



resident, information could be given out, such as here is a list of licensed contractor's, or now would not be a good time to cut down the tree. This would help the resident make an informed decision when it comes to their private property.

Councilperson Byrnes Maier said we really need to have something to hand a builder as a trade off if they need a building permit. This is permissible under the "takings" clause and not regulatory. With the make-up of the Supreme Court right now, it is very much in favor of property rights. There is a decent case history holding up under property rights under the Constitution. It is important to not overstep and to be on the educational side when there is a residence already built and taking down an existing tree. Some of the tweaks made to the ordinance by the Planning and Zoning Commission helps refine that. But on the new development or the commercial side when we are giving them the permit, that is where we are given the most flexibility to influence and to educate with regard to tree maintenance and tree species and giving more information to the homeowners and the community at large, which fits with the Tree Commission mission. Councilperson Byrnes Maier said she feels that they have gotten to a good point with hashing out some of the technical details of the Tree Ordinance and what is going to hold up legally. We don't want to have it challenged, but we don't want to leave it status quo.

Mr. Sattler asked if there was a problem with the free permit which initiates a process to getting information out. Councilperson Byrnes Maier said that was not an issue. Mr. Sattler said the commission wants to get on the same page. Councilperson Byrnes Maier sent him a few dates and times to meet to and iron out the ordinance. Councilperson Byrnes Maier said if there are other dates that are better for everyone, please let her know and the committee will make every effort to make themselves available.

Ms. Jesionowski said she would like to attend a work session and wanted to know who would be there and what the process would be. Councilperson Byrnes Maier said they would like to get together to go over other elements that they would like to add. Also to go over what would be the City's responsibility and what in terms of education and what companion pieces would need to be put into the ordinance or used as additional materials available on the website. The purpose of the work session would be to see what needs to get added to the ordinance itself, what can be in another document, and what is the future role for the Tree Commission to implement the tree ordinance. Mr. Sattler said we are getting the insight and comments back and we can figure out what the desires of the City are, what we (Tree Commission) are allowed to do, and what is permissible.

Mr. Sattler said he would get back to Councilperson Byrnes Maier with a date.

Mr. Kelly said he would like to thank Sara and the committee for all their hard work.

Mr. Sattler will email the times and dates for the work session with the Planning and Zoning Committee and then get back to Councilperson Byrnes Maier.

Mr. Polinski said he would be meeting with Mr. Siewert on Friday to talk about some of the items that were discussed. He has been in contact with Chad Clink regarding the documentation for all the work on the Tree Preservation Ordinances on the books already. He asked if he should bring the information to the work session or see if the individuals

could come. Mr. Sattler said if we could have some background information, that would be great.

Some discussion followed regarding the information presented from the Planning and Zoning Committee. Mr. Kelly tried to explain more on the “taking” and “extracting” with regards to private property and commercial property.

Mr. Patzwahl commented that there are many ordinances for commercial property, yet commercial property in the city is such a small percentage and does not affect a large percentage of the tree canopy. We focused on residential property because Bay Village is mostly residential. Mr. Sattler said the way we broke up the ordinance is commercial and residential. On the residential side, a person wants to take down a private property tree. There is a gray area when it comes to a large scale operation, such as the Sammon property, with clear cutting and massive changes on the land versus taking down one or two trees. This is what needs clarification. Mr. Kelly said if there is a subdivision going in and you buy a single lot for your primary residence. He does not know if this has been addressed. You have to have a permit and regulatory conditions, so is this considered commercial or residential. Mr. Sattler said that there is a difference between taking down a tree for a new shed or because they just do not want the tree versus clear-cutting the entire property.

Mr. Sattler said he put up the times/dates that are available to meet with the Planning and Zoning Committee. After everyone checked their calendars, May 24, 2021 and June 7, 2021 are good for meeting with Planning and Zoning. Mr. Sattler will let the Committee know.

There being no further business to discuss, Mr. Polinski made a motion to adjourn and it was seconded by Ms. Jesionowski.

The next Tree Commission meeting will be June 8, 2021.

Respectfully submitted,

*Jackie Moore*

Jackie Moore, Secretary