

**Minutes of the Meeting of the Avon Tree Commission
Held in the Council Chambers of the Municipal Building
On Wednesday, January 11, 2023
At 7:30 P.M.**

The Chairman, 3rd Ward Councilman Anthony Moore, called the meeting to order.

PRESENT:

Commission Members: Mary Berges; Matt Smith; Liesa Wetzig; Anthony Moore, Chairman; Certified Arborist Richard Varga (Non-Voting Member)

Law Director John Gasior; Finance Director Steve Presley

ABSENT: Alex Boccabella; Shannon Laurenzi (arrived later in the meeting); John Traxler

MINUTES OF THE REGULAR MEETING OF THE AVON TREE COMMISSION HELD WEDNESDAY, DECEMBER 14, 2022

A motion was made by Mr. Smith and seconded by Ms. Berges to dispense with the reading of the minutes of the Regular Meeting of the Avon Tree Commission held Wednesday, December 14, 2022, and to approve said minutes as published, and the vote was: Ms. Berges, "yes"; Mr. Smith, "yes"; Ms. Wetzig, "yes"; Mr. Moore, "yes".

The vote was 4 for and 0 against and the Chairman declared the motion passed.

MOTION TO RECOMMEND THAT CITY COUNCIL CHANGE AVON'S ARBOR DAY AND AVON'S ARBOR DAY CELEBRATION FROM THE FIRST SATURDAY IN NOVEMBER TO THE FIRST SATURDAY IN OCTOBER

A motion was made by Mr. Smith and seconded by Ms. Wetzig to recommend that City Council change Avon's Arbor Day and Avon's Arbor Day Celebration from the first Saturday in November to the first Saturday in October, and the vote was: Mr. Smith, "yes"; Ms. Wetzig, "yes"; Ms. Berges, "yes"; Mr. Moore, "yes".

The vote was 4 for and 0 against and the Chairman declared the motion passed.

DISCUSSION OF RECOMMENDATIONS TO CITY COUNCIL REGARDING AMENDMENTS TO ORDINANCE NO. 70-21 AND Ordinance No. 90-21

Mr. Moore/Mr. Varga

Mr. Moore said that they asked Mr. Gasior to attend the meeting to discuss some of the ideas that they had mentioned before about tightening up the codified ordinances regarding trees. He asked Mr. Varga to talk first about the material that he emailed to them.

Mr. Varga noted that as a Tree Commission, what they are trying to do is be more of a learning entity rather than a police force for lack of a better term. But there are some areas that we need to define more specifically and one area is tree protection which is stated in Section 1028.11 of the Codified Ordinances. He sent out a memo to everybody today of what he did for Olmsted Falls, which was a development plan submission and approval. He thought that right now Avon Planning Commission does not require a tree preservation plan when a developer comes in with plans for a development. So he thought that it would be pertinent for them to make sure that in their ordinance that they establish a tree preservation plan and have that also in conjunction with Section 1028.11. That is why he sent out that memo so everybody

could see that in Olmsted Falls there is a tree provision plan that has to be submitted before developers start their work. So as a City, with this requirement, we would have some idea of what developers are doing as far as removing trees. We just want to make them aware, if nothing else, that they have to at least consider preserving some of the trees if they can. So as a Tree Commission that is part of what we really need to do is start preserving our trees in the City because eventually we are going to be a Tree City USA and part of that is having a tree canopy. And all that relates back to the tree preservation plan.

Ms. Berges said she thought that was a great idea and she was glad that Mr. Gasior was there because she had some questions. We also have Section 1228 in the Codified Ordinances that deals with developers and what their requirements are, especially if they are clearing land; there are certain things that they have to provide to the Planning Department. They have to have a topography plan and they are also supposed to indicate in the final development plan, all the existing trees that are there. They are required to maintain the existing trees to the extent possible and so her question to Mr. Gasior is, how much does the Planning Department look at the topography section of the development plan? Because that may be useful for us to see where we need to strengthen that.

Mr. Gasior responded that they do not really look at that too closely because when they do look at it, they look at it from a stormwater standpoint. Most developers that have come in on any kind of project, when it came to the question of preserving a tree or several trees, they always say that they are going to damage the root system in the process of developing the property and it is cheaper to remove the tree at that time than after they have constructed the project. That has always been their explanation and we have never really had anybody on Planning Commission that has advocated for preservation of trees; not because they intend not to; it just was not something that they gave any thought to. This tree preservation is all relatively new and if the Tree Commission feels that Planning Commission is not doing enough or needs to pay closer attention to what is in the Code, it might be in your interest to attend a Planning Commission meeting and explain your concerns and ask them to start paying attention to some of these Code sections.

Mr. Gasior said, again though, a lot of what we have in Section 1028 concerns public trees on public property or private trees that overhang public property and our Service Director is sort of in charge of that situation. There may be a tree in someone's front yard that is overhanging and causing a problem with pedestrians or something like that, or the power companies had to trim trees because they fall within the utility easements. We are all aware of those situations and that is sort of where we are with Section 1028. He thought that there might be an ordinance in Westlake where if you remove certain trees in the development process, you have to replace them after the development is completed with similar-type trees, measuring caliper, etc. He could take a look at that and follow up with the Commission, and Mr. Varga may know about it.

Mr. Varga said, yes, Westlake does have that ordinance and they are more specific as far as caliper of the tree. Mr. Gasior said that he could see something like that as opposed to saying someone could not take down a tree which he thought would probably get into a 5th Amendment issue. It might not be a bad approach to say, take the tree down but you will be required to replace them. He knows that we do have something in our Planning and Zoning Code that talks about identifying trees of a certain caliper, but once again, he does not think that has ever really been discussed at any Planning Commission meeting. He was not even sure if they are identified on the plats. Again, that is just a matter of enforcing what is on the books.

Mr. Gasior stated that we enforce Section 1294.04 that requires one tree per lot, especially in residential. Every residential subdivision has to have that one tree per subplot. In fact, as part of the Subdividers Agreement, there is a provision for a deposit to be made to insure that the subdivider does in fact put the

trees in and we hold that deposit up to two years after the improvements have been accepted. Also, he thought that there is language in Section 1228 or Section 1244 that talks about actually identifying trees of a certain caliper on the final subdivider plat. But he does not recall any discussion taking place on any of that for as long as he has been around.

Mr. Varga said that he thought it would be advantageous for them then to attend one of those Planning Commission meetings and he would be more than happy to do that to express their concerns. Mr. Gasior stated there is a Planning Commission meeting on January 18th and he knows that it is a short meeting as he saw the agenda and there are only two items on it. It might be a great opportunity for the Tree Commission to attend and point out the sections of the Code that they feel Planning Commission should be paying closer attention to now that we are becoming a Tree City USA.

Mr. Moore read from Section 1248.08: "The developer or subdivider shall exercise due judgement in the clearing of land so that as many trees as is practical are preserved." Mr. Gasior said he thought that there is a section in the Code that requires the developers to identify some of these trees that are above a certain caliper. Ms. Berges said, it is 4 or more inches and it is in the Code. Mr. Gasior said that he has seen a few plats come in where they did identify those trees and then of course the discussion usually is that there is no way they can preserve them and that is the end of the discussion. But maybe we should be talking about the requirement of replacing trees for ones that are removed. Mr. Varga said that we just need to make the developers aware of the possibilities of doing it; they need to look over the area where the development is going to be and come up with some type of tree preservation plan.

Mr. Gasior said that his recollection of Chapter 1028 is that we are not really dealing with anything like that in Chapter 1028; that is dealing more with public trees. But the other things that they are alluding to with regard to Planning Commission, he thought it would be in the interest of the City to have one of them attend a Planning Commission meeting and just point out the sections of the Code that are already there and just ask if they can start to pay more attention to that when the developers come in with their plans.

Mr. Moore said that he would not be able to attend the Planning Commission meeting on January 18th but he would be happy to go to the February meeting with Mr. Varga. Mr. Gasior said that he would be seeing Planning Coordinator Pam Fechter on Friday and will let her know that you had the discussion tonight at this meeting and will ask her to be prepared for what you are going to be coming in to talk about in February.

DISCUSSION OF ARBOR DAY EXPENSES FOR 2023

Mr. Presley, Avon Finance Director

Mr. Moore advised that Ms. Laurenzi had arrived at the meeting.

Mr. Moore said that he thought it would be good to have Finance Director Steve Presley come in and go over a bit of what he had for our Arbor day expenses.

Mr. Presley stated that the list that is before them contains items that he could easily identify as Arbor Day celebration expenses. He will meet with Ms. Laurenzi to go through anything that was requested for reimbursement and get those fully listed. But he thought that the bigger thing that they were looking for was direction on how to proceed in this coming year for the October Arbor Day. And the first thing is that the requests for expenditures need to go through Mr. Moore who can request a purchase order for them from Mr. Presley. If Commission members or volunteers go out and buy items, they cannot be reimbursed for the sales tax as the City is tax exempt and has to provide the vendor with a tax exemption form. Or if Mr. Moore wants to continue to have Ms. Laurenzi purchase items, then he and Mr. Moore can work that out on how we are going to buy all these miscellaneous supplies. It might be that someone from City Hall

could go to Costco and buy them because we have the tax exempt form at Costco so we can sign off on that purchase. So we need a better coordination so we are not moving around last minute trying to figure out who is doing all the buying. The City cannot buy alcohol so whatever the Commission is going to do with that beer tent has to be completely outside of the expenses that come through the City. Mr. Presley said, so that is the formation. The Tree Commission members would go through Mr. Moore to request expenditures and he would then make a recommendation or a request of the Administration and Council. If there were other expenditures that this Commission wanted to do relative to the Tree City USA plans, then Council and the Administration would make a decision on that; that is totally separate from the Arbor Day expenses.

Mr. Moore said he had no problem if Ms. Laurenzi wants to do Arbor Day again next year and would be fine with her going to Mr. Presley with expense requests as opposed to coming to him. Everyone agreed that Ms. Laurenzi had done a fantastic job with Arbor Day.

Mr. Presley said that would be fine but obviously the list of expenses for Arbor Day or the budget for that should be brought to the Administration for acceptance maybe by the end of July so that they will have August and September to go forth and get ready for the October celebration.

Mr. Moore stated that they were a new Commission last year and had no experience with the Arbor Day planning but it was an outstanding event. And as he said, Ms. Laurenzi did a great job. Ms. Laurenzi thanked him and said that she was happy to Chair it again. She added that the expenditures were mostly items that they discussed in their meetings. She asked Mr. Presley if emails would suffice for expense requests or does he have a form for it? Mr. Presley said that she could email Mr. Moore with the expense request and copy him. Mr. Moore still has to be the focal point and give his approval.

MEMBER COMMENTS

Ms. Berges stated that she had an update on the City newsletter. She emailed the editor, Paula Pitasky, in December and she did not have deadlines yet for the next newsletter. She was waiting to meet with the Mayor and then she would get back to us. She also offered to help write the column if we wanted that, depending on what we do, so we really should be just thinking about what we want in the next newsletter. Do we want a Q and A or an informational article? And by the time the newsletter is ready, we may know about Tree City USA so the article could be about that. Ms. Berges then said that she will not be at next month's Tree Commission meeting so she just wanted to give them advance notice.

Ms. Laurenzi apologized for being late. She then asked what was decided about the date change for Arbor Day and Mr. Moore said that the new date is the first Saturday in October each year.

Mr. Varga stated that he had some good news. Through the International Society of Arboriculture, he applied for an award for planting the trees at Crushers Stadium and we won. We share the award with AT&T; it is being presented February 8th in Columbus and an AT&T representative is going down there to receive it. He noted that we had great volunteers that day to help with the planting and as he said, it was a combined effort with AT&T because they actually supplied the plants and some volunteers. Mr. Varga helped with the selection of the trees and as a City we picked up the trees for them and we were there to help unload them and so we were quite responsible as far as the Tree Commission in getting it all organized. Mr. Varga said when he originally met with AT&T, they told him that they knew nothing about tree planting so he had to go from there and make sure everything went smoothly and it did. Everyone did a great job and it was just awesome that day.

Ms. Berges asked if we could get that information in the newspapers as that is great publicity for the Tree Commission to win a major award. Mr. Moore said that he would talk to the reporter who attends meetings at City Hall and he thought he would be happy to write something for the Tree Commission. Mr. Smith added, and that would be good to put on the Tree Commission's link on the City's website too.

Mr. Varga stated that he planted the seedlings over at Eagle Point that were left from Arbor Day and he sent them all a picture. He thought it would be nice to have a little plaque saying that those were the seedlings from the first Arbor Day in the City of Avon so in ten years when they have grown and are looking great, people could remember what they were and when they were planted.

Mr. Varga then said that he was talking with Mayor Jensen and the Mayor suggested if the Tree Commission would be planting more trees in conjunction with Arbor Day, we should consider picking out an area to plant them. Mr. Varga said, so he went around and looked at all the areas and the one place he saw that he thought still needs trees is the Aquatic Center. There are all those tables there and the playground equipment and it is all in full sun. Last year at Arbor Day, we planted two trees but maybe for the next Arbor Day we will try to purchase four or five trees. He said everybody might want to start thinking about that.

Mr. Moore thanked Mr. Varga for doing that and stated that getting that award was pretty cool. He also thanked Mr. Presley and Mr. Gasior for attending the meeting tonight.

AUDIENCE COMMENTS

Andrew Turkington, 2675 Jaycox Road, said that he just wanted to come to the meeting tonight and say hello. He works for Davey Tree and is a board-certified master arborist and national business developer. He lives in Avon and was really excited about the formation of the Tree Commission and thinks it is something that Avon has needed for a long time. He said that he would be more than happy to help them with any of his services as needed and can definitely put them in contact with some of the right people. Davey Tree has a big presence in Avon; they have the commercial landscape office on Jaycox and Mills and a residential office is planned to come here eventually so they are definitely looking to grow some of what they are doing in Avon. He said he would be happy to donate some trees for this year's Arbor Day and could get them in contact with the right people to make it happen.

Mr. Moore said that they would love to have him at Arbor Day as well and represent the company, and thanked him for coming to the meeting tonight. Mr. Turkington said that he appreciates what the Tree Commission is doing for the City and as he said, he thought it has been needed for a long time. He grew up here and as they mentioned earlier in the meeting, with some of the development, it has been difficult to watch a lot of the larger tree canopies come down but he thought that moving forward, we can make some good positive changes.

ADJOURN

A motion was made by Mr. Smith and seconded by Ms. Berges to adjourn the Regular Meeting of the Avon Tree Commission, and the vote was: Ms. Berges, "yes"; Ms. Laurenzi, "yes"; Mr. Smith, "yes"; Ms. Wetzig, "yes"; Mr. Moore, "yes".

The vote was 5 for and 0 against and the Chairman declared the motion passed.

Respectfully submitted by Gail Hayden, Assistant Clerk of Council