

## **February 4, 2020 Minutes – Hendersonville Tree Board**

Members Present: Mac Bracket, Debbie Roundtree, Mark Madsen, Al Krueger, and Judy Frank.

Members Absent: Pat Christie and Mia Freeman.

Tom Wooten and Chad Freeman were also present.

1. Called to order at 3:05 PM.
2. Consideration of the agenda - Motion to Approve by Mark Madsen, Vote – All Ayes.
3. Consideration of the January 7, 2020 Minutes – Motion to approve by Judy Frank, Vote – All Ayes.
4. Public Relations Update by Mary Jo Padgett – Mary Jo provided her update and discuss the contest which was cancelled due to the lack of cooperation from the tree which is already in bloom. On the positive side, the contest brought forth some good attention to the tree and downtown. Phyllis Styles will come to speak on February 24<sup>th</sup> at 6 PM at the Henderson County Library. Judy will be present to help sign people in/register. The 2019 activity completed by the Tree Board has been listed on the web page and sent to City Council to thank them for their support. A note will be sent to volunteers about the Tree Board's accomplishments for the year plus requesting help for the coming planting season/year. Chris Johnson will attend the next meeting to discuss Arbor Day. Mac received the updated seal from the Rotary Club to place on the plaque.
5. Changes to Community Foundation NeighborWoods Tree Fund – Mac is waiting on changes or confirmation from the City Manager.
6. Possible Pollinator Bed on Four Seasons Blvd – Bruce Lowe was present to ask questions and discuss the proposed pollinator bed on Four Seasons Blvd. Bruce mentioned soil samples, asked questions about the area, the budget, who will complete the maintenance, will there be a water supply. Bruce will work on a quote for the project.
7. Wes Burlingame Memorial Garden on the Greenway Trail – Suzanne Hale proposed a memorial garden for Wes Burlingame. The design is under way. Can the Tree Board fund two or three trees...maybe a few hundred dollars. They plan to plant in March. Suzanne will let Judy know about 15 days prior to the planting so Judy can send out a request for volunteers. Mountain True has set up a fund for donations. They plan to install signage for the memorial garden and label the plants.
8. Conditional Use Development on 5<sup>th</sup> Avenue – Daniel Heyman discuss the Ivy Crossing project which currently has 75 proposed lots. There are 460 trees over 12 inches DBH. The developer wants to save about 30% of these trees. They are also considering a reduction in the number of proposed lots. The Tree Board has asked for the developer to save 40% of the trees over 12 inches DBH and to

include protective measures of the trees that will be saved. Mac will talk with Mike Huffman concerning the stormwater areas.

9. Possible Pollinator Bed at Hands on Museum & Bee Mural Update – Kim Bailey was present to talk about the mural which has been approved by the Hand’s On Museum’s Board of Directors. The contractor with the painter has been signed and the date will be in October or June (Mural Painting). There will be additional expenses to clean the wall and prep it for the mural. The plantings will move forward on the side of the building however the front of the building is owned or controlled by LaMond Family Medicine and they want to have a more formal planting in front of their building. The city will allow some plantings in the bulb outs at the entrance to the parking lot off 3<sup>rd</sup> avenue.
10. Budget for 2020/2021:

HWY 64 Maintenance - \$6,000

Tree Replacement & Supplies - \$6,000

Publicity - \$3,000

Bee City USA & Arbor Day - \$270

NeighborWoods - \$3,000

Planting for other areas (Sullivan Park, Patton Park...) - \$2,000

Design for Two Pollinator Planting Areas and Plants - \$5,000

Total Request - \$25,270

11. Impact of Trees from NCDOT Projects – no update.
12. Current Project
  - a. Trees and Tree Tags for Hendersonville Elementary – reduce to three trees by the bleachers and four trees by the playground for a total of seven trees. Proposed for March 21st or March 28<sup>th</sup> but may delay the project until the next budget year.
  - b. Trees at the Operation Center – up to medium height trees. Kevin is attempting to locate the trees.
  - c. Replacement Trees for Four Seasons Blvd. Kevin is attempting to locate the trees.
  - d. NeighborWoods at Laurelwood – move forward if we can afford to purchase the trees.

- e. Memorial Plaque for Dr. Volk – the new Rotary symbol is in hand and we are ready to proceed (Mac has it).

#### 13. Future Project

- a. Replacement Trees & Tree Maintenance Four Seasons & MLK Boulevards – Four trees in front of Blue Ridge Mall, likely Dogwood. Maybe early spring.
- b. Maintenance of Pollinator Beds on Bearcat Loop (Early Spring) – all done, need to repair the frames around the beds. PW will schedule the work.
- c. Pollinator Seed Packets Giveaway (Early Spring) – Spring.
- d. Tree Canopy Survey (on hold) – should have new imagery in spring of 2020.
- e. Trees for Sullivan Park – Fall 2020.
- f. NeighborWoods – Oklawaha Village (Fall 2020) – no update
- g. Tree Cities of the World (Mantova Challenge)- No update

#### 14. Old Business

- a) Coloring Book and Star Magnolia Contest –The tree is already blooming so we have to cancel the contest.
- b) Southeast Trees and the Law Symposium – The Tree Board agreed to pay for Mark Madsen to attend the symposium at a cost of \$20.
- c) Heritage Tree Application – The Tree Board will revisit the proposed trees AT 309 Chadwick Avenue and evaluate them using the new form.
- d) Citizens Concerned with Climate Crisis – Discuss next month.

#### 15. Staff Comments

- a) Utility Update – nothing new
- b) Budget – nothing new.

#### 16. Adjournment – 5:00 PM.

REPORT TO: Hendersonville Tree Board

FROM: Mary Jo Padgett, PR Consultant

RE: Publicity Report for February Board meeting

DATE: Feb. 4, 2020

Publicity/ events since last board meeting --

*January Contest to guess when the Star Magnolia on Main St. will bloom.* The Tree Board received even more publicity on this fun little project when we had to cancel it due to very early blooms on the Star Magnolia.

*Educational Program at Henderson Co. Library, Monday, Feb. 24, 6 p.m., How Trees Sustain Pollinators and Help Stem Climate Change.* Speaker Phyllis Stiles, founder/ director emeritus Bee City USA. Publicity will be going out soon. (See attached news release.) I need someone to speak on behalf of the Tree Board and help people sign in.

*Fall 2019 activities report on Tree Board web page* – The full report has been posted on the City website/Tree Board page. I will send a portion of the report to City Council members with a thank-you note for supporting the Tree Board. It will also be passed along to Judy Frank to send to our volunteers as a thank-you note for their service.

*Publicity/Funding for Bee Mural* – I continue to help Kim Bailey and the fundraising committee to publicize the Bee Mural Project.

Upcoming Calendar --

**HENDERSONVILLE TREE BOARD CALENDAR 2020**

*Monday, Feb. 24 – Educational Program at Henderson Co. Library: How Trees Sustain Pollinators and Help Stem Climate Change.* 6 p.m., speaker Phyllis Stiles, founder/ director emeritus Bee City USA.

*March 21 or 28 – Plant 16 trees at Hendersonville Elementary, 10 a.m., (need 15 vols)*

*Spring –*

*NeighborWoods Project at Laurelwood*

*NeighborWoods Project at Cambridge West*

*Early May – Arbor Day Celebration.*

*Late May – Garden Jubilee on Main St.*

*June – Pollinator Month*

*Fall –*

*NeighborWoods Project at Oklawaha Village*

## **Hendersonville Tree Board**

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*An Appointed Board of the City of Hendersonville, North Carolina*

### **NEWS RELEASE**

### **FOR IMMEDIATE RELEASE**

**CONTACT:** Phyllis Stiles, presenter,  
828-545-4282 or [beesneedflowers@gmail.com](mailto:beesneedflowers@gmail.com) or  
Mary Jo Padgett, PR, 828-545-3179 or  
[maryjo@maryjopadgett.com](mailto:maryjo@maryjopadgett.com)

### *Plant Trees for Landscaping and Climate Assistance ...* How Trees Sustain Pollinators and Help Stem Climate Change

(HENDERSONVILLE, NC, January 30, 2020) It may seem too good to be true but planting trees in urban areas (and, well, anywhere) helps support lots of pollinator species and other wildlife. Moreover, trees help mitigate climate change, a major contributor to pollinator species decline. Learn more about the types of trees to plant as landscaping or as an addition to a private natural preserve at a program by Phyllis Stiles, founder of the Bee City USA program, on Monday, February 24, at 6 p.m. at Henderson County Library auditorium on Washington Street in downtown Hendersonville. The program, sponsored by Hendersonville Tree Board, is open to the public at no charge.

Using Powerpoint visuals, Stiles will explain how every part of native trees supports pollinators throughout the year: blossoms provide abundant pollen and nectar, leaves host butterfly and moth larvae, bark provides safe spaces for overwintering, snags provide nesting sites, and leaf mulch provides overwintering habitat.

Phyllis Stiles is founder and director emeritus of Bee City USA and Bee Campus USA, nationwide programs which became initiatives of the Xerces Society in 2018. Hendersonville

fulfilled criteria in 2015 to become a Bee City USA, the seventh city in the nation to do so. To date, nearly 200 cities and campuses (including Blue Ridge Community College) in 41 states have joined the network. In 2015, the North American Pollinator Protection Campaign named Stiles Pollinator Advocate of the Year for the United States.

An Asheville resident since the 1970s, Stiles has spent her career at universities and non-profit organizations serving communities from West Africa to the Mississippi Delta in fields ranging from natural resource and farmland protection to civic leadership development. Stiles was campaign director for Blue Ridge Forever's 50,000-acre land protection campaign which successfully concluded in 2010. When she's not learning about pollinators and plants, she enjoys hiking, trying to speak French and playing her upright bass.

"While our speaker is widely traveled and of some renown as founder of the Bee City movement," said Mac Brackett, chair of Hendersonville Tree Board. "she is also very good at informing about the ground-level ways we can all help pollinators, mitigate climate change, and beautify our landscape. We are pleased to have her join us for this public program."

Hendersonville Tree Board is commissioned by the City of Hendersonville to provide advice on the selection and care of trees and shrubs in public places. The Tree Board also educates the public concerning the economic and aesthetic benefits of trees and shrubs for the community. The Arbor Day Foundation has recognized Hendersonville as a Tree City USA for 26 years because of its high level of tree care. In 2018, Hendersonville was recognized by the NC Forest Service as Tree City of the Year.

To learn more about Hendersonville Tree Board and its projects, visit the webpage at <http://www.hendersonvillenc.gov/tree-board>. To learn more about Stiles and the Bee City USA program visit <http://www.beecityusa.org>. # # #

(photo below)



A program titled "How Trees Sustain Pollinators and Help Stem Climate Change" will be presented at no charge on Monday, February 24, at 6 p.m., in Henderson County Library auditorium on Washington Street in downtown Hendersonville. Phyllis Stiles, founder and director emeritus of Bee City USA and Bee Campus USA will speak.



Native trees such as the Sourwood tree are beautiful additions to the landscape, sustain pollinators, and help stem climate change. Learn more from speaker Phyllis Stiles, founder of Bee City USA, at a program on February 24, at 6 p.m., in Henderson County Library auditorium on Washington St. in downtown Hendersonville. Open to the public at no charge.

## **Some proposed suggestions to AMEND the NEIGHBORWOODS TREE Fund**

### **Current Fund language:**

#### **PURPOSES**

The purpose of the Fund is to receive charitable contributions to be used for increasing the tree canopy in the area of Hendersonville, NC as overseen by the Hendersonville Tree Board. The Hendersonville Tree Board of Advisors will advise on the Fund by recommending awards that fit within the grant-making charitable objectives of the Foundation to accomplish the Fund's purpose. Upon the completion of reasonable demonstration period [not to exceed 5 years] and with adequate contributions of funds [minimum to establish an endowment according to Foundation policy] may be used to create an endowment to continue the support of the Tree Board's program. If this program does not reach a sustainable level for endowment the full fund may be placed in a similar field of interest fund that includes but is not limited to the original purposes of this fund or be fully distributed for the purposes stated here in.

### **Recommend new name considerations, such as:**

Benefits of Trees and Landscaping within City of Hendersonville FUND

### **Suggestion for your consideration to amend this Fund's "Purpose" to:**

The purpose of the Fund is to receive charitable contributions to be used for increasing the tree canopy and to enhance the benefits of trees and landscaping as overseen by the Hendersonville Tree Board. Additionally to support the Hendersonville Tree Board's efforts to promote community engagement and advocacy helping to provide a natural balance to our community's eco-systems through the work of the Hendersonville Tree Board.

The Hendersonville Tree Board of Advisors will also advise this Fund by recommending awards that fit within the grantmaking charitable objectives of the Foundation to accomplish the Fund's purpose. If at any time the Hendersonville Tree Board of Advisors so decides or in the event that this group of advisors shall cease to exist the Fund may be placed in a similar field of interest fund at the oversight and full discretion of the Foundation's Board of Directors.

*Presented to City of Hendersonville Tree Board's regular meeting, January 7, 2020 at the City Operation Center.*



# Memorandum



**To: Mayor and City Council**  
**From: City Tree Board**  
**Date: February 10, 2020**  
**Subject: Ivy Crossing Housing Development**

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The Tree Board reviewed the plans for the Ivy Crossing Housing Development at our meeting on February 4th. The Tree Survey indicates that there are approximately 460 trees on this property which are 12 inches or greater in diameter. From the plan submitted by the developer, we have determined that 54 of these trees are to be saved and 52 new trees planted. The Board believes that this is an unacceptably small number and will result in a major loss to the city's tree canopy.

The Tree Board recommends that as a condition of the Conditional Zoning District, Council require the number of replacement trees together with the trees to be saved equal the number of trees on the Tree Survey which are 12 inches or greater in diameter. The Tree Board further recommends as a condition that the replacement trees be of the same species as the ones removed or at least their equivalent. Equivalent means that the replacement tree should be the same type as the tree removed (deciduous or evergreen) and be approximately the same height at maturity as the tree removed.

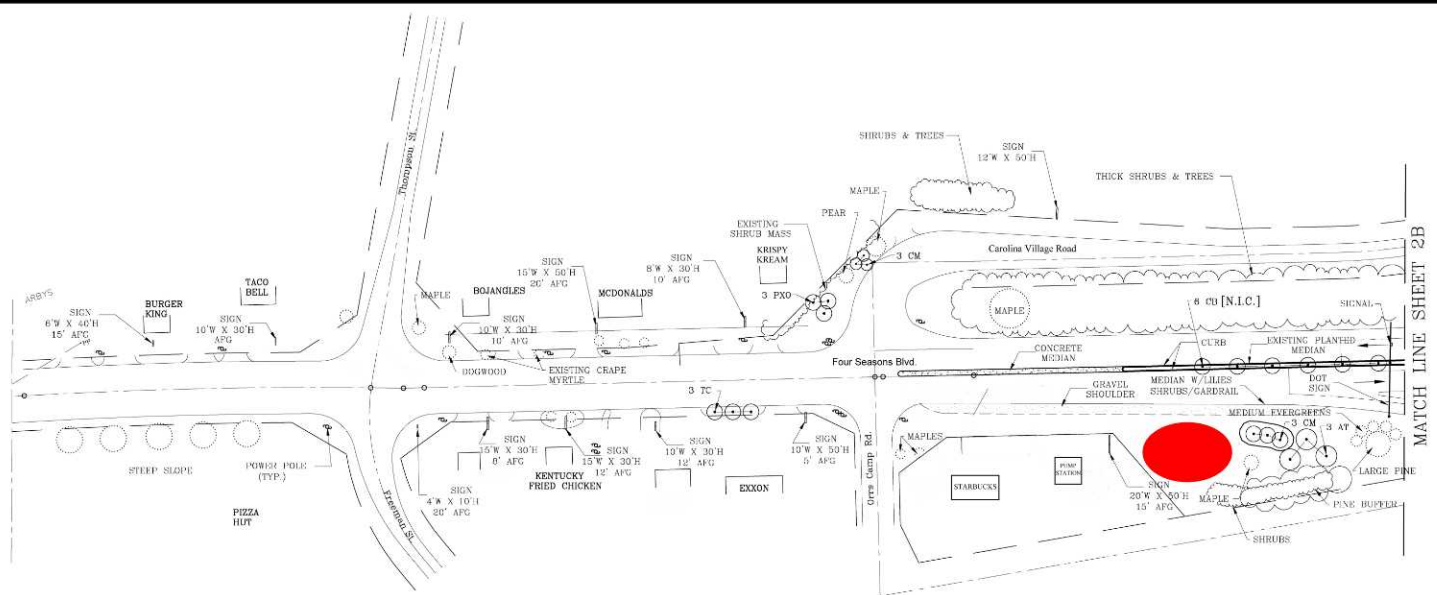
These are the same recommendations that the Tree Board made to Council for the Clear Creek Housing Development which Council approved last fall along with our recommendations.

The Tree Board also recommends that as a condition of the Conditional Zoning District, Council require the developer to use green infrastructure practices (such as permeable pavement, tree infiltration boxes, and bioretention treatment) for stormwater control.

City staff has informed us that Section 15 of the city's Zoning Ordinance which concerns Buffering, Screening & Landscaping will not apply to this project. Therefore, the Tree Board recommends that as a condition of the Conditional Zoning District, Council require the developer to follow the provisions outlined in Section 15-4(c) of the Zoning Ordinance for the protection during construction of existing trees that the developer has designated to be saved.



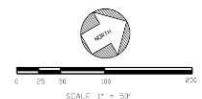




MATCH LINE SHEET 2B

**LEGEND**

- EXISTING CANOPY TREE
- EXISTING SMALL TREE
- PROPOSED CANOPY TREE
- PROPOSED MEDIUM CANOPY TREE
- PROPOSED SMALL TREE
- APG ABOVE FINISHED GRADE
- ⊕ EXISTING TREES TO BE REMOVED



# CITY OF HENDERSONVILLE

CITY OF HENDERSONVILLE TREE BOARD

REVISION	REV. 02-13-02	REV. 02-13-02	REV. 02-13-02
BY	DESIGNED	DRAWN	CHECKED
DATE	DATE	DATE	DATE
1			
<p><b>Bruce N. Lowe RLA</b> 622 Kanuga Street, Hendersonville, North Carolina 28739</p> <p><b>Luther E. Smith &amp; Associates, P.A.</b> 1193 Third Avenue West, Hendersonville, North Carolina 28752</p>			
LANDSCAPE ARCHITECT		LANDSCAPE ARCHITECTS	
NORTH CAROLINA 397 BRUCE N. LOWE		NORTH CAROLINA 281 LUTHER E. SMITH	



**Event Location:**

McKimmon Conference  
& Training Center  
1101 Gorman Street  
Raleigh, NC 27606

**Registration Fee:**

\$170 for state UF council  
members and municipal employees,  
\$200 non-members

**Need a hotel?**

Try these nearby locations:

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3741 Thistledown Drive  
Raleigh, NC 27606  
(919) 854-0001

**Aloft Raleigh**

2100 Hillsborough Street  
Raleigh, NC 27607  
(919) 828-9900

**Double Tree by Hilton –  
Brownstone Hotel**

1707 Hillsborough Street  
Raleigh, NC 27605  
(919) 828-0811

Southeast Trees & The Law Symposium:

# Navigating the Complexities of Neighborhood Tree Law

February 13, 2020

Raleigh, NC

No single topic cuts through the heart of the various disciplines in arboriculture as trees and the law. Regardless of what we do in arboriculture; regardless of our area of expertise, trees and the law can and do negatively affect us all daily. North Carolina State University and the NC Urban Forest Council are excited to present: **Southeast Trees & the Law Symposium: Navigating the Complexities of Neighborhood Tree Law.**

This day long, intensely focused symposium will help attendees avoid being part of the lawyer's food chain. Arborists, and more recently, landscape architects, face the ever-increasing challenges of litigation and becoming a part of the dreadful process that negatively affects them and their family. The lessons learned and education presented are derived from the knowledge gained after 1000 litigated cases involving trees. Topics will include neighbor law, wrongful death, personal injury, and attorney interpretations of the ANSI A300 series. Attendees will be presented with actual case law, and the resultant outcomes of that case law, as it relates to their daily activities in arboriculture. Whether you are a government arborist, employee of a tree care service, or owner of an ancillary service in our professional community, learn from the mistakes of others so that the past is not repeated for you, your company, and your family.

**Presenters include:**

**Joe Samnik**, Consulting Forensic Arborist

**Skip Kincaid**, Arborist and Executive  
Director of ISA Southern Chapter

**Hunt Choi**, Deputy City Attorney  
for the City of Raleigh

**A Special Thanks to Our Sponsors:****Event by:**

**Questions?** contact Leslie Moorman, [ncufc1@gmail.com](mailto:ncufc1@gmail.com) or 252-653-6277

# A G E N D A

7:30 am – 8:30 am	<b>Check-in</b>
8:15 am – 8:30 am	<b>Welcome</b> Dr. Barbara Fair, <i>NCSU Extension Specialist and</i> Leslie Moorman, <i>NCUFC Executive Director</i>
8:30 am – 9:30 am	<b>Trees and Liability/Negligence and Duty</b> Hunt Choi, <i>Deputy City Attorney for the City of Raleigh</i>  North Carolina appellate court cases which dealt with liability in connection with falling trees or tree limbs. Discuss the general framework of liability for negligence in North Carolina, and discuss several of the Appeals Court and Supreme Court cases that have dealt with damages and injuries related to trees.
9:30 am – 9:45 am	<b>Break with Exhibitors</b>
9:45 am – 11:15 am	<b>Concepts of Risk and Liability</b> Skip Kincaid, <i>Executive Director Southern Chapter ISA</i>  Basic introduction to the concepts of "Duty of Care" and "Standard of Care" as they apply to arborists. Tree risk assessment process will be discussed, including the TRAQ credential currently offered by ISA. How arborists approach and apply tree risk assessment can affect their exposure to liability.
11:15 am – 12:00 pm	<b>Question and Discussion</b> <i>for morning speakers</i>
12:00 pm – 1:00 pm	<b>Lunch (provided)</b>
1:00 pm – 2:30 pm	<b>Neighbor Law</b> Joe Samnik, <i>Forensic Consulting Arborist</i>  Every arborist or professional managing or working in the Urban Forest encounters neighbors and the resultant legal issues they create. This presentation shall cover numerous case laws relevant to Neighbor Law. From the private residential setting to the

commercial development, the intricacies which often defy logic regarding laws and property rights shall be discussed in this extended-time period presentation. Attendees shall be presented with the learning objectives of duty, due diligence, and how the courts view your professional conduct in the field.

**2:30 pm – 3:30 pm      Legal Hot Spots for Arborists**  
Skip Kincaid, *Executive Director Southern Chapter ISA*  
  
This discussion will focus on a few "hot spot" topics such as neighbor law (encroachment etc), exercising duty of care, and utility responsibilities and rights and will include case studies that provide insight about good steps and bad steps arborists can take to reduce liability.

**3:30 pm – 3:45 pm      Break with Exhibitors**  
  
**3:45 pm – 4:45 pm      ANSI A300, Courtrooms, and You**  
Joe Samnik, *Forensic Consulting Arborist*

Until now, attendees have typically considered and thought the ANSI A300 Standards were a peripheral or tangential set of Standards that are casually reviewed by our industry professionals, if at all. This presentation will include the ANSI A300 Standards as courts view them. Deposition and courtroom testimony shall be presented with the learning objective of discovering how the ANSI Standards comprise the framework and ground rules involving lawsuits with arborists and other Urban Forest professionals. This presentation will not be a boring review of the ANSI Standards but rather a comprehensive framework for which your future thinking and successful outcome in a lawsuit may be viewed by the legal system.

Attendees shall also be presented with contradictions within the ANSI Standards and how those contradictions may be managed during litigation and before.

**4:45 pm – 5:00 pm      Questions/Closing remarks**

## Registration

**Registration closes February 5th**

- ☐ member and municipal employee rate - \$170  
*(if you are a member of the NC Urban Forest Council, Georgia Tree Council, Trees Virginia, Trees SC or TN Urban Forest Council you qualify for the discounted rate)*
- ☐ standard registration - \$200
- ☐ need vegetarian meal

**For EACH Registrant,** please copy this form and fill out separately for each person. You can also register online at [www.ncufc.org](http://www.ncufc.org)

Name: \_\_\_\_\_

Name for Tag: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Company Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Make checks payable to:** NC Urban Forest Council and mail to NCUFC- PO Box 37426 - Raleigh, NC 27627