

Jacksonville Tree Commission  
Wednesday January 18, 2023 – 9:30 AM  
Approved February 15, 2023  
Via Zoom Platform & In Person

**Commissioners  
Present:**

Chris Flagg, Chair  
Curtis Hart  
Susan Fraser

**Staff:** Cindy Chism

**Public:** Dave McDaniel, COJ  
Tracey Arpen, Scenic Jax  
Mike Zaffaroni, Liberty Landscape  
Kelly O’Leary, Liberty Landscape  
Dana Duty, Jax Arboretum  
John November, Public Trust  
Joe Anderson, JEA  
Scott Dolan, Liberty Landscape  
Jameka Smith, COJ  
Susan Caven, Scenic Jax  
Jill Enz, COJ  
Kathleen McGovern, COJ  
Lisa Grubba, Greenscape  
Nancy Powell, Scenic Jax  
Fred Pope, Scenic Jax  
John November, Public Trust

**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) –
    - i. As Mr. Regueiro is not present, Mr. Flagg stated there was a subcommittee meeting held to discuss the financial reports attended by Mr. Regueiro, Ms. Fraser, Mr. R. Robinson, and others. As we don’t have a quorum, we can only discuss the financial reports for October, November and December provided. Ms. Fraser could you give us a summation from the financial subcommittee meeting and then perhaps we can decide to simplify this report.
    - ii. Ms. Fraser said the purpose of the meeting was to look at the format of the report the financials are presented in. Attachment A in the packet is the Financial report we receive at every meeting. It’s not that we think the numbers are wrong we just need the format to be understandable for us.
    - iii. A lot of time was spent talking about what the format was and what the numbers represented. At the end of an hour-and-a-half, it was still unclear, with the way the data was presented, what it all meant.

- iv. At the meeting last month, Mr. Gearhart had presented a report detailing every project and its funding. The effort continues to return any remaining funds from a closed project back to the fund it was appropriated from. Pages 1 and 2 of Attachment B are projects done through legislation. The far column says status, if there is a dollar amount, that will be rolled back into the fund. Does the Tree Commission want to see this report, including closed items with a \$0 balance, every month? The Commission doesn't care to see the closed items. Mr. Gearhart asked about the projects which are completed but still show as active in our financial system, does the Commission want them left until they are formally closed?
- v. Mr. Flagg said he only wants to see the current numbers, what we have, what we are working against. Mr. Hart said what he needs to know how much is in the account, how much have we received over the last 12 months, and how is coming in; of the funds in the account, how much has been appropriated to be spent and how much to we have available to make a decision on.
- vi. Ms. Fraser said if we had a project today which was \$10.3M, we could ask the City Council for \$10M out of the \$12M they are holding for us. While this money isn't in our "bank account" yet, it is available for us to request to be allocated by the Council. There's \$10M in our "bank account" but there's \$12M in our "CD" account. We just must ask the Council for it. Mr. Hart said, that means there is \$22M available. Ms. Fraser agreed.
- vii. Ms. Powell said the meeting last week was very informative even though we were working with out-of-date information. There was not a great understanding of the revenues coming in, as far as how much were developer fees and how much was interest. Perhaps in the February meeting the entire Tree Commission can spend the entire meeting on this because these financials need to be understood.
- viii. Ms. Fraser said the information on the report produced by Mr. Regueiro is used by Mr. Gearhart to complete his report (Attachment B) which is in a more user-friendly format however there are a few things which aren't listed on Mr. Gearhart's report: the Monthly and YTD Revenue. We can keep wrestling with Mr. Regueiro to change his report which he is reticent to do, or we can take the information and put it into a format we like and can control.
- ix. Mr. Flagg asked if Mr. Regueiro would take direction from the Commission? Ms. Grandin pointed out there is a finance person in Mr. Gearhart's division which should be doing the financials, not Mr. Gearhart. Ms. Grandin said Mr. Regueiro's system only shows him the information on the current reports, he cannot see anything other than the overall picture. Mr. Gearhart's spreadsheet is more granular. Ms. Chism suggested the Commission design the format they would like; Mr. Regueiro provides the information, and she will enter it into the specified form. Mr. Flagg said, with some guidance, that would work. Let's work on designing the form.
- x. Ms. Fraser explained the Financial Summary form she designed: The "Blue" money has been appropriated by the Council to Public Works. The "Blue" money has been allocated to Remove & Replace and 630-CITY programs. Once the funds are in those buckets, the Commission has nothing else to do with it. The "Green" money has been appropriated by the Council to the Tree Commission which is available to allocate to Level 2 and Level 3 Projects. There are still funds in the "Revenue" fund available for Appropriation (Grey) money. The Active Level 2 and Active Level 3

Project Funds are open projects. Ms. Grandin suggested changing the word Active to Encumbered. Ms. Fraser agreed.

- xi. Ms. Grandin clarified, as projects are closed if there are remaining balances those funds go back into the bucket they came from, e.g., if the funds originally came from the Level 2 Project bucket any remaining funds will go back to it. The only funds which will roll back into either the Ordinance Fund or the Charter Fund would be one of the Legislation projects. The “Grey” numbers can also change if a Council Member appropriates funds to do his own project. Ms. Fraser added it will also change as Developers pay mitigation. Mr. Flagg said so we need to know the total and how it fluctuates monthly. Ms. Fraser suggested adding a sheet with monthly change totals.
  - xii. Mr. Flagg said Ms. Fraser presented the most concise explanation of how the funds are allocated and appropriated monthly. This form is a good start; what else needs to be included. Ms. Fraser will continue to work on her Financial Summary Report. Ms. Fraser asked everyone who wants something added to the Summary Report, to email Ms. Chism. Ms. Chism will try to decipher the information from Mr. Regueiro and get it filled into the form.
  - xiii. Mr. McDaniel pointed out to the Commission that the “Blue” funds are designated specifically for Remove & Replace and 630-CITY only.
  - xiv. Mr. Arpen asked if the Funds listed as Active Level 3 Projects match up with page 12 from Attachment B, the Equestrian Center, and the Zoo, are those showing as active just they are still in a warranty period? Mr. Gearhart asked if the Commission would prefer to see the total amount remaining or the total cost of the project, purchase order amount, e.g., for Level 3 the total purchase order amount is listed, however the amount remaining in the purchase orders, they are still under retainage with some money draws occurring, is a smaller amount. Which would the Commission like to see. Ms. Fraser suggested listing the original purchase order amount until the project is closed and the amount left can be shown.
- b) Fund Status of 630-CITY, Remove & Replace and Level 2 Programs (Attachment C) – Justin Gearhart**
- i. Ms. Grandin said she saw on one of the sheets that the BJP funds are only allowed to be spent on a JTA project? Mr. Gearhart replied, we’re getting that clarified but my understanding is that is not true.
- c) Status of Pending Level 2 Tree Projects (Attachment B) – Justin Gearhart**
- i. Mr. Gearhart suggested discontinuing this report as the information is now shown on the Fund Status report.
  - ii. Ms. Fraser said Mr. Gearhart has created the Fund Status Report which does show all of the projects listed on the Level 2 Projects Report, however, the Level Project Report also contains the number of trees for each project and exactly where in the process the project is, it is more of a project progress summary, this level of detail should be continued.
  - iii. Mr. Hart said when there is an ongoing project, as much information as possible is desired. Mr. Flagg agreed, more information is always better. Mr. Gearhart said he would continue to provide this report.

## 5. Action Items:

- a) Approval of Minutes from December 21, 2022 Meeting – Chair
  - i. Deferred
- b) Proposed Level 2 Project(s) – Justin Gearhart
  - i. Ft. Caroline Rd West Tree Planting Project (Attachment C) – Justin Gearhart
    - 1. Presentation –
    - 2. Public Comment –
    - 3. Vote – Deferred
  - ii. Ms. Fraser pointed out that Parks Department is present and could possibly answer some of the questions from the last meeting. There are quite a few large projects taken by the Parks Department to implement and manage of which the status is unknown. Does the Commission want to invite the Parks Department to provide status updates.
    - 1. Ms. McGovern said the Parks Department has plans to submit Level 2 Projects in the future and would be happy to attend and provide progress reports.
    - 2. Mr. Hart pointed out there were 2 projects submitted by Parks which were approved several months ago but no progress has been made.
    - 3. Ms. McGovern said the challenge has been the funding oversight by Public Works and determining a way for Parks to work with Public Works to set up a process to access the funding. To assist in that, Parks put out to bid a 1-year continuous planting contract which is currently in procurement. Parks doesn't need a 2-year contract. District 5 and District 7 Projects will be utilizing the 1-year warranty contract.
    - 4. Ms. Fraser asked once the 1-year warranty contract is approved will Public Works be able to use it as well? Ms. McGovern said yes. Mr. McDaniel added, there are actually different types of contracts, there is the 2-year, but we also have 4 pre-qualified vendors to work with a 1-year warranty. This means Staff can ask our 4 pre-qualified vendors to submit bids for any project.

## 6. Old Business

- a) Strategic Planning Subcommittees (Attachment E) – Susan Fraser
  - i. Ms. Grandin pointed out for the committees, only 1 Commissioner is required. Ms. Chism suggested the meetings be via Zoom. Ms. Grandin said no, not if a vote is going to be taken. Even though the meeting is being held to make recommendations to the Commission, a vote is taken. Workshops don't have to take a vote and can be on Zoom but for it to be taken to the Commission it must go through a subcommittee, with a vote. Unless the attending Commissioner wants to be the committee of one and the rest of the participants are subject-matter experts. Then there is no vote or quorum required and the meetings may be held via Zoom.
  - ii. Mr. Flagg said those types of meetings would be easier to squeeze into a calendar.
  - iii. Ms. Powell asked if all the Subcommittees listed on Attachment E were separate committees. Ms. Fraser said yes, they are. Ms. Powell continued, there are too many. The top 3 should be prioritized,

it is unrealistic to have 7 Subcommittees. The Urban Forest Master Plan should be the highest priority, which includes increased Staff.

- iv. Ms. Fraser said this list is not intended to be a prioritized list, it is only a list to show how many fronts we need to work on and to allow the Commissioners to select a subcommittee which reflects their personal interest. There will not be 8 Subcommittees, there will probably be 2-3 and what people want to dive into.
- v. Ms. Caven asked if community volunteers would be welcome. Mr. Flagg replied, yes.
- vi. Deferred.

## **7. New Business**

### **a) Planning Permit Report (Attachment F) – Susan Fraser**

- i. Ms. Fraser worked with Mr. Killingsworth and Ms. Caven from Planning to generate a list of where trees are being removed; to provide strategies to direct where trees need to be planted. Ms. Caven sent a spreadsheet to Ms. Fraser, 97 pages, 3 of which have been printed to illustrate the type of data. Ms. Fraser sorted it and added the columns printed in red as well as the Total Inches Removed and Total Inches Planted.
  - ii. The result was 1500 permits out of 5000 issued since 2015, removed trees, 3500 show no trees removed and no trees planted. Geo-coding was requested but was not available, the address was provided.
  - iii. Mr. Hart asked what the purpose of this was. Ms. Fraser said part of the Strategic Plan was do we look at where trees are being removed and try to create projects in those areas where the removals are happening. Mr. Hart said, that doesn't make sense; 1200 inches were removed on a project, either they were replanted or paid into the fund. If replanted, then the requirements are met and will exceed the removal over time. Perhaps only look for those areas where mitigation was paid, therefore no trees were planted; there is now a deficit in that area.
  - iv. Ms. Fraser said in doing the Urban Forestry Master Plan, because Jacksonville is so big, this information may help us narrow down areas in the City which have had no tree removals or minimal removals in years.
  - v. Mr. Hart pointed out that since single family dwellings are exempt why are we spending millions of dollars of resources policing single family locations to check whether they have removed trees. They are exempt, why are we inspecting that?
  - vi. Ms. Fraser asked the Commission if we would like to invite Ms. Caven to explain this data to us? Mr. Flagg asked if this may be part of the Implementation Strategy, #3, look at an Urban Forest Master Plan would that be part of the due diligence to review that information to make prioritizations based on the need presented in that data? That Subcommittee could formally ask the Planning Department to join us. Ms. Fraser will add this to the Subcommittee list.
- b) Mr. Hart said he has received several emails questioning the many palm trees being planted throughout the City. Is anyone responding to them?**

- i. Mr. Flagg asked if it was Staff who should respond and the emails are more a Commission FYI and point of discussion, questions regarding right tree, right place.
- ii. Mr. Gearhart said from a Public Works standpoint, out of 628 trees planted only 8% were palm trees. Palm trees do have a place in plantings but are not a cure-all. Mr. Hart asked if Mr. Gearhart had answered the emails, they should be.
- iii. Ms. Enz said the Riverwalk is most likely the area the email is about. The design standards of the Riverwalk require 70% shade, part of the effort behind this planting and the north bank specifically, was the obliteration done by Hurricane Irma, 7-8 years ago. The areas which weren't destroyed, from a Riverwalk pavement perspective, were the locations with Sabal Palms, Sycamores and Live Oaks, which randomly planted themselves in the rip-rap. The area being discussed are rip-rap areas along the Riverwalk between Corkscrew Park all the way to Riverside Arts Market. My goal was to make the rip-rap more resilient so it isn't destroyed again during the next major hurricane.
- iv. To address the species choices in the areas where Sabal Palms were planted are the areas where there are bulkhead conditions. There is a private developer adjacent to the Riverwalk, which is an easement going over corporate property, it is not owned by the City. We don't want to impinge or create problems in a bulkhead which is not City property. The trees which were installed, soil had to be added to ensure the trees would live. Also a lot of the areas had to be jack-hammered out due to more rip-rap in areas which looked like soil.
- v. Additionally, there were areas which already had Live Oaks that palm trees were added to just to create a more diverse canopy and so people can see through it. One issue which does come up when planting on the Riverwalk is planting to many Live Oaks, it is easy to block the view of the river, people will limb-up the Oak to increase the view.
- vi. Mr. Hart asked who was going to answer the emails being sent to the Commission regarding Palm Trees? Ms. Enz said since it was addressed in the Commission meeting, that should be the answer.
- vii. Ms. Fraser reminded the Commission about the 1-page summary of the maintenance program which Mr. Gearhart prepared at the Commission's request because of all the questions. Could something like that be generated, the Tree Commission's position on Palm Trees and keep it in a public location? Mr. Flagg asked if that came out of the Commission or Staff?
- viii. Ms. Grandin said Mr. Gearhart should answer the email and say this will be added to the Agenda and discussed at the next meeting, please join us.
- ix. Ms. Caven pointed out that there is a real problem with the amount of palm trees being planted because they provide no shade at all, especially along the Riverwalk. A serious discussion needs to be held regarding this issue. Mr. November pointed out that because of all of the rip-rap which was on the Riverwalk, all they could plant was palm trees, they tried to do others but couldn't.
- x. Mr. Arpen suggested a possible solution to the shade issue along the Riverwalk; the way the Tree fund is set up, it says the plantings have to be on City owned property but there is an important clause which was added which says City owned property or on other lands owned by the City or upon which other ownership control may be exerted by the City, including parks, public areas and easements. It might be possible to explore on the inland side of the sidewalk whether the abutting

property owner would give the City an easement for the purpose of planting shade trees where they couldn't be planted on the River sidewalk

- xi. Ms. Powell pointed out this is a strategic issue and should be discussed in more detail. Downtown has 12% shade, every time there is a new project proposed, there is an abundance of palm trees, granted it is not Tree Commission, but it is a strategic issue which the Tree Commission has some purview over, there is always an excuse why there is not enough room for large shade trees. We know why it happens, it happens because they are instant trees, and they can take pictures and say they are in Florida. I would argue that the palm trees block the views because there is a wall of them. The heat index issues should be taken seriously.

**8. . Public Comment**

- a) Mr. November asked about the new rule of only planting 3" trees. These types of decisions should be disseminated up front, if Landmark 4-5" trees are not going to be allowed for any projects that information should be known in the beginning. On the Level 3 Projects, there can be less than 25% palm trees, maybe the Level 2s should also have similar guidelines.

- 9. Adjournment** – the next Tree Commission meeting is scheduled for Wednesday, February 15, 2023, 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.