
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 Meeting of the Mayor and Council of the City of Milton was held on November 16, 2009 at 6:00 PM, Mayor Joe Lockwood presiding.

CALL TO ORDER

Mayor Lockwood called the meeting to order.

ROLL CALL

City Clerk Marchiafava called the roll and made general announcements.

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

Councilmember Member Absent: Councilmember Burt Hewitt was absent/excused.

PLEDGE OF ALLEGIANCE

Mayor Lockwood led the Pledge of Allegiance

APPROVAL OF MEETING AGENDA

Staff recommended the following change to the meeting agenda.

1. Remove the Executive Session.

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

PUBLIC COMMENT

Mayor Lockwood read the rules for Public Comment.

- Public comment is a time for citizens to share information with the Mayor and City Council and to provide input and opinions on any item that is not scheduled for its own public hearing during today's meeting.
- There is no discussion on items on the Consent Agenda or First Presentation from the public or from Council.
- Each citizen who chooses to participate in public comment must complete a comment card and submit it to the City Clerk.
- Please remember this is not a time to engage the Mayor or members of the City Council in conversation.
- When your name is called please step forward and speak into the microphone stating your name and address for the record.
- You will have five minutes for remarks.

CONSENT AGENDA

City Clerk Marchiafava read the Consent Agenda items.

1. Approval of the November 2, 2009 Regular Meeting Minutes.
(Agenda Item No. 09-973)
2. Approval of Financial Statements for the period ending October 2009.
(Agenda Item No. 09-974)
3. Approval of the execution of a renewal contract with the Emory Clinic to continue provision of Medical Direction Service.
(Agenda Item No. 09-975)

4. Approval of a contract with Mauldin & Jenkins, LLC to audit the City's financial statements for the fiscal year ending September 30, 2009.
(Agenda Item No. 09-976)
5. Approval of a contract with Mauldin & Jenkins, LLC to audit the Annual Report of 9-1-1 collections And Expenditures for the year ended September 30, 2009.
(Agenda Item No. 09-977)
6. Approval of contract from AT&T providing a managed firewall for the T1 Internet circuit.
(Agenda Item No. 09-978)

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

FIRST PRESENTATION

City Clerk Marchiafava read agenda item 09-979.

Approval of an Ordinance Regulating the location, placement, and leasing of wireless telecommunications facilities.

Motion and Vote: Councilmember Zahner Bailey moved to approve the First Presentation of agenda item 09-979, Approval of an Ordinance Regulating the location, placement, and leasing of wireless telecommunications facilities. Councilmember Thurman seconded the motion. The motion passed unanimously.

ZONING AGENDA

Zoning Agenda items are typed verbatim.

City Clerk Marchiafava read the Zoning Rules and agenda item 09-952.

At the secondly regularly scheduled meeting of the month the Mayor and City Council consider a zoning agenda. These items include rezoning petitions, modifications of zoning, use permits and associated concurrent variances in addition to ordinances, resolutions and text amendments. The petitions will be heard in the sequence listed on the posted agenda. I would like to acquaint you with some of the rules and procedures of this meeting. The applicant and all those speaking in support of the application will be allowed a total of ten minutes to present the petition. The applicant may choose to save some of the time for rebuttal following the presentation by the opposition. The opposition will be allowed a total of ten minutes to present its position. If time remains the opposition will be allowed to rebut. Since the burden of proof is upon the applicant, the applicant will be allowed to make closing remarks provided time remains within the allotted time. City Clerk 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 City Clerk staff prior to the 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. When an opponent of a rezoning action has made within two years immediately preceding the following of the rezoning action being opposed, campaign contributions aggregating \$250 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government at least five days prior to the Planning Commission meeting. A violation of the relevant state statute constitutes a misdemeanor, therefore if you have contributed \$250 or more to a Council Member and you have not filed a disclosure prior to the Planning Commission meeting the City Attorney office strongly suggest you have someone else speak on your point of view.

ZM09-03 – Northwest Corner of Webb and Morris Roads by Precision Design and Development (Bowen Family Homes). A request to modify the following conditions:

- 1) To modify condition 1.d (RZ05-022) – site development shall be substantially consistent with the rendering and elevation submitted to the Fulton County Department of Environment and community Development on June 27, 2005 except for lots identified as 136 through 216 on the revised site plan submitted on September 11, 2009 to the City of Milton Community Development Department.
- 2) To modify condition 1.f. (RZ05-022) – The minimum heated floor area for a townhouse unit shall be 2,000 square feet except for those lots identified as 136 through 216 shall be a minimum heated floor area of 1,850 square feet. All units shall have a rear entry 2-car garage except for those lots identified as 136 through 216 on the revised site plan submitted on September 11, 2009 to the City of Milton Community Development Department.
- 3) To modify Condition 2.a. (ZM07-03) To replace the revised site plan submitted on July 2, 2007 to the City of Milton Community Development Department with the revised site plan submitted on September 11, 2009 to the City of Milton Community Development Department. Any changes to the site plan must be approved by the Director of Community Development and must meet or exceed the requirements of the Zoning Ordinance and these conditions. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

Tom Wilson, Interim Community Development Director

Good evening Mayor and Council. This request to exchange approximately sixty units from rear entry garages to front entry garages is not really a land use issue and by that I mean that the land use does not change regardless of what your decision is tonight. It is zoned mixed and it will remain that way. My recommendation is based on essentially two things, whether or not this request is consistent with the comprehensive plan and whether or not this request is consistent with known policy. In this case you as a Council have not approved any garages either front entry garages or rear entry garages so that leaves me with the only policy established that I could find or that I know of at this point is that policy that was established by the Board of Commissioners back in 2005. That was for rear entry garages. The Board of Commissioners actually had three conditions that required rear entry garages which are a little unusual. Quite often and as you know we change site plans, we modify site plans to make some changes in that. Had this rear entry garages been captured only in condition two ways which was the site plan that would be one thing but instead this has been captured in two other conditions. In fact there is a condition that specifically requires rear entry garages. I can only think that that is a reflection of the community values that were perceived at least by the Board of Commissioners at that time so I would like to say that as we have reviewed this with the developer we have made some recommendations to him that would soften the impact of his request specifically that all of those units that front the amenities area remain rear entry garages in order to keep the character of this development. You are all very familiar with the development. It is a very nice looking development and that just leaves units 136 through 163 as request now for front entry garages as opposed to rear entry garages. My recommendation is for denial based on the fact that it is not entirely consistent with the policy that was established in 2005 by the Board of Commissioners.

Mayor Lockwood:

Ok, do we have any questions from Council to Mr. Wilson?

Councilmember D'Aversa:

I have a question. You are recommending denial, but you said that given a modification to just expose 136 to 163 as front entry that you would be not opposed to that?

Tom Wilson, Interim Community Development Director:

I did not say that, no I am saying that as we work through this we did make recommendations to him that we thought would soften this from your perspective and that was to eliminate about half of the units or prevent them from becoming front entry garages and leave them as rear entry garages. The developer has accepted that. That was also the recommendation from the Design Review Board when this went as a courtesy review to the Design Review Board so what I am saying now is that there is just units 136 through 163 that remain request for front entry garages as opposed to rear entry garages.

Councilmember D'Aversa:

But your recommendation is still denial.

Tom Wilson, Interim Community Development Director:

Still for denial.

Mayor Lockwood:

I am trying to figure out exactly, what you are saying Mr. Wilson is that those were recommendations from staff that might make this more of a palatable, the application and that the developer would agree to do those same things by keeping...

Tom Wilson, Interim Community Development Director:

He did and he has changed the site plan and submitted a new site plan that shows all of those units surrounding the amenities area as remaining rear entry garages.

Mayor Lockwood:

Ok, any other questions?

Councilmember D'Aversa:

Are all those 136 to 163, are all those not visible from the street?

Tom Wilson, Interim Community Development Director:

They are not fronting the street, but certainly some of those closest to Morris Road would be visible as you drove north on Morris Road. I do not think they would be particularly visible as you drove south on Morris Road.

Councilmember D'Aversa:

But units 149 through 163 are not visible at all from the road, is that correct?

Tom Wilson, Interim Community Development Director:

Units 186 through 220 are not visible at all. I doubt that you would be able to see 163 through 155 but if you looked you could probably see 154 through 136 from Morris Road.

Councilmember Zahner Bailey:

Just to clarify again my understanding and looking at the site plan that is before us is that from Morris Road you actually do see 136 through at least 154 and to your point Mr. Wilson potentially through 158 because of the curvature of the road. My understanding from some of the citizens that we have heard from and I realize we have not had our public hearing but just for clarity of this is that part of the concerns that have voiced back in 2005 and what we have subsequently heard is the concern that there is in fact a view from Morris Road and that it does, it starts to bump up against those community values which is why we saw three of those zoning conditions reflecting a rear entry but just so that I am clear it is my understanding that what is before us tonight does not modify and make these all rear entry. Can we just specify again how many of the units are still being requested based on what is before us and what was advertised as rear entry.

Tom Wilson, Interim Community Development Director:

From 136 all the way to 163.

Councilmember Zahner Bailey:

Those were all reflected as front entry garages.

Tom Wilson, Interim Community Development Director:

I would also like to point out that there is parking along this street. The street was designed for parking so once that parking is filled up it will certainly diminish your view of down that street and up the front of these building.

Councilmember Tart:

It is 27.

Tom Wilson, Interim Community Development Director:

Twenty seven remain requested to be exchanged for front entry garages.

Councilmember Zahner Bailey:

All of those in the original condition were considered rear entry.

Tom Wilson, Interim Community Development Director:

That is correct. I also want to mention one other thing. The exchange of rear entry to front entry would necessitate a reduction in the minimum unit size from 2,000 to 1850 just based on the change of the design of the unit for front entry as opposed to rear entry.

Councilmember Lusk:

Have we seen a landscaping plan with this site?

Tom Wilson, Interim Community Development Director:

There was a landscaping plan, there is a landscaping plan. I am sorry I do not have that with me tonight but there is a landscaping plan that was approved as part of the land disturbance permit before these things were permitted to be built.

Councilmember Lusk:

Has there been any discussion as relating to disguising or softening the impact of the front entry garage with landscaping?

Tom Wilson, Interim Community Development Director:

There has been some discussion with the developer about that. My understanding is that he is certainly willing to do anything like that that would soften it or help obscure the view. I do not think it can be any way in which you can obscure the view down that street with landscaping because obviously you see down the street but to the degree in which it could be softened my understanding is he is certainly willing to do that.

Councilmember Thurman:

I have a couple of questions. First of all you said that you are recommending denial based on community values and the community value is just specific to this site plan because there are other site plans adjacent to this where the community value was to have front entry garages, correct?

Tom Wilson, Interim Community Development Director:

Yes, my recommendation is based on the policy that I gleaned from the three conditions in this zoning case which require front entry garages.

Councilmember Thurman:

Ok but when you said community value you did not mean for this whole area as a whole but just that one site plan specific.

Tom Wilson, Interim Community Development Director:

That is correct.

Councilmember Thurman:

The other question I had was as far as the DRB because they have reviewed this.

Tom Wilson, Interim Community Development Director:

They did a courtesy review on this a few months back.

Councilmember Thurman:

And they were ok with the site plan that is currently before us?

Tom Wilson:

They were ok with the site plan dated October 30th which showed only those 27 units with front entry garages and the other ones remaining rear entry garages.

Councilmember Thurman:

So in their courtesy review they felt like this was appropriate.

Tom Wilson, Interim Community Development Director:

That is correct.

Mayor Lockwood:

Do I have any other questions?

Councilmember Zahner Bailey:

Is the applicant here?

Mayor Lockwood:

Yes these are just questions before the applicant gets up to speak so if there are no other questions for Mr. Wilson, I will ask those to come up that are in support of this application.

City Clerk Marchiafava:

I do not have a card submitted sir but I believe there is someone here representing the applicant or who is the applicant if he would like to come forward and submit a card.

Corbitt Woods, 6650 Sugarloaf Parkway Suite 200:

I represent the applicant Bowen Family Homes and prior some of our residents from Deerfield Green had been here in support of what we are asking for tonight but I do not see any of them here tonight but I have not heard anything to indicate any lack of support of our change to introduce this product along this area to mitigate the effects of a large retaining wall and the pond which is what we are trying to avoid. I have heard within the last twelve hours about some concerns about the visual impact along Morris Road and I agree that as you come south into town there is an existing stand of mature trees that mitigating the view of the buildings and all driveways are not. As you come north going out of town toward Bethany Road there is an existing entry way in with a fenced landscaped area. I do think we could take the fence out and raise it up three or four feet to create more of a berm to shift the visual appeal toward the existing mature trees as opposed to a hard look down the driveways. That is something I think we can do and work with staff's recommendation to get that done. We have been working on this for a little while and we have come to a point that we are willing to do all the changes they have asked for

specific to limiting the number of units that is specific to what is impacted by the wall and the pond. I would be happy to answer any questions you have regarding this.

Mayor Lockwood:

Do we have any questions for the applicant? Should we freeze his time and allow him some rebuttal and questions.

City Clerk Marchiafava:

Yes sir, that is all the comment cards I have both for and against at this time.

Mayor Lockwood:

Ok, I will close the public hearing and allow questions to the applicant.

Councilmember Tart:

I just have one question and I am not sure whether it would be best to directed to you or whether it would be best directed to staff but there appears to be a discrepancy between, ok, we have 27 properties at this point that are being requested, if we take off the properties that have been deleted from the request based on the fact that they face the common area so we are left with 27 properties. We have heard from one or more citizens regarding properties 149 through 163 which are more interior to the property and not visible from Morris Road so if there had been improved landscaping perhaps some modification to the berm that would not be an issue but that leaves about 13 other properties that according to this citizen would be an issue even with those improvements made. Do you know what 13 properties that we are talking about there?

Corbitt Woods:

Yes and I appreciate the input from Ms Sowder and on this particular point I think it looks better if Council allows us to be able to continue because if you have the rear entry right there at the beginning it looks like we just jammed something in there and part of our goal with coming in and even asking at all was to alleviate the hardship caused by that retaining wall in the back corner which happens to be closest to the road. I do think that once you get to full build out there is a huge specimen tree that we have gone to tremendous lengths to avoid and just before that is a focal point to your eye as you drive up the road and once the units are built that surround the tree on the site plan I believe once we build units 135, that building right there is really going to take away what you see going north on Morris Road. This building will block out the visual going that way.

Tom Wilson, Interim Community Development Director:

That building will block out the vision going north on Morris Road.

Corbitt Woods:

The tree I was referencing Mr. Wilson is right south of those buildings. There is a large open area, you all know where the tree is. I think it will be a better compliment to the city if it gets approved in larger length of the units as opposed to be a smaller identification and plus we are going to build something that is high quality. We came to the DRB, they have been supportive of the architect we are planning to put there. The residents that are in there now would like to have some more neighbors and like us to introduce this extra activity and they will be getting more activity. I appreciate your consideration of our request. I think we have worked with staff to get to a solution that works well for everyone including the city and us and our neighbors that live in that neighborhood.

Councilmember Zahner Bailey:

Thank you Mayor and thank you Mr. Woods. Obviously I think you are familiar with some of the community that we have gotten in terms of the visual concerns of number 136 through 154. Has there been some discussion Mr. Wilson, part of these questions for you Mr. Wilson or for you Mr. Woods about allowing again some tier townhomes to have the front entry but to maintain the perspective of that rear entry for those that would be visually accessible from Morris Road, has there been some discussion about doing a blended approach whereby number 155 to 163 which would be more internal and allow those to be front entry and to Mr. Woods point for

consistency if you have the consistency of 136 through 154 being rear entry and that would then be consistent with those conditions that I know historically the citizens worked...

Tom Wilson, Interim Community Development Director:

I have not had that discussion with them.

Corbitt Woods:

I strongly feel that our original intent was to mitigate the hardship of that wall. There is a huge wall there with an alleyway and I realize it was a site plan specific zoning in 2005 prior to us buying the property and I am not here to ask you all to correct our mistakes but the reality is those units are going to be even in the more distressed environment with the alley people can back in and hit the retaining wall by not paying attention when they are leaving their house in the morning. It is not conducive, it is not going to happen. It is unfortunate the wall is so close to Morris Road but the wall and the pond as you go down the way is, we have to high of a risk for people to have an accident and garbage trucks and everything else so while I hate that it is close to the road, I actually feel more strongly about the front entry is adjacent to a wall.

Councilmember Zahner Bailey:

Again, I know what is before us is for the collective passage of all of those units, knowing and hearing Mr. Lusk ask the questions about landscaping, if some of those were shifted so they were not necessarily so close to Morris Road and if we dealt with the visual impact, whether it be this site plan or a modified site plan, thinking again, it is hard for me to ignore the communities concerns about that visual and I just wondered if there would not be some ways to help mitigate that either by shifting some of those units that are so close to Morris Road and/or allowing some of those and again we do not have all of those dimensions but is there a way to shift those forward and get them somewhat away from that retaining wall or is there some way to modify?

Tom Wilson, Interim Community Development Director:

Are you talking about units 136 through 154? If you will notice on the west of 154 there is a stream and now there is a stream buffer. I do not believe we can shift them in that direction at all.

Councilmember Zahner Bailey:

So you would have to just reduce the number which I realize is not going to be your preference, so is it that there is no room to do the rear entry and Mr. Wilson maybe you could speak to that, it is obviously a tight position.

Tom Wilson, Interim Community Development Director:

It appears certainly to be road but certainly does appear to be very tight especially on those end units closest to Morris Road. You would have to make a really hard turn and probably could not make it one turn.

Mayor Lockwood:

To that point, would you say that would drive the market as far as market ability for those homes negatively with that tight space?

Tom Wilson, Interim Community Development Director:

I believe that.

Councilmember Zahner Bailey:

I am just wondering how we mitigate the concerns of the community in terms of the visuals given that this was not a new rezoning but it was one where a lot of folks that live in that area and continue to live in that area express concern and I think to Mr. Wilson's point there were obviously three different and separate conditions that were put forward by folks some of whom we have heard from again this week that were part of that initial rezoning. With all due respect to Mr. Woods it is just hard to ignore those efforts and concerns that went back to the time it was originally put forward as well as continuing to so I am just looking for a solution that would help to mitigate their concerns and also with the visual impact on Morris Road.

Councilmember D'Aversa:

Why again is that retaining wall there, that faces the outside which is where the rear entry would be? Now the new front entry is going to be internal to the community. You are going to drive east on Morris Road and see the first few front entry but now the retaining wall is what is in the back that is on the public road. Is that correct? Why was that retaining wall put there? Was that a requirement?

Tom Wilson, Interim Community Development Director:

Yes it helped flatten this site. that is quite a high retaining wall.

Councilmember D'Aversa:

So that is necessary there.

Tom Wilson, Interim Community Development Director:

That is absolutely necessary there.

Corbitt Woods:

If I may there is a unique condition adjacent to 136 and as I got the concern this morning about this very issue, I came out and walked the site and looked and as you all know there is a large power line that runs down but right before it gets to 136 it angles across the street so we pick up about 25 feet there and it is already landscaped. It is pretty decent landscaping although I am biased it is pretty decent landscaping and again I think we could probably if we need to look at how we could raise that in some kind of berm fashion that could work with staff's approval and not hold water or any of those type of things and soften the visual impact as you drive out Morris Road. One other thing I wanted to mention about the alleyway is that currently that is set up as a dead end. I think as you have gotten more of these products actually built since it was zoned, the dead end alleys do not work as far as traffic flow, trash truck pick up and all those types of things. We do not have any room to come around the building without getting closer to the road and I do think the rear entry will actually get rid of the walls view as you drive down the road I mean the front entry will get rid of the walls view better than the rear entry as far as the impact of seeing the wall but it is there.

Mayor Lockwood:

What I am hearing is obviously we have a concern for the community and what our citizens look at existing zoning but also I am hearing a willingness to try to work with the applicant too. In this market and in these conditions to try to maybe come up with a compromise and Mr. Wilson in your opinion is there something that we could come up with, I know it has been thrown out more landscaping and a berm and what not once the additional buildings that would be a reasonable win/win situation for both the applicant and the city.

Tom Wilson, Interim Community Development Director:

Well I do believe that heavy landscaping at that entry on both sides of that entry drive would significantly reduce the view down that street. It will not eliminate the view of those front entry garages but it would significantly reduce that simply by being a focal point and in some cases obscure the view.

Councilmember Lusk:

Help me understand the legend on the site plan. You have a 45 foot reservation line, is that for future right of way? It is a crossed hatched area apparently down Morris Road and down Webb Road.

Tom Wilson, Interim Community Development Director:

That is a future reservation line for road expansion I would say.

Councilmember Lusk:

Ok, so up here on Morris Road at the upper entry by 136 that reservation line takes and angle off from the interior of the site towards the road. In leaving that part of the island or the area between the service road and Morris

Road, it seems to me that could be a heavily landscaped area that would help soften that entry point like you were suggesting without impeding in the future right of way.

Tom Wilson, Interim Community Development Director:

It certainly would not impede the future right of way. Part of that island you see there is in the right of way which we would prefer not to have any low plant materials in but a portion of it is not and perhaps that island could even be extended a bit further down the road and get some planting in that island, more planting in that island.

Corbitt Woods:

That is something we could think about as long as it works for safety concerns and coming in and out of there. It is fortunate for us that that reservation line does shift toward the apartments at the point it does because it gives us an opportunity. I think candidly if you raised the top of the elevation of the fence at all and replace what you had and it was three or four feet higher it would be a whole lot better for what is there and if you compliment that with some additional plantings you will probably significantly mitigate. It will never all go away though, it would be unfair for me to characterize it as that.

Mayor Lockwood:

Is there anyone else that has not asked a question that has one?

Councilmember Thurman:

I just want to ask one real quick comment. I went back and checked and I have only received one e-mail from the community on this. Have you received any other input from the community because I know we always want to make sure we are listening?

Tom Wilson, Interim Community Development Director:

I have not received any. I am aware of discussion between the applicant and Ms Sowder but I have not been copied on any of those e-mails.

Mayor Lockwood:

Is any other staff aware of any or Council aware of any other positive or negative feedback on this?

Councilmember Zahner Bailey:

I saw that Ms Sowder just joined us.

Mayor Lockwood:

Is there anybody that has had any from citizens or what not?

Councilmember Zahner Bailey:

I was just going to ask and I think Mr. Woods had alluded to the fact that they had had some conversation and I believe that Ms Sowder was involved in the original 2005 rezoning. I would like to ask if the Mayor would consider allowing Ms Sowder to give us her comments so that we have the full breadth of this discussion.

Mayor Lockwood:

If it is the will of the Council I would be glad to let Ms Sowder fill out a comment card and speak. Mr. City Attorney would that be protocol or not?

City Attorney Jarrard:

The public hearing is concluded officially but I think there was some time remaining by the applicant if he wants to yield that time to Ms Sowder I think that would be appropriate if it is the will of Council.

Mayor Lockwood:

Ms Sowder would you be interested in making any comment on this application.

Heidi Sowder, 525 Sunflower Ct.

Mr. Woods and I have spoke on numerous occasions since the 2005 rezoning and I have always appreciated that he has come to us. Bear was the original group that went through the whole rezoning process and the no longer really exist but Mr. Woods was nice enough to call me when things come up and I do appreciate that. We talked on numerous occasions just regarding this modification request and I was always trying to envision how to make it work and make it feasible and still stick with that village concept. That is what is being used for this. It was rezoned as a live work mixed use development. The rear entry units really do give it a very nice look and feel and unfortunately, and I also had photos made at Target today of the neighboring Morris Lake and Fairview Townhomes but unfortunately the machine I used, I got a phone call, those pictures did not come out. When you have the front entry and you have such a short parking pad of only eighteen feet, I have a Honda Odyssey is eighteen feet long so if you are going from the garage to a sidewalk eighteen feet, there you have it and a lot of time people do not park right up against their garage, they will leave a few feet then it ends up not really being that village concept where you can walk and go to the neighboring shop and stuff like that. It becomes kind of a zig zag and it really gets messy looking so the front entry, I have a really hard time with the front entry especially being visible from Morris Road. That area and the live/work concept really fit nicely because it is a good transition from the office park down into the rest of the neighboring communities. Morris Lake adjacent to that and also Fairview the next townhome subdivision down, they have a large earthen berm which shelters the units from view so you do not see their cars parked on their driveway. I pulled in there today and took a photo of a Ford Expedition parked on one of their short driveways and it comes all the way out to their curb and I know they are eighteen feet long. It takes away from the look. If there is any kind of a compromise that I would be willing to come to, for instance here right across the street, there is Deerfield and that is also a Townhome subdivision, those units all along Deerfield are all rear entry but yet interior to there are some front entry units but you do not see that from the road. It keeps the community looking very neat and clean from the outside. It is obviously not a live/work community because it is a much smaller development but the exterior all around still looks neat and it goes along with that whole concept with what we were trying to do here in Deerfield so I would have to that if a compromise could be struck then maybe units like 149 to 163, because I think you were looking at 136 to 163, if you go with maybe those 15 units that are farther in and do the front entry garages there, they will not be right on Morris Road where everybody can see them and you are not going to have all the cars packed up their visible from Morris Road and it will keep that same look going for the rest of the community as well along Webb and Morris Road so that would be my preference to keep that village look and feel as much as possible. If there is an area to compromise, keep the compromise within the community not along the exterior borders of the community. Thank you very much.

Mayor Lockwood:

Thank you and again I will not talk specifically but in general I think the applicant has addressed those concerns somewhat with possible buffer or a berm and landscaping and what not because we have certainly been discussing that prior to just a minute ago so at this point I will let the applicant have his remaining time.

Corbitt Woods:

I will try to be brief. With respect to the parking and driveways, on concept we had talked about with staff was providing sidewalk all the way across on the opposite side of the street which as you all know the streets are relatively not that wide for an unimpeded walking corridor and it is on our site plan. We are happy to put all of that in and part of it is in already so if somebody wants to walk they can. With respect to the concern about the length of the driveway as Ms Sowder and I have discussed on a couple of occasions, there some already existing underground infrastructure which would be cost prohibitive to move behind the new units whereas half the units will have 20 feet of space. The minimum is eighteen. We do not have very many that are eighteen but that was the minimum of one of them and the calculation we did for staff. The sidewalks will be on both sides for walk-ability. With respect to the live/work, while we continue to market this and have since day one, we have had zero interest in any type of live/work type customers there with the exception of a female clothing taylor shop which you would not have wanted. I have talked to Tom about it, it is something just on the edge of the zoning of what would be an allowed use and we are not going to go after that but the typical people we had hoped for in a

live/work setting have not materialized although we continue to hold out hope that some time they will come and hold down a building for that use. We would be happy to try and put together some type of landscaping at the front of 136 to mitigate the concerns if that is what we need to do for a resolution for everyone but I do feel strongly that going with a front entry in front of that wall if there is any way possible and along the pond is the best solution for this part of the development so with that I will hush.

Mayor Lockwood:

I will ask if we have any Council who might want to put forward a motion on this application.

Councilmember Zahner Bailey:

I do not have a motion, I just have a question. Hearing Mr. Woods talk about the fact that he is willing to look, I think I heard him say try to look at a landscaping approach that would provide some, help to mitigate that visual impact and hearing Ms Sowder who is part of it originally so that in combination with shifting some of these numbers, I just wonder if anybody amongst this Council would be interested in a two week deferral to let these parties work on something so it would be definitive in terms of what would be before us because what is before us right now does not contemplate any compromise position and I am always a little hesitant on the fly to start talking, especially when we had a site specific approval back in 2005, I am a little hesitant to kind of leave it to chance and I just wonder if we would not want to give the opportunity for compromise and the opportunity for in helping to positively mitigate that visual impact if it would not behoove us to give these parties some time to see what they could come up with.

Mayor Lockwood:

Ok, and I may want to ask, and that is a good point, it does seem like there is some desire from all parties to work out some type of compromise. To that point though rather than going through another same process, in staff's opinion, can the jest of what we feel the community wants and the Council wants as well as the applicant, is that something that staff would feel comfortable and please feel free to weigh in Mr. City Attorney, in getting the idea from us now but be able to work that out making the application conditional upon that or do you think it would need to go back through redesign and brought back in front of us?

Tom Wilson, Interim Community Development Director:

I would actually like the opportunity to illustrate to you what can be done with landscape materials to the greatest extent possible by planting, what can we do and I think we can illustrate that to you, certainly we would need a larger scale drawing to do that but I think that is something that might be helpful.

Councilmember Tart:

Mr. Wilson if there were improvements made to the landscaping to shield the view on 136 down, does that address the issue with cars parked in the driveway and the walk-ability that might be hampered from doing that and is parking in the driveway a necessary part of this development is the question that I have. There are covenants that can deal with that.

Tom Wilson, Interim Community Development Director:

I think the question about parking in the driveway, whether or not that is necessary should be addressed by Mr. Wood.

Councilmember Tart:

That seems to be one of the issues. First you have a retaining wall behind so that impedes peoples ingress and egress out of the garages so evidently they were going to be parking in the garages had this original site plan gone forward so now that you have given us a revised plan and you have driveways in the front, will they not still be parking in the garages and why do they need to park in the driveways and if that would help visually and allow for the walk-ability to still be maintained on the sidewalk, it seems like we can handle this in some other way as far as covenants or something to prevent people from parking in the driveways to impede the walk-ability of the

sidewalk. And also improve the landscaping along Morris Road to help with the visual aspect of it as you drive by.

Corbitt Woods:

Heidi and I talked about that at length and while expect most everyone to park their cars in their garage you cannot help the people coming and going. There is visitor parking on the street and for the most through the neighborhood, it seems like people are using it when they come to visit their people as there occasionally a car parked behind the garage in the back, there are a couple areas there is some space for. One thought we had was not adding sidewalk on that side where the driveways are so people would not walk over there and you are only talking about losing about five feet of sidewalk per unit because the driveway is there and you would have a little landscaped area between each driveway and if people wanted to walk from a walk-ability standpoint which I am all for, they just walk across the street and walk down an existing sidewalk for where there are no driveways, alley or front entry or nothing. It is all already there. It is depicted on the plan I am pretty sure, some of it is already installed at the top of the little pond or the open area. It is an odd shape, it is not a rectangle but if you will direct your attention to the center of the drawing you will see an area with no units and it already has a sidewalk as contemplated on that side of the street and I think that is actually a better use. In some of the neighborhoods we do with front entry townhomes, the sidewalk is on one side of the street.

Tom Wilson, Interim Community Development Director:

I have a question I would like to ask. Mr. Wood, these units 154 through 136 where we are seeking front entry garages, there is parallel parking along that curb but clearly nobody is going to be able to parallel park along that curb here. Along this curb with all of those driveways coming out there so could we not lose that parallel parking along the curb in front of 136 to 154 and somehow gain a few feet for the sidewalk.

Corbitt Woods:

It is certainly something we could look at again and it is something we could look at relatively quickly, I heard two weeks. I think we could address both the landscaping and the other issue and I throw it out there to contemplate putting the sidewalk on one side of the street. I would be glad to illustrate that how it would look with the driveway and garage as it goes down the street for you all to consider. I would be glad to do that and I can do it pretty quickly.

Councilmember Lusk:

I would go along with that and I was going to ask the question, is there any ordinance that would allow removal of the sidewalk from that side of the road. Is it required that we have sidewalks on both sides of the road?

Tom Wilson, Interim Community Development Director:

It is not required that we have it on both sides but I would also like to emphasize that this is as live/work district, a mix use district where we encourage people to walk so my last option would be really eliminating a sidewalk. I would much rather eliminate that parallel parking along in front of those units and maybe pick up the necessary dimension that we need to shift that sidewalk away from the front of those buildings.

Councilmember Lusk:

I think that is a good idea, in the second point, by planting the north end of that island as you go into the north entrance, I think that is going to screen any view going down the road. Certainly when you are going northbound on Morris Road you are not looking down that entry road, your eyes are on the center line road going north by northeast so I think if you heavily planted the north end of that island, I think that is going to obscure a lot of the view down that street.

Tom Wilson, Interim Community Development Director:

I would certainly like to have the opportunity to illustrate exactly what we can do with landscaping in that.

Mayor Lockwood:

What I am hearing is there is probably some items that can be tweaked on this plan that maybe a compromise that the Council would approve. I also think I am hearing from the applicant that it would be amenable to bringing this back with a few minor changes as we have discussed. Is that correct?

Corbitt Woods:

Yes sir.

Mayor Lockwood:

I would have to ask the legal requirements for bringing this back. Can we bring it back in two weeks?

City Attorney Jarrard:

I do not think there would be any. I think the public hearing is over and it would simply be bringing it back for decision.

Mayor Lockwood:

Ok, at this point we have discussed it for a long time, I ask if anyone has a motion?

Motion and Second: Councilmember D'Aversa moved to defer until December 7, 2009 ZM09-03– Northwest Corner of Webb and Morris Roads by Precision Design and Development (Bowen Family Homes). A request to modify, I will not read all the conditions, but just suffice to say that we would like for you to review and come back to us with a solid site plan that we can approve. Councilmember Tart seconded the motion.

Mayor Lockwood:

Ok so I have a motion to defer this application for three weeks until December 7th in order for staff and the applicant to tighten up a few things and come back with some amendments. I have a motion by Councilmember D'Aversa and a second by Councilmember Tart. Is there any discussion?

Discussion on the Motion:

Councilmember Zahner Bailey:

I have just one point. As the applicant and citizens and others are looking at options, given the potential suggestion of removing the parallel parking, if you guys would also collectively look at the math associated with when you remove that, do you sudden have the opportunity to shift those building forward and end up with the original rear entry with ample room between the retaining wall and the rear entry. It seems if we suddenly gain some square footage it may give us some options that had not even been contemplated on this revision so I would just ask that we consider all of those things because in the removal of that we may actually get enough room that the alleyway at the rear would give you sufficient space so if we could just consider all of those things during this three week deferral I would sure appreciate it.

Mayor Lockwood:

That is a good point but I would ask that staff and the applicant discuss that and use their engineering principals.

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

UNFINISHED BUSINESS

City Clerk Marchiafava read agenda item 09-967.

Approval of an Ordinance establishing Solid Waste collection Services within the City of Milton; providing for the scope and nature of the operation, providing for the disposal of garbage, solid waste and refuse; requiring the execution by service providers of a non-exclusive agreement with the City of Milton; with the City of Milton; providing procedures for the handling of complaints; providing for revocation and

amendment; prohibiting assignment and subletting without consent; providing for forfeiture; and for making other provisions.

ORDINANCE NO. 09-11-53

City Manager Lagerbloom

- This is the same ordinance that we have passed for several years.
- He had hoped to have a solid waste plan in place prior to the meeting and we are making steps in that direction.
- This has no changes over last year.
- It continues the status quo.
- We are in the process of putting together a more comprehensive and substantial process to enforce this particular ordinance.

Motion and Vote: Councilmember Tart moved to approve agenda item 09-967, Approval of an Ordinance establishing Solid Waste Collection Services within the City of Milton; providing for the scope and nature of the operation, providing for the disposal of garbage, solid waste and refuse; requiring the execution by service providers of a non-exclusive agreement with the City of Milton; with the City of Milton; providing procedures for the handling of complaints; providing for an infrastructure maintenance fee; requiring indemnity insurance; providing for revocation and amendment; prohibiting assignment and subletting without consent; providing for forfeiture; and for making other provisions. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

NEW BUSINESS

City Clerk Marchiafava read agenda item 09-980.

Approval of a Resolution Continuing the Wired and Wireless Enhanced 911 Charge, and Establishing a concurrent Enhanced 911 Charge on VoIP, for all such Communications within the City of Milton.

RESOLUTION NO. 09-11-113

Matt Marietta, Assistant to the City Manager

- On November 21, 2006, when the City first incorporated, the City first enacted a Resolution pursuant to OCGA 465134 which allows us to charge a \$1.50 fee for every phone line in the city limits, both wired and wireless telephone lines.
- The purpose of collecting that fee is so we can support our 911 system.
- The first phase of this represents a reaffirmation of our desire to continue to charge that fee.
- Additionally in 2007 the Georgia General Assembly added the ability for municipalities to charge the same \$1.50 fee to what is called the voice over internet protocol or VoIP telephone line.

Motion and Vote: Councilmember Lusk moved to approve agenda item 09-980, Approval of a Resolution continuing the Wired and Wireless Enhanced 911 Charge, and Establishing a Concurrent Enhanced 911 Charge on VoIP, for all such Communications within the city of Milton. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously.

MAYOR AND COUNCIL REPORTS

Mayor Lockwood

- He asked if Linda Blow would clarify everything for the tree lighting.

Linda Blow, Project Coordinator

- The tree lighting is November 29th at 5:30 at the tree.
- The tree will have lights on it prior to that time.
- Target will be donating hot drinks and possibly cookies.

STAFF REPORTS

City Manager Lagerbloom

- The December Work Session is exceptionally full, so plan for a late evening that night.
- We have seven agenda items.
- Councilmember D'Aversa wanted an update on street lights on Deerfield Parkway.
- We have a couple of different things with respect to the question in progress and none of them are ready yet for a decision.
- One of the things that we will be bringing forward to you at either the meeting of December 7th or December 14th is the fact that the City of Milton believes that we will receive some fairly substantial federal grant dollars that have been passed through Marta at this point for some enhancements along their bus route.
- Some of those enhancement dollars can be used for sidewalk improvements and street light improvements.
- There are some certain requirements that say the enhancements have to be within a certain distance of public transportation or a bus stop.
- We believe at this point that we could receive somewhere in the neighborhood of \$600,000 for some enhancements and improvements along the bus route since that is the only public transportation we have in Milton so we are putting together a staff recommendation and that will likely include some options to bring forward.
- We will meet again only a couple of more times before the transition to City staffing.
- There is likely some opportunity we will have certain components of the transition to continue either to outsource or to come up with a different model but our transition where the contract ends on December 31, 2009 is certainly on track at this point.
- It is an expedited timeline.
- We are now meeting the deadlines that we have.
- My next report is a comment with respect to the new high school location on Bethany Road.
- I have had a lot of questions as to what exactly our role will be in that particular process, when our meeting is going to occur, are there homeowner associations meetings that are going to occur, etcetera.
- At this point Mr. Burke and I have had several conversations and he has committed to being available to the city through either a representative of staff or anybody else if the Council chose somebody else.
- I have taken that role in the absence of not having anyone to give it to at this point and I am ok with that because he and I have talked on several occasions.
- At this point he was going to do some checking, but he was not sure if the Board of Education was going to be in a position to want to meet with small groups for this particular high school based on the timeline that they are on.
- I have advocated for the City, every time that I have spoken with him that we would like them to do very similarly what they did with the Birmingham Falls Elementary, that we would like the DRB to have a review of the particular school.
- At the end of the day they ultimately hold a lot of those trump cards and it is only because of decent relationships and good communication that we are willing to work together to get something that is a benefit to the City of Milton.
- At this point staff members are in contact with the Board of Education who are advocating on behalf of the city.
- The Board of Education has stated they have to have a school open in 2012. Community development and he looked at the site plan which we did have some issues with and sent it back to them asking them to do some additional work.
- We asked them to look at the stream buffers again and find a way to get out of them and we are waiting on a plan to come back that has some of that work done.
- The comfort I want to leave you with is that the school is not being silent to Milton and they are not being unresponsive to Milton.

- They are saying there are some things they are willing to do and some things they are not and they have the right to do that.

Councilmember Zahner Bailey

- She suggested they have some sort of reach out to ensure that they are communicating with the Board of Education and are at least putting forward as many of those recommendations that are reasonable so that we have a collective list of things that we as a Council and staff are putting forward to the Board of Education.
- Staff has already identified some of those things.

City Manager Lagerbloom

- He asked if they could spend a couple of minutes and get the Council Members thoughts with respect to this school before this meeting tomorrow.

Councilmember Tart

- His main concerns are some that have been shared with me by citizens and just have to do with three areas basically.
- The look and feel of the school, having it designed in such a way that adds to our rural equestrian character, i.e. things like perhaps an installation of four board horse fence surrounding the property, walkability with sidewalks which I think has already been addressed even in the design that the school board is going to come up with.
- Also traffic and I think the main thing there is citizens just want to ensure that the school board has constant communication or that we have constant communication with the school board to ensure that we are on top of the traffic issues.
- He asked what kind of effect it will have to our budget, the timing, will those improvements be made on the school property as far as acceleration/deceleration lanes and if additional improvements are needed and they need to be paid for by the city when will the timing of that take place.
- He would like to know if it will happen by the time the school opens.
- The last one being noise.
- It will add significant cost to the school to design the stadium in such a way to minimize noise but could there be policies that could be worked out between or facilitated by the city for instance practicing at certain times or having certain practices held in the gym versus the field, outdoors as far as the seating and where the seating is oriented to the neighborhood versus the school property.
- Looking at the site plan there are almost twice as many seats going this way toward the community than there are coming back towards the school property so could that be changed to where you have the majority of the noise coming back over the school property and would that help with the noise versus having the home side be faced all over Highway 9.

Councilmember D'Aversa

- She made her recommendation as far as noise goes at Katie Reeves' meeting at Hopewell Middle School.
- She hopes they do not make the mistake that so many people have made for years and years that they build this school and not take the opportunity now to take care of the noise.
- It is not about making rules and laws. It is about putting in the infrastructure now that takes care of the noise which is noise buffering.
- The University of Alabama has noise buffers and it really does take care of it.
- It is very similar to what you would see on Georgia 400.
- With regards to traffic we have an opportunity right now especially with Kimley Horn to take a look at what may be some opportunities that they have seen in other school districts in other areas.
- Most of the time you do not select a school site and then decide that you have to do more transportation enhancements that would cost more than the school is going to cost and that is what I think we are looking at here so that is a little disappointing.

- The other thing is an entrance from Highway 9.
- That site plan does not have an entrance from Highway 9 and I think that is a missed opportunity because what we want to do is reduce that traffic flow into the interior of our city.
- We have walked it twice now from the back way where there could possibly be an entrance even if the property needs to be purchased.
- There is Fulton County property there where the water towers sit and there is a huge open green space.
- There is a huge opportunity that is being missed there and especially since they are going to sit the stadium closer to the water towers.

Mayor Lockwood

- We have discussed prior that traffic is an issue and our staff is looking at that.
- He did mention to Patrick about four board fence and they did not seem to be opposed to that.
- It is hard to really define look and character because everybody has a different opinion about what look and character is so he would have to say to leave that to the architects.

Councilmember Lusk

- He had the opportunity of meeting with Bob several months ago and reviewed the site plan.
- They addressed the same issue about access off of Highway 9 and that deserves a little more study.
- It would certainly help alleviate some of the increased volume of traffic on Bethany and Cogburn and several of the other roads around there.
- He understands the inability of the Board of Education to make offsite improvements and he has visions of what is going to happen to Bethany Road and Cogburn Road and possibly we could start looking at some funding to improve access or widening or resurfacing both of those roads as they boarder the new high school.
- We have some real serious infrastructure issues to consider out there and it is going to be the roadways and the intersections that are involved in that area and it is access for public safety.
- As narrow as these roads are and if there is some large emergency at the school I certainly would want access for public safety vehicles.

Councilmember Zahner Bailey

- No question via Highway 9 would be terrific.
- In terms of other land I know that some of the community members had also talked about the nine acres across the street.
- Obviously the more you talk about land the more the school board is obviously not going to have that additional funding but in these early discussions we may as well talk about that as opposed to not discuss it and the reason being is that there was concern about parking, not only enough parking but also accessibility of parking with the stadium but also the position into the parking.
- A lot of that parking that is going to be visible from Bethany and Cogburn and that land right now is right on the cusp of the Highway 9 overlay and if you were to step one foot out of that parcel, you actually get into what was previously referred to as the Northwest Fulton overlay so in looking at parking my questions would be not only is there an opportunity for additional parking to ensure that there is adequate parking for students and games etcetera but also how to buffer that parking.
- There are some sighting difficulties on that parcel because of the wetlands and the streams but there are some creative ways to park cars where you have good flow of traffic but also to help mitigate the visual impact.
- There was some discussion about whether or not the building could be sighted with an angle, obviously some of the folks that are involved architecturally are good.
- We just need to make sure those walking trails are consistent with our plans for the walking trail.
- We need to make sure that there is a discussion about what those tree lined exterior parcels need to have for enhancement.

- In terms of bus locations, the buses are all parked in front of the building along Birmingham Highway so visually when those bus drivers go you have multitudes of yellow buses so it does negatively impact the visual on weekends and after 3:00, so if there is a way when we think about parking and location and the ins and outs of that building, thinking about where those buses will be parked is important, because those neighborhoods probably would prefer to see trees and some buffering as opposed to Bethany Bend and Cogburn being lined with buses so I think we need to think about that in advance.
- As it relates to the guidelines and particularly the architects that are involved because they were involved in Kings Ridge, they are aware of both the Highway 9 Design Guidelines, those that are currently in place, not necessarily those that will be enhanced through our current committee but if there is a way for them to look at both overlays as opposed to saying, gee this parcel is within the Highway 9 Design Guideline because it is at the cusp of the overlay if we could encourage them to at least look at both guidelines, again, not as a requirement but as a way for them to best understand what it is we are going to have citizens hoping for so I think both of those documents would be of benefit when they look at siding as well as the design of the building.

Councilmember Thurman

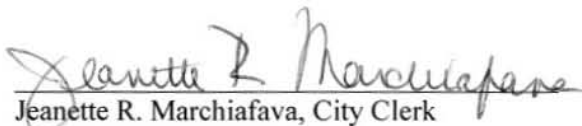
- Most everything has been covered.
- The traffic and transportation infrastructure is going to be our number 1 concern.
- Whatever we can do to try and minimize that impact working with the school board will be very important.

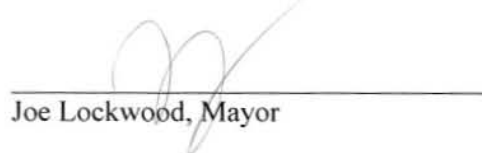
ADJOURNMENT

After no further business, the meeting adjourned at 7:51 p.m.

Motion and Vote: Councilmember Lusk moved to adjourn the regular meeting. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

Date Approved: December 7, 2009


Jeanette R. Marchiafava, City Clerk


Joe Lockwood, Mayor