

1. Agenda

Documents:

[BOMC-5-10-23-WS-AGENDA.PDF](#)

2. Meeting Called To Order/Adoption Of Agenda

3. Greenspace Advisory Committee Ordinance

Documents:

[AVONDALE CH. 17 ART. II TREES PUBLIC GREENSPACE DRAFT 12.9.22.PDF](#)
[AVONDALE CH. 17 TREE LAKE ARTICLES REDLINE 12.9.22.PDF](#)

4. Administrative Fee Ordinance

Documents:

[AVONDALE ADMINISTRATIVE FEES ORDINANCE DRAFT 5.2.23 \(002\).PDF](#)

5. Farm Winery Ordinance

Documents:

[AE FARM WINERY TASTING ROOM DRAFT REVISED 5.9.23.PDF](#)

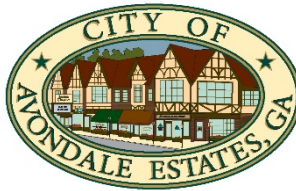
6. Municipal Court Clerks Week Proclamation

Documents:

[COURT CLERK PROC.PDF](#)

7. Public Comment

8. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS
WORK SESSION
MAY 10TH, 2023
IMMEDIATELY FOLLOWING REGULAR MEETING**

AGENDA

- Item #1 Meeting Called to Order
- Item #2 Adoption of Agenda
- Item #3 **Greenspace Advisory Committee Ordinance**
The BOMC is exploring the potential mission and role of a newly created Greenspace Advisory Committee. This has been discussed at several work sessions.
- Item #4 **Administrative Fee Ordinance**
- Item #5 **Farm Winery Ordinance**
- Item #6 **Municipal Court Clerks Week Proclamation**
The Georgia Municipal Court Clerks Council announces this inaugural celebration as a way to recognize the role of these clerks in the judicial system.
- Item #7 Public Comment
- Item #8 Adjournment

ARTICLE II. TREES AND PUBLIC GREENSPACE

Sec. 17-40. Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public tree means any tree, shrub, bush or other woody vegetation in any public park or other property owned by the city, exclusive of street trees.

Street tree means any tree, shrub, bush or other woody vegetation on land lying within any public right of way within the city.

Tree topping, or to *top a tree* means the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Sec. 17-45. City manager—Interference therewith.

It shall be unlawful for any person to prevent or interfere with the city manager or his designee(s), while engaging in the planting, cultivating, mulching, pruning, spraying or removing of any street tree, public tree, or tree on private grounds, as authorized in this article. Any person(s) found to be in violation of this section shall be guilty of a misdemeanor.

Sec. 17-46. Official tree species list.

[OMITTED FROM THIS DRAFT DOCUMENT]

Sec. 17-47. Planting, maintaining, removing trees, plants.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within all public rights of way, including streets, alleys, avenues, lanes, squares, as well as within parks and other public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

Sec. 17-48. Tree topping.

It shall be unlawful for any person or city department to top any street tree, or public tree, except as expressly permitted by this section. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstruction, where other pruning practices are impractical, may be excepted from this section at the determination of the city manager. Any person(s) found to be in violation of this section shall be guilty of a misdemeanor.

Sec. 17-49. Pruning and removal of vegetation.

- (a) Every owner of any tree having its trunk on private property but any limb or branch overhanging any street or right-of-way within the city shall prune such limbs and branches so that they will not obstruct the light from any street lamp or interfere with visibility of any traffic control device or sign, nor obstruct the view of any street intersection.
- (b) There shall be a clear space of eight (8) feet above the surface of the street or sidewalk.
- (c) Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a hazard to the safety of the public or harbor insects or diseases which constitute a potential threat to other trees within the city.

Sec. 17-50. Removal on private property.

- (a) The city shall have the right to cause the removal or pruning of trees, limbs or shrubs as necessary as indicated in section 17-49.
- (b) If the owner of a tree that overhangs public property shall fail to maintain such tree as required by this article, the city manager or his designee shall notify, in writing, the owner of such duty.
- (c) Removal shall be done by such owners at their own expense within ten (10) days of written notification.
- (d) In the event of failure by such owner to comply with such provisions, the city shall have the authority to remove or prune such trees and shrubs and add the cost of removal to the property tax bill of the owner as a special assessment.

Sec. 17-51. Removal of stumps.

All stumps of street and public trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Secs. 17-52—17-59. Reserved.

Sec. 17-61. Greenspace Advisory Board—Created and established; membership.

- (a) *Created and established.* There is hereby created and established a Greenspace Advisory Board.
- (b) *Appointment of members.* The five (5) members of the board shall be appointed by the board of mayor and commissioners. All members shall be citizens of the City of Avondale Estates.
- (c) *Qualification of members.* At least two of the members of Greenspace Advisory Board shall have either education and/or experience in watershed/lake management, natural resource management, environmental management, environmental engineering or a related field as determined by the governing body.
- (d) *Term of office.* The terms of the members of the Greenspace Advisory Board shall be two (2) years and shall be appointed in staggered terms so that not more than two (2) members of the Greenspace Advisory Board shall have their initial terms expire simultaneously.
- (e) *Compensation.* Members of the Greenspace Advisory Board shall serve without compensation.

Sec. 17-62. Same—Duties and responsibilities.

It shall be the duty and responsibility of the Greenspace Advisory Board to:

- (a) Study, investigate, counsel and advise the city manager in writing on any matter which affects the aesthetics, visibility or user friendliness of the city public greenspaces.
- (b) Recommend preservation, pruning, planting, replanting, removal or disposition of trees in city parks, rights of way and other public areas, including memorial plantings.

(c) In conformity with section 17-49, monitor street trees and private trees overhanging rights of way for the required eight (8) foot clear space between the ground and any tree limb in right of way areas, and recommend to the city manager elimination of any tree which unduly restricts fishing access or visibility so that the full vista of Lake Avondale may be enjoyed by residents.

(d) Investigate, make findings, report and recommend regarding any special matter or question coming within the scope of its work when requested by the governing body.

(e) Recommend the removal of any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

(f) Advise the city manager regarding any matter which either affects water quality or the fish or waterfowl populations of Lake Avondale.

Sec. 17-63. Reserved.

Sec. 17-64. Organization.

The Greenspace Advisory Board shall choose its own officers and make its own rules and regulations for conducting its business. A majority of the members shall be a quorum for the transaction of business.

Sec. 17-65. Unauthorized planting prohibited at Lake Avondale; procedure for requesting permission to plant trees in the lake area.

(a) It shall be a violation of this Code for any person, organization or entity to plant any tree in the lake area without the written permission of the city manager.

(b) Anyone desiring to plant any tree on property owned by the City of Avondale Estates, including, but not limited to memorial plantings, shall first file an application with the city manager describing the type of tree(s), location and manner of planting proposed. The city manager shall forward such application to the Greensapce Advisory Board, which shall then make a written recommendation to the city manager regarding such request. The

final decision to grant or deny a request to plant a tree in the lake area shall be made by the city manager and communicated to the requesting party in writing.

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be made by the city manager and communicated to the requesting party in writing.

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO AMEND CHAPTER TWO OF THE CITY CODE REGARDING ADMINISTRATION; TO ASSESS ADMINISTRATIVE FEES IN CONNECTION WITH ALL APPLICATIONS FOR PERMITS OR LICENSES ISSUED BY THE CITY; TO AUTHORIZE THE CITY MANAGER TO ESTABLISH THE REASONABLE AMOUNT OF SUCH FEES; AND TO REPEAL CONFLICTING PROVISIONS.

WHEREAS, Georgia law allows the City to charge a reasonable administrative fee in addition to any regulatory fee and any revenue tax when an applicant submits an application for any permit or license issued by the City; and

WHEREAS, administrative fees shall be in an amount that approximates the cost to the City, in terms of staff time, to administer the request by the applicant for a permit or license; and

WHEREAS, the City Manager is best positioned to estimate the cost of administration for the various applications that the City receives and to keep such amounts current over time.

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Commissioners of the City of Avondale Estates as follows:

Section 1. New Section 2-32 of the City Code is hereby adopted and shall provide as follows:

“Sec. 2-32. Administrative Fees.

- (a) Whenever this Code of Ordinances provides that an applicant must apply for a permit, license or other approval or permission that must be reviewed and assessed by City staff, the applicant shall be required to pay an administrative fee in connection with submitting such application.
- (b) The amount of the administrative fee assessed in connection with each type of application shall be established by the city manager. The amount of each such fee assessed shall approximate, as nearly as possible, the cost incurred by the city (including time spent by city staff) to review and assess the application.
- (c) An additional administrative fee shall be assessed for any “resubmittal” of a prior application or request for permit, license or other approval.
- (d) The city manager shall publish (on the City’s website and in writing at City Hall) a schedule of each type of application for which an administrative fee will be assessed and the amount of the administrative fee assessed in connection with each such application. Such schedule of administrative fees shall state the date that it is effective. The city manager shall update this schedule of fees whenever necessary to ensure that the amount of each administrative fee assessed approximates the cost to the City of reviewing such application.

- (e) Because administrative fees compensate the City for the administrative burden of reviewing an application, such fees are non-refundable and will be retained by the City even if the subject application is denied.
- (f) To the extent that other sections of this Code of Ordinances provide for an administrative fee in an amount that varies from the amount of the fee established by the city manager's schedule of administrative fees, it is the intent of the Board of Mayor and Commissioners that the amount established by the city manager shall control."

Section 2. All provisions of City Code setting a specific amount for an administrative fee in connection with a particular application are repealed to the extent that such fee amount is different from the administrative fee amount for such application established by the city manager. Any other provision of the City Code directly in conflict with this ordinance is also hereby repealed.

Section 3. This ordinance shall become effective immediately upon its adoption.

SO ORDAINED this ____ day of _____, 2023.

ATTEST:

**BOARD OF MAYOR AND COMMISSIONERS
CITY OF AVONDALE ESTATES, GEORGIA**

By _____
Gina Hill, City Clerk

Jonathan Elmore, Mayor

Approved as to Form:

Stephen G. Quinn,
City Attorney

ORDINANCE NO. _____

**AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO AMEND
CHAPTER 3 OF THE CODE OF ORDINANCES, REGARDING
ALCOHOL, TO ALLOW FARM WINERY TASTING ROOMS.**

WHEREAS, O.C.G.A. §3-6-21.1 *et seq* allows for “tasting rooms” as defined by State law that are associated with “farm wineries” as defined by State law to engage in retail wine sales as well as sale of wine by the drink for consumption on premises; and

WHEREAS, the Board of Mayor and Commissioners desires to allow, encourage and support farm winery tasting rooms within the city.

NOW THEREFORE, BE IT ORDAINED BY the City of Avondale Estates, as follows:

Section 1. Section 3-56 of Article II of Chapter 3 of the Code of Ordinances is hereby amended to add new subsection (y), which shall read as follows:

“(y) An annual license fee of two hundred and fifty dollars (\$250.00) shall be charged for a qualified farm winery to establish a tasting room pursuant to Article XIII of this chapter.”

Section 2. New Article XIII of Chapter 3 of the Code of Ordinances is hereby adopted and shall provide as follows:

“Sec. 3-201 - Definitions.

As used in this Article, the following terms shall be defined as indicated in this section:

Farm winery shall have the meaning set forth and further defined in O.C.G.A. § 3-6-21.1(a)(1).

Tasting room shall have the meaning set forth and further defined in O.C.G.A. § 3-6-21.1(a)(3).

Samples shall mean a tasting of an individual wine in an amount of not more than two ounces, which may be given complimentary or for a fee.

Sec. 3-202 - Farm winery tasting rooms.

- (a) Upon submission of an application and payment of the required fee pursuant to Article II of this chapter, a “farm winery” as defined in this article, may be licensed to establish a “tasting room” as defined in this Article.

- (b) A “tasting room” licensed pursuant to this section shall be permitted to engage in the following activities:
 - i.) Manufacturing wine that is at least forty percent (40%) sourced from a Georgia farm winery;
 - ii.) providing samples to customers of wine that is manufactured at the associated Georgia farm winery or manufactured at the licensed tasting room;
 - iii.) sale of wine manufactured by the associated Georgia farm winery or manufactured by the licensed tasting room by the drink for consumption on the premises; and
 - iv.) sale of wine manufactured at the associated Georgia farm winery or manufactured at the licensed tasting room at retail in sealed packages for consumption off the premises.”

Section 3. This ordinance shall become effective immediately upon its adoption by the Board of Mayor and Commissioners.

SO ORDAINED this ____ day of _____, 2023.

ATTEST:

**BOARD OF MAYOR AND
COMMISSIONERS
CITY OF AVONDALE ESTATES,
GEORGIA**

By _____
Gina Hill, City Clerk

Jonathan Elmore, Mayor

Approved as to Form:

Stephen G. Quinn,
City Attorney

PROCLAMATION
IN RECOGNITION OF MUNICIPAL COURT CLERKS WEEK
June 5-9, 2023

WHEREAS, Municipal Court Clerks play a significant role in ensuring that municipal courts preserve public safety and promote quality of life in the City of Avondale Estates and local municipalities across the state; and

WHEREAS, the procedures for the City's Municipal Court operations are set forth by the Uniform Rules of Municipal Court and other laws of the State of Georgia; and

WHEREAS, public impression of the City's judicial system is largely dependent upon the public's experience in municipal court; and

WHEREAS, Municipal Court Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, Municipal Court Clerks act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and

WHEREAS, it is most appropriate that we recognize the accomplishments and significant role the Municipal Court Clerks play in our community;

NOW, THEREFORE, I Jonathan Elmore, Mayor of the City of Avondale Estates, do recognize the week of June 5-9, 2023, as Municipal Court Clerks Week and further extend appreciation to our Municipal Court Clerk, Marcella Shaw, and all Municipal Court Clerks for the vital services they perform and their exemplary dedication to the communities they represent and serve.

SO PROCLAIMED this 10th day of May, 2023.

Jonathan Elmore, Mayor