

Jacksonville Tree Commission  
Wednesday August 17, 2022 – 1:30 PM  
Approved September 21, 2022  
Via Zoom Platform & In Person

**Commissioners  
Present:**

Chris Flagg, Chair  
Mike Robinson, Vice Chair  
Curtis Hart  
John Pappas

**Staff:** Cindy Chism

**Public:** Jameka Smith, COJ  
Fred Pope, Scenic Jax  
Susan Caven, Scenic Jax  
Tracey Arpen, Scenic Jax  
Joe Anderson, JEA  
Mike Zaffaroni, Liberty Landscape  
Kelly O’Leary, Liberty Landscape  
~~Lisa Grubba, Greenscape~~  
~~Nancy Powell, Scenic Jax~~  
Nikki Evans, COJ  
~~Andrew Roman, COJ~~  
Dave McDaniel, COJ

**Advisors:**

Susan Grandin, OGC  
Justin Gearhart, City Arborist

1. **Call to Order** – Chair
2. **Roll Call and Verification of Quorum** – Cindy Chism
3. **Submittal of Speaker’s Cards** – Chair
  - a) A raised hand icon as well as waving at the screen will be acknowledged by Chair or Ms. Chism.
  - b) For those attending in person, paper speakers’ cards are available.
4. **Reports:**
  - a) Fund balance and encumbrance report for 15(F) (Ordinance Tree Fund), 15(N) (Charter Tree Fund) and BJP (Attachment A) – Jose Regueiro
    - i. A meeting with Mr. Regueiro, Mr. Hart and Ms. Grandin will be scheduled to revise the financial reports.
  - b) Status of Pending Level 2 Tree Projects (Attachment B) – Justin Gearhart
    - i. Mr. M. Robinson asked when completed projects get removed from the report. Mr. Gearhart said he hasn’t been given any direction on removing them. They were left on the report as a record of completed projects. Mr. Flagg said they could be removed from the report if they were logged on the Plan-It GEO map. Mr. Pappas agreed keeping a record of completed projects is important, perhaps they could be moved to a separate report and could be given to the Commission quarterly or yearly. The Commissioners all agreed.
  - c) Fund Status of 630-CITY, Remove & Replace and Level 2 Programs– Justin Gearhart
    - i. Level 2 Planting Program has \$9,375,624, 630-City has \$471,198 and Remove & Replace is \$342,587. Remove & Replace and 630-CITY buckets will need to be replenished. Mr. Hart asked for the number of trees planted for 630-CITY to be included in the reporting.

## **5. Action Items:**

- a)** Approval of Minutes from July 20, 2022 meeting – Chair
  - i. Motion to approve the minutes made by Mr. Hart, seconded by Mr. Pappas, none opposed.
- b)** Approval of Minutes from August 4, 2022 Facilitator Strategic Planning meeting – Chair
  - i. Motion to approve the minutes made by Mr. Hart, seconded by Mr. M. Robinson, none opposed.
- c)** Proposed Level 2 Project(s) - None

## **6. Old Business**

- a)** St John's Bluff Road Tree Planting Project Update – Justin Gearhart
  - i. Due to concerns about tree proximity to intersections, the plan was changed to keep all trees 100 ft. from intersections in the instance. This measurement will be used as a guideline for all future projects. FDOT requires 200 ft. on roadways with a speed limit of over 45 mph. Most City roadways do not fall into this category. Mr. Pappas pointed out FDOT has a “green book” with addresses limitations for local roadways. As a policy, the City follows those guidelines.
  - ii. What those guidelines did to the plan; some trees were removed, 1 Winged Elm, 2 American Elm and 4 Longleaf Pines, the rest were re-added farther down the road, still within the project area. As a result, total trees for the project is now 189 from 196.
- b)** Level 3 Program Agreement Revisions – Deferred - Susan Grandin
- c)** Palm Tree Subcommittee (Proposed Ordinance is in the packet) – Susan Grandin
  - i. The point is to address the measurement of palm trees and some of the definitions of palm trees for CM Salem. In trying to focus on only those items, there is some bleed over into the Landscape Ordinance Code. Highlighted language requires a policy decision:
    - 1. Page 6, lines 24 continued to page 7 line 8 – lines are struck. The word drainage is highlighted under public protected tree. If it's a drainage easement, the trees should not be protected, they should be able to be removed. Rather than protect them and then exempt them, we just didn't protect them. Under the definition of Protected Trees within rights-of-way and easements we did not list drainage easements; listed are sewer, water, and other public utilities. Mr. Pappas asked if drainage isn't listed would it be included in other public utilities? Ms. Grandin said she didn't know but we could specifically say it. Mr. Pappas agreed. Drainage should not be removed.
    - 2. Mr. Hart pointed out that if a tree is not interfering in the drainage system, why would it be cut down. Mr. Pappas pointed out that the easement is typically designed to accommodate our infrastructure and the ability to maintain it, so we want them cleared. The fact that we can't keep them cleared is unfortunate. The goal is to clear them when there is a blockage.
    - 3. Mr. Hart agreed trees in drainage areas should be exempt but there should be some thought given if a sight needs to be completely cleared or is the system functioning adequately. For instance, the TOPO drops from 65 to 54 over 1320 ft., with a 9 ft. drop, the system is working. Mr. Pappas agreed but added there could also be extensive erosion occurring which may require

tree removal because it's so steep and the velocities so high, to stabilize the side bend or other area. Mr. Hart just wants some thought given to leaving the tree or trees if possible. Mr. Pappas didn't disagree but pointed out then there is that homeowner who says he's losing his fence and Public Works can't get back there to correct it because of all the trees. Mr. Flagg said it starts with the placement of the trees but those are usually naturally occurring, so it becomes a balance.

4. Mr. Joe Anderson said JEA has utility corridors that even if the trees are not interfering with the utility itself but does interfere with the access and ability to maintain it, such as mowers, then those are kept clear.
5. Mr. Arpen said he believes the language in the Charter about drainage exemptions addresses what Mr. Anderson said, "exemptions for drainage easements, City drainage right-of-way, City access right-of-way, including roads rights-of-way, where trees must be removed as reasonably necessary to provide access to or maintenance and or construction of the City's drainage ditches and drainage related facilities.
6. Ms. Susan Caven said the heat index study, which should be released in September, and the talk about resiliency, maybe more emphasis should be given to work the tree is doing for the community. Let's try to save the tree rather than let's get rid of it, change the attitude.
7. Mr. McDaniel believes the department is very selective on what we must do to make the system function properly. A lot of thought is given before determining to completely clear an area. Mr. Pappas agreed.
8. Mr. Flagg agreed, there are drainage easements which are beautiful and like creeks. However, it's a 2-step process, sometimes it's sprayed to take the brush down and sometimes there's machinery which keeps the depth open.
9. Mr. Arpen pointed out another area being under utilized for tree planting is retention ponds.
10. Ms. Grandin is going to change the language to make all drainage easements exempt.
11. Pages 13-14, beginning with line 22 (items 6 and 7) – Ms. Grandin posited these items were inserted into the Code to "grandfather in" developers which had plans already in progress.
12. Mr. Arpen said that this language was inserted to exclude developers but the Charter overrides this and puts this in again but only for trees over 24" or larger in the right-of-way. # 7 on page 14 exempts them from paying mitigation but then the Charter overrides that. The Charter and Code should be reconciled.
13. Ms. Grandin asked what the Commission wanted to do, leave items 6 & 7 alone? Mr. Flagg asked what's the point of clarification we need to ensure, reconciliation between the Ordinance and Charter? Ms. Grandin replied there are several differences between the Charter and the Ordinance Code. The Charter only protects trees 11.5" DBH, except for the buffer. Items 6 & 7 are not being enforced, Mr. Hart suggested meeting with Paul Davis, Chief of Planning & Development and interpret these 2 items.
14. Page 16, Item (9), Line 11 – Mr. M. Robinson does not want the suggested strike out. This gives an easy out, instead of planting hardwoods, plant a bunch of palms. Palms could be used to

replace palms but not other species. Mr. Flagg agreed, we need more hardwood canopy. This item is talking about palms brought into the sight may not used for mitigation more than how many CT feet removed.

15. Page 20, line 13 – permit fees are now listed online.
16. Page 23, (c), lines 11-14 – the question is why would we exclude palm trees? Mr. Pittman suggested that because the palm trees were now going to be measured correctly and they were going to be protected, that they could be used for credit if it was saved. Mr. Hart disagrees, and Mr. M. Robinson pointed out that Table 1, referenced in the Ordinance, doesn't address palm trees, it's all DBH, not clear trunk. Ms. Grandin agreed and said that palm trees would have to be added to Table 1. Mr. Hart said if palms could be saved, they should be. Mr. Flagg agreed, they are easy to move. Ms. Grandin said she would change the wording to read "including palm trees" and change Table 1 to reflect adding palm trees.
17. Page 24, (ii) lines 26-29 – add "however they cannot exceed 25% of the overall canopy." Ms. Grandin continued, the question becomes can palms be substituted for required trees other than shade trees or any tree. Mr. Flagg asked since palms are limited to a percentage that is an overall design decision. Ms. Grandin said what this is asking is not the percentage of what can be put in the plan but what they can be substituted for, this isn't the place for the percentage which is in the requirements. This section is the general criteria for trees, what shade trees are and what palm trees are. Mr. Hart suggested putting it in the right place and then properly stating it; the intent is to allow some substitution but no greater than 25% of the overall canopy. Ms. Grandin also pointed out that the palm trees should be "clustered."
18. Page 25, (a), line 15 – Mr. Zaffaroni suggested this would be a good time to insert the word "dactyliferous" where Phoenix Palm is referred to, there are a lot of different Phoenix Palms.
19. Ms. Grandin will update the suggested Ordinance with the noted changes and it will be discussed at the next meeting.

**d) Strategic Planning Committee – Susan Fraser**

- i. Status of MOU to retain the Facilitator – the parties will be the City, KBT & Associates, Scenic Jacksonville, Northeast Florida Builder's Association (NEFLBA), Greenscape and Public Trust Environmental Legal Institute. The total fee for 3 4-hour sessions is \$4000: with the non-profits contributing \$333 each and NEFLBA contributing \$2001 for the first session. NEFLBA will cover the second session and the non-profits will cover the third session (split equally).
  1. Mr. Flagg asked about the agenda for the sessions. Ms. Chism said the Committee would put together an outline and the bring it to the Commission for approval. Mr. Flagg said the first session will be basically a programming, setting the tone meeting. We need to make sure we go into the meeting with items to address.
  2. Ms. Fraser suggested (via email read by Ms. Grandin) the first session be lots of people, mostly background discussions. Invite the non-profit partners and NEFLBA to make a presentation perhaps 10 minutes each. Staff presentation/data. Resiliency Chief presents on behalf of the City's overlapping goals related to Sustainability. Tree Commission Duties, public comment, then wrap up with organizing themes and direction to read new information and be prepared for the second session. 1 week or 10 days later, the second session. Strategic discussions,

Commissioners speak, organizing themes. Facilitator led consensus building. 1 week later, the third session to wrap up with summary/report. Perhaps this session addresses resources needed to accomplish the activities identified and included in the report (alternatively, a recommendation for a staffing study). This may need a longer break between the sessions based on Ms. Littlefoot's input.

3. Motion made by Mr. M. Robinson to approve the parameters laid out for the MOU, seconded by Mr. Pappas, none opposed.
- ii. Discussion of location for Strategic Planning Session – will need to be large so all the stakeholders, and City Departments can attend. Ms. Chism will investigate the Library and the Lynwood Roberts Room in City Hall.
- iii. Discussion of dates for Strategic Planning Session – Ms. Chism will send out doodle polls for the sessions. The first session will be scheduled for October 6th depending on the room. Mr. Hart is out of town the last 2 weeks of October. The timing will be 10am to 2pm and include lunch. Mr. Hart volunteered the NEFBA to find sponsors to provide lunch. The second and third sessions will be in the first and second weeks of November.
- iv. Discussion of Public Notice required for Strategic Planning Session
- v. Review of Partners and Stakeholders List (Attachment C)
  1. Discussion of Specific Invitation to be provided to Partners and Stakeholders – Mr. Flagg suggested this session will give the invitees a platform to discuss what their expectations and overview is and how can the Tree Commission assist.
- e) Tree Fund Trimming Spending Script (Attachment D) – Justin Gearhart
  - i. Mr. Joe Anderson said the International Society of Arboriculture (ISA) is veering away from using the word trimming and instead using pruning.

## **7. New Business**

## **8. Public Comment**

- a) None.

9. **Adjournment** – the next meeting is scheduled for Wednesday, September 21, 2022 at 9:30am and will be a Hybrid/Zoom meeting in Ed Ball Building, 10<sup>th</sup> Floor, Public Works Office, conference room 5.