

Jacksonville Tree Commission  
Meeting Minutes April 26, 2018  
Approved May 10, 2018

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|-------------------------------|---|----------------|--|
| <b>Commissioners Present:</b> | John Crescimbeni, Chair<br>Curtis Hart, Vice Chair<br>Chris Flagg<br>Aaron Glick<br>John Pappas<br>Rhodes Robinson        | <b>Staff:</b>  | Cindy Chism  |
| <b>Advisors:</b>              | Sondra Fetner, OGC<br>Richard Leon, Urban Forest Manager<br>Kathleen McGovern, City Arborist<br>Joel Provenza, Accounting | <b>Public:</b> | Lad Hawkins, Scenic Jax<br>John November, Public Trust<br>Tom Larson, Sierra Club/Public Trust<br>Fred Pope, Public Works, COJ<br>Dave, McDaniel, Public Works, COJ<br>Sam Dunbar, JEA<br>Slice Demby, JEA |

**A. Meeting was called to Order by Chair at 12:02 PM.**

1. All present introduced themselves. There is a quorum.
2. Submittal of Speaker's Cards
3. Motion made by Mr. Robinson, seconded by Mr. Hart, to approve minutes from the meeting of April 12, 2018. None opposed.
4. Fund balance and encumbrance report for 15(F) and 15(N) (Attachment A) – any questions regarding the report, please email Teresa Eichner only.
5. Status of Pending Tree Projects – Kathleen McGovern (Attachment B)
  - a. Changes or updates are listed in green.

**B. New Business**

1. Possible Changes to Countywide Planting Contract - John Pappas, Richard Leon, Kathleen McGovern (Attachment C)
  - a. Mr. Leon discussed extending the warranty period from one year to two years with Davey Tree, the current Countywide Planting Contractor. This would entail a 12% increase across the board. For example, a four-inch live oak which costs \$743 would then cost \$832, an \$89 increase. Mr. Robinson asked if there was any analysis of mortality after one year. Mr. Hart suggested creating a sample of a few projects to get an idea. Mr. Leon stated that trees planted in parks have a greater survival rate than trees planted in an urban setting. Discussion ensued about the project selection process. **It would be more advantageous for the Commission to select which projects would have a one-year**

**warranty or a two-year warranty. Mr. Leon said he would discuss the option with Davey Tree.**

b. Mr. Leon suggested adding a separate line item for irrigation. The cost of a water truck is \$1025 (1250 gallons, at a rate of \$0.82 per gallon). Mr. Pappas clarified that it doesn't matter how many stops the truck makes, they run until the truck is empty. Mr. November asked if the water truck option would be used during the warranty period or afterwards. Mr. Leon answered that it would be after the warranty because they are warrantied for a year; there is no requirement for the contractor to water, however, it is in their best interest.

CM Crescimbeni asked if this water truck line item could be used at our discretion. Money from the trust fund has been appropriated for planting but how would funds be appropriated for a watering truck in year five? Mr. Pappas said they have contractual services through the Public Works Operations Division. They would identify what would be deployed and ask for that during the budget process within our Mowing & Landscape Maintenance Division. CM Crescimbeni asked if Mr. Pappas would seek reimbursement from the fund. Mr. Pappas said he would seek reimbursement if that was an option.

Mr. November suggested the Commission allocate money from the Tree Fund for irrigation. This could be an allocation that adapts every year depending on usage. Mr. Pappas said that the Public Works Department would use Tree Fund dollars and include them in the budget during the budget process as an allocation. CM Crescimbeni pointed out that any Tree Funds used for water trucks would require separate accounting and those particular trucks could only be used for Tree Fund projects. CM Crescimbeni asked if the 15N Fund allowed for maintenance. Ms. Fetner said that both 15N and 15F do allow for maintenance, but only for specific mitigation trees. The Charter specifies what type of trees can be planted for mitigation. As long as they are maintaining Charter Fund trees, Tree Fund money can be used.

Mr. Hart asked if the Public Works Department was watering beyond the one-year point. Mr. McDaniel replied that they are not. Mr. Robinson asked Mr. Pappas how the Public Works Department get notified that trees are dead and need to be replaced. Mr. Pappas said either through a Council Member or through citizens via the CARE System. Mr. Robinson said he is looking for statistics on the mortality rate so the Public Works Department can be sure they are spending our money efficiently by watering. CM Crescimbeni asked if there was any type of report filed regarding the results of the final inspection and completion of the warranty period. Mr. McDaniel said it is tracked by retainage. CM Crescimbeni stated the Commission should be following the current projects in detail, reporting what got planted, what required replacement, and a follow-up report at the end of the period. Mr. November pointed out that one of the requirements of the settlement was to create a database on the [jaxtreemitigation.com](http://jaxtreemitigation.com) website. **Mr. Leon and Ms. McGovern will detail how the process works at the end of the warranty period,**

**either one- or two-year, and what got replaced either during the warranty period or after so they can see trends and can adjust the scope.**

Mr. Pope pointed out that many of the trees that need replacing are due to auto accidents. CM Crescimbeni agreed and said he repeatedly asks the Jacksonville Sheriff's Office why tree damage doesn't get reported similar to a traffic sign or guardrails.

- c. Re-bid contract due to anticipated increase in tree planting projects due to Tree Commission.
2. Application and Approval Criteria for Tier 2 Applicants, second pass - Chris Flagg and Sondra Fetner, Ms. McGovern and Mr. November (Attachment D)
  - a. The process was defined to create a list of projects from each application period. The Commission would prioritize the projects and submit the priorities to the Mayor's office for funding.
  - b. CM Crescimbeni suggested that forms be developed to define what is required from Florida Department of Transportation, Duval County School Board, Parks and Recreation Department and City of Jacksonville for permission to do a planting project.
  - d. Instead of asking for a Letter of Determination from the IRS, the Commission could request a Charitable Registration Certificate which is issued by the Division of Consumer Services – part of the Department of Agriculture.
  - e. Some terms such as “incidental landscaping”, and “high-maintenance” trees need to be defined.
  - f. There should be a sample application with a fictitious project to give an idea of how to fill out and present the application.
  - g. The scoring grid should be expanded for more specificity.
  - h. Mr. Pappas agreed that some definitions should be added. He also said that the point total is only 75 not 80, which needs to be corrected.
  - i. There was discussion at the last meeting regarding the use of volunteers and submitting a watering schedule. Could the Commission bypass that and just require a warranty? What happens if the applicant is a Home Owner's Association that wants to plant trees on a large public right-of-way in their subdivision but doesn't practice proper maintenance or doesn't meet the watering schedule? Does that leave the City with the expenses?
  - j. Also discussed were organizations possibly “piggy-backing” on the watering contract and if there was any thought given to requiring that they get a bid from the City's Contractor. CM Crescimbeni outlined the mechanics defined at the last meeting: The

Commission will get at least three proposals from each applicant and each one of those proposals will be shopped with Davey Tree. Mr. Pope stated that Davey Tree provides prices based on a year-long contract and a large volume of trees; for any individual project, prices Davey Tree of will be lower than any contractor.

CM Crescimbeni questioned how labor contributions would factor in. Mr. Pope answered that if volunteers are doing the work, the largest tree they will be able to plant is fifteen-gallon with a one-inch diameter trunk. If a contractor is doing any of the work, the issue of who is liable for any loss of trees becomes a grey area. Ms. Fetner said there was concern from City Staff on the front end of this discussion regarding volunteers and having the same level of protections as is under the Countywide Tree Planting Contract. Greenscape said they wanted to have the option to use volunteers and plant smaller trees.

**k. CM Crescimbeni would like to schedule a meeting with the subcommittee to discuss a point system for species of trees and develop forms. A meeting will also be scheduled with a representative from Davey Tree to discuss their flexibility in dealing with community engagement.**

**3. Recommendations from the Shade Tree Subcommittee – Curtis Hart, Vice-Chair and Aaron Glick (Attachment E)**

Mr. Hart thanked those who participated in the subcommittee and began his report of recommendations for the Commission to consider. The subcommittee recommended that:

a. Non-shade trees (including palm trees) cannot be substituted for more than 25% of the amount of the shade tree requirement. As the code is written, shade trees can be substituted for palm trees – up to 50% – which results in quite a few palm trees. This new language reduces the allowed palm trees to 12.5% of the overall number of trees. The purpose was to create shade to offset the heat from the asphalt. This applies only to commercial properties.

b. When palm trees or other non-shade trees are substituted for shade trees, the minimum planting area shall still meet the requirements for a shade tree (minimum of 150 square feet), meaning the area must be large enough to accommodate a shade tree.

c. Width of landscape islands (including terminal islands) should be increased to eight feet so that shade trees are capable of maturing in that location.

d. Within nine to ten months, there will be a follow-up inspection from Municipal Code Compliance.

e. Additional landscape inspectors should be hired for irrigation and tree liability inspections.

- f. The Tree Commission chair should establish a subcommittee to generate an education program on proper tree and bush pruning.
- g. Amend the landscape regulations to add a requirement that property owners and contractors properly prune trees and establish standards for the same.
- h. Revise the irrigation requirements and landscaping regulations to remove the hose-bib option.

CM Crescimbeni inquired as to how the Tree Commission could submit legislation, noting that the Commission was established as a Mayoral Commission. Ms. Fetner explained that once the legislation is drafted and reviewed by the Commission, she typically meets with members of the Mayor's Office to have the bill presented to the Mayor's Budget Review Committee. **CM Crescimbeni asked Ms. Fetner to draft legislation that addresses recommendations from the Shade Tree Subcommittee (a,b,c, and h) for submission to the Mayor's Office.** The Commission voted in favor of this action. Ms. Fetner requested to present this draft at the meeting of May 24<sup>th</sup>, 2018.

#### **C. Public Comment -**

- John November stated that the members of the Tree Commission have a special expertise in this process and requested that they think about bigger ideas and how this Commission could transform Jacksonville. Mr. November emphasized that not everything the Commission accomplishes should be reactive. He stated that he has met with several Tree Commission members, noting that they spoke about the type of ground conditions trees are planted in and the possible impacts this may have on mortality, and also, possibly penalizing the contractors who are not practicing proper pruning. Mr. November remarked about the dire palm tree epidemic in Southern Florida and other cities across the state because of imported foreign palms.

#### **D. Action Items –**

- **It would be more advantageous for the Commission to select which projects would have a one-year warranty or a two-year warranty. Mr. Leon said he would discuss the option with Davey Tree.**
- **Mr. Leon and Ms. McGovern will detail how the warranty process works at the end of the leave period, either one- or two-year, and what got replaced either during the warranty period or after so they can see trends and can adjust the scope.**
- **CM Crescimbeni would like to schedule a meeting with the subcommittee to discuss a point system for species of trees and develop forms. A meeting will also be scheduled with a representative from Davey Tree to discuss their flexibility in dealing with community engagement.**

- **CM Crescimbeni asked Ms. Fetner to draft legislation that addresses recommendations from the Shade Tree Subcommittee (a,b,c, and h) for submission to the Mayor's Office.**

**E. Adjournment – 1:25 PM**