

**CITY COMMISSION WORK SESSION**  
**August 26, 2019**

The work session was called to order by Vice-Mayor Greg Seidel at 2:00 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Members present:

Vice-Mayor Greg Seidel  
Commissioner Carolyn Cooper  
Commissioner Todd Weaver

Also present:

City Manager Randy Knight  
Assistant City Manager Michelle Neuner  
City Attorney Kurt Ardaman  
City Clerk Rene Cranis

Absent:

Mayor Steve Leary  
Commissioner Sarah Sprinkel

Urban Forestry discussion

City Manager Randy Knight stated that the purpose of the meeting is to get guidance on potential changes to the tree ordinance due to new State law that prohibits the city from requiring permits or a fee for removal of a tree if it is deemed to be dangerous by a certified arborist. The concern is how to protect the city's tree canopy under the new law.

Urban Forestry Manager Dru Dennison explained the new law. Mr. Knight clarified that the law does not state whether or not the city can request arborist certification, but absence prohibition, the city can ask.

Vice-Mayor Seidel asked for an update on the law. Attorney Ardaman stated there is a hearing today in which the term "danger" will be addressed since the term is not defined in the law. He summarized the law and how it affects the city in its application of issuance of tree permits. He advised that the city can legislate provided there is no conflict with the statute. He explained the current challenge filed by City of Pensacola and stated the judge will rule on the constitutionality of the statute as it relates to the home-rule provision. If it is ruled unconstitutional, it would only apply to Pensacola as it is a fact-specific case.

Ms. Dennison reviewed the current ordinance and practices. She advised that the city has not been issuing tree removal permits on private property since July 1, 2019, as have a large number of cities. Some cities have resumed issuing tree removal permits on private property except for danger trees. Discussion followed on the removal and comparable replacement of trees.

Ms. Dennison gave an update the city's Sustainable Canopy Program, including planting, maintenance of street trees, community outreach and education.

Vice-Mayor Seidel asked what is the budgetary impact and timeline for pruning. Ms. Dennison stated it is based on a five-year cycle. Assistant City Manager Neuner added that staff feels the current budget will not be impacted, however the future impact is not known at this time.

Commissioner Cooper expressed her concern about regulations that may impact where and how many trees can be planted, particularly in the right-of-way. Mr. Knight stated that the electric utility undergrounding actually creates more space due to the removal of overhead power lines.

Ms. Dennison asked how differing opinions of a certified arborist and city staff, also certified arborists, would be handled. Attorney Ardaman stated that if the property owner has obtained the appropriate documentation, then they have met the statutory requirements. He suggested the city include as much into city code as long as it does not violate the statute.


Vice-Mayor Seidel suggested that appropriate city boards such as Parks and Recreation Board review the provisions. Ms. Dennison advised that she is drafting the tree preservation and landscape ordinances, which would be reviewed by the Planning and Zoning Board. Commissioner Cooper suggested formation of a task force with representation by current city board members who have applicable knowledge. Commissioner Weaver agreed.

Ms. Dennison advised that although there have been requests for residential tree removal permits, applicants have been advised that the city has suspended issuance of permits. Ms. Neuner added that applicants have been advised that they need to obtain documentation from landscape architect or arborist regarding the condition of the tree.

Commissioner Weaver asked about imposing finds for non-compliance. Mr. Ardaman advised that no fines be imposed for removing a "danger" tree. He stated that to the extent the statute applies, a tree can be removed, but in other circumstances, City code prevails and is not pre-empted by the State.

Vice-Mayor Seidel suggested the City Attorney address this during his report during the regular meeting. He suggested that the City Attorney will continue to monitor this and work with staff to draft an ordinance, present it to several city boards (Planning and Zoning, Sustainability) and solicit comments, return to the Commission in a regular meeting or work session. The Commission will, in its regular meeting, make a decision on whether to reinstate issuance of tree permits.

The meeting adjourned at 3:02 p.m.

  
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City Clerk Rene S. Cranis, CMC