

**MINUTES OF JOINT WORKSHOP
WITH MEMBERS OF THE CITY COUNCIL OF PEACHTREE CITY
AND PLANNING COMMISSION**

June 7, 2011

A joint workshop with members of the City Council of Peachtree City and the Peachtree City Planning Commission was called to order in the City Hall Council Chambers at 6:30 p.m. on June 7, 2011. Those present were Mayor Don Haddix and Council members Kim Learnard, Vanessa Fleisch, and Erik Imker; Planning Commission Chairman Patrick Staples, Vice Chairman Lynda Wojcik, and Commissioners Horace Batiste and David Conner. Also present were the Community Development Director, Mr. David Rast; the Planning Coordinator, Mr. Anthony Bernard; and the Recording Secretary, Ms. Jennis Rice. Chief Skip Clark and Sgt. Kay Crider from the Police Department were also in attendance.

Mr. Rast explained that there were three items on this agenda. Staff was asking for feedback and hopefully direction from City Council as to how to move forward with two of the items, the proposed alignment of the MacDuff Parkway multi-use tunnel path connection and the proposed amendments to the tree removal permit process. The third item would provide information relative to the status of the Comprehensive Plan Update.

Proposed Amendments to the Tree Removal Permit Process.

Mr. Rast stated that the tree removal permit process had been a struggle for some time, trying to come up with something that was agreeable to the majority. He provided a little bit of background which he noted had probably been heard several times before:

- The ordinance had been updated in 2004.
 - Prior to that time, the city had a lot of problems with rogue tree removal companies and there was nothing in the ordinance that required any follow-up with the tree removal companies. As a result, the ordinance was changed as follows:
 - Permits were required for any tree over 3" in caliper;
 - Tree removal companies operating within the city limits were required to register with the City and provide insurance information and additional documents that were kept on file;
 - Expiration dates for permits were established as well as penalties for not cleaning up the area.
 - Penalties were enhanced for removing vegetation and trees within greenbelts and city-owned property. Previously there was nothing on the books to unilaterally enforce this; it had been handled on a case-by-case basis.

Mr. Rast stated that enforcement of the Tree Ordinance had been a hot potato the past couple of years. The way the ordinance was written, it was administered through the City Planner's office. However, in the past three to four years, this responsibility had been assigned to Code Enforcement who was subsequently transferred to the Police Department; then to the Building Department while one of the Code Enforcement officers was on medical leave; and then went back to Code Enforcement.

Mr. Rast explained the way the permitting process worked. When someone wanted to remove trees from their property, they would submit an application by fax, in person, or online. Once received, one of the Code Enforcement Officers input the information to the GovQA database and visited the property to look at the trees that had been marked for removal. They also ensured that, if there was an active HOA, they had their approval. They photographed the trees and then came back to the office to input this information into the database. This was done for each individual permit and was a very time-consuming process. He noted this was mostly recordkeeping because very few tree removal requests for residential property were denied.

Mr. Rast further stated that the ordinance was written in a way that Staff really did not have the ability to deny a permit unless it was a specimen or protected tree. Even then, if the homeowner could provide a letter from an arborist that said the tree was in danger of falling or posed a hazard, they were allowed to remove it. Staff had spoken with the City Attorney and had done some research about the City's liability if someone was denied the ability to remove a tree from their property and then it fell on their car, their neighbor's property, etc.

Several months ago, it was reported to City Council that since mid FY 2010, more than 7,000 permits had been issued and had resulted in over 43,000 trees being removed from residential property. One of the arguments was that Staff did not document how many trees were replanted. Mr. Rast thought it was a pretty good bet that 43,000 trees had not been replanted.

Mr. Rast further stated that Staff had researched ordinances from various jurisdictions to see what other communities were doing. They found there was no clear-cut answer as to how jurisdictions were administering tree removal:

- A lot of them were doing away with the permitting process all together because of the staffing levels and the time it took to administer them.

- The other extreme was jurisdictions that had certified arborists on staff and tree boards where it was a very complex process to get approval.

Mr. Conner had spoken to a local tree company who mentioned how strict the cities of Fairburn and East Point were to the point that someone could be put in jail for cutting trees. The police actually enforced their ordinances.

Mr. Rast stated that the intent was to find a way to strengthen the City's ordinance without over-burdening Staff because we were limited in our ability to enforce the ordinance. The options Staff had come up with included the following:

- Leave the ordinance as it was and let the current process remain.
- Do away with the process all together.
- Establish education programs for residents.
- Establish limits to the number of trees that could be removed in a calendar year.
 - This was suggested in 2004 or 2005 but was not well received by the public or the City Council at that time. They felt this was infringing on personal property rights.
 - Logistics and tracking would be extremely difficult for Staff with the reductions there had been.
 - Most recently, there had been discussion about establishing a permit fee for tree removal permits to try to recoup some of the costs associated with staff time.

Mr. Rast provided the following suggestions which were based on a lot of the research that had been done. This was a place to start and could be monitored to see how they worked; if necessary, modifications could be made:

- Currently, the ordinance required a tree removal permit for any tree over 3" in caliper. Oftentimes, though, a request to remove 30, 40, or 50 trees only included five or six that were good sized.
 - A tree removal permit for 55 trees recently came in for Smokerise subdivision; however, Mr. Rast noted that a significant amount of those trees were 3" in caliper and less.
 - Code Enforcement inspected and photographed each of these trees for their records.
 - Staff's suggestion was to increase the size to 6" so that anything less than 6" in caliper would not require a permit, but any tree over 6" would require a permit.

- The ordinance would still require that a letter from a certified arborist be provided if it was a specimen or protected tree, i.e., the larger pines, larger maples, and larger hardwoods. These were trees we would prefer to keep and were identified in the ordinance.
- Council Member Learnard asked what the arborist's letter said. Mr. Rast said it basically said that in their opinion, this tree might or might not fall and it would be in the homeowner's best interest to remove it. He was not aware of ever having received an arborist's letter that said the tree was in perfect health and should not be removed.
- Ms. Wojcik thought it would make more sense for the City to contract with an arborist who would be more impartial. The homeowner would pay the fee for the City Arborist to come out and inspect their trees. Mr. Conner noted that this would still bring the liability to the City; Ms. Wojcik agreed.
 - Council Member Learnard wondered whether the property owner would be able to remove the tree if the arborist determined it was healthy. Mr. Rast stated that the way the ordinance was currently written, the City could not deny them the ability to remove a perfectly healthy tree. In view of that, Council Member Learnard and Ms. Wojcik did not see the sense in requiring a letter from an arborist.
 - Council Member Imker asked whether the homeowners' association (HOA) could deny it. Mr. Rast said they could.
 - Mayor Haddix thought homeowners gave HOA's their authority when they signed their closing papers. In contrast, City ordinances were imposed on them.
 - Ms. Wojcik did not think this was any different than her being told she could not have chickens in her yard, even though she wanted fresh eggs. There were rules residents of Peachtree City had to follow.
- Mr. Staples pointed out that the difference with tree removal was that it was a liability issue.
- Mr. Rast pointed out that there were jurisdictions that required minimum tree credits for their properties. Whatever property owners did to their yards, they still had to maintain a certain number of tree density credits. He thought this was one way to resolve this issue but these jurisdictions had arborists and staffs in house and we did not.
- Mr. Batiste was concerned about the way the responsibility of inspection was being moved from one person to another person to another person. He had no idea what it cost time-wise for the City to monitor that particular office, but Chief Clark and Sgt. Crider said they had figured that out. Mr. Batiste thought

they would be able to figure out what permit fees would be required; he felt the costs should increase proportionately if there were more trees.

- Chief Clark noted that they did not turn down very many permits. As part of the permit process, they photographed what the property owner was proposing to do and then, when the job was completed, what they had done. Without standards, all they were doing was providing documentation which did not change what was being cut down. He noted that 99.9 percent of the time, the permits were issued.
 - Mr. Batiste thought the administrative costs and those associated with the officers and their vehicles should be paid by the persons receiving the services.

Mr. Rast further stated that some jurisdictions were actually asking for documentation of the size and species of trees that were being removed. These were communities that had active tree banks and funding for tree replacement. Council Member Learnard asked where these jurisdictions got the money for this function. Mr. Rast explained that some communities allowed retail developers who could not meet the tree replacement requirements on the property they were developing to bank trees in the city fund. In essence, they were paying the city not to have to meet their landscaping requirements.

Council Member Learnard wondered about residential development. Mr. Rast was only able to find tree banks for commercial development.

Mayor Haddix thought HOA approval should be part of all processes (variances, permits, etc.) and should be submitted at the time of application. He thought this would save a lot of staff time. Council Member Learnard wondered if people who were in an HOA were being treated differently than those who were not. Mayor Haddix did not think so.

Mr. Staples liked this idea because it pushed the accountability for monitoring to the HOA where it was most relevant. He also thought the whole process should be automated which would cut down on staff time. Council Member Learnard wondered if there was a system that was working and could apply to Peachtree City.

Mr. Rast stated that the City of Newnan had a stringent tree removal process for residential and commercial development. The ones that were working were the ones that had people dedicated to enforcing the ordinance. Our situation was that we were stretched too thin doing what we did. If we created an ordinance that would require more staff time to administer, that would take Code Enforcement Officers away from their other duties.

Ms. Wojcik thought a permit fee of \$25 or \$30 would probably pay for a part-time arborist for the city. Averaging 10,000 trees per year, that was a fair amount of money.

Mayor Haddix thought HOA approval was critical and should be included with the initial application.

Mr. Conner liked the building permit process and thought payments and HOA approvals should be automated. If the process was not automated, staff would have to be involved.

Council Member Learnard thought that if the City was going to start denying people the right to cut down a tree, that philosophy should be examined. If not, should property owners be required to keep their tree density by replanting? The current situation was that we were spending a lot of man-hours documenting trees that had been cut down.

Council Member Learnard also pointed out that there had been no discussion about beefing up protection for the greenbelts. She could point to places on Lake Peachtree where people had obviously taken trees out to improve their view. Since their fine was only \$200, they continued to do this. If nothing else, she thought Council and the Planning Commission should take a hard look at how the greenspaces could be protected. This was a no-lose situation. She thought a fine of perhaps 10 times the penalty should be invoked if a property owner was found guilty of taking trees out of city greenspace. This would provide a balance and allow homeowners to decide what was right on their own property, permit free.

Mayor Haddix felt that property owners who took out all of their trees damaged the value of the homes around them. Neighboring homeowners also had the right to protect their home values.

Ms. Wojcik agreed and noted that the City also did not allow residents to plant tomatoes and corn in the front yard.

Ms. Beth Pullias, a resident of Kedron Village, said this was a difficult decision because a lot of people felt the city had a responsibility to ensure the city remained a Tree City and that we prioritize our treesave, whatever the cost. If that was the priority, the city needed to pay to ensure this was done. On the other hand, there were those who thought nobody had the right to tell them what they could do on their property. However, people chose to

live in Peachtree City and if the City decided on something, these people should live with it or leave.

Mr. Conner asked what the consensus was. Did the City have the ability to tell a property owner he could not remove a tree from his yard? Mr. Rast noted that the City did not currently have the ability to do that.

Mayor Haddix wanted to know where the balance was between the homeowner's rights and the rights of the rest of the city or his neighbors.

Ms. Pullias thought this was a valid point and that balance was the key. However, there always would be a range of people who thought both ways. The city needed to decide how important this was and then enforce it. The main problem right now was enforcement.

In response to an inaudible comment made by Council Member Imker and Ms. Pullias' comment about lack of enforcement, Mr. Rast confirmed this was not in any way an inference to city staff. There were numerous comments affirming that was not the case; the problem was there were no rules that could be enforced.

Mr. Rast thought the proposed ordinance would enable the City to deny some tree removal permits. He also thought the tree density credits that were allowed in some jurisdictions should be explored further. If adopted citywide, it would enable us to say that everyone had to do it, whether mature trees or newly planted trees. He noted this was not so much about bringing revenue to the city but ensuring tax money was not being spent across the board for a couple of people.

Mr. Staples thought it only made sense to have a fee although this was a disincentive for people to participate in the permitting process.

Mr. Batiste thought the fee should be tied to the number of trees being removed.

Mr. Conner understood the average call to a tree removal company was for less than seven or eight trees. There usually was one big one but while the tree company was there, some of the smaller ones would also be removed. He suggested a tiered structure might be appropriate and liked the idea of mimicking the building code permits. He thought this was better than spreading the costs to everyone.

Mr. Rast noted that East Point only required permits for specimen trees.

Council Member Imker wanted to know how much a new tree cost and who would determine where it would be planted. The cost was dependent on the size, but it was estimated an average tree would cost approximately \$100.

Ms. Wojcik would like to see some of the permit fees go into a tree fund for the city to replace trees in greenbelts where homeowners had cleared out the area.

Council Member Imker proposed that the ordinance be changed to require a permit for trees greater than 6" caliper. He also wondered why all of the paperwork was on the city.

He proposed the homeowner provide the following items as part of the permit process:

- A picture of the tree showing the circumference and species (the picture should show a tape measure around the tree).
- Proof the trees were on their property. If it was found the trees were not on their property, they would have to pay a 10 or 25 percent penalty fee.
- A letter of approval from their HOA.
- For specimen trees, a letter from a certified arborist should be provided; no one from staff should have to inspect the trees.
- Staff would then make a record of the information provided.

Council Member Imker was in favor of property owners either paying a permit fee or replacing trees one for one. He was up for allowing them to replace the tree without paying a fee or the City assigning a fee if they did not want to replace it; this would be in lieu of the permit fee. He also thought the current policy of the city not being involved in determining whether the tree should come down should continue. There had been a few incidences over the past 50 years, but he did not think the city should overreact. He did not like the idea of a density credit as it would be another complication and more work for the city.

Ms. Wojcik thought there should be a provision for emergency situations where trees needed to be removed.

Council Member Imker noted that by requiring the above items be provided by the person who wanted to remove the tree, 99 percent of the work the city was currently doing would be eliminated. If HOA approval was not included, the permit would not be issued.

Mr. Staples liked the premise of a fee schedule but thought it must be related to the activity itself and the burden of staff and could not be arbitrary. He wondered if there should be a uniform permit fee and something else to address the tree credit. He deferred this to the City Attorney. If this structure worked, he was good with it.

Council Member Imker thought the fee should be a maximum of \$25 to remove a specimen or protected tree and \$10 for other trees. Mr. Conner wondered how trees that met the size requirement but were not identified as specimen or protected would be handled. Council Member Imker thought the fee for those trees should also be \$10. This new fee schedule would generate approximately \$100,000 a year which would go to a fund to replant trees. Ms. Wojcik thought this would be a good thing because there were a lot of trees in the city that should be replaced.

Council Member Fleisch asked about the numbers relative to the cost. Sgt. Crider did not have the figures in front of her, but she said it was about the current salary of one of the Code Enforcement officers.

In response to comments about specimen trees, Mr. Rast stated that the ordinance defined both specimen and protected trees.

Council Member Fleisch thought the tree services would provide this information as part of their service. Mayor Haddix said that was what he would prefer. Council Member Imker thought the responsibility of obtaining the permit should belong to the homeowner. If they wanted their contractor to get it, they could. Mr. Conner said the building permit process worked the same way.

Mr. Rast explained that the ordinance defined a protected tree as any deciduous canopy tree 15" in diameter, any evergreen canopy tree 18" in diameter, or any understory tree 4" in diameter. Council Member Imker thought a protected tree could be any tree over 30".

Mr. Conner liked the idea of a contracted arborist who could look out for the city's best interests. Mayor Haddix wondered what point there was in sending an arborist out if they were going to be able to cut down the tree anyway. The only reason to send out an arborist would be if they could prevent the tree from being cut down. He thought the City Attorney should be asked about whether "acts of God" or "nature" would exempt the City from liability. He had no problem with the 6" caliper. His only question was whether there was any protection provided for the neighbors. Council Member Imker said there currently was not.

Mayor Haddix was a firm believer in HOA's, but the problem was that if only one homeowner out of 50 said "no," the answer would be "no."

Council Member Fleisch asked what kind of input staff had gotten from the City Attorney. Mr. Rast thought Mr. Meeker was waiting for the next round of the ordinance to come through.

Mr. Conner pointed out that when a healthy tree fell on a home, insurance would cover the loss. However, if a dead one fell, they would not. He thought the same concept would apply. Mayor Haddix thought the issue of the potential liability against the city was possibly being spun too heavily.

In general, Mr. Staples liked Council Member Imker's proposal. He would like to continue to fine tune the size of the trees. He thought the size requirement for specimen trees that were understory should be reduced. Council Member Imker suggested that there be a \$25 fee to cut down any specimen tree. Mr. Staples thought this was a vast improvement over the current process.

Mr. Conner thought "caliper inches" should be used since this was the industry standard. However, Council Member Imker and Ms. Wojcik thought citizens were more familiar with "circumference" or "diameter" than caliper inches or dbh (diameter at breast height).

Chief Clark asked whether homeowners were going to do all of this without any follow-up by the City.

Mr. Staples thought most of the time it was just time wasted for City Staff to go out and re-inspect when the job was finished. He did, however, think it would be appropriate for the homeowner to provide physical documentation, before and after pictures.

Ms. Wojcik thought there should be follow-up after the fact to ensure only the permitted work was done. If more than that was done, there should be a penalty. Part of that money should go to pay City staff and the rest should go into the tree fund for replacement of trees in the city that had been removed.

Council Member Learnard suggested these permits be handled like the burn permits were handled; the homeowner called to register their address.

Mr. Conner disagreed. He thought this was just a glorified tree tax and that the city should come up with something that kept people from cutting trees.

Council Member Fleisch thought this process just encouraged counting but now we would be charging people to cover the costs of counting the trees. There would be fewer permits because of the increase in caliper inches, but this was not a conservation permitting process.

Mayor Haddix said he wanted the following:

- The tree companies to do it, not the citizens, because they had more at stake to document accurately;
- The liability aspect to be checked on; and
- To see if there was a way to protect the neighbors and justify the causes.

Without that, he felt this was pointless.

Council Member Imker stated that the only way we could prevent trees from being cut down was to include it in the ordinance. He did not think we were at that point. Mayor Haddix thought that was where we needed to go.

Mr. Batiste pointed out that when too many trees were removed, runoff increased, temperatures in the area increased, and aesthetics were affected. He thought Peachtree City was one of the prettiest places he had ever seen.

Council Member Imker suggested this proposal be implemented while they continued to think of ways to write something more.

Mr. Staples agreed with that. Although this might not have much teeth, there were no fewer teeth than what we had now and it increased the chance the HOA would be involved as well as individual accountability. It also allowed flexibility and did not increase the City's liability.

Mr. Batiste said the environmental concerns were at the forefront for him. Mayor Haddix agreed that stormwater and environmental concerns were being neglected. Removing trees added a burden to our stormwater system and increased daytime temperatures.

Council Member Imker agreed but thought this much of the ordinance could be implemented now and they could continue working on the other concerns. He thought this should be implemented at the City Council meeting on July 21.

Ms. Wojcik thought there should be a timeline. This portion of the proposal should be implemented immediately and a time frame should be set to come up with a proposal as to how they would say "no" to people.

Mayor Haddix was frustrated because this was his second Council that had been fighting this issue; it had been years.

Ms. Pullias did not think they had enough information to make any changes to the ordinance that were going to matter. She thought if this was implemented, people would not comply but would cut down whatever they wanted to. She did not see how they were going to track the penalties since no enforcement was laid out. This was a city problem and affected the entire city. She did not think they should put a band aid on this problem but that it should be done correctly. Council Member Imker thought this was going to take a long time. There was not time at this meeting to come up with reasons to deny permits. Ms. Pullias thought it was necessary to do so.

Mr. Conner thought tree removal permits for specimen trees over a certain size should not be approved unless the City-designated arborist determined there was a reason the tree was not healthy.

Council Member Imker thought the process should be kept simple.

Ms. Mary Giles, a resident of Braelinn Village, stated that when they moved to Peachtree City 15 years ago, they were concerned about a large tulip poplar tree that might come down on their property. They called the City and were referred to the County Extension Service. A certified arborist came out, at no cost to them or the City, and examined every tree they asked him to. She wondered if the County Extension Service had an arborist the city could rely on. Mr. Rast stated he did not know whether there still was an arborist at the Fayette County complex. Ms. Giles suggested looking into that possibility first as they would be a neutral party. If an arborist was not available from the County, Ms. Giles wondered if a certified arborist, or one or two tree companies that operated in the city, should be consulted on this issue to see what they thought would be right for the city.

Mr. Conner noted that he was not a licensed forester or arborist, but he had a degree in Forestry. Council Member Imker wanted to get something on the books as soon as possible. Mr. Staples also thought something should be implemented. If marked areas of improvement were found, they should be implemented, and then continue working on this issue.

Ms. Giles stated that in some neighborhoods where there was no HOA, the issue was not getting your neighbor to stop taking down the trees but rather getting them to take down trees. The number one reason people refused to take trees down was the cost. She thought this should be taken into consideration because adding an arborist fee could be a detriment to certain homeowners.

Council Member Fleisch asked whether the City had ever required an arborist letter. Mr. Rast stated that a few years ago, the City started requiring an arborist's letter for a protected or specimen tree but until then this had not been a part of our ordinance. He noted that in the past, Pathway Communities/Peachtree City Development Corporation (PCDC) might have had such a requirement when they were involved in the tree removal permit process. Council Member Fleisch felt they were spinning their wheels on this. She would like more information from East Point and how their process had changed.

A Peachtree City resident, who did not identify herself, stated that one of the reasons they bought their house on Hip Pocket when they moved here in 1978 was because of the beauty of the dogwood trees on this road. At that time, there was a very strict ordinance that allowed them to remove one tree per year with approval. She read a note she had written to Mr. Rast in 2006. In the note, she asked how it was possible that an ordinance was passed on December 2, 2004, that made no provision for limiting the clear-cutting of hardwood and cone-bearing trees on residential property. The only criterion was to have a 90-day permit signed at City Hall.

This resident was interested in this issue because in the past she had neighbors who had taken down approximately 21 trees so they would have an unencumbered view of the lake, and shortly thereafter, another neighbor removed 12 trees from their property. The worst thing for her was when a neighbor who moved here from Arizona decided to remove 38 trees from their property and two months later decided he did not like Georgia and moved back to Phoenix. She felt removal of these trees had changed the eco-structure of her yard; plants and trees had died because they had gone from deep shade to full sun.

Mr. Rast explained in the letter he sent to her that due to resistance from some in the public to the portion of the original proposal which would have restricted the removal of existing trees on residential property to no more than five trees per year (30" caliper), it was not included in the final recommendation to City Council. She resented the fact that a minority could come in and change the rules and urged the city to remember why people moved here.

Mayor Haddix thought there had to be some kind of preservation.

Council Member Imker suggested the following be part of the tree removal permit application:

- A picture of the tree's circumference;
- Information as to whether this was a protected tree;
- Proof that the tree was on their property; and
- An approval letter from their HOA.

Mr. Conner liked the idea of having an arborist; without an arborist, he felt this was a "tree tax." He did not oppose having a tree tax to pay for an arborist, the benefit being that an arborist would not support taking down a healthy tree of a certain size.

In response to a scenario Ms. Wojcik suggested, Mr. Rast stated that a tree removal permit was not required for a swimming pool or an accessory building because they were considered part of the development. A letter from an arborist was not required unless the tree was a specimen tree.

Council Member Fleisch asked how often people had been cited under the current ordinance. Sgt. Crider said it was rare; citations were usually overturned by the judge because homeowners typically said it was a safety issue.

Council Member Imker thought this was a waste of Code Enforcement's time.

Mr. Rast pointed out that there was language in the ordinance that if someone was caught removing trees without a permit, instead of the fee, they could be cited and taken to Municipal Court where another realm of citations would be involved. He further explained there also was language where if someone was clearing out a greenbelt or opening up views of the lake, City Staff could make recommendations to the Municipal Court relative to the fine. This had been effective.

Mr. Rast did not know whether we would ever have a perfect ordinance but he thought we needed to start with something. He said he would find his notes from the Advisory Board and noted that the proposed ordinance was a lot more stringent than what was approved because four or five people spoke against it at the City Council meeting. He was fairly certain that the limitation of one tree per year involved a PCDC covenant, rather than the City.

Mayor Haddix noted that this had been discussed in 2008, 2009, 2010, and now 2011. The discussion had been the same, and they had gotten nowhere.

Ms. Wojcik thought all of these suggestions should be incorporated into the ordinance now and this topic should be revisited in six months to incorporate more rules. She thought there had to be a way to deny a tree removal permit. The Mayor agreed, adding that the following were needed:

- Clear cut legal statements on liability where it was an act of God;
- Clear cut definitions of a specimen tree;
- Clear ways to deny a permit; and
- Clear penalties.

Mayor Haddix thought the onus should be on the tree removal company rather than the homeowner; they should be the ones pulling the permit. It was agreed that if the homeowner was not going to remove the tree himself, the tree removal company should pull the permit

Mr. Rast noted that the ordinance, as currently written, did not prohibit anyone from taking down the tree themselves. However, if that work was contracted out, they must use a tree removal permit company approved by the City.

The unidentified resident read a portion of a letter she received from Mr. Rast in 2004 where he explained that the language in the ordinance had been helpful to City Staff in working with individual property owners to explain the benefits of leaving natural vegetation on their property as well as monitoring the various tree removal companies operating in the city. She was not in favor of trying something for six months to see what would happen; she thought a decision should be made. She also suggested real estate agents be made aware of the restrictions on tree removal.

Council Member Imker reiterated that he felt something needed to be done now and then follow that up with specifics about the various reasons a permit could be denied. He did not think the follow-up proposal could be ready for the City Council meeting of July 21 but was expecting to see the initial proposal on that agenda.

Council Member Learnard asked how this proposal compared to what the City of Roswell was doing. Mr. Rast would have to look that up. He noted that Roswell, Sandy Springs, Milton, and some of the newer communities were hitting this issue head on. Ms. Wojcik suggested taking an existing ordinance that preserved the trees better than what our ordinance did and adopting the same thing. Mr. Rast said he would do some research on the other ordinances and, if there was other language that was more restrictive, he would send it out via e-mail. He appreciated the input that had been provided.

Proposed Alignment of the MacDuff Parkway multi-use tunnel path connection.

Mr. Rast explained that this project was identified several years ago as part of the Livable Centers Initiative (LCI) plan. There was a gap between one of the path connections and the tunnel underneath MacDuff Parkway.

To provide a little history, Mr. Rast stated that when MacDuff Parkway was being designed, Staff realized there needed to be a grade-separated crossing. They worked with the developers to design and construct a tunnel which was built as part of the road construction project, but the tunnel connections had not been installed. As part of the LCI study, Staff came up with a plan working with the developer of the retail on the north side of SR 54 and the owners/managers of the Camden Apartments. However, there had never been a firm commitment for them to construct the paths so the City was left with an unfinished connection to the tunnel.

Mr. Rast further described the development in the area and noted this was a very challenging site with headwalls on either side which meant there was a stream that was piped as part of the construction, a portion of which went under the access road and accepted water from the highway. There was also a pipe for a stream that went underneath MacDuff Parkway to the detention pond and ultimately through Wynnmeade to Wynn's Pond. There was an active stream that flowed through the property. There were also some extreme slopes of about a 20' to 25' grade difference between the access road and where the path connections needed to be. He said there were a lot of issues with the site which was in a very tight space.

A concept had been presented to Council several months ago, trying to designate some funding for this path. That concept was developed by the consultant for pricing purposes and would require retaining walls and a barrier wall next to the back of curb.

Mr. Conner thought this would be a dangerous corner coming out of the tunnel. Mr. Rast agreed.

Mr. Rast added that there was a portion of the path that would be on the property belonging to Camden Apartments. He met with Ms. Diane Cordell, Camden's property manager, about this prospect. He noted that it would be an understatement to say she was not thrilled in the least about this prospect because locating a portion of this path on their property would wipe out all of the landscaping, irrigation, and lighting they had installed and maintained. She was also very concerned about people who were not residents of the apartments having more direct access into the apartments. As a result, Staff went back to the consultant and looked at other options. Mr. Rast noted there were wetlands associated with the stream that crossed through this area and they had been delineated. Some geotechnical work had been done, and the possibility of a long wooden boardwalk was ruled out because of the cost and the subsurface.

Bridging the wetland area with a pre-manufactured bridge was another concept that had been considered. Mr. Rast noted that this had been done in other areas of the city. The path would come out of the tunnel providing direct vision across. There would be an asphalt path that would run along the length of the property and tie into an at-grade crossing.

Mr. Rast further stated that Staff then walked the property with Ms. Cordell and Camden's regional and national property managers. This was the alignment they preferred, and it left the entire frontage intact. From a safety standpoint, it separated the path from MacDuff Parkway and took the users to an at-grade crossing where they could utilize the path that was there. Ms. Cordell asked that a security fence and some landscaping be installed along the edge of the path near the first building to provide more separation for the units with balconies in that area.

Mr. Staples, as a resident of Cardiff Park who was intimately familiar with this area, felt Option 2 was the only remotely viable option. He was a huge golf cart path advocate who felt connectivity in the city should be optimized but he was not sure the use of this path would justify its cost. Mr. Conner said he would use it. Council Member Learnard thought this area brought hemispheres together.

Mr. Staples knew that people went through Cedarcroft subdivision, and he did not know why anyone would choose to use this path instead of cutting through Cedarcroft and using that path that emptied into Wal-Mart and Home Depot. Ms. Wojcik thought people would choose this path because there would be more trees and it would be prettier than going through Cedarcroft. Council Member Learnard noted that people wanted the quickest route and also pointed out that legally no one was allowed to cut through Cedarcroft.

Mayor Haddix pointed out that there were no cart paths in the final phase of Cedarcroft, and all of the cheaters where people were breaking through had been shut down. Mr. Staples said he was not talking about the cheaters and pointed out that the most traversed section of the cart path in the city was the Cedarcroft connection to Wal-Mart. If this stayed open, the quickest and best route for the vast majority of the people in Wynnmeade, Centennial, etc., would be through Cedarcroft. Mayor Haddix pointed out that if we ever got the west Gateway bridge, it would be different. Mr. Staples agreed.

Mr. Staples hoped he was wrong, but he thought the users of this particular connectivity would be dramatically diminished as long as the current state prevailed.

Mayor Haddix did not think anyone at this workshop was more intimately acquainted with Cedarcroft than he was. There had been countless meetings with homeowners and the developer about this cart path connection. He noted that since Phase 3 of Cedarcroft was built and the cut-thru's were closed, the complaints from Cedarcroft that the users of the golf cart path were driving between their homes had stopped. Now they were on the streets and did not drive between the homes.

Mr. Staples did not understand why people did not go through Cedarcroft even when the paths were disconnected. Ms. Wojcik thought it was dangerous to cross MacDuff.

Ms. Pullias agreed with Mr. Staples that until there was a gateway bridge, this path would not be used. She thought it was a waste of money to build this now if there was no gateway bridge. She used this path all the time to get to Wal-Mart and could not imagine using the tunnel instead.

Mayor Haddix noted with the gateway bridge, there would be no reason for people to go through Cedarcroft. Ms. Pullias agreed and pointed out there was no gateway bridge now. Mayor Haddix added that business owners in this area were drooling over getting this tunnel connection because it would enhance their businesses.

Ms. Pullias agreed with Mr. Staples. She thought the path made perfect sense when the gateway bridge was installed. There was no point without it. Mr. Staples was in favor of this connectivity, but not now. It needed to be coupled with the entire integration. He could see that the shop owners would be in favor of this, but he thought people would take the shorter route rather than the tunnel.

Mayor Haddix felt that people who lived in the apartments would use the tunnel rather than cross MacDuff. Mr. Staples pointed out that the apartment residents had direct connectivity to the access road already. However, he did agree that theoretically they could use the tunnel.

Mr. Conner asked whether the Commission was to discuss whether or not to do this or to choose an option. Mr. Rast stated that Staff needed guidance, one set of opinions.

Mr. Rast explained that funding (\$156,000) had been set aside for Option One with the retaining walls. At \$185,000, Option Two (pre-manufactured bridge) was more expensive. The design drawings for Option One were probably 80 percent complete, but this had been put on hold when it was found the apartments were not in favor of it. He noted that Camden was pretty much in favor of Option Two, and they were discussing the potential of donating the easement to the city with the understanding we would put up the fence, landscaping, etc.

Mayor Haddix suggested everyone step back and think about the options. In response to a question from Council Member Learnard, Mr. Rast stated that Staff needed to know what option to proceed with. The bid documents could then be finalized for that option and the easement documents provided to Camden. Once final construction drawings were submitted, a more detailed cost estimate could be done.

Council Member Learnard thought it was reasonable to proceed with the easement. Ms. Wojcik suggested that be done now and that the rest be put on hold until we know we will have a bridge. Mr. Staples preferred that Council determine the timeframe since they controlled the purse strings. Mayor Haddix confirmed that everyone was in favor of Option Two. He thought more time was needed to think about the other issues that had been raised.

Mr. Conner wondered if the boardwalk that had been discussed and whether there would be a poured foundations or drainage piles. Mr. Rast said it would be drainage piles, similar

to what they had done at Flat Creek at a cost of approximately \$480,000 due to the access and the unsuitable soil.

All of the members of City Council and the Planning Commission were in favor of Option Two and agreed that Staff should at least get the easements now. This would provide time for everyone to think and also for Staff to get some final numbers.

There was additional discussion, but the comments were inaudible.

In response to comments made by Council Member Imker, Mr. Staples stated that there were probably many other uses for this money today where the City would get more cart path traffic bang for their buck.

Mr. Rast asked whether Staff should stop planning and noted that this path was identified in the LCI Master Plan. As part of the Multi-Use Path Master Plan, Mr. Bernard had spent a significant amount of time rating the paths; this particular path had one of the lower ratings. Mr. Rast wondered why Staff spent time coming up with these documents and priorities. Mr. Staples thought the planning for this path was still relevant and that it would be a great connection when the bridge was installed.

Mr. Conner did not think it was a good idea to build a cart path outside of the city limits. He did not think the path to take Cedarcroft to Home Depot was ever intended to be an artery. He thought it would be responsible to follow through with this plan whether 100 people used it and 1,000 people cut through Cedarcroft. Mayor Haddix thought there would be a lot more than 100 people using this.

Council Member Fleisch noted that there was a city ordinance that said that if a path was available, people should not be on the road. Mayor Haddix did not think this was enforceable.

Council Member Learnard thought we should get the easements for the future. She also pointed out that there was a lot of groundwork, planning, and headway with Camden that could go away if we waited until another day. She thought the artery needed to happen and that we needed to keep our momentum. Option Two had been chosen and these plans needed to continue. The Mayor agreed fully.

Council Member Fleisch noted that the number of carts on the bridge even during the cold spell last January showed the amount of activity in this area historically.

Mayor Haddix also noted that when he met with GDOT, the gateway bridge was on the reject list. This connection was one of the arguments he used as part of the major interchange for filtering out to the whole city to get them to move this from Rejected all the way to Constrained. If the City backed away from this, we would toss the bridge out the window. Mr. Staples said if that was the case, it added incremental value to this project that had not been considered. He requested City Council think about this and possibly traverse the area. He also asked that they not only consider the immediate connections but also laying out the case for people going all the way to The Avenue to use that connection. If a route was problematic, it would deter people from using it. He hoped it would be used.

Council Member Imker thought we should move forward with the easement. However, he was not prepared to spend \$100,000 now for something that might not be needed. Mayor Haddix said that decision on the funding would be made in the future.

Pending Update to the City's Comprehensive Plan and the Tentative Schedule for Completion.

Mr. Rast provided an update as to where we were with this. House Bill 86 had been vetoed by the Governor, and there still was a Comprehensive Plan requirement. The Department of Community Affairs (DCA) had been charged with coming up with the new guidelines. They were forming a task force to try to come up with something that was more acceptable to local governments throughout the state.

Mr. Rast spoke to Mr. Jared Lombard at the Atlanta Regional Commission (ARC) who indicated DCA was going to allow municipalities whose plan updates were due in 2011 and 2012 to request a five-year waiver.

Mr. Rast and Mr. Bernard had been going through the documents the City had prepared in 2007 and 2008 and updating them with current information from the 2010 census as well as a very detailed inventory that had been prepared of all the tracts of land in the city. The data was more real than what they had previously. Staff was still waiting on some updates from a couple of departments to put into the Community Assessment and had also been talking with the City Manager about how to tie the Comprehensive Planning effort into the Strategic Planning effort. In a lot of ways they needed to be done simultaneously and obviously related to each other. They were also still trying to figure out how to move both of these forward at the same time.

Mr. Rast said he and Ms. Nikki Vrana, the Administrative Services Director, had met with some representatives of a consulting firm that had done some strategic planning work for some jurisdictions in metro Atlanta. They had gotten some good insight from them and would be sharing this information with the City Manager in the next week or so.

Mr. Rast stated that in the past Staff had worked with a citizen advisory board on the media assessment and the community participation program. The attendance was robust at the start but trickled to just a few members at the last meeting. He asked for some feedback on that. From a staff level, the advantages were that:

- There would be more of a cross section of the community.
- These types of workshops were more productive because the members were decision makers.

The worst thing about putting together a task force was spending the time to come up with a recommendation and then being told by City Council that they did not want to do that. He cited the tree ordinance and the multi-use path master plan as examples.

Mr. Rast noted that there were critical decisions that needed to be made by the City as a whole, the Planning Commission, and City Council. His opinion was that, as much as possible, they and the public needed to be in the meetings together so that everyone would hear the same thing. For the previous update, Staff went out into all of the villages and had at least one meeting per village; these were pretty well attended (30 to 50 people at each meeting) and a lot of momentum was generated. Subsequent to these meetings, Staff was informed by DCA that the deadline had been extended to 2012.

Until Staff figured out what we were doing with the Strategic Plan and how to approach the Comprehensive Plan, Mr. Rast did not think we wanted to request an extension and not do anything for the Comprehensive Plan. It was important that there be a vision and he wanted everyone to have a voice at the table. This way when it came before Council, they would not be hearing it for the first time and would be comfortable with their decision. He asked for comments and suggestions.

Council Member Learnard said Mr. Rast's point was very well taken and agreed it would be very demoralizing to work with a task force who came up with recommendations that were ultimately shot down by City Council. She asked him what would help him. Mr. Rast liked the workshop format and thought it would be beneficial to have a set workshop date to accommodate both personal and professional travel schedules. People would not

have to attend every meeting. DCA had been pretty specific about the three key elements of the plan that were required. His idea for Peachtree's City Comprehensive Plan was that it include appendices for the Strategic Plan, the Recreation Master Plan, the Airport Master Plan, etc. He had noticed that there were no checks and balances to determine how the different master plans worked out which became an issue when it was time to set the budget

Mr. Staples wondered to what extent the information that was prepared six or seven years ago would be used for this process. Everyone had invested a lot in that process, and he thought that information should be used as a foundation they would build upon for this update.

Mr. Rast said he planned to update the charts, facts, and figures with current numbers and use that document as the starting point. This was the Community Assessment and was a staff-level exercise. It was Staff's decision to involve citizens, advisory boards, etc., which had been beneficial. After the document was updated, he suggested there be a meeting like this one to review the different elements of the plan.

Mayor Haddix noted that the meeting he attended for Aberdeen Village was very effective; he applauded the system that was used for the last update.

Mr. Rast explained how Mr. Bernard and Mr. Tony Whitley of the City's Information Technology department had worked for probably 12 months to update the city's GIS database parcel by parcel. Mr. Bernard noted there were parcels that previously were unidentified.

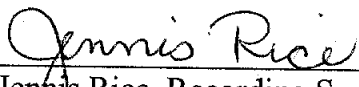
Ms. Pullias wondered if Mr. Rast planned to go to each village again as part of this updating process. Mr. Rast said he did and there would be representatives from City Council and Planning Commission and any other commissions or authorities who were interested. Ms. Pullias thought that was a great idea. Mr. Rast would like to keep design and planning work in-house as much as possible.

Mayor Haddix asked if City Council and the Planning Commission were in favor. They were. Staff was instructed to proceed.

There being no further business, the workshop ended at 9:16 p.m.



Don Haddix, Mayor

Patrick Staples, Chairman
Planning Commission

Jennis Rice, Recording Secretary