

Jacksonville Tree Commission
Meeting Minutes August 9, 2018
Approved August 23, 2018

Commissioners Present: John Crescimbeni, Chair
Curtis Hart, Vice Chair
Chris Flagg
Aaron Glick
John Pappas
Rhodes Robinson

Staff: Cindy Chism

Public: Tracey Arpen, Greenscape
John November, Public Trust
Courtney Wilson, Greenscape
Teresa Eichner, COJ Budget Office
Lad Hawkins

Advisors: Susan Grandin, OGC
Richard Leon, Urban Forest Manager
Kathleen McGovern, City Arborist
Joel Provenza, Accounting

- A. Meeting was called to Order by Chair at 12:02 PM**
1. All present introduced themselves for the record.
 2. Submittal of Speaker's Cards
 3. Motion made by Mr. Hart, seconded by Mr. Robinson, to approve minutes from July 25, 2018 meeting with one correction noted by Mr. Glick. None opposed.
 4. Fund balance and encumbrance report for 15(F), 15(N) and BJP (Attachment A)
 - a. Mr. Hart asked if there was a way to show the total available from the last meeting. Mr. Provenza agreed.
 5. Status of Pending Tree Projects (Attachment B)
 - a. Ms. McGovern said after walking the Main Street project site with the contractor this week, there were actually only 29 trees that required replacement. Originally, 34 trees were being removed and replaced. However, five cypress trees had recovered since the inception of this project. The trees are on order with an anticipated start dated of August 20th.
 - b. CM Crescimbeni said the Harts Road project has been voted out of the Transportation, Energy and Utilities Committee where a Council Member stated his constituents wanted their district to be like other parts of the city, i.e., planted with date palms. CM Crescimbeni asked Mr. McDaniel for an inventory of date palms by Council District. There are 14 Council Districts with 445 date palms on the City's right-of-way. Twelve Council Districts have no date palms. District 5, San Marco, has 34, and the sponsor of the Harts Road project bill has the rest, 411. Also at the Committee meeting, there was discussion about introducing an ordinance to prevent further planting of date palms. The Harts Road bill sponsor said once he got his five date palms planted he would support such legislation. This legislation has been filed.
- B. New Business**
1. Approved Tree List - Kathleen McGovern (Attachment C)

- a. Columns have been added for Right-of-way, Parks and Duval County Public School. Two trees have also been added: Shumard Oak and Laurel Oak. **The Duval County Public School column will be populated by the School Board representative and then updated. This should be completed early next week.** Anyone who wants to plant trees on school property will have to have approval of the School Board.
 - b. CM Crescimbeni asked if the Approved Tree List had been reconciled with the Approved Countywide Tree Planting Contract List. Mr. Leon said they do not match, however, if there is a request for a tree that is not on the Countywide Contract, a quote is requested from the contractor and compared with other prices. **CM Crescimbeni would like to know how many of the trees on the Approved Tree List are not listed on the Countywide Tree Planting Contract List. Also if the contractor is willing, the contract should be amended to include the missing trees.**
- 2. Ordinance Code, Planting near Powerlines – Susan Grandin**
- a. Ms. Grandin said the Shade Tree Subcommittee is reviewing Section 656.1215, perimeter landscaping. CM Crescimbeni pointed out that JEA had provided a brochure that discussed this as well as the Florida Power and Light brochure he provided. A specific guideline needs to be defined in the code. **Ms. Grandin will draft language for the code using some of the language about Right Tree, Right Place from JEA for submission either with Shade Tree Subcommittee or on its own.**
- 3. Request to Appropriate Funds (\$300,000) to Public Works for Tree Replacement - CM Crescimbeni**
- a. Mr. Pappas proposed two different processes: One for replacement of damaged or dead trees, and the other for citizen requests for a new tree – with some funding allocated to each.
 - b. Mr. Leon added that the requests for trees to be planted in the right-of-way through the CARE system have increased. **CM Crescimbeni asked Mr. Leon to send him the list of all trees requested since January 2018.** Mr. Robinson asked how many trees are removed due to damage or death. Mr. Leon said approximately 400 per year. Mr. Flagg asked what would happen if all the funds were not encumbered at the end of the year. Mr. Pappas said the remaining unencumbered funds would roll over to the following year. Mr. Leon added that every tree planted with these funds can be entered into Plan-It GEO, specifying if the tree was planted as a replacement due to damage or CARE request.
 - c. CM Crescimbeni suggested the monies from 15N be used on larger projects, not these smaller ones. **Ms. McGovern will verify all the trees allowed for 15N are listed on the Approved Tree List.**
 - d. **Ms. Grandin will work with Mr. Pappas on setting some parameters for Countywide Tree Planting 1 (CARE requests) and Countywide Tree Planting 2 (ongoing removal/replacement).** Public works will have the ability to replace incidental trees under two programs: through 630-City (Countywide Tree Planting 1) and ongoing removal/replacement (Countywide Tree Planting 2). Both will be shown on Plan-It GEO and the \$300,000 appropriation which will carry forward.
- 4. Evaluate Criteria for Penalties for Improper Pruning without Permits – CM Crescimbeni**
- a. Mr. Robinson said this would depend on the definition of excessive. Mr. Leon mentioned that the International Study of Arboriculture (ISA) has written best management practices that have existing language they may use or refer to. **Mr. Leon will provide an in-depth report at the next meeting.**
- 5. Final Project Evaluation and Tier II Application – CM Crescimbeni**

- a. CM Crescimbeni asked the Tree Commission who they envision responding to this Tier II Application. Mr. Glick said an HOA or a Corporation who wants to sponsor something in a neighborhood they just moved into; Mr. Hart suggested Greenscape; CM Crescimbeni added Parent/Teacher Organizations, a Rotary Club, a CPAC, Northside Businessmen's Association, Greater Arlington Civic Council; any type of not-for-profit organization that may have an interest in doing something to improve their community.
- b. Currently, this application is designed for sophisticated organizations like Greenscape or other organizations which have familiarity with applications like this, however, it's also for groups that have never had any interaction with local government at all. The Application as it is now will deter inexperienced groups.
- c. Ms. Fetner said the Tree Commission will not meet the timeline as it is, but they can decide on a new first submission deadline and then move to the published schedule. **Ms. Grandin will add language that reflects the two submission deadlines.**
- d. Mr. Arpen commented that the original proposal relied solely on Sunbiz.org as proof that they are active in Duval County. In the reverse, we don't want to exclude an entity whose principle place of business is not registered in Duval County. As for Home Owner's Associations a notable project doesn't necessarily have to be a tree planting project, it could be any type of project. The Tree Commission needs some type of indication that they are a Duval County organization, or a multi-county organization doing multiple projects in Duval County. Ms. Fetner said if proof of operation in Duval County was not readily apparent, the applicant would have to provide this proof. CM Crescimbeni voiced concern that many Home Owners Associations may not have completed any projects, may not have a website, and may not have a newsletter. These organizations shouldn't be precluded from participating.
- e. Mr. Hart wondered if there could be a rule that states these must be volunteer organizations and no funding will go to any organizations trying to make a profit. Mr. Glick said it may be difficult to get projects with no administration fees. Ms. Fetner said the affidavit requires the affirmation of operating in Duval County; it could be more open-ended by adding examples of what they could submit for proof, such as newsletters
- f. Mr. Arpen suggested adding a blank space on the application so the applicant can explain what the nature of their activities are in Duval County.
- g. Mr. Arpen mentioned his concern with larger projects which require someone to manage them and with no administration fees, they may get no applications for significant projects.
- h. CM Crescimbeni proposed a change to the requirement of proof that they operate in Duval County and give a list of items which might satisfy that. If the applicant can check off one of the boxes like a Sunbiz or affiliation with the School Board in Duval County, that would suffice. Mr. Arpen added that he would like to see proof of incorporation. **Commission members were asked to draw up a list of suggested items which could be used to prove activity in Duval County.**
- i. Ms. Grandin pointed out that a developer controls a Home Owner's Association until they have sold 80% of the lots. The way the application is currently written, a developer could apply for tree fund monies to plant trees on City Right-Of-Way. **The Tree Commission needs to look at way to regulate this.**

- j. Since the Tree Commission has now incorporated the Countywide Tree Planting Contract that every submission will be compared to, should five bids still be required? Ms. Fetner pointed out that under the current contract, the contractor has the option to refuse the project. **Ms. McGovern will review the contract and look for that language.** Mr. Pappas agreed that the prices we currently have under contract are hard to beat. CM Crescimbeni pointed out that the administration fees are built into the contract prices already. Are the contractor's prices "in the ground" prices? Could Greenscape purchase the trees from the contractor but have volunteers plant them? Is that a different price? **CM Crescimbeni asked Greenscape to provide a report on the last 10 Greenscape projects including a breakdown on tree inventory, overhead or administrative fees per project.** Mr. November pointed out that if the applicant is planning on using the City Contractor then the 5 bids should not be required. However even if the applicant uses the City contractor, there are still going to be efforts which necessitate reasonable administrative fees. Mr. Hart agreed the only way to get the larger projects done are the larger organizations that can put volunteers together and make it happen. Thresholds could be set for the fees. **Ms. Grandin will clarify that the applicant can use the City countywide contractor or get three bids, but if the three bids are more than the City's Contractor's prices then the Tree Commission will insist on the City's contractor.**
- k. Ms. Fetner said the one-year warranty requirement is in the affidavit. This includes the requirements for operating in Duval County, and having to be a 501(3)C.
- l. CM Crescimbeni said, from the perspective of a Home Owner's Association or PTA, requiring a 100% performance bond and a 100% labor and material payment bond pursuant to Section 255.05 of the Florida Statutes seems onerous. How will a PTA be able to provide this? Ms. Fetner said this language most likely came from Risk Management. If they are not using the City contractor, we need to make sure the City is protected from any type of damages or injuries. Mr. Arpen added that Greenscape had to provide a performance bond for the One Tree, One School project. They also had to have worker's compensation coverage for the volunteers. The administration fee covered the maintenance of traffic, worker's comp coverages, performance bond, landscape plan, coordination for the locations and community outreach. **Perhaps the Tree Commission could provide information on how to procure a performance bond. Ms. Fetner suggested the performance bond and the payment bonds be removed from the affidavit and only be listed in the instructions with language that clarifies if their project is approved, they may be required to provide a performance and/or payment bond. Ms. Grandin will rewrite this portion and add to the instruction.**
- m. In the affidavit, there is also a liability insurance requirement. Is this just a Certificate of Insurance from the Applicant's contractor? Ms. Fetner said the Tree Commission is treating them just like they treat any other contractor with the City. **Ms. Grandin will determine if a Home Owner's Association submitted a Certificate of Insurance for liability from their contractor if that would meet this requirement. Ms. Grandin will add the liability insurance requirement to the instructions document as well.** Liability insurance has nothing to do with the size of the project and can be purchased relatively cheaply. **The Tree Commission should set a minimum threshold for Liability Insurance.**

6. Shade Tree Subcommittee – Curtis Hart

- a. The future direction of this subcommittee will be determining how much shade should be on parking lots. The standard for many cities with ordinances for shade is 50% shade within 15 years of building a parking lot. The Tree Commission needs to decide how much shade to require. **Mr. Hart will forward to Ms. Grandin the ordinances from various cities he has collected.**

C. Action Items

Approved Tree List

- The Duval County Public School column will be populated by the School Board representative and then updated. This should be completed early next week.
- CM Crescimbeni would like to know how many of the trees on the Approved Tree List are not listed on the Countywide Tree Planting Contract List. Also if the contractor is willing, the contract should be amended to include the missing trees.
- Ms. McGovern will verify all the trees allowed for 15N are listed on the Approved Tree List.
- Mr. Leon will send CM Crescimbeni the list of all new tree requests since January 2018 through the CARE System.

\$300,000 Appropriation - Ms. Grandin will work with Mr. Pappas on setting some parameters for Countywide Tree Planting 1 (CARE requests) and Countywide Tree Planting 2 (ongoing removal/replacement).

Improper Tree Pruning/Clearing - Mr. Leon will provide an in-depth report at the next meeting on the International Study of Arboriculture's (ISA) best management practices regarding proper pruning and clearing.

Tier II Application

- Ms. Grandin will add language which reflects the two submission deadlines. Ms. Grandin will delete the last portion of the sentence; "each Commissioner will have 10 minutes per application for questions."
- Commission members will draw up a list of suggested items which could be used to prove activity in Duval County.
- Ms. McGovern will review the Countywide Tree Planting contract and look for language which allows for the contractor to refuse projects.
- CM Crescimbeni asked Greenscape to provide a report on the last 10 Greenscape projects including a breakdown on tree inventory, overhead or administrative fees per project.
- Ms. Grandin will clarify that the applicant can use the City countywide contractor or get three bids, but if the three bids are more than the City contractor's prices then the Tree Commission will insist on using the City's contractor.
- Ms. Grandin will add language in the scoring portion which requires a breakdown of any administration fees requested.
- Ms. Grandin will remove the performance bond and the payment bonds from the affidavit which states that if the project is approved the applicant may be required to provide a performance and or payment bond. This will include instructions on how to procure said bonds.
- Ms. Grandin will determine the answer for when a Home Owner's Association submits a Certificate of Insurance for liability from their contractor, if that would that meet this requirement. Ms. Grandin will add the liability insurance requirement to the instructions document as well.
- The Tree Commission will set a minimum threshold for Liability Insurance, please bring your suggestions to the next meeting.

Shade Tree Ordinance

- Mr. Hart will forward to Ms. Grandin the ordinances from various cities he has collected.
- Mr. Leon will send the contact information for Green Infrastructure Center to Mr. Hart.

D. Public Comment

John November – Will the Application be ready in September? CM Crescimbeni replied that no, it will not. The submission dates in the Application will remain the same but the first submission will be later. Mr. November continued, I have begun work on the electronic version of the application which I will share with ITD. CM Crescimbeni asked Mr. November to send it to him. Mr. November said the application he's working on is really just to give ITD an idea on what will be required when we're ready. Once the process is decided and date for submissions what kind of outreach will be shared with the community? It's important from a fairness perspective that we get the word out.

Regarding liability insurance, if a non-profit organization is using the City's Countywide Tree Planting contractor do they still need liability insurance for that project?

Mr. November suggested Mr. Hart may want to contact Green Infrastructure Center; one of the things they discussed is exactly what you were talking about regarding shade requirements. **Mr. Leon will send the contact information for Green Infrastructure Center to Mr. Hart.**

Mr. November addressed administrative fees – let's use Springfield Preservation and Revitalization as an example. S.P.A.R. will have community meetings, walk the legislation through committees, communicate with the contractor and monitor the project start to finish. Anything which will take a large amount of effort and coordination will require administration fees. The Tree Commission could say they accept the project but will only give you a certain amount of money for administration. CM Crescimbeni asked if the project costs more than if the City's Countywide Tree Planting contractor did, should we still approve it? Mr. November replied that should be decided on a case by case basis. If the applicant can justify it, then maybe. I think most people will use the City's contractor because the pricing is so good.

Adjourned 1:59pm.