



AGENDA OF THE SUSTAINABILITY COMMISSION

**WEDNESDAY, JANUARY 8, 2020, 5:00 PM
CITY HALL, ROOM 604 - THE HARRY MAIER ROOM**

A. Roll Call.

- I. Chair--Seth Hoffmeister; Vice Chair--Ned Dorff; Alder Randy Scannell; PRF Staff Kaurie Mihm; Prof. John Arendt; Deb Hutchison; Julia Noordyk; Mark Walter;

B. Approval of the Agenda.

- I. To approve the agenda for January 8, 2020.

C. Approval of Minutes.

- I. To approve the minutes from December 11, 2019.

D. Regular Business.

- I. Discussion with possible action on the "Letter to Neighbors."

E. Informational.

- I. Updates from Sustainability Commission members regarding activities.
2. Update from staff regarding grant activities.
3. Update on Coal Tar Sealant Ban.
4. Wisconsin Humanities Council "Beyond the Headlines" in Green Bay.

F. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov

- 2) **ACCESSIBILITY:** Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) **QUORUM:** Please take notice that a majority or quorum of the Common Council will attend this Sustainability Commission meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) **REPRESENTATION:** The party requesting the communication, or their representative, should be present at this meeting.



Report to the
Sustainability Commission
of the City of Green Bay

MEETING DATE

January 8, 2020

PREPARED BY

Celestine Jeffreys, Chief of Staff

AGENDA ITEM # D.I.

Discussion with possible action on the "Letter to Neighbors."

BACKGROUND

Members of the commission have worked on an insert for neighborhood associations. This insert can be distributed to neighborhood associations for their newsletters, or other publications. Staff can work with the neighborhood support specialist on distribution.

RECOMMENDATION

To approve the letter.

FISCAL IMPACT

ATTACHMENTS

- I. 2020-01-08 Letter to neighbors

January ? 2020

Hello neighbors,

I would like to introduce you to our Green Bay Sustainability Commission appointed by Mayor Schmitt prior to the mayoral election last year. We are interested in working with and providing guidance for our city as we move into the future and make Green Bay a more resilient city. The more prepared we are for severe storms, flooding, mitigating harmful algae growths in our waterways, and protecting our air quality, the less harm will be done to our residents and property, our treasured recreational areas and our unique natural areas that surround us and spill into nearby communities.

Making Green Bay a resilient city will be important to us all. This is an exceptional city that we all take great pride in. We have accomplished schools, a rich culture, growing cultural arts, exciting economic development and great natural beauty surrounds us. The Fox River, Baird Creek, exceptional biking trails, the bay and Barkhausen just to name a few. Did you know that the bay of Green Bay is the largest fresh water estuary in the world?

We are interested in hearing what you think. Do you have ideas for us to move forward? What are some plans that you are already doing in your neighborhoods or some goals that you have to help with community hurdles?

Our mission statement:

The Sustainability Commission is dedicated to the protection, stewardship, and The Sustainability Commission is dedicated to the protection, stewardship, and improvement of the The Sustainability Commission is dedicated to the protection, stewardship, and improvement of the environment in the interest of the health, prosperity, and welfare of the Green Bay community for present and future generations.

Here is a list of our commission members:

Seth Hoffmeister, Chair
Ned Dorff, Vice Chair
Randy Scannell, Ald.
John Arent
Debora Hutchison
Kaurie Mihm, Parks Recreation and Forestry
Julia Noordyk
Mark Walter

Thank you,
Green Bay Sustainability Commission

For comments email Deb Hutchison @ debhutchis@gmail.com

Green Bay Sustainability Commission website:
<https://greenbaywi.gov/961/Sustainability-Commission>



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AGENDA ITEM # E.2.

Update from staff regarding grant activities.

BACKGROUND

Great Lakes Champions Grant update:

- first installment received
- RFP for code audit consultant sent out on 1/2/2020
- Proposals due January 21, 2020
- selection will occur after proposals due
- interim report due to GLC by the end of February
- community meetings in January
- one face-to-face meeting with the mentors (Ben Benninghoff and Amy Minser) and one phone call
- phone calls with mentors happen at least monthly

Fund for Lake Michigan update:

- pre-proposal accepted in late November
- full grant submitted on 12/2/19
- grant approved for \$182,500.
- draft position description, this will be amended before it goes to personnel committee for approval
- FFLM recommended the city join Partners for Places <https://www.fundersnetwork.org/partners-for-places/> (grant opportunity) and Urban Sustainability Directors Network

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



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Celestine Jeffreys, Chief of Staff

AGENDA ITEM # E.3.

Update on Coal Tar Sealant Ban.

BACKGROUND

The Coal Tar Sealant Ban Ordinance and Resolution were brought before Protection and Policy on 12/9/19. Staff will provide an update.

RECOMMENDATION

To approve the draft ordinance and resolution.

FISCAL IMPACT

ATTACHMENTS

1. 2019-12-11 Coal Tar Resolution
2. 2019-12-11 DRAFT Coal Tar Sealants Regulation Ordinance

**Resolution In Support Of State Legislation Regulating The Application And Sale Of
Coal Tar And Other High-Pah Sealant Products**

December 17, 2019

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the City of Green Bay finds that its water resources are natural assets which enhance the environmental, recreational, cultural, and economic resources of the area and contribute to the general health and welfare of the public; and

WHEREAS, the City of Green Bay finds that polycyclic aromatic hydrocarbons (hereinafter, "PAHs"), which are contained in coal tar sealants and other high-PAH sealants, volatilize off of sealed pavement and can be inhaled by humans and animals; and

WHEREAS, when sealed surfaces are eroded by weathering, foot and vehicle traffic, and snow plowing, PAH-contaminated particles are transported into homes and onto nearby soils and can be carried by storm water and other runoff into the City of Green Bay's water resources; and

WHEREAS, PAHs are an environmental concern because they are toxic to aquatic life, causing deformities and other reproductive and developmental problems, cancer, and death, which result in fewer organisms and even the loss of species; and

WHEREAS, according to the International Agency for Research on Cancer, PAH compounds have been proven to cause cancer, mutations, and birth defects in humans, and studies show that individuals with lifelong exposure to coal tar-sealed surfaces have a 38-fold higher risk of cancer; and

WHEREAS, the American Medical Association has adopted a policy advocating for legislation to either ban the use of pavement sealants that contain PAHs or require that sealant products used contain minimal PAHs; and

WHEREAS, environmental impacts and human health risks can be minimized, and pavements can be maintained, by utilizing alternative products or methods without PAHs; and

WHEREAS, other states, as well as other counties and municipalities in the State of Wisconsin, have passed legislation banning the use of coal tar and other high-PAH sealants; and

WHEREAS, the City of Green Bay finds that regulating the sale and application of coal tar and other high-PAH sealant products will reduce the amount of PAH-based contaminants entering the City's water resources and will correspondingly improve and protect the public health and water quality of the City and neighboring municipalities;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Green Bay urges the Governor and state legislature to enact legislation banning the sale and application of coal tar and other high-PAH sealants within the State of Wisconsin.

Adopted _____

Approved _____

Mayor

Clerk

LJM

GENERAL ORDINANCE NO. 24-19

AN ORDINANCE CREATING CHAPTER 35, GREEN BAY MUNICIPAL CODE, RELATING TO COAL TAR SEALANT PRODUCTS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 35, Green Bay Municipal Code, is hereby created to read:

Sec. 35.01. Coal Tar Sealant Products.

(1) *Definitions.*

- (a) *Coal Tar.* A byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons (PAHs).
- (b) *Coal Tar Sealant Product.* A pavement sealant product that contains coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, Refined Tar, or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2, or related substances.
- (c) *Director.* The Director of the Department of Public Works.
- (d) *High-PAH Sealant Product.* Any pavement sealant product that contains greater than 0.1% polycyclic aromatic hydrocarbons (PAHs) by weight, including, but not limited to, coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances.
- (e) *Pavement Sealant Product.* Any substance that is typically applied on paved surfaces to protect the surfaces. This may include but is not limited to sealant products that are coal tar- or asphalt-based.
- (f) *Person.* Any person, firm, partnership, association, corporation, company, or organization of any kind.
- (g) *Polycyclic Aromatic Hydrocarbons (PAHs).* A group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life.

(2) *Regulation of the Application and Sale of Coal Tar or Other High-PAH Sealant Products.* Except as otherwise provided in this section,

- (a) No person shall apply any coal tar sealant product or high-PAH sealant product within the City.
- (b) No person shall sell, offer to sell, or display for sale any coal tar sealant product or high-PAH sealant product within the City.

- (c) No person shall allow a coal tar sealant product or other high-PAH sealant product to be applied upon property within the City that is under that person's ownership or control.
 - (d) No person shall contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product or high-PAH sealant product to any driveway, parking lot, or other surface within the City.
 - (e) No commercial applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product or high-PAH sealant product to any driveway, parking lot, or other surface within the City.
- (3) *Exemptions.* The Director may exempt a person from a requirement of this section if the Director determines that the person is conducting bona fide research concerning the effects of a coal tar sealant product or high-PAH sealant product on the environment; the use of the coal tar product or high-PAH sealant product is required for said research; and the Director determines that said research will not cause significant contamination of the surrounding environment, including soils and aquatic ecosystems, and will not unduly endanger human health.
- (4) *Enforcement and Penalty.*
- (a) The provisions of this ordinance shall be enforced by the Director of the Department of Public Works, or his or her designee.
 - (b) Any person who violates this section by applying a coal tar sealant product or high-PAH sealant product at his or her residence shall be subject to a forfeiture of not more than \$500.00. Each day of violation shall constitute a separate offense.
 - (c) Any commercial sealant product applicator, residential or commercial developer, industrial or commercial owner, or any other person, other than a person identified under subsection (b) above, who violates this section shall be subject to a forfeiture of not less than \$1,000 nor more than \$10,000. Each day of violation shall constitute a separate offense.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2019.

APPROVED:

Mayor

ATTEST:

Clerk

LJM

12/17/19



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Celestine Jeffreys, Chief of Staff

AGENDA ITEM # E.4.

Wisconsin Humanities Council "Beyond the Headlines" in Green Bay.

BACKGROUND

Staff have been presented with an opportunity to partner with Wisconsin Humanities Council's program "Beyond the Headlines."

<https://beyondtheheadlineswisconsin.org/>

Beyond the Headlines is a program of the Wisconsin Humanities Council that brings Wisconsinites together for discussions that explore journalism's crucial role in enabling productive citizen engagement in American democracy. In Green Bay, the public policy issue will be centered on flooding and resiliency. This program will bring the media, residents and experts together to discuss this important topic. Tentatively scheduled for either Friday May 29 from 1 pm to 5 pm or Saturday May 30 from 9 am to 1 pm at Triangle Hill shelter.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None