



AGENDA
ENVIRONMENTAL ADVISORY BOARD
CITY OF PORT ORANGE

Meeting Date: Monday, January 25, 2021
Type of Meeting: Regular

Time: 5:15 PM
Location: 2nd Floor Conference Room
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call

B. ELECTION OF OFFICERS

C. DISCUSSION/ACTION

2. Consideration of Minutes - October 26, 2020
3. Presentation by the City Forester on Tree City
4. Request to Remove Historic Live Oak Tree - 107 Flamingo Drive
5. Review Other Cities Stances on Single Use Plastic
6. Discussion on a Quarterly Newsletter Subject for Next Edition
7. Environmental Advisory Board Priorities for 2021
8. 2021 Proposed Meeting Dates
9. Item for Next Agenda

D. PUBLIC COMMENTS

E. BOARD COMMENTS

F. NEXT MEETING DATE

10. Next Meeting Date: April 26, 2021

G. ADJOURNMENT

11. Board Report to Council - February 2, 2021

Environmental Advisory Board Meeting

Monday, January 25, 2021

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NOTICES – PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE ENVIRONMENTAL ADVISORY BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON 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 DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) 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 OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 OR HEARING 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 ADVISORY BOARD
MEETING MINUTES
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE – CITY HALL
2nd FLOOR CONFERENCE ROOM
PORT ORANGE, FLORIDA
OCTOBER 26, 2020 AT 5:15 P.M.

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

Present: Kristine Cunningham
John Macaluso
Michael Anderson
Philip Klema
Mike Arminio
Nancy Vaughn (appeared virtually)

Absent: Jonathan Foley (excused)

Also Present: Margaret Tomlinson, Construction & Engineering Manager
Shelby Field, Assistant City Clerk

B. DISCUSSION/ACTION

2. Consideration of Minutes - August 17, 2020

Motion to approve the August 17, 2020 minutes as presented was made by Member Anderson and Seconded by Member Macaluso. Motion carried unanimously by voice vote.

3. Information from Public Works on the Contaminated Wells at Wellfield Road

Margaret Tomlinson, Construction & Engineering Manager, informed the Board there are no contaminated wells at Wellfield Road. The City has 4 wells located around the water plant that are over 30 years old and showing some signs of increased salinity, but they are not contaminated. The engineers are doing a hydroponic study on the wells and will provide it to the Board once complete.

4. Discussion on a Quarterly Newsletter Subject for the Next Edition

Ms. Tomlinson passed around the Quarterly Newsletter with the previously agreed upon introduction of the Board. Chair Cunningham asked the Board to think about topics they might want to share with the citizens. The Board is in favor of sharing a summary on the tree ordinances they helped update and a link to the annual plant sale hosted by Volusia County.

5. Recommendation on Single Use Plastics a City Events

The Board discussed the pros and cons regarding plastic alternatives. Members Macaluso, Anderson and Arminio discussed the financial burden moving away from plastics can include. Chair Cunningham stated it is more about influencing a behavior change to show people they don't need as much plastic than moving away from it totally.

C. PUBLIC COMMENTS

There were none.

D. BOARD COMMENTS

The Board discussed possible topics to address in the upcoming year.

Member Klema asked for an update on the McDonald project. Ms. Tomlinson is going to research and provide an update.

Member Macaluso asked for an update on the Advent Hospital property. Ms. Tomlinson informed the Board that everything is moving smoothly.

Member Arminio thanked the Board for getting the opportunity to join and serve.

Member Vaughn believes the next topic for the Board to tackle is planting plants that help with water quality.

E. NEXT MEETING DATE

6. Next Meeting Date: January 25, 2020

7. Items for Next Agenda

Review other City's Stances on Single Use Plastics

Environmental Advisory Board Priorities for 2021

Discussion on a Quarterly Newsletter Subject for the Next Edition

F. ADJOURNMENT – 6:10 p.m.

Chair Kristine Cunningham

ORDINANCE NO. 17-19

AN ORDINANCE AMENDING SECTIONS 38-111, 38-112, AND 38-113, CITY CODE; PROVIDING FOR THE PROHIBITION OF THE SALE OR USE OF POLYSTYRENE AND POLYPROPYLENE FOOD SERVICE ARTICLES AND PLASTIC STRAWS BY CITY CONTRACTORS AND TEMPORARY VENDORS ON CITY PROPERTY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

34 WHEREAS, it is the intent and purpose of this Ordinance to
35 provide and maintain for the citizens and visitors of the City
36 healthy and aesthetically-pleasing experiences, while
37 simultaneously advancing the City's sustainability goals by
38 reducing the introduction of these non-biodegradable and
39 environmentally deleterious products into surrounding ecosystems
40 and landfills; and

41 WHEREAS, the provisions of this Ordinance are not intended
42 and shall not be construed as superseding or conflicting with any
43 statutory provisions relating to or rules and regulations
44 promulgated by the State of Florida but shall be construed as
45 implementing and assisting the permissible regulations under the
46 City's home rule powers and the enforcement thereof.

47
48 ***NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE***
49 ***CITY OF NEW SMYRNA BEACH:***

50 **SECTION 1:** That New Smyrna Beach Code of Ordinances, Chapter 38,
51 Article IV. Single-Use Plastics, Sections 38-111, 38-112, and 38-
52 113 are hereby amended as follows: (Note: Omissions from text are
53 indicated by [...], deletions from text are indicated by ~~strikeout~~,
54 and additions to text are indicated by underline.)

55
56 **CHAPTER 38 - ENVIRONMENT**

57
58 **ARTICLE IV. ~~RESERVED~~ SINGLE-USE PLASTICS**

59
60 **Sec. 38-111. ~~Reserved~~Definitions.**

61
62 Plastic Straws means any tube for transferring a beverage from its container to the mouth of the
63 drinker made from non-renewable materials.

64
65 City Contractor means any person or entity, including food service establishments regulated by
66 chapter 500, Florida Statutes, which has entered into a contract with the City to provide goods or
67 services or services to the City.

68
69 City Facility includes, but is not limited to, any building, structure, park, or beach owned, operated
70 or managed by the City.

71 City Property includes, but is not limited to, any land, water, or air rights owned, operated or
72 managed by the City.

73
74 Expanded polystyrene means blown polystyrene and expanded and extruded foams that are
75 thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number
76 of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam),
77 injection molding, foam molding and extrusion-blown molding (extruded foam polystyrene).

78
79 Food service articles means straws, plates, bowls, cups, containers, lids, trays, and all similar single
80 use items used for serving or distributing food or drink.

81
82 Polypropylene means a plastic polymer of propylene (C₃H₅), commonly identified by ASTM
83 Resin Identification Code #5.

84
85 Polystyrene means a thermoplastic polymer or copolymer comprised of at least 80 percent styrene
86 or para-methylstyrene by weight.

87
88 Temporary Vendor means any person or entity issued temporary authorization from the City to
89 provide or sell food on City Property or in a City Facility, special event permits issued by the City
90 for a special event on City Property or in a City Facility.

91
92 **Sec. 38-112. Reserved Prohibition.**

93
94 (1) The use of polystyrene or polypropylene food service articles and plastic straws by City
95 Contractors and Polystyrene or Polypropylene Food Service Articles or Plastic Straws in
96 City Facilities or on City Property, including but not limited to special events on City
97 Property or in a City Facility is prohibited.

98
99 (2) The provisions of this section shall be incorporated into all contracts, leases, or concession
100 agreements for City Contractors and Temporary Vendors entered into after the effective
101 date of this Ordinance.

102
103 (3) A violation of this section shall be deemed a material default under the terms of this
104 contract, lease or, concession agreement or temporary authorization from the City, and is
105 grounds for termination or revocation of a special event permit, contract, lease, concession
106 agreement or temporary authorization from the City.

107
108 **Sec. 38-113. Reserved Exceptions.**

- 110 (1) This Division shall not apply to prepackaged foods that have been filled and sealed prior
111 to receipt by the City Contractor or Temporary Vendor, including products used for the
112 storage of raw meat, pork, poultry, fish, and seafood.
113
- 114 (2) Any City contract, lease, or concession agreement entered into prior to the effective date
115 of this section or any temporary permit issued prior to the effective date of this section shall
116 not be subject to the requirements of this section, unless the City Contractor or Temporary
117 Vendor voluntarily agrees thereto.
118
- 119 (3) To the extent any individual with a qualified disability under the Americans with
120 Disabilities Act may require polystyrene or polypropylene food service articles or plastic
121 straws, such articles may be provided upon request.
122
123

124 **SECTION 2. Codification.** This Ordinance shall be codified as a part
125 of the Code of Ordinances of The City of New Smyrna Beach, Florida,
126 such provisions may be renumbered or re-lettered to accomplish
127 such intention, and the word "ordinance" or similar words may be
128 changed to "Section", "Article", or other appropriate word. The
129 City Clerk is granted liberal authority to codify the provisions
130 of this Ordinance as contemplated herein.
131
132

133 **SECTION 3: Public Hearing.** That a public hearing considering the
134 adoption of this ordinance was held April 23, 2019, in the City
135 Commission Chambers at City Hall, 210 Sams Avenue (south entrance
136 on Julia Street), New Smyrna Beach, Florida, after notice is found
137 to comply with §166.041(3)(c), F.S.
138
139

140 **SECTION 4: Conflicting Ordinances.** That all ordinances or parts
141 thereof that are in conflict with this ordinance shall be and the
142 same are hereby rescinded and repealed.
143

144 **SECTION 5: Severability.** That if any section, sentence, clause or
145 phrase of this ordinance is held invalid or unconstitutional by
146 any court of competent jurisdiction, then said holding shall in no
147 way affect the validity of the remaining portions of this
148 ordinance.

149 **SECTION 6: *Effective Date.*** That this ordinance shall take effect
150 60 days after final adoption.

151

152 **APPROVED AS TO FORM AND CORRECTNESS:**

153

154 

155 **CARRIE AVALLONE**

156 **City Attorney**

157

158

159 **DATE:** 4/2/2019

160

161

ORDINANCE NO. 19 - 16

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, PROVIDING FOR THE REPEAL OF CITY ORDINANCES 19-03, PROHIBITING POLYSTYRENE CONTAINERS AND SINGLE USE PLASTIC STRAWS AND 19-04 PROHIBITING SALE THE DISTRIBUTION OF SINGLE USE PLASTIC BAGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 1, 2019, the City Commission of the City of St. Augustine Beach adopted Ordinances 19-03, prohibiting polystyrene containers and single use plastic straws and 19-04, prohibiting the sale and distribution of single use plastic bags, and,

WHEREAS, on August 14, 2019, the Court of Appeal of Florida, Third District, issued an opinion in the case of Fla. Retail Fed'n, Inc. v. City of Coral Gables, finding that Florida cities are preempted from passing laws that regulate or prohibit use and sale of certain plastic products, including those prohibited in City of St. Augustine Ordinances 19-03 and 19-04, and,

WHEREAS, the Court's decision in the above case invalidates City Ordinances 19-03 and 19-04, and the city must repeal those ordinances in order to comply with Florida law.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH FLORIDA:

Section 1 City of St. Augustine Beach Ordinance 19-03, containing Sections 13-47, Prohibition on Use of Expanded Polystyrene and Single Use Plastic Straws and 13-48, Enforcement; Penalties, of the Code of Ordinances of the City of St. Augustine Beach, are hereby repealed in their entirety.

Section 2 City of St. Augustine Beach Ordinance 19-04, containing Sections 13-44, Prohibition of Single Use Plastic Carryout Bags for Special Events and Section 13-45, Sale, Use and Distribution of Single Use, Carryout Bags by Retail Establishments and Food Service Providers, of the Code of The City of St. Augustine Beach are hereby repealed in their entirety.

Section 3 SEVERABILITY. It is the intent of the City Commission of the City of St. Augustine Beach, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 4 EFFECTIVE DATE. This ordinance shall take effect upon adoption.

PASSED by the City Commission of the City of St. Augustine Beach, Florida upon Second Reading this 7th day of October 2019.

**CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE BEACH**

ATTEST: _____

City Manager, Max Royle

BY: _____

Undine C. George, Mayor

First Reading: September 9, 2019

Second Reading: October 7, 2019