

1 **MINUTES OF THE MEETING OF THE ORANGE CITY TREE BOARD**, held on Tuesday,
2 February 26, 2008 at 6:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

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4 **CALL TO ORDER**

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6 The Meeting was called to order at 6:00 p.m. by Mayor Strickland and roll call was taken.

7
8 **ROLL CALL**

9
10 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom Laputka,
11 Tom Abraham, Don Sherrill, Donald Sandford, Jim Mahoney; City Attorney William
12 Reischmann; Acting City Manager Chester Murray, City Clerk Deborah Renner

13
14 **ABSENT:** City Manager John McCue

15
16 Mayor Strickland advised that this will be the first time that the Tree Board has met. He noted that the
17 Board is a requirement of the "Tree City USA" designation. The Mayor requested that Item 12 be
18 moved forward on the agenda for consideration at this time. *(Note: order of remaining agenda items*
19 *was not followed. For the purposes of continuity in these minutes all items have been renumbered and*
20 *headings for those items enumerated on the agenda but not addressed have been eliminated.)*

21
22 1. Who Will be the Tree Board?

23
24 Mayor Strickland stated his understanding that in the past, the Tree Board was the Planning
25 Commission, and then this responsibility was shifted to the City Council. The Mayor asked each
26 Council Member to state their preference as to who will make up the Tree Board.

27
28 Council Member Mahoney suggested that consideration of Items 1 through 11 on the agenda may be
29 helpful in determining who will comprise the Tree Board.

30
31 City Attorney Reischmann advised that the Tree Board is referenced in two instances in the Code; the
32 Tree Board is created in Section 3.4 of the Land Development Regulations (LDR), and Section 3.4.1
33 designates the City Council as the Tree Board. Mr. Reischmann noted that Section 3.4.2 defines the
34 role and responsibility of the Board. As defined in the Code, the Tree Board is only concerned with
35 trees on public property. Mr. Reischmann advised that the Board is also referenced in Section 11.14.8
36 which deals with hazardous trees. This section gives the Tree Board the responsibility to notify the
37 owners of such trees in writing.

38
39 Council Member Mahoney noted that there had been "an outcry" from people who wanted to
40 participate on the Tree Board and said that should be considered when deciding who should be on the
41 Board.

42
43 Vice Mayor Allebach noted that some of the decisions made by the Tree Board involve spending tax
44 dollars and he said that could not be done by a citizen's committee unless they were allocated funding.
45 The Vice Mayor noted that there was no backup for any of the items on the agenda for this meeting
46 and that he did not feel prepared to discuss any of these issues. He advised that staff had prepared

1 “two major reports” and these were not provided to Council. He expressed that he felt the Tree Board
2 responsibilities must remain with the Council.

3
4 Council Member Sherrill agreed that the Council should continue to serve as the Tree Board because
5 they would be dealing with many issues of a legal nature. He suggested that Council could direct the
6 City Manager and his staff to deal with the enforcement issues identified in the code. He said that he
7 is not against having citizens on the Tree Board, however, they would not have any authority to take
8 action on most issues. Council Member Sherrill stated, “So why don’t we sit as a Board and make
9 policy and let the City Manager carry it out through his department staffs at Public Works and Code
10 Enforcement through the Police Department.”

11
12 Council Member Mahoney noted that a survey of hazardous trees conducted a couple of years ago
13 resulted in the removal of a number of trees. Vice Mayor Allebach said that the survey was done in
14 October 2006.

15
16 Council Member Sandford questioned what was required in order for the City to maintain its “Tree
17 City USA” designation. He said that he attended last year’s budget hearings and that it was his
18 understanding that no money was appropriated for planting trees on City property. Council Member
19 Sandford stated, “I think we have a duty as the Council for Orange City to at least maintain the
20 ambience of the City, and I think one of the things of the ambience of the City are trees.”

21
22 Council Member Laputka advised that he lives on Oak Avenue which has many old trees. He said that
23 he is unsure of how to handle this issue.

24
25 Vice Mayor Allebach stated that 120 trees have been planted by the City over the past three years in
26 various parks, City facilities and rights of ways.

27
28 Council Member Sherrill noted that the City has no control over the trees on private property. Mr.
29 Reischmann said that some cities have adopted comprehensive codes which govern in great detail the
30 planting, replacement and removal of trees on private property. He stated his understanding that the
31 Tree Board was formed in order to qualify for Tree City USA and that the Board was tasked with
32 monitoring trees on public land.

33
34 Council Member Abraham said that his research showed that DeLand has a Tree Board as does
35 Brevard County and some other areas. He suggested that more time may be needed for Council to
36 reach a decision.

37
38 Mayor Strickland said that the meeting was called tonight because he had difficulty getting
39 information when he inquired about trees. He said that the Tree City designation requires a
40 “comprehensive plan” for trees. The Mayor said that he has talked with people over the years about
41 having information from the State of Florida Urban Forestry Program used to develop that plan. He
42 said that he reviewed Mr. Johnson’s report and felt that the City was in “some major violations” of our
43 consultants. The Mayor again turned the discussion to whether or not the Council should serve as the
44 Tree Board and to what extent citizens should be involved. He said that his concern is for what is best
45 for the City. Mayor Strickland stated that if the City is not going to follow the rules and guidelines for
46 Tree City USA, it should not be part of it. The Mayor said that he did not wish to discount staff’s

1 efforts in this area, but that he just did not feel that it represents a “comprehensive plan” or that it has
2 any connection with the Tree Board. He spoke against having the Council cite private property
3 owners for tree violations and suggested that it be removed from the code.
4

5 Mr. Reischmann clarified that the City has the obligation, for public safety purposes, to remove
6 dangerous trees. He said that Council’s role as the Tree Board is to provide notice of the dangerous
7 trees, not to actually remove them. Mayor Strickland said again that he did not feel that should be
8 Council’s responsibility.
9

10 Vice Mayor Allebach concurred with the Mayor. He said that the parks master plan and streetscape
11 master plan have elements regarding comprehensive tree planting in parks and other public places. He
12 suggested that these plans be revisited. The Vice Mayor noted that staff has received specialized
13 training in these matters and should be relied upon to carry out the plans.
14

15 Mr. Reischmann noted that Chapter 11 of the LDC deals with “tree protection.” He advised that this
16 chapter requires a permit for removal of a tree in the City.
17

18 Mayor Strickland noted that the feeling in the community is that the City has not spent money on trees
19 and that while this is not true, the people don’t know it. The Mayor said that effort should be made to
20 inform the new Council Members and the public about the City’s efforts regarding tree preservation.
21

22 Council Member Sherrill noted that the City initiates code enforcement actions against businesses that
23 don’t maintain their landscaping properly.
24

25 2. Citizen Comments 26

27 Ernest Guysinger, 245 Courtney Avenue, came forward and expressed his concern regarding the
28 pruning methods being used on the Sabal Palms on City property. He said that he had spoken with
29 Jerold Weaver, Public Works Superintendent, about his concerns and that Mr. Weaver advised that he
30 was told in a recent seminar that this is the proper way to prune the trees. Mr. Guysinger said that he
31 was told by the Volusia County Cooperative Extension Service that this method of trimming can be
32 harmful to the trees. He said that a staff member from the Extension Service took photos of the trees
33 in question and advised staff that the were not being properly pruned and that “basically they were
34 blown off by them.” Mr. Guysinger questioned who had told Mr. Weaver that this was the proper way
35 to prune the trees.
36

37 David Turner, 605 N. Carpenter Ave., came forward and stated that he works for a tree company in
38 Volusia County. Mr. Turner suggested that a licensed arborist be a member of the tree board. He
39 spoke regarding the requirement to notify the owners of property where dead trees are located, stating
40 that he felt this was essential to do.
41

42 Hugh Strickland, 420 May Street, came forward and spoke in support of Mr. Guysinger’s comments
43 regarding pruning methods used on the palm trees. He said that Broward County cites people who
44 prune in this manner with a \$500 fine. Mr. Strickland said that photos in the report from the City’s
45 consultant support this assertion.
46

1 Al Blue, 447 N. Oak, came forward and provided a brief history of tree planting in Orange City. Mr.
2 Blue recalled how impressed he was with the tree canopies in Deland when he first came to the area.
3 He discussed the importance of trees in the City and noted that the Land Development Code provides
4 for a builder/developer to pay money into the tree bank for required trees they are unable to plant.
5 Mr. Blue said that at one time, the tree bank had over \$150,000. He said that he was told by the City
6 Manager that there is no record of any funds in the tree bank. Mr. Blue expressed that it is important
7 to him that trees are in the right of way and that they are canopied and that this had not been done. He
8 encouraged staff to take out the stumps when trees have been removed. Mr. Blue related an instance
9 where there was a dead limb hanging over one of his buildings from a tree on City property. He said
10 that he requested numerous times that the limb be removed, but that he finally had to threaten to
11 remove it himself before it was taken care of.

12 13 **2. Council Comments**

14
15 Council Member Laputka said that he is familiar with the Extension Program and had earned his
16 "Master Gardener" certification from there in 2000. He said that they are "an enormous resource" that
17 is free.

18
19 Jerold Weaver came forward and said that he would get together with Mr. Guysinger and provide him
20 with information on where he has taken his classes.

21
22 Mayor Strickland asked that when recommendations are received as a result of a conference with the
23 Extension Service, they be followed. He expressed his concern regarding planting lowland trees in
24 upland areas, noting that it happened in Dickinson Park. The Mayor stated, "I would like to see us be
25 able to put the consultations with good tree practices." He expressed his further concern about having
26 oak trees planted under the power lines in the right of ways.

27
28 Mayor Strickland said that he felt some of the material prepared by Paul Johnson for this meeting was
29 not the best way to present the material and that it could lead to "some negative kinds of things" and
30 that he did not want Mr. Johnson or his Department attacked.

31
32 Mr. Guysinger discussed the need for the training received by staff to be conducted by the appropriate
33 people (such as staff from the extension service). He questioned again why the trees were pruned in
34 the manner that they were. Mayor Strickland responded, "We goofed....and we're going to do better."

35
36 Mayor Strickland said that his wish is that all Council Members be provided with the information from
37 staff and that the Council convene again as the Tree Board to discuss it.

38 39 **It was the consensus of Council that the duties of the Tree Board remain with them.**

40
41 Council Member Sherrill suggested that an article be placed on the website with a discussion of the
42 Tree Board and a link to the Agricultural Extension Service.

43
44 Vice Mayor Allebach suggested that a copy of the Parks Master Plan and Streetscape Master Plan be
45 provided to the new Council Members. He noted that he had heard conflicting comments from the
46 citizenry regarding trees planted on new developments; some felt it was not enough, others felt it was

1 too much.

2

3 Mayor Strickland summarized by stating that the Council would remain the Tree Board for the present
4 time and that another meeting will be scheduled in the future after time was given to review the
5 documents discussed tonight.

6

7 **3. Adjourn**

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9 There being no further business, the meeting was adjourned at 6:50 p.m.

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11 Respectfully Submitted

Approved on

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Deborah J. Renner, CMC, City Clerk

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