

**Meeting, January 15, 2019, 3PM
Battery Park Community Center**

Attendees:

Wilbur Bellew, Code Enforcement Officer
Holly Brown, Committee Member
Anita Grove, City Commissioner
Pam Richardson, Committee Member and note-taker for this meeting
Dennis Winterringer, Committee Chairperson

Minutes:

Dennis opened the meeting at 3PM. We adopted without revision the draft summary from the Committee's November 20, 2018 meeting.

The Committee reviewed the changes Dennis made to the proposed Tree Ordinance based on comments received from citizens at the December 4, 2018 hearing and the January 8, 2019 hearing. The Committee agreed with adding water oak, but not adding redbay and laurel cherry to the list of protected trees. The Committee agreed with Dennis that no change to differing diameters of trees, depending on species, should be considered in declaring a tree a patriarch tree. It stays at 35" for all trees. Gene Smith's comments about enforcement were discussed at length later in the meeting (see below). In response to Briana Wheatley's comments, (1) the franchise agreement the City has with Duke Energy will define "right of way" for electric power lines, hence there is no need to include that in the proposed ordinance, (2) Dennis clarified which fees are administrative, which are permitting-processing, and which are for the Reforestation Fund on page 8 of the proposed ordinance, (3) Ms. Wheatley may be right in her opinion that fees to property owners for removing protected trees may encourage diseased trees not being removed, but if no fee is charged then trees that are not diseased may be removed even in the absence of disease, (4) Duke assured the Committee some months back that they would notify property owners before any tree is cut or removed, but by their own admission they have fallen short, (5) as to whether the City Manager is qualified to make decisions delegated to him by the City Commission through the Tree Ordinance, any decision that an affected person disagrees with can be appealed to the City Commission, (6) coming up with specifics for the Reforestation Fund is on our to-do list, (7) amounts of fines are spelled out in the proposed ordinance, work can be stopped, Wilbur Bellew is the Code Enforcement Officer, Wilbur and Pat Floyd determine the amount of fines, decisions can be appealed to the City Commission, the City has imposed fines in the past and Duke Energy certifies certification of their workers per guidelines of the Int'l Society of Arborists, according to Duke.

The Committee next reviewed comments made by Wilbur, the Code Enforcement Officer, to the City Manager regarding the proposed ordinance. In response to fencing around drip lines, Dennis removed that requirement from the proposed ordinance. Regarding specifying proposed removal of trees, the Committee agreed that site plan maps are needed in both new construction *and* existing construction circumstances. The City Commission decided at a joint workshop that the Tree Committee would make

recommendations about patriarch tree applications and present them to the decision maker (P&Z or City Manager). In cases where the City Manager makes a patriarch tree decision, it must be a written decision in case a citizen wants to appeal it. Finally, in response to the concern that the revised requirements will increase the City workload to process the applications but not increase the permit-processing fee that the City collects, Wilbur acknowledged that he would nevertheless carry out the terms of the Ordinance that the City Commission adopts.

There ensued a long conversation about enforcement in the City. There are many concerns, but no consensus on the solutions.

The meeting adjourned at 4:30.