

1. Agenda

Documents:

[BOMC-11-10-21-RM-AGENDA.PDF](#)

2. Meeting Called To Order/Adoption Of Agenda

3. Commissioner Comments

4. Approval Of Minutes

5. First Reading Of Amended Tree Ordinance

Documents:

[AE TREE ORDINANCE AMENDMENTS FINAL CORRECTED 11.3.21.PDF](#)

6. Resolution Authorizing The City Manager To Enter Into Contracts To Design And Build The Town Green Pavilion

Documents:

[RES FOR MARKET PAVILION.PDF](#)
[EXHIBIT A - PAVILION.PDF](#)

7. Resolution For Georgia Power Powerlines

Documents:

[RES FOR GEORGIA POWER CONTRACT.PDF](#)

8. Ordinance To Amend Chapter 3 Of The City's Municipal Code Regarding Alcohol Regulations

Documents:

[AE ALCOHOL AMEND. ORD. 11-10-21.PDF](#)

9. Public Comment

10. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS
REGULAR MEETING
NOVEMBER 10TH, 2021
5:30 p.m.**

AGENDA

- Item #1 Meeting Called to Order
- Item #2 Adoption of Agenda
- Item #3 **Commissioner Comments**
- Item #4 **Approval of Minutes**
- Item #5 **First Reading of Amended Tree Ordinance**
- Item #6 **Resolution Authorizing the City Manager to Enter Into Contracts to Design and Build the Town Green Pavilion**
- Item #7 **Resolution for Georgia Power Powerlines**
The BOMC will vote to approve \$36,000 to bury utility lines in the Town Green area.
- Item #8 **Ordinance to Amend Chapter 3 of the City's Municipal Code Regarding Alcohol Regulations**
- Item #9 Public Comment*
- Item #10 Adjournment

***Comments are limited to one per person, two minutes per comment.**

***Any questions are to be directed to the BOMC, not city staff.**

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO AMEND CERTAIN PROVISIONS OF CHAPTERS 5 AND 17 OF THE CITY CODE CONCERNING TREES; TO REQUIRE FIFTY PERCENT TREE CANOPY COVERAGE UPON MATURITY OF TREES IN RESIDENTIAL AREAS WHERE A TREE PLAN IS REQUIRED; TO AMEND THE LIST OF TREE SPECIES WHICH MAY BE PLANTED ON CITY PROPERTY; TO REPEAL CONFLICTING PROVISIONS; AND FOR OTHER PURPOSES.

WHEREAS, trees are an important public resource that the Board of Mayor and Commissioners desires to preserve and protect; and

WHEREAS, the City has consulted with an arborist to determine the most desirable species of trees for planting on public property.

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

Section 1. City Code subsection 5-401(b) is hereby deleted and replaced with the following text:

“The purpose and intent of this division is to protect the City’s existing healthy tree canopy and amplify it whenever possible so that coverage remains above 50% and increases over time, as well as to lessen the impact of tree removal, educate citizens and property owners on the value and methods of tree protection, and provide recourse to the city and its citizens for the unauthorized removal of healthy specimen trees in the residential areas of the city.”

Section 2. City Code subsection 5-410(b) is hereby deleted and replaced with the following text:

“The purpose and intent of this division is to protect the City’s existing healthy tree canopy and amplify it whenever possible so that coverage remains above 40% and increases over time, as well as to lessen the impact of tree removal, educate citizens and property owners on the value and methods of tree protection, and provide recourse to the city and its citizens for the unauthorized removal of healthy tree canopy within the non-residential areas of the city.”

Section 3. City Code subsection 5-404(a) is hereby amended to delete the words “forty (40) percent” and to replace them with the words “fifty (50) percent”.

Section 4. City Code section 17-46 is hereby deleted and replaced with the following:

“Sec. 17-46. Official tree species list.

No tree may be planted on city property without prior written permission from the city manager. The following list constitutes the official list of tree species that may be planted in city rights-of-way and city parks/greenspaces, respectively. Wherever and whenever practicable, overstory (large) trees should be planted to further the City’s goal of protecting the City’s existing healthy tree canopy and amplifying it whenever possible.”

Botanical name	Common name
Street Trees	
<i>Recommended Overstory (Large) Street Trees</i>	
Fagus grandifolia	American Beech
Nyssa sylvatica	Black Gum
Quercus alba	White Oak
Quercus falcata	Southern Red Oak
Quercus rubra	Northern Red Oak
Tilia americana	Basswood
Ulmus americana	American Elm
<i>Acceptable Overstory (Large) Street Trees</i>	
Acer barbatum	Southern Sugar Maple
Acer saccharum	Sugar Maple
Ginkgo biloba (male only)	Ginkgo
Quercus coccinea	Scarlet Oak
Quercus hemisphaerica	Darlington Oak
Quercus lyrata	Overcup Oak
Quercus nuttallii	Nuttall Oak
Quercus pagoda	Cherrybark Oak
Quercus phellos	Willow Oak
Quercus shumardii	Shumard Oak
Quercus x comptonia	Compton Oak
Tilia heterophylla	Southern American Linden
Ulmus alata	Winged Elm

<i>Medium—Small street trees: to be planted under power lines or where root zones are small</i>	
Acer buergeranum	Trident Maple
Acer leucoderme	Chalkbark Maple
Acer truncatum	Shantung Maple
Amelanchier x grandiflora	Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Carpinus caroliniana	Ironwood
Cercis canadensis	Redbud
Chionanthus retusus	Chinese Fringetree
Cornus florida	Flowering Dogwood
Cotinus obovatus	American Smoketree
Halsia diptera	Two Wing Silverbell
Lagerstroemia x (Indian Hybrids)	Hybrid Crape Myrtle
Magnolia x loebneri	Merrill Magnolia
Magnolia x soulangiana	Saucer Magnolia
Magnolia x (Little Girl Series)	Little Girl Magnolia
Parrotia persica	Persian Parrotia
Pistacia chinensis	Chinese Pistache
Quercus geogiana	Georgia Oak
Park and Greenspace Trees	
<i>Large deciduous shade trees</i>	
Acer barbatum	Southern Sugar Maple
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Aesculus flava	Yellow Buckeye
Betula nigra	River Birch
Carya aquatica	Water Hickory
Carya cordiformis	Bitternut Hickory
Carya glabra	Pignut Hickory
Carya ovata	Shagbark Hickory
Carya tomentosa	Mockemut Hickory
Fagus grandifolia	American Beech
Ginkgo biloba	Ginkgo
Liriodendron tulipifera	Tulip Poplar
Magnolia acuminata	

Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Black Gum
Quercus alba	White Oak
Quercus coccinea	Scarlet Oak
Quercus hemisphaerica	Darlington Oak
Quercus lyrata	Overcup Oak
Quercus michauxii	Swamp Chestnut Oak
Quercus muehlenbergii	Chinkapin Oak
Quercus nuttallii	Nuttall Oak
Quercus pagoda	Cherrybark Oak
Quercus phellos	Willow Oak
Quercus prinus	Chestnut Oak
Quercus rubra	Northern Red Oak
Quercus shumardii	Shumard Oak
Taxodium ascendens	Pond Cypress
Taxodium distichum	Bald Cypress
Tilia heterophylla	Southern American Linden
Ulmus americana	American Elm
Ulmus alata	Winged Elm
Small—Medium deciduous character trees	
Acer buergerianum	Trident Maple
Acer leucoderme	Chalkbark Maple
Acer palmatum	Japanese Maple
Asimina triloba	Pawpaw
Betula nigra	River Birch
Carpinus caroliniana	Ironwood
Cotinus obovatus	American Smoketree
Cotinus x 'Grace'	Grace Smoketree
Gymnocladus dioicus	Kentucky Coffeetree
Magnolia virginiana	Sweetbay Magnolia
Magnolia macrophylla	Bigleaf Magnolia
Magnolia tripetala	Umbrella Magnolia
Parrotia persica	Persian Parrotia
Pistacia chinensis	Chinese Pistache
<i>Flowering trees</i>	
Aesculus pavia	Red Buckeye
Amelanchier x grandiflora	Serviceberry

Amelanchier laevis	Allegheny Serviceberry
Cercis canadensis	Redbud
Chionanthus retusus	Chinese Fringetree
Chionanthus virginicus	American Fringetree
Cladrastis kentukea	Yellowwood
Cornus angustata	Evergreen Dogwood
Cornus florida	Flowering Dogwood
Cornus kousa	Kousa Dogwood
Crataegus spathulata	Littlehip Hawthorn
Crataegus viridis	Green Hawthorn
Halesia diptera	Two-wing Silverbell
Halesia tetraptera	Carolina Silverbell
Lagerstroemia fauriei	Japanese Crape Myrtle
Lagerstroemia indica	Crape Myrtle
Lagerstroemia x (Indian Hybrids)	Hybrid Crape Myrtle
Magnolia x loebneri	Merrill Magnolia
Magnolia macrophylla	Bigleaf Magnolia
Magnolia x soulangiana	Saucer Magnolia
Magnolia x (Little Girl Series)	Little Girl Magnolia
Magnolia stellata	Star Magnolia
Magnolia tripetala	Umbrella Magnolia
Magnolia x (acuminata hybrids)	Yellow Magnolia
Prunus serrulata	Asian Cherry
Prunus subhirtella	Higan Cherry
Prunus x (hybrid)	Hybrid Asian Cherry
Prunus x yedoensis	Yoshino Cherry
Styrax americanus	American Snowbell
Styrax obassia	Fragrant Snowbell
<i>Large—Medium evergreen trees</i>	
Cedrus deodara	Deodar Cedar
Cryptomeria japonica	Japanese Cryptomeria
Cupressus arizonica	Arizona Cypress
Ilex opaca	American Holly
Ilex latifolia	Lusterleaf Holly
Ilex x attenuata	American Hybrid Holly
Ilex x wandoensis	Aspire Holly
Ilex x (latifolia hybrids)	Lusterleaf Hybrid Holly

Ilex aquifolium x comuta hybrid	Nellie R. Stevens Holly
Juniperus virginiana	Eastern Red Cedar
Magnolia grandiflora	Southern Magnolia
Magnolia virginiana	Sweetbay Magnolia
Pinus echinata	Shortleaf Pine
Pinus glabra	Spruce Pine
Pinus palustris	Longleaf Pine
Pinus taeda	Loblolly Pine
Pinus thunbergiana	Japanese Black Pine
Quercus hemisphaerica	Darlington Oak
Quercus myrsinifolia	Chinese Evergreen Oak
Thuja x 'Green Giant'	Green Giant Arborvitae
Small evergreen trees	
Cornus angustata	Evergreen Chinese Dogwood
Ilex x attenuata	American Hybrid Holly
Ilex x (Red Holly Hybrids)	Red Holly
Ilex cornuta	Chinese Holly
Ilex vomitoria	Yaupon Holly
Juniperus chinensis	Chinese Juniper
Magnolia virginiana	Sweetbay Magnolia
Osmanthus x fortunei	Fortunes' Osmanthus
Osmanthus fragrans	Fragrant Tea Olive
Thuja occidentalis	American Arborvitae

Section 5. Any provisions of the Code of Ordinances in conflict with the provisions set forth herein are hereby deleted.

Section 6. This ordinance shall become effective immediately upon its adoption by the Board of Mayor and Commssioners.

BE IT FURTHER ORDAINED that the city manager is hereby directed to cause an aerial survey of the city's tree canopy to be conducted and the results presented to the Board of Mayor and Commissioners during a public meeting during year 2022 and every five (5) years thereafter.

SO ORDAINED this ____ day of _____, 2021.

ATTEST:

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

By _____
Gina Hill, City Clerk

Jonathan Elmore, Mayor

Approved as to Form:

Stephen Quinn
Stephen G. Quinn,
City Attorney

**A RESOLUTION
AUTHORIZING THE CITY MANAGER TO CONTRACT FOR THE
DESIGN AND CONSTRUCTION OF THE TOWN GREEN MARKET
PAVILION**

WHEREAS, the Avondale Estates Community has had much discussion and public input about the Town Green, a place for people to gather as well as a catalyst for development; and

WHEREAS, at a public meeting, Fabric Developers and Stevens & Wilkinson presented leaders and residents with a proposed design for a market pavilion as depicted in Exhibit A; and

WHEREAS, the pavilion will be adjoining multi-use space on the southwest corner of the Town Green site; and

WHEREAS, the custom made pavilion is to be made of high quality materials and designed to reflect the character of the City; and

WHEREAS, potential uses for the flexible, covered space can include community events such as a farmers market;

NOW, THEREFORE, BE IT RESOLVED, the Board of Mayor and Commissioners of the City of Avondale Estates hereby authorizes the City Manager to contract with Fabric Developers for the design of the Market Pavilion in an amount not to exceed \$92,000 as well as amend the current contract with Reeves Young to include the construction of the pavilion in an amount not to exceed \$850,000.

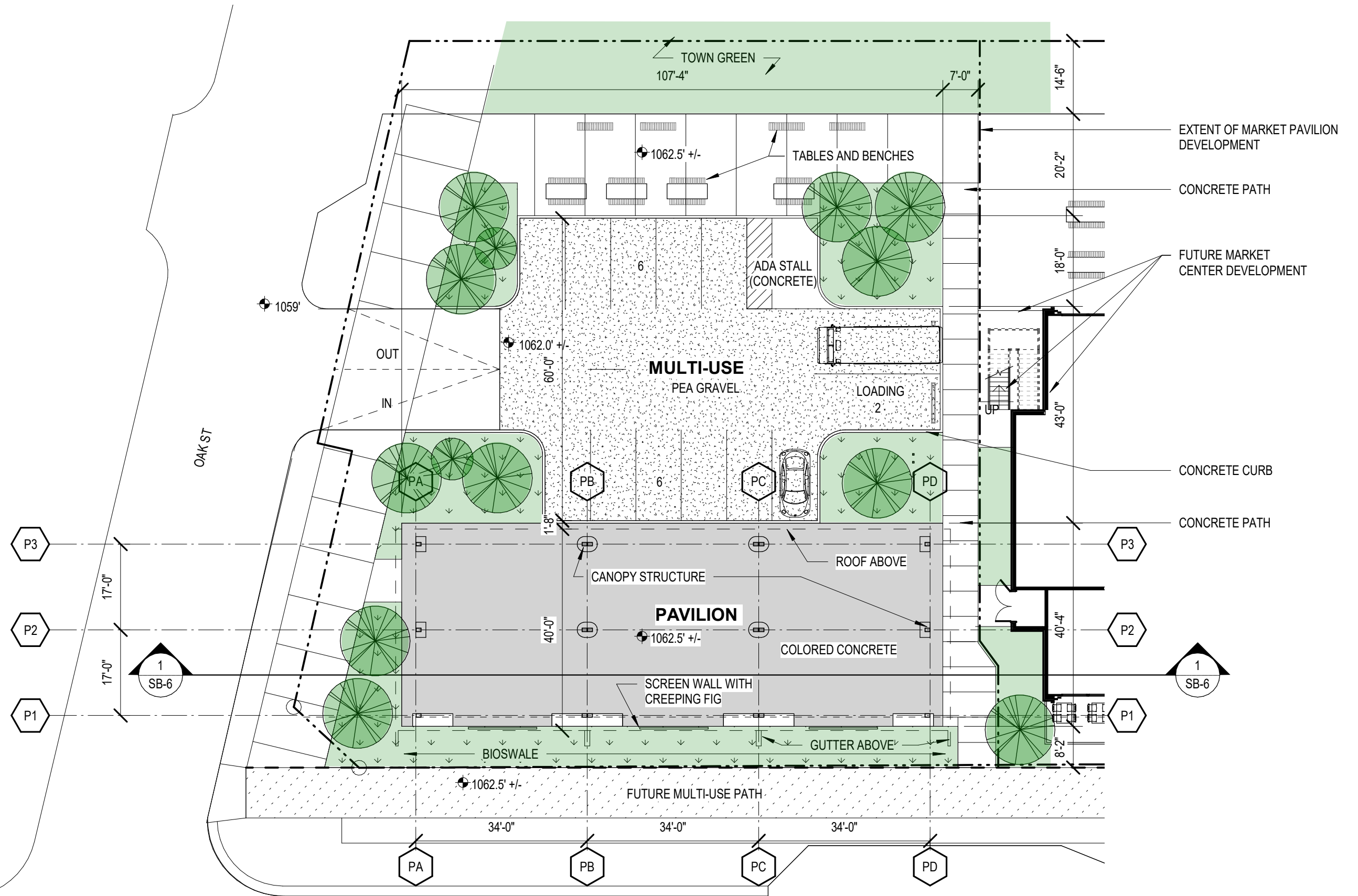
SO RESOLVED, this 10th day of November 2021.

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

Jonathan Elmore, Mayor

ATTEST:

Gina Hill, City Clerk



AVONDALE ESTATES - MARKET PAVILION - ALT
11.02.2021

FABRIC DEVELOPERS

1 PLAN
1" = 20'-0"

**A RESOLUTION
TO BURY LAKE STREET POWER LINES**

WHEREAS, the leaders of the City of Avondale Estates are dedicated to providing a safe and aesthetically pleasing city where residents and visitors and live, work and play;
and

WHEREAS, City staff and the Board of Mayor and Commissioners feel that buried utility lines can benefit the Central Business District, especially in the area of the Town Green;
and

WHEREAS, construction of the Town Green and a financial partnership with the Downtown Development Authority has created an opportunity to bury power lines along downtown's Lake Street;

NOW, THEREFORE, BE IT RESOLVED, the Board of Mayor and Commissioners of the City of Avondale Estates hereby authorizes the City Manager to contract with Georgia Power to bury power lines on Lake Street at a cost of \$36,000.

SO RESOLVED, this 10th day of November 2021.

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

Jonathan Elmore, Mayor

ATTEST:

Gina Hill, City Clerk

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO AMEND CHAPTER 3 OF THE CITY CODE TO PROHIBIT ALCOHOL FROM BEING SOLD FOR CONSUMPTION ON PREMISES WITHIN 100 YARDS OF CERTAIN DEFINED ENTERTAINMENT, ATTIRE OR CONDUCT; AND TO PROHIBIT THE SAME DEFINED ENTERTAINMENT, ATTIRE OR CONDUCT WITHIN 100 YARDS OF A PREMISES WHERE ALCOHOL IS SOLD FOR CONSUMPTION ON THE PREMISES.

WHEREAS, Georgia law declares the sale of alcohol to be a privilege and not a right; and

WHEREAS, the City is authorized to impose reasonable distance requirements between places where alcohol is sold and other incompatible uses of property.

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Commissioners of the City of Avondale Estates that Chapter 3 of the City Code, which regulates alcohol, is hereby amended as follows:

Section 1. New subsection (e) of City Code Section 3-9 is hereby adopted, to read as follows:

“(e) No distilled spirits, wine, beer or malt beverages may be offered or sold for consumption on the premises within 100 yards of a place that is open to the public wherein any of the entertainment, attire or conduct described and prohibited on “licensed premises” by Section 3-10 are performed or allowed.”

Section 2. City Code subsection 3-10(a) is hereby amended to read as follows:

“(a) As used in this section, the term "licensed premises" means any premises in which alcoholic beverages are sold or dispensed for consumption on the premises and shall include any premises which are required by law to be licensed to sell or dispense alcoholic beverages for consumption on the premises, as well as every building or location within 100 yards of a licensed premises as defined herein.”

Section 3. The Board of Mayor and Commissioners hereby declares that the provisions of this ordinance are intended to be severable and, to the extent that any portion of this ordinance is determined to be illegal or invalid by a court of

competent jurisdiction, that the Board would have adopted the remaining provisions of this ordinance separately from the invalid provision.

Section 4. This ordinance shall become effective immediately upon its adoption by the Board of Mayor and Commissioners.

SO ORDAINED this ____ day of _____, 2021.


ATTEST:

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

By _____
Gina Hill, City Clerk

Jonathan Elmore, Mayor

Approved as to Form:

 11-10-21

Stephen G. Quinn,
City Attorney