
This summary is provided as a convenience and service to the public, media, and staff. It is not the intent to transcribe proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted and heard by Council, but not quoted. This document includes limited presentation by Council and invited speakers in summary form. This is an official record of the Milton City Council Meeting proceedings. Official Meetings are audio recorded.

The Regular Council Meeting of the Mayor and Council of the City of Milton was held on March 17, 2008 at 6:00 PM, Mayor Joe Lockwood presiding.

CALL TO ORDER

Mayor Lockwood called the meeting to order.

ROLL CALL

City Clerk Marchiafava called the roll and made general announcements.

Council Members Present: Councilmember Julie Zahner Bailey, Councilmember Tina D'Aversa, Councilmember Alan Tart, Councilmember Bill Lusk, Councilmember Karen Thurman

Council Member Absent: Councilmember Burt Hewitt

PLEDGE OF ALLEGIANCE

Councilmember Lusk introduced the Star Boy Scout Anthony Dissantis who led the Pledge of Allegiance.

City Clerk Marchiafava read Agenda Item No. 08-531.

APPROVAL OF MEETING AGENDA

Staff recommended the following changes:

1. Under the Consent Agenda defer Item No.5, Approval of the Financial Statements for the period ending February, 2008 until April 14, 2008
2. Under New Business defer Agenda Item No. 3, A Resolution appointing members to the City of Milton Bike and Pedestrian Path Committee until April 14, 2008.
3. Add a staff report on the Grant Application for the Cascade System.
4. Add an Executive Session to discuss pending litigation and personnel.

Motion and Vote: Councilmember D'Aversa moved to approve the Meeting Agenda, as amended. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Lockwood thanked Tami Hanlin for sitting in for Interim City Manager Chris Lagerbloom.

PUBLIC COMMENT

Mayor Lockwood read the rules for Public Comment

Ed Parsons, 2950 Serenade Court, Milton GA

- He came to introduce Lisa Beharelle.
- She is the original founder of a program that supports rural community in Kentucky.
- Kings Ridge is having an activity on March 27th to donate food and clothes in the area.
- He asked if Council would consider adding them to the Work Session Agenda for April 21st.

Lisa Beharelle, 688 Glenover Drive, Milton GA

- Kings Ridge is a program she is very involved in.
- They have had four Girl Scouts, Boy Scouts and church groups in Milton and Alpharetta help with this project.
- She went to Kentucky seven years ago and visited people who did not have running water in their homes with wood being their main source of heat.

- She said she did not realize people in our country lived like that.
- She has worked with the program since that time.
- She would like to talk about the program further during the April 21st Work Session.

CONSENT AGENDA

(Agenda Item No. 08-519)

1. Approval of the February 4, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-532)

2. Approval of the February 20, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-533)

3. Approval of the March 3, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-534)

4. Approval of the February 13, 2008 Special Called Work Session Minutes.

(Agenda Item No. 08-535)

Removed and Deferred by Motion and Vote.

5. Approval of the Financial Statements for the period ending February, 2008.

(Agenda Item No. 08-536)

6. Approval of Land Development Final Plats
 - 1) The Triple Crown III, LL 739 Revise lot lines lot 54
 - 2) Triple Crown IV Unit 1 LL 773 Revise set backs lot 33 per ZM07-007-508
 - 3) King Estates LL 616 2 lots
 - 4) Vickery Crest I LL 1052, 1053, 1108 46 lots

Motion and Vote: Councilmember Thurman moved to approve the Consent Agenda (items 1, 2, 3, 4, and 6). Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously

PUBLIC HEARING

(Agenda Item No. 08-527)

Approval of a Resolution to approve transmittal of Community Assessment portion of Comp Plan to Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA).

(This item was deferred on March 3, 2008.)

Community Development Director Tom Wilson

- This item was deferred two weeks ago so Council could provide some edits to the documents we had prepared.
- We would like to have those edits before we send this to the Atlanta Regional Commission and the Department of Community Affairs.
- It will take us until the next meeting to incorporate it and bring it back to Council.
- We will then ask Council to approve this Resolution.
- This is a required Public Hearing so we would like to conduct the Public Hearing tonight and defer this item until April 14, 2008.

Mayor Lockwood asked for Public Comment on the item.

City Clerk Marchiafava stated there was no Public Comment.

Motion and Second: Councilmember Tart moved to defer the approval of a Resolution to approve transmittal of Community Assessment portion of Comp plan to Atlanta Regional Commission and Department of Community Affairs until April 14, 2008. Councilmember D'Aversa seconded the motion.

Discussion on the Motion:

Councilmember D'Aversa stated that she thought there were some items that needed to be included in this document and asked Community Director Wilson if he would explain the document and how critical the process is.

Community Development Director Wilson stated that the community portion of the Comp Plan process is the data gathering for which they use before they get into the Community Assessment part. The Community Assessment part is a data appendix which is a view of existing conditions before any planning or projections are done for the future. It captures what is real in the City historically until today. If anyone would like to get a copy they can find it on the Web site.

Councilmember D'Aversa stated it describes unique areas and characteristics of our community. She said that it was important for people that had been living in the community for years to take a look at the document and help us by making sure we have identified properly those unique areas in the community.

Community Development Director Wilson stated that the next process would begin on April 3, 2008 and they would be meeting every Thursday for the next few months to plan for our future. He encouraged all citizens to attend the meetings and give their input. He said that they had received a very good response to the questionnaire that was sent. He had expected a few hundred responses, but currently they had approximately two thousand.

Councilmember D'Aversa stated that was great and thanked Community Development Director Wilson and anyone who had responded.

Councilmember Zahner Bailey suggested to the Boy Scouts in the audience who was working on their Eagle Badges that they consider how to include their neighbors and let them know about the citizen survey and said that would be a great way for them to demonstrate outreach and provide first hand involvement from the citizens. She also thanked staff and the CPAC members in the audience. She said she would be separated from the vote as she provided input to Community Development Director Wilson.

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

ZONING AGENDA

City Clerk Marchiafava read the following zoning rules and stated that at the second Regular Meeting of the month the Mayor and Council considered a Zoning Agenda. These items include rezoning petition modifications of zoning use permits and associated concurrent variances in addition to Ordinances and Resolution and text amendments. The petitions will be heard in the sequence listed on the posted agenda.

Zoning Rules:

- The applicant and all of those in support of the application will be allowed a total of ten 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 minutes to present its position.
- If time remains the opposition will be allowed to rebut.

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- Since the burden of proof is on the applicant, the applicant will be allowed to make closing remarks provided time remains in the allotted time.
 - City Clerk staff will be keeping track of time and will inform them periodically of the remaining time for their presentation.
 - Those called will be called in the sequence, the order the cards were received prior to this meeting.
 - All people will identify themselves by name address, 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 in this position.
 - 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 the 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 rezoning action has made within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions, aggregated two hundred, fifty dollars 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 relevancy statute constitutes a misdemeanor; therefore if you have contributed two hundred and fifty dollars or more to a Council Member and you have not filed a disclosure prior to the planning commission meeting, the City Attorney strongly suggest someone speak on your point of view.

(All zoning agenda items are typed verbatim.)

City Clerk Marchiafava read Agenda Item No. 08-497.

ZM07-07-005/VC07-014, Webb Road (No address for this parcel) - To request a Zoning Modification to modify Condition 2a to modify the site plan (05Z-029) and a 3 part concurrent variance: 1) To reduce the side yard setback from twenty (20) feet to ten (ten) feet along the east and west property line (Article 8.1.3.C.) 2) To reduce the rear minimum setback from twenty-five (25) feet to ten (10) feet along the south property line(Article 8.1.3.D.); 3) To reduce the 10-foot landscape strip along the east, west, and south property lines to allow for a retaining wall (Article 4.23.1.). (First Reading on February 4, 2008.)

Community Development Director Wilson:

Mayor and Council the Community Development recommendation for this modification is approval for ZM07-07-005, the site plan modification. Approval of parts one and two of concurrent variance 07-014 and denial of part three of concurrent variance 07-014. Robyn MacDonald will give us details on this application and then I will answer questions for you. I will mention to you we have had a request from the applicant to defer this, but this is a public hearing so let's go on through the public hearing and then consider the deferral or approval as you wish.

Senior Planner Robyn MacDonald:

Part three we are withdrawing because they no longer need part three. So basically the applicant is requesting modification of site plan and the subject site is currently undeveloped in zone O-I pursuant to 0529 under the existing zoning of the Fulton County Board of Commissioner approved Office Institutional Accessory uses at a maximum density of twelve thousand, eight hundred, and forty four (12,844) square feet of gross area per acre zoned. Under the original 2005 rezoning, associative legal description contains three point three four (3.34) acres permitting a total of forty two thousand and nine hundred (42,900) square feet to be developed. On the screen and in your packets is a diagram showing the original zoning which was in red of the 2005 rezoning. In December you approved another rezoning RZ07-018 which is the green colored portion. Within that zoning they encompassed a

little bit more property, so you can see how it is encroaching in the red portion. Basically they lessened the property to allow for development of their RZ07-18 development. Overall based on the site plan submitted today, they are going to be proposing twelve thousand eight hundred forty four (12,844). Three point two (3.2) square feet per acre on two point eighty (2.80) acres for a total of thirty three thousand two hundred eighty six (33,286) square feet versus the approved of forty two thousand and nine hundred (42,900), although there was a little more acreage to that original zoning. Now they are proposing three buildings instead of four buildings to the site plan and there are still remaining the two stories which were approved on the 05 zoning. The revised site plan indicates one hundred and nine parking spaces; a Zoning Ordinance requires three parking spaces per one thousand square feet of general office or one hundred spaces for this development so it is basically about nine spaces over parked. Another issue on the site was a stream buffer located on the site is a spring head and blue line stream that begins on the southern portion of the site and flows to the north toward Webb Road and the applicants rezoning 0539 was approved by the Fulton County Board of Commissioners on June 1, 2005. The twenty five (25) feet undisturbed stream buffer was required for the site. It was stated in the minutes of the meeting that although the Fulton County stream buffer requiring that having increased to fifty (50) feet with an additional twenty five (25) foot impervious setback on May 4, 2005 the subject site was grandfathered and only required to meet the restrictive undisturbed buffer of twenty five (25) feet. The state required the twenty five (25) foot undisturbed buffer concurrently with the cities fifty (50) foot undisturbed buffer beginning at the point of wrested vegetation. Here is a diagram showing the general requirement of that. This is required in City Code Chapter 14 Land Development and Environmental Protection section five. A.I.2. The applicant received a stream buffer variance from the state twenty five (25) foot buffer from the core of engineers on June 29, 2005 to pipe the stream as well as the permit form the Georgia Environmental Division log which shows protection grants on March 27, 2006. In addition this project has been approved by the Fulton County Soil and Water Conservation District on February 27, 2007. The applicant submitted a variance 08-005 to be heard by the City of Milton Zoning Appeals on February 19th as required by City Code Chapter 14 Land Development and Environmental Protection Section five B. At that meeting the Board of Zoning Appeals approved with a vote 7-0 the variance of conditions as follows: The pipe and rip rap shall be installed as shown on plan stated 08-6-07, other encroachments are allowed as shown on plans conditional to Mayor and Council approval of the site plan. Just want to make a statement, the current site plan, there is a teeny tiny bit of encroachment on this submitted plan but it can be engineered not to have any encroachment into either the state buffer or the cities buffer and the twenty five (25) impervious, so basically the site plan that is here really does not need the approval from the BZA (Board of Zoning Appeals) because right now there is no encroachment into those buffers. Based on the approval of the piping, the stream is shown on the site plan and basically they are eliminated south of the head wall. Staff has confirmed with the state EPD (Environmental Protection Division) that the buffer radial shown on the January 28th site plan are eliminated based on the approval of the installation of the pipe. Therefore the February 28th site plan shown on page three of this report reflects the removal of the radial above the head wall which is basically the site plan. The City of Milton approved the piping of the stream but the applicant is requesting encroaching to the stream buffer impervious setback is contingent on the Mayor and the City Council, which in this point and time is not needed. Comments from the City Arborists will go through the different various trees on site. (You have it in the packet with the site plan). Number one is the twenty six (26) inch pine tree in good health; parking may jeopardize the integrity of the trees. Number two is a forty one (41) inch oak; declining large oak has four to five major branched failures and some tip dieback. The tree is growing on a slope and storm water is undermining the tree. The life expectancy of this tree is less than twenty (20) years. The tree is destined for removal due underground detention and parking. Basically this is where the underground potential will go. Trees three and four, twenty eight (28) inch poplars, both healthy trees which will be impacted or removed for building and or parking. Number five a thirty one (31) inch poplar is not to be disturbed. Number six is a twenty nine (29) inch poplar; the tree may be impacted by future road widening or deceleration lanes. All trees that are removed or impacted shall have recompense. As many recompense trees as possible shall be planted on the site. Any remaining recompense not planted will either be planted on a location determined by the arborist or the cost of the remaining trees plus installation cost will be contributed to the City Tree fund. The site plan compliance with the future land use destination and there is minimal impact on the existing, (well there is no impact at this point with the impervious setback) the surrounding zonings are C-1, C-2 and one of the parcels there is actually a fifteen (15) foot retaining wall along behind Katy's Car Wash adjacent to one of the property lines. Along the west property line, the stream

buffer remains as well as the required twenty five (25) foot undisturbed buffer adjacent to residents AG-1 zoning, so in staff's opinion the proposed modification of the site plan will have a minimal adverse impact on adjacent properties, therefore staff recommends approval conditional of the zoning modification ZM07-005 to modify condition 2A. Regarding the concurrent variances, the applicant has requested three concurrent variances that Tom (Community Development Director Tom Wilson) went through. The first one to reduce the five yard setback from twenty (20) feet to ten (10) feet along the east and west property lines and to reduce the minimum rear setback from twenty five (25) feet to ten (10) feet along the south property line and to reduce the ten (10) foot landscape strip which has been withdrawn. Regarding and in pursuant to Article 2231, the City of Milton Zoning Ordinance, it is staff's opinion that the strict application of the side variance setback may be relaxed to do extraordinary exceptional conditions pertaining to this property due to its topography. Such strict applications would create an unnecessary hardship for the owner while causing no detriment to the public. Attached are letters from the adjacent property owners that are affected by the requested reduction of the building setbacks. The abutting property that is zoned C1, C2 and O-I except for a portion of the western property line which is buffered by the stream and additional twenty five (25) foot buffer adjacent to AG 1. There is also the fifteen (15) foot high retaining wall on the subject side abutting the C2 parcel (Katy's Carwash) along the east property line. The applicant is seeking building setback reduction from twenty to ten. Staff recommends that if the Mayor and City Council approve the concurrent variance to reduce the building setback, the applicant shall provide additional planting within the ten (10) foot landscape strip along the south property line and the west property line adjacent to the property zoned C-1. Therefore staff recommends approval conditional part one and two of VC07-014. In conclusion I would like to go through the conditions of zoning. Obviously two A would read to the revised site plan received by the Community Development Department on February 28, 2008 and then 3 B to provide the ten (10) foot building setback along the east and west property line as part one of the concurrent variance; 3C) to provide a ten (10) foot building setback along the south property line. Part two of the concurrent variance, in addition 3D) to provide a ten (10) foot landscape strip planted to buffer standards along the south property line. 3E) to provide a ten foot landscape strip planted to buffer standards along the west property line adjacent to C1 and putting areas that are disturbed behind building three thousand on the southwest corner of the site. 3F) To reduce parking to the minimum required space for Article 18.2.1 of the zoning ordinance. 3G) to save trees numbered one, three, four and five as depicted on the tree location map. If not able to save said trees as determined by Director of Public Works and Director of Community Development the applicant shall recompense with six inch caliper trees. 3H) provide a black four board equestrian styled fence adjacent to the wide sidewalk, between the sidewalk and the development or as approved by the director of Community Development. 3I) Approval of this modification does not guarantee connection to public sewer or sewer capacity. 4A) Dedicate at least forty five (45) feet of right of way from center line of Webb Road. 4B) Provide asphalt overlay along entire frontage as directed by the Public Works Director for Milton. 4C) provide six foot wide concrete sidewalk along the entire frontage of the property with a minimum of four and one half (4 ½) foot grass between the sidewalk and back to curb, install a transverse double row of concrete brick pavers every fifty (50) feet approved by the Public Works Director for Milton. 4D) Driveway in terms that shall meet the Community Service Policies and Guidelines. The roads to be constructed to meet such criteria of the approval of the Public Works Director for Milton. C1) Site driveway on Webb Road shall be located minimum of three hundred (300) feet from other driveways or approved Public Works Director for Milton. C2) site driveway on Webb Road to provide a minimum of forty foot of uninterrupted quelling measured from stop bar behind the crosswalk or as approved by the Public Works Director for Milton. C3) The proposed driveway on the property to the east on Webb Road shall provide a minimum of sixty foot of uninterrupted quelling measured from stop bar behind the cross walk or as approved by the Public Works Director for Milton. 5A) The water quality and detention facility shall utilize earthen embankments or underground where possible. Wall structures are not encouraged, if wall structures are proposed they must meet the accessible design of the Department of Community Development.

Mayor Lockwood:

I have a question for staff and our City Attorney. Community Director Wilson you said that the applicant was requesting a deferral?

Community Development Director Wilson:

Yes, he asked today.

Mayor Lockwood:

As a Point of Order; will we need to go through public comment and have the applicant come up and speak?

City Clerk Marchiafava:

There is no public comment on this item unless the applicant would like to speak.

Mayor Lockwood:

Is there were any questions from Council for Robyn.

Councilmember Lusk:

I have one question, but it may not be fair without the arborist here. Tree number six, the twenty nine inch poplar, it said it may be impacted; is there an obligation there for recompense?

Senior Planner Robyn MacDonald:

I believe he wants it to be recompensed, because he is not sure. It could be affected by the deceleration lane but it would be recompensed.

Councilmember D'Aversa: Robyn, I have a question and I guess it may not be clear to me about the surrounding property owners. I believe it is the west side of the property, which I guess would be back in this instance; it would probably be Webb Road. Is that property owner Mr. Morton?

Senior Planner Robyn MacDonald:

That is someone else, but he is not affected by any of these variances. He has the stream buffer in addition to the twenty five foot required undisturbed buffer, so he is not affected by any of the variances.

Councilmember D'Aversa:

Is that a residence or a business?

Senior Planner Robyn MacDonald:

It is a residence at this point in time and the next lot over is the IQ Academy that was approved for modification.

Mayor Lockwood:

Are there any other questions? With no other questions would the applicant and any one in favor of this application like to come forward to speak?

Applicant Ken Morton, 14732 Taylor Valley Way, Milton, GA:

Me and my folks Jack and Margie Morton are here also who are long time owners of the property. As I have come to you before I have always tried to make sure we have our ducks in a row and that we have every detail and staff has been so great to work with in making sure that cause the site plans change so many times, we have tried to make sure that the site plan and all the changes that we were ready to present so it would make your job very easy in getting approval for the simple request that we are asking for. We have had a lot of site plan changes and I still have to satisfy traffic and Mr. Drake has been wonderful to work with, but I still have some things that I have to satisfy for him. Mr. Law has a tree; a poplar that his arborist is saying that there is damage to it and rotting at the base and we still needs to talk more about that. There has been some added additions that I do not feel comfortable going forward with right now that I still need to work through and so forth, but saying all of that I would really appreciate if I could defer at this time and come to you next month when I have these issues taken care of, and we can make this real clean and simple for everyone at that time.

Mayor Lockwood:

Are there any questions for the applicant?

Councilmember Thurman:

I would just like to ask staff if they saw any reason why we would not want to defer.

Community Development Director Wilson:

I see no reason not to defer.

Motion and Second: Councilmember Thurman moved to defer until April 28, 2008 **ZM07-07-005/VC07-014**, Webb Road (No address for this parcel) - To request a Zoning Modification to modify Condition 2a to modify the site plan (05Z-029) and a 3 part concurrent variance: 1) To reduce the side yard setback from twenty (20) feet to ten (ten) feet along the east and west property line (Article 8.1.3.C.) 2) To reduce the rear minimum setback from twenty-five (25) feet to ten (10) feet along the south property line (Article 8.1.3.D.); 3) To reduce the 10-foot landscape strip along the east, west, and south property lines to allow for a retaining wall (Article 4.23.1.). Councilmember Lusk seconded the motion.

Discussion on the Motion:

Councilmember Zahner Bailey:

Could we specifically defer until April 28, 2008, to give us sufficient time because our next meeting is less than thirty days, so the 28th would be sufficient time, so we could be date specific.

Mayor Lockwood:

We have a motion by Councilmember Thurman and he asked if she was ok with that?

Councilmember Thurman

Nodded her approval.

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

City Clerk Marchiafava read agenda item No. 08-523

U07-011/VC07-017, 13620 Hopewell Road, Monticello Real Estate Invest, LLC, JT Adams – Use Permit for a Private School to be developed with 5 buildings for a total of 63,400 square feet with a maximum of 325 students for Kindergarten – 8th graders. The applicant is also requesting the following 5-part concurrent variance: 1) To reduce the building setback along the north property line from 100 feet to 85 feet (19.4.40.B.3) 2) To reduce the 75-foot buffer and 10-foot improvement setback to the extent necessary to all the septic field to encroach. (Article 12H.3.1C.2.) 3) To increase the 20 foot setback from the landscape strip to 500 feet. (12H.3.5.C.1) 4) To allow parking between the right of way and the building. (Article 12H.3.5.F.3) 5) To reduce parking from 171 spaces to 70 spaces (Article 18.2.1). (First Reading on March 3, 2008.)

Community Development Director Wilson:

Mayor and Council, Mr. J.T. Adams the applicant has abandoned his interest in this property for development of that school and he has asked for withdrawal without prejudice. It was heard by the planning commission and they also recommend withdrawal and his recommendation is to allow for that withdrawal.

Mayor Lockwood:

Is there any public comment?

City Clerk Marchiafava:

There is no public comment.

Mayor Lockwood:

Are there any questions from Council to Community Development Director Wilson? (There were none.)

Mayor Lockwood:

Asked for a motion and second for withdrawal of this application.

Motion and Vote: Councilmember Tart moved to approve withdrawal without prejudice of **U0011/VC07-017** 13620 Hopewell Road, Monticello Real Estate Invest, LLC, JT Adams – Use Permit for a Private School to be developed with 5 buildings for a total of 63,400 square feet with a maximum of 325 students for Kindergarten – 8th graders. The applicant is also requesting the following 5-part concurrent variance:

- 1) To reduce the building setback along the north property line from 100 feet to 85 feet (19.4.40.B.3)
- 2) To reduce the 75-foot buffer and 10-foot improvement setback to the extent necessary to all the septic field to encroach. (Article 12H.3.1C.2.)
- 3) To increase the 20 foot setback from the landscape strip to 500 feet. (12H.3.5.C.1)
- 4) To allow parking between the right of way and the building. (Article 12H.3.5.F.3)
- 5) To reduce parking from 171 spaces to 70 spaces (Article 18.2.1)

Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read agenda item No. 08-524.

U08-001/VC08-001, Land Road (No Address), Celestino Martinez - To obtain a use permit to develop a landscape business. The applicant is also requesting to following concurrent variance; To allow access from a local road (Article 19.4.27 Section B.1). (First Reading on March 3, 2008.)

Community Development Director Wilson:

This applicant has also asked for withdrawal of this petition. The Planning Commission heard this on February 26th and they also recommend withdrawal of this petition and the recommendation from the Community Development Department is withdrawal of this petition.

Mayor Lockwood:

Asked Council if they had any questions for Community Development Director Wilson.

Community Development Director Wilson:

The applicant is not here, but I think there are some public comments.

Mayor Lockwood:

Do we have any public comment?

Sophia Ribeiro, 3050 Land Road:

My property is across the street from the requirement here. The first thing I would like to tell you is the hardship that all of the neighbors have endured during this five month process. He asked for the permit before then and aware that this has been going on for much longer. Based on that we would like to actually deny as opposed to accepting the withdrawal so that we will not have to go through this again in a couple of months, since it has already taken five months. As you can see in the property that is there, this is the extent of the damage that has been done to the property. Ok, this is not my property but I live across the street from it. At all times day and night eighteen wheeler trucks will come and park across the street from my house and be running. This will start at nine o'clock in the evening or whatever time they arrive that is what time they stay there. As you can see the roads across the street is a dirt road. Land road is a dirt road. The eighteen wheelers block the entire street so that the school bus can not come by. Several complaints have been done by my neighbors and no one has addressed that. We also have contacted the police on several occasions; there has been a drug bust. Mr. Martinez has open

this entire space that you can see from the pictures that now it is an attractive space for teenagers to go and park and do what teenagers do so well and not think too much on it so it has been a hardship. It is not just the noise, there are also chemicals on the property and we have taken pictures, we have called EPD. The property next to ours not the one that he is asking now has been used by him previously and EPD was called. There was ureic acid all over. The five houses on the Land Road are in a well, we all have wells and there is no way to check the damage that has been done in our water. We can not get the city actually or any city around here to go and pass our water so you have to understand that we have to be concerned. We all have children and we care about all of the individuals on the road. We are concerned about the waste management, even if he withdraws; when is this all going to be taken care of. We were told sixty days. Not long ago there was still a delivery and there is still people working in there. We can see people coming in and out. We can also get you more pictures if you need some and I think that after five months of giving the business owner allowance to continue to operate without a license or permit is enough good will from the city. I think it is time for the city to understand the significance of all of us on Land Road and give us the peace of mind to not have to go through this again in a couple of months. If he applies for another business that is not now landscaping it would be something else. I think if the owner wants to take all of this out by denying you are not doing any damage to him, you are giving us a good will effort that you are actually caring for us on Land Road. I know there are only five houses but we all have families. Thank you. Oh I forgot you also have a petition that was signed from all the residents on Land Road. Thank you

City Clerk Marchiafava:

Stated that was distributed to Council.

Mayor Lockwood:

Asked if there were any other public comment.

Don Cunniff, 3050 Land Road:

Stated that he agreed and supported all of the comments given by Doctor Ribeiro.

City Clerk Marchiafava stated that completes public comment.

Motion and Second: Councilmember Tart moved to deny the application U08-001/VC08-001 Land Road (No Address), Celestino Martinez - To obtain a use permit to develop a landscape business. The applicant is also requesting to following concurrent variance; to allow access from a local road (Article 19.4.27 Section B.1) Councilmember D'Aversa seconded the motion.

Discussion on the Motion:

Councilmember Thurman:

I would like to ask staff why they are recommending withdrawal rather than denial.

Community Development Director Wilson:

We asked for withdrawal because that is what the applicant asked for and the planning commission also felt that withdrawal was appropriate. There is certainly no reason not to deny it. Denial does put some sort of burden on the property owner, which this applicant was not the property owner, but there is certainly no reason not to. All denying it will do is to prevent a similar application coming forward for twelve months.

Mayor Lockwood:

Asked Community Development Director Wilson to explain the difference in allowing it to be withdrawn versus denial.

Community Development Director Wilson:

If we allowed it to be withdrawn, he could come back next month and start this process over again seeking a use permit for a landscape business. If we deny; it would be prohibited for twelve months coming forward with another application.

Councilmember Thurman:

It would also address the community concerns with clearing the debris he currently has on the property and when that will be taken care of.

Community Development Director Wilson:

When this was reviewed by the planning commission, the applicant stated that he was withdrawing his application for this use and he was not going to pursue this use any further, he needed sixty days at that time to find a different location. At that time (this was on February 28th) and he said there was one other scheduled delivery of stone that he had already scheduled and it was on its way down here and that would be delivered and after that there would be no more delivery. He would in the next sixty days find a new location that would be property zoned for this use. If we deny it tonight, then I would have the opportunity to go tomorrow and issue a notice of violation and ask him to vacate the property immediately. Give him three days in which to do that, although he could ask for extended period and I would most likely give him whatever length of time that was reasonable for him to move the stone off of there to another location. Certainly at the end of this process he is going to have to return that property to some sort of a vegetative state. I do not mean he has to plant trees, but he has to cover up and make stable all of the ground that he may have disturbed or will be disturbed as he pulls those rocks in and out of there.

Councilmember Lusk:

Asked Community Development Director Wilson if he said the applicant was not the owner of the property.

Community Development Director Wilson:

Stated that was correct.

Councilmember Lusk:

Asked what obligation he would have then to clean up the property. Would we have any recourse in going back to the owner of the property to enforce that?

Community Development Director Wilson:

Stated that certainly at the end of this process, if nobody else cleans it up, the owner is always responsible for his own property. We would not start with the owner since the owner is not the one who did this damage to the property, but if the applicant moves away and leaves it in some unsatisfactory condition we would then go to the owner of the property and ask him or actually demand him clean it up and stabilize the property. OK I made a mistake he is the owner of the property.

Councilmember Lusk:

Did you mention a sixty day period in this process?

Community Development Director Wilson:

I believe he asked when he was before the planning commission February 28th and at that time he said he would vacate the property but he needed sixty days in which to find another location. There is nothing that guarantees him sixty days and no reason you have to give him sixty days. We can issue a citation at any time and put it in front of a judge and let him explain to the judge why he could not instantaneously remove all of his rocks from this property and the judge would do whatever he felt was the right thing to do and what I would say was the right thing to do is notify him immediately that he needs to vacate this property and give him a reasonable amount of time to do that. Obviously it can not be done over night. Failure to do that would then result in a citation and the judge could determine the next course of action.

Mayor Lockwood:

With the correct information that the applicant is the owner, I am personally comfortable with denying; whereas if he were not I would not feel comfortable with putting undue pressure on someone else's property.

Councilmember Zahner Bailey:

With regards to the chemicals that were noted in the contact to the EPD, I have a question for our City Attorney. Do we condition as a part of the motion for denial; do we need to condition that this property needs to be taken back to a vegetative state, and do we also need to state that we want water to be tested for those homes that are on and served by wells, or is that a natural course as a matter of our staff's follow up to that denial.

City Attorney Jarrard:

What I would recommend, if you are going to deny the withdrawal, go ahead and just deny the action. I am not sure you are going to be able to condition the denial of anything. I think that in the regulatory and in the functions, Mr. Wilson's office is going to serve. The other you give before a magistrate judge and you bring me any issues like that.

Councilmember Zahner Bailey:

I just want to make sure that we are all clear, that, that responsibility will go back to community development and citizens (depending on how this vote were to go) would be following up with community development with regards to returning that property to a vegetative state, making sure that it returns to the state that you are comfortable with through EPD and from a soil testing perspective, and is it reasonable also that community development would require that land owner who is then operating without business permits etcetera would be required to do some sort of soil testing where those chemicals were found.

Community Development Director Wilson:

We have no evidence of chemicals on that property. I do have a report that there were chemicals there and I have no reason to doubt that there were chemicals there in the past. We did an inspection and found no chemicals and based on lack of any kind of evidence that it was there; I would not normally demand that he do that; I do not have the authority to demand it.

Councilmember Zahner Bailey:

But if there was evidence; that would naturally be a part of community development. Is that correct?

Community Development Director Wilson:

If there was evidence I would have to call EPD, I have no authority to demand anything with him, it is not a condition of zoning, but I know that they are not there now. Did that answer your question?

Councilmember Zahner Bailey:

Yes, I wanted that clarification obviously for the citizens that were here and those represented by this petition so that you know that the EPD is a matter of recourse for you and you can also follow up should you have other evidence not yet presented to the Community Development Department, but as a matter of record wanting to make sure you knew that would be a potential recourse for you. I would also like to say that the analysis separate from staff's recommendation for withdrawal; the underlined recommendation that was presented to us is actually one of denial and I think it is important that the motion that is before this body is supported by the underlined analysis from staff to recommend denial.

Councilmember D'Aversa:

Also, would you mind adding to your motion a thirty day clean up period? I think we discussed that at a couple of review sessions, that would be reasonable, we could ask what would be reasonable for someone and since this has been going on for so many months and there is a danger to children here with this clean up pending any longer than thirty days; I would like to see if we could require that he has it cleaned up within thirty days.

Community Development Director Wilson:

As the City Attorney mentioned, we are not approving so we have no conditions to attach to a denial, I certainly hear you that thirty days is a reasonable period of time and what I will do is issue him a notice of violation

tomorrow and give him three days asking him to write me if he needs additional time and I will not allow time beyond sixty days for him to vacate this property. If he has not vacated it in (sorry I meant to say thirty days) thirty days then I will issue a citation on the thirtieth day and it will be in the courts hands to determine what to do next.

Councilmember Tart:

I would like to clarify why he put forth the motion to deny and as Councilmember Zahner Bailey pointed out staff's underlying recommendation was to deny this application and since the application came forward to ask for a withdrawal, that recommendation has changed, so I want to read to you why I am putting forth the recommendation to deny this. Staff noted in their recommendation that access from the subject site to a local road is not permitted within the development standards of article 19.4.27. They also said that they are of the opinion that access to the subject site from a local road would cause unnecessary detriment to nearby property owners and that delivery truck traffic would not be conducive to a residential environment and we have heard several residents come forward and actually express their concern with that tonight, we also have a petition that states exactly that. Staff recommends denial of the VC08001 lastly staff notes that there is no possible solution to mitigate access from a local road to the subject site due to its location and recommends denial of U08-001.

Mayor Lockwood:

Stated we have a motion and second to deny this application and asked if there was any further discussion. There was no further Council discussion.

Vote: The motion passed unanimously.

UNFINISHED BUSINESS

City Clerk Marchiafava read agenda item No. 08-521.

Approval of Ordinance Adopting Chapter 17, Public Works, and providing for inclusion and identification in the Code of Ordinances for the City of Milton, Georgia to be referenced in the future as Chapter 17 (Public Works).

Ordinance No. 08-03-04

Public Works Director Dan Drake:

- This is an ordinance which regulates solid waste collection and litter.
- There was an ordinance approved in 2006 that established how solid waste collection services may be provided by a private provider within the City of Milton.
- This Chapter 17 provides the regulations of littering, Medical waste handling the ability for the City to contract for waste hauling services and for the City to charge fees for such services.
- This Ordinance satisfies the Littering Ordinance requirement for the NPDES (National Pollutant Discharge Elimination System).

Councilmember Zahner Bailey asked if Dan Drake would provide a range of fees associated with this as a matter of record.

Public Works Director Drake

- There are fines and penalties.
- There is potential for actual jail time.
- This is not set by the City Ordinance but by the state regulations.
- The first offense for littering is a misdemeanor and the fine range is not less than one hundred (\$100.00) and not more than one thousand (\$1,000.00) dollars.
- The court can direct the violator to clean up the litter and publish the violators name in the paper.
- Anyone dumping less the five hundred pounds of waste is also a misdemeanor.

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- If more than five hundred pounds it is a misdemeanor in the first offense and the second offense is a felony with a fine of up to twenty five thousand (\$25,000.00) dollars or a prison sentence of up to two years.
 - Any one caught dumping Bio-Medical or hazardous waste or dumping for commercial purposes is also a fine of up to twenty five thousand (\$25,000.00) dollars or two years prison or both.

Motion and Second: Councilmember Zahner Bailey moved to approve an Ordinance Adopting Chapter 17, Public Works, and providing for inclusion and identification in the Code of Ordinances for the City of Milton, Georgia to be referenced in the future as Chapter 17 (Public Works). Councilmember Thurman seconded the motion.

Discussion on the Motion:

City Attorney Jarrard asked Public Works Director Drake if in regards to the felony that was a state action for regulating.

Public Works Director Drake said that we do not set any fines; it is set by the state.

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

City Clerk Marchiafava read agenda item No 08-522

Approval of an Ordinance Amending Chapter 15, Health and Public Safety, of the Code of Ordinances for the City of Milton, Georgia.

Ordinance No. 2008-03-05

Lieutenant Matt Marietta stated that he would like to refer to the Fire Marshall Chad McGiboney.

Captain McGiboney

- The Knox System will help us gain access into all commercial property and the gated communities.
- The primary benefit is for public safety to gain access without causing undue damage to our commercial properties as well as the gated communities.
- Our current process is one unit being able to go through a gated community at a time.
- The Knox System will override the gate system and allow it to stay open until everything has been secured and we can leave.
- For the commercial properties it will allow the Fire Department to gain access without having multiple keys or having to cause damage to gain access.
- Each individual Public Safety unit will have a code that they will have to punch into the key secured deposit.
- It will allow us to open it and a light will go on inside the apparatus so we do not loose the key.
- Once the key is returned the light will go off.
- For gated communities the gate will stay open.
- If the power goes off the gate automatically is defaulted to open so we can gain access.
- We did not budget for the cost but we have located money in the budget for this.
- It will cost approximately six thousand dollars for the apparatus.

Mayor Lockwood asked if the \$6,000.00 was for each unit or the total cost.

Captain McGiboney said that this would go in all of our Public Safety vehicles and the \$6,000.00 was the total amount.

Councilmember Thurman asked what the cost would be for each subdivision and commercial building.

Captain McGiboney said approximately \$280.00.

Councilmember Thurman asked if they would have one year in order to put this in place.

Captain McGiboney

- Pending Council's approval, the Ordinance will say that new commercial properties and gated communities will have one year.
- The key switch for the gate is about \$87.00.
- The downfall is, if we loose a key it is fifteen dollars per cylinder and we would have to re-key the system.
- They are jurisdiction specific so we can not take use our keys for access into other towns businesses.
- As it is now, if we pull up on site we have to hope the code that is currently on the gate is active.
- They codes change pretty regularly.
- It would be a huge asset if homes that are not gated had these because all of the alarms would to off, etcetera.

Councilmember Thurman asked if someone lost a key they could identify who lost it.

Captain McGiboney said yes, each key is programmed for each individual Public Safety and he would be able to keep that on the tracking system as to when they open the box and when they close it.

Councilmember Zahner Bailey asked Captain McGiboney if he would speak about the fact that this is an interchangeable system and the shared services with other jurisdictions.

Captain McGiboney said he had already talked with the Fire Marshall of Alpharetta since we will be sharing jurisdiction lines with them. We have worked out an agreement where we will have the key for Alpharetta secured to our Knox Box System as well as they will be sharing ours. It will cut response time for both.

Mayor Lockwood asked Captain McGiboney if he recommended this system as the best system to use.

Captain McGiboney stated that this has been around since 1975 and is used in most of the surrounding jurisdictions in the Metro area. It is the best out there in his opinion.

Councilmember D'Aversa asked if he had opportunity to speak with some of the commercial business owners about this system.

Captain McGiboney stated that he had and they were calling and asking about the requirements and when this was going to take place.

Councilmember Lusk said he had in his business had been installing these boxes for the last thirty years and realized the benefit of the Knox System. He said \$6,000.00 with the added features is phenomenal and he recommended approval of the Ordinance.

Motion and Vote: Councilmember Lusk moved to approve an Ordinance Amending Chapter 15, Health and Public Safety, of the Code of Ordinances for the City of Milton, Georgia. Councilmember Thurman seconded the motion. There was no other Council discussion. The motion passed unanimously

NEW BUSINESS

City Clerk Marchiafava read agenda item No. 08-537.

Approval of a grant application to the Department of Homeland Security for the Assistance to Firefighters Grant program sponsored by FEMA.

Captain McGiboney

- We are just moving forward with the cascade system.
- We use air systems on our backs and they are forty five minute bottles, but with what we are doing on any particular scene they may last fifteen to twenty minutes.
- With the limited number of systems we have we have to refill them as quickly as possible because we may have to be on scene for a couple of hours.
- We do not currently have a system to replenish our air filters.
- The cascade system benefits us as well as our police service.
- The cascade system also has a light system as well, so if we have a long scene or an extraction scene we can light up the scene for the safety of everyone.
- We have the benefit of this cascade system to keep it in the station.
- If we have a large unit we can bring it to the scene with us on a trailer.
- This is compliant for the entire surrounding jurisdiction to refill their systems as well.
- The cost of the equipment is about \$86,000.00.
- The grant is a five percent match so our cost would be about \$5,000.00.

Councilmember Thurman asked if this was the same grant we applied for last year.

Captain McGiboney said yes it was but unfortunately we did not get it so we are reapplying.

Councilmember Zahner Bailey asked Captain McGiboney if he could confirm we have the 5% match in our budget.

Captain McGiboney said to his knowledge we do.

Motion and Vote: Councilmember D'Aversa moved to approve a grant application to the Department of Homeland Security for the Assistance to Firefighters Grant program sponsored by FEMA. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read agenda item No 08-538

Approval of a Resolution to amend Resolution 08-01-08 to adopt the 2008 Zoning and Use Permit, Zoning Modification, Board of Zoning Appeals and the City of Milton Design Review Board Schedules.

Resolution No. 2008-03-27

Community Development Director Wilson

- These are some schedule changes made to our Design Review Board of Zoning Appeals and the Planning Commission as a result of changing the Mayor and Council Meeting from Thursday to Monday.

Motion and Vote: Councilmember Lusk moved to approve a Resolution to amend Resolution 08-01-08 to adopt the 2008 Zoning and Use Permit, Zoning Modification, Board of Zoning Appeals and the City of Milton Design Review Board Schedules. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously.

(Agenda Item No. 08-539)

Removed and deferred by Motion and Vote

Approval of a Resolution Amending Resolution No. 08-03-25, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee (District 2).

MAYOR AND COUNCIL REPORTS

Councilmember Tart asked staff the status on the sewer policy.

City Attorney Jarrard stated that they had received a lot of information from staff.

- It is a project we want to make sure we get right the first time.
- We anticipate having some preliminary information back to Council in the next two weeks.
- We will try to give Council some very clear guidance during the work session and have a very clear and thorough conversation with Council about what we found and our recommendation with respect to moving forward.
- There are a lot of different things that had to go into this analysis and we needed to be very thorough.

Councilmember Thurman asked if that could take place on April 21st.

City Attorney Jarrard

- That would be more than adequate time.
- He hopes to have some information distributed by e-mail or some other avenue before then to give Council some thoughts of where we are going and to receive their feedback.

Councilmember Tart

- We had a number of new volunteers that took office in January.
- They have not received training on the Ordinances that they are providing recommendations on.
- They have not received Ethics training either.
- Although we are in the process of updating our Ethics Ordinance, he urges staff to provide training for both of those items in the interim.
- He wanted to know if there were any plans in that regard.

City Attorney Jarrard

- The Board of Zoning Appeals is having a training session and he would attend that training.
- He does not have any feedback for the Ethics Board, but he expects the ancillary to the drafting of the new code or the working tweaks code; there will be training on that code.

Community Development Director Wilson

- He has plans to meet with the new members of the Planning Commission, the Board of Zoning Appeals and the Design Review Board to give them some instruction for their next meeting.
- The training tomorrow with the Board of Zoning Appeals is strictly for understanding the regulations regarding stream buffers and the improvement setback adjacent to stream buffers.
- He plans on having the exact same training for Council sometime in the future.
- If the April 21st work session is not too long, we may do it then.

Councilmember Zahner Bailey

- There has been dialogue with the Board of Education and particularly at the Elementary School at Birmingham Highway and Wood Road.
- Our concern was the Board of Education was proceeding with a prototype without making adjustments.
- We are hoping that is not the case and she asked for an update from Community Development Director Wilson

Community Development Director Wilson

- Recently had a meeting with the Board of Education about this memorandum of understanding permitting all school projects in the City of Milton.

- They can meet some of the suggestions from the Design Review Board but not all of them.
- At the April 21st Work Session, he and the Board of Education will present this memorandum of understanding to the Council and they can explain to Council at that time why they can not meet all of the recommendations of the Design Review Board and the Overlay Districts.

Councilmember Zahner Bailey

- Asked if there was currently a site plan that reflects the things they are opposing.

Community Development Director Wilson said yes and he could give Council a copy of that.

Councilmember Zahner Bailey

- Asked is land disturbance beginning before the April 21st work session?

Community Development Director Wilson said they would not issue any permits to the Board of Education until Council approves the memo of understanding.

Councilmember Zahner Bailey

- And that would include a review of the site plan they are proposing that incorporates some of those suggestions from the Design Review Board.

Community Development Director Wilson said yes as well as the Building Plans.

Councilmember D'Aversa

- At the Summerhill Elementary School they have on display the old site plans and everything is dated back to the August to October time frame.

Councilmember Zahner Bailey

- They have also sent out a new release to all of that schools and that Elementary School is the largest in Fulton County so there are parents that are citizens of Milton that are now under the impression that that proto type that is presented is indeed what it is.
- Would suggest a conversation from the Community Development Department to the principal as a matter of courtesy to say there will be a Work Session on the 21st.
- Then we do not get a lot of calls based on incomplete information.

Councilmember D'Aversa

- Along with the information that was presented, there were some design elements that were culminated that we had requested.
- They had mentioned four board fencing.
- She had asked them informally to look at the proto type.
- The access from the buses releasing off loading and loading that is going to be facing the Birmingham side as opposed to the side that is not as accessible.
- The community is interested in some septic field designations and where certain things are going to be placed.
- This information may have come from her last community meeting

Community Development Director Wilson

- We have just completed the review of the land of service permit or the site plan of that property.
- We will be sending back those comments.
- That is the only site plan that we have for now.
- It is not totally compliant and there are some comments that were sent back to them that they should comply with.

- If we display one of these site plans; it will not be totally compliant but it may be closer to the end product than what they are exhibiting now.

Councilmember D'Aversa

- With regards to the Design Review Board, they have only heard from the BOE in that one meeting, is that correct.

Community Development Director Wilson stated yes that was correct.

Mayor Lockwood asked Community Development Director Wilson if there would be representatives from the School board present when the presentation is made to Council.

Community Development Director Wilson stated yes.

Mayor Lockwood said it was his understanding that they were willing to work with different brick colors and those types of things.

Councilmember Zahner Bailey

- That is a concern.
- When she spoke with Parson's originally at Summit Hill they were very receptive to a different roof and divided windows and brick with different mortar color and tree saves.
- Has there been discussion with the Design Review Board to return to the Board of Education to share with them where they are?

Community Development Director Wilson

- At his last meeting with the School Board they suggested that they were unwilling to go back to the Design Review Board, so in his opinion it is unlikely they will participate in the next meeting.
- He will provide the same information to the Design Review Board that he is providing to Council.

Councilmember Zahner Bailey

- The more we can positively influence that design the better end result we might have and a lot can happen in four or five weeks.
- Another suggestion is; if we could let the Design Review Board know about the 21st of April meeting, perhaps they would want to be part of that work session, if for nothing else but informational exchange.

Community Development Director Wilson said he would make sure they understand that.

Mayor Lockwood

- From my understanding they do not have to comply with it but out of courtesy and good will they want to make some of these changes we have talked about.
- Think it is a cost issue and if they can make some changes that does not cost anymore, and then they will do that.

Councilmember Zahner Bailey

- Had some inquiries about tornado sirens.
- Brought this up about a year ago.
- She and Interim City Manager Lagerbloom talked about it and the importance of incorporating it into the budget.
- With some of the recent storms, the issue rises again with a sense of concern.
- At some point in the near future if we can reassess where we are with identifying other grants or some sort of funding toward that.

- Subsequent to the seasoning as relates to demolitions and historic structures, she thinks we have uncovered the opportunities to enhance the process as it relates to potential demolition and she is very thankful that we saved ourselves some demolition today and would hope that as a matter of follow up that we would be working with staff and the Design Review Board to review our processes and make sure that any demolition that is being proposed, adequately goes to the Design Review Board and have the opportunity to follow up and if there is a motion from the Design Review Board that we make sure it returns to them; if that is their motion, and make sure all of the departments are familiar with the requirements for demolition.
- Make sure we have a check list and everyone is familiar with that check list so we do not have any unfortunate occurrences that we wish we had identified.
- Will look forward to follow up with that at the work session if not sooner.
- She had asked at an earlier time if a potential citation by the Environmental Protection Division would have an impact on the variance that is going before the Board of Zoning Appeals in April in regards to the John Weiland Development, would ask for the record that our City Attorney help ensure that we are comfortable that if there is anything going on in one area that we are certain that that information is passed on to the Board of Zoning Appeals.
- A question was posed as to whether or not the steep slopes that have been imposed by that applicant and from the developer are also in conflict with some of the Northwest Fulton Overlays, the Milton Overlays and the Crabapple overlay, so separate form the retaining wall which is being constructed; just going back out on that site it brings to mind the Environmental Protection Division citation and whether or not we are comfortable with some of the other disturbance. Can we verify that the Environmental Protection Division citation and whether or not that has impact on the April hearing of the Board of Zoning Appeals. Can we have the appropriate person look at the hydrology as well as those steep slopes? The issue is not just the retaining wall. There are some other things that have occurred that are not in compliance with overlays or earlier site plans. One site plan she saw historically had a detention swale rather than a detention facility at the rear. What she saw was not a swale so we need to look at that. It is not just a retaining wall that we need to be mindful of.

Mayor Lockwood stated if there were no further Council Reports, we would move on to Staff Reports.

STAFF REPORTS

Captain McGiboney

- Provided an update on the SAFER grant that we applied for last August, which is for the hiring of three fire fighters to round out our staffing levels.
- Received a favorable review from the Federal Government that ask some questions about whether we were still interested and if the City Council was aware of the funding match that was required.
- Responded back in the affirmative.
- Also forwarded them the Resolution and hopefully that process are still rolling along.
- It seems to be looking really good.

City Clerk Marchiafava called the next agenda item.

EXECUTIVE SESSION *Added by motion and vote*

The purpose of the Executive Session is to discuss pending litigation and personnel.

Motion and Vote: Councilmember Lusk moved to adjourn into Executive Session at 7:42 p.m. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

RECONVENE

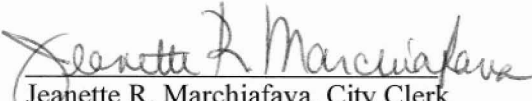
Motion and Vote: Councilmember Lusk moved to reconvene the Regular Meeting at 11:58 PM. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously.


ADJOURNMENT

Motion and Vote: Councilmember D'Aversa moved to adjourn the Regular 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 12:00 AM.

Date Approved: April 14, 2008


Jeanette R. Marchiafava, City Clerk


Joe Lockwood, Mayor