



Louisville Metro Tree Advisory Commission

Tuesday, May 26, 2015, at 5:00 p.m.
Air Pollution Control District Board Room
Meeting Minutes

I. Welcome and Announcements –Henry Heuser, Jr., Co-Chair Co-Chair

The following Louisville Metro Tree Advisory Commission (hereinafter, “Commission” or “LMTAC”) members were present: Henry Heuser (Co-Chair), Katy Schneider (Co-Chair), Allen Steinbock, Maria Koetter, Robert Eberenz, Todd Eberle, Cadell Walker. Aaron Boggs and Scott Hannah, as well as ex-officio Commissioners Mesude Duyar, Sherie’ Long, and Michelle King.

Co-Chair Henry Heuser brought the meeting to order at 5:07pm.

Ken Herndon passed around a PDF PowerPoint of the Mark White planting. (See Attachment A).

II. Approval of Minutes – Henry Heuser, Jr., Co-Chair

Following up on the review of minutes from the April 25th meeting, Henry asked about next steps to get the tree wells on Bardstown Road enlarged. Ex-officio Commissioner (Louisville Metro Planning & Design) Sherie’ Long said to contact Public Works and Councilman Owen. Audience member reported that the state was leveraging what happened on Brownsboro Road to prevent the planting of new trees along state roads. Ken Herndon said the state gave the Louisville Downtown Partnership permission to expand the tree wells on Broadway for existing trees. Urban Forestry Coordinator Erin Thompson said the sidewalk along Bardstown Road might be too narrow and suggested contacting Robert Rogers, the person in charge of permits for the state. Henry said he would work with Erin on the project.

Henry asked for and received unanimous approval of the minutes from last meeting, with the following changes:

- Specify that Fern Creek High School is hosting the LEAF interns.
- Under Mike Hayman’s report:
 - Change “planting” to “planted” and state that the Home of the Innocents will water the three new trees instead of Erin.
 - One tree was planted at Lincoln Elementary.
 - Eight trees were planted on Lexington Road

III. Old Business

a. Treasurer's Report – Allen Steinbock

Commissioner and Secretary/Treasurer Allen Steinbock reported that the most recent bank statement from 4/30/2015 showed a balance of \$5,177.26 (See Attachment B). We received an \$8,000 donation from Trees Louisville. Two checks were written from the account: one for \$1,800 to Browning Landscaping and one to CHS, LLC. Since this bank statement, we have received a \$2,000 donation to the Tree Fund for general purposes.

b. Update from the Office of Sustainability – Maria Koetter, Director of Sustainability

Commissioner Maria Koetter announced that Erin did a great job with the three public comment meetings on the Tree Canopy Assessment.

c. Update from Urban Forestry Coordinator – Erin Thompson, Urban Forestry Coordinator

Erin reported that the open comment period will end this Sunday, May 31st. The web viewer is now live (https://www.cartotronics.com/UTC_Viewer_Louisville/). She suggested that everyone read the instructions before they use it, and gave a brief tutorial. The viewer shows impervious surfaces, grass, trees, bare soil, water and possible planting areas. The web viewer doesn't show newly planted trees because their canopy isn't large enough to be detected.

An audience member asked if there was a way to see what canopy has been lost. Erin said you can switch between the 2012, 2008 and 2004 layers to see the change. She gave a suggestion to Davey Resource Group to make this easier.

Suggestions for the web viewer can be submitted through the "contact" link in the upper right corner of the web viewer.

Henry asked about the outcomes of the public comment meetings. Erin learned that city ordinances and the ecosystem benefits could be better communicated to the public. She had a very limited audience at each meeting, but those present had great questions and comments.

Henry saw the new trees planted on Jefferson Street and commented that they look great. Erin said there are also newly planted trees at Liberty Green, the corner of Shelby and Liberty, and in several empty tree wells downtown. Ken Herndon has volunteered the Downtown Partnership to water the downtown trees.

d. Nature Conservancy Update – Cadell Walker

Cadell Walker said The Nature Conservancy (TNC) wants to plant 1,000 trees this fall and are looking for partners and locations. Please send her suggestions. They have two inch caliper to three gallon pot trees, ranging in size and species. Henry asked if Erin should help with the project. Erin said if the plantings are on public land, she can help. Commissioner Aaron Boggs suggested that Cadell insure that the trees are watered and maintained into the future.

IV. Committee Reports

a. Policy Committee/Tree Ordinance – Todd Eberle

Co-Chair Katy Schneider announced that we will vote on the proposed tree ordinance at our last meeting next month. Commissioner Todd Eberle said we will email the draft ordinance (40 – 50 pages) in advance of the next meeting. Katy asked that the draft be put on Dropbox to be shared. Katy and Henry will draft a cover letter to the mayor when they give the proposed ordinance to him for review.

Katy thanked Ex-officio Commissioner (APCD) Michelle King for helping Todd create the PowerPoint. (See Attachment C).

Todd said the 11 member policy committee still has a little more work to do before the draft is sent to the Commission for review. They have been working on the project for about 20 months. At first, the committee focused on the Land Development Code (LDC). Sherie' led this portion. Once that part was completed, the committee started work on the ordinance, which largely focuses on public trees. They decided to keep the two documents separate because they learned that cities that combined their tree ordinance with their LDC created dense documents that were difficult to read and comprehend. The committee has a broad representation from tree-related agencies and organizations. The committee reviewed ordinances from 32 US cities, including many from Kentucky.

The document focuses on public trees, developing a coordination of tree efforts in one single agency and pulling together the city arborist and urban forester into one city department fully focused on trees. The document also deals with getting the right tree in the right place, tree protection, tree maintenance, the future of the Louisville Metro Tree Advisory Commission, enforcement, penalties, appeals and other miscellaneous provisions.

Article I: General Provisions identifies the scope, definitions, purpose (the role of trees in Louisville), policy (how to increase the diversity and geographical spread of trees) and the statutory authority for the ordinance. The committee ensured that the definitions in the ordinance were the same as the definitions in the LDC.

Article II: Tree Planting deals with planting the right tree in the right place and with tree spacing. It outlines which trees are prohibited and encouraged as street trees, and which trees are listed for active removal. The Department of Community Forestry (which will hopefully be created within Louisville Metro Government" would keep this list on their website. Erin asked if the list had to be periodically reviewed. Todd said the list should be reviewed annually at minimum by the Department of Community Forestry. Individuals will need a permit to plant a street tree. Planting more than 10 trees as once would require a special permit.

Article III: Tree Maintenance and Forest Infrastructure Management is still being developed. It deals with protecting certain trees and general responsibilities for tree maintenance. This section also includes private property concerns, such as trees that are ready to fall over or have a disease. In addition, the proposed ordinance outlines a procedure through which property owners could put a "conservation easement" on specific trees on their property to protect them through the sale of a home. Audience member asked if it would prevent landowners from clear cutting. Todd said no, that could be an LDC issues, but the LDC does not address clear cutting. Audience member asked if it would apply to universities. Todd said the ordinance applies mostly to trees on public land. He said it's very uncommon for cities to require citizens to get a permit to cut down a tree on their own

property. Henry said the apartment complex on the corner of Eastern Parkway and Crittenden Drive clear cut their trees. It's owned by a private developer.

Article IV: City Department of Community Forestry outlines the need to consolidate all tree issues within one department. The language outlines duties and powers of the proposed department, including updating the tree canopy assessment every five years, producing an annual report and issuing permits and citations. An audience member asked if the language included a time frame for issuing permits and citations. Todd said yes, and it is sensitive to tree planting seasons.

Article V: Louisville Metro Tree Commission outlines the future of the LMTAC. The proposed ordinance recommends that the committee that will take its place will have fewer members. Commissioners will be geographically diverse and technical experts. The Commission will elect a five-person Hearing Board (from within the Commission) to hear appeals of the Department's permitting and enforcement decisions.

Article VI: Enforcement and Penalties for Violations addresses enforcement responsibilities and processes. The goal of violations will be to enforce, not to raise money. Fees increase with the severity of the violation.

Henry asked what would happen if someone hit a tree and killed it. Todd said the ordinance does not deal with traffic violations. Ex-officio Commissioner (Metro Parks) Mesude Duyar said trees hit within Metro Parks are usually replaced with funds from the accident. Todd said there is a clause for indigent persons. The department can reduce the fine, but not eliminate it, upon proof of being indigent.

Article VII: Appeals lays out the appeals process. Appeals will go through the Hearing Board. Appeals can eventually go to Jefferson County Circuit Court.

Article VIII: Miscellaneous Provisions includes the standard severability provision and identifies and recommends repeal of two conflicting ordinances. The committee did a word search for "tree" in all Metro ordinances to ensure that all conflicting ordinances were listed.

Next steps: The Policy Committee expects to complete their first draft by June 12th. The draft will be presented for approval at the June 23rd LMTAC meeting.

Katy asked Todd to report on a line item stating that only certain tree companies should be licensed. Todd said the committee decided not to include this stipulation in the ordinance. However, the Department will list certified tree cutting companies. In order to do work on public trees, companies have to be on the certified list. To be certified, companies have to renew their submission each year to ensure that they, for example, have insurance and understand proper tree trimming best practices. The certification is different than a license. Katy said licensing is more of a state function. Todd said if a listed company receives a violation, it will be removed from the list for two years.

Todd mentioned that the 42 recommendations in the Tree Canopy Assessment are broken into three categories: 1) Caring for Existing Trees; 2) Planting New Trees; and 3) Supporting Efforts. All recommendations are included in the proposed ordinance. Out of the 32 cities the committee reviewed, Louisville was one of three cities that didn't have a comprehensive tree ordinance. Louisville was the only city among our peer cities that doesn't have a tree ordinance. Katy asked Todd to email Katy these facts to be included in the cover letter to the mayor.

The Commission recognized Todd's extensive work on the proposed ordinance.

Henry asked if there is a process in place to hire a new city arborist. Jim Mims said the process has started. They are finishing interviews this week and the new hire should be brought on board within 90 days.

V. Community Projects Update

Cindi Sullivan, Executive Director of Trees Louisville, said the website is now live: TreesLouisville.org. She has done several radio spots talking about Emerald Ash Borer and the public meetings. The City of Saint Regis Park (located near the intersection of 64 and 264 on the East side of Louisville) planted 31 2-3 inch caliper trees with their own city budget.

Audience member introduced another audience member, Garrett Hill, who is earning his Eagle Scout and is attending this public meeting towards that goal. He volunteered with Highlands Douglas Loop tree planting last fall. Audience member has a home tree nursery. He said he has five trees leftover if anyone wants them or if they know where to they could be planted.

VI. Adjourn

Henry adjourned the meeting at 6:22pm. The next meeting is June 23, 2015, at 5:00pm. Location is TBD.