

Jacksonville Tree Commission  
Meeting Minutes January 23, 2020  
Approved February 19, 2020

<b>Commissioners Present:</b>	Chris Flagg, Chair Curtis Hart, Vice Chair Mike Robinson John Pappas Ron Salem	<b>Staff:</b>	Cindy Chism
<b>Advisors:</b>	Susan Grandin, OGC Kathleen McGovern, City Arborist Richard Leon, Urban Forest Manager Joel Provenza, Accounting	<b>Public:</b>	Fred Pope, Public Works John November, Public Trust Dave McDaniel, Public Works Mike Zafaroni, Liberty Landscape Courtney Wilson, Greenscape Anna Dooley, Greenscape Steven Tocknell, Cathedral District Vrinda Jerome, Public Works Intern Todd Little, Public Works

1. **Call to Order** - Chair
2. **Roll Call and Verification of Quorum** - Chair
3. **Submittal of Speaker's Cards** - Chair
4. **Reports:**
  - a) Fund balance and encumbrance report for 15(F), 15(N) and BJP (Attachment A) – Joel Provenza
  - b) Status of Pending Tree Projects (Attachment B) – Kathleen McGovern
  - c) Fund Status of 630-CITY, Remove & Replace and Level 2 Programs (Attachment C) – Richard Leon
5. **Action Items:**
  - a) Approval of Minutes from December 18, 2019 meeting – Chair
    - i. Ms. Grandin pointed out corrections to Old Business c) and d).
    - ii. Mr. Provenza discussed with the Comptroller moving the project funds into a separate account. Legislation would be required and all accounts impacted thus far would need to be identified then a new account could be set up and everything could be moved. So it is possible. **Ms. Grandin will follow-up.**
    - iii. Mr. Hart made a motion to approve the minutes with the changes noted, seconded by Mr. M. Robinson, none opposed, approved.
  - b) Proposed Level 2 Project(s)
    - i. Cathedra District Tree Planting (Attachment D)
      1. Presentation - Kathleen McGovern
      2. Public comment – Mr. Tocknell expressed his appreciation for the project. This project will get the ball rolling to beautify this area. Mr. M. Robinson asked about the Topal Holly. Ms. McGovern replied it's an Eaglston Holly, Plan-It GEO labels it a Topal Holly.

3. Vote – Motion made by CM Salem to approve this project as presented, seconded by Mr. M. Robinson, none opposed. Project approved.
- ii. Yates Building Tree Planting (Attachment E)
    1. Presentation – Kathleen McGovern
    2. Public comment – Mr. Flagg asked about planting Southern Magnolias in such a heavy pedestrian area. Ms. McGovern responded because there are existing bump-outs already present, most of the debris from these trees will fall back into there. We are also using a cultivar Magnolia so it will be narrower and not as big. Mr. M. Robinson asked about soil replacement. Ms. McGovern said that some will be excavated and replaced just to be on the safe side. Mr. M. Robinson continued after the 2 year warranty is there watering? Ms. McGovern answered after 2 years the trees should be established well enough to do well.
    3. Vote – Motion made by Mr. Hart to approve this project as presented, seconded by Mr. M. Robinson, none opposed. Project approved.
- c) Discussion and vote regarding Ordinances 2019-880 and 2019-886 – CM Salem
- i. As there have been several appropriations through the City Council for different tree planting programs and funds, some members of the Council pointed out it as it requires significant funds to put an ordinance through we should be more cognizant of doing this less frequently. CM Salem suggested leaving these appropriations alone but in the future, put through an appropriation for a minimum of a year and calculate what that would be and include that in the legislation. In the future Ms. McGovern will provide Ms. Grandin information about how long the monies will last so Ms. Grandin may include it in the legislation’s whereas clauses.
  - ii. Mr. McDaniel suggested some type of fact sheet on the different tree mitigation funds be created to assist with any questions which may arise. **Mr. McDaniel will generate this fact sheet.**
  - iii. Mr. Hart asked how much mitigation funds are being collected yearly and for the last 5 years. Mr. Leon also asked about the interest generated. Mr. Flagg also asked about a graphic, by Council district of where we have planted by year, before and after. **Mr. Leon said we could show you on an overlay all the trees we’ve planted. We will bring it next meeting.** CM Salem suggested CM White, Neighborhoods, might also like to see this presentation as well.
  - iv. Mr. McDaniel pointed out that no further advertising has been done since the first one. We need to take this into consideration the next appropriation. In addition as the Level 3 Project requests increase, is it possible to treat Level 3 Plantings as we do 630-CITY and Level 2s, i.e., have a single pot of money instead of going to Council for each project. The Level 3 would still go through the Tree Commission and then MBRC. This would cut down on going before the Council and significantly improve the speed in which a Level 3 Project could begin planting.
  - v. Mr. Hart pointed out the 630-CITY program fund requests should be calculated by how many trees the crews can plant per year, not how many trees are requested. Mr. Leon responded the 2 areas of possible bottleneck are contacting the customer, confirming with them, then finding a species the other is on the contractor’s end. This is a learning process, as we get better, the planting rate increases.

## 6. Old Business

### a) Schedule Landscape Code Revision Meeting – Cindy Chism

- i. Mr. Pope pointed out at the last Landscape Revision meeting, a subcommittee was formed consisting of himself, Ms. Grandin, Jeff Lucovsky, Dave McDaniel and Steven Davis. Mr. Hart volunteered to be the Commissioner involved. **Ms. Chism will contact the listed personnel and schedule the meeting.**

## 7. New Business

### a) Expand Approved Tree List (Attachment F) – Richard Leon

- i. A random sample of our street tree inventory revealed 25% were Crepe Myrtles. As a result we would like to expand the Tree List; on your attachment are the trees we would like to add. We would like to diversify the palate for small trees for utility constraints and help to eliminate the possibility of losing 25% of our street tree canopy to some type of blight.
- ii. CM Salem pointed out Mayor Delaney’s intention was Jacksonville would be known for her Crepe Myrtles. Is there any advantage to having that reputation and that particular tree? Mr. Flagg added the hardiness of the tree is a big factor.
- iii. Mr. Pappas asked about maintenance issues with the proposed trees. Mr. McDaniel said Crepe Myrtles are very high maintenance. Mr. Leon added the proposed trees do not have any increased maintenance issues.
- iv. Mr. M. Robinson suggested adding Loblolly Pine, Sand Pine, and Shortleaf Pine as well.
- v. Mr. M. Robinson made a motion to add to the Approved Tree List the proposed species presented in Attachment F plus Sand Pine and Echinata Pine also called Shortleaf Pine; seconded by CM Salem. None opposed, motion approved.

### b) Discussion on letter to Licensed Professionals from Speaker of the House Jose Oliva (Attachment G) – Susan Grandin

- i. To paraphrase the letter from the Florida House Speaker, the statute basically says “don’t let anyone tell you, you must have permission to remove a tree on residential property.”
- ii. Florida Statute 163.045 reads: 1) A local government may not require a notice, application approval permit fee or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an Arborist certified by the International Society of Arboriculture or a Florida licensed Landscape Architect that the tree presents a danger to persons or property. 2) Local government may not require a property owner to replant a tree that was pruned, trimmed or removed in accordance with this section. 3) This section does not apply to specifically delegated authority for mangrove protection.

- iii. The Ms. Grandin continued, the language of the Statute allows a little flexibility for the interpretation by the City; 1) Residential property is not defined; and 2) Who can be the certified Arborist or Landscape Architect. The Planning Director suggested we keep the definition of residential already in our Landscape Code, which is “a single family lot, not capable of further division.” The City to be given the option to use our own Arborist or Landscape Architect to determine if the tree is a danger to persons or property. This would alleviate the property owner hiring a company to remove the tree and that company’s Arborist certifying the tree as dangerous which is a conflict of interest.
- iv. Mr. Hart was on the committee which generated this addition to the Statutes. It is based on several government agencies in South Florida which had become overly restrictive about trimming, pruning or removing trees on personal lots. Ms. Grandin clarified so the word residential means personal lots, individual homes and their lots. The City of Jacksonville Planning Director defines residential terms of the building code as single family residential. Currently there is an exemption for any tree, whether it’s a danger or not, if the property is already occupied. City of Jacksonville is somewhat ahead of the curve; however, the Planning Director did not want any interpretation to be expanded to the Land Use Category. Mr. Hart responded, it was not intended to do that, but that doesn’t mean it won’t be interpreted differently. Currently our Code says a homeowner is required to pay a \$75 permit fee to get permission not to mitigate any tree the homeowner would like to remove. The Statute says that is not required. As our Code is being revised, by this Commission, this may be included. Currently we are practicing what the Statute says but the Code does not reflect that. **Ms. Grandin will ensure the Landscape Code Revision Subcommittee discusses this issue.**

## 8. Public Comment

- a. Anna Dooley, Greenscape – Following the deferral of the Equestrian Center Tree Planting Project, several internal meetings were held as well as comments from City Staff and we believe all of the issues have been resolved. The Equestrian Center has made several changes and new requests so we are back at the drawing board but now we know what the current procedure is and hope to be able to present the revised project very soon.
- b. John November, Public Trust – Following up on Mr. McDaniel’s suggestion regarding Level 3 funds, currently the Code says “The Director of Finance Administration is authorized and directed to make disbursements from this fund after Council appropriation upon written requisition by the Director of Public Works or the Director of Parks.” We need to make sure we are following the Code and if not get it changed. However, after reading, it appears Mr. McDaniel’s idea is viable without changing the Code once the Council appropriated the funds. However, the question is still to be assessed by OGC.

## 9. Adjournment – the next meeting is February 19<sup>th</sup>.