

**CITY OF BILOXI
TREE COMMITTEE MEETING**

**Minutes (Approved as Revised 5-14-2018)
April 9, 2018**

Members in attendance: Robin Rodolfich (1), Tracy Wyman (2), Bernie Marinovich (6)

Members not present: Matt Dubaz (3), Mary Kinney (4), Carroll Campbell (5)

I. Call to Order: 4:11 p.m.

II. March 2018 Minutes

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

III. Ongoing Business:

A. Current Issues & Code Violations:

- 1) In recent months, the Tree Committee has noticed and reported to the City several code violations pertaining to tree protection. In the March 2018 meeting, it was established that each member of the Tree Committee would conduct monthly 'windshield surveys' of their Ward. One of the main violations has been storage, stock-piling, and parking within the canopy of a protected tree on construction sites. A uniform system is needed to record, report, and track code violations.

A Code Violations Spreadsheet was drafted during the meeting by members present as a system to record, report, and track code violations. It was decided that committee members would a) record violations on the spreadsheet; b) report the violations to their Council Person immediately via email and copy the City Arborist; and c) follow-up with their Council Person until the code violation has been resolved satisfactorily according to the Land Development Ordinance. In addition, Tracy Wyman was designated as the committee member to be copied on emails, and will hold the archived record of images until such a time as an on-line archive can be developed.

A motion to adopt this system was made by Bernie Marinovich, and seconded by Robin Rodolfich. Motion carried.

- 2) Windshield survey reports by Ward and Ward Maps – No members reported on windshield surveys. Hard copies of legible Ward maps will be distributed to each member at the May meeting.

B. Meetings Reports:

In order to be kept aware of all plans relating to tree protection, the Committee has committed to taking turns to attend all DRC and Planning Commission meetings.

- 1) DRC Meeting Report
Bernie Marinovich reported that the March DRC meetings revealed no plans relating to tree protection.
- 2) Planning Commission Report
Carroll Campbell reported that the March 15 Planning Commission Meeting dealt with a variance for the new development of the Holiday Inn on Hwy 90 at Rodenberg Avenue. The Tree Committee requested to visit this site with the City Arborist (see results under 'Sites Reviewed', below).

C. Sites Reviewed:

- 1) Pedestrian Bridge @ WWII Memorial: Five members of the Committee reviewed the proposed Site Plan and made recommendations (See Appendix A for Tree Committee Recommendations).
- 2) Holiday Inn, Hwy 90 @ Rodenberg: The Committee was alerted to this property by attending a Planning Commission meeting, and requested to view the site with the Site Plan. The visit revealed the submitted Site Plan did not reflect an accurate depiction of the tree issues on the property. Therefore, the Committee recommended a variance permit be re-adjudicated, and that the detailed site plan be corrected and re-submitted. Community Development Director Jerry Creel has sent the variance application back to DRC to be revised (See Appendix B for Tree Committee Recommendations).

IV. Current Business:

- A. Tracy Wyman reported she is preparing Tree Committee Agenda and Minutes for publication on the City of Biloxi Website, as recommended by Council members in the March 2018 meeting.
- B. Mitigation Report Structure – Tracy Wyman reported that a system to track mitigation of protected trees is in process. A draft will be ready for input from the Committee and City Arborist during the current month.
- C. Ward Representation— Carroll Campbell (via email) reported that Julie Bocek has stepped down as Ward 7 representative. Mary Kinney (former Ward 4 representative) will take her place upon approval by the City. Councilman Barrett and Mayor Gilich have been advised of this recommendation. With Mary Kinney's move to Ward 7, the Ward 4 seat is now open. Councilman Deming and Mayor Gilich have been asked to seek a replacement for the Ward 4 Representative.
- D. LDO Verbiage—Tracy Wyman reported that the LDO verbiage changes, as recommended by the Tree Committee, are still in process. Within the current month, a draft will be ready for input from the Committee, and sent to Councilman Tisdale who has agreed to prepare the verbiage for proposed incorporation into the Land Development Ordinance.

V. Meeting Adjourned: 5:10 p.m.

APPENDIX A

MEMORANDUM

To: Mayor Andrew Gilich
Jerry Creel, Director of Community Development
Eric Nolan, Arborist
All Members of the City Council
Mike Leonard, CAO

From: City of Biloxi Tree Committee
Carroll Campbell, Chair
Matt Dubaz, Vice-Chair
Tracy Wyman, Secretary
Robin Rodolfich
Mary Kinney
James "Bernie" Marinovich
Juli Bocek

Date: March 23, 2018

Re: Recommendations Regarding the Proposed Pedestrian Walkway at the Santa Maria site and Biloxi Small Craft Harbor

On March 22, 2018, Tree Committee members Robin Rodolfich, Bernie Marinovich, Tracy Wyman and Carroll Campbell met with City Arborist Eric Nolan at the site of the proposed pedestrian walkway traversing Highway 90 from the Santa Maria site to the World War II Memorial at the Biloxi Small Craft Harbor. After reviewing this proposal and examining the site with Eric, the Tree Committee finds as follows:

Pedestrian walkways are highly desirable in urban settings, and we strongly encourage their construction in Biloxi. This effort to improve pedestrian access to City sites is very much appreciated. However, in this instance we find procedural issues as well as substantive problems in terms of tree conservation:

- 1) This proposal was not submitted to the Development Review Committee, as city code requires. The revised proposal must be submitted for review by DRC and by the Tree Committee according to procedure established in the Biloxi Land Development Ordinance.
- 2) The northern stairwell is well positioned and does not impact specimen trees. However, the site plan shows the southern stairwell without reference to the canopy of the healthy specimen live oak tree directly south of its proposed position, which would be severely impacted by the structure. According to Eric, three leaders and one 18' limb would have to be removed in order for the stairwell to be situated

as shown. The stairwell would also have to be built directly over the root system, which will unacceptably impact this large and well-established high-value tree.

- 3) In light of the problems, we propose the following three options for a revised site plan:
- a. Relocate the pedestrian walkway well to the west, with a north stairwell on the Biloxi Town Green and a south stairwell at the Hard Rock parking garage. This will benefit the Hard Rock, facilitating visits by visitors' center patrons to the casino. It will also benefit the City, as visitors parking at the Hard Rock will be able to easily cross and visit the town green and downtown area where they can spend time at our local restaurants, see our downtown historic sites, or enjoy festivals.
 - b. Shift the south stairwell to the west and situate it in the three northeast parking spaces just north of the World War II Memorial. Pedestrians will exit the stairwell directly north of the Memorial.
 - c. The south stairwell can be shifted slightly to the east so that it is outside the area of the canopy and root system of the healthy live oak yet is still at a workable angle for the walkway. There is an unhealthy live oak to the east, but we are less concerned about impacts to this tree because of its obvious decline. The City must, however, perform mitigation for this tree if it is destroyed, as it is still alive. There is ample room at the World War II Memorial environs for mitigation at the current required ratio of three to one. Tree Committee requests mitigation with live oak (*quercus virginiana*) or magnolias (*magnolia grandiflora*).

APPENDIX B

MEMORANDUM

To: Mayor Andrew Gilich
Jerry Creel, Director of Community Development
Eric Nolan, Arborist
Members of City Council
Mike Leonard, CAO

From: City of Biloxi Tree Committee
Carroll Campbell, Chair
Matt Dubaz, Vice-Chair
Tracy Wyman, Secretary
Robin Rodolfich
Mary Kinney
James "Bernie" Marinovich
Juli Bocek

Date: March 23, 2018

Re: Holiday Inn Site Plan

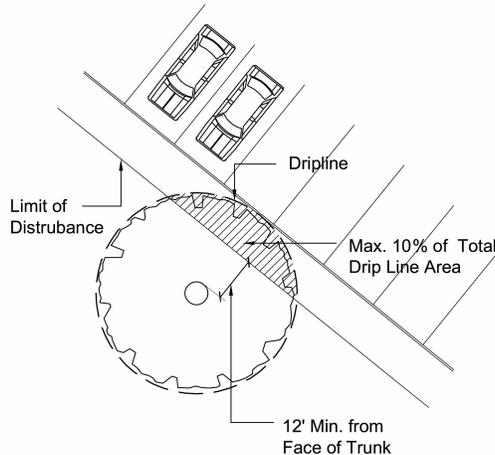
On March 22, 2018, Tree Committee members Robin Rodolfich, Bernie Marinovich, Tracy Wyman and Carroll Campbell met with City Arborist Eric Nolan at the site of the proposed Holiday Inn on Highway 90. After reviewing the proposed site plan submitted in association with the application for height variance, which was approved on March 15, 2018, and upon examining the site with Eric, the Tree Committee finds as follows:

It is our understanding that the representative of the Holiday Inn stated to DRC that there were "apparently no trees" at the site of this proposed hotel. However, we found that there are more protected trees at or adjacent to the site than were disclosed, and that the two trees shown on the site plan were not represented correctly. Therefore, this developer must apply for a tree permit with a revised site plan addressing the following:

- 1) The current site plan does not accurately reflect the canopy area or the DBH (diameter at breast height) of the two specimen trees that are pictured. The developer must submit a revised site plan representing the canopy diameter and DBH of these trees accurately.
- 2) Furthermore, it is apparent that the parking area will significantly impact the root systems of both these trees, and this also must be addressed. City Code prescribes the following:

23-6-4(F)(2)(b) Paving or Soil Compaction Prohibited

The area within the drip line of any specimen tree shall not be subject to paving or soil compaction greater than ten percent of the total area within the drip line, or within 12 feet of the tree trunk. (See Figure 23-6-4(G)(2)b., Limits of Paving or Compaction near Specimen Trees.)



- 3) Trees existing on the eastern edge of the property line must be represented in a revised site plan. Their canopy diameter and DBH must be indicated accurately.
- 4) Trees existing just outside of the western property line must also be represented on a revised site plan, including their canopy diameter and DBH. Though these trees are not on the property, they will be impacted by the construction, and, therefore, must be accounted for.

In order to protect the specimen trees on or adjacent to the site, the developer is allowed by Ordinance to reduce the number of parking spaces:

23-6-4(I)(2) Reduction in the Minimum Number of Required Parking Spaces

Up to a five percent reduction in the number of off-street parking spaces required on a development site shall be allowed if the reduction in the amount of required pavement will preserve the root zones of existing healthy *trees* with a DBH of ten inches or greater. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be agreed upon by both the applicant and the Director of Community Development. Alternative paving materials (See Section 23-6-2(C)(4), Alternative Materials.) may be required by the Director of Community Development in cases where required parking areas encroach upon root zones.

Finally, we note that the height variance request was approved without accurate information provided to the Planning Commission/BZA. Though this matter is outside of our purview, we do recommend that Community Development require the developer to re-submit the application for height variance with accurate information and that it be re-adjudicated.