



SHAKER HEIGHTS

**TREE ADVISORY BOARD MINUTES
TUESDAY FEBRUARY 14, 2023
4:00 P.M.
CONFERENCE ROOM B, CITY HALL**

Members Present: Nancy Moore, Council Chair
Ann Williams, Council Member
Tim Kalan, Citizen Member
Ted Auch, Citizen Member
Patti Speese, Director of Public Works

Others Present: Dan Feinstein, Zoning Commissioner
William Grueber, Law Director
John Barber, Friends of Lower Lake
Nick Fletcher, Friends of Lower Lake
Kelly Baker, Recording Assistant, Public Works

The meeting was called to order by Council Chair Nancy Moore at 4:02pm.

Approval of the November 8th, 2023 Meeting Minutes

Nancy Moore, Council Chair

Council Chair Moore asked if there were any questions, changes or additions to the November 8, 2022, minutes.

There were none, a motion was made by Citizen Member Kalan, it was seconded by Council Member Williams and the motion was approved.

Presentation on Sixth Circuit Court of Appeals Decision

William Grueber, Law Director

Director Grueber discussed his findings after looking further into the Canton, Michigan case regarding removal of mature, healthy trees from private property.

Previously the Sixth Circuit Court rendered a decision that seemed to be a negative factor of discussing the issue further. Director Grueber noted that after investigating this case further, there are “many holes in this case” and this case shouldn’t tell us how to proceed. Director Grueber, noted in the Canton, Michigan case there is actually an interesting question whether the canton’s use of the tree ordinance falls into the category of government action. If challenged, most likely the city would say it does not, as we are not requiring a removal of a tree to become a public use, which could be a line of defense. Director Grueber, stated after looking into other cities ordinances, that it would be difficult to regulate a process every time someone wanted to take down a tree. He also noted that some cities, like Shaker Heights require contractors to be licensed. Director Speese mentioned that there are only 8 licensed landscapers

CITY OF SHAKER HEIGHTS

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registered within in the city. Council Chair Moore asked Director Grueber what would be the best suggestion given to come up with an ordinance regarding removal of trees from public property. It was suggested to come up with recommendations to administration as to what the priorities are of the most important things to accomplish the board's goal. Council Chair Moore, thanked Director Grueber for taking the time to research this further, and providing a knowledgeable update.

Zoning Code Provisions for Tree Replacement

Dan Feinstein, Zoning Commissioner

Zoning Commissioner Feinstein provided information regarding the zoning codes regarding the removal of trees. Commissioner Feinstein mentioned that there are zoning codes that do regulate the removal of trees specifically for both new primary buildings and structures as well as existing buildings and structures that go through the city planning for site review.

Discuss regarding section 12.53- preserving trees, landscaping, and screen regulations. In this section it is stated that if a tree over 3" is to be removed a new tree needs to be replaced. Commissioner Feinstein mention the code states that if a resident cannot logistically put the tree back on their own property, they can pay the city to have a similar tree placed on public property, it does not have to be the exact type of tree.

Council Chair Moore asked about the language variation going against the agreement, Director Grueber assured her not to worry about that, the agreement between the city and a buyer must be followed, even if a variance is given. Director Speese made mention that a lot of the trees in the city are getting old, and stressed the importance of plugging any loopholes possible to avoid residents removing an old dying tree and not replacing it. Council Chair Moore ended discussion by thanking Director Grueber and Commissioner Feinstein for all their help.

Chairperson's Report

Nancy Moore, Council Chair

Approval of TAB Minutes from November 8, 2022. Moved by Citizen Member Tim Kalan, seconded by Council Member Ann Williams. Motion carries

Forester's Report

Chuck Orłowski, Superintendent of Forestry

Forester Orłowski shared that the Forestry Department has picked up a 4th member, but still looking for a 5th. Forester Orłowski updated the board on pruning (8 miles thus far, mostly being construction roads) and planting of trees, 725 planted in the 2021 season. Forester Orłowski mentioned that the contract with Park Tree Service has been approved by the law department so the Young Tree Maintenance Program will be starting up shortly. Planting contract with El Katocuro and Sons is in place, this is the 1st year of the 3 year contract. He is still in the process of finalizing the grant with ODNR for the 31 trees received through the grant, just waiting on some documentation from their legal department that requires the mayor to sign off on.

Forester Orłowski and Council Chair Moore have been working on some Arbor Day events scheduled for April 28th, more details will be shared once finalized. Mulching for the tree on Onaway Dr. will be added to the Arbor Day events this year.

Update Report

Nancy Moore, Council Chair

Council Chair Moore informed the board that she will be attending the Northcoast Urban Tree Conference being held on March 3rd at Lakeland Community College. She shared with the board that we are entering the 38th year with Tree City USA and our 12th receiving the growth award. She mentioned that the growing not mowing program is working with the schools this year and not the city, she has applied for the Shaker Garden Club grant for work to be done in the fall. A tentative meeting for that is scheduled for May 15th from 10:00am- 1:00pm, details will be confirmed once finalized.

There being no further business, the meeting was adjourned at 5:25pm. The next meeting will be April 11, 2023 at 4:00pm.



Nancy Moore, Council Chair