do some research into such a tree ordinance.

5. Harbor Oaks Initiatives Update

Chairman Macaluso stated he was not familiar with this at all prior to reviewing this information. He would like to invite Dr. Trip to the next meeting to discuss these initiatives.

Vice Chairwomen Vaughn stated this is very positive, and it is a great natural solution.

Mr. Johansson said this is what EAB can do.

Member Lamontagne provided an update on the tree planting, he has the seedlings for the City for the Earth Day celebration.

Shannon Bungart, Parks and Recreation Special Events Coordinator, talked about the Earth Day/ Arbor Day celebration and the theme of it this year. There will be some events such as presentations from The Marine and Science Center, kid's crafts, paddle boarding, yoga, & recycling. The celebration will be taking place at the Riverwalk Park on Sunday April 22nd from 9:00-2:00 p.m. Citizens may direct all questions to David Hunt who is organizing the event.

C. PUBLIC COMMENTS-

Ms. Habali made a suggestion to remove the word "native" from the list of approved trees. She provided two documents, Texas Phoenix Palm Decline, and FL Exotic Pest Plant Councils 2017 list of invasive plant Species.

Motion was made by Member Vaughn to remove the word "native" on the next revision of the land development code, Seconded by Member Cunningham. Motion carried unanimously by voice vote.

Ms. Habali would like to have would like to have all category 1 and category 2 invasive plants removed from the list.

Ms. Tomlinson made a suggestion to get some feedback from more stakeholders in this area.

D. BOARD COMMENTS –

Member Lamontagne would like to hold another special meeting before the Earth Day Celebration. He would also like to have skype available for the board members in place of phone conferences.

Member Cunningham asked about progress on the a being moved from the medians.

Ms. Tomlinson asked for some suggestions from the board.

Member White made a suggestion to use the retention pond on Spruce Creek Road.

E. NEXT MEETING DATE

6. Next Meeting Date: April 24, 2018

7. Items for Next Agenda

Future meeting times

Member LaMontagne suggestions that were presented

Dr Trip, Harbor Oaks Initiative (tentative)

Texas Phoenix Palm Decline

FL list of invasive plant species

Discuss possible opening on the board / Member absences

F. ADJOURNMENT- 7:12 p.m.

Chairman Macaluso