

**MAYOR AND COMMISSIONERS MEETING
CITY OF REHOBOTH BEACH**

July 18, 2016

The Special Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 9:05 a.m. by Mayor Samuel R. Cooper on Monday, July 18, 2016 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

Commissioner Stan Mills gave the Invocation followed by the Pledge of Allegiance.

ROLL CALL

Present: Commissioner Paul Kuhns
 Commissioner Toni Sharp
 Commissioner Patrick Gossett
 Mayor Samuel R. Cooper
 Commissioner Stan Mills
 Commissioner Lorraine Zellers
 Commissioner Kathy McGuiness

Also in attendance was: City Manager Sharon Lynn (arrived at 9:28 a.m.)

Absent: City Solicitor Glenn Mandalas

CORRESPONDENCE:

Letter received July 18, 2016 from Guy Martin will be addressed during the discussion at this meeting.

DISCUSSION ON THE OPPORTUNITIES, CHALLENGES AND ISSUES SURROUNDING THE CITY'S EFFORTS TO PRESERVE AND ENHANCE, ON BOTH PUBLIC AND PRIVATE PROPERTY, THE FORESTRY RESOURCE WITHIN THE CITY INCLUDING CHAPTER 253 OF THE CITY COFE TITLED "TREES".

City Arborist Liz Lingo gave her presentation on this matter. The major environment importance of trees is that they provide stormwater interception and noise buffering. One of the challenges of trees is species diversity because there is a risk taken when doing single species plantings. A healthy population of trees needs to be built by encouraging different species of trees and planning for diversity. It is difficult to have a set tree list because conditions and cultivars are constantly changing. The planting of native shade trees should be encouraged whenever possible. Future conflicts with utilities, sidewalks, buildings and signs can be limited by planting the right tree in the right place. The City should set the right standards for tree selection and maintenance and to constantly be exploring new solutions to enhance the tree population. Despite best efforts, trees will be lost, and the City needs to have a replanting plan in place to address that loss. The City needs to take care of the trees on city property and also provide help for private tree owners. Community awareness and support is needed to make the tree code more effective and have a healthy tree population. The tree code needs to be updated to reflect always changing best management practices and identify any weaknesses it may have. Increasing community awareness and support can be done by having a memorial tree program, launching an interactive tree map and providing free trees for property owners. The purpose of the tree code is to protect the tree resources that the City has. The tree code can be made simpler, more effective and flexible by correcting technical issues like diameter versus caliper, simplifying the definition of a protected tree, considering tree-for-tree replacement instead of mitigation, evaluating minimum tree density requirements, clarifying tree removal conditions, requiring property posting for appeals to the Parks & Shade Tree Commission, updating the approved tree list, updating best management practices with signage, mulching, root pruning and hand digging, and building incentives into the Code.

Correspondence:

1. Letter received July 18, 2016 from Guy Martin, 87 Henlopen Avenue, regarding a matter of balancing diverse interests and addressing key responsibilities such as a first priority of finding ways to protect the existing tree cover and canopy in the City; secondly, providing in a balanced manner for both the near term and long-term future of the tree canopy; and thirdly, seeking a balanced prescription for both protection of existing trees and the provisions for future trees to include both public spaces and private properties.

During discussion, it was suggested that the Commissioners will need to involve the Planning Commission and

some of the content that Commission has provided to the Commissioners in its draft rewrite of the tree ordinance. The Commissioners also suggested reviewing similar municipalities with regard to their tree codes and incentives. Once the City sets its mission statement specifically with trees and tree canopy, it should then focus on management of City trees and City property. The City will need to create incentives such as free trees, etc. and have the City Arborist put together a program with regard to taking care of and maintaining the City trees. Then with regard to private property, the City could work with property owners to help maintain trees and provide incentives such as a tree for a tree, etc. In moving forward, the Commissioners will need to have a discussion regarding resources, a budget and approval with respect to an assessment to be provided by the City Arborist of what needs to be done as a city. An interactive tree map is a tool that could provide an expectation for property owners to see targeted areas in the City for development and tree canopy. This information would allow property owners the opportunity to best utilize their spaces. This would be a plan by the City that would be understood by the community of where it wants to be in five, ten or fifty years. With regard to developing the right tree, right place program, the City should takes on some of the responsibility either by partnering with homeowners, replacing sidewalks or using porous sidewalks. The Commissioners will be looking to the City Arborist to provide suggestions with regard to the trees and heat islands for the City Hall complex.

Ms. Lingo noted that the idea of the right tree in the right place is to take into consideration the site conditions such as light exposure, soil, environment and space for medium and large canopy trees. Large species should be encouraged on private property or planting in the City parks. An urban forest or urban canopy management plan is an overarching plan of how the City wants to take care of its trees, how to address the public trees and have it as a guide for specific management plans for City street trees, City parks, etc. This type of tool could be a foundation in moving forward. The tree code would reflect the urban forest management plan. Maintenance would be addressed in the urban forest management plan. The first step would be to complete the tree inventory plan. Ms. Lingo will be able to provide recommendations as the right trees to be planted for Country Club Estates.

Additional suggestions from the Commissioners were to build community support and appreciation of trees important to the City's character and environment into the future, especially the large canopy trees. An overall goal needs to be articulated in a concise way. Clear goals and expectations need to be articulated for trees and the tree canopy in the City, and this information needs to be disseminated to those involved, especially landscape designers. Maintaining the tree canopy is the responsibility of all property owners. Success stories should be found and seized involving the planting and maintenance of trees in the City. Ways should be found and developed to incentivize property owners to plant and maintain trees. Ways should be found to foster cooperation between adjoining property owners in planting and maintaining trees on or near the shared property line. The City should provide meaningful assistance in selecting trees appropriate to circumstances and consult on planting. The City should pay a portion or all the cost of planting trees on private property when approved by the City. Perhaps a reimbursement percentage could be dependent on the species selected. A bid process that occurs every year or every two years of certified firms that plant trees should be considered to give property owners the confidence they are selecting a responsible firm. A short list would then be provided to the property owners. Ways should be found to encouraged to plant trees that will be future large canopy trees as opposed to small ornamental trees. A refined list of trees ranked according to desirability should be created. This would inform property owners of what trees the City wants them to plant. Consensus needs to found on the appropriate level of regulation. The tree ordinance needs to be modified to accomplish these things. Someone will need to be tasked with making judgments as they relate to trees. The City should provide property owners a picture book or a checklist for planting of trees specific to their neighborhoods.

Public Comment:

1. Mr. Peter Gambrell, 38232 Terrace Road, voiced concern that regulations are being mitigated away. One of the most important things to do is to look at the mitigation committee because trees are not being planted since the City accepts a mitigation fee.
2. Mr. Bob Schneffey, 110 Rodney Street, said that when a lot is stripped, the requirement is to plant three trees. Trees are being planted that are two to three inches in diameter. The City should determine the required number of trees for an old property.
3. Mr. Bruce Williams, 21 Newbold Square, said that the Commissioners should pay more attention to the fact that condominiums are different from single-family properties. He offered assistance that the City of Tacoma Park, MD, has the most comprehensive tree ordinance in the country. Everything that the Commissioners are discussing has been addressed in that ordinance or has been dealt with as an issue.
4. Ms. Jennifer Duncan, 68 Kent Street, voiced concerned about the English Ivy taking over in the parks and smothering trees. The City should consider having a park and tree department, and the Arborist should possibly have staff.
5. Ms. Elyse Burns, 130 Henlopen Avenue, voiced concerned that the City should take more of a leadership

- role to get rid of the invasive ivy. Getting rid of the ivy can be done with armies of volunteers, scout troupes, etc. An education campaign should be established to inform residents about the ivy.
6. Ms. Kathy Osterholm, 109 Hickman Street, said that her primary concern is the replacement of trees and the way that mature trees are perceived as not fitting into a landscape plan. She voiced concern with easily replacing a tree without being accountable. There should be a stiff penalty so a person cannot simply pay their way out of it.
 7. Mr. Eric Wahl of Element Design Group, liked the idea of replacing one tree for one tree. He suggested that there should be themes for the City parks. With regard to FAR, the front porches provide less room to plant a tree. There should negotiation for a house to be moved back to allow for trees in the front yard near the street. He is a proponent of streetscapes and maintenance for street trees.
 8. Mr. Stan Heiusler, 81 Henlopen Avenue, voiced concern about the free pass for developers to clear cut properties. Value is being take away from customers in terms of energy reduction, total value to the property, etc. There are ways to preserve perimeter trees. The Commissioners should work on organizing a private sector group to promote a civic attitude and help find funding for the protection of trees.
 9. Dr. Preston Littleton, former Chair of Planning Commission, 300 Laurel Street, noted that the Planning Commission, in it two years of working on the report with recommendations regarding the tree ordinance, had held numerous meetings with expert presentations and an extensive amount of public input. The background statement written by the Planning Commission could be used as a trigger point to help the community to focus attention on the issues and have people react to that statement. There is a desire from the City and its residents to maintain and increase the canopy. This will not happen unless there is proactive action to take place.
 10. Ms. Cynthia Tower of Village Improvement Association (VIA), noted that the Association was instrumental in planting trees in the parks and on streets years ago, and it will offer continued support from volunteer resources.
 11. Ms. Donna Mabry, 221 Hickman Street, suggested that the City Arborist should collect the names of people in attendance at the meeting who are willing to help with the ivy issue.

An additional suggestion was to provide information on the City website to help build a culture that trees are important. A citizen group should be formed to include ways of putting trees out in the forefront to the population and build this culture. Volunteers could start with cleaning up of the parks, inventories and removal of ivy. Currently, the City Arborist has started a plan for removal of dead trees, grinding out of stumps and getting rid of hazardous items. The City Manager and City Arborist will put together a budget and work plan of how things will get done which will then be presented to the Commissioners for approval. Also a tree rebate program will be developed for December 1, 2016 along with an outreach program of tree services in the City.

12. Dr. Preston Littleton suggested that the City Arborist and City Manager should look at the Planning Commission's revisions of the tree code. The Parks & Shade Tree Commission should review the current code.
13. Mr. John Neil, 221 Norfolk Street, said that money and a budget are needed so the City can start planting trees. A lottery should be provided for 100 trees to be planted from a selection of six species.
14. Ms. Lynn Wilson, Virginia Avenue, noted that a list is being passed around for a list of volunteers to remove the ivy in the parks.
15. Mr. Eric Wahl said that everything on the lot, including tree heights, is taken into consideration for landscape design. He recommended that the Commissioners should consider having the Code require that a landscape plan is done by a professional.

The Commissioners tasked the City Arborist with drafting a mission statement. Ms. Lingo was also tasked with looking at the existing Code and prioritizing a list of items to be done and recommendations. At the Workshop Meeting on August 8, 2016, Ms. Lingo will report back to the Commissioners with immediate short-term vs. long-term items with regard to City trees, ivy issues, etc.

This item will be placed on the agenda for the Workshop Meeting on August 8, 2016.

There being no further business, Mayor Cooper adjourned the meeting at 11:22 a.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)