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The Regular Council Meeting of the Mayor and Council of the City of Milton was held on January 24, 2008 at 6:00 PM, Mayor Joe Lockwood presiding.

INVOCATION

Reverend Bill Burke of Morning Star Chapel gave the invocation.

CALL TO ORDER

Mayor Lockwood called the meeting to order.

ROLL CALL

City Clerk Marchiafava called the roll.

Councilmembers Present: Councilmember Karen Thurman, Councilmember Julie Zahner Bailey, Councilmember Bill Lusk, Councilmember Burt Hewitt, Councilmember Tina D'Aversa, and Councilmember Alan Tart.

PLEDGE OF ALLEGIANCE

Mayor Lockwood led the Pledge of Allegiance

APPROVAL OF MEETING AGENDA

City Clerk Marchiafava read Agenda Item No. 08-477.

Staff requested the following changes to the Meeting Agenda:

Staff would like to recommend the following changes to the agenda:

1. Move Items, 1, 2, 3, 4, and 5 from new business after Reports and Presentations:
Those are the appointments to the Design Review Board, the Construction Board, the Board of Ethics, Bike and Pedestrian Path Committee and the Comprehensive Plan Advisory Committee.
2. Remove the Executive Session from the Agenda.

Motion and Vote: Councilmember D'Aversa moved to approve the meeting agenda as amended. Councilmember Tart seconded the motion. The motion passed unanimously.

ELECTION OF MAYOR PRO TEM

City Clerk Marchiafava read agenda item 08-478

Mayor Lockwood opened the floor for nominations for Mayor Pro Tem. The nominee will need to confirm the acceptance of the nomination. Once all nominations are made the floor will be closed for any additional nominations. After nominations are closed, discussion on all or any of the nominees can occur. Once the discussion, if any, is completed the vote will be called.

Mayor Lockwood nominated Councilmember Tina D'Aversa for Mayor Pro Tem and asked if there were any other nominations.

There were no other nominations and Mayor Lockwood closed the nominations.

Motion and Vote: Councilmember Zahner Bailey moved to approve the nomination of Councilmember Tina D'Aversa as Mayor Pro Tem. Councilmember Thurman seconded the motion. The motion passed unanimously.

Councilmember D'Aversa confirmed acceptance of Mayor Pro Tem.

Mayor Lockwood congratulated Councilmember D'Aversa for accepting the position and thanked Councilmember Thurman for serving as the Mayor Pro Tem for the past year.

PUBLIC COMMENT

Mayor Lockwood read the rules for public comment.

Jon Carol 2140 Country Ridge Road, Milton

Jon Carroll stated that he just wanted to remind everyone that the Land Use Planning Committee was unable to recommend any changes to any of the overlays and they are over the current cap for retail and office space at Crabapple. Unfortunately, they will not have a new plan until June 2008. He asked the Council to keep that fact in mind over the next few months when they make their decisions on matters that relates to plan.

Buck Bell 13225 Bethany Road, Milton Georgia

Buck Bell stated that he would like to speak to the Council about Crabapple. At the most recent January meeting where the comp plan was presented, there was some stated existing proposed was built as builder rezone densities. They stated the commercial retail was in the one hundred and forty range which would be forty over the existing and established a cap. They eluded the fact that office was around sixty thousand. The point being made was we either had two hundred and forty thousand combined or we were forty thousand in need of some more office to meet the one hundred thousand cap. He said that last year he presented Council with a document and on the last page of the document was a spread sheet which was prepared by Morgan Ellington of Fulton County planning. "As a member of the Crabapple coalition, we want to make sure that we kept up with the density." We were watching the density to the point that zoning decisions were made on exact numbers, finite numbers of density that was allowed. To the report existing to be built and zoned it is pretty close if not just slightly over one hundred thousand on both categories. He stated that he would like the City and staff to look into that and to quantify the remarks made by the planner. They made the recommendation after studying Crabapple for the last several months that they decided it would be a good idea to defer any commercial zoning until the full land plan was in existence and ruled on. He also had comments about transportation stating that it seems to be the main problem we all face and the main complaint. His greatest concern is everyone focusing on the transportation solution being Crabapple with Crabapple being the problem and the solution. Most of the traffic is cross county traffic not the people who live in the area and know how to navigate through the area and they were affected by the cross county traffic. To solve Crabapple, we have to keep the traffic out of Crabapple. He stated that other comments he had heard was how we slice and dice up Milton. We talk about staying in our world vistas and our by ways and how we need to improve Birmingham and Providence and all these other roads. If you start slicing and dicing up Milton, you will end up with a mess on your hands and we will lose everything that is precious to us. There are bigger issues and bigger pictures here. If we are going to make the decisions then we have to be ready to "buck up" to the big decision which Council will have to make. You have to take the initiative to be tough and make the right decision and resolve these issues.

City Clerk Marchiafava stated that completes Public Comment.

CONSENT AGENDA

City Clerk Marchiafava read the Consent Agenda items:

(Agenda Item No. 08-479)

1. Approval of the Financial Statements for the period ending November, 2007.

(Agenda Item No. 08-480)

2. Approval of the November 15, 2007 Regular Meeting Minutes.

Councilmember Tart stated that he would like to recuse himself at this time, as he was not a member at the time that these items came up.

Interim City Manager Lagerbloom stated it might be more appropriate if they split the two items and vote on them independently so that he could vote on the one that he was here for.

Councilmember Tart stated that he did not know that he could really speak to the November financials either and said that he just did not feel comfortable with it because he was not a member at that time.

City Attorney Scott stated under the Charter they cannot abstain, and recommended that Councilmember Tart just vote no. He also recommends Council split the items so Councilmember Tart could vote on the item he was present for.

Motion and Vote: Councilmember Zahner Bailey moved to split the items on the Consent Agenda. Councilmember Hewitt seconded the motion. The motion passed unanimously.

Approval of the Financial Statements for the period ending November, 2007

Motion and Vote: Mayor Lockwood moved to approve the financial statements for the period ending November 2007. Councilmember Zahner Bailey seconded the motion. The motion passed 5-2, with Councilmember Tart and Councilmember Hewitt voting in opposition.

Approval of the November 15, 2007 Regular meeting minutes.

Motion and Vote: Councilmember D'Aversa moved to approve the November 15, 2007 Regular meeting minutes. Mayor Lockwood seconded the motion. The minutes were approved 5-2, with Councilmember Tart and Councilmember Hewitt voting in opposition.

REPORTS AND PRESENTATIONS

Presentation and contribution from Milton citizens Janie Whitener, Lisa Gabriel and Laura Wright to the Milton Public Safety Department.

Interim City Manager Lagerbloom talked about what a great opportunity it was to partner with several community citizens. Police dogs, just like police officers, often very willingly put themselves in danger so that the citizens do not have to. Certainly, we need to protect them as best as they can. What is in the box is a bullet proof vest for the dog (Canine Officer DaSilva). He introduced DaSilva and his handler Officer Kiel and stated Officer DaSilva is a fully functioning dog at this point in service and he is used quite a bit. He then thanked all of the citizens involved on behalf of the City of Milton.

Janie Whitener, on behalf of Lisa Gabriel and Laura Wright and about 30 other very generous dog lovers, presented the vest for DaSilva along with a check. She stated that the rest of the money raised is going to Kevlar for Canines, who supplies vests for military and police dogs.

Mayor Lockwood thanked them and all of the citizens that contributed on behalf of Council and staff.

City Clerk Marchiafava read Agenda Item No. 08-481.

Approval of a Resolution Amending Resolution No. 08-01-01, a Resolution Appointing Members to the City of Milton Design Review Board.

Resolution No. 08-01-09

Community Development Director Tom Wilson stated Vince Pisano from District 4 and Darryl Jan Porter from District 6 have been nominated for membership on this Board for a four-year term commencing on January 24, 2008 and ending December 31, 2011.

Councilmember Tart introduced Darryl Jan Porter who lives at 13406 Aventide Lane in Milton for the District 6 appointee to the Design Review Board. Ms. Porter has a lot of experience in residential real estate and lots of volunteer experience with the community and historic preservation.

Councilmember Hewitt introduced Vince Pisano who has lived on Providence Road for about 15 years and stated he has been involved in the City since its inception.

Motion and Vote: Councilmember D'Aversa moved to approve a Resolution amending Resolution No. 08-01-01, a Resolution appointing members to the City of Milton Design Review Board appointing Board Member Vince Pisano for District 4 and Darryl Jim Porter for District 6. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.

Administration of Oath

Mayor Lockwood administered the oath to Design Review Board Members to Vince Pisano and Darryl Jan Porter.

City Clerk Marchiafava read Agenda Item No. 08-482.

Approval of a Resolution Amending Resolution No. 08-01-07, a Resolution Appointing Members to the City of Milton Construction Board of Adjustment and Appeals.

Resolution No. 08-01-10

Community Development Director Wilson stated that John McRae from District 6 has been nominated for membership on this Board for a term commencing on January 24, 2008 and ending on December 21, 2011.

Councilmember Tart introduced John McRae who lives at 3270 Spinato Lane and stated he is an assistant project manager for Choate Construction Company and he also served in the military in Iraq.

Motion and Vote: Councilmember Tart moved to approve a Resolution amending Resolution no. 08-01-07, a Resolution appointing members to the City of Milton Construction Board of Adjustments and Appeals by appointing Board member John McRae for District 6. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously.

Administration of Oath

Mayor Lockwood administered the oath to the Construction Board of Adjustments and Appeals member John McRae.

City Clerk Marchiafava read Agenda Item No. 08-483.

Approval of a Resolution Amending Resolution No. 08-01-4, a Resolution Appointing Members to the City of Milton Board of Ethics.

Resolution No. 08-01-11

Interim City Manager Lagerbloom stated the Resolution reappoints Susan Campbell in District 1, Clint Johnson in District 3, Todd Ashley in District 5 and the Mayor's appointment which is Carol Lane to be reappointed for a term commencing January 24, 2008 and ending on December 31, 2009. It also appoints Carol Cookerly for District 4 for a four-year term commencing January 24, 2008 and ending December 31, 2011.

Motion and Vote: Councilmember Tart moved to approve a Resolution amending Resolution no. 08-01-04, a Resolution appointing members to the City of Milton Board of Ethics by reappointing the mayor's nomination, Carol Lane, Susan Campbell for District 1, Clint Johnson for District 3, Todd Ashley for District 5 and appointing new Board Member Carol Cookerly for District 4. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously.

Councilmember D'Aversa thanked the members of the Board of Ethics and stated the importance and responsibility for representing the city and council. She also thanked Mr. Todd Ashley, the Deputy District Attorney for Fulton County and stated this past year he has served the city very proudly. He is very knowledgeable, very professional and the city is very fortunate to have him on this Board.

Mayor Lockwood administered the oath of the City of Milton Board of Ethics to Carol Lane, Susan Campbell, Clint Johnson and Todd Ashley.

City Clerk Marchiafava read the next agenda item

Approval of Resolution Amending Resolution No. 07-03-24, A Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee.

Resolution No. 08-01-16

Community Development Director Wilson stated that Lisa Cherry has been nominated by Councilmember Alan Tart for membership on this Committee. Her term shall be consistent with term of the elected official who nominated her to this board.

Councilmember Tart introduced Lisa Cherry who lives at 504 North Park Lane in Milton, and stated she was unable to attend this meeting. He stated that Ms. Cherry is the Deputy Director of the Recreation and Parks Division. She brings a wealth of experience to the City.

Motion and Second: Councilmember D'Aversa moved to approve a Resolution amending Resolution no. 07-03-24 for a Resolution appointing members to the City of Milton Bike and Pedestrian Path Committee by appointing Lisa Cherry for District 4. Councilmember Hewitt seconded the motion.

City Clerk Marchiafava stated the term will commence from January 24, 2008 until December 31, 2011.

Vote: There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read the next agenda item.

Approval of Appointments to the City of Milton Comprehensive Plan Advisory Committee.

Resolution No. 08-01-12

Community Development Director Wilson stated that Tim Enloe from District 4 and Lynn Gregory from District 6 have been nominated for participation in the Comprehensive Plan Advisory Committee for a term commencing on January 24, 2008 and ending on December 31, 2011.

Councilmember Hewitt introduced Tim Enloe, a lifelong resident of Milton. He and his wife Ginger live on Bethany Road.

Councilmember Tart introduced Lynn Gregory who lives at 3380 Sonata Lane and thanked Ms. Gregory for her service.

Motion and Vote: Councilmember Hewitt moved to approve a Resolution Amending Resolution no. 08-01-05, a Resolution appointing members to the City of Milton Comprehensive Plan Advisory Committee by appointing Board members Tim Enloe for District 4 and Lynn Gregory for District 6. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously.

Administration of Oath

Mayor Lockwood administered the oath for the Comprehensive Plan Advisory Committee to Tim Enloe and Lynn Gregory.

Mayor Lockwood thanked all of the citizens who volunteer in the past and future for all of the committees and boards. He stated it is just unbelievable when you look at all of the volunteer time and effort. Their hard work and dedication is really going to shape and make the City of Milton into what they all want it to be. All of the citizens are doing this selflessly and it is appreciated.

ZONING AGENDA

Mayor Lockwood asked the City Clerk read the zoning rules and sound the next item.

City Clerk Jeanette Marchiafava: At the second regularly scheduled meeting of the month, the Mayor and City Council consider a Zoning agenda. These items include rezoning petitions, modifications of zoning, use permits, and associated concurrent variances, in addition to ordinances, resolutions, and text amendments.

The petitions will be heard in the sequence listed on the posted agenda. I would like to acquaint you with some of the rules and procedures for this meeting.

The applicant, and all those speaking in support of an application, will be allowed a total of ten (10) minutes to present the petition. The applicant may choose to save some of the time for rebuttal following the presentation by the opposition.

The opposition will be allowed a total of ten (10) minutes to present its position. If time remains, the opposition will be allowed to rebut.

Since the burden of proof is upon the applicant, the applicant will be allowed to make closing remarks, provided time remains with the allotted time.

The City Clerk's staff will be keeping track of time and will inform you periodically of the remaining time for your presentation.

Those called to speak will be taken in the order that the speaker cards were received by the City Clerk's staff prior to the beginning of tonight's meeting.

All speakers will identify themselves by name, address and organization, if applicable, before beginning their presentation.

The Planning Commission heard the rezoning agenda items and recommendations have been forwarded to the Mayor and City Council for consideration and disposition.

In addition, the applicant shall not submit material to the Council during the meeting, unless requested to do so. All material that you wish to be reviewed by the Council in consideration of your application should be submitted to the staff of the Department of Community Development, to be included in the normal distribution of packages to the Council.

When an opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government at least five days prior to the Planning Commission meeting. A violation of the relevant state statute constitutes a misdemeanor. Therefore, if you have contributed \$250 or more to a Councilmember and you have not filed a disclosure prior to the Planning Commission meeting, the City Attorney strongly suggests that you have someone else speak for your point of view.

City Clerk Marchiafava read the next agenda item.

U07-007/VC07-012

To request a Use Permit (Article 19.4.3) for Agricultural Related Activities to add a 3,240 sq. ft. training building and to request a four-part concurrent variance to use the existing parking area within the 100-foot setback near the west property line (Article 19.4.3.13.4) 2) To increase the maximum building setback from 20 feet to 250 feet for the new building (Article 12H.3.5.C.1) 3) To allow parking between the existing buildings and the street (Article 12H.3.5.F.3) 4) To delete the 75 foot buffer and 10 foot improvement setback adjacent to AG-1 and/or residentially developed properties (Article 12H.3.1.C.2)

Ordinance No. 08-01-02

Community Development Director Wilson:

Mayor and Council you have been provided a copy of the staff analysis for this application. The Community Development Department's recommendation is for approval conditional of the use permit, U07-007, denial of part I of the concurrent variance 07-012 and approval conditional of parts 2, 3 and 5 of concurrent variance. The Planning Commission had a public hearing on December 19th regarding this case. Their recommendation is identical to our own. It is for approval conditional of the use permit U07-007, denial of Part I of the concurrent variance, approval conditional of the concurrent variances parts 2, 3 and 4. Furthermore the Planning Commission also recommended that the applicant reduce the parking in the future and to preserve the two trees, a 29-inch pine tree and a 26-inch pine tree as shown on the site plan by the arborist. To give you more details about this application is Ms. Robyn MacDonald who will clue you in on some of the details.

Senior Planner Robyn MacDonald:

Good Evening Council and Mayor. This is kind of a dog evening with all of the talk about dogs. But this is a subject site of approximately 17.12 acres agriculturally zoned land located on the northern part of Frances Road east of Cogburn Road. The subject site is currently developed with nine structures ranging between 875 and 6850 square feet in size. The applicant has utilized the property since 1991 as a non-profit organization which raises and trains service dogs to help children and adults with physical disabilities. The proposed new building will be used as a training facility for the recipients of the service dog. There are approximately six training camps per year for a period of two weeks each. The total number of dogs that would ever be on the premises would be 172 at any given time. It is located within the agricultural, forestry and mining land use designation on the Focus Fulton 2025 Comprehensive Land Use Plan. In the interest of the public health, safety and welfare the mayor and city council may exercise limited discretion in evaluating the site proposed for use that requires a Use Permit. In exercising such discretion pertaining to the subject use the mayor and city council shall consider each of the following as outlined in Article 19.24 of the zoning ordinance and I will just briefly go through each of these items and basically all of these items were found that the proposed use is consistent with and complies with. Consistent with the land use or economic development plans adopted by the mayor and city council. Consistent with land uses in zoning districts in the vicinity. It is also consistent with and it does not violate any local, state or federal statute, ordinance or regulation governing land development. The proposed use will not generate a significant increase in traffic since much of the trucks to the site are buses bringing clients to the site occurring approximately six times a year. It is right now, providing parking, 57 parking spaces which is what the ordinance requires. You hear of what the staff and what the Planning Commission has recommended a reduction in that number of parking spaces and then there is more than enough open space. There is approximately 26,365 square feet of development with buildings. There is about 16 acres of open space after that. It is developed in

accordance with the requirements of the zoning ordinance and Northwest Fulton Overlay District that buffer landscape strip requirements and existing screening around the structures will provide adequate screening to the proposed development. A condition will also be included to allow the existing structures to encroach into the 75-foot buffer and 10-foot improvement setback. The proposed new building is out by the required buffer and improvement setback. The applicant's letter of intent indicates that the new building will be open from 9 a.m. to 9 p.m. though it is unlikely that it will be occupied more than five or six hours a day. Regarding outdoor lighting it will be in compliance with the Northwest Overlay District regulations regarding outdoor lighting. The applicant's site plan indicates a total of six entrances and we are fine with keeping all those six entrances because they go to various areas of the development on the 17 acres.

Therefore, staff is of the opinion that the requested use permits for the K-9 Assistance is appropriate for the area and with the recommended conditions. Therefore, staff recommends approval conditional of the use permit U07-007.

In regards to the various concurrent variances Article 12H.3.5 section C1 of the Northwest Overlay District requires a maximum 20 foot building setback from the edge of the required landscape strip and the applicant is requesting concurrent variance to allow the new structure to be 250 feet from the required landscape strip. Basically staff is in support of this request because there is existing buildings in which some were developed as farm houses prior to the combination of the tracts and comprise of 17 acres. The proposed new training building has been placed further to the rear to help preserve existing pastures to the east that are used for the horses used for therapeutic riding. In addition the building will not be visible from the right-of-way. Therefore, staff recommends approval conditional of Part II of VC07-012.

In regards to the landscape strips and specifically the buffers, the applicant has, as was stated before is asking for a concurrent variance to the 75 foot buffer and 10 foot improvement setback as required by the Northwest Overlay District. Obviously it is a large parcel and that they will be providing the 75 foot buffer and 10 foot improvement back, improvement setback for the first 407 feet from the right-of-way going north adjacent to the single family homes on the west side and I do believe the applicant has a planting plan and has been talking with the neighbors about specifics of that plan. Furthermore the applicant has agreed that wherever there is vegetation and trees around the development that they will preserve them and not take them down. Because of these items and such a large area and there is a need for pasture land staff recommends approval conditional for VC07-012 Part 4 as stated in the conditions which I will go over once we get to that point.

The City Arborist says that about a 30 foot undisturbed buffer remains at the eastern property line. The center of the site is cleared and is being used for parking at this time. The existing large trees are located at the western property line. Two specimen trees are located in the area that we believe that the building will be placed or in that vicinity, one 29-inch pine and one 26-inch pine as shown below.

Regarding parking, the Zoning Ordinance requires that there be one space per 35 square feet of the largest assembly areas which the largest assembly area is 2000 square feet within the training facility which would require 57 spaces on the site plan submitted there were 52 spaces. There has been some discussions between staff and the applicant as well as with nearby neighbors and were in support of one that there be a reduction of parking spaces to allow better circulation as well as that there is not a need for that high of a number of parking count.

Another part of the concurrent variance is the Article 19 of the use permit requires a 100 foot setback for all buildings and for all activity areas. The original site plan has shown an encroachment to it and as they worked through in the last month or two they basically moved all of their buildings and all the parking away from the 100 foot setback. The new building is totally out of the 100 foot setback. Parking is out of the setback as well as we believe once the site has been tweaked a little bit more they can keep all of the activity of the bus drive through out of the 100 foot. Therefore, because of these basically they can reconfigure the design. Staff recommends

denial of Part I to reduce the 100 foot setback from the western property line. This will also allow a further buffer of activity areas from the adjacent property owners to the west.

The last concurrent variance is that the Northwest Overlay District states that no on-site parking shall be located to the front of a building or between a building and the public right-of-way. The applicant is requesting this concurrent variance to allow parking between Frances Road and the parking area to be utilized by the new training building. Since the parking is not as visible from Frances Road and will be required to be located outside the 100 foot setback staff recommends that Part 3 of VC07-012 be approved conditional.

When it went before the City of Milton Design Review Board they suggested that the new training facility look more like the residences than a barn. And in conclusion that the staff recommends as Mr. Wilson stated approval conditional of the use permit U07-007, denial of VC07-012 Part I and approval conditional of the remaining parts 2 through 4.

I would like to go over with you, I believe you have a handout that was given to you by the clerk that would start on page, and it is a three page handout that says page 28 or 34 on the bottom of this particular use permit. It says Recommended Conditions at the top. I would like to point out some items that when you go to make your decision that you would include these changes by staff. The first one would be Condition 2A. It says to the revised site plan, and then the date is changed to January 17, 2008. So we need to reflect that in the conditions. If we go down to 3C, I would like to include only resident parking allowed in the front of the house adjacent to the west property line, VC07-012 Part 3. Another condition includes that we're adding this 3D, provide a total of 20 parking spaces to be used by the newly constructed training center and the existing training center/office. The next condition was changed from C to E and then there were general B condition is now F and it now reads to maintain the 75-foot buffer and 10-foot improvement setback along the north, east and west property lines without replanting or sparsely vegetated and to allow existing structures to remain to VC07-012, Part 4. And condition 3G is a new condition or additional condition to allow existing buildings and pools to encroach into the 100-foot setback along all property lines and then C becomes H and if you go over to page 30, we're adding to additional conditions and condition 5C which are consistent with the other zonings that you recently approved concerning hydrology. 5C states that water quality and detention facility shall utilize earthen embankments where possible. Wall structures are not encouraged. If wall structures are proposed they must meet the acceptable design standards of the Department of Community Development and 5D, detention facility shall have a six-foot, five-board equestrian style fence with a two-inch by four-inch welded wire constructed around it.

That concludes the staff's report. Thank you.

Mayor Lockwood:

Thank you, Robyn. At this point, I would like to hear from the applicant and all those speaking in favor of this application.

Jennifer Arnold:

Thank you for allowing me to be here tonight. My name is Jennifer Arnold and I am the founder and executive director of Canine Assistance. My address is 3160 Frances Road in Milton, Georgia. As some of you already know and I will not go into it because of time but I founded Canine Assistance. We started in 1981 and it was as the result of personal trauma in my life and it remains very much my baby and I am very proud of that and I hope it is something that the city of Milton is proud to have in your community. We help people who have physical disabilities and who have seizure disorders. We also work with, I am sorry I am shaking I am so nervous. We also work with lots of students in Milton and other residents that have disabilities in the Milton community so we feel like we are a good neighbor. Right now we have our training sessions and I do want to iterate that there is no additional traffic that will be generated at all by this new building. What happens right now is in that 2000 foot, square foot room in our main building we hold training camp in there and there is a significant issue with that and that is that it is just not big enough and we have had people get hurt because it is not big enough. I mean we have to combine sort of office and teaching/classroom area with areas for the wheelchairs to work with their dogs and

people who are ambulatory and but not too steady often have to go over cords and we do not have anywhere for our recipients to lie down and they need to get out of their wheelchairs long enough to be able to relieve pressure spots. Right now they have to lie down on the floor or on a conference table and that is a little humiliating frankly. And of all the places on God's earth that it shouldn't be humiliating. I feel like it is ours. This 3240 square foot building would make an enormous difference in what we do. It would just allow us to better provide for the people that we are trying to help and I hope that you will give it favorable consideration. Now before I throw up I better let someone else talk. I know we have a citizen who would like to speak on our behalf if that would be okay.

Cary Schlenke:

My name is Cary Schlenke. I live at 490 Hermitage Drive in Milton, Georgia. Good evening Mayor Lockwood and Council Members. I am here today to respectfully ask that you support and approve the use permit and variance request submitted by Canine Assistance. This request is only meant to help this organization run more efficiently and will not have a negative impact on the surrounding community. We have a mission at this non-profit organization to provide trained service dogs at no cost to the good people that receive their dogs. I ask also that you please be very mindful, a request that may result in hardship for the applicant. Any additional expense added to this project will be money that could be spent on training the dogs. Please do not allow a financial burden on Canine Assistance when that money could go toward a service dog for a child or adult in need. Canine Assistance is a unique treasure to the new city of Milton and we are fortunate that they have called this area home since 1991. I ask you to fully support the efforts of Jennifer Arnold and the effort this organization is making to better serve the needs of people with disabilities. Canine Assistance is a nationally known organization. It has in the last 15 plus years provided free of charge numerous service dogs to very special adults and children throughout the United States. The changes that these Canine Assistance dogs are making in the lives of these people is nothing short of amazing. The work being done on this quiet, unassuming 18-acre Milton farm in fact is so remarkable that it has been highlighted by People magazine, National Geographic television and numerous local news outlets. I believe it is important to point this out because many residents drive past this farm everyday and do not even know of its existence. I volunteered with Canine Assistance in various ways in the last few years. I have found the farm to be a peaceful place where you know God must be smiling. Not only are the dogs on the farm being trained to help people horses are grazing in pastures and waiting to provide equestrian therapy. I have seen puppies go in at Canine Assistance and have seen them trained to do many incredible things like open doors, turn on lights and summon help. I have also been fortunate to witness those same dogs graduate and go on to change people's lives. The Canine Assistance location is an exceptionally beautiful piece of Milton property. It is a peaceful farm where extraordinary dogs are lovingly cared for and trained by dedicated full time staff and a host of volunteers. After the dogs graduate from this farm in Milton they go with that special child or adult who gets to keep them forever and if it is necessary no costs are ever incurred for that recipient to feed and care for that miracle dog. In closing I ask you to support this City of Milton aspect and to help Canine Assistance continue the good work that they do in our city. Thank you for your service to our city, too.

Pamela Little:

Good Evening, my name is Pamela Little. I am with Planters' Engineers Collaborative. I actually live in Duluth. I am here tonight to present the rendering that we have drawn up through our agreement with the neighbors. We have shown all of the existing trees that are going to be remaining and those are the olive colored trees. That is why I brought the nice, large rendering so you can tell the difference in the existing and the trees that are proposed to plant. I also want to go over a couple of the technical issues that surround this case and I did get a little confused with the changes to the conditions and the numbering, but I am going to try and go through them as easily as I can. One of the things that we would ask is the, what is on my sheet as condition 5A requiring that if greater than 5000 square are disturbed that we reduce the storm water discharge and velocity to 75 percent of its pre-developed condition. We had asked that to be changed to 5000 impervious square feet. We are trying to minimize the disturbance to the trees. We are trying to minimize disturbance in total. The building is proposed to be about 3400 square feet and we are trying to do gravel parking. There is an existing storm water pond that is kind of over there in the corner so it should treat. We would ask that we'd be allowed to do an as-built hydrology analysis to make sure that the existing pond would treat the condition but that we would not have to treat 35

percent from the entire 17 acres at this time. The other item that I noticed is under the transportation comments. There has been a request of the city to verify site distance from the proposed entrance and exit and Hopewell Road. We don't have an exit or an entrance at Hopewell Road so I am not sure what that pertains to but I would hope that could be taken out of the conditions. Finally, we ask that the existing parking be allowed to remain and we simply add enough spaces to make room for 20 cars to park as what Jennifer estimates the maximum parking is on a daily basis. I would like to reserve the remaining time for rebuttal and I thank you for your consideration.

City Clerk Marchiafava:

That completes comments in support. We have a card in opposition for Mr. Ron Morgan.

Ron Morgan:

Good evening Mayor Lockwood and council members. My name is Ron Morgan. I live at 705 Old Saddle Lane. We are in the Cobblestone subdivision just to the west of the Canine Assistance property. First of all I would like to thank Pam Little. She has spent a lot of time in the last couple of weeks working with us and helping us get our arms around this project and what they are doing and making us feel comfortable with it. I signed up as being in opposition and I think we are probably past that. We have worked, we have made great headway in the last couple of weeks and there were a couple of conditions I just wanted to re-emphasize and if these are acceptable then I think I can reaffirm that we are in support of it, the variance. There is an existing Dumpster and a metal building that is on the property now. The Dumpster, when that thing is emptied it is very noisy and it is usually around 7 o'clock or earlier in the morning. If that is going to be relocated, and I hope it is, I would like for it to be relocated further away from the west property line rather than closer and I think that is some that was never confirmed. There is also a kind of an unsightly metal building that's right there. The same thing with that. If that is going to remain.

Jennifer Arnold:

It is not.

Ron Morgan:

It is going to be gone, okay.

Jennifer Arnold:

No, it is a storage bin and has been in that location for seven or eight years. We did not try to take it out.

Ron Morgan:

I do not really care if it is going to be taken out because it is going to be on the opposite side of the building.

Mayor Lockwood:

Excuse me, Mr. Morgan. We can hear what you have got to say...

Ron Morgan:

If it is going to be relocated then we would like for it to be really relocated further away than closer. If it is going to stay where it is now that is fine because the new building will be between us and the storage building. There was a buffer requirement further up the northern side of our common property line. I think that since the city council, the Planning Commission meeting it has been eliminated. We were in support of that because the neighbors that lived up on that part of the subdivision. We prefer looking at the pasture rather than having a buffer screen them so we were in support of that buffer being eliminated. We would like to request that some portion of that buffer material, if at all possible, could be re-used at the rear of our property. There is an older brick house and there is very little buffer between us and them and admittedly that was there before we built our house. Some of that could be used to enhance the buffer that we planted and we would be appreciative of that. There are also just a couple of things visually that we look at that we would like as a good neighbor to be addressed. One is there is a large pile of stumps and debris that is right behind my next door neighbor's house. It looks like it was left over from the construction of a previous building. It was just pushed up close to the property

line and left there. We would like to make sure that, you know, that the proper cleanup after the completion of this building and also there is a chain link fence in the front of the building and they use it as a dog pen and just if they could use some screening material to screen that fence it would certainly help the appearance of the property from our property. The only other comment I have is that we requested at the earlier meeting to find out if there are any other plans right now for any further expansion. We feel like that they've probably maximized the use of this property as conditioned and we would like to think that there would be no more expansion and I think that they have agreed that this is their last plans for expansion and just a comment about one of the things that we discussed earlier. I believe that Jennifer wanted originally to have the new building to take on an appearance of a barn. Did I miss it...is that correct?

Jennifer Arnold:

That is what we have in mind.

Ron Morgan:

Originally, it was going to look like a barn and I think the Design Review Board or whoever reviewed it said that it should probably look more like a house and the house that is there now is not a bad looking house. But it is painted a white or off-white, maybe a yellowish color and that just really kind of jumps, just pops at you through the buffer. If it is going to be a house and it is going to look like that we would like to more neutral color where it will blend in with the buffer. I would like to go on record saying that all of the neighbors that I have talked to like the equestrian feel out there and if you consider that to look like a barn there is a red barn out there now with a green metal roof that is very nice and it has a nice equestrian look to it. For what it is worth, we prefer that. Just given those comments I think I can say that we are in support of their variance.

Mayor Lockwood:

Thank you, sir. And I would also like to thank you for working with the applicant and coming a little bit closer.

Ron Morgan:

We are familiar with the work they do and we certainly do not want to do anything that is going to impede the benefit that is received from that.

Mayor Lockwood:

Thank you, again.

City Clerk Marchiafava:

That completes public comment and if you would like to sir, you may close the public comment hearing.

Mayor Lockwood:

At this point, I will close the hearing for public comment. Do I have any Council discussion? Councilmember Zahner Bailey.

Councilmember Zahner Bailey:

There are just a couple of quick points of clarification. I do not know if Mr. Wilson and also just a couple of quick things to mention that Ms Little made about the reference to Hopewell and the transportation section. Was that just an error?

Tom Wilson:

Dan.

Public Works Director Dan Drake:

There are actually comments that she did, especially not on these conditions. There was an error for Freemanville Road, but it was not, it is something that she will have to do but it is not part of conditions.

Councilmember Zahner Bailey:

That has been acknowledged, I mean, we do not need to deal with that separately.

Public Works Director Drake:

No, we do not.

Councilmember Zahner Bailey:

With regards to debris of any with that new building that is built, is that already a matter of kind of our nuisance ordinances. Is there something after it is built that any debris that will remain would need to be taken care of during the construction site? Don't we handle that in another ordinance?

Community Development Director Wilson:

Yes. If there would be any construction debris remaining it would be removed before it would be issued any kind of certificate of occupancy.

Councilmember Zahner Bailey:

Okay. In terms of the chain link fence can staff speak to where you might have addressed buffering requirements already with any of the fencing that is provided? I am assuming that that is an existing.

Community Development Director Wilson:

Staff did not address the existing chain link fence. We obviously do have conditions in here for buffering. And so...

Councilmember Zahner Bailey:

That is addressed through the current buffering conditions that you have in place.

Community Development Director Wilson:

Yes.

Councilmember Zahner Bailey:

And that is an existing, that existing fence encroaches further on that property.

Councilmember D'Aversa:

What it is doing is there are two separate things that I think you are kind of referencing. There was a pin that Mr. Morgan referenced which is the chain link fence and then the second chain link fence is the fence that is in front of the property with the existing caretaker's home. Which I do not think either has been addressed.

Community Development Director Wilson:

Neither has been addressed.

Councilmember Zahner Bailey:

I am just trying to clarify some of this as we go through discussion, and also just to make sure that I am clear on the conditions that staff have modified subsequent to our review session about the buffer between the right-of-way, that 400 feet. If you could just speak a moment about that buffer relative then to the part that is keeping the undisturbed buffers that speaks to the residents at the rear of the property.

Community Development Director Wilson:

It is really quite visible in the rendering that is here before us. For the first 400 feet or so from the right-of-way along that property line we are requesting that that buffer be maintained and replanted or sparsely vegetated. You see a planting plan here for that. Beyond that 400 feet we are recommending that the buffer be relaxed in the extent to allow the existing trees to be maintained but not be replanted with sparsely vegetated which is normally

a condition of any buffer. And that is for all other three sides of that property. We also recommend that any existing structures or pools that are in that buffer today be allowed to remain.

Mayor Lockwood:

Anything else?

Councilmember Zahner Bailey:

Just a quick question for Mr. Drake. I know that again the Ms. Little asked in item 5A, to insert the word impervious next to the 5000 square feet with regards to hydrology and I wanted to know and there was a discussion about as-built, and I just wondered if Mr. Drake if you could speak to that.

Community Development Director Wilson:

Well I will tell you that there is a threshold of 5000 square feet and a state law that requires the land disturbance permit. That is where we would review the hydrology and make any demands for handling that water. To reduce that word or to change that word to impervious would be contrary to state law and I do not recommend that we do that.

Councilmember Zahner Bailey:

Thank you. So again, no. 5a requires that it be here because of state law.

Community Development Director Wilson:

That is correct and it is also our law.

Mayor Lockwood:

Any other comments?

Councilmember D'Aversa:

Your...and let me know Mr. Scott if I am out of order here. Can I ask a question of the applicant? Or...

City Attorney Mark Scott:

Certainly.

Councilmember D'Aversa:

Okay. Ms Arnold, is the Dumpster, you plans are to move the Dumpster so if we include that as a condition that is not a problem for...

Jennifer Arnold:

Absolutely not. It is currently in a setback area and you know, but we....it will have to be moved. There is no place for it.

Councilmember D'Aversa:

I just wanted to make sure since the neighbors seem to feel that that is important. The other thing is the chain link fence that is around the current house that you have that is closer to Frances Road. Is there a possibility of changing that chain link fence? We had a discussion during our review meeting to an equestrian style fence.

Jennifer Arnold:

I don't, I am not sure I understand where that fence is. In front of the caregiver's house?

Councilmember D'Aversa:

Is that the fence that we discussed...

Jennifer Arnold:

There is a fence that is chain link around the swimming pool in the back. And there is a chain link pen in front of one of the existing residence.

Councilmember D'Aversa:

It is toward the western side.

Jennifer Arnold:

Yes ma'am, but it does not.

Councilmember D'Aversa:

It is not actively used?

Jennifer Arnold:

Not by Canine Assistance. We do have a caretaker who lives there. Those are only used by her for her dogs.

Councilmember D'Aversa:

Okay, then I stand corrected. I was mistaken. I thought that there was a fence there that we had talked about. So, okay. And you're fine within...your preference was to have the new building to look equestrian or like a barn. Is that correct?

Jennifer Arnold:

That was certainly our original plan. We were kind of excited because it was going to be less expensive to it that way. But we will do whatever we need to do.

Councilmember D'Aversa:

What is your opinion, Mr. Wilson?

Community Development Director Wilson:

If you would like for that to appear equestrian and barn-like you should make a condition of zoning and then that will go to the Design Review Board when they actually do a review of that building permit. And they will have to be consistent with that condition of zoning.

Councilmember D'Aversa:

Okay. That is all that I have.

Mayor Lockwood:

Is the applicant okay with staff's recommendation...

Jennifer Arnold:

I do not really understand them. Is it okay?

Mayor Lockwood:

Check with Ms. Little. I want to make sure we are all on the same page.

Councilmember Tart:

Ms. Arnold, don't be nervous. I will trade places with you.

Jennifer Arnold:

I can not help it. This means a lot more maybe to us. It is not for me it is for the over 1000 people on the waiting list. So, I feel really compelled to speak for them. Thank you for your time.

Councilmember Zahner Bailey:

I have a question for the applicant.

Mayor Lockwood:
Sure.

Councilmember Zahner Bailey:

I believe you were in discussion with staff about the total amount of capacity that you envision needing in terms of the number of dogs and I know that there has been some discussion with the neighbors about expansion, etc. Staff had mentioned that there has been some discussion that from a total number of animals, in terms of the dogs, etc. that you fought...and I just want to verify this number, that approximately 175 dogs, when you are not there currently. Is that still a number that is...

Jennifer Arnold:

I really do not have any intention at this point of increasing the dogs. I can not imagine that we would do that during my tenure there.

Councilmember Zahner Bailey:

And right now the total number of animals that you have on that property in terms of canines, or obviously those loving dogs. What is the total number currently?

Jennifer Arnold:

We are probably around 130.

Councilmember Zahner Bailey:

So the staff figure of that 172-175 would give you ample amount to expand.

Jennifer Arnold:

Well actually it is not. We do not have a lot of new puppies right at the moment and that tends to fluctuate. The only thing that I am worried about is that it would have to be if you asked that we made it a condition that we never go beyond a certain number of dogs. It would have to, I think that would be a decision that the Board of Directors makes. I can only promise you that we do not want to do anything more and we are limited and moving towards a limit for growth is that I know a condition is that we can not get any bigger in terms of the number of buildings that we have on our site. Right?

Councilmember Zahner Bailey:

The size of the building effectively constrains the number of dogs that you would have. Based on you oper...I can not call it an operation, based on the delivery of puppies' and moving them for one...

Jennifer Arnold:

It does.

Councilmember Zahner Bailey:

It is my understanding that the reason for the new building was because you needed more space for them. So it sounds like...

Jennifer Arnold:

It is not space for the dogs. It's space for the residual.

Councilmember Zahner Bailey:

So, again, you are constrained by the number of buildings in terms of the...

Jennifer Arnold: Correct.

Councilmember Zahner Bailey:

Is that correct? One other question just in terms of the new building that is being built, it was discussed with us that that new building is not to be used for overnight for animals because it is obviously being used for a different purpose. Would you be comfortable just stating that as a condition?

Jennifer Arnold:

Yes, I mean we will have the dogs there during the day for training camp. Then we will go and transfer them back to the main building.

Councilmember Zahner Bailey:

I guess my question would be, would it be consistent with your use and your intent just to specify that the new building would not have overnight usage of the animals in consideration of those western property owners?

Jennifer Arnold:

Yes. There will be a difference in night to day.

Councilmember Zahner Bailey:

Okay.

Mayor Lockwood:

I respectfully interject. I want to make sure that you know it is not our place to tell you how to run your business or whatever so I do not want to limit you if there was a need for the concerns and what the neighbors put also. I do not want to sit here...

Jennifer Arnold:

It makes it significantly more difficult during training camp. But if it is something that we never meant...something that was going to upset everybody so if it makes it better for everybody it is certainly something...

Councilmember Zahner Bailey:

To clarify my question, what I wanted to understand was how that building was used. If indeed it was used during training camp, I think that is the answer. If during that period there is some overnight usage.

Jennifer Arnold:

Well, indoor overnight. Where they are right now they stay in crates overnight in the training room because they can not get dirty.

Councilmember Zahner Bailey:

So it is used overnight but on a limited basis in terms of how you currently operate.

Jennifer Arnold:

Correct.

Mayor Lockwood:

Okay, is there any other questions for the applicant? At this point I will entertain a motion.

Councilmember Lusk:

I would like to move for approval of this application with the stated conditions as stated previously and as amended throughout the course of this discussion.

Mayor Lockwood:

I would like to ask for clarification with that. We had some conversation about making it more of a barn-like structure. Would you include that?

Councilmember Lusk:

I would include that that is agreeable with the applicant.

Jennifer Arnold:

It increases the cost but...

Mayor Lockwood:

Oh, I am sorry. I thought you said...

Jennifer Arnold:

We had said we will do whatever we had to.

Councilmember Tart:

I thought a barn-like structure was decreasing your costs.

Jennifer Arnold:

No, no, that increases the cost just because of the cupolas and stuff.

Mayor Lockwood:

Then I take that back, we do not want increase your costs at all.

Councilmember Lusk:

I would not impose that condition on this application then.

Mayor Lockwood:

Okay. We have a motion to approve the application based on staff's recommendations and the items stated. Do I have a second?

Councilmember Thurman:

I'll second it. But I would like a clarification afterward.

Mayor Lockwood:

Okay, I have a motion and a second.

Councilmember Thurman:

I wanted to make sure that we did not include in there maximum number of dogs or the overnight. I just wanted to clarify that.

Councilmember Tart:

Could we get clarification on what the extra conditions were?

Councilmember Thurman:

In addition to the one's that were in your revised recommended conditions?

Community Development Director Wilson:

In addition to the conditions that were in the revised conditions, which I believe you all have a copy of and we have those. I am uncertain what additional conditions have been made to this motion. The barn-like structure has not....

Mayor Lockwood:

Relocating the Dumpster.

Community Development Director Wilson:

Relocating the Dumpster. The fence issue went away. The question about the excessive number of dogs went away.

Mayor Lockwood:

Right. I believe the only thing is really the staff's recommendations plus the movement of the Dumpster. Is there anything else that...

Councilmember Zahner Bailey:

I would like to clarify the staff changes since our review sessions include the ability to save those specimen trees because of the reduced amount of parking.

Community Development Director Wilson:

That is incorrect. There is no condition to save those specimen trees.

Councilmember Zahner Bailey:

I thought we said reduce....

Jennifer Arnold:

It states, I think it saves at least one big hardwood and a pine. Is it there are two, one tree that is just outside the building footprint and unless they encroach in the 100 foot setback, we are going to lose that one. And there is one smack in the middle of the building that we are going to lose. I hate it. I do not know where to put it.

Councilmember Zahner Bailey:

Point of clarification and for the staff, I had thought that I had read that with the reduction, if we were to approve this conditional, with the addition of parking at the 20 that that would allow for some slight movement of that building because it would not have the same number of required...

Jennifer Arnold:

It does save at least one specimen tree there and it saves a whole lot of really cool old Apple trees and a bunch of big Magnolias.

Councilmember Zahner Bailey:

I guess I would just ask for staff... Do we need to condition that if by reducing in this approval conditional with the additional statements that we received and these updates? Or would that be covered by the review through the Design Review Board and through these other reviews by staff to do the best we can based on that placement given that this would be a reduction from 57 to 20 parking spots.

Community Development Director Wilson:

Well certainly we will do the very best we can to save those trees. Without a condition of zoning demanding that those be saved there is no assurance that they will be saved.

Senior Planner Robyn MacDonald:

I believe that that statement that I gave you came from the applicant and I think what she is saying. I do not know that they can save those two particular pine trees but the arborist pointed out that there are many other trees that can be saved because of the repositioning of the building.

Councilmember Thurman:

And they will have to recompense for the two trees that will be taken down with hardwood trees?

Senior Planner Robyn MacDonald:

As far as I know that is correct.

Councilmember Thurman:

They would be less likely to....

Councilmember Zahner Bailey:

And the reduction of parking does save some, correct?

Senior Planner Robyn MacDonald:

An enormous number.

Motion: Councilmember Lusk moved to approve the request subject to the following conditions:

- 1) To the owner's agreement to restrict the use of the subject property as follows:
 - a) An agricultural related activity, at a maximum density of 1,540 square feet per acre zoned or a total gross floor area of 26,365 square feet, whichever less.
- 2) To the owner's agreement to abide by the following:
 - a) To the revised site plan received by the Milton Community Development Department on January 17, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, City of Milton Subdivision Regulations and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
- 3) To the owner's agreement to the following site development considerations:
 - a) To allow existing structures and the new building to exceed the maximum 20-foot building setback from the edge of required landscape strip and/or easements as shown on the site plan. (VC07-012, Part 2)
 - b) To allow parking between the buildings and the right-of-way as shown on the site plan. (VC07-012, Part 3)
 - c) Only resident parking allowed in front of the house adjacent to the west property line. (VC07-012, Part 3)
 - d) Provide a total of 20 parking spaces to be used by the newly constructed training center and the existing training center/office.
 - e) Provide a 75-foot buffer and 10-foot improvement setback along the west property line for a distance of 407 feet from the right-of-way except where the existing house and pool along the west property line encroach.
 - f) To maintain the 75-foot buffer and 10-foot improvement setback along the north, east and west property lines without replanting where sparsely vegetated. To allow existing structures to remain. (VC07-012, Part 4)

- g) To allow existing buildings and pool to encroach into the 100-foot setback along all property lines.
 - h) To complete a combination plat of all parcels to be approved by the Community Development Department prior to the Land Disturbance Permit submission.
 - i) To relocate the dumpster outside of the 100-foot setback along the west property line.
- 4) To the owner's agreement to abide by the following requirements, dedication and improvements:
- a) Dedicate at no cost to the City of Milton prior to the approval of a Land Disturbance Permit or Certificate of Occupancy (whichever comes first), sufficient land as necessary to meet the requirements of the approved final site plan including the following:
 - i) Provide at least 10.5 feet of right-of-way from the back of curb/edge of pavement of all abutting road improvements, along the entire property frontage, as well as allow the necessary construction easements while the rights-of-way are being improved.
 - b) Reserve Right-of-Way necessary along the following roadways, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide for compliance with the Transportation Master Plan and the adjacent developments, according to the definitions in the newly established Right-of-Way Ordinance.
- 5) To the owner's agreement to abide by the following:
- a) The developer's Professional Engineer shall demonstrate to the City by engineering analysis submitted with the LDP application (should greater than 5000 square feet be disturbed), that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions. Locations shall be as approved by the Stormwater Engineer.
 - b) The proposed development shall utilize vegetative measures for water quality. Individual Land Disturbance Permits/Building Permits are strongly encouraged to utilize GASWCC limited application controls such as infiltration trenches, porous surfaces, rain gardens, etc. A maintenance agreement is required to be recorded for such item used.
 - c) The water quality and detention facilities shall utilize earthen embankments, where possible. Walled structures are not encouraged. If walled structures are proposed, they must meet the acceptable design standards of the Department of Community Development.
 - d) Detention facility shall have a 6-foot, 5 board equestrian-styled fence with 2 inch by 4 inch welded wire constructed around it.

Second and Vote: Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Lockwood:

I would like to also address Ms. Arnold and Dr. Brenner. I want to thank them for everything they have done and also say how proud I am to have your facility in Milton. Thank you.

Jennifer Arnold:

Thank you so much. We got a little nervous through this so, and thank you very much for saying that you are proud us as part of Milton. We hope we will always make you proud.

Councilmember Zahner Bailey:

If I can make a quick comment. I have been lucky enough to experience the wonderful animals that you train when I teach and I get to teach some kids sometimes who have special needs. And it truly is...

Jennifer Arnold:

They rock don't they?

Councilmember Zahner Bailey:

They rock. I could not have said it any better. But thank you for what you do.

Mayor Lockwood:

Will the city clerk please sound the next item?

City Clerk Marchiafava read Agenda Item No. 08-455.

RZ07-020/VC07-015 - To rezone from O-I (Office-Institutional) to O-I (Office-Institutional) to expand the existing day care facility from 2,000 square feet and 38 students to 3,600 square feet at an overall density of 2,647 square feet per acre. The applicant is proposing a 1,600 square foot building separate from the existing structure. The applicant is also requesting a concurrent variance to reduce the 25-foot buffer and 10-foot improvement setback to a five-foot landscape strip along the east and west property lines from the existing building for a distance of 150 feet.

Ordinance No. 08-01-03

Community Development Director Wilson:

I am just going to pause for a second. Mayor and Council you have been provided with the staff analysis for this rezoning. The Community Development Department's recommendation is approval conditional of the rezoning, also approval conditional the concurrent variance. The Planning Commission also heard this recently. Their approval is consistent with ours. Approval conditional of the rezoning and also approval conditional of the concurrent variance. Robyn is going to give us some details of this analysis.

Senior Planner Robyn MacDonald:

Before I start I still have to clarify that this item is related to the fourth item, I believe, on the zoning agenda and depending on what the outcome of this item is that the fourth item can be handled fairly quickly so. This is an existing daycare facility and Montessori school located on the south side of Webb Road. It was zoned pursuant to RZ06-051 for a 38-child, 2000 square foot daycare center within the existing structure and an overall density of 1470.59 square feet per acre. Again there are standards of review required for the use permit and that staff has found that all of these items, A-G are consistent. I will just go through those fairly quickly. It is staff's opinion that the proposal of the daycare facility as staff, has developed staff recommended conditions as suitable for the subject site given similar zoning/uses in the area. It is staff's opinion that the proposed development will not have an adverse effect on the use or usability of adjacent and nearby properties if developed according to the recommended conditions. The site may have a reasonable use as currently zone and with an existing 2000 square foot daycare center. Staff does not anticipate a significant impact on public services and facilities and (E) is the proposed expansion of the daycare is consistent with the policies and intent of the Focus 2025 Comprehensive Land Use Plan which suggests office. It is also consistent with planned policies of encouraging development of community services such as a daycare facility to support employers and employees in the area and encourage daycare centers to locate near or in activity nodes and corridors and to be accessible to the residential population, which it is. Existing zoning, current non-residential trends in the area, adopted land use policies and recent board action for their approving similar zonings in the area support this request for a daycare facility on the subject site.

The proposed use is not considered environmentally adverse effecting natural resources, environment or the citizens of Milton.

The applicant is also requesting a concurrent variance based on site plans submitted on November 6, 2007. The site plan complied with all the ordinances of the zoning ordinance except for the required 25-foot buffer and 10-foot improvement setback along the east and west property lines. In the prior rezoning through Fulton County the applicant did receive a variance for the area east and west property line starting at the right-of-way and going south until the existing structure ended to allow the parking and the egress to occur on the site. At that point in time the applicant had thought that the Board of Commissioners had approved a further reduction, additional 150 feet further south to allow room for a daycare...not for a daycare but for the playground for the daycare. That was not correct. In the meantime that a chain link fence was permitted by Fulton County, which is an allowable type fence in the SR 9 overlay district so long as it is not viewable from the right-of-way, which it is being blocked at this point so that you cannot see it from the right-of-way. Therefore, she came back to us last fall requesting a modification of that condition. It allowed her the variance for the first hundred or so feet up to the existing building. At that time you had requested a deferral based on needing further information about the hardship which was the existing septic system field that is located on the property and that it confines the area that the play area can be located. Then it was deferred again in December and in the meantime, because the applicant was not present at the meeting. In the meantime in November she applied for a rezoning to extend the subject site as you see before you know. The reasoning behind that was that she was trying to pursue her certification or licensing for a Georgia Pre-K to start in the fall and therefore she felt like it was timely to begin that process to ask for that expansion.

So here we are tonight with a rezoning and the concurrent variance to reduce the buffer along the east and west property line to a five-foot landscape strip for a distance of 150 feet from the existing structure going down into the site.

Staff notes that with the proposed expansion the area for the current playground has been reduced. The site is long and narrow and 25 feet of buffer on the western side will reduce the area for the playground. Further, the septic drainage fields are located just north of the existing play area. At the end of the report is a signed letter by both the east and west property owners stating they are not opposed to the reduction of the buffer. Based on these constraints, staff recommends approval conditional of VC07-015 along just the western property line by not along the eastern property line because it is staff's opinion that a playground can't be placed on the east side of the proposed expansion building or if that is separated from the main building.

So, again just to clarify that staff recommends approval conditional just for the western property line for a distance of 150 feet.

So, in conclusion, staff recommends the proposed expansion, the rezoning of RZ07-020 and approval conditional of VC07-015 for the western property line for a distance of 150 feet from the existing building.

Again, I just have a couple of other....you have a handout, I just need to clarify a couple of things and add a couple of things to the recommended conditions and you make your motion. If you go to page 17 of the handout, in condition 3B I have changed it to reduce the required 25-foot buffer and 10-foot improvement setback to a five-foot landscape strip along the west property line. It is single from the back of the existing building for a distance of 150 feet, VC07-015.

And then as we go onto condition 5C and D, it is the same boiler plate conditions that we have also, the you have also approved in the past rezoning, which is 5C, the water quality and detention facility shall utilize earthen embankments. While possible wall structures are not encouraged, if wall structures are proposed they must meet acceptable designs of the Department of Community Development and 5D, detention facilities shall have a six-foot, five-board equestrian-style fence with two-inch by four-inch welded wire construction around it.

Just as a note, the recent approval for zonings that you have made you have also required in the SR 9 overlay district a equestrian-style fence to be adjacent to I believe, interior to the sidewalk and we have also included that condition from you as well which has already been in the original package. I just wanted to make a mention of that and there is an existing sidewalk already on the property so that is why there is not any talk of a stamped sidewalk as on SR 9.

Mayor Lockwood:

At this point...is the applicant here? I would like to hear from the applicant and any of those in favor of this application.

Pegah Firoozi: Good evening. My name is Pegah Firoozi. I own the school at 2865 Webb Road in Milton, Georgia. As Robyn has stated this property it is the request that I have is for expansion because the school is a two-classroom school and all the indicators are pointing to if we are to survive we need to have expansion. Because of the property being very narrow, it is about 117 feet wide and the buffer on the three sides made it almost impossible to work with it. Have a playground I am not even expanding and I did originally ask in the original zoning with Fulton County and for some reason it was overheard. They did not hear me and when I hear the approval I thought that it was approved also with the 150 feet behind the building for reducing the buffer and Fulton County also did permit me to put the chain link fence and going between Fulton County and the city of Milton. I am kind of caught in between because I already out the fence and quite a lot of the fence is going into it and to go ahead and reverse that and not be able to expand I am not quite sure if we can survive that. There is not much that I can add to what Robyn said. I just wanted to request to allow me to expand and I do wish...I can go along with the condition. It will make it difficult if I cannot have the buffer on the two sides of the property. It would make it quite cramped because it is 117 feet wide and to put a building on the left side of the property and only have the right of the property to put the playground. It is going to make it quite cramped. It will be difficult for the children to get around and I cannot do anything beyond that because I've got a huge drainage field for the septic system. But I am open to as long as I can have my expansion I am open to how it might be done. Thank you.

Mayor Lockwood:

Is there anyone speaking in favor of this application?

City Clerk Marchiafava stated that completes public comment at this time.

Mayor Lockwood:

Okay. We will close the hearing on public comment. Is there any questions for the applicant from the council? I would just like to clarify it sounds like you have stated that you are okay with staff's conditions. You could live with them. You did not like the reduction of the public buffer in the east side. Correct?

Pegah Firoozi:

Well, if it is gong to be 35 feet, it is going to go back to what it should be but 35-feet would make it very difficult and cramped to have the building there and for the children to be able to come so they can get out and have an open playground area. But if that is what it takes for me to be able to do the expansion then I will have to do it. But I wish that you will consider the fact or considering that really the two properties on two sides are not going to be there for very long and the zoning as they are and that whole strip eventually is going to become commercial as I know the neighbor on the left side is in the process of selling his property and they are going to rezone but it helps me if you can look a little further in the future and what that place is going to be. It would help me and you will help the school.

Mayor Lockwood:

Mr. Wilson, does staff have any comments on the buffer issue? Obviously you guys have recommended.

Community Development Director Wilson:

Well, I do have a comment on that. The 25-foot buffer along that property line requires a 10-foot improvement setback and I believe the applicant has referenced the 35-foot distance from that property line. I would gladly approve a 10-foot, the reduction of a 10-foot improvement setback in this area because there are no trees. The purpose of that 10-foot improvement setback is to protect any trees that are in that buffer. So, in actuality the building could actually be 25 feet from that property line. Having said that, I do not know what use there would be for that 25 feet that is at the rear of the building and that is why I saw no reason for it. I found no hardship for it and that is why we did not recommend approval of the reduction of the buffer on that side of the property.

Pegah Firoozi:

If I may say something, does that mean that I am going to move the fence?

Community Development Director Wilson:

Yes.

Pegah Firoozi:

That is going to be a hardship. I do not have a problem with putting the building where you request it to be. To move the fence is going to be an expense. It is going to affect everything in that area. I have the garbage area that is fenced in and the fence in the back is all connected. So, I have to...it requires a lot of moving things around, and quite a lot of problems.

Councilmember Thurman:

I have a question of staff. If the property adjacent to it becomes zoned O-I which I believe is what it is on the comprehensive plan. What kind of setback would be required at that time?

Community Development Director Wilson:

It would be a 10-foot setback at that time.

Councilmember Thurman:

So at that time there would be no need to move the fence.

Community Development Director Wilson:

The fence is five feet from the property line isn't it? Even at that time the fence would not be compliant with that.

Mayor Lockwood:

How would we handle those fences existing?

Community Development Director Wilson:

I'm sorry?

Mayor Lockwood:

The fences existing.

Community Development Director Wilson:

It is just a fence that is existing.

Mayor Lockwood:

Okay.

Councilmember Zahner Bailey:

Could you speak to that process about the fence, and I guess one question for the applicant is how long is the chain link? Is it black clad or is it just chain link?

Pegah Firoozi:

Chain link.

Councilmember Zahner Bailey:

Chain link, and Tom or Mr. Wilson could you speak to the distance of that chain link fence in terms of length?

Community Development Director Wilson:

The length of it?

Pegah Firoozi:

It does not go just in yard. It approximately it covers, why I asked for 150 feet.

Community Development Director Wilson:

I would like to correct that, Councilmember Thurman. If that property on the other side of that property line is rezoned to O-I it is a 10-foot landscape strip, not a 10-foot buffer. We could allow the fence to be at the edge of that 10-foot landscape strip but I do not think that really gets you out of the five-foot position, does it? No. So anyway, to correct myself it is not a 10 foot buffer, it is a 10-foot landscape strip.

Councilmember Lusk:

I went through this application yesterday and I thought I had it under control. It is a little more difficult to understand I think than what first meets the eye out there. Do we have the full scale drawing out here where we can identify these features?

Community Development Director Wilson:

We can certainly get one.

Councilmember Lusk:

I think we are all kind of talking in abstracts here. I would like to nail it down.

Mayor Lockwood:

Can you just while we are waiting...what would be the typical situation when you have an existing fence or whatever just in the existing strip?

Community Development Director Wilson:

They are not allowed. I mean they are just not allowed. In all honesty she did obtain a fence permit for Fulton County with an appropriate site plan and they somehow permitted this anyway and that was some years ago. So...

Mayor Lockwood:

My question is, would that grandfather that fence in?

Community Development Director Wilson:

No sir, it would not.

Councilmember Thurman:

No, but it can at times create a hardship that could allow them...

Community Development Director Wilson:

You could certainly make a condition of zoning to allow that fence to remain in its current location.

Councilmember Thurman:

But because of a hardship since it is already existing there if we chose to.

Community Development Director Wilson:

You could do that.

Councilmember Thurman:

Especially considering the fact that this adjacent property most likely in the future would be O-I so it would really only be a five-foot variance in the future rather than a large variance that we currently get, and the neighbor does not object to it.

Pegah Tiroozi:

No. Neither one of them.

Community Development Director Wilson:

We have information from both sides of the property that they do not object to the application.

Councilmember Zahner Bailey:

The current neighbors are the ones that are looking to sell it, correct? So whoever would be the ultimate purchaser is not party to that. Just knowing that it is identified as O-I on both sides and I know that right now it says no chain link fence in the Highway 9 not visible from the right-of-way. If we walk down that path however, that when it becomes O-1, we just said that...if there is a buffer that perhaps could be reduced but it would then be visible from other locations if it becomes O-I. Is that correct?

Community Development Director Wilson:

It would be but that requirement really applies when we issue the permit for a fence. A change condition afterwards we issued a permit that would make that fence non-compliant would not apply. Now we are not going to issue a permit because there already has...

Councilmember Zahner Bailey:

In other words we have not issued a permit.

Community Development Director Wilson:

We have not issued a permit, no.

Councilmember Zahner-Bailey:

But it is 150 feet of chain length fence.

Pegah Firoozi:

May I say something here? We went over this at last meeting as far as visibility is concerned we talked about that before. I have no problem trying to do whatever possible to block it from the street, and we went over that with the city to and you told me the condition for how to go about blocking it and I have no problem with doing that. It is easier to do that than to go and change the whole fence.

Mayor Lockwood:

What I am hearing, and I welcome any other comments, is there is a possibility that the fence is in the wrong place and could certainly be enforced to move it. I am also hearing that it possibly could be a hardship on your business and the cost. I am also hearing that the original 35 foot buffer you could live with. You did not really want to but you could probably live with that? Is that correct?

Pegah Firoozi:

It is a 35-foot buffer on one side of the property. We could manage to put, in all honesty put, and manage to put a playground there large enough to accommodate the number of children I think. To be honest with you I have not

checked with the...we have to be able to accommodate at least a third of the children with the number of capacity of the school. I have not checked with the state licensing.

Mayor Lockwood:

What I am asking would be open for comments from the council is, you know I would certainly consider a motion to accept the application per staff's recommendations and give you some leeway on the fence, but I would like to open it up to comments.

Councilmember Zahner Bailey:

Does the current staff recommended conditions include required screening for that existing chain link fence?

Community Development Director Wilson:

It does not.

Councilmember Zahner Bailey:

Does anybody and I do not want...I should not say does anybody. Does staff or has the applicant separate from tonight's meeting, has there been any discussion about what the cost was of that 150 feet of chain link fence?

Community Development Director Wilson:

There has not been.

Councilmember Zahner Bailey:

I am trying to understand what is the cost of a different fence relatively.

Mayor Lockwood:

Replacement?

Councilmember Zahner Bailey:

Excuse me?

Mayor Lockwood:

Replacement.

Councilmember Zahner Bailey:

Because 150 feet if it was instead something that met the requirement assuming you had O-I. I am just trying to...if anybody had any perspective on that it would help me a lot. Do you have any idea? Staff, is that something that you guys have looked at, at all?

Community Development Director Wilson:

The cost of moving that fence...

Councilmember Zahner Bailey:

What would be the cost to move it and replacing it because moving it, you would not move it because you would not be allowed a chain link. Is it to move the existing fence or to replace it with something else? Do we have any cost estimates?

Community Development Director Wilson:

I do not.

Councilmember Thurman:

The chain link would be allowed if she moved it though. Currently

Community Development Director Wilson:

Yes.

Councilmember Thurman:

Okay.

Mayor Lockwood:

Off the top of my head \$10 to \$12 a foot would be ballpark.

Councilmember D'Aversa:

Would you be open to accepting the 10-foot buffer that would be on the basis of the O-I, the landscape strip but us not requiring necessarily a landscape strip but have a four-board equestrian fence instead? So what ends up happening is your fence comes down but you get the 25 feet back against what staff is recommending, but then you would be putting in a 150-foot four-board fence, which I believe is less expensive than chain link fence. It's not?

Pegah Tiroozi:

A four-board fence?

Councilmember D'Aversa:

Equestrian.

Pegah Tiroozi:

I am not quite sure that would be acceptable with licensing. Children can climb.

Councilmember D'Aversa:

Obviously they could climb any type of a fence but that was a question...

Pegah Firoozi:

It is a little bit easier to climb a four-board.

Councilmember D'Aversa:

That was a question that came up in our review meeting. What is the requirement for a daycare center with regard to the children that are there, with regard to fencing?

Community Development Director Wilson:

It is required to have security fencing. I think in this situation you have to ask yourself whether or not that two-inch by four-inch welded wire in front of a board fence would be finger friendly for small children.

Councilmember D'Aversa:

But currently you have a chain link fence that is not vinyl covered. Is that correct? What is the requirement for a daycare center?

Pegah Firoozi:

The chain link fence is fine because they have already given me the license based on everything that is there.

Councilmember D'Aversa:

There may be another issue with that requirement.

Pegah Firoozi:

You mentioned as far as the 10-foot buffer...would that allow me to put the building 10 feet from the west side of the property?

Community Development Director Wilson:

There has been no application or request to reduce the building setback line, only the buffer.

Mayor Lockwood:

That is the setback for the building.

Pegah Firoozi:

Okay, so the building has to be 25 feet from the property and the fence has to move 10 feet.

Mayor Lockwood:

Ten feet from the property line. Is that correct?

Community Development Director Wilson:

The fence, if you want it to be out of the buffer if we were maintaining it, it would be at the 25-foot. If you want to relax to the degree and allow the fence to remain at the possible future location of a landscape strip, that would be 10 feet from the property line. Or you could make an allowance to leave it where it is.

Mayor Lockwood:

My case would be, in this situation because Fulton County issued her a permit and allowed that fence there that it would be grandfathered in, to leave it there. That would be my thoughts. But....

Councilmember D'Aversa:

And so we are not, basically not

Councilmember Thurman:

Condition the buffer to the existing.

Councilmember D'Aversa:

Other than the buffers.

Mayor Lockwood:

Correct.

Councilmember D'Aversa:

And your recommendation is currently 35 feet.

Community Development Director Wilson:

My recommendation is to maintain the 25-foot buffer but... and I have outside if this meeting and outside of this action I have the authority to relax the 10-foot improvement setback adjacent to that. So, essentially what was a 25-foot buffer and 10-foot landscape strip could be a 25 foot buffer alone. Allowing the building to be at the 25-foot from that property line.

Mayor Lockwood:

That is your staff recommendation?

Community Development Director Wilson:

Yes.

Councilmember Thurman:

The play area has to be 100 square feet times one-third of the center's licensed capacity for children. I do not know what their licensed capacity will be, but it is 100 square feet times that.

Pegah Firoozi:

With the expansion we are talking about 78 children.

Councilmember Zahner Bailey:

Has anybody done that calculation relative to the site plan so that we are not guessing? I mean, do we know that the width of the property within that new building can accommodate that state law before we...

Pegah Firoozi:

It is 100 square feet per child playground.

Community Development Director Wilson:

Can you meet that requirement based on your site plan? I mean the state is not going to like it...

Pegah Firoozi:

With the building being on the 25-foot buffer....this is a little tough because we are talking about the septic tank itself being directly behind the building. So the playground is getting very, very close to the septic tank itself.

Councilmember Tart:

I am getting a number 2574.

City Attorney Scott:

That is what I have got.

Mayor Lockwood:

Is there 25 what is available or what she needs?

City Attorney Scott:

What she needs.

Community Development Director Wilson:

2500?

Councilmember Tart:

Yeah, 2574.

Mayor Lockwood:

And what does she have?

Community Development Director Wilson:

I do not know what she has but I think you could rely upon the state not to license her for more children than she has play space for.

Mayor Lockwood:

And again, to be realistic that is not our case right here. So I have left it with the state and her business to do that. At this point I would like to ask if there is a motion to approve this application per staff's recommendations.

Councilmember Thurman:

Do you want information on what is required by law? Okay...play area shall be protected from traffic or other hazards by a four foot or higher secure fence or other barrier approved by the department. Fencing material shall not present a hazard to children and shall be maintained so as to prevent children from leaving the play area by any other means next to the approved access route.

Councilmember Zahner Bailey:

Well, that's vague.

Councilmember Thurman:

That is what the licensing board says for the state for daycare.

Pegah Firoozi:

If going through the licensing, if the child can put his or her hand through the fence or God forbid, their head, it would not be accepted. That was why I was surprised when you were saying about the four board.

Councilmember D'Aversa:

I was asking that question because you were looking at an either/or situation in the discussion I was hearing.

Pegah Firoozi:

Yeah, well...

Councilmember D'Aversa:

And you know if you have to move that fence then I guess currently our requirements would allow for a chain link fence but in the future it would be a four-board fence and you would have to put chicken wire up there. So that is why I was asking the question of whether not your license would allow for that or not and how that conflicted.

Pegah Firoozi:

The bottom line is they just look at how safe it is for the children. There are concrete walls, there are wooden walls....

Mayor Lockwood:

It is really not for us to decide because they could say a four-board fence. They could climb on it or hurt themselves even if there is a wire. Again, that is not for us to say.

Pegah Firoozi: We have left this way so come out...they will come out and go look at it and say "no, I do not think that is safe.

Mayor Lockwood:

Again, I am going back to the fact that the fence is there because she was issued a permit and paid for the fence to be put up. So, that is my opinion.

Councilmember Zahner Bailey:

And Mayor, I have a question. Under the scenario of recommended conditions as was discussed here by staff, I heard Mr. Wilson say that the current condition does not include any buffering along that fencing. So I would ask this body if we were to proceed in allowing that fence to remain, that we would also consider, if we are not going to replace it, if we are not going to require it to be moved because it is an existing fence and already permitted by Fulton County, I would ask that it is your consideration to have that would be buffered. Because there will be an eventual land owner that does not live there now under this O-I potentially. I just would want us to consider what that would look like from that perspective.

Community Development Director Wilson:

Well, I will just say this about that, and that is that the buffer is required to be planted to buffer standards which is a three-inch caliper tree every 30 feet and a Shrub I believe at every 10 feet or every three feet. I do not know but I do not remember exactly but that would not screen the fence. To screen that fence you are going to have to put shrubs very close together or a vine or something like that to grow up on that fence. So, there would be plant

materials between the building and that property line but it is not necessarily plant material that will screen the fence.

Councilmember Zahner Bailey:

In addition to that buffer, could you to your point, could we add language that would screen it more with not necessarily bushes but even to your point if it had something that would visually provide a screen...

Community Development Director Wilson:

We could certainly make that a condition of zoning.

Councilmember Thurman:

I do not think you can have vines on the fence. So where does that issue go?

Community Development Director Wilson:

I do not know. Certainly not an ordinance that I know of.

Councilmember Zahner Bailey:

Well then it would have to be screened amended commensurate with the licensing for the school and that would be up to another entity that can determine what that was.

Mayor Lockwood:

You know I just had...again I think being vague and saying she needs to screen it that would make it be much more of a hardship than to replace fence. I do not know the cost of the screen. So, again I think I am going back to asking if I have some support on staff's recommendation.

Councilmember Hewitt:

I would support staff's recommendations and grandfathering in the existing fence.

Mayor Lockwood:

Okay. Do I have a motion to do that?

Motion: Councilmember Tart moved to approve subject to the following conditions and grandfathering the existing fence:

- 1) To the owner's agreement to restrict the use of the subject property as follows:
 - a) Restrict the use of the subject property to a day care center at a maximum density of 2,647 square feet of gross floor area per acre zoned or a total gross floor area of 3,600 square feet, whichever is less.
 - b) Restrict the number of students to 78.
 - c) Restrict the height to 1 story not to exceed 15 feet from average grade.
- 2) To the owner's agreement to abide by the following:
 - b) To the site plan received by the Community Development Department on November 6, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, all other applicable city ordinances, City of Milton Subdivision Regulations and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance

Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

- b) Prior to the issuance of a Certificate of Occupancy, comply with all regulations of the Georgia Department of Human Resources and file a copy of the approved registration with the Community Development Department.
- 3) To the owner's agreement to the following site development considerations:
- a) Reduce the required 25 foot buffer and 10 foot improvement setback to a 5 foot landscape strip along the east and west property lines only in the area of the existing driveway, structure and parking areas. (2006VC-0070 NFC)
 - b) Reduce the required 25 foot buffer and 10 foot improvement setback to a 5 foot landscape strip along the west property line from the back of the existing building for a distance of 150 feet. (VC07-015).
 - c) Provide a black four-board-equestrian-styled fence adjacent to the sidewalk between the sidewalk and the development or as approved by the Director of Community Development.
- 4) To the owner's agreement to abide by the following requirements, dedication and improvements:
- a) Reserve Right-of-Way necessary along the following roadways, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide for compliance with the Transportation Master Plan and the adjacent developments, according to the definitions in the newly established Right-of-Way Ordinance.
 - b) Dedicate at no cost to the City of Milton prior to the approval of a Land Disturbance Permit or Certificate of Occupancy (whichever comes first), sufficient land as necessary to meet the requirements of the approved final site plan including the following:
 - i) To allow a maximum of 1 curb cut along Webb Road.
 - ii) Provide at least 10.5 feet of right-of-way from the back of curb/edge of pavement of all abutting road improvements, along the entire property frontage, as well as allow the necessary construction easements while the rights-of-way are being improved.
- 5) To the owner's agreement to abide by the following requirements, dedication and improvements:
- a) The developer's Professional Engineer shall demonstrate to the City by engineering analysis submitted with the LDP application (should greater than 5,000 square feet be disturbed), that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions. Locations shall be as approved by the Stormwater Engineer.
 - b) The proposed development shall utilize vegetative measures for water quality. Individual Land Disturbance Permits/Building Permits are strongly encouraged to utilize GASWCC limited application controls such as infiltration trenches, porous surfaces, rain gardens, etc. A maintenance agreement is required to be recorded for such item used.

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- c) The water quality and detention facilities shall utilize earthen embankments, where possible. Walled structures are not encouraged. If walled structures are proposed, they must meet the acceptable design standards of the Department of Community Development.
 - d) Detention facility shall have a 6-foot, 5 board equestrian-styled fence with 2 inch by 4 inch welded wire constructed around it.

Second: Councilmember Hewitt seconded the motion.

Mayor Lockwood: I have and a second to approve this application based on staff recommendations and grandfather the existing fence. So, obviously you can put a new fence.

Pegah Tiroozi:
Thank you.

Mayor Lockwood:
I have a motion and a second. Is there any discussion?

Discussion on the Motion:

Councilmember Zahner Bailey:

Would staff clarify on the buffer what your recommendation is? Is it what was provided and written or has it been modified?

Community Development Director Wilson:

As it is written in the conditions of zoning by recommendation. To maintain the 25-foot buffer, I will relax the 10-foot improvement setback; it will have to be planted to buffer standards, and I believe the motion was to leave the chain link fence in its current location inside that buffer.

Mayor Lockwood:
Okay. Any other discussion? Hearing none.

Vote: The motion passed unanimously.

Mayor Lockwood:
Thank you, ma'am.

Pegah Firoozi:
Thank you.

City Clerk Marchiafava read Agenda Item No. 07-313.

RZ07-005/VC07-002, 855 Mayfield Road - To rezone from AG-1 to MIX to develop a total of 15,000 square feet of medical office; 3,500 square feet of commercial; and nine residential units. Request to reduce 75-foot buffer and 10-foot improvement setback to a 15-foot landscape strip adjacent to AG-1 by Milton Medical Holdings, LLC c/o Jay Davis.

This is the second reading. This item was deferred on August 16, 2007.

Community Development Director Wilson:

Mayor and Council, this was before you some months ago. At that time the community development recommendation was for denial of this based on my understanding of my perception of your policy supporting the

100,000 square foot cap for commercial and 100,000 square foot cap for office. It is back before you today after that deferral. The community development's recommendation is unchanged.

Mayor Lockwood:

At this point I would like to hear from the applicant and those in favor of this application.

Jay Davis:

Hi there again y'all. Jay Davis. I am from Villa Rica, Georgia. There are a couple of you I have not met. Mr. Tart and Mr. Hewitt, congratulations. Let me start by saying thank you in the first place for trying to do some of that expedited work. I know that was not very popular and you did it anyway and I appreciate it. I know there probably are projects that were the main cause of that and I appreciate you helping try to do that. After having sat through all of those meetings for the last two and a half months on figuring out whether it is smart for Crabapple to hurry up with the comprehensive plan upgrade to identify...let me say, upgrade may be the wrong word, I am sure Mr. Bell would object to that, but anyway, in the extension of the cap standards I understand that we have a deferral from the folks doing the report that says we ought until the entire comprehensive plan is done, which they suspect to be sometime in June. I am sure with our continued support of the workshops that we will get to a point where we will be able to identify what that date will really be, whether it is June or July or whenever. It has been suggested to me again that I seek deferment until that time and I want to address that here at the end. But let me just say first of all to Mr. Hewitt and Mr. Tart if you are not familiar with our plan, it is one where we had substantially complied with every single element of what city staff and the Crabapple Core Plan and anybody who has had any suggestions from the Design Review Board all the way up to planning committee to hear. It complies with all it except for cap. We are saving all the trees, we are doing the little farm house looking office buildings. We are putting the parking all off of the street. We are putting in the street lights and the sidewalks. I am helping them put in a brand new three or four way traffic light depending on what needs to be done there at Mayfield. We are putting in a cross street behind the property that will help with some of that slicing and dicing as Mr. Bell says. So, we are at a point where we have complied with every request. We are not asking for anything that is even close to above what the requirements are under the current plan. In fact, we are happy with the current plan, just say yes. Get rid of the cap up or move the cap up, keep the cap, whatever you are going to do. I know that we are not ready for a yes or no tonight from your point of view. We are certainly ready. I have got the money out there burning time all of the time we have got to keep this going. We think it brings a substantially compliant plan to the city and we think that it enhances what the city is able to offer in the core. It will be the kind of place that has a little part of the pavilion under that big, old tree out there that your arborist said you all want to make part of the community tree walking trail, of all things so, we are doing the best we can to do what you want us to do and we have always done that from the day I first sat down with Robyn and Tom to help make this thing go forward. What we would like is for you to, I guess, comment upon whether, where we are moving in the right direction. If you all do not want any development downtown it would be nice if you just say so. If you do, we think we have done what it takes to get there, and we would like to you to either say yes now or say that it at some point in the future you are going to be able say yes or substantially yes. Whatever you think that might be. We have a potential amount of support in the community. I told them I did not think it was worth coming tonight because we were either going to get deferred or denied tonight and we were at the point where they have all said what they had to say and we have all stood up here and said what we have to say. The owner of the property is here and it is his prerogative to stand up and say something if he wants to and I am sure we have some other folks who will if we ask them to, but my point here tonight is that we have done what we think is required. We would love for you to say yes tonight. If it is not in the cards, we would love for you to give us the opportunity to defer until June when the new Comprehensive Land Use Plan is. And we will certainly come back in and put the show on again if that is what is requested at that time. Thank you. I will reserve the rest of my time.

City Clerk Marchiafava:

Does Mr. Densmore wish to speak?

L.B. Densmore:

My name is L.B. Densmore. I represent the seller of 855 Mayfield Road and my appeal to you for tonight is to do what is right and fair. Just to give you a little time line, we approached Fulton County back in December of 2005 to seek rezoning on this property. We, even at that point, did not want to try to put a square peg in a round hole so we asked them, what would their desires be, what would they be satisfied with, and then we went away and tried to come back to them with a plan that everyone could live with. As you all know, in December of 2006 everything was put on hold until you guys and ladies could convene in the first of 2007. We were patient. We waited until you got your feet on the ground and until you were ready to hear rezoning applications, and Jay Davis, as he has already said, came to you with a good plan, a plan that met either all of your conditions or that was modified to meet all of your conditions. Here we are in January of 2008 and that means that we have been two years in the process to try to get rezoning on this property. It is a good plan. Everyone involved in this planning and design has given, I think, their unofficial, if not official seal of approval. The cap was the only real drawback from the get go. Hopefully, we are doing....getting beyond that. My concern is that if you get a lengthy deferment on this you put this plan in jeopardy and that means at some future date we will all be back here together. All the time, all the money that Jay has put into this program will be lost and we all have to start over including you and your committees, and we will probably have to deal with the plan that may not be as attractive to you down the road as the one that you have before you tonight. Thank you very much.

City Clerk Marchiafava:

This completes comments in favor.

Mayor Lockwood:

Do we have any public comments?

City Clerk Marchiafava:

Mr. Buck Bell.

Buck Bell:

Hello Again. Buck Bell, 13225 Bethany Road, Milton, GA. Mr. Davis, I would like to accept your frustration, but I really cannot. I am in favor of an upgrade Crabapple as well. Several of the council people have heard me discuss this so I am not against it, I guess I am just more in favor of what I would consider responsible development, and would be the first in the struggle to save Crabapple for the last 14 years. I think I am probably pretty astute in what the needs and interests are in that area. I sent an email to everybody at the council with a lot of comments I had about this. I do want to stand corrected on one. I had said there were nine duplexes. There are nine residences over five duplexes, which is not permitted in this sub area. I did not look and see everything there is about this as far as how the sub areas are being used and whether the density is required to be within the sub areas, say within those sub areas. I do support the cap as it is understood now with the 100 to 100. We fought for that under the density neutral plan. I stood behind and in front of the community during the passing of the plan to support that as a density neutral as I did for a residential density. I will stand by that today. I think that the plan is broken. I think that Crabapple is in severe need of some extra thinking. But to me, I think it needs to be more perpetuated about what is happening, although I am going to call it the historical side of Crabapple not the Fulton County side which is the dividing line between Broadwell and Birmingham. Fulton County did approve four applicants on the eastern side of Birmingham Road; Davenport, Rich Cobb, Park and Harris, and everyone of those applicants agreed to a "as Crabapple was built on that side", which are buildings within the 3500 square foot size, to maintain residential districts, to maintain residential structures, to perpetuate those already there in a free form natural law following Crabapple's plan. Unlike the other side of Crabapple that was built in 8,000 and 10,000 square foot two-story buildings that is a limit to what we have. So you do have a precedent set of what was being built and has been built, and shall be built on the other side of Birmingham and Broadwell. They request is accepted by what has been passed and rezoned. That is what we would like to see. That is what I would like to see as a resident of this less than two miles away Crabapple. That is the property away from Crabapple that I believe adheres to Crabapple's plan and vision but by what I did there on the property that we have. I also think that a medical center in that part of Crabapple violates a couple of the concepts of what the Crabapple plan provided for. One is that Crabapple was built as a live-work village destination. When you see

that, that kind of says that everything that we could ever use falls within that so we can build whatever we want to build there. It is unlikely that people will live and work in Crabapple to the extent that it was more a thought. I think it would be highly more likely that every doctor I will use, if I live in Crabapple would be found at the center and more so if I was ill and sick that I would walk to it. I do think that a 24-hour emergency facility or something like that, that would serve a little more metropolis, might make sense. But I do not believe a medical center is right. There is also a very important part of Crabapple's plan along with all of the other designations of how sub areas work and what density includes maximums. Again, in that document I handed to you today the last page of the spreadsheet in that clearly shows what has been awarded or can be awarded or can not be awarded. As far as residential, patch residential once these duplexes are built, that is about it. No more text. Everything goes back to 7200 square foot or larger lots. Everything else has been, actually exceeded in many of these sub areas by Fulton County, and I do believe that report is true, true whether they be what is going around. The medical facility concept, in my opinion, by what is shown on this, is a larger scale. It does not consider the transitional perspective of what Crabapple's plan provided. Graphically, at the center of Crabapple at the intersection would be the highest density and as you move to the parameters up against the sub-divisions, the density would lessen, the use would be less intense, the size of the buildings would be smaller. Precedent was set there on Tad Brazwell's, that we actually got the development to transits out as well as across the street at runoffs. It transits down. I believe this transits up because once you cross Charlotte there is one more property and that is it. So, again on a graphic standpoint it transits down and then it is going to start ramping back up. We are trying to hold down the transition. That is what we had decided in the Crabapple Plan study which would stop sprawl, it would stop impeding zoning, it would stop all of the things that would make Crabapple's study area. It has the boundaries and exceeds this mutual density concept. The other thing that I had a real problem with is just the moving and destruction of history. You know, I think that when people say that we are just going to move this building and because it has a little asbestos in it because it was built 150 years ago, that we will tear it down and build a facsimile of it. Folks, you just can't replace history. You just can not move history. We can not change where history sits because after a while we get the use as familiar and friendly with certain things that exists in our neighborhoods, and when you see those things and also you take Mr. Densmore's house, we take his big trees. He says they got them saving one of them, maybe two of them.

Speaker in the audience:

All.

Buck Bell:

All. You take down the barns that are there. That kind of changes it. You pick up the house and you move it to the corner and as you drive down you do not have a sense of human scale and a sense of safeness and a sense of vista. You have got everything right up against shoved away again like you see down Crabapple. So, I believe if you are saying the Crabapple plan give people the permission to be rewarded for historical saving or keeping historic sites. You actually get bonuses on your density and things like that. I believe we should save the history and should not just conveniently use it for our purpose and use it as a convenient item. The other thing is that Mr. Davis is willing to put in street lights and streetscapes and everything else. I believe the streetscape is part of all of Milton and Crabapple under the term, so your streetlights and all of that stuff is a given but it is not a preview. But the road that you have going between Charlotte and Mid-Broadwell, especially if you follow the comp plan's steering committee that says we are going to dead head Mid-Broadwell. Right now you have got to go up Mid-Broadwell and turn right back on Mayfield. So if you've got a road going between Charlotte and Mid-Broadwell, back and forth, all you are doing is putting people in a huge circle. It really does not create a super highway interconnectivity roadway like Crabapple first saw. I think that everybody should be very careful when we study the plan, and there are some very finite points to it. If someone does not say "Oh, we are going to improve the intersection, we have put in all of these roads. Let him have his development, and we are going to save history. We are going to pick it up and move it to the street. Let him have his development, let him do it like this." I think we have got to be very careful, and that ultimately Crabapple is the destination area, guys. In my eyes it is a place where eventually once it has built out, we will all show up, we will all be, we will all enjoy, we will all visit, we will all do things. There will be office there. But I do not think we are all going to Crabapple to get healthy. So, I think that there is a lot of ...

Mayor Lockwood:

We have a couple of minutes left and we have got four more people that want to speak within the 10 minutes. So, thank you.

City Clerk Marchiafava:

Ms. Carol Lane.

Carol Lane:

My name is Carol Lane. I live at 14890 East Bluff Road in Milton, GA. I have a question for the city attorney about speaker cards and disclosure. I want to make sure that I am not violating any state law.

City Attorney Scott:

Ms. Lane, you are fine. You have disclosed previous to the Planning Commission meeting and you have checked your card. You are fine.

Carol Lane:

You all heard that, right?

Mayor Lockwood:

It is on the record.

Carol Lane:

I'm fine. City Council, Mayor and Staff and those in attendance, thank you for letting me have the opportunity to speak. I am requesting that you deny this request. Not defer it. It was brought up I believe in either May or June and community development requested denial and the Planning Commission requested a deferral because they said they would make changes to the plan. Well they did that, and when it came back the community denied it and then on the 24th of July, the Planning Commission denied it, and then on August 16th it was deferred I believe because the thought was that that plan would be changed. The way it is now, we, it is my understanding we adopted Fulton County's comprehensive plan and that is what we are abided by, and this violates that plan. As I recall, if you remember there was a Trinity applicant that also wanted to go over that 100,000 cap and you denied that request 7-0. So, please be consistent and I agree with everything Buck Bell said, too. Thank you.

Mayor Lockwood:

I will allow a couple of minutes.

City Clerk Marchiafava:

Mr. Mayor, did you want to put forth a motion to extend the time? I have....

Mayor Lockwood:

We have two more?

City Clerk Marchiafava:

Three, sir.

Mayor Lockwood:

Three more. I will certainly consider giving another couple of minutes per person.

Councilmember Thurman:

I would like to request a point of information of our staff. The comment was made that you had recommended denial of the previous on the Trinity land because of the caps. It is my understanding that was not the reason of your recommendation for denial.

Community Development Director Wilson:

There were several reasons why we denied that the cap was one of them. Density was another one, site plan issues were a different one, fire department issues was also a part of that.

Councilmember Thurman:

Okay. I just wanted to sure since a comment was made that was, the cap was the reason why it was denied. I wanted to make sure that...

Councilmember Zahner Bailey:

As a point of order I think that will be a discussion once we have closed public comment, would it not?

Mayor Lockwood:

Let's move forward and...

Motion and Vote: Mayor Lockwood moved to approve extending the time for public comment. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

Joan Wynderle: Good evening, mayor and council. I am Joan Wynderle, 765 Owens Lake Road, Milton. I feel strongly a denial not a deferral is the only appropriate action for this applicant. The Trinity Group, as Carol Lane mentioned, was denied 7-0 in July because the entire zoning was inconsistent with the Board and Plan policies. Jay Davis' plan should be denied for the same reason. Staff analysis for Jay Davis is K-3, with proposed office, commercial retail, residential development is inconsistent with the policies and intent of the Crabapple Crossroads plan. It does not meet the Comprehensive Land Use Plan kept. We have all heard that there is too much density going into Crabapple and that traffic is a big problem. There is not a thing that Mr. Davis can do to mitigate this traffic. Pushing the cap will only aggravate the problem. Mr. Davis states that when he did this plan he did it complying with everything. The big thing he did not comply with was the cap. That is a huge thing and I would please request denial, not a deferral. Thank you.

City Clerk Marchiafava:

Ms. Kim Horne

Kim Horne: Good evening, my name is Kim Horne. I live at 415 Wade Glen Court in Milton and I will take up just but a few seconds. I would just request that you support the staff's recommendation for denial, the Planning Commission's recommendation for denial. The C-PAC's recommendation to not increase the cap and that you deny this case for the reasons that those before me have said. It is inconsistent with the plan and the policies of Milton, GA. Thank you.

City Clerk Marchiafava:

Mr. Tom Kuehn

Tom Kuehn:

I think it has all been said at this point.

Mayor Lockwood:

Thank you.

City Clerk Marchiafava:

That completes the public comment. If the applicant would like, he has time remaining for rebuttal.

Jay Davis:

Thank you. I appreciate all of those comments, really, even in particular some that I disagree with. I understand why we say them. We are consistent with the plan right now, evidently. We may not be in a few more moments. It would be nice to not have to go through all this again in a few months. I sure have put a lot of time and effort and money into getting this far just to be shot down when stuff might turn around in a few months and be a little different. So, all things considered a deferral is better than a denial. Second, I was there at all of the workshops. I think most of you were there at all of the workshops. What they said was the quarter mile from the intersection downtown to that outside circle was where the core was supposed to be. Transition up, transition down, whatever, and then after that it transitions down. I understand Mr. Bell's point about him wanting where his particular big building is and all the other big ones downtown to be the big ones, I appreciated that. But, Mr. Densmore has the right to use the highest and best use to his property. If you continue on this track of not being able to follow a plan that was not only accepted, but in place except for this cap, he would not have a whole lot of choices. He cannot sell his property for anything roughly like what it is worth. As far as the house goes, I appreciate Mr. Bell's comment. It is a pretty old historical house. And if we could leave it there and rent it to somebody who uses it for a reasonable medical use we might be able to figure out a way with staff's help to leave it there. But the problem is all the comments we got from planning and through the Design Review Board said that there was not a way, they wanted that up toward the front left corner of the property is where they wanted that triangular access to the property and that is under the tress. We did not just arrive at this plan Willy Nilly, we followed the rules. What everybody asked us to do at those review boards and so forth. That is how we came up with this plan. We did not just present something like several other groups have that they wanted. We presented what was told for us to present that is still within the capacity of the plan that is accepted and approved. Not the one that was adopted. I know there is a whole bunch of legal mumbo jumbo. I am an attorney; I have been through all that. Whether you have approved it, whether it has been the real plan all along, I don't particularly care. I am trying to do the right thing here. We either get to do that, or we don't, and if you are going to say no, let's say no now and let Mr. Densmore do what he has got to do. I think that it is best case for the city to give us the opportunity to do what you folks and all the folks at those workshops, almost all the folks at the workshops, say you wanted this city to look like. We are trying to do that. If you do not want that street along the back, please save me the \$300,000. I will be happy to do that. I don't need to put the street in along the back if you don't want it. Whatever else we have to do to comply we have been willing to do and we will continue to be willing to do. We just need the capacity to make the property value worth what Mr. Densmore needs. Thank you.

Mayor Lockwood:

At this point we will close the public hearing. I would like to, I have a couple of questions for staff but I would like to comment first. I live as many of you, I live probably a little over a...about a mile from Crabapple and I sit in a line of traffic every morning and I sit in that line of traffic every evening except on council evenings, council meeting nights. You know, I hear all about density and traffic and that seems to be a major concern that we have and as I sit in the traffic I look at what is Crabapple now, which is not all of the trees and woods it used to be. But it certainly has changed, and I see all of the sewer pipes stubbed up and I see all of the homes that have been built that aren't sold yet, and I can just imagine when those homes are sold and the homes are built and you add that rush hour traffic in there, it is going to be unbearable, and I certainly will see nothing wrong with, I know in my business if you've got a plan and you get to a point two years later you realize, you know what, we need to tweak this plan or we need to change it because it is not working. I think we need to realize there is a difference between density and impact, and I am willing to go on the record to say that I like this project and I would be willing to support the project because I don't think...I think versus loading that piece of property up with what is allowed now residential and more rush hour traffic versus medical, which is going to have sporadic traffic throughout the day and also give it a little more live-work. I think it is something we should consider. By saying that, I also realize that I don't have any different information that I had last time when we voted to defer the project. So at this point I can't say I would support it because of that. But in the future I could. So, I am willing to say that I would support deferring the project as we finish this process through the Land Use Plan and look at it at that point. Because, again, I think we have to look at the whole picture and see what works for our community and I think, you know, as some of the people have said tonight, it's a nice project, and it meets most of the things that a plan calls for right now. That being said, I would like to ask Mr. Wilson, is there any other use that other than residential, this applicant could, this property could be used for that would fit our Land Use Plan currently?

Community Development Director Wilson:

Well, not even entire development of residential would be consistent with the Future Land Use Map. I know of no use for the entirety of this property that would be both consistent with the future land use map and the cap.

Councilmember Thurman:

Would that be because there is a conflict between the cap and the Land Use Plan maps that are currently in the ordinance so, realistically on the property right now, there is nothing that they could do, that they could go forward with that you could recommend approval on, because there is nothing that would fulfill all of the requirements.

Community Development Director Wilson:

That is correct.

Councilmember Zahner Bailey:

I have a question distinguishing between the future land use plan and the current land use plan. If we are going to go down as a point of order this line of discussion, I'd ask as a point of order do we need to have a motion before we have discussion.

City Attorney Scott:

No, you can do it either way.

Councilmember Zahner Bailey:

But I would like to just confirm that from a future land use perspective we are not talking about the Future Land Use Plan, we are talking about the current land use plan and I'll just read from page 10 that talks about the subject site appears to have a reasonable use as currently zoned. Because currently, it could be utilized as it is currently zoned, and staff analysis that recommended denial talks about that in item C. That the subject site appears to have a reasonable use as currently zoned with the existing farm house and associated building in an AG-1 district, and as a matter of record our responsibility is indeed not the highest and best use, it is for current economic use, and I believe that in the Crabapple master plan it also would allow for residential. So, I think we perhaps have different perspectives as to whether or not there is economic use, and based on staff analysis that was before us and is still before us, it indicates that there is indeed reasonable use as currently zoned.

Councilmember Thurman:

I would not want to live in it as it is currently zoned. Because cars are stacked up there hours each day. I mean, I know staff has said that there is a use as it is current; it could be used as it is currently zoned as AG-1 or whatever. I don't know who you would want to live in it as it is currently zoned.

Councilmember Zahner Bailey:

I certainly appreciate that perspective. I have a motion that I would like to put forward if I may, Mayor. I put forward a motion to deny case no. RZ07-005 and VC07-002.

Councilmember Thurman:

Mayor, I have a lot of questions I would like to ask of staff prior to the....

Mayor Lockwood:

May I have a point of order, Mark?

City Attorney Scott:

Certainly.

Mayor Lockwood:

If we have a motion and a second and Ms. Thurman would like to ask questions. Do we...

City Attorney Scott:

That is certainly discussion. I am assuming that her questions/discussion the motion...

Councilmember Thurman:

No, my questions are to staff. I have not had an opportunity to ask the staff all of the questions I would like to ask because the motion was made prior to me getting that opportunity.

City Attorney Scott:

Is the question still about this application, this agenda item?

Councilmember Thurman:

It is about this agenda item.

Mark Scott:

Well then I think it still in order.

Mayor Lockwood:

It's in order. Can I have a motion and second and then discussion?

City Attorney Scott:

Yes, because we are still....

Mayor Lockwood:

Okay, I have a motion and a second to deny this request. Any comments? Discussion? Councilmember Thurman.

Councilmember Thurman:

Yes, I have several questions I would like to ask of the staff. You had recommended a denial, rather than a deferral. Is it standard policy not to recommend a deferral? In what case would you actually recommend a deferral?

Community Development Director Wilson:

I would recommend a deferral if I sought additional information to make this decision.

Councilmember Thurman:

Only if you sought additional information to make the decision? So, in your professional opinion would it be contrary to your professional opinion for us to defer something like this while we wait for the additional information that we have requested when we deferred it in the past to be able to get through the CPAC Committee?

Community Development Director Wilson:

I feel that in my professional opinion that it would be appropriate to defer this if you are seeking additional information that you need in order to make an informed decision.

Councilmember Thurman:

Which is the same thing we did prior? We just had not..,

Community Development Director Wilson:

Which is the same thing you did prior?

Councilmember Thurman:

We just have not been able to receive that information at this time.

Mayor Lockwood:

And with that I will...

Community Development Director Wilson:

You did receive that information; you may at this time want additional information.

Mayor Lockwood:

Would that also include seeking outside counsel on this cap as our city manager has been instructed to?

Community Development Director Wilson:

Yes.

Councilmember Tart:

Okay. Does Councilmember Thurman have anymore questions before I go...

Councilmember Thurman:

You can go ahead now.

Councilmember Tart:

I have a problem with deferring this and the reason I have a problem with deferring this because this application was made when it was very clear what the requirements were and I think we set a dangerous precedent to defer something like this when we know what the existing policies are. We do not know what they are going to be in the future and we have already denied something for the same reason, and any, any, any statement contrary to that I can read and compare the two, the two, the staff's recommendations from the church that was denied on July 12th and I can also read the staff's recommendations this time. The recommendations for denial are the same and the reasons are the same as well. Very similar. At this point, I need a point of order. Can I call the question?

City Attorney Scott:

You can move the previous question. It takes a two-thirds vote and there is no discussion.

Councilmember Zahner Bailey:

Do I have an opportunity still to make, I had some statements as part of my motion that I was not allowed to make. I would like to continue to make it.

Mayor Lockwood:

I think we have the motion and it has been seconded right?

City Attorney Scott:

Has there been a second?

Mayor Lockwood:

It has been seconded.

City Attorney Scott:

The original motion is still pending, yes,

Mayor Lockwood:

There was no discussion. We were just discussing it.

Councilmember Zahner Bailey:

If I may, I do not intend to change my motion. For the record I would like to read the facts that I believe support the motion to deny. Staff recommends denial of both the zoning and the concurrent variances. The Planning Commission recommends denial of the rezoning and the concurrent variances. This case was deferred for four months on August 16th. For purposes of allowing time to determine if the Comprehensive Land Use Committee (CPAC) and the outside consultant, VRPH were going to recommend any changes or increased density levels in advance of the overall comprehensive land use plan and update process. It has now been more than five months and on Monday, January 14th the CPAC committee and the outside consultant, VRPH held a meeting with the public and stated for the record that they do not recommend any changes to the Crabapple Crossroads master plan or overlay or the comprehensive land use plan or related policies including the activity and definitions at this time. But instead, recommended the Crabapple area be reviewed in concert with the overall comprehensive land use plan update process. Therefore, at this time, following what has become more than a five month deferral on this case, there is no new information to consider regarding the merits of this case other than the fact that the CPAC committee and VRPH has clearly stated that they do not recommend increasing density in Crabapple at this time. In fact, at the same January 14, 2008 public hearing it was noted that it is unknown what recommendations will come to the CLUP update process as it relates to Crabapple and that the current comprehensive land use plan remains fully in place. In fact, there were four different scenarios, some of which included absolutely no increases in density within the Crabapple area. The point of this for this evening is ample time was indeed given to this applicant and the resulting review by an outside consultant to determine if density levels were going to be modified within the comprehensive land use plan or the Crabapple Crossroads plan outside of the overall CLUP update process. It is clear and has been evident for the public record that no such changes are being recommended. Additionally, for the record I would like to note the Milton city staff analysis for case RZ07-005 and VC07-002, that points to specific legally grounded reasons that support the recommendation of denial, and I state: On page nine of their analysis and I quote, "the stated density for office is 8,620.69 square feet per acre based on 1.74 acres, is inconsistent with recent policy set by Fulton County Board of Commissioners for office within the Village Mixed Use classification, which ranges from 2,658 square feet to 3,802 square feet".

On page 10 staff states: The proposed development is more intense than recommended.

On page 11 staff notes, and I quote: "The proposed mixed use development is inconsistent with some of the policies and intent of the Crabapple Cross Roads community plan and the Focus Fulton 2025 Land Use Plan."

Also on page 11 staff notes, and I quote: The request for office and retail commercial is inconsistent with the policy and the intent of the Crabapple plan and past board policy of upholding the maximum 100,000 square feet for each office and retail/commercial for the Crabapple Overlay District. The revised site plan also shows a historic home. Not a movement but a demolition of the historic home on the property, which is counter to the policies and intent of the Crabapple Cross Roads overlay, which has always been based on preservation of the historic elements of Crabapple. This rezoning is inconsistent with the established neighborhood node policy for the Crabapple Cross Roads overlay as well as the overall neighborhood node definitions and definitions within the Focus Fulton 2025 Comprehensive Land Use Plan as well as those same documents legally adopted by the city of Milton. By adopting these various overlays, nodes and plans, they have become the established public policy of the city of Milton. This city government should not cavalierly disregard these such established policies, not should it casually ignore the planning vision that they represent.

On page 12 staff notes and I quote: Within the Crabapple Cross Roads community plan node designation it was discussed in detail. This plan was approved by the Fulton County Board of Commissioners on June 4, 2003 pursuant to 2003Z-016.

Previous plans define a neighborhood node and I quote: Consists of up to 100,000 square feet of retail and service and office uses and the maximum of 100,000 square feet in total office uses. Residential development of a neighborhood node should not exceed five units to the acre.

And I continue to quote from staff analysis: Historically the Fulton County Board of Commissioners have considered the neighborhood node for Crabapple Cross Roads when reviewing and deciding our zoning cases before them. Staff has compiled a chart showing the approved zonings and their approved densities that have been further supported by charts and similar documentation from Fulton County for both commercial and retail and office and has been funded and filled any additional approval of commercial and retail or office would be inconsistent with the Crabapple Cross Roads community plan and the policy for the Crabapple overlay.

On page 15 staff says and I quote: The change of the zoning district and the change in use may have an adverse effect on the character of the existing zoning district or the existing overlay district as currently proposed, allowing the development to have more square footage than existing Board policy creates more intensity development, which dwarfs the objective of the overall Crabapple Cross Roads plan. And again, I am quoting from staff analysis. Furthermore the city of Milton has demonstrated that our policy as a city is to uphold the neighborhood activity node designations and the density maximums as prescribed by these long-standing activity node definitions as first put in place legally by Fulton County. The city of Milton has also established this policy by legally adopting the Fulton County 2025 CLUP and Crabapple Cross Roads overlay documents and related policies and definitions and by applying these legally adopted policies and considering them in rezoning before this governing body.

In Crabapple, in particular on July 12, 2007 by a unanimous vote of 7-0, this governing body denied case RZ07-003 and VC07-093 based on staff's recommendation for denial and the Planning Commission's recommendation for denial. The staff analysis for that case referenced similar policies and concerns and inconsistencies with the Comprehensive Land Use Plan, the Crabapple Cross Roads overlay as they have in this case. Rather than restate or read the specifics of that case for the record, I reference the complete staff analysis regarding case RZ07-003 and VC07-003 and the staff's specific references to inconsistencies between the application and the CLUP policies. Specifically states within the document inconsistencies prior to incessantly of proposed zoning, inconsistency with the neighborhood activity node and the related 100,000 maximums for retail and commercial and office.

This page referenced here this evening, the underlying staff analyses of that case and the subsequent 7-0 unanimous denial of that rezoning further demonstrates the consistent application of the Comprehensive Land Use Plan and the related policies of both the Fulton County and the Milton Land Use Plans and related policies and definitions of maximum density levels including the Crabapple Cross Roads plan. Given all the fact stated herein in conjunction with the analysis and recommendation of staff and the Planning Commission, I put forth my motion to deny.

Mayor Lockwood:

Is there any other discussion? We have a motion and a second...a motion and a second to deny this application. Hearing no more discussion.

Motion and Vote: Councilmember Zahner Bailey moved to deny RZ07-005/VC07-002, 855 Mayfield Road - rezone from AG-1 to MIX to develop a total of 15,000 square feet of medical office; 3,500 square feet of commercial; and nine residential units. Request to reduce 75-foot buffer and 10-foot improvement setback to a 15-foot landscape strip adjacent to AG-1 by Milton Medical Holdings, LLC c/o Jay Davis. Councilmember Tart seconded the motion. The motion passed 4-3, with Mayor Lockwood, Councilmember Lusk, and Councilmember Thurman voting in opposition.

City Clerk Marchiafava:

Let the record reflect that the motion to deny has passed. In opposition is Councilmember Thurman and Councilmember Lusk and Mayor Lockwood. The motion passes.

City Clerk Marchiafava read the next agenda item.

City Clerk Marchiafava:

Mr. Mayor, the next item which was posted on the agenda, ZM07-006 needs to be removed from the agenda.

Motion and Vote: Councilmember Thurman moved to remove ZM07-006 2865 Webb Road - To modify Condition 3a of Z06-051 to reduce the required 25-foot buffer and 10-foot improvement setback to a five-foot landscape strip along the east and west property line for a distance of 150 feet north of the existing building, from the agenda. Councilmember Tart seconded the motion. The motion passed unanimously.

BREAK: 9:52 pm

RECONVENE

Recognition of Evyonne Browning

Mayor Lockwood recognized Evyonne Browning and stated she has done a lot of great work for the City of Milton. He said he just wanted to, on the record, thank her very much for all her help and hard work.

Evyonne Browning stated she would like to say on the record that the City of Milton has really been a second home for her, and she felt as if everyone was family and would always have a place in her heart. She also thanked City Clerk Jeanette Marchiafava for teaching her and said that because of her she felt capable of taking on the new project in Chattahoochee Hills.

Introduction of Fonda Messer, Deputy City Clerk

City Clerk Marchiafava introduced Fonda Messer as the new Deputy City Clerk.

UNFINISHED BUSINESS

City Clerk Marchiafava read the next agenda item.

An Ordinance Regarding 2008 Meeting and Work Session Dates and Times for the city of Milton City Council.

Ordinance No. 08-01-01

Councilmember D'Aversa stated that there has been some conflicts on holding meetings on Monday night from a perspective of people who have children, especially in the high school, she recommends moving the meetings to Monday. She also recommends limiting the times of the meeting to midnight, unless there is an emergency or an application that is pending that legally needs approving then the meeting can continue past midnight.

Interim City Manager Lagerbloom stated the City Attorney helped draft the proposed ordinance and he was comfortable that it was legal. He also said staff is more than willing to be here whenever the council decides to convene, and six o'clock on a Monday is fine.

Mayor Lockwood reiterated that they could extend the meeting time when needed.

Motion and Second: Councilmember Zahner Bailey moved to approve An Ordinance Regarding 2008 Meeting and Work Session Dates and Times for the city of Milton City Council. Councilmember Tart seconded the motion.

Discussion on the Motion:

Councilmember Thurman:

Yes, I would like to make some comments please. I believe that an ending time for council meetings would be detrimental to both residents and business owners in Milton. I completely agree that we need to be more efficient and effective. I also agree that it is not in the best interest of the city for us to be making decisions after midnight. We need to address the problems rather than the symptoms. Simply installing a meeting end time that would

either result in those attending the council meeting to waste their time since the item they came to hear is postponed or for the council to continuously vote, to ignore the intent of the resolution extending the time anyway. No well run business would ever come up with a plan to address the symptoms rather than addressing the problem. The problems are obvious to anyone who has attended several council meetings and have added to our city's very dysfunctional reputation. We have spent significant time discussing this very issue at our spring retreat. Although certain council members were opposed, we decided at that time to install timers for each councilmember. This was never done. We have council members who continuously grand stand, ask the same questions multiple times, continuously repeat themselves and waste time stating things for the record. Many of these questions have already been asked and answered by our staff at our Agenda Review Session. We have other council members that are constantly viewing and sending e-mails on their Blackberries and even working on non-city related work during the council meetings. This results in questions being asked and points being raised that have already been addressed. The inefficiency of council meetings and work sessions is also detrimental to our over-worked staff. They spend most of the day on Monday in agenda review sessions with council members. Then they often are asked to address the same issues and answer the same questions at council meetings. This is a complete waste of their time. I was not elected to simply serve until midnight but to serve as needed. If we do what we should have done a year ago and address the problem, then no end time is needed.

Mayor Lockwood:

Any other comments?

Councilmember D'Aversa:

I would like to just reiterate that the reason for the limitation of bringing agenda items to our meetings and placing them on our agenda at a minimum of seven days prior would address the actual, not the symptoms but what ails this council and has lengthened our meetings. I certainly thank Councilmember Thurman for her comments and her opinion of what has been the challenges of the council, but I do believe that being more appropriate with our agenda items, requiring that our staff and our council be mindful that we limit the number of agenda items on the agenda, especially given the fact that we have two council meetings and a workshop and review session. So we certainly should have adequate time to review things. We should not ever have the lengthy meetings that we have had in the past year and in addition, have made decisions, passed laws, passed policies that could be really damaging to our city, and I think it will make us a better council. I think we are all here to serve 24-7, I think we certainly do and that is not the intent of this ordinance to limit that service. It is the intent to make it better service. So, I thank the council for indulgence.

Mayor Lockwood:

Any other comments.

Councilmember Lusk:

I would, please.

Mayor Lockwood:

Okay, go ahead, Bill.

Councilmember Lusk:

I oppose setting any artificial stop time for Council meetings. Midnight is no particular significance for me. I certainly have been in different businesses or in business for several years and our goal is to get the job done when we are put on the job. I am here to get the job done no matter how long it takes, and I see no need to set an arbitrary or fabricated stopping time if we are going to have the ability to extend it. It is kind of useless to me.

Back to the second point on the dates of the council meetings being changed, I would like to ask Mr. Jason Wright if I could at this time to come forth and speak for our legal organ, The Milton Herald.

Jason Wright:

I cannot do that.

Councilmember Lusk:

Okay.

Councilmember Lusk:

Well I think it has an impact on getting the news out there in time. From what I understand by changing the meeting date, it conflicts with their other publications out there and it extends getting the newspaper out by a week. So, the purpose of having a legal organ out there with legal news that is a week old, or a week and a half old amongst other stuff they could...flies in the face of being productive and efficient and meeting the intent of our publication notices.

Mayor Lockwood:

I would just like to reiterate that the time, I consider will be a guideline. If there are certain issues we can certainly elect to go forward. We have had some other ordinances passed trying to limit certain things which some might consider silly, and as far as...I can discuss with Hatcher the issue on the timing. Pretty much all of the other cities that I know of meet on Monday nights and they would just have to schedule the printing around that. At this point, if they kept the same printing days, then it would be a couple of days later. But, they would have to work on that. So, you know, at this point, not that we really you know, we do not need to go ahead and discuss it but I propose this and in overwhelming the staff was on board. It worked better for the staff, it worked better for the majority of the council, people that have kids, people that have jobs and go to work and things. It just makes a whole lot of sense. Some of us travel during the week. It was obvious with those I talked to, Monday just works a whole lot better.

Anyway, is there any more discussion on this?

Councilmember Zahner Bailey: Just one comment and that would that absolutely we all serve this city 24-7 and a meeting time does not preclude that in any way and I think that our goal collectively will be, along with staff, is the ability to be able to make sound decisions efficiently and for the best benefit of all citizens including allowing our staff to have ample time with the seven-day advance, and I think too, that the point about having problems, I think that having seven days in advance will preclude the introduction of resolutions that some of us have never seen before they were put before us at 7 o'clock, when the meeting began, and I think that that absolutely should not continue and this resolution will preclude that from being an issue going forward.

Mayor Lockwood: Okay. Hearing no more discussion.

Vote: The motion passed 5-2, with Councilmember Thurman and Councilmember Lusk voting in opposition.

NEW BUSINESS

City Clerk Marchiafava read the next agenda item.

Approval of Resolution Adopting the city of Milton City Council Meeting Schedule for Regular Meetings and Work Sessions.

Resolution No. 08-01-13

Interim City Manager Lagerbloom explained the schedule of the meeting dates and work session dates. He said there was one conflict with the school's Spring Break so he made the decision to shift everything back so we can still accomplish a two meeting and one work session month just having those on the 14th, 21st and 28th. He also said that due to the Holidays conflicting the February 18th meeting would be on Wednesday February 20th and September 1st meeting was moved to Wednesday September 3rd and recommended the approval of the schedule as the meeting schedule for the remainder of the year.

Motion and Vote: Councilmember D'Aversa moved to approve the Resolution Adopting the city of Milton City Council Meeting Schedule for Regular Meetings and Work Sessions. There was no Council discussion. Councilmember Tart seconded the motion. The motion passed unanimously.

City Clerk Marchiafava read the next agenda item.

Approval of a Resolution Adopting the city of Milton Zoning and Use Permit Schedule, Zoning Modification Schedule, Board of Zoning Appeals Schedule and the city of Milton Design Review Board Schedule.

Resolution No. 08-01-08

Community Development Director Wilson described the calendar provided to the mayor and council for the Planning Commission, the Board of Zoning Appeals, the Design Review Board, the Community Zoning Information meetings and the City Council Zoning Agenda that will take us through the end of 2008. The Planning Commission meeting will be on the 4th Tuesday of the month at 7 p.m. The Board of Zoning Appeals meeting will be on the 3rd Tuesday of the month at 7 p.m. The Design Review Board meeting will be on the 1st Tuesday of each month at 6 p.m. and the Community Zoning Information meeting being on the 4th Wednesday of each month at 7 p.m. The 3rd Monday of each month would be the city Council zoning agenda. He said the calendar had been worked out with the different Boards and Commissions and recommended approval.

Motion and Vote: Councilmember D'Aversa moved to approve a Resolution Adopting the city of Milton Zoning and Use Permit Schedule, Zoning Modification Schedule, Board of Zoning Appeals Schedule and the city of Milton Design Review Board Schedule. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read the next agenda item.

Approval of a Resolution to Authorize the Mayor and City Council to approve the submission of a Grant Applicant to the US Bureau of Justice Assistance Bullet Proof Vest Partnership Program.

Resolution No. 08-01-14

Lieutenant Matt Marietta stated the grant would defray the cost of bullet proof vests. It is fairly standard practice to issue police officers bullet proof vests. The Bureau of Justice Assistance, which is a Federal agency, provides a grant program called the Bullet Proof Vest Partnership and upon application and approval from the Federal government, will defray the cost by up to half. He said that if approved the receipts would be turned in to the Bureau of Justice Assistance and they would refund the money to the city bank account.

Motion and Vote: Councilmember Lusk moved to approve a Resolution to Authorize the Mayor and City Council to approve the submission of a Grant Applicant to the US Bureau of Justice Assistance Bullet Proof Vest Partnership Program. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Lockwood stated he felt it was the sentiment of the entire Council and staff that they were happy about the bullet proof vest. He said they want to make sure that everything possible is done to protect our public safety people and thanked them for their service.

Councilmember D'Aversa asked Officer Marietta if he was working on other grants.

Lieutenant Marietta stated there were several outstanding at this time and the biggest one that we are looking for right now is the Hiring the Firefighters called the SAFER Grant. He said they have only issued about four or five of those so far for the application that was submitted at the end of August. Last year they issued several hundred of those grants. So they are just at the very beginning of the award phase. We could hear anything up until about this time next year on whether that is approved or denied. So we are keeping our fingers crossed because we need three more fire fighters.

Councilmember D'Aversa stated that council appreciates Lieutenant Marietta going above and beyond the call of duty to work on those grants.

City Clerk Marchiafava read the next agenda item.

Approval of a Resolution to Authorize the Mayor and City Council to Approve the Submission of a Grant Application to the US Smokeless Tobacco Company for a Polaris Ranger ATV.

Resolution No. 08-01-15

Lieutenant Marietta stated this was a grant that has no match on the city. This would be an improvement on the baseline service that we can offer already. It is a 6x6 All Terrain Vehicle and it will allow us the opportunity to access people, fires, medical emergencies in the field away from the places that we can take a fire truck. This has a backboard attachment that we can purchase to add to it. It would enhance our ability to reach some of those far-flung areas that are in the city right now. We have submitted several news clips from the city and hopefully they'll approve the development of this new department.

Mayor Lockwood asked how we would transport the all terrain vehicle.

Lieutenant Marietta stated that was something they would have to look into.

Interim City Manager Lagerbloom stated that on February 4th the Milton Public Safety Fund has agreed to contribute to the city of Milton a trailer to haul both this and the other golf cart-type special event vehicle.

Motion and Vote: Councilmember D'Aversa moved to approve a Resolution to Authorize the Mayor and City Council to Approve the Submission of a Grant Application to the US Smokeless Tobacco Company for a Polaris Ranger ATV. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read Agenda Item No. 08-489.

Approval of Legal Fees for November 2007.

Interim City Manager Lagerbloom stated we have the November 2007 invoice as submitted from Jarrard and Davis for a total amount of \$10,487.62. Staff has acknowledged use of the attorney services where they have initialed. There is also a page and a half, roughly of items that were said and used by the city or the council. We have a budget for legal fees at \$180,000. Upon payment of this invoice, total expenditures for legal fees will be \$18,672.93, leaving a balance of \$161,327.07 for a 16.7 percent of the year billed for legal services. The expenditures represent 10.4 percent of budget.

Mayor Lockwood asked if there were any questions

Councilmember Zahner Bailey stated she asked City Attorney Scott for a clarification upon reviewing the invoice. There were two items that have been lumped in with three others that needed clarifying. One was for 11-8.

City Attorney Scott stated that 11-8 was in preparation for an attendance at city council work session and special called meeting that followed conversation from citizens and Councilmembers D'Aversa and Zahner Bailey...

City Attorney Scott stated the follow-up conversation with Councilmember Zahner Bailey, was in the range of a tenth on an hour. He said they always bill a minimum of on-tenth of an hour and that is what that would have been billed for.

Motion and Vote: Councilmember Lusk moved to approve the legal fees for November 2007. Councilmember Thurman seconded the motion. There was no further Council discussion. The motion passed 5-2, with Councilmember Tart and Councilmember Hewitt voting in opposition.

MAYOR AND COUNCIL REPORTS

Councilmember Tart stated that during the review session this week, we learned that there was going to be a meeting next Tuesday to discuss the no sewer extension policy. Given the importance of the issue at hand, there needs to be a better effort on the part of City staff to accommodate as many people as we can as far as staff and elected officials to make that meeting. He asked if changes could be made to the meeting time.

Interim City Manager Lagerbloom said he was going to address that in his staff report, and it was not scheduled at this point. He said he had hoped to have it scheduled for the consensus time before the end of this meeting.

Councilmember Zahner Bailey asked if it would be a public meeting.

Interim City Manager Lagerbloom stated yes.

Mayor Lockwood gave an update concerning the City Manager position. The job description we have is posted on the GMA and the HGTG combined web sites, the ICMA and the South Carolina Municipal Association and Garry is working on getting it on the North Florida and North Carolina Municipal Association web sites. He said they had received several resumes.

STAFF REPORTS

Interim City Manager Lagerbloom stated he would like to start with trying to solidify a date for the meeting next week. He asked Community Development Director Wilson to describe what the meeting would be about.

Community Development Director Wilson stated the meeting is a follow-up meeting to the item that was discussed in the last work session. It is to get direction about the ability of a property inside the Big Creek Basin to connect to sewer, if it is available, and nearby. It is not about sewerage the Little River Basin or the Etowah Basin. It is about those properties inside the city limits of Milton that are in the Big Creek Basin and have sewer availability near by. That is a very small and miniscule amount of Milton and that is what I am asking for some guidance on.

Mayor Lockwood asked if we have the approximate amount of area we are talking about in acres?

Community Development Director Wilson stated he would estimate it as probably no more than five or six parcels representing less than 20 acres. He said he would be prepared for the meeting with all sorts of maps and lot layouts to help council understand.

Interim City Manager Lagerbloom asked if the fourth Thursday of the month work for everyone.

Mayor Lockwood said he would not be able to attend on that date.

Interim City Manager Lagerbloom asked about Wednesday, the 30th.

Councilmember Tart asked if they could provide their availability to the City Manager and let him work it out.

Interim City Manager Lagerbloom suggested we handle it in conjunction with the February council meeting?

Councilmember Thurman said she was not sure if she would be at that meeting.

Interim City Manager Lagerbloom asked if he could get a confirmation from everyone as to whether they wanted to be at the meeting so he could coordinate it around there schedules.

All of the Councilmembers stated they would like to attend the meeting.

Interim City Manager Lagerbloom stated he would send an e-mail to everyone and try to coordinate it so they could all attend.

City Attorney Scott stated he has a meeting tomorrow at the Capitol with Representative Jones and with the Appropriations Committee Council on our favorite topic.

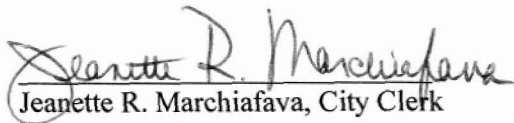
ADJOURNMENT


Mayor Lockwood requested a motion to adjourn.

Motion and Vote: Councilmember D'Aversa moved to adjourn the meeting. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously.

After no further business, the regular meeting of the Milton City Council was adjourned at 10:36 p.m.

Date Approved: March 3, 2008


Jeanette R. Marchiafava, City Clerk



Joe Lockwood, Mayor

