



**Tuesday, October 29<sup>th</sup>, 2019, 4:00 pm**  
**City Service Center**

Members Present: Jim Arthur, Cynthia Ball, Commissioner Dave Waddington, Joe Viviano

Staff Present: Todd Gibson, Trevor Hayberger, Angie Kotsopoulos, Nate Leimeister, Tom Speir, Melissa Vassallo

Residents Present: Charles Kraisner, Chris Kraisner, Tim Schwanger, Attorney Bill Smith, Arlene Thompson

The meeting was called to order at 4:07 pm.

The September 24<sup>th</sup>, 2019 meeting minutes were approved with no changes.

**Old Business:**

Trevor Hayberger, City Law Director, announced the information regarding the appeal which pertains to Mr. and Mrs. Kraisner. He then gave directives on how the meeting will operate. The City staff, Angie Kotsopoulos from the Code Enforcement department and arborist Tom Speir will present the information they have on the violation first then Attorney Bill Smith, who is representing Mr. and Mrs. Kraisner, will present his case to appeal the violation:

Angie told the members that the initial complaint against the Kraisner's was called in on May 29<sup>th</sup>, 2019. The complaint was that two (2) nuisance trees at the Kraisner's residence, 717 Garfield Avenue, are damaging the neighbor's property. The main nuisance tree (tree #1) is causing damage to the neighbor's foundation, patio and fence. The other nuisance tree (tree #2) is causing damage as well. Angie references pictures that were taken the day of inspection to show the group how the trees are affecting the neighbor's property. Angie also said the complainant has repaired these same issues once before. When it first happened, the neighbor did not call-in to report the trees, only when it happened the second time. Tree #1 has six (6) trunks all growing together. Code has ordered the tree to be cut down. Angie advised the members that a violation letter was sent to Mr. Kraisner on June 5<sup>th</sup>, 2019. A re-inspection of the trees was scheduled for June 26<sup>th</sup>, 2019. Angie said when she spoke to Mr. Kraisner, he told her the trees will not be removed and the neighbor can grind the roots to stop the problem. Angie explained grinding the roots of the tree would not be a good idea because it would cause the tree to die and possibly fall. Angie said she hopes the tree commission members will vote in agreeance with Code Enforcement for the tree(s) to be removed. If they do, the City will hire a contractor for the job and there is a possibility that criminal charges will be made against Mr. Kraisner.

Jim Arthur asked if Mr. and Mrs. Kraisner are able to hire a contractor privately. Angie said yes. Jim also asked how long they would have to remove the tree. Angie responded within 30 days of the decision.

Tom Speir spoke next detailing his inspection results. He said tree #1 is a very large silver maple. It has codominant stems and bark growing between them. This condition will eventually cause the tree to fail. He said the tree is approximately 50 in diameter and about 70 years old. He explained surface roots are a characteristic of silver maple trees. Tom told everyone if this tree was a City tree, he would recommend removal. It would do damage to sidewalks and grinding the roots could cause the tree's health to decline.

Trevor asked Tom if the tree does fail, will it damage any properties. Tom responded that yes, it would most likely cause a decent amount of damage.

Attorney Bill Smith began his appeal with Code Enforcement/City staff did not have a search warrant to come onto Mr. Kraisner's property to inspect the trees. Angie and Tom let Mr. Smith know that all inspections were done from fence lines only. They did not go onto his property. Attorney Smith also said he spoke to Mr. Ronald Van Zandt, a local arborist, who looked at the trees as well and he said trimming of the trees would be enough. Mr. Smith said Mr. Van Zandt was unable to attend the meeting but he does have a report on the tree. Mr. Smith continued that he would appeal the criminal charges if any are placed against Mr. Kraisner.

The members of commission said they would accept the written report. Trevor said no decision would be made today due to not having the report at this time.

Attorney Smith continued his appeal by showing Tom a picture of another tree and ask Tom if that tree could be causing the damage. Tom said no, because it is not a silver maple tree. He said it is a spruce tree. Then Mr. Smith asked Tom if the tree were to be trimmed and cabled, would that eliminate the need for removal. Tom acknowledged that that process would help but would not removal all hazard. Mr. Smith presented another picture to Tom and inquired if the tree in the picture was healthy. Tom replied that he couldn't answer that questions, a closer inspection would need to be done to determine the health of the tree. The attorney then pointed out that there are a lot of other trees within the City that need attention. Mr. Smith ended with asking the Commission members to accept for tree #1 to be trimmed and cabled instead of being removed. He also said he would agree to what the City is recommending for tree #2.

Charles Kraisner asked if he could speak to the commission on his own behalf. He said he brought the house in 1988 because of the tree. He has a hammock and uses the tree. He said he keeps the tree for shade. He has paid for the neighbor's trees to be trimmed in the past. He thinks we, as a City, have removed too many trees. Mr. Kraisner states that trees are for oxygen.

Trevor wraps up the discussion by reiterating, there are two (2) components of the violation: The possibility of the tree falling and the root system affecting the neighbor's property.

Angie also commented about the other trees in the City that Attorney Smith was talking about. She said she might agree with that but she has to respond to when complaints are made and that was her focus.

Trevor suggests they postpone making a decision until the next Tree Commission meeting after the members are able to read Mr. Van Zandt's report of the tree. Jim Arthur moved they postpone, Joe Viviano seconded the movement. All members were in favor.

## **New Business:**

Cynthia Ball requested to see the tree application that is being questioned. Melissa Vassallo gave it to the members. The application is from Bruce Holmer at 107 Fremont Avenue. Todd Gibson told the members the residents here have recently paid to have one (1) tree removed by a contractor and shortly after the City removed another tree (which was requested by the residents to be removed). They are now asking if a replacement tree can be replanted by them. The City's first concern is if they have training or knowledge of how to plant a tree properly. Second concern is the species the resident is asking to plant. It is believed the residents called it a pinky-winky. Research would need to be done to know more about that species and if that tree would be good for that location. There is a dogwood tree there and it is 10 feet tall. Nate Leimeister and Todd think they should have an additional discussion with the residents regarding the species. Jim recommends the City plant the tree. It is said that the problem with that is they want the tree planted now. The members agree the residents at 107 Fremont Avenue would need to wait until spring for our staff to plant the tree or wait until the Arbor Day celebration where they would get in-person training on the correct way to plant a tree. The members also said the residents should re-submit the application once a suitable species is chosen.

Dave Waddington tells everyone that at last night's commission meeting, trees were a big topic. One resident made comments regarding a tree that someone is chaining a bike to. It is gas powered bike and gas is leaking on the tree. Nate said he already did an inspection on that particular tree. The tree is not showing any signs of harm as of yet.

Arlene Thompson, resident at 1902 Adrian Circle, said when the City replaced sidewalks in her neighborhood they were not asked the trees. Some of the trees were not bulging the sidewalks but were still removed. She said the tree removals happened very quickly and no one was contacted. Ms. Thompson states trees removals takes away from property values. She goes on to speak about a recent occurrence that happened regarding a tree at 1918 Adrian Circle. The City Forestry crew came to trim the tree, she spoke to Nate and then she contacted the office. She said she told the girl on the phone that she had contacted the homeowner, Darlene, and that Darlene stated she did not request to have the tree trimmed. Ms. Thompson said her brother had lived in the home and he might have called. She went on by saying the girl in the office said the request said the tree at the location was a blue spruce and that tree was not a blue spruce and the Forestry crew should know that. Melissa let Ms. Thompson know it was her that she spoke with and that when a trim request comes in, the Forestry division does not see the exact request from the resident. Todd also let Ms. Thompson know they anyone is able to call-in a request. It does not have to be from the homeowner.

Tim Schwanger, resident at 362 Sheffield Way, told the group there was a resident who requested the City to trim the boulevard tree because it was doing damage to her roof. She came home and her tree was removed. She received no notice. Mr. Schwanger wondered why the City doesn't contact the residents before tree work is done. Nate told him that Forestry has started notifying homeowners by leaving a door hanger. Mr. Schwanger asked if this program has just started and City staff said yes. Todd also explains that sometimes it does happen that a request for a trim comes in but once the Forestry crew gets there, they could find a hazardous tree. Once they are already there with their equipment setup, its best practice to do it then. Mr. Schwanger tells everyone that there are many people throughout the City who do not know who they should contact about the trees or that the Tree Commission even exists. Todd tells them we are aware of the problems that happened in the past, but we are making sure that communication is key now.

Tree planting questions also arose. Cynthia Ball said you have to call-in and request to be on the tree replacement list. It was then questioned where and when the next group of tree plantings will be done and if it is only going to be business locations. Todd said the GLRI grant tree planting are going to be throughout City parks but will also take care of a lot of residential tree replacement requests that have been waiting. It was explained that the larger growing trees will be planted in the parks and trees more appropriate for the boulevards will be planted at the residential locations.

Mr. Schwanger says we (Public Works/Forestry) seem to be doing so much better than prior to Issue 8. Todd told them we do currently only have two (2) staff members in Forestry. Our seasonal person recently left. A new seasonal is starting in a week or so and a full-time person is hired and will start work the beginning of December. We do have two (2) certified arborists now.

The communication point was brought up again, asking what if the resident isn't home when the tree inspection is completed. It is said that the door hanger goes up a week or two (2) prior to when the work is to be done. There should be plenty of time for the resident/homeowner to contact us if they have any questions.

The next Tree Commission meeting will be held on Tuesday, November 26<sup>th</sup>, 2019 at 4:00 pm at the City Service Center.

The meeting was adjourned at 5:13 pm.

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Cynthia Ball  
Chairperson

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Melissa Vassallo  
Clerk