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**Special Called Meeting of the Mayor and Council of the City of Milton was held on January 30, 2008 at 6:00 PM, Mayor Joe Lockwood presiding.**

**CALL TO ORDER**

**Mayor Lockwood** called the Special Called 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. 08-492.

**Approval of the Meeting Agenda**

- Staff would like to add a staff report to discuss score boards at Bell Memorial Park and an Executive Session to discuss personnel.

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

**PUBLIC COMMENT**

**Mayor Lockwood** made several comments:

- We are not here to make any decisions or address any sewerage of the non sewerage areas.
- The focus of this meeting involves the review of one site plan submittal, which consists of subdividing a small 3.7 acre tract into three residential one acre lots.
- The property falls within the Big Creek Basin and is physically located along the southern section of Hopewell Road where an existing sewer already bisects the property.
- Typically, this review is a staff level administrative approval process evaluating engineering related concerns on the site plan in accordance with the Georgia Subdivision platting process.
- This piece of land is located in an area designated as sewerable, according to Fulton County Public Works Department GIS map, based on the existing conditions of the site which would allow a gravity flow connection of the three parcels into the existing sanitary sewer system.
- This matter has made its way here tonight as a result of the staff being sensitive to the fact that many Councilmembers and some residents have stated they did not want new sewer lines extending within the City of Milton.
- It is Community Development Director Tom Wilson's recommendation that the plan should be approved as it is within a drainage basin, which is relatively small and granting the connection of these three residential lots and would not set a precedent if granted for the majority of the land mass in Milton.
- Based on Fulton County Code of Ordinances Section 34-509, which states connections shall be made to a public or community sewage system when such system is available.
- Staff is of the professional opinion that the connection to the sanitary system should be granted for spring creek estate.

- The Milton City Council may have the authority to deviate from the Fulton County Code requirement.
- The City staff cannot make these decisions contrary to land development without the support of City Council.
- One question would be if we can legally deny this hook up.
- He would like to be able to send our staff away to work on some things and get a very firm legal opinion on this.
- Fulton County is going to give their legal opinion.
- Would like to see a study on the history of the no sewer policy in the area.
- Conduct a historical background and come up with a full policy analysis.
- Does not know that we will come to a decision tonight, but want to discuss this particular situation and give our staff some direction to come back with some answers for us to make our decisions on.

**Mayor Lockwood** read the rules for Public Comment.

**Diane Redding, 500 Glenhampton Drive, Milton Georgia**

- Milton residents spoke loud and clear during the last election.
- We do not want sewer extension.
- Don't know why we are still talking about the possibility of sewer extension.
- Many of us worked very hard to ensure we have a council in place that opposes sewer extension.
- We would like to trust our council to ensure we do not have sewer extension.
- We don't want to have to be called up here to continue to worry that we will have sewer extension.
- The residents spoke loud and clear.
- We don't want it.

**City Clerk Marchiafava** called the first agenda item number 08-493

**Discussion on a Sewer Policy for the City of Milton**

**Interim City Manager Chris Lagerbloom**

- Hope discussion revolves around learning again what Council's wants and desires are.
- Not interested in anything that has to do with the area of Milton that is non sewer, which is the Little River Basin.
- This is one parcel of land that sits in the Big Creek Basin that has a sewer line that runs right across it
- Trying to make sure that if staff deviates from the policies that we traditionally enforce that we have the support of council.
- Cautioned that before we make that decision, there needs to be a more thorough legal interpretation as to whether or not we can actually do that.
- We do have this application in and need a decision.
- Would like to hear Council's thoughts as relates to this particular piece of property.

**Councilmember D'Aversa**

- Cannot give opinion until we have further information.
- We would like our own City Attorney's legal opinion on this matter.
- Variety of angles we need opinions on.
- From Fulton County's perspective.
- From a historical perspective.
- From a perspective of the Big Creek Basin and no inner basin transfer.
- From a perspective of this property.
- Need a thorough legal analysis from the county attorney, our city attorney and any information we can garnish from other jurisdictions that have faced these issues.

- From personal perspective do not support sewer extension because we have had a strong verbal policy of no sewer extension as well as Fulton County has a well written amendment to the 2015 plan that states that sewer will not be extended into Northwest Fulton.
- We are Northwest Fulton; therefore we are upholding current policy.

**Councilmember Zahner Bailey** asked Mike Tuller if he could explain the maps he gave to Council to help them understand what they are, in contrast to the site they were being asked to consider at this meeting.

**Assistant Manager Planning and Zoning Mike Tuller**

- The description that the Mayor gave was for the estates.
- Three lots being subdivided from that tract.
- It is 3.69 acres as described.
- On the maps given you the smaller white area is the map council directed staff on clarifying the acres of non sewerred parcels within the three zones.
- Zone one in the Crabapple area has approximately fifty eight acres which encompasses sixteen parcels.
- Zone two in the Hopewell area is approximately ninety three acres which encompasses twelve parcels.
- The acreage in State Route nine is eighty seven acres encompassing thirty parcels.
- A total of two hundred thirty eight acres of the three zones in fifty eight total parcels.
- All in the Big Creek area.

**Councilmember Zahner Bailey** asked if any of the maps given include the specific site plan of the 3.7 acre site.

**Assistant Manager Planning and Zoning Mike Tuller** stated no.

- The 3.7 acre site is located right in the middle of Land Lot 1037
- Zone two area.
- Showed council the plan.

**Councilmember Zahner Bailey**

- At last work shop, Mr. Wilson talked about an eight acre parcel that had a man hole at the front of it and then two others.
- Is that the same as this?

**Assistant Manager Planning and Zoning Mike Tuller**

- It may be an adjoining parcel, but that does reference the acreage on the plan.

**Councilmember Zahner Bailey**

- In theory this is the same one we discussed at our last work session.
- Confused because tonight we are talking about 3.67 acres and last week it was 8 acres.
- Is that additional acreage owned by the same person?

**Mayor Lockwood**

- Think it was a mistake calling it an eight acre tract last week.
- It is not additional land.

**Councilmember Tart**

- Also confused because it seems that we are talking about 220 acres of non-sewerred land.

**Mayor Lockwood**

- This application is for the 3 acres.

**Councilmember Zahner Bailey**

- The issue is the fact that we are looking at a specific site that has been posed as a question that has potential implication for almost 240 acres in three different areas as it borders Milton, relative to other areas.
- We may be talking about three acres here but it is obviously a much larger issue which is why it is before council.
- We had an introductory statement that said we need a lot more data before we can make a decision.

**Councilmember D'Aversa**

- Continuing to be confused because we are either talking about an overall policy that is for this two hundred plus acres and for Milton in general or we are talking about this one plat of property.
- Realize that they coincide and one encumbers the other but which should we talk about first.

**Interim City Manager Lagerbloom**

- At this point what we are looking at is this particular plat with the subdivided potential which has already passed through our system.
- We are at the point that we have to make a decision on that particular piece of property.
- We realize we will have to investigate and gather more information for the larger issue before it can be dealt with.
- This is the only one in that piece of land that is presently before us.

**Councilmember Tart**

- If we don't have enough information to rule on two hundred thirty eight acres, then we don't have enough information to rule on the 3.67 acres.
- The decision we make on this could set either a negative or positive precedence for the rest.

**Mayor Lockwood**

- The point of this discussion is to direct staff to get the answers we need.
- We need to make sure in this one particular case that we are legally able to deny it?
- We have to define what is in existence as far as policy before we can change it.
- We have to have a starting point.

**Interim City Manager Lagerbloom**

- The applicant is waiting on us for a decision.
- We need to have a decision from council as to whether we move forward on this particular application or we do more extensive research before a decision is made.

**Mayor Lockwood**

- Would like to have some sound legal advice, a specific opinion.
- We can direct staff to get some outside opinions.
- Does our City Attorney have some general advice on this?

**City Attorney Mark Scott**

- Don't want to "jump the gun"
- Not prepared to give a final answer.
- There is a state regulation contained in the onsite sewer sewage management systems, chapter 290-5-26 of State Health Department Regulations under Department of Human Resources, Division of Public Health and it states: Connection shall be made to the public or community sewage treatment system when such system is available within two hundred feet of the property line or available in a public right of way abutting the property.
- The State Division of Health empowers the local county Department of Health.

- Caution that this Fulton County Department of Health for these purposes still has jurisdiction within Milton city limits.
- They have to permit all septic systems before they can be built.
- The state empowers the County Department of Health to propagate its own regulations which are codified in this case by the county commission.
- It includes the two hundred foot requirement for single lots.
- There is a table that also requires connection, depending on the type of development (commercial versus subdivision versus residential singles).
- It is also based on maximum daily sewage flow.
- Depending on how far it goes there may be a requirement to connect under the county ordinance for as much as two thousand feet.
- With the inner basin transfer that is in effect it would not be available inside the Little River Basin, so to that extent there is a clear cut off in the policy.
- Think you can be comfortable with that.

**Councilmember Tart**

- In ordinance section 34-509 does not mention anything about inner basin transfer or prohibition thereof.
- There is also a Fulton County 2015 Comprehensive Plan amendment maintaining rural character in Northwest Fulton County adopted December 5, 2001 that clearly states: The Fulton County Comprehensive Plan has a policy for not extending sewer into Northwest Fulton.
- In addition the Fulton County Commissioners adopted a Resolution in 1995 prohibiting the expansion of the Big Creek and John's Creek sewer treatment plant in order to accommodate the portions of the Little River basin and to prohibit inner basin transfers from the Big Creek and John's Creek basin to the Little River basin. This precludes the installation of public sewer lines in Northwest Fulton that would connect to Big Creek and Johns Creek sewer treatment facilities, so it seems there are some differences in the policies and the ordinances.

**City Attorney Scott**

- A lot comes down to the definitions of the terms they are using there, such as what they really mean by Northwest Fulton.

**Councilmember Zahner Bailey**

- Would like to talk about the topography of the parcel and the distance from that man hole and define it as Big Creek versus Little River.
- How is the gravity flow achieved?
- Is it based on the current topography with no land disturbances?

**Site Review/Construction Inspector Jimmy Sanders**

- The topography basically flows from the street downward to the stream about two thirds of the way back in the sewer line adjacent to the stream
- The front two lots would be sewered away from the street and the rear lot would sewer back toward the street.

**Councilmember Zahner Bailey**

- Part of that property fronts on Hopewell
- Is any of that parcel considered part of the Little River Basin?

**Site Review/Construction Inspector Jimmy Sanders**

- It would be in the Little River Water Shed.
- We have a map that shows the difference in the Little River Water Shed and the Big Creek Water Shed.
- Everything south of the blue line is in the Big Creek Water Shed and everything north is in the Little River.
- Virtually everything that is sewered flows to Big Creek.

- There is nothing that actually flows to Little River Water Shed
- The rain water that falls flows to the Little River

**Councilmember Zahner Bailey**

- Is this being defined as part of the Big Creek Sewer Basin because of the lift stations?
- I heard you say that this parcel is part of the Little River Basin.
- If that is correct we have a no inner basin transfer that says we are not going to transfer water or sewage from one basin to the other according to the 1995 resolution that was approved by Fulton County.

**Site Review/Construction Inspector Jimmy Sanders**

- Believe all the drinking water comes out of the Chattahoochee River.
- Milton is served by Fulton County and all the water that is processed comes from the Chattahoochee River Basin.
- Fairly sure this parcel is in the Little River Water Shed.

**Mayor Lockwood**

- As far as the transfer, is that where the water is drawn from and returned, or is it rainwater?

**Site Review/Construction Inspector Jimmy Sanders**

- There are two components of transfer when you talk about transfer from one basin to the other.
- The sewage is actually water that was originally produced out of the Chattahoochee Basin that was transmitted through transmission lines throughout the City of Milton which is mostly in the Little River basin.
- Where it pertains to drinking water it is not an inner basin transfer because that is where it came from to begin with.
- The sewage is actually lifted and taken back to the Chattahoochee.

**Councilmember Zahner Bailey**

- Is the parcel on the Little River Basin?
- Do you have to use a lift station from this parcel to get it to Big Creek?

**Site Review/Construction Inspector Jimmy Sanders**

- Would surmise that you do have to use a lift station to get it to Big Creek.

**Councilmember Zahner Bailey**

- There is a letter of condemnation that Fulton County had adopted with regards to the Hopewell pump station which precludes any additional parcels from being connected to or associated with that pumping station other than those specifically outlined in that letter of condemnation so I think if this parcel is in the Little River Basin and if the only way that it could be perceived to be gravity fed is through a pumping station, I think there is a legal letter of condemnation that would preclude that if we had a conversation with Fulton County Public Works.
- Is there any grading that would be contemplated on this parcel in order for it to become gravity fed?

**Site Review/Construction Inspector Jimmy Sanders**

- There would be grading for the installation of the lines that would serve the proposed homes, but the actual amount of grading and disturbed land would probably be greater with septic systems.

**Councilmember Zahner Bailey**

- For the greater discussion some people may not be aware that there was an ordinance passed by Fulton County to preclude mass grading.

- That ordinance was another mechanism that Fulton County put in place to try and shore up any misuse of some of that sometimes casual definition of gravity fed because people were trying to get around how something was gravity fed.
- The premise was it could be forced to be gravity fed so Fulton County adopted a no mass grading ordinance to preclude that.
- Those would be some additional areas of research that we would want answers to.

**Site Review/Construction Inspector Jimmy Sanders**

- Don't believe grading necessary to create a gravity situation.
- The gravity situation exist on this site, so we don't have to tilt the land in order to drain it back the other way, so gravity would apply in this case.
- The question would be, whether or not we would consider the fact that these lines that would be installed by gravity would be considered non gravity because later down the road there is a chance it would be lifted by a pump station.

**Councilmember Zahner Bailey**

- Conversation with Ray Wooten was the utilization of a pump station or pumping to produce that gravity based on pump current conditions would preclude it from meeting the definition according to Fulton County.
- Is there a difference in the topography on whether or not a portion of it can meet a gravity definition versus all three?

**Site Review/Construction Inspector Jimmy Sanders**

- All three of these can meet the gravity definition for this property.

**Interim City Manager Lagerbloom**

- The difference between the three is the one lot could potentially be sewerred and the other two would have to install septic, because the sewer already exist going through one of the pieces of property.

**Councilmember Tart**

- There seems to be a number of facts that are different tonight than what we reviewed during the work session.
- One is the acreage involved.
- Two would be Big Creek versus Little River and what is required to go back and forth.
- I had no idea that the decision we make on this 3.69 acres could potentially have an impact on two hundred and thirty eight acres.
- None of the questions can be answered tonight.
- I want to give this decision due diligence and I need to understand what the laws are.

**Interim City Manager Lagerbloom**

- I would like to act as the conduit through Tom Wilson and the City Attorney to facilitate this legal analysis and policy analysis so you have the answers to the questions you need to make a decision.
- Between now and next Wednesday if council would submit their questions then I would engage the City Attorney and other planning staff to start to facilitate a more thorough review.

**Mayor Lockwood**

- This one application is small compared to the two hundred plus acres this decision could affect but let's look at it both ways.
- If we make the wrong decision on this one, it could legally effect us for much more.
- If we all agree to say no, we need to make sure we have the legal resources behind us and the data to stand behind.

- I recommend all of council send our questions to our City Manager and instruct the city to do a legal review and go back and look at the history and get all the data and facts possible.
- Once we have all of the information we can update our policy.

**Councilmember D'Aversa** asked Mr. Sanders if the majority of the other parcels fall into the Little River Basin as well.

**Site Review/Construction Inspector Jimmy Sanders**

The vast majority of those parcels are in the Little River Water Shed.

**Councilmember D'Aversa**

- If they are in the Little River Water Shed, the way I interpret even without legal review, I would not be in a position to ever recommend extending sewer to those parcels.
- I don't want to send the citizens away thinking there is a possibility two hundred plus acres could be extended sewer to.

**Councilmember Lusk**

- Would like to support the Mayor's initiative on this effort.
- We are looking for answers
- We don't know all the answers or even all the questions.
- We have several entities involved. The City, County and the state statutes that govern these type issues.
- Last week the state approved the Comprehensive State Wide Water Management Plan which has a bearing on sewer water issues also.

**Motion:** Councilmember Lusk made a motion that we proceed with a legal investigation of all the issues and everything surrounding sewer in our city and set a preliminary budget of possibly ten thousand dollars and move forward as expeditiously as possible, so we are not holding up applicants out there forever.

**Councilmember Zahner Bailey**

- As a point of clarity, the Mayor indicated we were evaluating a 3.67 acre tract.
- Now moving toward a full fledged review of the latest water authority discussion and our policies in total.

**Mayor Lockwood**

- What I did say was not just particularly this tract, but our whole policy and the history and the legal opinion.
- The 3.7 acres would fall back in after we do the research as a whole.
- If we answer the larger question we will answer the smaller one.
- Does not feel comfortable with putting a dollar amount on it.
- First give our staff questions and let them go through them, then we will talk to our city attorney.
- Let's spend our own resources right now.
- Once our staff pulls in the information they can, then we can sit down with the City Attorney and discuss what the outside cost may be and come back and discuss it.

**Councilmember Thurman**

- Can we actually add a budget item and an expense amount without balancing our budget?
- We can not put a dollar figure on anything tonight and assign money to it unless we go through a budget amendment process.

**Mayor Lockwood**

- We need to go to staff and let staff research everything and bring all the information back and put it on the table and start to assess it.

- We are going to have to spend some money. Councilmember Lusk is correct on that but rather than trying to come up with an amount right now. Let's try to stay within our legal budget.
- We spend money every month on different things
- We will have to let our legal budget for this month be spent on these type items.
- We all know we need more information.
- Want the public to know that we are not trying to add sewer
- It is not about bringing sewer to the Little River Basin.
- We are talking about one particular property that has sewer to it and we have to make sure we make the right decision.
- If we flat out deny it and then find out we are wrong, it can come back ten fold to us.
- We need to make sure we have all the information so we can make the right, firm decision on that particular case which could blossom into other cases.
- I want to reiterate this is not about trying to extend sewer to the non-sewered areas of Milton.

**Councilmember Lusk**

- Could we set aside five to ten thousand dollars from our existing legal budget?

**Mayor Lockwood**

- We probably could but once we gather all the information our city attorney can look at it and tell us how much legal time it will take.
- We can add that as an item to discuss at our next meeting.

**Interim City Manager Lagerbloom**

- As a level of comfort I can tell you that staff daily looks at fiscally responsible ways to spend your money.
- This particular item will be no exception.

**Councilmember Tart**

- Appreciate Councilmember Lusk being fiscally responsible
- Hope that staff lets us know the time involved in the information gathering process.
- Hope we don't get all of this information at one time.

**Mayor Lockwood** stated the need to push forward and asked Councilmember Lusk if he would like to make his motion.

**Motion Withdrawn:** Councilmember Lusk stated he would like to withdraw his motion to set a preliminary budget of ten thousand dollars.

**City Clerk Marchiafava** called the next agenda item

**STAFF REPORT**

**Scoreboards at Bell Memorial Park** *(Added by motion and vote)*

**Interim City Manager Lagerbloom**

- Met with Aaron with Atlanta Coca Cola.
- Talked about the score board.
- Sent Aaron away to ask Coca Cola to fund both score boards.
- We may not be successful but we gave it a good college try.
- Our financials do not match their business model.
- Couple of decisions we need to make before we can move forward.
- Whether or not coke will be able to fund the second one or a portion
- Hope they can fund the installation if not the score board itself.

- It looks as if the Hopewell Youth Association is interested in a blue L.E.D. board with white letters for fields one and two.
- Fields three and four have score boards that have recently been replaced although they are bulb score boards and will probably have to be replaced with L.E.D. also.
- It is my understanding that if Coca Cola does not fund the second score board that the Hopewell Youth Association will.
- Coke will own it for a period of five years and they will maintain and service it during that period of time, then the Hopewell Youth Association will own it.
- Since it is the City's park, it is my opinion and the opinion of other staff that the city should own the score board and we would assume the liability that attaches to it.

**Mayor Lockwood**

- He supports that it becomes the City of Milton's just like any other leased property.
- Once you put a fixed item in place it should go back to the owner and we actually own the property and we will have the liability of it.

**Councilmember D'Aversa** asked if Mr. Lagerbloom had a chance to speak to the board about their thoughts or opinions on the matter.

**Interim City Manager Lagerbloom** stated he was waiting on Aaron to let him know if Coca Cola could fund the second one or not.

**Councilmember D'Aversa** stated she would like to have an open communication with them and give them the opportunity to comment before a decision is made.

**Councilmember Lusk** asked the size of the score board.

**Interim City Manager Lagerbloom** stated he thinks it is nine feet across the top. The letters on it are thirteen inch letters. It is an Electro Mac Model 1060.

**Councilmember Lusk** asked where this would fall in permitting as type of structure. Would it be classified as a sign?

**Interim City Manager Lagerbloom** says he thinks so.

**City Attorney Scott** stated the City may need a variance for it.

**Mayor Lockwood** stated we need to be aware of that and when all of the facts are gathered it needs to be taken before Community Development.

**Interim City Manager Lagerbloom**

- Hopewell Youth Association also wants to put a banner across the top with their name on it.
- It will have a coke bottle on one side and the score.
- It is not a nine inning board, it is just a score.
- It is the smallest board that this particular company has and the least expensive board that this company has.
- We have some discretion over what we want (if anything) the top portion of the board to say.
- It could say City of Milton/Hopewell Youth Association
- It could say anything we want or nothing at all.

**Mayor Lockwood**

- I would like to see City of Milton somewhere on it.

**Councilmember Zahner Bailey**

- Would any of the lighting of the L.E.D. meet our night sky ordinance?
- We just want to make sure in advance that we have addressed that.

**Interim City Manager Lagerbloom**

- Is there any opposition to adding something to the sign that says more than the City of Milton?

**Councilmember Thurman**

- Would prefer it to say City of Milton first with no objection to adding something on the end.

**Interim City Manager Lagerbloom**

- It is one panel so the more we put on it the smaller the words will be.

**Mayor Lockwood**

- Would like to have the City of Milton on there with no opposition to having Hopewell after it.
- Like to leave it up to the City Manager's purview to work it all out.

**City Clerk Marchiafava** called the next item

**EXECUTIVE SESSION** *(added by motion and vote)*

The purpose of the Executive Session is to discuss personnel.

**Motion and Vote:** Councilmember Lusk moved to adjourn into Executive Session. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously.

**RECONVENE**

**Motion and Vote:** Councilmember D'Aversa moved to reconvene into the Special Called Meeting. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously.

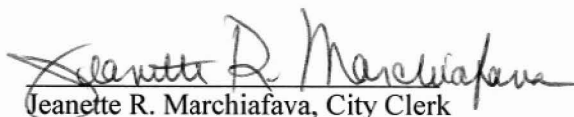
**ADJOURNMENT**

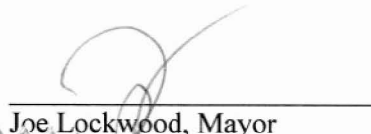
**Mayor Lockwood** requested a motion to adjourn.

**Motion and Vote:** Councilmember Thurman moved to adjourn the Special Called Meeting. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

After no further business, the meeting of the Milton City Council was adjourned at 9:34 p.m.

Date Approved: March 3, 2008

  
Jeanette R. Marchiafava, City Clerk

  
Joe Lockwood, Mayor

