

TREE COMMISSION MINUTES

February 16, 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
X	Cleve Formwalt
X	Jesse McDaniel

STAFF

X	Urban Forestry	Gerard McCants
X	Alabama Power	Blake Jarrett
X	Planning & Zoning	Richard Olsen
X	Legal	Melissa Mutert
X	Parks & Recreation	Matthew Capps

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

The motion carried unanimously.

PERMIT REQUESTS:

1	<p><u>P-2016-001</u></p> <p>M. Don Williams for Mike Loewn, Gulf Coast Hubcaps and Wheels 3257 Spring Hill Ave (Southwest corner of Spring Hill Ave and Durant St) Remove 2 Bradford Pear Trees (one after the fact), and 2 Palm Trees.</p> <p>Don Williams, P. O. Box 16305, Mobile, AL, as agent for Gulf Coast Hubcaps and Wheels, made the following statements in support of the application:</p> <p>There have been a couple of additions to the buildings over the years, and they are working to come into compliance with City codes and ordinances. The right-of-way is unusual here because it is not at the back of the existing concrete sidewalk. Spring Hill Avenue has been widened over the years, and the right-of-way line is just about at the front of the building. Starting there, about the first 10' or so of their parking lot is in the right-of-way line of Spring Hill Avenue; all the neutral ground on either side of the sidewalk is City property also. They have 3 trees that are growing there now: 1 Bradford pear and 2 palm trees. All 3 are under power lines, and the Bradford pear is in poor condition. They are requesting permission to remove these 3 trees.</p>
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They had noted 1 Bradford pear that had been struck by a car, and apparently there were 2 other palm trees that throughout the years were taken down.

Mr. Plauche asked for verification that there were only 2 palms as he saw 4 in the pictures.

Mr. Olsen stated that the pictures were a 2011 street view showing the trees were there at that time and then a 2013 street view showing the trees were no longer there.

Mr. Williams stated that Alabama Power may have taken them down because they were getting too big.

Mr. Jarrett said that Alabama Power took down the biggest one.

Mr. Olsen stated that the others were taken down, but not by Alabama Power.

Mr. Williams stated that there is no yard for greenery in front of the building and anything required would have to be planted in the right-of-way. Then, it becomes a line-of-sight issue due to the short distance to the location of the curb cuts. Staff recommends planting 6 trees, and they would need guidance as to placement.

Dr. Pfeiffer asked if the site would be landscaped to be in compliance with the tree and landscape ordinance.

Mr. Williams replied that there is no room in the front, and it would be in compliance with the variance that was granted by the Board of Zoning Adjustment. They will be in compliance with the total requirement; it just won't be in compliance on the front. They are in agreement with the staff recommendations, but they do need guidance on the types of trees to not cause line of sight issues.

Mr. Olsen stated that perhaps they should coordinate with Traffic Engineering and Urban Forestry or make donations to the tree bank.

Mr. Rooks made a motion to plant 6 trees total in coordination with Traffic Engineering and Urban Forestry or that they would make a corresponding donation to the tree bank. The motion was seconded by Mr. Plauche.

The motion carried unanimously.

OTHER BUSINESS

The Chair announced as a topic for discussion the need for amendments to their By-Laws and Standing Rules.

Mr. Olsen stated that he had provided them with marked up suggestions for amendments at the January meeting. Ms. Mutert had given him some changes that he considered minor tweaks in that they are grammatical and legal changes that don't change the effect of what was presented to the Commission. He had not had the opportunity to make those changes, but if they would please review the proposed changes, he would send out proposed changes with Ms. Mutert's suggestions in the next week. Then, they could vote on the changes in the near future as some are in conflict with the state code and really need to be updated.

Mr. McDaniel asked if the ones that are in conflict with the state code could be highlighted on the copies being sent out.

Mr. Olsen replied that he could do that.

Ms. Mutert suggested that they combine the positions of Secretary and Treasurer, and that they also consider combining or omitting some of the committees as there are so many.

Mr. Olsen announced that he received an email from Mr. Cummings that afternoon that that Mr. Cummings had tendered his resignation from the Commission to his appointing council member. Therefore, if they wished to consider combining the Secretary and Treasurer's positions, it would be timely to do so. Mr. Olsen continued to say that there is an internal City discussion that staff responsibilities for the Tree Commission may be handed over to the Superintendent for Parks and Recreation, and it would be good to clean up the By-Laws and Standing Rules before it is turned over. He also stated that there is a request by a citizen for the Tree Commission to include a maximum time to comply with replanting requirements due to the lengthy timeframe that it took for the tree on South Monterey to be replanted.

Dr. Pfeiffer asked for clarification as to whether the proposed change regarding changing term of appointment from 5 years to being at the discretion of the City Council was something new.

Mr. Olsen replied that was a change that was proposed due to a change in the State code in 2015. He then announced that they did need to continue the discussion from the January meeting regarding the replacement of the tree at 1671 Government St (P-2014-19). The Commission voted that it would pay for a live oak to replace the tree. The City Engineer has stated that a live oak will not be allowed to be planted at that location and that the Commission doesn't have the authority to tell the City Engineer to allow a live oak to be planted in the right-of-way.

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Mr. Capps thought that the reason for the City Engineer's position was due to infrastructure concerns.

Ms. Mutert stated that she and Mr. Olsen had discussed having a tree plan for the City formulated by having input from all disciplines as to where there may be a sacred area for live oaks.

Mr. Olsen stated that staff has begun some work on such a plan. Where there is only 5' of neutral ground for planting, no tree is appropriate. If there is 10' of right-of-way, they are looking at a list of trees that may be more appropriate for that size planting area. They are looking at what might be appropriate for 15', 25' and beyond. They would like input from other professionals, but the City has a list initially done by a staff member who has a degree in landscape architecture and a master's in City Planning so he is qualified to come up with this type of information. They do need to consider the City's responsibility with regard to infrastructure for citizens to travel in a safe manner and to not have drainage and flooding issues caused by trees.

Mr. McDaniel asked the Chair if there was any action required from the Commission as they had made a decision on this "other business" at the previous meeting.

Mr. Olsen stated that the decision at the previous meeting was that the Tree Commission would pay for a replacement tree if a live oak were planted. If the City chose not to use the Commission's money, they could plant whatever they chose. Based on the information that was provided, they aren't going to plant anything. He remembered that a condition of the decision was that there be a replacement tree, and the City would plant it.

Mr. McDaniel stated that the City could pay for it then.

Ms. Mutert suggested that a letter be sent to the homeowner advising what had occurred.

Mr. Olsen verified that she meant that, for whatever reason, the City has determined that a tree cannot or will not be planted there.

Ms. Mutert said that the homeowner could take it from there.

Mr. Olsen confirmed that the homeowner could plant a tree on his private property.

Mr. McDaniel asked that it be included that there was the opportunity for the Commission to pay for a replacement live oak, and the City declined.

Ms. Mutert asked if there were companies out there that could do a tree plan for the City and if so, maybe they could look at doing something like that since they were looking to spend some money.

Dr. Pfeiffer said that the Joseph Hearn Foundation spent \$20,000 on such a master street and tree plan for Keep Mobile Beautiful about 15-20 years ago.

Mr. Olsen said that he wasn't aware of it as being anything that the City had done in the last 20 years, but he would ask Bob Haskins about it if it was done for Keep Mobile Beautiful.

The Chair stated that he is bothered by several things. They haven't had minutes in months, and the meetings last less than an hour. They should have a reference that they can go back to. Applications come to the commission, and they are responded to by the staff. He assumes that the responses are what the Commission says, but they don't know that. He referred to an email sent out regarding the Tree Commission agenda, and he said he thought he was on the Tree Commission, but his name wasn't on it.

Mr. Olsen stated that the emails are sent out with the Commission members being blind copied so that their email addresses don't go out to members of the public. This practice is for the protection of the Commission members. He stated that he could send out multiple, separate emails to Planning Commission, Board of Zoning Adjustment and Tree Commission members, but he sends them all together for transparency when he sends them to members of the general public who have requested notifications. He further stated that his secretary is the only secretary in the department that does transcription at the moment. She handles other duties for Planning Commission, Board of Zoning Adjustment, answering phones, and helping customers at the counter. The department is also short a planner, and he is in the process of hiring additional staff.

Mr. Rooks stated that if there is anything that he can do to help with the minutes, he is willing and would like that duly noted. He does understand what it is like to be short-staffed and is sympathetic.

Mr. Olsen stated that the Planning and Zoning Department has a lot of large projects coming up such as the dealing with final issues relating to the adoption of the Map for Mobile, hiring a consultant to re-write the Zoning Ordinance, and working on multiple amendments for the Downtown Development District code.

Mr. McDaniel thought that was a fair thing to say that they want to see minutes. Regarding the Chairman's statement, he asked if it would be agreeable to everyone for the members to be sent copies of the letters of decision prior to them going out.

Dr. Holt stated that he agreed and thought they should see copies of letters that are going out from the Tree Commission.

Mr. Olsen replied that letters of decision were previously prepared and sent by the staff secretary. Now, they are being prepared and reviewed on a managerial level. He can send them to Commission members prior to issuance. He also noted that the letters, reports, agendas and minutes, when they are approved, are posted on the website.

ADJOURNMENT

With no further business before the Commission, the meeting was adjourned at 6:25.