

**City of Apalachicola Tree Committee  
Meeting Summary  
March 15, 2022, 3 p.m.  
Battery Park Community Center**

1. Expected attendees.

Scott Davis, Committee member,  
Pam Richardson, Committee member,  
Bob Seaborn, Committee member, and  
Dennis Winterringer, Committee chairperson and preparer of the summary for this meeting.

2. Summary of Committee's February 15, 2022, meeting (prepared by Ms. Richardson).

The Committee adopted without revision the draft summary for the February 15, 2022, meeting.

3. Committee member Frederic Kahler.

Because of health issues, Frederic Kahler has not attended Committee meetings since September 2021. He wishes to remain a member and to return when he is healthy.

4. Transfer of Code Enforcement Officer to finance clerk position.

Effective March 16, Angela Creamer left her Code Enforcement Officer position and became the finance clerk.

In the last 3 years, there have been six persons in the Code Enforcement Officer position: Wilbur Bellew, Revena Ramsey, T.J. Lemieux, Kevin Newell, Joe Richey, and Angela Creamer.

Because of the turnover, there has been no consistency and continuity in issuing tree removal permits.

5. Discussions that the Committee hoped to have with the City Manager.

The Committee had hoped to discuss the following things with the City Manager, but he did not attend the meeting.

a. Trees removed by City in street rights of way.

The Land Development Code at Section 105-26(2) requires:

- A tree removal application be filled out when the City removes a protected tree in a street right of way. This serves as written documentation for why the tree was removed and is available for review if anyone asks.
- Review and recommendation by the Tree Committee if the tree is a patriarch (35 inches or more diameter at breast height).

Ms. Creamer could find no City-prepared applications for the following protected trees recently removed by the City in street rights of way.

- Patriarch live oak removed at 108 Avenue I.
- Patriarch slash pine removed on Avenue H between 12<sup>th</sup> and 13<sup>th</sup> Streets.
- Large oak (live oak?) removed at Chapman Square adjacent to 70 14<sup>th</sup> Street.

The Tree Committee was not asked for its recommendation before the two patriarch trees were removed.

b. Patriarch live oak removed in City street right of way by private property owner.

Ms. Creamer indicated that there is no permit for the patriarch live oak cut down on the street right of way adjacent to Doug and Joni Lawrence's private property at 270 Acola Avenue. The Land Development Code at Section 105-26(2)a requires that as a part of a proposed development a person wanting to remove a protected tree on City property adjacent to private property shall apply for a permit.

Ms. Creamer contacted the property owner, who said that a certified arborist prepared a document finding that the tree was dead. In November 2019 when Mr. Winterringer met with Mr. Lawrence to identify protected trees on the undeveloped lot, the tree was alive. If the tree was dead when it was cut, the brick driveway that was built by Lawrence around the base of the trunk led to its demise. Ms. Creamer requested a copy of the arborist's report, but it's unknown whether she received it.

The Land Development Code at Section 105-30 states that any person that illegally removes or substantially alters a patriarch tree shall be fined up to \$25,000. If the documentation has not been received, the City should issue two notices of violation – one to the property owner and one to the tree removal company that did the work.

c. No permit for tree removal on private property.

Ms. Creamer could find no tree removal permit for the drug rehabilitation facility being built on private property at 150 10<sup>th</sup> Street where several large slash pines were removed.

6. Planting of trees in City street rights of way.

The Land Development Code at Section 111-288(b) prohibits the planting of vegetation that would impede vision between a height of 2 ½ and 10 feet within 50 feet of City street intersections, but otherwise the Code does not prohibit the planting of trees in other areas of City street rights of way.

In February 2021, the City's attorney prepared a preliminary draft for allowing encroachments, including the planting of vegetation, in rights of way, but as far as the Committee knows no further work was done upon her departure from City employment.

According to City Building Official Tammy Owens, the City Manager has taken the position that no trees and shrubs whatsoever may be planted in City street rights of way.

Given the benefits of trees, including shade and their reduction of stormwater runoff that would otherwise enter the City's stormwater drainage system, the Code should be revised or a policy should be developed to allow the planting of trees in street rights of way if the trees would not:

- Damage utilities (water, sewer, stormwater drainage, and electrical (buried and overhead lines),
- Not grow into the roadway, and
- Not obstruct the view of drivers.

7. City Commission's January 26, 2022, workshop to discuss potential changes to City ordinances.

A video of the workshop is available for viewing on the City's Facebook page.

Near the end of the meeting, the City Manager suggested several revisions to the Tree Ordinance.

- Remove from the protected tree list (5 of the 10 protected species):
  - Slash pine and longleaf pine (most in need of being removed from the protected list because they're very dangerous during storms, and he has seen many land on houses),
  - Sabal palm (doesn't think there should be a need to get a permit to cut a palm tree in a yard),
  - Southern magnolia (not endangered; known to cause damage - roots seek out water in storm drains, roots undermine foundations), and
  - Sycamore (brittle limbs, root systems known to cause damage, and not endangered).
- Increase the size of protected trees from 4 to 8 inches diameter breast height.
- Regarding the requirement to get a permit to remove a tree that poses an imminent hazard, he said that a permit should not be necessary for someone to remove a tree that has fallen on a house.

In making the case for removing the two pine species from the list, the City Manager commented that there could easily be 20 saplings on a property that had a diameter at breast height of 4 inches or more. He said that the property owner would have to pay \$500 (for the Reforestation Fund fee). This is incorrect. For a single lot, the Reforestation Fund fee for non-patriarch trees is capped at \$250.

The Tree Ordinance does not require a permit to remove a tree that has fallen on a house, and as far as the Tree Committee knows the city has never required a tree permit in this situation. The Ordinance requires a permit for a tree that poses an imminent hazard to public safety or property. In the situation that a tree has fallen on a house, the tree is not an imminent hazard because the damage has already occurred.

8. Newspaper articles on tree diseases.

Ms. Richardson will collaborate with Mr. Davis in writing for the Apalachicola Times articles about lethal bronzing disease and laurel wilt.

9. Next meeting.

April 19, 2022, 3 p.m., at the Battery Park Community Center.