



**AGENDA  
FERNANDINA BEACH CITY COMMISSION  
WORKSHOP  
NOVEMBER 1, 2022  
5:00 PM  
CITY HALL COMMISSION CHAMBERS  
204 ASH STREET  
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION**
  - 3.1 LEGISLATIVE PRIORITIES** - *This item is placed on the agenda by City Manager Dale L. Martin.*
  - 3.2 PLANNING AND CONSERVATION DEPARTMENT - TREE ASSESSMENT PLAN** - *This item is placed on the agenda by the City Commission following discussion at its August 16, 2022 Workshop.*
- 4. ADJOURNMENT**

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ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, 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 MADE. AT THE DISCRETION OF THE MAYOR, A RECESS MAY BE SCHEDULED EVERY NINETY MINUTES.

Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired).

**CITY COMMISSION AGENDA ITEM**  
*City of Fernandina Beach*



SUBJECT: Legislative priorities

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ITEM TYPE: Discussion

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REQUESTED ACTION:

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SYNOPSIS: The City Commission annually prepares a series of Legislative Priorities to present to the City's Local Delegation for the impending legislative session. Topics of general interest that have been informally discussed include tree protection amendments, affordable housing, wastewater discharge, resiliency funding, beach walkover funding, and insurance waiver procedures.

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FISCAL IMPACT:

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CITY ATTORNEY COMMENTS: N/A

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CITY MANAGER RECOMMENDATION(S): At the direction of the City Commission.

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Dale Martin, City Manager 10/18/2022

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Date: September 26, 2022

Submitted By: Dale Martin, City Manager

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COMMISSION ACTION:

## Cities push back against Legislature's environmental policy preemptions

**'The need to act to mitigate climate change is both real and urgent.'**

Conservative state Legislatures putting the kibosh on progressive municipal measures became a part of American political life in the past decade, and it extends to preempting environmental and climate-related policies sought by local governments, governments often quite literally on the front lines of the issue.

"Your citizens may have voted for a plastic bag ban, or they may not want vacation rentals, or they may want septic tank inspections, or a whole host of issues," said **Scott Dudley** of the **Florida League of Cities**. "In all those issues, the Florida Legislature has stepped in and said, 'We know better than you, citizens. We know, the Florida Legislature knows, better than you do about what's best for your community.'"

Dudley spoke as part of **Florida Climate Week**, a virtual conference hosted by the **VoLo Foundation**. Municipalities' **"Local Voices United"** effort is meant to stem the flood of preemptive policies coming out of Tallahassee.

In a lot of coastal communities, environmental and climate policy isn't so partisan. It's not unusual to see a vehicle in Fernandina Beach, for instance, sporting stickers for **Donald Trump** and the Amelia Tree Conservancy. There's a fair amount of talk around Amelia Island on the **state's preemption on local tree-trimming regulations**.

The law, which went into effect this year, specifies, "A local government may not require a notice, application, approval, permit, fee or mitigation for the pruning, trimming or removal of a tree on a residential property if the property owner possesses documentation from an arborist certified by the **ISA** or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property."

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

Florida League of Cities detailed 92 other legislative preemptions passed from 2010 to 2021.

“The need to act to mitigate climate change is both real and urgent,” said **Ann Livingston**, policy director for the **Southeast Sustainability Directors Network** in Sarasota.

“Local governments have been leading the way on climate action in a vacuum, where there has not been significant state and federal action, historically. As a result, preemptions are particularly problematic in the climate and energy space, in that preemptions often prohibit or restrict local actions, whether they be policy or programmatic, without providing a state-level solution in that space.”



Wes Wolfe



October 7, 2022



5 min

Amelia Island

Climate Change

Environmental Policy

Fernandina Beach

Florida Climate Week

Florida League Of Cities

VoLo Foundation

## Related Articles

NE FLORIDA

## Fernandina Beach candidates sound off against high-density housing on Amelia Island

INFLUENCE

## Documents show Florida migrant transport planning began in July



## Wes Wolfe

Wes Wolfe is a reporter who's worked for newspapers across the South, winning press association awards for his work in Georgia and the Carolinas. He lives in Jacksonville and previously covered state politics, environmental issues and courts for the News-Leader in Fernandina Beach. You can reach Wes at [wes@floridapolitics.com](mailto:wes@floridapolitics.com) and [@WesWolfeFP](https://www.facebook.com/WesWolfeFP). Facebook: [facebook.com/wes.wolfe](https://www.facebook.com/wes.wolfe)

PREVIOUS

**Power on for 99% of Florida, but 135,000 customers still await reconnection after Hurricane Ian**

NEXT

**Hurricane bounce for Ron DeSantis, Rick Scott in new national poll**



## One comment



**Sharon Dyal**

 October 7, 2022 at 1:53 pm

It never ceases to amaze me how superficial coverage of these matters go. U have done good job exposing those n Tallahassee for the self serving representatives they are. People must wake up and see beyond the narrow

scope legislators allow to be known. I thought the rules applied but not so. We have to conserve what makes us beautiful and sustainable.

 REPLY



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**CITY COMMISSION AGENDA ITEM**  
*City of Fernandina Beach*



SUBJECT: Planning and Conservation Department - Tree Assessment Plan

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ITEM TYPE: Discussion

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REQUESTED ACTION:

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SYNOPSIS: This item is placed on the agenda at the direction of the City Commission following discussion at its August 16, 2022 Workshop. The Planning and Conservation Department will present an "in poor condition tree and heritage tree assessment plan."

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FISCAL IMPACT: Fiscal impact will be determined based upon Commission direction.

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CITY ATTORNEY COMMENTS: N/A

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CITY MANAGER RECOMMENDATION(S): N/A

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*Caroline Best*

Date: October 04, 2022

Submitted By: Caroline Best, City Clerk

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COMMISSION ACTION:

## City of Fernandina Beach, Florida 2022 Hazard Tree Risk Assessment Action Plan

### Purpose:

This process serves to support City Staff in updating and maintaining its existing tree inventory with the specific intent to mitigate risk and liability of hazard trees.

Staff will systematically evaluate, document, and issue recommendations on the City's larger (21+ inches) trees with a listed condition of "Critical," "Poor," or "Dead". The City Arborist will complete field assessments to update the existing tree inventory. Assessments will include the date of the site visit, the recommendations for action, and update to the priority status for risk mitigation. Following evaluations, the Arborist will coordinate with the City's Parks and Recreation and Streets Maintenance Departments to support their staff in determining the timing of actions to resolve documented hazard conditions.

### Data Processing:

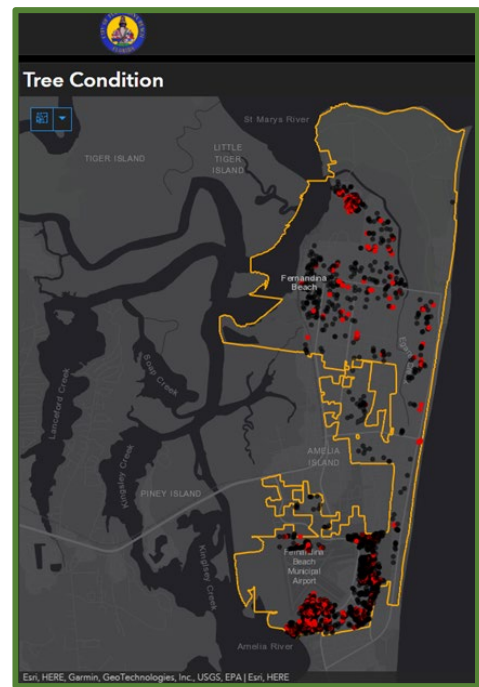
Fernandina Beach has completed a single unified public tree inventory completed through the support of two USDA Urban Forestry grants received in 2009 and 2017. Through these grants a total of 14,034 trees were inventoried along rights-of-way and public parks. Detailed reports resulting from the inventories are provided at [www.fbfl.us/trees](http://www.fbfl.us/trees). The interactive online inventory is available at [www.nassauflpa.com](http://www.nassauflpa.com) under GIS Applications. A public tree inventory is extremely valuable to supporting the City's urban forestry activities. The information collected provides essential information which:

- reveals planting needs,
- sets priorities for maintenance,
- identifies potentially hazardous trees,
- profiles the urban forest composition (species, size, and health condition),
- establishes baseline data for record keeping, and
- builds support for protecting and expanding the community forest.

The existing inventory has been actively maintained to document any City-initiated tree removals, maintenance actions, and routine evaluations through early 2020. Staff will update the inventory with outstanding removals that have taken place between 2020 and present. This action is expected to be completed by the end of October 2022.

To address documented potential hazard trees, Staff will rely on the existing inventory to identify trees with the greatest likelihood to present a public health and safety risk. The existing dataset has been filtered to identify trees with a listed condition of "Critical," "Poor," and "Dead" and measuring at least 21 inches in Diameter at Breast Height (DBH). The decided size selection of 21+ inches DBH was made to filter trees with the greatest potential of causing damage, if deemed to be in a hazardous condition.

*The image depicts trees with a listed condition of Critical, Poor, or Dead.*



**City of Fernandina Beach, Florida**  
**2022 Hazard Tree Risk Assessment Action Plan**

Of the total number 14,034 trees, 907 trees were found to fit into the filtered dataset criteria to pose as a potential hazard risk. The majority of the selected potential hazard trees are in the City's Golf Course and the Bosque Bello Cemetery. These two locations represent low risk of collateral damage if a failure occurs due to the reduced likelihood of targets in proximity to these trees.

**Evaluation:**

Using the information provided by the public tree inventory filtered dataset, the City Arborist will perform an ISA Level 2 Risk Assessment. This type of assessment consists of:

- visual examination of each tree,
- use of a rubber mallet for "sounding" the tree or probes to evaluate open cavities,
- completion of an evaluation of the tree's overall health and structure, and
- determining any target risks.

The Arborist will provide detailed recommendations of necessary maintenance actions or removals. These notes will be documented in an update to the public tree inventory. When identifying trees in the field, if the Arborist observes another tree which was not previously contained in the filtered dataset that presents hazard conditions or requires maintenance actions, this tree may also receive an evaluation and be issued maintenance or removal recommendations.

The Arborist will begin evaluating trees in the areas of the City located in high-risk target areas such as Downtown and higher traffic collector roadways. Once completed, the Arborist will move into lesser risk areas to perform assessments and issue recommendations. Documentation of any changes in status of the tree's health condition will be updated in the public tree inventory. Routine maintenance of the existing public tree inventory supports the City in prioritizing and budgeting for maintenance actions or removal needs.

**Communication:**

Based on the systematic evaluations performed by the City Arborist, or any other staff or the citizen observes a tree concern, the City will perform pruning or maintenance actions to correct any defects in the trees and minimize its risk of further deterioration. Coordination between the City's Planning and Conservation Department and the Streets Maintenance and/or Parks Departments will be contacted to perform these duties. If total tree removal is necessary to reduce the City's liability, staff recommends that their removal be contracted to third party tree service companies to protect City staff and preserve limited available equipment. To the extent feasible, Staff will inform adjoining property owners of maintenance or removal needs in advance of service actions. The public tree inventory will be updated to document a change to the condition of a tree, details on maintenance actions and document necessary removals as they occur or as observed.

For questions about this process please contact the City Arborist, Dave Neville at [dneville@fbfl.org](mailto:dneville@fbfl.org) or (904)310-3480.