

# City of Gainesville

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



## **Minutes - Final**

**October 14, 2020**

**4:00 PM**

**Virtual Teleconference Meeting**

## **Tree Advisory Board**

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

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**1 Call to Order - 4:00 PM****2 Roll Call**

**Present** 5 - Member Smith, Member Frank, Chair Smith, Member Manley, and Adams

[200565.](#)

Approve Agenda

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

**Aye:** 5 - Member Smith, Member Frank, Chair Smith, Member Manley, and Adams

[200566.](#)

Approve Minutes of September 9th, 2020 Meeting

**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

**Abstain:** 1 - Adams

**3 New Business**[200396.](#)

Discussion Regarding Community Outreach and Education

Commissioner Simmons began by thanking staff and Utility Forester Joe Wolf for his work in urban forestry. Commissioner Simmons stated that community outreach, as one of the duties of the Tree Advisory Board, can be expanded and should be particularly focused in vulnerable communities. She voiced her concern regarding members of the community that are navigating the tree ordinance without sufficient knowledge of the importance and care of trees, the challenge of private tree management for residents, and the need for more public outreach to help residents understand the value of trees and the purposes of the ordinance and its role in private tree management. She stated that she did not want residents to feel that they were being punished because of a lack of knowledge of tree ordinance protections. She explained how the lack of knowledge on local tree regulations impacts communities of color and leads to public mistrust in the City. She also expressed concern of the fines and penalties which are levied on homeowners when violations are cited. She emphasized using multiple tools to reach members of the community, such as collaborating with churches, radio stations, hosting events, and other opportunities. Chair Smith echoed Commissioner Simmons concerns and acknowledged the challenge of getting knowledge and awareness out in the community. Member Frank asked regarding the frequency of violations on

single-family homes as opposed to other land uses; Program Assistant Emily Nieves advised that removal violations are more common for residential properties since they are more mindful of protecting homes, however violations happen very infrequently overall due to the fact that only trees that have reached heritage size are regulated on single-family homes, making violations happen on less than a monthly basis. Member Frank asked whether there was a mechanism in place to address cases where homeowners are unable to afford fines when they do occur; Program Assistant Nieves advised there is no such mechanism in place and the Code of Ordinances does not allow for city staff to exercise discretion in citing violations, such as requiring that the tree be assumed to be in fair condition and requiring inch-for-inch mitigation even for non-high quality trees. Member Frank also stated he would like to see a waiver mechanism in place for cases where there is demonstrated financial hardship and asked Commissioner Simmons what approaches she thinks would be most effective for outreach. Commissioner Simmons stated door hangers, radio advertisements, and flyers in GRU bills are very effective. During public comment, Member Manley highlighted the importance of reaching out to homeowners associations for public outreach. Commissioner Simmons stated it can be a phased approach that takes multiple steps to solve the issue. Utility Forester Joe Wolf offered to pass any requests for GRU inserts on, which can be scheduled a few months in advance. Member Adams described his experience with previous ordinance and outreach efforts, expressing his wish to have special meetings in the communities that were underrepresented in the development of the Urban Forest Management Plan. Member Smith described the impact of employee turnover in public outreach, stating that many of the critical actions needed for public engagement have fallen by the wayside due to rapid employee turnover in recent years in the City Arborist position. He also expressed his support for flexibility or alternatives of punitive fines, such as training. Member Frank expressed his opinion that a PSA would be most quickly implemented. Commissioner Simmons suggested city staff work with the City Manager's Office and Communications Office to mobilize on that idea. Horticulturist Eric Kohnen promoted the tree sponsor program as another opportunity for community engagement.

*Public Comment: Warren McCluney spoke to the matter and presented his own tree violation, stating that he would have been willing to work with the city if he had been educated about the ordinance protections beforehand and he would have been willing to go out in the community and educate others in lieu of paying the fine, particularly due to his experience serving on a Homeowner's Association. He also expressed concerns on the feasibility of inch-for-inch mitigation requiring 15-gallon trees for residential properties. He stated his tree violation was more severe in penalties than if he had been*

*cited for an issue of public safety, for example a DUI.*

#### **Discussed**

## **4 Old Business**

### [200197.](#)

#### Continue Discussions Regarding Tree Ordinance Revisions

After a short review of the suggestions made by Program Assistant Emily Nieves, the Board reviewed the proposed changes and comments made by Member Manley and Member Frank.

The board agreed to the following revisions to Sec. 30-8.7:

- Addition of a reference to F.S. 163.045 for (B)(1)
- Delete “on an inch for inch basis or as otherwise specified” in paragraph (C)
- Addition of “heritage size and are a” between “are of a...high quality species” in paragraph (C)(1)
- Delete “Mitigation trees associated with the removal of regulated trees not part of subdivision or development plan approval must be planted within six months of the permit having been issued, except where extenuating circumstances require an extension as authorized by the City Manager or designee” at end of paragraph (C)(1)
- Delete “the approval of a final development order, or prior to” in paragraph (C)(2)
- Addition of “and to conduct a tree inventory of all significant public trees on a ten-year basis” at end of paragraph (C)(2)
- Addition of “Use of a pre-manufactured structural soil product within the root zone volume area” after (C)(2)(a)(i)
- Correction to end of (D)(3) to read 30-8.44 instead of 30-8.43
- Reduction of container size requirement for mitigation trees on single-family land use to 3-gallon in mitigation table after paragraph (E)
- Reference to F.S. 162.045 in mitigation table after paragraph (E)

In addition, revisions to the definition of tree appraised value to reduce redundancies as well as discourage removal of high quality heritage trees was recommended. Reference to ANSI standards and best management practices in general or in particular in paragraph (C)(2)(a)(ii) was also recommended. Finally, specifying when root cutting can be preferred to removal (such as by a percentage of roots cut or volume) was strongly recommended to be incorporated at the end of paragraph (F).

*Public Comment: Ryan Klein supported the incorporation of BMPs and spoke to the importance of following up on trees that are planted for mitigation or post-development. Mr. Klein also described water utility incentives implemented in other cities to encourage more efficient tree watering.*

**RECOMMENDATION**

*Review proposed ordinance language and recommend revisions.*

**Continued**

**5 Public Works Update**

Program Assistant Emily Nieves provided an update on the progress creating and scheduling the Urban Forestry Workshop webinar series. Progress on the food forest initiative is ongoing. She also shared with the Board that she will be leaving her position in January.

**6 GRU Update**

Utility Forester Joe Wolf provided an update on GRU's outage and reliability study, including some peculiar cases.

**7 Dept. of Sustainable Development Update**

None provided.

**8 Adjourn - 6:30 PM**