

- 1-2. CALL TO ORDER AND ROLL CALL.** Chair Goddard called the meeting to order at 7:30 pm at Durham City Hall.
Commissioners Present: Brian Goddard, Krista Bailey, Pat Saab, Laurie Volm, Jeffrey Anderson, Emily Baker
Commissioners Absent: Julie Atwood
Staff Present: City Administrator Linda Tate and Administrative Assistant Lynn Schroder
Public Present: Paul and Christine Giannone
- 3. MINUTES OF THE MAY 1, 2018 COMMISSION MEETING.** Commissioner Saab moved to approve the minutes of the May 1, 2018 meeting. Commissioner Volm seconded the motion. The minutes were approved 6-0. **MO 060518-1**
- 4. PUBLIC FORUM – none.**
- 5. ILLEGAL TREE REMOVAL – 17636 SW 80TH COURT.** City Administrator Tate presented the staff report regarding the trees that had been cut down at 17636 SW 80th Court.

On April 18, 2018, while distributing the City newsletters, Administrative Assistant Lynn Schroder observed that two big leaf maples trees over 5 inches in diameter had been cut down in the front yard of 17636 SW 80th Court. The tree logs and limbs were still present on the property. Schroder took photos of the downed trees. The photos were provided to Commissioners.

Tate stated that the homeowners had not obtained tree removal permits from the City to cut down the two trees.

Tate further stated that the Christine Giannone had come into City Hall approximately one year previously wanting a permit to remove a tree on her property because it was unhealthy with ivy growing out from inside the tree. Schroder informed her that an arborist report was required along with a permit application. Schroder gave her contact information for some arborists. Soon after, one of the arborists came into City Hall to say that the tree looked healthy and that ivy was NOT growing out from inside the tree. Christine Giannone did not follow through with submitting a tree removal application.

Christine Giannone testified that she did inquire about obtaining a tree permit and was told she needed a permit to cut down a tree. Paul Giannone testified that they did not obtain a tree removal permit.

Christine Giannone stated that an arborist told her that the trees were unhealthy and dangerous and should be cut down. Paul Giannone stated that he was unable to obtain a written report about the trees' health from an arborist, but a tree removal contractor told him that they would not climb the tree to cut it down because it was too dangerous. Paul Giannone stated they cut down the trees because other trees had fallen in their neighborhood the previous week and they were concerned about their trees falling. Christine Giannone stated that they had an opportunity to cut down the trees and decided to proceed with the tree removal. Paul Giannone stated that it was his fault that they removed the trees without a tree removal permit.

Schroder stated that Ordinance 228-05 includes a provision for emergency tree removals. She stated that the information about emergency tree removal process was included in the fall 2017 City Newsletter.

The Planning Commission found that:

Homeowners Christine and Paul Giannone violated Durham Tree Preservation Ordinance 228-05 by not obtaining permits before removing two big leaf maples trees over 5 inches in diameter on their property. A separate permit is required for each tree.

Cutting down a tree without a permit is a violation of the Tree Preservation Ordinance 228-05. Per ordinance 224-05, a violation of a city ordinance is a Class A Violation and is punishable by a fine not exceeding \$720 for each violation in addition to any other penalties provided for in that ordinance. The tree preservation ordinance (228-05) requires mitigation for the removal of a healthy tree.

Commissioner Volm moved to fine Paul and Christine Giannone \$500 per tree plus \$35 (total \$1,035.00) based upon the Planning Commission findings that two trees were cut down without tree removal permits. Commissioner Anderson seconded the motion. The Planning Commission approved a \$1,035.00 fine for illegally removing two trees at 17636 SW 80th Ct for Paul and Christine Giannone by a vote of 6-0. **MO 060518-2**

6. **COMMISSIONER COMMENTS.** No comments.

7. **ADJOURN.** Commissioner Volm moved to adjourn the meeting. Commissioner Bailey seconded, and the motion passed unanimously (6-0). **MO 060518-3**

Chair Goddard adjourned the meeting at approximately 8:15 pm.

Approved: _____
Brian Goddard, Chair

Attest: _____
Linda Tate, City Administrator