

# City of Gainesville

*City Hall  
200 East University Avenue  
Gainesville, Florida 32601*



## **Minutes - Final**

**August 12, 2020**

**4:00 PM**

**Virtual Teleconference Meeting**

## **Tree Advisory Board**

*Erick Smith (Chair)  
Jason Smith (Member)  
Marc Frank (Member)  
C. Elisabeth Manley (Member)  
Ryan Klein (Student Seat)*

*If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equal Opportunity at (352) 334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.*

**1 Call to Order - 4:09 PM****2 Roll Call**

**Present** 4 - Member Smith, Member Frank, Chair Smith, and Member Manley

**Absent** 1 - Student Seat Klein

[200194.](#)

Approve Agenda

**A motion was made by Member Frank, seconded by Member Manley, that this Matter be Approved as Recommended. The motion carried by the following vote:**

**Aye:** 4 - Member Smith, Member Frank, Chair Smith, and Member Manley

**Absent:** 1 - Student Seat Klein

[200195.](#)

Approve Minutes of July 8th, 2020 Meeting

**Attachments:** [7-8-20 TAB Meeting Minutes - Draft](#)

**A motion was made by Member Frank, seconded by Member Manley, that this Matter be Approved as Recommended. The motion carried by the following vote:**

**Aye:** 4 - Member Smith, Member Frank, Chair Smith, and Member Manley

**Absent:** 1 - Student Seat Klein

**3 New Business**[200196.](#)

Request for Tree Mitigation Funds to Acquire Conservation Land Adjacent to NW 29th Road Nature Park

**Attachments:** [3308\\_001](#)  
[Muncaster with burch](#)

Nature Operations Manager Linda Demetropoulos presented the details of the proposed acquisition, which was added to the land acquisition list in 2012, and the history of the surrounding park. There have been attempts over the years to negotiate with the owner of the property, but prior negotiations have come to an impasse on price. City staff visited the property a few days before the meeting to collect details pertinent to the board about the subject parcel. The subject parcel is forested with 100% canopy cover. At the entrance of the property, the understory of the upland portion has been impacted by invasive species. There is evidence of an old homestead on the property in the form of an old hearth, a slab, and some garden asparagus. The large canopy trees are generally in good condition and dominate the property. Some of the heritage trees on the property include slash and

loblolly pine, laurel oak, sugarberry, sweetgum, hickory, swamp chestnut oak and red maple. There are also some smaller trees including basswood, ironwood, and other similar trees. Some of the larger heritage trees that were measured included a 39" diameter at breast height (DBH) live oak, 28" magnolia, and 24.5" hickory. Sabal palms, saw palmetto, and needle palm were also found on the parcel. Towards the creek, there is an exemplary and steep slope forest that has much intact vegetation including netted chain fern, cinnamon fern, and southern fern. Member Frank inquired about the large difference between the owner's asking price and the last appraisal that was conducted for the subject parcel, given that the city can only offer appraised value for the property. City staff had been asked to explore the possibility of acquiring the property, although an agreement may be unlikely due to this gap. Chair Smith inquired as to the timeline and process for obtaining the parcel if the board approves the use of tree mitigation funds. The land rights coordinator is currently obtaining an appraisal on the property, and the owner has indicated to her that he is flexible on price, but the board could approve the use of funds in the same manner as the previous meeting. City Arborist Dave Conser inquired as to the development potential of the subject parcel; Member Manley advised this would depend on its zoned use. Member Smith asked whether the real estate market is very active at the moment; Chair Smith advised that in his observation, the market has picked up. Member Smith expressed his wish for the board to support the acquisition of the parcel, even if subsequent negotiations result in an impasse, since conservation land acquisition is an important aspect to the urban forest. Member Manley also expressed her support for acquiring the parcel and spoke to its characteristics which embody the values of the urban forest, such as diversity, canopy cover, and more.

**RECOMMENDATION**

*Approve the use of tree mitigation funds to acquire the subject parcel adjacent to NW 29th Road Nature Park*

**A motion was made by Member Manley, seconded by Member Frank, to approve the use of tree mitigation funds to acquire parcel number 08975 for no more than appraised value.**

**Aye:** 4 - Member Smith, Member Frank, Chair Smith, and Member Manley

**Absent:** 1 - Student Seat Klein

#### **4 Old Business**

[200197.](#)

Continue Discussions Regarding Tree Ordinance Revisions

**Attachments:**    [DIVISION 2. TREES AND LANDSCAPE \(1\)](#)  
[Minutes05-Aug-2020-02-44-43](#)  
[Sec. 30 8.7. Permits for tree removal mitigation. 1-23-20 Emily sugge](#)  
[Sec. 30 8.44. Violations enforcement and penalties. 1-23-20 Emily su](#)  
[Sec. 30 8.7. Permits for tree removal mitigation CEM input](#)  
[Sec. 30 8.7. Permits for tree removal mitigation with comments from](#)

Program Assistant Emily Nieves described the relevant documents before the board and provided a short summary of the previous meeting where ordinance revisions were proposed to the board. City Arborist Dave Conser spoke to the board regarding his vision for ordinance changes. Mr. Conser would like to see that the legal uses of the tree mitigation fund are extended to private property in the form of the purchase and installation of trees on private property. The program he envisions would require the owner to care for the tree post-installation and replace the tree if it dies. Member Manley spoke to the importance of defining private property if such a program were implemented and clearly defining the intent of the program if some types of private property are eligible for participation but not others. Member Frank expressed concern with maintaining accountability over the health of the trees with changes in property ownership. Mr. Conser spoke to his previous experience at the Florida Forest Service with cost-share grant programs, where participants in the program were required to return grant funds if the 10-year life span for the longleaf pines was breached, and that participants were required to inform prospective buyers of their properties that the contract that comes with the property. Member Manley asked about the intent of such a proposed program; Mr. Conser advised that it is unlikely that the amount of tree mitigation funds available could be used up by planting trees only on private property. Member Smith advised that the board has explored this concept before, and while he supports the concept in theory, the discussion resulted in the understanding that the tree mitigation funds are sourced from what are essentially impact fees. He explained that prior discussions with city attorneys indicated that using tree mitigation funds on private property would not be possible because as impact fees, the funds collected must be used for the benefit for the entire community. And while the board understands that the individual trees on private property provide public benefits, legally the tree would provide benefits to that individual property owner; so there may not be precedent for using impact fees in this manner. Instead, it may be more appropriate to explore the possibility of tree giveaways. Member Frank also pointed out that a giveaway would be less taxing on staffing and resources for implementation. Chair Smith also proposed that tree mitigation funds could be used to hire an individual who would focus on education efforts and help guide residents through the process of choosing and planting trees. Utility Forester Joe Wolf spoke to his experiencing overseeing GRU's tree giveaways for 15 years, which were extremely popular in the community. Member Frank also supported the use of tree mitigation funds to increase staffing, and added that the tree giveaway generated

community goodwill and that such a giveaway can demonstrate the benefits of having such a fund for the community. Chair Smith encouraged the idea of a partnership between general government and GRU for the implementation of a tree giveaway, which supports mutual goals and the concept of “right tree, right place.” Member Frank added that the extension agents would be a great component to the educational side of the giveaway. Member Manley stressed that any program initiatives should be clearly connected to the objectives behind the establishment of the tree mitigation fund.

**Discussed**

**5 Public Works Update**

City Arborist Dave Conser provided an update on the SW 40TH Blvd planting project. City staff are still attempting to obtain approval to continue the tree permitting process in full. There is a possibility for a grant through the forest service which would be used to construct an arboretum in newly acquired land adjacent to Smokey Bear Park; but staff may need to apply for the next grant cycle. Mr. Conser has also been visiting nurseries to verify availability. The Urban Forest Management Plan is also in its final stages. Program Assistant Emily Nieves informed the board that she is currently working with a volunteer coordinator at the Parks Department who believes there is a good partnership opportunity between an organization called YouthBuild and the tree planting program.

**6 GRU Update**

Utility Forester Joe Wolf provided an update on outstanding customer payments due to COVID; past due amounts will be spread out over the course of six months to avoid financial hardship due to overdue bills. His team is also continuing their outage study that examines what types of trees are most likely to cause outages, and results indicate some of the most populous species that were identified in the 2016 Urban Forest Ecological Analysis (laurel and water oaks, pines, and sweetgums). GRU is continuing off-right-of-way hazard tree patrols and engaging in hurricane preparation.

**7 Dept. of Sustainable Development Update**

Urban Forestry Inspector Chelsea Proia expressed to the board that she would like to see a discussion for the regulation and licensure of tree companies in Gainesville, due to recent cases of tree removal violations that have been caught at the Planning Department, and came about as a result of misinformation given to property owners by tree services. Program Assistant Emily Nieves summarized a previous discussion held with city staff regarding the licensure of tree companies.

Member Smith advised that there are some discussions at the state level, promoted by the ISA, for licensure which may remove the need for local ordinances that create local licensure requirements. Member Manley also spoke to the responsibility of owners to do appropriate research before the hire a tree service. Program Assistant Emily Nieves advised that the previous discussion of the issue resulted in an educational effort to equip owners with the knowledge needed to properly vet tree services before hiring them; the education effort is ongoing and being promoted as part of hurricane preparedness. Member Frank expressed this could be another opportunity to partner with the extension office to establish an outreach program.

**8      Adjourn - 6:00 PM**