

*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 April 28, 2008 at 6:00 PM, Mayor Joe Lockwood presiding.**

**Pastor Scott Slaughter** of Crabapple Baptist Church led the invocation.

### **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 Bill Lusk, Councilmember Karen Thurman, Councilmember Alan Tart, Councilmember Burt Hewitt

### **PLEDGE OF ALLEGIANCE**

The Sons of the American Revolution led the Pledge of Allegiance

### **Proclamation for Chris Lagerbloom**

**Mayor Lockwood** presented Interim City Manager Lagerbloom with a Proclamation for outstanding service to the City. Mayor and Council also presented him with a gift and gave their thanks for all he has done. Mayor Lockwood stated that Mr. Lagerbloom would return to his job as Director of Public Safety.

**City Clerk Marchiafava** read agenda item 08-563.

### **APPROVAL OF MEETING AGENDA**

Staff recommended the following changes to the Meeting Agenda:

1. Under New Business, move item #1; Appointments to the Bike and Pedestrian Committee and item #3; Appointment to the Board of Zoning Appeals to after Reports and Presentations.
2. Defer the Resolution Appointing Members to the City of Milton Board of Ethics for District 1 to May 5, 2008.
3. Add to New Business, consideration of a lease agreement for Station #43 on Hickory Flat Road
4. Add an Executive Session to discuss potential litigation after Reports and Presentations and the appointments to the Board of Zoning Appeals and the Bike and Pedestrian Committee.

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

### **PUBLIC COMMENT**

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

**City Clerk Marchiafava** stated there was no Public Comment.

**City Clerk Marchiafava** read the Consent Agenda Items.

## **CONSENT AGENDA**

### **(Agenda Item No. 08-564)**

1. Approval of the April 14, 2008 Regular Meeting Minutes.

**Motion and Vote:** Councilmember Lusk moved to approve the Consent Agenda. Councilmember Tart seconded the motion. The motion passed unanimously.

## **REPORTS AND PRESENTATIONS**

**Presentation to Northwestern Middle School students Alex Barker, Matt Ballard, Chloe Myles and Walker Holman in recognition of their bravery for spotting and putting out a fire in their neighborhood.**

**Interim City Manager Lagerbloom** stated that these are four great students who took it upon themselves to put out a fire when they got off the school bus. He introduced Captain Danny Elliot to make the presentation.

**Captain Danny Elliot** introduced Alex Barker, Matt Ballard, Chloe Myles, and Walker Holman

- We go to schools and talk about what to do when you are on fire and what to do in emergencies and these citizens acted accordingly.
- They contacted 911 and got some adults and helped distinguish the fire.
- It could have gotten serious very quickly.
- Time is very important in a fire or medical emergency.
- The more time the better the outcome.
- These four put the fire out and saved us a lot of trouble.
- We are very proud of them.
- He asked the Sons of the American Revolution to make the presentation.

**Jim McIntire**, President of the Piedmont Chapter of the Georgia Society of the Sons of the American Revolution.

- Introduced Vice President and treasurer of their Chapter, Bob Shaw
- Thanked the City for allowing them the honor of being part of the process.
- It is heartwarming and encouraging to see such strong evidence of courage, valor and a sense of duty in citizens so young.
- He presented Alex Barker, Matt Ballard, Chloe Myles and Walker Holman with a Bronze Good Citizenship Medal.

**Mayor Lockwood** stated that Council was very proud to have them as citizens of Milton and thanked them for the bravery.

**City Clerk Marchiafava** read agenda item 08-565.

### ***Moved by Motion and Vote***

**Approval of a Resolution Amending Resolution No. 08-04-29, a Resolution appointing members to the City of Milton Bike & pedestrian path Committee (District 2).**

### **Resolution No. 08-04-22**

**Community Development Director Tom Wilson** stated that Councilmember Zahner Bailey was nominating Dr. David Shepherd.

**Councilmember Zahner Bailey** introduced Dr. Shepherd and said he and his family had been citizens in this area for fifteen years. He is a Doctor of Veterinary Medicine and owns a clinic that is part of the Roswell community. He is an avid athlete and cares very much about the Milton community. She thanked Dr. Shepherd for his commitment to the City of Milton.

**Motion and Vote:** Councilmember D'Aversa moved to approve a Resolution Amending Resolution No. 08-04-29, a Resolution appointing members to the City of Milton Bike & Pedestrian Path Committee by appointing David Shepherd (District 2). Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.

**Oath of Office**

**Mayor Lockwood** administered the Oath of Office to David Shepherd for District 2, and Lisa Cherry for District 6.

**City Clerk Marchiafava** read agenda item 08-556

**Approval of a Resolution Amending Resolution No. 08-01-03, A Resolution Appointing members to the City of Milton Board of Zoning Appeals (District 6).**

**Resolution No. 08-04-33**

**Community Development Director Wilson** stated that Councilmember Tart was nominating John McRae to the Board of Zoning Appeals (District 6).

**Councilmember Tart** introduced John McRae, who resides at 3270 Senata Lane. He has presently served the country in Iraq and is currently serving on the Construction Board of Appeals.

**Motion and Vote:** Councilmember D'Aversa moved to approve a Resolution Amending Resolution No. 08-01-03, A Resolution Appointing members to the City of Milton Board of Zoning Appeals by appointing John McRae (District 6). Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

**Oath of Office**

**Mayor Lockwood** administered the Oath of Office for the Board of Zoning Appeals to John McRae for District 6.

**EXECUTIVE SESSION**

**Motion and Vote:** Councilmember Lusk moved to adjourn into Executive Session to discuss potential litigation at 6:27 p.m. Councilmember Hewitt 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 7:15 p.m. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.

**Mayor Lockwood** stated that Councilmember Lusk had to leave the meeting early and requested to move RZ07-016 behind the second item and the third item on the Zoning Agenda.

**Motion and Vote:** Councilmember Tart moved to approve moving agenda items ZM07-005 and ZM08-01 to before RZ07-016. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

**ZONING AGENDA**

*(Zoning agenda items typed verbatim)*

**City Clerk Marchiafava** read the zoning rules.

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

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

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

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

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

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

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

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

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

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

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

**City Clerk Marchiafava** read agenda item 08-497

**ZM07-005/VC07-014 North side of Webb Road, Petitioner: Webb Road Associates, LLC by Ken Morton, Request: To Modify Condition 2.a. 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.**

(This item was deferred on March 17, 2008 until April 28, 2008)

**Community Development Director Tom Wilson:**

Mayor and Council the Community Development Departments recommendation is for approval of ZM07-005, approval conditional of concurrent variance 07-014 parts 1 and 2 and withdrawal of part 3 of concurrent variance 07-014. Robyn McDonald will give details of the application.

**Senior Planner Robyn McDonald:**

Good evening Mayor and Council this item came before you on March 17<sup>th</sup> and I believe the applicant had requested for deferral to just to confirm his engineering drawings regarding some transportation issues of entrances and he has resolved that with our Public Works Department, so if you have any questions regarding that you can ask Dan Drake. Basically our recommendation remains the same and we also had clarified there was an issue with one of the trees and the arborist has confirmed that it is alive and healthy and it should be preserved as well. Staff has included in the conditions if you so desire to approve it tonight, some items that you have recommended or voted to approve to do a specific type of sidewalk and also the equestrian fence is included into the conditions to be approved. Specifically with the sidewalk, it is to provide six foot concrete sidewalk along the entire frontage of the property with a minimum 4 ½ foot grass strip between the sidewalk and the back curb and shall have transverse double row concrete brick pavers for every fifty feet as approved by the Public Works for Milton. There would be required the equestrian fence as well. Four board black equestrian fence. Also note that if you do approve it, it will be based on a site plan that is in your packet that was received by the Community Development Department on April 17, 2008.

**Mayor Lockwood:**

At this point, we can here from the applicant and those for this application.

**Woody Galloway:**

I am the attorney representing the applicant Webb Road associates in this application. It concerns 2.8 acres of land which is located on Webb Road. The application seeks to gain approval of a modification of a zoning site plan and a 3 part concurrent variance if one part of which the staff has recommended withdrawal and we concur with that. The topography and streams that are located on the site are the mitigating circumstances that provide the justification for the variances sought. We would ask that you approve this request. All of the adjacent properties are commercial or office in terms of zoning. Adjacent property owners have in support of the request and therefore we would ask for your approval. Ken Morton is here to answer any questions that you want in with regard to the proposal and we would like to reserve any remaining time we have for rebuttal.

**City Clerk Marchiafava** stated that was all of the public comment cards received other than Mr. Morton.

**Mayor Lockwood** asked Mr. Morton if he had anything he wanted to say.

**Woody Galloway:**

We understand that there is an issue as it relates to sewer access to this site. We are prepared to ask for deferral to address that issue if that is the Council's desire. The applicant is willing to defer the case if that is needed. Any other questions we would be glad to answer.

**Mayor Lockwood:** Are there any other questions for the applicant?

**Mayor Lockwood:** Are there any Council discussion?

**Mayor Lockwood:** We do not have any public comment, is that correct?

**Interim City Manager Lagerbloom:**

Mr. Morton filled out a card. He asked Mr. Morton if he was going to speak now or wait.

**Mr. Morton:**

No.

**Interim City Manager Lagerbloom:**

We do not have any other public comments.

**Mayor Lockwood:**

At this point the applicant has asked for approval or deferral. Do I have a motion to approve or defer this applicant?

**Councilmember Zahner Bailey:**

I have a motion Mayor. My motion is actually to deny case ZM07-005 and VC07014 which include three concurrent variances and the motion to deny is based on several key facts. One of which actually incurred, was substantiated the discussion about sewer and I will ask for our City Attorney to make a comment. We have been provided with information that indicates that there is no constitutional authority for sewer to be provided to this parcel and as such the intergovernmental agreement between Fulton County and Milton does not allow for the sewerage of that parcel. Secondly this parcel lies within the area covered by the No Inner Basin Transfer Policy. Specifically this parcel is within the Etowa basin and as such again indicates that this would not be allowable for sewer connection. The third is that the site plan that was mentioned in terms of April 17<sup>th</sup> contemplates sewer only and because of the facts presented to us by our City Attorney, that April 17<sup>th</sup> site plan does not reflect densities that would be possible without the provision of sewer. Therefore the site plan that has been presented as part of this case is not one that I can support because it is only supported by sewer. Because of those factors, because of the lack of the constitutional authority by Fulton County the fact that the approval of this would be in conflict with our No Inner Basin Transfer Policy and the fact that the site plan represents densities that can no otherwise be served by a primary and secondary septic field, I need to put forward a motion to deny.

**Mayor Lockwood:**

I have a motion for denial, do I have a second?

**Councilmember Tart:**

Second.

**Mayor Lockwood:**

Have a motion by Councilmember Zahner Bailey and second by Councilmember Tart to deny this application. Is there any discussion?

**Councilmember Zahner Bailey:**

I would ask that the City Attorney please comment with regard to the constitutional authority as well as the physical location of this parcel relative to the Etowah Basin.

**City Attorney Angie Davis:**

The City Attorney's office was asked to look into the sewerability of this and variety of other parcels based on a desire to look at global sewer issues in the city. We have done that and issued an opinion that you are aware of from last week that found that based on the governing document between the City of Milton and Fulton County that it is our opinion that Fulton County does not have the authority to sewer this property based on those governing documents and the constitutional limitations of providing sewer service across jurisdictional boundaries and the absence of a specific agreement to allow the county to do that, we did not find that there was any such agreement that would allow that. As to The Inner Basin Transfer Policy, based on the constitutional issues, you really do not need to consider that, however, it is our belief based on the geographical maps of Fulton County and applying that policy that sits in the Little River as opposed to the Big Creek Basin, such that it would be a violation also of the Inner Basin Transfer Policy of Fulton County.

**Councilmember Zahner Bailey:**

And based on that I cannot support a deferral because in the next thirty days that information will not change.

**Mayor Lockwood:**

Are there any other comments from Council?

**Councilmember Thurman:**

I do have some questions that I feel like need to be answered. I do not know if they will be answered within the next thirty days, but my preference would be to defer this until my questions can be answered, based on the fact that a denial would require the applicant to wait one year before coming forward.

**Mayor Lockwood:**

I would support that also.

**Councilmember Hewitt:**

I was just looking at this letter that is part of the packet from Fulton County and talking about the basin. This is a lot of stuff to get your arms around and I would support deferral although being honest that my decision would change but I feel more comfortable in the decision in thirty days.

**Councilmember Lusk:**

I to feel there are a lot of unknowns and a lot of questions to be answered at this point in time and I think to do this whole process justice I think we need to secure the rest of this information and have a confab with Fulton County and of course with ourselves too.

**Mayor Lockwood:**

Any other comments?

**Councilmember Tart:**

I guess in the spirit of efficiency, I am mindful of a case that this same body considered a couple of months ago in which a deferral was up for discussion and this same body determined that if we could not get any new information within thirty to sixty days that it would not be in the spirit of efficiency for us not to defer something, so I guess I am wondering for those of you who are interested in deferring this I guess I am interested in knowing what you think we can achieve in thirty days or sixty days of deferral of this.

**Councilmember Thurman:**

I am not sure we will get our answers but the applicant has asked for deferral and I still have questions I would like to have answers to. I may or may not get them in thirty days, I may or may not get them in sixty days, but he has requested the deferral, I have the questions and I would prefer deferral to see what questions I could get answered in that time.

**Councilmember Lusk:**

I rise to call the question.

**Mayor Lockwood:**

O.K. We have two thirds vote to call the question?

**City Attorney Davis:**

Just on the issue of calling the question on that motion, yes.

**Mayor Lockwood:**

Do I have a motion to call the question?

**Councilmember Lusk:**

I move to call the question.

**Mayor Lockwood:**

Do I have an all in favor of calling the question?

**Mayor Lockwood:**

Is there any other comments on this?

**Vote:** The motion to deny failed 3-4, with Councilmember Thurman, Councilmember Lusk, Councilmember Hewitt and Mayor Lockwood in opposition to the denial.

**Motion:** Councilmember Thurman moved to defer for thirty days until we can get more information on this.

**Community Development Director Wilson:**

Councilwoman might I suggest that the next time that this would be up would be in less than thirty days because we are meeting so late in April that the next time a regularly scheduled zoning meeting will be in about twenty five days.

**Councilmember Thurman** asked if that was ok with the applicant.

**Woody Galloway:**

I think based on your Ordinance we have to go to the June 16 date so it actually goes further out.

**Community Development Director Wilson:**

The Ordinance does say that if you defer this you have to defer it at least thirty days so we are really not talking about the May meeting we are talking about the June meeting. The third Monday in June.

**Woody Galloway:**

That is acceptable to us.

**Interim City Manager Lagerbloom:**

It will be June 16<sup>th</sup> if you want to state the date.

**Motion and Vote:** Councilmember Thurman moved to defer until June 16, 2008 **ZM07-005/VC07-014** North side of Webb Road, Petitioner: Webb Road Associates, LLC by Ken Morton, Request: To Modify Condition 2.a.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. Councilmember Lusk seconded the motion. There was no further Council discussion. The motion passed 5-2, with Councilmember Zahner Bailey and Councilmember Tart opposed.

**Councilmember Zahner Bailey:**

Just to be specific that's June 16<sup>th</sup> that item would return. Is that correct?

**Community Development Director Wilson:**

That is correct.

**Mayor Lockwood:**

Councilmember Lusk has to leave.

**City Clerk Marchiafava:**

Let the record show that Councilmember Lusk is leaving at this time.

**Mayor Lockwood:**

I would like to state for the record that this next item, I will be recusing myself as I am on the Bank Board, so at this point I would like to turn this item over to Councilmember D'Aversa.

**Mayor Lockwood** left the Chambers.

**City Clerk Marchiava:**

Ms. Mayor Pro Tem we are moving to agenda item 08-551.

**ZM08-01 – 13941, 13943, 13945 Highway 9 North - (RZ07-010) Petitioner: Milton Organizers, LLC. The request is:**

- 1) **To modify Condition 2.a. of RZ07-010, to redesign site plan to eliminate septic and connect to sewer.**
- 2) **To modify Condition 4.d. of RZ07-010, to allow discretion by the Transportation Engineer of Milton to determine throat length of the entrance on Hwy 9.**  
(The First Reading was on April 14, 2008.)

**Community Development Director Wilson:**

Mayor and Council the Community Development Department is recommending approval conditional of ZM08-001 parts 1 and 2. Robyn McDonald will give details of this request.

**Senior Planner Robyn McDonald:**

This item came before you last summer as a rezoning petition. It was approved for O-I Office for a bank with two office building for a total of 28 thousand square feet or 532 square feet per acre. Since that time, well let me just state that among the conditions that the council had requested and was approved was that some trees be preserved and in the site plan before you those trees have been preserved, as requested by the Council. The applicant is asking to modify conditions 2a of RZ0710 to re-design site plans to eliminate the septic and connect to sewer; and number two to modify condition 4d of RZ0710 to allow discretion by the transportation engineer of Milton to determine throat length of the entrance from Highway 9. The staff has recommended approval for both of them. Just wanted to state that and I am sure the applicant will explain further as well that they had proposed possible three ways to connect to sewer. One was to the south where the CVS development is under development right now, to connect into their manhole just to the south. The second alternative would be via the Georgia Highway 9 right of way as well, they have spoken to GDOT as well as Fulton County and nothing has been confirmed as far as I know and the third and last possibility would be through some sanitary sewer easement that goes through Bell Mead to connect to a sewer trunk line further to the east. As I said as far as I know there has not been an exact determination of where they could actually connect but in general the plan is compliant with conditions approved pursuant to RZ10 and the zoning ordinance. Staff is also including a condition to provide a six foot wide concrete sidewalk along the entire frontage of the property with a 4 ½ grass strip between the sidewalk and the back curb. The transverse double row of concrete brick pavers every fifty feet as approved by the Public Works Director from Milton, as well as the four board equestrian style fence to be consistent with other conditions that you have recently along the Highway 9 corridor.

**Community Development Director Wilson:**

If I might just add based on the recent information that has been shared with us from our City Attorney, I think I would like to change the Community Development Department request to deferral until we can find out better information about the sewer.

**Mayor Pro Tem D'Aversa:**

Can we first hear from the applicant and any that are speaking in support of the modification.

**Woody Galloway:**

I am here representing the applicant Milton Organizers in request and as we requested and pursuant to your action of the last item we would ask that this matter be deferred until your June 16<sup>th</sup> hearing and we think that would be consistent and appropriate. We would like the opportunity to review the City attorney's opinion and respond to it. I think there are things that can happen in that time period that could provide additional information from both the applicant and county. The county is also a party to that intergovernmental agreement and they may well disagree the interpretation of the city attorney but we do not know that at this point so what we would ask that you do is to defer the matter to give that time for us to go back and to analyze the situation so that ya'll can make an informed judgment. I think in light of fairness and consistency I think that it would be appropriate in this regard as it relates to the discussion of the options for access to sewer we do know that we can access the sewer in the road. We also know that there is a possibility of accessing it through the CVS property. We have not worked with any agreement as it relates to that. The access through the Bell Mead easements is by far the least attractive to the applicant and that is something that is not currently being pursued and that is not the favored result, so we would ask that Council defer this request so that we can provide additional information to you and we will be happy to answer any question you have.

**Mayor Pro Tem D'Aversa:**

Do we have any other people that would like to speak in favor of the zoning modification?

**City Clerk Marchiafava:**

I have several cards in support. I do not know if they want to rest based on what their requesting or not at this time.

**Woody Galloway:**

Unless Council wishes for us to answer any questions we are through.

**Mayor Pro Tem D'Aversa:**

Do we have anyone speaking in opposition to this request for zoning modification?

**City Clerk Marchiafava:**

I have received a public comment card from Yurig Konikiv to read for the record. He says that I am opposing sewer line construction to our subdivision which is Bell Mead Farms and he lives on Cedar Farms Court. That completes the oppositions submitted.

**Mayor Pro Tem D'Aversa:**

We will close public comment. Are there any questions of the Council?

**Motion and Second:** Councilmember Tart moved to deny the request to modify condition 2a to redesign the site plan to eliminate septic and connect to sewer and approve the modification of condition 4d to allow discretion by the transportation engineer of Milton to determine throat length of the entrance of Highway 9. Councilmember Zahner Bailey seconded the motion.

**Discussion on the motion:**

**Councilmember Zahner Bailey:**

I would have the same question for our City Attorney to please mention and discuss the constitutional authority with regards to the provision of sewer to this parcel similar to the discussion we had previously, if she could please comment.

**City Attorney Davis:**

My response would be exactly the same which I think is reflected on the record.

**Mayor Pro Tem D'Aversa:**

Can I ask a question also Ms Davis? With regards to the fact that we have just deferred a very similar zoning modification based on seeking additional information in a thirty day or greater period of time. What would be your recommendation for this parcel? Based on the previous deferral.

**City Attorney Davis:**

I hesitate to make a recommendation because I believe that is fully within the purview of your decision making authority. I think certainly if you want to allow additional time for information as you did with the other one, we are dealing with the exact same issues in terms of sewer availability. Of course this project has a second component as the motion references that are unrelated to sewer, so that would be another option for you to deal with, with that component independently but I do not think I would recommend splitting them entirely. I think you either take them both up or defer them both, but really I think you can go either way. I do not have a recommendation strongly as to whether you must defer this one because you deferred the first one, although I would point out that it is the same issue, so to the extent that the will of this Council is to find additional information it could be applicable; any thing that may come forth within the next period of time to this applicant as well as your previous one.

**Mayor Pro Tem D'Aversa:**

I would like to make a comment that there are some extenuating legal circumstances. We do have a tremendous opinion from our City Attorney but I am mindful that we have just deferred a case that is very similar and it causes me concern to deny this case when we are going to give just the previous applicant forty days. For us to make a change in our decision making is questionable but still we have deferred this most recent rezoning so I would caution us on not taking up both of these at the same time.

**Councilmember Zahner Bailey:**

Just for the record as we discuss; because obviously we are still in discussion, can you please confirm Mr. Wilson that this case when it first came to us and we approved the rezoning that the site plan was approved with septic. In other words this development was approved by this Council and that they were indeed able to proceed with sewer provided via septic with a primary and secondary field.

**Community Development Director Wilson:**

I can only tell you that the site plan you approved with this previous rezoning showed an area for septic tank drain field. Whether or not that was large enough for primary and secondary I cannot say.

**Councilmember Zahner Bailey:**

Let me re-phrase the question. Did the site plan we approved contemplate septic as it was approved?

**Community Development Director Wilson:**

Yes.

**Councilmember Zahner Bailey:**

Thank you. So in other words the zoning modification was originally rezoned being served by septic.

**Community Development Director Wilson:**

That is correct.

**Mayor Pro Tem D'Aversa:**

Can I ask a question of the applicant's attorney? Can this parcel be served in the manner; honestly, can it be served by septic?

**Woody Galloway:**

We do not think so because since that time, what has changed is the soils have been analyzed and the engineering report came back that said they did not think it could be served by septic.

**Councilmember Tart:**

Did you say the soil had changed?

**Woody Galloway:**

No, it had just not been investigated to that degree, so the densities that were approved cannot be supported that are out there and the engineer is here if you want to ask questions. The other thing that makes this different is that this is not in Etowah basin and so it does not have that same secondary component that you raised in the first case but from the equal protection stand point this is the exact same issue as it relates to sewer and to deny one and defer the other would be very questionable.

**Councilmember Zahner Bailey:**

Has that report previously been provided to our staff or is this the first time we are receiving this report?

**Woody Galloway:**

I think it has been discussed with staff but I am not sure.

**Community Development Director Wilson:**

We have not received this report.

**Councilmember Zahner Bailey:**

Has our staff asked this applicant why as a function of this zoning modification why it was that they were seeking this change?

**Community Development Director Wilson:**

Perhaps, but I cannot really remember what the answer might have been if I did ask it.

**Councilmember Zahner Bailey:**

I guess for discussion of this body, I wanted to point out that during our review sessions we had asked what was it that was causing this applicant to go from the prior and previously approved to this and we were never provided said information so for the record we are only now being told that there is an engineering report that is somehow different.

**Councilmember Tart:**

That would be very good if we could get the report.

**Mayor Pro Tem D'Aversa:**

You can see how that would change.

**Councilmember Zahner Bailey:**

But I am curious as to the date by which this zoning modification was first applied for. Do we know when that was first applied for? The reason for my question is obviously; it causes me pause that only this evening are we

being provided information that indicates that the reason for the zoning modification is based on a new engineering report that neither our staff or city attorney or any of us as a part of this body has been provided prior to this evening.

**Senior Planner Robyn McDonald:**

The application was submitted March 12, 2008.

**Councilmember Zahner Bailey:**

And can you please provide the date of the engineering report that we are about to get a copy of?  
Do we have a date of that engineering report?

**Woody Galloway:**

Sometime in 2007.

**Councilmember Zahner Bailey:**

Just want to make sure I have my dates right as a matter of discussion. So, a zoning modification that is predicated on new soil information, the zoning modification was requested in March 2008 but this engineering report dates back to 2007. Is that accurate?

**Woody Galloway:**

What is accurate is that the applicant understands that they have the ability to access sewer. They have talked to the county and the county has approved authorization to access the sewer and so that combined with the fact that there is bed rock on the site and soils were not type that would permit single septic field to be applied or installed on the site, all together the developer came to the conclusion that the appropriate thing is to try to sewer the site.

**Councilmember Zahner Bailey:**

I was just trying to clarify dates because I think what I just heard was the reason for the zoning modification and the request this evening was based on new information from an engineering report and I just wanted to make as a matter of record the report dated back to 2007.

**Woody Galloway:**

That is not what was said. We did not say that that was the only reason why.

**Councilmember Zahner Bailey:**

O.K. I just want to make sure I have all of my facts.

**Councilmember Tart:**

I made the original motion to deny the modification of condition 2a and to approve the modification of condition 4d, however, given the fact that there is an engineering test that we have not had time to review and given the comments by Councilmember D'Aversa as far as the constitutional issues that are at hand here and given the fact that although I do not agree with the last decision that this made relative to the last case, I am ok at this point with deferral.

**Councilmember Zahner Bailey:**

I would support that and I would ask as a matter of this deferral if additional information that we could request said that we are not here on June 16<sup>th</sup> getting data for the first time would be that in addition to this engineering report and soil data I would very much like to have data with regards to the detention facility and Mr. Wilson was an item that we had discussed during the review session. I believe that the original site plan identified a detention facility that would be underground.

**Community Development Director Wilson:**

It did not. I think in my conversation with you I might have said that should this septic tank drain field area need to be increased in size that that may force the detention under ground.

**Councilmember Zahner Bailey:**

Because that is an unknown I would just ask the applicant please provide data as soon as you have it available with regards to the detention facilities, whether that is potentially being proposed underground or being proposed above ground and what the specifics of that would be.

**Woody Galloway:**

Be glad to.

**Councilmember Tart:**

As a point of order, a motion is on the table and that motion involves the denial and an approval of the respected condition and I would like to call the question on that motion.

**City Attorney Davis:**

Appropriately you could withdraw your motion.

**Councilmember Tart:**

Ok I would like to withdraw my original motion.

**Councilmember Zahner Bailey:**

I second that.

**Motion and Vote:** Councilmember Tart moved to defer to June 16, 2008, **ZM08-01 – 13941, 13943, 13945 Highway 9 North - (RZ07-010)** Petitioner: Milton Organizers, LLC. The request is:

1) To modify Condition 2.a. of RZ07-010, to redesign site plan to eliminate septic and connect to sewer.

2) To modify Condition 4.d. of RZ07-010, to allow discretion by the Transportation Engineer of Milton to determine throat length of the entrance on Hwy 9.

Councilmember Zahner Bailey seconded the motion. There was no further Council discussion. The motion passed unanimously (5-0-2). Mayor Lockwood recused and Councilmember Lusk was not present for the vote.

**Mayor Pro Tem D'Aversa:**

Would somebody go get the Mayor?

At this time, Mayor Lockwood returned to the meeting.

**City Clerk Marchiafava** read agenda item 08-550

**RZ08-01 – Text Amendment to Article 3.3.12 of the City of Milton Zoning Ordinance to amend the definition of “landscaping business”.**  
(The First Reading was on April 14, 2008.)

**Councilmember Tart:**

Point of order, I think if I am not mistaken we moved those two rezoning to before RZ07016, which means we should now be considering the text amendment to the City of Milton Zoning Ordinance.

**City Clerk Marchiafava:**

Correction for the record we will move to agenda item 07-389

**RZ07-016 - Text Amendment to the City of Milton Zoning Ordinance, Article 12G State Route 9 Overlay District regarding buffers and building height.**

(This item was deferred 6 months by City Council at the October 18, 2007 meeting.)

**Community Development Director Wilson:**

Mayor and Council you will recall that on October 18, 2007 we had before you a number of changes to the highway 9 overlay district. At that time you approved most of them, however you deferred two items one was the two story maximum height limit in the Highway 9 Overlay District and the second was the seventy five foot buffer adjacent to residential properties for non residential uses. Those things are back before you. The Community Development Department recommendation has not changed we recommend approval of the buffer and respectfully ask you to defer the two story height limit unit such time we have some modeling done in the comp plan and have a better understanding of the impact that would have. I also believe that limiting it to two stories in the Highway 9 Overlay District by Ordinance would also be perceived as contrary to regional policies and it may put us at risk or possible regional monies in the future.

**Mayor Lockwood:**

Do we have any public comment?

**City Clerk Marchiafava:**

I have no public comment on this item.

**Mayor Lockwood:**

We do have one.

**Jahnee Prince:**

She is with the Council for quality growth. You have all seen me before and on this agenda item too. Our position has not changed. We agree with the staff. Back in October you said that you were deferring this for six months in order to do some studies and financial modeling on the tax revenue implications of decreasing the building height. About a month ago I checked with staff and the studies have not been completed so we would ask that you defer this so that this can be looked at more carefully and as staff said in concert with regional policies. Thank you.

**City Clerk Marchiafava:**

That completes public comment.

**Councilmember D'Aversa:**

I would like to make a motion if I may and I would like to make a statement as I make this motion that the reason for my motion in regard to the height is that according to our review session and our staff and I could ask Mr. Wilson to chime on this, we have just as much purview in making a decision to rezone and or increase the height of a building as we would to decrease the height of a building and one of the things we have discussed with regard to this overlay is that we need to be consistent with the North West Fulton Overlay which governs most of the rest of our city. Because of that and bearing in mind that we will have the opportunity if the need arises and we are excluding some of the areas that do need taller buildings I would like to put forth a motion to approve the text amendment to RZO7016 its article 12 G state route 9 overlay district for a seventy five foot two part seventy five foot undisturbed buffer with a ten foot improvement setback located adjacent to all AG 1 zoning districts and all properties zoned used or developed for residential use. For part two that buildings in the highway 9 overlay district shall be a maximum of two stories with a maximum height of thirty feet excluding Morris Road Deerfield Parkway.

**Community Development Director Wilson:**

Point of clarification if I may. The Northwest Fulton Overlay District requires a fifty foot buffer adjacent to residential properties on sites under four acres in size and seventy five foot for properties greater than four acres in size.

**Councilmember D'Aversa:**

I meant to say that, so thank you.

**Mayor Lockwood:**

Mr. Wilson, if we were to go that route, would that jeopardize our potential funding for the future.

**Community Development Director Wilson:**

I cannot say. I can only speculate.

**Councilmember Thurman:**

The speculation is that it could jeopardize it.

**Councilmember Tart:**

Point of Order - We need a second and I will second it, and now we can discuss.

**Community Development Director Wilson:**

I cannot say if it will or not but I suspect that it might.

**Councilmember D'Aversa:**

I have a comment. If we were to see that it was going to jeopardize our funding then we could come back as a Council and make a change or modification to this again.

**Mayor Lockwood:**

Would you concur with that Mr. Wilson?

**Community Development Director Wilson:**

Absolutely.

**Councilmember Zahner Bailey:**

I would like to also note that as we start to define and continue to define what Milton is and what it will be going forward both to our comprehensive land use plan as well as through continued expansion of the overlays is that it is really incumbent on us to be able to discuss and put in written mechanisms why it is that indeed this is an important element of Milton and that as Milton is part of the overall region is that we are not restricted to just this height restriction because we do have as Councilperson D'Aversa noted we have other areas that currently do allow for higher buildings. I think simply if we were pursuing and LCI we would simply need to make sure as hopefully we would that we describe that and that we highlight the importance of Milton as it is to the entirety of the region and why it is in some areas we in fact do have and allow for higher building structures just simply not in all. I think that is simply incumbent on us collectively and with our staff to put forward our best foot when we describe Milton as a component of the region and hopefully the ARC is going to continually embrace Milton and the importance of who we are to the region as a whole.

**Councilmember D'Aversa:**

Again in Tina terms with regard to Highway 9, we have a small defined area and if it behooves this Council for rezoning to come back before us for us to change that for some mitigating factor then we do have that opportunity in addition we are adjacent on Highway 9 to residential and we are adjacent to an area that is very commercialized with office buildings on the Deerfield Parkway area so I think we have ample opportunity for these for which we have seen, right here adjacent to City Hall. I think we have our bases covered here and I think that the developers that are concerned that might come before us can rest assured that we give it our best review.

**Councilmember Zahner Bailey**

If I may also ask staff - Can you confirm for us what the planning commission recommendation was. I believe the recommendation was to approve a two story height limitation as well as that seventy five foot buffer.

**Community Development Director Wilson:**

I would have to refer to Robyn. I was not at that meeting.

**Councilmember Zahner Bailey:**

I am quite certain that they recommended approval but I would like to confirm it from our staff that they did recommend approval of a two story height limitation, they were before us six months ago.

**Senior Planner Robyn McDonald:**

No wonder I had a mind block because it was not last month but six months ago, and yes you are correct.

**Councilmember Zahner Bailey:**

So the planning commission did approve the height limitation with the overlay. Thank you.

**Mayor Lockwood:**

As funding is a concern, Mr. Wilson do you agree with Councilmember D'Aversa's statement that we could go back if there was an issue.

**Community Development Director Wilson:**

We could reverse this. Absolutely I do agree with her.

**Councilmember Thurman:**

Could there be a time that this could hurt us? You had said that you are recommending against approval for a reason.

**Community Development Director Wilson:**

I am recommending this because I perceive this to be contrary to the regional policies. You asked if this is contrary to regional policies and I can only say I do not know, I do not even know how we would ever know that. The way these things work when we ask for things like LCI grants, we make an application and we do not why it is denied, we just know that it has been denied, if it is denied and we may not know that, but were we to know that then we could make changes and maybe reverse some policies if that were important to us. It is quite likely that we may never know if it has cost us or not. I do not know any other way to say it.

**Councilmember Thurman:**

With the financial and modeling that we are planning on doing going forward, we would know at that time or have a better idea at that time what it might cost us if we had a two story versus a three story in a certain location?

**Community Development Director Wilson:**

The modeling will tell us what differences there is in revenues two story versus three story. It will not tell us whether or not this is perceived to be contrary to regional policies or if we were to lose opportunities for regional money because of this. The modeling will not answer that question. It will

tell us the revenue consequences of two stories or revenue comparisons of two stories versus three stories or even higher for that matter.

**Councilmember Thurman:**

I will tell you personally; until I have that information I do not feel comfortable with making this decision that could limit our revenue in the future. I do not make decisions at home without having or understanding the financial impact of those decisions and I do not feel like I could make those decisions for the city without understanding that financial impact. That does not mean that all of the decisions that I make are the ones that are the most conservative financially it just means that I want to make sure that I do understand the financial consequences of any decisions that I make. I would like to see this deferred until I have that information.

**Councilmember Tart:**

Absent making every building along Highway 9 six stories which obviously might make an impact to financial issues. Do we not have an idea what the difference between the tax revenue of a two story building versus a three story building?

**Community Development Director Wilson:**

I would not venture to guess what that is but we are planning to do some modeling that does give us that answer fairly concisely.

**Councilmember Hewitt:**

How far out is the modeling?

**Community Development Director Wilson:**

It is still maybe two to three months away, I would actually say before you can benefit from that modeling demonstration.

**Councilmember Thurman:**

In the mean time if any cases come before you, you would have the option for rezoning; we would have the option of deciding at that time whether or not they were two or three stories or deferring then until we knew. It would not automatically be three stories just because we had not made this change to the zoning ordinance.

**Community Development Director Wilson:**

That is correct. You have the opportunity at any time something is before you to specify the number of stories. I also would like to point out to you that north of Webb Road the comp plan really suggest that everything would be two stories anyway, so mostly this would be affecting those properties south of Webb Road.

**Councilmember Tart:**

I guess following up on what Councilmember Thurman said the inverse would also be true. If we voted to include the building height requirement of two story, if something came to us in the next sixty days before this modeling was completed we could extend the height requirement as well based on the application.

**Community Development Director Wilson:**

Provided they ask for a variance to the height.

**Councilmember Tart:**

I am mindful of the fact that this Council on October whatever day it was also had a citizen who was very versed in the subject present evidence that we have over a million square feet of developable land right here on Deerfield, that would be included in that highway 9 corridor which would be used to determine. Correct?

**Community Development Director Wilson:**

Yes.

**Mayor Lockwood:**

I would just like to make a statement too and I think we are talking about not only finances and revenue and LCI grants and what not but we are also talking about protecting our citizens and our neighborhoods and personally my thoughts are I certainly do not want to see any three story in our buildings anywhere near neighborhoods but also we need commercial areas, my concern is if you limit everything to two story it reflects nothing but a flat line and I think sometimes you can go up and keep more green space so it concerns me but I am willing to support Councilmember D'Aversa's motion if we feel comfortable that if we do run into a situation that we can change our mind on an application.

**Councilmember D'Aversa:**

And I do not want to be argumentative that is not what we are here to be but I do think it is a small area that we are talking about and the whole point of my pre-empting my motion was to discuss and the point was that we do have the authority to make decisions and changes as these come before us but I am mindful that we have deferred decision after decision and then had things come before us that cause hardship within the city because we have not made some decisions so I would like to see us and not defer it.

**Councilmember Hewitt:**

I support Councilperson D'Aversa's motion as well.

**Councilmember Thurman:**

Like I said, I could support the setbacks but until I have the financial information available I do not feel like I could support doing something that goes against staff recommendation and goes against a possible or would cause us to lose possible funding.

**Community Development Director Wilson:**

Just as a point of clarification Councilwoman D'Aversa's recommending a motion for 12G4 is per staff's recommendation. I will not repeat what that is but it is per staff's recommendation.

**Mayor Lockwood:**

We have a motion and a second to approve staff's recommendation on this item. Correct?

**Community Development Director Wilson:**

On the buffer item, staff's recommendation was not for approval of the height.

**Mayor Lockwood:**

OK so do you want to restate your motion for the record?

**Motion and Vote:** Councilmember D'Aversa moved for approval of the seventy five foot undisturbed buffer with a ten foot improvement setback as per staff's recommendation and approval of a maximum

two story with a maximum height of thirty feet excluding Morris and Deerfield Parkway which is not in conjunction with collaboration with the staff's recommendation. Councilmember Tart seconded the motion. The motion passed 5-1-0, with Councilmember Thurman opposed. )Councilmember Lusk was not present for the vote.)

**City Clerk Marchiafava** read agenda item 08-550

**RZ08-01 – Text Amendment to Article 3.3.12 of the City of Milton Zoning Ordinance to amend the definition of “landscaping business”.**

(The First Reading was on April 14, 2008.)

**Community Development Director Wilson:**

Mayor and Council this is an amendment to the current definition of landscape businesses which says in order to be a landscape business you must have equipment and items for sell on your property this would say either of those conditions would define you as a landscape business. We recommend approval of this change.

**Motion and Vote:** Councilmember Thurman moved to approve **RZ08-01 – Text Amendment to Article 3.3.12 of the City of Milton Zoning Ordinance to amend the definition of “landscaping business”.** Councilmember D'Aversa seconded the motion. The motion passed unanimously 6-0. Councilmember Lusk was not present for the vote.

**NEW BUSINESS**

**City Clerk Marchiafava** read agenda item 08-566.

**Approval of a Resolution to create a committee to serve as the Citizen's Participation Group for potential revision to the Milton Tree Preservation Ordinance and Administrative Guidelines.  
Resolution No. 08-04-34**

**Arborist Mark Law:**

- Request for approval the Resolution for the formation of a Tree Preservation Revision Committee.
- Purpose is to evaluate the current Tree Preservation Ordinance and navigating provisions where appropriate.
- Committee shall consist of seven members.
- Council members shall nominate one member who resides in their district.
- The mayor shall nominate one at large member.
- They will meet on a by-weekly basis beginning in June 2008 and conclude in October 2008 for a total of 10 meetings.
- City staff from the Community Development Department will facilitate group meetings as part of the by-weekly meetings agenda.

**Councilmember Zahner Bailey** asked if the Resolution allows the flexibility to go beyond October 2008 if necessary.

**Arborist Mark Law** stated yes, if necessary.

**Community Development Director Wilson** stated it would really be up to the committee to decide when they want to meet and how long they want to draw this out. We estimate ten meetings. They will bring it before Council when they finish with their review.

**Motion and Vote:** Councilmember Tart moved to approve a Resolution to create a committee to serve as the Citizen's Participation Group for potential revision to the Milton Tree Preservation Ordinance and Administrative Guidelines. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously 6-0-1. (Councilmember Lusk was not present for the vote.)

**City Clerk Marchiafava** read agenda item 08-567.

### **Approval of Ashbrooke Farms Sidewalk Easement Dedication.**

#### **Public Works Director Dan Drake**

- Easement is for the acceptance of a permanent side walk easement
- Easement was required for the future trail and also provides property where the future trail may be constructed and the relocation of existing structure.
- Request approval.

#### **Councilmember Zahner Bailey**

- For the record, while the easement is one option there is another option that as this precedes that Public Works and staff will be pursuing.

#### **Public Works Director Drake**

- Actually this is our second option our first option is always to go for right of way dedication.
- We did pursue that unsuccessful.

**Councilmember Zahner Bailey** asked if it was fair to say that our City Attorney's have been involved in that process.

#### **Public Works Director Drake**

- They have been in the loop with this agreement.

**Motion and Vote:** Councilmember Hewitt moved to approve the Ashbrooke Farms Sidewalk Easement Dedication. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously 6-0-1. (Councilmember Lusk was not present for the vote.)

**City Clerk Marchiafava** read agenda item 08-568.

### **Approval of the February 2008 invoice for legal fees.**

#### **Interim City Manager Lagerbloom**

- The legal fees for February are \$20,096. 79.
- This was the transition month.
- The budget for legal fees are \$180,000.00.
- Upon payment of this invoice the total expenditures for legal fees will be \$60, 964.93 leaving a balance of \$119, 035.07 with 41.7% of billed legal services.
- Expenditures represent 33.9% to date.

**Mayor Lockwood**

- Appreciates City Attorneys Jarrard and Davis.
- There was approximately twenty seven hours on this invoice that they did not charge us for.
- Thanked the City Attorneys for the spirit of working with us to get up to speed.

**Motion and Vote:** Councilmember Tart moved to approve the February 2008 invoice for legal fees. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously 6-0-1. (Councilmember Lusk was not present for the vote.)

*Added by Motion and Vote*

**Consideration of a Lease Agreement for Station 43, Hickory Flat Road**

**City Attorney Angie Davis**

- At the last work session, we talked about the lease agreement with Fulton County the Birmingham Fire Station (station 43)
- This agreement expires April 30, 2008.
- Fulton County has done a similar extension of the lease with Sandy Springs.
- Attempted to stay as close to that agreement as possible in the interest of time.
- Talked to the Fulton County Attorney and thinks he is in agreement with this.
- He also represented he did not believe this agreement needed to go back before the Board of Commissioners.
- When the lease was approved, they approved all future amendments as well.
- By virtue of that he believes he can administratively approve this lease.
- There were a couple of issues with the consent of the lease by AmBack who is the credit enhancer on the transaction that otherwise encumbers this Fire Station property.
- Have no response from them yet in regards to the approval of the lease or the waiver of the fees as discussed, but we are still pursuing not to have them charge us the \$5,000 fees.
- This is a very brief agreement.
- By in large it incorporates your first lease agreement.
- The first page identifies the property.
- The second page is acceptance of the agreement and it provides extension for a six month period from May 1, 2008 through midnight October 31, 2008.
- Communicated to Mr. Ramsey we have interest in the acquisition cost.
- Hoping we could make a decision and acquire it within that six month period.
- Because of the notion of dealing with the indebtedness on the property, we have provided for ourselves an automatic renewal.
- Paragraph B references those automatic renewals for six month increments.
- The rental will stay the same as in the previous agreement and six month renewals will continue unless terminated as provided in paragraph C.
- Our termination will be a sixty day notice period prior to termination.
- Ask for authorization to have the Mayor sign this agreement and to proceed with Fulton County to get the documentation completed to effectuate this lease.

**Councilmember Zahner Bailey** asked if the acquisition would have to go back before the Board of Commissioners.

**City Attorney Davis** stated she thought that would have to go back before the Board of Commissioners.

**Motion and Vote:** Councilmember Thurman moved to approve the lease agreement for station #43, Hickory Flat Road. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously 6-0-1. (Councilmember Lusk was not present for the vote.)

### **MAYOR AND COUNCIL REPORTS**

**Mayor Lockwood** stated that he again wanted to thank Interim City Manager Lagerbloom and said he went above and beyond. He spoke to Billy Beckett and he is looking forward to starting on April 30, 2008.

### **STAFF REPORTS**

#### **Interim City Manager Lagerbloom**

- Wanted to make sure we are covered for the event at Summitt Hill.
- We have the display ready.
- Councilmember Zahner Bailey and Councilmember D'Aversa have indicated their interest in being there for a portion of the day.
- We will supplement that table with a staff member when they are not available.

**Mayor Lockwood** said that he plans on being there some during the day.

#### **Interim City Manager Lagerbloom**

- In regards to the ambulance subsidy, a group of public safety directors got together and he thinks they have a unified decision out of the five cities.
- A lot of credit to our Mayor for orchestrating part of that.
- The Public Safety Directors will make their presentation tomorrow to each of the cities.
- Thinks they are back into the region one concept that was discussed at the last work session.
- There is a hybrid of that that has evolved but he thinks all five cities can live with it.
- We talked about our cost in different capacities.
- The recent dollar figure is around \$123,000 for Milton, which a bit more than we talked about in option one but much less than if we had not embraced the regional concept.

**Mayor Lockwood** said our sister city stepped up to the plate and they are spending more money than they would have had to.

**Councilmember Tart** said several citizens were asking about the traffic signal at the corner of Webb Road and Highway 9 and asked for an update on that issue.

**Public Works Director Drake** said we have submitted the permit to GDOT for that signal on behalf of the developer. We should be seeing the poles going up this week or next week and they should be operational by the first week in June.

**Councilmember Tart** asked Mr. Drake if he could provide something in writing that he could give to the citizens. Also, apparently on Highway 9, Alpharetta has actually gotten police officers to help with traffic. It is his understanding that Deerfield is going to open all the way and it is going to bring more traffic and make it more difficult to turn at Deerfield and highway 9. Do we have any plans in providing service to the citizens to direct traffic so that we do not potentially have ourselves in a rough? It is bad enough to try and turn there now so imagine what it will be when twenty thousand more cars are there.

**Interim City Manager Lagerbloom** said staff would evaluate that. It becomes a bit of a challenge when you try to control on a state highway to allow a city street to enter the state highway, but we will evaluate it and give you an answer. We have a capable staff that can give that answer.

**EXECUTIVE SESSION**

**Motion and Vote:** Councilmember Tart moved to adjourn into Executive Session at 8:37 p.m. to discuss potential land acquisition and litigation. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously 6-0-1. (Councilmember Lusk was not present for the vote.)

**RECONVENE**

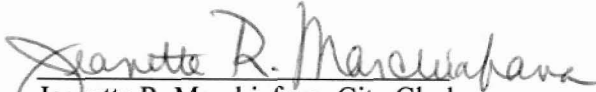
**Motion and Vote:** Councilmember Hewitt moved to reconvene the Regular Meeting. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously 6-0-1. (Councilmember Lusk was not present for the vote.)

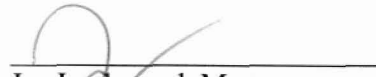
**ADJOURN**

**Motion and Vote:** Councilmember Zahner Bailey moved to adjourn the Regular Meeting. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously 6-0-1. (Councilmember Lusk was not present for the vote.)

After no further business, the regular meeting of the Milton City Council was adjourned at 9:05 p.m.

Date Approved: May 19, 2008

  
Jeanette R. Marchiafava, City Clerk

  
Joe Lockwood, Mayor

