AGENDA REQUEST

AGENDA ITEM NO: VI.2.
June 17, 2019

BY City Manager
Thomas Barwin
Sustainability Manager Freeman-Montes

SUBJECT: Direction Re: Regulation Regarding Single-Use Straws and Polystyrene

COMMISSION PRIORITIES: Quality of Life

EXPLANATION: (see next page for additional explanation)
On February 4th, Sustainability Staff presented to the City Commission on plastic pollution. After much discussion, City Commission directed staff to follow-up with recommendations on how a polystyrene regulation could be implemented and enforced on public property and how a plastic straw regulation could be implemented and enforced on public property and for private businesses.

On March 18th, the Sustainability Manager returned to Commission and presented:
• How polystyrene could be regulated and enforced on public property (i.e., special events, sidewalk café permit holders, those leading city land, and municipal facilities)
• How plastic straws could be regulated and enforced on public and private property
• Feedback received from community members living with a disability
• Research from enforcement, budget, local business impact, and increased costs of food from other municipality’s regulations.
• Information on HB 771 which would prevent municipalities from regulating plastic straws in anyway and would not offer a ‘grandfather clause’

ADMINISTRATION’S RECOMMENDATION:
Staff recommends that the City Commission request an ordinance that
1. Prohibits the distribution of expanded polystyrene on public properties and 2. Prohibits the distribution of single-use straws unless specifically requested by the consumer. (Alternatives, such as paper straws, could be offered but plastic straws would be required to be available for customers who specifically request one.)

APPROVAL SUMMARY:

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<th>Approval</th>
<th>Required</th>
<th>Date Completed</th>
<th>Completed By</th>
<th>Status</th>
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<tbody>
<tr>
<td>Department Head Approval</td>
<td>Y</td>
<td>06/05/2019</td>
<td>Marlon Brown</td>
<td>APPROVED</td>
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<td>Deputy City Manager Approval</td>
<td>Y</td>
<td>06/05/2019</td>
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<td>Marlon Brown</td>
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<tr>
<td>City Auditor and Clerk Approval</td>
<td>Y</td>
<td>06/06/2019</td>
<td>Shayla Griggs</td>
<td>APPROVED</td>
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AGENDA REQUEST

ADDITIONAL EXPLANATION:
Given the introduction of HB 771 and uncertainty with that state legislation, city commission did not act or provide direction related to plastic straws but did request staff to bring back an ordinance for Commission consideration on prohibiting polystyrene on public property and within special events.

The City Attorney’s office and Sustainability program had drafted an ordinance for 1st reading on polystyrene regulation, but on May 10th, 2019 Governor DeSantis vetoed HB 771. Without a state preemption, local municipalities can regulate plastic straws. Given this new development, staff decided to bring back the item for discussion and to receive direction from the commission related to plastic straws. This decision was made for efficiency, in order to prevent staff from bringing forward a polystyrene-only ordinance and then potentially having to amend that same ordinance soon after to include straws.

The attached memo provides a summary of the public outreach to impacted businesses and from the Disability Advisory Board. Sustainability staff visited in person with 37 businesses, presented at an event tailored to restaurant owners, sent a mailer to sidewalk café permittees, directly emailed with contacts for large special events, and assisted with a survey of 22 local businesses. Staff will present findings from this outreach at the meeting on June 17th and request commission direction related to regulating straws.

ADDITIONAL ADMIN RECOMMENDATION:

FUNDING SOURCE:  

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<th>HOUSING IMPACT (Per House):</th>
<th>NEW CONSTRUCTION:</th>
<th>REHABILITATION:</th>
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SUPPORT DEPARTMENTS:
City Attorney - Robert Fournier  
City Manager - Thomas Barwin
AGENDA REQUEST

AGENDA DISPOSITION

COMMISSION ACTION:
Final Action Motion: ____________________________
Motion By: ____________________ Second By: ____________________
Vote: ____________________________
Interoffice Memorandum

Date: 05/30/2019

To: Mayor Liz Alpert, Vice Mayor Ahearn-Koch, Commissioner Willie Charles Shaw, Commissioner Freeland Eddie, Commissioner Hagen Brody

CC: City Manager Thomas Barwin; Deputy City Manager Marlon Brown, Assistant City Manager John Lege

From: Stevie Freeman-Montes, Sustainability Manager

Subject: Polystyrene and Plastic Straw Regulation

Background

On February 4th, Sustainability Staff presented to the City Commission on plastic pollution. The presentation reviewed local data, state policy issues, local organizations working on the topic, and staff recommendations. After much discussion, City Commission directed staff to follow-up with recommendations on how a polystyrene regulation could be implemented and enforced on public property and how a plastic straw regulation could be implemented and enforced on public property and for private businesses.

On March 18th, the Sustainability Manager returned to Commission and presented:

- How polystyrene could be regulated and enforced on public property (i.e., special events, sidewalk café permit holders, those leasing city land, and municipal facilities)
- How plastic straws could be regulated and enforced on public and private property
- Feedback received from community members living with a disability
- Research from enforcement, budget, local business impact, and increased costs of food from other municipality’s regulations.
- Information on HB 771 which would prevent municipalities from regulating plastic straws in anyway and would not offer a ‘grandfather clause’

Given the introduction of HB 771 and uncertainty with that state legislation, city commission did not act or provide direction related to plastic straws but did request staff to bring back an ordinance for Commission consideration on prohibiting polystyrene on public property and within special events.
The City Attorney’s office and Sustainability program had drafted an ordinance for 1st reading on polystyrene regulation, but on May 10th, 2019 Governor DeSantis vetoed HB 771. Without a state preemption, local municipalities can regulate plastic straws. Given this new development, staff decided to bring back the item for discussion and to receive direction from the commission related to plastic straws. This decision was made for efficiency, in order to prevent staff from bringing forward a polystyrene-only ordinance and then potentially having to amend that same ordinance soon after to include straws.

**Business Input**

On March 18, City Commissioners specifically asked for more information on the businesses impact of these proposals. Any regulation on public property would impact approximately this number of businesses:

- Food Service Providers that are leasing city land: 7
- Sidewalk Café Permit Holders: 71
- Special Event Permits: 87
  - Based on 2018 numbers and estimated that 87% are recurring events
- City Facilities: All

Sustainability staff has worked over the last two months to make business owners aware of these potential regulations and of this meeting and to ask how it would impact their businesses. The following actions have been conducted to solicit feedback on the proposals being discussed today:

- **In person visits:** Sustainability Staff visited 37 businesses that have sidewalk café permits and left an educational flyer and contact information with each. Time was taken to speak with the owner or manager on duty about the proposed policy changes, asked how the policy would impact their businesses, and they were encouraged to provide feedback and attend the commission meeting on June 17th.

Of the impacted businesses visited in-person:

- 65% currently distribute plastic straws
- 54% of those with plastic straws said they currently only give upon request
- 27% used expanded polystyrene.
- Feedback was positive with most restaurants expressing that they thought that this initiative was a step in the right direction, and most having some compliance with these policies already on their own accord.

It appeared the most impacted would be those restaurants with counter service inside where customers take their polystyrene coffee cups or plates out to a sidewalk café.
• **Survey:** In partnership with UF/IFAS Sarasota County UF/IFAS a survey was sent out to county food and beverage providers. Volunteers also went and visited in person to encourage participation. There were only 22 respondents including 10 owners and 12 managers. Some interesting feedback includes:
  o The most requested solution for single use plastics were to change state or local policy to create incentives for local businesses to reduce/eliminate single-use plastic
  o Price of alternatives was the strongest influence on the business’ ability to reduce or eliminate single-use plastic
  o Customer push-back was not a significant influence on a business’ ability to reduce plastic use
  o 68% of the responses (n=13) represented businesses with between 1 and 19 employees.

• **Mailer:** A mailer was sent to 45 sidewalk café permit holders in January 2019. This mailer relayed the City’s commitment to reducing the impact of single-use plastics on the environment and encourage them to stop using polystyrene, adopt a straw-upon request policy, and to use less single-use plastic.

• **Event:** UF/IFAS Sarasota County led event for the Sarasota County food and beverage community on April 1, 2019 from 5-7pm at Calusa Brewery. Staff presented updates on policy proposals and requested feedback. Estimated 30 attendees.

• **Emails for Special Events:** An email was sent to contacts who are involved with major recurring events within the City of Sarasota to solicit feedback and request them to share concerns and make them aware of the June 17th meeting. Organizations contacted include Suncoast Charities for Children, Downtown Sarasota Alliance, Community AIDS Network, Downtown SRQ Enrichment, Wildlife Inc, St. Armand’s Circle Association, Gator Club and the Sarasota Fire Department. There was no response as of 5/31/19 from these organizations.

**Input from Citizen for Disability Advisory Board**

• Sustainability staff had previously met with a member of the Disability Advisory Board to receive feedback on the proposed policies. On May 20th staff was able to meet with the full board and review details. The feedback summary from that meeting included:
  • No issue with a polystyrene ordinance on public property
  • Desire for an upon request policy for plastic straws and which would include language stating that restaurants must provide plastic straws upon request. Restaurants can offer alternatives (such as paper straws) but if a consumer specifically requests a plastic straw, they should have some onsite to offer.
Board recommended communications on the issue be sensitive to individuals who need single-use plastic products to meet basic needs and/or live independently. Sustainability staff offered to collaborate on any resources developed, including a potential public art campaign, to ensure messaging is inclusive to community members living with a disability.

Staff Recommendations

Based on the feedback received from businesses and from the Disability Advisory Board, Staff recommends that the City Commission request an ordinance that:

- Prohibits the distribution of expanded polystyrene on public properties and
- Prohibits the distribution of single-use straws on public properties unless specifically requested by the consumer. Alternatives (such as paper straws) could be offered but plastic straws would be required to be available for customers who specifically request one.

In adhering to educational and behavior-change best practices, sustainability staff feels strongly that an upon-request policy should include all types of straws, not only those that are plastic. Encouraging the replacement of one single-use item with another single-use item (even if made of paper) would not provide meaningful impact and awareness on the negative environmental impacts of single-use items in general. By supporting a policy that includes straws of all materials and pairing it with an educational campaign, a larger reduction of plastic use will likely be felt.

Other options the city commission could consider are:

- An ordinance to regulate polystyrene on public property only
- An ordinance to regulate polystyrene on public property and implement an “upon request” policy for straws city-wide. This direction would likely need further public outreach and be accompanied by a request for additional staff to enforce and monitor program.

Thank you,

Stevie Freeman-Montes