

# ENVIRONMENTAL SCIENCE FORUM

TO: Mr. Robert S. LaSala, County Administrator

FROM: Ms. Cathy Harrelson, ESF Policy Co-Chair  
Mr. Bruce Hasbrouck, ESF Science Co-Chair

CC: Mr. Mark Woodard, Assistant County Administrator  
William Davis, Director, Dept. of Environmental Mgmt.

DATE: October 23, 2009



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Pinellas County Environmental Science Forum - Summary of Recommendations  
**DRAFT COUNTY LANDSCAPE MAINTENANCE/FERTILIZER ORDINANCE**  
October 1, 2009

A subcommittee of the Environmental Science Forum (ESF) reviewed the August 11, 2009 draft of the County Landscape and Fertilizer Ordinance and developed a set of recommendations documented in their meeting minutes (see attached). The recommendations were discussed by the full ESF on October 1, 2009. The ESF praised the County for developing an excellent draft ordinance and considered it one of the best in the state. Overall, with the exception of one item, the ESF was in agreement and very supportive with the draft ordinance provisions as written.

The subcommittee's recommendations (see attached) included some relatively minor wording changes to a few sections of the draft ordinance. The ESF reviewed the subcommittee's written recommendations, made two minor wording additions, and on a vote of 9 to 2 approved the recommendations.

ESF's primary concern is the exemption in paragraph "b" from Section 10. ESF agreed to recommend removal of the exemption based upon its inconsistency with other ordinances that have passed in the region and state and believing it would send a mixed message to the public that applying fertilizer during the "restricted" period is acceptable.

Thank you for the opportunity to express our opinion and we look forward to the County proceeding with the adoption of the ordinance as recommended.

Environmental Science Forum (ESF)  
Weedon Island Preserve Cultural & Natural History Center  
St. Petersburg, FL  
Thursday, 1 October 2009  
4:00 p.m. to 6:30 p.m.

MEETING MINUTES  
Subject to Forum Approval

Attendees:

- |     |                   |  |
|-----|-------------------|--|
| 1.  | Bruce Hasbrouck   | Forum Member, Co-Chair                   |
| 2.  | Cathy Harrelson   | Forum Member, Co-Chair                   |
| 3.  | Tom Muntz         | Forum Member                             |
| 4.  | Mark Mueller      | Forum Member                             |
| 5.  | Lindsay Cross     | Forum Member                             |
| 6.  | Jeanne Murphy     | Forum Member                             |
| 7.  | Dr. Randy Runnels | Forum Member                             |
| 8.  | Robert McConnell  | Forum Member                             |
| 9.  | Ray Wunderlick    | Forum Member                             |
| 10. | Ann Paul          | Forum Member                             |
| 11. | Joanne Shrewsbury | Forum Member Alternate for Joe Maier     |
| 12. | William Davis     | Pinellas County Environmental Management |
| 13. | Andy Squires      | Pinellas County Environmental Management |
| 14. | Kelli Hammer Levy | Pinellas County Environmental Management |
| 15. | Jason Ester       | Pinellas County Attorney's Office        |
| 16. | Barbara Snow      | Humane Society of Pinellas               |
| 17. | Dave Bruzek       | Citizen (also Alternate to Tom Muntz)    |
| 18. | Phil Compton      | Citizen                                  |
| 19. | Britten Cleveland | Citizen                                  |
| 20. | Sidney Crawford   | Citizen                                  |

**Handouts:** Pinellas County Environmental Science Forum Agenda; ESF meeting minutes from August 6, 2009; Draft Pinellas County Landscape Maintenance and Fertilizer Ordinance (8-11-09 version), minutes of the August 17, 2009 ESF subcommittee meeting on the Draft Pinellas County Landscape Maintenance and Fertilizer Ordinance.

**I. Welcome and Introduction:**

- Co-Chair Ms. Cathy Harrelson called the meeting to order with a general welcome. Each person in attendance introduced themselves.

**II. Additional Agenda Items:**

- None

**III. Announcements**

- Mr. Robert McConnel announced an upcoming FDEP workshop on October 6, 2009 at the FDEP Temple Terrace office main conference room. The

workshop will discuss the reclassification of a portion of the Alafia River and most of the Tampa Bypass Canal from Class III to Class II waters. Both areas proposed for reclassification lie entirely within Hillsborough County. Tampa Bay Water began withdrawing surface water from both water bodies in 2002. For more information click on:  
<http://www.tampabaywater.org/watersupply/reclassification.aspx>.

- Ms. Lindsay Cross announced two upcoming events. The Fifth Bay Area Scientific Information Symposium (BASIS 5) to be held at the Holiday Inn SunSpree Resort in St. Petersburg Oct. 20-23 followed by the Estuarine Academy on Saturday October 24 at Weedon Island Preserve. The BASIS 5 theme is "Using our Knowledge to Shape our Future: and is focused on revisiting and updating the science first presented at BASIS 1 in 1982.
- Dr. Randy Runnels thanked the Weedon Island Preserve and Education Center staff for their excellent facilities that left an excellent impression on a recent visit from a NOAA Asian group visiting the Tampa Bay area. The group was visiting Tampa Bay as part of the South China Coastal Biodiversity (SCCBD) project to see how environmental trends have been reversed in a watershed with considerable population growth. The visitors included Wang Bin, a Deputy Director of China's State Oceanic Administration (SOA), and Jonathan Justi, NOAA's Asian Programs Coordinator. The visitors were impressed with the knowledge and helpfulness of the Weedon Island staff, and Mr. Justi remarked that the Weedon Island facility is one of the best of many he has seen.
- Mr. Phil Crompton representing the Sierra Club announced the Oct 3, 2009 American Solar Energy Society Solar Tour. The event will highlight local homes and buildings utilizing solar energy. The tour focuses on energy-saving techniques and sustainability through building design, energy efficiency appliances, and the use of green materials during remodeling.
- Co- Chair Cathy Harrelson reminded Forum members how important it is to assign an Alternate to serve in a member's absence.

#### **IV. Approval of August 6, 2009 Minutes**

- Two revisions were made. The spelling of "Lindsay" was corrected in the fourth paragraph under item V. Under item IX, the minutes were revised to show that Mr. Tom Muntz adjourned the meeting. Ms. Lindsay Cross made a motion to approve the August 6, 2009 meeting minutes with the two revisions. Mr. Tom Muntz seconded the motion. The motion carried unanimously.

#### **V. Draft County Landscape Maintenance/Fertilizer Ordinance**

- Co-Chair Cathy Harrelson began working through the Ordinance subcommittee comments from their August 17 meeting minutes. Except the proposed removal of paragraph "b" in Section 10 of the draft ordinance, there was little discussion about the recommendations of the subcommittee.
- Two additional Forum recommendations were made to those already listed in the subcommittee minutes. Under Section 6 paragraph "c," the words "containing nitrogen" are to be inserted after the word "Fertilizer," which is the first word of the paragraph. The last sentence currently in the Draft ordinance in

Section 8 is to remain as the last sentence in that paragraph. That sentence will follow the recommended revision to Section 8 as stated in the subcommittee minutes.

- Paragraph “b” in Section 10 of the draft ordinance is the Exemption to allow the application of nitrogen or phosphorus during the wet restricted season period if a deficiency for nitrogen and/or phosphorus was determined by the University of Florida, IFAS. A lengthy discussion occurred. Mr. Will Davis and Ms. Kelli Levy explained that the exemption was inserted last spring to address an IFAS concern that nitrogen in some cases would be needed during the summer and to avoid IFAS’ comment that there could be “unintended consequences” of additional nitrogen runoff because of the restricted period. The County originally understood that IFAS was satisfied with the ordinance with the exemption included but has since learned that may no longer be the case. Mr. Phil Compton, representing the Sierra Club, strongly opposed including the exemption because he felt it would not be consistent with other passed ordinances in the region and would send a mixed message to the public that applying fertilizer during the wet “restricted” season is okay if it is needed. Several Forum members brought varying viewpoints to the discussion.
- Mr. Ray Wunderlick made the motion to accept the subcommittee recommendations as shown in the August 17, 2009 meeting minutes with the additional recommendations discussed in today’s meeting. The additional recommendations were to: insert the words “containing nitrogen” into Section 6(c) of the draft ordinance after the word “Fertilizer,” and to retain the existing last sentence in Section 8 of the draft ordinance. Ms. Jeanne Murphy seconded the motion. The motion carried with 9 members in support and 2 members opposing.
- Ms. Ann Paul made a motion, with a second by Mr. Ray Wunderlick, for the County to draft a cover letter to be sent to the County Administrator explaining ESF’s recommendations on the draft ordinance.

#### **VI. Feral Cat Committee Update**

- Ms. Barbara Snow, Executive Director of the Humane Society of Pinellas, provided an update on the progress of the Feral Cat Committee tasked with providing a recommendation to the Pinellas County Commission. The meetings are complete and a draft document of the final recommendations is under development. The recommendations are expected to include a strong education campaign with academic coverage combined with a marketing strategy to effectively get public attention and understanding. She also stressed the need to foster the involvement of non-profit organizations that must connect with groups doing Trap, Neuter, and Release (TNR). The committee has carefully considered both the welfare of cats and the welfare of wildlife. The primary goal of the recommendations is to prevent additional cats from becoming feral and to reduce the number of existing feral cats.
- Mr. Will Davis said that it is ESF’s decision whether they chose to weigh-in on the subject once the Feral Cat Committee recommendations are completed and distributed.

#### **VII. Public Comment:** No additional comments were made.

### VIII. Future Agenda Items:

- Other than the possibility of discussing and commenting on the Feral Cat Committee recommendations, no other future agenda items were identified. Co-Chair Mr. Bruce Hasbrouck asked the members to send Mr. Andy Squires any recommended agenda items they may think of over the next several weeks. The next meeting will be announced at a later date.

### Adjourn

Mr. Tom Muntz made a motion to adjourn the meeting. Motion was seconded by Ms. Lindsay Cross. Meeting adjourned at 6:25 p.m.

*Note: ESF Fertilizer August 17, 2009 Subcommittee Meeting minutes attached below.*

**ESF Sub-Committee Meeting  
Pinellas County Fertilizer Ordinance  
8-17-09**

**Attendees:**

Voting Members: Cathy Harrelson, Howard Rutherford, Lindsay Cross

Pinellas County staff representative: Kelli Levy

Public attendees: Phil Compton, Robin Baldwin, Loren Westenberger

**Welcome & Introductions**

**1) Committee recognized changes made to draft dated 7/20/09 per initial review and requests by the ESF:**

1. Page 1: "Whereas", paragraph 5, reclaimed water added
2. Page 4, Definitions: Addition of definition of Specialized Turf
3. Pages 6-7, Section 10 a. 1) through 5): Paragraphs have been reorganized, including reformatting of 4) Vegetable Gardens...
4. Page 8, Section 13: The following language has been added – of section 1.8 of the Pinellas County Environmental Enforcement Act

**Sub-Committee additions, changes, new language:**

1. Page 3, **Definitions, Fertilizer:**  
**Change** definition to: Fertilizer means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.
2. Page 6, Section 8, **Fertilizer-Free Zones:**  
**Change to:** Fertilizer shall not be applied in or within ten (10) feet from the top of the bank of any surface water, landward edge of the top of the seawall, designated wetland or wetland as defined by the Florida DEP, chapter 62-340.
3. Page 7, Section 10, **Exemptions** (continued):  
**Add:** 6) Tree trunk injection fertilization/treatment that are performed by a certified arborist.  
  
**Remove:** b) paragraph in its entirety, Nitrogen or phosphorous fertilizer may be applied..... (see discussion below)
4. Page 7-8, Section 11 a), **Certification and Training:**  
**Add:** the word the after "by" and before "County" in the sentence beginning with "A list of approved training programs..."

5. Page 9, Section 14, **Recommendations and Additional Information:**

- a) **Add:** In the first sentence, the word strongly after “is” and before “recommended”.  
**Add** as sentence 3 in this paragraph: A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff.

**Discussion, Page 7, Section 10. Exemptions:**

Recommend removal of item b) N or P tissue test deficiency exemption

- Kelli Hammer-Levy: from presentation @ Hillsborough EPC, IFAS made a presentation regarding possible “unintended consequences” of a total N ban during the rainy season, and that this could create a problem for the county cooperative extension, which operates under IFAS. This Exemption represents an “Olive branch” for IFAS.
- Phil Compton: Since the rainy season N ban in Sarasota County, only one person in Sarasota County, Barry Troutman, (spokesman for the landscaping industry) brought tissue in for testing. His lawn apparently had a fungus from over-watering, not a Nitrogen deficiency.
- Kelli Hammer-Levy: This exemption only allows a one-time application. Anything further requires a soil & tissue test each time. IFAS will conduct the test. People bring soils in for testing, 99% of time it is not a Nitrogen deficiency. Often iron, magnesium, manganese deficient. This is especially true in Pinellas.
- Cathy Harrelson: This Exemption muddies the educational message, the message which will provide much of the enforcement. And, where would the person even purchase N fertilizer if their soil/tissue test showed a need for nitrogen?
- Phil Compton: IFAS is issuing opinion research only, and it is based on turf grass not water quality. IFAS is still denying that fertilizer runs off into waterways.
- Cathy Harrelson: The water is the commonwealth owed by all citizens and improving that water quality is the reason for this ordinance.
- Phil Compton: At the most recent TBEP TAC (Tampa Bay Estuary Program Technical Advisory Committee) meeting, the scientists in the room conducted a firm discussion of relationship between fertilizer runoff and algae blooms, including the some of the toxic accumulation and effects in fish.
- Loren Westenberger: IFAS often sites that turfgrass must be maintained to prevent erosion. If this is an issue and our goal is to protect water quality, simply choose another plant that doesn’t require so much Nitrogen.
- Kelli Hammer-Levy: This Exemption is there if there is a bona fide problem. Leaving it in allows for a solution. And, it may make the ordinance easier to pass by reducing opposition. However, if taken out, they certainly would have the option to come to the County and ask to have it put back in.

- Phil Compton: We have heard concerns that if Pinellas County allows this, the entire TB area would leave this in, thus affecting the entire watershed, and counties which have chosen to have a total rainy season N ban, including Sarasota County. Taking it out keeps it consistent with other lower Gulf Coast counties and with the city of St. Petersburg, all of whom have passed an ordinance with a full rainy season ban, no exemptions.
- Kelli Hammer-Levy: Even IFAS, in the Best Practices document (which IFAS has now removed its website), they indicated use of a slow release product in May, Iron in August (rainy season peak), then use a complete product in October.

**General Discussion:**

- Lindsay Cross: What about Enforcement?
- Kelli Hammer-Levy: primarily through the retail ban, BMP certification and TBEP/County educational campaign, individual application; County will enforce in unincorporated areas via Section 1-8, PCEEA. Gulfport will adjust their ordinance to match the county;
- Cathy Harrelson: We could approach St Pete to do the same.
- Lindsay Cross: If a particular community opts out they can do whatever they want?
- Kelli Hammer-Levy: Yes.

**Sub-Committee Vote:**

Howard Rutherford moves; Cathy Harrelson 2nds, to: Remove item b), Section 10. Exemptions, paragraph in its entirety; Motion carries unanimously

Lindsay Cross moves, Howard Rutherford 2nds: to make this ordinance county-wide with opt-out: Motion carried unanimously.

Adjourn 11AM