

Jacksonville Tree Commission  
Meeting Minutes August 8, 2019  
Approved September 18th, 2019

<b>Commissioners Present:</b>	Curtis Hart, Vice Chair Chris Flagg Mike Robinson John Pappas Aaron Glick Rhodes Robinson	<b>Staff:</b>	Cindy Chism
<b>Advisors:</b>	Susan Grandin, OGC Kathleen McGovern, City Arborist Richard Leon, Urban Forest Manager	<b>Public:</b>	John Crescimbeni Dave McDaniel, Public Works John November, Public Trust Joshua Rosenberg, Duval Soil Chuck Gibson, Bldg Inspections Mike Zaffaroni, Liberty Landscape Joe Anderson, JEA Anna Dooley, Greenscape Mark Chowinard, City of Jax Beach Nikki Evans, COJ City Council

**A.** Meeting was called to Order by Vice Chair at 9:35am.

1. All present introduced themselves for the record.
2. Submittal of Speaker's Cards.
3. Motion made by Mr. R. Robinson, seconded by Mr. Flagg, for approval of minutes, none opposed.
4. Fund balance and encumbrance report for 15(F), 15(N) and BJP (Attachment A) –Cindy Chism.
5. Status of Pending Tree Projects including Levels 1 and 2 (Attachment B) – Kathleen McGovern.

**B. New Business**

1. Time of Commission Meetings – Curtis Hart
  - a. Mr. Hart suggested changing the day and time of the Commission meetings and asked Ms. Evans what would fit into CM Salem's calendar. She replied he had suggested meetings could be held on committee weeks, Wednesday mornings, 1<sup>st</sup> or 3<sup>rd</sup> Wednesday. **Motion by Mr. Flagg to move the Tree Commission meetings to the 3<sup>rd</sup> Wednesday of the month at 9:30am, seconded by Mr. R. Robinson, none opposed.**
2. Schedule next Landscape Code revision meeting – Susan Grandin
  - a. Mr. Pappas suggested meeting on the 1<sup>st</sup> Wednesday of September at 9:30am. The Commission agreed. **The next meeting is September 4<sup>th</sup>.**
3. Vote on Proposed Level 2 Project(s) – Kathleen McGovern
  - a. Kensington Tree Planting (Attachment C) – Mr. M. Robinson asked if a right of way permit will be required? Ms. McGovern replied that as our contractor is being used, the contractor already has the right-of-way permit. Mr. M. Robinson asked about watering. Ms. McGovern replied, the HOA wants to add these plantings to their irrigation as a result, the cost may drop. Mr. Flagg asked as the trees are replacing what was lost, was the possibility of planting in a more advantageous spot considered? Ms. McGovern replied that yes, alternate areas were considered. **Motion made by Mr. M. Robinson to approve the Level 2 Kensington Tree Planting Project, seconded by Mr. Flagg, none opposed.**
  - b. S-Line Biodiversity Corridor (Attachment D) – Mr. Glick asked about the fruit trees which were listed at the last meeting. Mr. Leon replied, they were removed because the planting site was possibly an ash

site. Mr. M. Robinson asked if CM Gaffney has been made aware as well as the Parks Department. Ms. McGovern agreed that the Councilmember has been notified and the Parks Department walked the site with the Division. Ms. McGovern pointed out the price being used was the non-irrigated price, the contractor will outfit the trees with watering bags. Mr. Pappas suggested coordinating with Mr. Eric Fuller for digging on a possible ash site. Ms. Grandin asked for clarification; the irrigated cost is less than the non-irrigated cost which seems backwards. Ms. McGovern replied, the irrigated price is if the site was already irrigated. If we were adding irrigation, that would be a separate line item. Ms. McGovern will note the difference on future documents. Mr. Crescimbeni pointed out a possible view obstruction where a Live Oak is scheduled to be planted possibly in front of a billboard in the triangle of Moncrief, the S-Line and 13<sup>th</sup> St. Ms. McGovern will ensure that will not be a problem. Mr. Anderson suggested submitting this project for a Florida Urban Forestry Council award and will forward the application.

**Motion made by Mr. Pappas to approve the Level 2 S-Line Biodiversity Corridor Planting Project, seconded by Mr. Glick, none opposed.**

4. Vote on Water Trailer Purchase – Richard Leon

- a. Ms. Grandin pointed out that yes it is possible to use Trust Fund monies to purchase the water trailer however, legislation must be drafted to waive the 25% limit for this purchase. Any on-going maintenance for the trailer will be absorbed by Mowing & Landscape budget. **Ms. Grandin will draft the legislation for the purchase.** Motion made by Mr. R. Robinson to approve purchasing the Water trailer, seconded by Mr. Glick, none opposed.

5. Florida House Bill 1159 (Attachment E)– Curtis Hart

- a. Mr. Hart pointed out he wasn't sure this Bill applied to us. If there was a dangerous tree on private property, do we require a permit to remove it now or are we just letting people cut it down. Ms. Grandin responded that right now the code requires a residential homeowner to get a permit in order to take down a tree in their yard whether it's diseased or not. However, that isn't really enforced or hasn't been in the last few years and we may want to evaluate that in the revisions we are currently reviewing. Mr. Hart asked how the code should read. Ms. Grandin replied in order to make it match the statute "for single residential property not capable of further subdivision, there is no permit fee required to remove a tree" or "no permit fee is required to remove a tree which is a danger to person or property" in order to make it track with the statute. Or we could just not have a permit fee for single family residential at all.
- b. Mr. Hart asked if this law required him to have a certified Arborist or licensed Landscape Architect declare a tree dangerous even though a city inspector has said it is? Ms. Grandin replied that the law doesn't require the homeowner to get the tree certified as dangerous by one of the specified personnel just that it must be done, so the City's licensed or certified staff member could do it. To have a disinterested 3<sup>rd</sup> party decide if the tree is dangerous or not is probably wise. **Mr. Hart asked Ms. Grandin to generate a policy as well as legislation for discussion at the next Landscape Code revision meeting.** Mr. McDaniel asked who in the City would go look at this private tree, Code Enforcement? Ms. Grandin responded that it would have to be either a certified Arborist or a licensed Landscape Architect. Mr. McDaniel added that currently Mowing & Landscape division removes all the dead trees on private property for Code Enforcement. This will be a budget burden for whatever Department this falls on. Mr. Crescimbeni asked if "residential property" is properly defined somewhere in our code? Ms. Grandin responded that no, nor is it defined in the statute. Mr. Crescimbeni suggested we define it in our code. Mr. Hart said he thought there may be a definition under the Subdivision Regulations. **Ms. Grandin will check for a definition of residential property and draft one, if necessary, for review at the Landscape Code revision meeting.**

6. Other Municipalities Requesting Tree Trust Fund Monies (Attachment F)– Susan Grandin

- a. Ms. Grandin was asked by the City of Jacksonville Beach if they could submit a Level 2 Tree Planting Project. According to the legislation, the Tree Fund monies may be used for any public land in Duval County. The City of Jacksonville Beach does not pay into our Tree Fund; they have their own Tree Fund. Does the Commission want to fund projects in Jacksonville Beach? Mr. Hart asked if there were any inter-local agreements with Jacksonville Beach. **Ms. Grandin didn't believe so, not with regard to trees but will check.** Mr. Hart added that even though they don't contribute to our fund, they are in Duval County and it will help aesthetically. Ms. Grandin added, perhaps they could share in the expense. Mr. November pointed out the Beaches have the lowest canopy cover of any of the districts, they are well-used and the legislation does say Duval County.
- b. Mr. Leon agreed that adding trees to Jacksonville Beach is beneficial but as a City of Jacksonville employee should he be spending his time on another City. However, Mr. Leon and Ms. McGovern did meet with Corey Nichols, a Jacksonville Beach City Councilmember and Michael Stephanopoulos, City Manager. They have also spoken with Josh Messinger, Neptune Beach City Councilmember, and Megan George, Deputy Public Works Director. These conversations are a result of the 630-City Tree Planting program; District 13 citizens are calling city requesting a tree. Mr. Leon suggests a single representative from each beach community as a contact point to evaluate each of the tree planting requests for approval. If approved by the representative, then our contractors will plant the trees.
- c. Mr. R. Robinson asked what type of protective measures do the other entities have for trees. Mr. November responded Neptune and Atlantic Beach's tree protection codes are stronger than the City of Jacksonville's. They do not allow removal on single family residential properties. In addition, they are evaluating licensure requirements for tree trimmers. Mr. R. Robinson added, it's easy for me to support using our tree funds to plant trees in their City if they have good tree protection codes in place. Mr. November added, they do and he believes they would be willing to take over all maintenance responsibilities as well as the watering.
- d. Mr. Crescimbeni suggested conversations with the administration regarding inter-local agreements. Mr. Hart added that yes that conversation with the administration does need to happen; however, the beaches are in Duval County, if they want to do any projects, they can submit their projects and we can decide on a project by project basis, including the watering and maintenance. Mr. McDaniel asked about the 630-City requests, should they be handled as Mr. Leon outlined; 1 representative from each community, who will make the site visit, approve the site and select a tree from our approved list. The Commission agreed, yes, that's the process.

7. Timing Related to Initial Level 3 Application Submissions – John November

- a. According to the Level 3 Application, projects are to be submitted by September 1, then staff has until September 30<sup>th</sup> to review them, which would then give the Commission approximately 17 days for review. Mr. Glick asked if 5-6 months from project submittal to planting is going to be the norm. Mr. November replied, yes that appears correct.

8. Chairman Election – Susan Grandin

- a. Mr. Hart asked Mr. Flagg if he would consider taking the position if asked. Mr. Flagg agreed he would. Mr. Hart asked if there was anyone else who may be interested. As there doesn't appear to be anyone else interested Mr. Hart made a motion to elect Mr. Flagg as the new Chair, seconded by Mr. Pappas, none opposed. Ms. Grandin added that in October another election will be held per the Bylaws.

C. Public Comment

John November – Right of Way Permit – the Development Services Division is struggling with approving a right of way permit before the project has been approved. Mr. McDaniel asked why this would be any different than

a homeowner who requests a permit to install something in the ROW, the Division gives him a “hold harmless” and then the homeowner says, no never mind, I’m not going to do it. Why is this different? Mr. November agrees, he doesn’t understand why they are having such a difficult time. **Mr. Hart will schedule a meeting with Ellyn Cavin, the new Chief of Development Services, Ms. Grandin and John November to discuss this issue.**

Need some guidance for timing on Performance Schedule; when it begins and when it ends and bidding out of construction – We won’t have an exact date for beginning and ending, could we list for instance “30 days after City Council approval we will begin and will complete 30 days after that.” Bidding out of construction could we list “within 15 days of award a bid request will be sent out to contractors with the expectation of their bid submission within 30 days and then work will begin 30 days after that.” (All number of days shown here are examples.) The Commission agreed this was acceptable.

Scope of Work is described as the design of the project - is there anything besides final drawings which should be submitted? Mr. Hart replied that this should show what you want to do. Mr. November then asked if the Commission has changes or suggestions for a submitted project at the first meeting will we have to wait until then next meeting to resubmit. Mr. Hart responded you shouldn’t have to wait for the next meeting; aren’t you working with staff already, so most of these changes or suggestions should be done before you even get to the first meeting. Mr. Flagg added list the anomalies in the Scope of Work, i.e., what may be costing more and why which should alleviate a lot of questions.

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

Tree Commission meetings have been moved to the 3<sup>rd</sup> Wednesday of each month at 9:30am, same room.

The Next Landscape Code Revision meeting will be September 4<sup>th</sup> at 9:30am, same room.

The Kensington Tree Planting Project has been approved for submission to MBRC.

The S-Line Biodiversity Corridor Project has been approved for submission to MBRC.

Ms. Grandin will draft the legislation which waives the 25% limit for the purchase of the Water Trailer.

Ms. Grandin will generate a policy as well as legislation requiring a certified Arborist or licensed Landscape Architect declare a tree dangerous for discussion at the next Landscape Revision meeting.

Ms. Grandin will check for a definition of residential property and draft one, if necessary, for review at the Landscape Code revision meeting.

Ms. Grandin will check for inter-local agreements regarding trees with the Cities of Neptune, Atlantic and/or Jacksonville Beaches.

Mr. Hart will schedule a meeting to include Ellyn Cavin, the new Chief of Development Services, Ms. Grandin and John November to discuss the problems getting a permit for a Level 3 Project.

#### **E. Adjournment – the next meeting is scheduled for September 18, 2019 at 9:30am.**