

City Council of Peachtree City
Meeting Minutes
January 19, 2017
7:00 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, January 19, 2017. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Others attending: Terry Ernst, Mike King, Kim Learnard, and Phil Prebor.

Announcements, Awards, Special Recognition

Mayor Fleisch recognized Stephen Stoyell of the Police Department as the Employee of the Year for his efforts to help find housing, food, and clothing for a homeless family and in helping the father find a job. Terry Blackburn of the Police Department was recognized for 20 years of service.

Public Comment

Fayette County Commission Chairman Eric Maxwell introduced himself to Council, saying he looked forward to working with them. His district included the east and north sides of the City, south side of Tyrone, and the west side of Fayetteville. Maxwell said he would take phone calls and meetings, adding he was looking forward to a great relationship with the City. He also pledged that when they disagreed, he would not become disagreeable.

Minutes

January 5, 2017, Regular Meeting Minutes

King moved to approve the January 5, 2017, regular meeting minutes as written. Ernst seconded. Motion carried unanimously.

Monthly Reports

Learnard said there had been a "Police Appreciation" donation of \$461, asking what that was. King said that was the remainder of \$2,461 collected by a breakfast group. The funds were used to purchase glass-breaking knives for each member of the department, and the donation was what was left. Ernst added it was the same group that distributed the "We love our PTC Police Officers" items. Learnard expressed her appreciation.

Consent Agenda

- 1. Consider Call to Election Resolution**
- 2. Consider Acceptance of 2016 GMA Liability Management Grant**
- 3. Consider Police Auxiliary Donation for K-9 Replacement**

Ernst moved to approve Consent Agenda items 1 – 3. Prebor seconded. Motion carried unanimously.

New Agenda Items

01-17-08 Consider Bid for Organic Material Grinding Contract

Public Works Superintendent Scott Hicks recommended Council approve the bid from AKA Tree Removal for grinding services at the City's Recycling Center for \$3.50 per cubic yard, with annual costs not to exceed \$40,000 in a fiscal year. He continued that the contract would begin in January and run through December 31, 2017, with an option to extend the contract for two additional fiscal years.

Learnard moved to approve the contract with AKA Tree Removal for grinding services as presented. Ernst seconded. Motion carried unanimously.

Council/Staff Topics

Preview – Land Development Ordinance Amendment Related to Clearing in Greenbelts

Rorie said there had been discussions throughout the past year, and changes had been made to ordinances. This was one of the final housekeeping issues.

Planning & Development Director Mike Warrix said staff had been looking at the Land Development Ordinance for needed improvements as the result of some tree issues that had arisen over the last few months, as well as an issue with greenbelt encroachment discussed at the January 5 meeting. The proposed amendments would be to Section 1133 of the Land Development Ordinance.

A greenbelt was an area of land owned by the City which should remain undisturbed, in so far as possible, from its natural state to form a screen or buffer, Warrix said. Approximately 25% (3,669 acres) of total City land area was City-owned greenbelt and open space. The City was in the process of a Comprehensive Plan Update, and a great deal of information was being updated. As a result, Warrix said the numbers could change.

Section 1133 currently read:

*Clearing, thinning and/or removal of any trees or vegetation within designated natural buffers, undisturbed buffers, tree save and landscape buffers, or any protected area on residential lots **is strictly prohibited** without first obtaining approval from the city landscape architect.*

*Clearing, thinning and/or removal of any vegetation within **city-owned greenbelts is strictly prohibited**. Each removed tree shall be considered a separate offense and will be subject to a citation and/or fine as determined by the judge of the municipal court. In addition to the citation and/or fine, the person responsible for clearing, thinning or removal of vegetation within a city-owned greenbelt shall be **required to replace the total caliper inches of vegetation removed to assist in re-naturalizing the disturbed areas adjacent to their property**. A detailed plant list of all material to be planted must be submitted to the city landscape architect for approval prior to installation, and all plant material must be guaranteed for a period of no less than two years from the date of final acceptance by the city.*

Warrix noted the first paragraph referenced a city landscape architect, and the City did not have one, so that would change. The section clearly prohibited clearing, thinning, and/or removal of vegetation from City-owned greenbelts. It also addressed citations, fines, and restitution.

One of the issues with Section 1133 was a defined form of approval to remove items from buffers. In the past, verbal approval had been given for removal of trees, brush, and vegetation, with no permits being issued. The proposed change would require written approval and the issuance of permits as appropriate.

Another problem had been the issuance of notices of violation (NOV) vs. citations for violations of the ordinance. In the past, trees had been removed from greenbelt areas, and NOVs were issued to the property owners rather than a citation as required by Section 1133, Warrix continued.

There were also no minimum set penalties when an alleged violator went to Municipal Court. Warrix asked for guidance on setting the minimum fine for violations. He suggested the fines be levied on a per offense, per tree basis.

Recommended changes to Section 1133 included:

*Clearing, thinning and/or removal of any trees or vegetation within designated natural buffers, undisturbed buffers, tree save and landscape buffers, or any protected area on residential lots **is strictly prohibited** without first obtaining **written approval and associated permits** from the **Planning and Development Department**.*

Clearing, thinning and/or removal of any vegetation within **city-owned greenbelts** is **strictly prohibited**. Each removed tree shall be considered a separate offense and will be subject to a citation **from Code Enforcement to appear in Municipal Court and a fine of not less than – waiting for Council guidance**.

In addition to the citation and fine, the person responsible for clearing, thinning or removal of vegetation within a city-owned greenbelt shall be **required to replace the total caliper inches of vegetation removed to assist in re-naturalizing the disturbed areas adjacent to their property**. A detailed plant list of all material to be planted must be submitted to the **Planning and Development Department** for approval prior to installation, and all plant material must be guaranteed for a period of no less than two years from the date of final acceptance by the city.

Warrix pointed out that the changes to the ordinance were in red, and included obtaining written permission and permits from the Planning and Zoning Department. Each removed tree was to be considered a separate offense and was subject to a citation to Municipal Court, not an NOV. He reiterated that staff was asking for Council guidance on the minimum fine. He said there had been a discussion with the Municipal Court Judge to ensure Council setting a minimum fine did not interfere with the judge's responsibilities. The Planning and Development Department had replaced all references to a city landscape architect.

The proposed revisions would strengthen and clarify the ordinance, Warrix continued. Essentially, a citation would be issued to those caught removing trees from City-owned greenbelts, and a minimum fine would be assessed. Additional fines could be assessed by the Court depending on the severity/frequency of the violation. The maximum fee per violation was \$1,000. Warrix said staff would bring the proposed amendments to Council for approval in February.

Fleisch noted her concern was the public information campaign. Years ago, lenders had stopped requiring a survey when homes were purchased, and many people did not even know where their property lines were located or if there was adjacent greenbelt. Residents would see their neighbors landscaping and taking care of the greenbelt, and they would think they could do it too. Warrix said they were meeting with Code Enforcement and discussing how to best educate people who had lake properties that had greenbelts or undisturbed buffers. Public education was a big issue and it was worthy of additional study.

King clarified that if there was a buffer area between his property and the street that was dedicated to him, he could do what he wanted to in the buffer. Warrix said if it was identified as a City-owned greenbelt, a property owner could not do what they wanted. King said it was not City-owned and was just a buffer between his property and the street. Warrix said the existing language of the ordinance gave the city's landscape architect the authority to allow a property owner to clear the brush and/or cut small trees. King said that, along the highways, there was growth along the edge of the pine forests. Very little grew in the pine forest. King felt he should be able to clean up that buffer as the property owner. Warrix said most of the buffers that were not greenbelts were located along major thoroughfares, and there were avenues to clean up those buffers. He noted the property on SR 74 at the U-Haul store. The property owner had been given verbal approval to remove underbrush and shrubbery in the buffer. The owner also took out several large trees in the process. There had been similar issues at McDonald's and in front of the Sprouts shopping center at Walt Banks/SR 54. The city landscape architect had properly given permission to clean out those buffers.

Prebor said the proposed changes supported that by requiring written approval. Warrix agreed, saying that verbal approval had sometimes been extended into something much larger than the permission actually covered.

Rorie said there were issues with people, both mistakenly and intentionally, removing trees from City-owned greenbelts. From staff's perspective, if there was clear intent and someone went into a clearly platted City-owned greenbelt and removed trees, then that was destruction of City property. If the City was going to protect the buffers and greenbelts in the next 20 years, then they needed to take a strong stance. The fines needed to be set so there was not a debatable issue. The judge could also require replanting in those areas as restitution. There were cases where dead and dying trees needed to be removed. Rorie said he did not think this applied to privately-owned property since those were not deeded and dedicated to the City.

King agreed as far as City-owned greenbelts and property, but said he had to draw the line a personally-owned property. Living in the City meant certain standards had to be met, and that should require homeowners/property owners to coordinate with Planning and Zoning on what could and could not be done.

Prebor questioned how that would apply to properties with approved landscape plans, saying that could mean there would be concrete and bricks all the way to the highway. King said concrete would increase the impervious surface. Prebor said the incident at U-Haul had probably been an effort to make their business more visible, but large trees had been taken down. He asked if this situation would be covered. Rorie said a property was developed with an approved landscape plan, so they would have to go back to Planning and Zoning as the plan for the development was approved with a landscape plan. The provisions for those changes were in the ordinance. Written approval would be required.

Learnard said she liked the proposed changes, and agreed there should be no more verbal approvals. She would like a recommendation for the fine. Rorie said he was prepared to do that, noting the maximum fine available was \$1,000 per tree. In the spirit of cooperation, the minimum fine could be set at not less than \$500 per tree. Learnard said the fines should not be less than \$500. The devil would be in the enforcement, and it only worked if it was enforced.

Learnard asked the outcome of the McDonald's case. Warrix said there had been restitution, adding there had been a communication breakdown between his office and Code Enforcement. Now that Code Enforcement was in his department, communication had greatly improved. Ernst said the word would be out after a few violations since \$500 per tree was not "chump" change.

Executive Session

Learnard moved to convene in executive session for personnel at 7:37 p.m. King seconded. Motion carried unanimously.

King moved to reconvene in regular session at 8:58 p.m. Ernst seconded. Motion carried unanimously.

There being no further business, King moved to adjourn. Learnard seconded. Motion carried unanimously. The meeting adjourned at 8:59 p.m.


Pamela Dufresne, Deputy City Clerk


Vanessa Fleisch, Mayor