



# CITY COUNCIL MEETING

Mike Davis, Mayor

Denis Shortal,	District 1, Post 1	Terry Nall,	At Large, Post 4
Jim Riticher,	District 2, Post 2	Lynn Deutsch,	At Large, Post 5
Doug Thompson,	District 3, Post 3	John Heneghan,	At Large, Post 6

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## AGENDA

CITY OF DUNWOODY  
41 PERIMETER CENTER EAST, SUITE 103  
DUNWOODY, GA 30346

January 27, 2014  
7:00 PM

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. INVOCATION**

**D. PLEDGE OF ALLEGIANCE**

**E. REPORTS AND PRESENTATIONS**

1. Proclamation - Dunwoody Garden Club. (Mayor Davis)
2. Presentation of ARC Gold Green Communities Certification. (Rebecca Keefer)
3. Proclamation for 2013 Sustainable Hero: Alan Mothner.
4. Recognition of Lieutenant David Barnes for Attaining his Bachelor of Science Degree in Criminal Justice from Troy University. (Chief Grogan)
5. Recognition of Sergeant Jason Dove for Attaining his Associate of Science Degree in Criminal Justice from Penn Foster College. (Chief Grogan)

**F. MAYOR AND COUNCIL COMMENTS**

**G. PUBLIC COMMENT**

**H. MINUTES**

**I. APPROVAL OF MEETING AGENDA (add or remove items from agenda)**

**J. CONSENT AGENDA**

1. Approval of January 13, 2014 Work Session Meeting Minutes.

2. Approval of January 13, 2014 City Council Meeting Minutes.
3. Approval of Name and Charter Amendments of Sustainability Commission. (Rebecca Keefer)
4. Approval of Amendments to No Net Loss of Trees Policy. (Howard Koontz)
5. Approval of Resolution to Authorize Merit Increase for City Clerk. (RESOLUTION 2014-01-XX)

**K. ORGANIZATIONAL AND PROCEDURAL ITEMS**

**L. UNFINISHED BUSINESS**

**M. NEW BUSINESS**

**N. OTHER BUSINESS**

**O. INITIATION OF TEXT AMENDMENTS (FOR CHAPTERS 16, 20, 27)**

**P. PUBLIC COMMENT**

**Q. MAYOR AND COUNCIL CLOSING COMMENTS**

**R. EXECUTIVE SESSION**

1. For the purposes of legal, real estate, and personnel discussions.

**S. ADJOURNMENT**

**DUNWOODY GARDEN CLUB**

**Whereas,** since 1967 the Dunwoody Garden Club has contributed to making Dunwoody a vibrant and beautiful community; and

**Whereas,** it is with sincere appreciation that the Dunwoody Garden Club be recognized for their signature garden project of beautifying the Peachtree Road entrance to the Liane Levetan Park at Brook Run; and

**Whereas,** the Club in cooperation with Brent Walker, Dunwoody Director of Parks and Recreation and Dunwoody native Scott Pluckhahn, Chief Horticulturist and Designer for Hastings Garden Center, established a permanent and updated garden with low maintenance plants utilizing a variety of seasonal color. A water supply was established, improvements made to existing signage, bushes and trees trimmed, compost brought in from DeKalb County sources, and large rocks were purchased and positioned to enhance the entrance to one of Dunwoody’s signature parks; and

**Whereas,** previous garden projects include planting and landscaping contributions at the Dunwoody Library, the Dunwoody High School, the Donaldson-Bannister Chestnut Farm, the Dunwoody Nature Center, the Butterfly Garden at the Brook Run Greenhouse, and the Atlanta Botanical Garden, just to name a few; and

**Whereas,** the updated garden at the Brook Run entrance is an important part of Dunwoody’s future. The talented and hard-working Dunwoody Garden Club members deserve recognition and sincere appreciation for their contributions of beautification for all our citizens to enjoy.

**NOW THEREFORE,** I, Mike Davis, Mayor of the City of Dunwoody, Georgia do hereby thank the Dunwoody Garden Club for your time, leadership talents and gardening expertise. We look forward to your continued projects that truly help to make Dunwoody a beautiful place to live. Well done!

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Dunwoody to be affixed this 27<sup>th</sup> day of January, 2014.

**CITY OF DUNWOODY**

\_\_\_\_\_  
Michael G. Davis, Mayor

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk

## Summary of 2013 Initiatives

- Attainment of Gold Green Communities
- Living and Learning
  - ❖ Events
    - Hosted annual recycling events
      - Earth Day paint collection—partnership with Dunwoody Nature Center
      - Electronics recycling event
      - Household hazardous waste
      - Recycling educational table—DNC Butterfly Festival
    - Storm drain markers
    - Stream clean-up—Dunwoody’s Project Renaissance development site
    - Bike to lunch
    - Tree care workshop
    - Community garden tour
    - Rain barrel fundraiser
  - ❖ Media
    - Monthly Crier articles
    - Facebook presence

## 2014 Proposed Initiatives

- Change name and mission to reflect refocused efforts
- Amend No Net Loss of Trees Policy
- Implement Bicycle Parking Policy on City property
- Complete and begin implementation on Sustainability Plan
- Living and Learning
  - ❖ Events
    - Homeowner Energy and Water Efficiency Challenge
    - Stream clean-up—in partnership with Georgia Perimeter College
    - Transportation event
    - Household hazardous waste
    - Electronics recycling/paper shredding
  - ❖ Media
    - Revisit media efforts
      - Monthly info-graphics with educational tips

**PROCLAMATION**

**WHEREAS,** the City of Dunwoody Sustainability Commission serves to encourage our community to reduce its environmental impact by providing assistance in public education and outreach on sustainability; and

**WHEREAS,** at the core of this mission is our commitment to define sustainable practices and to demonstrate them by honoring those who are most dedicated to reducing our community's environmental footprint; and

**WHEREAS,** the Sustainable Hero of the Year award is given to one exemplary individual, initiated in 2012, recognized by the Commission, Mayor and Council, and our City for their dedication, service, and leadership in sustainable development; and

**WHEREAS,** Alan Mothner, executive director of the Dunwoody Nature Center, has not only been a key leader and educator to the children, families and adults of all ages who visit Dunwoody Nature Center, but also a vital steward of sustainability and environmental awareness in the greater community; and

**WHEREAS,** The meadow at Dunwoody Park is the heart of the Nature Center. After two decades of operation, stormwater runoff and soil erosion had deteriorated the site's functionality, which hosts various events and activities throughout the year. Under Alan's leadership, the property was re-graded, a tiered rain garden system for stormwater collection was installed, and an observation deck was constructed. An educational "window" was also fitted into the terrain in order to show the inner workings of the rain garden system.

**WHEREAS,** Alan Mothner, on behalf of the Nature Center, partnered with the City of Dunwoody to help sponsor an Earth Day paint recycling event in April 2013. The event helped encourage environmentally-friendly behavior among residents and supported Atlanta Paint Disposal's mission to produce reusable paint products for community beautification projects as well as prevented over 1700 gallons of paint from being added to local land-fill.

**NOW, THEREFORE I,** Michael Davis, Mayor of Dunwoody, do hereby proclaim Monday, January 27, 2014, as Alan Mothner Day in honor of his service to the City of Dunwoody and the community as the 2013 Sustainable Hero.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Dunwoody to be affixed this 27<sup>th</sup> day of January, 2014.

**CITY OF DUNWOODY**

\_\_\_\_\_  
Michael G. Davis, Mayor

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk

CITY OF DUNWOODY  
January 13, 2014  
CITY COUNCIL WORK SESSION MINUTES

The Mayor and Council of the City of Dunwoody held a Work Session on January 13, 2014 at 6:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Michael Davis, Mayor  
Lynn Deutsch, Council Member  
John Heneghan, Council Member  
Terry Nall, Council Member  
Jim Riticher, Council Member  
Denis Shortal, Council Member  
Doug Thompson, Council Member

Also Present: Warren Hutmacher, City Manager  
Sharon Lowery, City Clerk  
Billy Grogan, Chief of Police  
Cecil McLendon, Assistant City Attorney  
Lenny Felgin, Assistant City Attorney  
Michael Smith, Director of Public Works  
Brent Walker, Parks and Recreation Manager  
Rebecca Keefer, City Planner  
Kimberly Greer, Assistant to the City Manager  
Lillie Read, Assistant to the City Clerk

A. CALL TO ORDER

Mayor Davis called the meeting to order.

B. ROLL CALL

All members were present.

C. INVOCATION

Council Member Thompson gave the Invocation.

D. PLEDGE OF ALLEGIANCE

Council Member Riticher led the Pledge of Allegiance.

E. MAYOR AND COUNCIL COMMENTS

F. PUBLIC COMMENT

Danny Ross – 1859 Tennille Court – expressed his concerns regarding the CAD-to-CAD Interface Project.

G. CITY BUSINESS

1. Update on the CAD-to-CAD Interface Project. (Kimberly Greer)

Kimberly Greer provided an update on the CAD-to-CAD Interface Project and answered questions of Council. The new target for a go-live date is the end of February. Staff's recommendation is for Council to consider discussion of alternative options at the strategic planning retreat.

H. OTHER BUSINESS

The Mayor and Council reviewed the regular meeting agenda.

I. INITIATION OF TEXT AMENDMENTS (FOR CHAPTERS 16, 20, 27)

There was no initiation of text amendments.

J. PUBLIC COMMENT

Gerri Penn – spoke about the need for tornado/storm sirens in Dunwoody and suggested the City fund the installation of sirens over bike lanes.

Toni Delmichi – was not available to speak.

Danny Ross – 1859 Tennille Court – spoke about his concerns regarding the CAD-to-CAD Interface Project and questioned the management of the project by the City.

K. MAYOR AND COUNCIL CLOSING COMMENTS

There were no closing comments.

L. EXECUTIVE SESSION

1. For the Purposes of Legal, Real Estate, and Personnel Discussions.

Council Member Shortal moved to enter executive session for the purpose of personnel discussion. Council Member Riticher seconded.

Passed: For: 7; Against; 0; Abstain: 0; Absent: 0.

M. ADJOURNMENT

Council Member Thompson moved to adjourn. Council Member Riticher seconded.

Passed: For: 7; Against; 0; Abstain: 0; Absent: 0.

CITY OF DUNWOODY  
January 13, 2014  
CITY COUNCIL MEETING MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting January 13, 2014 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Michael Davis, Mayor  
Lynn Deutsch, Council Member  
John Heneghan, Council Member  
Terry Nall, Council Member  
Jim Riticher, Council Member  
Denis Shortal, Council Member  
Doug Thompson, Council Member

Also Present: Warren Hutmacher, City Manager  
Sharon Lowery, City Clerk  
Billy Grogan, Chief of Police  
Cecil McLendon, Assistant City Attorney  
Lenny Felgin, Assistant City Attorney  
Michael Smith, Director of Public Works  
Brent Walker, Parks and Recreation Manager  
Rebecca Keefer, City Planner  
Kimberly Greer, Assistant to the City Manager  
Lillie Read, Assistant to the City Clerk

A. CALL TO ORDER

Mayor Davis called the meeting to order.

B. ROLL CALL

All members were present.

C. INVOCATION

Council Member Thompson gave the Invocation.

D. PLEDGE OF ALLEGIANCE

Council Member Riticher led the Pledge of Allegiance.

E. REPORTS AND PRESENTATIONS

1. Presentation by Georgians for Local Area School Systems.

Erika Harris and Heyward Wescott presented to Council and advocated for Council's support of HR 486 to establish independent school systems for new municipalities.

2. Presentation by DeKalb County Sanitation - Pilot Automated Trash Collection and Once/Week Pickup.

Billy Malone presented and answered questions of Council. He outlined the



parameters of a new pilot program that the County is planning to test in some areas of Dunwoody, which is once a week garbage collection with 65 gallon roll carts.

F. MAYOR AND COUNCIL COMMENTS

Council Member Riticher thanked the citizens for electing him to his new post and expressed his enthusiasm for working with his fellow council members. He also encouraged citizens to look at the CAD-to-CAD item from the Work Session meeting.

Council Member Deutsch recognized troop members from Troop 494 at Dunwoody Baptist Church and wished the citizens of Dunwoody a happy new year.

Mayor Davis shared his experience of speaking at the Dunwoody Homeowner's Association meeting and encouraged citizens to become members and support the work that they do.

G. PUBLIC COMMENT

Jason Metzger – 5475 Oxford Chase Way – thanked the Mayor, Council, and Staff for implementing the Complete Streets program and incorporating it into the 2014 paving plan. He indicated his support for the plan and encouraged Council to approve it.

Danny Ross – did not speak.

Page Olson – 1148 Redfield Way – thanked Council for their support of HR 486 and indicated that if any citizens want to attend the legislative meetings for this legislative session they have been set for Mondays at 1:00pm.

Toni Delmichi – Ming House – had the City Clerk distribute subpoenas to Council and spoke regarding permits and over regulation.

Travis Reed – 3725 Woodsong Drive – spoke in support of the Complete Streets plan.

H. MINUTES

*(Approved under the consent agenda.)*

I. APPROVAL OF MEETING AGENDA (add or remove items from agenda)

Council Member Shortal moved to approve the meeting agenda. Council Member Deutsch seconded.

Passed: For: 7; Against; 0; Abstain: 0; Absent: 0

J. CONSENT AGENDA

1. Approval of Resolution in Support of H.R. 486 (RESOLUTION 2014-01-XX).
2. Approval of December 9, 2013 Special Called Meeting Minutes.
3. Approval of December 9, 2013 City Council Meeting Minutes.
4. Approval of January 2, 2014 Special Called Meeting Minutes.

Council Member Nall moved to approve the consent agenda. Council Member Shortal seconded.

Passed: For: 7; Against; 0; Abstain: 0; Absent: 0.

K. ORGANIZATIONAL AND PROCEDURAL ITEMS

There were no organizational or procedural items.

L. UNFINISHED BUSINESS

1. Discussion of Updated Concept Plan for Renaissance 5 Acre Park on the 19 Acre Property. (Brent Walker)

Brent Walker presented the updated concept plan for the Renaissance 5 acre park and answered questions of Council. An updated concept design was presented based on comments made at the December 9th Council meeting. The current estimation is that the concept would cost around \$2 million dollars for the entire build-out.

Council was favorable to the updated concept plan. Once some of the engineering design has been developed and Staff has a better idea of the costs they will bring it back to Council to determine if they want to fund the project in one phase or two phases.

M. NEW BUSINESS

1. Discussion of Name and Charter Amendments of Sustainability Commission. (Rebecca Keefer)

Rebecca Keefer presented the Sustainability Commission's request for Council to consider amending the name to Sustainability Committee, as well as approve changes to the mission in their charter. The Sustainability Commission feels that the name Sustainability Committee better suits their new mission of taking on a stronger advisory and educational role in the community.

2. Discussion of Amendments to No Net Loss of Trees Policy. (Howard Koontz)

Howard Koontz presented the amendment to the No Net Loss of Trees Policy and answered questions of Council. The amendment will allow the City leeway regarding the compulsory replacement of trees for mandatory (rather than discretionary) projects such as work along maintenance easements.

3. Discussion of Amendment to the City of Dunwoody Comprehensive Transportation Plan. (Denis Shortal)

Council Member Shortal indicated that he would like to remove verbiage that identifies Mount Vernon Road as a three lane road, and make it three lanes only where necessary. He also indicated that he would like to discuss the matter further at the retreat.

4. Discussion of 2014 Paving Plan. (Michael Smith)

Michael Smith presented the 2014 Paving Plan and answered questions of Council. The recommended 2014 paving list has been developed based on a total paving budget of \$2,101,000. The list generally follows the recommendations of last year's approved 5-year paving plan with revisions to the previous plan noted. The City has budgeted \$1,800,000 for street resurfacing in 2014 and will be receiving an additional \$301,445 of state funding through a Local Maintenance and Infrastructure Grant (LMIG).

N. OTHER BUSINESS

Council Member Deutsch asked to see research about long necked trash cans for restaurants and whether or not DeKalb County actually does any mowing in the right of ways of Dunwoody.

O. INITIATION OF TEXT AMENDMENTS (FOR CHAPTERS 16, 20, 27)

P. PUBLIC COMMENT

Toni Delmichi – expressed his views regarding a \$55 permit fee that the City told him he has to pay.

Q. MAYOR AND COUNCIL CLOSING COMMENTS

There were no closing comments.

R. EXECUTIVE SESSION

1. For the purposes of legal, real estate, and personnel discussions.

No executive session was had.

S. ADJOURNMENT

Council Member Thompson moved to adjourn. Council Member Shortal seconded.

Passed: For: 7; Against; 0; Abstain: 0; Absent: 0.



## **MEMORANDUM**

**To:** Mayor and City Council

**From:** Rebecca Keefer, Director of Sustainability

**Date:** January 27, 2014

**Subject:** Sustainability Commission Refocus

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### **ITEM DESCRIPTION**

The Sustainability Commission requests Mayor and City Council consider amending the name of the City's sustainability advisory body to "Sustainability Committee," as well as approve changes to the charter.

### **DISCUSSION**

When the City of Dunwoody incorporated on December 1, 2008, one of the Mayor and Council's first official actions was to establish a permanent advisory board on sustainability, the Dunwoody Sustainability Commission. Furthermore, the Mayor and City Council directed the City Manager to develop a plan for the pursuit of the Atlanta Regional Commission's Green Communities certification.

In May 2013, the Commission submitted the City's Gold Level Green Communities application to the Atlanta Regional Commission, the highest attainable certification. As the process for final certification for Green Communities winds down, the Commission continues efforts for reducing Dunwoody's environmental footprint by recommending policies and practices, developing educational and outreach programs for the community and its residents, and will continue ongoing maintenance of the Green Communities certification in the future. A reduction in the efforts toward certification have shifted focus to a public education, outreach, and awareness campaign, where the Commission feels it will be the most effective and aligned with the expectations of their role by the Mayor and City Council.

This change in focus also merits a change in the name and charter for the Sustainability Commission to better suit the advisory and educational role that is fulfilled by the group. As such, the Sustainability Commission is asking Mayor and Council to adopt a resolution to amend Resolution 2008-12-31 to amend the name to "Sustainability Committee" that is more consistent with the organizational role established by the amended charter and the function of the group working in an advisory capacity. The original and proposed charters are attached for reference.

### **RECOMMENDATION**

Staff recommends adopting the resolution to amend Resolution 2008-12-31, authorizing the Sustainability Commission's new name and charter.

**A RESOLUTION CREATING A SUSTAINABILITY COMMISSION TO PROMOTE SUSTAINABILITY INITIATIVES IN THE CITY OF DUNWOODY, GEORGIA AND TO DIRECT THE CITY MANAGER TO PURSUE CERTIFICATION BY THE ATLANTA REGIONAL COMMISSION (ARC) THROUGH ITS GREEN COMMUNITIES PROGRAM**

**WHEREAS,** the City Council of Dunwoody, GA recognizes environmental stewardship as one of its long-term obligations to the citizens and businesses in Dunwoody; and

**WHEREAS,** a community that values the environment and takes steps to protect our natural resources creates a more desirable place to live, work and play; and

**WHEREAS,** becoming a certified ARC Green Community is a way to foster civic pride, create a positive image of a place to live or conduct business, set an example for businesses and organizations seeking to reduce their environmental impact and lead to greater quality of life; and

**WHEREAS,** the legislation passed by the Georgia General Assembly regarding the incorporation of the City of Dunwoody, otherwise known as Senate Bill 82, section 1.03(8), authorizes the city to “protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the enactment of ordinances that preserve and improve air quality, restore and maintain water resources, the control of erosion and sedimentation... and provide other necessary or beneficial actions for the protection of the environment.”

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the City of Dunwoody that a permanent advisory board on sustainability be established. This advisory board shall be known as the Dunwoody Sustainability Commission and its charter is as follows:

“Assist the City of Dunwoody to set an example by conserving energy, investing in renewable energy, conserving water, conserving fuel, reducing waste and protecting and restoring the community’s natural resources. Promote measures that encourage Dunwoody to work towards reducing the environmental footprint of the government through its policies, practices, buildings and fleets. Promote measures that encourage our community to reduce its environmental impact by providing assistance in public education and outreach on sustainability.”

Selection and membership of this board shall conform to SB-82, Section 2.14, and to Chapter 2, Article 4, of the code of the City of Dunwoody. The number of members of the Dunwoody Sustainability Commission is set at twelve (12). Residency within the City of Dunwoody is not a requirement for appointment to the Dunwoody Sustainability Commission.

Furthermore, the Mayor and the City Council direct the City Manager to develop a Dunwoody Sustainability plan by the end of the first quarter of 2009 and pursue certification by -ARC

#J.3.

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**RESOLUTION 2008-12-31**

as a Certified Green Community. Goals are set as follows: Document the achievement of 175 points by the end of 2009 with a goal of submitting a certification application for Level 2 (225 point minimum) no later than the end of 2010, and attaining Level 2 certification no later than the first quarter of 2011.

**SO RESOLVED AND EFFECTIVE**, this 18<sup>th</sup> day of December, 2008.

Approved:

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Ken Wright, Mayor

Attest:

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Joan C. Jones, Acting City Clerk

Seal

**A RESOLUTION CHANGING THE NAME AND CHARTER OF THE SUSTAINABILITY COMMISSION ESTABLISHED BY RESOLUTION 2008-12-31 TO PROMOTE SUSTAINABILITY INITIATIVES IN THE CITY OF DUNWOODY, GEORGIA**

**WHEREAS,** the City Council of Dunwoody, GA recognizes environmental stewardship as one of its long-term obligations to the citizens and businesses in Dunwoody; and

**WHEREAS,** a community that values the environment and takes steps to protect our natural resources creates a more desirable place to live, work and play; and

**WHEREAS,** the Sustainability Commission has achieved its charter to pursue and obtain ARC Green Communities Certification at the highest attainable level; and

**WHEREAS,** the Commission continues to operate with a mission to protect and preserve natural resources through education and outreach efforts as well as having an advisory role in relevant policy decisions of Mayor and City Council; and

**WHEREAS,** the Commission wishes to re-organize and re-charge by clarifying its mission and role in the City’s sustainability efforts; and

**WHEREAS,** the Commission has determined the name “Sustainability Committee” better identifies with the revised charter and operational function of the organization.

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the City of Dunwoody that the Sustainability Commission shall henceforth be known as the “Sustainability Committee.” This charter for the Sustainability Committee is as follows:

“Enable *smart choices* for our community and its residents by promoting, through education, outreach, and awareness efforts, the conservation of energy, water, and fuel; investment in renewable energy; reduction of waste; and protecting and restoring the community’s natural resources. To advise and assist the City of Dunwoody to develop sustainable measures, practices, buildings, and fleets that are environmentally, economically, and socially responsible.”

**SO RESOLVED AND EFFECTIVE,** this 27<sup>th</sup> day of January, 2014.

Approved:

\_\_\_\_\_  
Michael G. Davis, Mayor

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk

Seal

## **MEMORANDUM**

**To:** Mayor and City Council

**From:** Howard Koontz, City Arborist

**Date:** January 27, 2014

**Subject:** **Approval of Amendments to No Net Loss of Trees Policy**

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### **ITEM DESCRIPTION**

The attached item consists of a select group of amendments to the city's No Net Loss of Trees policy (NNLT). The NNLT was created and approved to ensure that there will be effectively no loss of the city's urban tree canopy on city-owned property as a result of construction and development activities. These amendments are proposed to exempt certain compulsory activities from the NNLT requirements as "rational exemptions".

### **BACKGROUND**

Dunwoody's No Net Loss of Trees policy (NNLT) is a sustainability initiative originally proposed in 2009 and approved by the Mayor and City Council in March of 2010. In the years since its implementation, the city has had the opportunity to conduct development activities under the terms of the NNLT, and because of some appreciable hardships as a result of the policy, proposes the attached amendments as rational exemptions.

Specifically, the NNLT does not exempt the city nor its approved contractors from compulsory maintenance and construction activities in city rights of way and utility easements. Easements, by definition, are meant to be clear of structures and other impediments, like trees, so that those easements can be maintained unencumbered by obstruction.

Trees located in utility easements or along roadways in the right of way by statute do not belong in that location, and never should have been planted there or allowed to mature if occurring naturally.

Under the terms of the NNLT, each time the city conducts a compulsory maintenance or repair activity, such as an emergency storm sewer repair or replacement project, a drainage culvert repair, or a drainage pond repair, any trees removed during the process must be replaced. To replace trees which never should have been present in the first place can be categorized as punitive and creates a hardship on the city's part for a number of reasons:



1. Dunwoody has a dense tree canopy existing along its rights of way and public properties. This makes selecting a prudent location for new planting problematic.
2. The majority of public utility easements within Dunwoody's corporate limits are not suitable for planting or re-planting, thereby removing a possible receiving location for replacement plantings.
3. Having to source, install and maintain the replacement tree(s) is/are an on-going cost to the city which lessens the ability to direct funds to more proactive and necessary preventative maintenance activities of the proper urban canopy.

In addition to the handful of minor edits that clarified and modernized the text of certain code section references, staff's major edits to the existing NNLT will facilitate the following changes:

1. The policy will recognize the distinction between discretionary and imperative construction/maintenance activities, and exempts those activities on easements and rights of way that are deemed imperative from tree replacement requirements.
2. Creates a program whereby if the city has trees remaining to be installed at the end of the required replacement term, and it is the appropriate planting season, a publicly advertised tree giveaway can occur, so that city residents may install city-provided trees on private property within the city limits.
3. Makes optional the requirement that dead trees, hazardous trees, and/or trees in direct conflict with utility lines or sight distances (in the case of traffic management) located on city owned or maintained property and rights of way be compensated, irrespective of the party doing the tree removal.

Through the introduction of the attached edits and amendments, staff believes that the urban tree canopy can continue to be protected, and that the imperative actions of the city's public works department can occur with no meaningful deterioration of the city's existing dense urban canopy.

## **RECOMMENDED ACTION**

Staff recommends adoption of the following edits/amendments to the city's No Net Loss of Trees policy, as presented.

**A RESOLUTION TO AMEND THE CITY OF DUNWOODY NO NET LOSS OF TREES  
POLICY**

**WHEREAS,** Dunwoody’s trees contribute to a clean, healthy environment by removing carbon dioxide from the air and producing oxygen; and

**WHEREAS,** trees are a vital component of the infrastructure for the City of Dunwoody, providing environmental and economic benefits including reducing the heat island effect caused by pavement and buildings and providing shade and cooling, which lessens energy demands and pollution; and

**WHEREAS,** protecting the trees along our roads and in our parks is in the best interest of the City of Dunwoody; and

**WHEREAS,** the City strives to maintain trees in Dunwoody in a healthy and non-hazardous condition through professionally accepted arboricultural practices; and

**WHEREAS,** the City of Dunwoody seeks to prevent any loss of canopy coverage as described in City of Dunwoody’s Code of Ordinances, Chapter 16, Land Development; and

**WHEREAS,** edits to the policy, originally adopted in 2010, reflect rational exemptions and clarify and modernize the text to continue to support a no net loss in canopy coverage on city-owned property; now

**THEREFORE, BE IT RESOLVED,** by the Mayor and City Council of the City of Dunwoody, and it is hereby resolved by the authority of the City Council, that the City of Dunwoody No Net Loss of Trees Policy is hereby amended as attached hereto and incorporated herein.

**SO RESOVLED AND EFFECTIVE** this 27<sup>th</sup> day of January, 2014.

Approved:

\_\_\_\_\_  
Michael G. Davis, Mayor

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk

Seal

**Dunwoody**   
\* Smart people – Smart city

**No Net Loss of Trees Policy**

# No Net Loss of Trees Policy



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	A. City Arborist	

# No Net Loss of Trees Policy

## NO NET LOSS OF TREES POLICY

### I. Purpose

The purpose of this policy is to ensure that there will be no net loss of trees on city-owned property as a result of discretionary construction and development activities. Trees are a vital component of the infrastructure for the City of Dunwoody, providing environmental and economic benefits, and contributing to a clean and healthy environment. As they grow, trees take in carbon dioxide from the air and produce life-giving oxygen. Trees provide food and shelter for wildlife, cut down on noise pollution by acting as sound barriers, and improve water quality, protect streams and protect marshes by slowing and filtering rain water. Trees in Dunwoody reduce the heat island effect associated with pavement and buildings by providing shade and cooling, which lessens energy demands and pollution. Properly placed trees can increase property values and add to the aesthetic vistas within the city.

Dunwoody's trees face many hazards and hardships including insects, disease, construction, drought, and air pollution. Protecting the trees along our roads and in our parks is in the best interest of the City of Dunwoody. Whenever safe, prudent, and practical, the city strives to maintain Dunwoody's trees in a healthy and thriving condition through professionally accepted arboricultural practices.

The City of Dunwoody seeks to curtail any loss of canopy coverage as described in City of Dunwoody's Code of Ordinances, Chapter 16 Land Development. This policy furthers the "Tree Protection" provisions by establishing standards of no net loss in canopy coverage on city-owned property.

# No Net Loss of Trees Policy

## II. Definitions

The terms and provisions of this policy shall apply to all public property owned by the City of Dunwoody and subject to city regulations.

### A. Permitting for Tree Removal

No person shall directly or indirectly remove or destroy any tree located on public property without obtaining approval pursuant to §25-31, or as provided in this section, whichever is appropriate. Destruction of a tree includes pruning and shaping practices not in line with ANSI A300 (Part 1) Standards for Tree Care Operations—Pruning.

1. Permits to remove or destroy trees for discretionary construction, renovation, or demolition on public property shall be obtained by making application to the City Arborist on a form prescribed by the city.
  - a. Applications must be accompanied by a landscape plan, prepared by a registered landscape architect, certified arborist or registered forester, showing tree replacements.
  - b. The replacement trees need not be located on the same parcel as the tree that was removed, destroyed or injured. The City Arborist shall consider all public property located within the entire corporate limits of Dunwoody for the purposes of eligible areas of replanting.
  - c. The City Arborist shall make suggestions related to appropriate tree species, size, season for installation and appropriate location for replacement trees.
  - d. Replacement tree plantings shall be completed within one calendar year.
  - e. Replacement tree plantings shall be inspected by the City Arborist and verified by the dated signature of the City Arborist on the approved plan.
  - f. In the event that there are not enough suitable locations for replacement trees on City property or right of way, the City may elect to satisfy the tree replacement requirement by providing trees at a publically advertised event for citizens—distributed in exchange for agreement that planting will be within the City of Dunwoody. Eligibility to receive trees will be determined by proof of residency.
2. Permits to remove or destroy trees for safety, landscaping, silviculture, infrastructure maintenance, or other purposes on public property shall be

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obtained by making application to the City Arborist on a form prescribed by the city.

- a. The City Arborist shall make suggestions related to appropriate tree species, size, season for installation and appropriate location for replacement trees.
- b. The replacement trees need not be located on the same parcel as the tree that was removed, destroyed or injured. The City Arborist shall consider all public property located within the entire corporate limits of Dunwoody for the purposes of eligible areas of replanting.
- c. Replacement tree plantings shall be completed within one calendar year.
- d. Replacement tree plantings on public property shall be inspected by the City Arborist.
- e. In the event that there are not enough suitable locations for replacement trees on City property or right of way, the City may elect to satisfy the tree replacement requirement by providing trees at a publically advertised event—distributed in exchange for agreement that planting will be within the City of Dunwoody. Eligibility to receive trees will be determined by proof of residency.

# No Net Loss of Trees Policy

## III. Scope

The terms and provisions of this policy shall apply to all public property owned by the City of Dunwoody and subject to city regulations.

### B. Permitting for Tree Removal

No person shall directly or indirectly remove or destroy any tree located on public property without obtaining approval pursuant to §25-31, or as provided in this section, whichever is appropriate. Destruction of a tree includes pruning and shaping practices not in line with ANSI A300 (Part 1) Standards for Tree Care Operations—Pruning.

3. Permits to remove or destroy trees for discretionary construction, renovation, or demolition on public property shall be obtained by making application to the City Arborist on a form prescribed by the city.

- a. Applications must be accompanied by a landscape plan, prepared by a registered landscape architect, certified arborist or registered forester, showing tree replacements.
  - b. The replacement trees need not be located on the same parcel as the tree that was removed, destroyed or injured. The City Arborist shall consider all public property located within the entire corporate limits of Dunwoody for the purposes of eligible areas of replanting.
  - c. The City Arborist shall make suggestions related to appropriate tree species, size, season for installation and appropriate location for replacement trees.
  - d. Replacement tree plantings shall be completed within one calendar year.
  - e. Replacement tree plantings shall be inspected by the City Arborist and verified by the dated signature of the City Arborist on the approved plan.
  - f. In the event that there are not enough suitable locations for replacement trees on City property or right of way, the City may elect to satisfy the tree replacement requirement by providing trees at a publically advertised event for citizens—distributed in exchange for agreement that planting will be within the City of Dunwoody. Eligibility to receive trees will be determined by proof of residency.
4. Permits to remove or destroy trees for safety, landscaping, silviculture, infrastructure maintenance, or other purposes on public property shall be obtained by making application to the City Arborist on a form prescribed by the city.
- a. The City Arborist shall make suggestions related to appropriate tree species, size, season for installation and appropriate location for replacement trees.
  - b. The replacement trees need not be located on the same parcel as the tree that was removed, destroyed or injured. The City Arborist shall consider all public property located within the entire corporate limits of Dunwoody for the purposes of eligible areas of replanting.
  - c. Replacement tree plantings shall be completed within one calendar year.
  - d. Replacement tree plantings on public property shall be inspected by the City Arborist.



# No Net Loss of Trees Policy

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- e. In the event that there are not enough suitable locations for replacement trees on City property or right of way, the City may elect to satisfy the tree replacement requirement by providing trees at a publically advertised event—distributed in exchange for an agreement that planting will be within the City of Dunwoody, **in a location suitable for the tree to grow and thrive, not on any public property or duly recorded easement.** Eligibility to receive trees will be determined by proof of residency, **and distributed on a first come, first served basis.**

# No Net Loss of Trees Policy

## IV. Exceptions

The City of Dunwoody's policy to ensure there will be no net loss of trees on city property is not always practicable. The following situations are exceptions to the No Net Loss of Trees Policy.

- A. If a tree is dead or presents a hazard or danger to health, safety, or welfare of the public, such tree may be removed immediately by the City or the City's agent. Within five working days of said removal, the City or the City's agent must provide a tree removal application to the City Arborist. Re-vegetation shall follow based on the City Arborist's suggestions as to an appropriate tree species and appropriate location for replacement trees. 1. Trees, alive or dead, that pose a hazard to the health, safety and welfare of the population at large; and 2. Trees, alive or dead, that pose a specific threat to persons and/or real property; and 3. Trees, alive or dead, that negatively impact the best management practices of the orderly operation of motor vehicle, bicycle and pedestrian traffic through Dunwoody, may be removed without the need for compensatory re-vegetation.
- B. If a tree is diseased or insect-infected such tree may be removed after consultation with the City Arborist. Within five business days of said removal, the City of Dunwoody or the City's agent must provide the tree removal application to the City Arborist. Re-vegetation ~~shall~~ may then follow, based on the City Arborist's suggestions as to an appropriate tree species, size, season for installation and appropriate location for replacement trees.
- C. During a period of any emergency, such as a tornado, ice storm, flood, or any other act of nature, the requirements of this policy may be waived or modified as required by the City Manager, Public Works Director, Parks Director, City Arborist, or those individuals' designee.
- D. Trees that are located on, inside, or immediately adjacent to a utility easement, that are removed as a function of emergency and/or imperative repair or maintenance work, do not require compensatory re-vegetation.
- E. Trees that are located on, inside, or immediately adjacent to any utility easement, whether the trees are alive or dead, and are, in the opinion of the city arborist or his/her designee, in conflict with utility lines in that easement, or will grow into a conflict with utility lines in that easement, be they above ground or underground utilities, may be removed by the city or by the city's duly authorized third-parties, to mitigate or eliminate such conflict without the need for compensatory re-vegetation.

# No Net Loss of Trees Policy

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## V. Responsibility

### A. City Arborist

The City Arborist has primary enforcement responsibilities for this policy and is charged with the responsibility for approval of all tree removal and tree replacement plans for public property in the City of Dunwoody required pursuant to this policy.

DUTIES: The City Arborist shall have the following duties and powers in regards to the No Net Loss of Trees Policy:

1. Communicating with the City Department Heads when a tree could potentially be removed or damaged due to performing essential work duties.
2. Reviewing all plans for tree removal and tree replacement on public property in the City of Dunwoody as required pursuant to this policy.
3. Monitoring and ensuring the success of the No Net Loss of Trees Policy, and when appropriate, working with Administration to assess technical feasibility and/or cost effectiveness.
4. Work with the Director of Sustainability to make certain that employees are aware and educated about this No Net Loss of Trees Policy.

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**RESOLUTION 2014-01-XX**

**A RESOLUTION TO AUTHORIZE A MERIT INCREASE FOR THE CITY CLERK**

**WHEREAS,** The Mayor and City Council appointed Sharon Lowery as Clerk for the City of Dunwoody in January, 2009; and

**WHEREAS,** Sharon Lowery has performed her duties as City Clerk fully and admirably, as has been a responsive and responsible member of the City of Dunwoody administration to the City Council as well as the citizens of the City in her official capacity; and

**WHEREAS,** Mayor and City Council wish to provide Sharon Lowery a 4% merit increase, effective January 1, 2014, with Ms. Lowery being eligible for a subsequent merit increase effective January 1, 2015 concurrent with her next review.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and City Council of the City of Dunwoody that authority is hereby granted to increase the salary of the City Clerk Sharon Lowery in accordance with this Resolution.

**SO RESOLVED,** this \_\_\_\_ day of \_\_\_\_\_, 2014.

Approved:

\_\_\_\_\_  
Michael G. Davis, Mayor

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk  
(Seal)