

TREE COMMISSION MINUTES

JANUARY 17, 2017 - 5:30 P.M.

PARKS AND RECREATION HEADQUARTERS

MEMBERS:

X	Dr. Maurice Holt, Chair
X	Terry Plauche, Vice-Chair
X	William Rooks, Sec/Treasurer
X	Dr. Rip Pfeiffer
	Cleve Formwalt
X	Jesse McDaniel
	Evan Cox

STAFF:

X	Parks and Recreation	Matthew Capps
X	Urban Forestry	Peter Toler
X	Alabama Power	Eric Garret
X	Planning & Zoning	Richard Olsen
X	Legal	Melissa Mutert

Dr. Holt called the meeting to order at 5:30 P.M. and confirmed that the number of members present represented a quorum.

TREASURER'S REPORT:

Mr. Rooks presented the Treasurer's Report with an ending balance of \$13,354.57. A motion was made by Dr. Pfeiffer, with second by Mr. Plauche, to approve the Treasurer's Report.

The motion carried unanimously.

PERMIT REQUESTS:

[P-2017-001](#)

Michael Spina

1252 Government Street

(North side of Government Street, 55'± West of Georgia Avenue)

Remove two Live Oaks, one 22" and one 5"

Michael Spina, 1252 Government Street, Mobile, AL, spoke on his own behalf and stated that he owned this property and was opening a restaurant. His request was to remove the two trees in the right-of-way as he had difficulty himself in locating the entrance when travelling east, and he felt others would have equal problems finding the entrance. He further stated that a street sign also caused a visibility problem. This property was vacant for a number of years, and he thought that visibility may have been part of the problem.

After discussion, a motion was made by Mr. Rooks, with second by Mr. Plauche, to deny the request to remove the 22" live oak, and approve removal of the 5" live oak, subject to the

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following:

1. Urban Forestry to remove the 5" live oak while on site performing trimming on the 22" live oak; and
2. Donation of two (2) live oaks to be planted at another location in City of Mobile right-of-way by Urban Forestry. Donation to be in the form of a check for \$200.00 per tree (\$400.00 total) to the Mobile Tree Commission, with a subsequent check from the Commission for \$400.00 then written to Urban Forestry.

The motion carried unanimously.

P-2017-002

Joseph N. Asarisi

3151 Dauphin Street

(Southwest corner of Dauphin Street and Pierpont Drive West)

Remove one 18" Live Oak

Joseph N. Asarisi, Asarisi and Associates, 6348 Piccadilly Square Drive, Suite 215, Mobile, AL, spoke on behalf of the property owner, DPG Shopping Centers, LLC, and stated that the existing turn-out onto Dauphin Street from the site did not meet city standards. The only way to meet city standards and remain within the property boundaries was to remove the 18" oak tree. The radius doesn't go into the tree, but it would be right up against it so they would lose the tree anyway. Although the recommendation is for hold-over, he requested that they be allowed to proceed as the contractor is well into construction, the site work is nearing completion, and this issue was holding it up.

After discussion, a motion was made by Mr. McDaniel, with second by Mr. Rooks, that the applicant was to request permission for the curb cut radius to extend beyond the west property line and encroach into the frontage of the adjacent property to the west from that property owner with the following conditions:

- If there is an agreement, the drive way shall shift to the west to provide area around the tree in question.
- If an agreement cannot be reached, the permit is approved, subject to the following conditions:
 1. Submission of documentation that the adjacent property owner did not grant permission for the radius to extend in front of their property;
 2. Donation of two (2) live oaks to be planted at another location in City of Mobile right-of-way by Urban Forestry. Donation to be in the form of a check for \$200.00 per tree (\$400.00 total) to the Mobile Tree Commission, with a subsequent check from the Commission for \$400.00 then written to Urban Forestry

The motion carried with Mr. Plauche recused.

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OTHER BUSINESS:

Jim Rossler, City Council Attorney, addressed the Commission and presented a draft ordinance that would require a permit from the Mobile Tree Commission for the removal of ANY tree located in a City park. This ordinance would apply to any park or playground maintained by the City, whether it was dedicated or not. There would be an emergency provision, and after discussion, Mr. Rossler stated that he would be in favor of an exclusionary clause for nuisance trees and size restrictions.

Mr. Rossler was not aware of when this item would appear on the City Council agenda.

Dr. Pfeiffer suggested that since members of the Tree Commission were appointed by a City Council member that they each contact their respective Council representatives with comments or questions.

ADJOURNMENT:

With no further business before the Commission, the meeting was adjourned at 6:20 P.M.

TREE COMMISSION MINUTES

FEBRUARY 21, 2017 - 5:30 P.M.

PARKS AND RECREATION HEADQUARTERS

MEMBERS

X	Dr. Maurice Holt, Chair
X	Terry Plauche, Vice-Chair
X	William Rooks, Sec/Treasurer
	Dr. Rip Pfeiffer
X	Cleve Formwalt
X	Jesse McDaniel
	Evan Cox

STAFF

	Parks and Recreation	Matthew Capps
X	Urban Forestry	Gerard McCants
X	Urban Forestry	Peter Toler
X	Alabama Power	Eric Garret
X	Planning & Zoning	Richard Olsen
X	Legal	Melissa Mutert

The Chair called the meeting to order at 5:33 P.M. and noted that the number of members present represented a quorum.

APPROVAL OF MINUTES:

A motion was made by Mr. Rooks, with second by Mr. Plauche, to approve the minutes from the following meeting:

- February 2016

The motion carried unanimously.

TREASURER'S REPORT:

Mr. Rooks presented the Treasurer's Report with an ending balance of \$19,554.47, after a donation of \$6,200.00 from the Hilton Garden Inn.

A motion was made by Mr. Plauche, with second by Mr. Rooks, to accept the Treasurer's Report as presented.

The motion carried unanimously.

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PERMIT REQUESTS:

P-2017-003

Henry H. Pope

3761 Government Boulevard

(South side of Government Boulevard, 200'± West of the terminus of Butler Drive)

Remove five 8" Bradford Pears

Henry H. Pope, property owner at 3761 Government Boulevard, Mobile, AL, stated that these trees were 6" from his property line. He stated that when the trees were planted 20 years ago by Secor Bank, they thought they were planting on private property, but they were planted on the right-of-way instead. They are planted directly under power lines which would be a problem as they grow quickly and were about two and a half feet under the power lines at that time. He wanted to replace them with sago palms.

After discussion, a motion was made by Mr. Formwalt, with second by Mr. Rooks, to deny the request for removal of five Bradford Pear trees at the above referenced location. It was recommended that the applicant call 311 and request that the trees be trimmed.

The motion carried unanimously.

P-2017-004

Chris Francis, Agent for David Cooper, Sr.

102 Ryan Avenue

(Northeast corner of Ryan Avenue and Old Shell Road)

Trim two live oaks on Ryan Avenue and one live oak on Old Shell Road

Chris Francis, Chris Francis Tree Service, 8266 County Road 64, Daphne, AL, represented the request on behalf of the property owner, David Cooper. He stated that the request was to prune dead wood, improve the health of the trees, and limit liability for both the City and Mr. Cooper. He wanted to remove girdling roots that could choke the tree. He also wanted to do directional pruning on the tree on the Old Shell Road side of the property as the limbs were near the house.

After discussion, a motion was made by Mr. Rooks, with second by Mr. Plauche, to approve the request to trim two live oaks on Ryan Avenue and one live oak on Old Shell Road, subject to the following conditions:

1. All work to be performed by/under the supervision of a certified arborist;
2. Work is to be coordinated with Urban Forestry;
3. The applicant to obtain a right-of-way permit, if one is necessary.

The motion carried unanimously.

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P-2017-005

Thomas Doyle, Agent for Joseph Kenny

400 St. Louis Street

(North side of St Louis Street, between N Hamilton and N Franklin Streets)

Remove five trees: one 3” caliper Live Oak; 6” caliper Live Oak; one 10” caliper Live Oak; and two 18’ tall Crepe Myrtles

Thomas Doyle, LA+South, 354 Dauphin Street, Mobile, AL, spoke on behalf of Joseph Kenney for Precision Engineering. He stated that their project included an entire block downtown and would include demolition of the entire right-of way and replacing sidewalks, curbs and gutter sidewalks and trees. Three of the trees, one oak and two crepe myrtles, were in poor condition. Two of the live oaks were healthy, and although they would be in agreement with staff recommendations, but they requested removing all five trees as the building next door was being demolished, and they were concerned about construction activity harming the trees. No new trees are being required for the project, but his client would be putting in 31 new 3” caliper trees on their private property.

After discussion, a motion was made by Mr. Plauche, with second by Mr. Formwalt, to:

1. Deny the request to remove the 6” and 10” live oaks;
2. Approve of the request to remove the 3” live oak and two crepe myrtles.

The approval is subject to the following conditions:

1. All work is to be at the applicant’s expense; and
2. All work in the right-of-way requires a right-of-way permit.

The motion passed unanimously.

OTHER BUSINESS:

- Linda St. John, President, Village of Spring Hill, 1358-B Old Shell Road, #145, Mobile, AL, addressed the members of the Tree Commission and thanked them for the \$1200.00 grant for the round-about project in the Village of Spring Hill. They added an additional \$1000.00 and were able to plant 45 gallon live oaks instead of 30 gallon trees. She came before the Commission now with a request to be allowed to hire a licensed and bonded landscape company to trim drake elms throughout the Village of Spring Hill. They wanted to take care of the trees they had already planted. Mr. McCants had told her that the City did not have the manpower to reshape the trees in the manner they want. Alabama Power had come through and trimmed the trees previously, and they were upset by the method used to trim the trees as it destroyed the shape of the trees.

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After discussion, a motion was made by Mr. Plauche, with second by Mr. Rooks, to approve the above request, subject to the following conditions:

1. Approval is not continuous and is limited to this job only (trimming Drake Elms on Old Shell and McGregor). All work is to be done at the applicant's expense;
2. All work is to be done by or under the supervision of a certified, licensed and bonded arborist;
3. All work is to be coordinated with the Forestry Unit of Parks and Recreation Department; and
4. All work in the right-of-way requires a right-of-way permit.

The motion carried unanimously.

- Mr. Olsen opened a discussion about a City of Mobile Engineering Department project that would require removal of a number of pine trees and whether or not all trees would have to come before the Tree Commission for approval to remove or if it could be approved administratively.

After discussion, the consensus among Commission members was that they must request MTC approval for the removal of any long-leaf pines.

ADJOURNMENT:

With no further business before the Commission, the meeting was adjourned at 6:21 P.M.

TREE COMMISSION MINUTES

MARCH 21, 2017 - 5:30 P.M.

PARKS AND RECREATION HEADQUARTERS

MEMBERS:

X	Dr. Maurice Holt, Chair
X	Terry Plauche, Vice-Chair
X	William Rooks, Sec/Treasurer
X	Dr. Rip Pfeiffer
X	Cleve Formwalt
X	Jesse McDaniel
	Evan Cox

STAFF:

	Parks and Recreation	Matthew Capps
X	Parks and Recreation	Gerard McCants
X	Forestry	Peter Toler
X	Alabama Power	Eric Garrett
X	Planning & Zoning	Richard Olsen
X	Legal	Melissa Mutert

The Chair called the meeting to order at 5:33 P.M. and noted that the number of members present represented a quorum.

TREASURER'S REPORT:

Mr. Rooks presented the Treasurer's Report with an ending balance of \$20,354.57, after donations of \$400.00 each from 1252 Government and 3151 Dauphin Street.

A motion was made by Mr. McDaniel, with second by Mr. Plauche, to accept the Treasurer's Report as presented.

The motion carried unanimously.

PERMIT REQUESTS:

P-2017-6

**Michael Blankenship
1307 Spring Hill Ave
(South side of Spring Hill Ave, ' West of Ann St)
Removal of two (2) trees**

Michael Blankenship, 1307 Springhill Avenue, Mobile, AL, spoke on his own behalf and stated that ALDOT was requiring that they eliminate two oak trees to make a one-in, one-out drive and install drains. They were also told that they must replace the trees with five three inch caliper trees. ALDOT will not allow the trees to be replaced in the ROW, but they are planting nine trees on private property. He circulated plans for Commission members to review.

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Mr. Olsen stated that ALDOT has adopted a new access management plan in the last five years that applies to properties being redeveloped, or with significant development, especially involving parking or circulation, that required that the site be brought into compliance with this new plan. The new plan applied to state roads only.

Mr. McCants stated that Urban Forestry would take the trees down.

After discussion, a motion was made by Mr. Rooks, with second by Mr. Plauche, to approve the above referenced request, subject to the following:

1. All work in the right-of-way requires a right-of-way permit;
2. Donation of Four (4) trees to the Tree Commission tree bank, per the two for one replacement policy of the Tree Commission. Donation to be in the form of a check made out to the Mobile Tree Commission in the amount of \$800.00 (\$200.00 per tree X 4 = \$800.00.)

The motion carried unanimously.

P-2017-7

Nick Amberger for City of Mobile

Various locations on McGregor Avenue

Removal of three (3) trees, a 24" Magnolia, and 2 16" water oaks

Shawn Estes, McCrory and Williams, 3207 International Drive, Mobile, AL, spoke on behalf of the applicant and stated that the trees in their request needed to be removed (or had already been removed), for the following reasons: 1) the 24" magnolia needed to be removed so they could reset the guard rail closer to the curb and brick fence to build the sidewalk; 2) 16" water oak west of curve needed to be removed to change the slope around the curve to improve the line of site and put up a guard rail; 3) the second 16" water oak had already been removed by Alabama Power when they relocated some lines; 4) they wished to add another tree, a pine, to the request because he had worked under the assumption that it was not a protected species of pine tree. The curb and gutter that would be constructed would affect the roots of the pine tree.

Mr. Olsen stated that the decision was made at the last meeting that no pines were protected except long-leaf pines.

After discussion, a motion was made by Mr. Plauche, with second by Mr. Rooks, to approve the request, subject to the following conditions:

1. All work in the right-of-way requires a right-of-way permit;
2. Donation of Four (4) trees to the Tree Commission tree bank, per the two for one replacement policy of the Tree Commission for the Magnolia, and a one for one replacement for the Oaks. Donation to be in the form of a check made out to the Mobile Tree Commission in the amount of \$800 (\$200 per tree X 4 = \$800.)

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The motion carried unanimously.

P-2017-8

Joe Asarisi for Virginia Behlen and Harold Hawkins

3213 Dauphin St

(Southeast corner of Dauphin St and Midtown Park W)

Remove a 20” live oak and an unhealthy 12” live oak

Joe Asarisi, Asarisi and Associates, 6348 Piccadilly Square Drive, Suite 215, Mobile, AL, spoke on behalf of the property owners. He stated that the site is being redeveloped for a new Bojangles, and ALDOT was requiring a right-out only drive to lessen traffic congestion. The site would be landscaped in compliance with City standards. He further stated that the radius could not extend onto the adjacent property due to an existing storm drain. He presented the tree and landscape plan for the site for review. He noted that there is no landscaping currently on the site, only asphalt and a building.

After discussion, a motion was made by Mr. Rooks, seconded by Mr. McDaniel, to approve the request, subject to the following conditions:

- The request to remove the tree in the Midtown Park West right of way is approved.
- The applicant is to request permission for the curb cut radius on the Dauphin St Service Road to extend beyond the east property line and encroach into the frontage of the adjacent property to the east from that property owner.
- If there is an agreement, the drive way shall shift to the east to provide area around the tree in the Dauphin St Service Road right of way.
- If an agreement cannot be reached, the permit is approved, subject to the following conditions:
 1. Submission of documentation that the adjacent property owner did not grant permission for the radius to extend in front of their property;
 2. Donation of two (2) live oaks to be planted at another location in City of Mobile right-of-way by Urban Forestry. Donation to be in the form of a check for \$200.00 per tree (\$400.00 total) to the Mobile Tree Commission, with a subsequent check from the Commission for \$400.00 then written to Urban Forestry.

The motion carried with Mr. Plauche recused.

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P-2017-9

Jay Eubanks Tree Service for Pam Koch

112 Levert Ave

(Southeast corner of Levert Ave and DeLeon Ave)

Trim seven (7) live oaks, 44”+

Jay Eubanks, Jay Eubanks Tree Service, 7341 Zeigler Boulevard, Mobile, AL, spoke on behalf of the property owner and stated that the request was to deadwood and raise the canopies.

After discussion, a motion was made by Mr. Formwalt, with second by Mr. Plauche, to approve the request.

The motion carried unanimously.

P-2017-10

Jay Eubanks Tree Service for Jerry Bramlett

151 Levert Ave

(West side of Levert Ave, at the terminus of DeLeon Ave)

Trim one (1) live oak, 44”+

Jay Eubanks, Jay Eubanks Tree Service, 7341 Zeigler Boulevard, Mobile, AL, spoke on behalf of the property owner and stated that the request was to deadwood and raise the canopies.

After discussion, a motion was made by Mr. Formwalt, with second by Mr. Plauche, to approve the request.

The motion carried unanimously.

OTHER BUSINESS:

- Dr. Holt addressed the change in time and venue for future meetings of the Tree Commission and asked Mr. Olsen to discuss.

Mr. Olsen stated that Parks and Rec needed the space and noted that there was insufficient space in the meeting room for the current meeting. He stated that the Pre-Council Room in Government Plaza was better set up for such meetings. He addressed that the time needed to be moved up due to no overtime in the budget for building security that would be required to meet after hours. He also noted that no other City board or commission meets off-campus; this venue required more time for staff to set-up. He advised Commission members that they would be provided with parking placards for their convenience.

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A motion was made by Mr. McDaniel to amend the standing rules to reflect a change in the meeting time to 4:00 P.M. effective April, 2017. The motion was seconded by Mr. Formwalt.

The motion carried unanimously.

- Mr. McDaniel asked a question about the communication between the Forestry Department and the Tree Commission members regarding trees in the ROW that were removed by City staff. He stated that he had received a call from a resident asking about a large tree that had been removed.

Mr. McCants replied that if they had to notify the Commission members about every tree that they touch, it would require another staff member to track and notify them.

Mr. Toler stated that, as an example, just today, their staff trimmed 52 trees that day and removed two.

Mr. Rooks stated that he received similar calls, and they did need a channel to quickly get information when citizens call Commissioners with complaints about tree removals.

Mr. McCants advised Commissioners that they should email him with any concerns, and he would provide them with the information they needed as quickly as possible.

- Mr. Rooks, Mr. McCants and Mr. Toler discussed the removal of the bald cypress trees at the entrance to Ridgefield Subdivision. Mr. Rooks stated that he would discuss possible replacement options with the residents and come back to the Commission.

ANNOUNCEMENTS:

- Mr. McCants and Mr. Olsen discussed changes in the organizational chart and how the changes affect the Urban Forestry Department and the Build Mobile Department.

ADJOURNMENT:

With no further business before the Commission, the meeting was adjourned at 6:21 P.M.

TREE COMMISSION MINUTES

SPECIAL MEETING - JUNE 6, 2017 - 4:30 P.M.

CoM MEETING ROOM, 1ST FLOOR, GOVERNMENT PLAZA

MEMBERS:

X	Dr. Maurice Holt, Chair
X	Terry Plauche, Vice-Chair
X	William Rooks, Sec/Treasurer
	Dr. Rip Pfeiffer
X	Cleve Formwalt
	Jesse McDaniel
X	Evan Cox

STAFF:

	Parks and Recreation	Matthew Capps
X	Forestry	Peter Toler
X	Alabama Power	Eric Garrett
X	Planning & Zoning	Richard Olsen

The Chair called the meeting to order at 4:36 P.M. and noted that the number of members present represented a quorum.

TREASURER'S REPORT:

Mr. Rooks presented the Treasurer's Report with an ending balance of \$20,354.57 after an \$800.00 donation from Michael Blankenship.

A motion was made by Mr. Plauche, with second by Mr. Formwalt, to accept the Treasurer's Report as presented.

The motion carried unanimously.

OTHER BUSINESS:

- The Chair announced that the meeting was a special meeting with no permits on the agenda. The meeting was called to discuss a request for Medal of Honor Park. He turned the floor over to Councilmember Bess Rich.

Ms. Rich presented a display of the new playground express constructed at Medal of Honor Park. She stated that the original playground equipment was installed in 1996 and parts and accessories that fit the original equipment could not be ordered, and it didn't meet safety standards. Because of the new rubberized surfacing, they had to remove the surrounding pine trees. They wanted to add the final touch by putting back as many trees and shrubs as they could, she hoped that the Tree Commission would help with a gift to fund the project.

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She introduced the project's designer, Jim Crowe,

Mr. Crowe presented the landscape plan for the project.

After discussion, a motion was made by Mr. Rooks, with second by Mr. Plauche, to approve a gift of \$5,180.00 to purchase the trees to be planted at Medal of Honor Park.

The motion carried unanimously.

- Mr. Formwalt stated that the Commission had spent money on planting trees, but they also needed to spend some money on saving existing trees. He stated that if the City could not budget the money to fertilize trees, the Commission should work to identify trees around town that needed help.

Mr. Toler stated that he has identified four live oak trees on Government Street that need some TLC, and he was going to set aside a day to drive around and identify more such trees and present the data to the Commissioners. He further stated that there are some termite issues with a number of trees, and he would like to be more proactive about preserving these trees. From a structural liability standpoint, he would like to make these trees an asset to the public and not a liability.

Dr. Holt and Mr. Plauche agreed with assessing the trees and reviewing the information brought back to the Commission.

ANNOUNCEMENTS:

Mr. Olsen thanked the Commission Members, on behalf of Councilperson Rich, for expediting the Medal of Honor Park request and announced that the regular Tree Commission meeting for June was cancelled.

ADJOURNMENT:

With no further business before the Commission, the meeting was adjourned at 4:56 P.M.

TREE COMMISSION MINUTES

JULY 18, 2017 - 4:30 P.M.

COM MEETING ROOM, 1ST FLOOR, GOVERNMENT PLAZA

MEMBERS

X	Dr. Maurice Holt, Chair- arrived 4:48 PM
X	Terry Plauche, Vice-Chair
X	William Rooks, Sec/Treasurer
X	Dr. Rip Pfeiffer
X	Cleve Formwalt
X	Jesse McDaniel
X	Evan Cox

STAFF

	Parks and Recreation	Matthew Capps
X	Urban Forestry	Peter Toler
	Alabama Power	Eric Garrett
X	Planning & Zoning	Richard Olsen

The Vice-Chairman called the meeting to order at 4:39 P.M. and stated that the number of members present constituted a quorum.

TREASURER'S REPORT:

Mr. Rooks presented the Treasurer's Report with an ending balance of \$15,574.50 after a \$400.00 donation from Joe Asarisi (P-2017-8/3213 Dauphin Street) and a donation of \$5,180.00 to plant trees in Medal of Honor Park.

A motion was made by Mr. Formwalt, with second by Dr. Pfeiffer, to accept the Treasurer's Report as presented.

The motion carried unanimously.

PERMIT REQUESTS:

[MTC-005324-2017](#)

Tom Herder

25 Van Heuval St

Request to trim one Live Oak tree and one Pecan tree.

Tom Herder, 25 Van Heuval Street, Mobile, AL, spoke on his own behalf and stated that he had seen the staff report and was in agreement.

After discussion, a motion was made by Mr. Rooks, with second by Mr. McDaniel, to approve the request, subject to the following conditions:

1. All work to be performed under the supervision of a certified arborist;

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2. The applicant or his contractor obtain the necessary right-of-way permits, if any;
3. All work to be coordinated with Urban Forestry.

The motion carried unanimously.

OTHER BUSINESS:

- Mr. Toler advised Commission members of the following:
 - Administrative approval granted for removal of a Pecan tree on Grand Boulevard due to the collapse of a sewage lateral causing a structural liability to the tree and was deemed a hazard to public safety;
 - Administrative approval granted to trim the roots of two Live Oaks on Imperial Court due to work to be performed to increase the inlet capability for storm water.
- Dr. Pfeiffer stated that he would appreciate it if staff were to notify members of any projects that might garner the public eye to give them a heads up.
- Mr. Toler stated that there is a need to educate people about Formosan termites and how to care for their trees, especially by getting rid of mulch volcanoes.
- Mr. McDaniel asked Mr. Toler about the need for using a certified arborist and noting that in letters of Administrative Approval. The Commission members and staff discussed the certified arborists in the area who are actively working:
 - Billy Allen – Top Notch Tree Care;
 - Chris Frances – Chris Frances Tree Service;
 - Gary Ickes – Ickes Tree Service;
 - Gene Hendrix – Hendrix Tree Service; and
 - Steve Cain – Cain’s Tree Service.

ADJOURNMENT:

With no further business before the Commission, the meeting was adjourned at 4:59 P.M.

TREE COMMISSION MINUTES

OCTOBER 17, 2017 - 4:30 P.M.

CoM MEETING ROOM, 1ST FLOOR, GOVERNMENT PLAZA

MEMBERS

X	Dr. Maurice Holt, Chair
X	Terry Plauche, Vice-Chair
X	William Rooks, Sec/Treasurer
	Dr. Rip Pfeiffer
X	Cleve Formwalt
	Jesse McDaniel
X	Evan Cox

STAFF

X	Urban Forestry	Peter Toler
X	Alabama Power	Eric Garrett
X	Planning & Zoning	Richard Olsen

The Chairman called the meeting to order at 4:30 P.M. and noted that the number of members present represented a quorum.

TREASURER'S REPORT:

Mr. Rooks presented the Treasurer's Report with an ending balance of \$16,774.57 after a \$1200.00 donation from Cefco (BOA-000137-2017).

A motion was made by Mr. Plauche, with second by Mr. Formwalt, to accept the Treasurer's Report as presented.

The motion carried unanimously.

PERMIT REQUESTS:

City of Mobile, Nick Amberger City Engineer

Tiger Grant Project, Phase I

Remove 43 trees of various species and in various locations along and in Broad Street and Beauregard Street, from Water Street to Congress Street.

Nick Amberger, City Engineer, City of Mobile, AL, 205 Government Street, Mobile, AL, represented the request along with the following staff members and consultants working on the project: Denise Brown, Mary Beth Sullivan, and Jim Crowe and Blake Smisson, landscape designers from WAS Design.

They made the following points in support of the request:

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- The TIGER project is a grant of \$14,000,000 in federal funds designated to rebuild the Broad Street corridor starting at Water Street to I-10 to Dr. MLK Boulevard. It will be a major transformative project for the City's infrastructure;
- The information presented today is only Phase One of four phases; this phase is from Water Street to Congress Street. There are no large historic oaks involved in this phase of the project;
- The Complete Streets design would include accommodations for pedestrians and bicyclists, and certainly landscaping is only one part of the project;
- The design called for removal of 29 live oaks and 13 crepe myrtles which would be replaced by 49 nuttall oaks and 23 crepe myrtles;
- The 18' median is being reduced to 12', and the existing curb line is not changing except at intersections. The reduction of the median and reducing automobile lanes from three lanes in each direction to two lanes will allow for the addition of bike lanes and making pedestrians crosswalks safer;
- Federal guidelines and City requirements do not always coincide, so they have tried to work with the requirements of both;
- MAWSS will be making drainage improvements;
- The project will be in phases over four to five years to make a loop around Downtown Mobile with pedestrian and bicycle lanes that is both aesthetically pleasing and safe.

A motion was made by Mr. Rooks, with second by Mr. Plauche, to approve the request, subject to the following conditions:

1. All work to be performed under the supervision of a certified arborist;
2. The applicant or his contractor obtain the necessary right-of-way permits, if any;
3. All work to be coordinated with Urban Forestry.

The motion carried unanimously.

OTHER BUSINESS:

- Ellen Lursen, Director of the City of Mobile Animal Shelter, represented the request from Harris Oswalt of Mobile Gas for a donation to cover the cost of one tree and planting in Gucci's Garden at the Mobile Animal Shelter.

After discussion, a motion was made by Mr. Plauche, with second by Mr. Formwalt, to approve a donation to purchase two 25-gallon live oak trees from A Bloom Nursery with A Bloom Nursery planting the trees in Gucci's Garden at the City of Mobile Animal Shelter, per the quote submitted by the applicant, for a total donation of \$700.00.

The motion carried unanimously.

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- Mr. Toler discussed the following Administrative Approvals granted to:
 - Alabama Power Company for the removal of trees (three water oaks) from the 1000 block of Old Shell Road and the corner of Bayou Street and Saint Francis, and the trimming of trees on the east side of N. Jefferson Street between Saint Anthony Street and Saint Louis Street and on the south side of Saint Francis Street between Bayou Street and Broad Street, for the installation of new power lines.
 - C. Thornton, Inc. for the removal of a tree at 58 South McGregor Avenue due to damage to the root structure during construction of the sidewalk project.
 - MAWSS for the removal of a live oak at 1762 Dauphin Street to perform an emergency repair of sewer lateral running underneath the tree.
- A letter to the Tree Commission members from Myrt Jones was included in packets provided to Commission members. There was no discussion.

ANNOUNCEMENTS:

- Mr. Toler introduced his son, Peter Toler, who is working on his citizenship and community badge for the local Boy Scouts' Troop #3 which requires attending a public meeting.

ADJOURNMENT:

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

TREE COMMISSION MINUTES

NOVEMBER 21, 2017- 4:30 P.M.

CITY OF MOBILE MEETING ROOM, GROUND FLOOR, SOUTH TOWER

MEMBERS:

X	Dr. Maurice Holt, Chair
X	Terry Plauche, Vice-Chair
	William Rooks, Sec/Treasurer
X	Dr. Rip Pfeiffer (arrived 4:35)
X	Cleve Formwalt
X	Jesse McDaniel
	Evan Cox

STAFF:

X	Urban Forestry	Peter Toler
X	Alabama Power	Eric Garrett
X	Planning & Zoning	Bert Hoffman

The Chairman called the meeting to order and noted that the number of members present constituted a quorum.

TREASURER'S REPORT:

Mr. Plauche presented the Treasurer's Report with an ending balance of \$16,074.57 after donation of \$700.00 to Friends of Mobile Animal Shelter. It was noted that two checks totaling \$1200.00 to the City of Mobile for planting trees in the Right of Way were outstanding.

A motion was made by Mr. McDaniel, with second by Mr. Formwalt, to accept the Treasurer's Report.

The motion carried unanimously.

PERMIT REQUESTS:

MTC-010843-2017

Battiste Tree Service for John and Laura Rutherford

216 Grand Boulevard

Remove a 28" Pecan

Kevin Battiste, Battiste Tree Service, LLC, P. O. Box 1567, Theodore, AL, spoke on behalf of the property owners and stated that the pecan tree needs to come down due to the poor health of the trees and the proximity to power lines and pole. He stated that the recommended \$200.00 donation to the tree bank was not fair in this case as the property owners were trying to beautify the area and were doing the City a favor to remove the

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tree at their own expense.

After discussion, a motion was made by Mr. Plauche, with second by Mr. McDaniel, to approve the request, subject to the following conditions:

1. Due to the proximity to power lines, removal is to be performed by a Certified Line Clearing Arborist, at the owner's expense;
2. Stump to be ground and neutral ground to be restored, including placement of sod;
3. Planting of an understory tree in the right-of-way in front of 216 Grand Boulevard, at the owner's expense, species and location to be coordinated with the Right Tree Right Place list and the City Arborist;
4. Donation to the tree bank in the amount of \$200.00 to defray the cost of acquisition and planting of another tree in the center median of Grand Boulevard – species and location to be determined by the City Arborist;
5. All applicable permits must be obtained, including a Right-of-Way permit, prior to removal of the tree.

The motion carried unanimously.

OTHER BUSINESS

- The Chair presented the Proposed Application Deadline and Meeting Schedule.
- Request from the City of Mobile Architectural Engineering Department for a \$3,300 Grant for 7 Bald Cypress and 4 Sweetbay Magnolia Trees
City of Mobile Project #PR-090-16
Taylor Park

Kim Harden, City of Mobile Architectural Engineering Department, 205 Government Street, Mobile, AL, represented the request and stated that there is a CDBG grant to work on the drainage at the park as it becomes a pond when it rains. They wanted to add a walking trail, if funds were available. She demonstrated the need to remove a line of water oaks that had grown into a drainage pipe. The drainage pipe will need to be repaired or replaced, as needed, and they would like to replace those trees along with others that had been previously removed and add some other trees for shade along the walking trail.

After discussion, a motion was made by Mr. Plauche, with second by Mr. Formwalt, to approve the request for a total number of 11 trees; however, the tree species was to be determined by the City Arborist, based upon site conditions.

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The motion carried unanimously.

- Request from the City of Mobile Architectural Engineering Department for a \$5,000 Grant for 5 Florida Maple, 5 “Muskogee” Crape Myrtle, and 6 Austrails Sweetbay Magnolia Trees
City of Mobile Project # PR-115-17
Harmon Park Playground

Kim Harden, City of Mobile Architectural Engineering Department, 205 Government Street, Mobile, AL, represented the request and demonstrated what existed in and around the site and what improvements were going to be made to the park. She noted the high level of use of the park due to the proximity to a school and community center.

After discussion, a motion was made by Mr. McDaniel, with second by Mr. Formwalt, to approve the request, with the City advised that the Mobile Tree Commission’s main purpose of available funding was to provide for the plantings of trees in the right-of-way, rather than for park or playground projects.

The motion carried with Dr. Pfeiffer in opposition.

ANNOUNCEMENTS:

- Mr. Toler updated the Commission on the status of the widening of Zeigler Boulevard. He stated that it appeared that tree removal began on the west end of the project and was nearly to Langdon Park. Mr. Hoffman stated that actual construction was still approximately a year away, based upon information provided by the Engineering Department.
- Mr. Garrett advised the MTC members that Alabama Power was using a “tree growth regulator” liquid on smaller trees under powerlines to slow down growth. The product would usually last for about three years and reduced the amount of trimming required.
- Mr. Toler stated that he is working with Alabama Power to use “directional cutting” tree trimming procedures which will reduce stubs in trees around power lines and result in healthier trees.
- Mr. Hoffman gave a brief overview of an upcoming meeting with the Mayor regarding the proposed “Right Tree, Right Place” tree and landscape requirements in the proposed revised Zoning Ordinance. Mr. Hoffman stated that he would email copies of the information to MTC members.

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ADJOURNMENT:

With no further business before the Commission, the meeting was adjourned at 5:23 P.M.

TREE COMMISSION MINUTES

DECEMBER 19, 2017 - 4:30 P.M.

CoM MEETING ROOM, 1ST FLOOR, GOVERNMENT PLAZA

MEMBERS:

	Dr. Maurice Holt, Chair
X	Terry Plauche, Vice-Chair
X	William Rooks, Sec/Treasurer
X	Dr. Rip Pfeiffer-arrived 4:57
X	Cleve Formwalt
X	Jesse McDaniel
X	Evan Cox

STAFF:

X	Urban Forestry	Peter Toler
X	Alabama Power	Eric Garrett
X	Planning & Zoning	Richard Olsen

Mr. Plauche, as Acting Chair, called the meeting to order at 4:41 P.M. and noted that the number of members present constituted a quorum.

TREASURER'S REPORT:

Mr. Rooks presented the Treasurer's Report with an ending balance of \$10,274.57.

A motion was made by Mr. McDaniel, with second by Mr. Formwalt, to accept the Treasurer's Report as presented.

The motion carried unanimously.

PERMIT REQUESTS:

[MTC-012329-2017](#)

Linfield, Hunter & Junius

Casey M. Genovese, PE

254, 256, and 260 Dogwood Dr

Remove 14 Oak Trees of Varying Size to Accommodate Required Turn Lane and Sidewalk

Jonathan Catanzano, Linfield, Hunter & Junius Engineers, 3608 18th Street, Metairie, LA, spoke on behalf of the applicant and stated that the staff report summed up the basis for the request pretty well. He stated that during the rezoning process, Traffic Engineering required a right turn lane to be constructed along South University Boulevard, which required that they dedicate a little bit of right of way and remove the trees to allow for the new turn lane.

Mr. Catanzano apologized that they did not make very clear the situation with the drain line that

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required removal of the trees on the northwest side of the property as they would have to remove and replace the existing drain line. He passed out site plans illustrating the location of the drain line.

Mr. Hoffman added that the site has been commercially zoned, all of the existing houses will be demolished, and it will be developed as a national drug store.

Mr. Catanzano indicated that the site will have to be regraded and the plan may change somewhat, but the plan he gave them is their current proposal.

Mr. Toler stated that it is quite significant that the change in grade dips 16-18" where the surface roots could be seen going down 10-15' on the land.

Mr. Rooks asked what type of landscaping would be going back on the site.

Mr. Catanzano replied that the landscape plan had not been prepared yet.

Mr. Hoffman stated that the applicant would be required to submit a landscape plan for approval when they apply for a land disturbance permit.

Mr. Plauche addressed two citizens in attendance and asked if they had any concerns.

Chuck Sierke, 257 Dogwood Drive, Mobile, AL, spoke on his own behalf and on behalf of his wife, Linda Sierke. He stated that they live across the street from the development and had several concerns about the new turn lane and whether or not it would move closer to Dogwood.

Mr. Catanzano stated that there is an existing right turn lane, and unless Traffic Engineering required them to make a change, they are not proposing to shift it closer to Dogwood.

After discussion, a motion was made by Mr. McDaniel, with second by Mr. Rooks, to hold the request over until the January meeting to allow the applicant to provide the drainage and grading information as well as the landscape plan.

The motion failed due to a lack of affirmative votes with Mr. Plauche, Mr. Cox, and Mr. Formwalt in opposition.

After further discussion, Mr. Rooks, with second by Mr. Cox, made a motion to approve the request, subject to the provision of a donation to the Tree Bank for seven (7) trees that will be removed from the right-of-way: $7 \times \$ 200 / \text{tree} = \$ 1,400.00$. The Commission also requested that a copy of the site development plans be provided for their review and comment at the next meeting of the Tree Commission. (Please note that the Commission's authority is limited to the review of trees within the right-of-way.)

The motion carried.

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OTHER BUSINESS:

- [Certification Letter from Mayor Stimpson regarding tree removals for the Bit & Spur Sidewalk Project in the Village of Spring Hill.](#)

The Mayor's Certification for removal of trees along Bit & Spur Rd. in conjunction with a City of Mobile sidewalk project was announced under Other Business.

Mr. Plauche inquired about the plans provided and by whom they were prepared. He was advised by Mr. Hoffman that he did not believe the plans were prepared by the City.

Mr. Rooks stated that this was a case where the Commission had no choice, and that he was curious why the Village of Spring Hill did not file an application to the Tree Commission, and stated that the Commission has been very supportive of their efforts in the past. He expressed concern as to why in this case that they went to the Mayor and that this was stretching the concerns the Commission has about certifications. He indicated that he would bring this issue up to his Councilperson and encouraged other members to do so. He felt that this was becoming a trend where someone would go to just one person, and they would make the decision instead of it coming before the Commission.

Dr. Pfeiffer asked why they went to the Mayor directly to which Mr. Formwalt responded "to bypass us."

Mr. Rooks asked the Commission if they wanted to do something like a letter [stating the Commission's concerns regarding Mayoral Certifications] that they could provide to the Councilmembers to make it more formal. Mr. Plauche stated he would prefer to have it more formal to be on record. Mr. Rooks agreed and stated that this was where they were going down the slippery slope.

Mr. McDaniel stated that this was taking of trees out of the public right-of-way without any voice given to the Commission and no mitigation for the loss of the trees, and he compared it to the application for tree removal for a private development, stating that they are having to mitigate, but with the stroke of a pen the Mayor is escaping that for the Village of Spring Hill.

Dr. Pfeiffer stated that "there is no urgency, there is no public hazard. It is circumscribing. This is what our jurisdiction is – the right-of-way. We can advocate that to the Mayor – or why even meet? We are not going to plant any trees in the right-of-way, we have already established that... we are not going to

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plant any trees in the right-of-way ever again. All we are here about is just taking them down, and he can do that.”

Mr. Rooks stated that each of the members is there representing a Councilmember; Commission members are there on their behest. He asked how the Commission would go about preparing the formal letter - if it was something the Commission members would put together or if it was something staff would help them with? Mr. Hoffman stated that staff could help and make sure the letter was delivered.

Mr. Formwalt stated that the Council members that are not in that area probably have not seen the plan. Mr. Rooks then stated that when he meets with his Councilperson, he will advise her that when she looked at the track record of the Commission, and with sidewalks in particular, when the city comes before them she could tell that they know what the Commission’s expectations were and they had done their due diligence and may have even walked the project with the City’s Forestry Coordinator, Peter Toler. Mr. Toler stated that he had not walked this project, but he believed his predecessor had. Mr. Rooks responded that the Commission then had no idea how much effort really went into looking at the project.

Mr. Rooks stated that he did not know if they really needed a motion or not, to which Mr. Plauche stated that he thought a motion was needed. Mr. McDaniel stated that he felt both were correct – that in this type situation the Commission did not really have any say, which leads to the shared concern that they were seeing this type of action too often, and it gave him great pause – especially representing District 2 and knowing the number of trees there that pose a hazard to the sidewalks. So, he guessed any tree in the right-of-way could be cut down without anything being said to the Commission, and therefore he was happy to draft or circulate a letter .

Dr. Pfeiffer asked if according to law they were supposed to approve this, to which a couple of members said no – it was not an application. He then questioned whether the Commission had to do anything. Mr. Formwalt stated no, we do not do anything. Mr. Rooks stated that he thought the code said they had to approve it, and Mr. Hoffman quoted the code by saying the Commission “shall approve” it.

Dr. Pfeiffer said he was not going to approve it, and he thought the Commission should not approve it. He went on to say they should have a motion passed to not approve this and if they want to kick them off, then fine.

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There was discussion about a previous certification and that they had approved it but tweaked the language. Mr. Rooks asked if it should be heldover for a month. Dr. Pfeiffer said just do not approve it. Mr. Plauche asked if someone would make a motion about the letter and the certification.

Dr. Pfeiffer made a motion to not approve the removal of the trees. Mr Plauche seconded the motion. Dr. Pfeiffer again stated do not approve it and went on to say he did not care what the law said. Mr. Formwalt said this would go on record as not approving it.

Mr. McDaniel stated that as a point of order he was trying to find where the code said "Shall Approve." Mr. Hoffman directed him to the correct page. Mr. Rooks stated that sadly this was not the first one the Commission had done. Dr. Pfeiffer stated that Mr. Hoffman was right, that was what the code said.

Mr. Rooks asked if it could be addressed by saying while the body itself must approve it, everyone voting disapproved of it. Dr. Pfeiffer again stated that he was not going to approve it.

There was some vague discussion. Mr. Plauche stated there was a motion and a second. There was a question about appeals at which time Mr. McDaniel read the appeal statement from the code, and therefore he felt they could all sign a letter of appeal. Mr. Rooks stated that he did not think they had a choice but to approve it. He said that even if they don't approve it, it is going to be approved, and it will have the Tree Commission's name on it that it is approved anyway. There was discussion about not voting on it.

Mr. McDaniel stated that if you read the code like a judge, and it says "shall approve," that means the Commission must take action. Mr. Plauche stated that to him that means shall not approve also – they shall have the decision to approve or not.

Ms. Watkins, Secretary II in Planning & Zoning, mentioned the previous case where the letter was worded somehow that while the permit was approved, Commission members did not necessarily agree with it.

Mr. Plauche asked if the Commission actually had to go through the action of approving it, to which Mr. Hoffman responded yes.

Mr. Rooks asked what would happen if there was a motion to approve but every member dissented. A member stated that it would be denied because the motion failed.

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Dr Pfeiffer said it is not about the trees; it is the principle.

Mr. McDaniel agreed, and stated that the City or the Community should be submitting an application to the Commission.

Mr. Rooks stated that there was a motion on the table. Mr. Plauche reiterated that there was a motion on the table to not approve, unless there was more discussion they should vote on the motion and the question was called. They motion passed unanimously.

Mr. Plauche asked that Mr. Hoffman help draft the letter for the Commission to send to the Council.

Mr. Rooks reiterated that the Commission has been very supportive of the Village of Spring Hill and of sidewalk projects throughout the city.

Mr. Hoffman reminded the Commission of an email Mr. Olsen sent earlier in the afternoon that stated, in part, that Councilperson Daves had asked to Mayor to consider the project for certification. Mr. Rooks responded that that was the concern – Councilmembers having a direct path, anytime they have a sidewalk or anything that is not in agreement with the Commission, to go around them.

ADJOURNMENT:

With no further business before the Commission, the meeting was adjourned at 5:27 P.M.