

TREE COMMISSION MINUTES

January 19, 2016 - 5:30 P.M.

PARKS AND RECREATION HEADQUARTERS

MEMBERS

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

STAFF

X	Urban Forestry	Gerard McCants
X	Alabama Power	Blake Jarrett
X	Planning & Zoning	Richard Olsen

The Chair called the meeting to order and confirmed that there was a quorum.

TREASURER'S REPORT: A motion was made by Mr. McDaniel and seconded by Mr. Plauche to accept the Treasurer's report with a balance of \$10,454.57 and no activity.

HOLDOVER REQUESTS:

1	<p>P-2015-22 City of Mobile Portions of St. Stephens Road, Clinton Avenue, Andrews Street, Donald Street, Alison Street, and Gloria York Avenue Remove a total of 19 trees of various species for a sidewalk project</p> <p>Mr. Olsen stated that the original request was for removal of 19 trees, but it was heldover so that they could re-configure the project. The request has been revised to remove only 16 trees.</p> <p>Nick Amberger, City Engineer, spoke on behalf of the City and stated that this is a CDBG funded project to build sidewalks in this community. It was requested by Councilman Richardson.</p> <p>Shane Sawyer, a consultant to the project from HMR, stated that it is near 2 schools, and they got easements from the school board to allow them to replace some sidewalk and preserve some trees. They have issues along Donald Street where it takes them right up to property owners' front doors. They also have 3 trees near Franklin Street Baptist Church that will be removed, and they plan to work around the huge live oak near the church.</p>
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Mr. Amberger stated that the sidewalk has to be a minimum of 36" wide. They revised the request from 19 trees to 16 because they think that they can preserve some by modifying the curb.

Mr. Sawyer added that they are trying to have 60" wide sidewalks as much as is possible.

Dr. Pfeiffer asked if there were any projects planned in the neighborhood where trees could be planted.

Mr. McDaniel stated that there is a project for a walking trail in Figures Park and maybe trees could be planted there.

Mr. Amberger stated that any live oaks would have to be planted back on private property, not in the right of way, as there is not enough real estate there for the trees to even get somewhat mature before they would tear the sidewalks up.

Mr. Amberger stated that in a lot of places, they may have to cut the road down and pull out 4 feet of material and put in a retaining wall in order to get the sidewalk down to curb level. A good engineering standard is that they don't want to have the sidewalk 3 feet higher than the road or on a steep slope. In situations where the sidewalks are higher than 2 or 3 feet and a 1:1 slope, they have put in handrails but that gives them something else to have to maintain. It is more ideal to cut the dirt down to get it level with the top of the curb. The majority of this project is flat, but there are several isolated areas like tree #13 that is on about a 3' knoll.

Mr. McDaniel asked if they could speak about safe schools projects and creating a safer walking environment.

Mr. Amberger stated that the city gets just so much federal CDBG money per year, and there is an entitlement committee made up of various council members and they put in project requests. The money can only be spent in certain geographic areas, generally moderate to low income areas. The council members all fight to get monies in their projects, and this project is one that Councilman Richardson has been after for a number of years.

Mr. Sawyer pointed out that the pictures showed that basically everywhere they are putting in sidewalks around parks and recreational facilities, there are already foot trails there.

Mr. Amberger added that if a residential house was built on a vacant lot or a commercial site was developed now, the builder would be required to put in

a sidewalk. The idea is that within a few years the sidewalks would all be tied together. Right now there is a hodge-podge, and the city is trying to clean it up and connect the community.

Dr. Pfeiffer asked if there were a lot of sidewalk waivers granted.

Mr. Amberger stated that sidewalk waivers were not typical. He is a member of the Planning Commission, and even in places where it seemed like there may be a sidewalk to nowhere, the answer is no. There have been discussions of a sidewalk bank so that if they do grant a waiver for a particular location, the builder can put money into a kitty to build a sidewalk elsewhere. From the City's perspective, there is a tremendous emphasis on sidewalks, and there is over \$2 million dollars in capital improvement projects that are either existing or new that are spread out across all the districts.

Dr. Pfeiffer asked if sidewalks were required in all subdivisions now.

Mr. Sawyer answered that they are required on both sides of the road.

Mr. Olsen stated that prior to the City's current form of government, there was a period of time when City Commissioners felt like they had the authority to waive sidewalks, but they did not. Only the Planning Commission has that authority. For the last 15 years, the Planning Commission has been very adamant about only granting waivers where there are topographic issues where a sidewalk could not be feasibly installed. There are a couple of banks and Lowe's on the Beltline where sidewalks were put in, and the builders had to deal with ALDOT and with covering ditches, and ALDOT said they weren't going to do it anymore.

Mr. Amberger said that these sidewalks will get used as they tie everything together. They are not going down both sides of the street. They tried to stay on the side of the street that had a clean path and the least number of obstacles.

Mr. McDaniel asked when the work would be done and how the kids get to school now.

Mr. Amberger replied that it is being advertised now, and in the meantime, the kids walk in the streets.

A motion was made by Mr. Rooks to approve the removal of the 16 trees per the revised request. His motion was seconded by Mr. Plauche.

The motion carried unanimously.

OTHER BUSINESS

The Chair announced as a topic for discussion of the need for amendments to By-Laws and Standing Rules as well as a request by a citizen to include a maximum time to comply with replanting requirements.

Mr. Olsen stated that there are conflicts between the Commission's Standing Rules and By-Laws with the State Code. He provided the members with marked up color copies of the Standing Rules and By-Laws for them to take home and review the conflicts and proposed changes so that it may be voted on in the future.

The Chair announced the request from Forestry that the Tree Commission pay for a replacement tree at 1671 Government St (P-2014-19).

Mr. Olsen stated that the Commission approved the removal of the tree in November of 2014 and that the City would replant the tree. It is not in the City's budget to pay for the tree, so since the Commission approved for the City to replant the tree rather than the individual as is the norm, Forestry is asking that the Commission pay for the tree.

The Chair asked how much it would cost.

Matthew Capps, Deputy Director of Parks, replied that he would pull together some figures on the cost of the tree and planting.

Mr. Olsen pointed out that there are power lines on that side of the street.

Mr. McCants stated that they would not want to put a live oak there. It is a large planting area, and a willow oak might be good or preferably an understory tree could be selected from the tree list. The tree was removed due to problems with the driveway and sidewalk, and replanting a live oak would cause the same problems again.

Mr. Olsen suggested that if the Commission would agree to pay for they tree, maybe they could hold it over for 30 days to consider what type of tree might be best to plant.

After discussion regarding the location, type of tree to be replanted and possible future infrastructure issues, the Chair stated that the person making a request should come up with a presentation about what they want.

Ms. Mutert stated that it sounds like their view is that this portion of Government Street is sacred and maybe they should come up with a plan to go by for this designated section.

Mr. McDaniel stated that Section 7, Part B of the act that established the Commission states that they will "promote the planting, health and growth of trees with the particular objective of establishing and protecting avenues of live oak trees and other trees deemed suitable." He didn't know how many avenues of live oaks there were in the City, but he

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was open to diversity in types of trees and appreciated the concerns that the both Mayor and the Commission has.

Mr. Capps asked if the letter of decision could be amended so that they don't have to replace the tree. A viable option would be to allow the remaining live oak to thrive by not planting another tree right beside it to compete with it.

Mr. McDaniel asked if the applicant wanted the tree replaced.

Mr. McCants replied that the applicant did want the tree replaced.

Mr. Capps said that he has an obligation to respond to the customer. He is asking for funding, not necessarily a recommendation. But, if asked for a recommendation, he would recommend that they revisit this and not give the applicant a tree because of the same Act that was referred to, in order to protect the health and longevity of the live oak that is currently there by not planting another tree 15' away. Apparently, this a rarity as normally they don't have the City remove and replant the tree, and that's why he's coming to them to purchase the tree.

The Chair reiterated that they needed to have rules and follow them, not have preferential treatment, and abide by standards, or it is unfair to the group. They will have exceptions, but they need to be steadfast in what they are doing.

Dr. Pfeiffer made a motion for the Tree Commission to pay for a tree to be planted at this location by Urban Forestry with the type of tree to be determined and coordinated with Urban Forestry.

After further discussion over the type of tree and that the applicant shouldn't be allowed to select the species of tree being planted on the right of way, Dr. Pfeiffer amended his motion to state that the Tree Commission would pay up to \$200.00 to purchase a live oak to be planted at this location by Urban Forestry. The motion was seconded by Mr. Plauche.

Mr. Olsen stated that if Forestry chose not to take the money from the Tree Commission that they would not be required to plant a live oak in that location.

The motion passed with Mr. Rooks in opposition.

ADJOURNMENT

With no further business before the Commission, the meeting was adjourned at 6:24 PM.