

Harry Kim
Mayor



County of Hawaii

ARBORIST ADVISORY COMMITTEE

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Minutes

Meeting on November 21, 2007

Planning Department Conference Room – Aupuni Center – Hilo, Hawaii

Present: AAC members: Chairperson Leonard Bisel, Vice Chairperson Jan Anderson, Sharron Stanbro, Michael Kraus, and Maija Cottle (Planning).

County staff: Renee Schoen and Julie Mecklenburg (Corporation Counsel)

Members of Public: Tim Rees, Fred Fogel, and Mary Marvin Porter representing Sierra Club Conservation Committee and the Ola'a Keaau Historical Society.

CALL TO ORDER

The meeting was called to order at 10:12 a.m. by Chair Bisel.

ACCEPTANCE OF MINUTES

It was moved by S. Stanbro and seconded by M. Cottle to accept the October 17, 2007 meeting minutes. Motion carried unanimously. Acceptance of minutes from the June 21, 2007 and July 12, 2007 meeting was deferred.

PUBLIC STATEMENTS

Chair Bisel announced that public statements need to be related to items on the agenda.

Tim Rees: T. Rees would like to discuss the Reeds Bay Park Improvements Project, and requested this be put on next agenda. Related to agenda item #4, he would like to know the protocol of nominating a tree as an exceptional tree. Specifically, he is concerned that the person nominating a tree must get approval from the private property owner or the Department head for public property before a nomination will be considered by the AAC. He feels this is problematic because the decision to support or oppose a nomination lies with one person. T. Rees would like the ability for the public to petition the government to approve a nomination. He also

recommends an intermediate determination for trees, to be classified somewhere between “all trees” and exceptional trees.

Mary Martin Porter: M. Porter stated that she and other citizens were upset to see the tree removed from Spencer Beach Park because the tree was the heart of the park. She proposes that when major work or bulldozing of an area is going to be done, a sign should be put up letting the public know “these trees are about to be removed.” This will allow the public the opportunity to take action.

S. Stanbro and Chair Bisel explained that any member of the public can petition the AAC to examine a tree for exceptional tree designation. The committee then reviews and recommends the nomination to the County Council. The Council then votes on whether to designate the nominated tree as exceptional. In terms of ownership, the person nominating the tree needs to get property owner consent. M. Kraus stated that in the past a petition to nominate a tree on public property was voted down by the County Council because the Department head for the public property testified against the nomination. The AAC only recommends nominations because it is an advisory committee. J. Anderson said the AAC would not be able to move forward on a recommendation of nomination without property owner consent. M. Kraus thinks the idea of a public petition is a good idea but not believe the AAC has authority to establish it.

Tim Rees: T. Rees noted that the AAC Property Owner Approval Form says “fee simple owner.” He does not think this is correct.

UNFINISHED BUSINESS

1. Discussion Regarding Signage for Exceptional Trees

- a. Committee authority and procurement procedures – R. Schoen reminded the committee that its powers and duties are limited as an advisory committee. She recommended notifying the Planning Director and Mayor of the Committee’s intentions of seeking funds for signage. M. Cottle provided an e-mail from Dixie Kaetsu (Mayor’s Office) stating that it was okay for the AAC to contact the County Council directly for funds rather than going through Planning Department. R. Schoen would like confirmation from Planning Director that AAC can go directly to County Council. She will verify and report back.
- b. Funding – S. Stanbro met with Councilperson Angel Pilago, who is Chair of the Planning Committee. She reported that he thought the signs were a really good idea and is in support of providing contingency funds. S. Stanbro asked Committee if private property owners can install signs on their property. Chair Bisel thought County may have liability concerns. M. Cottle explained that funds from County Council will come through Planning Department through standard process. J. Mecklenburg restated that the Planning Department should make request for funds since the AAC is an advisory committee only. Chair Bisel will follow up with R. Schoen to see how to proceed with pursuing contingency funds from the County Council. M. Cottle explained that any contingency funds from County Council would need to be encumbered by June 30, 2008 and Planning

Department does not like to take on funds after March because it is difficult to encumber the funds in time.

- c. Fabrication, Installation, Maintenance – Chair Bisel received two firm quotes from sign fabricators and one from a pre-cast concrete fabricator for tall and short concrete stands. He expects to receive additional quotes on Monday. J. Mecklenburg will check to see if there are any legal reasons why private property owners can not install their signs.
2. Status of Installing the Tree Signs for the Mango Groves – J. Anderson will contact Rene Siricusa for site visit.
 3. Status on the Proposal to Submit Grant Requests to Kaulunani Council - M. Kraus will submit proposal when Chair Bisel provides the final cost estimate for exceptional tree signs.
 4. Discussion of the Exceptional Tree Assessment Protocol
 - a. Form to document work on exceptional trees – M. Kraus created a “County of Hawaii Exceptional Tree Assessment” Form which is intended to make a “less than subjective assessment” of a tree. The form was designed so that it can be used for initial assessment of nominated trees, periodic assessment of exceptional trees, and pre/post pruning assessment purposes. S. Stanbro thinks using the form to assess a nominated tree is a good idea. Chair Bisel likes the simplicity of the form. J. Anderson thinks the form name should be modified to refer to “assessment/pruning or work assessment.” The committee agreed to use one form, but broaden its use.
 - b. Need for other assessment forms and procedures – M. Kraus stated the form he designed can be used to document emergency pruning or work, or removal if tree falls over. Committee agreed to change name of form and accept form created by M. Kraus.
 - c. Current need for research and assessment of trees, including possible site visits – Committee discussed the need to assess exceptional trees on a regular basis, such as annually in order to avoid damage to or death of an exceptional tree. J. Mecklenburg commented that the committee may need more authority to do annual assessments of trees since it is an advisory committee. For example, the AAC should advise the County Council that annual assessments are needed, and then Council will decide if that is okay. Chair Bisel requested formal opinion from Corp Counsel on whether committee currently has the authority to conduct annual tree assessments because the Planning Department does not have the in-house expertise to assess trees but the AAC does. J. Anderson asked how the committee would advise property owners how to preserve and enhance their exceptional tree if the AAC has no information to advise them of. J. Mecklenburg said the initial assessment related to the nomination would be covered under committee duties and powers. Chair Bisel suggests looking at ways to give AAC more authority to do research to protect exceptional trees. J. Mecklenburg indicated she has concerns about the number of assessments because it could be seen as unsolicited advice to private property owners. M. Kraus believes a regular assessment of the Waianuenue Avenue tree would have prevented it from

falling down. S. Stanbro thinks it is important to regularly assess the trees, because it takes a great effort to get them listed as exceptional trees to begin with.

5. Discuss Modification of the List of Exceptional Trees – Regarding the request from the Legislative Auditor’s Office to remove the numbers in front of exceptional trees to reformat the County Code. Chair Bisel looked at reformatted list for errors. S. Stanbro added Hawaiian names to list. She asked Native Hawaiians for Hawaiian names for the ficus trees, they call all ficus trees “banyan” trees. She thinks this is a “local” name for ficus trees rather than the authentic Hawaiian name. Hawaiian names could not be found for every exceptional tree. M. Cottle explained that even housekeeping bills need to get Council approval. If there is any controversy in adding Hawaiian names the Council would disapprove entire bill. Chair Bisel suggested two part resolution to separate administrative portion of exceptional tree list changes and the addition of Hawaiian names. This will allow administrative changes to proceed even if Council decides Hawaiian names should not be added to list. M. Cottle will update list with Hawaiian names provided by S. Stanbro and present at next meeting.

NEW BUSINESS

1. Sunshine Law Reminder: Review of how the Sunshine Law affects meetings – J. Mecklenburg
AAC is a board so all meetings are subject to the Sunshine Law. Committee members are prevented from discussing official business outside meetings, with exceptions. Two members may communicate about AAC business, as long as no commitment to vote or decisions are reached. If committee members have questions outside of meetings, they should send questions by e-mail to Corporation Counsel, rather than to all AAC members. Materials to discuss at a meeting can be circulated to all members, but no discussion about the materials should take place outside of meetings. Two members may be assigned to investigate a matter outside a meeting, but the findings and recommendations must be presented and discussed at a meeting. J. Mecklenburg provided 2004 Sunshine Law booklets and will check to see if any changes were made between 2004 and 2005 Sunshine Law.
2. Discussion on How Committee is Notified of Land Ownership Changes - S. Stanbro inquired whether the private property where the Loulu Palm in South Kona is located has changed ownership. She also wants to know how AAC is notified of ownership changes and how AAC would notify new property owners of an exceptional tree on their property. Chair Bisel suggested that property sellers may include it in the disclosure process. AAC discussed that the current “Acceptance Form” that is signed by property owners during the nomination process states that the property owner must notify the AAC within 30 days of transferring ownership of the property. S. Stanbro suggested creating a friendly letter that can be sent to new property owners informing them of an exceptional tree on their property. AAC would need to determine whether letter should come from AAC or Planning Department. Corp Counsel will check legality of notifying new owners, and if there are current steps or ability in place already. M. Cottle said that ownership has changed on a few of the exceptional trees based upon County Real Property Tax Office records.

3. Demonstration of Exceptional Tree Geodatabase Using ArcGIS – M. Cottle
M. Cottle presented the Exceptional Tree Geodatabase, and informed Committee that the intent of the Geodatabase is to provide a geographical reference based on tax map key numbers, for the Departments of Public Works and Planning to refer to when reviewing building or grading permit applications to ensure exceptional trees will not be affected. M. Kraus and S. Stanbro will take photos of exceptional trees to incorporate into Geodatabase. There is also the need to identify specific TMK #'s for the Mango Groves in Puna since Geodatabase is based upon TMK. Committee also discussed adding the Ordinance #, Date of Inception, and Hawaiian and Botanical names.

ADMINISTRATIVE MATTERS

ANNOUNCEMENTS

The next meeting will be held at 10:00 a.m. on Wednesday, January 16, 2008 in the Planning Department Conference Room.

ADJOURNMENT

The meeting adjourned at 12:10 p.m.

APPROVED: January 16, 2008