

CITY OF HUNTINGTON WOODS  
REGULAR MEETING OF THE CITY COMMISSION  
MINUTES  
Tuesday, June 17, 2014

Mayor Gillham called the Meeting to order at 7:34 p.m.

PRESENT: Mayor Gillham, Mayor Pro-Tem Jenks, Commissioner Olsman, Commissioner Paul and Commissioner White (arrived at 8:16), City Manager Sullivan, City Attorney Rosati

ABSENT: None

City Staff Present: City Clerk/Treasurer Solanskey, Finance Director Lehmann, City Planner Cook, Library Director Hage and Public Works Manager Galed

APPROVAL OF AGENDA

-1097- Moved by Commissioner Paul and supported by Commissioner Olsman to approve the Agenda for the meeting of June 17, 2014 with Item #5, Ordinance 566, moved to Item #1.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,  
Commissioner Paul and Commissioner Olsman

Nays: None

Absent: Commissioner White (arrived at 8:15)

The Mayor thereupon declared said Resolution adopted.

APPROVAL OF MINUTES

-1098- Moved by Mayor Pro-Tem Jenks and supported by Commissioner Paul to approve the minutes of the Regular Meeting of May 20, 2014.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,  
Commissioner Paul and Commissioner Olsman

Nays: None

Absent: Commissioner White (arrived at 8:15)

The Mayor thereupon declared said Resolution adopted.

COMMUNICATIONS

Resolutions from the communities of Royal Oak, Ferndale and Independence Township urging repeal of Public Act 256 of 2011; Michigan Fireworks Safety Act. The City Commission agreed they support these resolutions.

Communication from retiring City Planner Bonnie Cook outlining highlights of her career with the City. Commissioner Olsman read a letter from Senator Debbie Stabenow recognizing Ms. Cook on her public service to the City of Huntington Woods.

COUNTY COMMISSIONER REMARKS

County Commissioner Zack was unavailable for this meeting.

PUBLIC PARTICIPATION

Jay Schwartz of 10014 Nadine complimented the Public Safety Department on quick response to medical 911 calls at his residence. He expressed concerns about this years' road construction duplicating work done last year at Ludlow and Wyoming. He asked that the sponsors of the Michigan Urology Run conducted on June 15, 2014 apologize to the residents for deliberately and willfully making enough noise to wake up the whole neighborhood on Sunday at 8:00 am for the third year in a row.

Ken Zino of 8634 Huntington Road requested the permit for Michigan Urology Run not be issued next year. He said it is an odyssey dealing with the participants in the Michigan Urology Run and wonders why permits are issued to those who are not residents of the City of Huntington Woods.

Steve Behrmann of 26066 Hendrie asked if there can be more public safety vigilance concerning scavengers going through resident's trash on Monday evenings. He stated they take anything of value that can be sold for recycling.

ORDINANCE NO. 566

Noise Control  
-1099-

Moved by Commissioner Olsman and supported by Commissioner Paul to approve Ordinance No. 566 an Ordinance to Amend Article III, Noise Control of Chapter 14, Environment of the Code of Ordinances of the City of Huntington Woods, by Amending Section 14-56, Noises.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,  
Commissioner Paul and Commissioner Olsman

Nays: None

Absent: Commissioner White (arrived at 8:15)

The Mayor thereupon declared said Resolution adopted.

**CITY OF HUNTINGTON WOODS  
OAKLAND COUNTY, MICHIGAN  
ORDINANCE NO. 566**

**AN ORDINANCE TO AMEND ARTICLE III, NOISE CONTROL, OF CHAPTER 14,  
ENVIRONMENT OF THE CODE OF ORDINANCES OF THE CITY OF  
HUNTINGTON WOODS, BY AMENDING SECTION 14-56, NOISES.**

**THE CITY OF HUNTINGTON WOODS ORDAINS:**

**SECTION 1.** Section 14-56, Noises, is hereby amended to read as follows:

**Sec. 14-56. Noises.**

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

- (1) *Animal and bird noises.* The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person. This subsection shall not apply to animals and birds kept in a zoo in Zone 4 Parks and Recreation.
- (2) *Construction noises.* The erection including excavating therefor, demolition, alteration, or repair of any building, and the excavation of streets and highways, at any time on Sundays, and on other days, except between the hours of 8:00 a.m. and 9:00 p.m., (or between 7:00 a.m. and 9:00 p.m. on properties in Zone 4 Parks and Recreation), unless a permit is first obtained from the city manager.
- (3) *Sound amplifiers.* Use of any loud speaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose except by speakers in the course of public address which is noncommercial in character and when so used shall be subject to the following restrictions:
  - A. The only sounds permitted are music or human speech.
  - b. Operations are permitted for no more than four (4) hours each day, except on Sundays when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of 11:30 a.m. and 11:00 p.m.
  - c. Sound amplifying equipment mounted on vehicles shall not be operated unless the vehicle upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said vehicle is stopped by traffic. Where stopped by traffic, the sound amplifying equipment shall not be operated for longer than one (1) minute at each such stop.
  - d. Sound shall not be amplified within 100 yards of schools or churches.
  - e. The volume of sound shall be controlled so that it will not be audible for a distance in excess of 300 feet from the sound amplifying equipment.
  - f. The volume of sound shall not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons *within* the area of audibility, and in no case shall exceed 85 dB(A) (the sound level in decibels on a sound level meter using the A-weighting network).

The above restrictions in sub-section (3) shall not apply to properties in Zone 4 Parks and Recreation district.

(4) *through (13) No change.*

**SECTION 2. Severability.**

No other portion, paragraph or phrase of the Code of Ordinances of the City of Huntington Woods shall be affected by this ordinance except as to the above section, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Huntington Woods.

**SECTION 3. Effective Date.**

This ordinance shall be effective twenty (20) days from the date of adoption and shall be published as required by the Charter of the City of Huntington Woods.

MADE, PASSED AND ADOPTED by the Commission of the City of Huntington Woods on this 17th day of June, 2014.

---

Ronald F. Gillham, Mayor

**ATTEST:**

Joy Solanskey  
City Clerk

STATE OF MICHIGAN     )  
  )S.S.  
COUNTY OF OAKLAND    )

I, **JOY SOLANSKEY**, City Clerk of the City of Huntington Woods, hereby certify that a synopsis of the foregoing Ordinance No. 564 was published in The Daily Tribune on June 29, 2014 and a copy of said Ordinance was posted in three public and conspicuous places within the City of Huntington Woods as follows: City Hall Bulletin Board, Lobby of Public Safety Building, and Library Bulletin Board.

---

Joy Solanskey, City Clerk

**ORDINANCE NO. 564**

Trees on Public and Private Property  
-1100-

Moved by Mayor Pro-Tem Jenks and supported by Commissioner Olsman to approve Ordinance No. 564 an Ordinance to Amend Article VII, Trees, of Chapter 14, Environment, of the Code of Ordinances of the City of Huntington Woods to Revise the Regulations for Trees on Public Property and Protection for Trees on Private Property, and to Provide Penalties for Violations Thereof.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,  
Commissioner Paul, Commissioner Olsman and  
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

**CITY OF HUNTINGTON WOODS  
OAKLAND COUNTY, MICHIGAN  
ORDINANCE NO. 564**

**AN ORDINANCE TO AMEND ARTICLE VII, TREES, OF CHAPTER 14, ENVIRONMENT, OF THE CODE OF ORDINANCES OF THE CITY OF HUNTINGTON WOODS TO REVISE THE REGULATIONS FOR TREES ON PUBLIC PROPERTY AND ADD PROTECTION FOR TREES ON PRIVATE PROPERTY, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.**

THE CITY OF HUNTINGTON WOODS ORDAINS:

SECTION 1. Article VII, of Chapter 14, Environment, of the Code of Ordinances of the City of Huntington Woods, Michigan, is hereby amended to read as follows:

Sec. 14-166. Intent.

The City of Huntington Woods, as its name implies, finds that trees are an important asset to the natural ecosystem, beneficially contribute to the character of the community and positively influence the quality of life in the City. Furthermore, the City finds that continued development and alteration of the land without specific regulations to protect trees results in unnecessary encroachment upon, damage to or elimination of trees that are important physical, aesthetic, recreational and economic assets to the community as a whole. The goal of these regulations is to preserve trees and promote the planting of new trees for both present and future generations while balancing the rights of individual property owners.

(1) Specifically, the City finds that:

- (a) Trees protect health through the absorption of air pollutants and contaminants, the reduction of excessive noise and the production of oxygen;
- (b) Trees contribute to the stabilization of the land and prevention of flooding and erosion;
- (c) Deciduous trees reduce energy consumption by shading and cooling the land in the summer and allowing sun to penetrate the land during the winter;
- (d) Trees provide habitat for birds and animals, an essential part of the natural ecosystem;
- (e) Trees provide economic support of local property values;
- (f) Trees contribute significantly to the beauty, character and heritage of the City that bears the name *Huntington Woods*;
- (g) Large trees, in particular;
  - (i) Produce more oxygen than smaller trees,
  - (ii) Occur with less frequency than smaller trees,
  - (iii) Are more valuable than smaller trees,
  - (iv) Offer the community more intangible benefits, such as providing a living link between generations, and
  - (v) Are, for all intent and purpose, irreplaceable.

(2) The regulations contained herein are intended to:

- (a) Provide for the protection, preservation, proper maintenance and replacement of trees,
- (b) As a risk-prevention measure, provide for a diverse population of trees in both species and age,

- (c) Provide for the paramount public concern for these natural resources in the interest of health, safety and general welfare of the residents, and
- (d) Establish the regulations necessary to ensure these important resources are preserved wherever possible while accommodating the property owners' rights to make reasonable use of their property through compliance with the regulations of this and other applicable City ordinances.

**Sec. 14-167. Definitions.**

The following words, terms and phrase, when used in this article, shall have the meanings ascribed to them in this subsection.

*Applicant:* An owner, occupant or a representative of an owner or occupant of a lot or parcel of land for which an application has been filed for a tree removal permit.

*Arborist:* A person skilled and trained in municipal arboriculture, who holds a college degree in arboriculture, horticulture, forestry, landscape architecture or other closely related field, or a person who is designated as a Certified Arborist by the International Society of Arboriculture (ISA).

*Caliper:* The diameter of a tree trunk six inches above the existing grade or proposed planted grade. Caliper is usually used in reference to nursery stock for new plants.

*City:* The City of Huntington Woods.

*Damage:* Any act whether intentional or unintentional that results in the death or likely death of a tree; causes substantial destruction to the tree; causes the tree to become diseased or otherwise endangers the health of a tree; or causes a hazard to persons or property, as determined by the City Manager or his or her designee.

*Diameter Breast Height (DBH):* The diameter in inches of the tree measured at four and one-half (4 ½') feet above the existing grade.

*Department:* The Department of Public Works.

*Drip Line:* An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

*Grading:* Earth stripping, digging, filling, excavating, stockpiling or any combination thereof.

*Heritage Tree:* A tree identified on the List of Heritage Trees adopted by resolution of the City Commission and updated from time-to-time, as well as any tree not on the List of Invasive or Nuisance Tree Species with a DBH of 24 inches (24") or greater. A Heritage Tree is a protected tree.

*Invasive or Nuisance Tree Species:* A tree species identified on the List of Invasive or Nuisance Tree Species adopted by resolution of the City Commission and updated from time-to-time that adversely affects the habitats it invades environmentally, ecologically or economically.

*Performance Guarantee:* Cash, certified check or irrevocable bank letter of credit to guarantee compliance with the tree removal permit, any conditions attached thereto, tree replacement requirements, warranty and other requirements this Article.

*Protected Tree:* Any tree having a DBH of six (6) inches or greater that is not on the List of Invasive or Nuisance Tree Species adopted by resolution of the City Commission and updated from time-to-time.

*Protected Area:* An area (typically identified on a survey or site plan) that is delineated by a fence at the drip line of a tree or group of trees within which all storage of equipment and materials, chemicals, construction, grading, installation of utilities, and/or other land altering activity is prohibited.

*Public Utility:* Any person, owning or operating any pole, line, pipe or conduit located in any public street right-of-way, or over or along any public easement for the transmission of electricity, gas, water, sewer, telephone, or broadband services.

*Remove or Removal:* The act of removing a tree by digging it up, cutting it down or causing it to die through mutilation, poisoning, girdling, topping, failing to protect during construction, filling, or compressing the soil, storing materials on its root system, or other actions that are likely to cause or hasten the death of a tree.

*Street Right-of-Way:* All of the land lying between property lines on either side of all streets, highways and boulevards in the City.

*Shrub:* A woody plant having several small stems and usually less than thirteen (13) feet in height.

*Street Tree:* A tree located in the public right-of-way.

*Tree:* A self supporting woody plant together with its root system, having at least one well-defined trunk and of a species that usually grows to a height of thirteen (13) feet or more.

*Tree service, contractor:* Any person or entity engaged in the business of removing, relocating, cutting, trimming, pruning, spraying or otherwise treating trees with power equipment.

*Woods Tree Fund:* A fund established and managed by the City for tree planting and maintenance, pest management, tree education, tree replacement as needed, or other preservation efforts as recommended by the Beautification, Art in Public Places, and Tree Advisory Board (BART).

#### **Sec. 14-168. Rules, regulations and enforcement.**

(1) The rules and regulations of this article shall apply to all public and privately owned land in the City, and shall be in addition to requirements imposed by other City ordinances.

(2) The City Manager or his or her designee, shall be charged with the duty of enforcing the rules and regulations of this article.

(3) The City Manager or his or her designee may make rules that are supplementary to this article and not in conflict herewith, as he or she may from time to time deem necessary. Such rules shall be consistent with the practices of tree preservation which are generally accepted by qualified arborists in the field of forestry and tree management. Such rules shall be in writing and made available for review by any member of the public.

(4) No person or entity shall fail to obey any rule or regulation effective under the provisions of this Article.

#### **Sec. 14-169. Tree removal permit required.**

(1) A person or entity shall not remove any protected tree without first obtaining a tree removal permit, except for emergency tree removal as allowed under Sec. 14-179 Safety - Emergency. There are three categories of tree removal permits:

- (a) A Department issued permit for removal of a dead, dying, diseased, hazardous or exempted tree,
  - (b) A permit authorized by the Planning Commission or Historic District Commission for tree removal in conjunction with a proposed building or construction project which requires Site Plan Review by the Planning Commission, or a Certificate of Appropriateness or Notice to Proceed from the Historic District Commission,
  - (c) A permit authorized by the Beautification, Art in Public Places and Tree Advisory (BART) Board or the Historic District Commission for tree removal not covered by (a) or (b) above.
- (2) An application for a tree removal permit shall be accompanied by a fee as established by resolution of the City Commission and if required, a performance guarantee.
- (3) All protected trees, except those removed under a Department issued permit, shall be replaced in accordance with the regulations in Sec. 14-175 Tree Replacement Requirements below.

**Sec. 14-170. Department issued permit.**

(1) *Criteria.* The Department may issue a tree removal permit without requiring tree replacement and may authorize a refund of the application fee, if the Department or the City's arborist determines that one of the following criteria is met:

- (a) The tree(s) is dead;
- (b) The tree(s) is dying as a result of a catastrophic disease or insect infestation such as Oak Wilt, Dutch Elm disease, or Emerald Ash Borer infestation;
- (c) The tree poses a hazard to persons or property, and the hazard it poses resulted from circumstances beyond the property owner's control;
- (d) The tree(s) is not a Heritage Tree or protected tree, or
- (e) The tree is in a utility right-of-way and is not a Heritage Tree.

(2) *Application.* The application and application fee shall be submitted to the City offices. The application shall contain:

- (a) The name, address and telephone number of the owner of the land on which the tree(s) is located;
- (b) The name, address, and telephone number of the licensed tree service or contractor along with a copy of the signed contract or statement signed by the owner giving permission to the licensed tree service or contractor to remove or relocate the protected tree(s);
- (c) The address (if no address, the legal description) of the property upon which the tree(s) is located;
- (d) A sketch of the property showing the location of the tree(s) to be removed;
- (e) The species, size and general condition of the tree to be removed;
- (f) Photographs of the tree(s) to be removed; and
- (g) The reasons for removal.

(3) *Department review.* The application shall be referred to the Department for review. Within five (5) business days of receipt of a completed application by the City, the Department or the City's arborist shall conduct an on-site inspection of the tree(s) to be removed or relocated and shall verify the accuracy of the information provided by the applicant. The receipt of the application shall constitute permission from the owner of the property to conduct the inspection.

(4) *Department decision.* Within ten (10) days of the date of the inspection, the Department shall issue the tree removal permit or deny it. If denied, the applicant shall have the right to submit the application to the appropriate Board or Commission in accordance with Section 14-171 or Section 14-172 below.

**Sec. 14-171. Permit for tree removal authorized by Planning Commission or Historic District Commission in conjunction with a proposed building or construction project.**

(1) For tree removal in conjunction with land clearing, grading, excavating or building construction activities:

- (a) Where such activities require site plan approval, the application for tree removal shall be submitted to the Planning Commission along with the application for Site Plan Review,
- (b) Where such activities are located in the Hill or Rackham Historic Districts, the application for tree removal shall be submitted to the Historic District Commission for review along with the application for a Certificate of Appropriateness or Notice to Proceed.

(2) *Application.* The application, application fee, and performance guarantee shall be submitted to the City offices. The performance guarantee shall be in an amount determined by resolution of the City Commission to guarantee compliance with the provisions of this Chapter including a one-year guarantee for each replacement tree. The application shall contain:

- (a) The name, address and telephone number of the owner of the land on which the tree(s) is located;
- (b) The name, address, and telephone number of the licensed tree service or contractor along with a copy of the signed contract or statement signed by the owner giving permission to the licensed tree service or contractor to remove or relocate the protected tree(s);
- (c) The address (if no address, the legal description) of the property upon which the tree(s) is located;
- (d) If the tree(s) to be removed is not located within the proposed building footprint or within ten (10) feet thereof, the reasons for removal;
- (e) A boundary survey (required for site plan review) with the following information:
  - (i) The accurate location of every tree having a DBH of six (6) inches or greater that is on the subject property, straddling the property line, or on adjacent property with a drip line over the subject property, with each tree identified by a number that corresponds to a tree on the tree list required in (d) below;
  - (ii) Clear identification of the tree(s) to be removed, and identification in the field with fluorescent orange paint (chalk based) or fluorescent orange flagging tape.
  - (iii) A list of each tree on the survey together with its corresponding tree inventory number and common name, botanical name, DBH and general condition;

- (iv) The location of the protected area(s) with fencing details and specifications; and
- (v) Proposed tree relocation site(s), if applicable.

(f) Tree replacement plans in accordance with Sec. 14-175 Tree Replacement Requirements.

(g) Photographs of the tree(s) to be removed or relocated, and.

(h) If the tree(s) to be removed is a Heritage Tree and not located within the proposed building footprint or within ten (10) feet thereof, an independent arborist's report based on the scoring in Sec. 14-173 below.

(3) Site Plan Approval by the Planning Commission, or a Certificate of Appropriateness or Notice to Proceed by the Historic District Commission, and a building permit are prerequisites to issuance of the tree removal permit. Tree replacement is required for a tree removal permit authorized by the Planning Commission or Historic District Commission under this Section.

**Sec. 14-172. Permit authorized by the Beautification, Art in Public Places and Tree Advisory (BART) Board or the Historic District Commission for all other tree removal.**

(1) For tree removal not covered in Sec. 14-170 and Sec 14-171 above, an application for tree removal shall be submitted to the Historic District Commission for trees located in one of the City's historic districts or to the BART Board in all other areas of the City.

(2) *Application.* The application, application fee, and performance guarantee shall be submitted to the City offices. The performance guarantee shall be in an amount determined by resolution of the City Commission to guarantee compliance with the provisions of this Chapter including a one-year guarantee for each replacement tree. The application shall contain:

- (a) The name, address and telephone number of the owner of the land on which the tree(s) is located;
- (b) The name, address, and telephone number of the licensed tree service or contractor along with a copy of the signed contract or statement signed by the owner giving permission to the licensed tree service or contractor to remove or relocate the protected tree(s);
- (c) The address (if no address, the legal description) of the property upon which the tree(s) is located;
- (d) A sketch of the property showing the location of the tree(s) to be removed;
- (e) The species, size and general condition of the tree to be removed;
- (f) Photographs of the tree(s) to be removed;
- (g) The reasons for removal;
- (h) Tree replacement plans in accordance with Sec. 14-175 Tree Replacement Requirements; and
- (i) If the tree(s) to be removed is a Heritage Tree, an independent arborist's report based on the scoring in Sec. 14-173 below.

(3) Tree replacement is required for a tree removal permit authorized by the Historic District Commission or BART Board under this Section.

**Sec. 14-173. Scoring.**

(1) The health and condition of a Heritage Tree shall be evaluated using the scoring chart below. The health or condition scoring shall be clearly indicated on the arborist's report.

(2) A tree with a score of ten (10) or greater qualifies as a tree worthy of protection, and if a permit is approved, replacement shall be required. A tree with a score of nine (9) or less may be worthy of protection based upon its health or condition or other criteria in this section, and if a permit is approved, replacement may be required. However, if the health or condition of the tree is such that it is deemed not worthy of protection, tree replacement shall not be required.

<b>SCORING</b>			
<b>Factor</b>	<b>3</b>	<b>2</b>	<b>1</b>
TRUNK	Sound or solid	Sections of bark missing	Extensive damage or hollow
GROWTH RATE	More than 6" twig elongation	2" to 6" twig elongation	Less than 2" twig elongation
STRUCTURE	Sound	One major or several minor limbs dead	2 or more major limbs dead
DISEASE/INFESTATION	No disease or infestation present	One disease or infestation present	2 or more diseases and/or infestations present
CROWN / DEVELOPMENT	Full and balanced	Full but unbalanced	Unbalanced and lacking full crown
LIFE EXPECTANCY	Over 30 years	15 to 20 years	Less than 5 years

**Sec. 14-174. Review Standards.**

(1) A tree removal permit shall be approved when the application and requirements specified herein are satisfied and the Planning Commission, Historic District Commission or Beautification, Art and Tree Advisory (BART) Board determines one or more of the following standards are met:

- (a) The tree is not worthy of protection and has received a score of nine (9) or less on the arborist's report (applies to Heritage Trees only);
- (b) Tree removal is necessary for the location of a building, structure or site improvement and no reasonable or prudent alternative location exists as demonstrated by the applicant.
- (c) The tree interferes with utility service or safe vision clearances, or conflicts with City ordinances;
- (d) The removal is consistent with good forestry practices and will enhance the health of remaining trees without adversely affecting the character of the surrounding area;
- (e) The location, angle or growth of the tree makes it a safety hazard to existing structures or human life; and

**Sec.. 14-175. Issuance, display and validity of permit authorized by the Planning Commission, Historic District Commission or BART Board.**

(1) *Permit, when issued.* A permit for tree removal approved by the Planning Commission or Historic District Commission in conjunction with a construction project shall be issued by the Department at the same time as the building permit for the construction project. In all other instances, a permit for an approved tree removal shall be issued within ten (10) days of the date of approval by the Historic District Commission or Beautification, Art and Tree Advisory Board.

(2) *Fee and performance guarantee, when paid.* The tree removal permit shall not be issued unless and until the permit fee and performance guarantee have been paid.

(3) *Permit display and inspection.* Any person granted a tree removal permit shall display the permit on site in a conspicuous location visible from the front street. The permit shall be displayed while the tree is being removed and replaced, and while activities authorized under the permit are being performed. The tree removal permit holder shall allow City representatives to enter and inspect the premises. Failure to allow inspection shall constitute a violation of this section.

(4) *Permit validity.* A tree removal permit issued by the City shall be null and void if the work covered under the permit has not commenced within one (1) year from the date of issue. A tree removal permit is not transferrable to a subsequent owner or occupant of the property without written permission from the City.

**Sec. 14-176. Tree Replacement Requirements.**

As a condition of being granted a tree removal permit, unless otherwise exempted in this Chapter, the applicant shall be required to replace, on-site, the heritage and/or protected tree(s) removed. Where the applicant determines that it is not feasible or desirable to replace the tree(s) on-site, the applicant may elect to pay into the Woods Tree Fund a non-refundable amount of money, as established by resolution of the City Commission, for each tree removed, subject to the following conditions:

(1) *Required replacement plan and calculations.* A replacement plan and calculations shall be submitted to the Department indicating the location, species, and size in inches at DBH of the heritage and/or protected tree(s) being removed, and the location, species, and size in caliper inches of the tree(s) that will replace the heritage and/or protected tree(s).

(2) *Minimum size of replacement trees.* A replacement tree shall be at least 2 caliper inches, or six (6) feet in height for an evergreen tree.

(3) *Heritage Tree replacement rate.* A Heritage Tree shall be replaced at a minimum of fifty (50%) percent of the total DBH to be removed. For example, a tree with a DBH of twenty-four (24") inches shall be replaced with trees, whose accumulative total diameter, measured in calipers, equals at least twelve (12") inches. Evergreen trees used to fulfill replacement requirements shall be at the equivalent rate of 2.8 feet in height for each one (1) inch caliper required.

(4) *Protected tree replacement, non-Heritage Trees.* A non-heritage protected tree shall be replaced at a minimum of twenty-five (25%) percent of the total DBH to be removed. For example, a tree with a DBH of twenty-four (24") inches shall be replaced with trees, whose accumulative total diameter, measured in calipers, equals at least six (6") inches. Evergreen trees used to fulfill replacement requirements shall be at the equivalent rate of 2.8 feet in height for each one (1) inch caliper required.

(5) *Diversity of species.* Diversity of species shall be maintained with a deciduous tree replacing a deciduous tree and an evergreen replacing an evergreen, unless it can be demonstrated that this is not practical due to site-specific conditions or constraints and permission to change the type of tree is granted by the Board or Commission approving the

tree removal permit. A Heritage Tree shall be replaced with a tree from the List of Heritage Trees adopted by resolution of the City Commission or another tree species approved by the City Manager or his or her designee. Replacement trees shall not be selected from the List of Invasive or Nuisance Trees Species adopted by resolution of the City Commission.

(6) *American Association of Nurseryman standards.* A replacement tree shall satisfy American Association of Nurseryman standards, including being:

- (a) Nursery grown,
- (b) State Department of Agriculture inspected,
- (c) No. 1 grade, with a straight unscarred trunk and a well-developed uniform crown (park grade trees are not acceptable),
- (d) Watered and mulched in accordance with standard planting practices.

(7) *Location.* The center of a tree shall not be planted closer than four (4) feet to any property line unless the adjacent property owner waives this requirement in writing and such waiver is on file with the City Clerk. No tree shall be planted within a utility easement unless such tree is planted in accordance with Utility Safety Guidelines and Clearances on file with the Department.

(8) *Deadline for planting.* Prior to issuance of a final certificate of occupancy for a building or construction project, or final inspection for a land alteration project, all required replacement trees shall be planted and properly supported in accordance with approved plans and the provisions of this Article. Replacement trees in all other instances shall be planted and properly staked no later than twelve (12) months after the date of issuance of the tree removal permit. For a tree(s) not planted by the deadline, pro-rated funds from the performance guarantee, at a rate established by resolution of the City Commission, shall be transferred to the Woods Tree Fund and forfeited by the applicant.

(9) *Performance guarantee.* A performance guarantee covering the cost of the tree(s), installation, and warranty shall be provided to the City at the time the tree removal permit is issued and such funds shall be placed in escrow by the City, to be refunded no more than fifteen (15) days after the one-year warranty on the tree(s) expires and the tree has been inspected and found to be healthy. If the tree(s) is dead, dying, diseased, damaged or otherwise unhealthy, the performance guarantee shall remain in escrow until a new tree(s) is planted, the one-year warranty on the new tree expires and the tree has been inspected and found to be healthy. If the second replacement tree is found to be unhealthy, pro-rated funds from the performance guarantee, at a rate established by resolution of the City Commission, shall be transferred to the Woods Tree Fund and forfeited by the applicant

(10) *Minimum warranty.* A replacement tree including labor shall be warranted for a minimum of one year from the date of planting.

(11) *Transplanted tree.* A transplanted tree may be counted as a replacement tree, provided such tree meets the minimum size, quality, species and guarantee requirements of a replacement tree.

(12) *Woods Tree Fund.* Where the applicant has clearly demonstrated that due to site conditions the planting of one or more of the replacement tree(s) is not possible on site, the applicant may elect to pay into the Woods Tree Fund a non-refundable amount of money, as established by resolution of the City Commission, for each tree removed. Payment shall be received by the City prior to issuance of the tree removal permit and a performance guarantee shall not be required. The Woods Tree Fund shall be used for tree planting and maintenance, pest management, tree education, tree replacement as needed, or other preservation efforts as recommended by the Beautification, Art in Public Places and Tree Advisory Board (BART).

**Sec. 14-177. Prohibited Trees.**

(1) No tree on the List of Invasive or Nuisance Tree Species adopted by resolution of the City Commission shall be planted on any property within the City. In addition, no tree of the following species shall be planted on any property within the City:

**Botanical Name**

Acer saccharinum  
Acer platanoides  
Catalpa speciosa  
Platanus occidentalis  
Populus deltoides  
Ulmus americana

**Common Name**

Silver Maple-native  
Norway Maple  
Catalpa  
Sycamore  
Eastern Cottonwood-native  
American Elm

(2) No tree shall be planted on public property except by the Department or under the direction of the Department.

**Sec. 14-178. Tree protection.**

(1) *On public property.* The City Manager or his or her designee shall have control over trees located within street rights-of-way, parks and other public places in the City, and the planting, care and removal thereof subject to the regulations of this Chapter.

- (a) The owner or occupant of land abutting a street may water and/or mulch a tree in that part of the street right-of-way abutting the owner's or occupant's land but no person shall prune, spray, plant or remove any tree on public property unless the Department grants permission in writing and specifies the extent of the authorization and the conditions to which it is subject.
- (b) No person shall break, injure, mutilate, spray paint, write upon, deface, set fire to, destroy, or otherwise compromise the health or condition of any tree or portion thereof.
  - (i) No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any tree.
  - (ii) No electric wires or other lines or wires shall be permitted to come in contact with any tree in a manner that shall cause damage thereto, and no person shall attach electric insulation to any tree.
  - (iii) No person shall use a tree as an anchor, and no material shall be fastened to or hung on any tree.
  - (iv) The placement of a sleeve, cable, rope or other material around any trunk or branch which girdles the tree, interferes with the transport of water through the tree, or impedes light or air to the tree is prohibited.
  - (v) No person shall park a vehicle, dumpster or other equipment within the drip line of a tree on public property unless it is parked on an approved driveway or parking space.
  - (vi) Excavations and driveways shall not take place or be placed within six (6) feet of any tree without written permission from the Department. A person excavating or constructing within six feet of a tree shall guard the tree with a substantial frame box to be approved by the Department, and all building material or other debris shall be outside the protected area as defined in Sec. 14-167.
  - (vii) No person shall place within the street right-of-way, any stone, brick, sand, soil, planter box, concrete or other material which will in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, except as authorized in writing by the Department.

- (viii) All persons having under their care, custody or control, facilities which may interfere with the trimming or removal of a tree, shall, after notice thereof by the Department, promptly abate such interference in such manner as shall permit the trimming or removal of such tree by the Department.

(2) *In conjunction with construction on public or private property.* The preservation of protected trees shall have priority over development when there are other functional on-site location or design alternatives. The applicant shall be responsible for demonstrating that no feasible and prudent alternatives exist. The City may impose conditions upon the proposed development such as prohibiting a building or structure within the drip line of a protected tree; requiring sidewalks, driveways and other impervious surfaces to be a minimum of six (6) feet from the base of a protected tree; or other conditions necessary to minimize damage, encroachment or interference with a protected tree. Prior to, during, and following excavation, construction, land clearing and/or land alteration, the following steps shall be taken:

- (a) All trees for which application is being made for removal shall be so identified on-site with fluorescent orange paint (chalk based) or fluorescent orange flagging tape prior to field inspection by the City. Trees selected for transplanting shall be identified with a separate distinguishing color.
- (b) Fencing shall be erected around all protected trees on private property and all trees on public property, as follows:
  - (i) The fence shall be installed at the drip line of a tree or group of trees, unless it can be demonstrated that this is not practical due to site-specific conditions or constraints and permission to adjust the location is granted by the City Manager or building inspector.
  - (ii) The fencing material shall be wooden snow fence, chain link, or an equally substantial material. The fence shall be a minimum of four (4) feet in height and be supported by stakes into the ground at a maximum of ten (10) feet apart.
  - (iii) All construction, grading, installation of utilities and/or other land altering activity is prohibited within the protected area(s).
  - (iv) All construction materials, equipment, supplies, tools, machinery, solvents, vehicles and activity shall be kept outside of the protected area(s).
  - (v) The fence shall be maintained until such time as construction is completed and removal is authorized by the City Manager or building inspector.
- (c) The owner, contractor and/or builder shall be held responsible for any unauthorized damage to trees.
- (d) The owner shall be required to replace or cause to be replaced, any tree originally intended to be preserved when such tree is damaged. The replacement requirements for such damaged tree shall be at a minimum of one hundred (100%) percent of the total DBH of the damaged tree. For example, a tree with a DBH of twenty-four (24") inches shall be replaced with trees, whose accumulative total diameter, measured in calipers, equals at least twenty-four (24") inches. Evergreen trees used to fulfill replacement requirements shall be at the equivalent rate of 2.8 feet in height for each one (1) inch caliper required. In lieu of replacement, the owner may elect to pay into the Woods Tree Fund a non-refundable amount of money as established by resolution of the City Commission, for each damaged tree.
- (e) If any protected tree (other than one for which a tree removal permit has been issued or is not required), any tree planted as part of an approved site plan, or any street tree on or adjacent to a development site, should die within a period of twelve (12) months after the certificate of occupancy (or final inspection for a land alteration project) has

been issued, the tree shall be presumed to have died from acts in non-conformance with this Article and the owner of the property (or in the case of a street tree, the owner of the property upon which the development took place) shall replace the tree(s) within six (6) months after notification from the City at a rate of one hundred (100%) percent of the total DBH of the dead tree with an approved tree or trees, each having a minimum size of 2 caliper inches. Evergreen trees used to fulfill replacement requirements shall be at the equivalent rate of 2.8 feet in height for each one (1) inch caliper required. In lieu of replacement, the owner may elect to pay into the Woods Tree Fund a non-refundable amount of money as established by resolution of the City Commission, for each dead tree.

- (f) *Performance guarantee.* A performance guarantee covering the costs to replace any protected tree(s) identified by the department as needing protection during construction shall be provided to the City at the time the building permit is issued and such funds shall be placed in escrow by the City, to be refunded one year after the date the final certificate of occupancy is issued and the protected tree(s) has been inspected and found to be healthy. If the tree(s) is dead, dying, diseased, damaged or otherwise unhealthy, the performance guarantee shall remain in escrow until a new tree(s) is planted, the one-year warranty on the new tree expires and the tree has been inspected and found to be healthy. If the replacement tree is found to be unhealthy, pro-rated funds from the performance guarantee, at a rate established by resolution of the City Commission, shall be transferred to the Woods Tree Fund and forfeited by the applicant.

(3) *On private property.* No person shall break, injure, mutilate, spray paint, write upon, deface, set fire to, destroy or otherwise compromise the health or condition of any protected tree or portion thereof.

- (i) No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any protected tree.
- (ii) No electric wires or other lines or wires shall be permitted to come in contact with any protected tree in a manner that shall cause damage thereto, and no person shall attach electric insulation to any tree.
- (iii) The placement of a sleeve, cable, rope or other material around any trunk or branch which girdles the tree, interferes with the transport of water through the tree, or impedes light or air to the tree is prohibited.
- (iv) No person shall park a vehicle, dumpster or other equipment within the drip line of a protected tree unless it is parked on an approved driveway or parking space.
- (v) Excavations and driveways shall not take place or be placed within six (6) feet of any protected heritage tree.
- (vi) No person shall place any stone, brick, sand, soil, planter box, concrete or other material which will impede the full and free passage of water, air or fertilizer to the roots of a protected tree.

(4) The protections outlined in this section shall apply to all protected trees irrespective of whether such trees, or any part thereof, cross property lines.

#### **Sec. 14-179. Safety – Clearance.**

(1) *Overhanging branches.* The owner of any tree or shrub on private property overhanging a street or sidewalk shall trim the branches so that such branches shall not obstruct the light from any street lamp, or obstruct the view of any street or sidewalk so that there shall be a clear space of sixteen (16) feet above the surface of the street and eight (8') feet above the surface of the sidewalk. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

(2) *City's right to trim.* The City shall have the right to trim any tree or shrub on private property when it interferes with the spread of light along the street from a streetlight, or interferes with visibility of any traffic control device or sign, or vehicular or pedestrian travel, such trimming to be confined to the area immediately above the right-of-way.

(3) *Intersection clearance.* All shrubs located on the triangle formed by two center lines at the intersection of two streets and extending for a distance of 75 feet each way from the intersection of the center lines on any corner within the City, shall not be permitted to grow to a height of more than three (3) feet above the elevation of the centerline of the street nor two (2) feet above the elevation of the sidewalk, so that the view of a driver of a vehicle approaching the intersection shall not be obstructed. Trees may be planted and maintained in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of sixteen (16) feet above the surface of the street and eight (8') feet above the surface of the sidewalk.

**Sec. 14-180. Safety - Emergency.** Emergency removal of a damaged, destroyed or dead tree when health or safety are threatened following high winds, storms, tornadoes, fire, ice or other natural or man-made disasters is permitted without a tree removal permit. Notification of such removal shall be made to the Department within five (5) business days of the emergency.

**Sec. 14-181. Dangerous, diseased or infested trees.**

(1) *Inspection.* The City Manager or his or her designee shall have the authority to enter upon private premises for the purpose of examining any trees, shrubs, plants, or vines for the presence of destructive insects or plant diseases, or other conditions impacting the health or safety of persons or property.

(2) *City Manager's order.* When the City Manager or his or her designee shall discover that any tree growing on private property within the City is dead, dying, damaged, or has broken or decayed tree limbs and constitutes a hazard to the safety of persons or property, or is afflicted with any dangerous and infectious insect infestation or tree disease, the Department shall forthwith serve a written notice upon the owner or the owner's agent or the occupant of the property, describing the tree, its location and the nature of the hazard, infestation or tree disease and ordering the owner, agent and occupant to take such measures as may be reasonably necessary to eliminate such hazard or cure such infestation or disease and to prevent the spreading thereof, specifying the measures required to be taken. Such order may require the pruning, spraying or destruction of trees as may be reasonably necessary. Every such notice shall be complied with within ten (10) days after service thereof, upon the owner, agent or occupant of the property on which the hazardous or afflicted tree is located, or within such additional time as may be stipulated by the Department.

(3) *Appeal.* In case the owner, agent or occupant of a property shall feel aggrieved by an order of the City Manager or his or her designee requiring the treatment or destruction of any tree; owner, agent or occupant may within five (5) business days from the date of notice, make an appeal to the City Commission by communication filed with the City Clerk. The City Commission shall hear such appeal at its next regular meeting, unless another time shall be set, and shall determine the matter.

(4) *Owner's failure to comply.* In case the owner, agent or occupant of the property refuses to carry out the order of the City Manager or his or her designee within the time limited, or in case of an appeal when the Commission shall have affirmed such order, the Department shall carry out the pruning, spraying or destruction of the trees as deemed necessary by the City Manager or his or her designee and shall bill the owner, agent or occupant of the property for the cost thereof, plus a minimum fee of fifteen (15) percent for administrative expenses, inspection and other costs in connection therewith. In case the owner of such property shall fail to pay such bill within thirty (30) days after the same has been rendered, the City Manager or his or her designee shall report the same to the City Commission for collection as a single lot assessment against said property in accordance with the Charter. No damages shall be awarded for the destruction of any tree, shrub, or plant or injury to the same, if done by the

Department or under the City Manager's or his or her designee's direction, in accordance with this Article.

**Sec. 14-182. Overhead lines trimming permit.**

The City Manager shall annually issue permits granting permission to public utilities to trim and keep trimmed all trees within the streets, alleys, easements, parks and public places, in such a manner as shall keep the overhead lines of such public utilities safe and accessible. Such trimming shall be done in accordance with approved practices and under the general direction of the Department. Said permit shall require reasonable prior notice to the City before any work is commenced thereunder. In the event of an emergency requiring immediate maintenance work on the overhead lines of said public utilities, prior notice of commencing work under said permit shall not be required.

**Sec. 14-183. Appeals.**

(1) A person aggrieved by a decision of the Planning Commission or Beautification, Art and Tree Advisory Board concerning any provision of this Chapter shall have the right to appeal the decision to the City Commission. A person aggrieved by a decision of the Historic District Commission shall have the right to appeal the decision to the State Historic Preservation Review Board in accordance with the provision of Public Act 169 of 1970, as amended.

(2) The City Commission may reverse, affirm or modify the decision made by Planning Commission or Beautification, Art and Tree Advisory Board. Appeals shall be granted only if:

- (a) Compliance with the decision of the Board or Commission would be unnecessarily burdensome to the property owner. The showing of mere inconvenience is insufficient to grant the appeal, and
- (b) The appeal can be granted so that the intent of this Chapter is observed, and the public safety and welfare of the community is secured.

**Sec. 14-184. Violations; penalties.**

(1) A person or entity who removes or damages a protected tree without a tree removal permit shall replace the tree with an approved tree or trees at a minimum of one hundred (100%) percent of the total DBH of the tree removed or damaged. For example, a tree with a DBH of twenty-four (24") inches shall be replaced with trees, whose accumulative total diameter, measured in calipers, equals at least twenty-four (24") inches. Evergreen trees used to fulfill replacement requirements shall be at the equivalent rate of 2.8 feet in height for each one (1) inch caliper required. In lieu of replacement, the owner may elect to pay into the Woods Tree Fund a non-refundable amount of money, as established by resolution of the City Commission, for each tree removed or damaged without a tree removal permit. If the size of the removed or damaged tree(s) cannot be determined, it shall be assumed to have been twenty-four (24) inches DBH.

(2) A person who violates any provision of this article is responsible for a municipal civil infraction.

(3) Any tree maintained in violation of this article shall be deemed a public nuisance and may be abated by injunctive process. Each day of maintenance contrary to this article after notice of violation shall be deemed an additional and distinct violation thereof.

(4) Nothing in this article shall be construed to limit, in any way, the police and remedial actions available to the City under the law.

**SECTION 2. Severability.**

No other portion, paragraph or phrase of the Code of Ordinances of the City of Huntington Woods shall be affected by this ordinance except as to the above section, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Huntington Woods.

**SECTION 3. Effective Date.**

This ordinance shall become effective twenty (20) days after the date of adoption or seven (7) days after publication, whichever is later.

**MADE, PASSED AND ADOPTED** by the Commission of the City of Huntington Woods on this 17th day of June, 2014.

---

RONALD F. GILLHAM, MAYOR

**ATTEST:**

Joy Solanskey  
City Clerk

STATE OF MICHIGAN     )  
  )S.S.  
COUNTY OF OAKLAND    )

I, **JOY SOLANSKEY**, City Clerk of the City of Huntington Woods, hereby certify that a synopsis of the foregoing Ordinance No. 564 was published in The Daily Tribune on June 29, 2014 and a copy of said Ordinance was posted in three public and conspicuous places within the City of Huntington Woods as follows: City Hall Bulletin Board, Lobby of Public Safety Building, and Library Bulletin Board.

---

Joy Solanskey, City Clerk

**ORDINANCE NO. 565**

Tree Services  
-1101-

Moved by Mayor Pro-Tem Jenks and supported by Commissioner Olsman to approve Ordinance No. 565 an Ordinance to Amend Chapter 8, Businesses, of the Code of Ordinances of the City of Huntington Woods, By Adding New Article XII, Tree Services

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,  
Commissioner Paul, Commissioner Olsman and  
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

**CITY OF HUNTINGTON WOODS  
OAKLAND COUNTY, MICHIGAN  
ORDINANCE NO. 565**

**AN ORDINANCE TO AMEND CHAPTER 8, BUSINESSES, OF THE CODE OF ORDINANCES OF THE CITY OF HUNTINGTON WOODS, BY ADDING NEW ARTICLE XII, TREE SERVICES.**

**THE CITY OF HUNTINGTON WOODS ORDAINS:**

**SECTION 1.** Chapter 8, Businesses, is hereby amended by adding new Article XII, Tree Services, to read as follows:

**ARTICLE XII. TREE SERVICES**

**Sec. 8-306. Definitions.**

*Diameter Breast Height (DBH):* The diameter in inches of the tree measured at four and one-half (4½') feet above the existing grade.

*Tree service, contractor:* Any person or entity engaged in the business of removing, relocating, cutting, trimming, pruning, spraying or otherwise treating trees with power equipment.

**Sec. 8-307. License required.**

No person or entity shall engage in the business of operating a tree service on public or private land in the City of Huntington Woods without first obtaining a license from the City Clerk. The license must be renewed annually and shall expire on December 31 of each year. The application for a license shall be accompanied by a certificate of insurance, proof of worker's compensation insurance for all employees as required by the Workers Disability Compensation Act, and a licensing fee. The certificate of insurance shall be in such form and amount as to protect the city and any person in the city from damage to person or property resulting from the tree service's or contractor's action. The fee for the license and the minimum amounts of insurance shall be established by resolution of the City Commission and updated from time-to-time.

**Sec. 8-308. Exception.**

An annual license shall not be required of any public utility company granted an annual trimming permit by the City Manager in accordance with the regulations in Sec. 14-181. This exemption shall only apply in the case that the public utility itself is performing the trimming or tree service work. In the event the public utility has engaged the services of an outside tree service contractor to perform the tree service work, that tree service contractor shall be required to obtain a license as required in this Article.

**Sec. 8-309. Permit Required.**

A tree removal permit is required for removing or relocating any tree in the City of Huntington Woods with a DBH of six (6) inches or greater on any property, public or private. Such tree removal or relocation shall be in accordance with the regulations of Article VII of Chapter 14 of the City Code.

**Sec. 8-310. Work Hours.**

Tree removal, relocation, cutting, trimming, pruning, spraying or other work on trees shall not take place on Sundays or any other day between the hours of 8:00 p.m. and 8:00 a.m. except for emergency removal described in Section 14-175.

**Sec. 8-311. Removal of tree trunks, branches and debris required.**

The tree service or contractor shall remove from the city all tree trunks, limbs, branches and debris resulting from the cutting, trimming or removing of a tree within forty-eight (48) hours of the actual work performed, and all tree trunks, limbs, branches and debris shall not block, cover or impede any public sidewalk or street after the end of work on any day.

**Sec. 8-312. Compliance with City Ordinances.**

All licensed tree services and contractors shall comply with all applicable ordinances of the City of Huntington Woods, in particular Article VII, Trees, of Chapter 14 of the City Code.

**SECTION 2. Severability.**

No other portion, paragraph or phrase of the Code of Ordinances of the City of Huntington Woods shall be affected by this ordinance except as to the above section, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Huntington Woods.

**SECTION 3. Effective Date.**

This ordinance shall become effective twenty (20) days after the date of adoption or seven (7) days after publication, whichever is later.

**MADE, PASSED AND ADOPTED** by the Commission of the City of Huntington Woods on this 17th day of June, 2014.

\_\_\_\_\_  
RONALD F. GILLHAM, MAYOR

**ATTEST:**  
Joy Solanskey  
City Clerk

STATE OF MICHIGAN     )  
  )S.S.  
COUNTY OF OAKLAND    )

I, **JOY SOLANSKEY**, City Clerk of the City of Huntington Woods, hereby certify that a synopsis of the foregoing Ordinance No. 564 was published in The Daily Tribune on June 29, 2014 and a copy of said Ordinance was posted in three public and conspicuous places within the City of Huntington Woods as follows: City Hall Bulletin Board, Lobby of Public Safety Building, and Library Bulletin Board.

\_\_\_\_\_  
Joy Solanskey, City Clerk

**RESOLUTION R-47-2014**

Fees for Tree Removal and Replacement  
-1102-

Moved by Mayor Pro-Tem Jenks and supported by Commissioner Paul to adopt Fees and Certificates for Tree Contractors' Licensing,

Tree Removal Permits, Performance Guarantees, and Tree Replacement Fees.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks, Commissioner Paul, Commissioner Olsman and Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

**RESOLUTION R-47-2014**  
**A RESOLUTION**  
**OF THE CITY COMMISSION**  
**OF THE CITY OF HUNTINGTON WOODS, MICHIGAN**  
**ADOPTING FEES AND CERTIFICATES FOR TREE CONTRACTORS’**  
**LICENSING, TREE REMOVAL PERMITS, PERFORMANCE GUARANTEES, AND**  
**TREE REPLACEMENT FEES**

**WHEREAS**, under City of Huntington Woods, Code of Ordinances, Section 8-307 of Article XII - Tree Services, of Chapter 8 - Businesses, the City may require a licensing fee and certificates of insurance for tree services and tree contractors doing business in the City of Huntington to cover the cost of monitoring and enforcing the regulations contained in Chapter 8 and Chapter 14 of the City Code, and

**WHEREAS**, under City of Huntington Woods, Code of Ordinances, Sections 14-169, 14-170, 14-171, 14-172, of Article VII - Trees, of Chapter 14 - Environment, the City may charge a permit fee for tree removal to cover the cost of monitoring and enforcing the regulations contained in Chapter 14 of the City Code and a performance guarantee to ensure tree replacement, and

**WHEREAS**, under City of Huntington Woods, Code of Ordinances, Section 14-175 of Article VII - Trees, of Chapter 14 - Environment, an applicant for a tree removal permit may elect to pay into the Woods Tree Fund a non-refundable amount of money in lieu of planting replacement trees, such money to be used for tree planting and maintenance, pest management, tree education, tree replacement as needed, or other preservation efforts as recommended by the Beautification, Art in Public Places and Tree Advisory (BART) Board.

**NOW THEREFORE BE IT RESOLVED**, that the City of Huntington Woods hereby adopts the following fees and certificates:

Tree service/contractor annual license .....	\$25.00
Tree removal permit (per tree) .....	\$75.00
Certificate of Commercial General Liability Insurance .....	\$1,000,000.00 combined single limit
Proof of Workers Compensation Insurance for all employees as required by the Workers Disability Compensation Act (MCL 418.101 et. Seq., MSA 17.237 (101) et. Seq.)	
Tree replacement performance guarantee (per tree).....	\$450.00
Woods’ Tree Fund non-refundable payment in lieu of tree replacement	
Heritage Trees .....	\$80.00 per 1 inch DBH removed

Other Protected Trees .....\$40.00 per 1 inch DBH removed

Introduced and passed at the Regular Meeting of June 17, 2014.

---

Ronald F. Gillham, Mayor

**RESOLUTION R-48-2014**

List of Heritage Trees and list of Invasive and Nuisance Trees  
-1103-

Moved by Mayor Pro-Tem Jenks and supported by Commissioner Olsman to adopt a list of Heritage Trees and a list of Invasive and Nuisance Trees Species as referenced in Chapter 14 – Environment, Article VII – Trees, of the City Code.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,  
Commissioner Paul, Commissioner Olsman and  
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

**RESOLUTION R-48-2014  
A RESOLUTION  
OF THE CITY COMMISSION  
OF THE CITY OF HUNTINGTON WOODS, MICHIGAN  
ADOPTING A LIST OF HERITAGE TREES AND A LIST OF INVASIVE AND  
NUISANCE TREE SPECIES AS REFERENCED IN CHAPTER 14 -  
ENVIRONMENT, ARTICLE VII - TREES, OF THE CITY CODE**

**WHEREAS**, under City of Huntington Woods, Code of Ordinances, Article VII - Trees, of Chapter 14 - Environment, the City Commission is charged with the responsibility of establishing a List of Heritage Trees and a List of Invasive or Nuisance Tree Species.

**NOW THEREFORE BE IT RESOLVED**, that the City of Huntington Woods hereby adopts the following List of Heritage Trees and List of Invasive or Nuisance Tree Species:

**LIST OF HERITAGE TREES**

Heritage Trees are all trees except those listed on the List of Invasive or Nuisance Tree Species having a DBH of 24 inches or greater and the following trees having a DBH of six (6) inches or greater:

**Botanical Name**

Abies species  
Acer rubrum  
Acer saccharum

**Common Name**

Fir  
Red Maple  
Sugar Maple

Aesculus species	Buckeye, Horsechestnut
Amelanchier species	Serviceberry
Betula species	Birch
Carpinus caroliniana	American Hornbeam
Carya species	Hickory
Castanea dentate	American Chestnut
Cercis canadensis	Eastern Redbud
Cornus species	Dogwood
Crataegus species	Hawthorn
Fagus grandifolia	American Beech
Ginkgo biloba	Ginkgo
Gymnocladus dioicus	Kentucky Coffeetree
Hammamelis virginiana	Witchhazel
Juglans species	Bitternut, Walnut
Juniper virginiana	Eastern Red Cedar
Larix laricina	Tamarack, Eastern Larch
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Tulip Tree
Magnolia species	Magnolia
Malus species	Crabapple
Nyssa sylvatica	Black Gum
Ostrya virginiana	American Hophornbeam
Picea species	Spruce
Pinus species	Pine
Prunus species	Cherry
Pseudotsuga menziesii	Douglas Fir
Quercus species	Oak
Sassafras albidum	Common Sassafras
Tilia americana	American Linden, Basswood
Tsugq canadensis	Canadian Hemlock
Ulmus rubra	Red Elm, Slippery Elm

**LIST OF INVASIVE AND NUISANCE TREE SPECIES**  
**Not protected and not permitted to be planted in Huntington Woods**

<b><u>Botanical Name</u></b>	<b><u>Common Name</u></b>
Acer negundo	Box Elder - native
Ailanthus altissima	Tree of Heaven
Elaeagnus species	Russian, Autumn Olive
Frangula alnus (Rhamnus frangula)	Glossy Buckthorn
Fraxinus species	White Ash, Green Ash, Blue Ash (native species but susceptible to Emerald Ash Borer)
Morus alba	White Mulberry
Populus alba	White Poplar
Rhamnus cathartica	Common Buckthorn
Robinia pseudo-acacia	Black Locust
Salix species	White, Crack, Weeping Willow
Toxicodendron vernix	Poison Sumac-native
Ulmus pumila	Siberian Elm
Zanthoxylum americanum	Prickley Ash

Introduced and passed at the Regular Meeting of June 17, 2014.

---

Ronald F. Gillham, Mayor

**ORDINANCE NO. 567**

Fences, Walls and Hedges

Moved by Commissioner Olsman and supported by Commissioner Paul to table Ordinance No. 567 to the next meeting for questions relating to fence height.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,  
Commissioner Paul, Commissioner Olsman and  
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

**RESOLUTION R-49-2014**

Increase in Library Hours

Moved by Mayor Pro Tem Jenks and supported by Commissioner White to increase the Library hours to Sundays from 1:00 to 5:00 pm beginning September 7, 2014 through June 12, 2015.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,  
Commissioner Paul, Commissioner Olsman and  
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

**RESOLUTION R-50-2014**

Locally Preferred Transit Alternative

Moved by Commissioner Paul and supported by Commissioner White to endorse the Locally Preferred Transit Alternative for Woodward Avenue Rapid Transit

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Commissioner Paul,  
Commissioner Olsman and Commissioner White

Nays: Mayor Pro Tem Jenks

Absent: None

The Mayor thereupon declared said Resolution adopted.

**RESOLUTION R - 50 - 2014**  
**A RESOLUTION OF THE CITY COMMISSION**  
**OF THE CITY OF HUNTINGTON WOODS, MICHIGAN**  
**ENDORING THE LOCALLY PREFERRED TRANSIT ALTERNATIVE FOR**  
**WOODWARD AVENUE RAPID TRANSIT**

**WHEREAS**, the City of Huntington Woods and all of the municipalities along Woodward Avenue from downtown Detroit to Pontiac (the Steering Committee) participated in the \$2 million Woodward Alternatives Analysis Study with the Southeast Michigan Council of Governments (SEMCOG), Michigan Department of Transportation (MDOT), consultants Parsons Brinckerhoff and partners, and numerous stakeholders; and

**WHEREAS**, the Alternatives Analysis included many public meetings, design charrettes and outreach on social media to gain input from the public on preferred modes of transportation, alignment, station locations and other concerns; and

**WHEREAS**, the Alternatives Analysis involved more than two years of study including field trips along the Woodward corridor and to Cleveland to experience BRT first-hand; and

**WHEREAS**, the City of Huntington Woods believes that Bus Rapid Transit along Woodward Avenue and feeder bus service along the Mile Roads will greatly benefit not only the Woodward Avenue communities but the region as a whole; and

**WHEREAS**, the City of Huntington Woods has already adopted Transit Oriented Development (TOD) zoning in anticipation of having rapid transit along Woodward Avenue; and

**WHEREAS**, the City encourages Michigan's new Regional Transit Authority (RTA) to carry this project forward so the many benefits of public rapid transit may be realized here in southeast Michigan; and

**NOW, THEREFORE BE IT RESOLVED**, that the City Commission of the City of Huntington Woods endorses the Locally Preferred Alternative (LPA) as presented to the Steering Committee at its May 2014 meeting; and

**BE IT FURTHER RESOLVED**, that as the Alternatives Analysis transitions to the engineering phase, the City Commission of the City of Huntington Woods encourages the Michigan Department of Transportation to consider covering Woodward Avenue at the intersection of I-696 to improve BRT service and enhance bicycle, pedestrian and handicap access to the regionally significant Detroit Zoological Park.

Resolved this 17<sup>th</sup> day of June, 2014.

\_\_\_\_\_  
Ronald F. Gillham, Mayor

**RESOLUTION R-51-2014**

Participation in Community Development Block Grant (CDBG) Program.

Moved by Commissioner Olsman and supported by Commissioner White to approve the 3-year Cooperative Agreement with Oakland County Urban County Community Development Block Grant (CDBG) Program.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,  
Commissioner Paul, Commissioner Olsman and  
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

**RESOLUTION R-52-2014**

SOCRRA Representatives

Moved by Commissioner Olsman and supported by Commissioner Paul to appoint Amy Sullivan as Representative and Claire Galed as Alternate to the South Oakland County Resource Recovery Authority (SOCCRA) Board for the fiscal year beginning July 1, 2014.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro-Tem Jenks,  
Commissioner Olsman, Commissioner Paul and  
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said resolution adopted.

**RESOLUTION R-53-2014**

SOCWA Representatives

Moved by Commissioner Olsman and supported by Commissioner White to appoint Claire Galed as Representative and Jay Mader as Alternate to the Southeastern Oakland County Water Authority (SOCWA) Board for the fiscal year beginning July 1, 2014.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro-Tem Jenks,  
Commissioner Olsman, Commissioner Paul and  
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said resolution adopted.

**RESOLUTION R-54-2014**

West Nile Virus

Moved by Commissioner Olsman and supported by Commissioner White to authorize a request for reimbursement from Oakland County for funds spent to combat West Nile Virus.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro-Tem Jenks, Commissioner Olsman, Commissioner Paul and Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said resolution adopted.

A RESOLUTION  
OF THE CITY OF HUNTINGTON WOODS, MICHIGAN  
AUTHORIZING A REQUEST FOR REIMBURSEMENT FOR  
MONIES SPENT TO COMBAT WEST NILE VIRUS

WHEREAS the City of Huntington Woods has embarked on a program to combat West Nile Virus; and

WHEREAS this program will include a concerted effort to educate the public and eliminate areas of standing water throughout the city; and

WHEREAS the Department of Public Works will identify, eliminate or treat possible culex mosquito breeding areas in the city; and

WHEREAS the Department of Public Works has identified city catch basins as a potential breeding ground for culex mosquitoes, a major carrier of West Nile Virus, and has embarked on a program to clean and larvicide all city catch basins; and

WHEREAS the Natular XRT Briquets offer up to 180 days of control are deemed most appropriate for this application and are themselves eco-friendly; and

WHEREAS the City of Huntington Woods has joined with other cities to purchase these briquets through an open bidding process; and

WHEREAS it is our best judgment that these briquets will cost \$902.00 per case and that we will need three cases this year.

NOW, THEREFORE BE IT RESOLVED, that the City of Huntington Woods authorizes the City Manager to request partial reimbursement from Oakland County in the amount of \$820.08 towards the purchase of Natular XRT Briquets .

Yeas: Mayor Gillham, Mayor Pro-Tem Jenks, Commissioner Olsman, Commissioner Paul and Commissioner White

Nays: None

I, Joy Solanskey, City Clerk from the City of Huntington Woods, do hereby certify that the foregoing is a true and original copy of a resolution adopted by the City of Huntington Woods City Commission at a Regular Meeting thereof held on the 17<sup>th</sup> day of June 2014.

---

Joy Solanskey  
City Clerk  
City of Huntington Woods

**RESOLUTION R-55-2014**

**2014-2015 Millage Reduction Fraction**

Moved by Commissioner Olsman and supported by Mayor Pro Tem Jenks to approve the 2014-2015 Millage Reduction Fraction Adjustment which occurred due to changes in taxable value.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro-Tem Jenks, Commissioner Olsman, Commissioner Paul and Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said resolution adopted.

	<b>Adopted Value</b>	<b>New Value</b>	<b>Change</b>
Operating	17.4897	17.4937	.0040
Sanitation	1.7047	1.7053	.0006
Debt	7.5160	7.5160	.0000
<b>Total Levy</b>	<b>26.7104</b>	<b>26.7150</b>	<b>.0046</b>

**SET SPECIAL MEETING DATE**

The Special Meeting is to interview candidates for the position of Director of Public Safety. The City Manager offered to circulate a list of potential dates for the City Commission to pick an evening and possibly a morning meeting time.

**RIGHT OF WAY (ROW) PARKING SPACES**

Moved by Commissioner Olsman and supported by Commissioner White to table the discussion of Right-of-Way Parking Spaces to allow the City Attorney to research past history of parking spaces on the City easement.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro-Tem Jenks, Commissioner Olsman, Commissioner Paul and Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said resolution adopted.

**RESOLUTION R-56-2014**

Recess to Executive Session

Moved by Mayor Pro Tem Jenks and supported by Commissioner Olsman to recess to Executive Session immediately following the Regular Meeting to discuss a letter subject to attorney client privilege with no need to reconvene after the Executive Session.

A roll call vote was called by Mayor Gillham and the vote was thereon as follows:

Ayes: Mayor Pro-Tem Jenks, Commissioner White, Commissioner Paul, Commissioner Olsman and Mayor Gillham

Nays: None

Absent: None

The Mayor thereupon declared said resolution adopted.

The following reports and minutes were brought in front of the City Commission.

- a. Parks and Recreation Advisory Board, March 25, 2014
- b. Library Advisory Board, April 21, 2014
- c. Planning Commission, April 28, 2014
- d. Zoning Board of Appeals, May 12, 2014
- e. Treasurers Report, April 2014

Mayor Pro Tem Jenks remarked in reference to the Park and Recreation Advisory Board minutes that he would like play equipment for very young children included in the Master Plan for the City parks.

The reports and minutes were received and filed.

**WARRANT NO. 286**

Moved by Commissioner Paul and supported by Commissioner White that the attached transfers and disbursements as listed on the Account Payable Distribution Report due by June 17, 2014 and paid between May 17, 2014 and June 13, 2014 on pages 1 through 10 in the amount of \$657,723.52 be approved and paid, subject to full audit.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Carried unanimously

The Mayor thereupon declared said Resolution adopted.

**PUBLIC PARTICIPATION**

Paul Zerkal of 25886 Salem said in relation to the Right Of Way parking spaces there should be consistency. If the spaces are to be allowed they should all be the same. All the snow piled up on the City easement this winter didn't allow parking and proved that the spaces aren't needed by the residents.

Martha Shrode of 10024 Elgin thanked the City Commission for passing the tree ordinance. She would like the residents to have the option of choosing and paying for the tree to be planted on the easement in front of their property. She and her mother had decided on a tree before her mother's death but a different tree was planted by the City.

#### **CITY MANAGER'S REPORT**

The City Manager passed on a report for tonight's meeting.

#### **COMMISSIONER'S REMARKS**

Commissioner Paul noted the Huntington Woods Men's Club Raffle Tickets to support the 4<sup>th</sup> of July activities are on sale.

Commissioner Olsman congratulated Bonnie Cook on her retirement as the City Planner. He noted she was an awesome planner from whom he learned a great deal. Please sign up for the Run Walk Boom on June 28, 2014 to support the 4<sup>th</sup> of July fireworks.

Commissioner White passed on commissioner remarks for tonight.

Mayor Pro Tem Jenks also congratulation Bonnie Cook for her years of service as the City Planner.

Mayor Gillham noted it has been a real pleasure working with Bonnie Cook, to say everyone is replaceable is an overstatement.

The Regular City Commission Meeting adjourned at 9:58 pm.

---

Joy Solanskey, City Clerk

---

Ronald Gillham, Mayor