



City of Plymouth

City Commission Regular Meeting Minutes

Monday, November 16, 2020 - 7:00 p.m.

Zoom Meeting

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

1) CALL TO ORDER

a. Mayor Wolcott called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

b. Roll call

Present: Mayor Oliver Wolcott, Mayor Pro Tem Nick Moroz, Commissioners Suzi Deal, Ed Krol, Kelly O'Donnell, Marques Thomey, and Tony Sebastian

Also present: City Manager Paul Sincock, Attorney Robert Marzano, and various members of the City administration

2) CITIZENS COMMENTS

There were no citizen comments.

3) APPROVAL OF THE AGENDA

Thomey offered a motion, seconded by Krol, to approve the agenda for Monday, November 16, 2020.

There was a roll call vote.

Yes: Deal, Krol, Moroz, O'Donnell, Thomey, Sebastian, Wolcott

MOTION PASSED 7-0

4) ENACTMENT OF THE CONSENT AGENDA

a. Approval of November 02, 2020 City Commission Regular Meeting Minutes

b. Special Event – Sun & Snow Ski and Board Swap – Nov 21 & 22, 2020

Sebastian asked that item 4.b.moved to the regular agenda.

Krol offered a motion, seconded by Thomey to approve item 4.a on the consent agenda.

There was a roll call vote.

Yes: Deal, Krol, Moroz, O'Donnell, Thomey, Sebastian, Wolcott

MOTION PASSED 7-0

5) COMMISSION COMMENTS

Moroz thanked election workers and reminded everyone to avoid any risk of contacting COVID-19.

Wolcott also thanked election workers then complimented the DDA and DMS departments for their work during the pandemic.

6) OLD BUSINESS

There was no old business.

7) NEW BUSINESS

a. Snow and Ice Control Policy 2020-21

The following resolution was offered by Krol and supported by Moroz.

RESOLUTION 2020-87

WHEREAS The City of Plymouth completes snow and ice measures in order to protect the public health, safety and welfare; and

WHEREAS The City annually reviews and updates its snow and ice control policy that directs and gives responsibilities to various City departments.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt the City of Plymouth Department of Municipal Services Snow & Ice Control Policy as reviewed and revised on November 18, 2020.

BE IT FURTHER RESOLVED THAT the City Commission of the City of Plymouth does hereby establish that the minimum billing for the City or its contractors removing snow as a result of violations of Section 62-39 and 62-40 of the Plymouth City Code shall be a minimum of \$150.00 and the hourly rate shall not be less than \$150.00 per hour.

Commission members made positive comments about the use of brine this year after a pilot program last year.

There was a roll call vote.

Yes: Deal, Krol, Moroz, O'Donnell, Thomey, Sebastian, Wolcott

MOTION PASSED 7-0

b. Tree Ordinance First Reading/Annual Report

The following motion was offered by Moroz and seconded by Krol.

RESOLUTION # 2020-88

WHEREAS The City Commission of the City of Plymouth has responsibility to adopt all City ordinances and changes to the Plymouth City Code; and

WHEREAS It has been determined that there needs to be an update to the Plymouth City Code related to the Tree Ordinances; and

WHEREAS Trees are a natural resource and the City of Plymouth finds that trees will promote a number of benefits to the community as a whole.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt the following changes to the Plymouth City Code at its first reading.

Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, Article XIV. - Vegetation, Division 1. – Generally and 2. - Trees NEEDS TO BE REMOVED

Chapter 34 - ENVIRONMENT

ARTICLE I. - Trees

DIVISION 1. - Generally

Sec. 34-1. - Intent

The purpose of this chapter is to provide for the protection, preservation, and reforestation of the City of Plymouth's tree canopy, trees, and woodlands.

Sec. 34-2. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dead Tree means any tree that has no visible growth (within the appropriate growing season for all deciduous trees), no visible buds, twigs that do not exhibit flexibility, and twigs that do not appear green at the cambium layer when outer bark has been physically removed.

Diameter Breast Height (DBH) means the diameter, in inches, of a tree measured at four and one-half (4½) feet above the existing grade.

Dripline means the imaginary vertical line, which extends downward from the outermost tips of the tree branches to the ground.

Front Yard Tree means any tree located in the open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation of the main building.

Heritage Tree means any tree that meets the size and species requirements in the table below, or any tree not listed in the table below that is 18 inches DBH or greater.

| Common Name | Scientific Name | DBH |
|----------------------------|------------------------|------------|
| Arborvitae | Thuja occidentalis | 18" |
| Ash | Fraxinus species | 18" |
| American Basswood (Linden) | Tilia americana | 18" |
| American Beech | Fagus grandifolia | 18" |
| American Chestnut | Castanea dentata | 8" |
| American Elm | Ulmus americana | 18" |
| Birch | Betula species | 18" |
| Black Alder | Alnus glutinosa | 12" |
| Black Tupelo | Nyssa sylvatica | 12" |
| Black Walnut | Juglans nigra | 18" |

| | | |
|------------------------------|-------------------------------|-----|
| White Walnut | Juglans cinerea | 18" |
| Buckeye (Horse Chestnut) | Aesculus species | 18" |
| Cedar, Red | Juniperus species | 12" |
| Crabapple (Cultivar) | Malus species | 12" |
| Douglas Fir | Pseudotsuga menziesii | 18" |
| Eastern Hemlock | Tsuga canadensis | 12" |
| Flowering Dogwood | Cornus florida | 8" |
| Ginkgo | Ginkgo biloba | 18" |
| Hickory | Carya, species | 18" |
| Kentucky Coffeetree | Gymnocladus dioicus | 18" |
| Larch/Tamarack | Larix laricina (Eastern) | 12" |
| Locust | Gleditsia triacanthos | 18" |
| Sycamore (London plane tree) | Platanus species | 18" |
| Maple | Acer species (except negundo) | 18" |
| Oak | Quercus species | 18" |
| Pine | Pinus species | 18" |
| Sassafras | Sassafras albidum | 15" |
| Spruce | Picea species | 18" |
| Tulip Tree | Liriodendron tulipifera | 18" |
| Wild Cherry | Prunus species | 18" |

Large tree means any tree larger than 40 feet in height at maturity.

Licensed tree professional means a Nurseryman or an ISA certified arborist.

Medium tree means any tree between 25 feet and 40 feet in height at maturity.

Park tree means any tree located in public parks having individual names, and all publicly owned land, or to which the public has free access as a park.

Private tree means any tree located on land that is owned by an individual or group having a vested or financial interest in the subject property.

Protected Area means the area contained within the dripline of the tree.

Protective Barrier means a physical obstruction that encloses the protected area of a tree and limits vehicular, material, and equipment access.

Small tree means any tree less than 25 feet in height at maturity.

Street tree means any trees planted or located within a public street or road right-of-way.

Topping means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the trees.

Transplant means the digging up of a tree and the planting of that tree in another place on the same property or off-site property.

Tree means a woody perennial plant, typically having a single stem or trunk which at maturity is 13 feet or more in height and which has a definite crown of foliage.

Tree Fund means the budget account located in the Solid Waste/Recycling fund to be used for activities associated with public tree inventory, protection, maintenance, and planting.

Tree planting permit means the permit application reviewed and approved by the Administration that shows the location, species, and size of trees that will be planted or transplanted.

Tree protection plan means the plan reviewed and approved by the Administration that shows how trees will be protected from construction activities.

Tree replacement plan means the permit application reviewed and approved by the Administration that shows how the requirement for replacing removed tree(s) will be satisfied.

Tree removal permit means the permit application reviewed and approved by the Administration that shows the location, species, and size of trees that will be removed.

Sec. 34-3. – Prohibited Trees.

The following trees are prohibited to be planted or re-planted:

| Common Name | Scientific Name |
|--------------------------|------------------------|
| Ash | Fraxinus species |
| Autumn and Russian-Olive | Elaeagnus species |
| Boxelder | Acer negundo |
| Buckthorn | Rhamnus species |
| Mulberry | Morus species |
| Poplar | Populus species |
| Siberian Elm | Ulmus pumila |
| Silver Maple | Acer saccharinum |
| Tree of Heaven | Ailanthus altissima |
| Willow | Salix species |

Sec. 34-4. - Tree Care.

- a. All trees shall be planted, pruned, maintained, and removed, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- b. The City reserves the right to remove or cause to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, is blocking street or sidewalk clearance, or is blocking the spread of light or view of traffic control devices.

- c. If any owner, occupant or person having charge of any land within the city shall refuse or neglect to resolve public safety issues caused by private trees as provided in this chapter, then the City Manager or his/her designee shall cause the land to be entered upon by city employees or a city contractor for the purpose of pruning, or removing said trees at the sole cost to the property owner and such entering upon shall not be deemed a trespass.

Sec. 34-5. - Pruning.

Trees shall be pruned so that branches do not obstruct the light from any street light or obstruct the view of any street intersection. A clear space of fifteen feet above the surface of the street and eight feet above the surface of the sidewalk shall be maintained. The City shall have the right to prune or cause to be pruned any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of roadway, sidewalk, traffic control devices, and/or signs.

Sec. 34-6. – Corner Clearance.

Within the required corner clearance area as defined in Section 78-207, all trees and limbs, including dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public, shall be removed by the property owner upon which the tree is located.

Sec. 34-7. - Tree Topping.

It shall be prohibited for any person to top any tree. Trees severely damaged by storms, an act of God, or other causes out of the City's or property owner's control, may be exempted from this section at the determination of the City Manager or his/her designee. This section does not apply to a utility company who may be required to top a tree for purposes of public safety or valid equipment issues.

Sec. 34-8. - Removal of Stumps.

All stumps of street, park, and front yard trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. The stump excavation site shall be backfilled to match existing grade as defined in Section 78-21.

Sec. 34-9. - Tree Fund.

This section establishes the City's tree fund. The purpose of the tree fund shall be to maintain and reestablish the City's public tree canopy. The City Commission shall review the rate structure annually as part of their budget process.

Sec. 34-10. - Installation and Planting

All trees shall be planted according to ANSI Standards A300.

Sec. 34-11. - Maintenance Provisions.

All trees shall be maintained in a safe, healthy, neat and orderly state free from refuse and debris.

DIVISION 2. – PUBLIC TREES

Sec. 34-12. Permitted Street Trees

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted unless approved, in writing, by City Manager or his/her designee.

(a) *Small trees:*

| Common Name | Scientific Name |
|----------------------|-------------------------------|
| Cherry, Flowering | Prunus species & hybrids |
| Crabapple, Flowering | Malus species & hybrids |
| Dogwood | Cornus species & hybrids |
| Goldenrain Tree | Koelreuteria paniculata |
| Hawthorn | Crataegus species |
| Lilac, Japanese Tree | Syringa reticulata |
| Magnolia | Magnolia hybrids |
| Magnolia, Star | Magnolia stellata |
| Maple, Amur | Acer ginnala |
| Maple, Paperbark | Acer griseum |
| Maple, Tatarian | Acer tataricum |
| Maple, Trident | Acer buergeranum |
| Peach, Flowering | Prunus species & hybrids |
| Plum, Flowering | Prunus species & hybrids |
| Redbud, Eastern | Cercis canadensis |
| Serviceberry | Amelanchier species & hybrids |

(b) *Medium trees:*

| Common Name | Scientific Name |
|--------------------------------|-----------------------------------|
| Amur Maackia | Maackia amurensis |
| Corktree, Amur, Fruitless Male | Phellodendron amurense |
| Hophornbeam, American | Ostrya virginiana |
| Hornbeam, American | Carpinus caroliniana |
| Hornbeam, European | Carpinus betulus |
| Horsechestnut, Red | Aeculus x carnea |
| Maple, Bigtooth | Acer grandidentatum |
| Maple, Hedge | Acer campestre |
| Maple, Shantung | Acer truncatum |
| Mountain Ash | Sorbus species |
| Mulberry, Red Fruitless Male | Morus rubra, fruitless varieties |
| Osageorange, Thornless Male | Maclura pomifera |
| Pagodatree (Scholartree) | Styphnolobium (Sophora) japonicum |
| Paw Paw | Asimina triloba |
| Pear, Flowering | Pyrus species & hybrids |
| Sassafras | Sassafras albidum |
| Yellowwood | Cladrastis kentukea |

(c) *Large trees:*

| Common Name | Scientific Name |
|---|---------------------------------|
| Baldcypress | <i>Taxodium distichum</i> |
| Beech, American | <i>Fagus grandifolia</i> |
| Beech, European | <i>Fagus sylvatica</i> |
| Blackgum (Tupelo) | <i>Nyssa sylvatica</i> |
| Catalpa, Northern | <i>Catalpa speciosa</i> |
| Chestnut | <i>Castanea hybrids</i> |
| Coffeetree, Kentucky | <i>Gymnocladus dioicus</i> |
| Elm, American Dutch Elm resistant varieties | <i>Ulmus hybrids</i> |
| Filbert, Turkish | <i>Corylus colurna</i> |
| Ginkgo (Maidenhair Tree), Fruitless Male | <i>Ginkgo biloba</i> |
| Hackberry | <i>Celtis occidentalis</i> |
| Hardy Rubber Tree | <i>Eucommia ulmoides</i> |
| Hickory | <i>Carya species</i> |
| Honeylocust | <i>Gleditsia triacanthos</i> |
| Horsechestnut | <i>Aesculus species</i> |
| Katsura Tree | <i>Cercidiphyllum japonicum</i> |
| Linden, American | <i>Tilia Americana</i> |
| Linden, Littleleaf | <i>Tilia cordata</i> |
| Linden, Silver | <i>Tilia tomentosa</i> |
| Maple, Black | <i>Acer nigrum</i> |
| Maple, Freeman Hybrid | <i>Acer x freemanii</i> |
| Maple, Miyabe | <i>Acer miyabei</i> |
| Maple, Norway | <i>Acer platanoides</i> |
| Maple, Red | <i>Acer rubrum</i> |
| Maple, Sugar | <i>Acer saccharum</i> |
| Maple, Sycamore | <i>Acer pseudoplatanus</i> |
| Oak, Bur | <i>Quercus macrocarpa</i> |
| Oak, Chinkapin | <i>Quercus muehlenbergii</i> |
| Oak, English | <i>Quercus robur</i> |
| Oak, Northern Red | <i>Quercus rubra</i> |
| Oak, Pin | <i>Quercus palustris</i> |
| Oak, Sawtooth | <i>Quercus acutissima</i> |
| Oak, Scarlett | <i>Quercus coccinea</i> |
| Oak, Shingle | <i>Quercus imbricaria</i> |
| Oak, Shumard | <i>Quercus shumardii</i> |
| Oak, Swamp White | <i>Quercus bicolor</i> |

| | |
|-------------------|------------------------------|
| Oak, White | Quercus alba |
| Planetree, London | Platanus x acerifolia |
| Redwood, Dawn | Metasequoia glyptostroboides |
| Sweetgum | Liquidambar styraciflua |
| Sycamore | Platanus occidentalis |
| Tuliptree | Liriodendron tulipifera |
| Walnut, Black | Juglans nigra |
| Zelkova | Zelkova serrata |

Sec. 34-13. - Distance from street corners, driveways, curbs, and sidewalks.

No tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No tree shall be planted closer than ten feet from any driveway or approach. Trees planted in the area between the curb or curb lines and sidewalks shall be in accordance with the three species size classes listed in Section 34-12. No trees may be planted within any area between the curb or curb line and sidewalk other than the following: Small trees: two (2) feet; Medium trees: three (3) feet; and Large trees: four (4) feet.

Sec 34-14. - Distance from utilities, signs, and hydrants.

No trees, other than those species listed as small trees in section 34-12(a), may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility. No trees shall be planted closer than 10 feet from any manhole structure. No tree shall be planted closer than ten feet from any hydrant. No tree shall be planted closer than ten feet from any streetlight pole. No tree shall be planted closer than ten feet from any traffic control device.

Sec. 34-15. – Distance between trees.

Trees shall be planted a sufficient distance away from other trees. The distance between small trees as listed in section 34-12(a) shall be 20 feet. The distance between medium trees as listed in section 34-12(b) shall be 30 feet. The distance between large trees as listed in section 34-12(c) shall be 40 feet.

Sec. 34-16. – Tree Size.

The minimum size for a street tree or park tree shall be one-and-a-half (1.5) inches in caliper DBH. All trees planted must be of the tree form variety, have a single stem with branching limbs, and branches must be at least eight feet off the ground at maturity, as predicated by the size definitions in Section 34-2.

Sec. 34-17. Removal and Replacement of Street Trees.

- a. Should a property owner wish to have the street tree adjacent to his or her property removed, he or she shall submit a request, in writing, to the City Manager or his/her designee. Within 10 business days of the receipt of the request an ISA certified arborist, provided by the City, will perform a condition and risk assessment. The cost for this service shall be borne by the property owner making the request. Following the condition and risk assessment by the ISA certified arborist, if the street tree is found to be dead, diseased, or dying the City shall remove the street tree at the City’s cost. Following the condition and risk assessment by the ISA certified arborist, if the street tree is not found to be dead, diseased, or dying, the tree shall remain.

- b. Only in extenuating circumstances, as determined by the City Manager or his/her designee, shall a healthy street tree be removed or caused to be removed. Such extenuating circumstances shall include but are not limited to catastrophic event, repair, replacement, or maintenance of underground utilities, or an act of God.
- c. When a street tree is removed every effort shall be made to replace the tree within one year of removal with one (1) replacement tree that meets the requirements in section 34-12 through 34-16, above.

DIVISION 3. - PRIVATE TREES

Sec. 34-18. - Removal and Replacement of Heritage Trees

This section shall apply to all private heritage trees. Each heritage tree that is removed shall be replaced in a manner consistent with the following subsections.

- a. Heritage trees shall be replaced at a sliding scale rate set by the City Commission annually for each tree removed. Replacement tree(s) shall be located on the parcel(s) where each heritage tree is removed or in the right-of-way adjacent to the affected property. The City Manager or his/her designee may consider alternate locations on a case by case basis. Replacement trees shall be shown on a tree replacement plan.
- b. If trees cannot be reasonably planted on the property, the property owner shall pay into the tree fund at a rate defined by the City Commission and stated on the Rate Card, rounded up to the nearest one (1) inch of DBH required to be replaced by Section 34-18(a).
- c. If the requirements of Section 34-18(a) and (b) cannot be met, a combination of paying into the tree fund and replacement trees shall be used. Replacement trees shall be shown on a tree replacement plan.
- d. When required, a tree replacement plan shall be submitted within 90 days of the removal of heritage tree(s). The City Manager or his/her designee may consider an extension on a case by case basis.
- e. When a tree from the subject property is transplanted and saved from removal, that DBH shall be added as a credit to the property owner's replacement requirements. Trees shall be relocated by a licensed tree professional. The property owner shall ensure the tree's successful establishment in new location.
- f. Trees that are dead, diseased, or dying with no visible growth as determined by an ISA certified arborist are exempt from replacement requirements.
- g. The minimum size for a replacement tree shall be one-and-a-half (1.5) inches in caliper DBH. All trees planted must be of the tree form variety.

Sec. 34-19. – Removal and Replacement of Front Yard Trees.

This section shall apply to any front yard trees with a DBH of six (6) inches or greater but less than the heritage tree standard for that species. Each tree that is removed shall be replaced in a manner consistent with the following subsections.

- a. Front yard trees shall be replaced at a sliding scale rate set by the City Commission annually for each tree removed. Replacement front yard tree(s) shall be located on

the front yard of the parcel(s) where each front yard tree is removed or in the right-of-way adjacent to the affected property. The City Manager or his/her designee may consider alternate locations on a case by case basis. Replacement trees shall be shown on a tree replacement plan.

- b. If trees cannot be reasonably planted on the property, the property owner shall pay into the tree fund at a rate defined by the City Commission and stated on the Rate Card, rounded up to the nearest one (1) inch of DBH required to be replaced by Section 34-19(a).
- c. If the requirements of Section 34-19(a) and (b) cannot be met, a combination of paying into the tree fund and replacement trees shall be used. The City Manager or his/her designee may consider alternate locations on a case by case basis. Replacement trees shall be shown on a tree replacement plan.
- d. When required, a tree replacement plan shall be submitted within 90 days of the removal of a front yard tree(s). The City Manager or his/her designee may consider an extension on a case by case basis.
- e. When a tree from the subject property is transplanted and saved from removal, its DBH shall be added as a credit to the property owner's replacement requirements. Trees shall be relocated by a licensed tree professional. The property owner shall ensure the tree's successful establishment in new location.
- f. Front yard trees that are dead, diseased, or dying with no visible growth as determined by an ISA certified arborist are exempt from replacement requirements.
- g. The minimum size for a replacement tree shall be one-and-a-half (1.5) inches in caliper DBH. All trees planted must be of the tree form variety.

Sec. 34-20. - Dead Tree Removal on Private Property.

The City shall have the right to cause the removal of any dead tree on private property within the City when such trees constitute a hazard to life or property. The City will notify, in writing, the owners of such trees. Removal shall be done by such owners at their own expense within 30 days after the date of service of notice. Upon the owner's failure to comply with such provisions, the City shall have the authority to remove such trees at a rate set by the City Commission. The City Manager or his/her designee shall keep an accurate account of expense incurred for each lot or parcel of land in carrying out the provisions of this section and such expense shall be charged against such lot or parcel and collected by giving notice thereof to the owner of the lot or parcel. If such expense or charge shall not be paid the same shall be assessed against the lot or parcel and collected as provided by Section 12.22 of the City Charter.

Sec. 34-21. - Diseased Trees on Private Property.

The City shall have the right to cause the removal or treatment of any diseased tree on private property within the City when such tree constitutes a hazard to life or property or harbors deadly insects or disease which constitutes a potential threat to other trees within the City. Treatment of a diseased tree shall include chemical treatment to render the disease or affliction non-threatening to any affected tree. The City will notify, in writing, the owners of such trees. Treatment or removal shall be done by such owners at their own expense within 30 days after the date of service of notice. Upon failure of owners to comply with such provisions, the City shall have the authority to treat or remove such trees and charge the cost of treatment or removal at a rate set by the City Commission. The City

Manager or his/her designee shall keep an accurate account of expense incurred for each lot or parcel of land in carrying out the provisions of this section and such expense shall be charged against such lot or parcel and collected by giving notice thereof to the owner of the lot or parcel. If such expense or charge shall not be paid the same shall be assessed against the lot or parcel and collected as provided by Section 12.22 of the City Charter.

Sec. 34-22. – Installation of Street Trees for New Residential Construction.

- a. Residential property owners shall install a minimum of one (1) new street tree at the effected property when a new construction home is built. If the right-of-way adjacent to the residential property is not suitable for the long-term health requirements of a tree based on Sec. 34-13 through Sec. 34-15, the property owner shall pay into the tree fund at a rate set by the City Commission.
- b. Residential property owners must choose one of the following tree replacement processes from the following three options:
 1. Plant a tree before any Certificate of Occupancy is issued.
 2. Pay into the tree fund prior to the issuance of any Certificate of Occupancy at a rate approved by the City Commission.
 3. Property owner plans to plant a tree within one year of Final Certification of Occupancy issuance. Property owner pays a cash bond at a rate approved by the City Commission before any Certificate of Occupancy is issued. The bond will be refunded once the tree is planted and the property owner notifies the City in writing of planting. If the tree is not planted within one year, the bond is forfeited to the Tree Fund.

Sec. 34-23. - Tree Protection Standards during Construction.

- a. A tree protection plan shall be submitted and approved with the new construction building permit.
- b. During construction, a protective barrier shall be placed at the drip line of the street, park, and/or front yard or heritage private tree(s). The ground area within the drip line shall be maintained undisturbed from its pre-construction state.
- c. Vehicles, materials, and equipment are prohibited from being stored in, staged in, or driven through the protected area of the front yard or heritage tree. Practical difficulties shall be dealt with by the Administration on a case by case basis.
- d. If the protected area of the front yard or heritage tree falls within the building envelope, every precaution shall be taken to preserve and protect the affected tree(s).

DIVISION 5. - ADMINISTRATION AND ENFORCEMENT

Sec. 34-24. Permits required

- a. A tree removal permit is required when any tree is planned for removal.
 1. Permits shall be obtained from the Department of Municipal Services (DMS) on a form provided.
 2. DMS shall review the application for compliance with this Chapter.
 3. DMS shall perform a site visit to measure and document the affected tree(s).

4. DMS shall provide a report to the applicant detailing the trees planned for removal and any required replacement.
 5. After review, DMS shall issue a permit to applications that meet the requirements of this Chapter.
 6. If replacement trees are required see (c).
- b. A tree planting permit is required when trees are transplanted or planted.
1. Permits shall be obtained from the Department of Municipal Services (DMS) on a form provided. The application shall include a scaled site plan or boundary survey or scaled drawing that shows all property lines, pavement, hard surfaces, and the size, species, and location of the proposed tree(s) to be planted.
 2. DMS shall review the application for compliance with this Chapter.
 3. After review, DMS shall issue a permit to applications that meet the requirements of this Chapter.
- c. A tree replacement plan is required when replacement trees are required to be planted after tree(s) have been removed.
1. Permits shall be obtained from the Department of Municipal Services (DMS) on a form provided. The application shall include a scaled site plan or boundary survey or scaled drawing that shows all property lines, pavement, hard surfaces, and the size, species, and location of the proposed tree(s) to be planted.
 2. DMS shall review the application for compliance with this Chapter.
 3. DMS shall provide a report to the applicant detailing how the replacement requirement shall be met.
 4. After review, DMS shall issue a permit to applications that meet the requirements of this Chapter.
- d. A tree protection plan is required when a qualifying construction project is planned for a property.
1. Permits shall be obtained from the Department of Municipal Services on a form provided.
 2. The tree protection plan shall be submitted at the time that building plans are submitted to the Community Development Department for review. The tree protection plan shall include a topographic boundary survey that shows which tree(s) are being protected during construction and the location and type of protective barrier that will be used to protect the trees throughout construction.
 3. After review, DMS shall issue a permit to applications that meet the requirements of this Chapter.

4. No building permit shall be issued until an approved tree protection plan permit has been issued.
- e. No tree shall be removed, replaced, transplanted, or planted unless a tree permit has been first issued for such work.
- f. When a building permit is required for any work that includes changes to lot coverage, floor area ratio, or hardscaping of the property, existing front yard and heritage trees shall be indicated on a boundary survey. The boundary survey shall include property boundaries; topography; the size, location, and species of each tree; existing and proposed structure(s); and building envelop. The survey shall be submitted to the City in a compatible digital format.
- g. The permit fees shall be set and reviewed annually by the City Commission.

Sec. 34-25. Notice.

The City Manager or his/her designee shall notify, by first class mail or by posting notice in a conspicuous location on the property, the owner, agent or occupant of any lands on which a violation of this chapter is found to exist. Such notice shall require that the person having charge of such land to resolve any violations of this chapter; and shall contain a summary of the provisions of this chapter. Failure of the City Manager or his/her designee to give notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for, or debt created under, the provisions of this chapter. If the property is not in compliance with this article at the end of the period specified in the notice of violation, an appearance ticket may be issued.

Sec. 34-26. Penalty and Enforcement.

- (a) The City shall have the right to enter property to investigate the removal of front yard or heritage trees on private property. The penalty for removal of front yard or heritage tree(s) without a required permit shall be a civil infraction plus a \$500.00 fine, per tree. In addition to the fine, the offender shall pay fair market replacement per front yard or heritage tree removed based on a minimum size of 18 inch DBH.
- (b) A person who violates any provision of this Chapter 34 or the terms or conditions of a permit is responsible for municipal civil infraction; and shall be subject to payment of not less than \$500.00, plus costs and other sanctions, for each infraction.
- (c) Discretionally removed trees or trees that are intentionally damaged that are not replaced according to the provisions of this chapter require payment into the tree fund at the rate established by the City Commission.

Sec. 34-27. Appeals

Any appeals to this chapter shall be submitted, in writing, on a form provided by the City Manager or his/her designee within 21 days of the administration's determination. Appeals cannot be made when a determination includes a healthy, safety, welfare concern.

Sec. 34-28. Severability

The various parts, sentences, paragraphs, sections, and clauses of this chapter 34 are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this chapter 34 is adjudged unconstitutional or invalid by any court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this chapter 34.

WHEREAS The City of Plymouth has a Tree Ordinance to protect the public welfare and there is a need to establish certain fees to be able to comply with the Ordinance; and

WHEREAS The City Commission has reviewed the fee schedule.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt the following Rate Card to be effective with the adoption of the Tree Ordinance on 07-15-19.

TREE ORDINANCE RATE CARD

This rate card is separate from the ordinance and shall be reviewed by the City Commission annually.

| Rate Description | Cost |
|---|--|
| Heritage tree replacement (Sec. 34-19(a)) | \$100.00 per inch required to be replaced |
| Non-heritage tree replacement (Sec. 34-20(a)) | \$100.00 per inch required to be replaced |
| Dead tree removal on private property, if owner fails to comply with requirements, after proper notification (Sec. 34-21) | Cost of work plus \$500 fine |
| Diseased tree removal or treatment on private property if owner fails to comply with requirements, after proper notification (Sec. 34-22) | Cost of work plus \$500 fine |
| Installation of street tree for new construction (Sec. 34-23(a)) | \$400.00 |
| Cash bond to ensure street tree planting for new construction (Sec. 34-23(b)(3)) | \$400.00 |
| Trees removed without first obtaining a permit (Sec. 34-25) | Replacement cost of 18" DBH tree plus \$500 fine |

Heritage Tree Replacement Scenario

American Chestnut that is 10" DBH
 $10 * 25\% = 2.5$ inches, rounded up to 3.0 inches of replacement tree required or \$300.00
 American Elm that is 20" DBH
 $20 * 25\% = 5$ inches of replacement tree required or \$500.00
 Kentucky Coffeetree that is 30" DBH
 $30 * 25\% = 7.5$ inches, rounded up to 8.0 inches of replacement tree required or \$800.00

Private Tree Replacement Scenario

American Chestnut that is 7" DBH
 $7 * 25\% = 1.75$ inches, rounded up to 2.0 inches of replacement tree required or \$200.00
 American Elm that is 12" DBH
 $12 * 25\% = 3$ inches of replacement tree required or \$300.00
 Kentucky Coffeetree that is 17" DBH
 $17 * 25\% = 4.25$ inches, rounded up to 5.0 inches of replacement tree required or \$500.00

There was a discussion about the penalty for removing a tree without a permit and the fact that no one has been fined to date, suggesting that builders would rather plant trees than pay the fine.

There was a roll call vote for resolutions 2020-88 and 2020-89.

Yes: Deal, Krol, Moroz, O'Donnell, Thomey, Sebastian, Wolcott

MOTIONS PASSED 7-0

c. Delinquent Charges/Transfer to 2020 Winter Tax Roll

Commission members referred to the following table prepared by the City treasurer.

| INVOICE DATE | INVOICE NO | AMT | 9% PENALTY | TRANSFER | DESCRIPTION | SERVICE ADDRESS |
|--------------|------------|--------------------|------------------|--------------------|-------------|------------------------|
| 6/17/2020 | 20000 | \$ 140.00 | \$ 8.40 | \$ 148.40 | SIDEWALK | 300 E. ANN ARBOR TRAIL |
| 6/17/2020 | 20006 | \$ 160.00 | \$ 9.60 | \$ 169.60 | SIDEWALK | 308 FARMER |
| 6/17/2020 | 20008 | \$ 200.00 | \$ 12.00 | \$ 212.00 | SIDEWALK | 313 FARMER |
| 6/17/2020 | 20024 | \$ 440.00 | \$ 26.40 | \$ 466.40 | SIDEWALK | 993 N HOLBROOK |
| 6/17/2020 | 20038 | \$ 987.80 | \$ 88.28 | \$ 1,046.78 | SIDEWALK | 464 N MILL |
| 6/17/2020 | 20086 | \$ 180.00 | \$ 10.80 | \$ 190.80 | SIDEWALK | 286 E PEARL |
| 6/17/2020 | 20088 | \$ 280.00 | \$ 18.00 | \$ 298.00 | SIDEWALK | 180 PLYMOUTH RD |
| 6/17/2020 | 20088 | \$ 438.00 | \$ 26.10 | \$ 461.10 | SIDEWALK | 888 STARKWEATHER |
| 6/17/2020 | 20088 | \$ 1,888.00 | \$ 117.12 | \$ 2,069.12 | SIDEWALK | 748 STARKWEATHER |
| 6/17/2020 | 20074 | \$ 282.60 | \$ 18.78 | \$ 278.26 | SIDEWALK | 888 STARKWEATHER |
| | | \$ 5,007.00 | \$ 300.42 | \$ 5,307.42 | | |
| 8/28/2020 | 4896 | \$ 210.00 | \$ 12.60 | \$ 222.60 | WEEDS | 1075 SUTHERLAND |
| 10/31/2020 | *4740 | \$ 310.00 | \$ 18.60 | \$ 328.60 | WEEDS | 228 AMELIA |
| | | \$ 520.00 | \$ 31.20 | \$ 551.20 | | |

* Notes invoice not delinquent until 11/30/2020

Revised 11/11/20

The following resolution was offered by Krol and seconded by Sebastian.

RESOLUTION # 2020-90

WHEREAS The City administration has reported delinquent sidewalk charges in the amount of \$5,007 and weed removal invoices of \$520; and

WHEREAS These delinquent charges totaling \$5527 have remained unpaid and are transferable by City charter and applicable ordinances to the winter taxes; and

WHEREAS Per City ordinance, a penalty of six percent is to be added to the outstanding invoice.

NOW, THEREFORE BE IT RESOLVED that the delinquent charges described above to be assessed against the property benefitted and placed on the 2020 winter tax roll.

There was a roll call vote.

Yes: Deal, Krol, Moroz, O'Donnell, Thomey, Sebastian, Wolcott

MOTION PASSED 7-0

d. Design Phase Authorization for 2021 Street Improvement Project

The following motion was offered by Thomey and seconded by Sebastian.

RESOLUTION # 2020-91

WHEREAS The City of Plymouth has an on-going voter approved Street Improvement Program, voters approved a new Street Bond Issue in November of 2019; and

WHEREAS The 2021 plan has been outlined in a letter from the City engineer based on information presented to the City Commission prior to the November 2019 election where voters approved the new street bond issue; and

WHEREAS The City engineer and City administration recommends that the City continue with proposed work for the summer 2021 season; and

WHEREAS The areas of proposed work are:

- **Harvey Street** - pavement reconstruction and new water main between Ann Arbor Trail and Penniman (approximately 820 linear feet). This section has PASER ratings of 4.
- **Pedestrian Crosswalks** – evaluate opportunities for pedestrian crosswalk upgrades at Harvey and Ann Arbor Trail, as well as pedestrian crosswalk installation at Harvey and Penniman. This would likely be a City/DDA partnership.
- **Jener Street** – reconstruction and new water main between Wing and Linden (approximately 650 linear feet) This section of asphalt roadway has a PASER rating of 3.
- **Hartsough Street** – reconstruction and new water main between Harvey and McKinley (approximately 640 linear feet). This section of asphalt roadway has PASER rating of 2.
- **Retaining Walls** – evaluation and upgrade of retaining walls on Penniman and Ann Arbor Trail
- **Crack sealing** on a variety of local streets

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby authorize City Engineer Wade Trim to proceed with the Design Phase of the 2021 Street Infrastructure Improvement Plan. The City Commission hereby authorizes an amount not to exceed \$294,500.00 for design phase services as outlined by the City engineer.

There was a roll call vote.

Yes: Deal, Krol, Moroz, O'Donnell, Thomey, Sebastian, Wolcott

MOTION PASSED 7-0

- e. Special Event – Sun & Snow Ski and Board Swap – November 21 & 22, 2020

There was a discussion about whether the event would exceed the number of participants allowed by state regulations related to the size and possible restricted airflow in the event space.

Moroz offered a motion, seconded by Sebastian to approve the special event application for the Sun & Snow Ski and Board shop, with the stipulation that the event must be in compliance with all state regulations in effect at the time of the event.

There was a roll call vote.

Yes: Deal, Krol, Moroz, O'Donnell, Thomey, Sebastian, Wolcott

MOTION PASSED 7-0

8) REPORTS AND CORRESPONDENCE

- a. Liaison Reports

Krol said the ZBA heard two cases at their November meeting and approved them both.

- b. Appointments

There were no appointments.

9) ADJOURNMENT

Hearing no further discussion, Wolcott asked for a motion to adjourn at 8:22 p.m. A motion to adjourn was offered by Krol and seconded by Thomey.

There was a roll call vote.

Yes: Deal, Krol, Moroz, O'Donnell, Thomey, Sebastian, Wolcott

MOTION PASSED 7-0

OLIVER WOLCOTT
MAYOR

MAUREEN A. BRODIE, CMC, MiPMC
CITY CLERK