

**City of Apalachicola Tree Committee  
Meeting Agenda  
August 18, 2020, 3:00 pm  
Covered Stage at Battery Park**

1. Persons invited:

Anita Grove, City Commissioner,  
T.J. Lemieux, Code Enforcement Officer,  
Savannah Montgomery, University of Florida forestry student,  
Pam Richardson, Committee member and note taker for this meeting,  
Bob Seaborn, Committee member,  
Travis Wade, City Manager, and  
Dennis Winterringer, Committee chairperson.

2. Draft summary of Committee's June 16 and July 21, 2020, meetings (prepared by Mr. Winterringer).

The Committee will adopt with or without revision the draft summaries for the June 16 and July 21, 2020, meetings.

3. City's processing of tree applications.

Code Enforcement Officer Revena Ramsey, who processed tree applications, left City employment on June 18.

Effectively apparently on August 4 (the date of the City Commission meeting), T.J. Lemieux transferred from the City's Water and Sewer Department to the Code Enforcement Officer position. His duties include processing tree applications.

If Mr. Lemieux attends this meeting, the Committee will answer his questions about the Tree Ordinance and tree permits.

Over the last several months, tree applications where property owners requested permission to remove or substantially alter protected trees in the absence of new construction have, in contradiction of the Tree Ordinance procedures, been sent to the Planning and Zoning Board for decision. Most recently this occurred at the Board's August 10 meeting.

At the August 4 City Commission meeting, both Commissioners Elliott and Grove stated that this should not be occurring.

4. Unpermitted tree removals.

Mr. Winterringer has not heard from the City Manager as to whether he fined residential property owners for illegal tree removals at 246 7<sup>th</sup> Street (Frederick S. Humphries, David Cerrato) and 139 9<sup>th</sup> Street (Alfred and Willa Goosby).

In accordance with the Tree Ordinance requirements, if the persons that cut down the trees are licensed by the City to do business as tree or general contractors, they should be notified that these unlawful tree removals are a strike against their record and that the next violation may result in the revocation of their business licenses.

At a recent City Commission meeting, Commissioner Grove says that Beth Wright commented that she used a caliper to measure the diameter of the live oak removed at the former address and that it was a patriarch (35 or more inches). If so, the fine for unpermitted removal is up to \$25,000.

#### 5. Reforestation Fund.

On May 29 during a review of two trees at the Gibson Inn, the Mayor and City Manager agreed with Mr. Winterringer to set up a separate budget account and line item to 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).

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.

City staff should review tree removal permits issued from May 16, 2019, to present to determine how much money should be deposited in the Reforestation Fund account.

Mr. Winterringer does not know whether the proposed 2020-2021 City budget includes a separate budget account and line item for the Reforestation Fund. Commissioner Grove, has this been done?

#### 6. State law concerning dangerous trees.

A State law, which went into effect on July 1, 2019, forbids the City from requiring a tree removal or trimming permit if a residential property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property.

At its January 21, 2020, meeting, the Committee decided that as a temporary alternative to amending the Tree Ordinance, which is a lengthy process, the simplest approach is to acknowledge the preemption on the City's Building Department webpage and to modify the City's tree permit application to make applicants aware of the State law.

After getting signoff from this Committee at the June meeting, Mr. Winterringer sent the two documents to the City Manager and recommended that the City use them.

Mr. Winterringer has not heard from the City Manager. The documents are not posted on the City website.

#### 7. Possible revision of Tree Ordinance.

The Committee has talked about removing the water oak as a protected tree species because it is susceptible to storm damage and such damage and cut branches often lead to trunk rot (poor compartmentalization) and unsafe trees.

There are other revisions that could be made to the Tree Ordinance including:

- Acknowledgement of State law concerning removal of dangerous trees (agenda item No. 6) and
- Reinstatement of Site Plan requirement that the City Commission deleted when it adopted and stormwater management plan and fill regulations on May 5.
  - A map of sufficient scale to clearly show the locations of lot boundaries; footprints of existing and proposed structures and improvements; species and size (inches diameter breast height) of existing protected trees; and which of these trees are proposed to be removed, relocated, or substantially altered.
  - A plan for protecting trees from debris, fill, gasoline, oil, paint, chemicals and other harmful materials.
  - A discussion of proposed grade changes and how the changes would affect protected trees.

(For the May 5 City Commission meeting, Mr. Winterringer's comment about not deleting these requirements fell on deaf ears.)

The procedures of City Policy No. 002, Comprehensive Plan and Land Development Code Amendment Procedure, requires two Planning and Zoning Board public workshops, one joint workshop with the City Commission, and two formal readings of the proposed, revised Ordinance. Accordingly, the public process for revising the Tree Ordinance will take a minimum of 6 months and realistically much longer.

#### 8. Removal of dangerous tree in Battery Park.

As recommended by the Tree Committee, the City removed the laurel oak near the corner of Bay Avenue and 6<sup>th</sup> Street because it had severely rotten trunks and branches and posed a danger to persons (especially during the Seafood Festival) and any vehicle that parked under it.

#### 9. Florida Urban and Community Forestry Grant Program.

The Florida Department of Agriculture and Consumer Services (DACS) through the Florida Forest Service has announced the opportunity for communities to apply for a grant under the Urban and Community Forestry Program. Applications are due by August 21.

Last year Mr. Winterringer prepared an application that DACS said was not received by its Purchasing Office by the deadline.

Mr. Winterringer does not plan to prepare another application this year. He might contact Alex Skovronsky to assist him in the operation of the City's Global Positioning System unit to inventory trees at Battery and Lafayette Parks this coming winter.

10. Next meeting.

September 22, 2020, 3 p.m., regular monthly meeting of the Tree Committee.