

**CITY OF BILOXI
TREE COMMITTEE MEETING**

**Minutes
March 12, 2018**

Members in attendance: Robin Rodolfich (1), Tracy Wyman (2), Matt Dubaz (3), Mary Kinney (4), Carroll Campbell (5), Bernie Marinovich (6)

Members not present: Julie Bocek (7)

Others in attendance: George Lawrence (1), Paul Tisdale (5)

I. Call to Order: 4:00 p.m.

II. February 2018 Minutes

A motion to approve and accept the February 2018 Meeting Minutes was made by Tracy Wyman. The motion was seconded by Robin Rodolfich.
Motion carried.

III. Ongoing Business

A. Code Violations- Carroll stated she had not received response on the reporting of code violations from either the Mayor or City Council. Carroll agreed to draft a formal report to the Mayor and City Council in the form of a memorandum.

IV. Meeting Reports

- A. DRC Meeting Report
- B. Planning Commission Meeting Report

V. Current Business

- A. The Tree Committee Reported to City Council at the February 27, 2018 meeting regarding its findings and suggestions pertaining to the Land Development Ordinance as related to Tree Protection.
- B. Member Attendance - City Council has expressed concern over Tree Committee Member participation. Tracy Wyman reported that as of October 2017, a committee membership policy has been in place, that all members have been advised of the policy and given ample opportunity to request an alternative meeting time. Six of the seven members were present at this meeting, and all agreed to uphold their commitment to the position or to notify the Committee and respective Council person if unable to serve.
- C. Councilman Tisdale offered to assist with the proposed LDO revisions, in an effort to bring the final proposal to City Council. Tracy Wyman will get the draft proposed revisions to Councilman Tisdale.
- D. It was made clear at this meeting that no plan for tracking mitigation of trees currently exists. Councilman Lawrence recommended the Committee provide the City with a

- proposed Mitigation Report format. Tracy Wyman and Carrol Campbell agreed to prepare the draft Mitigation Report format.
- E. It was decided that monthly 'windshield surveys' are to be conducted by each Tree Committee member for their Ward, and findings are to be reported to the Committee. Councilmen Lawrence and Tisdale recommended any violations be reported to the respective Council Person, who would then pass the information on through appropriate channels.
 - F. To date, Bernie Marinovich has been the primary representative at DRC meetings and Carroll Campbell has been the primary representative at Planning Commission meeting. It was reiterated that these roles should be equitably shared among the members.

VI. Meeting adjourned: 5:45 p.m.

ACCOMPLISHMENTS TO DATE:

1. Since its inception in February 2016 through September 2017, the Tree Committee has met periodically and as needed for review of site plans and training workshops. During this time, the Committee was briefed on their role by the City Arborist, operating under Roberts Rules of Order voted on Committee officers, reviewed 5 Site Plans upon request of the City Arborist, and offered written recommendations for each Site Plan which were then presented to the Planning Commission. The Tree Committee has recognized its own deficiencies in
 - a. meeting regularly;
 - b. sporadic member attendance/participation at meetings;
 - c. understanding the Land Development Ordinance (LDO).

2. Additionally, the Committee raised questions as to whether there were contradictions in the LDO and/or process, whether all required tree permits were being reviewed, and whether recommendations were being heard. In response to these concerns, and in an effort to function more effectively, as of October 2017 the Committee has:
 - a. Established a regular meeting schedule as the second Monday of each month at 4:00pm at the Gulf Coast Community Design Studio, 769 Howard Avenue.
 - b. Adopted a Committee Membership policy to require member's attendance at regular meetings:

"It is each members' responsibility to maintain a 75% attendance at meetings, OR take the following actions:

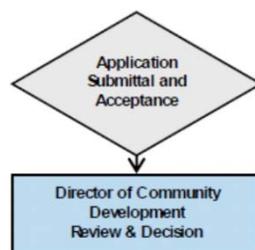
 - Step 1 Notify Tree Committee;
 - Step 2 Take efforts to find a qualified replacement for their position;
 - Step 3 Notify the appropriate council person of the needed replacement."
 - c. Began sending a representative to all DCR meetings and Planning Commission Meetings.
 - d. Read through and reviewed in detail the LDO as it relates to tree protection, mitigation, and permitting, and the Committee's role. Comments, questions, and draft verbiage for revisions were then presented to the City Arborist and Councilman Tisdale for their input and feedback at the regular Tree Committee meeting on Tuesday, February 12. As a result, the following recommendations, as well as compliance concerns, are hereby being made by the Tree Committee:

RECOMMENDED REVISIONS TO THE LDO:

The LDO as it relates to the Tree Committee is difficult to navigate and interpret, and should be revised so that it is easy and logical for both City Staff and residents to understand. The Tree Committee will develop a draft revision to be presented to City Council. The rewriting will address the following:

1. Majestic Oaks:
 - a. New verbiage will define Majestic Trees (not just oaks) as “A specimen tree with a healthy canopy and a DBH of greater than 18”. The designation may apply to Live Oaks, Bald Cypress, or Southern Magnolia that are deemed of significant historical, cultural, and/or ecological value.”
 - b. The Tree Committee will work in cooperation with the City Arborist to establish an application process for designation of Majestic Trees.
 - c. The Tree Committee will maintain a map of designated Majestic Trees in the City of Biloxi, and may reach out to volunteer groups in this effort.

2. Tree Permitting:
 - a. Currently tree permits are not required for Major Subdivision development. The Tree Committee recommends these projects require permits in order to compel closer examination of major subdivision development and greater retention of tree canopy within these proposed developments. This may require revision to Section 23-2-4(F) using verbiage that specifically prioritizes tree canopy in open space or as vegetative buffers.
 - b. The Tree Committee recommends that the removal of every single protected or specimen tree be reviewed by the Tree Committee.
 - c. Require permits for diseased or damaged trees to insure Tree Committee Review (this will also serve as an educational tool for the Tree Committee).
 - d. Develop a mechanism to follow-up with the Tree Committee as to what is agreed to in a DRC Meeting or Planning Commission Meeting or when the Tree Committee requests further detail on a Site Plan.
 - e. Appeals to tree permits: Tree Committee proposes the LDO stipulate that the Committee be notified of appeals, and that the appeal process extend to citizens at large (any person aggrieved), not to the applicant only.
 - f. The process diagram shown below should be revised to include the Planning Commission and the Tree Committee.



3. Penalties:

The Tree Committee proposes the City of Biloxi adopt the following policy: “The penalties for felling a specimen tree without a permit is \$2000 per tree on residential property, and \$10,000 per tree on commercial property for the first offense. For second and subsequent offenses, the penalty doubles. The penalty for critically altering a specimen tree is \$100 per caliper inch of the damaged limbs. The unlawful critical alteration of each protect tree shall be considered a separate incident. All penalties collected will go into a trust fund for the purchase, planting, and maintenance of new trees on public property, parks, and city streets.”

4. Tree Protection:

- a. Replacement Tree Requirement: Eight 3” diameter replacement trees will be required for each healthy specimen tree removed or destroyed. This is a revision from three 6” replacement trees based on research which shows smaller diameter trees have a greater survival and success rate. Additionally, the revision will specify that Live Oaks be replaced with Live Oaks, and that other species be replaced with Live Oaks, Southern Magnolia, or Bald Cypress. The replacement will be made via a combination of replacing trees on the site, and utilization of a ‘mitigation bank’ where equivalent dollars are deposited into an account. The Tree Committee will work in cooperation with City Arborist to establish this system and policy and to create a mapped plan for the mitigation bank to fund tree planting in public places such as parks, along streets and boulevards, enroute to schools, and along other walking districts. Excess dollars will fund irrigation.
- b. Replacement trees and shrubs for landscape plans should specify native varieties. A list of acceptable native varieties will be developed by the Tree Committee in cooperation with the City Arborist for inclusion into the LDO.
- c. Developers will be required to provide an illustrated Mitigation Plan as part of the Site Plan and/or Landscape Plan.
- d. Retention of Existing Tree Canopy: The current LDO uses a table to determine Tree Projection Zones that stipulate area of canopy by land use zone. This table actually allows for more canopy to be removed than if using the specimen tree requirements method. This will be addressed in the revised LDO.
- e. Tree Damage or Removal Within a Tree Protection Zone. The LDO currently allows for many ways for mitigation to occur in the event of accidental damage within a Tree Protection Zone. The Tree Committee proposes stronger verbiage and greater requirement that developers adhere to the requirements of the Tree Projection Zone, rather than relying on mitigation.

COMPLIANCE CONCERNS:

The Tree Committee has noted inconsistencies or absence of compliance to the existing LDO in several areas, and hereby requests full compliance of the LDO by the City of Biloxi:

1. Tree surveys presented by a builder/developer are many times inaccurate or incomplete, and should not be approved by DCR, and returned to the applicant for compliance.

2. The Tree Committee requests adherence to the policy whereby Public Works is required to make application for Tree Permits. This will provide more communication and transparency to the public.
3. Major Tree Permits involve the proposed removal of one or more protected trees from a property site. The Tree Committee has not, in the past, received all notifications, and hereby requests the City to adhere to the current requirement of Tree Committee Review.
4. Tree Committee is not receiving copies of Tree Permit Applications, as stipulated in the LDO. The City Arborist has agreed to provide these moving forward.
5. Tree Mitigation reports are to be provided monthly to the Tree Committee, and annually to the Mayor. Quarterly reports to the Tree Committee may be more feasible, and this will be addressed in the revisions to the LDO. The contents of what this report should include must be provided to the City Arborist by the Director of Community Development.
6. Construction equipment, stockpiling, and other construction materials are frequently reported by citizens beneath the canopy of a protected tree during construction. The Tree Committee hereby requests the City to enforce the Tree Protection procedures outlined in the LDO.
7. NOTE: 5 or more trees being removed *always* requires a public hearing.

MOVING FORWARD:

As we move forward, the City of Biloxi Tree Committee will be looking for ways to provide great support to the City Arborist through volunteer groups, Extension Specialists, and more.