

This annual report is provided as a requirement of the Land Development Ordinance whereby the Tree Committee is to determine compliance with replacement and establishment provisions during the terms of tree permits, and report any perceived violation for follow-up.

ACCOMPLISHMENTS TO DATE:

1. The Tree Committee continues to meet monthly on the second Monday of each month at the Gulf Coast Community Design Studio, 769 Howard Ave., Biloxi. Agenda and minutes are posted on the City website along with Committee member contact information, and useful resources. All Tree Committee meetings are open to the public with opportunity for public comment.
2. The Committee has established sub-committees for the following tasks:
 - a. Public relations / community outreach;
 - b. Mitigation Tracking;
3. The Committee meets on-site whenever necessary regarding Tree Permit Applications that go to hearing, and has reviewed and provided recommendations regarding the following seven projects during 2018 with a total of approximately 336 protected trees removed:
 - a. The Blake Assisted Living Center on Popp's Ferry (35 protected trees);
 - b. Cedar Lake Preliminary Plat 5 / Cedar Crescent Sub-division (15);
 - c. PJ's Coffee Shop, lot adjacent to Wells Fargo at corner of Eisenhower and Pass (15);
 - d. Nature's Trails, Phase II between Wash Fayard Rd. and Lorraine Rd. in Woolmarket (142);
 - e. Biloxi Beach RV Resort on Veterans (100);
 - f. Savannah Estates Subdivision Phase II, Savannah Estates Blvd. (29);
 - g. Proposed Holiday Inn site on Hwy. 90, near intersection with Veterans, west of White Pillars;
 - h. Additionally--Pedestrian Overpass at WWII Memorial--no permit was applied for in this case; however, the Tree Committee conducted a site visit with the City Arborist and provided written recommendations to the City;
4. The Committee has established a Dropbox account for the archival of cases, correspondence, and all official reports.
5. The Committee has purchased and reviewed the American National Standard ANSI A300 standards for pruning, "Tree, Shrub, and Other Woody Plant Management – Standard Practices (Pruning)" and "Tree Pruning: Best Management Practices, Second Edition" and tree hazards, produced and published by Tree Care Industry Association, Inc. (TCIA).

6. The Committee regularly sends representation to all Development Review Committee (DRC), Planning Commission, and some City Council meetings, regardless of whether tree permits have been issued that would alert us to attend. This practice has led to an increased number of Tree Committee reviews. It is a developer's responsibility to review what is required of them under the LDO, but it appears this oftentimes does not happen. In DRC, Tree Committee representatives support the City Arborist to inform developers and their clients at the outset of planning that tree mitigation is required by ordinance at a ratio of 3:1. By following the practice of communicating developers' obligations as early on as possible, we intend to ensure they plan and budget for tree protection and mitigation from the start of their process, while site plans are still flexible and investor contributions are still being negotiated.
7. The Committee established a process in June for Tree Committee review of all permits, whereby the City Arborist forwards tree permit applications to the Committee along with pictorial documentation. This process has often helped the Committee to advocate for the City when citizens contact the Committee over trees they seeing being removed. Review of the tree permits provided to us has also tended to confirm that a majority of tree removals conducted under City oversight are justified.
8. The Committee has extensively reviewed the current Land Development Ordinance (LDO) as it relates to tree protection, and drafted revisions to the Tree Committee section, Tree Permit section, and the Tree Permit Application form. The Tree Committee has met with the Director of Community Development and City Arborist for feedback and input. Our next step will be to follow a course prescribed by Ordinance for review and codification. Revisions to the more detailed Tree Protection section should follow to align with these revisions once refined and approved. Proposed language addressed issues to:
 - a. Provide an accurate Permit & Approval Process Diagram;
 - b. Bring greater clarity and consistency across all sections;
 - c. Define Majestic Trees and set up a process for their designation;
 - d. Penalties verbiage has been developed based on research of several other Southern cities in order to assign penalties that bear enough weight to be meaningful and are comparable to regional standards. Research revealed no penalties for tree permits are on record with the City of Biloxi as having ever been assessed through our municipal court;
 - e. Simplify verbiage and eliminate confusing terms such as major and minor permits and specimen trees;
 - f. Provide more accountability regarding tree replacement/mitigation, and tree protection and provide list of mitigation sites and a list of native species to be used.
 - g. Provide more accountability regarding pruning standards that align with ANSI A300 standards.

9. The Committee has developed an Action Tracking spreadsheet as an internal system to track issues and seek resolution regarding replacement/mitigation requirements and perceived violations. The spreadsheet is reviewed and updated each month during the regular tree committee meeting. This system allows the Committee to stay on top of issues until they are resolved or clarification is received and our questions are answered, and to track fulfillment of mitigation requirements.
10. The Committee conducts monthly ‘windshield surveys’ to scan for tree issues, and reports concerns to the City Arborist. Citizens are now assisting with this effort, reporting to the Tree Committee who, in turn, reports issues to the City Arborist. The transparent practice of the Committee receiving all permits and pictorial documentation of trees permitted for removal has allowed some concerns to be dispelled.
11. Citizens repeatedly have complained about utilities pruning, so in response, The Committee is conducting a 1-year study to pictorially document its effects. After speaking with MS Power, and reading their technical specifications, it was decided the Tree Committee should track for one year how some of these trees recover (or not) over time. Photographs were taken in August and early December. The study is in its sixth month.

COMPLIANCE CONCERNS:

The Tree Committee is committed to compliance with the Land Development Ordinance. These concerns include:

1. Mitigation—

- a. Unfortunately, the following sites have received their Certificates of Occupancy, but have not conducted their required mitigation, and are therefore in non-compliance. They are as follows:
 1. Caterpillar Daycare (9 or more trees);
 2. Cedar Lake Circle K;
- b. The following sites are still in the development process. Trees have been removed, but mitigation has not yet taken place, and landscape/mitigation plans have not been provided:
 1. Nature’s Trails Phase 2;
 2. Blake Assisted Living on Popps Ferry/Big Ridge Rd.;
 3. Hilton Gardens Hotel on Hwy. 90 adjacent to the Santa Maria site;
 4. La Quinta at the corner of Hwy 90 and Hopkins;
 5. Davis and Davis at Marcia Court People’s Plaza northeast of 2598 Pass Rd.

c. Two letters of conflict addressed to the Mayor were delivered regarding Planning Commission decisions that did not uphold the Land Development Ordinance mitigation requirements:

- 1) Nature's Trails: This developer's tree application was for the removal of 142 trees, with an offer to mitigate with fifty live oak trees. This was approved by the Planning Commission. The Tree Committee submitted a letter of conflict to the Administration, whose resulted in a decision requiring mitigation at a ratio of 1:1, which was an improvement, but still was not in compliance with the Tree Ordinance, which requires mitigation of 3:1. In the letter of conflict, the Tree Committee requested a revised grading plan indicating that two trees especially worth saving would indeed be conserved. As the response did not address this question, we sent a follow-up letter to request confirmation, but to date we have not received a response from the Mayor. For the public record, we are hereby requesting a response from the Mayor to our follow-up letter.
- 2) Biloxi Beach RV Park: This was another case in which the developer's offer to mitigate at a ratio of 1:1 was approved at the Planning Commission, and then contested by the Tree Committee with the Mayor. To date, we have not received a response in our letter of conflict. For the public record, we are hereby requesting a response from the Mayor in this matter.

b. By ordinance, Tree Mitigation reports are to be provided monthly to the Tree Committee, and annually to the Mayor. Quarterly reports may be more feasible and this will be addressed in the revisions to the LDO. However, currently the reports are only provided when requested, and not at regular intervals, and not in report form, but through telephone communication with the chair, who records what is reported. The contents of what this report should include have been provided by the Tree Committee to the City Arborist.

12. **Stockpiling** of materials and storage of large vehicles under tree canopies continues to be a problem in Biloxi. The contractors at Hilton Gardens have continually stockpiled building materials under trees and stored a work trailer under a tree canopy despite our repeated requests that they stop.

The City is still not adhering to Tree Protection requirements. One example is the property on the corner of Seal Avenue and Hwy. 90, construction material is being stockpiled under tree canopy. However, Tree Committee requests have resulted in 1 case of tree protection being corrected at the Bay Vista Fire Station, where the City removed stockpiled aggregate, large vehicles, and a large storage container from beneath tree canopy.

2. **Tree Protection During Construction**— Though some progress has been made, the Tree Committee will persist in reporting practices that do not align with the LDO and that compromise tree health during construction.

As of this writing, Treasure Bay continues to house and/or use bulldozers under the tree canopy north of the parking lot they are constructing. Tree protection fencing is absent from the trees at this site. A tree permit was issued in this case, but at this writing the Tree Committee has not received a copy of it.

3. **Tree Permit Applications**—

- a. Site plans. Some progress has been made by persistence of the Tree Committee, but vigilance must be maintained so that site plans presented to DRC and Planning Commission are accurate and complete. Three examples of incomplete site plans Tree Committee addressed in 2018 are the Biloxi Beach RV Resort on Veterans, proposed Holiday Inn site on Hwy 90, and the PJ's at 2685 Pass Rd. Standardization of tree permits and site plans is being addressed in the proposed of revisions to the LDO.

- b. Public Works. The Tree Committee again requests adherence to the LDO whereby Public Works is required to make application for Tree Permits. This will provide more communication and transparency to the public while demonstrating the City's commitment to protecting our tree heritage.

Examples:

- 1) New Keesler Gate;
- 2) Sewerage updates on Hwy. 90—regarding root systems of the trees
- 3) World War II Memorial.

4. Tree Hearing Required—

As a note, the removal of five (5) for more protected trees always requires a public tree hearing according to the LDO. All tree species are protected except pines, pecans, and popcorn trees.

MOVING FORWARD:

As we move forward, the City of Biloxi Tree Committee will be looking for ways to provide greater support to the City Arborist as directed by the Director of Community Development to include the following:

1. COMPREHENSIVE CITY BEAUTIFICATION PLAN. Biloxi's economy is based in tourism. As a great Southern city, Biloxi would greatly benefit from landscaping and beautification at Interstate and highway interchanges, as well as along our city roadways, to provide visitors with a welcoming experience and to demonstrate our role as Mississippi's premier tourism destination.

By ordinance, the Committee is to advise City officials based on city beautification, but no parameters exist on the nature of the guidance. After a recent meeting of Tree Committee officers with the Director of Community Development and the City Arborist, the Tree Committee will provide a map of opportunities and will work to assist the City in securing funding for a comprehensive beautification plan.

2. EDUCATION—

The Tree Committee agrees that a public education campaign should precede our eventual goal of enforcement of penalties. This may include professional workshops, social media outreach to the public, and more.

3. LAND DEVELOPMENT ORDINANCE—

The Tree Committee will persist with the process of making necessary revisions to the Land Development Ordinance.

4. MITIGATION TRACKING--

The Tree Committee will persist with efforts toward upholding the Land Development Ordinance in terms of replacement/mitigation requirements, and will lend support and collaborate with the City to develop a feasible system that works for everyone.

5. QUARTERLY REPORTING TO THE CITY COUNCIL – Going forward, the Tree Committee will report information on compliance to the City Council quarterly.