
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 Special Called Work Session of the Mayor and Council of the City of Milton was held on August 4, 2008 at 4:00 PM, Mayor Joe Lockwood presiding.

Mayor Lockwood

- Called the meeting to order.
- Welcomed guests.
- Introduced Commissioner Lynne Riley

City Clerk Marchiafava read the agenda item.

Discussion of Public Sewage issues to include possible IGA with Fulton county, Comprehensive Sewer Policy and Pending Sewer applications.

Commissioner Lynne Riley

- Explained map.
- Shows areas of sewer lines that are in current operation in North Fulton.
- When speaking of the map, they reference the Big Creek service area.
- That is indicative of properties served by the Big Creek Sanitary Sewer Plant.
- The reference on the map of the Little River sewer service area are properties connected and served by the Little River Sewer Service Plant.
- Map was presented to Council along with the IGA that is reflective of the map details.
- It reflects exactly what was in place in 2006 prior to the incorporation of the City of Milton.
- The policies that were reaffirmed in 2006, as well as property owners who have been previously granted sewer service by Fulton County, are reflected on the map.
- It was prepared so the City of Milton could have a good understanding of exactly where service delivery is provided in North Fulton within and without the boundaries of the City of Milton.

Mayor Lockwood

- Thanked Commissioner Riley.
- Will allow Council five minutes a piece to ask Commissioner Riley questions.
- She can get input from her staff.
- He supports the existing plan that Fulton County had with the sewer system and not to extend the sewer into un-sewered areas.
- Asked if this map was the same map and sewer service areas we had prior to the incorporation of the City of Milton and, if not, could she explain any differences?

Commissioner Riley

- This map was prepared specifically to represent exactly that.
- The areas that had sewer prior to the 2006 reaffirmation of the sewer service and the properties that are entitled to it by that policy.

Councilmember Zahner Bailey

- When looking at the map it is perplexing to compare and contrast it to the map from our staff that identifies the distinction between the Etowah and the Big Creek Basin.
- She had asked if the map that was reflected could also depict the distinction between the Etowah and the Big Creek, as well as highlighting any of the land lots that are currently in the legend, and if they could be highlighted as new. but she did not get that.
- Asked if this was the most current map.

Commissioner Riley

- The map that they presented is not reflective of any drainage basin.
- It is reflected specifically for land lots and parcels that are served by either the Big Creek sewer plant or the Little River sewer plant.
- Fulton County did not prepare any maps that showed drainage basins.
- It is indicative of the lots that are served by Fulton County's sewer system.

Councilmember Zahner Bailey

- She went through and tried to compare and contrast land lots with the map that our staff had provided that did distinguish between the Etowah and the Big Creek.
- The 2006 No Inter Basin Transfer Policy is very explicit that certain things within the Etowah should not be sewered with the exception of 15 land lots, as well as certain land lots that may have been a plat prior to March of 2006.

Commissioner Riley

- The 2006 policy speaks to properties that did not previously have sewer service to their sites.
- Any lots that are reflected on this particular map would show lots that had received sanitary sewer regardless of basin and were already hooked up and in place.
- Anything that is referenced as far as No Inter Basin Transfer in a 2006 affirmation is not reflected on this map because those have not been considered following that affirmation.

Councilmember Zahner Bailey

- Part of what this body has to evaluate is how this map compares and contrasts with that which we lawfully adopted in November 2006.
- Her questions are to help her evaluate the decisions and policies that we have to make as a jurisdiction with regard to those historic policies.

Commissioner Riley

- Understandably so.
- Her representation today is the lots that are shown and delineated as receiving sanitary sewer from the County are very much in compliance with the 2006 Resolution.

Councilmember Zahner Bailey

- Appreciates that because that is what she has to try and reconcile so it may be that they capture some additional data that would be helpful subsequent to this work session.
- After doing a comparison, she found there were some land lots that were not previously shown as part of a current IGA or the IGA that was anticipated previously.
- The number of land lots that she identifies (and she will refer to them as net new) specifically within the Etowah came to about 40 net new land lots that she had not previously been aware of.
- Some of them may have a sewer line or they may have a sewer customer, but some of them do not have any sewer lines so she hopes part of the discussion today would help us to identify that reconciliation.

Commissioner Riley

- It might be helpful if the Council Members could submit a list of specific land lots through the City Manager.
- They could have the County Public Works staff respond to them.
- It would be better if we could have this done in writing as a follow up.
- Again, the bottom line is that these land lots or what you see on this map are properties that are by policies that were in place in 2006 and, subsequently adopted by the Milton City Council in December of 2006 are entitled and/or are receiving today sanitary sewer.

Councilmember Zahner Bailey

- Asked the City Attorneys if they could confirm or provide some more input as to land lots that appear to be net new from their analysis.

City Attorney Ken Jarrard

- When they looked at the map and opposed it with the City's map they came up with a few land lots that the City's map showed that had County sewer lines on them that were not included on the Fulton map and also visa versa.
- For the record they were land lots 1051, 1101, 1106, 1111, 832, 833, 979, 986, 1028, 1029, 1034, 1059, 1060, 1061, 1094, 1095, 1096 and 1097.
- For purposes of full and accurate disclosure, he spoke to the Commissioner before the meeting and showed her a land lot or two where there was a discrepancy.
- For instance where the City map did not depict any sewer lines, but the County map depicted that as a land lot where sewer was to be provided and it appears that was just a mistake and there is in fact sewer lines on those land lots, but they are simply not depicted on the map.
- He is not suggesting there is not an explanation for them, but he is suggesting that when they compared the two maps that is what they uncovered.

Councilmember Zahner Bailey

- She does support a revised IGA that would be consistent with that 2006 No Inter Basin Transfer Policy and to arrive at that both a revised map, as well as a revised text document would be helpful.
- With different people, different perspectives, and different maps even just now we are hearing that there may have been some things that were over looked even by Fulton County.
- We need to correct the errors so we are clear as to what is viewed in regards to land lots, as well as what is a road versus what is a sewer line.

Commissioner Riley

- We will be happy to receive a list as to what you allege as net new lots and address what time and what circumstances they had been granted the right to sewer.

Councilmember Zahner Bailey

- Land lot 832 as an example is bifurcated or divided by Bethany Road.
- There are 7 to 9 acres that are one side of Bethany that were never intended to be sewerred.
- The July 19th 2006 Resolution was reaffirmed in part to preclude sewer from going across the street to that 7 to 9 acres.

Commissioner Riley

- The southern portion of bifurcated lot 832 is entitled to sewer.

Councilmember Zahner Bailey

- With all due respect it is a different perspective and because this jurisdiction needs to determine which revised IGA is going to be consistent with our policy, it is a question she has.
- It is not her recollection the entirety of that land lot was to be sewerred.
- We went through a process to try and close that loop hole.

Commissioner Riley

- She concurs, but anything south of Bethany Bend was included in the zoning that did subsequently entitle that property owner to sanitary sewer for the entire lot.

Councilmember Zahner Bailey

- In terms of reviewing a revised IGA with regards to land lots, hypothetically, if there was a parcel that had a sewer pipe not necessarily sewer service and it was part of a larger land lot, would the City Attorney's legal opinion be that we would have to include the entirety of a land lot in order to provide an appropriate IGA for Fulton County.

City Attorney Jarrard

- He thinks what he heard her ask was to identify any land lot discrepancies that they had identified between the County and the City map.
- There are quite a few additional land lots over and above the Inter Basin Transfer Ordinance, which he did not read earlier.

Councilmember Zahner Bailey

- Appreciates that because it is a two part question and she would like for him to read both of those into the record.

City Attorney Jarrard

- The City Council has the discretion to draft an IGA that would include the land lot where that sewer line is in to be entitled to future sewer service.
- Council could pick a line of demarcation or a boundary of demarcation that is less than that.
- We could draft an IGA that recognizes the existence of the line without authorizing any extension of sewer service or additional customers at all.
- Council has all of those options at their discretion.

Councilmember Zahner Bailey

- Her preference would be as they continue this dialogue and reconciliation of maps and land lots that they look at the least common denominator in terms of rather than to go the broad brush of the total land lot.
- There might be a pipe, but not a sewer customer; we need to distinguish between those two.
- It is a very different definition of what that sewer service would mean.
- A sewer pipe may not have been intended for sewer service especially if it is within the Etowah and it was not an exception to the No Inter Basin Transfer, and if it was not carved out in things such as the Crabapple Master Plan.
- Asked City Attorney Jarrard to elaborate on those land lots.
- It is important for us to convey which ones she is confused about.
- Going back to questions, she would have for Commissioner Riley in regards to those land lots, there is 832 and there are others that are interior to Highway 9.
- She is also perplexed by some of the land lots that are reflected in Crabapple that go north of the school and also interior to Birmingham Highway, as well as those that go north of the Crabapple Master Plan area.

Commissioner Riley

- The lots that go north of the school are all school lots.
- There is nothing that extends beyond Fulton County Board of Education boundaries that we are indicating are to be sewerred.
- The line in lot 1062 is specific and ends at the school sites and is not indicated to go any further.

Councilmember Zahner Bailey

- There are some land lots there that do not end with the school property to include 1028, 1029 and 1027.
- Those are land lots that go north of the school that go further north on Freemanville and further north on Birmingham Highway, again, this is reflective of why we needed to have this dialogue and some further evaluation.

Commissioner Riley

- Again, they would be most happy if Council would submit the specific lots or parcels in question to the City Manager.
- The County Manager direct staff to review them.

Councilmember Thurman

- Asked Commissioner Riley, in her opinion, if any of the parcels that are currently reflected on the map provided by Fulton County violates the policy that was in effect at Fulton County at the time Milton became a City.

Commissioner Riley

- No, they are consistent with all policies.
- The map was designated to be prepared via the County Manager's office to be specifically reflective of the policies that were in place in 2006 prior to the incorporation of the City of Milton.

Councilmember Thurman

- Fulton County specified certain land lots in the last Inter Basin Transfer update, she asked was it their intent that it would be everything within the land lots or only certain things within the land lots?

Commissioner Riley

- We spoke to specific land lots and to parcels of record at the time the Inter Basin Policy was updated so if there were certain land lots within a land lot along the Highway 9 corridor that may not have frontage directly on Highway 9; they were still acknowledged to have had sewer service capability by being part of the land lot as a whole.
- An example would be land lot 759.
- There are some parcels that are in the northern part of that land lot that does not have direct access onto Highway 9.
- There are two or three that are well within land lot 759, but do not have direct frontage on Highway 9.
- At the time of the 2006 reaffirmation, legal counsel had advised the Fulton County Board of Commissioners that to remove those because they did not front directly on Highway 9, would diminish the value and remove property rights from those property owners, so at that time a clause was inserted into that document that was approved in 2006 prior to the City of Milton that spoke specifically to lots of record within the land lots that were referenced in that policy.

Councilmember Thurman

- So none of those are in violation of the Inter Basin Transfer Agreement of 2006 and none of these would be an extension of sewer.
- These lots are reflected on Fulton County's map because these are ones that already were sewerable by Fulton County.

Commissioner Riley

- They are entitled to sanitary sewer services based on the 2006 policy and previously existing approvals along the border of the City of Milton.

Councilmember Thurman

- Asked Commissioner Riley if, in her opinion, anything outside of this would be an extension of sewer.

Commissioner Riley

- Yes, and as she said with opening comments the intent of the preparation of this map was to provide a clear delineation of boundary of where Fulton County has authorized and in the past prior to the

incorporation of the City of Milton has allowed property owners to have the understanding that they were entitled to sanitary sewer connection based on their policies and that includes the Inter Basin Transfer Policy that was updated in 2006.

Councilmember Lusk

- Thanked Commissioner Riley for coming and bringing some of her staff to help explain the issues.
- Asked if she would agree that the map with the associated land lots listed on it is the companion document and exhibit called out in the 2006 IGA that was approved by Fulton County on July 19, 2006.

Commissioner Riley

- She cannot agree because this map was not prepared at that time, however, this map does reflect those policies as well as previously approved land areas that were eligible and entitled to receive sewer.
- For example, the Crooked Creek Subdivision was approved prior to the 1995 original policy that spoke to No Inter Basin Transfer.

Councilmember Lusk

- Asked if she would agree that the 2006 IGA that was adopted by the city of Milton on November 30, 2006 prohibits extension of sewer service beyond the limits set forth on this map.

Commissioner Riley

- That is correct.

Councilmember Lusk

- Asked if she would also agree that the 2006 IGA adopted by the City of Milton on November 30, 2006 prohibits the use of force mains or pump stations beyond the limits set forth in this IGA.

Fulton County Deputy Director Public Works Chris Browning

- There is a provision where if a property is within the designated land lots and it is commercial property they can house a pump station to get into the sewer system that is currently in place or that is allowed within those land lots then that is an exception, but otherwise Councilmember Lusk's statement is correct.

Councilmember Hewitt

- Thinks one of the main fears with our city is the creep of sewer.
- Is there anyway that we could help alleviate some of those fears by specking the size pipe so it does not have the capacity to hook on further up stream?

Commissioner Riley

- By the development of this map and the creation of an Intergovernmental Agreement that reflects the map that we will be memorializing the intent of both parties to stop and to have a very specific boundary that would not need to have any kind of infrastructure consideration but would be something that would be understood and defensible by all parties and enforceable in a literal geographic boundary.

Councilmember Hewitt

- Is there a definition of a trunk line versus a lateral?

Deputy Director of Public Works Browning

- To answer the first question from an engineering perspective, the smallest pipe line that they can maintain effectively is an eight inch pipe.
- That would serve about 1,000 homes.
- There are a number of pipe lines throughout the service area that will never reach capacity so the answer to the question is it is very difficult to do that.

- In regards to the second question, there is a distinct difference between a public sewer main and a service lateral.
- The service lateral serves an individual customer and a public service main would serve multiple customers.
- The service lateral is generally within the right of way or an easement six inches in diameter and the main is a minimum of eight inches in diameter.

Councilmember D'Aversa

- She feels she would be remiss if she did not say pursuant to this discussion as a part of the intent to develop a City of Milton waster water collection and treatment policy, she does not support the extension of sewer service inside the City of Milton or outside the land parcels that are currently sewerable as pursuant to our No Inter Basin Transfer Ordinance.
- There are lines that now are depicted throughout the City and the statements she heard indicate that because those lines are there that this is a serviceable area in the view of Fulton County, however, in the view of the City of Milton what we were entering into, and what we had the intention of, and what our citizens would like, they do not want the service extended through these pipes.
- There may be a pipe at Milton High School because the Board of Education had the right to have that pipe and that sewer service; however, the entire land lot as our City Attorney has confirmed does not legally have the right to that sewer service by Fulton County.

Commissioner Riley

- In that particular example that entire land lot is owned by the Fulton County Board of Education.

Councilmember D'Aversa

- Maybe that is not a good example except the map shows red lines which she thought were depicted on the map as sewer lines show sewer lines being extended to outside the property of the Board of Education to surrounding properties.
- Some people looked up the land lot numbers and it does not say the Board of Education.
- Where does it show in our current IGA that there was intent to provide service through those sewer lines to parcels that do not currently have sewer service?
- Where do we show that Fulton County intended to or had an Intergovernmental Agreement with us to sewer those properties?

Commissioner Riley

- The lines that you see on the map reflect customers that are receiving sewer through these lines.

Councilmember D'Aversa

- There are land lots on the map that do not currently have sewer.
- They have a pipe to their land lot but they do not currently have sewer.
- One is the lot at 832.

Commissioner Riley

- Through zoning and subsequent application because the zoning met the criteria of sewer service, the applicants and the property owners applied for and became entitled to sanitary sewer.

Councilmember D'Aversa

- However, that would be a violation of our Inter Basin Transfer Policy.

Commissioner Riley

- All of these predated the 2006 reaffirmation.

- None of these are indicative or reflective of anything that has occurred following the incorporation of the City of Milton.

Councilmember D'Aversa

- That specific land lot - we have had applicants come before us and with the stated facts before the Council that there was no sewer available to that property because it would violate the Inter Basin Transfer Ordinance.

Commissioner Riley

- She would be in a quandary also since they extended their pipe over to the Kings Ridge School; they already have the sewer service within their boundaries.

Councilmember D'Aversa

- It is the north side of Bethany that she is talking about.

Commissioner Riley

- They do not reflect that on the north side of Bethany in that land lot.

Councilmember D'Aversa

- Ok, so by definition, the land lot itself, the intention was not for the entire land lot to have sewer.

Commissioner Riley

- No, and the map does not reflect that.

Councilmember D'Aversa

- So if the entire land lot, if we see a red line flowing through a land lot, the intention of Fulton County was not for that entire land lot to have sewer service.

Commissioner Riley

- No.
- It would be better to indicate the color coding on this map.
- If the land lot is partially yellow and partially green, the yellow is what is considered to be sewer serviceable via policy.

Councilmember D'Aversa

- There are obviously lines running within our City that may have service, but as we work through this her opinion is that we would not extend sewer through those lines.

Commissioner Riley

- There is not intent for the County to do that either.
- Their intent is merely to depict exactly who is currently entitled by policy and by previous decisions by Fulton County and to define that and to be able to memorialize it so that there is a very clear understanding that extension will not occur.

Councilmember D'Aversa

- Is it possible to have the land lots in question that are on Webb Road, west side of Highway 9?

Commissioner Riley

- It is in land lot 1049 and it is multicolored.
- There is an area that is indicated in green and is not subject to sewer because it is in violation of the 2006 policy.

Councilmember Tart

- He would like to clarify that it was said that on the map where it shows sewer lines running throughout the City of Milton some of land lots on there actually do have sewer lines running to them, but they do not show sewer lines running to them on that map.

Commissioner Riley

- There is only one that they are aware of.
- Land lots 904, 897, and 896 running over to the Kingsridge School.

Fulton County Public Works Engineer Administrator Ray Wooten

- The survey model did not show those lines and that is the reason they are not shown in red.
- We are doing a sewer inventory project right now and we will know where those lines are later.
- We know about where they are, but we do not have a red line denoted on the map.

Commissioner Riley

- However, due to a zoning decision that was made in 2006, those lots and a permit that was issued to the Kings Ridge Christian School affirm that those lots are entitled to sanitary sewer.

Councilmember Tart

- So, there are three lots that do not show sewer lines on the map.

Commissioner Riley

- There are portions of number.
- There is 833, 832, 896, 897 and 904 and they all currently have some capacity of sewer line that end at the Kings Ridge Christian School and that do not traverse Bethany Bend.

Councilmember Tart

- Asked the City Attorney if that matches their analysis as far as the map provided that there are no sewer lines being provided.

City Attorney Jarrard

- Not exactly.
- He had 833, but he did not have 904.

Commissioner Riley

- On the map there is the end of the sewer line coming out of 903 and that is actually where all of the lines are connected into 904 and traverse up into 897 etcetera.

City Attorney Jarrard

- In respect to 903 that is in the 2006 Inter Basin Ordinance.

Councilmember Tart

- Asked Commissioner Riley, as far as the map is concerned if it reflects anywhere there is already sewer service or where Fulton County has made promises to provide sewer service.

Commissioner Riley

- Where Fulton County via policy has indicated that they are entitled to - yes.

Councilmember Tart

- Does all of that predate the 1995 No Inter Basin Transfer Policy Fulton County had?

Commissioner Riley

- No, it predates the 2006 reaffirmation.
- There were individual cases of specific decisions made in between that time that she cannot speak to. Not being in service at the time, but would include some of these lots that may not necessarily be reflective of boundary lines, but then were memorialized through the actual issuance of sewer hookup.

Councilmember Tart

- One of the questions he will ask following this meeting is which of those were actually granted sewer between 1995 and 2006.
- One of the things he is aware of is that Fulton County had a policy in 1995 also to prohibit No Inter Basin Transfer.
- Clearly, there are a lot of sewer lines that are being run to the Etowah Basin.

Commissioner Riley

- Unfortunately, she cannot speak to that but it is history that can be reviewed via the minutes of meetings. However, the Board of Commissioners when they put a policy in place in 1995 be mindful the policy is merely a guideline and the Board of Commissioners are always entitled as a legislative body to wave that policy or to make exceptions to it.
- She believes that any of those properties that were offered and received sanitary hookup in that period were done on a special basis and received that through the authority of the Board of Commissioners.

Councilmember Tart

- Asked if there are specific policies, resolutions, ordinances, zoning decisions, etcetera, which give permission to hook up to sewer and service to each of the land lots that are depicted on this map, he would assume that Fulton County has written documentation of every decision.

Commissioner Riley

- Absolutely, it would be memorialized in the minutes or through the Public Works Department as far as applications for sanitary sewer.

Councilmember Tart

- He would like to know what prior decisions they made in regards to any land lots in the Etowah Basin and he needs to see timely documentation of that and when that decision was made.

Commissioner Riley

- Would encourage him to go to the Fulton County website and it can all be searched through the Doc Depot.
- It is self explanatory and would be something that he could find on a search engine.
- She would remind Council that at the time these decisions were made, Fulton County was the only governing authority over all of these properties and, therefore, was fully within its rights to make decisions that might be an exception to approve the existing policy.

Councilmember Tart

- This map not only reflects where existing sewer is and current service, but also the land lots that were given authority.

Commissioner Riley

- Via policies that had been approved.

Councilmember Tart

- Asked if all of the land lot owners for which that authority was given knows about it.

Commissioner Riley

- Could not speak to each individual property owner because the decision was a matter of public record.
- They would have full awareness of it through any kind of public research.
- Again, she would like to reinforce the fact that this map has been developed as a result of concerns about having a clear indication of where sanitary sewer service is provided in North Fulton.
- It by no means and under no circumstances is meant to represent specifically a drainage basin.
- It merely represents all property owners who through policy or previous action by the Board of Commissioners have been granted the right to receive sanitary sewer services.
- There is a very clear boundary line that is depicted by color code that shows a yellow area which is what Fulton County represents are property owners that either currently have sewer service or via policies that were approved in 2006 and, subsequently, ratified upon the adoption of the charter of the Milton City Council and are entitled to sanitary sewer service.
- It was created along with the accompanying IGA to clarify and clearly indicate to all property owners within and without north Fulton where we could clearly understand sanitary sewer service would be offered by Fulton County and where it would not.
- We look to City Council to feel free to provide any additional questions and we will respond to them as quickly as possible.
- We will affirm that it is our interest to try and make this a simple process so that all parties concerned would have a very clear understanding of where sewer is entitled within the City of Milton or within any other City of North Fulton and where it is clearly prohibited.

Mayor Lockwood

- Thanked Commissioner Riley.
- Will allow any follow up questions from Council to Commissioner Riley and also to the City Attorney and staff.
- He is frustrated because there is some misinformation being given. Judging by responses and e-mails he received almost threats from people.
- Told by our City Attorney, as well as Fulton County, that we have to renew an IGA with Fulton County and service delivery agreement and the purpose of this work shop is to discuss that.
- It was being portrayed that the City of Milton wants to extend sewer and he thinks everyone in the audience can see and, in listening to all of the comments from our Council as well as the City Attorney and Fulton County, that we are all on the same page.
- We are just looking to do the right thing for Milton which means re-enforce the policies we had in the past.
- No one here is looking to extend sewer, but we also want to make sure that the people that have been promised before the incorporation of Milton can get it.
- Thanked Commissioner Riley and Fulton County staff along with our Council and staff.
- Thinks we are all on the same page and wants to do what is right for Milton.
- Thinks the citizens of Milton, from our developers and home owners, are pretty close on the same page.

Councilmember Thurman

- She is concerned with a few land lots that are depicted as non sewerable that have sewer going directly through them.
- One is land lot 1037.
- It looks like Fulton County did not intend for it to have sewer there even though there is sewer going through it.

- How does that need to be handled in regards to Georgia laws that say if you have sewer within a certain distance?
- What are our choices in these matters?

City Attorney Jarrard

- Any choice we make with respects to allowing a connection in respect a property that has a sewer line running next to it requires two parties when it involves two jurisdictions.
- It involves Fulton County providing service within Milton jurisdiction so they obviously need to sign off on anything we do here.
- We are talking about an IGA, which is just an agreement between the two jurisdictions.
- The specific question was perhaps like a DHR rule or some sort of an environmental health based rule that tends to anticipate that if you have a potential sewer connection within x number of feet of your property then you need to connect to it.
- He thinks the answer has been that the constitutional requirement that there be an IGA depicting any sort of utility that utility boundary area has to be demarcated clearly and we have to agree on it.
- He thinks that trumps the administrative requirement of the 200 feet because he thinks what that says is if sewer is available and if there is no IGA giving one jurisdiction the permission to sewer it then it is not available.
- In regards to options, they are fairly wide open.
- If Fulton County and Milton can agree that that is an area, parcel, development or land lot that makes good sense to sewer, then we can allow them to have a sewer connection.
- If the Council is not inclined then he does not think that property owner in spite of the ready access to sewer would have a basis to say that it is compelled or is vested to have sewer.

Councilmember Thurman

- If a property owner has sewer going right through the middle of their property and they are going to interpret one way and if they are going to sue anyone they are going to sue both Fulton County and Milton.
- Wants to get this completely and totally settled so we do not have any of these questions coming up and we are not re-looking at sewer later because one of these property owners happens to have the sewer on their property.

City Attorney Jarrard

- We can envision a situation where we enter into an IGA with another jurisdiction and perhaps it has two nodes of sewer availability and to connects to two nodes we have a line going through multiple parcels that are not part of any sewer service agreement; those intervening parcel owners do not get sewer simply because a physical line goes through their property to connect to areas where the Council has decided sewer needs to be.
- The point being the physical line in the ground is a mere vehicle for the sewer service but it is Council's policy and where Council sets the boundary is what depicts where sewer will be.
- He thinks that if we got sued by someone who says they have sewer on their land and Council will not let them have access to sewer, the Council would say it is our policy as manifested in the IGA with Fulton County that that is not where sewer goes.
- He is comfortable taking that position.

Councilmember Zahner Bailey

- Because on the map there are two colors that are so close - a green yellow and a yellow - it would be helpful if someone could go back through and compare and contrast the color differentiation with the land lots that are showing up in this big legend.

-
- As an example, it reads Big Creek public sewer service land lots and because that legend indicates those land lots would be part of the Big Creek public sewer service area that may be where she is having difficulty reconciling the land lots.
 - If the land lot is reflected as a sewer service land lot does it necessarily mean that Fulton County is proposing the entirety of that land lot?

Commissioner Riley

- No, we are not.
- The color coding of the map supersedes the listing of the land lot because there are many instances where the land lots are divided.

Councilmember Zahner Bailey

- There are also land lots where there is not a pipe or service so that gets back to some next steps for reconciliation.

Commissioner Riley

- As she said earlier, the yellow color coding reflects previously existing policies or decisions that entitle those property owners that are denoted by the color yellow the right to connect to sanitary sewer.

Councilmember Zahner Bailey

- Asked City Attorney Jarrard to read into the record those additional land lots that his firm had identified as not yet reconciled.

City Attorney Jarrard

- We put together, based upon the Fulton provided map, the land lots that are not actually identified in the 2006 Inter Basin Transfer Ordinance.
- District 1, Section 2, land lot 972.
- District 2, Section 2 land lots 610, 611, 612, 613, 614, 615, 681, 682, 683, 684, 685, 686, 687, 754, 755, 756, 827, 828, 829, 830, 832, 833, 896, 897, 897, 899, 900, 901, 902, 904, 964, 971, 972, 973, 974, 976, 979, 980, 981, 982, 1027, 1028, 1029, 1034, 1035, 1036, 1037, 1039, 1040, 1043, 1044, 1045, 1046, 1047, 1049, 1050, 1052, 1053, 1054, 1058, 1059, 1060, 1061, 1062, 1094, 1095, 1096, 1097, 1098, 1099, 1109, 1114, 1115, 1118, 1119, 1120, 1134, 1135, 1136, 1137, 1138, 1139.

Commissioner Riley

- The reason that all of those land lots were not listed in the previous 2006 IGA is that it was clearly understood by Fulton County who was the provider of sanitary sewer services that this was an area that was considered sewerable.

Councilmember Zahner Bailey

- She appreciates that and her request would be as they go forth if this person needs help reconciling the differences between those No Inter Basin Transfer policy documents that we adopted as our law and the differential between these land lots because she still has trouble reconciling those.
- To make sure she heard correctly that the existence of a pipe does not in and of itself require sewer service nor does it require that an IGA both in map or text would provide unilaterally service to that parcel or land lot is that accurate.

City Attorney Jarrard

- If you are asking if that mandates or make it required then the answer is no.

Councilmember Zahner Bailey

- So, as we reconcile this various data and get additional data, we would have an option to have an IGA with Fulton County that provided a map that was consistent with our No Inter Basin Transfer Policy and did not necessarily include land lots just because they had a sewer pipe reflected by Fulton County.

City Attorney Jarrard

- We have the right to propose that but it is an IGA which means that Fulton County has to agree with it as well.

Mayor Lockwood

- Asked; when we refer to our Inter Basin Transfer Policy would that be the same as Fulton County's?

Commissioner Riley

- Yes, that is exactly what we have depicted on this map.

Councilmember Zahner Bailey

- She respectfully appreciates that Commissioner Riley believes this reflects that No Inter Basin Transfer Policy but she is just not there yet and she looks forward to Fulton County and our attorneys helping us get there.
- She would ask for a show of hands among this entity and she thinks she heard the Mayor say that it sounds like all of us here are asking for affirmation of the No Inter Basin Transfer Policy.
- She supports a revised map with our City Attorney's input that gets us to a revised map and text that truly reflects and affirms the No Inter Basin Transfer with no sewer extension.
- Respectfully to everyone and all of the hard work that has gone into this she still has a lot of questions.
- Separate from the color differentiation she heard her say the land lots were not intended to reflect the entirety of that land lot.
- She asked City Attorney Jarrard if there was a way that they could be more specific either by parcel or by reference.

City Attorney Jarrard

- Yes, the Council has the option to either recognize the land lots as a sewer service area or if you want to get more limited than that, then you have the option to do that all the way down to developments, all the way down to a discreet parcel.
- That is up to the Council.

Commissioner Riley

- Will reiterate that the IGA that was prepared by Fulton County that was a companion to this map speaks very clearly to that.
- It is indicated in that IGA that we recognize that parcels are not in their entirety to be considered but more reflective of the color coding on the map because there are some exceptions that are very specifically can see that a very small or a very large portion are included in what is considered a sewer serviceable area.

Councilmember Zahner Bailey

- It sounds like with some additional work or demarcation we can get a little bit closer so we can remove any potential misperception.
- She would like to ask Mr. Browning, he had mentioned that there was some exceptions tied to pumping stations and reading from the No Inter Basin Transfer Policy one of the first whereas statements talks about this policy will prohibit pumping stations and inter basin transfer from the Etowah Basin to the County's Big Creek waste water treatment plant is there a way we can get a depiction on the map that would reflect which pumping stations are bringing sewer service to some of these land lots.

Deputy Director of Public Works Browning

- Those pumping stations are extremely limited and they are only for commercial properties where the property would be wholly owned by a single property owner that would be wholly within the sewered area but maybe a portion of that property may not be able to drain into a gravity sewer so they are very specific and very limited.
- They are not intended to allow sewer service to be extended beyond where it is intended to be delivered.

Councilmember Zahner Bailey

- It sounds like you would be able to depict those either on this map or a different map so we could see the location of those four pumping stations and what specific land lots and or parcels are being proposed for sewer service according to this revised map.
- Is that accurate?

Commissioner Riley

- That is not a problem for us if you would put that in writing through the City Manager with a list of questions then we can have staff address it all at one time.

Councilmember Zahner Bailey

- Something that would help reconcile would be the reconciliation that pumping stations when this document was first approved and adopted is that the prohibition of pumping stations had been historically a reason not to have sewer to particular land lots.
- The reference to the fact that these exceptions were there having some of that historical data and she does not have the expertise to review all of the county documents so she would like the Mayor to ask someone from our staff once we arrive at the questions we have either between the City Attorney's office or our staff that we as Council Members get whatever data we need to ensure we have that historic data to affirm that somebody was not just promised but that it is legally documented.

Councilmember Lusk

- The IGA was approved July 19, 2006, and adopted by the City of Milton November 30, 2006, so to Commissioner Riley's knowledge has there been any deviations, amendments, additions, deletions to this IGA since July 19, 2006.

Commissioner Riley

- No sir.

Councilmember Lusk

- Asked Commissioner Riley if she knew of any intent by Fulton County to expand the limits of this IGA.

Commissioner Riley

- No sir.

Councilmember Lusk

- Has there been any initiative by the City Council or staff to expand the limits of this sewer service delivery area?

Community Development Director Wakefield

- None of her staff.

Councilmember Lusk

- The deduction he is making is we are in no different position today than we were two years ago.

- We still have the same sewer service delivery area, the same IGA, there have been no additions or amendments, and there is no initiative to do so by the County or the City.

Commissioner Riley

- Concurs completely.
- Thinks this has helped clarify to all parties concerned exactly where these services are entitled and where they are prohibited.

Councilmember Hewitt

- To clarify land lots 1027 and 1028 where Milton High School is there is the black line that is running through the middle of those so sewer services is below that line and not above.

Commissioner Riley

- That is correct.

Councilmember D'Aversa

- Some of the challenges she still has is the expectations of the No Inter Basin Transfer Ordinance, what are the ramifications of that ordinance.
- For clarification, what is the definition of the No Inter Basin Transfer Ordinance?

City Attorney Jarrard

- It is to affirm Fulton County Policy via Ordinance that it would not expand sewer service into the Etowah Basin.
- It was a tool to identify those limited exceptions by which the policy could be deviated from and the deviations were to follow primarily property west and north of State Highway 9.
- The way it worked was saying: no Fulton sewer in the Etowah Basin except along these land lots and subject to these parameters.
- The thought being is that they may very well be in the Etowah Basin, but we are going to identify them so narrowly by way of land lot that we have a good check on any further expansion into the Etowah.
- That is what he thinks the Ordinance accomplished, and it also contained some language about pump stations.
- That was adopted in July 2006 by Fulton County, and adopted by Milton in November 2006.

Councilmember D'Aversa

- Asked if it would be safe to say that many of land lots in District 2, Section 2, violate that Ordinance.

City Attorney Jarrard

- He is willing to conclude that they are different than what is in the Ordinance, but he is not prepared to say that they are violative of it.
- He asked some questions of the Commissioner along those lines and a lot of that sewer was extended before the Ordinance was in place.
- Fulton County has the ability to limit itself.
- Before Milton came into existence they did not need an IGA to service what was to be Milton so he does not know that they were in violation of that prohibition at the time they were installed.
- They are different from it now.

Councilmember D'Aversa

- We have a current IGA that did not mention those land lots.
- She heard that there is a current IGA that has been written, but she does not think she has that in her possession.

City Attorney Jarrard

- It has been received by our firm and Senior Staff.
- It looks a lot like the IGA that was reflective of the 2006 Inter Basin Transfer Ordinance.
- The only difference is going to be the number of land lots.

Commissioner Riley

- It references every land lot that is depicted on this map as well.
- It specifically references this map that supersedes any concern about partial land lots.

Councilmember D'Aversa

- As we move forward with our law that would be reflective of what the City of Milton would like to see as far as sewer service, we could go back and ratify our current IGA that was in place that we thought was what we were following that had all of the land lots listed when she became a Councilmember.
- So we could go back and take that IGA and use that and not extend sewer to these land lots that were not originally listed on that IGA and that are in violation of the Inter Basin Transfer.

City Attorney Jarrard

- If the question is could the City of Milton prepare an IGA that only contains the land lots in the 2006 Inter Basin Transfer Ordinance, then the answer is yes.
- The IGA does involve two parties that have to be willing to sign it.

Councilmember Tart

- Of the proposed new land lots for sewer are any pumping stations required to get the sewer from the land lot to the Big Creek sewer plants?

Commissioner Riley

- To clarify, there are no new land lots depicted on this property.

Councilmember Tart

- To restate the question of the land lots that are on that map that are in the Etowah Basin are any pumping stations going to be required to get it to the Big Creek or the Johns Creek treatment plants.

Commissioner Riley

- It is her understanding that any of the lots that are not wholly within the Big Creek drainage basin are already sewerred and there would not be any additional lots that would be offered that.
- What is before us today is the Big Creek Basin that was not defined in the original IGA because it had already been considered sewerable by the County.

Councilmember Tart

- He does not have a problem with the sewer lines that are in the Big Creek.
- He does have a problem with the sewer lines that are flowing or running to the Etowah Basin.
- Many of those land lots do not have sewer service that you will have to get them to a treatment plant and he does not know, given the ridge lines provided by staff, if it would be possible to gravity feed that sewer all the way to one of those treatment plants.

Commissioner Riley

- Asked if he could give an example of one of the land lots that does not have service right now that he might be considering because at this point she does not see anything that is demarcated in yellow that does not already currently have some kind of sewer service to it.

Councilmember Tart

- When we say sewer service, we mean service provided there.
- They get a bill for sewer.
- Not talking about a sewer line or pipe going to the land lot.
- His question is if and when you were to give those sewer, how would you get that sewage to a treatment plant.

Deputy Director of Public Works Browning

- There are no planned pumping stations to transport the sewage from any of those parcels to our treatment facilities.
- The only time we would even consider allowing a small pumping station is if a property owner had gravity sewer on their property and they could not serve their entire property with gravity sewer there would be a possibility of allowing a small pumping station on that piece of property that is wholly owned by and individual to pump into the gravity sewer that is on their property.
- There would no time when a pumping station would be allowed to pump to another property to get to gravity sewer.

Councilmember Tart

- Has two problems with that.
- Some of these land lots that have sewer lines running to them that are not currently getting a sewer bill every month so they are not getting sewer are way over the ridge line as far as what we consider the Big Creek versus the Etowah Basin with any map we have ever been provided.
- They are interior to the City of Milton.
- He does not see how those could be gravity fed given we have an Ordinance that does not allow for steep grading.
- He does not know if some of those land lots could be graded to even flow with gravity into the treatment plants.

Commissioner Riley

- As Chris said, the County does not issue pumping station ability to properties that do not currently gravity flow, so it would not be something that the County would consider.
- If a property owner came to Fulton County and could not gravity flow to us even though they might be listed in one of these land lots that would not immediately allow them an ability to connect to sewer because they did not have the ability to gravity flow.

Deputy Director of Public Works Browning

- If a property was delineated within one of these land lots and it could not gravity flow and there was no gravity sewer on that say it was across the ridge line, our current Ordinance does not allow for regarding and filling to allow that to be gravity sewer so there is a delineation that is relative to gravity on that property.

Councilmember Tart

- Then we are perhaps closer to an agreement than we thought.
- If you will not allow sewer service to those land lots if they cannot gravity feed back to one of the treatment plants, then we could eliminate all together and would not have to have them on this map or into any revised IGA.
- There is no need to include land lots if they cannot be gravity fed back to the treatment plants.

Commissioner Riley

- Will defer that to the attorneys when they look at the documents.

Councilmember Tart

- We have already established that we have no legal requirement to grant sewer to someone that Fulton County promised sewer to so his question is a legal question.
- We have a No Inter Basin Transfer Policy in place that specifically has exemptions on Highway 9. It does not mention by reference or name or any other of these agreements that Fulton County has so if we were to accept this proposed map, would we have to rescind the No Inter Basin Transfer Ordinance that we now have in place in order to not break our own law since those agreements by Fulton County are not in that Ordinance and it is a different jurisdiction now?

City Attorney Jarrard

- It depends on what you agree to do.
- If the City of Milton agrees to adopt this map and make the land lots on this map the full boundaries of the Fulton sewer area such that new customers can connect to sewer in these land lots that are not controlled by the Inter Basin Ordinance then yes you would need to modify the Inter Basin Ordinance because you are now contracting to allow sewer in areas different than the Inter Basin Transfer Ordinance.
- However, if you simply agree and recognize that Fulton has sewer in the ground there, you recognize and affirm the validity and their right to continue to be there but do not state that new customers can connect to those lines and only customers in the land lots from the Inter Basin Ordinance can connect as new customers then he does not think you would need to modify the Ordinance.
- The Council could recognize and affirm that Fulton County does have these lines in the ground and give them permission to maintain them but contain a prohibition that they may not service new customers from them and the only new customers that could be serviced would be those consistent with the Inter Basin Transfer Ordinance.
- Council can do that so long as Fulton would agree.

Mayor Lockwood

- Thinks this has been a very productive meeting and thanked Commissioner Riley and Fulton County staff for attending.
- For the record, he feels that the County, the City, and the Council are on the same page.
- He wants to respect and confirm our existing policies and he does not believe anyone here is looking to extend sewer to unsewered areas.
- He suggests that any of Council's unanswered questions be directed through the City Attorney and staff and then Fulton County so we can come back at the next meeting and narrow this down and get everyone's questions answered.
- Asked when we need to have the IGA done.

Commissioner Riley

- There is no prevailing need, although it would be of great value for all parties involved, to have a clear understanding and have this resolved so that every property owner in the City of Milton and property owners in all of North Fulton County have a clear understanding of where sewer is eligible and where it is not.

City Attorney Jarrard

- Generally confers with Commissioner Riley's statement but he would add we have some permitting issues that are at the forefront.
- What the staff wants is certainty.
- They want to know what they can tell customers.
- We also have some property owners and developers that are very interested.
- His preference would be to act in a reasonably prudent manner.

Commissioner Riley

- We will make this a priority.
- We understand the desire of all parties to resolve this.

Mayor Lockwood

- Let's try to get the questions answered and then we can reconvene on this subject.
- We will now open the floor for public comment.
- Typically, our rules call for 2 minutes a piece and up to ten minutes per topic.
- He is willing to expand the time, but he asked to keep the comments down to a minute or less since there are so many.

PUBLIC COMMENT

Paul B. Moore, 15290 White Columns Drive, Milton Georgia

- He is speaking with unanimous support granted him as the Chairman of the Milton Planning Commission to present the following motion from the Milton Planning Commission Special Called Meeting of July 31, 2008.
- The motion was unanimous 7-0.
- Milton Planning Commission requests the City Council reaffirm the No Inter Basin Transfer Ordinance, the Ordinance Titled Resolution to reaffirm policy and establish and Ordinance prohibiting expansion of the Big Creek and Johns Creek waste water treatment plants to accommodate portions of the Etowah River Basin and prohibit Inter Basin Transfers to the Big Creek and Johns Creek waste water treatment plants adopted by Fulton County on July 19, 2006.
- If the IGA between Fulton County and Milton is modified that is provide sewer only to the extent provided for in the Ordinance.
- We respectfully ask that Council to support this motion.

Leon Cole Jr., 16700 Birmingham Hwy, Milton, Georgia

- Fulton County must meet the requirements of the Inter Basin Transfer Ordinance.
- Will the Council let a sewer policy influence the pending Comprehensive Land Use Plan or will the community be better served if the Comprehensive Land Use Plan serves as a guide for sewer policy.
- Seems the Land Use Plan should give birth to a sewer policy.
- Suggests that a sewer moratorium might be in order for questionable sewer applications pending the adoption of a Comprehensive Land Use Plan and a sewer policy.

Deborah Anthony, 5780 Windward Pkwy, Suite 300, Alpharetta, Georgia

- Our parcel has been mentioned by reference several times.
- Wants to reaffirm a letter sent to City Council that sets forth the fact that we feel makes our parcel at Bethany Brook entitled to have sewer under our constitutional rights.
- We reserve those rights under both the US and Georgia Constitution.
- Amazed that she has to even say that because they were approved for their zoning in 2006 prior to the incorporation of Milton and prior to the agreements being discussed today.
- Obtained a land disturbance permit, we constructed our sewer, there is live sewer flowing through the property.
- The permit that we had was transferred to the City of Milton and we are standing here having to defend our right to have sewer on this property after it is already up and running.
- She urges the Council to look at the points that were raised by Commissioner Riley that we are not trying to get something that they are not entitled to.
- We only want the rights granted with their zoning.

Laura Bentley, 2500 Bethany Church Road, Milton, Georgia

- The meeting was very productive to her.
- This is all about trust.
- We see a map that we do not understand and she appreciates the diligence in going through each of the land lots because if this slides through, we will have a legal situation that we will have to adhere to.
- Encourages Council to continue to be diligent and get the map right so we can trust the parties involved.

Tom Wynderle, 765 Owens Lake Road, Milton, Georgia

- He learned a lot from this meeting.
- Hopefully, the misinformation that has been going around has been clarified.
- We are all afraid of sewer creep and density creep.
- We applaud and appreciate the attention to detail.
- We need to protect the vision we have.

Kurt Nolte, 925 Dockbridge Way, Milton, Georgia

- The citizens of Milton have spoken loud and clearly on this subject.
- Of the people that answered the survey that went out, 87% said we do not want sewer expansion, yes we want it limited.
- We also spoke with our votes.
- Everyone who ran on a No Sewer platform won and won big.
- Encourages Council to get this right.
- Urged Council to listen to staff, listen to the Planning Commission, and be diligent in their review.

Doug Hand, 12600 Deerfield Pkwy, Milton, Georgia

- Orkin and Associates has owned property in this area since 1971.
- We have worked with the State and County Governments to extend Georgia 400.
- We are responsible for bringing sewer to areas north of Windward with the purpose of serving schools, business and residents.
- David Chatham and they personally paid for the extension of the upper two miles of Deerfield Parkway.
- We have been a key component in the addition of Deerfield Community, which now houses an excess of two million of square feet of office space, two million square feet of retail space and well over three thousand residential units.
- We helped with the architectural and landscape covenants of Deerfield.
- Deerfield serves as the home of several large retailers.
- We are developing Deerfield Place.
- By creating and establishing these communities through our twenty to twenty five million dollar investment in infrastructure with Hines, we helped establish the commercial base which allowed for the creation for the City of Milton.
- We have been here a long time.
- We make our home here.
- We have fought for the benefit of the community for over thirty five years.
- We were active in helping create the City of Milton
- Built relationships with the City employees and are willing to work with the City in many ways.
- They are concerned over the City's reconsideration of availability of sewer to properties within the City of Milton.
- We have properties within the City that may be adversely affected by this action.
- Concerned with continued promotion of septic over sewer as a means to control growth.
- We own two remaining tracts within the City of Milton.
- They have sewer on the site.

-
- It is their position that Orkin and Associates have a vested right because of the previously approved land development plans of their properties within the City's jurisdiction.
 - Have incurred substantial expenditures and reliance on these approvals so their rights to develop vested constitutionally.
 - Subsequently adopted ordinances should not and do not apply to the rights for our properties.
 - They are serious in their resolve.
 - They will exhaust every legal resource to ensure that the rights they currently have with their property are protected.
 - Citizens might not feel the impact for a few years when it is too late and the City is in financial crisis from fighting legal battles.
 - They have repeatedly expressed their concerns regarding septic over sewer, as well as other zoning and land planning issues, in letters to the Mayor, Council Members, and the attorneys.
 - We have specifically addressed the City's perception that septic tanks will preserve pasture land within and along the outskirts of the City of Milton and aid in growth control.
 - There are more than thirty five thousand septic tanks in Fulton County alone.
 - They are ticking time bombs and have harmful effects such as ground water contamination, environmental degradation, in addition to numerous public health issues.
 - Septic does not get ground water like sewer does.
 - At this time of extreme drought, septic is irresponsible.
 - Worst of all the promotion of septic over sewer aids in the creation of sprawl.
 - Respectfully asked that the Council approve the 2008 Milton sewer service area map.
 - In approving the map along with working with Fulton County, the City will avoid certain litigation from multiple fronts that would cost the City millions of dollars and leaving the City of Milton with dwindling funds to support all other infrastructure in the City.

Ken Morton, 14732 Taylor Valley Way, Milton, Georgia

- He is developing the corner at Webb and Highway 9.
- This has been a productive meeting and he appreciates it.
- His property does fall in the yellow area and meets the IGA requirements.
- He received in September 2007 the sewer availability letter from Fulton County because he did meet the requirements.
- He received a land disturbance permit from the City of Milton, which he acted on and improved his property.
- Spent nearly \$250,000 improving his property and urges Council to quickly hear and bring his property to a resolution so he can move forward in getting his permits.

Chris Watola, 385 Eagles Pass, Milton, Georgia

- He has lived in the City for eight years and does not plan on leaving.
- When he heard they had to have a special meeting to grant the new Target Store a sewer connection permit, he was shocked and amazed that the City was spending time and resources on this matter.
- He learned that there is zoned commercial property near Highway 9 and a couple of Council Members are resisting giving sewer access.
- Some of these properties will gravity flow to Big Creek Basin.
- He loves the fact that our City has low density and he does not want that to change, but he is also a realist and understands that we have to have smart commercial growth to relieve our high tax burden.
- We need commercial services in somewhat close proximity to our homes.
- We are already paying too much in property taxes.
- There is also a pole that 87% of the citizens in Milton do not want sewer expansion.

- His problem with that pole is that citizens were not told the full story that commercial cannot be developed without sewer and that most of the commercial property has sewer manholes within close proximity.
- The common sense person would say, I do not want to run sewer throughout my City if it means higher density, but provide sewer access to those commercial properties where sewer is close by.
- The full story needs to be told.
- We need a smart sewer plan that allows our commercial properties to be developed and connected to sewer.

John McMillan, 14255 Thompson Road, Milton, Georgia

- Has been in this area since 1990.
- Thinks that all of us want the same thing, which is to have Milton be a beautiful place and follow the 2006 plan that Fulton had for hooking the commercial properties up to sewer.
- Need to see the old policies affirmed.
- The vested rights that so many have worked for have extended from 95, 99 all the way up to 2006 so a lot of this is long term and has been put together with cooperation from County, citizens groups, as well as business owners in the community.
- Milton is an awesome place and we really need to get this sewer behind us in a well thought out manner.
- Appreciates the efforts.

Cary Schlenke, 490 the Hermitage Drive, Milton, Georgia

- Understands that the IGA needs to be renewed and looked at.
- Understands there are discrepancies.
- There are a lot of gray areas that are still out there.
- She is not a fan of holding up developers that have projects that are in place, but her main concern is that many of the gray areas that were talked about are specific land lots that are not in the Inter Basin Transfer Resolution. She urged the Mayor and Council and staff to not make detrimental decisions in their haste to clear up those properties and projects.
- When she looked at the map and took all the land lots that were listed there and you think about there being 30 or 40 acres in a land lot and there were large portions of land lots that were outside of the yellow area that were clearly in a green area that did not have a pipe. She just wants to make sure that is tied up and secured before we make any IGA decisions.
- There needs to be specific language that show the demarcation of what is sewerred and what is not sewerred.
- It is a trust issue and she trusts all of Council to make the right decisions and she appreciates all of their efforts in dealing with this.
- Reminded them to listen to the voice of the Milton residents expressed at the recent citizen's survey and the work that is being done by the CPAC and the wishes of the collective constituents.

Jim Lomenick, 14080 Old Cogburn Road, Milton, Georgia

- When he started getting e-mails concerning this meeting, he thought the issue was dead after last year's election.
- He started smelling David Chatham, Pete Hendricks, and other contributors to losing candidates from last year and sure enough that appears what it is.
- Unless he is missing something here, the answer seems to be simple.
- The populace elected Julie, Burt, and Alan last year by huge margins specifically because we could see who Chatham and his crowd were betting their money on.
- The signs were evident up and down Cogburn Road and sure enough he got his property on the southeast corner of Cogburn and Bethany Road and that is fine; he got it through a loop hole.

-
- He mentioned back then at the Fulton County zoning meeting that you were opening up a bunch of flood gates and as soon as you do that you are going to have everybody in the world tap into it.
 - Six months later Kings Ridge Christian School requested a tap in and, apparently, they got it and now on the Northeast corner where the nine acres are they are looking for the same thing.
 - Most of you should realize by now that the property values in Milton 30004 zip code have not only held steady, but have increased in most areas and he thinks that is because of our Comprehensive Land use Plan.
 - We do not want higher density.
 - The one acre minimum no sewer policy must stay in place and he asked that Council to abide by the 80% of the populace that voted recently.

Joan Borzilleri, 540 Kings County Court, Milton, Georgia

- Expressed agreement with the Milton Planning Commission.
- Also respectfully asked that Council prohibit sewer extension into areas of Milton that are not currently sewered.
- Allow no private sewage treatment plants and promote registration and regular maintenance of septic systems.

Dawn Gilmer, 2455 Bethany Bend, Milton, Georgia

- She is disappointed to hear that Chatham thinks that he is entitled to that property being sewered.
- She was involved with the Kings Ridge Christian School as a homeowner and saw the signed agreement by the school.
- The only reason the 2006 agreement was changed with Fulton County was because of Chatham with a loop hole.
- That property has sat for two years now undeveloped and looks like trash.
- The Kings Ridge Christian School has their entire sewer and they continue to build on it.
- That sewer is connected all the way through their property now.
- She walks the property constantly and sees what is going on.
- Sewer should not cross any of the Inter Basin Roads and if it does cross a road that Milton owns, why are we even processing anything that would cross a road into another community.
- That should have never taken place and that is the only reason that new policy has been written and she does not understand.

Eric Johansen, 5300 Oakbrook Parkway, Building 300, Suite 368, Norcross, Georgia

- We were here a few weeks ago on our site plan on North Valley Plaza across the street from Crooked Creek Country Club.
- His client Vanguard Builders owns that 8.3 acres.
- There is sewer on site and we feel it is vested.
- It was commercially zoned by Fulton County and later adopted by the City of Milton.
- A point to think about - suppose we accidentally dug a hole and hit that sewer line.
- Crooked Creek would not have sewer any more. So to say that we do not have sewer on our site would be an understatement or to not say we are an existing customer would be an understatement.
- Without our property, without the easement, and without the gravity flowing line going there to the Big Creek Basin, Crooked Creek would not be able to do what they do.
- He would like Council to consider emergency action for properties on Highway 9 that are zoned commercial and that were commercial prior to Milton that have sewer on their site or within distance of sewer; if those sites could move forward in the development permitting process with sewer.

Phoebe Loughrey, 14735 Wood Road, Alpharetta, Georgia

- There was an article in the Atlanta Journal Constitution that in six or seven points was about sewer extension.
- When the citizens get upset it is because of reading that language.
- Appreciates all of the Council Members and how hard they work.
- The person representing Orkin has threatened the Council and the community.
- We have been fighting sewer extension for twenty years.
- Orkin and many of the other developers have beaten down our communities and our legislators and gotten their way.
- Good development is important.
- Route 9 will probably be commercial and we understand that.
- We are not being unreasonable.
- We are being smart.
- Forced to take sewer in many places on that map that was not there before.

David Teague, 15835 Westbrook Road

- The areas that are yellow that are currently undeveloped are eligible for sewer.
- They are in a sewer area.
- He would like to look at ways that the uninformed citizen can become more informed.
- He would like to see links off of the Milton website so he could get this detail of map at home.
- He and his family like Milton.
- He is not worried about property taxes.
- He would rather have to deal with some taxes than with additional development and congestion and anything that comes along with that.
- He would love to see a good job done of septic so that there no problems that come from having septic.
- He does not think that sewer is the answer for most of Milton.

Scott Reece, 846 Cowart Road, Dawsonville, Georgia

- Doing business at 13685 Highway 9, Milton, Georgia.
- His biggest concern is he does not understand why they are using sewer instead of a Comprehensive Land Use Plan and zoning to control our growth and density.
- We have made sewer into some mysterious animal and we have so much misinformation about septic field lines.
- It is one of the least glamorous industries to go into, but having a background in soil science it is so important to realize all of the soils in North Georgia are heavy clayed.
- If you live on less than three acres in North Fulton and your system fails and there is no sewer available, you better be thinking about condemnation.
- If you have an acre or less and you live in White Columns and there is no plan ever in the future or twenty years from now and everyone on a septic system needs to find out what the life expectancy on that system is.

Dennis Potts, 2745 Webb Road, Milton, Georgia

- He owns a piece of property that is in land lot 1049 and has owned it since 1978.
- He is surrounded by sewer.
- He has been zoned by Fulton County and he received an O-I Commercial zoning.
- He is asking that Council consider that some of those land lots that are on Webb Road on the south side were inadvertently left out of the big picture, but when you have sewer all the way around you, you feel like you are just being left out.
- He does not understand why we keep having a fight about sewer over septic tanks.

-
- What gives Milton the right to be the only City that gets to put millions of gallons of water back into our soil when every other city is trying to work toward conserving our water or reclaiming our water so why are we the Jewel of the Nile.

Francia Lindon, 14810 E. Bluff Road, Milton, Georgia

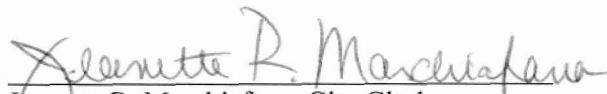
- Gave hand outs written from three professors from the University of Georgia that specifically addresses the issue of returning water to the system through septic systems.
- There is almost no loss.
- The water filters down through the soil, hits the ground water level, flows back into the brook, and goes back into the system so there is virtually no water lost.
- There has been some misinformation given here that is bashing septic systems when in fact they are probably more ecologically safe than sewer systems, which occasionally do back up and cause massive problems for a much larger population than the failure of a single septic system can for a family.
- Has lived with septic for more than 30 years and never had any problems.

Mayor Lockwood

- He received an e-mail from Jack Lindon and he will not read it, but he will give to the City Clerk for the record.
- He thanked everyone for being here.

The meeting adjourned at 6:22 p.m.

Date Approved: August 18, 2008


Jeanette R. Marchiafava, City Clerk

Joe Lockwood, Mayor