

Jacksonville Tree Commission  
Meeting Minutes September 18, 2019  
Approved October 16th, 2019

<b>Commissioners Present:</b>	Curtis Hart, Vice Chair John Pappas Mike Robinson Rhodes Robinson Ron Salem	<b>Staff:</b>	Cindy Chism
<b>Advisors:</b>	Susan Grandin, OGC Kathleen McGovern, City Arborist Richard Leon, Urban Forest Manager Kevin Stork, City Comptroller	<b>Public:</b>	Joe Anderson, JEA Dave McDaniel, Public Works John November, Public Trust Nikki Evans, COJ City Council Tracey Arpen, Scenic Jacksonville Jason Phitides, City of Jacksonville Beach Joshua Rosenberg, Duval Soil Todd Little, Public Works Kealey West, OGC

- A.** Meeting was called to Order by Vice Chair at 9:30am.
1. All present introduced themselves for the record.
  2. Submittal of Speaker's Cards.
  3. Motion made by Mr. R. Robinson, seconded by Mr. M. Robinson, for approval of August 8 minutes with corrections noted by Ms. Grandin, none opposed.
  4. Fund balance and encumbrance report for 15(F), 15(N) and BJP (Attachment A) – Kevin Stork.
  5. Status of Pending Tree Projects including Levels 1 and 2 (Attachment B) – Kathleen McGovern.
    - a. Mr. Hart asked for a report on how many requests there are currently for the 630-CITY program. Mr. Leon responded there were just under 1300 with 902 trees confirmed for planting. Mr. Hart then asked how many trees per year you can plant. Mr. Leon answered with approximately 4000 at the current staff levels. Mr. Hart wondered if there was a master map of the plantings and could he see it. Ms. McGovern volunteered to send him the link. Mr. Hart added that with the map it would be easy to see the areas which were not getting trees requested and then perhaps concentrate on those areas.
    - b. CM Salem suggested dividing the county into different section and then assigning a contractor to each one. Mr. McDaniels responded that it was difficult to find a contractor to fill Countywide Tree Planting contract previously. There just aren't that many out there that bid on the contract. So right now we are not looking to divide the county. Mr. Hart suggested a quarterly report be given to the Commission which would track how many trees were planted and the cost of each planting with the idea of possibly expanding the contract and/or adding another vendor. However, since the program is so very new, let's let it run for at least a year so we have good data.
    - c. CM Salem then asked about the restrictions on using the funds for staffing. Mr. Pappas responded that the only salary paid for by the Tree fund is Ms. McGovern's salary and she is solely focused on facilitating the projects funded by the Tree funds.

**B. New Business**

1. Vote on Proposed Level 2 Project(s) – Kathleen McGovern
  - a. No new projects ready for submission at this time.
2. Vote on Revision to Level 3 Application Exhibit 3 (Attachment C) – Susan Grandin
  - a. There was a problem getting authorization from the Planning & Development Division for planting in the right-of-way without a signed contract. This should alleviate the problem. Mr. R. Robinson made a motion to approve the form, seconded by Mr. M. Robinson, none opposed, form revisions approved.
3. Schedule Landscape Code Revision Meeting (10/3 9-11am?)- Cindy Chism
  - a. Mr. Hart is not available, however Mr. Flag, Mr. Robinson, and Ms. Grandin are; anyone else who is please attend. A quorum is not necessary for the meeting. **Ms. Grandin will send out another redlined copy of the ordinances we've been using as a PDF so everyone will be using the same version. Mr. Hart suggested using a different color font for the changes which have been agreed upon already.**
4. Other Municipalities Requesting Tree Trust Fund Monies – Susan Grandin
  - a. The Tree Fund (15N), the Trust Fund (15F), and Chapter 111, say the funds may be used to plant trees on public property in Duval County which includes Baldwin and the 3 beaches communities. All the beaches communities have a mitigation process and a tree funds; Atlantic Beach has approximately \$100,000 and Neptune Beach has nothing. Neptune Beaches' ordinance is apparently easy to work around. Mr. Hart added that there isn't much land to develop in the Beaches Communities, it's predominantly tear down and rebuild. There are random growth trees in the CROW which do have to be removed for the drainage system.
  - b. Mr. Hart added, the inter-local agreement doesn't speak about trees and it should. Potentially what could happen is the Beaches Communities collect mitigation for their fund but use 15F, 15N or Chapter 111 Funds to replant the trees. That should be addressed at a higher level than the Tree Commission. Mr. Pappas asked what if the trees we do plant are removed? Mr. Hart agreed that should be in the inter-local agreement as well. CM Salem added that opening the inter-local agreement isn't done often and can result in many things being added.
  - c. The question is does the Tree Commission believe the 15F, 15N and Chapter 111 Funds allow for planting trees in the 3 Beaches Communities and Baldwin. If so, then do we want any requirements? CM Salem pointed out, if those communities didn't have separate mitigation funds, and put their dollars into either 15F, 15N or Chapter 111 Funds then it would be very clean. Ms. Grandin responded that mitigation funds are collected through zoning codes; zoning is a municipal function rather than county function.
  - d. Ms. Grandin suggested perhaps opening the Inter-Local Agreement isn't required and a Memorandum of Understanding (MoU) could be done instead since this is policy-level. There needs to be some kind of understanding to ensure if we planted a tree, they it doesn't get cut down. So there should be something in writing so all parties are aware of the policy and any limitations. **CM Salem suggested Mr. Pappas ask the Mayor's office for input. Ms. Grandin will provide some examples of Memorandum of Understanding documents.**
  - e. Mr. November pointed out the Canopy Inventory highlighted the Beaches Communities as having the least canopy of Jacksonville. Mr. Leon added that he and Ms. McGovern have had meetings with the Jacksonville Beach City Manager and City Council Member and a City Council Member and Deputy Public Works Director of Neptune Beach. The suggested policy would be one point of contact for each municipality, if a tree or trees are requested, that contact would be consulted for approval. Once approval was given then the job would be given to our contractor. This may alleviate the possibility of our planting trees only to have them removed. Mr. Arpen added that if the trees we have planted do get removed, the municipality should pay mitigation into our fund. The maintenance for those trees

should be funded by the municipality. In addition, Mr. Arpen suggested the funds to plant in those municipalities come out of the Charter Fund as opposed to the Ordinance Code even though it generates most of the money as the Charter is a county-wide document as opposed to our Ordinance Code. **Ms. Grandin will check Charter versus the Ordinance Code and review the municipalities' tree mitigation ordinances for loopholes.** Ms. Grandin further suggested a chart be made showing the different issues, i.e., who is responsible for the maintenance, ancillary costs, etc.

#### 5. Questions on Level 3 Application Process – M. Robinson

- a. How does a Project get on the Agenda for the Commission to score? Mr. Leon said staff will notify the Applicant when they will be on the Agenda.
- b. Why are there only 3 times per year Level 3 projects can be submitted? Mr. McDaniel replied because of staffing. There is only 1 City Arborist to evaluate these projects as well as all the Level 2 projects. Currently Ms. McGovern has 30 projects, 4 of which are Level 3 projects. 1 of those is a 4 year long project which requires a lot of review before a recommendation is presented to the Commission. Mr. Pappas added limiting the times per year for submission was intended for efficiency. Mr. M. Robinson added having a deadline for project submissions seems as though it will become a roadblock, with several projects “waiting” for the application deadline for review. Mr. Pappas asked Mr. Leon if it would be more efficient to review the Applications as a group and have them ready by a certain date or review them as they come in. Mr. Hart suggested first in, first out. Mr. McDaniel added that there is a discussion about Mr. Fred Pope evaluating the Level 3 Projects to take some of the onus off of Ms. McGovern. Ms. McGovern responded that so far reviewing the projects as they come in, there are a lot of questions on what is being submitted. Over time, as the Applicants become more skilled at completing the applications, the level of review required should go down.
- c. Mr. November pointed out that once the Application deadline has been met the Applicant is restricted from communicating with anyone involved with the Level 3 Tree Planting Program during the evaluation period. Should this rule be omitted? Ms. Grandin answered that the deadlines were listed to give the Applicants comfort that submitting this application it will not be a yearlong process but has a time limit. Mr. Hart suggested removing the date deadline and instead putting number of days, i.e., the application is submitted upon completion and staff has 45 days to review it. Mr. Leon agreed that 45 days would be acceptable. Unfortunately most of the projects being submitted need a lot more review and revisions than we were hoping for. Mr. Hart suggested a pre-application submission. Mr. Leon and Ms. McGovern agreed that would be great idea.
- d. Mr. Arpen believes that the dates were selected so projects would be approved for planting during the planting season. Mr. Pappas added presenting several projects to MBRC and Council at the same time. Mr. Hart pointed out MBRC meetings twice a month, the Commission meets once a month it seems it will flow better.
- e. **Ms. Grandin will revise the Instructions and the Application to reflect the removal of the deadline dates and submissions as completed. There will be no review time limits at this time.** If the projects start bogging down, then a revision will be done. Mr. R. Robinson pointed out that if the Application submitted is completed correctly, it will go through the process more quickly. Eventually there may be some applications submitted which were so well done they may be used as examples.

#### C. Public Comment

Mr. John November – Pre-application meetings were held on both of the projects submitted and they were very helpful. A time limit should really be considered, 60 or 90 days even. The City has taken possession of the COJ Plan-It-Geo software. However, citizens cannot use it to plan tree planting projects but Plan-It-Geo has provided the Public Trust and Greenscape with software which mirrors the City's software except it doesn't have

any of the City's data input, it is independent data entered by citizens so they can plan planting projects and not impact the City's data in any way. To educate our citizens on this software, there is a lunch and learn workshop on Thursday, September 26<sup>th</sup>, at noon at Greenscape.

The Application is still showing Incidental landscaping which needs to be omitted. As for the census block group scoring for the Projects, I will provide the Commission with a breakdown that allows you to see where the planting project is and automatically know what the score will be so you don't have to recalculate those numbers every time.

Do you really need 4 paper copies of the Application? Mr. Leon and Ms. McGovern replied that 2 copies would probably be sufficient. Before the Application is filed, there can be unlimited communications with Staff. Currently, once the Application is filed, there is to be no communication with staff or Commission members. Does that make sense? Mr. R. Robinson said that if there is a pre-application meeting where everything is ironed out, there shouldn't need to be any further communication. So what is finally submitted is a penultimate Application. Mr. McDaniel asked why communication is limited. Mr. Hart replied he doesn't know why. Mr. Hart suggested the Commissions reevaluate the communication restrictions.

Tracey Arpen won the Charles Bennett Champion of the Environment Award.

Ms. Grandin – Richard Leon and John Pappas were mentioned in the Resident newspaper in an article about “planting trees sucks up water.”

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

Ms. Grandin will send out another redlined copy of the Landscape & Tree Protection ordinances we've been using as a PDF so everyone will be using the same version, with a different colored font for the changes which have been agreed upon already.

Mr. Pappas will ask the Mayor's office for input regarding the Inter-Local Agreements and using Tree Funds to plant trees in the other Municipalities.

Ms. Grandin will provide some examples of Memorandum of Understanding documents.

Ms. Grandin will check the Charter versus the Ordinance Code and review the municipalities' tree mitigation ordinances for loopholes.

Ms. Grandin will revise the Instructions and the Application to reflect the removal of the deadline dates and submissions as completed. There will be no review time limits at this time.

#### **E. Adjournment – the next meeting is scheduled for October 16, 2019 at 9:30am.**