

AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 294 CITIZEN TREE COMMISSION AND DECLARING AN EMERGENCY.

WHEREAS, the Tree Commission and Public Service Committee recommended amending Codified Ordinance Chapter 294;

WHEREAS, Council coming now to consider said recommendation approves it in full.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Chapter 294 is amended as follows:

CHAPTER 294
~~Citizens~~ Tree Commission

294.01 ESTABLISHMENT; PURPOSE AND DUTIES.

(a) ~~Establishment; Membership.~~ There is hereby established in and for the City a Citizens Tree Commission, ~~which shall consist of the following five voting members: the Municipal Arborist, one member of Council (the Chairperson of the Public Service Committee), and three persons, who for the previous two years, have been registered, qualified electors of the municipality. These citizens and residents of the City shall be appointed by the Mayor with the approval of Council. The Citizens Tree Commission shall vote on one member to represent the Commission on the Parks and Recreation Commission.~~ **to foster a community that is committed to the sustainable management of the urban forest.**

(b) Goals and Objectives:

(1) Promote the health and safety of the existing urban tree population and achieve a fully stocked, healthy, and resilient urban forest by providing recommendations for tree planting on public lands, the rights-of-way, and in subdivisions per the Planning & Zoning Code.

(2) Educate Avon Lake's citizens, employees, and volunteers about the need for a sustainable urban forest and the value and importance of maintaining and improving the urban forest.

(3) Work with city staff to ensure annual Tree City USA recognition and Growth Award attainment.

(4) Provide advice regarding arboricultural and urban forestry best management practices.

294.02 MEMBERSHIP; TERMS OF OFFICE; COMPENSATION.

(a) Membership. ~~The Tree Commission shall consist of five voting members to be comprised of the following: the Urban Forester, one member of Council (the Chairperson of the Public Service Committee), and three persons, who for the previous two years, have been registered, qualified electors of the City who shall be appointed by the Mayor with the approval of Council.~~

~~(b) Term of Office.~~ ~~The term of the eight persons to be appointed by the Mayor shall be three years, except that the term of three of the members appointed to the first Commission shall be only one, two and two years, respectively. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed by the Mayor with the approval of Council for the unexpired portion of such term.~~ **The three appointed citizen members of the Tree Commission shall each serve three-year terms, provided however that the upon approval and adoption of this Ordinance, the first term of the three appointed members shall be staggered with one member serving for one year, one member serving for two years, and the third member serving for three years. Should a vacancy occur during the term of any member, a successor shall be appointed by the Mayor with the approval of Council for the unexpired portion of such term.**

~~(c) Compensation and reimbursement.~~ ~~Members of the Citizens Tree Commission shall serve without compensation but shall be entitled to reimbursement for any and all necessary expenditures in carrying out the functions of the Commission, including recommended continuing education opportunities provided through the Ohio Department of Natural Resources, Division of Forestry, and other qualified providers, or as approved by the Urban Forester.~~

(d) Removal. **Any Commission member who misses three (3) consecutive meetings or more than fifty percent (50%) of the regular meetings on an annual basis may be removed from the Tree Commission by a majority vote of the other Commissioners.**

294.03 POWERS AND DUTIES.

~~(d) Powers and Duties.~~

~~(1) (a)~~ ~~The Citizens Tree Commission shall have the power to study, investigate, plan, advise, report, and recommend to Council, the Municipal Arborist~~ **Urban Forester**, the Planning Commission, or the Mayor any action, program, plan or legislation which the Commission shall find or determine to be necessary or advisable;

(1) Promote the health and safety of all trees in the urban forest on the public lands through ~~for the care, preservation, trimming, planting, replanting, maintaining, protecting, prompting, removal or disposition of trees and shrubs in public ways, curb strips, streets, alleys, and all City property;~~

(2) achieve a fully stocked, healthy, and resilient urban forest by identifying and recommending trees and other plants desirable for planting in public spaces and on private property to ensure the public safety and welfare, promote diversity of native species of trees and other plants, and protect the local natural ecosystem;

- (3) to identify trees and other plants which are undesirable for planting in public spaces and on private property to ensure the public safety and welfare and benefit the natural, local ecosystem;
- (4) work with city staff to ensure annual Tree City USA recognition and Growth Award attainment.
- (5) educate the community's residents, elected officials, employees and volunteers about the value and need for a sustainable urban forest by understanding the importance of maintaining and improving the urban forest through encouraging arboricultural best practices for the City; and
- (6) work with the Urban Forester to establish and maintain an inventory of City-owned trees and identify trees at high risk for failure, disease, and insect infiltration.

~~(2) The Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. In the absence of any rule upon the matter of business, the Commission shall be governed by Robert's Rules of Order. A majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports and recommendations made by the Commission shall be in writing and shall designate by name those members of the Commission approving the same, failing to concur therein or abstaining therefrom. Those who fail to concur or who abstain shall have the right, as a part of such report, to state their reasons for refusing to approve or to concur.~~

~~(3)~~ **(b)** The Commission, when requested by Council, the Mayor or the ~~Municipal Arborist,~~ **Urban Forester,** shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work. **Recommendations requiring Council action shall be made to the Public Service Committee of Council.**

~~(4)~~ **(c)** The members of the ~~Citizen Tree~~ Commission shall provide website content to ~~Digital Media~~ **Communications and Technology** who maintains the City's website **concerning the rules, regulations, standards, and specifications developed by the Commission and approved by Council or such other content as deemed advisable.**

~~(5)~~ **(d)** It is recommended that members of the ~~Citizen Tree~~ Commission participate in continuing education through the Ohio Department of Natural Resources, Department of Forestry, and other educational opportunities.

(e) The Tree Commission shall establish and implement an annual Arbor Day observance.
294.04 MEETINGS; ORGANIZATION.

(a) The Tree Commission shall hold an organizational meeting at its first regular meeting date of the year and the meeting schedule for the year will be the first order of business. There shall be a minimum of six meetings per year. Work sessions or special meetings may be called at the discretion of the Commission Chairperson.

(b) The Commission shall choose its own officers, make its own rules and regulations, and keep a record of its proceedings. A notebook shall be kept in the Council Clerk's Office as a permanent record. In the absence of any rule upon the matter of business, the Commission shall be governed by Robert's Rules of Order.

(c) The Commission shall appoint one of its members to serve as an ex officio member of the Parks and Recreation Commission and one member to serve as a voting member of the Environmental Affairs Advisory Board.

(d) A majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports and recommendations made by the Commission shall be in writing and shall designate by name those members of the Commission approving the same, failing to concur therein or abstaining therefrom. Those who fail to concur or who abstain shall have the right, as a part of such report, to state their reasons for refusing to approve or to concur. Minutes of meetings shall be recorded and kept on file in the Urban Forester's office. Copies shall be filed with Commission members, the Mayor and the Council Clerk.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, convenience, and the general welfare of the community. Therefore, this Ordinance shall be in full force and effect from and immediately after passage and approval by the Mayor.

PASSED: 5/09/2023

/s/ Martin E. O'Donnell

President of Council

POSTED: 5/12/2023

APPROVED: 5/10/2023

ATTEST: /s/ Valerie E. Rosmarin
Clerk of Council

/s/ Gregory J. Zilka
Mayor