

**FAIRVIEW MUNICIPAL TREE COMMISSION  
MINUTES**

Meeting, Tuesday, 06 January 2015  
7:00 pm

1. Chairperson, Debby Rainey called the January 2015 meeting to order at 7:00 PM.
2. Roll was taken. A quorum was present.  
In attendance: Debby Rainey, Chairperson; Larry Richards–Vice Chairperson; Patti Carroll, Mayor; Toney Sutton, Vice Mayor; Lisa Anderson, Planning Commission Chairperson; Jack Cannon; Mike Berkley, City Arborist; Jane Woodall, Secretary.  
Absent: None.  
Guests: City Manager, Wayne Hall; Codes Manager, Frank Humber;  
Mark White - representing Fast Pace Clinic.
3. Approval of Agenda: The Tree Board had been requested to consider adding two items to the agenda – review of the landscape plans for Stuff It in and review of the landscape plans King's Market (requested by FHumber). Since the plans for these items were not received by all members of the Tree Board prior to the meeting, PCarroll moved to add the following item to the agenda: Call for a Special Meeting to (1) discuss and take action on the landscape plans for Stuff It in and (2) discuss and take action on the landscape plans King's Market. TSutton seconded the motion. After some discussion, the Board voted to approve the addition of the item.  
JCannon moved to approve the agenda as amended. LRichards seconded the motion. The Board voted to approve the agenda for the January 2015 meeting as amended; none opposed.
4. Approval of Minutes: TSutton moved to approve the minutes of the previous meeting; JCannon seconded the motion. The Board approved the minutes for the December 2014 meeting as is; none opposed.
5. Old Business
  - 5.1. Bowie Commons Property Landscape noncompliance:  
FHumber confirmed that no registered letter was sent from codes to Diane Adcock with PGE Properties as indicated would be done at the December Tree Board Meeting. FHumber and WHall spoke with Ms. Adcock on 05 January 2015 and Ms. Adcock told them she had replaced some trees in October 2014 and that she would provide an invoice to them. Per MBerkley, these were not replaced according to the original landscape plan as required by codes. TSutton moved to add this item to the agenda for the Special Tree Board Meeting later in January or to the agenda for the February Tree Board Meeting. PCarroll seconded the motion. The board voted and approved to add to this to the Special Meeting agenda.
  - 5.2. Mapco Property Landscape noncompliance:  
FHumber stated that he has learned that the Mapco property is under separate management than the Bowie Commons property. He also noted that he has information in a letter to Ms. Adcock dated 01 July 2014 regarding the requirements for replacement of dead trees on this property. FHumber stated that Ms. Adcock will be providing him the name of the management company for the Mapco property. Follow-up to this item will also be included in the Special Tree Board Meeting to be discussed later in this current meeting.
  - 5.3. Walmart Landscape Noncompliance –WHall reported that, to date, although some dead trees have been cut down, no replacement of the trees has been done. WHall also noted that although the warranty period for the landscaper is up, the responsibility remains for Walmart to comply. WHall reported that as a result of no action on the landscape compliance, the city is holding the bond. WHall noted that Walmart has asked for the bond to be reduced, but the city plans to hold back some to ensure the

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landscape is corrected. MBerkley had sent Codes a letter dated 19 August 2014 noting an inventory of the trees and shrubs that were dead or dying (included number and identification). FHumber stated that Walmart is aware that they need to replace the dead trees and shrubs. TSutton made a motion to provide Walmart a list of the dead trees and shrubs immediately and request they be replaced within 90 days of this meeting (06 January 2015). LRichards seconded the motion. The Board approved.

- 5.4. Fast Pace Clinic – Review of Landscape Plan: LAnderson moved to approve the Fast Pace Clinic Landscape Plan contingent on the change of the Emily Bruner Holly species noted on the plan to another Ilex opaca (American Holly) species. TSutton seconded the motion. The Board approved with none opposed.

### 6. New business:

#### 6.1. Discussion of the wording of the Tree Bank Ordinance

There was discussion that the original use of the Tree Bank funds was to be for planting trees. The wording in the current ordinance states that the funds can be used for “landscaping” and this has some Tree Board members concerned since the American Society of Landscape Architects (ASLA) definition of landscaping includes hardscape as well as vegetation. MBerkley recommended the Tree Board consider asking the BOC to re-word the ordinance to use the funds strictly for vegetation. Discussion continued that the Walmart monies currently in the fund should stay as is (for trees only) and that any future Tree Bank funds be considered for alternate allocation if desired – a suggestion of an 80/20 split between trees and hardscape was made. Currently, funds are also used for maintenance of vegetation such as “gator bags”, mulch, water, etc. Someone asked if funds would/could be used for the cost of a backhoe (for planting purposes), fertilizer, other maintenance such as costs for planting and trimming, etc. WHall noted that the labor costs involved are usually picked up by the City’s general fund. The BOC has had several discussions on the wording within the past few months. Before a recommendation is made, PCarroll agreed to get the final wording of the Tree Bank ordinance to the Tree Board members so they can see the current wording and consider wording for a recommended change. The Tree Board members are all aware that the BOC will make the final decision, but would like to recommend again that the BOC consider changing the wording to limit the potential use of the funds for projects that do not enhance the replacement for trees and other vegetation. This item will be table until the February agenda.

- 6.2. Discussion of business at corner Sleepy Hollow and Hwy 100: FHumber stated that this project is too small and will not be required by zoning and codes to go to the Planning Commission and therefore, does not need to be reviewed by the Tree Commission. No additional discussion was warranted.

- 6.3. Communications to BOC from Tree Board Meetings: DRainey noted that, following the December 2014 Tree Board meeting, she heard a number of were told to the BOC on items that were not approved motions or were misrepresentations of what was discussed or had happened at the meeting. DRainey noted that only approved motions should be given to the BOC for formal consideration and action.

- 6.4. Moving of election of new Tree Commission Officers to July 2015 Meeting: TSutton made a motion to delay the 2015 election of Tree Commission officers to July to allow for any change in commission members as terms typically expire in June. JCannon seconded the motion. The Board approved with none opposing.

- 6.5. The Tree Commission discussed the timing of the Special Meeting to discuss the items noted in Item 3 (and subsequent items) of these minutes. TSutton moved that the Tree Commission set Tuesday, 20

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January 2015 at 7:00 PM to meet and to discuss and/or take action on (1) the landscape plans for Stuff It in; (2) the landscape plans King's Market; (3) follow-up on the noncompliance of Bowie Commons; and (4) follow-up on the noncompliance of Mapco. LRichards seconded the motion. (Note: LRichards commented that he would not be able to be present for this meeting.) The Board approved the date, time, and agenda items for the Special Meeting with none opposing.

7. Update on Tree Bank Funds – WHall reported that the fund is \$95, 452. \$17K has been allocated to the Road Scapes project.
8. Citizen Comments:
  - 8.1. It was noted that there is no mention of the Tree Commission Meeting agenda on the city's web site. WHall noted that the web site was in the process of being revised and that this would be considered.
  - 8.2. It was noted that the citizen agreed that the Tree Commission should be given plans in ample time to be able to review to make an informed decision and praised the Tree Commission for not moving too quickly without having all the information.
  - 8.3. It was noted that the Tree Bank Ordinance has been to the BOC and city attorney twice and that is was not inexpensive to have the city attorney draft wording.
  - 8.4. WHall wanted to be sure all present were aware of the new city flag now outside of City Hall.
9. Adjournment: With no further business, DRainey adjourned the meeting at 8:50 PM. The next scheduled meeting will be 03 February 2015.