

MEETING MINUTES
FRANKLIN TREE COMMISSION
CITY OF FRANKLIN, TENNESSEE
COMMUNITY & ECONOMIC DEVELOPMENT CONFERENCE ROOM
MONDAY, JULY 26, 2010 – 5:30 P.M.

Committee Members

Alderman Ann Petersen, Chair	P
Beth Adams	P
Scott Harrison	P
Skip Heibert	P
Kim Hoover	P
Michael Johnson, MTEMC	A
Martin Shaw	P

Other Attendees

Todd Snackenber, Arborist	A
Brian Walker, Landscaping Crew Chief	P
Larry Mizell, Land Planner	P
Linda Fulwider, Board Recording Secretary	P

1. CALL TO ORDER

Alderman Ann Petersen, Chair, called the meeting to order at 5:30 p.m.

2. Approval of the Minutes

Skip Heibert moved to approve the June 28, 2010 minutes as presented. Seconded by Beth Adams. Motion carried unanimously.

3. Citizen Comments

None

4. Tree Protection Discussion – Larry Mizell, Land Planner

Mr. Mizell stated there are many problems with tree protection. He asked for guidance concerning violations and penalties.

Franklin Zoning Ordinance: 5.2 Tree Protection, Subsection 5.2.4 Tree Canopy Retention

(7) Removal of Trees in a Tree Protection Zone:

Except as allowed by Subsection 5.2.3, removal, damage, or destruction of trees within a Tree Protection Zone shall be a violation of this ordinance. Removal, damage, or destruction of trees in a Tree Protection Zone shall require mitigation in accordance with the following standards:

(a) Replacement Trees Required

Any tree that is damaged or removed from the Tree Protection Zone shall be replaced with one or more trees having a diameter of at least two inches in caliper and a cumulative caliper measurement equal to or greater than the tree that is damaged or removed. If the caliper inches removed cannot be determined, the area subject to tree removal shall be replanted at the rate of 80 trees an acre for each acre disturbed, or portion thereof. Replacement trees shall not be used to meet any other landscape requirements.

(b) Location of Replacement Trees

Replacement trees for trees removed from the Tree Protection Zone shall be either planted in the Tree Protection Zone or, in cases where adequate room is not available, planted elsewhere on the lot or development site. In cases when adequate room on the lot or development site is not available, mitigation may take the form of payment to the city's Tree Bank. (See Subsection 5.2.9, Tree Bank.)

Mr. Mizell indicated there have been several instances this year that contractors have removed tree protection fences and damaged trees. He presented a power point on two instances.

- Site of Heritage Church of Christ on Lewisburg Pike. Contractor removed part of the fence so underground utilities could be placed. Four Saw Tooth Oak trees have damaged roots and it is unknown at this time if they will survive. Soil was compacted on the tree and that is a violation as well. Mr. Mizell sent a notice of violation to the contractor. Building and Neighborhood Services indicated a stop work order could have been issued. The contractor admitted he knew he was in violation. The landscape surety bond on this site will not be released until this is resolved.
- Spain Higginbotham property on West Main Street. Mr. Mizell related he had worked with all involved to save a 36-inch Elm tree with a canopy 50 feet out. Hand digging was required for the footing. There was to be no grading. Protection fence was taken down; the water irrigation system goes through three feet from the base of the tree. Roots are exposed and cut. It is a specimen tree. Two cuts were made around the tree and when they couldn't go through they changed direction. A Bobcat was used and that is in violation as well. They should have worked from the landscape plan, as the instructions were very clear. Mr. Mizell talked to the contractor and the contractor acknowledged a notice of violation should be sent. Mr. Mizell believes this tree will eventually die because so many large roots were cut.

Discussion:

- Interpretation of caliper measurement
- Conflicting sections in the ordinance: replace two to one vs. section quoted indicating one to one
- Contractors post bond to be paid back if the tree(s) survive within a specified length of time
- Assess value of tree(s) and violators contribute to the Tree Bank
- Contractors usually know they are in violation and know there will be no repercussions
- Penalty for violation should be imposed
- Should the City require an irrigation plan?
- Change the procedure or the penalty
- Violations becoming more frequent
- Enforce the Zoning Ordinance
- Issue Stop Work Order when violation occurs
- Tree removal and replacement costs
- Replacing a tree infers the damaged tree can be removed

- Change the ordinance

Scott Harrison moved that in accordance with the Franklin Zoning Ordinance, and as recommended by the Franklin Tree Commission, Mr. Mizell prepare and deliver Notice of Violation of preapproved plans to the contractors involved specifying amount of penalty and stating that the tree(s) shall remain on site. Seconded by Skip Heibert. Motion carried unanimously.

5. 2010 Lecture Series

Beth Adams reported 27 people attended the July 14 lecture. Ms. Adams has been in contact with Irene Perry, bird lecture, and Rita Venable, butterfly lecture, regarding the September and October dates. She mentioned that Todd Snackenberg anticipated a January lecture if there is any money remaining from the 2010 Grant of \$1,500; to date \$850 spent.

Kim Hoover reminded the Commission that paperwork for the 2011 grant year must be in by October 1, 2010.

Beth Adams moved to request Todd Snackenberg initiate application for the 2011 Master Gardners Grant. Seconded by Scott Harrison. Motion carried unanimously.

6. Other Business

Mr. Mizell invited Commission members to attend a meeting(s) of individuals addressing the tree protection ordinance; they meet once a month at 7:00 a.m. on Wednesday morning.

Alderman Petersen noted Mr. Snackenberg had mentioned submitting application for a grant for trees at Harlinsdale. It is anticipated he will report on this next month.

7. Adjourn

Mr. Heibert and Mr. Harrison moved and seconded respectively to adjourn. Motion carried unanimously.

Meeting adjourned @ 6:21 p.m.

Ann Petersen, Chair

Minutes prepared by Linda Fulwider, Board Recording Secretary, City Administrator's Office -10/19/2010 10:40 AM