

Fairfax County Tree Commission  
DRAFT Electronic Meeting Format Meeting Minutes  
Thursday, July 21<sup>st</sup>, 2022

Toll Free Call in 1 888-270-9936 Participant Access Code 224765

**Call to Order**

Chair Speas called the July meeting of the Fairfax County Tree Commission to order at 7:00 p.m. on July 21, 2022, via Electronic Meeting.

**From the Chairman:**

To conduct this meeting wholly electronically, the Fairfax County Tree Commission needs to make certain findings for the record as evidence of our compliance with all applicable laws. The motions will address this compliance.

**1. Audibility of Members' Voices:**

First, I am going to conduct a roll call and ask each board member participating in this meeting to state your name and your location. I ask that each of you pay close attention to ensure that you can hear each of your colleagues.

**PRESENT:**

Cindy Speas, (Chair) Member-At-Large  
Jeanne Kadet, Braddock District  
Robert Vickers, Dranesville District  
Bret Leslie, Hunter Mill District  
Kevin Holland, Mason District  
Elaine Kolish, Mt. Vernon District  
Laura Beaty, Providence District  
Perry Rhodes, Sully District  
Rick Healy, Environmental Quality Advisory Council  
Jerry Peters, NV Soil & Water Conservation District  
Brenda Frank, VA Cooperative Extension

**ABSENT:**

Jim McGlone, (Vice-Chair) Virginia Department of Forestry  
Jessica Bowser, Lee District (now Franconia District)  
Cory Suter, Springfield District  
John Burke, Fairfax County Park Authority

Chair Speas: Very good—we have a quorum. At this point, I will pass the virtual gavel to Commissioner Bret Leslie, so that I may make the appropriate motions:

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**1. Hearing members' voices:**

Chair Speas moved that the Fairfax County Tree Commission certify for the record that each member's voice may be adequately heard by each other member of this Board.

***Chair Speas moved to approve the certification. Jerry Peters seconded, all in favor, no abstentions, motion carried.***

**2. Need for an Electronic Meeting:**

Second, Chair Speas moved that the Fairfax County Tree Commission certify that the State of Emergency caused by the COVID-19 pandemic makes it unsafe for the Fairfax County Tree Commission and the public to physically attend this meeting in person, and the usual procedures cannot be implemented safely or practically. As a result, I further move that the Fairfax County Tree Commission conduct this meeting electronically through a dedicated video- and audio-conferencing line, and that the public may access this meeting by calling 888-270-9936 and entering access code 224765, or using the Zoom link posted to the Fairfax County Tree Commission website.

***Chair Speas moved to approve the need for an electronic meeting. Bob Vickers seconded, all in favor, no abstentions, motion carried.***

**3. Need to dispense with FOIA's Usual Procedures to Assure Continuity in Government/Continue Operations**

And lastly, Chair Speas moved that the Fairfax County Tree Commission certify that the matters on its agenda today relate to the COVID-19 emergency itself, are necessary for continuity in Fairfax County government, and/or are statutorily required or necessary to continue operations and the discharge of the Fairfax County Tree Commission's lawful purposes, duties, and responsibilities.

***Chair Speas moved to dispense with FOIA's Usual Procedures, Jerry Peters seconded, all in favor, no abstentions, motion carried.***

Chair Speas then recognized staff attending the meeting.

**STAFF:**

Brian Keightley, Urban Forest Management Division Director

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Joan Allen, Forest Pest Branch Chief  
Hugh Whitehead, Urban Forest Management Division  
Tiffany Gregory, Urban Forest Management Division  
Joe Hirz, Urban Forest Management Division

Chair Speas then called on any members of the public attending to introduce themselves and where they are calling from, and signify if they wished to speak.

**PUBLIC:**

Leon Hall, present to observe  
Elizabeth “Betty” Ende, wished to speak

**Public Comment:**

Chair Speas called on Bette Ende to speak, noting she had three minutes.

Ms. Ende: noted that the Tree Commission has not yet heard directly from the Board of Supervisors in response to the Commission’s September letter. She understands OEEC was to review the document, and hopefully they will respond. Dir. Keightley noted in the chat that the TC letter’s recommendations were included in EQAC’s annual report, and that was a staff response to EQAC.

<https://www.fairfaxcounty.gov/boardofsupervisors/sites/boardofsupervisors/files/assets/meeting-materials/2022/may17-environmental-6c-eqac-response-nip.pdf>

Ms. Ende also asked questions about infill development to Dir. Keightley: whether a less subjective method could be used to rate trees [for saving\ removal], whether the data from that method is also used to give a waiver for developers to remove trees, how does the waiver process work, are waivers continually granted during the process, and what percentage of the time are waivers approved? Dir. Keightley said he’d answer her questions via email and share with the Tree Commission.

Chair Speas thanked Ms. Ende for bringing these questions to the Commission.

**Approval of the May, 2022 Minutes**

Since the wrong version of the May minutes were approved last month, the correct version has been resubmitted to the Commissioners for approval.

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***Bret Leslie moved to approve the May Minutes. Bob Vickers seconded, all in favor, no abstentions, motion carried***

**Approval of the June, 2022 Minutes**

***Bret Leslie motioned to approve the June Minutes. Kevin Holland seconded, 8 voted in favor, with 3 abstentions from those who were absent at the June meeting, and the motion carried.***

After a procedural question about the number of abstentions in this vote, Commissioner Healy noted that if there is a quorum, only a majority is needed to pass these motions. [Note: The quorum count tonight was 11, and a majority of 11 would be 6; 8 voted for the successful motion.]

**Introduction of New Members**

- Perry Rhodes Sully District: appointed to a 3-year term, replacing Karen Campblin who moved to the Architectural Review Board. He has been a resident of the county for 40 years, 29 in the Sully District, and is active on the Centreville Historic District's board of directors as treasurer. He's a civil engineer who worked in FEMA disaster management, focusing on beach erosion. Growing up in western Maryland, his family managed tree resources (harvesting and reforestation) on their farm, leading to a great love of trees.
- Elaine Kolish from Mt. Vernon District: appointed to finish Cathy Ledec's term, expiring in 2023. She's a lawyer who has lived in Virginia since 1980, was chief of enforcement for the Federal Trade Commission. She then worked at the Council of Better Business Bureaus running a self-regulation program for major food companies. After retirement she became a Master Gardener, and in 2021 trained as a Master Naturalist. She is passionate about stopping invasive vines from killing our urban forest.

**Presentation from Joan Allen, Forest Pest Branch**

After a brief introduction (Joan's name is pronounced "Joe Ann"), Ms. Allen explained that her Branch monitors various invasive state designated forest pests and diseases that may not be in the county yet, and it provides treatment for those that are discovered here. That includes spongy moths (formerly called gypsy

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moths), emerald ash borer, sudden oak death, the longhorn beetle, etc.

<https://www.fairfaxcounty.gov/publicworks/trees/forest-pests>

Forest Pest gets revenue from real estate tax assessments for Integrated Pest Management, which funds both the Branch and the Health Dept.'s tick and mosquito (disease-carrying insects) management program. Her staff is 6-7 full time plus 2-4 part-time seasonal staff who help with fieldwork. Staff also provide public education and outreach, and have spoken to homeowners, schools, Lifelong Learning Institute at GMU. She presented on the Spotted Lanternfly (SLF). An infestation means a breeding population with various stages of life, from eggs to nymphs to adults is present. The county does not currently have any known infestations of SLF, but a recent fieldtrip to Loudoun County confirmed one there. Ms. Allen took photos of SLF in all stages, particularly on its preferred host plant, Tree of Heaven (non-native invasive tree from China). The quarantine for SLF has expanded to several nearby areas. To travel across quarantine boundaries, businesses need a permit (i.e. it must have educated workers to inspect its vehicles and cargo for any SLF stages of development). In Virginia, businesses understand and comply with quarantines, but the general public does not. The public is asked to inspect their vehicles before crossing county lines. Invasive species move along transportation corridors (major interstates and rail lines). Forest Pest will be mailing a second postcard mailing to residents in those areas. All residents are requested to send info on SLF to [ReportSLF@FairfaxCounty.gov](mailto:ReportSLF@FairfaxCounty.gov). Management strategies: <https://www.fairfaxcounty.gov/publicworks/trees/spotted-lanternfly>.

Finally, Ms. Allen discussed Beech Leaf Disease (a leaf-dwelling worm spread by birds). It has still not been confirmed in the county. She is working on early detection, and has sent suspicious material from Burke Lake Park to the lab. There are currently no management strategies, because beeches are not a high value commercial timber species. Discussion followed on the changed name “gypsy” to “spongy” moth, and about the Asian longhorn beetle’s preference for maple trees.

### **New Discussion on FOIA Required Policies**

**UPDATE:** Chair Speas learned today that the county attorney has ruled that if a BAC does not have a quorum within the electronic notice and roll call period, regulations require the meeting to be cancelled. The same applies to a meeting in person—the grace period being about 5 minutes after start time. Chair Speas noted

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that the Tree Commission will vote tonight to change its meeting date going forward, and urged everyone to put dates on their calendar and allow enough time to drive to meetings in person so that we don't have to cancel for lack of a quorum.

Chair Speas has been advised that the county attorney's office is requiring all BACs to enact two policies so we can officially continue to work under the county's electronic meeting policy and smoothly afterwards if the Emergency order is lifted. Dir. Keightley will talk us through the two documents. (See attached). Basically they will allow us to continue to operate under the County Emergency Order as we have been doing, and if that order is lifted, it gives options for us to hold two electronic meetings during a calendar year; one will allow for commissioners to call in to a meeting twice (but not consecutively) in a year for personal reasons. Note, a quorum must be physically present in one location, so calling in is only informational, but cannot help constitute a quorum.

Discussion included personal wishes that we would start meeting in person soon; that it's a challenge to read policy changes at the last minute; that if we postpone a vote we would be operating without a policy to do business unless we secure a quorum to approve these policies; that these policies are standard county policy and required of all BACs, and we will not be able to meet electronically without having approved them; and finally, EQAC approved with no concerns.

***Commissioner Kolish moved to approve both policies, Commissioner Holland seconded the motion, 10 in favor, one abstention, motion carried.***

### **Current Commission Business Items**

#### **1. Discussion of 2022-23 Meeting Survey:**

Only 2 people did not respond. There was one day of the month that had NO conflicts and no holiday or religious observance conflicts: the first Thursday of each month. Note: the other two options were the first Tuesday of each month (conflict with Yom Kippur), and the fourth Thursday of each month (conflict w/ Thanksgiving). After some discussion of starting times, it was decided to go with 7 pm electronically, 7:30 pm in person. Survey is attached to the minutes.

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***Commissioner Peters moved to approve the first Thursday of the month at 7pm electronically or 7:30 in person, Commissioner Vickers seconded the motion, all in favor, no abstentions, motion carried.***

Chair Speas noted for the record: The new Tree Commission meeting day will begin September 1, 2022 and end July 6, at which meeting the Commission will reassess. The time will be 7 pm electronically, going to 7:30 pm if in person. Staff will work hard to have a room for us if the order is lifted in September. A question arose about why it needed to be at the Government Center (or Herrity Building) and not at other district centers or park authority venues. Brian noted that the building must be open and accessible and must be staffed for security (which is free at those venues). Other central locations require paying security.

## **2. Status of Friends of Trees Awards**

Jeanne Kadet reminded everyone the deadline is July 31 and there are only two submissions. We could extend the deadline, but we were hoping for more at this point. Hoping Commissioners can remind their supervisory offices and UFMD can remind staff. Nominations can be made on the website. Chair Speas noted there are two more coming in before the deadline. Jeanne noted to all that this is a pilot that combines the past Tree Planting and Preservation awards with individual/organization Friends of Trees Awards. Director Keightley reminded all that a press release has been distributed two times through the Public Information Officer of DWES. But there has not been an increase in applications.

## **3. Update on 2021-2022 Annual Report Update**

Chair Speas explained sending a draft AR prior to this meeting has been delayed by some overdue chapters and other factors. There is extra time in the schedule built into August, and everyone should have the AR to read by the next meeting. Since our vote tonight has moved our first fall meeting up to September 1, the schedule for editing, discussion, formatting and voting on a final draft will need to be adjusted and stay flexible. It will be critical that we continue to have a quorum for the next meetings so we do not delay a final vote. Thanks went to those who have turned in their work and those who are still doing follow up and data gathering from others.

## **UFMD Director's Update – Brian Keightley**



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- Dir. Keightley gave another FOIA reminder: please remember that blind copy is the only safe way to engage with other Commissioners if there are more than two people in the discussion. If you are ever in doubt, use the poison ivy leaf “rule of three, let it be.” Recent example: Lovettsville’s town council had a discussion on a private forum. A court found them in violation of FOIA rules, and they were fined.
- Forest Pest Branch has entered into a contract with Virginia Tech’s Conservation Management Institute to complete a new i-Tree eco-study to assess the quality of our forest. They will do point sampling in several 10 acre plots (how many stems, how much biomass, a base of species data including infestation).
- Tree canopy multi-spectral (aerial) study is in procurement, but it’s hopeful there will be results this fall. It will include changed detection analysis, and it is also hoped that going forward we will have a system that can get regular updates so that procurement does not repeatedly occur. Frequency of the analysis updates is still being discussed.
- The Not In Package (NIP) to the Board outlining the Casey Trees pilot and outlining a new partnership project was approved. Dr. Keightley is meeting with OEEC’s Kambiz Agazi for further discussion, and it is looking very positive that a large countywide effort can make a difference (in planting more trees) especially in vulnerable, ecologically sensitive neighborhoods.
- UFMD is putting together an Oak Decline town hall soon. Due to multiple environmental stressors, including insect disease and drought, mature oaks just “crisp up.” UFMD is receiving a lot of questions about it including from supervisors. They hope to have Adria Bordas and Lori Chamberlain (Virginia Department of Forestry) to help explain this issue.
- DPWES, Stormwater Planning, UFMD, Forest Pest Branch, FCPA, Facilities Management Div.—all agencies that participate in natural resource management—worked to add an Invasives section to the county website.
- Dir. Keightley has also been working with DPWES Director, Chris Herrington, and Chair Speas about establishing a memorandum of expectations from staff to Tree Commission that’s clearly laid out, and that can be adjusted as programs grow. Hope to share in an upcoming meeting.

### **Announcements**



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Bret Leslie: Report from the Community of Practice Steering Committee is the fall meeting of the COP will be held September 28 from 1-3pm. Brian will be sending out a Save the Date this week or next. Cindy noted that Commissioner Frank will be speaking to the group about the Tree Steward program. There is a great agenda.

Cindy Speas: As the Commission's member-at-large, it was terrific to watch Channel 16 this past Tuesday as the BOS honored our past member and Chair, Cathy Ledec, for her environmental leadership. Dir. Keightley was present. The honor also was the lead in Chairman McKay's weekly newsletter. Cathy's remarks included asking the BOS to be responsive to the TC and to the needs of the urban forest. As Sup. Storck and McKay said, they don't know what they will do without hearing from her. Speas suggested we might raise our voices like her, to make sure the BOS doesn't lose momentum, energy and excitement she brought to this work.

Once again, welcome to Elaine and Perry for joining us.

**Adjournment: 8:50 pm**

Attachment 1: Electronic Meetings Policy

Attachment 2: All-Virtual Public Meetings Policy

Attachment 3: Meeting Day Survey