

**City Council Meeting**  
**April 07, 2008**



The regular meeting of the Mayor and City Council, held Monday,  
April 07, 2008, at 6:00 P.M. at Swainsboro City Hall

**Members Present:** Edenfield, Stroud, Parker, Collins, Stafford & Faulkner,

**Members Absent:**

**Prayer of Invocation:** Councilperson Faulkner

Motion was made to adopt the minutes from the previous meeting as written

**Motion : by Stafford Seconded : by Stroud Passed : 6-0**

**A. New Business**

1. Anthony Faris, representing the Pine Tree Festival Committee request assistance for the May 10 festival and parade. He ask council to close Roger Shaw St., from Main St. to Central St., and Green St., from Main St. to Moring St. This is the normal closing for the Pine Tree Festival. Motion was made to grant the road closing request.

**Motion : by Stafford Seconded : by Parker Passed : 6-0**

Mr. Faris gave council a report on the city of Swainsboro's participation in Georgia Cities Week. City Hall is 100 years old this year and it will be the focus of the celebration. There is a coloring contest for second graders, a walking tour of Swainsboro, a business sidewalk sale, and an open house at City Hall from 5 to 7 o'clock.

Mr Faris reported that the downtown cleanup day was a success and some of the local merchant took advantage of the free dumpsters.

Mr. Faris informed the council that the City of Swainsboro was featured along with the Stillmore Arts Group in the magazine, Southern Living.

2. Adm. Lawson read a request from the Pine Tree Festival Committee requesting a grant from the city in the amount of a \$5,000. Council discussed this and Adm Lawson reported \$4,000 was budget but in light of the new expanded festival council agreed this increase was warranted. Motion was made to grant the \$5,000 request.

**Motion : by Stafford Seconded : by Collins Passed : 6-0**

3. Mayor Schwabe presented a tree ordinance for consideration as follows:

**City of Swainsboro**  
**Tree Ordinance**

**PURPOSE:** The purpose of this ordinance to provide for the protection, management, removal and replacement of trees on public property and public rights-of-way.

**WHEREAS,** the health, safety and general welfare of the public and the conservation and protection of the natural resources of the County/City and their values necessitate the implementation of regulations to guide the planting, maintenance and removal of shade and ornamental trees on public property and rights-of-way within the County/City and

**WHEREAS,** high growth areas, where natural green spaces are diminishing, have fewer remaining to transform the carbon dioxide of ever increasing, harmful vehicular and industrial emissions into oxygen, resulting in severe air quality degradation and

**WHEREAS,** the removal of forest canopy from urban areas of the state and its replacement with more intensive land uses exacts real costs upon the infrastructure which must be borne by all citizens of the community and

**WHEREAS,** community forests function to the benefit of the local citizenry as a part of the public infrastructure as much as streets, utilities, storm water management structures, and sewers, and integrated forest canopies reduce the costs of maintenance of other co- located parts of the urban infrastructure and

**WHEREAS**, well-managed urban forest resources increase in value and provide benefits to all the citizens of the community with respect to air quality, water quality, storm water management, temperature amelioration, community aesthetics and general quality of life and, healthy community forests increase local commercial and residential property values and

**WHEREAS**, these benefits are crucial to the long-term health, benefit, welfare, and safety of the citizens of the community and

**WHEREAS**, this tree protection lay, is one part of a dedicated and integrated planning process dealing with land use, impacts of impervious surface, urban hydrology and water quality, air quality, soil erosion, transportation, noise abatement, and wildlife habitat and of trees on public property for the purpose of making this county/city a more attractive and healthier living environment;

**WHEREAS**, The board of commissioners/city council finds that it is in the best interest of the public to provide standards and requirements for the conservation, protection and replacement;

**NOW, THEREFORE**, be it ordained by the County Commissioners/City Council the Code of Ordinances be amended to add this Article "Care, Placement and Protection of Trees on Public Property and County/City Rights-of -Way" as follows:

### **Section I. Definitions**

**Administrator:** The acting County/City Arborist or his designee who is responsible for the administration of the provisions of this ordinance.

**Critical Root Zone:** That area of tree roots around the tree measured to be no less than 1.5 ft. in radius for every inch of trunk diameter measured 4 ft. above the ground.

**Street Trees:** Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or rights-of-way within the County/City or lying within all rights-of-way of all streets, avenues, or ways within the County/City.

**Topping:** Topping is defined as the severe cutting back of tree limbs to stubs larger than three

(3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**Park and Public Trees and Landscape:** Park and Public trees are herein defined as trees, shrubs, bushes and all other vegetation in public parks and on public property at public facilities, and all area owned by the city, or to which the public has free access.

### **Section II. Public Tree Protection and Care**

1. Except as hereinafter provided, no person except a public utility shall cut, prune, injure or remove any living tree on or in a public highway, right-of-way, neutral ground, public park, public place, triangle, sidewalk, or other public property; or cut or disturb or interfere in any way with the roots of any tree on public property; or spray with any chemical insecticide or herbicide or other oils or whitewash any tree on public property; or place any wire, rope, sign, poster, barricade, or other fixture on a tree or tree guard on public property; or injure, misuse or remove any device placed to protect any such tree;

(a) No person shall pile building material or other material, about any tree, plant or shrub in a street in any manner that will in any way injure such tree, plant or shrub.

(b) No person shall pave or place gravel, soil or other such material within twelve (12) ft. of any tree on public property, unless approved by the county/city administrator.

(c) No person shall dump, pour or spill any oil, herbicide, insecticide or other deleterious matter upon any tree or tree space in any street or within the critical root zone of any tree, or keep or maintain upon any street, any receptacle from which oil or herbicide, pesticide or other deleterious matter leaks or drips, or said material onto any parking or concrete gutter so as to injure any tree on any public property.

(d) No person shall use the rights-of-way, parks, sidewalks, or public places to dump grass clippings, tree trimmings, rocks or refuse of any nature.

(e) No person shall decorate a public tree or place advertising matter, posters or political placards on trees or in public properties.

### **Section III. Notification and Penalties**

(a) Any person who shall injure, damage or destroy any public tree situated upon the public right-of-way of any street, alley, sidewalk, park or other public property within the county/city shall promptly notify the County/City Administrator of such fact and shall, within such reasonable time as specified by the County/City Administrator, repair or replace the same to the satisfaction of the County/City Administrator.

(b) Should the person fail or refuse to repair or replace the damaged or destroyed trees or plants within such reasonable time, the County/City Administrator shall do or cause to be done the necessary repairing or replacement, and the costs of this work shall be recovered from the person responsible for the damage or destruction by, a proper action of law. In any such action, "The Guide for Establishing Values of Trees and Other Plants," published by the Council of Trees and Landscape Appraisers, current edition, shall form the basis for establishing any monetary damages due for damage or destruction to the tree. In addition, the County/City may recover for any other damages or losses to which it is entitled by law.

### **Section IV. County/City Requirements**

The County/City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way of all streets, parks, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. All tree work taking place on public property being conducted by contractors, sub-contractors, or county/city employees will conform to International Society of Arboriculture and ANSI 300 and Z-133 arboricultural standards for tree work.

Additionally:

It shall be unlawful as a normal practice for any person, firm, or government entity/department to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this provision of this ordinance by receipt of written notification from the Administrator for each instance allowing such actions.

It shall be unlawful for any entity, utility, citizen, tree care company or government to trench, cut, grade, clear, or fill within the critical root zone of any public tree without the expressed written consent of the Administrator.

### **Section V. Duties of the Administrator**

It shall be the expressed duty of the Administrator, when necessary, to issue permits, inspect tree work, require certain tree work to be preformed, and enforce provisions of this ordinance.

### **Section VI. Private Landowner Responsibilities and Rights**

Every owner of any tree overhanging any street or right of way within the city shall prune the branches so that such branches shall not substantially obstruct the view of any street intersection and so that there shall be a clear space of thirteen (13) ft. above street surface or eight (8) ft. above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with visibility of any traffic control device or sign or line of sight.

Nothing in this ordinance is intended to prohibit the planting of street trees by adjacent property owners providing that the selection and location and planting of said trees is in accordance with specifications of this ordinance and with prior approval of the Administrator.

### **Section VII. Creation and Establishment of a County/City Tree Board**

A Tree Board is hereby established to be composed of five (5) members appointed by the City of Swainsboro city council. All appointments shall be for a three-year term; except the initial appointments shall be as follows: Two (2) members appointed for a three-year term to terminate December 31, 2010; and three (3) members appointed for a two-year term to terminate December 31, 2009.

The Mayor and Council, when appointing members to the Tree Board, shall give consideration to those persons who have demonstrated an interest in the preservation and conservation of trees in the City. Appointments shall be made so that the five (5) members of the Tree Board consists of representatives from each of the following groups:

- 1) One (1) member shall be of the City of Swainsboro government for a three (3) year term,
- 2) One (1) member shall be of the Emanuel County government for a three (3) year

- team;
- 3) Three (3) members shall consist of property owners and professionals in the City of Swainsboro to each serve for two (2) year terms;
  - 4) There will also be an ex-officio representative from the Georgia Forestry Commission.

The tree board shall meet a minimum of twice (2) per calendar year or as deemed necessary by the nature of the business being conducted by the board. No member serving on the tree board shall be compensated for their service on the board.

#### **A. Tree Board Duties and Responsibilities**

It shall be the responsibility of the Board to study and develop and update annually, specifications for the care, conservation, pruning, planting, and replanting of publicly

owned trees and shrubs in parks, along streets, and in other public areas. Such information and reports will be presented annually to the County Commissioners/City Council. The Board, when requested by the City Council, shall consider, investigate, make findings, and make recommendations upon any special matter or question coming within the scope of its work.

The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

#### **B. Development of Arboriculture Specifications**

##### **I. Pruning and Trimming**

All trees designated for trimming shall be trimmed in accordance with the *International Society of Arboriculture Standards* and the following standards:

1. Trees trimmed for clearance from utility lines may be trimmed in such a manner as to provide clearance from lines for a designated period of time or cycle, not to exceed two (2) years. In all cases where conditions permit, drop crotch or side trimming methods shall be used to obtain necessary clearance. Topping is prohibited. The individual or business trimming the tree is responsible for the disposal of wood residue and trimmed parts of the tree to include chips, logs, and limbs;  
Whenever trimming harms the visual shape of the tree, additional trimming
2. shall be performed to achieve satisfactory shape and appearance. Where possible, all cuts shall be of appropriate cut taken back to the trunk of the tree, in order to eliminate excessive sprouts and unsightly stubs. All cuts shall be made in a manner that prevents rips to the bark.

Thinning and pruning of a mature tree that exceeds more than twenty-five (25) percent of the leaf surface, on both the lateral branch and the overall foliage that is pruned within a growing season is prohibited.

##### **II. Planting Specifications**

Trees shall conform to the American Standard for nursery stock for proper relations of height, caliper and root ball diameter.

- (1) The diameter of the planting hole shall be a minimum of three (3) times the diameter of the root ball.
- (2) The planting hole sidewalls shall be scored or roughened to eliminate the smooth, slick surface caused by the shovel or auger.
- (3) If containerized material is to be planted, any circling roots shall be cut by slicing the root ball vertically from top to bottom in two to three well spaced lines around the root ball with a sharp knife.
- (4) The root ball shall rest on undisturbed soil in the planting hole with the top of the root ball on level with the natural ground level or slightly raised (not to exceed a height of two (2) inches above the natural ground level).
- (5) Any tree planted with the top of the root ball below natural ground level shall not be counted towards the required Canopy Replacement for the property.

(6) The soil used to backfill around the root ball shall be un-compacted, native soil free of rocks, trash, or any construction debris.

(7) Stakes and guide wires should only be installed when absolutely necessary. Supporting devices shall not interfere with vehicular or pedestrian movement and shall be removed after twelve (12) months.

(8) Mulch in the form of pine straw, pine bark, or wood chips shall be evenly distributed over the planting hole to a settled depth of three (3) to four (4) inches.

(9) Permanent built-in or temporary watering systems shall be installed to ensure the plants will survive the critical establishment period.

(10) Out-of-season planting is discouraged. The city may submit to allow for plant installation to occur at a time which better coincides with the normal planting season (November 1st to March 31st).

Trees planted within the City of Swainsboro must come from the tree list for the City of Swainsboro.

The City of Swainsboro shall retain the right to plant, prune, maintain and remove trees, shrubs and other vegetative matter within the lines of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to preserve or enhance the symmetry and beauty of such public grounds.

Trees removed from city grounds shall be replaced at the proper tree planting times as described by ISA Standards.

Trees shall not be subject to the practice of topping as defined elsewhere in this ordinance.

The city shall prune all trees, shrubs and other vegetative matter so there will be an obstruction to street lamps, the view of any street intersection, or pedestrian ability to use the City's sidewalk trees, shrubs and other vegetative matter in the cityscape that are affected by disease, decline, blight or death shall be removed in a timely fashion.

All stumps of trees removed from public lands shall be removed or ground from below the surface of the ground so that the top of the stump shall not project above the ground level.

The County/City Tree Board shall develop and maintain arboricultural specifications for tree care and replacement as follows:

A list of desirable trees for planting along streets in three size classes based on

1  
mature height: small (under 20 ft.), medium (20 to 40 ft.), and large (more than 40 ft.). The Tree Board will also create lists of trees not suitable for planting.

The distance trees may be planted from curbs or curb lines and sidewalks will be

2  
in accordance with the three (3) species size classes listed in the arboricultural specifications. No trees may be planted closer to any curb or sidewalk than the following: small trees, two (2) ft.; medium trees, four (4) ft.; and large trees, six (6) ft.

No street tree shall be planted within thirty-five (35) ft. of any street corner,

3  
except on city property measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted within ten (10) ft of any fire hydrant.

No tree, other than those particularly designated for planting under overhead lines

4  
by the Tree Board, shall be planted under or within ten (10) ft. of a line drawn vertically below any overhead utility wire or any recorded utility right-of-way of a greater width. Trees planted within twenty (20) ft. must be of a small species listed in the arboricultural specifications developed by the Tree Board.

The City Tree Board must review a utility tree trimming policy prior to any

5  
trimming by the utility company to assure current arboricultural specifications are followed.

All stumps of street and park trees shall be removed below the surface of the

6

ground so that the top of the stump shall not project above the surface of the ground where necessary to provide for public safety.

### **C. Public Education:**

It shall be the responsibility of the Tree Board to undertake a public Arbor Day planting activity and develop and/or secure and distribute tree care and tree benefit information as part of a county/city wide educational program.

### **Section VIII. Permit and Bond**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees or tree within a public right-of-way within the city without first applying for and procuring a permit. No permit shall be required for electric utilities and their agents and contractors or city employee doing such work in the pursuit of their public service endeavors.

Before any permit shall be issued for any tree work on public property, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$300,000 for bodily injury and \$100,000 for property damage indemnifying the city, or any person injured or damaged resulting from the pursuit of such endeavors, as herein described.

### **Section XI. Penalties for Violations**

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$1000.00 plus restitution for damages to public trees and property.

### **Section X. Emergency Action**

It may become necessary, from time to time for emergency crews to prune or remove trees to provide for public safety or restore phone or electrical service. Such an action may be conducted by government, emergency or utility crews without permit so as to allow immediate action to prevent damage or correct a condition which may pose a hazard to life or property. The administrator shall be notified of any such action within 24 hours of the action being initiated, by the entity taking such action, for each instance of action.

### **Section XI. Indemnification**

Nothing contained in this ordinance shall be deemed to impose any liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street tree area on his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any public property or right of way or public place within the city.

### **Section XII. Appeals**

Any action of the Administrator may be appealed to and heard by the City Board of Appeals. An appeal must be filed within ten (10) calendar days after the decision of the Administrator. The appeal shall be in writing and shall be filed with the City Clerk for placement on the Board of Appeals agenda. The appeal shall clearly specify the reasons for which a hearing is requested. After a hearing, the Board of Appeals shall render its decision, which shall be final unless appealed to the city council. To be effective, an appeal to the City Council must be in writing, state the reasons for the appeal, and must be filed with the City Clerk within ten (10) calendar days after notice of the decision of the Board of Appeals is mailed to the applicant. The decision of the City Council shall be final.

### **Section XI. Exemptions**

The regulations set forth shall apply to all real property in the City of Swainsboro with the following exemptions:

Legitimate agricultural or timber harvesting operations;

Utility companies and governmental agencies constructing or maintaining easements for water, sewer, electricity, gas, drainage, television, telephone or other utility transmission shall be exempt from the provisions of the article if the applicable company or agency has executed an agreement with the City which, at minimum;

1. Recognizes the need to minimize the cutting or trimming of trees and specimen trees;
2. Identifies specific activities designed to minimize the effect on trees, shrubs and other vegetation as a factor to be considered in the planning stage of the activity;
3. Pruning of trees or specimen trees shall be done in accordance with the National Arborist Association standards;
4. In the event of an emergency, trees, shrubs or any other vegetative matter can be removed without penalty.

**Section XIV. Severability**

Should any part or provision of this ordinance be declared by a court of the competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than part held to be invalid.

Motion to accept the Tree Ordinance as presented for adoption was made. This would consist of two readings and a public hearing.

**Motion : by Stroud Seconded : by Collins Passed : 6-0**

4. Building Inspector Bruce Kirby and Assistant Building inspector Alton W. Lawson updated council on the changes in the building code. They also updated council on policy changes in the Building Department.

5. Mrs. Joan Dunn representing the Emanuel Artist Guild spoke to council about the 2008 Arts Festival in Swainsboro. She stated it will be held on September 27 and the closure of Roger Shaw and Green St. Motion was made to support the Emanuel Arts Guild and allow the street closures.

**Motion : by Edenfield Seconded : by Parker Passed : 6-0**

6. Council heard the request of Arvind Patel dba Kiran Inc. Db a Mini Mart 905 West Main St to apply for an alcoholic beverage license for beer and wine package only. This request was for advertisement only. Motion was made to advertise the application.

**Motion : by Stafford Seconded : by Edenfield Passed : 6-0**

7. Council considered bid on the purchase of a new tractor.

Bid were received as follow:

- Emanuel Tractor Co. - \$15,000.00
- Blanchard Equipment - \$16,900.00
- East State Equipment - \$16,997.17

Motion was made to accept the low bid if the specifications were met.

**Motion : by Edenfield Seconded : by Collins Passed : 5-1**

**Parker opposed**

8. Council considered bid on the purchase of a new mower.

Bid were received as follow:

- Emanuel Tractor Co. - \$ 8,129.00
- A to Z Equipment - \$9,028.70
- East State Equipment - \$9,776.00
- Andy's Lawn Machinery \$7,685.25

Motion was made to accept the low bid if the specifications were met from the local vendor Emanuel Tractor Co..

**Motion : by Edenfield Seconded : by Collins Passed : 5-1**

**Parker opposed**

**B. Old Business**

1. Council heard the second reading on the non-smoking policy for city building and vehicles.

**C. Committee Reports**

**Police:** Councilperson Stafford presented the Police Report. He reported that the DOT was holding up the paving and moving into the new building.

**Building and Safety:** Councilperson Faulkner had no report . Bruce Kirby reported that out of the 16 house that were targeted for removal; 4 have been torn down and removed, and 8 more were in the process.

**Executive:** No Report

**Public Works:** Councilperson Collins reported everything routine.

**Recycle:** Councilperson Collins reported operations normal .

**Fire :** Councilperson Parker reported the Fire Department Committee will have a report on the realigning of the Fire Department forthcoming.

**Recreation:** Councilperson Stroud reported Recreation Director Ronnie Womack is a grandfather and offer her congratulations.

**Airport:** Councilperson Edenfield had no report.

**Water & WW:** Councilperson Edenfield reported we have been working on reducing water usage.

**Administrative:** Administrator Lawson routine.

**Mayor:** Mayor Schwabe had no report.

**Council Adjourned**

**Submitted:** *Al L Lawson* , City Administrator