



Minutes
The Milton Tree Preservation Committee
Wednesday, September 24, 2008 at 3:30 p.m.

Meeting Location:

Milton City Hall
Executive Conference Room—Suite 107-G

Committee Members in attendance

Roger Festa
Zack Middlebrook
Diane Palmer
Adam Orkin

COMMITTEE MEMBERS NOT IN ATTENDANCE

Cherilyn Allen
David Holcomb
Scott Gronholm

GUEST ATTENDEES

Joe Padilla

MILTON STAFF IN ATTENDANCE

Mark Law, City Arborist
Alexandria Hancock, Community Development Intern

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AGENDA

- 1) Call to order
- 2) Approval of the minutes for August 27 and September 10th meetings.
- 3) Review Definitions
- 4) Discussion on:
 - Violations
 - Enforcement
 - Inspections
 - Notice of Violation
 - Stop Work Orders
 - Modification, Revocation, Suspension, Voidance of Permit
 - Bonding
 - Fines and Penalties
 - Appeals
 - Effective Date
 - Validity
- 5) Additional Comments
- 7) Adjournment

CALL TO ORDER

- Meeting called to order by City Arborist, Mark Law

INTRODUCTION

APPROVAL OF MEETING MINUTES:

27 and 10 committee in agreement to approve minutes

GENERAL COMMENTS:

Discussion of Tree Removal Permit and Guidelines:

Mark Law- introduction

Diane Palmer- do want to permit for individual property owners as well as developments. Concern about every tree having an individual permit, and confirming trees are dead before requiring a permit.

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Mark Law- Everything talked about so far is conceptual: the number of trees per site being removed with a permit will be regulated to 6, and any trees over 8" caliper would need a permit, should we include dead trees in the 6 count?

Diane Palmer- We do not want to put a greater burden on the city staff than necessary. Let us regulate where needed, but not to overwork the staff on an unnecessarily large amount of permits.

Roger Festa- There is a possibility of submitting an online application that includes a picture of the tree to get a permit for removing the tree.

Adam Orkin- keep in mind recommendation process, because it will eventually be up to City Council.

Diane Palmer- the least amount of financial and time expense is ideal with being able to regulate

Discussion of Definitions:

Mark Law- agents, changing from Fulton Co to CoM. Zoning buffer

Roger Festa- on zoning buffer... "cleaning of underbrush..." do we have someone supervising this? We should add wording to better... to allow flexibility for who can supervise and how to gain approval.

Zack Middlebrooks- cambium do we take both out of leave in?

Mark Law- most likely take both out

Roger Festa- same densities being used as last week? 15 in AG 20 in R and 30 units in C the same as the original?

Diane Palmer confirming that commercial has the most density, next is residential, and next is agricultural

Mark Law- confirmed

Roger Festa- requesting to take out the clause about silt fencing. Request to define landscape strip

Mark Law- it is addressed in the zoning ordinance. No further comments through 29

Roger Festa- raising awareness that artificial vs. natural state water may not be correct

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Adam Orkin- asking that city attorney look into the artificial vs natural bodies of water, is it state water?

Agreed among committee the issue is important and must be watched carefully
Adam- apply corrections to all city codes

Mark Law- boundary tree anything over 8" on the outside of a buildable area
Agree that further definition at a later time

Mark Law- Milton tree is more specific than heritage or specimen tree. Specifies that it is a tree that is possibly even more valuable than a heritage or specimen tree... important to the city. Thoughts of a tree trail.

Agreed by committee that a tree trail would be something good for the city.

Diane Palmer- a more specific and flowery name than Milton Tree

Joe Padilla- if language open arbitrary action, might want to have the city attorney work through this one because being arbitrary is dangerous.

Mark Law- as long as permission by resident

Joe Padilla- this concept is successful when a Milton tree is treated as though there is a conservation easement on this tree and it will be almost impossible to take down.

Mark Law- incentives to encourage landowner/resident to allow Milton tree on their property. Incentives such as fertilizer or

Roger Festa- tree trail and tree fund recommendations should be defined and integrated into this document.

Adam Orkin- flexibility to move trees around or mockability to

Zack Middlesbrook- maybe tree fund should be a green fund?

Mark Law- that may be a little more difficult because some would want it specifically for individual trees as well as the maintenance, but

Roger Festa- think you should have an established committee to handle/transfer that money in the tree fund

Alice Wakefield- don't have a problem with being able to have a committee to recommend allocation of money, but inevitably it is up to CC

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Appeals:

Effective Date:

Validity:

PUBLIC COMMENTS

NEXT MEETING DATE

- Wednesday, October 8, 2008 @ 3:30 p.m.
- Location: City Hall Executive Conference Room, Suite 107-G

ADJOURNMENT

- There was no further business
- The Milton Tree Preservation Committee meeting adjourned at 5:00 p.m.

Date Approved: 10-22-08

APPROVED BY:



Francesca Ivie
City Clerk's Office



Mark Law, City Arborist

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Adam Orkin- all of the tree recompense money could be used for the public good because there is a lot of money that developers pay into that recompense

Mark Law- tree trail more definition to where there would be a map and have designated trees including Milton trees with plaques.

Mark Law- tree removal permit is incorporated into the land disturbance permit for developers but individual permits for residents

Discussion of:

Violations:

Mark Law- Citations can be issues for land disturbance or removal within stream buffers will be state issued. Penalty for entering into tree save areas and add a fine for encroaching into tree save areas

Alice Wakefield- cannot implement fines, but can define that it is wrong and then if they do, a notice of violation will be issued and the judge will determine punishment

Roger Festa- the language and wording concerning violations for the removal of any tree passed the density or size without a permit must be addressed throughout this section to update from Fulton County.

Mark Law- wording will relate back to the tree removal permit section as well

Enforcement:

Alice Wakefield- not all judges will order cleanup or fixing, so we must have a thorough conversation with those developers

Mark Law- faster action with a stop work order

Zack Middlesbrook- removal and encroaching into tree save areas

Alice Wakefield- needs to define

Roger Festa- can permits be voided as opposed to being revoked?

Alice Wakefield- cannot think of any reason to void a permit, but will ask the attorney about

Inspections:

Mark Law- more of a staff interest

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Notice of Violation:

Mark Law- process of notifying the customer of their violation so that they have a chance to fix it before

Stop Work Orders:

Mark Law- usually if it is an extreme violation that concerns a stream buffer or something of the sort

Joe Padilla- addressing both a NOV and SWO certain activities warrant a violation and if the activity is not corrected, then a stop work order is submitted. It is helpful to include what signifies a stop work order or a notice of violation in detail

Alice Wakefield- making it too detailed can sometimes work against the city.

Joe Padilla- my issue is if the violation is corrected within a certain amount of time, there should be no stop work orders

Mark Law- when staff is out in the field and sees a developer with a violation and receives a notice of violation, it is still not enough to convince the developer to fix the problem. A stop work order gets the developer's attention. Consistency of filing stop work orders is most important.

Joe Padilla- "These items shall constitute..." are good words to use for this section

Modification, Revocation, Suspension, Voidance of Permit:

Mark Law- will check to see if further enforcement is needed

Bonding:

Roger Festa- thinks \$125 bond is high

Mark Law- covers maintenance and cost and is pretty consistent with other surrounding communities

Joe Padilla- is bonding only required with you are clear cutting?

Mark Law- bonds are appropriate for any shortage in density

Diane Palmer- quality of life issues are at hand

Adam Orkin- different land uses (residential, live/work communities, and commercial) are all very different and some are more appropriate

Fines and Penalties: