

# TREE COMMISSION MINUTES

September 15, 2015 - 5:30 P.M.

## PARKS AND RECREATION HEADQUARTERS

### MEMBERS

X	Dr. Maurice Holt, Vice-Chair
X	Dr. Rip Pfeiffer
X	Cleve Formwalt
X	Ben Cummings
X	William Rooks
X	Terry Plauche
X	Jesse McDaniel

### STAFF

X	Parks and Recreation	Matt Capps
X	Urban Forestry	Gerard McCants
X	Alabama Power	Blake Jarrett
	Planning	Richard Olsen
X	Planning	Bert Hoffman
X	Planning	Lisa Watkins
X	Legal	Melissa Mutert

**APPROVAL OF MINUTES:** A motion was made by Mr. Cummings and seconded by Mr. Plauche to approve the minutes of August 18, 2015.

The motion carried.

**TREASURER'S REPORT:** Mr. Hoffman stated that the bank statement is only issued on a quarterly basis now. A motion was made by Mr. Rooks and seconded by Mr. Plauche to approve the Treasurer's Report showing a balance of \$10,454.57 with no income or expenditures. Mr. Hoffman noted that Westwood Plaza was to donate \$2,000.00 to the tree bank but no check has been received.

The motion carried.

### **PERMIT REQUESTS:**

1	<p><b><u>P-2015-15</u></b> Sara Kindt 1119 Dauphin Street South side of Dauphin Street, 232' ± East of Oakland Terrace Remove 30" Magnolia</p> <p>The Chair announced the application had been recommended for denial. He added if anyone wished to speak on the matter they should do so at that time.</p>
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**Tree Commission**

**September 15, 2015**

**PAGE 2**

	<p>Mr. Hoffman stated that he received an email from Mrs. Kindt requesting that her request be withdrawn for now due to illness. She does want to speak with someone in Urban Forestry about the health of the tree as she believes that it has a fungus that is affecting her entire yard.</p> <p>Mr. McCants was unaware of any fungus that would affect a magnolia, but it could be lichens.</p> <p>Mr. Formwalt stated that the one root could be cut, and he noted that it appeared that the area around the sidewalk and roots had been sprayed with herbicide and that wasn't helping the tree.</p> <p>Mr. Formwalt and Mr. McCants agree that using Roundup can kill a tree.</p> <p>It was noted that the application was withdrawn by the applicant.</p>
<b>2</b>	<p><b><u>P-2015-16</u></b> Cain's Tree &amp; Landscape for Steve Marine 1561 Bruister Street South side of Bruister Street, 288'± West of Catherine Street Remove two Bradford Pear trees</p> <p>The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.</p> <p>Steve Marine, 1561 Bruister Street, spoke on his own behalf. He stated that the leaves are unsightly, interfere with power lines and clog up the sewer system. He is in agreement with recommendation to replant a crepe myrtle if the application is approved. He just needs to know how to proceed as he has hired Cain's Tree Service to remove the trees.</p> <p>Mr. Hoffman noted that he would need a right-of-way permit and that Cain's can pull that permit.</p> <p>Mr. Jarrett stated that the trees are in the power lines so they do need to coordinate with Alabama Power.</p> <p>A motion to approve the request was made by Ben Cummings and seconded by Mr. Formwalt.</p> <p>The motion carried unanimously.</p>
<b>3</b>	<p><b>P-2015-17</b> Queennie Campbell-Thomas 1072 Lubel Avenue</p>

East side of Lubel Avenue, 53'± South of Prichard Avenue  
Removal of a 70" Live Oak

The Chair announced the application.

Mr. Hoffman reviewed Urban Forestry comments that the roots of the tree are disrupting the front yard, the sidewalk leading to the front of the house, throughout the front yard going to the house and probably under the house as well because it is a raised house. He showed pictures and noted that the tree straddles the right-of-way line, and the house is close to the property line.

Dr. Pfeiffer asked how close the tree trunk was to the house.

Mr. McCants stated that it was within 15 feet.

Mrs. Thomas stated that the roots create a hazard for her to just get out of her car. The roots are as big around as her thigh. Her husband has Alzheimer's and uses a cane, and it is dangerous just for him to come out of the door due the sidewalk being torn up and the front yard being covered in roots. The roots are buckling the street and clogging the sewer line. She has lived there 17 years, and she has paid around \$3000.00 to have it trimmed three times already. She has spent \$2600.00 for repairs when the roots grew into the sewer line and another \$225.00 two weeks ago when she had to have the water line re-routed due to the roots growing in the line.

Mr. Jarrett introduced himself as representing Alabama Power.

Mrs. Campbell-Thomas stated that Alabama Power had trimmed it a few times because it almost broke the power line.

Mr. Jarrett stated that his concern was that no one should trim trees around power lines as they could get hurt.

Mr. Formwalt stated that it was a healthy tree.

Mr. Rooks asked that if the tree were removed, would they be able to replace it?

Mr. McCants stated that it could be replaced with a small tree like a crepe myrtle or a dogwood as there is a lot of growing area.

Mr. Plauche asked if the tree was taken down, would it stop growing if the roots weren't removed?

Mr. McCants stated that the roots would have to be ground up to be

effective.

Mr. Formwalt asked if she planned to put a sidewalk in.

Mrs. Thomas stated that she'd love to put a sidewalk and a driveway in.

Mr. Formwalt stated that he didn't think she could get a driveway in and leave the tree, but she could probably put a sidewalk in if they could cut the roots enough without damaging the tree.

Dr. Pfeiffer stated that he didn't think that the Tree Commission had ever given approval to take down a tree like this due to sidewalk, driveway, water damage, leaves in the yard or plugging up drains. If they did, there would be a lot more trees cut down.

Mr. Cummings asked why the roots were so prevalent on the surface and how old the tree was.

Mr. McCants replied that there is no way for the roots to grow down due to compaction. He guessed that the tree could be about 100 years old; there are five leaders in it all in one trunk.

Mr. Cummings asked if there has been erosion that caused the roots to be exposed or did he think they grew that way.

Mr. Formwalt stated that it was a combination of loss of soil and compaction. The roots are drawn to the surface for the moisture.

Mr. Cummings asked if there could be topsoil placed over the roots to cover them.

Mr. McCants said that it could, but it would have to be compacted. It is on private property, under concrete and towards the house also. He thought it was too much to consider pouring over it, ramping over, or putting aggregate. He stated that the tree is healthy and will continue to grow. He stated that it is essentially a live oak in the wrong area.

Mr. Rooks agreed that if they were starting from scratch, they would probably never plant a live oak here now, but they are like this all over the city.

Dr. Pfeiffer stated that there are trees like this all over the city with root systems and sidewalks like this one. He doesn't see how they can be consistent and approve cutting a heritage tree in the right-of-way for those reasons. Otherwise, they'll all be cut down.

Mr. Capps stated that he has been working on capital projects for the City. He didn't know exactly where this tree/property was located, but he suggested that the Commission might look into where capital projects are going as there are a number of sidewalk projects and resurfacing projects. If the City is investing that kind of money in the area, maybe the solution is to cut the tree down. He further stated that he couldn't give an answer today as to exactly where the new sidewalks were going as he is waiting to hear from Nick Amberger.

Dr. Pfeiffer made a motion to deny the request. The motion was seconded by Mr. McDaniel. The motion passed with Mr. Plauche in opposition.

Mrs. Campbell-Thomas stated that there is no room to walk in her yard and that people fall over these roots. She is partially handicapped and her husband is on a cane.

Dr. Holt stated that there were two schools of thought. Firstly, they did agree that it is a bad situation, but secondly, they do have to be careful to remain consistent with previous decisions.

Mr. Rooks stated that if they found out that there is a capital improvements project in the area in the future they might revisit it. He further stated that there is an appeals process.

Mrs. Campbell-Thomas stated that she would reapply and that she would send them her next plumbing bill.

Mr. Hoffman explained to her that she does have the right to appeal the decision to the Planning Commission and that she could call the Planning & Zoning office for information.

Mr. Cummings wondered whether Mrs. Campbell-Thomas was aware that if it was approved for the tree to be taken down that it would be at her expense.

Mr. Hoffman stated that with the proximity of the power lines that Alabama Power would have to be involved for part of the work.

Mr. McCants asked what would happen if the tree fell or if someone fell and got hurt. Would the person be able to file a claim against the City?

Ms. Mutert stated that it is "open and obvious" that the tree is there.

### OTHER BUSINESS

The Chair asked the Awards Subcommittee if they had any potential candidates.

Mr. Cummings stated that he and Mr. Plauche had driven around town and came up with a list of recommendations:

- Pinebrook Shopping Center at Airport and McGregor;
- Publix at Airport and University;
- The new Zaxby's and Walmart Neighborhood Market at Airport and Hillcrest kind of go hand-in-hand;
- The intersection at Airport and Hillcrest in the intersections where a group of people in District 6 landscaped that area;
- The Village of Spring Hill.

They also named a potential candidate for an award for next year once projects are completed:

- The convenience store (Bebo's) under construction at Hillcrest and Old Shell.

Dr. Pfeiffer commented on the nice landscaping job at the new Take 5 location on the corner of Airport and Azalea.

Mr. Cummings stated that he and Mr. Plauche made one trip out, and they mainly travelled Airport Boulevard. He would like to holdover making a decision for another month so that they can go out again and look at some other areas.

Dr. Pfeiffer suggested that they also look at the Walgreen's at Cottage Hill and Knollwood. The site is amazing with the trees that they saved.

Mr. Cummings asked if there was a list anywhere that documented all the previous award winners.

Mr. Formwalt stated that information would be found in the minutes, and the Secretary would have to dig through them.

The members of the Commission all agreed that winning this type of award would be free advertising and good public relations for the businesses that they are considering.

Mr. Hoffman suggested that someone may want to give an interview to media such as The Lagniappe as well.

With no further business before the Commission, the meeting was adjourned.