

Jacksonville Tree Commission  
Meeting Minutes September 13, 2018  
Approved September 27, 2018

<b>Commissioners Present:</b>	John Crescimbeni, Chair Curtis Hart, Vice Chair Chris Flagg Aaron Glick John Pappas Rhodes Robinson	<b>Staff:</b>	Cindy Chism
<b>Advisors:</b>	Susan Grandin, OGC Richard Leon, Urban Forest Manager Kathleen McGovern, City Arborist Joel Provenza, Accounting	<b>Public:</b>	Tracey Arpen, Greenscape John November, Public Trust Courtney Wilson, Greenscape Anna Dooley, Greenscape Mike Robinson, Greenscape Dave McDaniel, COJ Public Works Teresa Eichner, COJ Budget Office Joe Anderson, JEA

**A.** Meeting was called to Order by Chair at 12:03 PM

1. All present introduced themselves for the record.
2. Submittal of Speaker's Cards
3. Motion made by Mr. Hart, seconded by Mr. Pappas, to approve minutes from August 23, 2018 meeting. None opposed.
4. Fund balance and encumbrance report for 15(F), 15(N) and BJP (Attachment A)
  - a. Ms. Eichner pointed out the addition of a table which details the revenue by month for each of the funds (Attachment A, page 5).
5. Status of Pending Tree Projects (Attachment B) - changes are in green.

**B. New Business**

1. Final Project Evaluation and Tier II Application – CM Crescimbeni

a. The changes from the last meeting have been incorporated into Attachment C. The Project Evaluation was sent via email on August 24<sup>th</sup> with no further changes. Also sent on August 24<sup>th</sup> was a Directory of Charities and Nonprofit Organizations (Attachment D). Ms. Grandin suggested a conversation about what nonprofits the Tree Commission considers to be eligible to apply for funding. Mr. Hart said if any non-profit wanted to submit an application, they are welcome to; the existing first paragraph details what is required and the Tree Commission has the discretion to reject the application.

b. Ms. Grandin pointed out that when a CDD or Homeowner's Association submits an application, the Homeowner's Association must have already been turned over to the homeowners. A developer cannot apply for funds to plant trees which must be planted anyway. Language could be added to eliminate this possibility. **Ms. Grandin will add language which specifies that CDDs are not eligible unless all lots have been sold and the Homeowner's Association has been turned over. In addition, the trees being requested cannot be "required trees" according to the development process.**

c. CM Crescimbeni said not all nonprofits can get a charitable registration from the Florida Department of Agriculture, which is one of their requirements. The Tree Commission should adopt something, see how it works, see how the market responds and make changes, if necessary. CM Crescimbeni said the Tree Commission could remove the charitable registration requirement and open it to all nonprofits. If the requirement remains, only 501(c)3 organizations that solicit donations will be eligible. Mr. Hart suggested they strike the charitable registration requirement and see how it works. **Ms. Grandin will remove IV.B.2. the requirement of charitable registration.**

d. CM Crescimbeni pointed out some changes he requested Ms. Grandin make: On page 1, "The Project Priority List" will be changed to "A Project Priority List." On page 2, strike the sentence which says the application requires approval by City Council. The table will be updated to differentiate the first application process and will then follow the table going forward. On Page 6, Item E, an additional item will be added: "4) Proper authorizations from other governmental entities not described above which control the property."

e. Ms. Grandin asked the Commissioners to look at the comments in pink: Comment A3 on page 3, there is a discrepancy about discussion with the Tree Commission Staff. Mr. Glick added that discussion is prohibited during the evaluation period but prior to that it is not restricted. Comment A4, Public Hearings, how will these be noticed? Applications will be presented for review at a Tree Commission Meeting. Page 4, Comment A6, Ms. Grandin will ensure the word "modification" is referenced in any other appropriate sections. Page 7, Comment A12, Item B will be stricken. Page 9, Comment A13, 2.e, reasonable will be determined on a case-by-case basis going forward. Comment A15, 4.b unique benefit will also be determined on a case-by-case basis going forward. Page 10, Comment A16 "Overall-equally weighted criteria" refers to Plan-It GEO objective data. 5.c. is a subset of 5.b.5 and will be moved. Page 11, Comment SF17, Florida Statutes have been included. Language will be added that states, "when using the City Countywide Tree Planting contractor exclusively, no Performance Bond is necessary". The phrase will be added 'if required by' Section 2.55.05. It must also be noted on Item 7 that use of the City's Countywide Tree Planting Contractor exclusively will mean insurance does not need to be provided. **Ms. Grandin will make the noted changes.**

f. CM Crescimbeni asked for a motion to approve the application instructions and forms with the changes noted; motion by Mr. Hart seconded by Mr. Pappas. None opposed.

## 2. Criteria for Tree Pruning/Clearing (Attachment E) – Richard Leon

a. CM Crescimbeni asked **Mr. Leon to generate draft language to revise the Ordinance Code with consequences for butchering a protected tree. Quantify what is and what isn't acceptable. If something is deemed unacceptable, determine if there is a penalty and what it is. Mr. Arpen will assist Mr. Leon and Ms. Grandin in drafting this language.**

## 3. Ordinance Code, Planting near Powerlines (Attachment F) – Susan Grandin

a. All changes from the last meeting have been made. **CM Crescimbeni requested that (1) and (2) on page 2 uses the same language.** The motion to adopt these changes will be held until next meeting.

## 4. Appropriate Funds to Public Works for Tree Replacement (Attachment G) - John Pappas, Susan Grandin

a. This legislation requests an allocation of \$200,000 for tree plantings requested by citizens and \$300,000 allocated for removal and replacement of trees that are dead or dying. The updated version changes the five year limitation to a one year limitation. CM Crescimbeni asked how soon a new tree would be planted. Mr.

McDaniel said he anticipates within 60 days after the removal. CM Crescimbeni then asked what the limitation is for the location of the new tree. Ms. Grandin suggested close proximity, Ms. McGovern suggested 20 feet, and Mr. Leon suggested the same parcel. **The intent of this program is removal and replacement of dead, damaged or in impending decline on the City Right-of-Way. However, if the homeowner does not want the tree replaced, these funds may not be used for the removal. The replacement tree will be planted within the same parcel. Ms. Grandin will revise the language to reflect these changes. CM Crescimbeni will introduce the legislation once the changes have been made.**

#### 5. Administration Costs – John Pappas

a. What do the Commissioners think is reasonable? If they do believe there are elements associated with administrative costs that are reasonable, is there a maximum, by percentage of the project costs or some other measure? Mr. Hart said he thought the Tree Commission had agreed on 15%, CM Crescimbeni agreed 15% was discussed but didn't believe it was a consensus

b. Ms. Dooley checked with several nonprofits like Greenscape around the country and the consensus on administrative costs was they are comparable to a contractor, such as the City's Countywide Tree Planting Contractor's per tree rate, which includes all fees. Calculating a percentage of the project cost is not a good way to determine this fee. The other nonprofits use a line item called "project management" which includes design, location, species selection, cost of the tree, delivery, and volunteer coordination. The warranty for either one or two years is added as well as water. The total would be lower than a contractor but higher than 10-15% of the overall project. There are several variables; the size of the project, size of the tree and others.

c. Mr. Hart reminded the Commissioners that the application has a requirement for administration costs with an explanation. The Commissioners will make the determination if the cost is too much.

d. Mr. Pappas asked if the Commissioners would like to put a cap on percentage, set an overall limit, or set limits per categories. There is the possibility of a design with astronomic costs. CM Crescimbeni suggested the administrative costs be treated like site preparation costs. Ms. Grandin said there is no definition of what is included in administrative costs in the application. Mr. Flagg added that the Commissioners should define what administrative costs are. **Mr. Pappas and Mr. Flagg will meet with Ms. Dooley to define what the term "administrative costs" includes.**

#### 6. Outreach for Tree Commission Applications – CM Crescimbeni

a. Mr. November suggested outreach materials be created by City Staff. He also suggested asking Public Trust to help. The materials should be visually attractive, perhaps a one page flyer offering to have trees planted, with a web address to go to for more information. The Tree Commission webpage could be used. The flyers could be sent to community groups, nonprofit organizations, the general tree community, and contractors that work in the business. CM Crescimbeni pointed out that the Neighborhoods Department maintains a list of City neighborhoods. The flyer could be pushed out to that list. Perhaps Ms. McGovern and CM Crescimbeni could do a CPAC tour and educate them about the Tree Commission. Mr. November offered pro bono help with drafting and design assistance for the flyer. Mr. November will join Ms. McGovern and the Council Member, as his Environmental Protection Board Grant requires him to go to the CPACs.

### C. Public Comment

Anna Dooley – On October 20<sup>th</sup>, Greenscape is doing a 600 tree giveaway in Balis Park, San Marco, courtesy of a grant from CSX. There is another tree giveaway in November for St. Claire-Evans Academy on Moncrief. They will be planting 100 trees on the campus and giving away 1,000 more. They will also be planting trees at Adolf Wurn Park and Oakleaf Christian Church. April 6<sup>th</sup> is Jacksonville's official Arbor Day and they will be giving trees

away and throwing a festival at DuPont Park. If the Tree Commission would like to have a table for outreach, that would be wonderful.

Tracey Arpen – His concern is not that there will be too many applicants for the Tier II process, but that there won't be many. The flags added in front of City Hall are lovely but the placement was horrible. There was an oak tree completely butchered to allow for the placement and visibility of a flagpole.

John November – On September 14<sup>th</sup> at the Environmental Protection Board Symposium, CM Crescimbeni will receive an award. He, Mr. Leon, Ms. Dooley will be on a panel.

#### **D. Action Items**

**Tier II Application** - Ms. Grandin will add language that specifies that CDDs are not eligible unless all lots have been sold and the Homeowner's Association has been turned over. In addition, the trees being requested must not be "required trees" according to the development process. IV.B.2. will be stricken removing the requirement of charitable registration. Ms. Grandin will make the noted changes from paragraph 1.e above.

**Tree Pruning** - Mr. Leon, Mr. Arpen and Ms. Grandin will draft language to revise the Ordinance Code with consequences for butchering a protected tree, quantify what is and what isn't acceptable, and then if deemed unacceptable, determine if there is a penalty and what it is.

**Planting near Powerlines** - CM Crescimbeni requested that (1) and (2) on page 2 of Attachment F uses the same language.

**Tree Program Appropriation** - Ms. Grandin will tighten up the language to reflect the intent of the program is removal and replacement of dead, damaged or in impending decline on the City Right of Way. However, if the homeowner does not want the tree replaced, other funds must be used for the removal. The replacement tree will be planted within the same parcel. CM Crescimbeni will introduce the legislation once the changes have been made.

**Administrative Costs** - Mr. Pappas and Mr. Flagg will meet with Ms. Dooley to define administrative costs.

**Outreach** - CM Crescimbeni, Ms. McGovern and John November will schedule a CPAC tour.

#### **E. Meeting Adjourned 1:50 PM**