

PLANNING COMMISSION

CITY HALL

PUBLIC HEARING/REGULAR MEETING

OCTOBER 8, 2013 / 7:00 P.M.

MINUTES

PUBLIC HEARING

The public hearing was called to order by Chairman Brian McArthur at 7:00 p.m. Mr. McArthur informed those in attendance as to the procedures by which the public hearing would be conducted.

2012-40: TREE PRESERVATION ORDINANCE: The reading of the staff report was waived.

Michelle Hohmeier, Ward 2 Councilperson, thinks the tree preservation ordinance is restrictive and raises the cost of the home. Feels there are other ways to increase energy savings and other storm water issues. Homeowners should be able to decide if they want trees on their lots. Michelle read a letter from Bob Boyer stating as a surveyor, his company charges \$3,000 to \$4,000 per tree survey. Does not feel this would be conducive for development.

Bob Hohmeier, stated any law infringes on our freedoms and this is just another one. Thinks this ordinance benefits those whose profession relates to trees. Feels a Board Member is driving this to gain business.

There being no further questions or comments, the public hearing adjourned at 7:10 p.m.

REGULAR MEETING

The regular meeting of the Arnold Planning Commission was called to order by Chairman Brian McArthur at 7:10 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, Jason Fulbright, Brian McArthur, Ralph Sippel, Ted Brandt, Frank Kutilek, Jeff Campbell, Andrew Sutton, Todd Teuscher, Mary Holden, Christie Hull-Bettale, Dan Bish (excused) and Bob Sweeney. 9 voting members present.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as presented. Second by Andrew Sutton. Voice Vote – *Unanimously Approved.*

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the September 24, 2013 meeting as presented. Second by Todd Teuscher. Voice Vote – *Unanimously Approved.*

QUESTIONS FROM THE FLOOR: None

7a. TREE PRESERVATION: Mary Holden clarified for the record that during the public hearing a statement was made that a Board Member was driving this ordinance to create business. This statement is untrue. This Tree Preservation Ordinance came about after the Planning Commission starting talking

about becoming a Tree City USA and minutes can be provided. No one Board Member instituted this, directed this, implemented it, instigated it, etc. For the record, this was NOT driven by one member.

Mary Holden then addressed the Ordinance stating she provided sections of the Comprehensive Plan which supports the adoption of the Tree Preservation Ordinance. Additional comments from Todd were distributed. Mary stated that this will go to a City Council Worksession on November 14. No additional public hearing is necessary unless there are major changes. Mary strongly suggested all Commissioners attend this meeting. Nothing will happen until after the Worksession so the Commission can either take action tonight or table any action and review it further.

Andrew Sutton addressed Mrs. Hohmeier's comments regarding the potential reduction of property values stating this ordinance was developed in conjunction with the HBA. Feels this is an important discussion and since everyone is not on the same page, he is in favor of tabling this tonight.

Jeff Campbell asked if it would be prudent to have another public hearing in its final draft. Mary stated if there are any major changes another could be held.

Ted Brandt asked what constitutes a substantial change. Mary stated changing it by 40 to 50%. Bob Sweeney commented if you would make it more restrictive he could see having another hearing, however, if it is made less restrictive on the homeowner and based on only two people showing up tonight, he would not recommend another hearing.

Del Williams commented that he has been wrestling with the ordinance from day one. There are things he likes and things he doesn't. Questioned 4 inch trees instead of 6 inch.

Frank Kutilek does not believe this ordinance is too restrictive or adds too much cost to a development that would chase off developers.

Ralph Sippel likes the part for the developers but hates the requirements for private individuals that own land.

Brian McArthur argued that it is unconstitutional to create codes that benefit one over the other.

Mary Holden reminded everyone that this will not apply to property owners with an acre or less.

Bob Sweeney stated that one way to capture the developers' more than individual property owners is to raise the requirement to over three (3) acres.

Ted Brandt questioned what advantage the Tree Preservation Ordinance would be when he feels developers will cut down all the trees anyway and just pay the fine.

Bob Sweeney stated you cannot design laws around law breakers.

Mary Holden commented that not all developers will break the law but those that do, will have to replace the trees or be sited into court.

Motion by Andrew Sutton to table 2012-40 the Tree Preservation Ordinance, until the recommended changes are incorporated into the document for further review and discussion. Second by Del Williams. Roll call vote: Del Williams, yes; Jason Fulbright, yes; Brian McArthur, yes; Ralph Sippel, yes; Ted Brandt, no; Frank Kutilek, no; Jeff Campbell, yes; Andrew Sutton, yes; Todd Teuscher, no. 6 yeas, 3 nays – *Tabled*.

STAFF REPORT: Bob Sweeney commented for the record that in all the years he has been with the City, at no time has anything been done or any Ordinance approved to benefit any Commissioner financially. Mr. Hohmeier's comment was inappropriate and he found it to be both repulsive and disgusting. Planning Commissioners do not get paid and this is a difficult job. They should not have to take comments like these that are unfounded and based on nothing but the same kind of conspiracy and hate that goes on too often in this community. Bob also pointed out that neither one of the commentators' stuck around for the meeting. Made their comments and headed out the door.

OLD BUSINESS: None

COMMISSIONERS REPORT: Jason Fulbright commented that there was an accident on Tenbrook Council is looking at trying rumble strips to see if that slows traffic.

Frank Kutilek hopes to get this Tree Preservation Ordinance resolved. Discussions have gone on for a long time.

Brian McArthur suggested the tree ordinance be tied into the grading permit to avoid pre-clearing property.

ADJOURNMENT: Meeting adjourned at 7:52 p.m.

Respectfully Submitted,

Todd Teuscher
Planning Commission Secretary

**PLANNING COMMISSION
ROLL CALL SHEET**

DATE: 10-8-13								
CALLED TO ORDER: 7:02								
ADJOURNMENT: 7:52	ROLL CALL	2012-40 TABLE						
DEL WILLIAMS	P	Y						
JASON FULBRIGHT	P	Y						
BRIAN MCARTHUR	P	Y						
RALPH SIPPEL	P	Y						
TED BRANDT	P	N						
FRANK KUTILEK	P	N						
JEFF CAMPBELL	P	Y						
ANDREW SUTTON	P	Y						
TODD TEUSCHER	P	N						
MARY HOLDEN	P	6-3						NO VOTE
CHRISTIE HULL-BETTALÉ	P							NO VOTE
DAN BISH	E							NO VOTE
CITY ATTORNEY ROBERT SWEENEY	P							NO VOTE

John Sautter