

Jacksonville Tree Commission
Meeting Minutes February 19, 2020
For Approval June 24, 2020

Commissioners Present:	Chris Flagg, Chair Curtis Hart, Vice Chair Mike Robinson John Pappas Rhodes Robinson	Staff:	Cindy Chism
Advisors:	Susan Grandin, OGC Richard Leon, Urban Forest Manager	Public:	Susan Fraser, Citizen John November, Public Trust Dave McDaniel, Public Works Mike Zafaroni, Liberty Landscape Courtney Wilson, Greenscape Anna Dooley, Greenscape Todd Little, Public Works Vrinda Jerome, Public Works Intern Joshua Gideon, Building Inspection

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) – read into the record by Ms. Chism.
 - i. Mr. Hart asked if an email could be sent to the Commissioner's noting where any tree funds have been allocated too. **Ms. Chism will forward the request to Mr. Provenza.**
 - b) Status of Pending Tree Projects (Attachment B) – Richard Leon
 - c) Fund Status of 630-CITY, Remove & Replace and Level 2 Programs – Richard Leon
5. **Action Items:**
 - a) Approval of Minutes from January 23, 2019 meeting – Chair
 - i. Motion made by Mr. Hart to approve Minutes from the January 23rd meeting; seconded by Mr. Pappas, none opposed, Minutes approved.
 - b) Proposed Level 2 Project(s) - None
6. **Old Business**
 - a) Transferring the Tree Planting Programs (Remove and Replace, 630-CITY, Level 2) into separate accounts. – Susan Grandin
 - i. It would take legislation to move the funds into their own accounts. Mr. McDaniel added that in speaking with Lee Dupree, Assistant Finance Manager for Public Works, there may already be separate accounts. **Ms. Grandin, Mr. McDaniel and Mr. Dupree will discuss further.** The accounting system is currently in a black out period due to software change.

- b) Fact Sheet on Tree Mitigation Funds for City Council (Attachment C)– Cindy Chism
- i. Mr. Pappas asked for the word “remove” to be added before “design fees”. **Ms. Chism will make that change.**
- c) Landscape Code Revision Meeting has been scheduled for March 4 – Cindy Chism
- d) Project Priority List – Susan Grandin
- i. The Commission had voted to not score the Level 3 Projects because there is no real competition for the funds at this time. The score sheet was most likely generated to determine which one should get the funds. Listed in the duties of the Tree Commission (Section 94.106.) is a priority project list which must be annually reviewed. As the Ordinance code lists a priority project list but does not refer to 630-City, Level 2, or Level 3. Ms. Grandin asked if the priority list is limited to Level 3s only or all programs approved by the Tree Commission.
 - ii. Mr. Hart responded that our thought at the time was a priority list does have to do with limited funds however; at this point we want to plant as many trees as we can until we get to a point we have to prioritize because of funding.
 - iii. Mr. R. Robinson suggested setting a trigger amount, i.e., when the tree funds get to 6 million then the project priority list becomes a requirement.
 - iv. Mr. Flagg pointed out the scoring process was very cumbersome. A priority list is not required at this time. What is required to revise the wording, should we have an amount which would trigger the project priority list requirement? Then the Staff could make the recommendations to the Commission based on their review in lieu of the Commission going through and scoring a project.
 - v. Ms. Grandin responded we could set a monetary trigger. In the interim, a process could be set up for Level 3 submission and approval. For instance; the Staff has to have a meeting with the Applicant, then perhaps Staff should do an analysis, then recommendation based on possibly some conditions which would be presented to the Commission. The Applicant would do their presentation then the Commission would approve, deny or modify instead of scoring points.
 - vi. Mr. Flagg agreed that system would be much less cumbersome. Through the pre-presentation, Staff will be most familiar with the project and the related issues. The Commission sees the project as a Presentation and then act accordingly. The Commission will rely on the communication between Staff and the Applicant. The Commission has had an opportunity to review Staff’s assessment and recommendations as well as the Applicant’s presentation prior to the actual meeting.
 - vii. Mr. Leon added that Mr. Pope has developed a process which has been used with Greenscape to date. It’s still a work in progress however is streamlined. Essentially there is a pre-meeting to go over the project in general terms. At the second meeting, the Applicant and Staff will go

over their plan in detail and outline any suggested modifications. The Applicant will then make any modifications and submit the final.

- viii. Mr. Flagg continued the Staff recommendation to the Commission will carry weight. If Staff believes the project is a good one and all issues have been addressed and recommends approval, the Commission trusts all the bases have been addressed by Staff. A preamble to the presentation should be given by Staff to the Commission listing the issues at each meeting or communication and how the Applicant addressed them. If there is something specific Staff would like the Commission's decision on, this is the time to ask.
- ix. Ms. Grandin added that she could send Mr. Leon some samples from Planning Dept. reports as examples. Typically these reports are sent out 7 days in advance of the presentation with the material to the Commissioners. Ms. Grandin will send some samples of this type of report to Mr. Leon.
- x. Mr. Pappas asked if the Level 3 Application process we are discussing will require any changes to the ordinance with regard to Tree Commission. Ms. Grandin responded the Code does say we need to formulate a recommended priority project list however project is not defined. Perhaps 630-CITY is a project; Level 2s are projects, anything we are spending money on. Code does say the Commission is to generate a list annually to give the mayor which includes the projects and how much they cost. Mr. M. Robinson agreed with Ms. Grandin on what a project is with 630-CITY being first priority, Level 2s are second priorities, and Level 3s after that.
- xi. Mr. November suggested amending the Code with regard to the Priority List until it is required, some type of monetary trigger whatever the Commission decides. The annual status of inventory permits submitted to the City Council should remain. It would be an excellent opportunity to let the City know what has been done. The Educational Outreach programs should also remain.

7. New Business

- a) Presentation on Trees Planted by Year, by Council District (Attachment E)– Richard Leon
 - i. The numbers on page 1 are rough estimates as there is no Council District layer on Plan-It GEO. Also, the orange (630-City Trees Planted) is included in the blue (All trees planted). **Mr. Hart requested a start date be added to the bar chart.**
 - ii. Mr. R. Robinson asked if there were any records of trees removed compared to what we have planted, just for comparisons sake. Mr. Hart pointed out when a plan is submitted to Planning it includes how many inches of trees are being removed as well as how many are being replanted. Mr. R. Robinson explained this comparison could be used for public relation in the future. **Mr. Leon volunteered to find out if it was possible to determine how many trees have been removed versus how many have been planted.** Mr. Hart suggested starting from this point and go forward; it would be very difficult to get past information.

- iii. All funds from the initial 630-CITY appropriations have been spent. We are currently waiting for the 1Cloud black out to be lifted to begin spending the new appropriation of \$2 Million. We have advertised the program again, through the Public Affairs Office and on social media.

b) Tree Trimming Violation (Attachment F) – Susan Fraser/Josh Gideon

- i. Ms. Fraser brought to the attention of the Commission several trees which were trimmed at Atlantic and Southside (see Attachment F). The workmen trimming the crepe myrtle trees obviously had no idea how the trees should be trimmed. Ms. Fraser called the company, MyJax and reported the violation. Ms. Fraser suggests the problem is lack of education. Perhaps there should be some type of license, permit or certification which must be renewed every year after training.
- ii. Mr. Joshua Gideon, Chief Building Inspection Division, responded the City Inspector went out the same day the photos were received. Determining who to issue the violation against has been slow; we are investigating the property owner as well as the contractor. Just to assure the Commission, when a citizen reports a violation, the Building Department does have a process in place to respond. Regarding this particular shopping center parking lot, these trees were required trees per Ordinance. They no longer meet the Ordinance we are working with the property owners of the shopping center for replacement trees. Education is key; the Landscape section is complicated. The larger scale projects have professionals which are very aware of what is required but the smaller commercial projects and residential projects they have no knowledge; trees are being removed and then Arborist letters are being submitted retroactively, there are commercial projects that do not understand the buffering and screening requirements, there are also issues where the 50% rule part of the Ordinance is being triggered and they don't understand that they have to bring the whole site up to current requirements. Should we have a CEU requirement on the tree trimmers; are there things we can do to help them become educated and stay educated.
- iii. Mr. Leon pointed out that if Certified Arborists are sending letters retroactively, the International Society of Arborists does have a Code of Ethics. If that does become very prevalent, the Arborist could be reported if the certifications are in doubt. It is possible to offer a tree workshop designed for the guy with the chainsaw with several different stations teaching various things. Perhaps the ISA would offer CEUs for completing the training. Perhaps once fines begin to be imposed they may be more amenable to this type of training.
- iv. Ms. Fraser pointed out that trimming the trees to code usually requires a lift which typically will raise the cost a substantial amount. The next bid may not use a lift, therefore not trimming the trees to code but much less expensive. The system needs to be such that saving that amount on not using the company who would cut the trees to code is not cost effective because of the fines incurred and replanting the trees which do not now meet specification. So the contractor who is following the rules is in effect penalized by not getting the work. So it's not necessarily the contract but the Property Owner who selects the lowest bid.

- v. Mr. November added that Ft Lauderdale provides educational materials when you get your licensure as well as including the penalty for what happens if they don't follow the rules.
- c. Bulletin L-01-20, The Use of Arborist Letters for Tree Removal per Part 12 in the Municipal Code, effective immediately – Susan Grandin
 - i. “When submitting verification from a certified Arborist to exempt trees from replacement and/or mitigation in accordance with Section 656.1205.b and 656.1206.g.1, a letter must be provided at the time of submitting the permit application and prior to the removal of the trees that are the subject of the letter. Arborist’s letters submitted for the exemption of trees after the trees have been removed do not meet the intent of the subsections and will not be accepted.” Joshua Gideon, Chief, Building Inspection Division.
 - ii. Ms. Grandin continued, a Land Use Attorney posted this bulletin on something called Local Government Topics with the caveat that Jacksonville has misread the statute that was passed last year which exempted residential properties from having to get a permit. Ms. Grandin and OGC have prepared a response to this because Mr. Gideon’s bulletin has nothing to do with residential properties.
 - iii. Mr. Hart suggested having a seminar hosted by the Builders at their facility whether it’s for trimming or Landscape Ordinances.

8. Public Comment

Richard Leon, Urban Forestry – Florida Urban Forestry Council has awarded our 630-CITY program an award for Outstanding Project in the State. Mr. Little added that Mr. Leon won the Outstanding Professional of the Year.

Anna Dooley, Greenscape – By mayoral proclamation, Jacksonville Arbor Day and Tree Give-away is being planned for March 28th. Perhaps some involvement by the Tree Commission, a panel or even a table for answering questions. Ms. Dooley said Greenscape has several brochures and tree planting guides they would be happy to provide as a give-away. Mr. November provided educational material which is currently on the City’s Tree website. **Mr. November will provide Mr. Leon with a copy of the material in printable form. Mr. Leon will have the forestry intern generate some type of tri-fold brochure also.**

Mr. John November, Public Trust – From the Tree Mitigation webpage the link to file a complaint just goes to a very generic MyJax page. Is there some way to make it go directly to a Tree Issue? **Mr. Leon will explore with MyJax to determine if the link can be more specific to Trees.**

9. Adjournment – the next meeting is March 18th.