



**CITY OF JONESBORO
Regular Meeting
VIA ZOOM MEETINGS
June 8, 2020 – 6:00 PM**

NOTE: As set forth in the Americans with Disabilities Act of 1990, the City of Jonesboro will assist citizens with special needs given proper notice to participate in any open meetings of the City of Jonesboro. Please contact the City Clerk's Office via telephone (770-478-3800) or email at rclark@jonesboroga.com should you need assistance.

Join Zoom Meeting

<https://us02web.zoom.us/j/2148237355>

Meeting ID: 214 823 7355

One tap mobile

+19292056099,,2148237355#

Agenda

- I. CALL TO ORDER - MAYOR JOY B. DAY**
- II. ROLL CALL - RICKY L. CLARK, JR., CITY MANAGER**
- III. INVOCATION - COUNCILWOMAN DR. DONYA SARTOR**
- IV. PLEDGE OF ALLEGIANCE**
- V. ADOPTION OF AGENDA**
- VI. PRESENTATIONS**
- VII. PUBLIC HEARING**
 1. Public Hearing for 20-VAR-002, a variance concerning the continued use of exterior vinyl siding in the H-2 Historic District by Dawn L. Murray / House of Dawn for property located at 1115 New Dawn Court (Parcel No. 05241B B007A), Jonesboro, Georgia 30236.
 2. Public Hearing for Ord. 2020-010, a proposed text amendment to the City of Jonesboro Code of Ordinances, with the addition of Article III "Specimen Tree Protection" to Chapter 82 – Vegetation, of the City of Jonesboro Code of Ordinances.

VIII. PUBLIC COMMENT (PLEASE LIMIT COMMENTS TO THREE (3) MINUTES)

IX. MINUTES

1. Consideration of the Minutes of the June 1, 2020 Work Session.

X. CONSENT AGENDA

1. Council to consider approval of the purchase of DocuSign.
2. Council to consider approval of the revised 2020 Intergovernmental Agreement for the Use and Distribution of proceeds from the 2021 Special Purpose Local Option Sales Tax for Capital Outlay Projects.

XI. OLD BUSINESS

1. Council to consider approval of Variance#20-VAR-002, a variance concerning the continued use of exterior vinyl siding in the H-2 Historic District by Dawn L. Murray / House of Dawn for property located at 1115 New Dawn Court (Parcel No. 05241B B007A), Jonesboro, Georgia 30236.
2. Council to consider approval of Ordinance 2020-013, a proposed text amendment to the City of Jonesboro Code of Ordinances, with the addition of Article III "Specimen Tree Protection" to Chapter 82 – Vegetation, of the City of Jonesboro Code of Ordinances.

XII. NEW BUSINESS

1. Council to consider approval of Ordinance 2020-014 amending the Declaration of Emergency (ordinance No. 2020-010) adopted by the Jonesboro City Council.
2. Council to consider approval of Ordinance #2020-015 amending Section 58-43 ("Applications and Permits") in Division 2 ("Permit"), Article I ("In General") of Chapter 58 ("Streets, Sidewalks and other Public Places") of the Code of Ordinance of the City of Jonesboro.
3. Council to consider authorization to issue a letter of support for the Clayton County Georgia Smart Communities Grant Opportunity.

XIII. REPORT OF MAYOR / CITY MANAGER

XIV. REPORT OF CITY COUNCILMEMBERS

XV. OTHER BUSINESS

XVI. ADJOURNMENT

**CITY OF JONESBORO
WORK SESSION
170 SOUTH MAIN STREET
June 1, 2020 – 6:00 PM**

MINUTES

The City of Jonesboro Mayor & Council held their Work Session on Monday, June 1, 2020. The meeting was held at 6:00 PM at the Jonesboro Police Station, 170 South Main Street, Jonesboro, Georgia.

I. CALL TO ORDER - MAYOR JOY B. DAY

Attendee Name	Title	Status	Arrived
Pat Sebo-Hand	Mayor Pro-Tem	Present	
Bobby Lester	Councilmember	Present	
Tracey Messick	Councilmember	Present	
Billy Powell	Councilmember	Present	
Donya Sartor	Councilmember	Present	
Ed Wise	Councilmember	Present	
Joy B. Day	Mayor	Present	
Ricky L. Clark	City Manager	Present	
Pat Daniel	Assistant City Clerk	Present	
David Allen	Community Development Director	Present	
Joe Nettleton	Public Works Director	Present	
Cable Glenn-Brooks	Executive Assistant	Present	
Derry Walker	Chief Code Officer	Present	
Wilfred Norwood	Interim Chief of Police	Present	
Sandra Meyers	Finance Manager	Present	

II. ROLL CALL - RICKY L. CLARK, JR., CITY MANAGER

III. INVOCATION - PRAYERS BY DR. JAMES WESTBERRY READY BY MAYOR JOY B.DAY.

IV. ADOPTION OF AGENDA

1. Motion to accept the agenda with the following amendments.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ed Wise, Councilmember
SECONDER:	Billy Powell, Councilmember
AYES:	Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

Omit Item #5 - Discussion regarding the purchase and buy back of firearms for the Police Department.

Add Executive Session for the discussion of real estate.

V. WORK SESSION

1. Discussion regarding a variance concerning the continued use of exterior vinyl siding in the H-2 Historic District by Dawn L. Murray / House of Dawn for property located at 1115 New Dawn Court (Parcel No. 05241B B007A), Jonesboro, Georgia 30236.

RESULT:	PUBLIC HEARING REQUIRED	Next: 6/8/2020 6:00 PM
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At this time, Dawn Murry-Hartman owner of House of Dawn, Whitney Fitzgerald Building Manager of Knight Homes, Jean Hilyard and Mike Smith of Home Aid Atlanta were present to speak during the Public Hearing.

Dawn Murry-Hartman - stated that when she attended the Historic Preservation meeting, the committee was adamant about the exterior matching the other homes in the area and she communicated to the builder what was communicated to her. Mrs. Murry-Hartman also stated that she was not familiar with the term Hardy Plank as a building material as that is not her line of work. As a Non-Profit it would be costly to change from Vinyl Siding to Hardy Plank.

Mrs. Murry-Hartman asked if Hardy Plank would be allowed on the front only due to the financial hardship changing all sides would cause.

2. Discussion regarding a proposed text amendment to the City of Jonesboro Code of Ordinances, with the addition of Article III "Specimen Tree Protection" to Chapter 82 – Vegetation, of the City of Jonesboro Code of Ordinances.

RESULT:	PUBLIC HEARING REQUIRED	Next: 6/8/2020 6:00 PM
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The following questions and concerns were raised by council:

Councilmember Sebo-Hand - If a tree must be trimmed or cut, are residents to come before council get request an approval? Who visits the locations to determine the specimen of the trees?

Councilmember Lester - Does this ordinance govern threatening trees from neighboring yards?

Councilmember Messick - Great ordinance for new builds to manage the amount of trees taken down and replaced. As it relates to residents in the city, this ordinance is too much of an expense on the residents.

Councilmember Wise - The process to have a tree inspected is too long. Can the ordinance be modified to allow a certified tree service to determine a tree diseased?

Councilmember Sartor - Is there anything separate for pruning?

Mayor Joy Day - Does the Grandfather clause relate to anyone who has started a tree removal process before the ordinance is passed?

For new developments who visits the site to check to see if the plan is accurate?

If a tree is diseased who provides the Arborist report?

Mr David Allen provided clarification that the maintenance and pruning of tree is defined in the ordinance and he will be the initial point of contact to inspect the tree. If a tree is viewed as diseased, an Arborist will be notified.

Mr. Allen will modify the residential ordinance to soften the ordinance for residential.

3. Discussion regarding purchase of DocuSign.

RESULT:

CONSENT AGENDA ITEM

Next: 6/8/2020 6:00 PM

As we continue to operate remotely, we would like to add DocuSign as an electronic signature provider.

If approved, the first full rollout of this program would be within our Probation Department and the Courts.

The service includes ten licenses and fifteen envelopes. This system will also decrease contact by City employees with the public until further guidance is provided regarding COVID-19. Total cost is \$5,520.00.

Kelli Duffy, Court Clerk provided additional information - The Supreme Justice order states that we must handle some cases. In the event Mayor and Council decides not to open court to the public, we would like to put the virtual court session into play for probation revocation and jail court session.

4. Discussion regarding the revised 2020 Intergovernmental Agreement for the Use and Distribution of proceeds from the 2021 Special Purpose Local Option Sales Tax for Capital Outlay Projects.

5. Update regarding City of Jonesboro COVID-19 Operations.

Open Dialogue:

- Our current City state of emergency expires July 30, 2020 - looking for direction from Council as to what you wish to do.
- Received recommendation from four Councilmembers to re-open Lee Street Park.
- Will continue to work on a staggered schedule at City Hall and limit contact with the public.
- Scheduled walk throughs for cleaning companies to provide an estimate for cleaning our buildings.
- Public Works Department will continue to clean the bathrooms at Lee Street Park daily.

Councilmember Sartor - Recommends not sanitizing the park equipment and the restrooms at Lee Street Park.

Councilmember Sebo - The Farmers Market has been opened for the last two weeks and there have not been any issues with the restrooms being closed. Recommends opening the park back up to include the basketball and tennis court.

Councilmember Powell - Disagrees with opening the basketball court and maintain social distancing.

Councilmember Wise - Recommends opening the basketball and posting signs informing participants to follow CDC guidelines for social distancing.

Councilmember Messick - Recommends opening the park and post signs so the city is covered.

The majority consensus is to open the park which includes opening the basketball and tennis courts.

Mr. Clark will take the feedback from this dialogue, bring back the originally adopted ordinance and revise it for final vote on Monday June 8, 2020.

VI. OTHER BUSINESS

VII. EXECUTIVE SESSION

1. Motion to enter Executive Session to discuss real estate

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ed Wise, Councilmember
SECONDER:	Billy Powell, Councilmember
AYES:	Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

2. Motion to adjourn Executive Session and reconvene Regular Meeting at 8:06 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Billy Powell, Councilmember
SECONDER:	Ed Wise, Councilmember
AYES:	Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

VIII. ADJOURNMENT

1. Motion to adjourn at 8:07 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Billy Powell, Councilmember
SECONDER:	Ed Wise, Councilmember
AYES:	Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

JOY B. DAY – MAYOR
MANAGER

RICKY L. CLARK, JR. – CITY



CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item #

10.1

-1

COUNCIL MEETING DATE

June 8, 2020

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)

Council to consider approval of the purchase of DocuSign.

Requirement for Board Action (Cite specific Council policy, statute or code requirement)**Is this Item Goal Related?** (If yes, describe how this action meets the specific Board Focus Area or Goal)

Yes Innovative Leadership

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

During this COVID-19 pandemic, we have seen that the convenience and low cost of conducting business over the Internet has the potential to increase efficiencies in all business including government business. Technological advances and an increase in the number of people using computers as part of everyday business will only continue to increase. The benefits of using electronic signatures and electronic records can reduce use of paper, save time and reduce costs associated with handling physical documents.

This resolution authorizes the City, to use DocuSign as an electronic signature provider. Further, the City Manager would be authorized to develop and implement a policy for the use of DocuSign by the City consistent with the requirements of State law. Allowing the use of DocuSign to affix electronic signatures to electronic records, will promote efficiency, conserve public resources and provide reasonable assurance of the integrity, authenticity, and nonrepudiation of electronic documents when electronic signatures are used by the City. Reducing the City's reliance on paper-based transactions will further improve information security and sharing, allow faster approval of and access to documents, and reduce costs and environmental impacts.

This system will also decrease contact by City employees with the public until further guidance is provided regarding COVID-19. If approved, the first full rollout of this program would be within our Probation Department and the Courts.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- DRAFT - City of Jonesboro - Police Department_DocuSign Order Form FX2_2020-05-29

Staff Recommendation (Type Name, Title, Agency and Phone)**Approval**

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date June, 8, 2020	06/01/20 ITEM	City Council CONSENT AGENDA Next: 06/08/20
Signature	City Clerk's Office		



DocuSign, Inc.
221 Main Street, Suite 1000
San Francisco, CA 94105

Offer Valid Through: Jun 8, 2020
Prepared By: Ashley Atwood
Quote Number: Q-00455041
SUBJECT TO APPROVAL

ORDER FORM

Address Information

Bill To:
City of Jonesboro
124 North Ave,
Jonesboro, GA, 30236
United States

Billing Contact Name:
Sarah Diggs
Billing Email Address:
sarahdiggs@sophicity.com
Billing Phone:
7706706940 Ext. 129

Ship To:
City of Jonesboro
124 North Ave,
Jonesboro, GA, 30236
United States

Shipping Contact Name:
Sarah Diggs
Shipping Email Address:
sarahdiggs@sophicity.com
Shipping Phone:
7706706940 Ext. 129

Order Details

Order Start Date: Jun 8, 2020
Order End Date: Jun 7, 2021
Billing Frequency: Annual

Payment Method: Check
Payment Terms: Net 30
Currency: USD

Products

Product Name	Start Date	End Date	Quantity	Net Price
eSignature Business Pro Edition - Seat Subscription	Jun 8, 2020	Jun 7, 2021	10	\$4,800.00
Premier Support	Jun 8, 2020	Jun 7, 2021	1	\$720.00
Adoption QuickStart	Jun 8, 2020	Jun 7, 2021	1	\$0.00

Grand Total: \$5,520.00

Product Details

eSignature Seat Allowance: 10
eSignature Envelope Allowance: 1,000

Order Special Terms

Terms & Conditions

This Order Form is governed by the terms Master Services Agreement available online at: <https://www.docusign.com/company/terms-and-conditions/msa> and the applicable Service Schedule(s) and Attachments for the DocuSign Services described herein available online at <https://www.docusign.com/company/terms-and-conditions/msa-service-schedules>.

Billing Information

Prices shown above do not include any state and local taxes that may apply. Any such taxes are the responsibility of the Customer and will appear on the final Invoice.

Is the contracting entity exempt from sales tax?

Please select Yes or No:

If yes, please send the required tax exemption documents immediately to taxexempt@docusign.com.

Invoices for this order will be emailed automatically from invoicing@docusign.com. Please make sure this email is on an approved setting or safe senders list so notifications do not go to a junk folder or caught in a spam filter.

Purchase Order Information

Is a Purchase Order (PO) required for the purchase or payment of the products on this Order Form?

Please select Yes or No:

If yes, please complete the following:

PO Number:

PO Amount: \$



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

10.2

-2

COUNCIL MEETING DATE

June 8, 2020

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Council to consider approval of the revised 2020 Intergovernmental Agreement for the Use and Distribution of proceeds from the 2021 Special Purpose Local Option Sales Tax for Capital Outlay Projects.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes

Economic Development

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Over the past few months, Legal Counsel has worked with Clayton County on potential revisions to the SPLOST IGA concerning the distribution of the SPLOST proceeds. . Importantly, the latest revisions include the specific percentages and dollar amounts the cities and the county will receive under the IGA. This will ensure that the cities receive the amounts listed on Exhibit B, and the 75mil debt should not affect amounts the cities receive.

Though the County initially agreed to the revisions concerning the sale of SPLOST purchased property to a private party, they have since changed their position and rejected our proposed revision to Section 1(E):

The County and Municipalities agree that each approved SPLOST project associated with this Agreement shall be maintained as a public facility and in public ownership. If ownership of a project financed pursuant to this Agreement is transferred to private ownership within 10 years of the SPLOST expiration, the proceeds of the sale shall, for the purposes of this Agreement, be deemed excess funds. Any The excess funds of the County or municipalities shall be disposed of as provided under O.C.G.A §48-8-121 (g)(2). The excess funds of any Municipality shall be used for the purpose of reducing any of its indebtedness. If there is no such indebtedness, or if the excess funds exceed the amount of any such other indebtedness, then the excess funds shall be paid into the general fund of the Municipality and used to improve, repair, or maintain any of its existing capital outlay projects.

As it is written now, if a city sells SPLOST property to a private entity within 10 years of the termination of SPLOST, the funds are deemed "excess" and must be paid to the County to lessen its general indebtedness as a result of SPLOST, or if no such debt was issued, to decrease the County's ad valorem taxes.

Please find attached the proposed list of projects for the SPLOST 2021 program. The unpopularity of property taxes and the simplicity and perceived fairness of sales taxes have made the County Special Purpose Local Option Sales Tax (SPLOST) a popular method for financing needed capital projects. The passage rate in Clayton County for SPLOST programs have been very successful in previous years. As

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date June, 8, 2020	06/01/20 ITEM	City Council CONSENT AGENDA Next: 06/08/20
Signature	City Clerk's Office		

WHAT IS A SPLOST? A SPLOST is an optional one percent county sales tax used to fund capital outlay projects proposed by the county government and participating qualified municipal governments. In general, county and municipal governments may not use SPLOST proceeds for operating expenses or maintenance of a SPLOST project or any other county or municipal facility or service. The tax is imposed when the board of commissioners calls a local referendum (i.e., vote) in conformance with O.C.G.A. § 48-8-III and the referendum is subsequently passed by the voters within that special district (i.e., county). The tax is collected on items subject to the sales and use tax within the county. The SPLOST is also imposed on the sale of food and nonalcoholic beverages, which are not subject to the state sales tax, and is also imposed on the sale of alcoholic beverages. SPLOST also applies to sales of motor fuels as “prepaid local tax” (meaning it is collected at the distributor level) under O.C.G.A. § 48-8-2. Several factors determine the length of time that a SPLOST may be imposed. In general, the tax may be levied for up to five years. If the county and municipalities enter into an intergovernmental agreement, the tax may be imposed for six years. If no intergovernmental agreement exists and a “Level One” project is included, then the tax must run (1) for five years, if the estimated cost of all “Level One” projects is less than 24 months of estimated revenues, or (2) for six years, if the estimated cost of all “Level One” projects equals more than 24 months of estimated revenues.

The County started the SPLOST process back in early October with a hard deadline to have all projects submitted by the end of October. As you may recall, we discussed this in our previous work session. Based upon the previously agreed upon distribution, the City of Jonesboro receives 1.82% of the total SPLOST collection or \$4,955,039 – remember, this was the forecasted amount not the actual collection. All meetings to date have been with County Staff and Municipality Staff – no elected officials.

Based upon our strategic planning retreats and other planning initiatives, the following projects have been put forth for the City to be included in the 2021 SPLOST Project; however, remember it is non-binding as our Council has not ratified our official project list:

Project #1 – Real and Personal Property for Broad Street

Description - As the first piece of the connection between Jonesboro's Main Street and Lee Street Park, the Broad Street Plaza will stimulate new activity in the downtown core and serve as a linchpin in the revitalization of the entire block Between Broad Street and Riley Way. The project consists of the improvement of landscaped areas to include parking, a pavilion and bathroom facilities. In addition, it also includes a new streetscape for Broad Street, including the removal of existing street improvements and the installation of new street and pedestrian improvements.

Project #2 – Real and Personal Property for City Government Buildings including a new City Center Initiative

Description: Based upon a recently completed Comprehensive Plan Document and Livable Centers Initiative, the city has begun work on a new City Center. The current 2,971 sq. feet building was erected in 1923 and has served as the City Hall/Administrative Office for over 15 years. Based upon the demand for City Services and needed expansion of staff, the current facility is no longer adequate. In addition to the space needs, the facility also in need of major renovations. Further, the 9,2733 sq. feet facility currently serving as the Jonesboro Police Department, Council Chambers and the Municipal Courtroom is also in a state of disrepair. The 2016 Blueprint identified the “momentous opportunity” to construct a new Municipal Complex to replace the existing City Hall, Police Station, Council Chambers, and Municipal Court buildings, and consolidate these functions into a single space. The site was chosen because of its proximity to Lee Street Park and its opportunity to create a “landmark anchor” for the area, and because it

would be a highly visible and accessible location. In an effort to advance the project, the City has already assembled 95% of the property necessary for the construction of the new City Center.

10.2

Project #3 – Road, Street, Bridges and Public Infrastructure

Description: Continued Sidewalk/Trail/Street Improvements including additions and improvements. Resurfacing/milling/repaving of existing roadway to include ROW acquisition, striping, signage, etc.

As the County has yet to provide an anticipated collection rate, we did not associate dollars with our request.

The following was a timeline proposed by the County:

October 3: Kick-off Meeting

- October 18: Submit Draft Projects
- October 25: Meeting (Project presentation)
- November 1: Finalize SPLOST Project List
 - Tuesday, November 5 (tentative adoption of resolution for authorizing signature of Intergovernmental Agreement- Board of Commissioners)
- November 5-November 30: -Sign Intergovernmental Agreements
- December 3: Board of Commissioners Adopt Resolution for Imposition of SPLOST
 - January 6, 2020: Public Call for Referendum
- Tuesday, March 24, 2020- Referendum on Ballot
 - Public provided an opportunity to give feedback and input about potential SPLOST 2020 projects
- Advance Voting:
 - March 2 Advance voting starts
 - March 14 & 15 Saturday and Sunday Voting
 - March 20th- Last Day of Advance Voting
 - SPLOST 2020 Referendum:
 - March 24th at *respective precincts*

For the purpose of ensuring passage of our SPLOST, I kindly ask that you review the information above and provide any questions that you may have. Further, I would ask that each of you appoint two representatives to form a “Jonesboro SPLOST Ambassador Committee” to ensure that our residents are informed about the upcoming SPLOST vote. This item will be a topic of discussion at our November Worksession and I kindly request that names of those individuals to be submitted at that time. The County will also form a Citizen Review Committee that will include representation from both the County and Cities.

As the process begins to evaluate the “wish list” of projects submitted county-wide, the following criteria has been developed:

- *How will this project help meet the Public safety, Basic Facilities/Infrastructure, and/or Quality of Life needs in Clayton County?*
- *Why should this project be considered for SPLOST 2020?*
- *Project Goals & Objectives, when should this project be completed?*
- *Is this project recommended/included in any approved Land use plan, Master plan, or Service Delivery Plan? If yes, explain and provide necessary information.*
- *What is the projected operational impact cost for this project?*

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- 2020 SPLOST Intergovernmental Agreement (w city-county edits) (Final)
- Copy of SPLOST 2020 Project Cost Recommendations-Final(2) 1-10-2002

Staff Recommendation (Type Name, Title, Agency and Phone)

Approval

STATE OF GEORGIA

COUNTY OF CLAYTON

INTERGOVERNMENTAL AGREEMENT FOR THE USE AND DISTRIBUTION OF
PROCEEDS FROM THE 2021 SPECIAL PURPOSE LOCAL OPTION SALES TAX FOR
CAPITAL OUTLAY PROJECTS

THIS AGREEMENT is made and entered this the _____ day of _____ 2020 by
and among Clayton County, Georgia, a political subdivision of the State of Georgia (the "County"),
and the City of College Park, the City of Jonesboro, the City of Riverdale, the City of Lovejoy, the
City of Forest Park, the City of Lake City, and the City of Morrow, municipal corporations of the
State of Georgia (the "Municipalities", individually and collectively);

WHEREAS, O.C.G.A. §48-8-110 et seq. (the "Act"), authorizes the levy of a one percent
County Special Purpose Local Option Sales Tax (the "SPLOST") for the purpose of financing
capital outlay projects for the use and benefit of the County and qualified municipalities within the
County; and

WHEREAS, the County and Municipalities met to discuss possible projects for inclusion
in the SPLOST referendum on the 3rd day of January, 2020, in conformance with the requirements
of O.C.G.A. § 48-8-111 (a), notice of which meeting was furnished by the County to the Mayor
of each Municipality at least ten days prior to the date of the meeting; and

WHEREAS, the County and the Municipalities have negotiated a division of the SPLOST
proceeds as authorized by the Act.

NOW, THEREFORE, in consideration of the mutual promises and understandings made
in this Agreement, and for other good and valuable consideration, the County and the
Municipalities consent and agree as follows:

Section 1. Representations and Mutual Covenants

A. The County makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering into this Agreement:

- (i) The County is a political subdivision duly created and existing under the Constitution of the State of Georgia;
- (ii) The governing authority of the County is duly authorized to execute, deliver and perform this Agreement; and
- (iii) This Agreement is a valid, binding, and enforceable obligation of the County; and
- (iv) The County will take all actions necessary to call an election to be held in all voting precincts in the County on the 9th day of June, 2020 for the purpose of submitting to the voters of the County for their approval, the question of whether or not a SPLOST shall be re-imposed on all sales and uses within the special district of Clayton County for a period of twenty four (24) quarters, commencing on the 1st day of January, 2021, to raise an estimated \$280,036,816.00 to be used for funding the projects specified in Exhibit "A" attached hereto.

B. Each of the Municipalities makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering into this Agreement:

- (i) Each Municipality is a municipal corporation duly created and existing under the Laws of the State of Georgia;

- (ii) The governing authority of each Municipality is duly authorized to execute, deliver and perform this Agreement;
- (iii) This Agreement is a valid, binding, and enforceable obligation of each Municipality;
- (iv) Each Municipality is a qualified municipality as defined in O.C.G.A. §48-8-110 (4); and
- (v) Each Municipality is located entirely or partially within the geographic boundaries of the special tax district created in the County.

C. It is the intention of the County and Municipalities to comply in all respects with O.C.G.A §48-8-110 et seq. and all provisions of this Agreement shall be construed in light of O.C.G.A. §48-8-110 et seq.

D. The County and Municipalities agree to promptly proceed with the acquisition, construction, equipping and installation of the projects specified in Exhibit "A" of this Agreement and in accordance with the priority order referenced in Section 8 of this Agreement.

E. The County and Municipalities agree that each approved SPLOST project associated with this Agreement shall be maintained as a public facility and in public ownership. If ownership of a project financed pursuant to this Agreement is transferred to private ownership within 10 years of the SPLOST expiration, the proceeds of the sale shall, for the purposes of this Agreement, be deemed excess funds. Any excess funds of the County or municipalities shall be disposed of as provided under O.C.G.A §48-8-121 (g)(2).

- F. The Parties agree that the allocation of the SPLOST distribution shall be as shown on Exhibit "B" attached hereto.
- G. The County and Municipalities agree to maintain thorough and accurate records concerning receipt of SPLOST proceeds and expenditures for each project undertaken by the respective County or Municipality as required fulfilling the terms of this Agreement.

Section 2. Conditions Precedent

- A. The obligations of the County and Municipalities pursuant to this Agreement are conditioned upon the adoption of a resolution of the County calling for the reimposition of the SPLOST in accordance with the provisions of O.C.G.A. §48-8-111 (a).
- B. This Agreement is further conditioned upon the approval of the proposed reimposition of the SPLOST by the voters of the County in a referendum to be held in accordance with the provisions of O.C.G.A §48-8-111 (b) through (e).
- C. This Agreement is further conditioned upon the collection of the SPLOST revenues by the State Department of Revenue and the transferring of same to the County.

Section 3. Effective Date and Term of the Tax

The SPLOST, subject to approval in an election to be held on June 9, 2020, shall be reimposed for a period of six (6) years with collections beginning on the expiration of the SPLOST now in effect.

Section 4. Effective Date and Term of this Agreement

This Agreement shall commence upon the date of its execution and shall terminate upon the later of:

- A. The official declaration of the failure of the election described in this Agreement;
- B. The expenditure by the County and all of the Municipalities of the last dollar of money collected from the SPLOST after the expiration of the SPLOST; or
- C. The completion of all projects described in Exhibit "A".

Section 5. County SPLOST Fund; Separate Accounts; No Commingling

- A. A special fund or account shall be created by the County and designated as the 2021 Clayton County Special Propose Local Option Sales Tax Fund ("SPLOST Fund"). The County shall select a local bank which shall act as a depository and custodian of the SPLOST Fund upon such terms and conditions as may be acceptable to the County.
- B. Each Municipality shall create a special fund to be designated as the 2021 City of Riverdale Special Purpose Local Option Sales Tax Fund, the 2021 City of Morrow Special Purpose Local Option Sales Tax Fund, the 2021 City of College Park Special Purpose Local Option Sales Tax Fund, the 2021 City of Jonesboro Special Purpose Local Option Sales Tax Fund, the 2021 City of Lake City Special Purpose Local Option Sales Tax Fund, the 2021 City of Lovejoy Special Purpose Local Option Sales Tax Fund, and the 2021 City of Forest Park Special Purpose Local Option Sales Tax Fund. Each Municipality shall select a local bank which shall act as a depository and custodian of the SPLOST proceeds received by each Municipality upon such terms and conditions as may be acceptable to the Municipality.
- C. All SPLOST proceeds shall be maintained by the County and each Municipality in the separate accounts or funds established pursuant to this Section. Except as provided in Section 6, SPLOST proceeds shall not be commingled with other funds of the County or

Municipalities and shall be used exclusively for the purposes detailed in this Agreement. No funds other than SPLOST proceeds shall be placed in such funds or accounts.

Section 6. Procedures for Disbursement of SPLOST Proceeds

A. Upon receipt by the County of SPLOST proceeds collected by the State Department of Revenue, the County shall immediately deposit said proceeds in the SPLOST Fund. The monies in the SPLOST Fund shall be held and applied to the cost of acquiring, constructing and installing the County capital outlay projects listed in Exhibit "A" and as provided in paragraph B of this Section.

B. The County, following deposit of the SPLOST proceeds in the SPLOST Fund, shall, after application of SPLOST proceeds in accordance with County Resolution 2020-13 paragraph B(5) (if bonds are issued), within 10 business days, disburse the SPLOST proceeds due to each Municipality according to the distribution in Exhibit "B". The proceeds shall be deposited in the separate funds established by each Municipality in accordance with Section 5 of this Agreement.

C. Should any Municipality cease to exist as a legal entity before all funds are distributed under this Agreement, that Municipality's share of the funds subsequent to dissolution shall be paid to the County as a part of the County's share unless an act of the Georgia General Assembly makes the defunct Municipality part of another successor Municipality. If such an act is passed, the defunct Municipality's share shall be paid to the successor Municipality in addition to all other funds to which the successor Municipality would otherwise be entitled.

Section 7. Projects

All capital outlay projects, to be funded in whole or in part from SPLOST proceeds, are listed in Exhibit "A" which is attached hereto and made part of this Agreement.

Section 8. Priority and Order of Project Funding

Projects shall be fully or partially funded and constructed in accordance with the schedule found in Exhibit "A" of this Agreement. Except as provided in Paragraph B and Paragraph C of Section 9 of this Agreement, any change to the priority or schedule must be agreed to in writing by all parties to this Agreement.

Section 9. Completion of Projects

- A. The County and Municipalities acknowledge that the costs shown for each project described in Exhibit "A" are estimated amounts.
- B. If a County project has been satisfactorily completed at a cost less than the estimated cost listed for that project in Exhibit "A", the County may apply the remaining unexpended funds to any other County project in Exhibit "A".
- C. If a Municipal project has been satisfactorily completed at a cost less than the estimated cost listed for that project in Exhibit "A", the Municipality may apply the remaining unexpended funds to any other project included for that Municipality in Exhibit "A".
- D. The County and Municipalities agree that each approved SPLOST project associated with this Agreement shall be completed or substantially completed within five years of the termination of the SPLOST. Any SPLOST proceeds held by a County or Municipality at the end of the five-year period shall, for the purposes of this Agreement, be deemed excess funds and disposed of as provided under O.C.G.A. §48-8-121 (g)(2).

Section 10. Certificate of Completion.

Within thirty (30) days after the acquisition, construction or installation of a municipal project listed in Exhibit "A" is completed, the Municipality owning the project shall file with the County a Certificate of Completion signed by the mayor or chief elected official of the respective Municipality, setting forth the date on which the project was completed, and the final cost of the project.

Section 11. Expenses.

The County shall administer the SPLOST Fund to effectuate the terms of this Agreement and shall be reimbursed for the actual costs of administration of the SPLOST Fund. Furthermore, the County and Municipalities shall be jointly responsible on a per capita basis for the cost of holding the SPLOST election. The County shall be reimbursed for the costs of the election including the Municipalities' share of such costs out of SPLOST proceeds deposited in the SPLOST Fund.

Section 12. Audits

A. During the term of this Agreement, the distribution and use of all SPLOST proceeds deposited in the SPLOST Fund and each Municipal Fund shall be subjected to agreed-upon procedures annually by an independent certified public accounting firm in accordance with O.C.G.A. §48-8-121(a)(2). The County and each Municipality receiving SPLOST proceeds shall be responsible for the cost of their respective audits. The County and the Municipalities agree to cooperate with the independent certified public accounting firm performing any agreed upon procedures by providing all necessary information.

B. Each Municipality shall provide the County with a copy of its audit, containing a schedule of the distribution and use of the SPLOST proceeds by the Municipality.

Section 13. Notices.

All notices, consents, waivers, directions, requests or other instructions or communications provided for under this Agreement shall be deemed properly given when delivered personally or sent by registered or certified United States mail, postage prepaid, as follows:

Clayton County Board of Commissioners
Chairman
112 Smith Street
Jonesboro, GA 30236

City of Jonesboro
Mayor
124 North Avenue
Jonesboro, GA 30236

City of Forest Park
Mayor
745 Forest Parkway
Forest Park, GA 30297

City of College Park
Mayor
3667 Main Street
College Park, GA 30337

City of Lovejoy
Mayor
2491 Lovejoy Road
Lovejoy, GA 30250

City of Lake City
Mayor
5535 North Parkway
Lake City, GA 30260

City of Riverdale
Mayor
6690 Church Street
Riverdale, GA 30274

City of Morrow
Mayor
1500 Morrow Road
Morrow, GA 30260

Section 14. Entire Agreement

This Agreement, including any attachments or exhibits, constitutes all of the understandings and agreements existing among the County and the Municipalities with respect to distribution and use of the proceeds from the SPLOST. Furthermore, this Agreement supersedes all prior agreements, negotiations and communications of whatever type, whether written or oral, among the parties hereto with respect to distribution and use of said SPLOST.

Section 15. Amendments

This Agreement shall not be amended or modified except by agreement in writing executed by the governing authorities of the County and the Municipalities.

Section 16. Governing Law

This Agreement shall be deemed to have been made and shall be construed and enforced in accordance with the laws of the State of Georgia.

Section 17. Severability

Should any phrase, clause, sentence, or paragraph of this Agreement be held invalid or unconstitutional, the remainder of this Agreement shall remain in full force and effect as if such invalid or unconstitutional provision were not contained in this Agreement unless the elimination of such provision detrimentally reduces the consideration that any party is to receive under this Agreement or materially affects the operation this Agreement.

Section 18. Compliance with Law

The County and the Municipalities shall comply with all applicable local, State, and Federal statutes, ordinances, rules and regulations.

Section 19. No Consent to Breach

No consent or waiver, express or implied, by any party to this Agreement, to any breach of any covenant, condition or duty of another party shall be construed as a consent to or waiver of any future breach of the same.

Section 20. Counterparts

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 21. Mediation

The County and Municipalities agree to submit any controversy arising under this Agreement to mediation for a resolution. The parties to the mediation shall mutually select a neutral party to serve as mediator. Costs of mediation shall be shared equally among the parties to the mediation.

IN WITNESS WHEREOF, the County and the Municipalities acting through their duly authorized officials have caused this Agreement to be signed, sealed and delivered for final execution by the County on the date indicated herein.

Clayton County, Georgia

By: _____

Jeffrey E. Turner, Chairman

(Seal)

Attest:

Brenda B. James, Clerk

City of Forest Park, Georgia

By: _____
Angelyne Butler, Mayor
(Seal)

Attest:

City Clerk

City of Morrow, Georgia

By: _____
John Lampl, Mayor
(Seal)

Attest:

Andrea Yates, City Clerk

City of Riverdale, Georgia

By: _____
Dr. Evelyn Wynn-Dixon, Mayor
(Seal)

Attest:

Sylvia Vaughan, City Clerk

City of Lake City, Georgia

By: _____
Ronald Dodson, Mayor
(Seal)

Attest:

City Clerk

City of Lovejoy, Georgia

By: _____
Bobby Cartwright, Mayor
(Seal)

Attest:

Marie Burnham, City Clerk

City of College Park

By: _____
Bianca Motley Broom, Mayor
(Seal)

Attest:

Shavala Moore, City Clerk

City of Jonesboro, Georgia

By: _____
Joy B. Day, Mayor
(Seal)

Attest:

Ricky L. Clark, Jr., City Manager

EXHIBIT "A"

EXHIBIT "B"

Projected Revenue **\$280,036,816**

City	Pop %	Amount
Forest Park	7.12%	\$ 19,938,621
Riverdale*	5.83%	16,326,146
Morrow	2.48%	6,944,913
Lovejoy*	2.48%	6,944,913
Lake City	1.01%	2,828,372
College Park	0.49%	1,372,181
Jonesboro	1.82%	5,096,670
County	78.77%	\$220,585,000
Total		\$280,036,816

Department or Agency	Project Name	Project Description/Justification	Project Cost	Recoomended Proposed Change
Board of Commissioners				
Board of Commissioners	County Administration Building	Design and build a County Administration building. The facility will assist in increased efficiency and effectiveness of services by consolidating departments located in several buildings. In addition to the Board of Commissioners offices, centralized services such as Human Resources, Legal, Finance, and other compatible departments/services could be housed under one roof. Approximate square footage of 85,000 with a parking deck (300 vehicles). Funding would include scope development and achtectual design.	40,000,000.00	\$40,000,000.00
Board of Commissioners	Pedestrian Bridges	Provide two pedestrian walkways over heavily traveled roads	6,000,000.00	\$4,000,000.00
Board of Commissioners	Clayton Center Mental Health Infrastructure.	This project will provide funding for land acquisition, design, construction, and/or equipping of a mental health, developmental disabilities and substance use disorders facility project and/or renovations, improvements, additions to, and equipping of an existing facility so as to provide a facility for individuals with mental health, behavior disorders, developmental disabilities and potentially co-occurring addictive disease(s).	15,000,000.00	\$7,000,000.00
Board of Commissioners	Clayton Center Crisis Stabilization Unit or Behavioral Health Crisis Center	Crisis Stabilization Units are a free-standing facility where patients with urgent or emergency psychiatric needs can receive crisis stabilization services in a safe, structured manner with continuous 24-hour observation and supervision. Patients who do not require intensive clinical treatment in an inpatient setting can be medically monitored, stabilized, and/or undergo detoxification from drugs or alcohol in a short-term residential program. The primary objective of the CSU is to promptly conduct a comprehensive assessment of the patient and to develop a treatment plan with emphasis on crisis intervention services necessary to restore the patient to a level of functioning that requires a less restrictive level of care. Individuals are usually discharged in five or fewer days and are referred to a provider for outpatient services. There currently exists a need for a psychiatric emergency services program in Clayton County to not only immediately address mental health crisis situations, but also provide referrals and create proper treatment plans for follow up care. A CSU in Clayton County would relieve burden on not only SRMC emergency and inpatient services, police and emergency responders, but also reduce the need for patients to be transferred to other hospitals or CSUs away from their homes and providers. By providing a setting to sensitively address a patient's needs and set patients on a path towards after-care and recovery we can hope to prevent future occurrences of mental health crises.	7,000,000.00	\$5,000,000.00
	School System Arena	The project would call for additional seating and a parking deck for the arena. The additional funding would call for the site to be a collaborative partnership allowing opportunities for the County to utilize the site for County sanctioned events.		\$10,000,000.00
Buildings and Maintenance				
Buildings and Maintenance	Justice Complex Roof Replacement	The Harold Banke Justice Complex opened in 2000. The roof system is showing significant wear and in areas has begun leaking. These leaks will continue to get worse and could result in air quality concerns for the staff and occupants.	1,000,000	\$500,000.00
Buildings and Maintenance	Justice Complex Electrical System Upgrade	The existing electrical system is undersized for current use. The system trips during storms and is leading to potential issues with security. Updating the electrical system will ensure the facility is running smoothly for the next 20 years.	500,000	\$250,000.00
Buildings and Maintenance	Rex Park Facility Update	The storage facility and both concession stand/restroom facilities at Rex Park need to be replaced. The maintenance facility has a leaky roof, the concession stands have roofs that have met life expectancy. The plumbing is beginning to have issues and the hvac is reaching life. Replacement will create an opportunity to update the look and feel of the park as well as create an opportunity to reassess our program.	1,750,000	\$250,000.00
Buildings and Maintenance	Justive Center HVAC Replacement	The Harold Banke Justice Complex opened in 2000. The HVAC system is original to the building and includes both a chiller and a cooling tower. These components have a typical life expectancy of 20-25 years. The cooling tower is showing significant signs of wear. We expect a failure to occur with the existing equipment within the next 5-10 years.	750,000	\$500,000.00

Buildings and Maintenance	Justice Complex Sewer System Upgrade	When the sewage system was originally designed, there was not sewer on Tara BLVD close enough to gravity feed. This caused the engineers to have to add a lift station and sewage grinders to the system. Sewer has been expanded into the area that we can now tie in to the existing gravity fed system. This would allow us to remove the lift station and replace the sewage grinders with a more efficient, resilient, and less costly system.	1,000,000	\$	
Buildings and Maintenance	Morrow-Lake City Park	The Concession stand/Restroom facility at Morrow-Lake City Park is sinking. There are inch wide settling cracks in the building and it will soon become hazardous for occupation. Replacing the existing building with a new facility will allow programs to continue at the park and potentially allow for a growth in programming.	1,750,000	\$	200,000.00
Buildings and Maintenance	Annex 3 HVAC Replacement	The HVAC system at the Annex 3 building is approaching end of life. This replacement will ensure proper ventilation for the next two decades.	150,000	\$	150,000.00
Buildings and Maintenance	Rum Creek Park Restoration	The facilities at Rum Creek Park have exceeded life. The second story of the concession stand building has deteriorated to the point that it can no longer be repaired due to rot and structural failure. The downstairs area of the same building is not sufficient to meet the needs of the public using the facility. The "Dog House" is also showing signs of settling and wear. Replacement of these facilities will create a safe long term space for the Parks program to facilitate sports activities at the Park.	1,500,000.00	\$	250,000.00
Buildings and Maintenance	Annex 2 HVAC Replacement	The HVAC system at the Annex 2 building is approaching end of life. This replacement will ensure proper ventilation for the next two decades.	150,000	\$	150,000.00
Buildings and Maintenance	Annex 2 Flat Roof Restoration	The shingles on the historic courthouse were replaced many years ago. The flat roof section of the Annex was not modified at that time. There are some leaks beginning to work their way through the roof now. Restoring the roof will give us another 15 years worth of life out of the roof without the cost of replacement.	200,000	\$	150,000.00
Buildings and Maintenance	Police Department Headquarters HVAC Replacement	The HVAC system at the Police Department Headquarters building is approaching end of life. This replacement will ensure proper ventilation for the next two decades.	150,000	\$	150,000.00
Buildings and Maintenance	Harold Banke Justice Complex Courtside Flooring Replacement	The carpet and other flooring finishes in the Courtside of the Justice Complex are original to the building. The carpet is showing thread wear and will begin to split causing potential trip hazards. The flooring is also very worn and faded due to excessive traffic. Replacement of the flooring finishes will bring a new life to the facility and create a stronger aesthetic appeal.	1,500,000	\$	750,000.00
Buildings and Maintenance	Annex 3 Window Sealing	The windows on Annex 3 have begun to lose their sealing which allows moisture into the building. Over time, this will create an environment for mold to grow. By resealing the windows, we can extend the life of the building by several decades.	120,000	\$	120,000.00
Buildings and Maintenance	Steve Lunquist Aquatics Center Roof Restoration	The roof on the Aquatics Center is showing signs of wear. We have a few leaks and expect more to come. The restoration should extend the life of the roof for another 15 years.	200,000	\$	200,000.00
Buildings and Maintenance	Virginia Stephens House Structural Restoration	The Stephens House has had significant settling issues and needs reinforcement. Additionally, we would like to shore up the second floor space to ensure all safety concerns.	250,000	\$	250,000.00
Buildings and Maintenance	Fleet Maintenance Facility Expansion	The existing Fleet Maintenance garage is too small to meet the growing demands of supporting the vehicle needs of Clayton County Government. This expansion would add an additional bay and much needed storage space.	1,000,000	\$	750,000.00
Buildings and Maintenance	Shellnut Building Renovation	The Shellnut building houses the Kinship program. The building itself is in good shape with a fairly new roof and updated hvac system. This renovation will allow the program to use the existing basement space for additional programs like the food pantry, summer camp, tutoring, etc. Additionally, this renovation will update the electrical system in the building. The basement renovation will add almost 10,000 square feet of programmable space to Kinship while also providing a more efficient layout in the existing space.	650,000	\$	500,000.00
Buildings and Maintenance	Reynolds Nature Reserve Facility Upgrades	The restroom facility needs external walls replaced. The storage facility needs to be replaced. And the historic barn needs some repairs.	300,000	\$	200,000.00
Buildings and Maintenance	Annex 3 Door Replacement	The pivots and hinges on doors entering the building have worn out and are increasingly taking maintenance to work. The doors will cause security concerns if not addressed in the next few years. The doors and hardware are old and not still fabricated so replacement is the recommended course of action.	100,000	\$	100,000.00
Buildings and Maintenance	Frank Bailey Senior Center Flooring Replacement	The carpet and other flooring in the Frank Bailey Senior Center is stained and dingy. Replacing the carpet and other flooring will present a cleaner look for the building and project a fresher cosmetic appeal for the facility.	175,000	\$	100,000.00

Buildings and Maintenance	Charlie Griswell Flooring Replacement	The carpet and other flooring in the Charlie Griswell Senior Center is stained and dingy. Replacing the carpet and other flooring will present a cleaner look for the building and project a fresher cosmetic appeal for the facility.	175,000	\$	100,000.00
Buildings and Maintenance	Police Department Regional Training Academy	The Police Academy is housed in the basement of Police Headquarters. In the current location there is no space for growth and staff have to move between the gun range in Lovejoy and classroom space in Jonesboro. Building an Academy at the gun range will allow us to update the existing range, which is used by other agencies including Federal agencies, as well as build a facility we can showcase for recruitment and growth of our public safety officials. This synergy will make for a safer Clayton County.	7,500,000.00	\$	3,000,000.00
Buildings and Maintenance	T&D Gouvernement Circle Complex	Transportation and Development staff currently work out of multiple ad hoc buildings without a central meeting space. Each building has had multiple renovations and is in need of further modification and major equipment overhaul to ensure efficiency. Demolishing the existing buildings and bringing the staff under one roof will promote greater efficiency.	5,000,000,	\$	-
Buildings and Maintenance	Frank Bailey Senior Center HVAC Replacement	The Frank Bailey Senior Center opened in 2002. The HVAC system is original to the building. Commercial chillers are expected to last for 20-25 years and we did a major overhaul of the equipment in 2019. We expect to have to replace the chiller within the next 10 years.	125,000	\$	125,000.00
Corrections Department					
Corrections Department	Replacement Prison Transport Vans	Replacement of five (5) Prison Transport Vans and equipment.	233,090	\$	115,000.00
Fire & Emergency Services					
Fire & Emergency Services	CCFES Aerial Replacement Program	This program seeks to replace four (4) aerial ladders due to age, use, and the need to create a reserve fleet for aerials. Clayton County Fire & Emergency Services currently staffs fourteen (14) fire stations on a full time basis with number fifteen under construction. Each one of these stations is staffed with an engine or combination engine/aerial. The National Fire Protection Association regulates the provision of fire services and has set forth standards for the deployment of fire apparatus. Additionally, ISO or the Insurance Services Organization, rates fire departments on their adherence to these standards and issues a rating based on that evaluation. That rating is used to set the insurance rates for businesses and citizens within the area served by CCFES. In order to meet the standards of both, CCFES deploys four (4) first out 75" aerials and one (1) 100" aerial platform. Due to mechanical issues and cost of replacement, the department currently has one (1) reserve aerial unit in service, which is not sufficient to account for routine maintenance and ensure service does not suffer due to mechanical failure.	4,000,000	\$	4,000,000.00
Fire & Emergency Services	Fire Station 3 Remodel	Fire Station #3 was constructed shortly after the department hired its first female firefighter and did not account for a diverse workforce. Since that time, CCFES has led the way in hiring a diverse workforce and is now approaching a staff that is nearly 1/3 female. Station #3 does not have separate restroom/shower facilities for male and female employees. In addition, it still has the barrack style sleeping quarters where all 12 employees sleep in one small room as shown in the attached image. Remodeling this station with a modernized facility commensurate with our workforce, will allow us to accommodate the needs of our male and female employees.	750,000.00		
Fire & Emergency Services	Fire Station 2 Replacement	Fire Station #2 was constructed before the department hired its first female firefighter and did not account for a diverse workforce. Since that time, CCFES has led the way in hiring a diverse workforce and is now approaching a staff that is nearly 1/3 female. Station #1 does not have separate restroom/shower facilities for male and female employees. In addition, it still has the barrack style sleeping quarters where all 11 employees sleep in one small room as shown in the attached image. Replacing this station with a modernized facility commensurate with our workforce, will allow us to accommodate the needs of our male and female employees.	4,000,000	\$	4,000,000.00

Fire & Emergency Services	Public Safety Water Rescue Training Center	This program seeks to add a first of its kind water rescue training center for all public safety use. This facility will be located at the regional training center and will provide critical training in the areas of dive rescue, shallow water vehicle extrication, water rescue victim removal, and joint fire/law enforcement water rescue training in a clean water environment. Currently, the training must be conducted in lakes, which create a safety hazard for our employees. This simulator will benefit both CCFES and CCPD, as well as, serve a need for the region as a whole as the only water rescue simulator north of the Public Safety Training Center in Forsyth.	500000*	\$	450,000.00
Fire & Emergency Services	CCFES Ambulance Replacement	This program seeks to replace four (4) Ambulances due to age and safety. Currently, CCFES responds to more than 50,000 calls for service each year. The wear and tear that is put on our current fleet of ambulances is out-pacing our ability to replace and or maintain them. The National Fire Protection Association regulates the provision of fire and EMS services and has set forth standards for the deployment of EMS apparatus. Additionally, ISO or the Insurance Services Organization, rates fire departments on their adherence to these standards and issues a rating based on that evaluation. That rating is used to set the insurance rates for businesses and citizens within the area served by CCFES.	1,000,000.00		
Fire & Emergency Services	Fire Station 10 Remodel	Fire Station #10 was constructed as the department hired its first female firefighter and did not account for a diverse workforce. Since that time, CCFES has led the way in hiring a diverse workforce and is now approaching a staff that is nearly 1/3 female. Station #10 does not have separate restroom/shower facilities for male and female employees. In addition, it still has the barrack style sleeping quarters where all 7 employees sleep in one small room as shown in the attached image. Remodeling this station with a modernized facility commensurate with our workforce, will allow us to accommodate the needs of our male and female employees.	750,000		
Fire & Emergency Services	Replacement for Fire Station 1	Fire Station #1 is located adjacent to Southern regional Medical Center and serves as the hub for EMS Operations, the department's pharmacy, and houses 12 personnel. This station was constructed before the department hired its first female firefighter and did not account for a diverse workforce. Since that time, CCFES has led the way in hiring a diverse workforce and is now approaching a staff that is nearly 1/3 female. Station #1 does not have separate restroom/shower facilities for male and female employees. In addition, it still has the barrack style sleeping quarters where all 12 employees sleep in one small room as shown in the attached image. Replacing this station with a modernized facility commensurate with our workforce, will allow us to accommodate the needs of our male and female employees. Additionally, an updated, technologically secure pharmacy will help us cut costs and secure medications for our growing EMS operations.	5,000,000	\$	5,000,000.00
Information Technology	County Network Infrastructure Replacement	The county's Cisco data and telecommunications network infrastructure was purchased in 2010. All of the equipment has reached manufacturer's end of support/end of life and will need to be replaced to ensure the county operations continue uninterrupted.	2,000,000	\$	2,000,000.00
Information Technology	Public Safety Radio System - Portable and Mobile Radio Replacements	All of the county's public safety portable (hand held) and mobile (installed in vehicles) were purchased in 2014-2015. Motorola Solutions has designated our models to be end of support/end of life and will only provide repairs if the parts are available for the next 24 months. These radios will need to be replaced to ensure our public safety departments maintain critical communications.	7,000,000	\$	5,000,000.00
Library Services					

Library Services	Library Construction - District 1	The Rex area of Clayton County would benefit from a Library in the area. The request comes to support additional services that will compliment other government services at the Anvil Block government complex. The location is growing in population and would benefit greatly from the addition of library services to include youth programming, career services, and workforce development.	8,000,000.00	\$	7,000,000.00
Parks & Recreation					
Parks & Recreation	Greenspace Acquisition	Continue the recommendation from the 2015 Green-space Master plan involving destination accessibility for alternate means of transportation, acquisition Green-space tracts, and walk-able communities. Green-space tracts will include, park managed woodlands, forestry areas, and trails.	20,000,000.00	\$	10,000,000.00
Parks & Recreation	Park Maintenance Fleet Equipment	Replacement of all outdated and obsolete mowers, gators, tractors, Bush-hogs, etc. The current fleet of maintenance equipment is outdated and close to reaching its lifespan. New equipment would require less man hours to complete maintenance tasks and ultimately save county funds for something other than maintaining outdated equipment.	775,000.00	\$	400,000.00
Parks & Recreation	Technology Enhancements	Acquire and enhance technology in the Parks & Recreation Facilities. This consist of but not limited to Virtual Reality Technology, Modern day game room, indoor / outdoor exercise equipment and interactive gaming / exercise equipment.	1,500,000.00	\$	250,000.00
Parks & Recreation	Park Improvements	This funding will be used to improve the playing conditions in the Parks & Recreation Facilities. This will include but not limited to New LED Field Lighting, Field Fencing and Restroom facilities. The parks will have new fencing installed. Ballfields will have playing fields renovated. Ballfield Lighting will be replaced with LED Lighting. All Soccer Goals will be replaced.	10,000,000.00	\$	4,000,000.00
Parks & Recreation	Playground Remodel and Replacements	Replace or remodel Clayton County Parks & Recreation Playgrounds with Modern, State of the Art equipment and surfacing	5,000,000.00	\$	1,500,000.00
	VIP/Amphitheater (Phase2)	Continued renovation to the VIP Complex to include viewing suites and adding stage and dressing room for entertainment and concerts at International Park.	5,000,000.00	\$	5,000,000.00
Police Department					
Police Department	Funding for Bell 407GX Helicopter	The Aviation Unit currently operates two (2) helicopters. One is a 1990 Bell 206L3 purchased in 1996. The other is a 1971 Bell OH58C that was transferred from the Department of Defense (DOD) in 1996 under the Law Enforcement Support Office (LESO) 1122 Program as a surplus aircraft. Because this is a surplus aircraft, under the current program, when we no longer operate this helicopter, it must be returned to LESO. The DOD no longer operates Bell OH58 helicopters. Bell no longer manufactures OH58s or its civilian counterpart, the 206. They also no longer manufacture certain replacement parts like main rotor blades. At some point in the future, we will no longer be able to economically operate our OH58 due to lack of parts or support from DOD or Bell.	5,400,000	\$	5,400,000.00
Police Department	Funding for Fixed Automated License Plate Reader System	The implementation of an automated license plate reader system will provide assistance to Uniform Patrol Division for the police department as well as the surrounding departments. An ALPR system check vehicle tags for registration and insurance violations as well as if the vehicle owner has any outstanding warrants. This information is relayed to dispatch and to officers where a traffic stop can be conducted on the vehicle. This system will help increase the number of traffic violators with issues with their tags and help law enforcement arrest individuals with outstanding warrants. Additionally, the records from the ALPR system can be utilized to cross checked with known suspect tags in criminal investigations. The ALPR systems would be strategically installed in the county where there are issues with crime and traffic. This allows it to provide assistance with traffic and criminal investigations. The Genetec Citigraf allows for a network of the cameras to allow businesses and other entities to register their cameras to where the cameras can be accessed by law enforcement remotely. Attached is a blueprint of how the Genetec Citigraf Security Center could be designed.	300,000	\$	300,000.00

Police Department	Sector 4 Precinct / Building Project	<p>Since the late two thousands, we began the concept of having the Police Precincts fall align with the commission districts, a police precinct per district. This would allow for and help facilitate the "small town" feel and allow our citizens to get to know on a more personal basis, who works for them. This not only gives the commissioners a direct point of contact for their district, but also gives the citizens a point of contact for when issues and/or concerns arise. This process began in the mid 90's with what is now Sector 2, of which is the middle of being replaced with a new building.</p> <p>Basis for total anticipated cost of \$4M is due to previous precincts recently built / in progress have a total cost between 2.8M to 3.2M (they were built on county owned property). We will, most likely, have to acquire land to build precinct on, plus anticipated unknown future construction costs, which is reason for \$4M anticipated cost.</p>	4,000,000	\$	4,000,000.00
Police Department	Bullet Trap System Project	<p>The Clayton County Police Department Firing Range is utilized by the majority of departments with Clayton County and several outside agencies. We are requesting the installation of a bullet trap system; it will reduce the number of ricochet injuries and ricochet property damages. Current type of bullet stop implemented at the range is the dirt berm. Projectiles are fired into the berm and the berm stops and stores the bullets. Overtime, the storage of these bullets are causing "hot spots" where lead has accumulated. The hot spots are causing more ricochets, which requires mining the lead from the berm. EPA regulations direct companies who have special HAZMAT ratings do the lead mining. We've seen an increase in the amount ricochets; we've had classrooms, vehicles and personnel struck by ricochet rounds. Based on the volume of range use, a Bullet Trap System is recommended for the Range. Minimal maintenance is required; primary maintenance is corrosion control (paint, sand blasting, etc.).</p>	1,540,000	\$	750,000.00
Police Department	Personal Patrol Vehicle (PPV) Program	<p>Studies that support the overall annual maintenance cost per vehicle is cheaper and vehicles stay in service over a longer period of time if they are assigned to an individual officer. CCPD has lost many of their officers to other surrounding agencies. Many of these officers did not leave necessarily due to an increase in pay, but they left because they were offered better benefits and take home vehicles. Many of these employees have left even to accept a pay reduction, but the added benefit of an assigned take home vehicle has offset the reduction in pay.</p> <p>We must "hot seat" our vehicles, which means they are designated as Fleet Vehicles and are driven 24 hours a day, 7 days a week. The life of these vehicles are significantly diminished as vehicles that normally would drive on average 20,000 miles a year are tripled due to operating on 3 separate shifts. Fleet vehicles are averaging 40,000 to 60,000 miles per year.</p> <p>This project is to add vehicles to the vehicles assigned to the Police Department. This is not a replacement cycle program for vehicles which is for Fleet Maintenance to implement.</p>	6,300,000	\$	3,100,000.00
Transportation & Dev.					
Transportation & Dev.	Transportation Projects	<p>Transportation projects which include road resurfacing, sidewalk, pedestrian crossings, road corridor improvements, intersection improvements, bridges, traffic signals, road signs and markings, operational and safety improvements, and associated equipment. Project needs, justification, identification, and funding are generally consistent with the Clayton County Comprehensive Transportation Plan adopted by the Board of Commissioners August 21, 2018. The request mimics the short-range tier of projects for the five year plan from 2021 to 2025 plus associated project engineering, construction management and inspection expenses.</p>	130,000,000.00	\$	55,000,000.00
Transportation & Dev.	Roadway Corridor Street Lighting Projects	<p>Street lighting program for roadway corridors. Potential projects will provide street lighting and/or pedestrian lighting along corridors that are not addressed by the County's Residential Street Light Program. Since the County's street light program is only residential based, it has been difficult for the county to obtain street lights in non-residential areas. Potential areas include commercial and industrial areas where the roadway experiences high traffic volumes, pedestrian activities, as well as being identified as a collector or higher classification roadway. Benefits include improved motorist and pedestrian safety aspects during nighttime hours and inclement weather conditions.</p>	\$5,000,000	\$	2,000,000.00

Transportation & Dev.	Winter Weather Supply Building â€œSalt Barnâ€	<p>Winter Weather supply and storage building will house salt, sand, and gravel required to treat roadways when winter storms deposit ice and snow. The facility will also house the salt brine machine as well as the snowplows and spreaders out of the elements extending the life of the equipment.</p> <p>Our current storage location is in an undersized metal building designed for equipment. Salt is beginning to corrode the building, as it was not designed for this purpose. The current location has height restrictions that will not allow the appropriate equipment to load/unload the material within the building, so the material has to be handled in a two-staged approach with smaller equipment moving the materials inside the building after it is dumped in bulk in the parking lot outside the building. Our current capacity is approximately 100 tons of each salt, sand, and gravel, for a total of 300 tons of material that essentially equates to a road treatment period of only two to three days, mainly utilizing spot treatments instead of linear treatments. After the material supply is depleted, the ordering process and supply time to reestablish adequate bulk material levels is typically a few weeks to a month, so during this replenishment time our ability to appropriately address roadway needs are at a severely diminished capacity. The proposed building will be built with appropriate components designed to house salt and the other materials. The proposed capacity is 900 tons, which is 3 times the amount we can store today. The increased capacity greatly enhances our ability to treat roads during winter weather conditions. In addition, the proposed facility will allow for more efficient operations of the salt brine component of the treatment process along with storage of the brine solution.</p>	\$500,000	\$	500,000.00
Transportation & Development	Public Safety and Service Vehicle/Equipment Replacements	<p>Capital replacement program for public safety and service vehicles. Requested funding level is based upon a robust and proactive approach to vehicle and equipment replacements. The current yearly funding level provided for this program from a combination of 2015 SPLOST program funds and County general funds is less than half of the requested value. The vast majority of the vehicles and equipment replaced over the lifetime of the 2015 SPLOST program were reactive replacements due to major component failures, accidents, or unavailability of repair parts compared to proactive replacements. Currently, the County operates approximately 1,400 vehicles and equipment. The replacement cycles for the proposed program are: First responder vehicles â€” 6 years, Ambulances â€” 8 years, Fire Engines â€” 8 years, Service vehicles â€” 12 years, Light Equipment â€” 20 years, Equipment â€” 16 years, Heavy Equipment â€” 16 years, Transportation specialized vehicles â€” 12 years, Senior Services buses â€” 12 years, Prison specialized vehicles â€” 10 years, and Landfill equipment â€” 8 years. The estimated average cost per year based upon these cycles is approximately \$9,750,000.</p>	58,500,000.00	\$	24,500,000.00
Transportation & Dev	Traffic Calming Projects	<p>Traffic Calming program for residential streets to address vehicle speeding and roadway safety issues within subdivisions. The basis of traffic calming is to provide vertical and/or horizontal impediments in the roadway that cause a motorist to slow down. Through the Countyâ€™s Land Development process, newly constructed residential development can incorporate traffic calming features into the road design, however, there is not a current program to address retrofitting existing streets/developed neighborhoods. Funding for this project will assist the County in developing an applicable traffic calming program with potential seed funds for construction at numerous locations around the County. Potential traffic calming devices include traffic circles, median diverters, chicanes, curb extensions, chokers, diverter barriers, speed humps, and speed cushions.</p>	\$5,000,000	\$	2,000,000.00

Transportation & Dev	Anvil Block Government Complex Fuel Station	The remote unleaded fuel station in the Northeast portion of the County is located at Fire Station Two located at 5329 Highway 42 in Ellenwood. Recently, the County opened their Sector 1 Police Station at 3161 Anvil Block Rd in Ellenwood. Additionally, this Anvil Block Rd government complex houses the County's Animal Control Adoption Center and the under construction District 1 Senior Center. Since most of the Fire vehicles utilize diesel fuel, the vast majority of vehicles that utilize the unleaded fuel station on Hwy 42 are other county vehicles, many housed out of the Anvil Block Rd Police building. The project will either relocate the existing above ground tank from the Hwy 42 fire station or provide a newly constructed tank at the Anvil Block government complex. The new station at Anvil Block will include new pumps and dispensers along with the appropriate monitoring equipment and operational software consistent with the County's main fuel station operation. This new location will provide updated fueling equipment as well as a more efficient and convenient operation to County vehicles in this area of the County.	\$325,000	\$	325,000.00
Transportation & Development	Remote Fuel Stations Upgrades	Capital equipment replacement at four existing remote fuel stations. Equipment includes pumps, fuel dispensers, tank monitoring equipment, and fuel management system. Most of the equipment is approaching the end of its life and is becoming increasingly difficult to repair. New equipment will ensure consistency with the County's main fuel station operation located on Government Circle. In addition, the new equipment will allow for remote monitoring of available fuel supply and other components of the fuel station and potentially components of vehicles themselves during refueling. The locations are: Fire Station #1 6375 Garden Walk Blvd, Fire Station #2 5329 Hwy 42, Fire Station #10 12554 Panhandle Rd, and Fire Station #11 7810 Highway 85	250,000.00	\$	250,000.00
		TOTAL FOR ALL PROJECTS requested -- \$ 376,118,090.00	381,118,090.00	221,585,000.00	



CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item #

11.1

-1

COUNCIL MEETING DATE

June 8, 2020

Requesting Agency (Initiator)	Sponsor(s)
Office of the City Manager	Community Development Director Allen

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)

Council to consider approval of Variance#20-VAR-002, a variance concerning the continued use of exterior vinyl siding in the H-2 Historic District by Dawn L. Murray / House of Dawn for property located at 1115 New Dawn Court (Parcel No. 05241B B007A), Jonesboro, Georgia 30236.

Requirement for Board Action (Cite specific Council policy, statute or code requirement)

City Code Section 86-103 – H-2 Zoning Standards; Sec. 86-227 Building Exterior

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)

Yes	Beautification, Community Planning, Neighborhood and Business Revitalization, Historic Preservation
-----	---

Summary & Background (First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Agency recommendation – **Denial of vinyl siding installed on house exterior**; In the spring of 2019, the design of Ms. Murray's House of Dawn home for young mothers (zoned H-2) was approved by the Historic Preservation Commission. In late 2019, grading began on the lot and construction on the foundation and frame began in earnest in the winter of 2020. The house is nearing completion. In mid-May 2020, during one of my periodic COVID 19 visits to Jonesboro City Hall, I checked on several sites in the City, including the House of Dawn site. I noticed that the exterior of the house was white vinyl siding instead of the required Hardiplank (fiber cement siding). I notified the owner and contractor of this. After much correspondence, Ms. Murray decided to apply for a variance to try to keep the vinyl siding on the home, to keep the project in budget and not to delay the project significantly.

Ms. Murray's reason for the variance was as follows: "Due to the ordinance not clearly being communicated to all parties involved in the building process. As well as trying to make an effort to match the existing homes in New Dawn Court subdivision." Ms. Murray claims she was told to match the existing houses on the same street (which are vinyl). However, the staff report stated:

Staff considers the exterior of the house to be equal or superior to the exteriors of existing houses in the immediate area and does not believe that the house would violate the spirit of the Historic District. The house will not be readily visible from South Main Street.

Design Review Commission, 5.1.19: Approval, and add brick to the base on the columns and confirm brick for water table along foundation.

Thus, matching the existing houses was not the ideal. Using Hardiplank was regarded as superior.

Sec. 86-227. - Building exterior.

All residential and commercial construction shall be brick, concrete stucco, stone, cementitious siding, wood or similar, durable architectural materials. Vinyl siding may be permitted in residential applications, only, provided the grade of vinyl meets or exceeds the Standard Specification for Rigid PVC Siding (ASTM D-3679). All manufacturers' recommendations concerning vinyl siding installation must be closely followed.

Vinyl siding is prohibited in the H-1 and H-2 historic districts and the historic overlay. Owners of structures within these districts or the overlay having vinyl siding are not required to replace such siding; however, renovation of or addition to any structure having a construction cost exceeding 50 percent of the assessed market value shall comply with this

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date June, 8, 2020	06/01/20 REQUIRED	City Council PUBLIC HEARING Next: 06/08/20
Signature	City Clerk's Office		

Other points to consider:

1. The staff report from the Historic Preservation meeting in 2019 mentioned that vinyl siding was prohibited and that Hardiplank was to be used.
2. Lap siding (Hardi) was the proposed exterior siding material on the approved plans (Sheet A210 enclosed).
3. The Safebuilt approved plans (which the contractor has copies of) states in a note at the top of the cover sheet – “All exterior finish materials shall comply with all City Ordinances and shall be the builders responsibility to verify approved materials.”
4. At some time either in late February or early March, the decision was made by the owner to tell the contractor to change the exterior finish from Hardiplank to vinyl siding. Staff has no record of being informed of this change.
5. Michael Love of Knight Homes confirmed that the original plans calling for Hardiplank siding. He said he was pulled off the project at about the time that the project had siding installed, and that the new manager did not know the requirements.
6. Safebuilt would not know to look for this issue, as it is not a structural item. Code enforcement would also not know to look for this. The Zoning Administrator’s presence in the City has been sporadic since the beginning of March.
7. In a separate, recent Historic Preservation application, for enclosure of carports at 192 South Main Street, she stated “We shall use....vinyl siding on the exterior. We can use fiber cement siding if needed.” This indicates to staff a knowledge of the vinyl / Hardiplank issue in the Historic District.

Reasons for denial

1. The City never approved a deviation in the exterior materials on the approved plans, which called for Hardiplank. If the plans called for Hardiplank, then they must have budgeted for Hardiplank.
2. A variance approval sets a precedent for future developers wanting to use vinyl in the Historic District.

Points to consider for possible approval

1. The house is well off of Main Street, which is the “traditional” Historic District.
2. The other, older houses on the same drive contain vinyl.
3. The other houses are also owned by Ms. Murray, so she is the only property owner to be directly affected.
4. The house will serve as a service to the community.

Update for 6.8.20 meeting: At the June 1st meeting, Ms. Murray asked about the possibility of having just the front Hardiplank and the rest of the house to remain vinyl. I asked Michael Love of Knight Homes about the potential aesthetics of this:

I don't think it would flow well on the transition from the front to the side. The hardi is wider than the vinyl siding and there would be a noticeable difference from Main Street when you're able to see the front and the side together.

Note: The other side and the back cannot be readily seen from adjacent properties.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Private Owner

- signed variance (002)
- Agenda Cover Sheet - House of Dawn May 2019
- Certificate of Appropriateness - 192 South Main Street, House of Dawn May 2019
- Updated House Plans
- Approved plan note
- Site Picture 1
- Site Picture 2
- Site Picture 3
- Email 1
- Email 2
- Email 3
- Email 4
- Murray application
- Zoning Sign 1
- Zoning Sign 2
- Variance - 1115 New Dawn Court - House of Dawn - Legal Notice

Staff Recommendation (Type Name, Title, Agency and Phone)

Denial



CITY OF JONESBORO
 124 North Avenue
 Jonesboro, Georgia 30236
 City Hall: (770) 478-3800
 Fax: (770) 478-3775
www.jonesboroga.com

VARIANCE REQUEST

Section 86-38. of the Jonesboro Zoning Ordinance allows for the issuance of an Administrative variances. An administrative variance may be granted up to ten percent of the standards of the above referenced chapter. In addition to the Variance Request, please provide a Letter of Intent to include each needed variance and the section of the City's code that pertains to each variance.

Please contact the Jonesboro City Hall (770) 478-3800 and speak with the City Clerk for further information.

Property Information:

Address: 1115 New Dawn Ct.

Parcel Identification Number: _____

Size: _____

Owner: House of Dawn / Community Home Ventures

Note: if applicant is not the owner, the applicant must provide written permission from the owner - notarized, and owner's contact information. See Jonesboro City Hall staff to obtain permissible document.

Applicant Information:

Applicant Name: Down L. Murray

Mailing Address: P. O. Box 1222 Jonesboro, GA 30237

Email Address: houseofdawn1@bellsouth.net Telephone: 478-509-5254

PROJECT INFORMATION:Section of Ordinance in which variance is needed: Sec - 84-227Requesting Variance from: hardiplank to: Vinyl sidingReason for Variance Request: Due to the ordinance not clearly being communicated to all parties involved in the building process. As well as trying to make an effort to match the existing homes in New Dawn CTS subdivision.**VARIANCE REQUEST**

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

N/A

2. List one or more unique characteristics that are generally not applicable to similarly situated properties.

The new home and the existing homes will all match and have white vinyl siding.

3. Provide a literal interpretation of the provisions of above referenced chapter and/or section that would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

N/A

4. Demonstrate how a variance prevents reasonable use of the property.

This home will provide housing for homeless young mothers and their children. We will have to move from our current location of 16 years in a few months. If we are not able to move forward with completing the new home it will put the families at risk of dislocation. It will also put our project over budget if we have to remove the vinyl and replace with hardiplank.

APPLICATION FOR ADMINISTRATIVE VARIANCE |

5. Please explain the reasoning for the variance and state whether it is a result of the applicant.

At the historical meeting it was stressed to me that the new home had to match the existing homes on the street. In an effort to do this I communicated this to the builders. I wasn't even familiar with the term hardiplank. It was not my intent to circumvent the ordinance. I thought I was doing the right thing by ensuring that the new home blended and matched the existing homes.

6. Demonstrate how the variance is the only result to allow reasonable use of the property.

Without this variance we can not operate our new home for our Moms & babies. As a non profit with limited funds we have reached the end of our budget. The requested changes will put us over budget and cause a major delay in completion of the project.

7. Will the granting of the requested variance be injurious to the public health, safety or welfare?

No it will not.

With limited operating funds as a nonprofit the vinyl will require less maintenance and upkeep, it will not disintegrate or rot overtime. This will also ensure the upkeep and beauty of the neighborhood regardless of funding.

8. Will the requested variance be in harmony with the purpose and intent of the above referenced chapter and/or section?

Yes, all of the homes in New Dawn Cart will be uniformed.

Dawn L. Murray
PRINT NAME

05/15/2020
DATE

Dawn L. Murray
SIGNATURE

\$600^w

FEE AMOUNT

FOR OFFICE USE ONLY:

Date Received: ____ / ____ /20 ____

Information Reviewed By: _____

Actions Taken By: _____

Misc. Notes: _____

ATTACHMENT -1-

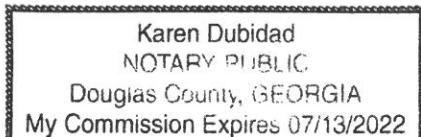
PROPERTY OWNER'S AUTHORIZATION

The Undersigned below, or as attached, is the owner of the property which is subject of this application
The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a
variance for the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it
is shown in the records of Clayton County, Georgia.

Dawn L. Murray
PRINT NAME

Dawn L. Murray 05-15-2020
SIGNATURE/DATE



NOTARY:

Karen Dubidad 05-15-2020
SIGNATURE/DATE

SEAL



Agenda Item Summary

Requesting Agency

Community Development (Dawn Murray, owner)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

House design approval (exterior facade)

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

City Code Section 86-103 – H-2 zoning standards; Article VII. – Architectural Style and Scale

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)* Yes No**Summary & Background***(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Agency recommendation – **Approval of revised house façade exterior**; Last year, Ms. Murray was approved a zoning appeal at 192 South Main Street to build a “second chance home” on the property. The house is to be fronted along a private drive off of South Main Street, directly across the drive from two duplexes.

The property is zoned H-2 (Historic District). The proposed house is a one-story, six-bedroom, with 2571 total square feet. There is no attached garage proposed. The design has changed somewhat from what was submitted with the zoning appeal in 2018 (see attached drawings for comparison).

Sec. 86-103. – H-2 district regulations.

(h) Permitted uses. The following general use classifications are permitted; refer to section 86-204, Table of uses allowed by zoning district, for actual permitted uses: (1) Office uses (2) Residential uses

Uses similar to the above listed permitted uses, as determined by the city manager and provided in section 86-103, may be permitted unless listed elsewhere as a prohibited use.

(i) Conditional uses. Uses that may be allowed upon finding by Jonesboro City Council that the proposed location and use will not disrupt the desired smaller-scale office and residential environment of the district, and provided the proposed floor area does not exceed 3,500 square feet, are found in section 86-204, Table of uses allowed by zoning district.

(j) Development standards.

(1) Minimum lot area: None **On an existing lot with other houses.**

(2) Minimum lot width: 50 feet **On an existing lot with other houses.**

(3) Minimum setbacks:

Front: Building setbacks that have been established over time by historic structures, as listed on the most recent inventory of historic buildings kept on file at the office of downtown development, shall establish the minimum front

FOLLOW-UP APPROVAL ACTION (City Manager)		City Manager's Office
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

setback.

Side: Five feet, except when abutting a residential zoning district where there is no intervening right-of-way, the setback requirement is ten feet.

Rear: 20 feet

(4) Maximum height: Three stories or 35 feet **23 feet tall**

(5) Minimum height: Two stories **One-story**

(2) New construction. New buildings shall be compatible with surrounding historic structures and shall contribute to the character of the area. Prevalent architectural styles in the district shall guide new development. (See article VII, Architectural style and scale, for guidance on specific historic styles and building materials traditionally found in Jonesboro.)

a. Scale and form.

1. New buildings shall be compatible with the existing scale and form of nearby historic homes in terms of foundation and story heights, roof height, shape and pitch, number of stories, width, and depth. **The new house while larger than nearby houses, would be compatible with the style of nearby houses. Despite being in the Historic District, the houses immediately adjacent to the proposed house site are not really "historical" in style.**

2. The maximum heated floor area of infill development shall not exceed 150 percent of the average heated floor area of single family detached dwellings located on the same street for a distance of 600 feet in either direction. **The average square footage of the six closest houses is 1835.5. The proposed house area of 2571 square feet is 140% of the average.**

3. The maximum building height for infill development shall be determined by the maximum building height of single family detached dwellings located on the same street for a distance of 600 feet in either direction. **The house will be a one-story house like others adjacent to it.**

b. Materials and color.

1. The predominant exterior siding material or a modern material that creates a similar texture or appearance shall be used. **Hardiplank with a brick water table is being used.**

2. The use of brick is encouraged for chimneys. **No chimney.**

3. Prohibited exterior materials include synthetic materials with a false wood grain, vinyl siding, brick veneer, concrete block, and the use of materials that do not complement the architectural or historic style of the structure. **No vinyl siding is being used.**

4. Brick and paint colors shall be compatible with the style of the structure and with surrounding historic structures.

5. Neon colors are prohibited.

6. Primary colors may be acceptable for trim or accents pending review and approval by the director of downtown development.

c. Doors and windows.

1. Window and door placement, shape, and dimensions shall be compatible with the pattern on nearby historic structures.

2. Blank wall facades are discouraged.

Staff considers the exterior of the house to be equal or superior to the exteriors of existing houses in the immediate area and does not believe that the house would violate the spirit of the Historic District. The house will not be readily visible from South Main Street.

Design Review Commission, 5.1.19: Approval, and add brick to the base on the columns and confirm brick for water table along foundation.

Fiscal Impact / Funding Source (Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Private Builder

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

House design (exterior façade and floor plan)

Staff Recommendation

Approval of house exterior

David Allen, Community Development Director, 770.570.2977

CERTIFICATE OF APPROPRIATENESS



City of Jonesboro
Historic Preservation Commission
124 North Avenue
Jonesboro, Georgia 30236

THIS DOCUMENT TO BE POSTED AT ALL TIMES

The City of Jonesboro Historic Preservation Commission in conforming with Sec. 42-28 of the Code of Ordinances for the City of Jonesboro, hereby grants permission for work to be performed on the premises listed in accordance with outline specification.

PREMISES: House of Dawn

OWNER: Dawn Murray / Community Ventures, LLC

ADDRESS: 192 South Main Street

TYPE: Second chance home (residence)

HISTORIC PRESERVATION MEETING DATE: MAY 20, 2019

Work Approved:

Two-story home on its own lot; Add brick to the base (lower half) on the columns and confirm brick for water table along foundation.

Under penalty of law, I, the undersigned, assure that the work to be performed will be executed as specified under the terms of this Certificate. If it is determined that changes are necessary, I will apply for those modifications prior to the commencement of any work on those changes.

Dawn S. Murray
Applicant

Betsy Wester
Chairman, Betsy Wester
Historic Preservation Commission

David D. Allen
Approved: David D. Allen
Zoning Administrator, David D. Allen
City of Jonesboro

Note: An additional permit may still be required. All work shall be in compliance with all Building Codes and Zoning Regulations. This Certificate shall become void unless construction is commenced within six months of the date of issuance.

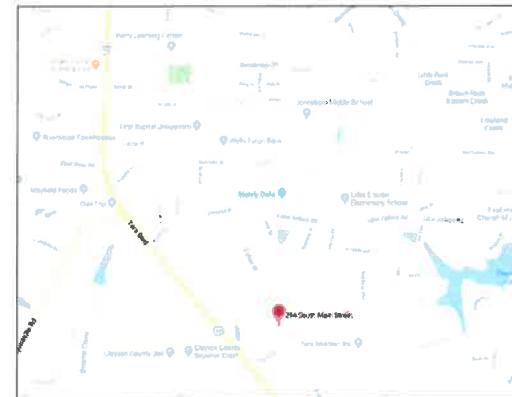


678-462-3225
www.horizonworkshop.com

PROJECT CRITERIA

OCCUPANCY CLASSIFICATION:	RESIDENTIAL
TYPE OF CONSTRUCTION:	V8
SPRINKLERED:	NO
FIRE ALARM:	YES
BUILDING AREAS IN SQUARE FEET:	2571 SF
NUMBER OF STORIES:	1
BUILDING HEIGHT:	23 FEET

LOCATION MAP:



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#	Description	Date

CODE REFERENCE

- International Residential Code, 2012 Edition, with Georgia Amendments 2014, 2015, 2017
- International Plumbing Code, 2012 Edition, with Georgia Amendments 2014, 2015
- International Mechanical Code, 2012 Edition, with Georgia Amendments 2014, 2015
- National Electrical Code, 2014 Edition
- International Energy Conservation Code, 2009 Edition, with Georgia Supplements and Amendments (2011, 2012)
- Current edition of the NFPA Codes and Standards as adopted and modified by the State Fire Marshal
- NFPA 101 Life Safety Code 2012 Edition
- International Fire Code 2012 Edition



SHEET LIST	
SHEET NUMBER	SHEET NAME
G001	Cover Page
G002	General Notes
A100	Architectural Site Plan
A101	Overall Plan
A109	Foundation Plan
A110	Framing Plan - Ground
A111	Floor Plan - Ground
A120	Framing Plan - Level 2
A121	Floor Plan - Level 2
A130	Framing Plan - Roof Trusses
A131	Roof Plan
A150	RCP - Ground
A151	RCP - Level 2
A210	Front Elevation
A211	Side Elevations
A310	Building Sections
A311	Building Sections
A312	Building Sections
A350	Wall Sections
A351	Wall Sections
A352	Wall Sections
PRES100	Original Design

SHEET LIST	
SHEET NUMBER	SHEET NAME
A410	Enlarged Plans
A450	Interior Elevations
A451	Interior Elevations
A510	Section Details
A511	Section Details
A512	Plan Details
A513	Elevated Details
A701	Stair Details
A702	Stair Details
A910	3D Views
A911	Perspective
PRES100	Original Design

HOUSE OF DAWN
294 S. Main St.
Jonesboro, GA 30236

HOUSE OF DAWN
294 S. MAIN ST.
JONESBORO, GA 30236

DAWN MURRAY
294 S. Main St.
Jonesboro, GA 30236
Cover Page
G001
Scale 1/4" = 1'-0"
1/22/2019 12:06:31 AM

#	Description	Date
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Jonesboro, GA 30236

Jonesboro, GA 30236

294 S. Main St.

294 S. Main St.

PROPERTY ON THIS SIDE OF SOUTH MAIN
STREET ZONED $L-2$

SOUTH MAIN
STREET

55

A site plan diagram showing property boundaries and various features. The property lines are indicated by a thick black line. A 18" PECAN tree is located near the top left boundary. A 18" OAK tree is located in the center. A 36" OAK tree is located on the right side. A 5' NO EASEMENT area is marked along the bottom right boundary. A DRIVE is marked on the left side. A 20' EASEMENT area is marked along the bottom left boundary. A 908 reference mark is located on the right side. A 36' reference mark is located on the right side. A 18" PECAN tree is also marked on the right side. A 36" OAK tree is also marked on the right side. A 5' NO EASEMENT area is also marked along the bottom right boundary. A DRIVE is also marked on the left side. A 20' EASEMENT area is also marked along the bottom left boundary. A 908 reference mark is also located on the right side.

CITY OF
JONESBORO
424
TAX ID: 052
BOOZONED
H-2

ADAM GRANT & TANIA
GRANT
38-10962, PG
140
TAX ID: 05241B
B018
ZONED
R-2

28.07.2011
TAX 102 0524
B007 TAX PARCE
TAX LINE: 0524
B007 ZONED
H-8

KAREN MCMULLEN & SHERI MCMULLEN
KELLY 03 1289, PG.
313
TAX ID: C5241B
B019 ZONED

TA
D. VETS AONG
288
TAX ID: 05241 B
B002ZONED
R-2

ROBER
SME
127
TAX ID:
B006AC

05241
ONED
-2

1 Architectural Site Plan
1" = 20'-0"

DAWN MURRAY
294 S. Main St.
Jonesboro, GA 30234

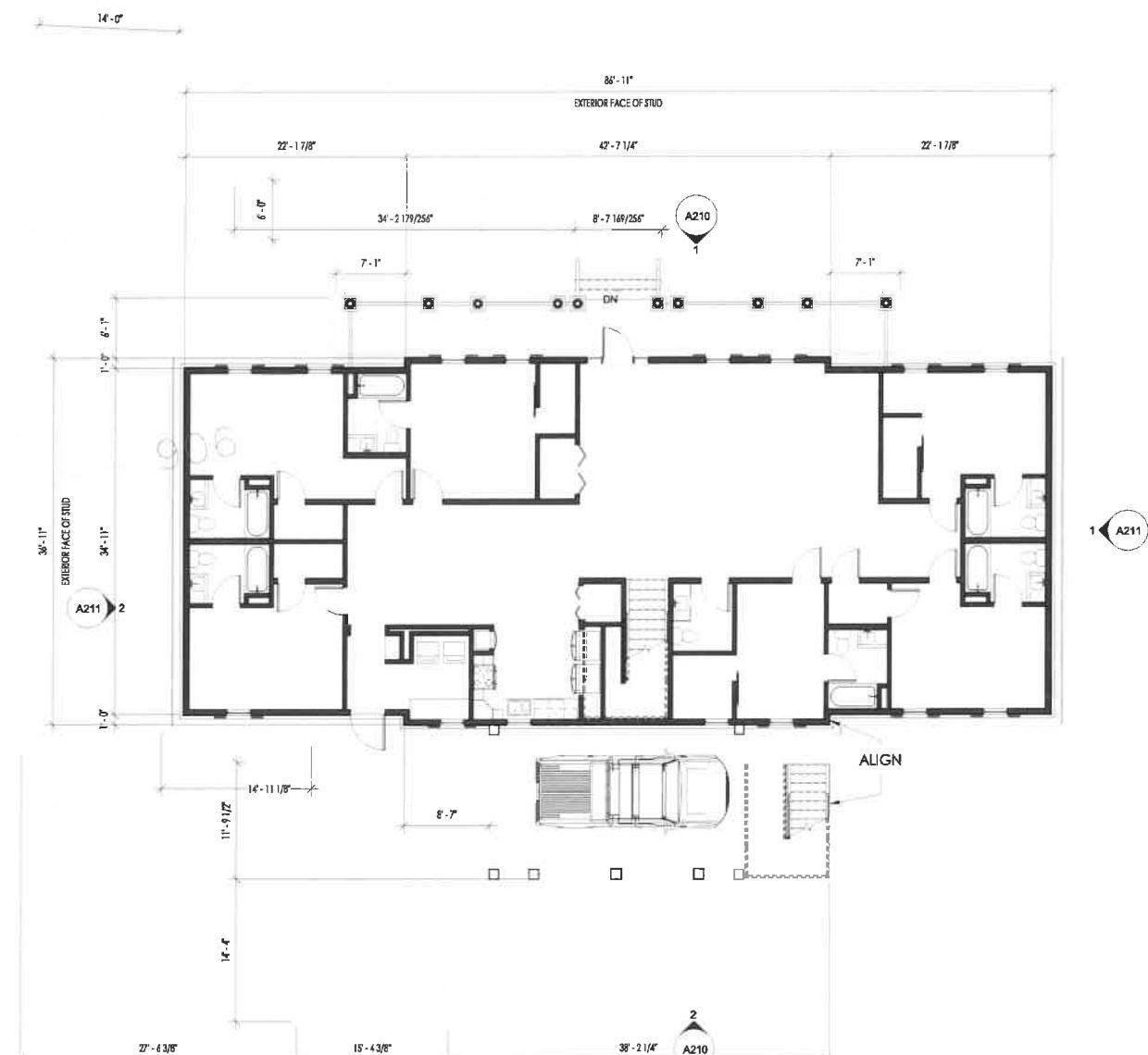


24" CONC.
C&G

678-462-3225
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908

F.H.



① Floor Plan - Overall
1/8" = 1'-0"

HOUSE OF DAWN
294 S. Main St.
Jonesboro, GA 30236

DAWN MURRAY
294 S. Main St.
Jonesboro, GA 30236
Overall Plan
A101
Scale 1/8" = 1'-0"
1/22/2019 12:04:53 AM

**ALL DIMENSIONS ARE TO FACE OF STUD UNLESS
OTHERWISE NOTED

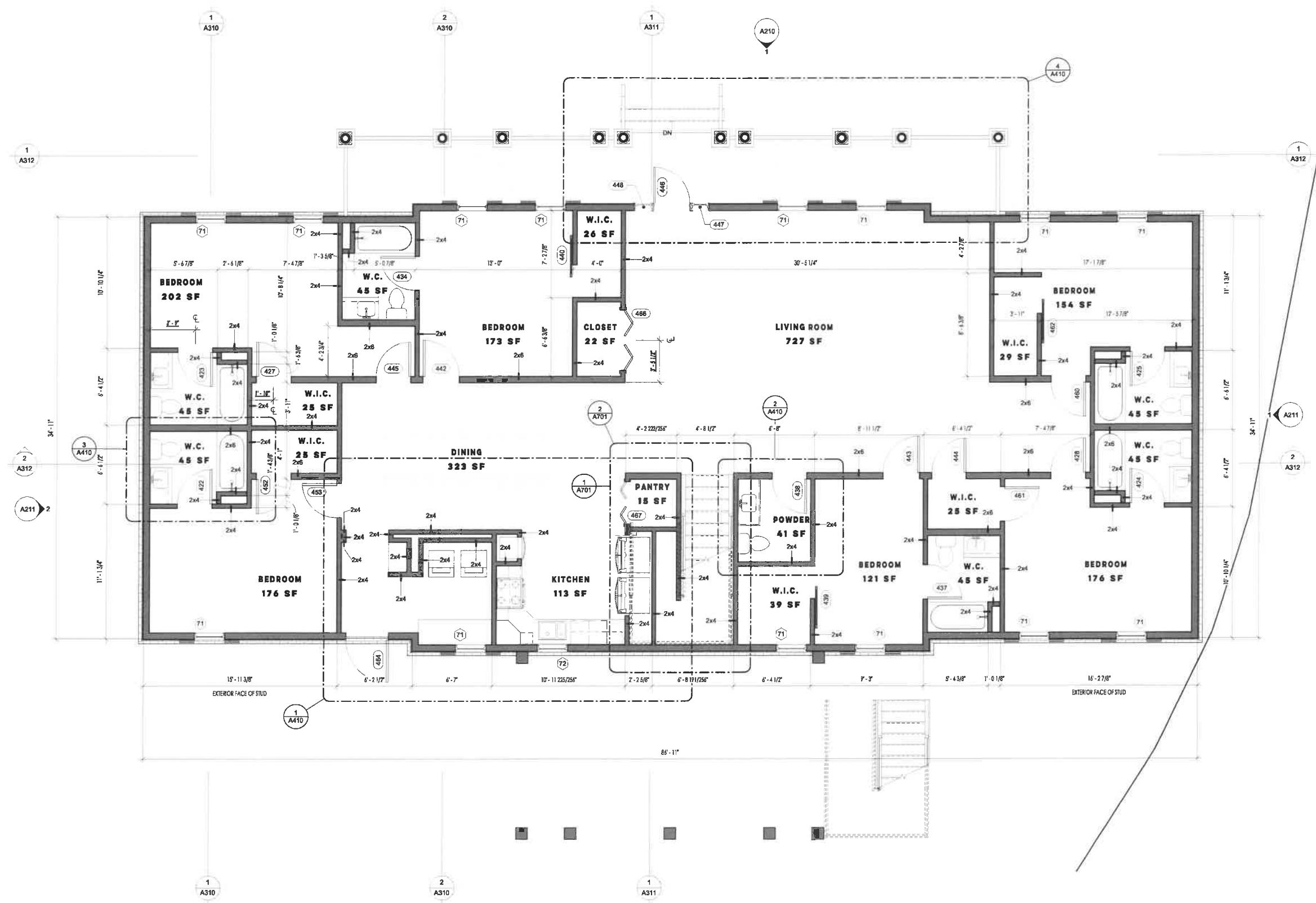


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#	Description	Date



① Floor Plan - Level 1
1/4" = 1'-0"

DAWN MURRAY
294 S. Main St. Jonesboro, GA 30236
Floor Plan - Ground
A111

Scale 1/4" = 1'-0"
7/22/2019 12:04:57 AM

HOUSE OF DAWN
294 S. Main St.
Jonesboro, GA 30236

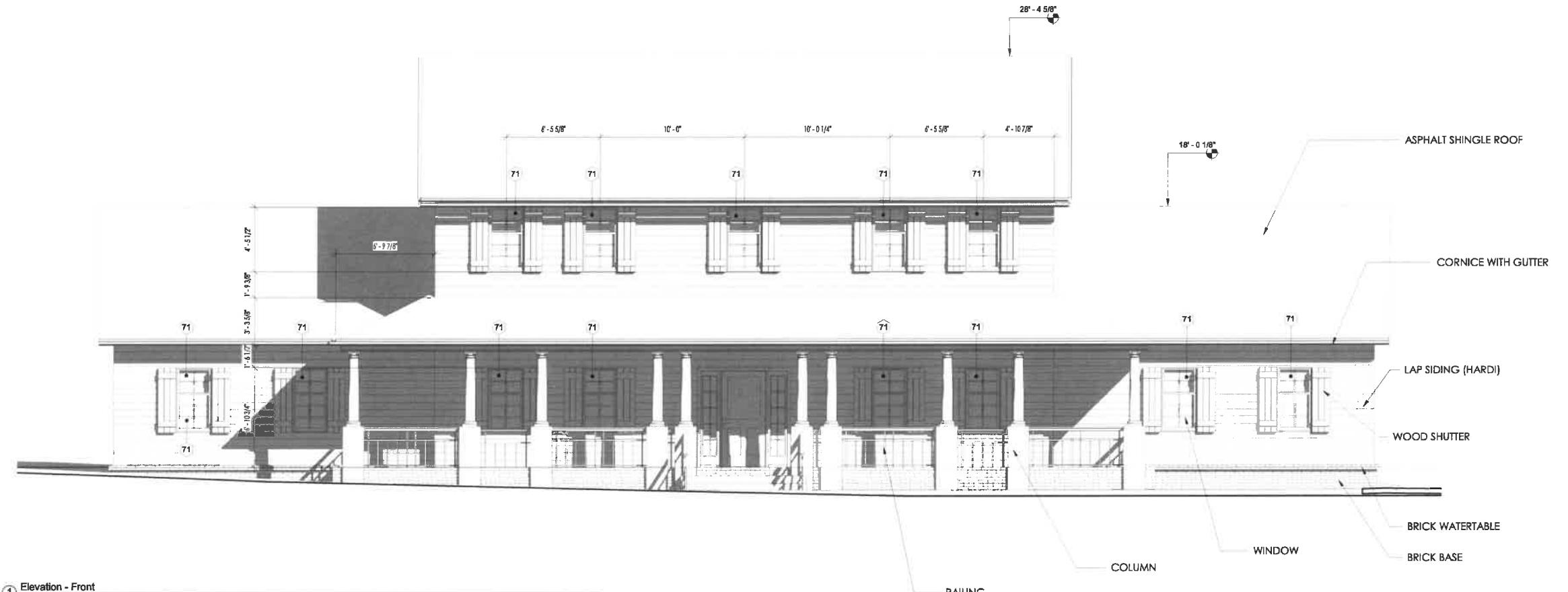
Attachment: Updated House Plans (1647 : House of Dawn)



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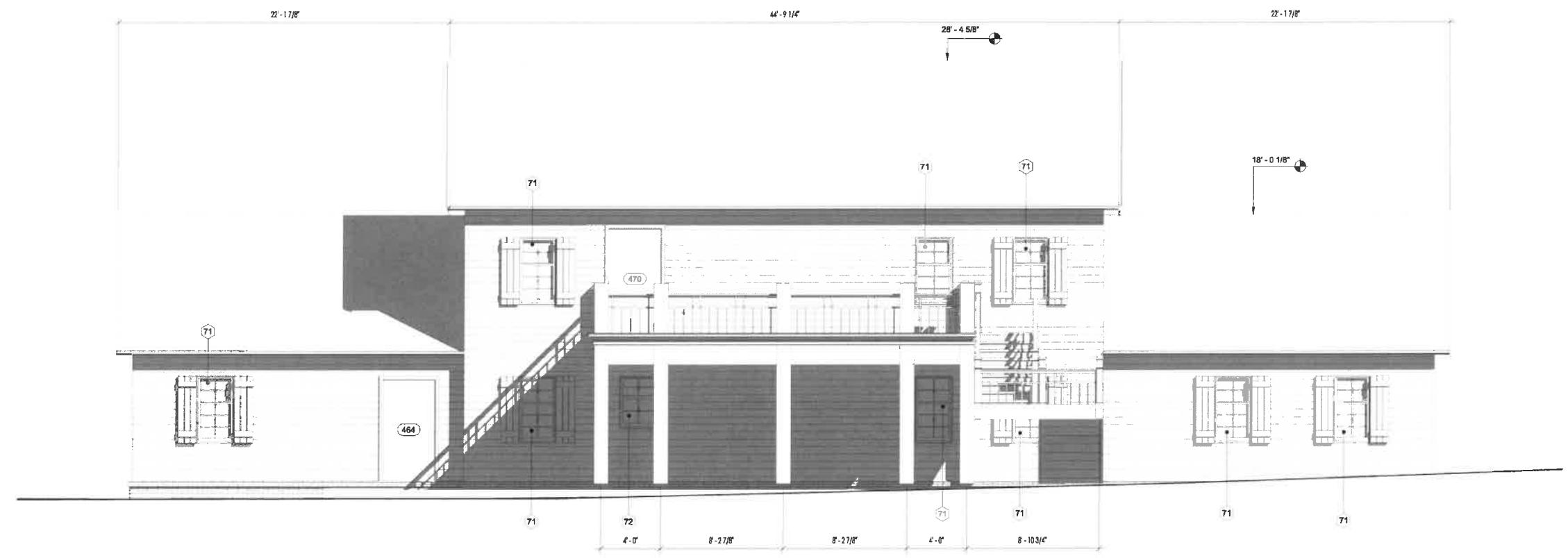


① Elevation - Front
1/4" = 1'-0"

1/4" =

HOUSE OF DAWN
294 S. Main St.
Jonesboro, GA 30236

Jonesboro, GA 30236



② Elevation - Rear
1/4" = 1'-0"

— 174 —

DAWN MURRAY
2941, Adair St.
Jonesboro, GA 30236

Front Elevation

A210

elket

Packet

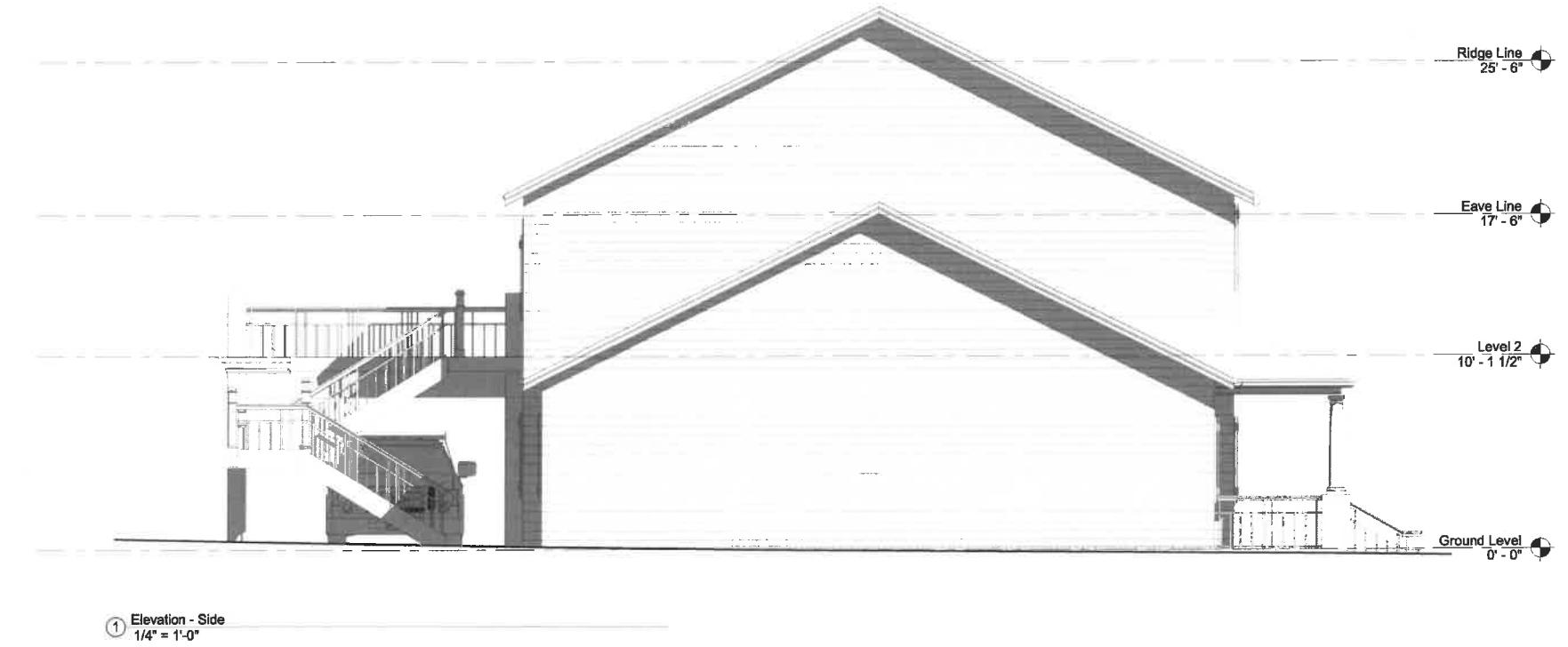
A210

1/4" = 1'-0"

Packet

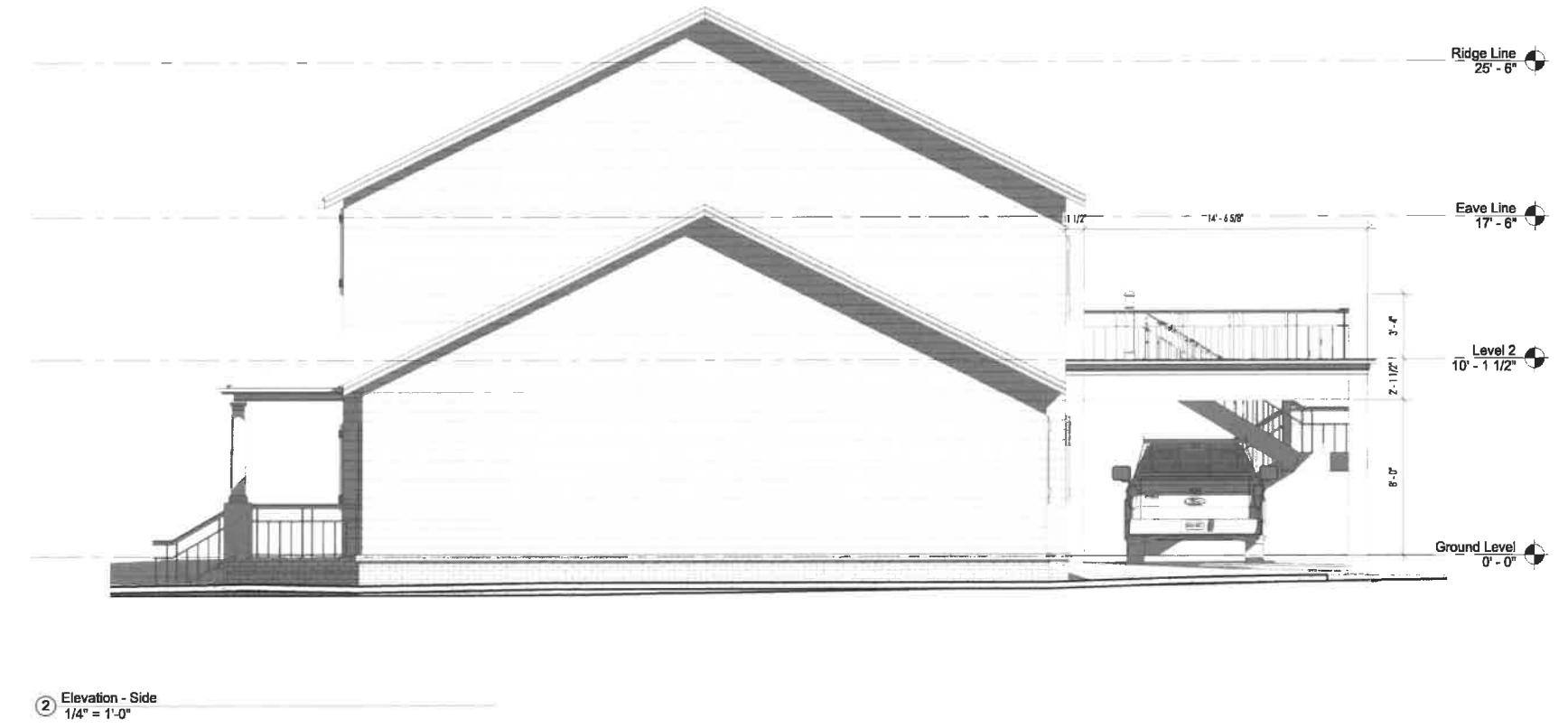


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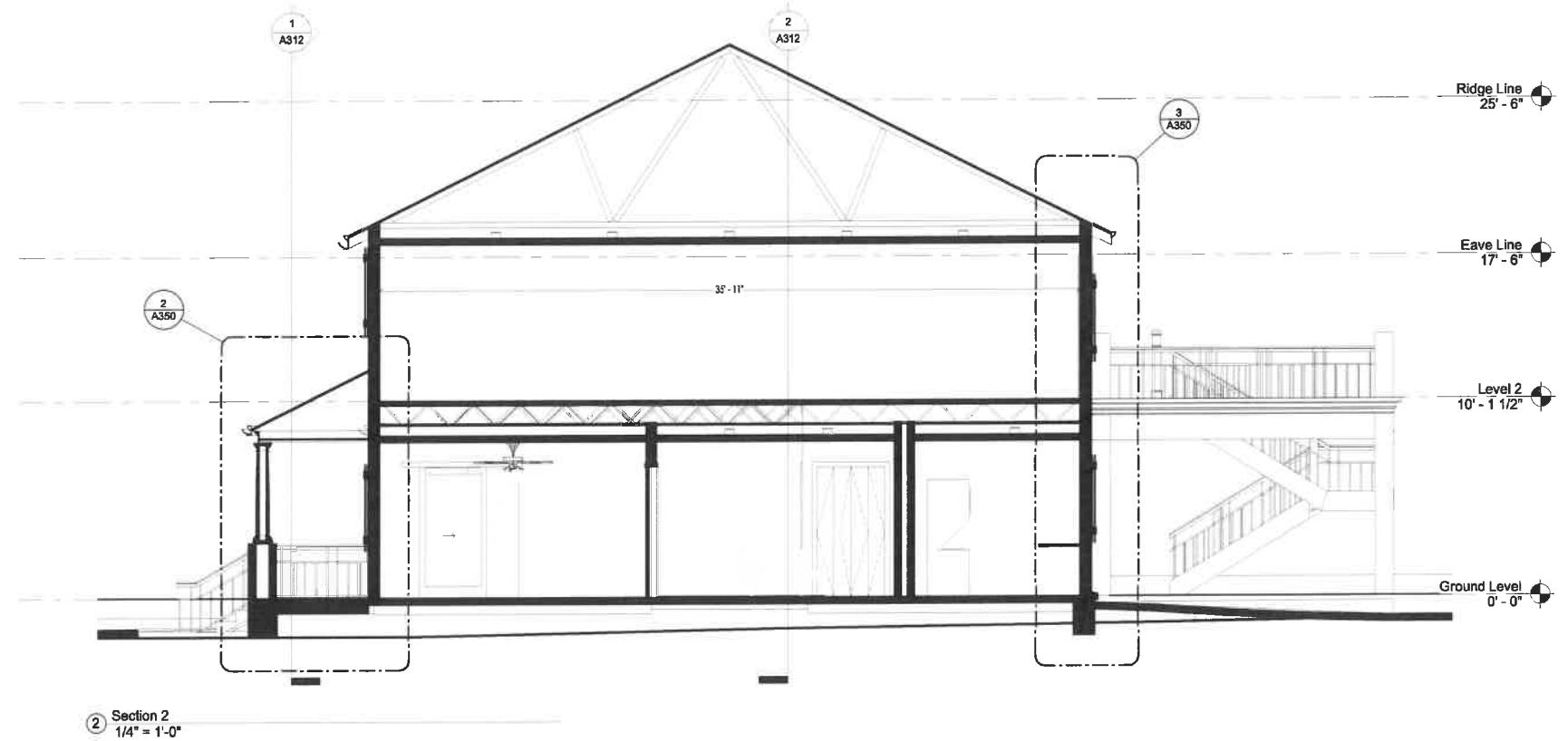
#	Description	Date



DAWN MURRAY
294 S. Main St. Jonesboro, GA 30236
Side Elevation
A211



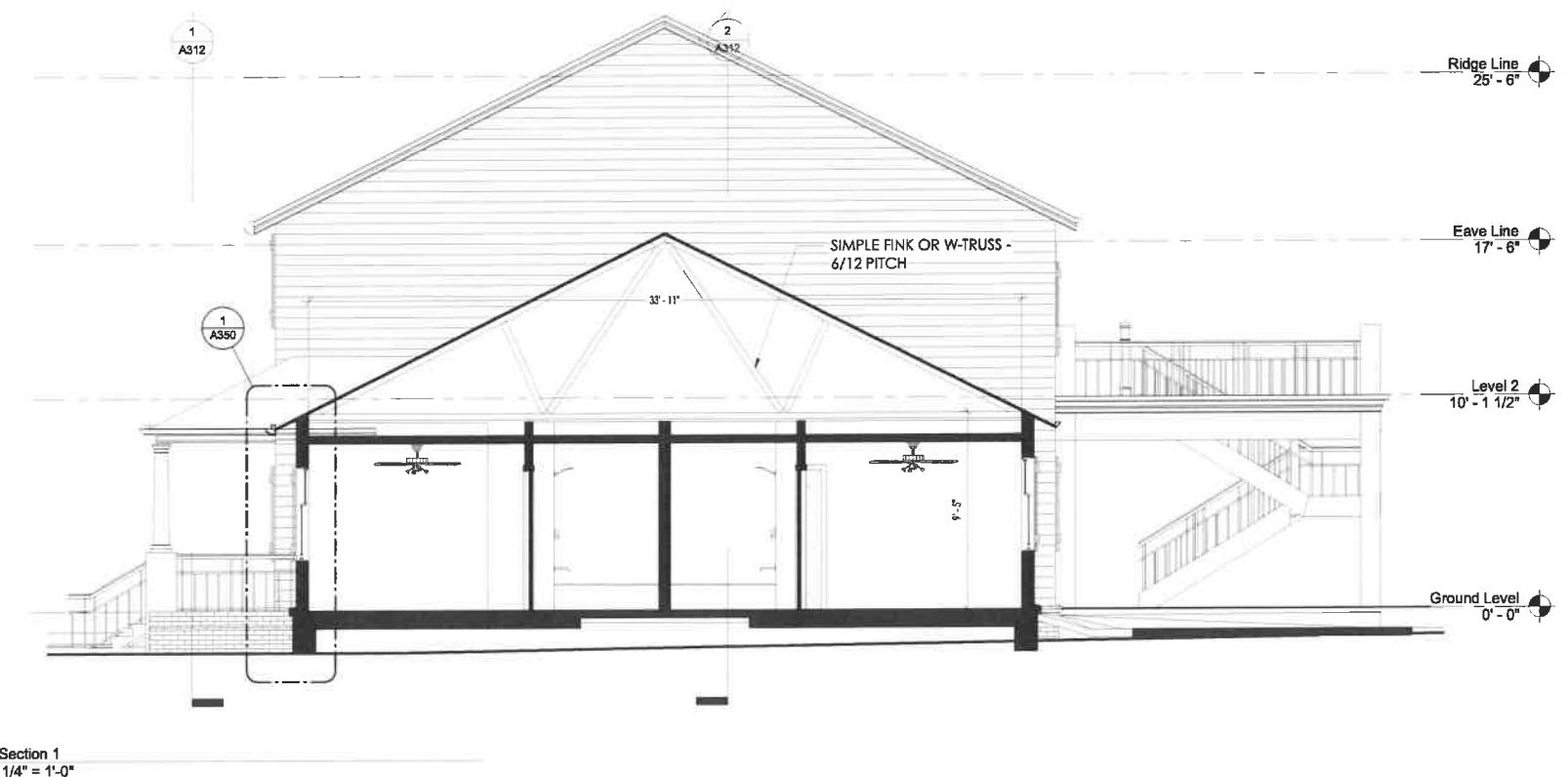
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#	Description	Date

HOUSE OF DAWN
294 S. Main St.
Jonesboro, GA 30236



DAWN MURRAY 294 S. Main St. Jonesboro, GA 30236
Building Sections
A 310
Scale 1/4" = 1'-0" 3/22/2019 12:05:19 AM



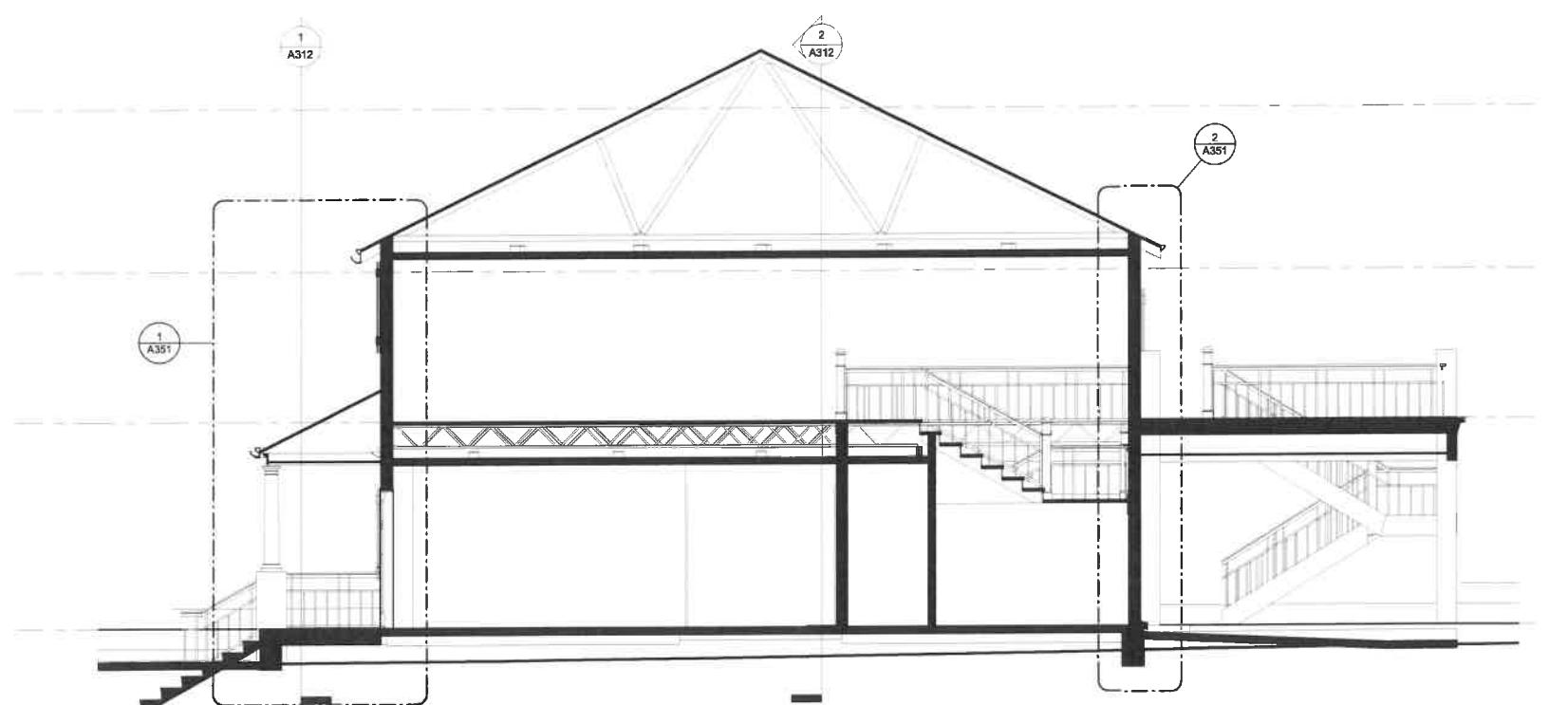
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#	Description	Date

HOUSE OF DAWN
294 S. Main St.
Jonesboro, GA 30236



① Section 3
1/4" = 1'-0"

DAWN MURRAY 294 S. Main St. Jonesboro, GA 30236
Building Sections
A311
Scale 1/4" = 1'-0" 3/22/2019 12:05:20 AM

#	Description	Date

HOUSE OF DAWN

294 S. Main St.
 Jonesboro, GA 30236

Attachment: Updated House Plans (1647 : House of Dawn)

3/22/2019 12:06:23 AM

DAWN MURRAY

294 S. Main St.

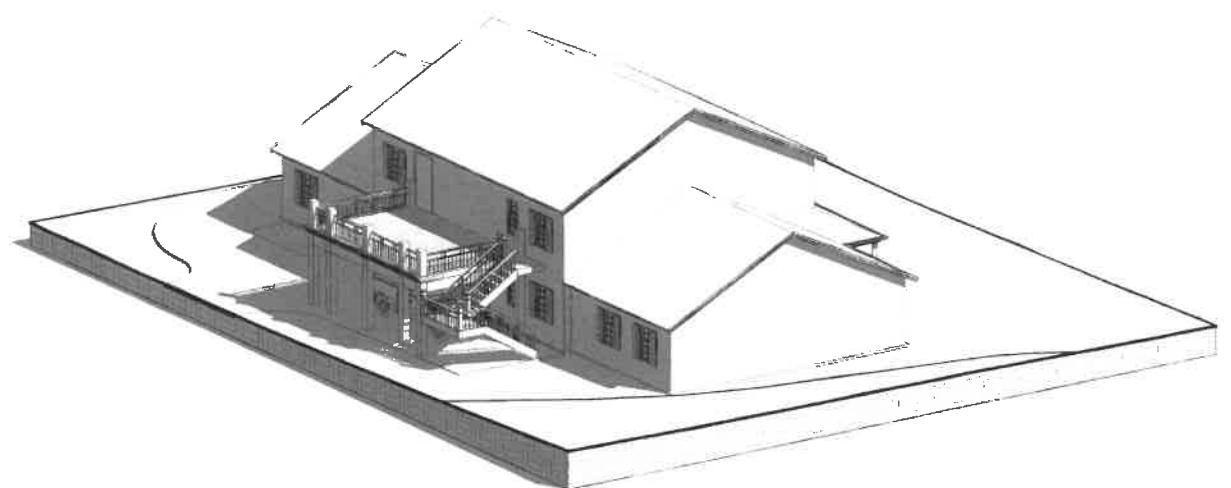
Jonesboro, GA 30236

3D Views

A910

Scale

Packet Pg. 62



③ Axonometric - Rear 2



② Axonometric - Rear



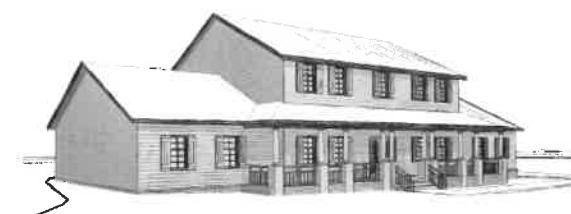
① Axonometric - Front



⑦ 3D View 4



⑥ 3D View 3



⑤ 3D View 2



④ 3D View 1

UPDATED DESIGN



ORIGINAL DESIGN



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#	Description	Date



DAWN MURRAY
294 S. Main St. Jonesboro, GA 30236
Original Design
1/8" = 1'-0"

3/22/2019 12:05:42 AM
PRES100
Code
1/8" = 1'-0"



Attachment: Site Picture 1 (1647 : House of Dawn)



Attachment: Site Picture 2 (1647 : House of Dawn)



Attachment: Site Picture 3 (1647 : House of Dawn)



Jenni Allen <davidjenniallen@gmail.com>

FW: House of Dawn

1 message

David Allen <dallen@jonesboroga.com>
To: Jenni Allen <davidjenniallen@gmail.com>

Sun, May 24, 2020

52



David Allen | Community Development Director | City of Jonesboro, GA

tel: 770-478-3800 | cell: [770-570-2977](tel:770-570-2977) | dallen@jonesboroga.com |

124 North Avenue | Jonesboro, Georgia 30236 |
www.jonesboroga.com

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From: DAWN MURRAY <houseofdawn1@bellsouth.net>

Sent: Tuesday, May 12, 2020 5:53 PM

To: David Allen <dallen@jonesboroga.com>; Michael Love <Michael@knighthomes.com>

Cc: Whitney Fitzgerald <whitney@knighthomes.com>; Ricky , L. Clark, Jr. <rclark@jonesboroga.com>

Subject: Re: House of Dawn

I probably did not realize what Hardiplank was my apologies for that. I was told that the house needed to blend and look like the one over there that we occupy so I thought using the same materials so that the homes could look alike as much as possible is what I was relaying to the builders.

However the bigger problem is now that we don't have the funds to redo it and the home is almost finished. Is there anything that can be done?

Sent from AT&T Yahoo Mail for iPhone

On Tuesday, May 12, 2020, 5:36 PM, David Allen <dallen@jonesboroga.com> wrote:

I don't recall any request for a change in material.



tel: 770-478-3800 | cell: [770-570-2977](tel:770-570-2977) |
dallen@jonesboroga.com |

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From: Michael Love <Michael@knighthomes.com>
Sent: Tuesday, May 12, 2020 5:11 PM
To: David Allen <dallen@jonesboroga.com>; DAWN MURRAY <houseofdawn1@bellsouth.net>
Cc: Whitney Fitzgerald <whitney@knighthomes.com>; Ricky , L. Clark, Jr. <rclark@jonesboroga.com>
Subject: RE: House of Dawn

David,

I remember the original plans calling for Hardiplank siding. I'm sorry, but I don't recall a conversation about Vinyl being prohibited. I was pulled off on a different project when the siding selection was changed from the Hardiplank that was on the original plans. Our purchasing manager who stepped in for me was not aware of any problems when Dawn mentioned to him that the siding should be vinyl to match the existing homes across the street. He didn't question her choice based on the cost savings, the desire to match the existing homes and the fact that he wasn't aware of any ordinance that prohibited the vinyl siding.

With that being said, is there any way to request an exception or variance in this case to approve the vinyl siding that's been installed? It was definitely not intentional to circumvent the ordinance. We just didn't have that ordinance clearly communicated amongst all of our staff, I'm afraid. Let me know your thoughts on trying to work out some type of compromise in this instance.

Thanks,

Michael Love

Estimating - Project Manager

Knight Homes

404-391-0277 – Cell

678-272-4558 – Office



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[Knight Homes](#)

Cc: Whitney Fitzgerald <whitney@knighthomes.com>; Michael Love <Michael@knighthomes.com>; Ricky , L. Clark, Jr. <rclark@jonesboroga.com>
Subject: RE: House of Dawn

I reviewed the staff report again. I see where we mentioned that the plans called for Hardiplank lap siding and that vinyl was prohibited. I am in a meeting right now and I have another one at 5, so can I talk tomorrow?

Whitney and Michael, do you have any input on the plans calling for Hardiplank?



David Allen | Community Development Director | City of Jonesboro, GA

tel: 770-478-3800 | cell: 770-570-2977 |
dallen@jonesboroga.com |

124 North Avenue | Jonesboro, Georgia 30236 |
www.jonesboroga.com

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From: DAWN MURRAY <houseofdawn1@bellsouth.net>
Sent: Tuesday, May 12, 2020 1:54 PM
To: David Allen <dallen@jonesboroga.com>
Subject: Re: House of Dawn

I thought you all said it had to match the homes across the street and they are aluminum siding.

Can you call me?

678-508-5254

Sent from AT&T Yahoo Mail for iPhone

On Tuesday, May 12, 2020, 1:46 PM, David Allen <dallen@jonesboroga.com> wrote:

I was in Jonesboro on other business today, and went by the House of Dawn site. The exterior siding material is vinyl, and I hate to be the bearer of bad news, but the plans called for Hardiplank lap siding. Also, the Historic District does not allow vinyl siding, as discussed in the staff report for the Historic Preservation hearing last year.

Sec. 86-227. - Building exterior.

Packet Pg. 70

All residential and commercial construction shall be brick, concrete stucco, stone, cementitious siding, wood

Vinyl siding is prohibited in the H-1 and H-2 historic districts and the historic overlay. Owners of structures within these districts or the overlay having vinyl siding are not required to replace such siding; however, renovation of or addition to any structure having a construction cost exceeding 50 percent of the assessed market value shall comply with this section. That is, the use of vinyl on the structure being renovated or the addition shall be prohibited.

Synthetic stucco may also be permitted, provided the materials and installation fully comply with the standards of this section. "Super" brick, split-faced block, concrete masonry units, cinder blocks and textured block are prohibited with the exception of use in foundation construction. Materials found to be other than durable construction products are specifically prohibited.



David Allen | Community Development Director | City of Jonesboro, GA

tel: 770-478-3800 | cell: 770-570-2977 |
dallen@jonesboroga.com |

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PROJECT AND MATERIALS DESCRIPTION

We shall use wood-framing
R-13 batt insulation, drywall
on the interior & vinyl siding
on the exterior. We can use
fiber cement siding if needed.
If fiber cement, painted white
to match exterior of units

(Add Additional Sheets as Necessary)

Dawn L. Murray
PRINT NAME

03/14/2020
DATE

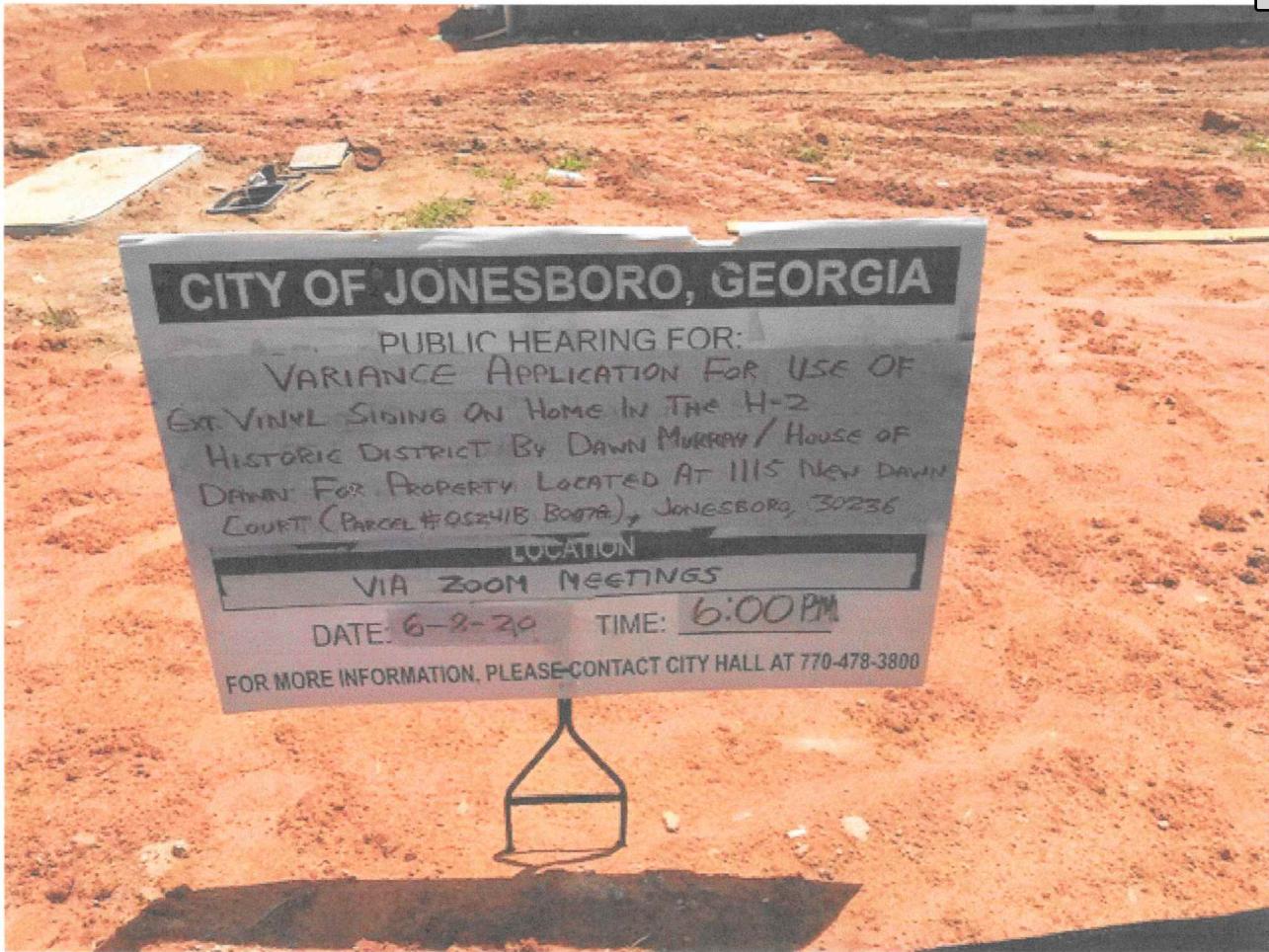
Dawn L. Murray
SIGNATURE

75⁰⁰
FEE AMOUNT

(Application R

Packet Pg. 72





Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on June 8, 2020, via Zoom Meetings, to consider a variance concerning the continued use of exterior vinyl siding in the H-2 Historic District by Dawn L. Murray / House of Dawn for property located at 1115 New Dawn Court (Parcel No. 05241B B007A), Jonesboro, Georgia 30236. The variance concerns a new home for young mothers.

David Allen
Community Development Director

Publish 5/20/20



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

11.2

-2

COUNCIL MEETING DATE

June 8, 2020

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Council to consider approval of Ordinance 2020-013, a proposed text amendment to the City of Jonesboro Code of Ordinances, with the addition of Article III "Specimen Tree Protection" to Chapter 82 – Vegetation, of the City of Jonesboro Code of Ordinances.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Chapter 82, Article III Tree Protection Standards

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Beautification, Community Planning, Neighborhood and Business
Revitalization, Safety, Health and Wellbeing

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

CHAPTER 82. - VEGETATION

ARTICLE III. - SPECIMENTREE PROTECTION

Sec. 82-22. - Purpose.

This article shall hereafter be known and cited as the "City of Jonesboro Tree Protection Ordinance".

The purpose of this article is to:

- (a) Provide standards for the conservation and replacement of certain trees as part of the land development and building construction process within the City limits of Jonesboro.
- (b) Provide standards for the conservation of certain trees in established residential areas within the City limits of Jonesboro, including the Historic District and the Historic Residential Overlay.
- (c) Continue to maintain the City as an attractive place to live.
- (d) Continue to maintain a healthy living environment in the City.
- (e) Continue to protect and enhance the aesthetic qualities of the City and reduce the loss of aesthetic quality provided by natural tree cover, due to development and clear cutting.
- (f) Minimize increases in air pollution and carbon dioxide levels in the air.
- (g) Minimize increases in temperature on lands with natural tree cover.
- (h) Minimize soil erosion and storm-water runoff and maintain water quality.
- (i) Provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the standards and requirements of this article are administered in the most effective,

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date June, 8, 2020	06/01/20 REQUIRED	City Council PUBLIC HEARING Next: 06/08/20
Signature	City Clerk's Office		

- (j) Maintain City trees in a healthy and nonhazardous condition.

Sec. 82-23. - Findings.

- (a) Trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live.
- (b) Trees are economically beneficial in attracting new residents and tourists.
- (c) Tree preservation enhances the value and marketability of property and, thereby, promotes the stability of residential neighborhoods making them more livable and desirable, and thus helps prevent the emergence of blighted neighborhoods, slum conditions, and urban sprawl.
- (d) Trees of significant size are recognized to maintain, and even enhance, property values.
- (e) Trees aid in preventing erosion, storm drainage, siltation of streams and reservoirs, and flash flood damage.
- (f) Trees are valuable in providing shade and cooling effects, and in preventing air, noise, and visual pollution.
- (g) The significant tree cover and specimen trees already throughout the City limits of Jonesboro are valued aesthetic and historic assets and need to be preserved with thoughtful planning.

The proposed City of Jonesboro Tree Protection Ordinance is more limited in scope than Clayton County tree protection measures, for several reasons:

1. The County still has large swaths of undeveloped land, whereas the City is largely built out.
2. Staff believes that the landscaping provisions of Article XV of the Zoning Code, Landscaping and Buffers, are already adequate for meeting the buffering and parking needs of remaining undeveloped land in the City.
3. The County's practices of meeting tree density requirements for existing and new plantings on developed properties are not necessary in the City, which is noted for retaining significant tree cover throughout.

Thus, the emphasis of the proposed City Ordinance is preserving the quality vegetation that the City already has, on commercial, industrial, institutional, and even single-family residential properties. If the City recognizes the value of its architecture and signage, then it must also value its natural assets and seek some form of compensation for significant vegetation that must be removed. No indiscriminate, purposeless clear cutting will be allowed on City properties. However, in the interests of respecting personal property rights, certain provisions for selective tree removal are made in this Ordinance.

The City's vegetative assets must be protected before it is too late.

Update for June 8th meeting: Based on comments from the Mayor and Council at the June 1st meeting, particularly concerning the treatment of residential properties, the Ordinance was revised with revisions in bold red in the attached Ordinance called "Tree Protection Ordinance REV".

n/a

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- TREE PROTECTION ORDINANCE
- Legal Notice - Specimen Tree Protection Ordinance
- TREE PROTECTION ORDINANCE REV
- FD TREE PROTECTION ORDINANCE V4

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

CHAPTER 82. - VEGETATION

ARTICLE III. - SPECIMENTREE PROTECTION

Sec. 82-22. - Purpose.

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- (c) Continue to maintain the City as an attractive place to live.
- (d) Continue to maintain a healthy living environment in the City.
- (e) Continue to protect and enhance the aesthetic qualities of the City and reduce the loss of aesthetic quality provided by natural tree cover, due to development and clear cutting.
- (f) Minimize increases in air pollution and carbon dioxide levels in the air.
- (g) Minimize increases in temperature on lands with natural tree cover.
- (h) Minimize soil erosion and storm-water runoff and maintain water quality.
- (i) Provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the standards and requirements of this article are administered in the most effective, efficient and economical manner;
- (j) Maintain City trees in a healthy and nonhazardous condition.

(Ord. xx-xx-xx)

Sec. 82-23. - Findings.

- (a) Trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live.
- (b) Trees are economically beneficial in attracting new residents and tourists.

- (c) Tree preservation enhances the value and marketability of property and, thereby, promotes the stability of residential neighborhoods making them more livable and desirable, and thus helps prevent the emergence of blighted neighborhoods, slum conditions, and urban sprawl.
- (d) Trees of significant size are recognized to maintain, and even enhance, property values.
- (e) Trees aid in preventing erosion, storm drainage, siltation of streams and reservoirs, and flash flood damage.
- (f) Trees are valuable in providing shade and cooling effects, and in preventing air, noise, and visual pollution.
- (g) The significant tree cover and specimen trees already throughout the City limits of Jonesboro are valued aesthetic and historic assets and need to be preserved with thoughtful planning.

(Ord. xx-xx-xx)

Sec. 82-24. - Boundaries.

The provisions of this article shall apply to all public and private lands, or portions thereof, and right-of-ways within the City limits of Jonesboro. The boundaries of the City are shown on the most current version of the City of Jonesboro Official Zoning Map.

This article is supplemental to the underlying zoning district classifications established in the City Zoning Ordinance, Chapter 86, governing all properties. The provisions of this article apply to all types of development potentially involving the removal of certain trees within the City limits. The standards and requirements of this article shall govern in any case where standards and requirements of this article conflict with those of the underlying zoning district or other provisions of the City Zoning Ordinance, including but not limited to subdivision regulations, landscape standards, and buffer yard standards.

(Ord. xx-xx-xx)

Sec. 82-25. - Definitions.

For the purpose of these regulations, certain words or terms used shall be defined below. Other terms shall be found in Section 86-62.

Bona fide agricultural purpose. A good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

- (1) *The length of time the land will be so utilized;*
- (2) *The productivity of land in its present use;*
- (3) *The relationship of the property to the comprehensive zoning plan; and*

(4) *The current zoning classification of such lands as delineated on the official zoning map.*

Caliper. The diameter or thickness of the trunk of a young tree or sapling as measured at six inches above the top of the root mass. This measurement is used for nursery grown trees having a diameter of less than six inches.

Certified arborist. A person who has met the State of Georgia certification requirements for proper tree care and maintenance, and the diagnosis of tree diseases.

Clear cutting. The total removal of all trees, specimen or otherwise, from a property by any means.

Clearing. The removal of vegetation from a property by any means.

Critical root zone. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths times the number of inches of the trunk diameter. Can also be represented on a mature tree by its dripline.

Cultivar. A tree variety that has been produced in cultivation by selective breeding for certain desirable traits.

Cutting. The detaching or separating of any limb, branch, or root from a tree.

Dead tree. A tree that does not contain any live tissue, i.e., green leaves or live limbs.

Diameter breast height (DBH). The standard measure of tree size for trees six inches or greater in caliper existing on a site. The tree trunk is measured at a height of four and one-half feet above the ground, and if a tree splits into multiple trunks below that point, the trunk is measured at its most narrow point beneath the split.

Diameter, tree. The diameter of a tree measured as follows:

- (1) *For existing preserved trees, at a point four and one-half feet above the ground;*
- (2) *For new replaced trees, at a point six inches above ground; and*
- (3) *For multiple trunk trees, as provided in the measure of diameter at breast height.*

Drip line. A vertical line extending from the outermost branches of a tree perpendicular to the ground.

Established recompense value. The dollar value assigned to a natural resource. It represents the lost public value of trees removed. Used for purpose of calculating cash recompense for removal or destruction of trees. This amount shall be set by the Mayor and City Council.

Forestry. The science, business and art of creating, conserving and responsibly managing forests on a continuous basis for both commodity and non-commodity purposes.

Genus. A category of biological classification ranking between the family and the species marked by common characteristics or by one common characteristic.

Hardwood. The wood from a broadleaved, canopy tree (such as oak, maple, elm, etc.) as distinguished from that of conifers.

Native tree. For the purposes of this Article, an indigenous tree species that belongs to, and is well adapted for Jonesboro and the surrounding geographical area.

Private tree. Any tree located on private property.

Pruning. The elimination of live and dead branches from a tree's crown to improve tree structure, enhance vigor and maintain safety.

Public tree. Any tree located on property belonging to the county.

Replacement tree. A new tree planted on a site as recompense for the removal of any specimen trees as outlined in this article.

Softwood. The wood from a coniferous, canopy tree (such as pine, fir, spruce, etc.) as distinguished from that of broadleaved trees.

Species. A category of biological classification ranking immediately below the genus or subgenus, comprising related organisms or populations potentially capable of interbreeding.

Specimen tree. Any tree, whether hardwood or softwood, canopy or understory, determined by the City to be of notable historic interest, high aesthetic value or of unique character because of species, type, age, size, location or health.

State Forestry Commission. A state appointed commission which protects and conserves forests, prevents and suppresses wildfires, provides rural fire department assistance, assists landowners and communities with forest management, and grows and sells quality tree seedlings for planting.

Timber harvesting. A timber management activity as part of a demonstrated ongoing agricultural land use.

Topping. The severe cutting back of tree branches to a stub, bud, or a lateral branch not large enough to assume the terminal role.

Tree bank. A site such as a school, public park, or streetscape where an owner/developer of a site shall donate and plant the required replacement trees when it is not feasible to plant the required trees within their site's project area.

Tree bank fund. A fund created to receive and hold monies generated by specimen tree removal in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or offsite.

Tree protection or planting plan. A plan that identifies tree protection areas where existing trees are to be protected and preserved, and replacement trees planted on a property to meet recompense requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree protection area. Any portion of a site wherein are located existing trees which are proposed to be preserved, whether specimen trees or trees within a specified buffer area, in order to comply with applicable requirements and shall include nothing less than the total area of the critical root zone of the tree or group of trees collectively.

Tree preservation area means the total critical root zone surrounding a preserved or planted tree or trees that is essential to that tree's health and survival, and is protected within the guidelines of this article.

Tree removal means any act, whether intentional or unintentional, which causes a tree to die within two years after commission of the act, including but not limited to damage inflicted upon the root system in the critical root zone or trunk as the result of:

- (1) *The improper use of machinery on the trees;*
- (2) *The storage of materials in or around the trees;*
- (3) *Soil compaction;*
- (4) *Altering the natural grade to expose the roots or to cover the tree's root system with more than four inches of soil;*
- (5) *Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;*
- (6) *Pruning judged to be excessive by the administrator or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);*
- (7) *Excessive topping;*
- (8) *Removal of more than 20 percent of the critical root zone;*
- (9) *Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and*
- (10) *The application of herbicides or defoliants to any tree without first obtaining a permit.*

Tree replacement area. The area designated for a tree or trees to be planted in order to provide recompense for specimen tree removal.

Tree thinning. The selective cutting or thinning of trees only for the clear purpose of proper forestry management in order to protect said forest from disease or infestation and in no way shall be construed as including clear cutting.

(Ord. xx-xx-xxx)

Sec. 82-26. - Applicability.

The provisions of this article shall not limit the applicability any buffering and open space requirements in this Article or the City Zoning Ordinance. The terms and provisions of this article shall be consistent with any requirements imposed by state law or by the state department of transportation in connection with any state-owned or maintained right-of-way. The standards of this article shall apply to any development, redevelopment, alteration, expansion, or tree removal within the City boundaries as indicated below.

- (a) All proposed commercial, industrial, or institutional developments on previously undeveloped properties;
- (b) All proposed residential developments, including developments on major and minor subdivisions, on previously undeveloped properties;
- (c) All proposed development along private drives and / or easements;
- (d) Infrastructure projects crossing public and / or private properties;
- (e) All exterior renovations, alterations, and / or additions to existing commercial, industrial or institutional developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;
- (f) All exterior renovations, alterations, and / or additions to existing residential developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;
- (g) Any specimen tree(s) scheduled for significant pruning / thinning, topping or removal on already developed commercial, industrial, or institutional properties, not exempted under Section 82-29;

- (h) Any specimen tree(s) scheduled for significant pruning / thinning, topping or removal on already developed residential properties, including the Historic Residential Overlay, not exempted under Section 82-29;
- (i) Any specimen trees or other historically or culturally significant trees within the Historic District, not exempted under Section 82-29;
- (j) *Applicability to public land.* The provisions of this article shall apply to all public entities and owners of public property within the county and it shall be unlawful for the owners to fail to comply with all provisions and requirements of this article.

(Ord. xx-xx-xxx)

Sec. 82-27. – Clear cutting and topping.

The clear cutting of any properties, or a portion thereof, within the City limits, for any reason, is strictly prohibited. The topping of specimen trees, by anyone other than authorized public officials or private professionals, is also prohibited.

(Ord. xx-xx-xxx)

Sec. 82-28. – Timber harvesting.

With the majority of the City of Jonesboro being already developed, timber harvesting is not a regular practice within the City limits. Any proposals for timber harvesting within the City limits would be subject to approval by the Mayor and City Council and generally only for the purposes of proper forestry management or a bona fide agricultural purpose.

(Ord. xx-xx-xxx)

Sec. 82-29. - Specimen tree criteria.

- a) The following criteria are used by the Zoning Administrator to identify specimen trees for preservation. Both the size and condition criteria must be met for a tree to qualify as a specimen, with the exception of trees designated as specimen trees for historic or cultural purposes. (Note: specimen trees do not necessarily have to be native trees).

1. *Size criteria:*

- a. *Large hardwood trees.* 18-inches at diameter breast height (DBH) or larger—such as oaks, maples, elms, etc.
- b. *Large softwood trees.* 24-inches at diameter breast height (DBH) or larger—such as pines, firs, spruces, etc.
- c. *Specimen understory trees.* 4-inches at diameter breast height (DBH) or larger—such as dogwoods, redbuds, flowering cherries, etc.
- d. A lesser-sized tree can be considered a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical or cultural significance, particularly in the Historic District.

2. *Condition criteria:*

- a. At least ten years life expectancy.

- b. Trunk is relatively sound and solid with no extensive decay.
- c. No more than one major and several minor dead limbs readily visible (hardwoods only).
- d. No major insect or pathological problem, per a certified arborist report.
- b) The critical root zone (CRZ) of specimen trees to be preserved shall be protected with hog-back/wire-back tree save fencing with metal support posts.
- c) If a specimen tree is requested to be removed, a plan or written documentation indicating the reason for the removal must be submitted to the Zoning Administrator for approval, unless the developer / property owner has qualified for an exemption under Section 82-30.
- d) Specimen trees that cannot be saved due to extenuating circumstances shall be replaced elsewhere on the same property, per the approval of the Zoning Administrator and the standards of Section 82-33. Replacement trees shall be in quality condition and shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. For sites which lack adequate room for replacement trees, the developer / property owner shall either plant the required amount of replacement trees on an approved City of Jonesboro tree bank site or recompense shall be paid to the City of Jonesboro tree fund, per the standards of Section 82-34.
- e) Any specimen tree which is intentionally or unintentionally removed, by definition of *tree removal* in Section 82-25, without the appropriate review and approval of the Zoning Administrator, shall be subject to a citation in Municipal Court. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of its previous condition. Violations will be subject to the applicable penalties as described in Section 82-37 of this Article. Any fines or other penalties imposed upon violations of this Section shall be in addition to the required recompense measures that a developer / property owner would voluntarily submit to.
- f) The Zoning Administrator shall reserve the right to request the assistance of certified professionals, as the need may arise, to aid in the determination of specimen tree status, by species, size, and /or condition. All reports or other information by professionals concerning specimen trees (such as certified arborists' reports) shall be at the expense of the developer / property owner, save for public trees.

(Ord. xx-xx-xxx)

Sec. 82-30. - Exemptions.

The following developments are exempted from compliance with the clearing and tree removal provisions of this Article:

- a) *Removal due to death, disease or infestation.* Upon the official report of a certified arborist and/or a qualified representative of the State Forestry Commission, in accordance with commonly accepted forestry practices and a finding of tree death, disease or infestation, the removal of one or more private specimen trees on a residential, commercial, institutional, or industrial property may be authorized to prevent the transmission of disease or infestation, to prevent the danger of

these trees falling, or to prevent potential injury to life and property. The property owner, prior to removal of the diseased tree(s), shall notify the Zoning Administrator, identifying the location of the potentially affected tree(s), and shall submit the written report of the certified arborist and /or qualified representative of the of the State Forestry Commission, recommending the removal of the subject tree(s). However, in no case shall the removal of diseased or infected specimen trees be a method of "gradual clear-cutting" of a property. Unless otherwise recommended by a qualified professional in order to prevent a spreading of disease or infestation, the removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.

- b) *Removal to protect an existing structure.* Certain private specimen trees, regardless of health condition, potentially pose an injury to life and property due to their proximity to existing homes and other types of man-made structures and their potential to fall upon these structures during storms, etc. The property owner, prior to removal of the subject tree(s), shall notify the Zoning Administrator, identifying the location of the tree(s) in question. The Zoning Administrator shall consult with the property owner on the subject property and shall document the size, species, and location of the tree(s) in question. The Zoning Administrator shall then give written approval or denial of the request to the property owner within 3 business days of the onsite consultation. If the request is denied, a written reason must also be given to the property owner. In the case of denial, a written appeal may be made to the Mayor and City Council. However, in no case shall the removal of potentially injurious specimen trees be a method of "gradual clear-cutting" of a property. The removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.
- c) *Rights-of-way.* The development of street rights-of-way, easements, or clear zones within a proposed subdivision or subdivision expansion provided that all other areas within such subdivision comply with the provisions of this Article.
- d) *City authorized.* State and City roadway projects. Also, any municipal projects on publicly-owned land.
- e) *Public trees.* Specimen trees on City-owned and maintained property, which, for matters of public safety or other reasons, need to be removed.
- f) *Trail / pathways.* Municipal projects designed and maintained under the City of Jonesboro's green space objectives.
- g) *Easements.* Utility easements for power lines, pipelines, etc. (This includes necessary topping.)
- h) *Grandfathered projects.*
 - 1. This article shall not apply to any portion of a property included within the limits of a valid land disturbance permit issued prior to the effective date of this Article, provided that all time constraints relating to the permit are observed.
 - 2. In no event shall any grandfathered project be extended for more than 12 months from the date of enactment of this Article.
- i) *Horticulture.* Active horticultural operations, including:
 - 1. All active plant or tree nurseries and botanical gardens only in relation to those trees which are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose;

2. All orchards of trees in active commercial operation;
3. This exception shall not be interpreted to include timber-harvesting incidental to development of the land.

j) *Bona fide agricultural operations.*

k) Notwithstanding the foregoing, all reasonable efforts shall be made to save specimen trees.

(Ord. xx-xx-xxx)

Sec. 82-31. – Tree Protection Plans

a) *New developments.*

1. *With disturbance of 1 acre or above.* For developments already requiring a land disturbance permit and civil construction documents, a tree protection plan shall be included with the document set, with the following minimum information:
 - a. North arrow and graphic scale (same scale as erosion control plans);
 - b. Boundary survey of the entire property to be developed;
 - c. Limits of clearing and proposed erosion control fencing **in bold**;
 - d. Approximate tree line (prior to clearing) on entire property;
 - e. Location **in bold** of all required buffers on the subject property;
 - f. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc;
 - g. Proposed location of temporary construction activities, such as equipment or worker parking, materials storage, burnholes, equipment washdown areas and entrance pads.
 - h. Location **with bold circles** of all existing trees on the subject property (including buffers) that meet specimen tree criteria, with species and width at diameter breast height;
 - i. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; Show tree protection fencing around the drip line of specimen trees to be preserved;
 - j. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article;
 - k. Location of any supplemental plantings for buffer areas judged to be inadequate, with species, caliper size, and quantity to be planted;
 - l. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property;
 - m. Any relevant construction details such as tree protection fence, tree planting, etc.
2. *With disturbance less than 1 acre.* For smaller-scale developments that still involve property-wide disturbance, but less than one acre, a standalone tree protection plan is required, with the same information specified in Section 82-31(a)1 above. For smaller-scale developments just involving an exterior alteration to a building or structure, such as a building addition or a parking lot extension, a scaled site enlargement plan showing

the specific area on the subject property to be altered, with the following additional information:

- a. North arrow and graphic scale (same scale as erosion control plans);
- b. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc;
- c. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; Show tree protection fencing around the drip line of specimen trees to be preserved; designated specimen trees must provide location (including dimensions from proposed structures), species, and width at diameter breast height;
- d. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article; designated specimen trees must provide location, species, and width at diameter breast height;
- e. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property;
- f. Any relevant construction details such as tree protection fence, tree planting, etc.

b) *Developed properties.* For properties containing existing structures, such as residences, but no proposed development, and where specimen tree removal is requested due to maintenance issues, safety concerns, etc. the following information is required:

1. Simple site plan, showing all existing structures on the property and all trees meeting specimen tree criteria proposed to be removed. Designated specimen trees must provide location, species, and width at diameter breast height;
2. Photographs of all specimen trees requested to be removed;
3. Where applicable, official report of a certified arborist and/or a qualified representative of the State Forestry Commission, documenting a finding of tree death, disease or infestation;
4. Where applicable, report from Zoning Administrator, documenting the need for tree removal in order to protect an existing structure.

c) *Master plans.* It is recognized that certain large tracts of land are planned for residential development or planned unit developments, and are developed in phases over many years. Large portions of these planned developments remain forest lands for many years and periodically require removal of certain trees to grow better. For those residential lands of ten acres or more, selective thinning may be allowed subject to the following conditions:

- (1) An approved preliminary plan or master plan is already on file at City Hall.
- (2) An application for selective timber harvesting must be filed with the Department of Community Development and be presented to the Mayor and City Council for approval. The application must include a map or plat of the property indicating the area to be harvested together with a harvesting plan prepared by a registered forester, engineer, or landscape architect. The timber management plan must contain methods for protection of hardwoods from damage during the timber operation.
- (3) Only pines and other softwoods may be harvested.

(Ord. xx-xx-xxx)

Sec. 82-32. - Tree preservation and planting requirements.

The following requirements shall apply to specimen trees proposed to be retained within a property, and, where applicable, trees within buffers.

- a) *Tree preservation area.* A tree preservation area shall be established around each tree or group of trees to be retained.
 - 1. The tree preservation area shall include no less than the total area of the critical root zone of a tree or group of trees collectively.
 - 2. Layout of the utility and grading plans shall avoid disturbance of the tree preservation areas.
 - 3. Construction site activities, such as parking, materials storage, concrete washout, burn hole placement, etc., shall be arranged so as to prevent disturbances within the tree preservation areas.
- b) *Protective barriers.*
 - 1. Protective tree fencing, staking or continuous ribbon shall be installed between tree preservation areas and areas proposed to be cleared, graded or otherwise disturbed on the site, prior to any land disturbance. All protective barriers shall be installed according to the City standards of practice as outlined in this Article.
 - 2. All tree preservation areas are to be designated as such with "tree save area" signs posted in addition to the required protection fencing, staking, or continuous ribbon. Signs requesting subcontractor cooperation and compliance with tree preservation standards are recommended for site entrances.
 - 3. All tree preservation areas must be protected from soil sedimentation intrusion through the use of silt screens or other acceptable measures placed up-slope from the tree preservation area.
 - 4. All protective tree fencing, staking or continuous ribbon and all erosion control barriers must be installed prior to and maintained throughout the land disturbance and construction process, and should not be removed until final landscaping is installed.
- c) *Encroachment.* If encroachment into a tree preservation area causes irreparable damage to the trees, as determined by a certified arborist, the development plan shall be revised to compensate for the loss in tree density. The irreparably damaged trees shall be designated "lost trees" and lost tree penalties shall be enforced. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of the article, nor shall plan revision activities stop the department from instituting action for violation of this article.
 - 1. New trees proposed as recompense for lost specimen trees on a property shall comply with the following guidelines:
 - a. The spacing of new trees must be compatible with site limitations and with responsible consideration towards species size when mature;
 - b. Trees must be at least four inch caliper;
 - c. Species selected for planting must be ecologically compatible with the specifically intended growing site;
 - d. Species selected for planting shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. Native / indigenous species are preferred.

- e. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor, so as to assure a reasonable expectation of survivability;
- f. In the event that new trees proposed to be planted to achieve full recompense are not installed or likewise compensated to the City tree bank or tree bank fund upon application for a certificate of occupancy or final plat approval (as appropriate), then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the new trees and their installation shall be posted in accordance with the performance bonding requirements and provisions of City regulations;
- g. Upon final installation of new trees planted under the requirements of the article, and following acceptance by the department of community development, the owner shall warrant the new trees and provide for the exact replacement of those which do not survive for a period of no less than two years, as determined by the Zoning Administrator.

d) *Removal.* Anytime a tree is cut within the City, whether a public or private tree, the stump shall be removed and the land re-graded, compacted, and leveled where the tree was located.

(Ord. xx-xx-xxx)

Sec. 82-33. – Tree replacement ratios.

For specimen tree recompense involving actual replacement tree planting on a subject property, the following replacement ratios shall apply:

a) *For specimen hardwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 20-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **five** 4-inch caliper maples along the side of the same property. $20 / 4 = 5$ trees

For example: A 21-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **six** 4-inch caliper maples along the side of the same property. $21 / 4 = 5.25 = 6$ trees

b) *For specimen softwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to *half* of the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 24-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper pines along the side of the same property. $24 / 2 = 12 / 4 = 3$ trees

For example: A 26-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper pines along the side of the same property. $26 / 2 = 13 / 4 = 3.25 = 4$ trees

- c) For specimen understory tree removed, 12 inches wide (DBH) and larger. An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 12-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper dogwoods along the side of the same property. $12 / 4 = 3$ trees

For example: A 13-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper dogwoods along the side of the same property. $13 / 4 = 3.25 = 4$ trees

- d) For specimen understory tree removed, below 12 inches wide (DBH). An amount of same-species, replacement trees double the amount of specimen trees removed.

For example: A 5-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **two** 4-inch caliper dogwoods along the side of the same property. 1 tree $\times 2 = 2$ trees

(Note: For replacement trees that are not able to be identical species to the specimen tree removed, refer to Section 82-39 for equivalent replacements.)

(Ord. xx-xx-xxx)

Sec. 82-34. - Tree bank and tree fund.

- a) *Designation.* The tree bank and tree bank fund are hereby established for the City of Jonesboro.
- b) *Oversight and administration.* The tree bank and tree bank fund shall be overseen and administered by the Mayor and City Council.
- c) *Applicability.* If the Zoning Administrator determines that it is not feasible to relocate or replace required trees on-site, the developer / property owner may satisfy the specimen tree replacement requirement by paying into the hereby established tree bank or tree bank fund.
- d) *Tree Bank.* The tree bank refers to areas (school, public park, or streetscape, etc.) set aside by the Mayor and City Council as permanent receiver sites for tree plantings. Plantings may be carried out directly by the developer / property owner with Mayor and City Council approval of the planting plan and in coordination with the Zoning Administrator and Director of Public Works or the plantings may be carried out directly by the Public Works Department at developer / property owner's expense.
- e) *Tree bank fund.* The tree bank fund refers to a fund created to receive and hold monies paid by developers / property owners approved for specimen tree removal, in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or off-site. Funds accumulated herein shall be used for the planting and installation of trees on public property, parks, schools, streetscapes, or other approved property within the City only.
- f) *Value.* The established recompense value for monies paid into the tree bank fund shall be a sum of money reflecting the current market price of both materials and planting costs plus an additional ten percent of that price for maintenance. However, developers / property owners who illegally remove specimen trees per the standards of this article shall be subject to fines or penalties in addition to recompense.

(Ord. xx-xx-xxx)

Sec. 82-35. – Non-liability of City.

Nothing in this article shall be deemed to impose any liability upon the City of Jonesboro or upon any of its officers or employees or to relieve the owner and occupant of any private property from the duty to keep trees upon private property or under his or her control in a safe condition.

(Ord. xx-xx-xxx)

Sec. 82-36. - Enforcement.

It shall be the responsibility of the Zoning Administrator and the Department of Community Development to enforce this Article, with assistance from the City Code Enforcement Officer(s). The Zoning Administrator or his/her designee shall have the authority to revoke, suspend, or void any development or building permit, and to withhold issuance of a certificate of occupancy. The Director of Community Development shall also have the authority to suspend all work on a site or any portion thereof and coordinate with the City Code Enforcement Officers(s) concerning citations to Municipal Court, where tree removal or damage occurs in violation of this Article.

(Ord. xx-xx-xxx)

Sec. 82-37. - Violation and penalties.

Any person violating a provision of this article shall be guilty of violating a duly adopted ordinance of the City, and, upon conviction by a court of competent jurisdiction, may be punished either by a fine not to exceed \$1,000.00 per day, or confinement in jail not to exceed six months, or both. The court shall have the power and authority to place any person found guilty of a violation of this article on probation and to suspend or modify any fine or sentence. The owner of any property wherein a violation exists, and any builder, contractor or agent, who may have assisted in the commission of any such violation, may be guilty of a separate offense.

- a) A violation of this article shall constitute a misdemeanor punishable by a fine of up to \$1,000.00 per day and/or a sentence of up to 30 calendar days incarceration per day per occurrence. Nothing herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations. Replacement / recompense shall also be required.
- b) In lieu of or in addition to the other remedies herein, the City Attorney is authorized to file a petition seeking injunctive or other equitable relief to secure compliance with the provisions of this article. The City shall be entitled to its attorney's fees for any action through which relief is awarded.
- c) If a violation were to occur anytime post certificate of occupancy or on any unimproved acreage then penalties shall be imposed based on the provisions of the recompense value for trees as set out in this Article.

(Ord. xx-xx-xxx)

Sec. 82-38. - Severability.

a) It is hereby declared to be the intention of the Mayor and Council that all parts, sections, subsections, paragraphs, sentences, clauses, phrases, terms, or words of this article, were upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every part, section, subsection, paragraph, sentence, clause, phrase, term, or word of this article is severable from every other part, section, subsection, paragraph, sentence, clause, phrase, term, or word of this article. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no part, section, subsection, paragraph, sentence, clause, phrase, term, or word in this article is mutually dependent upon any other part, section, subsection, paragraph, sentence, clause, phrase, term or word in this article.

(Ord. xx-xx-xxx)

Sec. 82-39. – Replacement tree equivalency list.

For replacement trees that are not able to be identical species to the specimen tree removed, refer to the acceptable substitutes below. Unless otherwise stated, equivalent replacement trees shall remain in the same genus as removed specimen trees. Native / indigenous species are preferred, but the greater emphasis is on aesthetic quality.

Canopy Trees

Genus Quercus (Oak)

Acceptable species (with related cultivars)

<i>Quercus phellos</i> (<i>Willow Oak</i>)	<i>Quercus rubra</i> (<i>Northern Red Oak</i>)
<i>Quercus palustris</i> (<i>Pin Oak</i>)	<i>Quercus coccinea</i> (<i>Scarlet Oak</i>)
<i>Quercus virginiana</i> (<i>Live Oak</i>)	<i>Quercus acutissima</i> (<i>Sawtooth Oak</i>)
<i>Quercus stellata</i> (<i>Post Oak</i>)	

Genus Acer (Maple)

Acceptable species (with related cultivars)

<i>Acer rubrum</i> (<i>Red Maple</i>)	<i>Acer saccharum nigrum</i> (<i>Black Maple</i>)
<i>Acer saccharum</i> (<i>Sugar Oak</i>)	<i>Acer barbatum</i> (<i>Southern Sugar Maple</i>)
<i>Acer platanoides</i> ‘Crimson King’ et.al. (<i>Norway Maple</i> cultivars)	

Genus Ulmus (Elm)

Acceptable species (with related cultivars)

<i>Ulmus parvifolia</i> (<i>Chinese Elm</i>)	<i>Ulmus rubra</i> (<i>Slippery Elm</i>)
<i>Ulmus pumila</i> (<i>Siberian Elm</i>)	<i>Ulmus alata</i> (<i>Winged Elm</i>)

Zelkova serrata (Japanese Zelkova)

Other acceptable hardwood species (with related cultivars)

* <i>Acer buergerianum</i> (<i>Trident maple</i>)	<i>Halesia Carolina</i> (<i>Silverbell</i>)
* <i>Acer ginnala</i> (<i>Amur Maple</i>)	<i>Ilex longipes</i> (<i>Georgia holly</i>)
* <i>Acer palmatum</i> (<i>Japanese Maple</i>)	<i>Ilex opaca</i> (<i>American holly</i>)
<i>Aesculus parviflora</i> (<i>Bottlebrush buckeye</i>)	* <i>Ilex verticillata</i> (<i>Winterberry</i>)
<i>Aesculus pavia</i> (<i>Red buckeye</i>)	* <i>Ilex vomitoria</i> (<i>Yaupon holly</i>)
<i>Aesculus sylvatica</i> (<i>Georgia buckeye</i>)	<i>Liriodendron tulipifera</i> (<i>Tulip tree</i>)
<i>Betula lenta</i> (<i>Sweet birch</i>)	<i>Magnolia grandiflora</i> (<i>Southern magnolia</i>)
<i>Betula nigra</i> (<i>River birch</i>)	<i>Magnolia macrophylla</i> (<i>Bigleaf magnolia</i>)
<i>Carpinus caroliniana</i> (<i>American hornbeam</i>)	<i>Nyssa aquatic</i> (<i>Water tupelo</i>)
<i>Carya australis</i> (<i>Southern shagbark hickory</i>)	<i>Nyssa sylvatica</i> (<i>Black gum</i>)
<i>Carya ovata</i> (<i>Shagbark hickory</i>)	<i>Ostrya virginiana</i> (<i>Eastern hophornbeam</i>)
* <i>Cercis Canadensis</i> (<i>Redbud</i>)	<i>Oxydendrum arboreum</i> (<i>Sourwood</i>)
* <i>Cornus alternifolia</i> (<i>Pagoda dogwood</i>)	<i>Planera aquatica</i> (<i>Planetree</i>)
* <i>Cornus florida</i> (<i>Flowering dogwood</i>)	<i>Platanus x acerifolia</i> (<i>London planetree</i>)
* <i>Cornus kousa</i> (<i>Kousa dogwood</i>)	* <i>Prunus caroliniana</i> (<i>Cherry laurel</i>)
<i>Crataegus phaenopyrum</i> (<i>Washington hawthorn</i>)	* <i>Prunus serotina</i> (<i>Black cherry</i>)
<i>Fagus grandifolia</i> (<i>American beech</i>)	<i>Sassafras albidum</i> (<i>Sassafras</i>)
<i>Fraxinus americana</i> (<i>White ash</i>)	<i>Taxodium distichum</i> (<i>Bald cypress</i>)
<i>Fraxinus pennsylvanica</i> (<i>Green ash</i>)	<i>Tilia americana</i> (<i>American basswood</i>)
<i>Gleditsia triacanthus</i> (<i>Honey locust</i>)	<i>Tilia caroliniana</i> (<i>Carolina basswood</i>)

*Denotes specimen understory tree

Acceptable softwood species (with related cultivars)

<i>Juniperus silicicola</i> (<i>Southern red cedar</i>)	<i>Pinus taeda</i> (<i>Loblolly pine</i>)
<i>Juniperus virginiana</i> (<i>Eastern red cedar</i>)	<i>Pinus virginiana</i> (<i>Virginia pine</i>)
<i>Pinus echinata</i> (<i>Shortleaf pine</i>)	<i>Tsuga Canadensis</i> (<i>Eastern hemlock</i>)
<i>Pinus palustris</i> (<i>Longleaf pine</i>)	
<i>Pinus strobus</i> (<i>Eastern white pine</i>)	

(Ord. xx-xx-xxx)

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on June 8, 2020, via Zoom Meetings, to consider a proposed text amendment to the City of Jonesboro Code of Ordinances, with the addition of Article III “Specimen Tree Protection” to Chapter 82 – Vegetation, of the City of Jonesboro Code of Ordinances.

David Allen
Zoning Administrator / Community Development Director

Publish 05/20/20

CHAPTER 82. - VEGETATION

ARTICLE III. – SPECIMEN TREE PROTECTION

Sec. 82-22. - Purpose.

This article shall hereafter be known and cited as the "City of Jonesboro Tree Protection Ordinance".

The purpose of this article is to:

- (a) Provide standards for the conservation and replacement of certain trees as part of the land development and building construction process **on non-residential properties** within the City limits of Jonesboro.
- (b) Provide standards for the conservation of certain trees in established residential areas within the City limits of Jonesboro, including the Historic District and the Historic Residential Overlay.
- (c) Continue to maintain the City as an attractive place to live.
- (d) Continue to maintain a healthy living environment in the City.
- (e) Continue to protect and enhance the aesthetic qualities of the City and reduce the loss of aesthetic quality provided by natural tree cover, due to development and clear cutting.
- (f) Minimize increases in air pollution and carbon dioxide levels in the air.
- (g) Minimize increases in temperature on lands with natural tree cover.
- (h) Minimize soil erosion and storm-water runoff and maintain water quality.
- (i) Provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the standards and requirements of this article are administered in the most effective, efficient and economical manner;
- (j) Maintain City trees in a healthy and nonhazardous condition.

(Ord. 06-08-20)

Sec. 82-23. - Findings.

- (a) Trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live.
- (b) Trees are economically beneficial in attracting new residents and tourists.

- (c) Tree preservation enhances the value and marketability of property and, thereby, promotes the stability of residential neighborhoods making them more livable and desirable, and thus helps prevent the emergence of blighted neighborhoods, slum conditions, and urban sprawl.
- (d) Trees of significant size are recognized to maintain, and even enhance, property values.
- (e) Trees aid in preventing erosion, storm drainage, siltation of streams and reservoirs, and flash flood damage.
- (f) Trees are valuable in providing shade and cooling effects, and in preventing air, noise, and visual pollution.
- (g) The significant tree cover and specimen trees already throughout the City limits of Jonesboro are valued aesthetic and historic assets and need to be preserved with thoughtful planning.

(Ord. 06-08-20)

Sec. 82-24. - Boundaries.

The provisions of this article shall apply to all public and private lands, or portions thereof, and right-of-ways within the City limits of Jonesboro. The boundaries of the City are shown on the most recently adopted version of the City of Jonesboro Official Zoning Map.

This article is supplemental to the underlying zoning district classifications established in the City Zoning Ordinance, Chapter 86, governing all properties. The provisions of this article apply to all types of development potentially involving the removal of certain trees within the City limits. The standards and requirements of this article shall govern in any case where standards and requirements of this article conflict with those of the underlying zoning district or other provisions of the City Zoning Ordinance, including but not limited to subdivision regulations, landscape standards, and buffer yard standards.

(Ord. 06-08-20)

Sec. 82-25. - Definitions.

For the purpose of these regulations, certain words or terms used shall be defined below. Other terms shall be found in Section 86-62.

Bona fide agricultural purpose. A good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

- (1) *The length of time the land will be so utilized;*
- (2) *The productivity of land in its present use;*
- (3) *The relationship of the property to the comprehensive zoning plan; and*

(4) *The current zoning classification of such lands as delineated on the official zoning map.*

Caliper. The diameter or thickness of the trunk of a young tree or sapling as measured at six inches above the top of the root mass. This measurement is used for nursery grown trees having a diameter of less than six inches.

Certified arborist. A person who has met the State of Georgia certification requirements for proper tree care and maintenance, and the diagnosis of tree diseases.

Clear cutting. The total removal of all trees, specimen or otherwise, from a property by any means.

Clearing. The removal of vegetation from a property by any means.

Critical root zone. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths times the number of inches of the trunk diameter. Can also be represented on a mature tree by its dripline.

Cultivar. A tree variety that has been produced in cultivation by selective breeding for certain desirable traits.

Cutting. The detaching or separating of any limb, branch, or root from a tree.

Dead tree. A tree that does not contain any live tissue, i.e., green leaves or live limbs.

Diameter breast height (DBH). The standard measure of tree size for trees six inches or greater in caliper existing on a site. The tree trunk is measured at a height of four and one-half feet above the ground, and if a tree splits into multiple trunks below that point, the trunk is measured at its most narrow point beneath the split.

Diameter, tree. The diameter of a tree measured as follows:

- (1) *For existing preserved trees, at a point four and one-half feet above the ground;*
- (2) *For new replaced trees, at a point six inches above ground; and*
- (3) *For multiple trunk trees, as provided in the measure of diameter at breast height.*

Drip line. A vertical line extending from the outermost branches of a tree perpendicular to the ground.

Established recompense value. The dollar value assigned to a natural resource. It represents the lost public value of trees removed. Used for purpose of calculating cash recompense for removal or destruction of trees. This amount shall be set by the Mayor and City Council.

Forestry. The science, business and art of creating, conserving and responsibly managing forests on a continuous basis for both commodity and non-commodity purposes.

Genus. A category of biological classification ranking between the family and the species marked by common characteristics or by one common characteristic.

Hardwood. The wood from a broadleaved, canopy tree (such as oak, maple, elm, etc.) as distinguished from that of conifers.

Native tree. For the purposes of this Article, an indigenous tree species that belongs to, and is well adapted for Jonesboro and the surrounding geographical area.

Other qualified authority. Any person or entity that has demonstrated knowledge and experience in the field of proper tree care and maintenance.

Private tree. Any tree located on private property.

Pruning. **The selective elimination or cutting back** of live and dead branches from a tree's crown to improve tree structure, enhance vigor and maintain safety.

Public tree. Any tree located on property belonging to the county.

Replacement tree. A new tree planted on a site as recompense for the removal of any specimen trees as outlined in this article.

Softwood. The wood from a coniferous, canopy tree (such as pine, fir, spruce, etc.) as distinguished from that of broadleaved trees.

Species. A category of biological classification ranking immediately below the genus or subgenus, comprising related organisms or populations potentially capable of interbreeding.

Specimen tree. Any tree, whether hardwood or softwood, canopy or understory, determined by the City to be of notable historic interest, high aesthetic value or of unique character because of species, type, age, size, location or health.

State Forestry Commission. A state appointed commission which protects and conserves forests, prevents and suppresses wildfires, provides rural fire department assistance, assists landowners and communities with forest management, and grows and sells quality tree seedlings for planting.

Timber harvesting. A timber management activity as part of a demonstrated ongoing agricultural land use.

Topping. The severe cutting back **of all, or nearly all, of branches on a tree**, to a stub, bud, or a lateral branch not large enough to assume the terminal role.

Tree bank. A site such as a school, public park, or streetscape where an owner/developer of a site shall donate and plant the required replacement trees when it is not feasible to plant the required trees within their site's project area.

Tree bank fund. A fund created to receive and hold monies generated by specimen tree removal in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or offsite.

Tree protection or planting plan. A plan that identifies tree protection areas where existing trees are to be protected and preserved, and replacement trees planted on a property to meet recompense requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree protection area. Any portion of a site wherein are located existing trees which are proposed to be preserved, whether specimen trees or trees within a specified buffer area, in order to comply with applicable requirements and shall include nothing less than the total area of the critical root zone of the tree or group of trees collectively.

Tree preservation area means the total critical root zone surrounding a preserved or planted tree or trees that is essential to that tree's health and survival, and is protected within the guidelines of this article.

Tree removal means any act, whether intentional or unintentional, which causes a tree to die within two years after commission of the act, including but not limited to damage inflicted upon the root system in the critical root zone or trunk as the result of:

- (1) *The improper use of machinery on the trees;*
- (2) *The storage of materials in or around the trees;*
- (3) *Soil compaction;*
- (4) *Altering the natural grade to expose the roots or to cover the tree's root system with more than four inches of soil;*
- (5) *Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;*
- (6) *Pruning judged to be excessive by the administrator or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);*
- (7) *Excessive topping;*
- (8) *Removal of more than 20 percent of the critical root zone;*
- (9) *Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and*
- (10) *The application of herbicides or defoliants to any tree without first obtaining a permit.*

Tree replacement area. The area designated for a tree or trees to be planted in order to provide recompense for specimen tree removal.

Tree thinning. The selective cutting or thinning of trees only for the clear purpose of proper forestry management in order to protect said forest from disease or infestation and in no way shall be construed as including clear cutting.

(Ord. 06-08-20)

Sec. 82-26. - Applicability.

The provisions of this article shall not limit the applicability any buffering and open space requirements in this Article or the City Zoning Ordinance. The terms and provisions of this article shall be consistent with any requirements imposed by state law or by the state department of transportation in connection with any state-owned or maintained right-of-way. The standards of this article shall apply to any development, redevelopment, alteration, expansion, or tree removal within the City boundaries as indicated below.

- (a) All proposed commercial, industrial, or institutional developments on previously undeveloped properties;
- (b) All proposed residential developments, including developments on major and minor subdivisions, on previously undeveloped properties;
- (c) All proposed development along private drives and / or easements;
- (d) Infrastructure projects crossing public and / or private properties;
- (e) All exterior renovations, alterations, and / or additions to existing commercial, industrial or institutional developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;
- (f) All exterior renovations, alterations, and / or additions to existing residential developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;

- (g) Any specimen tree(s) scheduled for **topping or removal** on already developed commercial, industrial, or institutional properties, not exempted under Section 82-29;
- (h) Any specimen tree(s) scheduled **for topping or removal on already developed residential properties, only within the Historic Residential Overlay**, not exempted under Section 82-29;
- (i) Any specimen trees or other historically or culturally significant trees within the Historic District, not exempted under Section 82-29;
- (j) *Applicability to public land.* The provisions of this article shall apply to all public entities and owners of public property within the county and it shall be unlawful for the owners to fail to comply with all provisions and requirements of this article.

(Ord. 06-08-20)

Sec. 82-27. – Clear cutting and topping.

The clear cutting of any undeveloped or already developed residential, commercial, industrial, or institutional properties, or a portion thereof, within the City limits, is strictly prohibited without prior approval by the Community Development Department and the Mayor and City Council. The topping of specimen trees, by anyone other than authorized public officials **and/or** private professionals, is also prohibited.

(Ord. 06-08-20)

Sec. 82-28. – Timber harvesting.

With the majority of the City of Jonesboro being already developed, timber harvesting is not a regular practice within the City limits. Any proposals for timber harvesting within the City limits would be subject to approval by the Mayor and City Council and generally only for the purposes of proper forestry management or a bona fide agricultural purpose.

(Ord. 06-08-20)

Sec. 82-29. - Specimen tree criteria.

- a) The following criteria are used by the Zoning Administrator to identify specimen trees for preservation. Both the size and condition criteria must be met for a tree to qualify as a specimen, with the exception of trees designated as specimen trees for historic or cultural purposes. (Note: specimen trees do not necessarily have to be native trees).
 - 1. *Size criteria:*
 - a. *Large hardwood trees.* 18-inches at diameter breast height (DBH) or larger—such as oaks, maples, elms, etc.
 - b. *Large softwood trees.* 24-inches at diameter breast height (DBH) or larger—such as pines, firs, spruces, etc.
 - c. *Specimen understory trees.* 4-inches at diameter breast height (DBH) or larger—such as dogwoods, redbuds, flowering cherries, etc.

- d. A lesser-sized tree can be considered a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical or cultural significance, particularly in the Historic District.

2. *Condition criteria:*

- a. At least ten years life expectancy.
- b. Trunk is relatively sound and solid with no extensive decay.
- c. No more than one major and several minor dead limbs readily visible (hardwoods only).
- d. No major insect or pathological problem, per a certified arborist **or other qualified authority** report.

- b) The critical root zone (CRZ) of specimen trees to be preserved shall be protected with hog-back/wire-back tree save fencing with metal support posts.
- c) If a specimen tree is requested to be removed, a plan or written documentation indicating the reason for the removal must be submitted to the Zoning Administrator for approval, unless the developer / property owner has qualified for an exemption under Section 82-30. **For property owners with questions as to whether trees proposed to be removed qualify as specimen trees, the Zoning Administrator shall be contacted to confirm tree status onsite.**
- d) **With the exception of already developed single-family detached and duplex residential lots**, specimen trees that cannot be saved due to extenuating circumstances shall be replaced elsewhere on the same property, per the approval of the Zoning Administrator and the standards of Section 82-33. Replacement trees shall be in quality condition and shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. For sites which lack adequate room for replacement trees, the developer / property owner shall either plant the required amount of replacement trees on an approved City of Jonesboro tree bank site or recompense shall be paid to the City of Jonesboro tree fund, per the standards of Section 82-34.
- e) Any specimen tree which is intentionally or unintentionally removed, by definition of *tree removal* in Section 82-25, without the appropriate review and approval of the Zoning Administrator, shall be subject to a citation in Municipal Court. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of its previous condition. Violations will be subject to the applicable penalties as described in Section 82-37 of this Article. Any fines or other penalties imposed upon violations of this Section shall be in addition to the required recompense measures that a developer / property owner would voluntarily submit to.
- f) The Zoning Administrator shall reserve the right to request the assistance of certified professionals **and other qualified authorities**, as the need may arise, to aid in the determination of specimen tree status, by species, size, and /or condition. All reports or other information by professionals concerning specimen trees shall be at the expense of the developer / property owner, save for public trees.

(Ord. 06-08-20)

Sec. 82-30. - Exemptions.

The following developments are exempted from compliance with the clearing and tree removal provisions of this Article:

- a) *Removal due to death, disease or infestation.* Upon the official report of a **certified arborist, qualified representative of the State Forestry Commission, certified tree professional, extension service agent, or other qualified authority**, and a finding of tree death, disease or infestation, the removal of one or more private specimen trees on any residential, commercial, institutional, or industrial property may be authorized to prevent the transmission of disease or infestation, to prevent the danger of these trees falling, or to prevent potential injury to life and property. The property owner, prior to removal of the diseased tree(s), shall notify the Zoning Administrator, identifying the location of the potentially affected tree(s), and shall submit the written report of the certified arborist **or other qualified authority**, recommending the removal of the subject tree(s). However, in no case shall the removal of diseased or infected specimen trees **over time** be a method of "gradual clear-cutting" of a property. Unless otherwise recommended by a qualified professional in order to prevent a spreading of disease or infestation, the removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.
- b) *Removal to protect an existing structure.* Certain private specimen trees, regardless of health condition, potentially pose an injury to life and property due to their proximity to existing homes and other types of man-made structures and their potential to fall upon these structures during storms, etc. The property owner, prior to removal of the subject **specimen** tree(s), shall notify the Zoning Administrator, identifying the location of the tree(s) in question. The Zoning Administrator shall **promptly** consult with the property owner on the subject property and shall document the size, species, and location of the tree(s) in question. The Zoning Administrator shall then give written approval or denial of the request to the property owner within 3 business days of the onsite consultation. If the request is denied, a written reason must also be given to the property owner. In the case of denial, a written appeal may be made to the Mayor and City Council. However, in no case shall the removal of potentially injurious specimen trees **over time** be a method of "gradual clear-cutting" of a property. The removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.

1. ***Rights of property owners with tree and/or branch encroachments onto their properties.*** Property owners dealing with whole trees (whether specimen or not) and branches of trees encroaching onto their properties have certain rights and allowable practices to remediate the encroachment:

- Property owners shall have the right to cut off branches and roots that stray into their property. The affected property owner can trim only up to the boundary line and must obtain permission to enter the tree owner's property. A property owner cannot cut the entire tree down and cannot destroy the structural integrity or the cosmetic symmetry and appeal of a tree by improper trimming. A property owner who finds a neighbor's tree encroaching must first give notice to the tree owner prior to commencing work and give the tree owner the chance to correct the problem. If the tree owner does nothing, the tree can still be trimmed.
- If a tree owner allows the tree to grow so that it uproots a fence, it shall be considered an encroachment onto the adjacent property. In that instance, the tree owner shall be required to remove the offending tree.
- Leaves, flowers, pods, nuts, fruits, etc. which fall off and end up on adjacent property are considered a natural occurrence and are the

responsibility of the landowner on whose property they ultimately come to rest.

- **A boundary tree is one planted on the boundary line itself and shall not be removed without mutual agreement from the affected property owners.**

c) *Rights-of-way.* The development of street rights-of-way, easements, or clear zones within a proposed subdivision or subdivision expansion provided that all other areas within such subdivision comply with the provisions of this Article.

d) *City authorized.* State and City roadway projects. Also, any municipal projects on publicly-owned land.

e) *Public trees.* Specimen trees on City-owned and maintained property, which, for matters of public safety or other reasons, need to be removed.

f) *Trail / pathways.* Municipal projects designed and maintained under the City of Jonesboro's green space objectives.

g) *Easements.* Utility easements for power lines, pipelines, etc. (This includes necessary topping.)

h) *Grandfathered projects.*

1. This article shall not apply to any portion of a property included within the limits of a valid land disturbance permit issued prior to the effective date of this Article, provided that all time constraints relating to the permit are observed.
2. In no event shall any grandfathered project be extended for more than 12 months from the date of enactment of this Article.

i) *Horticulture.* Active horticultural operations, including:

1. All active plant or tree nurseries and botanical gardens only in relation to those trees which are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose;
2. All orchards of trees in active commercial operation;
3. This exception shall not be interpreted to include timber-harvesting incidental to development of the land.

j) ***Bona fide agricultural operations.***

j) ***General maintenance. Selective pruning associated with the preservation of a tree.***

k) Notwithstanding the foregoing, all reasonable efforts shall be made to save specimen trees.

(Ord. 06-08-20)

Sec. 82-31. – Tree Protection Plans

a) *New developments.*

1. *With disturbance of 1 acre or above.* For developments already requiring a land disturbance permit and civil construction documents, a tree protection plan shall be included with the document set, with the following minimum information:
 - a. North arrow and graphic scale (same scale as erosion control plans);
 - b. Boundary survey of the entire property to be developed;
 - c. Limits of clearing and proposed erosion control fencing **in bold**;
 - d. Approximate tree line (prior to clearing) on entire property;
 - e. Location **in bold** of all required buffers on the subject property;
 - f. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc;
 - g. Proposed location of temporary construction activities, such as equipment or worker parking, materials storage, burn holes, equipment washdown areas and entrance pads.
 - h. Location **with bold circles** of all existing trees on the subject property (including buffers) that meet specimen tree criteria, with species and width at diameter breast height;
 - i. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; Show tree protection fencing around the drip line of specimen trees to be preserved;
 - j. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article;
 - k. Location of any supplemental plantings for buffer areas judged to be inadequate, with species, caliper size, and quantity to be planted;
 - l. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property;
 - m. Any relevant construction details such as tree protection fence, tree planting, etc.
2. *With disturbance less than 1 acre.* For smaller-scale developments that still involve property-wide disturbance, but less than one acre, a standalone tree protection plan is required, with the same information specified in Section 82-31(a)1 above. For smaller-scale developments just involving an exterior alteration to a building or structure, such as a building addition or a parking lot extension, a scaled site enlargement plan showing the specific area on the subject property to be altered, with the following additional information:
 - a. North arrow and graphic scale (same scale as erosion control plans);
 - b. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc;
 - c. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; Show tree protection fencing around the drip line of specimen trees to be preserved; designated specimen trees must provide location (including dimensions from proposed structures), species, and width at diameter breast height;
 - d. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article; designated specimen trees must provide location, species, and width at diameter breast height;

- e. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property;
- f. Any relevant construction details such as tree protection fence, tree planting, etc.

b) Developed properties. For properties containing existing structures, such as residences, but no proposed development, and where specimen tree removal is requested due to maintenance issues, safety concerns, etc., **the owner shall contact the Zoning Administrator to the property and the following information shall be obtained for consideration and placed in the property file at City Hall:**

1. Simple site plan, showing all existing **major** structures on the property and all trees meeting specimen tree criteria proposed to be removed. Designated specimen trees must provide location, species, and width at diameter breast height (**obtained by Zoning Administrator**);
2. Photographs of all specimen trees requested to be removed (**obtained by Zoning Administrator**);
3. Where applicable, official report of a **certified arborist, qualified representative of the State Forestry Commission, certified tree professional, extension service agent, or other qualified authority**, documenting a finding of tree death, disease or infestation;
4. Where applicable, report from Zoning Administrator, documenting the need for tree removal in order to protect an existing structure.
5. **Decisions by the Zoning Administrator on these matters shall be rendered within 3 business days of the Zoning Administrator being contacted.**

c) Master plans. It is recognized that certain large tracts of land are planned for residential development or planned unit developments, and are developed in phases over many years. Large portions of these planned developments remain forest lands for many years and periodically require removal of certain trees to grow better. For those residential lands of ten acres or more, selective thinning may be allowed subject to the following conditions:

- (1) An approved preliminary plan or master plan is already on file at City Hall.
- (2) An application for selective timber harvesting must be filed with the Department of Community Development and be presented to the Mayor and City Council for approval. The application must include a map or plat of the property indicating the area to be harvested together with a harvesting plan prepared by a registered forester, engineer, or landscape architect. The timber management plan must contain methods for protection of hardwoods from damage during the timber operation.
- (3) Only pines and other softwoods may be harvested.

(Ord. 06-08-20)

Sec. 82-32. - Tree preservation and planting requirements.

The following requirements shall apply to specimen trees proposed to be retained within a property **(excepting already developed single-family detached and duplex residential lots)**, and, where applicable, trees within buffers.

a) *Tree preservation area.* A tree preservation area shall be established around each tree or group of trees to be retained.

1. The tree preservation area shall include no less than the total area of the critical root zone of a tree or group of trees collectively.

2. Layout of the utility and grading plans shall avoid disturbance of the tree preservation areas.
3. Construction site activities, such as parking, materials storage, concrete washout, burn hole placement, etc., shall be arranged so as to prevent disturbances within the tree preservation areas.

b) *Protective barriers.*

1. Protective tree fencing, staking or continuous ribbon shall be installed between tree preservation areas and areas proposed to be cleared, graded or otherwise disturbed on the site, prior to any land disturbance.
All protective barriers shall be installed according to the City standards of practice as outlined in this Article.
2. All tree preservation areas are to be designated as such with "tree save area" signs posted in addition to the required protection fencing, staking, or continuous ribbon. Signs requesting subcontractor cooperation and compliance with tree preservation standards are recommended for site entrances.
3. All tree preservation areas must be protected from soil sedimentation intrusion through the use of silt screens or other acceptable measures placed up-slope from the tree preservation area.
4. All protective tree fencing, staking or continuous ribbon and all erosion control barriers must be installed prior to and maintained throughout the land disturbance and construction process, and should not be removed until final landscaping is installed.

c) *Encroachment.* If encroachment into a tree preservation area causes irreparable damage to the trees, as determined by a certified arborist **or other qualified authority**, the development plan shall be revised to compensate for the loss in tree density. The irreparably damaged trees shall be designated "lost trees" and lost tree penalties shall be enforced. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of the article, nor shall plan revision activities stop the department from instituting action for violation of this article.

1. New trees proposed as recompense for lost specimen trees on a property shall comply with the following guidelines:
 - a. The spacing of new trees must be compatible with site limitations and with responsible consideration towards species size when mature;
 - b. Trees must be at least four inch caliper;
 - c. Species selected for planting must be ecologically compatible with the specifically intended growing site;
 - d. Species selected for planting shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. Native / indigenous species are preferred.
 - e. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor, so as to assure a reasonable expectation of survivability;
 - f. In the event that new trees proposed to be planted to achieve full recompense are not installed or likewise compensated to the City tree bank or tree bank fund upon application for a certificate of occupancy or final plat approval (as appropriate), then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the new trees and their installation shall be posted in

accordance with the performance bonding requirements and provisions of City regulations;

g. Upon final installation of new trees planted under the requirements of the article, and following acceptance by the department of community development, the owner shall warrant the new trees and provide for the exact replacement of those which do not survive for a period of no less than two years, as determined by the Zoning Administrator.

d) *Removal.* Anytime a tree is cut within the City, whether a public or private tree, the stump shall be removed and the land re-graded, compacted, and leveled where the tree was located.

(Ord. 06-08-20)

Sec. 82-33. – Tree replacement ratios.

For specimen tree recompense involving actual replacement tree planting on a subject property (**excepting already developed single-family detached and duplex residential lots**), the following replacement ratios shall apply:

a) *For specimen hardwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 20-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **five** 4-inch caliper maples along the side of the same property. $20 / 4 = 5$ trees

For example: A 21-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **six** 4-inch caliper maples along the side of the same property. $21 / 4 = 5.25 = 6$ trees

b) *For specimen softwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to *half* of the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 24-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper pines along the side of the same property. $24 / 2 = 12 / 4 = 3$ trees

For example: A 26-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper pines along the side of the same property. $26 / 2 = 13 / 4 = 3.25 = 4$ trees

c) *For specimen understory tree removed, 12 inches wide (DBH) and larger.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 12-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper dogwoods along the side of the same property. $12 / 4 = 3$ trees

For example: A 13-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper dogwoods along the side of the same property. $13 / 4 = 3.25 = 4$ trees

- d) *For specimen understory tree removed, below 12 inches wide (DBH).* An amount of same-species, replacement trees double the amount of specimen trees removed.

For example: A 5-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **two** 4-inch caliper dogwoods along the side of the same property. 1 tree $\times 2 = 2$ trees

(Note: For replacement trees that are not able to be identical species to the specimen tree removed, refer to Section 82-39 for equivalent replacements.)

(Ord. 06-08-20)

Sec. 82-34. - Tree bank and tree fund.

- a) *Designation.* The tree bank and tree bank fund are hereby established for the City of Jonesboro.
- b) *Oversight and administration.* The tree bank and tree bank fund shall be overseen and administered by the Mayor and City Council.
- c) *Applicability.* If the Zoning Administrator determines that it is not feasible to relocate or replace required trees on-site, the developer / property owner may satisfy the specimen tree replacement requirement by paying into the hereby established tree bank or tree bank fund. **The tree bank and tree fund shall not apply to already developed single-family detached and duplex residential lots but shall apply to all lots within a proposed single-family or multi-family residential development during the time of initial clearing and development.**
- d) *Tree Bank.* The tree bank refers to areas (school, public park, or streetscape, etc.) set aside by the Mayor and City Council as permanent receiver sites for tree plantings. Plantings may be carried out directly by the developer / property owner with Mayor and City Council approval of the planting plan and in coordination with the Zoning Administrator and Director of Public Works or the plantings may be carried out directly by the Public Works Department at developer / property owner's expense.
- e) *Tree bank fund.* The tree bank fund refers to a fund created to receive and hold monies paid by developers / property owners approved for specimen tree removal, in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or off-site. Funds accumulated herein shall be used for the planting and installation of trees on public property, parks, schools, streetscapes, or other approved property within the City only.
- f) *Value.* The established recompense value for monies paid into the tree bank fund shall be a sum of money reflecting the current market price of both materials and planting costs plus an additional ten percent of that price for maintenance. However, developers / property owners who illegally remove specimen trees per the standards of this article shall be subject to fines or penalties in addition to recompense.

(Ord. 06-08-20)

Sec. 82-35. – Non-liability of City.

Nothing in this article shall be deemed to impose any liability upon the City of Jonesboro or upon any of its officers or employees or to relieve the owner and occupant of any private property from the duty to keep trees upon private property or under his or her control in a safe condition.

(Ord. 06-08-20)

Sec. 82-36. - Enforcement.

It shall be the responsibility of the Zoning Administrator and the Department of Community Development to enforce this Article, with assistance from the City Code Enforcement Officer(s). The Zoning Administrator or his/her designee shall have the authority to revoke, suspend, or void any development or building permit, and to withhold issuance of a certificate of occupancy. The Director of Community Development shall also have the authority to suspend all work on a site or any portion thereof and coordinate with the City Code Enforcement Officers(s) concerning citations to Municipal Court, where tree removal or damage occurs in violation of this Article.

(Ord. 06-08-20)

Sec. 82-37. - Violation and penalties.

Any person violating a provision of this article shall be guilty of violating a duly adopted ordinance of the City, and, upon conviction by a court of competent jurisdiction, may be punished either by a fine not to exceed \$1,000.00 per day, or confinement in jail not to exceed six months, or both. The court shall have the power and authority to place any person found guilty of a violation of this article on probation and to suspend or modify any fine or sentence. The owner of any property wherein a violation exists, and any builder, contractor or agent, who may have assisted in the commission of any such violation, may be guilty of a separate offense.

- a) A violation of this article shall constitute a misdemeanor punishable by a fine of up to \$1,000.00 per day and/or a sentence of up to 30 calendar days incarceration per day per occurrence. Nothing herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations. Replacement / recompense shall also be required.
- b) In lieu of or in addition to the other remedies herein, the City Attorney is authorized to file a petition seeking injunctive or other equitable relief to secure compliance with the provisions of this article. The City shall be entitled to its attorney's fees for any action through which relief is awarded.
- c) If a violation were to occur anytime post certificate of occupancy or on any unimproved acreage then penalties shall be imposed based on the provisions of the recompense value for trees as set out in this Article.

(Ord. 06-08-20)

Sec. 82-38. - Severability.

- a) It is hereby declared to be the intention of the Mayor and Council that all parts, sections, subsections, paragraphs, sentences, clauses, phrases, terms, or words of this article, were upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every part, section, subsection, paragraph, sentence, clause, phrase, term, or word of this article is severable from every other part, section, subsection, paragraph, sentence, clause, phrase, term, or word of this article. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no part, section, subsection, paragraph, sentence, clause, phrase, term, or word in this article is mutually dependent upon any other part, section, subsection, paragraph, sentence, clause, phrase, term or word in this article.

(Ord. 06-08-20)

Sec. 82-39. – Replacement tree equivalency list.

For replacement trees that are not able to be identical species to the specimen tree removed, refer to the acceptable substitutes below. Unless otherwise stated, equivalent replacement trees shall remain in the same genus as removed specimen trees. Native / indigenous species are preferred, but the greater emphasis is on aesthetic quality.

Canopy Trees

Genus Quercus (Oak)

Acceptable species (with related cultivars)

<i>Quercus phellos</i> (<i>Willow Oak</i>)	<i>Quercus rubra</i> (<i>Northern Red Oak</i>)
<i>Quercus palustris</i> (<i>Pin Oak</i>)	<i>Quercus coccinea</i> (<i>Scarlet Oak</i>)
<i>Quercus virginiana</i> (<i>Live Oak</i>)	<i>Quercus acutissima</i> (<i>Sawtooth Oak</i>)
<i>Quercus stellata</i> (<i>Post Oak</i>)	

Genus Acer (Maple)

Acceptable species (with related cultivars)

<i>Acer rubrum</i> (<i>Red Maple</i>)	<i>Acer saccharum nigrum</i> (<i>Black Maple</i>)
<i>Acer saccharum</i> (<i>Sugar Oak</i>)	<i>Acer barbatum</i> (<i>Southern Sugar Maple</i>)
<i>Acer platanoides</i> “Crimson King” et.al. (<i>Norway Maple</i> cultivars)	

Genus Ulmus (Elm)

Acceptable species (with related cultivars)

<i>Ulmus parvifolia</i> (<i>Chinese Elm</i>)	<i>Ulmus rubra</i> (<i>Slippery Elm</i>)
<i>Ulmus pumila</i> (<i>Siberian Elm</i>)	<i>Ulmus alata</i> (<i>Winged Elm</i>)
<i>Zelkova serrata</i> (<i>Japanese Zelkova</i>)	

Other acceptable hardwood species (with related cultivars)

* <i>Acer buergerianum</i> (<i>Trident maple</i>)	<i>Halesia Carolina</i> (<i>Silverbell</i>)
* <i>Acer ginnala</i> (<i>Amur Maple</i>)	<i>Ilex longipipes</i> (<i>Georgia holly</i>)
* <i>Acer palmatum</i> (<i>Japanese Maple</i>)	<i>Ilex opaca</i> (<i>American holly</i>)

<i>Aesculus parviflora</i> (Bottlebrush buckeye)	* <i>Ilex verticillata</i> (Winterberry)
<i>Aesculus pavia</i> (Red buckeye)	* <i>Ilex vomitoria</i> (Yaupon holly)
<i>Aesculus sylvatica</i> (Georgia buckeye)	<i>Liriodendron tulipifera</i> (Tulip tree)
<i>Betula lenta</i> (Sweet birch)	<i>Magnolia grandiflora</i> (Southern magnolia)
<i>Betula nigra</i> (River birch)	<i>Magnolia macrophylla</i> (Bigleaf magnolia)
<i>Carpinus caroliniana</i> (American hornbeam)	<i>Nyssa aquatica</i> (Water tupelo)
<i>Carya australis</i> (Southern shagbark hickory)	<i>Nyssa sylvatica</i> (Black gum)
<i>Carya ovata</i> (Shagbark hickory)	<i>Ostrya virginiana</i> (Eastern hop hornbeam)
* <i>Cercis Canadensis</i> (Redbud)	<i>Oxydendrum arboreum</i> (Sourwood)
* <i>Cornus alternifolia</i> (Pagoda dogwood)	<i>Planera aquatica</i> (Planetree)
* <i>Cornus florida</i> (Flowering dogwood)	<i>Platanus x acerifolia</i> (London planetree)
* <i>Cornus kousa</i> (Kousa dogwood)	* <i>Prunus caroliniana</i> (Cherry laurel)
<i>Crataegus phaenopyrum</i> (Washington hawthorn)	* <i>Prunus serotina</i> (Black cherry)
<i>Fagus grandifolia</i> (American beech)	<i>Sassafras albidum</i> (Sassafras)
<i>Fraxinus americana</i> (White ash)	<i>Taxodium distichum</i> (Bald cypress)
<i>Fraxinus pennsylvanica</i> (Green ash)	<i>Tilia americana</i> (American basswood)
<i>Gleditsia triacanthus</i> (Honey locust)	<i>Tilia caroliniana</i> (Carolina basswood)

*Denotes specimen understory tree

Acceptable softwood species (with related cultivars)

<i>Juniperus silicicola</i> (Southern red cedar)	<i>Pinus taeda</i> (Loblolly pine)
<i>Juniperus virginiana</i> (Eastern red cedar)	<i>Pinus virginiana</i> (Virginia pine)
<i>Pinus echinata</i> (Shortleaf pine)	<i>Tsuga Canadensis</i> (Eastern hemlock)
<i>Pinus palustris</i> (Longleaf pine)	
<i>Pinus strobus</i> (Eastern white pine)	

(Ord. 06-08-20)

1 **STATE OF GEORGIA**
2 **COUNTY OF CLAYTON**
3 **CITY OF JONESBORO**

6
7 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF
8 JONESBORO, GEORGIA, BY ADOPTING AND ADDING A NEW
9 ARTICLE III (SPECIMEN TREE PROTECTION), TO CHAPTER 82
10 (VEGETATION); TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR
11 SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN
12 ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER
13 PURPOSES ALLOWED BY LAW.

14 **WHEREAS**, the governing authority of the City of Jonesboro, Georgia (the “City”) are
15 the Mayor and Council thereof; and

16 **WHEREAS**, the Mayor and Council desire to provide for the conservation and
17 replacement of certain trees in an effort to continue to maintain the City as an attractive place to
18 live and to minimize increases in air pollution and carbon dioxide levels in the air; and

19 **WHEREAS**, it has been found that tree preservation is valuable in providing shade and
20 cooling effects, and in reducing air, noise, and visual pollution; and

21 **WHEREAS**, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
22 adopt ordinances relating to its property, affairs, and local government; and

23 **WHEREAS**, the preservation of existing trees is a public purpose that protects the public
24 health, safety, general welfare, and aesthetics of the City of Jonesboro and all its citizens.

25 **NOW THEREFORE**, be it and it is hereby ordained by the Mayor and Council of the
26 City of Jonesboro:

27 **Section 1.** The Code of Ordinances of the City of Jonesboro, Georgia, is hereby amended
28 by adopting and adding a new Article III (Specimen Tree Ordinance) to Chapter 82 (Vegetation),
29 and inserting the provisions set forth in Exhibit A attached hereto and made a part by reference.

30 **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all
31 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
32 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

33 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
34 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
35 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
36 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
37 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
38 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
39 Ordinance.

40 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall,
41 for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by
42 the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
43 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to
44 the greatest extent allowed by law, not render invalid, unconstitutional or otherwise
45 unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this
46 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses,
47 sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional,

48 enforceable, and of full force and effect.

49 **Section 3.** All ordinances and parts of ordinances in conflict herewith are hereby
50 expressly repealed.

51 **Section 4.** The effective date of this Ordinance shall be the date of its adoption by the
52 Mayor and Council unless otherwise stated herein.

53 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of
54 the State of Georgia and the City of Jonesboro.

55 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
provisions of this Ordinance shall become and be made part of the Code of Ordinances, City
of Jonesboro, Georgia and the sections of this Ordinance may be renumbered to accomplish
such intention.

55 **SO ORDAINED, this _____ day of _____, 2020.**

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61 {SIGNATURES ON FOLLOWING PAGE}

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CITY OF JONESBORO, GEORGIA

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77 **Joy Day, Mayor**

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ATTEST:

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82

83 **Ricky L. Clark, Jr., City Clerk**

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85

86 **APPROVED AS TO FORM:**

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88
89

90 **City Attorney**

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92

EXHIBIT A

93

(SEE ATTACHED)

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CHAPTER 82. - VEGETATION

112

ARTICLE III. - SPECIMENTREE PROTECTION

113

Sec. 82-22. - Purpose.

114 This article shall hereafter be known and cited as the "City of Jonesboro
 115 Tree Protection Ordinance".

116 The purpose of this article is to:

117 (a) Provide standards for the conservation and replacement of certain trees as part of the
 118 land development and building construction process on non-residential properties within
 119 the City limits of Jonesboro.

120 (b) Provide standards for the conservation of certain trees in established residential areas
 121 within the City limits of Jonesboro, including the Historic District and the Historic
 122 Residential Overlay.

123 (c) Continue to maintain the City as an attractive place to live.

124 (d) Continue to maintain a healthy living environment in the City.

125 (e) Continue to protect and enhance the aesthetic qualities of the City and reduce the loss
 126 of aesthetic quality provided by natural tree cover, due to development and clear cutting.

127 (f) Minimize increases in air pollution and carbon dioxide levels in the air.

128 (g) Minimize increases in temperature on lands with natural tree cover.

129

130 (h) Minimize soil erosion and storm-water runoff and maintain water quality.

131

132 (i) Provide the necessary information to facilitate development project design, plan
 133 review, and enforcement processes in order that the standards and requirements of this
 134 article are administered in the most effective, efficient and economical manner;

135

136 (j) Maintain City trees in a healthy and nonhazardous condition.

137

Sec. 82-23. - Findings.

138 (a) Trees are recognized to be a valued asset, providing a healthier and more beautiful
 139 environment in which to live.

140 (b) Trees are economically beneficial in attracting new residents and tourists.

141 (c) Tree preservation enhances the value and marketability of property and, thereby,
142 promotes the stability of residential neighborhoods making them more livable and
143 desirable, and thus helps prevent the emergence of blighted neighborhoods, slum
144 conditions, and urban sprawl.

145

146 (d) Trees of significant size are recognized to maintain, and even enhance, property
147 values.

148

149 (e) Trees aid in preventing erosion, storm drainage, siltation of streams and reservoirs,
150 and flash flood damage.

151

152 (f) Trees are valuable in providing shade and cooling effects, and in preventing air,
153 noise, and visual pollution.

154

155 (g) The significant tree cover and specimen trees already throughout the City limits of
156 Jonesboro are valued aesthetic and historic assets and need to be preserved with
157 thoughtful planning.

158 Sec. 82-24. - Boundaries.

159 The provisions of this article shall apply to all public and private lands, or portions thereof, and
160 right-of-ways within the City limits of Jonesboro. The boundaries of the City are shown on the
161 most current version of the City of Jonesboro Official Zoning Map.

162 This article is supplemental to the underlying zoning district classifications established in the
163 City Zoning Ordinance, Chapter 86, governing all properties. The provisions of this article apply
164 to all types of development potentially involving the removal of certain trees within the City
165 limits. The standards and requirements of this article shall govern in any case where standards
166 and requirements of this article conflict with those of the underlying zoning district or other
167 provisions of the City Zoning Ordinance, including but not limited to subdivision regulations,
168 landscape standards, and buffer yard standards.

169 Sec. 82-25. - Definitions.

170 *For the purpose of these regulations, certain words or terms used shall be defined below. Other
171 terms shall be found in Section 86-62.*

172 *Bona fide agricultural purpose.* A good faith commercial or domestic agricultural use of
173 the land, any such determination of which shall be based upon, but not limited solely to,
174 the following factors:

175 (1) The length of time the land will be so utilized;

176 (2) The productivity of land in its present use;
 177 (3) The relationship of the property to the comprehensive zoning plan; and
 178 (4) The current zoning classification of such lands as delineated on the official
 179 zoning map.

180

181 *Caliper.* The diameter of thickness of the trunk of a young tree or sapling as measured at
 182 six inches above the top of the root mass. This measurement is used for nursery
 183 grown trees having a diameter of less than six inches.

184 *Certified arborist.* A person who has met the State of Georgia certification requirements
 185 for proper tree care and maintenance, and the diagnosis of tree diseases.

186 *Clear cutting.* The total removal of all trees, specimen or otherwise, from a property by
 187 any means.

188 *Clearing.* The removal of vegetation from a property by any means.

189 *Critical root zone.* The minimum area beneath a tree which must be left undisturbed in
 190 order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The
 191 critical root zone will typically be represented by a concentric circle centering on
 192 the tree's trunk with a radius equal in feet to one and three-tenths times the number of
 193 inches of the trunk diameter. Can also be represented on a mature tree by its dripline.

194 *Cultivar.* A tree variety that has been produced in cultivation by selective breeding for
 195 certain desirable traits.

196 *Cutting.* The detaching or separating of any limb, branch, or root from a tree.

197 *Dead tree.* A tree that does not contain any live tissue, i.e., green leaves or live limbs.

198 *Diameter breast height (DBH).* The standard measure of tree size for trees six inches or
 199 greater in caliper existing on a site. The tree trunk is measured at a height of four and one-
 200 half feet above the ground, and if a tree splits into multiple trunks below that point, the
 201 trunk is measured at its most narrow point beneath the split.

202 *Diameter, tree.* The diameter of a tree measured as follows:

203 (1) *For existing preserved trees, at a point four and one-half feet above the*
 204 *ground;*

205 (2) *For new replaced trees, at a point six inches above ground; and*

206 (3) *For multiple trunk trees, as provided in the measure of diameter at breast*
 207 *height.*

208

209 *Drip line.* A vertical line extending from the outermost branches of a tree perpendicular
 210 to the ground.

211 *Established recompense value.* The dollar value assigned to a natural resource. It
 212 represents the lost public value of trees removed. Used for purpose of calculating cash
 213 recompense for removal or destruction of trees. This amount shall be set by the Mayor
 214 and City Council.

215 *Forestry.* The science, business and art of creating, conserving and responsibly managing
 216 forests on a continuous basis for both commodity and non-commodity purposes.

217 *Genus.* A category of biological classification ranking between the family and the species
 218 marked by common characteristics or by one common characteristic.

219 *Hardwood.* The wood from a broadleaved, canopy tree (such as oak, maple, elm, etc.) as
 220 distinguished from that of conifers.

221 *Native tree.* For the purposes of this Article, an indigenous tree species that belongs to,
 222 and is well adapted for Jonesboro and the surrounding geographical area.

223 *Other qualified authority.* Any person or entity that has demonstrated knowledge and
 224 experience in the field of proper tree care and maintenance.

225 *Private tree.* Any tree located on private property.

226 *Pruning.* The selective elimination or cutting back of live and dead branches from
 227 a tree's crown to improve tree structure, enhance vigor and maintain safety.

228 *Public tree.* Any tree located on property belonging to the county.

229 *Replacement tree.* A new tree planted on a site as recompense for the removal of any
 230 specimen trees as outlined in this article.

231 *Softwood.* The wood from a coniferous, canopy tree (such as pine, fir, spruce, etc.) as
 232 distinguished from that of broadleaved trees.

233 *Species.* A category of biological classification ranking immediately below the genus or
 234 subgenus, comprising related organisms or populations potentially capable of
 235 interbreeding.

236 *Specimen tree.* Any tree, whether hardwood or softwood, canopy or
 237 understory, determined by the City to be of notable historic interest, high aesthetic value
 238 or of unique character because of species, type, age, size, location or health.

239 *State Forestry Commission.* A state appointed commission which protects and conserves
 240 forests, prevents and suppresses wildfires, provides rural fire department assistance, assists
 241 landowners and communities with forest management, and grows and sells quality tree
 242 seedlings for planting.

243 *Timber harvesting.* A timber management activity as part of a demonstrated ongoing
 244 agricultural land use.

245 *Topping.* The severe cutting back of all, or nearly all, branches on a tree, to a stub, bud,
 246 or a lateral branch not large enough to assume the terminal role.

247 *Tree bank.* A site such as a school, public park, or streetscape where an owner/developer
 248 of a site shall donate and plant the required replacement trees when it is not feasible to
 249 plant the required trees within their site's project area.

250 *Tree bank fund.* A fund created to receive and hold monies generated by specimen
 251 tree removal in lieu of relocating or replacing trees when it is not feasible or desirable to
 252 do so on or offsite.

253 *Tree protection or planting plan.* A plan that identifies tree protection areas where
 254 existing trees are to be protected and preserved, and replacement trees planted on a
 255 property to meet recompense requirements, as well as methods of tree protection to be
 256 undertaken on the site and other pertinent information.

257 *Tree protection area.* Any portion of a site wherein are located existing trees which are
 258 proposed to be preserved, whether specimen trees or trees within a specified buffer area,
 259 in order to comply with applicable requirements and shall include nothing less than the
 260 total area of the critical root zone of the tree or group of trees collectively.

261 *Tree preservation area* means the total critical root zone surrounding a preserved or
 262 planted tree or trees that is essential to that tree's health and survival, and
 263 is protected within the guidelines of this article.

264 *Tree removal* means any act, whether intentional or unintentional, which causes a tree to
 265 die within two years after commission of the act, including but not limited to damage
 266 inflicted upon the root system in the critical root zone or trunk as the result of:

- 267 (1) *The improper use of machinery on the trees;*
- 268 (2) *The storage of materials in or around the trees;*
- 269 (3) *Soil compaction;*
- 270 (4) *Altering the natural grade to expose the roots or to cover the tree's root*
 system with more than four inches of soil;
- 271 (5) *Causing the infection or infestation of the tree by pests, fungus or harmful*
 bacteria;
- 272 (6) *Pruning judged to be excessive by the administrator or not in accordance*
 with the standard set forth by the International Society of Arboriculture (ISA);
- 273 (7) *Excessive topping;*
- 274 (8) *Removal of more than 20 percent of the critical root zone;*
- 275 (9) *Paving with concrete, asphalt or other impervious surface within such*
 proximity as to be harmful to the tree or its root system; and
- 276 (10) *The application of herbicides or defoliants to any tree without first obtaining*
 a permit.

283 *Tree replacement area.* The area designated for a tree or trees to be planted in order to
284 provide recompense for specimen tree removal.

285 *Tree thinning.* The selective cutting or thinning of trees only for the clear purpose of
286 proper forestry management in order to protect said forest from disease or infestation and
287 in no way shall be construed as including clear cutting.

288 Sec. 82-26. - Applicability.

289
290 The provisions of this article shall not limit the applicability any buffering and/or open space
291 requirements in this Article or the City Zoning Ordinance. The terms and provisions of this article
292 shall be consistent with any requirements imposed by state law or by the state department of
293 transportation in connection with any state-owned or maintained right-of-way. The standards of
294 this article shall apply to any development, redevelopment, alteration, expansion, or tree removal
295 within the City boundaries as indicated below.

296 (a) All proposed commercial, industrial, or institutional developments on previously
297 undeveloped properties;

298 (b) All proposed residential developments, including developments on major and minor
299 subdivisions, on previously undeveloped properties;

300 (c) All proposed development along private drives and/or easements;

301 (d) Infrastructure projects crossing public and / or private properties;

302 (e) All exterior renovations, alterations, and/or additions to existing commercial,
303 industrial or institutional developments or structures which could potentially affect
304 specimen trees within the same property or within buffers on the same property;

305 (f) All exterior renovations, alterations, and/or additions to existing residential
306 developments or structures which could potentially affect specimen trees within the
307 same property or within buffers on the same property;

308 (g) Any specimen tree(s) scheduled for topping or removal on already developed
309 commercial, industrial, or institutional properties, not exempted under Section 82-
310 30;

311 (h) Any specimen tree(s) scheduled for topping or removal on already developed
312 residential properties, only within Historic Residential Overlay, not exempted under
313 Section 82-30;

314 (i) Any specimen trees or other historically or culturally significant trees within the
315 Historic District, not exempted under Section 82-30; and

325 (j) *Applicability to public land.* The provisions of this article shall apply to all public
 326 entities and owners of public property within the county and it shall be unlawful for
 327 the owners to fail to comply with all provisions and requirements of this article.
 328

329 Sec. 82-27. – Clear cutting and topping.

330
 331 The clear cutting of any undeveloped or already developed residential, commercial, industrial, or
 332 institutional properties, or a portion thereof, within the City limits, is strictly prohibited without
 333 prior approval by the Community Development Department and the Mayor and City Council.
 334 The topping of specimen trees, by anyone other than authorized public officials and/or private
 335 professionals, is also prohibited.

336 Sec. 82-28. – Timber harvesting.

337
 338 With the majority of the City of Jonesboro being already developed, timber harvesting is not a
 339 regular practice within the City limits. Any proposals for timber harvesting within the City limits
 340 would be subject to approval by the Mayor and City Council and generally only for the purposes
 341 of proper forestry management or a bona fide agricultural purpose.

342 Sec. 82-29. - Specimen tree criteria.

343 (a) The following criteria are used by the Zoning Administrator to identify
 344 specimen trees for preservation. Both the size and condition criteria must be met for
 345 a tree to qualify as a specimen, with the exception of trees designated as
 346 specimen trees for historic or cultural purposes. (Note: specimen trees do not
 347 necessarily have to be native trees).

348 (1) *Size criteria:*

349
 350 i. *Large hardwood trees.* 18-inches at diameter breast height (DBH) or
 351 larger—such as oaks, maples, elms, etc.
 352 ii. *Large softwood trees.* 24-inches at diameter breast height (DBH) or
 353 larger—such as pines, firs, spruces, etc.
 354 iii. *Specimen understory trees.* 4-inches at diameter breast height (DBH) or
 355 larger—such as dogwoods, redbuds, flowering cherries, etc.
 356 iv. A lesser-sized tree can be considered a specimen tree if it is a rare or
 357 unusual species, of exceptional or unique quality, or of historical or
 358 cultural significance, particularly in the Historic District.
 359

360 (2) *Condition criteria:*

361
 362 i. At least ten years life expectancy.
 363 ii. Trunk is relatively sound and solid with no extensive decay.
 364 iii. No more than one major and several minor dead limbs readily visible
 365 (hardwoods only).
 366

- iv. No major insect or pathological problem, per a certified arborist or other qualified authority report.
- (b) The critical root zone (CRZ) of specimen trees to be preserved shall be protected with hog-back/wire-back tree save fencing with metal support posts.
- (c) If a specimen tree is requested to be removed, a plan or written documentation indicating the reason for the removal must be submitted to the Zoning Administrator for approval, unless the developer / property owner has qualified for an exemption under Section 82-30. For property owners with questions as to whether trees proposed to be removed qualify as specimen trees, the Zoning Administrator shall be contacted to confirm tree status onsite.
- (d) With the exception of already developed single-family detached and duplex residential lots, specimen trees that cannot be saved due to extenuating circumstances shall be replaced elsewhere on the same property, per the approval of the Zoning Administrator and the standards of Section 82-33. Replacement trees shall be in quality condition and shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. For sites which lack adequate room for replacement trees, the developer / property owner shall either plant the required amount of replacement trees on an approved City of Jonesboro tree bank site or recompense shall be paid to the City of Jonesboro tree fund, per the standards of Section 82-34.
- (e) Any specimen tree which is intentionally or unintentionally removed, by definition of *tree removal* in Section 82-25, without the appropriate review and approval of the Zoning Administrator, shall be subject to a citation in Municipal Court. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of its previous condition. Violations will be subject to the applicable penalties as described in Section 82-37 of this Article. Any fines or other penalties imposed upon violations of this Section shall be in addition to the required recompense measures that a developer / property owner would voluntarily submit to.
- (f) The Zoning Administrator shall reserve the right to request the assistance of certified professionals, and other qualified authorities, as the need may arise, to aid in the determination of specimen tree status, by species, size, and /or condition. All reports or other information by professionals concerning specimen trees (such as certified arborists' reports) shall be at the expense of the developer / property owner, save for public trees.

410 Sec. 82-30. - Exemptions.

411 The following developments are exempted from compliance with the clearing and tree removal
 412 provisions of this Article:

413 (a) *Removal due to death, disease or infestation.* Upon the official report of a certified
 414 arborist, qualified representative of the State Forestry Commission, certified tree
 415 professional, extension service agent, or other qualified authority, and a finding
 416 of tree death, disease or infestation, the removal of one or more private specimen
 417 trees on a residential, commercial, institutional, or industrial property may be
 418 authorized to prevent the transmission of disease or infestation, to prevent the
 419 danger of these trees falling, or to prevent potential injury to life and property. The
 420 property owner, prior to removal of the diseased tree(s), shall notify the Zoning
 421 Administrator, identifying the location of the potentially affected tree(s), and shall
 422 submit the written report of the certified arborist or other qualified authority,
 423 recommending the removal of the subject tree(s). However, in no case shall the
 424 removal of diseased or infected specimen trees over time be a method of "gradual
 425 clear-cutting" of a property. Unless otherwise recommended by a qualified
 426 professional in order to prevent a spreading of disease or infestation, the removal
 427 of these type of specimen trees shall be limited to 3 or fewer per property per
 428 calendar year.

429
 430 (b) *Removal to protect an existing structure.* Certain private specimen trees, regardless
 431 of health condition, potentially pose an injury to life and property due to their
 432 proximity to existing homes and other types of man-made structures and their
 433 potential to fall upon these structures during storms, etc. The property owner, prior
 434 to removal of the subject specimen tree(s), shall notify the Zoning Administrator,
 435 identifying the location of the tree(s) in question. The Zoning Administrator shall
 436 promptly consult with the property owner on the subject property and shall
 437 document the size, species, and location of the tree(s) in question. The Zoning
 438 Administrator shall then give written approval or denial of the request to the
 439 property owner within 3 business days of the onsite consultation. If the request is
 440 denied, a written reason must also be given to the property owner. In the case of
 441 denial, a written appeal may be made to the Mayor and City Council. However, in
 442 no case shall the removal of potentially injurious specimen trees over time be a
 443 method of "gradual clear-cutting" of a property. The removal of these type of
 444 specimen trees shall be limited to 3 or fewer per property per calendar year.

445
 446 (1) Rights of property owners with tree and/or branch *encroachments onto their*
 447 *properties.* Property owners dealing with whole trees (whether specimen or
 448 not) and branches of trees encroaching onto their properties have certain
 449 rights and allowable practices to remediate the encroachment:

450
 451 i. Property owners shall have the right to cut off branches and roots
 452 that stray into their property. The affected property owner can trim
 453 only up to the boundary line and must obtain permission to enter the

454 tree owner's property. A property owner cannot cut the entire tree
455 down and cannot destroy the structural integrity or the cosmetic
456 symmetry and appeal of a tree by improper trimming. A property
457 owner who finds a neighbor's tree encroaching must first give notice
458 to the tree owner prior to commencing work and give the tree owner
459 the chance to correct the problem. If the tree owner does nothing, the
460 tree can still be trimmed.

461 ii. If a tree owner allows the tree to grow so that it uproots a fence, it
462 shall be considered an encroachment onto the adjacent property. In
463 that instance, the tree owner shall be required to remove the
464 offending tree.

465
466 iii. Leaves, flowers, pods, nuts, fruits, etc. which fall off and end up on
467 adjacent property are considered a natural occurrence and are the
468 responsibility of the landowner on whose property they ultimately
469 come to rest.

470
471 iv. A boundary tree is one planted on the boundary line itself and shall
472 not be removed without mutual agreement from the affected property
473 owners.

474
475 (c) *Rights-of-way*. The development of street rights-of-way, easements, or clear zones
476 within a proposed subdivision or subdivision expansion provided that all other
477 areas within such subdivision comply with the provisions of this Article.

478
479 (d) *City authorized*. State and City roadway projects. Also, any municipal projects on
480 publicly-owned land.

481
482 (e) *Public trees*. Specimen trees on City-owned and maintained property, which, for
483 matters of public safety or other reasons, need to be removed.

484
485 (f) *Trail / pathways*. Municipal projects designed and maintained under the City of
486 Jonesboro's green space objectives.

487
488 (g) *Easements*. Utility easements for power lines, pipelines, etc. (This includes
489 necessary topping.)

490
491 (h) *Grandfathered projects*.

492
493 (1) This article shall not apply to any portion of a property included within the
494 limits of a valid land disturbance permit issued prior to the effective date of
495 this Article, provided that all time constraints relating to the permit are
496 observed.

498 (2) In no event shall any grandfathered project be extended for more than 12
 499 months from the date of enactment of this Article.

500

501 (i) *Horticulture*. Active horticultural operations, including:

502

503 (1) All active plant or tree nurseries and botanical gardens only in relation to
 504 those trees which are being grown for relocation and continued growth in
 505 the ordinary course of business, or for some public purpose;

506 (2) All orchards of trees in active commercial operation;

507 (3) This exception shall not be interpreted to include timber-harvesting
 508 incidental to development of the land.

509

510 (j) *Bona fide agricultural operations*.

511

512 (k) General maintenance. Selective pruning associated with the preservation of a tree.

513

514 (l) Notwithstanding the foregoing, all reasonable efforts shall be made to save
 515 specimen trees.

516 Sec. 82-31. – Tree Protection Plans.

517 (a) *New developments*.

518

519 (1) *With disturbance of 1 acre or above*. For developments already requiring a
 520 land disturbance permit and civil construction documents, a tree protection
 521 plan shall be included with the document set, with the following minimum
 522 information:

523

524 i. North arrow and graphic scale (same scale as erosion control plans);
 525 ii. Boundary survey of the entire property to be developed;
 526 iii. Limits of clearing and proposed erosion control fencing **in bold**;
 527 iv. Approximate tree line (prior to clearing) on entire property; and
 528 v. Location **in bold** of all required buffers on the subject property;
 529 vi. *Shaded* outline of all proposed impervious elements on the
 530 property, such as buildings, parking, roads, etc.;

531 vii. Proposed location of temporary construction activities, such as
 532 equipment or worker parking, materials storage, burn holes,
 533 equipment washdown areas and entrance pads;

534 viii. Location **with bold circles** of all existing trees on the subject
 535 property (including buffers) that meet specimen tree criteria, with
 536 species and width at diameter breast height;

537 ix. Location of all areas designated as tree preserved areas on the
 538 subject property, including buffers and any stand-alone specimen

trees to be saved; show tree protection fencing around the drip line of specimen trees to be preserved;

x. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article;

xi. Location of any supplemental plantings for buffer areas judged to be inadequate, with species, caliper size, and quantity to be planted;

xii. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property; and

xiii. Any relevant construction details such as tree protection fence, tree planting, etc.

(2) *With disturbance less than 1 acre.* For smaller-scale developments that still involve property-wide disturbance, but less than one acre, a standalone tree protection plan is required, with the same information specified in Section 82-31(a)1 above. For smaller-scale developments just involving an exterior alteration to a building or structure, such as a building addition or a parking lot extension, a scaled site enlargement plan showing the specific area on the subject property to be altered, with the following additional information:

- i. North arrow and graphic scale (same scale as erosion control plans); and
- ii. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc; and
- iii. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; Show tree protection fencing around the drip line of specimen trees to be preserved; designated specimen trees must provide location (including dimensions from proposed structures), species, and width at diameter breast height; and
- iv. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article; designated specimen trees must provide location, species, and width at diameter breast height; and
- v. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property; and
- vi. Any relevant construction details such as tree protection fence, tree planting, etc.

583 (b) *Developed properties.* For properties containing existing structures, such as
584 residences, but no proposed development, and where specimen tree removal is
585 requested due to maintenance issues, safety concerns, etc., the owner shall contact
586 the Zoning Administrator to the property and the following information shall be
587 obtained for consideration and placed in the property file at City Hall:

588

589 (1) Simple site plan, showing all existing major structures on the property and
590 all trees meeting specimen tree criteria proposed to be removed. Designated specimen trees must provide location, species, and width at
591 diameter breast height (obtained by Zoning Administrator);

592

593 (2) Photographs of all specimen trees requested to be removed (obtained by
594 Zoning Administrator);

595

596 (3) Where applicable, official report of a certified arborist, qualified
597 representative of the State Forestry Commission, certified tree
598 professional, extension service agent, or other qualified authority,
599 documenting a finding of tree death, disease or infestation;

600

601 (4) Where applicable, report from Zoning Administrator, documenting the
602 need for tree removal in order to protect an existing structure; and

603

604 (5) Decisions by the Zoning Administrator on these matters shall be rendered
605 within three (3) business days of the Zoning Administrator being
606 contacted.

607

608 (c) *Master plans.* It is recognized that certain large tracts of land are planned
609 for residential development or planned unit developments, and are developed
610 in phases over many years. Large portions of these planned developments
611 remain forest lands for many years and periodically require removal of
612 certain trees to grow better. For those residential lands of ten acres or more,
613 selective thinning may be allowed subject to the following conditions:

614

615

616 (1) An approved preliminary plan or master plan is already on file at City
617 Hall.

618 (2) An application for selective timber harvesting must be filed with the
619 Department of Community Development and be presented to the Mayor
620 and City Council for approval. The application must include a map or
621 plat of the property indicating the area to be harvested together with a
622 harvesting plan prepared by a registered forester, engineer, or landscape
623 architect. The timber management plan must contain methods
624 for protection of hardwoods from damage during the timber operation.

625 (3) Only pines and other softwoods may be harvested.

626

627 Sec. 82-32. - Tree preservation and planting requirements.

628 The following requirements shall apply to specimen trees proposed to be retained within a
 629 property (excepting already developed single-family detached and duplex residential lots), and,
 630 where applicable, trees within buffers.

631 (a) *Tree preservation area.* A tree preservation area shall be established around
 632 each tree or group of trees to be retained.

633 (1) The tree preservation area shall include no less than the total area of the
 634 critical root zone of a tree or group of trees collectively.

635 (2) Layout of the utility and grading plans shall avoid disturbance of
 636 the tree preservation areas.

637 (3) Construction site activities, such as parking, materials storage, concrete
 638 washout, burn hole placement, etc., shall be arranged so as to prevent
 639 disturbances within the tree preservation areas.

641 (b) *Protective barriers.*

644 (1) Protective tree fencing, staking or continuous ribbon shall be installed
 645 between tree preservation areas and areas proposed to be cleared, graded or
 646 otherwise disturbed on the site, prior to any land disturbance.
 647 All protective barriers shall be installed according to the City standards of
 648 practice as outlined in this Article.

650 (2) All tree preservation areas are to be designated as such with "tree save area"
 651 signs posted in addition to the required protection fencing, staking, or
 652 continuous ribbon. Signs requesting subcontractor cooperation and
 653 compliance with tree preservation standards are recommended for site
 654 entrances.

656 (3) All tree preservation areas must be protected from soil sedimentation
 657 intrusion through the use of silt screens or other acceptable measures placed
 658 up-slope from the tree preservation area.

660 (4) All protective tree fencing, staking or continuous ribbon and all erosion
 661 control barriers must be installed prior to and maintained throughout the
 662 land disturbance and construction process, and should not be removed until
 663 final landscaping is installed.

665 (c) *Encroachment.* If encroachment into a tree preservation area causes irreparable
 666 damage to the trees, as determined by a certified arborist or other qualified
 667 authority, the development plan shall be revised to compensate for the loss
 668 in tree density. The irreparably damaged trees shall be designated "lost trees" and
 669 lost tree penalties shall be enforced. Under no circumstances shall the developer
 670 be relieved of responsibility for compliance with the provisions of the article, nor

671 shall plan revision activities stop the department from instituting action for
672 violation of this article.

673
674 (1) New trees proposed as recompense for lost specimen trees on a property
675 shall comply with the following guidelines:

676
677 i. The spacing of new trees must be compatible with site limitations and
678 with responsible consideration towards species size when mature;

679
680 ii. Trees must be at least four-inch caliper;

681
682 iii. Species selected for planting must be ecologically compatible with the
683 specifically intended growing site;

684
685 iv. Species selected for planting shall be the identical species of the
686 specimen tree lost. If the identical species is unable to be found, the
687 replacement tree equivalency list in Section 82-39 shall be consulted.
688 Native / indigenous species are preferred.

689
690 v. Trees selected for planting must be free from injury, pests, disease,
691 nutritional disorders or root defects, and must be of good vigor, so as
692 to assure a reasonable expectation of survivability;

693
694 vi. In the event that new trees proposed to be planted to achieve full
695 recompense are not installed or likewise compensated to the
696 City tree bank or tree bank fund upon application for a certificate of
697 occupancy or final plat approval (as appropriate), then a performance
698 bond or other acceptable surety in an amount equal to 110 percent of
699 the value of the new trees and their installation shall be posted in
700 accordance with the performance bonding requirements and
701 provisions of City regulations;

702
703 vii. Upon final installation of new trees planted under the requirements of
704 the article, and following acceptance by the department of community
705 development, the owner shall warrant the new trees and provide for
706 the exact replacement of those which do not survive for a period of no
707 less than two years, as determined by the Zoning Administrator.

708
709 (d) *Removal.* Anytime a tree is cut within the City, whether a public or private tree,
710 the stump shall be removed and the land re-graded, compacted, and leveled where
711 the tree was located.

712

713

714

715 Sec. 82-33. – Tree replacement ratios.

716 For specimen tree recompense involving actual replacement tree planting on a subject property
 717 (excepting already developed single-family detached and duplex residential lots), the following
 718 replacement ratios shall apply:

719 (a) *For specimen hardwoods removed.* An amount of same-species, replacement
 720 trees having a cumulative diameter breast height equivalent to the specimen tree
 721 removed. (Note: For replacement tree ratios that do not divide evenly, the
 722 remainder shall constitute an additional replacement tree.)

723
 724 *For example:* A 20-inch maple specimen, unable to be saved in the middle
 725 of a development, is adequately replaced with **five** 4-inch caliper maples
 726 along the side of the same property. $20 / 4 = 5$ trees

727
 728 *For example:* A 21-inch maple specimen, unable to be saved in the middle
 729 of a development, is adequately replaced with **six** 4-inch caliper maples
 730 along the side of the same property. $21 / 4 = 5.25 = 6$ trees

731 (b) *For specimen softwoods removed.* An amount of same-species, replacement
 732 trees having a cumulative diameter breast height equivalent to *half* of the specimen
 733 tree removed. (Note: For replacement tree ratios that do not divide evenly, the
 734 remainder shall constitute an additional replacement tree.)

735
 736 *For example:* A 24-inch pine specimen, unable to be saved in the middle of
 737 a development, is adequately replaced with **three** 4-inch caliper pines along
 738 the side of the same property. $24 / 2 = 12 / 4 = 3$ trees

739
 740 *For example:* A 26-inch pine specimen, unable to be saved in the middle of
 741 a development, is adequately replaced with **four** 4-inch caliper pines along
 742 the side of the same property. $26 / 2 = 13 / 4 = 3.25 = 4$ trees

743
 744 (c) *For specimen understory tree removed, 12 inches wide (DBH) and larger.* An
 745 amount of same-species, replacement trees having a cumulative diameter breast
 746 height equivalent to the specimen tree removed. (Note: For replacement tree ratios
 747 that do not divide evenly, the remainder shall constitute an additional replacement
 748 tree.)

749
 750 *For example:* A 12-inch dogwood specimen, unable to be saved in the
 751 middle of a development, is adequately replaced with **three** 4-inch caliper
 752 dogwoods along the side of the same property. $12 / 4 = 3$ trees

753
 754 *For example:* A 13-inch dogwood specimen, unable to be saved in the
 755 middle of a development, is adequately replaced with **four** 4-inch caliper
 756 dogwoods along the side of the same property. $13 / 4 = 3.25 = 4$ trees

759 (d) *For specimen understory tree removed, below 12 inches wide (DBH).* An amount
 760 of same-species, replacement trees double the amount of specimen trees removed.
 761

762 *For example:* A 5-inch dogwood specimen, unable to be saved in the middle
 763 of a development, is adequately replaced with **two** 4-inch caliper dogwoods
 764 along the side of the same property. *1 tree x 2 = 2 trees*

765 (Note: For replacement trees that are not able to be identical species to the
 766 specimen tree removed, refer to Section 82-39 for equivalent replacements.)

767 Sec. 82-34. - Tree bank and tree fund.

768 (a) *Designation.* The tree bank and tree bank fund are hereby established for the City
 769 of Jonesboro.

771 (b) *Oversight and administration.* The tree bank and tree bank fund shall be overseen
 772 and administered by the Mayor and City Council.

774 (c) *Applicability.* If the Zoning Administrator determines that it is not feasible to
 775 relocate or replace required trees on-site, the developer / property owner may
 776 satisfy the specimen tree replacement requirement by paying into the hereby
 777 established tree bank or tree bank fund. The tree bank and tree fund shall not apply
 778 to already developed single-family detached and duplex residential lots but shall
 779 apply to all lots within a proposed single-family or multi-family residential
 780 development during the time of initial clearing and development.

782 (d) *Tree Bank.* The tree bank refers to areas (school, public park, or streetscape, etc.)
 783 set aside by the Mayor and City Council as permanent receiver sites
 784 for tree plantings. Plantings may be carried out directly by the developer / property
 785 owner with Mayor and City Council approval of the planting plan and in
 786 coordination with the Zoning Administrator and Director of Public Works or the
 787 plantings may be carried out directly by the Public Works Department at
 788 developer/property owner's expense.

790 (e) *Tree bank fund.* The tree bank fund refers to a fund created to receive and hold
 791 monies paid by developers / property owners approved for specimen tree removal,
 792 in lieu of relocating or replacing trees when it is not feasible or desirable to do so
 793 on or off-site. Funds accumulated herein shall be used for the planting and
 794 installation of trees on public property, parks, schools, streetscapes, or other
 795 approved property within the City only.

797 (f) *Value.* The established recompense value for monies paid into the tree bank fund
 798 shall be a sum of money reflecting the current market price of both materials and
 799 planting costs plus an additional ten percent of that price for maintenance.
 800 However, developers / property owners who illegally remove specimen trees per
 801 the standards of this article shall be subject to fines or penalties in addition to
 802 recompense.

803 Sec. 82-35. – Non-liability of City.

804 Nothing in this article shall be deemed to impose any liability upon the City of Jonesboro or upon
 805 any of its officers or employees or to relieve the owner and occupant of any private property from
 806 the duty to keep trees upon private property or under his or her control in a safe condition.

807 Sec. 82-36. - Enforcement.

808 It shall be the responsibility of the Zoning Administrator and the Department of Community
 809 Development to enforce this Article, with assistance from the City Code Enforcement Officer(s).
 810 The Zoning Administrator or his/her designee shall have the authority to revoke, suspend, or void
 811 any development or building permit, and to withhold issuance of a certificate of occupancy. The
 812 Director of Community Development shall also have the authority to suspend all work on a site
 813 or any portion thereof and coordinate with the City Code Enforcement Officers(s) concerning
 814 citations to Municipal Court, where tree removal or damage occurs in violation of this Article.

815 Sec. 82-37. - Violation and penalties.

816 Any person violating a provision of this article shall be guilty of violating a duly adopted
 817 ordinance of the City, and, upon conviction by a court of competent jurisdiction, may be punished
 818 either by a fine not to exceed \$1,000.00 per day, or confinement in jail not to exceed six months,
 819 or both. The court shall have the power and authority to place any person found guilty of a
 820 violation of this article on probation and to suspend or modify any fine or sentence. The owner
 821 of any property wherein a violation exists, and any builder, contractor or agent, who may have
 822 assisted in the commission of any such violation, may be guilty of a separate offense.

- 823 (a) A violation of this article shall constitute a misdemeanor punishable by a fine of up
 824 to \$1,000.00 per day and/or a sentence of up to 30 calendar days incarceration per
 825 day per occurrence. Nothing herein shall prevent the City from taking such other
 826 lawful action as is necessary to prevent or remedy any violations. Replacement /
 827 recompense shall also be required.
- 828 (b) In lieu of or in addition to the other remedies herein, the City Attorney is authorized
 829 to file a petition seeking injunctive or other equitable relief to secure compliance
 830 with the provisions of this article. The City shall be entitled to its attorney's fees
 831 for any action through which relief is awarded.
- 832 (c) If a violation were to occur anytime post certificate of occupancy or on any
 833 unimproved acreage then penalties shall be imposed based on the provisions of the
 834 recompense value for trees as set out in this Article.

835 Sec. 82-38. - Severability.

836 (a) It is hereby declared to be the intention of the Mayor and Council that all parts,
 837 sections, subsections, paragraphs, sentences, clauses, phrases, terms, or words of this
 838 article, were upon their enactment, believed by the Mayor and Council to be fully
 839 valid, enforceable, and constitutional.

840 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
 841 extent allowed by law, each and every part, section, subsection, paragraph, sentence,
 842 clause, phrase, term, or word of this article is severable from every other part,
 843 section, subsection, paragraph, sentence, clause, phrase, term, or word of this article.
 844 It is hereby further declared to be the intention of the Mayor and Council that, to the
 845 greatest extent allowed by law, no part, section, subsection, paragraph, sentence,
 846 clause, phrase, term, or word in this article is mutually dependent upon any other
 847 part, section, subsection, paragraph, sentence, clause, phrase, term or word in this
 848 article.

849 Sec. 82-39. – Replacement tree equivalency list.

850 For replacement trees that are not able to be identical species to the specimen tree removed, refer
 851 to the acceptable substitutes below. Unless otherwise stated, equivalent replacement trees shall
 852 remain in the same genus as removed specimen trees. Native or indigenous species are preferred,
 853 but the greater emphasis is on aesthetic quality.

854 Canopy Trees:

855

856 Genus Quercus (Oak)

857 Acceptable species (with related cultivars)

858 <i>Quercus phellos</i> (<i>Willow Oak</i>)	858 <i>Quercus rubra</i> (<i>Northern Red Oak</i>)
859 <i>Quercus palustris</i> (<i>Pin Oak</i>)	859 <i>Quercus coccinea</i> (<i>Scarlet Oak</i>)
860 <i>Quercus virginiana</i> (<i>Live Oak</i>)	860 <i>Quercus acutissima</i> (<i>Sawtooth Oak</i>)
861 <i>Quercus stellata</i> (<i>Post Oak</i>)	

862

863 Genus Acer (Maple)

864 Acceptable species (with related cultivars)

865 <i>Acer rubrum</i> (<i>Red Maple</i>)	865 <i>Acer saccharum nigrum</i> (<i>Black Maple</i>)
866 <i>Acer saccharum</i> (<i>Sugar Oak</i>)	866 <i>Acer barbatum</i> (<i>Southern Sugar Maple</i>)
867 <i>Acer platanoides</i> ‘ <i>Crimson King</i> ’ et.al. (<i>Norway Maple</i> cultivars)	

868

869 Genus Ulmus (Elm)

870 Acceptable species (with related cultivars)

871 <i>Ulmus parvifolia</i> (<i>Chinese Elm</i>)	871 <i>Ulmus rubra</i> (<i>Slippery Elm</i>)
--	--

872	<i>Ulmus pumila</i> (<i>Siberian Elm</i>)	<i>Ulmus alata</i> (<i>Winged Elm</i>)
873	<i>Zelkova serrata</i> (<i>Japanese Zelkova</i>)	
874		
875	<u>Other acceptable hardwood species (with related cultivars)</u>	
876	* <i>Acer buergerianum</i> (<i>Trident maple</i>)	<i>Halesia Carolina</i> (<i>Silverbell</i>)
877	* <i>Acer ginnala</i> (<i>Amur Maple</i>)	<i>Ilex longipes</i> (<i>Georgia holly</i>)
878	* <i>Acer palmatum</i> (<i>Japanese Maple</i>)	<i>Ilex opaca</i> (<i>American holly</i>)
879	<i>Aesculus parviflora</i> (<i>Bottlebrush buckeye</i>)	* <i>Ilex verticillata</i> (<i>Winterberry</i>)
880	<i>Aesculus pavia</i> (<i>Red buckeye</i>)	* <i>Ilex vomitoria</i> (<i>Yaupon holly</i>)
881	<i>Aesculus sylvatica</i> (<i>Georgia buckeye</i>)	<i>Liriodendron tulipifera</i> (<i>Tulip tree</i>)
882	<i>Betula lenta</i> (<i>Sweet birch</i>)	<i>Magnolia grandiflora</i> (<i>Southern magnolia</i>)
883	<i>Betula nigra</i> (<i>River birch</i>)	<i>Magnolia macrophylla</i> (<i>Bigleaf magnolia</i>)
884	<i>Carpinus caroliniana</i> (<i>American hornbeam</i>)	<i>Nyssa aquatica</i> (<i>Water tupelo</i>)
885	<i>Carya australis</i> (<i>Southern shagbark hickory</i>)	<i>Nyssa sylvatica</i> (<i>Black gum</i>)
886	<i>Carya ovata</i> (<i>Shagbark hickory</i>)	<i>Ostrya virginiana</i> (<i>Eastern hop hornbeam</i>)
887	* <i>Cercis Canadensis</i> (<i>Redbud</i>)	<i>Oxydendrum arboreum</i> (<i>Sourwood</i>)
888	* <i>Cornus alternifolia</i> (<i>Pagoda dogwood</i>)	<i>Planera aquatica</i> (<i>Planetree</i>)
889	* <i>Cornus florida</i> (<i>Flowering dogwood</i>)	<i>Platanus x acerifolia</i> (<i>London planetree</i>)
890	* <i>Cornus kousa</i> (<i>Kousa dogwood</i>)	* <i>Prunus caroliniana</i> (<i>Cherry laurel</i>)
891	<i>Crataegus phaenopyrum</i> (<i>Washington hawthorn</i>)	* <i>Prunus serotina</i> (<i>Black cherry</i>)
892	<i>Fagus grandifolia</i> (<i>American beech</i>)	<i>Sassafras albidum</i> (<i>Sassafras</i>)
893	<i>Fraxinus americana</i> (<i>White ash</i>)	<i>Taxodium distichum</i> (<i>Bald cypress</i>)
894	<i>Fraxinus pennsylvanica</i> (<i>Green ash</i>)	<i>Tilia americana</i> (<i>American basswood</i>)
895	<i>Gleditsia triacanthus</i> (<i>Honey locust</i>)	<i>Tilia caroliniana</i> (<i>Carolina basswood</i>)
896	*Denotes specimen understory tree	
897		
898	<u>Acceptable softwood species (with related cultivars)</u>	
899	<i>Juniperus silicicola</i> (<i>Southern red cedar</i>)	<i>Pinus taeda</i> (<i>Loblolly pine</i>)
900	<i>Juniperus virginiana</i> (<i>Eastern red cedar</i>)	<i>Pinus virginiana</i> (<i>Virginia pine</i>)

901	<i>Pinus echinata</i> (Shortleaf pine)	<i>Tsuga Canadensis</i> (Eastern hemlock)
902	<i>Pinus palustris</i> (Longleaf pine)	
903	<i>Pinus strobus</i> (Eastern white pine)	



CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item

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12.1

COUNCIL MEETING DATE

June 8, 2020

Requesting Agency (Initiator) Office of the City Manager	Sponsor(s)
Requested Action <i>(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)</i> Council to consider approval of Ordinance 2020-014 amending the Declaration of Emergency (ordinance No. 2020-010) adopted by the Jonesboro City Council.	
Requirement for Board Action <i>(Cite specific Council policy, statute or code requirement)</i>	
Is this Item Goal Related? <i>(If yes, describe how this action meets the specific Board Focus Area or Goal)</i> Yes Community Planning, Neighborhood and Business Revitalization, Innovative Leadership	
Summary & Background	<i>(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)</i>
As per the update provided by City Manager Ricky L. Clark, Jr. at the June 1, 2020 worksession, the following amendment to the adopted Emergency Declaration is presented. This emergency declaration changes the end date to coincide with the Governors Order (July 12, 2020). In addition, this amended ordinance allows the opening of all parks.	
MAJOR POINTS FROM GOVERNOR KEMP'S 05.28.20.01 and 05.28.20.02 EXECUTIVE ORDERS	
<p>On May 28, 2020, Governor Kemp issued Executive Orders 05.28.20.01 and 05.28.20.02. In Executive Order 05.28.20.01 Governor Kemp extended the Public Health State of Emergency through July 12, 2020. In Executive Order 05.28.20.02 (hereinafter "the Order") the Governor lays out detailed provisions to govern the ongoing Public Health State of Emergency. Executive Order 05.28.20.02 is effective from June 1, 2020, until June 15, 2020, unless otherwise stated. In the Order the Governor covered the following topics related to the Coronavirus public health emergency (new or significantly revised provisions are shown in italics): (Section I) General Provisions (Section II) Definitions of terms used in this and previous orders, such as "Summer Camp", "Social Distancing", "Shelter in Place", "Gathering" and "Critical Infrastructure". "Gathering" is amended from previous Executive Orders to be defined as: "more than twenty-five (25) persons physically present at a Single Location if, to be present, persons are required to stand or be seated within six (6) feet of any other person. Therefore, groups of more than twenty-five (25) people are permitted if their grouping is transitory or incidental, or if their grouping is the result of being spread across more than one Single Location". This is an increase from ten (10) persons in previous Executive Orders. "Overnight Summer Camp" is defined in the 05.28.20.02 Executive Order to mean a Summer Camp where Campers stay overnight on the Summer Camp premises. This term shall not include those entities commonly referred to as "day camps". "Summer School" is defined in the 05.28.20.02 Executive Order to mean extended school year classes, credit recovery classes, and all other learning classes that are offered by schools or school districts between the 2019-2020 school year and the 2020-2021 school year. "Symptoms of COVID-19" is added in the 05.28.20.02 Executive Order to mean symptoms identified by the Centers for Disease Control and Prevention as symptoms of COVID-19 and shall include at least the following: fever or chills; cough; shortness of breath or difficulty breathing; fatigue; muscle or body aches; headache; new loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; and diarrhea. (Section III) Specifications for those who are required to Shelter in Place through June 12, 2020. The section remains unchanged by the 05.28.20.02 Executive Order. The shelter in place rules still only apply to those persons who are at higher risk of severe illness. (Section IV) Requirements for Restaurants and Dining</p>	

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date June, 8, 2020	
Signature	City Clerk's Office	

Services that have reopened or will reopen for dine-in services. The 05.28.20.02 Executive Order now includes 12.1 "banquet facilities, private event facilities, and private reception venues where food is served". Restaurants are still required to limit occupancy to no more than ten persons per 300 square feet. (Section V) Requirements for in-person operations by both Critical Infrastructure businesses and non-Critical Infrastructure operations, including gyms, bowling alleys, movie theaters, hair salons, spas, etc. (Section VI) Specifications for health care providers (Section VII) Requirements for childcare and educational services, including Summer Camps (Section VIII) Orders to County and Municipal Governments (Section IX) Enforcement (Section X) Miscellaneous. PROVISIONS SPECIFIC TO LOCAL GOVERNMENTS (see pages 33-34 of Executive Order) Although it is vital that Local Government entities acquaint themselves with the complete substance of the order, some of the highlights for local governments are as follows: 1. For the purposes of Code Section 48-5-311(e)(6A), "in-person" appearances before county boards of equalization may occur via remote communications. This provision shall be implemented consistent with Ga. Comp. R. & Regs. r. 560-11-12-02, which requires hearings before county boards of equalization to "only be as formal as is necessary to preserve order and be compatible with the principles of justice." This provision does not abrogate the requirement that county boards of equalization comply with the Georgia Open Meetings Act. 2. Local governments can enact ordinances for emergency management purposes and to supplement the carrying out of the order. Such ordinances cannot be "inconsistent" with the order. This wording may seem somewhat confusing, especially as there is little by way of guidance on how this should be interpreted. However, it is likely that ordinances providing practical rules and regulations as to exactly how the order should be followed (such as for example, giving requirements for how the fever screening at restaurants should be carried out) would be consistent with the order. On the other hand, ordinances that restrict activities that have been explicitly allowed or restricted by the order would be "inconsistent" with the order. (See p. 34.) 3. After providing reasonable notice and at least two citations for violations of O.C.G.A. §38-3-7, any Local government law enforcement officer is authorized to mandate the closure of any business, establishment, or corporation for failure to comply with the provisions of the Order. (This likely is in response to a specific GMA request.) (See p. 34.) 4. Violation of the order is defined as a misdemeanor under O.C.G.A. §38-3-7. (See p. 34) 5. The requirements of O.C.G.A. §§36-70-27 (which relates to limitations of funding for projects inconsistent with strategy) and 50-8-8 (which concerns grants, loans, and other disbursements of funds from the state community development program) are suspended to the extent that they would prevent local governments from being eligible to receive state funding for expenditures made during the current Public Health State of Emergency related to the prevention, treatment, or mitigation of COVID-19. (This likely is in response to a specific GMA request.) (See p. 33) SUMMARY OF KEY POINTS General highlights: 1) Through June 12, 2020 Shelter in place will continue for those defined by the CDC as being high risk or suffering from a severe illness (see list on p. 5 of the order). a. Those who continue to shelter in place can leave for the same reasons as before – to get food, medical assistance, outdoor exercise, etc. 2) Through June 15, 2020 - Everyone (everywhere) must practice social distancing procedures as well as sanitation methods as prescribed by the CDC, and refrain from gathering as defined by the Order. 3) Everyone is strongly encouraged to wear a face mask when outside of their homes (except for when eating or exercising). 4) The Order does not affect or alter court ordered visitation of minor children. 5) The Order expires June 15, 2020 at 11:59 P.M. 6) Live performance venues are to remain CLOSED to the public during the Order, which means from June 1, 2020 until June 15, 2020. The 05.28.20.02 Executive Order does not include amusement rides, and bars in this closure requirement. As such amusement rides, which includes "amusement rides as defined by Code Section 25-15-51, traveling carnivals, water parks, circuses, and other temporary amusement rides" may open beginning June 1st provided they abide by the requirements contained on pages 21-24) in addition to the applicable requirements above for non-Critical Infrastructure. 7) Bars may reopen beginning June 1st if they follow the specific guidelines contained on pages 18-20 of the 05.28.20.02 Executive Order. Critical and Non-Critical Infrastructure: 1) Critical Infrastructure – the same provisions as were previously ordered apply but additional COVID19 symptoms were added to the list for screening purposes and PIN pads may be used but must be frequently disinfected – See pages 10-11 of the Order. 2) Non-Critical Infrastructure – the same provisions as were previously ordered apply but additional COVID-19 symptoms were added to the list for screening purposes, PIN pads may be used but must be frequently disinfected, and volunteers who have or may have COVID-19 or who may have been exposed to it within the past 14 days cannot volunteer - see pages 11-12 of the Order. a. **Both Critical and Non-Critical

Infrastructure should provide personal protective equipment as appropriate, sanitation and disinfectant products to increase physical space between workers. Specific Businesses (which may also be critical or non-critical above) 1) Restaurants, dining Rooms, banquet facilities, private event facilities, and private reception venues where food is served – May offer dine-in service only provided strict provisions are followed. Restaurants allowing dine-in service: a. Cannot allow more than 10 patrons per 300 square feet of public space. (to calculate – include waiting and bar areas, but not hallways, restrooms and spaces not open to the public). b. SHALL implement the 39 measures of the Order intended to mitigate the spread of COVID-19. (See pp. 7-10). c. Some, but not all, of the significant measures are: i. Not allowing anyone exhibiting Symptoms of COVID 19 to work (screen all workers). This is amended in the 05.28.20.02 Executive Order to remove a list of specific symptoms. ii. Sick workers cannot work and can only return after 10 days after symptom onset (increased from 7 days under the 04.23.20.02 Order) if fever free for at least 3 days. iii. Train workers on proper cleaning techniques and the importance of this cleaning. iv. All workers must wear face coverings at all times, this includes back of house staff. v. No handshaking or person to person contact. vi. Enforce social distancing of non-cohabitating persons. vii. No salad bars/buffets unless the salad bar or buffet is being used for cafeteria-style service where a worker is responsible for serving the patron, handling the utensils and ensuring proper distancing in lines. viii. Thoroughly clean and disinfect all areas before opening back up and continue to do so regularly. ix. Between diners, restaurant staff must sanitize table condiments, digital ordering devices, check presenters, self-service areas, tabletops and commonly touched areas, and discard any single-use items. x. Use rolled silverware (no table pre-sets). xi. No self-service stations – wherever practicable. Workers should provide the items (such as drinks, condiments, utensils). xii. Disposable paper menus are strongly encouraged. Otherwise, menus must be sanitized between each patron. xiii. Limit contact between Workers and patrons. xiv. Redesign seating areas to allow for at least 6 feet of separation from seating to seating. xv. Party sizes can be no more than 10 (up from 6 under the 04.23.20.02 Order) xvi. All restaurant dining room playgrounds are closed. d. These requirements do not apply to dine-in services at hospitals, healthcare facilities, nursing homes, or other long-term care facilities. 2) Retail Businesses and Food Establishments (grocery stores, convenience stores) - shall implement additional measures (in addition to those in either critical or non-critical above) which are listed on page 13 of the Order. Some notable measures are: a. Limit number of patrons to 50% of fire capacity occupancy or 8 patrons per 1,000 square feet; (This likely is in response to a specific GMA request.) b. Encourage patrons to use hand sanitizer upon entry; c. Encourage non-cash payments where possible; d. Sanitize entrance and exit doors at least three times a day; e. Encourage workers to report health/safety issues to employer; and f. Installing protective screens or other mitigation measures where worker-patron interactions are likely. 3) Food Establishments (grocery stores, convenience stores) – have additional measures they must implement to the maximum extent practicable – (in addition to those above in critical infrastructure and #2 above) and those are found on pages 13-14 of the Order) – Notable measures include: a. Scheduling specific hours of operations for vulnerable populations; (This likely is in response to a specific GMA request.) b. Reducing store hours for additional cleaning after hours; (This likely is in response to a specific GMA request.) c. Enacting policies and procedures for social distancing – Plexiglass at registers; decals on floors; one-way aisles; d. Providing personal protective equipment for workers; e. Encouraging patrons to wear face coverings; f. No cooking stations or sampling stations; g. No self-service salad bars or buffets; h. Adding staff to oversee the sanitation of grocery carts; and i. Procuring options with third-party services for additional cleaning. 4) Gyms and Fitness Centers – in addition to the other measures applicable above (those in non-critical infrastructure) Gyms and Fitness Centers must implement 19 measures if they wish to reopen- a. See pages 15-16 of the Order. Essentially, screen patrons, don't let anyone in that is sick, clean everything, make sure patrons observe social distancing requirements. Prohibit patrons from sharing equipment without cleaning and sanitizing between uses, provide cleaners for patrons to clean machinery after use. It appears that pools, basketball courts, tanning beds can be used, as long as there is no congregating and social distancing is enforced. Hot tubs, saunas, and steam rooms must remain closed. Group classes can be offered as long as participants stay at least 10 feet from one another and don't congregate. Child care services can be provided, subject to rules relating to child care facilities. 5) Beauty Salons, Barbers, Body Art Studios, Massage Therapists etc. – must implement (in addition to the non-critical infrastructure requirements) – the 13 mitigating measures found on pages 16-17 of the Order. a. Notable measures are: operate with appointments only, require patrons to use hand sanitizer before serving, not allowing anyone symptomatic to

enter, allow one patron per service provider at the time (parent may enter with child), patrons must wait in the outside or in a waiting area inside as long as the waiting area is set up to seat people at least 6 feet apart from one another, until the service provider is ready; stagger work schedules so that no more than 50% of service providers are present at the same time; workstations should be more than 10 feet apart; sanitize chairs, etc., between appointments. 6) Theaters and Cinemas – must implement the list of requirements for the “non-critical” list and implement additional measures found on page 17 of the Order. 7) Bowling Alleys – must implement non-critical list and implement additional specific measures found on pages 17-18 of the Order. If they have a food service area – they must adhere to the measures required for dine-in restaurants. a. No parties or Gatherings (as defined on page 4 of the Order) – no playgrounds may be open. Arcades are no longer required to be closed. b. Sanitize equipment, balls, seats, devices between use. 8) Bars - The 05.28.20.02 order has lifted the closure requirement on bars. In order to open bars beginning on June 1, 2020, the bars must implement the 39 measures provided for on pages 18-20 of the Order. These measures include, but are not limited to: a. Limiting the total number of persons in the bar to 25 people or 35% of the fire occupancy, whichever is greater. b. Requiring workers to wear face coverings at all times. c. Enforcing social distancing on non-cohabitating persons while on the premises. d. Between patrons, sanitizing tables, digital ordering devices, check presenters, self-service areas, tabletops and commonly touched areas, and discard any single-use items. e. Establishing seating areas to discourage loitering at the bar area. f. Sanitizing the bar at least twice a day. 9) Healthcare Providers – are regulated on pages 24-26 of the Order. a. There are specific requirements for differing healthcare providers – i.e., dentists, optometrists, etc. b. The 05.28.20.02 order has removed the provisions relating to emergency management workers and emergency management activities. 10) Education and Children (Child Care Providers and Summer Camps) – (see pages 26-33 of the Order) a. Child care facilities may not transport children for any reason except from their residence to the facility. b. School districts offering Summer School shall not be required to comply with the ban on gatherings. c. The limitation of 20 people per classroom is removed by the 05.28.20.02 order. d. Child care facilities must implement the non-critical infrastructure measures – and specific measures found on pages 28-29 of the Order. i. Screen children for fever/illness. ii. Prohibit entry if ill. iii. Provide meals in classrooms rather than one large room. iv. Restrict family member’s access to the building – either the main entry door only or the door to the classroom, as is practical. v. Frequently clean touched surfaces. vi. Use washable toys to the extent practical. vii. Each child’s bedding must be kept separate and washed weekly – or before it is used on another child. e. The 05.28.20.02 order removes the statement that if the CDC issues guidance for Summer Camps the CDC guidance will control. f. The Order establishes 32 rules for Summer Camps (including Overnight Summer Camps) (33 for overnight Summer Camps) (pp. 29 – 32) in addition to the applicable requirements for non-critical infrastructure. g. Overnight Summer Camps are permitted to host Campers overnight beginning May 31, 2020. h. A Camper or Worker at a Summer Camp or an Overnight Summer Camp with known exposure to COVID-19 shall not be allowed access to any Summer Camp or Overnight Summer Camp, including any facilities or activities, until at least fourteen (14) days have elapsed since the last known exposure. Local Governments (Pages 33-34) 1. The 05.28.20.02 order provides that for the purposes of Code Section 48-5-311(e)(6A), “in-person” appearances before county boards of equalization may occur via remote communications. This provision shall be implemented consistent with Ga. Comp. R. & Regs. r. 560-11-12-02, which requires hearings before county boards of equalization to “only be as formal as is necessary to preserve order and be compatible with the principles of justice.” This provision does not abrogate the requirement that county boards of equalization comply with the Georgia Open Meetings Act. 2. Can enact ordinances for emergency management purposes and to supplement the carrying out of the Order – but cannot be more or less restrictive. Driver’s Licenses – Executive Order 05.12.20.01 terminated the provisions relating to Driver’s Licenses in the 04.23.20.02 Order, and specifically stated that an on-the-road driving test is required for a new driver’s license. Anyone who received a driver’s license without a road test based on the 04.23.20.02 Order will need to take a road test by September 30, 2020. Enforcement 1. Any law enforcement officer may, after providing reasonable notice and at least TWO citation for violations of OCGA 38-3-7 – may be authorized to mandate the closure of any business, establishment, corporation for failure to comply with the provisions of the Order. (This likely is in response to a specific GMA request.) 2. Violation of the Order is a misdemeanor under O.C.G.A. § 38-3-7. 3. No Judicial Order is

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Ord 2020-014 - Amended Emergency Declaration (Opening Park revising Date)

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

<Insert Ordinance Body>

STATE OF GEORGIA
COUNTY OF CLAYTON
CITY OF JONESBORO

ORDINANCE NO. 2020-014

ORDINANCE TO AMEND THE CITY OF JONESBORO, GEORGIA'S AMENDED DECLARATION OF EMERGENCY (ORDINANCE NO. 2020-010) ADOPTED ON BY PROVIDING FOR TERMINATION DATE OF SAID ORDINANCE; TO REOPEN CITY PARKS; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 pandemic a national emergency; and

WHEREAS, on March 14, 2020, the Governor of the State of Georgia declared that a Public Health State of Emergency exists in the State of Georgia due to the public health emergency from the spread of COVID-19; and

WHEREAS, on March 16, 2020, the President of the United States in conjunction with the Centers for Disease Control (CDC) issued Coronavirus Guidelines for America — 15 Days to Slow the Spread; and

WHEREAS, on March 23, 2020, the Governor issued Executive Order No. 03.23.20.01, which requires the Department of Public Health to order that certain specific higher risk populations to isolate, quarantine, or shelter in place for fourteen (14) days; and

WHEREAS, on March 24, 2020, the Mayor and Council of the City of Jonesboro, Georgia adopted Ordinance No. 2020-008 declaring a local state of emergency within the City of Jonesboro and enacted several emergency powers in order to allow the City to quickly and appropriately respond to the COVID-19 pandemic and said emergency declaration was amended by Ordinane No. 2020-010; and

WHEREAS, Section 1.13 of the City of Jonesboro's Charter authorizes the City to declare an emergency situation exists within the City and to make and carry out all reasonable provisions deemed necessary for the protection, safety, health, or well-being of its citizens; and

WHEREAS, one of the purposes of the Georgia Emergency Management Act of 1981 is to confer upon the Governor and the executive heads of the governing bodies of the political subdivisions of the state emergency powers; and

WHEREAS, pursuant to O.C.G.A. Section 38-3-28, the City of Jonesboro is authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws not inconsistent with executive orders implemented by the Governor; and

WHEREAS, there continues to exist emergency circumstances as a result of COVID-19 within the geographical boundaries of the City of Jonesboro requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of the City of Jonesboro; and

WHEREAS the Governor has extended the Georgia State of Emergency until July 12, 2020; and

WHEREAS, this Ordinance adopting an Amended Declaration of Emergency is necessary to protect the health, safety, and well-being of the citizens of the City of Jonesboro, Georgia.

NOW, THEREFORE, IT IS HEREBY DECLARED that a continued local state of emergency exists within the City and shall continue until July 12, 2020 or until such other date as the Georgia Governor may declare. This State of Emergency shall terminate in conjunction with the termination of the state-wide State of Emergency declaration.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED, as follows:

AMENDED DECLARATION OF EMERGENCY

1. With the exception of the reopening of the City Parks, all other requirements of the Jonesboro Emergency Declaration in Ordinance 2020-008, as amended by Ordinance 2020-010, shall be continued until termination of this emergency, including, but not limited to social distancing requirements, operation of Essential Businesses and minimal operation of other non-essential businesses, as defined in Ordinances 2020-008 and 2020-010, and prohibitions on certain private and public assemblages.
2. Effective immediately, all City parks and recreation areas are hereby reopened and shall be open in accordance with their regular operating schedule as provided by the City's ordinances, regulations and policies.
3. This Ordinance shall become effective immediately upon adoption by Mayor and City Council.
4. If any provision of this Ordinance to the application thereof to any person or circumstance is held to be invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.
5. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby temporarily suspended.

SO ORDAINED, this _____ day of _____, 2020.

CITY OF JONESBORO, GEORGIA

Joy Day, Mayor

ATTEST:

Ricky L. Clark, Jr., City Clerk

APPROVED AS TO FORM:

City Attorney



CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item

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COUNCIL MEETING DATE

June 8, 2020

Requesting Agency (Initiator)	Sponsor(s)
Office of the City Manager	
Requested Action <i>(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)</i>	
Council to consider approval of Ordinance #2020-015 amending Section 58-43 ("Applications and Permits") in Division 2 ("Permit"), Article I ("In General") of Chapter 58 ("Streets, Sidewalks and other Public Places") of the Code of Ordinance of the City of Jonesboro.	
Requirement for Board Action <i>(Cite specific Council policy, statute or code requirement)</i>	
Is this Item Goal Related? <i>(If yes, describe how this action meets the specific Board Focus Area or Goal)</i>	
Yes	Community Planning, Neighborhood and Business Revitalization
Summary & Background	<i>(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)</i>
<p>In reviewing our codified Special Events Ordinance, we have learned of the need to make some major adjustments. The 45 day and 30 day time requirements (30 days if less than 25 people) could be considered an unreasonable restraint against the right to assemble. The City can regulate the right to assemble as long as the time, place, and manner of the restrictions are reasonable and narrowly tailored to serve significant governmental interests. For example, an ordinance requiring an applicant to apply for a parade permit within 30 days in advance of march on a city street or sidewalk was found to be unconstitutional because it was not narrowly tailored to serve the city's significant interest in ensuring traffic safety and crowd control, where the only reason for the notice period was the infrequency of city council meetings. <i>American-Arab Anti-Discrimination Committee v. City of Dearborn</i>, 418 F.3d 600 (6th Cir. 2005); see also <i>N.A.A.C.P., Western Region v. City of Richmond</i>, 743 F.2d 1346 (9th Cir. 1984) (A parade ordinance requiring 20 days advance notice and giving the city council discretion to waive the time requirement is unconstitutional. The 20-day requirement constitutes an unreasonable restraint on free expression and involves an unnecessarily long time period. The unfettered discretion of the council to waive the requirement is overbroad in not giving any guidelines for a determination.);</p>	
<p>The amended ordinance as presented to Mayor & Council shortens the deadline to apply for a Special Events permit to 7 days for all events with over 25 people. Subsequent to this revisions, staff and legal will work on a comprehensive amendment that also includes definitions for public assemblages.</p>	
Fiscal Impact	<i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i>
Exhibits Attached <i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i>	
<ul style="list-style-type: none"> • Ord 2020-015 - Special Events Amendment 	
Staff Recommendation <i>(Type Name, Title, Agency and Phone)</i>	
Approval	

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date June, 8, 2020	
Signature	City Clerk's Office	

AN ORDINANCE TO AMEND SECTION 58-43 ("APPLICATIONS AND PERMITS") IN DIVISION 2 ("PERMIT"), ARTICLE I ("IN GENERAL") OF CHAPTER 58 ("STREETS, SIDEWALKS AND OTHER PUBLIC PLACES") OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing authority of the City of Jonesboro, Georgia (the "City") are the Mayor and Council thereof; and

WHEREAS, the City currently regulates special events requiring the use of public property in Chapter 58 of the City Code; and

WHEREAS, Section 58-43 ("Applications and Permits") currently requires applicants to submit permit applications for special events at least forty-five (45) days prior to the date of the event or in some instances thirty (30) days prior to the date of the event; and

WHEREAS, the Mayor and Council desire to modify the time requirements contained in Section 58-43; and

WHEREAS, this ordinance will benefit the health, safety and welfare of the citizens of the City of Jonesboro.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Jonesboro, Georgia, and by the authority thereof:

Section 1. The Code of Ordinances, City of Jonesboro, Georgia is amended by striking, in its entirety, the language contained in subsection (g) of Section 58-43 ("Applications and Permits"), Division 2 ("Permit"), Article I ("In General") of Chapter 58 ("Streets, Sidewalks and Other Public Places") and inserting in lieu thereof new text, which shall read and be codified as follows:

"(g) *Applications for special events.* Applications for special events which propose more than 25 attendees, shall be filed with the city clerk or his designee at least seven (7) days prior to the date of the event.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Jonesboro.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this _____ day of _____, 2020.

12.2

CITY OF JONESBORO, GEORGIA,

Joy Day, Mayor

ATTEST:

Ricky L. Clark, Jr., City Clerk

APPROVED AS TO FORM:

City Attorney

STATE OF GEORGIA
COUNTY OF CLAYTON
CITY OF JONESBORO

ORDINANCE NO. 2020-015

1 AN ORDINANCE TO AMEND SECTION 58-43 (“APPLICATIONS AND PERMITS”)
2 IN DIVISION 2 (“PERMIT”), ARTICLE I (“IN GENERAL”) OF CHAPTER 58 (“STREETS,
3 SIDEWALKS AND OTHER PUBLIC PLACES”) OF THE CODE OF ORDINANCES OF THE
4 CITY OF JONESBORO, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR
5 CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING
6 ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND FOR OTHER
7 LAWFUL PURPOSES.

8 **WHEREAS**, the governing authority of the City of Jonesboro, Georgia (the “City”) are
9 the Mayor and Council thereof; and

10 **WHEREAS**, the City currently regulates special events requiring the use of public
11 property in Chapter 58 of the City Code; and

12 **WHEREAS**, Section 58-43 (“Applications and Permits”) currently requires applicants to
13 submit permit applications for special events at least forty-five (45) days prior to the date of the
14 event or in some instances thirty (30) days prior to the date of the event; and

15 **WHEREAS**, the Mayor and Council desire to modify the time requirements contained in
16 Section 58-43; and

17 **WHEREAS**, this ordinance will benefit the health, safety and welfare of the citizens of the
18 City of Jonesboro.

19 **BE IT AND IT IS HEREBY ORDAINED** by the Mayor and Council of the City of
20 Jonesboro, Georgia, and by the authority thereof:

21 **Section 1.** The Code of Ordinances, City of Jonesboro, Georgia is amended by striking, in
22 its entirety, the language contained in subsection (g) of Section 58-43 (“Applications and
23 Permits”), Division 2 (“Permit”), Article I (“In General”) of Chapter 58 (“Streets, Sidewalks and
24 Other Public Places”) and inserting in lieu thereof new text, which shall read and be codified as
25 follows:

26 “(g) *Applications for special events.* Applications for special events which propose more
27 than 25 attendees, shall be filed with the city clerk or his designee at least seven (7)
28 days prior to the date of the event. However, no application shall be accepted earlier
29 than one year prior to the date of the proposed special event.”

30
31 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
32 incorporated by reference as if fully set out herein.

33 **Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the
34 State of Georgia and the City of Jonesboro.

35 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
36 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
37 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

38 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
39 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
40 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
41 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
42 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
43 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
44 Ordinance.

45 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
46 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable

47 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
48 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
49 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
50 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
51 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
52 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
53 effect.

54 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
55 repealed.

56 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless
57 otherwise specified herein.

ORDAINED this ____ day of _____, 2020.

CITY OF JONESBORO, GEORGIA,

Joy Day, Mayor

ATTEST:

Ricky L. Clark, Jr., City Clerk

APPROVED AS TO FORM:

City Attorney



CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item

- 3

12.3

COUNCIL MEETING DATE

June 8, 2020

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date June, 8, 2020	
Signature	City Clerk's Office	

- Lovejoy
- Morrow
- Riverdale

12.3

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval



April 27, 2018

RE: *The Georgia Smart Communities Challenge*

Dear Mr. Stanford:

This letter serves to express my support of the “Smart Bus Stop” proposal submitted by Clayton County to the Georgia Smart Communities Challenge (“Georgia Smart”) hosted by Georgia Institute of Technology and its partners. As the City Manager of Jonesboro, I recognize the importance of public transportation for the residents of Clayton County. Therefore, I welcome the partnership between Jonesboro and Clayton County and this opportunity to collaborate on this great initiative. As you know, our transit system and many of our bus stops can benefit from the research on a project such as this. It is my belief that we can jointly improve the transportation system through the accessibility enhancements and smart mobility options for our residents.

I am excited about this project as it will benefit the residents of our City as well as all residents of Clayton County. The idea that this project has the potential to poise Clayton County as the “Georgia Model” for future public transportation enhancements and amenities, is innovative and exciting.. I look forward to working with you and your team

Sincerely,

A handwritten signature in blue ink, appearing to read "RLC".

Ricky L. Clark Jr.
City Manager



Angelyne Butler, Mayor

<i>Council:</i>	<i>Kimberly James</i> Ward 1	<i>Dabouze Antoine</i> Ward 2	<i>Sandra Bagley</i> Ward 3
			<i>Latreasa Akins-Wells</i> Ward 4
			<i>Allan Mears</i> Ward 5

April 30, 2018

Detrick Stanford
 Clayton County Chief Operating Officer
 112 Smith Street
 Jonesboro, GA 30236

Greetings! I submit this letter on behalf of the governing body, residents, and City of Forest Park pledging full faith and support with Clayton County's efforts towards the Georgia Smart Communities Challenge.

We recognize this is not a unilateral effort. As such, either is the reward. This partnership and Challenge granted Forest Park and Clayton County the opportunity to work in union towards a shared commitment that the entire county will benefit as a whole.

For too long, Forest Park and Clayton County has been overlooked, until today. Forest Park's vision and purpose is uniquely in alignment with Clayton County. Together, we are determined to rebrand the concept of public transportation by making it attractive for professionals, decreasing our carbon footprint, and allowing the transportation system in its entirety to be an asset to the community.

Forest Park is looking forward to some of the transportation improvements that our "Smart Bus Stops" would have to offer are:

- Information kiosks which will be used for advertising information regarding the bus routes
- Call boxes and security cameras that will be accessed by the 911 Center
- Device chargers for waiting passengers to utilize the USB ports
- Wi-Fi access

Thank you for this opportunity. We appreciate the opportunity to underscore our support of the Georgia Smart Communities Challenge.

Sincerely,


 Angelyne Butler, MPA
 Mayor

City of Lake City

5455 Jonesboro Road
Lake City, GA 30260

Mayor Pro Tem
Lorraine Hoover

Telephone: (404) 366-8080
Fax: (404) 366-0654

Council Members
Ralph McDuffie
John B. Sowell

April 30, 2018

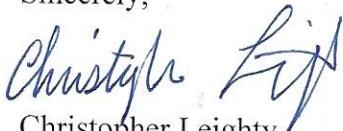
RE: *The Georgia Smart Communities Challenge*

Dear Mr. Stanford:

This letter serves to express my support of the “Smart Bus Stop” proposal submitted by Clayton County to the Georgia Smart Communities Challenge (“Georgia Smart”) hosted by Georgia Institute of Technology and its partners. As the City Manager of the City of Lake City, I recognize the importance of public transportation for the residents of Clayton County. Therefore, I welcome the partnership between Lake City and Clayton County and this opportunity to collaborate on this great initiative. As you know, our transit system and many of our bus stops can benefit from the research on a project such as this. It is my belief that we can jointly improve the transportation system through the accessibility enhancements and smart mobility options for our residents.

I am excited about this project as it will benefit the residents of our City as well as all residents of Clayton County. The idea that this project has the potential to poise Clayton County as the “Georgia Model” for future public transportation enhancements and amenities, is innovative and exciting. I look forward to working with you and your team

Sincerely,



Christopher Leighty
City Manager
City of Lake City



Lovejoy

A GREAT PLACE TO GROW AND PROSPER

Bobby Cartwright, Mayor

2296 Talmadge Rd.

P.O. Box 220

Lovejoy, GA 30250

770-471-2304 (office)

770-471-6499 (fax)

mayor@cityoflovejoy.com

RE: *The Georgia Smart Communities Challenge*

Dear Mr. Stanford:

This letter serves to express my support of the "Smart Bus Stop" proposal submitted by Clayton County to the Georgia Smart Communities Challenge ("Georgia Smart") hosted by Georgia Institute of Technology and its partners. As the Mayor of Lovejoy, I recognize the importance of public transportation for the residents of Clayton County. Therefore, I welcome the partnership between the City of Lovejoy and Clayton County and this opportunity to collaborate on this great initiative. As you know, our transit system and many of our bus stops can benefit from the research on a project such as this. It is my belief that we can jointly improve the transportation system through the accessibility enhancements and smart mobility options for our residents.

I am excited about this project as it will benefit the residents of our City as well as all residents of Clayton County. The idea that this project has the potential to poise Clayton County as the "Georgia Model" for future public transportation enhancements and amenities, is innovative and exciting. I look forward to working with you and your team

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby Cartwright".

Bobby Cartwright
Mayor, City of Lovejoy



April 30, 2018

Mr. Detrick Stanford
 Chief Operating Officer
 Clayton County Government
 112 Smith Street
 Jonesboro, GA 30236

The Georgia Smart Communities Challenge

Dear Mr. Stanford:

This City of Morrow would like to express its support for the “Smart Bus Stop” proposal that Clayton County submitted to the Georgia Smart Communities Challenge (“Georgia Smart”) hosted by Georgia Institute of Technology and its partners. As the City Manager of Morrow, and resident of Clayton County, I understand the importance of public transportation in this county and the necessity of offering a complete transportation system, including bus stops. The Smart Bus Stop collaboration will certainly prove to be an important step towards assessing, enhancing, and improving accessible and effective transportation system throughout Clayton County. Therefore, this is a partnership between Morrow and Clayton County that I welcome and fully support.

I am excited about this project and its potential benefits for not only the residents of Morrow, but residents throughout Clayton County. Even more exciting is that this collaboration may potentially poise Clayton County as the “Georgia Model” for future public transportation enhancements and amenities. These opportunities do not come along everyday and we need to do what we can to make this opportunity work for Clayton County. I look forward to working with you and your team

Sincerely,

Sylvia A. Redic
 City Manager

city of morrow



Detrick Stanford
Chief Operating Officer
 Clayton County Board of Commissioners
 112 Smith Street, Jonesboro GA 3023

RE: *The Georgia Smart Communities Challenge*

April 30, 2018

Dear Mr. Stanford:

This letter serves to express my support of the “Smart Bus Stop” proposal submitted by Clayton County to the Georgia Smart Communities Challenge (“Georgia Smart”) hosted by Georgia Institute of Technology and its partners. As the City Manager of Riverdale, I recognize the importance of public transportation for the residents of Clayton County. Therefore, I welcome the partnership between Riverdale and Clayton County and this opportunity to collaborate on this great initiative. As you know, our transit system and many of our bus stops can benefit from the research on a project such as this. It is my belief that we can jointly improve the transportation system through the accessibility enhancements and smart mobility options for our residents.

I am excited about this project as it will benefit the residents of our City as well as all residents of Clayton County. The idea that this project has the potential to poise Clayton County as the “Georgia Model” for future public transportation enhancements and amenities is innovative and exciting. I look forward to working with you and your team

Sincerely,

E. Scott Wood
 City Manager