City of Miami Springs, Florida

The Board of Parks and Parkways held a regular meeting on Wednesday, September 9, 2015 at 7:00 p.m. in the City Hall Council Chambers.

1. Call to Order/ Roll Call

The meeting was called to order at 7:06 p.m.

The following were present:	Chairman Eric Richey Irene Priess Lee Fisher
Absent:	Lynne V. Brooks Tammy K. Johnston
Also Present:	Board Secretary Elora R. Sakal Councilwoman Roslyn Buckner

2. Approval of Minutes

Minutes of the August 12, 2015 meeting could not be approved since Board member Fisher was not present at the meeting and cannot vote.

3. New Business:

a) November - Yard of the Month nomination

By consensus, the Board agreed to nominate 31 Carlisle Drive as the November, 2015 yard of the month.

b) December - Yard of the Month nomination

This item was tabled until the next meeting.

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c) Black Olive tree removal and replacement

Balbina Castellanos of 1060 Wren Avenue thanked the Board for this opportunity. She and some of the residents were planning on attending the Council meeting on August 24th but they changed their minds because of a conversation that Kim Werner had with Mayor Garcia before a budget workshop meeting. She has received a plant in her swale and has been in contact with Public Works Director Nash a lot. She would like to see funds allocated for the replacement of trees rather than the removal of trees. She would like to see the code amended to have residents pay for the removal of a tree. Ms. Castellanos expressed her concerns for the limited amount of canopies in the City.

Ms. Castellanos presented a packet to the Board of before and after photos of trees that have been removed in the City and web links of tree programs that other Cities use (attached for the record).

Chair Richey asked if when discussing tree removal, if they are speaking in regards to tree removal from private property or the swale area and Ms. Castellanos replied that her concern is the removal of trees on the swale.

Ms. Castellanos commented that if someone wants to remove a tree they should do so with their own funds so the City funds, which are so limited, could be used to plant trees.

Ms. Castellanos commented that there is a mahogany tree on her block that a neighbor would like to have removed because she is afraid of it falling on her home and the City is going to pay for that removal.

Chair Richey stated that he spoke to the City Attorney with regards to residents who complain about removing a tree. The City Attorney said that the resident would file a claim against the tree to the City and he with the Public Works Director Nash would determine if the claimant has an argument and if the City Attorney does not rule in favor of the resident the City would take responsibility for the damages.

Ms. Castellanos would like Chair Richey to check with the City Attorney or someone who has knowledge of how to handle a claim where the resident would pay for the removal.

Ms. Castellanos commented that Raydel trimmed branches from the trunk of a tree in front of her home on the swale that did not need trimming and they charged the City for it. Chair Richey explained that street trees are supposed to have clear bark up to a certain height.

Kim Werner of 1016 Meadowlark Avenue thanked Ms. Castellanos for all of her hard work. She also thanked the Board for allowing the residents to meet with them again on this issue. She is not stating her conversation with Mayor Garcia verbatim but he pretty much said that whether there are five or five hundred trees, if a resident wants them removed, the City will remove them. She said that she has either spoken to or met with each individual Council member. She is concerned with the loss of canopies. She goes walking and is finding herself constantly looking for shade during her walk when in the past she did not have to do so.

Ms. Werner explained different tree programs that the City of Coral Gables and the Town of Miami Lakes use. She said that she has been in contact with a climatologist and he is surprised at the City's approach to tree removal. He is going to write a formal letter to

present at the upcoming Council meeting.
Chair Richey stated that in the FY14-15 budget, there were 63 tree removals and 161 trees were planted so the plantings are in excess by three times of the removal though he understands that there is no equivalency in canopy. The budget for FY15-16 was $30,000 and Council increased it to $50,000.

Chair Richey wanted to clarify that what the residents are asking for is an amendment to the ordinance with regards to the removal process of trees on City property. The first would amendment would be for residents to pay for the removal and mitigate it whether it is placed in the same location or in the vicinity of the canopy removal. Residents would pay for the removal, stump grinding, grass replacement if needed and the replanting.

Chair Richey stated that according to the code, if someone wants a tree removed from City property, they have to mitigate it. If a resident wants a tree removed and the City is not going to remove it, the resident has to pay for everything involved in removing it unless it is a nuisance tree. He said that black olive trees are non-mitigated on both private and public property. If he understands correctly, that is what the residents would like to have changed in the ordinance.

Ms. Werner did not want to focus on the black olive tree specifically but on the canopy of trees that in her opinion has afforded her.

Amber Riviere of 1011 Meadowlark Avenue commented that trees should be inventoried and managed through a canopy masterplan as such because they are a benefit to everyone and increase property values. The issue is that there is a code that was very thoughtful and there was consideration played to the black olives. There are some good alternatives that are out there and stated that when Miami Lakes code was being evolved they looked at the Miami Springs code and took it one step further. They made sure that there was not a general fund impact due to a person personally not liking a tree in front of their home.

Ms. Riviere continued explaining the process that Miami Lakes has for the removal of trees in their town. She said that Board member Priess mentioned that in the past an inventory of trees had been done. Unfortunately that has not been put into a database that is gps identified. She believes that the $20,000 that Chair Richey mentioned was said by Public Works Director Nash to be allocated for inventory that hopefully then can be actively managed. The issue is that there needs to be a masterplan that is managing the canopy so that it is an active ongoing process and that is another desire of the residents.

Ms. Riviere commented that as a tax payer she is concerned about her tax dollars being used to remove a tree because someone thinks their driveway is dirty. She believes that if someone wants to remove a tree, the gap should be closed in the code to ensure that the canopy loss is properly mitigated and that the individual should pay into a trust fund so that those monies are specifically allocated for replanting of trees.

Ms. Riviere stated that there would be an ability to reduce expenditures that are proposed for further tree removal allocated to the contractor because the City is going to mitigate that by changing the code and adding to the fee schedule the new fee in lieu contribution similar to Miami Lakes.

Chair Richey believes that the City already has that in place.

Ms. Riviere asked why the City would remove a tree that is not mitigated and Chair Richey replied that it could be a danger or it could be diseased.

Chair Richey asked if Ms. Riviere read the letter that was provided by Public Works Director Nash from Professor Caldwell regarding the staining associated with the black olive and Ms. Riviere said she did not see that letter.

Chair Richey explained that the staining from the black olive is a disease from a worm infection that gets into the pods of the trees. But in a way, Ms. Riviere is dismissing the magnitude of the filth that these trees cause. It may not bother you that a person's car or roof has stains or that these pods are getting into a homeowners pool. Those are not small issues for the people who live in those homes. There are probably people who would disagree with the views of the people here tonight.

Ms. Riviere said that is a policy issue and all municipalities have to make a determination on what they value and our website says that we value our trees.

Chair Richey explained that Public Works Director Nash was an Arborist before the Public Works Director and he did not decide where trees were planted prior to him taking that position. So when someone causes a problem, that someone needs to be responsible to fix that problem and the consequences of their actions. In some cases, it simply is arguable that the City bears responsibility for the act of putting the tree in the first place.

Discussion ensued with regards to what the definition of a nuisance is.

Ms. Riviere commented that if there is a tree in the swale when a person buys their home it is a pre-existing condition that is a municipal asset.

Chair Richey said that is not what a nuisance tree is.

Ms. Riviere said that a legal nuisance that is causing actual harm to property if it is lifting the sidewalk to where a person walking or jogging may fall can become a legal liability for the municipality. There are course of action to address that issue such as sanding down the sidewalk but if it becomes excessive then there may be a situation where it may be removed.

Chair Richey explained the process involved when the Board prepared the ordinance to recommend to Council. He understands that the black olive may not be an issue with the residents present tonight but it may be an issue to other residents and there may be other people who do not want the tree in their yard. The residents who are present need to put themselves in the position of the City officials who have to make decisions not based solely on the value of the canopy on one person's home.

Chair Richey is bothered by the tone tonight being that Miami Springs does not care about trees because it keeps being said that the City keeps cutting trees down.

Ms. Riviere stated that is not the point of this dialogue tonight. The intended message is not that Miami Springs does not care about trees but is that Miami Springs had a good base ordinance and that the City could mitigate spending of ad valorem revenue for removal and replacement of these trees by making an ordinance change that is consistent

with what one of the neighboring municipalities did.
Ms. Riviere understands the context and complexity of government being that she works in government and did not want the Board to think that she was minimizing that. She understands that it is difficult to build consensus on a piece of legislation and she believes that the City should be fiscally conservative and limit the tax dollars being spent on these case by case removals. These residents want to mitigate the gap that is being created with trees that are being removed and the canopy that they contain with the trees that are being replaced and also to close a gap by the fiscal year and calendar year language in the current ordinance.

Chair Richey asked if Ms. Riviere can agree that the canopy of a tree removal cannot be completely mitigated by the replacement. If the residents are asking for net canopy replacement, it is not possible and Ms. Riviere agreed.

Ms. Riviere stated that she believes that there is an opportunity to improve the current ordinance and alleviate some pressure from the general fund side of the municipal budget by creating an in-lieu contribution where the City has a set aside trust fund to replace trees to keep it going and manage the asset.

Chair Richey said that there is $50,000 in the FY15-16 budget for planting trees and asked what amount Ms. Riviere was looking for and Ms. Riviere replied that she was unaware that there was $50,000 allocated and that is a good thing.

Discussion ensued regarding the photos that were presented to the Board by the residents. Some trees were removed without a request from the homeowner. The residents were puzzled as to why trees were being removed that were not on the list of trees that are being requested to be removed.

Chair Richey said that it is understood that the residents present tonight would like to see the ordinance changed. They also need to understand that they have to listen to everyone. If it is the request of the residents that are present tonight to make a recommendation for an ordinance change, that would require the review of the ordinance by the Board. They would also like to take a look at the mitigation process for the black olive trees on public property and any other trees on public property and that the mitigation follows the same mitigation for any other tree.

Ms. Castellanos commented that the ordinance change would also benefit Public Works Director Nash because he is practically the face of the code and he gets the brunt of everything. He should be given a better code to make his job easier.

Miguel Gonzalez of 1060 Wren Avenue asked if a black olive tree would still be considered a nuisance tree if it were in the middle of a park and Chair Richey replied that it is a nuisance tree because it is on the nuisance tree list that was adopted.

Mr. Gonzalez feels that the City should scrutinize the request for tree removals more than what is being done now.

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4. Adjournment:

There was no further business to be discussed and the meeting was adjourned at 8:30 p.m.

Respectfully submitted:

Elora R. Sakal
Board Secretary

Adopted by the Board on
this 4th day of November, 2015.

Eric Richey, Chair

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.

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"The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council".

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CITY OF MIAMI SPRINGS
BOARD OF PARKS AND PARKWAYS
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MIAMI SPRINGS, FL 33166
TELEPHONE:
305-805-5006
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MIAMI SPRINGS
At the Heart of it All!

July 10th, 2015

Dear Homeowner:

We are pleased to advise you that your property located at 31 Carlisle in Miami Springs has been chosen by the Board of Parks and Parkways as the City of Miami Springs Yard of the Month for the Month of ~~December~~ November, 2015.

We will be placing a yard sign in the front yard of your property for one month. We would also like to present an award to you at the Monday, ~~12/14/15~~ 10/26/15 Council Meeting. The Council meeting starts at 7:00 p.m. and takes place in the City Council chambers, located on the second floor of City Hall at 201 Westward Drive. Thank you for being a credit to our community!

Best Regards,

The Board of Parks and Parkways

I agree to have my yard designated as City of Miami Springs Yard of the Month for the month of December 2015.

Signed-Property Owner	Print Name	Phone Number
[signature]	Delores Orr	3)884-2785

*Please write the name that you would like to have written on the certificate: Delores Orr

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Nos complace informarle que su propiedad ubicada en _____ en Miami Springs ha sido elegida por el "Board of Parks and Parkways" como el Patio del Mes de Miami Springs del mes de _____, 2015.

Publicaremos su patio en una próxima edición del River Cities Gazette y colocaremos un letrero en la parte delantera de su propiedad durante un mes. También nos gustaría presentarles un Certificado de Reconocimiento en la Sesión del Concejo el Lunes, _____ a las 7:00 de la noche. Gracias por embellecer nuestra comunidad!

Saludos de,

El Board of Parks and Parkways

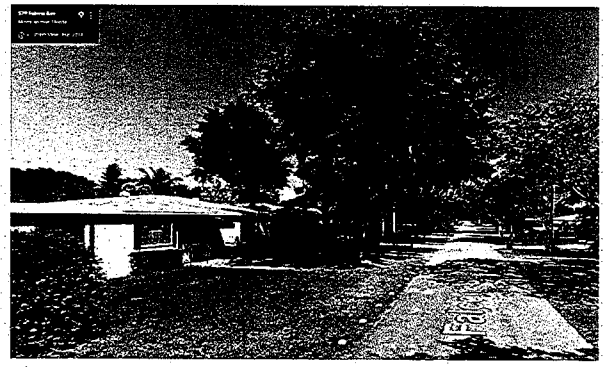
Estoy de acuerdo que mi patio sea designado como el Patio del Mes de Miami Springs por el mes de _____, 2015.

Firma-Propietario	Imprima su Nombre	Número de Telefono

*Por favor escribe el nombre que le gustaría haber escrito en el certificado: _____

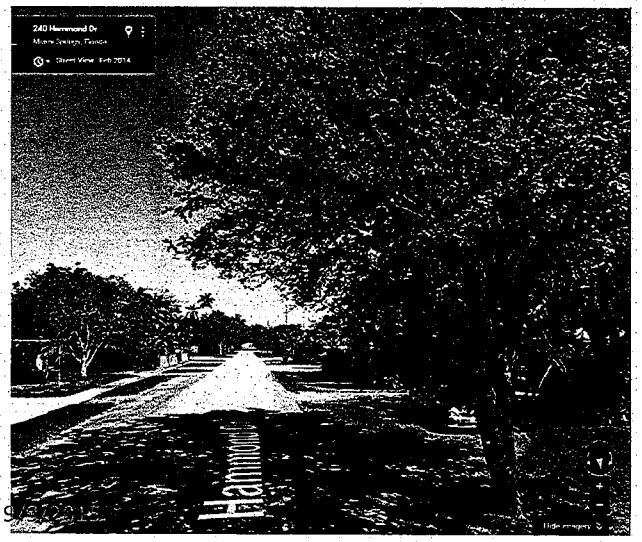
Let's Protect Our Tree Canopy

Before



After

Before

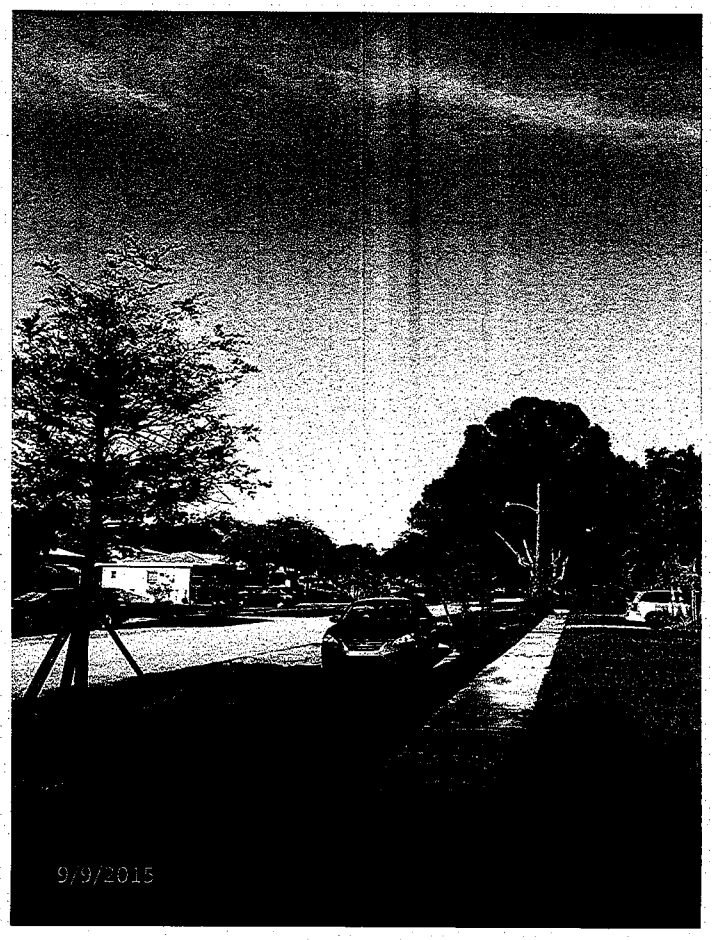


After

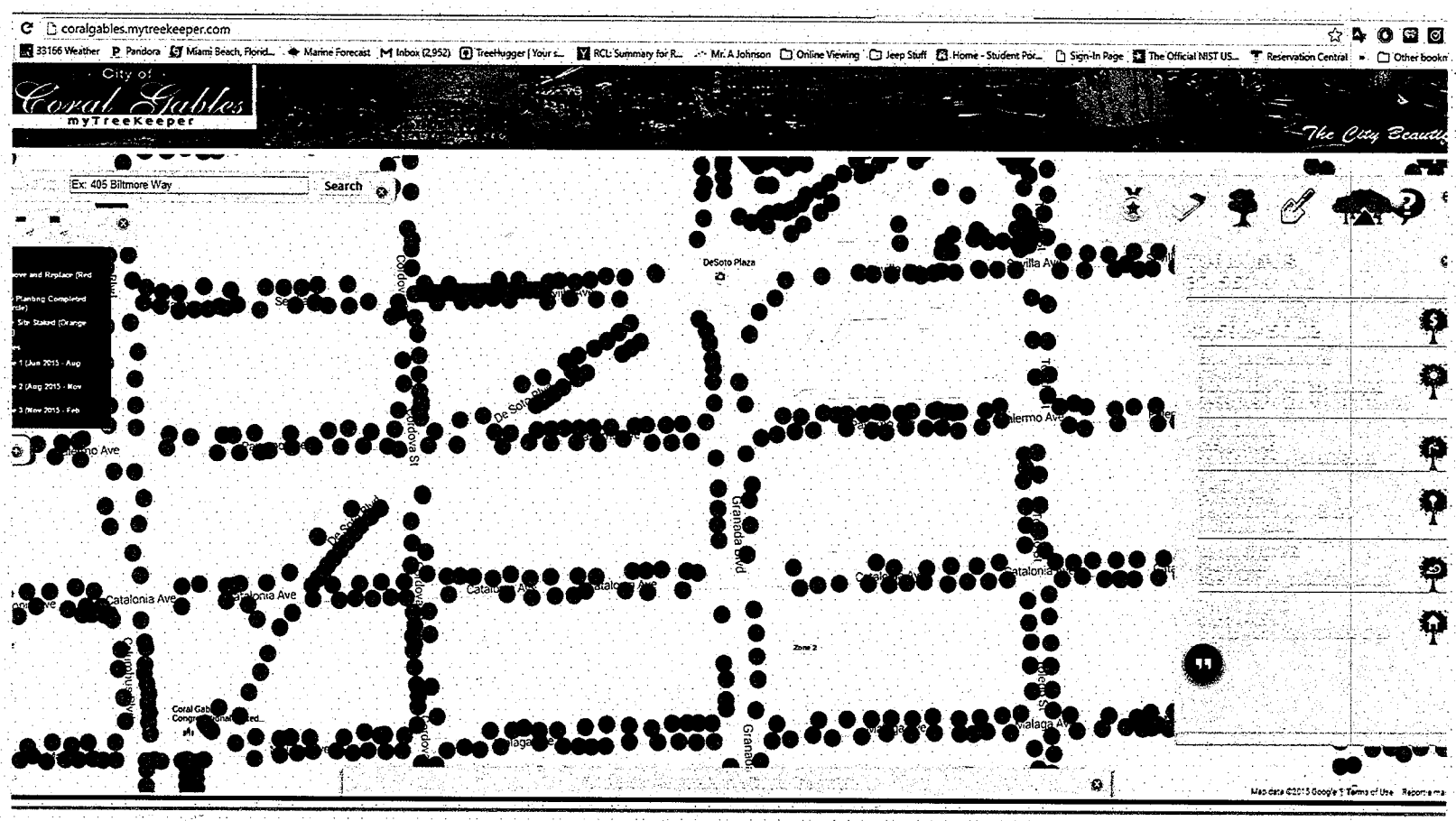
Before

After

Opportunities for Improvement



Coral Gables Tree Program



Sites to Browse

Miami Lakes Black Olive Tree Removal code

http://miamilakes-fl.gov/index.php?option=com_docman&view=download&alias=1699-black-olive-removal-program&Itemid=341

Coral Gables Interactive myTreeKeeper Site

http://coralgables.mytreekeeper.com/

Coral Gables Tree Succession Project

http://www.coralgables.com/index.aspx?page=1114

"Lesson learned from hurricanes" University of Florida publication

http://edis.ifas.ufl.edu/pdffiles/FR/FR17300.pdf