

Work Session of the Sandy Springs City Council was held on December 20, 2022 at 6:00 PM, Mayor Rusty Paul presiding.

I. Staff Discussion Items

The meeting began at 6:00 p.m.

A. 2022-353 Bow Hunting in Sandy Springs

Eden Freeman, City Manager, discussed deer hunting in Sandy Springs. City residents have expressed concerns related to deer hunting with archery equipment. In response, Staff researched possible options and met with several representatives of the Georgia Department of Natural Resources Wildlife Resources Division.

Dan Lee, City Attorney, advised the authority to regulate hunting in Georgia rests solely with the Board of Natural Resources. Municipalities and counties in Georgia do not have the authority to regulate hunting except on the lands owned or leased by them. Also, hunting on private property requires written permission from the landowner. The GA DNR is the recognized authority on hunting and the management of wildlife. Hunting is a part of the management of wildlife. The integrity of GA DNR's review and data is unquestionable. Even an ordinance that limits the discharge of a fire arm while hunting is unconstitutional. A local law prohibition on bow and arrow while hunting is a violation of the constitution. The Cities of Roswell and Atlanta do have permitting process for hunting.

John Bowers, Special Projects Manager, Georgia Department of Natural Resources, most hunters are required to successfully complete a hunter education course before purchasing a hunting license. In Georgia, Deer Season is from the second Saturday in September through the second Sunday in January, with three distinct seasons: archery, primitive weapons, and fire arms. In 2005, the Georgia Legislature extended the archery season in certain counties to curb the growing deer population. Every deer harvested must be reported. Some consequences of prohibition that should be considered are

Georgia Department of Natural Resources Results of Hunting Prohibitions

- Explosion of deer population
 - Impact human health and safety
 - Increase in deer-vehicle collisions (and cost for repair)
 - Increase in diseases, including Lyme disease
 - Incidence rate in Georgia is low, the number of cases are rising
 - 8 cases in 2017 to 32 cases in 2020
 - Significant damage to landscaping and gardens (reducing diversity of plants)
 - Threaten the well-being of other species
 - Starvation and disease can impact deer and other wildlife
- Many jurisdictions who have placed prohibitions have reinstated hunting to reduce the population

Brock Hoyt, Georgia Department of Natural Resources, Law Enforcement Division, Game Warden, reviewed laws related to deer hunting in Sandy Springs. The only permitted weapon to hunt deer in Sandy Springs and North Fulton County is archery equipment. Fire arms are not permitted. Land owners can deny hunters access to their property.

Mr. Bowers presented the Wildlife Restoration Act. Manufacturers pay federal excise taxes on guns, archery equipment, and ammunition purchased for hunting and target shooting. Revenue from these taxes is distributed to state wildlife agencies. Agencies use funding to purchase land for wildlife habitats and to manage wildlife population, research projects focused on wildlife conservation, hunter safety and

education programs, etc. Georgia has received more than \$345,000,000 in the lifetime of this legislation.

City Manager Freeman discussed incidents involving deer in Sandy Springs.

SSPD Traffic Accidents Involving a Deer

2019	31
2020	30
2021	35
2022	33 *
Total	129 *

* as of December 14, 2022

Deer Removal Within City Right of Way

2019	96
2020	73
2021	79
2022	94 *
Total	342 *

* as of December 7, 2022

Mayor Rusty Paul asked how can property owners ensure hunters are aware their property is off limits.

Game Warden Brock advised under State law, hunting is presumed prohibited unless there is explicit permission from the property owner, preferably in writing.

Mayor Paul asked if the City Council decided to regulate archery, generally, would it automatically be in violation of the State law.

Game Warden Brock replied this is a gray area. There are others cities in Fulton County that require a permit for hunting, noting the address of the hunt.

Special Project Manager Bowers reviewed O.C.G.A. 27-1-3 (h), summarizing that no political subdivision of the state may regulate hunting, trapping, or fishing by local ordinance except when exercising its management rights over real property owned or leased by it. The ability to regulate hunting, fishing and trapping rests solely with the Board of Natural Resources. If a political subdivision were to creatively develop an ordinance that prohibits the discharge of archery equipment, and the effect of which prohibits hunting, then there is an argument that the ordinance would be invalid and unconstitutional.

Councilmember Jody Reichel asked how many hunted deer have been reported in Sandy Springs.

Special Project Manager Bowers replied GA DNR's dataset does not go filter to the city level. As of Thursday, December 15, 2022 there have been 1,136 deer reported killed in Fulton County for the year. In 2021 there were 1,670 deer hunted and killed; in 2020 there were 1,996 hunted and killed; and in 2019 there were 1,977 hunted and killed. These include deer killed by fire arm and archery. Firearm hunting is prohibited north of Highway 92. In the late 1970s, the DNR Board prohibited firearm hunting in core metro areas of Fulton County, Clayton County, etc. Archery hunting has been around in the area for over 50 years.

Councilmember Reichel stated Cities that have implemented the prohibition of hunting laws. What are examples of those.

Special Project Manager Bowers replied of these cities that have implemented prohibitions have reserved their ordinances or revised to so as to not violate the state law. The GA DNR does work with

cities that have concerns. In some cases, cities wanting to prohibit hunting have opted to implement permitting requirements. The City of Brookhaven has prohibited hunting on City's property, which is the constitution.

City Attorney Lee advised the City should not take any action that curtails GA DNR's wildlife management, and prohibition of the constitution and the statutes of Georgia.

Councilmember Andy Bauman made a motion to suspend the rules and allow for public comment.

Mayor Paul advised he is out of order as the City Council is not in session. The Council would have to convene first. Things can be moved along to get there as fast as possible.

Councilmember Bauman asked is there an age minimum for hunting.

Warden Brock stated there is no age minimum. However, those 12 and older that have completed the hunters education course, which is required to be completed at age 16, can hunt unsupervised.

Councilmember Bauman asked is this about population management. What is the DNR issue?

Special Project Manager Bowers replied hunting, through legal control, is a primary management control in Georgia and throughout the country. There are issues of biology, ecology and sociology.

Councilmember Bauman stated the local concern is the unlikely risk to human life and situations where buck is shot and a property owner has to deal with the decay. What are solutions that have been developed to address these. Is there an example of a local ordinance that is accepted by DNR.

Special Project Manager Bowers stated DNR will work with communities to address concerns. Each county and city is different. Generally, DNR defers to the state law regarding regulation. It should be noted that nationwide, data suggest archery is a safer activity than skateboarding or basketball or football.

Councilmember Melissa Mular asked how many bow hunting licenses are issued in Fulton County.

Special Project Manager Bowers replied there is just a license for hunting, and this information can be sent to Council at a later time.

Councilmember Mular stated City of Brookhaven ordinances defines bows as a weapon. Further, their ordinance prohibits the discharge of weapons within city limits.

Special Project Manager Bowers stated based on statutory law, if the ordinance was challenged it would likely be determined unconstitutional.

Councilmember Melody Kelley asked to what extent does a bow user have to exhibit proficiency.

Special Project Manager Bowers replied there are no proficiency requirements of the DNR. A hunter education course is required.

Councilmember Kelley asked where is North Fulton in terms of carrying capacity.

Special Project Manager Bowers replied there is no one number. There is a biological carrying

capacity, which is a pretty high level. There is an ecological carrying capacity, which may be a bit lower. There is a social carrying capacity, which runs across the spectrum and is hard to determine. In Sandy Springs, there is nothing to indicate biological issues. There is the Chattahoochee Nature Center and Chattahoochee area where no hunting is allowed, and there are some ecologic issues with vegetation and other aspects of the park.

Councilmember Kelley noted she has received 32 emails from district residents expressing concerns, suggesting the city is starting to reach its social capacity. How does DNR reconcile the various capacity concerns?

Special Project Manager Bowers replied to determine if there is an issue, DNR will deploy various surveying instruments, typically working with the University of Georgia.

Councilmember Kelley asked what support does DNR provide to land owners for carcass removal.

Special Project Manager Bowers replied DNR does not provide carcass removal support.

Councilmember Tibby DeJulio stated it was reported earlier that there have not been any bow hunting incidents. It seems that people are complaining that bow hunter arrows are coming near their houses.

Special Project Manager Bowers stated that information is for the entire state. The most common incidents reported are injuries from hunters who have not harnessed themselves to the tree stand and have fallen. There have not been any bow hunting incidents that involve persons not hunting. This is typical across the country. Last year, it was reported in Dunwoody that there were a couple of arrows stuck in the house. But, typically hunt from above. Often, these situations are due to unruly teenagers being irresponsible. It is unlikely these stray arrows were from an archery hunter.

Councilmember DeJulio asked do hunters have the ability to request to come onto a property to remove a deer that they have killed.

Special Project Manager Bowers stated yes. It is the responsibility and duty of the hunter to retrieve the deer. The Want and Waste law requires hunters to make every effort to retrieve an animal that they have killed. They do require the property owners permission to retrieve the deer. Political jurisdictions are required to collect deer killed on public road within their jurisdictions, and typically the dead deer end up the landfill.

Game Warden Brock noted because of social media, one incident can be reported multiple times.

Councilmember John Paulson stated there are 50 trespass cases each year in Fulton. Also, it seems there are two deer being removed a week from Sandy Springs right-of-way. Is this number acceptable to DNR.

Game Warden Brock stated Fulton County has a large large-antler deer population, which draws many hunters. In Sandy Springs, there may be four or five trespassing cases each year.

Special Project Manager Bowers stated it is hard to tell. GA DNR has done what it can to liberalize the hunting, such as extending the archery hunting period. This number seems like a lot of deer near vehicles.

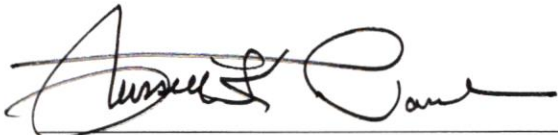
Mayor Rusty Paul thanked the representatives from the GA DNR for their time and attendance. This is an important conversation in the community.

II. City Council Discussion Items

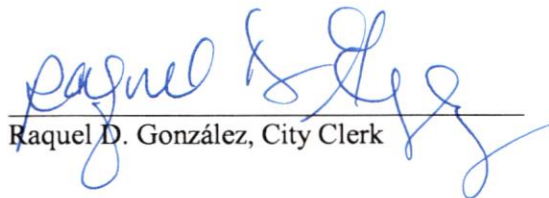
There were no City Council discussion items.

There being no further business, the meeting adjourned at 6:58 p.m.

Approved: January 3, 2023

A handwritten signature in black ink, appearing to read "Russell K. Paul", written over a horizontal line.

Russell K. Paul, Mayor

A handwritten signature in blue ink, appearing to read "Raquel D. González", written over a horizontal line.

Raquel D. González, City Clerk