

City of Bay Village  
PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE  
May 26, 2021  
6:00 p.m.

Members Present: Councilwoman Sara Byrnes Maier, Chairman  
Councilwoman Lydia DeGeorge  
Councilman Peter J. Winzig.

Also Present: Mayor Koomar  
Law Director Mark Barbour

Tree Commission Members:  
Colby Sattler, Dave Patzwahl, Debra Jesionowski  
Director of Public Service and Properties Jon Liskovec

Audience: Sean and Beverly Crowley, Beth Wencil, Harry Shimko, JoAnn Post

Audience by Zoom: Gary and Amanda Sebrosky, Madison McCarthy, Mike Polinski, Martha Raymond, Leslie Brown, Nick Dios.

Ms. Sara Byrnes Maier, Chairman of the Planning, Zoning, Public Buildings and Grounds Committee, called the meeting to order at 6:00 p.m., thanking everyone in attendance for coming to the Planning, Zoning, Public Buildings and Grounds Committee meeting this evening. Ms. Maier introduced the other two members of the committee, Councilwoman Lydia DeGeorge and Councilman Peter J. Winzig.

#### Tree Ordinance

Ms. Maier stated that the Planning and Zoning Committee has been working on the Tree Ordinance for a number of months, with a slight delay due to COVID. The draft created by the Tree Commission is the basis for study, going through section by section to work through some of the issues with the draft. There have been tweaks along the way, but for the most part it is very similar to the draft, aside from some of the limitations on the existing residential properties because of legal precedent and wanting something to be able to be enforced by the City. The main deviation from the tree ordinance is whether a tree will be able to be cut down, or request a tree be cut down.

Ms. Maier thanked the Tree Commission for spending the time to put the draft of the ordinance together.

Ms. Maier stated that the Planning and Zoning Committee wanted to have a joint session with the Tree Commission. Mr. Winzig joining the Planning and Zoning Committee providing fresh eyes on the ordinance. There are other things the committee wanted to see about adding into the ordinance that speak to some of the maintenance and health issues of trees, as well as trimming

and pruning to see if it makes sense to insert that into the ordinance before it is sent to the full Council. Since there are a lot of educational pieces that are included as well as some other best practices, where does it make sense to have those as additional items outside of the ordinance that is part of the package that goes to the community, or on the website that could help to attain that goal of preserving our tree canopy and making sure we have a healthy system. One of the other points that came up is the landscaping, the idea of heritage trees and some of the language around that as well.

Ms. Maier asked the Tree Commission members present where they see the Tree Commission's goal in terms of helping to advance the ordinance.

Mr. Colby Sattler, Chair of the Tree Commission, recognized the members of the Tree Commission present on line and at the meeting in person.

Mr. Sattler stated that going forth he certainly sees this as the Tree Commission's responsibility to promote this effort and to make sure that everyone is familiar with where the City stands in regard to trees, tree preservation, and the importance of maintaining and preserving the City's tree canopy. The Tree Commission will do everything they can to incentivize tree planting, both in terms of the City continuing to do their work on city maintained property, but to see private residents encouraged to plant on their property. This is where the greatest gain will be seen in canopy growth. It is just advancing this information, and being a repository for questions and answers. The Tree Commission will be as best they can a first stop, be it through the website, through meetings and through public educational resources. Folks have a lot of the recurring, common questions, to address. They will strive to address those and make the systems easier on everyone. From the residential and City end, there are a lot of questions and confusion on just who to call and if the City arborists are available for private property assessments and things of that nature. And, as COVID subsides, to have a more forward facing approach in the community with workshops, informational sessions and just to share some of the Best Management Practices that are starting to go up now on the Tree Commission portion of the new website. Mr. Sattler stated that the Tree Commission can also be a forum for residents if they have a bit of a debate between two neighbors on a tree that straddles the properties. They would be happy to create an honest and relaxed forum to discuss this and come to consensus. They will do everything they can to be a big part of the support leg, and moving this forward knowing what they can and can't do with the ordinance itself.

Ms. Maier thanked Mr. Sattler for the summary. She noted that Mr. Winzig has done a lot of work in pulling together some additional ordinances, advanced ordinances and landscaping references.

Mr. Winzig asked Mr. Sattler if there has been any discussion in the Tree Commission about setting a goal, or target. He noted that he chatted with Councilman Kelly when he joined the Tree Commission about putting a number out there, like the Bay 500 Plan. When starting to communicate with the community at large, and educate people about removal of trees, it might be nice to have a graphic, such as the United Way thermometer, posted at City Hall that says something that would serve as an educational tool for children, and also the homeowners, to say going forward, by a certain year, we hope to have added so much canopy to the City, or so much

green ground cover, something along those lines. It would help wrap around the story of the reason we are doing all these things as we as the Council, the City, and the Tree Commission believe that putting a number out there gives us a goal to work towards.

Mr. Sattler agreed, and stated that he knows over the course of time and his time on the Commission, there have been numerous debates and considerations around what a goal can be. It is important that they do not undersell themselves. Mr. Sattler stated that he loves the idea of the thermometer, maybe in a tree form, but they don't want to hit a goal and then relax. This is an ongoing thing. They will constantly need to update and repair our tree canopy. To take all the good energy and ideas that are behind that kind of an issue and push it towards something that is a bit longer term and substantive allows residents to continue to work through it with the Tree Commission, looking at things such as a no canopy loss, and knowing that those measurements only happen every few years, there's always going to be a time lag between a freshly planted tree and one that is captured in the system. Maybe things more to the nature of increasing canopy, and increasing awareness, in all the facets of connecting people and trees, just starting to put numbers behind that can be compelling as well. How many people did we collectively touch in a year around trees? If there are programs to disseminate trees, how many did we do, if there's incentives? What are they, and how did we get that information out into the public's hands? There are numerous ways we can creatively get that thermometer to move without limiting ourselves long term.

Mr. Winzig stated that some of the studies he did seem to be categories of information. One mentioned by Ms. Maier is landscaping. Just as a separate concept, it is landscaping for a private residence, and then landscaping for a commercial development. The commercial one is very involved, very deep, because it pulls in parking spaces, islands, and green cover, and the opacity of how much blockage, what types of bushes, mounds, or mulch, and how high you can put a berm.

The second category, which the Tree Commission did a pretty good job covering, is the idea of maintenance as a category. That is the pruning, the root protection, and don't do anything that would cover the current product that is in the City. There are all sorts of insights about proper tree maintenance.

The third category is the idea of preservation. There is also the word protection, and then the word conservation. Are those one in the same, collectively, but the idea of maintaining a certain minimum tree cover or some sort of thing that we are trying to project for the greater good? Under that category, it falls into a resident wanting to add a tree to their property and into that critical canopy. A developer cutting down trees, there is a lot of information about either put money into a fund or adding more tree product to that property, or donating some other trees in another part of the City.

Mr. Winzig stated that this helped him put things into categories.

Ms. Maier stated that there is a difference to the ordinances. There may be model ordinances that are a little bit more advanced, or are for growing communities because they have the reasons to have to update an ordinance and can control a lot that happens. We have less opportunity; not

to say that we don't do it, that is part of the difference.

Mr. Winzig stated that as a subset, there were very specific guidelines for public property and commercial property. As we assemble ours, to be real clear for the homeowner, just to say, you are a homeowner, it is a single family home, this is what we ask of you for maintenance, for protection, and for conservation. On the commercial side, it can be much more elaborate getting in to curb line, protection run-off, putting up fencing, and all the different things we've already been exposed to. Some of that may be in the Building Code, but where do the two intersect?

Ms. Maier asked Mr. Sattler if the Tree Commission talked through some of those areas when putting the draft of the ordinance together.

Mr. Sattler stated that they did, and some of it is what was already on the books. There is ordinance language from other departments, and how can we make this less a whole new machine, in and of itself, but something that just makes life easier for the Service Department in general, or just builds up something that the Building Department has, being a permit or a process. The simplest thing to say is that it was always the intention of the Tree Commission to make this as easy and commonsense as possible. If there was an area where the Building Department is already doing something they don't need to move heaven and earth if it is already there. They just need to recognize and help promote the fact that it is there.

Mr. Winzig stated that in the Dublin sample throughout there is reference to other ordinances.

Ms. Maier stated that in terms of the maintenance, it seems that some of the concerns that have been raised repeatedly in the community are poor pruning practices that are leading to problems and that is where someone's actions impact others. Is that something that needs to be incorporated into the ordinance? Or, should it be a stand-alone. We have the permitting process that is spelled out in the tree ordinances for removing trees, but do we need to make that stronger for the regular maintenance of trees?

Mr. Sattler stated that it points to the fact that we have so many concurrent issues, and if we can parse these out and provide some clarity then the bigger touchstone things we can see through a clearer lens. Do we need to specifically things in the ordinance? When putting this ordinance together we thought clearly we see a deficiency here. All of these issues we are seeing are adherence to industry standards and it is that simple. If you are in this industry you should know about them, if you don't you should not be in the industry. The problem is we are not seeing that in real time. In terms of safeguarding the City, we concluded that redundancies are good, pointing to third party studies, pointing to industry standards, be it removal or pruning. The standards have to be in the ordinance to get the kind of process of registration of contractors allowing the City or the Commissioner to point to an approved list as opposed to playing favorites with a particular contractor. As they come in to get their permits the City gets to put eyes on them, understand if they are a reputable contractor and give them a packet of information. If the redundancies are necessary to safeguard our natural resources, so be it. If we can find that we can do a better system of working with contractors and assuring that our residents have the best of the best as a City of our ilk ours should have, then we are getting somewhere.

Mr. Winzig asked if Mr. Sattler has come across any guidelines for tree removal. For example, if a homeowner hires a tree service and can go to the City website and find the questions to ask the contractor regarding sterilization, removal of product, steps to prevent spread of disease, whatever the standards are.

Mr. Sattler stated that this is something he needs to ask the Tree Commission. How can they synthesize jargon for the average resident, especially with Oak Wilt rearing its ugly head in some real significant pockets in the City? What are those frequently asked questions? If we can have a flyer, do more workshops, absolutely. When we put together the actual ordinance and look at it through the tree lens and the people lens, it has always been about safeguarding our natural resources and empowering residents to make the most informed decision they can on the private property, be it preservation, protection during construction, or removal. Just to insure that when they make that decision for their resource on their property they are doing it with the most current and easily found information.

Ms. Maier asked if there is anything that the Planning and Zoning Commission has done so far with their edits to the ordinance that the Tree Commission would find objectionable.

Mr. Sattler stated that they know what safeguards trees the most is the permitting process and the City's ability to weigh in on those decisions and flexibility. He is not advocating that Bay Village needs to be the most aggressive community out there, but there are shifts in what the Tree Commission put forth based on analysis and interviews and not just what they would like to see. And clarify that they have talked about that difference between commercial permitting and removals, and what the plan for a lot is versus residential to try to clear up some of those gray areas. It is one thing to say it is the residential tree removal, but then looking at residential lots where it is more of commercial activity taking place. It is the clear cutting of entire lots, just a little clarity.

Ms. Maier stated that within the edits of the Tree Ordinance there is the difference between the existing private residential property with a house on it, versus something where there is a building permit involved for a massive redevelopment on the site where you have replacement requirements to have that opportunity to have a reputable contractor to have that point of contact with residents to share information. That is the direction the committee has taken with the edits. The Tree Commission did a lot of good work which has been kept in the ordinance by the Planning and Zoning Commission. It was modified with just a few tweaks.

Mr. Patzwahl stated that what Mr. Sattler was eluding to is that private property is 97% of our City so what you do about private property has so much more impact due to the nature of our City. Can there be a distinction between the guy who has a tree in his backyard that he wants to take down versus what just happened on Lake Road.? They are both private property. It is a different kind of activity. Can there be safeguards put in to prevent what just happened on Lake Road that maybe can't be applied to the guy who wants to remove one tree? If you can do that in 97% of our City is there something we can do at least there that maybe we can't do on a smaller scale basis?

Ms. Maier stated that she thinks the ordinance does address that with the replacement requirement.

Mr. Sattler stated that it is for clarity for residents too. It's not the stated objective to wholesale limit what can be done on private property, no matter how much they understand and promote imports of trees, but it is certainly to work with the City to provide information and find reputable contractors and to ultimately look out for the City's best interests. Trees become unhealthy and trees come down. That is understandable, when we see that wholesale clear cut, when the logging machinery and bulldozers are out, that is a whole different thing. The average resident sees that distinction pretty clearly. Not to limit the ability to attract new residents and developments, and update housing structure, but to know that at the end of the day we can't sacrifice the greater good for these types of things. In the Lake Road type scenario with some interjections we could easily work together to clear the air on are some trees unhealthy, let's connect you with the right resources, let's make sure everything is done well, be it on that property or elsewhere in that neighborhood. If we are able to extinguish that, or if that ultimately gets looped in maybe we just provide a bit more context. Ultimately we see the distinction, the average resident does as well, both in terms of flexibility on individual removals versus wholesale clearing.

Ms. Jesionowski stated that she wanted to comment on what numbers to use. The Tree Commission is in an excellent position to create awareness with the community and residents on where we are now so you have a baseline so you can measure against it. So then when people realize that we have lost a certain percentage of canopy in this time period, maybe that will cause them to think about what we can do as a community to insure that it doesn't continue to decline. Putting resources in place, whether it is on the website or elsewhere to create more awareness will help prevent problems in the future. Ms. Jesionowski stated that she gets frustrated when she hears residents say why the City doesn't do something, that shouldn't happen. If the City actually does enforce not having fly-by-night landscapers come through and offer residents deals would offer more prevention going forward.

Ms. Maier stated that this falls under education and she appreciates the Tree Commission's willingness to take on more and push more information out, especially as this Tree Ordinance moves forward to the whole Council. As there are changes to the ordinance the education piece is very important.

#### Heritage Trees.

Mr. Winzig stated that in some of the samples he has found certain states and cities actually identify very specific species of trees as Heritage Trees. For example, in the Florida region there is a certain palm tree that has been identified. In Washington there are a couple of Evergreens they have picked out. This has also occurred in North Carolina. They have been very clear. There is a lot of conversation about Oaks because they are developed here in Bay Village. Perhaps the Commission could identify certain types of trees that, if you had a choice, preferred to be identified as Heritage types or encourage the homeowner if they had to take a tree down to put that type of tree in because we feel it fits better with the community.

Mr. Sattler stated that the current ordinance does have the Grand and Glorious designation. That is not meant to prevent removals in any way, but it is meant to highlight some of the real gems in the City. It makes sense that the Oak would be one that could be attributed to a Grand and Glorious tree. How can we spruce that up? Maybe create an online forum where you can see where these exist; how can you submit a tree for recognition or perhaps a neighbor has done a great job with a tree, and other things along that same line, like someone has gone to great lengths to promote tree canopy restoration in the City. The easiest thing to think about are our stately Oak trees. But also to know there are some less majestic trees that are just as grand and glorious. If we just create a fun and easy process for people to access information, submit, or ask the arborist their opinion, it may give others pause to say this is a designated and recognized tree, with perhaps contemporary yard signs that say “tree supporter.” If we did that and create some simple guidelines about what would make a good submission for recognition we would see a lot of the Oaks cast into that net.

Ms. DeGeorge asked Mr. Sattler if he has a list now of what are considered Grand and Glorious Trees in the City, but not on private properties.

Mr. Sattler stated that they have dug through the archives to find what they have and it is a mixed bag of information.

Ms. Jesionowski stated that as every tree is identified and assessed and numbered the City could plaque a few of the Grand and Glorious Trees on City property and that will help provide education. Along the basin trail there are new plantings and if they were tagged people might find information to have those type in their landscaping. It is just another avenue to educate, and create awareness, and engage with the community. It is a great idea that people could nominate one of the trees on City property.

Mr. Winzig stated that on the flip side, the whole concept of invasive, there is not a good list. Mr. Winzig stated that he heard people will pick on some of the big box retailers, but they will bulk ship in product that he might go purchase and put in his back yard and have no idea that it is incorrect for this area, or it could harm other trees. It is the other side of it – let’s celebrate these but let’s not add more of the invasive species.

Mr. Sattler stated that box stores have finally stopped selling pear trees. They are usually the last to come around on the local scale. Landscapers are getting them for a song. We can talk about what are native trees, what are non-invasive, non-native trees that are appropriate for a City or for a residential lot and provide the most updated list of invasive species. If that information is easily found it becomes part of our average conversation.

Mr. Winzig asked if there are any plantings, either flowers or bushes or trees that work in harmony with birds and migration that we should be aware of because of our location on the lake. Is that too much detail for the Tree Commission?

Mr. Sattler stated that they can find that information by just promoting some sound, native selections, especially when it comes to pollinators. We are on major flyways for migrating

species, be it Monarch Butterflies, waterfowl, or tropical bird migrants. Oaks host more insects than any other species and all of our butterflies and birds are dependent on those. What is that interplay? We can talk about the importance of natives and pollinators and our situation on the lake and play that up on these third party lists.

Mr. Polinski spoke over Zoom, stating that the official tree would be on a totally different list. The City actually has an official tree identified in Ordinance 103.04, which is a Flowering Crab Tree. This ordinance was passed in 1959 and needs to be updated. As far as the list of approved trees, that falls into something that is also on the books already. We do have a list of invasive species not to plant, i.e., a Willow, a Tree Hemmings, etc. All of that definitely needs to be updated.

Ms. DeGeorge suggested a form to be filled out for planting a tree where it can be known immediately whether it is a desirable tree for the City or not.

Mr. Sattler stated that the Tree Commission's standpoint is that the new website is much more user friendly and accessible. What can we get on it? Can we be the conduit to the right information making sure people check into the right places beforehand? The permit is an opportunity to interface with resident. We can provide a list that will provide information on planting trees or removing trees. The ability to have interface either on the website or in person, or through a permit type application that has a packet of information should be considered.

Mr. Polinski agreed that these lists could be put together and put on the Forester Page and the Tree Commission page on the website for residents. They are continually refining information for the website. Having this knowledge at their fingertips could stop a lot of the problems seen from day to day.

Ms. DeGeorge asked if anybody supplies contractors with the city ordinances as to what we accept in our city and the expectations from them and what they could be fined for if they plant something a resident asked them to plant, and the resident doesn't know it is invasive, but the contractor knows and plants it anyway.

Ms. Maier stated that when they register with the City it is incumbent upon them to know what the ordinances are so that they will follow the rules of the City. To Mr. Sattler's point, perhaps we could update that and provide them with a packet of information when they register.

Ms. DeGeorge stated that if they are supplied that information and sign off on it this would provide more protection for the resident.

Ms. Maier asked if there is a penalty for not removing invasive plants. Mr. Barbour stated that the City would address the homeowner, not the contractor. The homeowner is responsible for removal. Most of the list comes from the Department of Agriculture which has been amended in the past 12 to 18 months.

Mr. Polinski asked if it could be addressed to have a Tree Contractor rather than just a standard landscape contractor, giving more teeth to the fact that they need to follow certain standards and

to only use those standards for pruning or practices.

Mr. Barbour stated that making people adhere to it every day is a different story. They can say they will follow it, but we don't have enough people to be out there all the time to make sure they are following the standards. How many people in the City would be trained to recognize whether they are following the standards or not? If they do not follow the ordinances repeatedly the City could withhold issuing further permits. That is the practice now, as well as for contractors who damage City property.

Mr. Sattler stated that the Tree Commission is more than happy to assist in creating a packet of information to not cause an additional burden to any other City department.

Ms. Maier stated that a lot of the contractors' registrations are happening on line now. The packet could be sent to the contractor as a pdf file when they register. Mr. Barbour stated that from the Law Department's perspective it would be better if residents started insisting on their contractors having this information and are much more informed about good practices. People respond much better when it is something they want to do rather than the government telling them they must do something.

Ms. Maier noted the importance of knowing that a reputable contractor is being hired, as well as the differentiation between having a certified arborist on staff with their company and noting that on the City list, to be able to say this tree service has a certified arborist that can visit your property and talk to you about your trees.

Mr. Winzig asked if the ideas that the Planning and Zoning Committee has for the Tree Commission are a six month project or a year-long project. Is this doable in a reasonable amount of time?

Mr. Sattler stated that it is absolutely doable. It is important enough that they are happy to meet any deadline. There is a whole host of information, but it is only good if you know where to find it and how to get there. That is still that missing connection but they are continually refining that type of information and the Commission is more than ready for any challenges.

Ms. Maier stated that going back to the actual language in the ordinance, some of the issues regarding maintenance and proper pruning can be handled with some language about following industry standards. That is in the draft presently.

The committee has not talked a whole lot about the landscaping language for the draft. Ms. Maier asked Mr. Winzig to go through that topic in a little more detail to see what needs to go in the ordinance or as a stand-alone.

Mr. Winzig stated that the current landscape guidelines in the code are one paragraph. The words "Cluster Development District" is swapped out with "Apartment District" is swapped out with "Office District." It is a paragraph that says they will do a good job with their landscaping. There is good opportunity to update the information.

Mr. Barbour stated that Chapter 1129, the Planning Commission ordinance, does require that a landscaping plan be submitted as part of an application to the Planning Commission. That is not defined in any great detail, but the Planning Commission does review landscape plans and they do give a copy to the Tree Commission.

Ms. Maier stated there could be a reference to that code in the Tree Ordinance. Mr. Barbour stated that it might be good to put landscaping, especially about mounding and screening, in a different section of the ordinance, especially in reference to commercial developments.

Ms. DeGeorge asked Mr. Barbour to clarify landscaping plans. Is this for commercial or private residential property?

Mr. Winzig stated that the ones he found for residential were somewhat simplified and almost common sense. For example placing a hedge on a corner has a height requirement. A lot of the guidelines were residential based, not blocking the line of sight on a driveway or sidewalk with shrubbery, for example. The other is the commercial side. The City of Dublin has eight or nine pages of detail on the number of trees in an island in a parking lot based on the number of parking spots, the height, the type of shrubbery that could be planted, the type of ground cover, etc. It was very detailed. Mr. Winzig noted that he has not had the opportunity to compare that with what is already in the code.

Mr. Barbour stated that you are going to think about enacting a code that specifies exactly what you have to do. What we have now for commercial development is the Planning Commission requires a landscaping plan which they share with the Tree Commission. The Planning Commission members get feedback and in some applications it might not work well but in other applications if you have an ordinance that lays out eight pages of what you can and can't do even though there is a lot of depth to that you might miss a situation or it might be misapplied or it might force an applicant to do something that is not appropriate for their project or site and then they may have to get a variance, so you might make it inadvertently an unintended way of being more complex. If you think of a way to give the Planning Commission some guidelines to operate under so they don't have an ordinance that is excessively vague. Maybe that is a way to look at working on landscaping for commercial properties, not just for trees.

Mr. Winzig stated that a good example would be the potential of expanding the Heinen's parking area. We do not have a lot of commercial projects in the City, but understanding what is going to take place there, are there guidelines that are fairly clear for the developer for that commercial property owner to understand what their requirements would be. It should be clear. With the addition of parking spots, will there be the requirement of trees, ground cover, spacing, lighting, and whatever that might be?

Mr. Barbour stated that he believes it is in the code, but not spelled out over many pages in detail.

Ms. Maier stated that Chapter 1129 does go through some of the requirements.

Mr. Winzig stated that he will review it to see if there is something that can be added to make it

better.

Ms. Maier thought perhaps this might be able to be handled in a different section with just cross reference.

Mr. Barbour stated that the Tree Ordinance is in the general code section and it doesn't necessarily fit with how it is expanded, what we want it to do and what it is doing now. Mr. Barbour noted that his interest as the Law Director is to try to keep the focus in Section 5 more as narrow as we can make it without going off into other venues such as a landscaping plan for commercial property. Mr. Barbour would not necessarily want to see it in Section 5.

Mr. Winzig stated that in regard to the discussion about Heritage Trees, he also came across what is called a Specimen Tree, which states "it means a tree or group of trees considered to be an important community asset due to its unique or noteworthy characteristic or values. A tree can be considered a Specimen Tree based on its size, age, rarity, or special historical or ecological significance. It could include large hardwoods like Oaks, Poplars and Maples, softwoods like Pines, in good or better condition of a certain size, and then smaller trees like Dogwoods, Redwoods, Sourwoods, Persimmons, etc." Mr. Winzig noted that he found this interesting because there could be other trees than the big, mighty Oak that the Tree Commission could identify for the City to say they believe this collection of types should carry forward in the future.

Mr. Winzig noted that there is a tree in the northwest corner of Cahoon Park that is grand beyond belief. It has to be sixty to seventy inches in diameter; it is a magnificent tree. Mr. Winzig could see that identified as a Heritage Tree.

Ms. Maier opened the discussion for any questions from the audience.

Mr. Kelly stated that the Zoom transmission notes that Gary and Amanda Sebrosky asked:

"Will the ordinance emphasize native trees?"

Mrs. Sebrosky stated that she was trying to ask if there is going to be an emphasis in the ordinance for suggesting native trees. It sounded like the discussion went in that direction. It sounds like the committee is going to suggest that, hopefully.

Mr. Sattler stated that, especially in the local industry, they say "native when possible." It is kind of the first consideration and there are probably greater opportunities for native tree plantings in the park space, tree lawns, where there is a need for more specific, hardy resilient trees. We live in a changing climate and they are going to be updating on which of those natives are going to be most resilient over time, which is a huge consideration when considering native trees. He noted that it is a great question, one the Tree Commission supports and they will continue to do their part to make that a suggestion.

Ms. Maier stated that they can add simple text modifications to say "native when possible."

Another Zoom participant stated that they frequently walk their dog down at Walker Road Park, and noticed that it looked like someone was treating some of the “bad stuff” (Poison Hemlock) along the path which goes from the road down to the waterfront. Was that the city? Between the path and the residential areas, on Plymouth, there are some terribly nasty plants which are particularly bad.

Director of Public Service Liskovec stated that he spoke with his counterpart in Avon Lake, Public Works Director Reitz, and that is a project that was undertaken by Avon Lake with support from Kopf Construction who owns the adjacent property where there is some Poison Hemlock. Director Reitz relayed to Mr. Liskovec that they were working together on treating that particular area.

The audience member stated they were also wondering if they would treat something like the Lesser celandine that is starting to spread in the park.

Mr. Liskovec stated this would be something that can be discussed while weighing the cost to make sure they don't go down a road from which they cannot come back.

The audience member asked who they would talk to about pointing out those things and discussing it more.

Mr. Liskovec stated that discussion can start with him and Director Reitz and they talk very frequently. It is a jointly owned park, it would be something that both cities would work together to address.

Ms. Maier called for questions or comments from audience members present this evening.

Sean Crowley, 26508 Bruce Road, stated that he was at the last meeting and voiced his opposition to the idea of requiring people to pay or replace for taking a tree down on private property. Mr. Crowley asked if he heard correctly that while you are not going to require a private property owner to pay or replace if they are just cutting down a tree for the sake of cutting down a tree, but if you want to add a deck to the back of the house and have to take down a tree and need a permit then you would have to pay or replace?

Ms. Maier stated that if there is any sort of modification requiring a building permit that is the opportunity to ask for a replacement.

Mr. Crowley stated that he would still say that from his position that is still infringement on private property, just because you are taking it down for a reason rather than no reason. If he wanted to sell his home and had a couple of big trees behind his house and the buyer wanted to add a family home he would have to deal with the City to get rid of those trees, which would discourage him from buying the home. He could also see someone cutting down a tree and then six months later get a building permit to put up a deck. It sounds like you still want to have a permit for cutting down a tree that is a certain size. What would be the purpose of that? An interaction with the City?

Ms. Maier stated that it would be an opportunity to make sure that you are getting a qualified contractor to do the work and receiving the information available.

Mr. Crowley asked if there would be a cost for the permit, and any reason to deny the permit.

Ms. Maier stated that there really isn't a reason to deny the permit the way that the ordinance is written, other than not having a qualified contractor.

Mr. Crowley asked if that requirement does not exist today. There is no rule that says you need a qualified contractor?

Mr. Barbour stated that it does not exist today.

Mr. Crowley asked if the idea is to make sure you are not cutting at the wrong time and for the wrong kind of tree and should have a qualified contractor.

Ms. Maier stated that the resident might be working on his own property but could be impacting the neighbors by having a contractor that doesn't know what they are doing.

Mr. Crowley asked if qualified contractors are required presently.

Ms. Maier stated that they have to register with the City and not everyone does register with the City. They are trying to put as much information into the homeowners' hands to make a good decision. That is a huge part of this effort.

Mr. Crowley stated that there may be ways to do that without permits and fines. He noted that they love the trees too, but also just want to make sure the City is not overstepping. He stated that he is a big believer in less regulation over more regulation.

Mr. Sattler stated that Mr. Crowley's points are well taken. The Law Director has done an exemplary job of making sure we understand exactly that. It is about giving you the right information. It also helps the City to start tracking trends. Are we seeing disease; is there a new bug in town that is infesting our trees? The ability to observe what is going on can be really helpful to all those around us and to the general preservation of the tree canopy. At the end of the day no one would object to making sure residents have the best list of the right contractor.

Mr. Crowley asked if there is a fine for not obtaining a permit to cut down a large tree. That bothers him a bit but can see the idea of the permitting, the idea that you are still going to make people pay or replace to cut down a tree to add a deck, he really doesn't like. You can still ask for a permit to cut down the tree, but now you have to put money in the "tree kitty" just because you want to put a deck on your house.

Mr. Sattler stated that at least they would know this is the process so there is bit more common ground. Mr. Crowley shares the same questions that a majority of residents do

An audience member stated that the permit process generates the touchpoint, the chance to have

discussion. Maybe the person would reconsider, maybe they would change their mind about taking the tree down. He stated that he still does not understand the legal difference between not building a ten foot fence. What is the legal difference? At least it generates discussion and can lead to long term good will, if nothing else, about best decisions being made.

Mr. Crowley stated that he believes he plants about fifty Oak trees every year, but they end up getting cut by the lawn mower.

Ms. Maier stated that if you are getting a building permit, by having to see the tree survey and look at where the trees are in the property, you might think you can keep a tree but you might be impacting the root structures so much that in two years you would have to take it down anyhow. It is also from that standpoint too, understanding what you can preserve. Ms. Maier noted that putting in a new driveway in her home before they moved in killed the roots on the tree and two years later it was dead and had to come down.

An audience member asked if there would be any exceptions to the requirement to paying or replacing when taking down a tree.

Ms. Maier stated that it depends on the size of the tree and if it is a dangerous or diseased tree there are exceptions to having to pay to a tree replacement fund or plant elsewhere on the property. There are some exclusions. It has to be fair and equitable in the way it is applied to everyone. That discussion would be held as part of the permitting process.

There were no further comments or questions.

Ms. Maier thanked everyone for the good discussion this evening. She expressed appreciation to the members of the Tree Commission for their participation, noting it is very helpful. There is definitely a better sense of where the ordinance is and the long term plans of the Tree Commission and how they can work together to advance it.

The meeting adjourned at 7:21 p.m.

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Sara Byrnes Maier, Chair

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Joan Kemper, Clerk of Council