

Jacksonville Tree Commission  
Wednesday February 15, 2023 – 9:30 AM  
Approved April 19, 2023  
Via Zoom Platform & In Person

**Commissioners Present:**

Chris Flagg, Chair  
Curtis Hart  
Susan Fraser  
Steve Long  
Ron Salem

**Staff:** Cindy Chism

**Public:** Scott Sauder, JEA  
Tracey Arpen, Scenic Jax  
Mike Zaffaroni, Liberty Landscape  
Kelly O’Leary, Liberty Landscape  
John November, Public Trust  
Joe Anderson, JEA  
Joe Johnson, COJ  
Jameka Smith, COJ  
Kathleen McGovern, COJ  
Lisa Grubba, Greenscape  
Nancy Powell, Scenic Jax  
Fred Pope, Scenic Jax

**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. **Action Items:**
  - a) Election for new Vice Chair – Chair
    - i. CM Salem nominated Curtis Hart. Motion made by Ms. Fraser and seconded by Mr. Long. None opposed. Mr. Hart was elected Vice Chair.
  - b) Approval of Minutes from December 21, 2022 Meeting – Chair
    - i. Motion made by CM Salem, seconded by Mr. Long to approve the minutes, none opposed, motion passed.
  - c) Approval of Minutes from January 18, 2022 meeting – Chair
    - i. Motion made by Mr. Hart, seconded by CM Salem to approve the minutes, none opposed, motion passed.
  - d) Proposed Level 2 Project(s) – Justin Gearhart
    - i. Revised Ft. Caroline Road Pond Tree Planting Project (Attachment D) – Justin Gearhart
      1. Presentation – This project has been revised by direction of the Tree Commission from the previous project presented. Now 34 trees will be planted around the the lower part of the pond are are wetland species and in the upper part to shield the fence and concrete retaining wall,

Cedars and Yaupon Hollies will be used to create an aesthetic. Yaupon Hollies are being used instead of another shade tree to conform with the trees already in place. At the bottom of the pond, there will be space left for mowers to not cause eroding issues there.

2. Public Comment – Mr. Long asked if the pond would still be accessible for heavy equipment. Mr. Gearhart replied he has spoken with Mr. McDaniel and Mr. Perry to ensure that won't be an issue. The trees are spaced 25-30 feet apart and avoided planting anything around the inlet.
    - i. CM Salem asked if the tree planting project west of the pond on Ft. Caroline, between Townsend and Rogero is still on deck. Mr. Gearhart responded that project was denied by the Commission because the in place Live Oaks would have to be removed, the ROW is not wide enough so the medians would be the only place to plant. CM Salem asked Mr. Long to look at the area. Mr. Long agreed those trees need something, that's why the plan was to remove them. Those trees are not doing well and need to be replaced, we'll see what we can do with them, but they will never develop into large canopy trees. CM Salem asked to make it look better.
    - ii. Mr. Flagg asked Mr. Gearhart about the cost of the 3 Viburnum; would it be better to look at more of a canopy type tree. Mr. Gearhart said there is some existing fence line and additional trees there already though on private property. Those were to round it out and make it blend in but it may be possible to replace the 3 with a Cedar because the soil is very sandy and far away from the water. Putting a Live Oak is not really feasible.
    - iii. Mr. Hart pointed out many of the ponds around Jacksonville are lined. If trees are planted in a lined pond, it violates the whole purpose of the pond. Some effort needs to be made to make sure we are not planting trees in/near lined ponds. Mr. Long said typically the ponds are lined when they are closer to wetlands, this one is not. Mr. Gearhart asked Mr. Long who he should contact to make sure. Mr. Long said Mr. Carroll.
  3. Vote – CM Salem made a motion to approve the project, seconded by Mr. Hart, none opposed, motion carried.
- ii. Kernan Blvd North Tree Planting Project (Attachment F) – Justin Gearhart
    1. Presentation – This project is North of Atlantic blvd. This was requested by CM Ferraro. 276 trees with the majority being shade trees with smaller medians but are not on the approved species list but we can make changes if necessary: Olive trees. The soil is very dry, and medians have traditionally poor soil and Olive trees are very good at surviving in those circumstances. It seems a good area to test. These are the ornamental Olive trees, not the fruiting variety. The soil is sandy, so dryer species are being used, Olive, American Elm, American Sycamore, Live Oaks, Southern Magnolia, Red Cedars, and Winged Elms.
    2. Public Comment – Ms. Fraser said the Olive tree and the Live Oak indicators are hard to differentiate are the Olive trees to be planted mainly in the medians and the Live Oaks on the ROW. Mr. Gearhart replied that's correct but there are some Live Oaks in the larger medians, but the majority will be in the ROW.
    3. Vote – CM Salem made a motion to approve the project, seconded by Mr. Hart, none opposed, motion carried. Ms. Fraser asked if it was possible to ask the owner of the adjacent property to

obtain an easement. Ms. Grandin suggested investigating with Mr. Gearhart. Mr. Long added if an easement could be done then in neighborhoods instead of trying to plant a tree in the 4 ft. between the sidewalk and the curb if we could put it in somebody's yard if there is an easement platted. Ms. Grandin added it would be like the sidewalk easements. Would the easement be required as part of the subdivision or would that be an option. Mr. Long said it could be done as part of the plat. Mr. Hart suggested Ms. Grandin determine some language. Mr. Long said that gives us a lot more room to plant. Instead of trying to plant, there are 60 ft. ROWs that have 45 ft. of stuff built into it and on the 2 sides there is 7 ft. left. If we could plant on private property with easements, that just opens the planting possibilities.

e) Parks Department Project Update – Kathleen McGovern

- i. Ms. McGovern said the 1-year contract has been awarded but is still at the Office of General Council waiting on the contract to be issued. The Contractor has been made aware of the projects for Districts 5 and 7.
- ii. Ms. Fraser asked what the plan is if this contract process concludes in June, will the planting still begin? Ms. McGovern said the projects would not begin in June as they are not irrigated.

**5. 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. Mr. Pope asked about the notation which states BJP funds are budgeted to JTA. Mr. Regueiro said it is his understanding the BJP funds are available for the Tree Commission to appropriate. Ms. Grandin said she had thought the \$1.7M BJP funds were deposited in the Tree Fund during the BJP days. Mr. Regueiro said the budget shows the funds as Tree Commission Funds, but the appropriation is somewhere else. Ms. Grandin said she thinks the BJP funds were not appropriated to JTA projects. It was just transportation projects which created this mitigation requirement. The City then paid its mitigation requirement to the Tree Fund, but it doesn't have to be spent on JTA projects. Mr. Regueiro said the funds are not budgeted to JTA Projects. Ms. Grandin and Mr. Regueiro will meet to research this question.
  - ii. Mr. Arpen asked on page 5, Ordinance 15304 Statement of Activity, the notation Contribution from Private Sources, does this include funds from City Departments as well as from developers. Mr. Regueiro will research and make sure. However, also noted is Tree Mitigation Funds – Article 25; which is the Charter Fund, why would funds from the Charter be in the Ordinance account. Mr. Regueiro will research and report back.
  - iii. Ms. Powell suggested another Financial meeting to discuss in more detail.
  - iv. Ms. Fraser provided a more condensed form of the reports provided by Mr. Regueiro. The goal was to say this format is much easier to read. Does the Commission prefer this format to the 11 pages Mr. Regueiro provides. Mr. Hart pointed out that the format is great, but it needs to be coming from Mr. Regueiro. Ms. Fraser asked Mr. Long if there is a resource between Mr. Regueiro and the Commission which could help translate the information into a format which is understandable to the Commission.
  - v. CM Salem asked if the terminology could be defined. Perhaps a key at the bottom of the page.

- vi. Another financial meeting will be scheduled to continue to determine the format of the report and the definition of the terms used. Mr. Long will ask one of his financial staff members to attend.
  - vii. Ms. Fraser asked if the spreadsheet with the colored lines is a format the Commission would like going forward.
  - viii. There is a table in the packet, Fund History, courtesy of the Council Auditor's office, which is now correct and up to date.
- b) Fund Status of 630-CITY, Remove & Replace and Level 2 Programs (Attachment C) – Justin Gearhart
    - i. As purchase orders are issued for approved projects they will be added and any projects which are complete with no funds left over, they will be removed from this list but added to a complete list. If the project is complete but there are funds left over, until those funds have been rolled back into the original fund, the project will remain on the spreadsheet.
  - c) Status of Pending Level 2 Tree Projects (Attachment B) – Justin Gearhart

## 6. Old Business

- a) Strategic Planning Subcommittees (Attachment E) – Susan Fraser
  - i. Ms. Fraser asked Mr. Long if there was any update on the vacant Urban Forest Manager position. Mr. Long said the applicant did not pan out. There are 75 vacant positions in Public Works.
  - ii. Ms. Fraser continued, Attachment E is a list, are there any Commissioners who would like to select a subcommittee to be chair of. Please make your selection known to Ms. Chism.
  - iii. We missed the deadlines at the end of last year for the Urban Forestry Master Plan perhaps we could work towards making them this year. Ms. Fraser will chair this subcommittee.
  - iv. Ms. Powell added that was one of the top priorities of the Strategic Planning meetings. We will likely need funding from the City Council because the Tree Mitigation Funds cannot fund it. The budget process is happening right now in the City so we cannot wait later in the year to do this. One of the questions we had was what kind of a Master Plan we need. My experience in talking about Master Plans in a variety of settings, everyone has a different idea of what a Master Plan is. So, it must be defined what we are talking about and what do we have already and what do we need.
  - v. Ms. Fraser said that will be scheduled in the next couple of weeks. How much can we get done, at least get an outline to start knocking on doors.
  - vi. Ms. Grandin pointed out that Strategy #9, review of current ordinances, has been an ongoing project for the last couple of years, on and off. There is already a subcommittee set up for this, meetings just need to be scheduled. Mr. Hart suggested he meet with Ms. Grandin to go over where the process had gotten to and then go forward from there. Ms. Grandin will schedule that meeting with Mr. Hart.
- b) Planning Permit Report (Attachment G) – Susan Fraser
  - i. This item will be relegated to a subcommittee for Strategy #2.

## 7. New Business

- a) Proposed Legislation amending Tree Protection Ordinance – Susan Grandin

- i. There is legislation being sponsored by CM Becton about people caught violating the Tree Protection Ordinance by cutting down trees whether they meant to or not. The way the Ordinance Code is written currently, you get fined, no matter what, even if it was unintentional. CM Becton is proposing a middle ground, an administrative way to determine if the person should be fined the entire amount or if a settlement may be reached. The Chief of Development Services has devised a matrix to determine possible penalties. Mr. Hart added, on several occasions, the fine has exceeded the value of the property, so there must be an appeal process.
  - ii. Ms. Grandin continued, this legislation proposes an administrative way to deal with the issue; If the violator is not happy with the penalty, there is an appeal process which would come before the Tree Commission, sitting as a quasi-judicial body. In addition, the proposed legislation changes some of the duties of the Commission to including hearing these appeals. Ms. Grandin will look at the proposed legislation more in depth. Perhaps the Commission would like to review the matrix. The Commission would only hear an appeal if the violator disagreed with the penalty imposed using the matrix devised by the Chief of Development Services. The matrix will be done as a policy from the Mayor's office. Ms. Pollock, who is working on this legislation, will come to the March Tree Commission meeting to answer any questions the Commissioners may have.
  - iii. Mr. November added from a policy perspective this seems to be a good way to give Staff some flexibility to provide some leniency in appropriate moments but still have a penalty. The penalty cannot be completely removed but may be revised to "fit the crime." Ms. Grandin added, Mr. November is involved because this also involves an amendment to the settlement agreement.
  - iv. Mr. Arpen asked who was involved in drafting this legislation. Mr. November said CM Becton, the General Counsel's office, and me. Mr. Pope suggested making the matrix part of the Ordinance. Mr. November said it is being developed at the same time. Mr. Arpen agreed with Mr. Pope, the matrix should be a part of the Ordinance, otherwise you can have a new Mayor, new matrix, giving the Mayor the unbridled discretion to create or approve the matrix, who has oversight. Mr. November said he believes the matrix will be a part of the Ordinance.
- b) Commission's Position on Palm Trees – Susan Grandin
- i. This is the Ordinance change which was waylaid by the Strategic Planning meetings. It must be started back up. The issue is still there, palm trees are still being measured with the boots.
  - ii. Ms. Fraser said she thought the Commission had concluded but just hadn't moved it yet.
  - iii. Ms. Grandin said this proposal has tentacles which reach into many Ordinances and so hasn't finished the legislation. Ms. Grandin will continue to work on this.
- c) Reschedule the June meeting – Originally scheduled for June 21, however Monday, June 19<sup>th</sup> is a holiday resulting in a conflict with Finance Committee.
- i. The meeting will be moved to Thursday, June 22<sup>nd</sup>, same time and same place.

## 8. Public Comment

- a) Mr. Zaffaroni said more and more time is being spent in these meetings, not talking about planting trees. Today 7-9 minutes of a 2 hour meeting was spent talking about planting trees. My company has planted less trees for the City in 2022 than were planted in 2021, less trees were planted in 2021 than were planted in 2020. I'm sure it is not the intent of this Commission. Mr. Gearhart has been asked to

do a lot, he's great to work for and provides incredibly good feedback, his requests are reasonable, but it seems he's spending a lot of time doing things other than working on tree projects. Asking him to contact a private landowner to get an easement to plant trees around a pond, does not seem like a good use of his time.

- b) Mr. Arpen pointed out there is no coincidence in the number of trees being planted for each project has decreased over the last few years as the level of staffing has decreased. Mr. Gearhart can't do it all, there are unfilled positions and a need for additional positions. If these positions stay unfilled for so long, that suggests the City is not competitive. If the City is not competitive enough to hire people, we need to look at the salary or what the other incentives may be, but we will not get the volume of Level 2 Projects up until we get enough people onboard to do that. It's not enough to leave the positions unfilled hoping someone will take the salary if we are not competitive. We need to look at the funding level.
  - c) Mr. Flagg agreed with Mr. Zaffaroni, the amount of time spent on finances etc., is taking us away from our focus which is planting trees. We haven't lost sight of our mission, Mr. Gearhart is horribly understaffed, and we have asked him to do a lot, which we must be careful of. We want to see a need for hiring more people because there is so much backlog and so many opportunities. How do we get there, part of working for government, we have a fiscal responsibility which we must monitor, knowing that our mission is to plant trees but we also must have some form of organization in place to formulate our mission as a Commission, we must have a focus on our duty to the community and work a process which is easy for people to submit Level 2 projects to support.
  - d) Mr. Hart asked if there was a backlog of projects which Mr. Gearhart has not had time to investigate. Mr. Gearhart said there are 3 projects, some easier than others and some requiring interdepartmental cooperation. Up until recently we haven't had anyone submitting projects, so it's been up to the Forestry group to find projects. Mr. Zaffaroni suggested asking the City Council members for input on where Level 2 projects would be effective. Ms. Grandin suggested attending CPAC meetings. Mr. Long said at next month's CPAC meetings, I will ensure my Chief's mention Tree Commission.
  - e) Ms. Fraser said everything I'm hearing is staffing level, not that we are not trying but there are open positions. If the Chair would take that subcommittee. Mr. Flagg said he would discuss this with Ms. Fraser. Mr. Long added that staffing is augmented by consultant labor as well.
9. **Adjournment** – the next Tree Commission meeting is scheduled for Wednesday, March 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.