

**UTILITY ADVISORY COMMITTEE
TREE SUBCOMMITTEE
CITY HALL 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33301
THURSDAY, JULY 16, 2009 – 3:30-4:30 P.M.**

Committee Members Present

Fred Stresau, Chair
Bunney Brenneman, Vice Chair
Thomas Chancey (arr. 3:44)

Staff

Peter Partington, City Engineer and Staff Liaison
Gene Dempsey, City Forester, Parks and Recreation Department
Jennifer Picinich, Recording Secretary, Prototype, Inc.

Guests

Wade Jollimore, Vegetation Supervisor, FPL

I. Call to Order

Chair Stresau called the meeting to order at 3:42 p.m.

II. Roll Call and Announcements

Chair Stresau stated that he had asked an Assistant City Attorney how many members would constitute a quorum of a three-person subcommittee, and this had been determined to be two members, which meant a quorum was present.

III. Review Minutes of December 4, 2008 and June 11, 2009 Meetings

Mr. Chancey joined the meeting at this time (3:44 p.m.).

Vice Chair Brenneman noted the following corrections to the December 4, 2008 meeting minutes:

- P.1, Item III: Add "Tree Subcommittee" after "Utility Advisory Committee"
- P.2, paragraph 3: Add the word "tree" before the word "pruning"

Motion made by Mr. Chancey, seconded by Vice Chair Brenneman, to approve the December 4, 2008 minutes as corrected. In a voice vote, the **motion** carried unanimously.

Vice Chair Brenneman noted the following corrections to the June 11, 2009 meeting minutes:

- Correct the spelling of Mr. Fayyaz's name throughout document, as it is spelled correctly under attendance but incorrectly afterward.

Motion made by Mr. Chancey, seconded by Chair Stresau, to approve the minutes of the June 11, 2009 meeting as corrected. In a voice vote, the **motion** carried unanimously.

IV. Unfinished Business

- **Review of UAC Tree Planting Display Boards**

Mr. Dempsey recalled at the December 2008 meeting there had been discussion of a photo series addressing tree pruning, which would be taken as a company pruned area trees. He felt this is still "the best way to go" regarding the pruning display.

Mr. Stresau added that Mr. Jollimore had planned to advise Mr. Dempsey of when pruning would be done so the photographs could be taken. Mr. Jollimore stated that pruning had recently been done in Victoria Park and Collee Hammock.

Mr. Dempsey explained that his understanding was "before" photos of trees would be taken prior to pruning. Mr. Chancey agreed, adding that the intent is to "upgrade" the technique in some key areas in order to address trees adjacent to power lines, which homeowners could and should control but have "ignored."

He continued that the current instruction for power line clearance is to prune limbs back to a certain point, depending on the distance required from the lines. The difficulty is that in some species, this is a negative practice for both line clearance and the trees themselves, and the intent is to ask homeowners to "maintain [their] trees correctly." Mr. Chancey clarified that it is inappropriate to suggest that oak trees might grow to 50-70 ft., as they cannot be allowed to reach this height when they are placed in the way of lines. It is expected, in an urban setting, that homeowners must maintain their trees' size in harmony with the lots and with power lines as well.

The conflict, he went on, is partially because power companies have the primary responsibility of supplying power rather than arboriculture; their concern is cutting trees "back out of the way" so power is not lost after a storm. Mr. Chancey explained that the Subcommittee has been attempting to encourage Asplundh, who clears the lines for FPL, to perform "reduction pruning," or structurally correct pruning techniques, rather than "utility pruning," which has a negative effect on trees.

He reiterated the need for “before” and “after” photographs of reduction pruning, as FPL Representative Lynn Shatas has advised the Subcommittee of when FPL will go into particular areas. Mr. Chancey suggested that he and Mr. Jollimore visit the areas that will be pruned prior to when Asplundh will be there and take “before” photographs, then allow reduction pruning and take “after” photos. After this, it should be the homeowners’ responsibility to ensure reduction pruning is done.

Chair Stresau requested clarification of how the process would be done, noting that Mr. Jollimore, who drives through the areas prior to pruning, could alert Mr. Chancey to specific examples of trees that might show where reduction pruning in advance would have made Asplundh’s work “totally unnecessary.” He pointed out that photographing the “before” trees does not cover the intermediate step of having those trees reduction pruned to standard.

Mr. Dempsey proposed that FPL place a door hanger on the appropriate homeowners’ properties, encouraging them to call a private arborist to trim their tree(s); otherwise, if they “do nothing,” Asplundh would trim the tree instead.

Mr. Jollimore noted that letters are sent to homeowners in advance of trimming in their area.

Chair Stresau stated again that these practices do not address the different phases of tree trimming that would be photographed.

Mr. Chancey explained that he envisioned two scenarios: in an advance visit to the area, two separate trees that “are going to be in the way” are identified. “Before” and “after” photographs of one tree that has been reduction pruned would be taken; then “before” and “after” photographs of a “utility pruned” tree would also be taken. He added that he would volunteer to perform reduction pruning on one of the two trees at no cost to the homeowner, in order to procure appropriate photographs.

Mr. Jollimore noted that may “potential candidates” could be identified. Chair Stresau proposed including photographs of palm trees as well as shade trees. Mr. Chancey agreed with this idea, noting that palm trees, if not maintained, are often “totally topped,” which only lasts for a matter of months. He added that the public could be encouraged to relocate palms that would eventually grow into power lines.

Chair Stresau asked who would take the photographs, recalling that Vice Chair Brenneman had suggested they be professionally done by a volunteer. Mr. Chancey did not believe professional photography was necessary, and offered to take digital photographs.

Mr. Jollimore advised that his schedule is set for the current Quarter, and could inform the Subcommittee when he would be in the City to partner with them on the project. He added that some residents in the Victoria Park area had complained that FPL had not performed enough tree trimming, as there were issues with giant bamboo as well as palms.

- **Review Possible Methods for Enforcing Tree Planting**

Chair Stresau recalled that there had been discussion at the June 11 meeting of setting up a meeting between a Subcommittee member, Code Enforcement, and Mr. Dempsey. He felt if there have been complaints that the recent line clearance by FPL was insufficient, it should be considered that Code Enforcement might issue a citation for “planting the wrong tree,” such as the giant bamboo in the Victoria Park area. He did not feel FPL should be asked to trim these trees if they have been planted beneath the power lines; furthermore, he asserted that this presented a safety issue that should be addressed by Code Enforcement.

Mr. Jollimore advised that new State statute clause 163.3209 asserts a customer may not plant a tree that exceeds 14 ft. in height under power lines in a right-of-way if precluded by City Ordinance. Vice Chair Brenneman agreed that the City has such an Ordinance.

Mr. Jollimore pointed out that whether or not there is such an Ordinance, it is now a State statute. Mr. Partington noted, however, that the statute is specific to rights-of-way, while most of FPL’s distribution lines are located in easements. Mr. Jollimore felt the statute would apply, although he allowed it was a “very gray area” and FPL has yet to receive a firm answer from its lawyers.

Chair Stresau asked Mr. Jollimore to email a copy of the statute to him.

Mr. Chancey requested clarification of whether the statute addressed the physical land dimension affected by the trees’ trunks and root flares. Mr. Jollimore restated that this is currently “open to interpretation.”

Mr. Chancey also requested clarification of where the trees are located. Mr. Partington pointed out that right-of-way and easement are two different terms, which is why he was unsure of whether a City Ordinance applies. He defined right-of-way as “the 50 ft... within which you find the road.” FPL and other utility providers have several easements that grant them the right to place their equipment on private property. He questioned whether or not the Ordinance would apply to those easements: while he felt certain that Code could apply to the Ordinance, he was unconvinced that “anything in State statutes” would apply to the easements. The City, however, could “take [the] language” of the statute and “plug it in” to their own Code.

Chair Stresau asserted that the next step should be a meeting with Code Enforcement.

Mr. Chancey asked if "planting within" referred to overhead within an easement, or "overhead and underground." Mr. Jollimore believed the wording referred specifically to "overhead."

Chair Stresau felt the statute or Ordinance should "go further," as many of the trees in question are planted on private property and adjacent to the overhead power lines. He continued that he was certain Code Enforcement addresses "health, safety, welfare," which includes anything on private property that invades the plane of the right-of-way.

Mr. Jollimore stated that FPL works with Code Enforcement, and when they are advised that plantings beneath the lines are becoming invasive, Code Enforcement will talk to the customer. He added that this team also becomes involved when homeowners refuse to allow FPL to trim trees although it is their right, and has been very helpful on both fronts.

Chair Stresau felt an upcoming Agenda Item should be a meeting with Code Enforcement, David Gennaro, and Assistant City Attorney Bob Dunkel, to initiate a discussion regarding this issue. Mr. Jollimore agreed that a formalized meeting seems necessary. Vice Chair Brenneman advised that Mike Maloney of Code Enforcement be included in this meeting as well.

Mr. Jollimore stated he would bring a draft version of the FPL form that is being discussed for use by homeowners who maintain their own trees. Chair Stresau felt FPL should review the form before it comes to the Subcommittee, however. It was agreed this would be done at the August 14 Tree Subcommittee meeting.

Chair Stresau confirmed that the second Agenda Item for the August 14 meeting would be a discussion with Code Enforcement and David Gennaro relative to tree planting and tree removal on private property. At that point, if Mr. Chancey and Mr. Jollimore wished, they could update the Subcommittee on their progress taking photographs for the display boards.

Mr. Chancey requested an update on where and how homeowners are maintaining their own trees, and how this is currently presented to FPL's clearance crews. Chair Stresau explained that at the previous meeting, the Subcommittee had discussed creating maps on which these homes are noted, rather than marking these homes "in the field." Mr. Jollimore added that this pilot program will use GPS or similar technology to identify the trees.

Chair Stresau asked Mr. Jollimore to clarify how the maps would be developed. Mr. Jollimore advised that this would probably take “another month,” as they are in the initial stages of implementing the software.

Chair Stresau asked if anyone had discussed the issue with the appropriate City Department, recalling that Mr. Fayyaz had planned to find out the name of someone in the “mapping section” in Mr. Partington’s Department. The intent had been for an FPL representative to meet with this individual and learn what is available regarding maps, so the Subcommittee knows the development of a mapping system is moving forward.

Mr. Jollimore agreed this would be part of the pilot program, and added that the form is “the crucial part” of this process, which he plans to have ready by the August Subcommittee meeting. The mapping aspect, he noted, would be a transmittal of the City’s “layer” of information to FPL, once the appropriate software is in place. He felt the “bugs” of any such program would be worked out by September.

Mr. Partington felt this plan sounded like “an ideal application for GIS (Geographic Information System).” He added that the City’s own GIS system has origins in FPL’s maps, so there may be a high level of compatibility between the two systems. He suggested that what someone, perhaps from FPL, should contact Ian Wint, GIS Manager for the City.

Mr. Partington briefly departed the meeting at this time to locate a contact number for Mr. Wint (4:24 p.m.).

V. Good of the Committee and Announcements

Chair Stresau asked if there were other matters in need of discussion, other than confirmation of the August 13 Subcommittee meeting.

Mr. Jollimore stated he would check his schedule the following week and contact Mr. Dempsey on Monday or Tuesday of that week, to let him know where Asplundh would be working.

Mr. Partington returned to the meeting at this time (4:25 p.m.) with Mr. Wint’s contact number.

Mr. Jollimore noted that FPL has a Vegetation GIS Specialist, whom he would like to bring to this meeting. He clarified again that the software is still in the development stage at this point; Chair Stresau added that the important point is meeting the appropriate individuals with useful information and learning how to contact them.

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VI. Next Meeting – August 13, 2009 @ 3:30 p.m.

The meeting date and time were confirmed by the Subcommittee.

There being no further business to come before the Subcommittee at this time, the meeting was adjourned at 4:30 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]