

City of Apalachicola Tree Committee
Meeting Summary
October 20, 2020, 3:00 pm
Battery Park Covered Stage

1. Attendees.

Anita Grove, City Commissioner,
Kevin Newell, Code Enforcement Officer,
Pam Richardson, Committee member,
Bob Seaborn, Committee member,
Travis Wade, City Manager, and
Dennis Winterringer, Committee chairperson and notetaker for this meeting.

2. Draft summary of Committee's September 15, 2020, meeting (prepared by Mr. Seaborn).

The Committee adopted without revision the draft summary for the September 15, 2020, meeting.

3. Code Enforcement Officer.

Kevin Newell, who has a law enforcement background, is the new Code Enforcement Officer. He works full-time mostly as the Code Enforcement Office but sometimes as back-up to the police department.

He's reviewing, doing field reviews, and issuing all tree permits that do not go to the Planning and Zoning Board for decision.

As the need arises, Mr. Newell can contact Committee members for questions he has on the Tree Ordinance.

4. Municode.

The City Manager confirmed that the version of the City's codes on the Municode website is the official version. The copies of the Land Development Code on the City's Building Department webpage are outdated. The City Manager is preparing a request for proposal to revise the City's website. During the website revision, the outdated Code will be removed and likely be replaced with a reference and link to the Municode website.

On its website at https://library.municode.com/fl/apalachicola/codes/code_of_ordinances, Municode says that on May 29, 2019, it updated the City's code on its website through Ordinance 2018-03, which the City Commission adopted on October 2, 2018.

On the right side of the webpage under the heading “Adopted Ordinances Not Yet Codified,” it lists ordinances that have not yet been incorporated in the on-line version of the City’s code.

Not included in this list is the revised Tree Ordinance, which the City Commission adopted as Ordinance 2018-07 on February 5, 2019.

Before the meeting Mr. Winterringer contacted the City Clerk, and she indicated that the previous week she provided a copy of Ordinance 2018-07 to Municode so that it can be incorporated into the on-line version of the City’s code.

She and the City Manager said that Municode has told them that it does not have a regular schedule for updating the City’s codes. The City Manager said he would contact Municode to get a better idea of the frequency of Municode’s updating work.

5. City Manager’s proposed revisions to the Tree Ordinance.

At the October 6, 2020, City Commission meeting, the City Manager proposed revisions to the Tree Ordinance, including:

- Not requiring a City tree permit
 - If, as provided by State law, the property owner obtains documentation from an arborist certified by the International Society of Arborists or a Florida licensed landscape architect that the tree presents a danger to persons or property, or
 - If the City Manager or his designee decides that the tree presents a danger to persons or property.
- As far as fines for illegal tree removal are concerned,
 - Fine the violator up to \$500 per violation (which was already adopted in the 2019 Tree Ordinance) and
 - Eliminate the up-to-\$25,000 fine for illegal patriarch tree removal (i.e., treat illegal patriarch tree removals like smaller tree removals (up to \$500 per violation)).
- Remove from the protected tree list:
 - Eastern and southern red cedar,
 - Longleaf pine,
 - Pecan,
 - Sabal (cabbage) palm,
 - Slash pine, and
 - Water oak,leaving bald and pond cypress, live oak, southern magnolia, and sycamore as protected.
- Increasing the diameter of protected trees to 12 inches from 4 inches.
- Not requiring a City tree permit for “substantial alteration” of a tree.

The Committee was caught off-guard by the proposal.

Mr. Winterringer attended the meeting and commented on why the proposal should not be approved, and Commissioner Grove also voiced concern.

By a vote of three to two, the Commission did not approve the proposal. Those voting against were concerned about:

- The City Manager not consulting with the Tree Committee about the proposal,
- The proposal citing the 2011 rather than the revised 2019 Tree Ordinance requirements, and
- Failure to follow Land Development Code amendment procedures contained in City Policy No. 002 (two Planning and Zoning Board workshops, one joint Planning and Zoning Board/City Commission workshop, and two readings of the proposed revised ordinance at City Commission meetings).

Following this vote, discussion ensued about trees that pose imminent hazards to people or property. The Commission voted to give the City Manager authority to allow property owners to remove such trees. As Mr. Winterringer pointed out before the vote, this was not necessary because the current Tree Ordinance already gives the City Manager the authority to issue tree permits for such trees.

At this Committee meeting, the Committee and City Manager began to discuss the City Manager's proposals for revising the Tree Ordinance. At the November Committee meeting, the Committee and City Manager will discuss each proposed revision and see if agreement can be reached on proceeding with, revising, or deleting the revision from the Tree Ordinance proposed amendment.

6. Reforestation Fund.

Prior to the City adopting a budget for fiscal year 2021 (starting October 1, 2020), Commissioner Grove and Mr. Winterringer communicated with City finance director Leo Bebeau about creating in the City's budget a Reforestation Fund account. Doing so would help ensure that Reforestation Fund monies are not mixed with other monies and spent on things other than planting and maintaining trees on City property (e.g., parks, squares, and the rights of way along the highway and streets).

As requested, Mr. Bebeau included a new account for "Tree Reforestation Fees" (No. 1422008) in the budget that the City Commission adopted.

The City Commission adopted revisions to the Tree Ordinance, including a schedule of Reforestation Fund fees, on February 5, 2019, but they didn't go into effect until May 16, 2019. To the extent possible, Mr. Bebeau is reviewing tree removal permits issued from May 16, 2019, to present to determine how much money should be deposited in the Reforestation Fund account. Not all tree permits issued during this time period can be located because of turnover in the Code Enforcement Office position.

7. Tree City USA recertification application.

City Clerk Deborah Guillotte received a message from Will Liner, Urban Forestry Program Manager, Florida Forest Service, asking the City to submit the Tree City USA recertification application by November 13.

Following Code Enforcement Officer Wilbur Bellew's resignation, Ms. Guillotte prepared and submitted the application last year.

Mr. Winterringer has offered to prepare this year's application. But before doing so he needs Ms. Guillotte to provide him with the City's expenses for tree plantings, prunings, and removals during 2020 (Tree City USA Tree Standard 3 Worksheet).

8. 2021 Arbor Day celebration.

To continue as a Tree City, the Arbor Day Foundation requires a city to have an annual Arbor Day observance and proclamation.

In 2020, the Foundation waived this requirement after the Committee held an observance and the Mayor signed a proclamation in January.

The State of Florida celebrates Arbor Day on the third Friday of January. In 2021, that's January 15.

In recent years, the Committee has held the City's Arbor Day celebration at the Farmer's Market. The Farmers Market is held on the second and fourth Saturday of the month – the 9th and 23rd of January in 2021.

The Committee is starting to discuss scheduling an Arbor Day event for January 2021, but this event could be scuttled if the COVID-19 pandemic continues or worsens. It remains to be seen whether the Arbor Day Foundation will waive the requirement for an Arbor Day observance and proclamation in 2021.

Mr. Winterringer contacted Ryan Hensel of the Florida Forest Service about obtaining free trees for handing out to Arbor Day celebration attendees. In light of the pandemic, Mr. Hensel was not sure whether the Service would budget for tree purchases in 2021.

If an observance is held, a speaker will have to be lined up.

At its November meeting, the Committee probably needs to decide whether the January ceremony is a go or no-go.

9. Next meeting.

November 17, 2020, 3 p.m., regular monthly meeting of the Tree Committee.