



To: Westminster Tree Commission

From: Andrew R. Gray, Comprehensive Planner

cc: Mark A. Depo, Director of Community Planning and Development
Eric Schlitzer, City Arborist
Samantha Schlitzer, Executive Assistant

Date: September 4, 2020

Subject: Summary of Agenda Items

The following is a brief summary of the Old Business Agenda Items for the September 9, 2020 Westminster Tree Commission ("Commission") meeting:

A. Review of the City Comprehensive Tree Plan – Pursuant to Chapter 148 Trees, Section 6 A., of the Charter and Code of the City of Westminster:

"It shall be the responsibility of the City Tree Commission to study, investigate, counsel, develop and/or update annually and recommend to the Mayor and Common Council a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Mayor and Common Council. Upon its review, the Mayor and Common Council may modify and amend such proposed plan and adopt it by resolution as the official comprehensive City tree plan."

On February 25, 2019, the Mayor and Common Council voted to approve Resolution No. 19-08 "Adopting a City of Westminster Comprehensive Tree Plan". In June, Community Planning and Development (CPD) staff asked the Commission to review the Comprehensive Tree Plan and provide any comments they may have to improve this plan no later than August 3, 2020.

On July 7, 2020, City staff reached out to Dr. Jason Scullion, Associate Professor and Department Chair of Environmental Studies at McDaniel College to inquire if student volunteers would be interested in helping with surveying the street trees within the City. On August 4, 2020, Staff subsequently sent a "Student Project Request Letter" to Dr. Scullion containing more information on what help the City is looking for from two student volunteers which includes the following: (1) type of tree (2) location via GPS, (3) diameter at breast height, (4) overall height, (5) any sidewalk upheaval or any other hazards. The students would be expected to collect this information and return their findings to CPD staff before October 7, 2020.

Request:

CPD staff requests the Commission hold off on taking any action on the City Comprehensive Tree Plan until McDaniel College Student volunteers have a chance to assist with the update.

Link to the current [City of Westminster, Comprehensive Tree Plan](#)

The following is a brief summary of the New Business Agenda Items for the September 9, 2020 Westminster Tree Commission meeting:

B. Tree Commission Rules – Pursuant to Chapter 148 Trees, Section 5 B.:

“The Commission shall adopt its own rules of procedure and keep a record of the proceedings.”

Currently there are no known Commission rules. CPD staff have drafted a set of Commission Rules for review and approval which are attached below. Please note that the meeting months have been listed as March, June, September, and November.

Request:

CPD staff requests the Commission review and approve the attached draft Rules of Order and Procedure for the Tree Commission.

C. Hold the December Commission meeting in November – CPD Staff would like to move the December Commission meeting to November to provide McDaniel College student volunteers the chance to compile information for the Comprehensive Tree Plan and provide the Mayor and Common Council more time to review the Tree Plan before the end of the year.

The following is a brief summary of City staff comments for the September 9, 2020 Tree Commission meeting:

2020 Arbor Day Celebration – Due to COVID-19, the City was unable to host the annual Arbor Day Celebration this spring. The City is committed to hosting some type of celebration this year to commemorate Arbor Day. During the Commission's June 10, 2020 meeting, the Commission unanimously agreed to replant lost trees at City Hall and live-stream the event. City staff will discuss the date and time for the 2020 Virtual Arbor Day Celebration during the meeting.

Tree Grate Replacement – Mr. Schlitzer will be providing more information during the meeting.

**RULES OF ORDER AND PROCEDURE
FOR
THE WESTMINSTER TREE COMMISSION**

CITY OF WESTMINSTER, MARYLAND



Westminster Tree Commission

Mr. Steve Allgeier, Chair

Ms. Cindy May, Vice-Chair

Mr. Tim Bangerd, Commissioner

Mr. Richard Wilbur, Commissioner

Department of Community Planning and Development

Mark A. Depo, Director of Community Planning and Development

Sandy Anderson, Main Street Manager

Andrea Gerhard, Comprehensive Planner

Andrew R. Gray, Comprehensive Planner

City Attorney

Elissa Levan

Effective Date: _____

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Contents

Section 1. Authorization	3
Section 2. Commissioners and Officers	3
Section 3. Meetings	4
Section 4. Proceedings.....	5
Section 5. Application Procedures.....	5
Section 6. Order of Presentation	6
Section 7. Who May Be Heard	6
Section 8. Decisions	7
Section 10. Special Meeting.....	7
Section 11. Custody of Records	7
Section 12. Appeals.....	7

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Section 1. Authorization

- A. The Westminster Tree Commission (Commission) is established by Chapter 148 of the City Code.
- B. These Rules of Order and Procedure (Rules) are required pursuant to Section 148-5B. of the City Code.

Section 2. Commissioners and Officers

- A. The City Code provides for five regular members. At least one of the voting members shall have a background in horticulture, arboriculture, forestry or a related field.
- B. The City Code provides for two non-voting City staff members (comprised of Community Planning and Development Department and Public Works Department staff).
- B. Annually, at its regularly scheduled meeting in the month of June, the Commission will elect from among its members a Chair and Vice-Chair to serve for the term of one year each. A majority vote of the members present is required to elect members as officers ([Section 148-5 A.](#)). In the event of a resignation of the Chair or Vice-Chair, the remaining members will elect another member to complete the remaining vacant term in question.
- C. The Chair will preside over all meetings of the Commission; call all regular and special meetings as needed; interpret these Rules; and, in general preside over meetings of the Commission while it is in session. The Chair may also represent the Commission at other meetings upon the affirmative majority vote of the members present at a given meeting.
- D. The Chair and Vice-Chair may make motions and vote on any item before the Commission.
- E. The Vice-Chair will have all of the powers, duties and responsibilities of the Chair in the Chair's absence.
- F. A temporary Chair may be elected by the affirmative majority vote of the members present at the meeting of the Commission to serve for a single meeting or as may be necessary during any absence of both the Chair and Vice-Chair.
- G. The Director of Community Planning and Development or the Director's designee will act as the Secretary to the Commission. The Secretary will notify Commission members of meetings, both regularly scheduled and special; prepare any required notice; and, maintain the required records of meetings for the Commission.

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- H. The Legal Advisor will be the City Attorney and/or another legal professional as designated by the City Attorney. The Legal Advisor may attend and participate in the meetings of the Commission, as may be deemed necessary by the City Attorney or upon the request of the City Administrator or the Director of Community Planning and Development.
- I. No member of the Commission with a personal, financial or equity interest in the outcome of a decision on an application may speak or vote on the matter during the Commission's deliberations. Members absent from meetings due to recusal will be considered as excused.
- J. Except as may otherwise be provided by law or these Rules, a member of the Commission may not engage in ex-parte communications with any party with respect to the subject of any pending or potential application.
- K. Commissioners shall conduct themselves in a fair, understanding, kind, and gracious manner. Commissioners shall seek to be considerate of all persons, attitudes, and differences of opinion involved in all Commission business.

Section 3. Meetings

- A. The Commission meets the second Wednesday of the months of March, June, September, and November unless the date of the meeting is altered by the affirmative majority vote of the Commission or, in an emergency by the Chair, or unless the meeting is canceled pursuant to subsection B and C of this Section.
- B. If there are no items on the agenda, the Chair will determine whether to hold the regularly scheduled quarterly meeting.
- C. No vote shall occur without a quorum. A quorum shall be three voting members ([Section 148-5C.](#)). If it is determined by staff that a quorum will not be available for a scheduled Commission meeting, the Chair may cancel the meeting and any applicants will be notified as soon as possible. No applications may be reviewed in the absence of a quorum.

Link to the Agenda Center - <http://westminstermd.gov/agendacenter>

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Section 4. Proceedings

- A. The following configuration shall be the normal order of the Commission Agenda:
 - 1. Call to Order
 - 2. Approval of Minutes
 - 3. Old Business
 - 4. New Business
 - 5. Commission Comments
 - 6. Staff and Public Comments
 - 7. Adjournment

Section 5. Application Procedures

- A. Any applications to be reviewed by the Commission must be submitted to staff, with all required information, no less than fifteen (15) days prior to a regularly scheduled Commission meeting.
- B. An application is deemed to be complete when it has been accepted as such by the Commission at a meeting.
- C. The Commission will review all materials in the application and all materials presented before and during the meeting before it makes any decision.
- D. The applicant or the applicant's authorized agent must appear at all meetings at which the application is scheduled to be considered. In the absence of any personal appearance on behalf of the applicant, the Commission will either continue the application until the next regularly scheduled meeting or deny the application.
- E. If the applicant or the applicant's authorized agent is absent for two consecutive meetings, the application will be considered withdrawn and another application, together with any applicable review fee, will be required for further consideration of the matter.

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Section 6. Order of Presentation

- A. The following is the order for the presentation of an item before the Commission:
1. Government officials and agency representatives
 2. Applicant or petitioners
 3. Other supporting testimony
 4. Organizations or groups opposing the application
 5. Individuals opposing the application
 6. Rebuttal
 7. Sub-rebuttal
 8. Closing statements by applicant or petitioners
 9. Closing statements by Government officials and agency representatives
- B. Members of the Commission may ask questions of any person speaking on a current agenda item at any time during the presentation of said item is before the Commission.
- C. The Commission may require witnesses to testify under oath or affirmation. The Chair shall administer any oath or affirmation.

“Do you solemnly swear or affirm that the responses given and statements made in this meeting before the Westminster Tree Commission will be the whole truth and nothing but the truth? If so, answer, I do”.

Section 7. Who May Be Heard

- A. Any interested person may be heard by the Commission before it reaches any decision on any matter.
- B. Any person wishing to be heard before the Commission shall clearly state the following:
1. Their full legal name
 2. Their full legal address

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C. The Chair shall enforce time limits for all persons wishing to speak at any meeting.

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| 1. | Applicant initial presentation | 5 minutes |
| 2. | Applicant rebuttal presentation | 5 minutes |
| 3. | Individual public testimony | 3 minutes |
| 4. | Group public testimony | 5 minutes |

Section 8. Decisions

- A. After the conclusion of the meeting, the Commission shall file with the Director of Community Planning and Development a written decision indicating its approval, modification or rejection of the application and plans submitted to it for review. The decision shall include findings of fact. No work shall commence on any application until after the Director of Community Planning and Development has received confirmation from the Commission that the application was approved.
- B. The Commission shall advise the applicant of any proposed modifications that should be considered for approval at a subsequent meeting.

Section 10. Special Meeting

- A. Under unusual circumstances, the Chair may call a special meeting of the Commission.
- B. For special meetings, an agenda will be posted on the City webpage at least twenty-four hours prior to the meeting. The agenda will include the date, time, place of the meeting, a list of items to be reviewed, and the date the agenda was posted.

Section 11. Custody of Records

The Department of Community Planning and Development shall maintain the records of the Commission.

Section 12. Appeals

An appeal from the Commission's decision may be taken to the Mayor and Common Council within ten (10) days after receipt of such decision. Decisions from the Mayor and Common Council shall be final.

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These Rules of Order and Procedure relating to The Tree Commission have been adopted this _____ day of _____, 2020, by the Tree Commission of the City of Westminster.

Steve Allgeier, Chair
Tree Commission of the City of Westminster

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