

**City of Apalachicola Tree Committee
Meeting Summary
June 21, 2022, at 3 p.m.
Apalachicola Margaret Key Library**

1. Expected attendees.

Anita Grove, City Commissioner,
Glen Jenkins, Code Enforcement Officer, and
Dennis Winterringer, Committee chairperson and preparer of summary for this meeting.

2. Draft summary of Committee's May 17, 2022, meeting (prepared by Mr. Winterringer).

Because Mr. Winterringer was the only Committee member present, no decision was made on adopting or adopting with revision his draft summary for the May 17, 2022, meeting.

The draft summary will be carried forward to the July 19, 2022, meeting and considered at that time.

3. Frequency of Committee meetings.

Commissioner Grove suggested that it may not be necessary to meet each month (perhaps quarterly). Mr. Winterringer agreed that less frequent meetings (perhaps every other month, especially in the summer) might be adequate.

Committee member discussion on the schedule of meetings will be added to the agenda for next month's meeting.

4. Discussions with Code Enforcement Officer.

Glen Jenkins gave an update on the enforcement action being taken for Doug and Joni Lawrence's illegal removal of a patriarch live oak on the City street right of way adjacent to their property at 270 Acola Avenue.

The Land Development Code states that a fine up to \$25,000 shall be levied for the illegal removal of a patriarch tree. There is no precedent on how large the fine should be. To use as a possible basis for setting the fine amount, Mr. Jenkins is getting three quotes from tree nurseries on how much they would charge to plant a similarly size live oak on the site.

4. Sabal palms killed by lethal bronzing disease.

Messrs. Davis, Seaborn, and Winterringer met on May 28 to view the dead and dying sabal palms north of, in, and south of Chestnut Street Cemetery.

Using Google Maps, Mr. Davis created a map showing the locations and pictures of the 12 trees, which are all on City property (mostly on street and highway rights of way). He shared it with

the Tree Committee members, Commissioner Grove, County Extension Agent Erik Lovestrand, and City employees Travis Wade, Tammy Owens, Glen Jenkins, and Bree Robinson.

To stop the spread of the disease, the trees (especially the dying trees that are still virulent) need to be removed as soon as possible.

Mr. Jenkins will talk to City Manager Travis Wade and Superintendent of Public Works Greg Harris, who will take care of the City's removal of the trees.

Mr. Jenkins will document on tree removal application forms the trees that are removed.

On non-City property, the Land Development Code at Section 105-25(2) does require that a private property owner obtain a City permit to remove a diseased tree.

5. Removal of trees in Chestnut Street Cemetery.

Mr. Winterringer, who is a member of the Apalachicola Area Historical Society that is doing maintenance in the Chestnut Street Cemetery, obtained quotes from three companies to remove six trees: one dead sabal palm (presumably killed by lethal bronzing disease) and three extreme risk and two high risk trees in danger of falling and hurting people or damaging monuments, fences, and utilities.

The quotes have been submitted to the City Manager. If necessary, the quotes will be presented to the City Commission for approval to spend the money to cut down the trees.

Prior to the work being done, Mr. Winterringer will prepare a permit application that will be submitted to the Code Enforcement Officer. It will document the locations of the trees and the reasons for their removal.

Because of the high visibility of the cemetery and the likely concern by some persons about cutting down trees, an article will be written for the Apalachicola Times and information will be posted on the City and Historical Society websites.

6. Reforestation Fund.

Mr. Winterringer met with City Finance Director Mark Gerspacher on June 17.

By reviewing all tree permits issued in past fiscal years and during the current fiscal year, Mr. Winterringer documented that \$8,830 should be in the Reforestation Fund as of June 6, 2022 (\$6,230 carried over from last fiscal year and \$2,600 this fiscal year to date). This is more than the \$7,155 shown in City budget documents (\$5,695 carried over from last fiscal year and \$1,460 this fiscal year).

Because of this documentation, Mr. Gerspacher agreed to correct the Reforestation Fund revenue numbers in the City budget.

7. State law allowing the removal of a dangerous trees without the need to obtain a City permit.

During the 2022 regular session, the Florida legislature approved SB 518, and the Governor signed it into law on May 18, 2022. It goes into effect on July 1, 2022.

The law allows an owner of a single-family residential property to forego a City of Apalachicola permit if the owner obtains an assessment from a certified arborist or Florida-licensed landscape architect that the “tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate” (underlining for emphasis added) using the International Society of Arboriculture’s tree risk assessment procedures.

The law does clarify what is meant by “documentation,” and “residential property.” But it also allows more trees to be removed without city-issued permits in that it allows cities to require permits for only those trees that are unlikely to have an impact should they fail and whose consequences of failure would be negligible or minor. In this respect, it allows more tree removals to bypass city permitting and gives cities less control on which trees they can save from the chainsaw. This is more State preemption of local government regulation.

8. Next meeting.

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