



## **MOBILE TREE COMMISSION MINUTES**

**NOVEMBER 16, 2021 - 4:30 P.M.**

### **JAMES SEAL JR PARK & RECREATION CENTER ROOM**

#### **MEMBERS**

X	1	Louise McClelland
	2	<i>Vacant</i>
	3	<i>Vacant</i>
	4	<i>Vacant</i>
X	5	Evan Cox, <i>Vice President</i>
X	6	William Rooks, <i>Chair</i>
X	7	Andrew Blejwas <i>Sec/Treasurer</i>

#### **STAFF**

X	Urban Forestry	Joel Potter
X	Urban Forestry	Karla Rudnicki

#### **ADVISORS/REPRESENTATIVES**

X	Urban Forester	Peter Toler
X	Alabama Power	Eric Garrett
X	Legal	Cherlina Monteiro

#### **ADVISORS/REPRESENTATIVES**

Mr. Rooks called the meeting to order at 4:37.

#### **ADOPTION OF THE AGENDA**

Mr. Blejwas motioned to adopt the agenda and Mr. Cox seconded. The motion carried unanimously.

#### **APPROVAL OF MINUTES**

Mr. Rooks wished to go on record to thank the staff for their efforts in timely preparation of materials for the meeting.

1. October 19, 2021

Ms. McClelland motioned to adopt the October 19, 2021 minutes and Mr. Blejwas seconded. The motion carried unanimously.

### **TREASURER'S REPORT**

There was no treasure report provided for approval.

Mr. Blejwas recapped the treasury report from last month, as of 7/31/21 the balance was \$29,263.09. There was a \$200 donation resulting from the commission decision on the 55 Batre Ln application. The ending balance on 9/31/21 was \$29,463.09.

### **HELDOVER PERMIT REQUESTS**

<b>1</b>	<b>MTC-082464-2021</b> 6301 Airport Blvd <b>Removal of four live oaks and two crepe myrtles in order to allow the installation of an ADA compliant sidewalk along the south side of Airport Blvd from Pinemont Dr. to Hillcrest Rd.</b>  Council District 6
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This is the third time this permit will be considered by the Commission, as it has been held over twice.

Mr. Rooks reported that multiple attempts were made with Pastor JT Wright to negotiate an easement for the sidewalk, but were ultimately unsuccessful. Mr. Wright sent an email outlining his position and reasoning for declining. The new District 6 councilman has expressed interest in approaching the church one last time to preserve the trees.

Ms. McClelland made a motion to hold over the application an additional month to allow the councilman to approach the church. Mr. Blejwas seconded. The motion carried unanimously.

### **NEW PERMIT REQUESTS**

<b>1</b>	<b>MTC-086176-2021</b> 304 Long Ct. <b>Willow Oaks are damaging sidewalk. Resident wants to remove and replace with something else.</b> <ul style="list-style-type: none"><li>• <b>Remove 2 Willow Oak 24'' (between sidewalk &amp; curb).</b></li></ul> Council District 7
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Mr. Tom Sharp, homeowner, expressed his reasoning for the removal of the two willow oaks in question. The roots have raised the sidewalk causing a dangerous situation. Also, there is no room for canopy growth of the other willow oaks or the holly trees.

Peter Toler and Joel Potter spoke for Urban Forestry. The primary issue that staff identified was that the Willow Oaks are competing with (shading) other trees in the immediate vicinity. Mr. Toler stated that if the trees were removed, there would not be trees replanted in this location. He also stated that there are methods to mitigate the damage to the sidewalk that did not require removal of the trees.

Ms. McClelland made a motion to approve removing the trees to allow the other trees to grow in. Mr. Rooks added that the conditions for approval are as follows, the work must be performed by a certified arborist and a donation of two trees to the tree bank (\$500.00 per tree) are to be made. Mr. Cox seconded. The motion carried unanimously.

#### **OLD BUSINESS**

##### **1. Village Of Spring Hill**

Linda St. John provided the additional information requested and spoke for Village of Springhill regarding the money requested.

Cherlina Monteiro shared her legal opinion that she can find no legal avenue to allow for an expenditure of this nature to be made within the bounds of the law governing the Mobile Tree Commission.

Ms. Monteiro and the Commissioners discussed the usage of monies from the Tree Bank with regards to what is spelled out in the law governing the Mobile Tree Commission. Ms. Monteiro expressed that she would need to provide a written legal opinion to the Commission, and the safest course of action to remain within the bounds of the law is for the Commission is to go before City Council.

Ms. McClelland motioned to give Village of Springhill the full \$10,000.

Mr. Blejwas expressed his concerns about going against the advice of legal counsel.

Mr. Rooks called for a vote on the motion. Mr. Rooks, Ms. McClelland, and Mr. Cox voted in favor, and Mr. Blejwas opposed.

#### **NEW BUSINESS**

##### **1. Social media outreach**

Social media outreach was discussed. The MTC Facebook, the MTC website, YouTube, and other ideas of outreach were discussed. Ideas for content was also discussed. Peter Toler offered to post any videos or content on his own social media.

2. City guidance on volunteer donations to tree bank

Ms. Monteiro provided a written legal opinion to the Commission members

Ms. Monteiro learned that the Tree Commission was depositing the money into a bank account, instead of an account set up under the provisions of a trust fund. Monteiro informed the members that the Commission is required to establish a trust fund and that there is a requirement for an accounting, and justification for any funds spent, under the law governing the Mobile Tree Commission. Per Ms. Monteiro, Tree Bank funds are earmarked for the specific purchase of trees to be planted on city property, and any other funds should not be comingled with Tree Bank Funds. Ms. Monteiro informed the staff that she would provide a legal opinion regarding tree waiver fees.

**OTHER BUSINESS**

1. Urban Forestry Work Summary

Mr. Toler discussed the work Urban Forestry conducted the previous month. The tree was removed from the country club area. The Mardi Gras pruning project was discussed and other major pruning thoroughfares. The Government street and Mardi Gras pruning was also discussed.

2. Alabama Power Work Summary

Eric Garret spoke for AL Power regarding the work that has been performed has been outside of the city, north of the city limits but will proceed into city limits. Herbicide application process will begin near power poles.

**ANNOUNCEMENTS**

N/A

**ADJOURNMENT**

At 6:03 PM Ms. McClelland moved to adjourn and Mr. Rooks seconded. The motion carried unanimously.