

City of Clearwater

*Main Library - Council Chambers
100 N. Osceola Avenue
Clearwater, FL 33755*



Meeting Minutes

Wednesday, May 15, 2024

4:00 PM

Main Library - Council Chambers

Environmental Advisory Board

Roll Call

Present 4 - Chair Jared Leone, Board Member Glenna Wentworth, Michael Rubino, and Jason Drizd

Absent 1 - Board Member Kelly Dobbin

Also Present – Cassie Cordova – Sustainability Manager and Nicole Sprague – Deputy City Clerk

1. Call To Order

The Chair called the meeting to order at 4:00 p.m.

2. Approval of Minutes

2.1 Approve January 11, 2024 EAB meeting minutes

Member Wentworth moved to approve the minutes of the January 17, 2024 Environmental Advisory Board meeting as submitted in written summation. The motion was duly seconded and carried unanimously.

Chair Leone moved to nominate himself as Chair and Glenna Wentworth as Vice Chair of the Board. The motion was duly seconded and carried unanimously.

3. Citizens to be Heard Regarding Items Not on the Agenda

Brian Beckman said over 330 solar permits were issued in 2023, about the same amount as 2022. He reviewed energy and dollar savings from the solar installations. He said the solar trends are contributing to Green Print goals. He said non-profits, churches, and governments are now eligible for a 30% tax credit.

Kathleen Beckman encouraged Board members to introduce themselves to Council and encouraged them to research resiliency in other communities and to become familiar with the Green Print document.

Bill Jonson said the City had a good tree giveaway event. He said the City went from a six to a five for the community rating system, a FEMA program that encourages community floodplain management. He said volunteers are building oyster mats and are being installed along the Courtney Campbell Causeway. He said greenery in medians have been removed and are not green and vibrant like they once were. The City of Largo makes vibrant landscaped medians a priority. He requested the Board recommend a sufficient budget for median landscaping.

4. New Business Items

4.1 Review solar development code updates

The planning division will give an overview of code updates for accessory structures, including solar.

Planner Kyle Brotherton provided a PowerPoint presentation. In response to questions, he said the panels in the floating configurations are limited to 3 ft above the water surface because most applications will involve neighborhood stormwater ponds abutting residential homes and the height requirement will keep the visual impact low. He said the concept is new to the City and will have to be a "learn as we go" process. Staff will ensure any vegetative material in ponds will not be negatively affected. He said these code updates will make the permitting process smoother.

One individual expressed a concern that panels over water will have an effect on the biological aspects of that particular body of water and that more research is needed.

It was said the panels would be installed in non-fishable waters.

One individual questioned if the same standards applied to carport solar applications. There are requirements for how far of the roof structure panels may be placed.

Mr. Brotherton said any roof area would be included in the standards.

One individual expressed a concern regarding standards on aesthetics.

Mr. Brotherton said aesthetics was not considered when structuring the standards. He said current code speaks to hiding rooftop electrical equipment such as HVAC and this standard would fall in line with that code. He said the code was drafted off the City of St. Petersburg's language. Other communities were more specific and Clearwater kept more flexibility in the code. He said solar application permits are approved at the staff level.

4.2 Review presentation on duck hunting near Coopers Bayou

Chief Gandy and Senior Assistant Attorney Melissa Isabel will present findings on the issue of duck hunting season near Coopers Bayou.

Police Chief Eric Gandy said duck hunting occurs along upper Tampa Bay, in the mangrove area west of the Bayside Bridge, and Cooper's Bayou. He said duck hunting in those locations is allowed as Florida Fish and Wildlife Conservation Commission (FWC) deem those areas as

public water. The City acquired Cooper's Bayou Preservation Area. Cooper Bayou's Park is located in the preservation area which is zoned Commercial. Portions of the area is owned by the County primarily and the City secondarily and is zoned raw acreage. There is also a private owned parcel of submerged land incorporated. He said ultimately the zoning and ownership needs to be reconciled, then post park rules around the park's perimeter. Then staff would be able to approach FWC to get an opinion on a hunting prohibition in that area. He said enforcement challenges include not being able to enforce park rules in an unmarked park area and not having a vessel that fits in that area. He said he could enter into a Memorandum of Understanding with FWC to shift the hunting area east of the current bayou area and provide a hunter education program. He said responsible hunters would abide by the law and rules; they don't want to do anything illegal. He said he understand resident's concern regarding the sound of gun fire early in the mornings during hunting season.

In response to a question, Assistant City Attorney Melissa Isabel said there is a future land use plan to properly designate the property.

One individual said they were surprised to learn of the zoning issues and encouraged the Board and the Parks and Recreation Board to lend their voices to the issue.

One individual encouraged the Board to apply positive persistent pressure to make sure the issue is addressed.

In response to a concern, Chief Gandy said hunting regulations say the onus is on the hunter to be mindful of the surroundings.

4.3 Review pre-emption issues for shark fishing and phosphogypsum bans

Senior Assistant City Attorney Jerrod Simpson will discuss pre-emption issues for shark fishing and phosphogypsum bans.

Assistant City Attorney Jerrod Simpson said the legislative committee's bill analysis and fiscal impact statement regarding the use of phosphogypsum in road construction material is a good resource. He said the EPA prohibits the use of the product in any way and they treat it as a waste product. He said in 2020, the EPA approved a request to allow a limited use of phosphogypsum in government road construction projects. The approval was subsequently withdrawn the following year. The EPA said the request did not contain all required information needed for the rule change. He said if the EPA reverses this decision again, and FDOT concludes the use is feasible, the City will not have the ability to control what materials FDOT uses in road construction projects.

Mr. Simpson said there is a statutory right to hunt and fish in Florida. He said the City posts areas where fishing is prohibited. He said Clearwater beach has a variety of ownership scenarios, some property is private, some property is owned fee simple by the City, and some property is owned by the City by plat dedication. In response to a suggestion to copy another community's shark fishing ban ordinance, Mr. Simpson said the land ownership on the beach is complicated and Clearwater's situation may not be the same. He said the species of the dead shark found on another community's beach is already prohibited from taking under FWC's regulations.

Chief Gandy said public bathing beaches are where the lifeguard towers are located. He said enforcement of a ban is difficult as it is hard to determine who is fishing for sharks versus big fish. He said a ban on fishing from the beach would not deter people from standing in the water to fish. In response to a question, he said leaving behind litter from fishing is enforceable, but officers would have to determine who actually left the garbage.

One individual said there are certain fishermen who fish for shark consistently on the beach.

One individual said people leave their garbage and discarded fishing debris on the sand and walk away when they are done.

A comment was made that the Board appreciated today's feedback from staff.

5. Old Business Items

Sustainability Division Manager Cassie Cordova said the City Hall update presentation was provided to Council and encouraged the Board to watch that meeting. She said staff decided to decline the Tampa Bay Estuary grant for invasive species as there is no capacity for it at this time. She said an update for the Marina project will be given at the July meeting. Environmental Specialist Sarah Kessler will provide an update on Cooper's Bayou once final design is complete.

In response to a question, Mr. Cordova said her division is involved with the planning of the new city hall.

6. Director's Report

Ms. Cordova said the Sustainability division is now located in the Public Works department. She said it would be appropriate for the Board to write letters of support or recommendation to Council to advocate for any specific topic. She said the City is wrapping up the statewide

mandated city vulnerability assessment and a final presentation will occur at a future Council meeting. A solar project update will be provided to the Board in the future. She said the City was awarded an Energy Efficiency Conservation Block Grant and electrical vehicles and charging stations will be purchased. The City was also awarded an Energy Futures Grant to pursue a regional electrical mobility road map; the City will be the lead agency on that grant. The awarded grants come from federal agencies and are still being negotiated.

7. Board Members to be Heard

Mr. Rubino said today was his first meeting and he thanked staff for their time.

Ms. Wentworth congratulated Ms. Cordova and her department for obtaining the grants. She encouraged new Board Members to review the Green Print plan. She said the Board may want to consider advocating for more safe bike lanes in the City.

Mr. Leone said the area needs more transportation options. He thanked the new members for serving. He said the Board has a track record of success for pushing forth resolutions and ordinances.

8. Adjourn

The meeting adjourned at 6:12 p.m.

Attest:

Chair Environmental Advisory Board

Board Reporter