



# City of Pensacola

## Environmental Advisory Board

### Agenda - Final

---

Thursday, March 3, 2022, 2:00 PM

Hagler/Mason Conference Room,  
2nd floor

---

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

#### CALL TO ORDER AND WELCOME

#### ROLL CALL AND DETERMINATION OF QUORUM

#### APPROVAL OF MINUTES

1. [22-00224](#) APPROVAL OF FEBRUARY 3, 2022, MEETING MINUTES OF THE ENVIRONMENTAL ADVISORY BOARD.  
*Recommendation:* That the Environmental Advisory Board approve the meeting minutes from the February 3, 2022, meeting of the EAB.  
*Sponsors:* Kristin Bennett  
*Attachments:* [EAB Minutes.02.03.2022](#)

#### PRESENTATIONS

#### SUSTAINABILITY COORDINATOR COMMUNICATIONS

#### ACTION ITEMS

2. [22-00226](#) SWEARING IN OF EAB MEMBERS  
*Recommendation:* That the EAB Members appointed by City Council be sworn in by the City Clerk or Deputy City Clerk.  
*Sponsors:* Kristin Bennett

#### DISCUSSION ITEMS

4. [21-00966](#) REVIEW OF SECTION 12-6-1 TO 12-6-6 OF THE TREE AND LANDSCAPE ORDINANCE

5. [21-00975](#) TREE ORDINANCES AFTER SECTION 163.045; CONTROVERSIES  
AND STRATEGIES - POWERPOINT

Attachments: [Lindsay Tree Ordinances PPT - corrected](#)

3. [22-00225](#) TREE MITIGATION PROCESS - AN OVERVIEW BY JONATHAN BILBY.

Sponsors: Kristin Bennett

## BOARD MEMBER COMMENTS

## PUBLIC COMMENT

## ADJOURNMENT

*If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

*The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.*



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

---

**File #:** 22-00224

Environmental Advisory Board

3/3/2022

---

### **ACTION ITEM**

**SPONSOR:** Kristin Bennett, Chairperson

**SUBJECT:**

APPROVAL OF FEBRUARY 3, 2022, MEETING MINUTES OF THE ENVIRONMENTAL ADVISORY BOARD.

**RECOMMENDATION:**

That the Environmental Advisory Board approve the meeting minutes from the February 3, 2002, meeting of the EAB.

**SUMMARY:**

EAB held a meeting on February 3, 2022. This is the approval of the minutes from that meeting.

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) EAB Minutes 2.3.22



# City of Pensacola

## Environmental Advisory Board

### MINUTES

---

Thursday, February 3, 2022, 2:00 PM

Hagler/Mason Conference Room,  
2nd floor

---

**Members Present:** Kristin Bennett, Chair, Kelly Hagen, Vice Chair, Neil Richards, Kyle Kopytchak, Michael Lynch, Katie Fox, Blase Butts, Jay Massey

**Members Absent:** Alex Kozmon

**Others Present:** Don Kraher, Council Executive, Sonja Gaines, Council Assistant, Mark Jackson, Sustainability Coordinator, Christian Wagley, Eric Schneider

### CALL TO ORDER AND WELCOME:

The meeting was called to order by Chair Bennett.

### ROLL CALL AND DETERMINATION OF QUORUM:

A quorum was established.

### APPROVAL OF MINUTES:

1. [22-00139](#) APPROVAL OF ENVIRONMENTAL ADVISORY BOARD MEETING MINUTES FROM JANUARY 6, 2022.

**Sponsors:** Kristin Bennett

**Attachments:** [EAB Minutes 01.06.2022](#)

**Member Richards moved for approval of the minutes of the January 6, 2022 meeting. Member Hagen seconded the motion and it carried 7 – 0 with one member absent and the Chair abstaining, since she was not at the meeting.**

### PRESENTATIONS:

There were no presentations.

### SUSTAINABILITY COORDINATOR COMMUNICATIONS:

Sustainability Coordinator provided an update on the East Pensacola Heights tree planting event. The arborist, Kris Stultz, will start next Monday. Also another scooter company has set up.

A suggestion was made to have a follow-up presentation by the East Pensacola Neighborhood Association on how the trees are progressing and as the Board looks at the process, to see what worked and what didn't work.

Also, he will be reviewing the draft Solar Feasibility Study of city facilities to determine their eligibility of having solar panels installed and how close that will get to the 30% renewable energy goal. There will have to be a large budget put forward to do it. There are a lot of buildings that are eligible to get solar installed that will cover 100% of that buildings energy. Net metering will be a determining factor in how many projects can be done. The goal is to get to 30% renewable energy.

## **ACTION ITEMS:**

There were no action items.

## **DISCUSSION ITEMS**

### **2. [21-00966](#) REVIEW OF SECTION 12-6-1 TO 12-6-6 OF THE TREE AND LANDSCAPE ORDINANCE**

Member Richards asked if the Inspections Services Director would be making a presentation to the Board on the mitigation process, how he assigns the mitigation, the negotiations, and how he would fine tune the ordinance to make his job easier and better.

Sustainability Coordinator indicated that once the arborist is on board, he will be taking over the plan review from the landscape side of things and determine mitigations, etc, He will not be doing a structural plan review.

Member Hagen suggested that it might be beneficial to have presentations on how it was, how it now will be so that the Board can understand the process and see where the possible holes are.

Chair Bennett reminded the Board that it would be beneficial if Board members have specific questions for staff, that they submit them to the Council Executive so that the staff member would be better prepared when addressing the Board. She also asked Vice Chair Hagen to continue to lead the discussion on the proposed changes she submitted at the last meeting.

Vice Chair Hagen asked if other Board members had any other proposed changes.

Member Butts submitted a streamlined Sec. 12-6-1. Purpose to read as follows:

To establish regulations for the conservation and restoration of trees, landscaped area and greenways within the City. The intent is to provide a tool for GHG reductions, provide soil stabilization, habitat conservation and stormwater uptake and treatment to enable the preservation of existing trees and planting of new ones.

To provide offsets to mitigate impacts of development and maintain natural/landscaped areas with appropriate existing and/or newly planted trees and other vegetation.

The overall intent is also to provide for the future of our citizens through maintaining vital vegetative species to reproduce for future generations.

Board members further discussed this proposed language. A suggestion was made by Member Fox to include the word “mitigation” in the first sentence, to read: **To establish regulations for the conservation, restoration and mitigation of trees, landscaped areas and greenways within the city.**

Further discussion occurred on where to include the term “mitigation”. Also the use of avoid, minimize and mitigate impacts, which is the environmental permit impact language.

Also pointed out was the use of the document for educational purposes as to where the regulations for the conservation, restoration and preservation can be found. That language would be further spelled out in the document, rather than included in the purpose. The purpose should be straight forward and concise. Once further sections of the document are reviewed, the Board could make adjustments to the purpose if needed. This is just a draft. It will be reviewed by staff to look at not only conflicts within the document, but also conflicts with any other ordinances or regulations that exist.

Member Fox indicated she would feel more comfortable having bullets included in the purpose, as the intent is to: protect, preserve, establish, etc. She referenced section 5-11 of the City of Tallahassee’s plan as an example.

Member Butts liked the idea of doing bullet points, then the Board wouldn’t have to worry about wordsmithing. Bullet points such as soil resilience, stormwater outtake, etc.

Other suggestions for bullet points were to provide a tool for greenhouse gas reductions or establish resiliency, soil stabilization, habitat conservation or preservation, mitigate impacts, maintain natural/landscaped areas, provide for the future. Essentially, keep the first sentence and then list bullet points for the conservation and restoration of trees, landscaped areas and greenways within the city. **It was also suggested to move the last sentence, “the overall intent is to provide for the future of our citizens through maintaining vital vegetative species for future generations,” to follow the purpose.**

Member Fox indicated that the City of Tallahassee's reads, "to insure that the local stock of native trees and vegetation is replenished."

Further elements of the Tallahassee plan were discussed with relevance to Pensacola's Tree/Landscape regulation section in the Land Development Code.

Chair Bennett suggested taking the landscape section and tree protection section as the bullet points.

After further discussion, Council Executive will cut and paste relevant portions and forward to the Board members for their review, comments or suggested additions. Board members are to forward suggested changes to Council Executive within the next two weeks so that there will be a single document for review by the Board before the next meeting, so that the Board will be able to come prepared to discuss. The Council Executive will send the Board members the link to Tallahassee's plan.

3. [21-00975](#) TREE ORDINANCES AFTER SECTION 163.045; CONTROVERSIES AND STRATEGIES - POWERPOINT

*Attachments:* [Lindsay Tree Ordinances PPT - corrected](#)

This item was not discussed since the Board has not gotten to the relevant section of the tree ordinance this pertains to.

4. [21-00976](#) INTEGRATED PEST MANAGEMENT (IPM) PROGRAM

*Attachments:* [City's IPM Plan](#)  
[IPM Plan For Athletic Fields\\_KF](#)  
[Kozman Comments COP IPM Plan](#)

There was no action taken on this item. Member Fox is still reviewing. There was discussion under Board Member comments.

## BOARD MEMBER COMMENTS

Council Executive informed the Board that their term expires on March 1, 2022. Since all members are incumbents, members who wish to continue to serve need to complete the application of interest on the City's website (he will forward a link) and it will go to the City Clerk. The reappointment will probably go to the second meeting in February.

He also informed the Board that the item referred to City Council regarding the use of Styrofoam products for other city departments passed.

With regard to integrated pest management, Member Hagen suggested an idea that was recently mentioned to her as an experiment, to take one field and go completely organic with it to see what happens.

Comments made by Parks and Recreation at previous board meetings on their practices were mentioned and their use of chemicals as a last resort. The initial review was for athletic fields only and not all city parks or stormwater ponds. There is a reluctance to use chemicals around stormwater ponds. Where does the balance come with regard to the pristine condition of the playing fields vs the use of chemicals to maintain the fields.

Member Richards pointed out that there was no integrated pest management plan when this item was first referred by the City Council to the Board several years ago. The development of the City's Integrated Pest Management Plan for athletic fields was a result of that referral.

Chair Bennett suggested wrapping up what was referred to the Board with regard to athletic fields and then the Board can make a request to City Council that they would like to look at what public works is doing with regard to integrated pest management.

Sustainability Coordinator commented that he did not believe that there was any pest management practices utilized around the stormwater ponds. Those areas are fenced off and are mowed on a certain cadence, so that takes care of whatever weeds are there. They don't use chemicals.

Member Richards informed the Board that the month of February is called Weed Wrangle month and the choice for this year is Chinese Tallow, i.e. pop corn tree. It is fully invasive.

Mention was made about the 12<sup>th</sup> Avenue Tree Tunnel no parking signs. There are only two signs posted.

## **PUBLIC COMMENT**

Christian Wagley commented on the Board's consideration of the tree ordinance, with regard to adding in shade and natural beauty. The New Urbanism Movement uses the Rural Urban Transect to describe how communities are laid out and it borrows from the ecological transect. They have even produced a transect for trees.

On February 8 at the downtown library, 350 Pensacola is putting on an event on going solar. On February 19, the first slow ride of 2022 will take place at Alabama Square in North Hill. Also, he mentioned the issue of the City looking at its own utility company and having a possible feasibility study conducted.

## **ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 3:50 p.m.



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

---

**File #:** 22-00226

Environmental Advisory Board

3/3/2022

---

### **ACTION ITEM**

**SPONSOR:** Name, Chairperson

**SUBJECT:**

SWEARING IN OF EAB MEMBERS

**RECOMMENDATION:**

That the EAB Members appointed by City Council be sworn in by the City Clerk or Deputy City Clerk.

**SUMMARY:**

After appointment by the City Council, the members must be sworn in by the City Clerk or Deputy City Clerk.

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) None



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

---

**File #:** 21-00966

Environmental Advisory Board

3/3/2022

---

### **DISCUSSION ITEM**

**SPONSOR:** Kristin Bennett, Chair

**SUBJECT:**

REVIEW OF SECTION 12-6-1 TO 12-6-6 OF THE TREE AND LANDSCAPE ORDINANCE

**SUMMARY:**

A comprehensive review of the Tree and Landscape Ordinance was referred to the EAB. The EAB is in the process of conducting that review.

This item allows for suggested modifications to the currently existing language to be considered by the Board as a whole.

**PRIOR ACTION:**

July 15, 2021 - City Council referred to EAB a comprehensive review of the Tree and Landscape Ordinance

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1) (to be distributed)

**PRESENTATION:** No



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

---

**File #:** 21-00975

Environmental Advisory Board

3/3/2022

---

### **DISCUSSION ITEM**

**SPONSOR:** Kyle Kopytchak, Board Member

**SUBJECT:**

TREE ORDINANCES AFTER SECTION 163.045; CONTROVERSIES AND STRATEGIES - POWERPOINT

**SUMMARY:**

The PowerPoint being referenced was made in response to a recently (at the time) passed statute and some of the controversies and challenges being viewed across the state.

It does have a quasi-tie in to litigation the City is currently involved in which is under appeal.

I would caution the board about speaking to an issue the City is currently involved in, until such time as that issue has reached its legal conclusion.

**PRIOR ACTION:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1) Tree Ordinances after Section 163.045; controversies and strategies

**PRESENTATION:** No



## TREE ORDINANCES AFTER SECTION 163.045: CONTROVERSIES AND STRATEGIES

*Heather F. Lindsay*  
*Assistant City Attorney*  
*City of Pensacola, Florida*  
[hlindsay@cityofpensacola.com](mailto:hlindsay@cityofpensacola.com)  
850-435-1614



WHAT TO DO ABOUT DANGEROUS TREES?



# Tallahassee to the Rescue:

*Saving property owners from  
arbitrary local governments*

# SECTION 163.045, Florida Statutes (2019)

(1) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the 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.

(2) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.

(3) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333

As George  
Carlin said,  
“rhetoric  
paints with  
a broad  
brush.”

- No definitions in the statute:  
*Residential*  
*Danger*  
*Documentation*  
*Tree*
- No language regarding implementing ordinances or existing definitions in local laws
- No understanding of the disruption caused by eliminating notice
- No acknowledgment of the consequences of a failure to mitigate



Has the Legislature  
authorized the  
clear-cutting of the  
State of Florida?

## Tree Regulations – Safer at Home

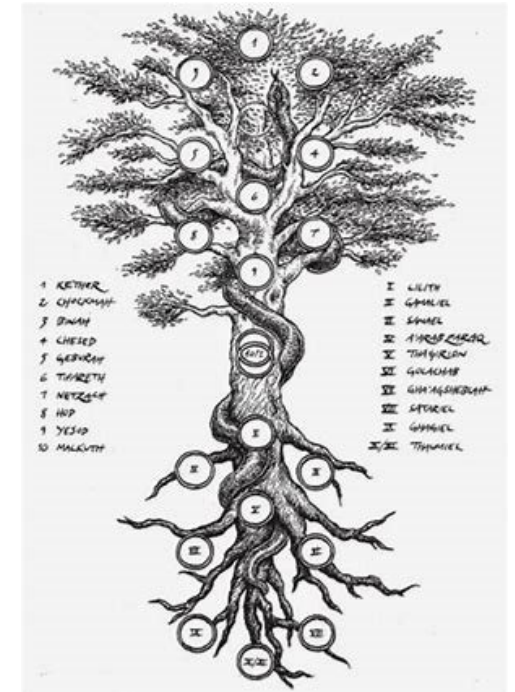
- Other than protecting mangroves, the legislation lacks specificity
- No recognition of heritage trees in spite of local standards preserving them
- No recognition of delegation of police power to private parties
- Legislation punishes local governments and their residents by treating every local government as if it has been arbitrary and abusive, but legitimate concerns were isolated
- Local issues are best resolved locally – one size does not fit all



What's so  
special about  
trees?

# Benefits of Trees

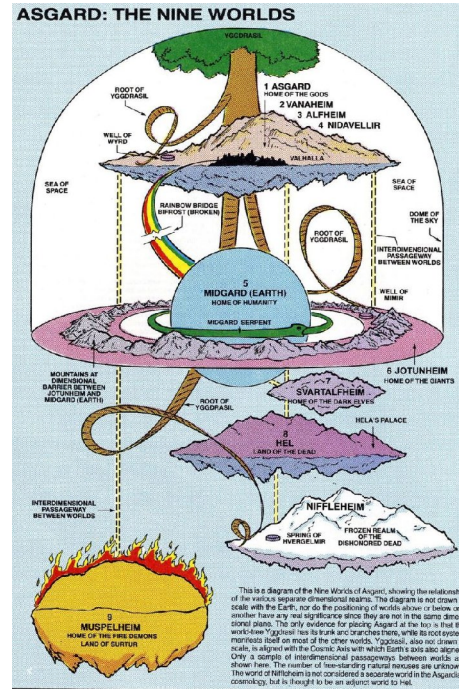
- Air quality
- Storm protection
- Stormwater storage and treatment
- Soil stabilization and strengthening
- Protection from heat, energy savings
- Beautification, privacy, enhanced property value



# Trees Have Intrinsic Value to Many



Trees figure  
in sacred  
traditions  
worldwide



# Throughout History, In Every Culture

## Any Surprise That Controversies Abound?

- City of Pensacola v. Larry and Ellen Vickery (on appeal)
- S Tile & Marble Inc. v. City of Tampa; Miller & Sons, LLC v. City of Tampa (on appeal)
- Temple Terrace (code enforcement officer found no violation)
- Broward County v. Tom Chapman and Sherlock Tree Service (final order issued against the county)
- Village of Pinecrest (Village prevailed)
- Dania Beach (developing)





The City of Tampa pursued code enforcement violations after apparently healthy trees were destroyed on commercial property

Hefty fines were imposed

appeals filed in November 2020

<https://www.tampabay.com/news/tampa/2020/11/27/tampa-tree-cutting-spat-headed-to-an-appeals-court/>

## Temple Terrace – No Violation

- The arborist shifted his story (as happened in Vickery)
- The tree at issue had been determined healthy by the city arborist
- The arborist contradicted the city arborist after looking at photographs, with no inspection at the site
- Arborist admitted at hearing that he could not view the tree except from sixty feet away late in the day, and the tree was merely a “danger” to a decorative wall that was not attached to the house
- The property owner did not want to have to remove branches and leaves from his roof
- Tree service counsel argued that the city has no authority to question the accuracy of the opinion; however, the tree was not correctly identified by species or by location or size



## Broward County: no violation, no appeal

- The matter arose during removal, as inspector responded to a complaint
- Documentation generally claimed trees (misidentified) were a danger, noted driveway damage; no hazard was evaluated
- Stipulation property was residential
- Substantive corrections were made after the fact to the “documentation” in an effort to cure the asserted violation
- Hearing Examiner expressed the statute is “vague, ambiguous, [and] overbroad”
- Nonetheless, Hearing Examiner determined statute had to be applied in favor of the property owner and tree cutting company in spite of these concerns
- Determination not to appeal to avoid risk of adverse ruling



## Village of Pinecrest – no statutory exemption

- Property owner failed to provide documentation dated or prepared prior to removal of the trees
- Property owner submitted “documentation” from a medical doctor regarding allergies of the owner and his family, from the owner of a landscaping company, and finally from a certified arborist
- The arborist stated merely that he looked at the property (not visited) and that he agreed with the doctor the trees were dangerous
- The arborist seemingly failed to make an independent determination the trees were dangerous and failed to appear at the hearing to present evidence
- Further, a development order with a landscape buffer to mitigate impacts of development was akin to a contract and could not be impaired by the statutory exemption\*

\**Standard Distributing Co. v. Fla. Dept. of Business Regulation*, 473 So. 2d 216 (Fla. 1<sup>st</sup> DCA 1985)





## Tree Removal Prompts Consideration of Overlay Ordinance

**Dania Beach Residents Object to  
Tree Removal**

<https://www.local10.com/news/local/2020/12/02/mayor-gets-involved-as-residents-of-dania-beach-neighborhood-fight-over-removal-of-old-oak-trees/>

## Strategies

- Evaluate how the statute fits within the applicable local standards, including multi-family landscape plans and development orders
- Consider a preservation overlay with narrowly tailored exemption consistent with local community standards
- Define what documentation is acceptable (TRAQ)
- Hold professionals accountable for documentation
- Clarify that residential property owners with valid documentation have a complete defense to any code enforcement action
- Ensure code enforcement officers educated

# Code Amendments

- Define residential to mean currently occupied
- Define documentation to include the certifying person's identity and qualifications (the ISA license check can be done with just the name)
- Require documentation to be no less than a completed Basic Tree Risk Assessment Form (disciplined inquiry, mitigation options are part of the assessment) \*
- Most tree regulations already include a definition for hazardous or diseased trees, but the legislature's use of "danger" is not necessarily communicating the same idea to the average person; thus, clarify to define "danger" consistent with imminent or probable risk of failure which is likely to cause significant or severe consequences
- Clarify the residential property owner is subject to code enforcement action without this documentation being prepared prior to any action being taken with regard to the tree(s)

\*[https://www.isa-arbor.com/education/resources/BasicTreeRiskAssessmentForm\\_Fillable\\_FirstEdition.pdf](https://www.isa-arbor.com/education/resources/BasicTreeRiskAssessmentForm_Fillable_FirstEdition.pdf)

## Lobbying for Amendments

- (1) A local government may not require an notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on developed, occupied, single-family residential property if the property owner obtains and submits to the local government for review documentation a Tree Risk Assessment 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 has an extreme or high risk rating prior to pruning, trimming or removal.
- (2) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section, except to meet landscape plan minimum standards.
- (3) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333, or to healthy trees with preservation designations pursuant to local ordinance.



**Representative  
Sabatini's  
Memorandum**

- On August 8, 2019, Representative Sabatini stated that “it is my opinion that the Florida Legislature has expressly preempted local government ... [and] ... any local government that seeks to enforce its local tree ordinances in this situation likely runs afoul” of Section 163.045
- Representative Sabatini also referenced the new law concerning attorney fees and costs being awarded to a prevailing party where a local government adopts or enforces an expressly preempted local ordinance.



**Speaker  
Oliva's  
Memorandum**

- In January 2020, Speaker Oliva sent a memorandum to licensed professionals with a request that they contact his office if they became aware of any local government “restricting the free exercise of property owners’ rights”
- Tone of memorandum reflects belief that local governments threaten sanctions or levy fines against arborists and landscape architects for engaging in their fields of expertise
- Speaker Oliva also in January 2020 warned local governments that the House would protect the rights of property owners against illegal governmental actions

## Dillon's Rule

Municipalities possess only those powers expressly granted by the state legislature, those fairly implied from the powers expressly granted, and those essential to the declared purposes of the corporation. If reasonable doubt exists as to whether a municipality can exercise a certain power, the doubt is, as a matter of law, resolved against the municipality.

## Home Rule

Every municipality in this state has the authority to conduct municipal government, or perform municipal functions, and render municipal services. The only limitation on that power is that it must be exercised for a valid "municipal purpose." It would follow that municipalities are not dependent upon the state legislature for further authorization. Legislative statutes are relevant only to determine limitations of authority.

Article VII, Section 2, Fla. Const.

## Only Conflict Preemption Theoretically Applies

- A municipality may legislate concurrently on any matter not preempted to the state
- Intrusions on home rule are construed narrowly
- Express preemption requires explicit language reflecting intent to occupy the field
- Implied preemption applies only when a legislative scheme is so pervasive that evidence of intent to preempt can be found
- Conflict preemption occurs if enforcement of the local ordinance prevents compliance with the state statute or compliance with the local ordinance is a violation of the state statute

*Tallahassee Memorial Regional Med. Center, Inc. v. Tallahassee Med. Center, Inc.*, 681 So. 2d 826 (Fla. 1<sup>st</sup> DCA 1996)

*Phantom of Clearwater v. Pinellas County*, 894 So. 2d 1011 (Fla. 2d DCA 2005)

# Municipal Legislative Power

Pursuant to section 166.02(4), Florida Statutes,

The provisions of this section shall be so construed as to secure for municipalities the broad exercise of home rule powers granted by the constitution. It is the further intent of the Legislature to extend to municipalities the exercise of powers for municipal governmental , corporate, or proprietary purposes not expressly prohibited by the constitution, general or special law, or county charter and to remove any limitations, judicially imposed or otherwise, on the exercise of home rule powers other than those so expressly prohibited.

## Community-based Strategies

Accountability of ISA Florida Chapter, which committed to a public awareness campaign to teach people that trees are not inherently dangerous and to education on ethics of its certified arborists:

<https://files.constantcontact.com/962ea051201/bce1a8c3-44fd-4f93-9b5a-81cb25f3fec5.pdf> (noting that the Florida Legislature “with support from the insurance and construction industries,” in enacting Section 163.045, was placing more trust in this private organization than in Florida’s local governments)

ISA has produced a guide to creating preservation ordinances:

<https://www.isa-arbor.com/Portals/0/Assets/PDF/Certification/Tree-Ordinance-Guidelines.pdf>

Locating significant trees in your community for historical preservation purposes could raise awareness of the value of trees: <https://www.americanforests.org/get-involved/americas-biggest-trees/>

Each community  
will vary on how to  
value trees, but  
evidence supports  
valuing them based  
on environmental  
benefits



# Final Thoughts

- Don't overlook the impact of 5G: with the loss of control of public rights-of-way, protecting trees is challenged by more than Section 163.045
- Legislators are less inclined to respect Home Rule principles
- Private parties are being given more influence over processes that involve public safety and balancing competing interests among stakeholders
- Local governments must persist in advocating for retaining flexibility to address local concerns



## Acknowledgments

I am grateful for the contributions of so many during the litigation of the *Vickery* matter and in preparing this presentation, including

Susan Woolf, City Attorney, City of Pensacola

William Wells, Deputy City Attorney, City of Pensacola

Vanessa Moore, Assistant City Attorney, City of Pensacola

Jose Arango, Esq., & Chad Friedman, Esq., of Weiss Serota, *et al.*

Eve Boutsis, Assistant City Attorney, City of Dania Beach

Pamela Cichon, City Attorney, City of Temple Terrace

Michael Owens, Senior Assistant County Attorney, Broward County

Ursula Richardson, Chief Assistant City Attorney, City of Tampa



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

---

**File #:** 22-00225

Environmental Advisory Board

3/3/2022

---

### **DISCUSSION ITEM**

**SPONSOR:** Kristin Bennett, Chair

**SUBJECT:**

TREE MITIGATION PROCESS - AN OVERVIEW BY JONATHAN BILBY.

**SUMMARY:**

This item seeks to allow the EAB a better understanding of the tree mitigation process, and how determinations are made.

**PRIOR ACTION:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1) None

**PRESENTATION:** Yes