



BUCKHEAD COUNCIL  
OF NEIGHBORHOODS  
[www.buckheadcouncil.org](http://www.buckheadcouncil.org)

# The Buckhead Council of Neighborhoods

## Board Meeting

August 10, 2017

Peachtree Presbyterian Church

6:45 – 8:15 PM

Meeting Minutes

### Attendees

	<u>Full Name</u>	<u>Neighborhood/Organization</u>	<u>Email Address</u>
1	Evelyn Andrews	Reporter Newspapers	evelyn@reporterNewspapers.net
2	Tracy Austin	Candidate Council Dist. 6	vote4tracyAustin@bellsouth.net
3	Beth Beskin	Representative, House 54th	ebeskin@gmail.com
4	Ellen Bruenderman	Park Pride	
5	Glenn Cartledge	Memorial Park	glenncar@bellsouth.net
6	James Cauldwell	Vinings	
7	Gordon Certain	North Buckhead	gcertain@comcast.net
8	Jeff Clark	Garden Hills	jeffbclark@gmail.com
9	Jo Anne Dalton	Collier Hills	jadalton@ajdnet.com
10	Mary Dodson	Mt. Paran Northside	
11	Brenden Daughterty	Zone 2 Community Prosecutor	
12	Jim Elgar	Loring Heights- Ceasar Mitchell's office	jimelgar@gmail.com
13	Dieter Franz	North Buckhead	cdf Franz@comcast.net
14	David Gylfe	Collier Hills	dcgylfe@bellsouth.net
15	Christina Gibson	Trees Atlanta	christina@treesatlanta.org
16	Ken Hoogs	Paces	khoogs@CommerceCapitalAtl.com
17	Ben Howard	Buckhead Condo Alliance	benhoward@gatech.edu
18	Kathryn Laughlin	Ridgewood Heights/NPU-C	kathrynLaughlin@gmail.com
19	Walda Lavroff	North Buckhead	
20	Kathleen Moriarty	Peachtree Hills	katatl@comcast.net
21	Fleming Patterson	Brookwood	Fleming.Patterspn@gmail.com
22	Garth Peters	Memorial Park & Buckhead Coalition	gpeters@thebuckheadcoalition.org
23	Mercy Sandberg-Wright	Tuxedo Park	mercywright@msn.com
24	Bob Schneider	Garden Hills	
25	Tom Tidwell	West Paces Northside	tom@tidwell-law.com
26	Fred Wooten	Buckhead Village	fredwooten130@yahoo.com
27	David Zaparonick	COA Arborist Division	dZaparonick@atlantaga.gov

### Attendance by Neighborhood

<u>Neighborhood</u>	<u>Attendees</u>
1 Brookwood	Fleming Patterson
2 Buckhead Condo Alliance	Ben Howard
3 Buckhead Village	Fred Wooten
4 Collier Hills	Jo Anne Dalton, David Gylfe
5 Garden Hills	Jeff Clark, Bob Schneider
6 Loring Heights	Jim Elgar
7 Memorial Park	Glenn Cartledge, Garth Peters
8 Mt. Paran Northside	Mary Dodson
9 North Buckhead	Gordon Certain, Walda Lavroff, Dieter Franz
10 Paces	Ken Hoogs
11 Peachtree Hills	Kathleen Moriarty
12 Ridgewood Heights	Kathryn Laughlin
13 Tuxedo Park	Mercy Sandberg-Wright
14 West Paces Northside	Tom Tidwell

# BCN Board Meeting Minutes – August 10, 2017

## BCN 2017/18 Officers (Executive Committee)

<u>Office</u>	<u>Officer</u>	<u>Neighborhood</u>	<u>Email</u>
Chairman	Tom Tidwell	West Paces Northside	tom@tidwell-law.com
Vice-Chairman	Ron Grunwald	Loring Heights	rgrunwald@bellsouth.net
Secretary	Gordon Certain	North Buckhead	gcertain@comcast.net
Treasurer	Debra Wathen	Paces	6wathens@bellsouth.net
Communications	Jeff Clark	Garden Hills	jeffbclark@gmail.com

## BCN Standing Committees

<u>Committee</u>	<u>Chair</u>	<u>Email</u>
Executive Committee	Tom Tidwell	tom@tidwell-law.com
Education	Tom Tidwell	tom@tidwell-law.com
Development and Infrastructure	Ron Grunwald	rgrunwald@bellsouth.net
Transportation	Debra Wathen Elizabeth Scattergood	6wathens@bellsouth.net betsy.scattergood@gmail.com

**Other** (Legislative, NPU, Parks, Voter Education/Registration, etc.)

### I. Welcome & Introductions

**Chair Tom Tidwell** called the meeting to order at about 6:45 PM. A quorum was present.

### II. Approval of Minutes

Minutes for the May meeting were approved.

### III. Admit New Member Neighborhoods

No neighborhoods asked to be considered for BCN membership.

### IV. Update on Noise Ordinance

**Ben Howard** outlined issues with the City Noise Ordinance. He said that there has been concern among some neighborhoods about noise at night from local bars, from motor vehicles, and in the Buckhead area from construction. There has been an effort on the part of some NextDoor users to modify the Noise Ordinance to give it some “teeth”. People on the City Council sometimes say “call the police” but the police often aren’t adequately equipped to establish a violation since violations have to be over a certain decibel level for a certain period of time at a certain distance from property lines. The police only have a few sound-measuring devices and often the loud vehicle or other sound source is gone before enforcement can be accomplished. There is interest in seeing how other cities enforce noise issues. If interested in this issue, contact Ben.

### V. Update on Code Enforcement re: AirBnB

**Gordon Certain** said that in April the Planning Department issued “cease and desist” order to the owner of a home in the North Buckhead area. This approach has apparently been reconsidered by the Commissioner who is now reportedly taking the position that these problem houses should be treated more like rooming houses where it is legal for a room to be rented on a short-term basis by the owner or resident manager. If the person responsible for renting rooms lives fulltime at the house, then rooms can be rented like boarding house rooms. The second policy change is that if there is an alleged violation, eye-witnesses must be willing to testify – in other words, advertisements for rooms/houses for rent do not, by themselves, show that a violation has occurred.

In contrast to this new policy by Planning, Gordon reported being contacted by a Springlake neighborhood resident who had experienced problems by a renter in a nearby house which was being used as a party house. The immediate issue was that the renter was advertising an upcoming event at the house for which tickets were being sold online. Among the ticket options was, at added cost, an “all you can drink” option. Gordon advised the neighbor to contact APD. Major Shaw, when asked at a subsequent police/neighborhood meeting, said that the party had been shut down and that police cars had been stationed in front of the house on the night of the scheduled event to make sure nothing happened there.

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**Garth Peters** mentioned that there had been issues with a rental house in Memorial Park. **Tom Tidwell** said his street had experienced similar problems.

### VI. Tree Protection

#### Speakers:

**Ellen Bruenderman** - Park Pride

**Christina Gibson** - Canopy Conservation Coordinator, ISA Certified Arborist, Trees Atlanta

**David Zaparanick** - Arboricultural Manager, City of Atlanta Dept. of City Planning

**Ellen Bruenderman** outlined Park Pride's role in supporting parks in Atlanta and DeKalb County and their general interest in supporting tree protection in the area. She said the City planned to revisit the Tree Protection Ordinance in the near future as part of the City Design project with the intent of drafting a new ordinance. A draft tree ordinance is posted on the Planning web site. [See [http://atlantacityga.iqm2.com/Citizens/Detail\\_LegiFile.aspx?ID=5297](http://atlantacityga.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=5297) for what appears to be a copy of this draft ordinance.]

**David Zaparanick** is manager of the unit responsible for enforcement of the Tree Protection Ordinance (TPO) on private property. The Department of Parks and Recreation is responsible for enforcement of the ordinance on public property. Their web page is [here](#) or since the link is long, search for "City of Atlanta Arborist Division". The Arborists office can be reached at 404-330-6874.

Hardwood trees six inches in diameter and pine trees twelve inches in diameter are subject to the protections of the TPO. Diameter is measured at 4.5 feet above ground. For multi-trunk trees at 4.5 feet height, the diameter of the individual trunks is summed. Permits are required for the removal of such trees. Trees smaller than those limits may be removed without City involvement.

**Dead/dying/hazardous trees** and **healthy trees** are treated differently.

- **Dead/dying/hazardous trees** require a special permit to be submitted by the homeowner. An arborist visits the site and issues a report stating that tree removal is approved or denied.
- For **healthy trees**, if the removal is associated with a building permit, a tree survey must be submitted, identifying the location, size and type of all trees on the property. [An attendee argued that this provision is very often ignored and the City is doing nothing to help in such situations. David agreed, saying that often variances are approved before the tree survey is submitted to his unit.] Once a tree removal permit is submitted, an orange sign to be posted on the site. If tree removal is approved by the Arborists, a big yellow sign with a "T" on it is to be displayed on site for ten calendar days, alerting neighbors to the impending tree removal. The signage enables neighbors to appeal the approval to remove of trees to the Tree Conservation Commission. (See their web site's checklist of the detailed requirements.) If the appeal is validated by the Commission, the approval is reversed and tree removal is blocked. Standard "recompense" is required to remove each healthy tree: \$100 per tree plus \$30 per inch of diameter. Alternatively, "Maximum recompense" may be used for long vacant lots and new subdivision lots. **Mercy Sandberg-Wright** cited instances that this required signage is not posted as required or was posted and was promptly removed. Four acres were clear-cut and no neighbors were aware it had been approved. She said thirty acres have been clear-cut in Tuxedo Park with no consequences. David said he knows the signs are posted – Mercy said they disappear. David says they don't verify that the signs remain in place once posted.
- Removal of portions of the tree canopy of a tree on a neighbor's property is legal within limits: no more than 20% of the canopy and use a "proper pruning cut" following arboricultural guidelines – in other words, consult a certified arborist.

David outlined the appeal process. Appeals may be made to challenge actions of the city in enforcing or not enforcing the TPO. A white sign announcing the appeal hearing must be posted on site for 15 days. The Tree Conservation Commission (TCC) hears the arguments for the appeal and also from interested neighbors and other parties. Decisions made by the TCC are typically made the night of the hearing.

**Christina Gibson** said Trees Atlanta plants a lot of trees in Atlanta and also serves as an advocate to citizens who support tree protection. The Atlanta City Design process is looking at changes needed as we double or triple our population during the next 20 to 30 years. One of the parts of City Design is called the Urban Ecology Framework for which they have hired a consulting firm and a team of

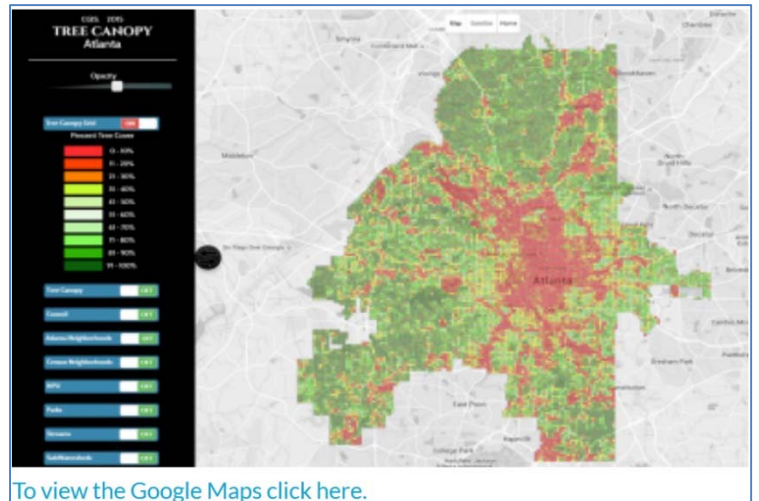
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environmental planners and architects to create a framework that values nature and our environment. Part of that effort is to rewrite the tree ordinance and the zoning ordinance. The tree ordinance was revised in 2014 but those changes were not approved by the City Council. The current ordinance dates from 2001.

She said we need to get involved. Urban Ecology Framework hasn't started yet, but when started, it is allocated a year to rewrite the tree and zoning ordinances. Trees Atlanta is part of an effort to research how other cities protect trees and how we can incorporate greenspace requirements into zoning. She said we currently have a 48% tree canopy cover in the city (as of 2008). She said that map is on the Trees Atlanta web site at

<https://treesatlanta.org/resources/urban-tree-canopy-study/> has an interactive map as

shown at the right. Different layers can be selected. She said, for example, that Chastain Park neighborhood has a 64% tree cover. In contrast, Downtown has a 2% tree cover. 77%



of Atlanta's trees are on single-family home property. She said the city's stated goal is to retain the city's 48% average and have no net tree canopy loss. Given that goal, what can we do to strengthen the tree ordinance to protect that 48% canopy? Tom Tidwell asked if Trees Atlanta is an official part of the group rewriting the tree ordinance. Christine said their role is unofficial. Park Pride and Trees Atlanta, joined by the Nature Conservancy, the Georgia Conservancy, and the Conservation Fund have created the Atlanta Canopy Alliance. The Alliance will fight for improved tree protection.

There were many comments from the audience that the current ordinance had no teeth to block clearcutting of lots, that the recompense schedules should be related to land value and should not use a city-wide rate schedule. There seemed to be general dissatisfaction with aspects of the ordinances, especially that a lot may be clear-cut with no consequence other than paying recompense.

Tom commented that the real problem is enforcement, that David's organization doesn't have enough staffing to monitor what's happening.

Gordon Certain commented that the single most needed change in the tree ordinance is to get rid of the single city-wide tree recompense schedule. The city has areas where land costs \$10,000 an acre and areas in Buckhead where land is well over a \$1 million per acre. The recompense schedule may be effective in the \$10,000/acre areas but its effectiveness is negligible in Buckhead. We need to have different tree recompense fee schedules for different parts of the city.

### **VII. Community Concerns - New Business - Announcements**

None.

### **VIII. Next Meetings**

**BCN Board Meeting:** Thursday, September 14, 2017

**City Council Candidates Forum:** Wednesday, September 27, 2017

**Mayoral Candidate Candidates Forum:** Wednesday, October 18, 2017

**IX. Adjourn** - The meeting adjourned at about 8:15 PM.

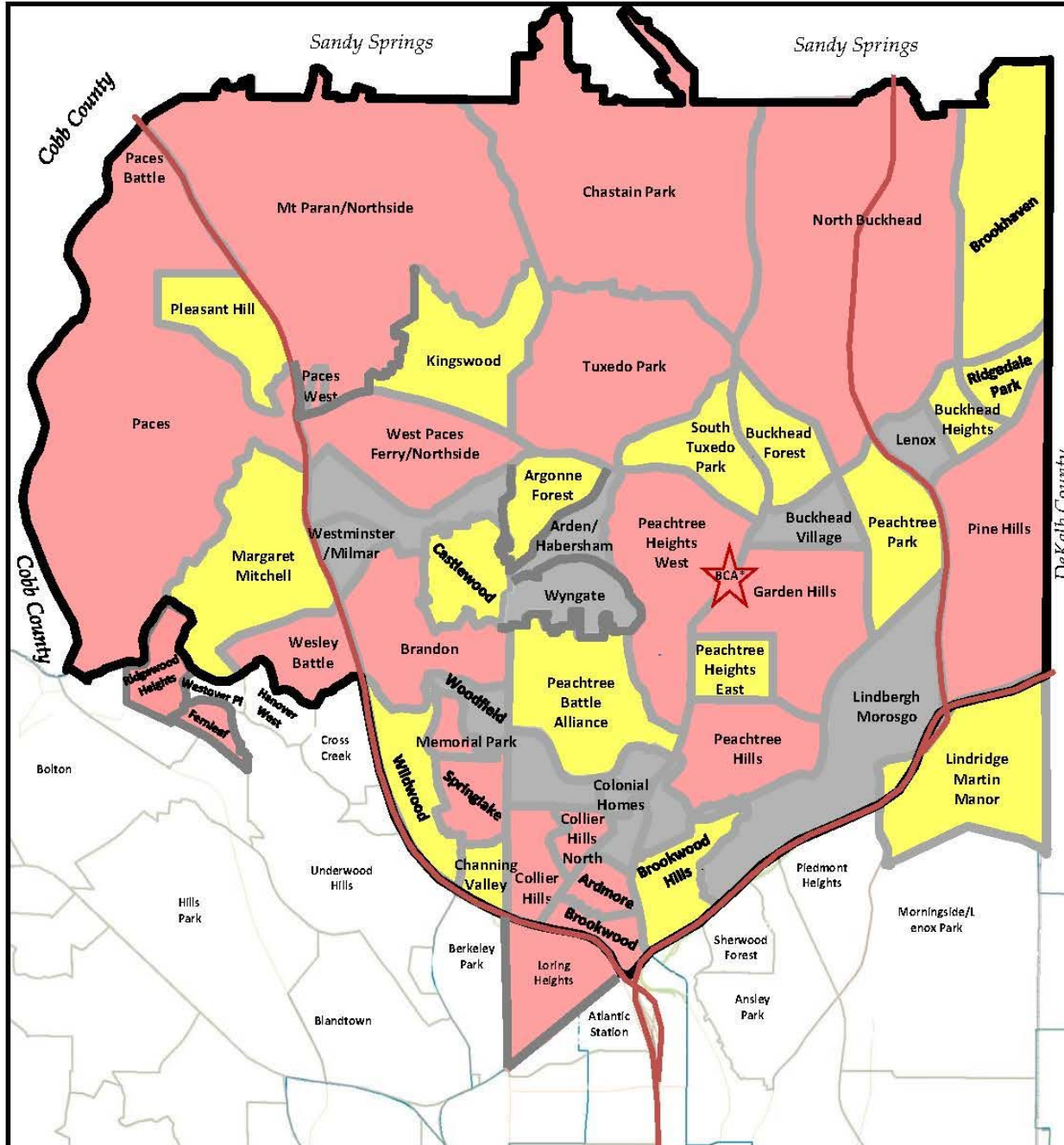
***Note:** The opinions expressed by the speakers and individual neighborhood representatives in these minutes do not necessarily represent those of BCN or its member neighborhoods.*

Prepared September 14, 2017 by Gordon Certain, BCN Secretary



# Buckhead Council of Neighborhoods

Paid Membership as of 08/06/17



\* BCA = Buckhead Condo Alliance

## LEGEND

Paid Membership as of 9/11/2017

YES  NO  N/A

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<b>BCN Status as of September 9, 2017</b>																	
Neighborhood	Dues		Data	Neighborhood Representation at Board Meetings													
	2016	2017	2017 Census	2015	2016	2017											
				10 meetings	10 meetings	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	Arden/Habersham																
2	Ardmore Park	✓	✓		70%	55%	✓										
3	Argonne Forest				30%												
4	Brandon		✓														
5	Brookwood		✓	✓						✓				✓			
6	Brookwood Hills				10%												
7	BuckheadCondoAlliance	✓			90%	77%	✓	✓	✓	✓	✓			✓			
8	Buckhead Forest																
9	Buckhead Heights																
10	Buckhead Village				20%	44%				✓				✓			
11	Castlewood																
12	Channing Valley																
13	Chastain Park		✓	✓	10%	44%	✓			✓							
14	Collier Hills	✓	✓	✓	30%	33%				✓	✓	✓		✓			
15	Collier Hills North	✓	✓	✓	20%	55%		✓									
16	Fernleaf		✓														
17	Garden Hills	✓	✓		80%	44%	✓	✓	✓	✓	✓			✓			
18	Grant Estates				20%												
19	Historic Brookhaven				10%	33%											
20	Kingswood				20%												
21	Lindbergh																
22	Lindridge Martin Manor				10%	11%											
23	Loring Heights	✓	✓		70%	77%	✓	✓			✓			✓			
24	Margaret Mitchell				20%												
25	Memorial Park	✓	✓	✓	50%	44%	✓	✓			✓			✓			
26	Mt. Paran-Northside	✓	✓		20%	88%	✓	✓	✓	✓				✓			
27	North Buckhead	✓	✓	✓	100%	100%	✓	✓	✓	✓	✓			✓			
28	Paces	✓	✓		60%	77%	✓	✓	✓	✓	✓			✓			
29	Paces West		✓	✓						✓	✓	✓					
30	Peachtree Battle Alliance	✓			40%	33%											
31	Peachtree Heights East	✓			60%												
32	Peachtree Heights West	✓	✓	✓	80%	55%		✓	✓		✓						
33	Peachtree Hills	✓	✓		10%		✓		✓					✓			
34	Peachtree Park				10%												
35	Pine Hills	✓	✓	✓	60%	55%	✓	✓	✓	✓	✓						
36	Pleasant Hill																
37	Ridgedale Park					11%											
38	Ridgewood Heights		✓		20%	11%								✓			
39	Springlake	✓	✓		20%	11%											
40	Tuxedo Park	✓	✓		50%	55%		✓	✓	✓	✓			✓			
41	Wesley Battle		✓		10%												
42	West Paces Northside	✓	✓		100%	88%	✓	✓	✓	✓	✓			✓			
43	Wildwood																
44	Wyngate																
<b>Totals</b>		19	21	9	Avg:10	Avg:12	12	12	13	13	11			14			