



**City of Asheville/Tree Commission  
Minutes  
William F. Wolcott Public Works Facility  
161 S. Charlotte Street  
Monday, July 15, 2019  
3:30 p.m.**

**Board's Mission/Vision: The City of Asheville Tree Care Program promotes tree health and preservation using education and awareness marketing materials for both homeowners and commercial providers.**

**CURRENT BOARD MEMBERS:**

**Stephen Hendricks (Chair)  
Ed Macie  
Dawn Chavez  
Sharon Sumrall  
Guillermo Rodriguez**

**Amy Smith (Vice- Chair)  
Roy Smith  
Cecil Bothwell  
Julie Mayfield (Council Liaison)  
Patrick Gilbert**

- 1. Call to order/Roll Call** – Stephen Hendricks – Tree Commission Chair
- 2. Approval of minutes from prior meeting:** Motion made by Cecil Bothwell to approve, seconded by Ed Macie. All in favor and passed unanimously. Sharon Sumrall wanted to make sure that the June minutes included where Eric Edgerton attended the meeting and was able to answer questions that the Tree Commission had. The June minutes do in fact state that he attended. No further action needed.
- 3. Alternative Compliance Applications:**
  - Coxe Ave. Redevelopment- after much discussion, motion was made by Ed Macie and seconded by Sharon Sumrall. All in favor the motion passed.
  - Haywood Street Residential Condominium- continued to July meeting
  - 39 Banks Ave. – Cecil Bothwell made the motion to approve, Sharon Sumrall seconded, all in favor and the motion passed.
  - The Aston, 363 Hillard Ave. – withdrawn per Shannon Tuch

*Ed Macie brought up the fact that the 39 Banks Ave is an example of where City policy accosts itself. Where it requires trees but also requires the building to be right up at the sidewalk. The City has conflicting policy. We can't have streets without trees. It is not sustainable.*

#### 4. Update/Reports-

##### **Public Works Report- Greg/Chad**

- **Chad-** The canopy study is ongoing. Davey has created one map of areas that are not candidates for planting such as agriculture fields, ball fields, the airport, etc. The anticipated completion of data compilation is late July or early August. A draft summary is expected in September. Earlier this spring we had planned to contract approximately 20 trees, many of which were in the CBD. We had a contractor lined up, at the last minute he pulled out of his contract and by that time it was too late to get another contract in place prior to weather getting to hot. We were able to roll money forward for contract services and we are now aiming to have a very aggressive fall planting contract of about 60 trees city wide. My hope is to get this contract early August so that everything is in place once the weather cools to appropriate planting temps. This same information is being shared with the Downtown Commission as they have expressed concerns over the empty tree pits.
- **Mark-** We had a rough week last week. We spent 75% of the week last week cleaning up the trees that decided to fall over the weekend. It seems to be the new normal around here. And it makes it kind of hard to get a forward momentum. When we do have time to work on work orders or phone calls, we are busy trying to cut trees before they fall or cut back vegetation so people can use the road. I also contracted with Heartwood and had a triple high strength steel cable support system installed in the large ash tree at French Broad River Park. Tree seemed to be responding well to treatment of ash borer. I wanted the cables put in before it decided to do the splits. Chuck Watson, Chad Bandy and I met last week regarding our fall planting since the spring planting fell apart when the contractor pulled his contract at the eleventh hour. We will be looking at planting sixty trees and will be including the watering in the contract since it will be hard for me to ride around and water sixty trees.

##### **Parks & Recreation- Sandra Travis/Christy Bass**

- No report

##### **Asheville GreenWorks – Dawn Chavez**

- We have a nursery that has about 8,000 trees in it right now. We are working hard to keep them up and growing. We have an orchard there. We will be doing our second tree give away October 12. Our Root Ball will be on October 5, 2019. Tickets will be on sale soon.

##### **Duke Energy Progress- Roy Smith**

- Duke is currently working in Lakeview Park

### **Tree Protection Task Force- Ed Macie**

- Group was briefed on the Tree Commission's meeting with the City Manager, Debra Campbell
- Group discussion was held on the Collier Woods preservation efforts- Sharon- a development that the trees are coming out. Collier Ave and they are building it from setback to setback. There are lots of neighbors involved. The only trees going in is in a courtyard. We are trying to find out what is really going to happen. Downtown Commission review is tomorrow and we will try to get more information.
- Patrick Gilbert will convene a meeting of the communications working group within the next week or so.

### **5. Old Business**

- Meeting with City Manager – Stephen- meeting with the City Manager. Stephen, Ed and Patrick met with the City Manager, Debra. We set the agenda, covering a summary of the things we want to do in the future, what we have accomplished and what we are working on now. We covered the GAP analysis and what we are doing with the Canopy analysis, and we hope it will make some positive changes. Debra Cathy Ball went over with us what the City is trying to do on their end with the processes. We were informed that several department heads will attend our August meeting. Ed- we gave her background on all the Tree Commission has done and the homework we have done. We hope that the City does not try to reinvent the wheel. To look at some of the work the City has already paid to have done. At the August Tree Commission meeting, when the department heads join us, maybe we can kick start something and make some progress. Debra listened well. She understood what we were talking about. Sharon was a bit disappointed because she wanted bottom line answers. She thought there would be more answers.
- Retreat- suggested topics, venue, etc. we need to start thinking of a venue. Also need to think about who to invite. Please send Stephen suggestions.
- Name change for Tree Commission- the Tree Commission wants to rename the Tree Commission. Ed Macie made the motion to rename the Tree Commission to The Urban Forestry Commission. Cecil Bothwell seconded the motion. All were in favor and it passed. Lora Morgan will contact Sarah Terwelliger to get the details of what the commission needs to do to get the name changed throughout. Lora will get back to the commission with the answers.
- Waiving fines- Patton Ave. /Sav-Mor- Shannon Tuch – the tree commission would like to know how the decision is made and what is the decision based on. Violations like this are usually identified by people who are in the know, like staff, Council, etc. If we see it we stop right away and talk to the contractor. When we first saw this at Sav-Mor we thought it was a utility. It was actually the property owner. The trees were growing into the lines and they were concerned. Our enforcement office contacted them and told them this was not in accordance with the City's ordinance. And that it would be a notice of violation. This has been in

place for around ten or fifteen years. We have never collected the hefty fines. These owners will contact council, high staffer and we try to resolve the matter in a better way. Such as if they hire a licensed arborist and they can restore that crown to 75% and the arborist agrees, then we will drop the fine. They owner agreed and hired the arborist and is working with the City with this property. We keeps recorded and if they do not keep up with the restoration then we will push forward with the fine.

- Julie- if we can require them to take that corrective action anyway, why would be waive the fines. And particularly in this case, the contractor lied and said they were there for Duke Energy. The question is why they get a pass.
- Shannon- this tries to give them a way to save the trees and not to waste them. This is not perfect. We have had many conversations regarding this situation.
- There was lots of discussion regarding the fines and Shannon stated if anyone has any other questions please let her know.
- Compliance issues brought up by Cecil Bothwell – there are five dead trees in the Ingles parking lot on Tunnel Road. Cecil’s neighbor who had planned to plant over 20 trees, not done so and causing erosion on the hill.
- Shannon talked to the neighbor and the trees are being replaced in phases
- Sharon Sumrall and Mr. Dryar of Reservoir Road brought up concerns of the steep slope violations on this road. There were several trees taken down and there was no buffer left. Shannon stated once a concern is reported we send out the code enforcement officer to stop the work. We give them the opportunity to dispute it, or correct it.
- Rickey Hurley, Sharon Sumrall, Mr. Dryar and Shannon had long discussion of the Reservoir Road property.

## **6. New Business**

- Cathy Walsh – came to the Tree Commission seven times last year in regards to getting the Native Plant Ordinance passed. Mark Foster suggestion, and Julie Mayfield agreed, you may want to do a policy. It is now July 2019 and I am not aware that has occurred. Stephen stated that he submitted it to the City. Cathy would like to know where it stands.
- Amy stated that she was under the impression it would be going into the Standards and Design manual. And that it will need to go in front of City Council. Sharon wanted to make sure that the draft that Cathy made gets to Amy so she can have the correct version.
- Amy will check and see if something could be done interim so that it is posted somewhere until it is officially documented. It was stated that it would be on the webpage. Amy will get back to the commission and let them know.

## **7. Public Comment (5 citizens, 3 minutes each)**

- Mr. Dryar wanted to bring up another property. Talked about fines and the cost of pursuing the fines. If the cost of the fines compensates the City in the legal fines, you win in the end. In being in the construction industry before, I am sure that people cut down trees without telling anyone. It is an advantage to the developer. I wish the City would let the original complainant know the results of

the staff findings. This way the complainant would know their value and could decide whether to continue to report or just to give up doing it. In most cases I don't ever find out the result.

- Marie with the Asheville Arborist. Has a City planning background. It would be awesome if part of the agenda would have the code for the people who read it. Also it would be great to have the request on the agenda so that people would know what the request are. If you want an opinion of an arborist, most can't make this time of day. It is in the middle of their work day. So if they wanted to make it, the time makes it harder. I heard Shannon say about setting a precedent. It can be difficult on the staff side, when a precedent is set over and over by a commission. The community views what the history of that decision making is, and they understand that they can go to the commission and get the same result. When someone violates the regulations for the trees, we would have them find the third party consultant. There is also a better potential for a solution. We talk about the value of the tree and what the reality is for the life of the tree and come up with a solution that is better for everyone.
- Many of these issues could be reconciled with an Urban Forester Position.
- Inge Durre- A number of people have come out and have worked hard to save the Collier Wood, and we are of the opinion that this large tree canopy needs to be preserved. We ask the City to help us preserve it. Stick trees don't cut it. The only way to mitigate climate change is to save the trees. It is a very valuable property.

#### **8. Informal discussion/future agenda items**

- Suggestion made that the Alternative Compliance request be submitted to the agenda/website each month.
- Ben with Development Services- in terms to what the City does for the update of the Tree Preservation Ordinance and Requirements, you will be a part of that. I don't want you all to leave feeling like you won't be a part. You all will be fully engaged.

**Next Meeting: Monday, August 19, 2019 at 3:30 p.m.**

ADJOURNMENT For more information on the [Asheville Tree Commission](#), please contact [Lora Morgan](#) at 828-259-5932

