

**Regular Meeting of the Milton City Council**

**Thursday, May 17, 2007 at 7:00 PM**

**Page 1 of 22**

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**Regular Meeting of the Mayor and Council of the City of Milton was held on May 17, 2007 at 7:00 PM, Mayor Joe Lockwood presiding.**

**INVOCATION** - Reverend Jack Pilger, Ebenezer United Methodist Church

**CALL TO ORDER**

**Mayor Lockwood** called the meeting to order.

**ROLL CALL**

**City Clerk Marchiafava** called roll and reminded those in attendance to please silence all cell phones and pagers at this time. Additionally, those attending the meeting who would like to provide public comment either during the public hearings or during the call for public comment you are required to fill out a public comment card. Those need to be turned in to City Clerk staff and they are available at the front and back tables.

**City Clerk Marchiafava** called the roll.

**Councilmembers Present:** Councilmember Karen Thurman, Councilmember Julie Zahner Bailey, Councilmember Bill Lusk, Councilmember Neal O'Brien, and Councilmember Rick Mohrig. Councilmember Tina D'Aversa was not present for roll call and arrived at the meeting at 7:50 PM. .

**PLEDGE OF ALLEGIANCE**

**Mayor Joe Lockwood** led the Pledge of Allegiance.

**APPROVAL OF MEETING AGENDA**

**City Clerk Marchiafava** called Agenda Item No. 07-260, Approval of the Meeting Agenda. Staff would like to add the following items:

- 1) Add Administration of Oath of Office to Code Enforcement Officer Troy Smith to Reports and Presentations.
- 2) Add to staff reports a letter from Clint Johnson, Chairman - Board of Ethics.
- 3) Remove the Update on Crabapple from Staff Reports.
- 4) Add Approval of a Resolution supporting Legislation in the 2007 Session of the Georgia General Assembly and directing the City Manager to formally notify the Governor of the State of Georgia of the City of Milton's official and formal support for such legislation.

**Councilmember Lusk** requested that a time limit be placed on the topic of the Resolution supporting Legislation to two minutes per Councilperson.

**Motion and Second:** Councilmember Lusk moved to approve the Meeting Agenda as amended. Councilmember Thurman seconded the motion.

**Discussion on the Motion:**

**Mayor Lockwood** stated that he does not believe that adding the Resolution supporting the Legislation that was just given this afternoon is following the process and for the record he wanted it noted that he does not support it being added.

**Councilmember Zahner Bailey** stated she does not know what resolution is being referenced because she does not have any evidence there is a resolution and asked if she had been handed something that she is not aware of. Her question for the record is when was this resolution was provided to Council and Mayor.

**City Manager Bovos** stated per staff it has not been finalized until 6:00.

**Councilmember Zahner Bailey** stated this is the first we are receiving a resolution that we are asking to add to our agenda this evening.

**City Manager Bovos** stated this is correct.

**Councilmember Thurman** said she did notify staff on Tuesday morning that she felt this resolution needed to be added to the agenda based on being pressed by the Governor for the position of the City on the local legislation.

**Councilmember Zahner Bailey** responded that to be clear staff has not provided Mayor and Council with the resolution and what has just been given to her is what is being asked to put on the agenda.

**City Manager Bovos** stated that is correct and just so everybody understands, the staff drafted the document this morning and Councilmember Thurman reviewed it. She is sponsoring the particular resolution. It was not sent until her approval was completed and, as he stated before, that did not happen until 6:00 pm.

**Councilmember Zahner Bailey** said again for the record, obviously as the Mayor and Council there has been discussion about processes and procedures historically and she continues to be confused as to what process and procedure we are following. She would be remiss if she did not ask staff or the Councilmembers who are asking to put this forward, whether or not the bringing of this resolution is consistent with the policies that we adopted back in November and she thinks amended again. She asked if this could be discussed before we vote on whether or not to amend this portion of the agenda.

**City Manager Bovos** said he does not have a copy of the processes in front of him and he said he could say that this has been covered in great length in the past. His preference would be to review that and provide an opinion, but he has not done any research with respect to that. There have been multiple conversations about multiple items sponsored at the time of the meeting.

**Councilmember Thurman** said it was her understanding that a request was made by the Governor this week and he wanted a timely response, so this is not something that we can normally wait a three week period to add something to the agenda.

**City Manager Bovos** said the Governor's office did call this week and they did ask us for a response on Monday.

**Councilmember Zahner Bailey** stated she thought a response had been given and asked if that was correct.

**City Manager Bovos** stated that was correct.

**Councilmember Zahner Bailey** stated again, her question is related to a specific resolution that is being asked for Council and Mayor to add to an agenda. We have established as policy, as a Mayor and Council, that we are not to bring resolutions forward that have not been vetted in advance and she does not believe that receiving it (the resolution) at 7:06 pm is considered receiving it in advance. For the record, she would like to say this is the first time she has received a resolution and she does not believe it should be added to the agenda. We need to follow process and procedure. At some point, and she hopes that we would abide by the ordinances, resolutions, and policies and procedures that we have as a governing body have put into place.

**Mayor Lockwood** said at this point he would like to bring this to a vote. It may not follow policy, but we need to bring it to a vote.

**Councilmember Mohrig** said he would like to say that what we are talking about is a unique situation where the Governor's office came forward and asked us for the City to provide a response. This is the first chance that request came forward for this body to get together to actually make a formal vote and a formal response.

**Regular Meeting of the Milton City Council**

**Thursday, May 17, 2007 at 7:00 pm**

**Page 3 of 22**

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He said he knows a letter was written, but this is the first chance that this body has actually had a chance to review this collectively, discuss it, and then take a vote. That is why this is timely resolution and it is not a normal three week item as the Governor's office is asking for a request and we need to clarify and say what this collective body feels about these things that the Governor's office has requested from the City of Milton.

**Councilmember Zahner Bailey** said again she has not seen this and she has not read it and she has not been provided with it. She does not believe it follows process and procedures and the Governor did not ask this body to respond with a resolution that bifurcates our processes and she appreciates his opinion.

**Mayor Lockwood** stated we have a motion and a second to approve the agenda as amended.

**Vote:** There was no further Council discussion. The motion passed 4 – 2, with Councilmember Zahner Bailey and Mayor Lockwood voting in opposition.

**PUBLIC COMMENT**

**Mayor Lockwood** stated that the next item is public comment. Public Comment is the time for citizens to share information with the Mayor and City Council and provide input and opinions on any matter 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 come forward and speak into the microphone stating your name and address for the record. You will have five minutes for remarks. Mayor Lockwood asked if there were any public comment.

**Jon Carroll**, 2140 Country Ridge Road, Alpharetta, asked if the Mayor and Council could explain more about what is going on with the resolution and the letter because it is confusing.

**Kim Horne**, 415 Wade Glen Court, Milton said she would like to address the article in today's paper. Her problem is that House Representative Jones said this was a minor change to the Charter. She does not believe these are minor changes (read article details). She believes if there is a change to the Charter if it is for the betterment of the City, but this is not for the betterment. No other city will be affected by this. Johns Creek does not have these same changes, it has only been targeted at Milton and her question is why? Was the City Manager made aware of this before it went before the House? Did the legislation liaison let the City know and the public know this was happening? She believes this has all been done in a bubble and it should not have been done. We are a new government and we need to be able to elect the boards and to make the rules and she does not believe we should have time limits. What needs to be done is that the people should be able to vote for whomever they want to vote for and if that person did not win, then they are off the Council. That is how the Constitution is done and this is what we should do and we should follow what other cities do.

**City Attorney Scott** stated as a Point of Order, if that item has been added to the Agenda, it would be most appropriate that public comments should be addressed during that item rather than during general public comment at the beginning of the meeting. It will also be fresher in your minds when you discuss it.

**Carol Lane**, 14890 East Bluff Road, Milton, said she is commenting on the Ethics Board as they were chosen by the Council and Mayor and they have not seen the amendments to the Ethics Ordinance. The Ethics Board met Monday night before it was brought up in the Work Session on that Thursday and they did not receive that amended ordinance. Her concern is that they are not giving the Ethics Board an opportunity to review the amendments and bring their recommendations, but now that it is going to First Reading, the only way to change things will be to have an amendment added on. They are meeting on June 4<sup>th</sup> to review this for the first time and then on June 7<sup>th</sup> the Council could vote on this amendment.

**REPORTS AND PRESENTATIONS**

**Proclamation for Fulton County Police and Fire**

**Mayor Lockwood** read the Proclamation for Fulton County Police and Fire thanking them for their service throughout the years they provided to the City of Milton.

**Special Recognition to Cathy Haire and Gary and Earlane Webb.**

**Councilmember Thurman** gave special Recognition to Cathy Haire and Gary and Earlane Webb commending them for their hard work during the annexation process for the City of Milton.

**Administration of Oath of Office** *(Added by motion and vote)*

**Mayor Lockwood** administered the Oath of Office to Code Enforcement Officer Troy Smith.

**CONSENT AGENDA**

**City Clerk Marchiafava** read Agenda No. 07-182, Consent Agenda, Approval of Financial Statements for the period ending April, 2007.

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

**PUBLIC HEARING**

**City Clerk Marchiafava** announced Public Hearing on FY 2007 Budget as Amended.

**City Treasurer Wolfe** stated that tonight we have the first of two required public hearings on the adjustment to the approved FY07 annual budget. State law requires that budgets be balanced by fund and any movement between departments or funds requires Council's approval. (She went through the adjustments line by line, beginning with General Fund). The next required public hearing will be on June 7, 2007.

**FIRST PRESENTATION**

**City Clerk Marchiafava** read Agenda Item No., 07-261.

**Approval of an Ordinance to Adopt Adjustments to the Fiscal 2007 Budget for each fund of the City of Milton, Georgia amending the amounts shown in each budget as expenditures, amending the several items of revenue anticipations, prohibiting expenditures to exceed appropriations, and prohibiting expenditures to exceed actual funding available.**

**City Clerk Marchiafava** read Agenda Item No. 07-262, Approval of a Right-of-Way Ordinance for the City of Milton.

**City Clerk Marchiafava** read Agenda Item No. 07-263, Approval of an Ordinance Adopting Community Services Policies for the City of Milton.

**City Clerk Marchiafava** read Agenda Item No. 07-264, Approval of an Ordinance Amending Chapter 6, Code of Ethics, and Standards of Conduct.

**Motion and Vote:** Councilmember Thurman moved to approve the First Presentation. Councilmember Mohrig seconded the motion. The motion passed unanimously.

**NEW BUSINESS**

**City Clerk Marchiafava** read Agenda Item No. 07-265.

**Approval of Monthly Invoice for Legal Fees for April (Jarrard & Davis).**

**City Treasurer Wolfe** addressed the Mayor and Council regarding the April 2007 invoice from Jarrard and Davis for services and recommends approval in the amount of \$16,208.47. The process is once the invoice is received, it is routed through staff and each department director approves their direct contact with the City Attorney and departmental issues that requires the City Attorney's services. As a point of clarification, the item that is listed under telephone with Bill Lusk for 4.7 hours, those are not all for telephone conversations, but are actually the time spent on the telecommunications ordinance.

**Motion and Second:** Councilmember O'Brien moved to approve the Monthly Invoice for Legal Fees for April (Jarrard & Davis). Councilmember Lusk seconded the motion.

**Discussion on the Motion:**

**Councilmember Zahner Bailey** said that since the Council is still in forward motion for approaches in reviewing invoices, and we have a second invoice from Jarrard and Davis and so she can be clear the way these are being cataloged, those that are not derived from staff interaction because we do not have our City Attorney effectively being managed by the City Manager. It is up to us as Council to review and clarify if these are indeed accurate. For the ones that she has no knowledge of, it is hard for her to say whether these are accurate, so her contingent is, as it was months ago, that she does feel we need to consider whether or not this needs to be managed by our City Manager. Here is an example of a bill that is \$16,000 and she cannot verify whether this is accurate or not and she is not questioning the accuracy, but as someone who has to vote to approve \$16,000, she has no way to validate whether these amounts are accurate.

**Councilmember Mohrig** said that if we go back in history when this was brought up initially, part of the review process was for us individually, when we were causing an expenditure of dollars in contacting the City Attorney, we will individually as part of the Council will approve that. Additionally, it will be categorized on the invoice so it is clear who had that discussion and what the topic was. We are individually signing off on these and saying "yes, these are accurate." Therefore, we are responsible individually as a councilperson.

**City Attorney Scott** wanted to clarify that this invoice is a little higher than some of the previous months because there was approximately 20 hours of legal time that was required for all the legal description between the new borders of the City of Roswell and Milton. It was a six page, single spaced document that required considerable legal time. He did not actually do this, but one of the partners in the firm did because he was more adept at that. He wanted to say this should be chalked up to the annexation process, because that was the final resolution of it in the Bill.

**Vote:** After no further Council discussion, the motion passed unanimously.

**City Clerk Marchiafava** announced Councilmember D'Aversa arrived at the meeting at 7:50 pm.

**City Clerk Marchiafava** read Agenda Item No.07-183.

**Approval of Monthly Invoice for Legal Fees for February (Riley, Lewis & McClendon)**

**City Treasurer Wolfe** stated this is an invoice that they have been holding for February legal services in the amount of \$16,801.45 and they recommend payment tonight in the amount of \$16,201.45. Those are the line items that are not in contention for legal services. We are withholding payment of \$600 and correspondence has been sent to Riley, Lewis & McClendon on those items and we have received a response back and they are under review. But, we recommend moving forward tonight with the payment of \$16,201.45 and get these out of the pending status.

**Motion and Vote:** Councilmember Lusk moved to approve the Monthly Invoice for Legal Fees for February (Riley, Lewis & McClendon). Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read the next item which was added to the Agenda.  
*(Added by Motion and Vote)*

**Approval of a Resolution supporting Legislation in the 2007 Session of the Georgia General Assembly and directing the City Manager to formally notify the Governor of the State of Georgia of the City of Milton's official and formal support for such legislation and for other purposes.**

**Resolution No. 07-05-43** (the resolution was read in its entirety)

**Councilmember Zahner Bailey** asked if before public comment starts on this item, since there have been a number of people who have entered the room who may not be aware that there is a new item added and could this be clarified that public comment is added for this new item.

**Mayor Lockwood** said in response to Jon Carroll's comments earlier, he wanted to give some history on this. On April 24<sup>th</sup> (he believes) the City received a letter from our State Representative on these House Bills detailing them and also letting us know that they had been passed in the House. Going through House Bills 809, 810 and 813 the City Manager, he and Councilperson Thurman were aware of that and we sat down with our representative and everyone was in line with those. In House Bill 811 there were probably about ten changes and two of those Councilperson Thurman and he had met with our State Representative down in her office and she had mentioned a couple of those, but when we were presented this on April 24<sup>th</sup>, there were several changes that we were not aware of. He was asked on Monday from the Governor's office to respond if we were in approval of these House Bills or not. He said he responded we were with the three, but that regarding 811, we were not aware of the changes and did not agree with them. Where he came up with this is when we were presented in a work session, he said he had not seen these and then Councilperson Zahner Bailey said she was not aware of them and Councilperson D'Aversa was not aware of them. Councilperson Thurman, who is the liaison with our State Representative, said she did not know anything about those changes either. When he was asked to respond, he based it on that information, plus the fact that he had spoken with other cities, such as Johns Creek and to our staff and found out this is not the typical way, whether the State has the power or not, that they should at least sit down and let the City Manager, the City Council and the Mayor know of these changes. So, he was not only disagreeing with the process, but also the content of some of the changes. There has been talk that these are minor changes and they are tidying up the Charter, but he believes they have some major impact. In fact, he has had several conversations with our City Attorney and he believes he agrees too. Again, these are his comments and that is why he wrote a letter saying we do not agree with that one House Bill.

**Councilmember Thurman** said the reason she brought this resolution forward is she felt like the Governor was requesting an official position from the City and she requested this on Monday. We need to go ahead and give him an official position on the position of the City Council on these four Bills.

**Mayor Lockwood** said he believes the Governor requested this on Monday, but he did not indicate he needed the response on Monday, and again, based on all conversations and any information unless it was not that he or the staff knew - we did not know about these changes.

**Carol Lane**, 14890 E. Bluff Road, Milton, said she wanted to express her concerns about the process not being followed properly. There are some major changes to the 811 Bill which do not show on this proclamation and she believes it is important because it does affect our Mayor and some of his responsibilities. It is important for us to go through the proper process, especially if the City Manager did not receive this until 6:00 tonight and she believes the Governor would agree with that.

**Mayor Lockwood** said again, he thought he was speaking for the majority based on the conversations and based on an article that Doug Nurse had done. There was discussion with Council and again, having the four of us state that we did not know about the additional changes, he felt that was the majority and was the proper response he gave on Monday. Also, if anyone has any questions as to why he thinks some of the changes would not be in the best interest of the City, he would be glad to discuss those.

**Jon Carroll** said that the Mayor just stated that if anyone had a question. He had addressed this in the last meeting because it pertains to the Charter. He is curious, but it seems like he (the Mayor) is OK with three of these (bills), but there is a problem with the fourth one and he would like to know why there is a problem and also the process seems kind of strange.

**Mayor Lockwood** said he will take them one at a time. The first is the Mayor's power to appoint key positions: City Manager, City Attorney, City Clerk. These positions are very important for the City. The City Charter originally read that the Mayor had the authority to appoint someone and then the Council was to vote basically to confirm that person. That, to him, is a very fair way with checks and balances to do this because what this does is the Mayor has to pick a qualified candidate to make sure that the Council approves that candidate. If the Mayor picks a candidate that is not the best qualified, the Council can vote that down. What has been changed, the Mayor picks a candidate and the Council could ratify that, but if the Council does not ratify that candidate, then the Council can pick the candidate and they can vote on their candidate themselves. The problem he has with this, for example, is let us say we do not have the staff we have here and Mr. Bovos was a candidate for our City Manager and he felt like with due diligence that he was the best candidate. Let us say that Councilmember D'Aversa had a good friend or a candidate that she wanted who was not the most qualified candidate and let us say that she had two or three Councilmembers who would follow whatever she did. They could defeat my candidate and turn around and bring their person in. He just feels like it compromises the ethics of the City to get the right person and it takes the balance of power.

**Councilmember Thurman** asked if she could comment as the Mayor goes along (and the Mayor agreed). She said it is her understanding that this change, and she went over these with Representative Jan Jones after all of this has transpired, it is her understanding that change really does not change anything at all for us. According to the legal counsel down at the State House, they had recommended this change because they said you could get into a situation where the Mayor could bring people forward, the Council would not approve and then you would be tied up with nothing. This was automatically something that they felt by law is what would happen anyway and that this change really did not change anything legally in our responsibility. She would like to ask if the City Attorney has an opinion on that (and the Mayor concurred). This is what she was told by Representative Jones as far as why she did this change and based on the legal counsel she received by the State.

**City Attorney Scott** said the pre-existing Charter, the currently existing Charter because this has not been signed by the Governor yet, does state that Mayor nominates and the Council ratifies. It has been silent as to what happens if the Council fails to confirm that position. This picks up and says that if Council fails to confirm the position, then the Council can make their nomination. He guesses what would happen as the Charter currently exists is, if the Council and the Mayor reached an impasse in that manner, they would simply have to sit down and hash it out and come up with a compromised candidate or candidates for whichever positions it was. This takes it out of that and gives the Council the ability to make a second nomination if the first one fails. There is quite a bit of difference there.

**Mayor Lockwood** said this is different than our discussion earlier.

**City Attorney Scott** said, yes it is different than your earlier scenario.

**Mayor Lockwood** said that he is a simple person and he likes the old saying "I've got a piece of cake here and I'm going to cut it in half and I'm going to share it with our City Attorney. So, I cut the cake and I make sure I cut it exactly in half because he gets to pick the first piece, but to me, it's like I get to cut the cake and then I get to pick the piece." This is the same thing. If the City Council could not ratify the candidate that the Mayor picked, then the City Council could go ahead and nominate their own person and vote and ratify that person.

**Councilmember Mohrig** asked if that still would not require a majority. Let us say, if the Council did in fact come up with a new candidate, you would still have to vote as a Council of seven and have the majority in order to appoint and hire that person and asked is that correct.

**City Attorney Scott** said that would not change.

**Councilmember Zahner Bailey** said that to her this is a significant change. It is undermining the authority of the Mayor who is currently in place under our current Charter. The elephant is in the room, so let us go ahead and discuss it. It changes the balance of power and it says that our Mayor no longer has the authority to appoint someone and to have it approved by the Council. This is a significant change and she has never seen the change before it was formally approved and she is a member of this Council. She finds it offensive that this governing body was not provided advanced notification of changes to our Charter. She thinks as a matter of professional courtesy, it would be reasonable for an elected official of a new body would have an opportunity to review changes. She would love to know if our legislative liaison, whether or not, these changes were known by her in advance of the formal and final approval, Councilmember Thurman, before they were presented to us (the Council) on April 24<sup>th</sup>, which is the first time she had any idea as a Councilmember, that these changes were being proposed.

**Councilmember Thurman** stated that she did discuss some of these changes with Mayor Lockwood and Representative Jones while at Representative Jones' office in December. She discussed some of them Representative Jones, Mayor Lockwood and Councilmember D'Aversa in January when they were down in her office at that time. Some of them Rep. Jones may have mentioned in passing. She actually pulled the Bill up and went over some of these things with City Manager Bovos. [She pulled it up on line and read it at this time.] To be honest, at that time, the changes that she had not told us about, she did not feel like they were that significant changes. She still, based on what Rep. Jones told her, and based on the legal opinion Rep. Jones has received at the Capitol, she does not think what they told Rep. Jones in this situation, at an impasse, this is what would happen anyway. Either it would be this or it would have to go to court. This is just a clarification. The Mayor still nominates and we still approve. She would think that ninety nine percent of the time there would never be an issue at all, so she does see this as that significant a change. The most significant change is probably the term one and that is something she had discussed with us prior to the Bill being introduced. We had said we would limit debate and she does not know how we are going to do that with questions.

**Councilmember Zahner Bailey** asked the Mayor if that had been approved.

**Mayor Lockwood** said that the items that are in contention are not the ones that Representative Jones and he and Councilmember Thurman and Councilmember D'Aversa talked about. Again, he does not have an issue with the items and we can talk about some of the others, too. Also, Councilmember Zahner Bailey did bring up a good point; it does take authority from the Mayor. This is a weak Mayor and Council system with a strong City Manager, so we are taking away this little bit. The biggest issue he has and he does not believe the other cities have this problem, they could have been brought forward and they could have been discussed. If they are not such a big issue, they could have been brought forward to us. He believes our City Manager had requested several times in emails and telephone calls for any changes or any lists and did not receive any. If we want to discuss the committees, there is another one on committees. In the Charter, the Mayor has the authority to appoint committees and nominate Council for committees. He believes this is in the best interest for the City. There are certain things that just need some attention whether it is Parks and Recreation or Historical Preservation Board or a school system, then we need to have people appoint people who can take care of that and report back to the Council. The Charter has been changed and instead of the Mayor appointing, the Mayor still can nominate people, but instead of having the authority to actually nominate and set the committees, they have to be voted on and ratified by the Council. He thinks that is pretty obvious if you have seven people up here and you have committees and you have two people on each committee, this could be pretty hard to get a consensus from seven people if only two people could be on the favorite committee and nobody wants to vote themselves onto the unpopular committee. We might as well not even have any committees. We might as well take that power away, and again, that is another thing that is not in

the best interest of the City of Milton. We did talk about removing the language for franchise fees. He thinks this sends the wrong message to our citizens. He knows that Rep. Jones in the *Milton Herald* had said at one time that she never thought of addressing the fees because she could not believe that we had the fees. Well, all of a sudden now the changes are they are taken out of our Charter that she authored. To him, if he was the public and saw that then he would get a glimmer of hope that the franchise fees are coming out of the Charter and that means we are not going to charge franchise fees anymore. If that is the case, where are we going to come up with one million dollars in revenue? It is a fact that the City can charge franchise fees whether they are in the Charter or not, but to him, it sends the wrong perception to the public and gives a message that maybe the franchise fees are going. Again, that is not in the best interest of the public.

**Councilmember Lusk** said to comment or challenge one thing that Councilmember Bailey had to say is that this one Bill takes away the power of the Mayor. He did not know that this was supposed to be a power struggle up here. We all have equal votes up here and, as the Mayor has even stated this himself; this is a weak Mayor and strong City Manager government. We are all equals up here and we all vote equally. He does not think there is or should be an issue of power. He does not believe these changes brought forward in House bill 811 are really or in actuality will affect any so-called power the Mayor has. He still has the ability to nominate and we have the ability to approve. Certainly, we would hope that at some point in time in the near future that we could come to some consensus on some of these issues. We are not talking about some earthshaking issue that is going to change the course of events. It is time that we get on with this program and quit quibbling about who has power and who does not have power.

**Mayor Lockwood** said he does agree with Councilmember Lusk that we need to move on and quit quibbling about stuff like this. He would disagree that when he said it was a weak Mayor system that does not necessarily mean that we are all equal. Not that he is any better or higher up than anybody, but he is the Mayor. The Mayor has an office here and the Mayor spends the majority of his days here. He just spends a lot more time. In reading the Charter, he has a lot of duties. He is the spokesperson for the City and he responds when asked to respond, so he does believe there is a difference between the Mayor and the Council, just because we all vote the same.

**Councilmember Zahner Bailey** said she would like to respond since the comment was directed to her. She believes what she talked about was undermining the authority of the Mayor. Indeed, the shift of this Charter does just that. Our Charter had very specific legal language and the shift of that language changes and whether you use the word power or the shift of authority, as Mayor Lockwood just pointed out, there is a shift of duty and a shift of authority under that Mayor. It is not about power and it should not be about a power struggle, but she would question why certain of these changes were made, because she does think it is all about a power struggle and she does think that is the problem. There were Charter changes that were made that shift the changes of authority, and shift the change of authority without the consideration of those of us who are supposed to have an equal vote and she knows that she did not get a vote and she did not even get the courtesy of consideration. Tonight, she did not get the courtesy and professional courtesy to review a resolution that she received in her hand at 7:05 this evening. If we want to talk about cooperation and proper demeanor, she would say that professionally, those of us that were elected to office do indeed deserve the same sense of professionalism that Councilmember Lusk is mentioning. She believes it is a disservice to this Board, to this Council, to this Mayor if we do not at least give one another the courtesy of providing information in advance. We have a liaison who is supposed to provide us with information and an update from legislation that represented these Charter changes. She has not been communicated with by anyone; not by the legislator, and not by the legislative liaison. She did not even have the courtesy of a phone call that there was a resolution coming forward this evening. She does believe that the Charter changes are more than simply quibbling over things or getting on with things. We have been getting on with the business of the City and she is very proud of the work the Council has been doing as a City. She thinks that this sort of underhanded change to a Charter that has not been set out, without any discussion. This should never have been the first time we discuss these changes. And just so the public knows, this is the first time that we have had any discussion as to any of the Charter changes. So, whether or not Councilmember Lusk or she agrees that this is a minor change or a significant change, the point is this Council has never discussed it. She could not agree with Councilmember

Lusk more is that we absolutely should be discussing these things, because if we do not discuss them in advance, you end up with a sort of lack of trust that we have all been witnessing as part of this Council and Mayor.

**Mayor Lockwood** said he would like to say one more thing, too. This is not a power struggle. He believes that staff can speak to this, and probably everybody who has worked with him, that he is not in this for power. He is in this to do the best job we can to efficiently run the City and do what is best for the City of Milton. With these changes, it is basically leveling it out that we are basically being run by a committee and that is probably why our meetings take so long; we are not efficient because it is all just thrown out for a vote. Most everybody here is very intelligent and a lot of us are in business and what not. If you tried to run your business and had to go run to everybody to get a consensus on everything you do. Basically, the Charter says the Mayor is the CEO. Well, if the CEO has to go and take a consensus from everybody underneath them, you would never get anywhere.

**Councilmember Thurman** said our Charter was written by Representative Jan Jones. If it was not for her, we would not be a City. Rep. Jones is the one who took the time to write the Charter and she did not go to the City and never asked every resident in the City what they thought about every line item in the Charter. Most of these were changes that she (Jones) realized after the Charter had been passed last year that she (Jones) wanted to do. Many of them, like the term limits, she (Jones) had actually mentioned at one of our steering committee sessions last summer that she (Jones) was looking at putting in the term limits and wished she (Jones) had put them in the Charter. These were not directed at any one person. Rep. Jones represents people just like we represent. Rep. Jones represents all of you that we represent and these were changes that she believes Rep. Jones felt like were in the best interest of the City and that is why she (Jones) decided to make these and some of these were some she (Jones) had planned on making since last summer and they are not directed toward anyone. With her remaining time, she would like to read a letter that was sent to us today from Mark Burkhalter, State Representative and Speaker Pro tem for the House of Representatives for the State of Georgia:

“Dear Mayor Lockwood and City Councilmembers: As a State Representative to North Fulton County for fifteen years in which twelve of these were in the now City of Milton, I support Representative Jan Jones’ diligence and dedication in passing House Bill 809, House Bill 810, House Bill 811, and House Bill 813; four local Bills that will benefit the City of Milton’s residents. After working with her in the arduous process to create the Cities of Milton and Johns Creek, you can be proud that Representative Jones puts her constituent’s interests first in her efforts to do what is best for her district and Georgia. Representative Jones passed House Bill 1470 last year which allowed a referendum to create the City of Milton. She authored the City’s first Charter. As is common, she now seeks to clarify and make minor corrections to the City’s Charter through House Bill 811. She passed this legislation after discussion and input from constituents, legislative council, other legislatures and members of the Milton City Council. Representative Jones passed two additional Bills this session allowing the new City to make needed infrastructure improvements in a timelier manner. She passed the fourth local Bill affecting Milton that settles an annexation dispute with Roswell and avoids potential costly litigation. I hope you will join me in commending Representative Jones in these and other efforts supporting the new City of Milton. Sincerely, Mark Burkhalter.

**Mayor Lockwood** said he would like to clarify one thing where he states that she made these with discussion and input from constituents, legislative council, other legislatures and members of the Milton City Council. He believes Representative Burkhalter is wrong there because, again as he said before, there were at least four of us who did not know anything about these changes, including himself.

**Councilmember Thurman** said she (Jones) sat and told herself and you about several of the changes in her office.

**Mayor Lockwood** replied that she did, term limits...

**Councilmember Thurman** said and the people being from district and people having to be 21 years of age at the time they qualified and...

**Mayor Lockwood** said again, she did, but the ones that were in contingent would affect the City. He certainly commends Representative Jones and he believes she has done a great job. He thinks the whole problem here is the process. He knows the City Manager's email and phone was working; he knows his phone was working; you know, she could have called or sat down or whatever. He disagrees they are not major changes, but there could have been a discussion and we could have all come to an understanding and there would not have been this issue.

**Councilmember O'Brien** said if he can, he would like to go back to Jon Carroll's question for those who are not familiar with some of this discussion and just share his perspective. He recognizes that we all might have a little different take on this. Just for background, the four Bills that you have been hearing are 809, 810, 811 and 813. The one that is perhaps the most contentious is Bill 811. His perspective, although not being Mayor Pro Tem and not having attending the legislative luncheon and some of the other meetings, he recalls hearing frequently about these changes. His fundamental understanding is that it is a misnomer to suggest that we would have the ability to directly influence legislation. That really is the privy of the State Legislators and he is comfortable with how this has unfolded only because he has heard along the way considerable amount about these changes and he recognized the sensitivity that some of them may have. Just as a review so that you who are in attendance can understand the nature of some of the Bill, 809 affords us the opportunity to have a building bond, for instance, to have a City Hall, so we would not be in a position to have to accumulate capital funds to build City Hall. For instance, most of us do not save 30 years and then buy a house with a lump sum; we take out a mortgage and we pay it off along the way. Much the same process, this just legally affords us the ability to do that. House Bill 810 legally codifies our border, which several on the Council and others who have been recognized tonight, worked so hard on and we did quite well in our annexation process along the border with Roswell. It would be a tremendous disservice to the citizens of Milton if the Governor, as some had expressed a preference, to veto House Bill 810. He thinks this is in the best interest of Milton. The House Bill 813 pertains to Parks and Recreation, which is a great thing and is in the forefront of most citizens' agenda in Milton. He thinks that in some of the brief contacts that Representative Jones has had with different members of the Council. He believes she interacted more with the Mayor and some of the members that she has known for a long time since she has been very active in the community, which does not include himself, but he believes she was very forthcoming. She also allowed that her changes would include, but perhaps not be limited to, those that were directly discussed, so he is guessing and he is comfortable with the notion that the legislative council, other colleagues in the legislature, and the resources that are available to our legislator delegation at the State House probably had an impact on this. As far as 811, very briefly as he understands it for those who are curious, the big issues that the Mayor has noted changing the phrase "appointment" versus "nomination" and again, he will not dispute the Mayor's perspective on that. However, to him it is more nuance than a practical application and he thinks the openness of our processes in the City is sufficient that if there were a problem, it would be very obvious if something were amiss. With the respect that our Mayor has from all of us, that we would certainly respect his nominee or appointee, whichever one might term it and in years to come, long after we are probably gone. Speaking of which, term limits, many in the community would support term limits. He is of the opinion that we have tremendous capability in Milton and he thinks we will have plenty of people who would be willing and most capable to step up and serve whether it is in the center seat or one of the other seats and on our boards and commissions. The benefit issue was broached very early, in fact even before he was elected, and that was removed from the Charter apparently in response to concern about compensation for the Council and Mayor. That does not remove the ability to provide benefits if it was sought in the majority. The Executive Aide position was previously discussed and that issue has been put to rest. Then, the franchise fees as the Mayor has mentioned, although it will not exist in the Charter if we adopt or if the Governor signs the legislation of House Bill 811. It does not change our ability to levy franchise fees and use that revenue or not. In fact, how we do, whether we do it in a fractional way or as we have been here in the last few months, is up to us. All of these processes will be continue in an open and honest way. His perspective is that at the local level, it is not our job and it is not our right to enact legislation

at the State level and he is comfortable with that and he is trying to focus on doing a good job here. He is comfortable with the changes from his perspective. He appreciates Jon Carroll's question.

**Mayor Lockwood** said he would just like to clarify one thing. When Councilmember O'Brien said some of these changes are not really changes, our City Attorney and he had several conversations and he believes his comments were a little different than what he stated a little while ago. It does take it from a balanced position to an unbalanced position, so he thinks they are a little more serious. Again, the process, he does not believe... unless someone wants to say and hear that they had knowledge of these changes, again, it is total communication. It would have been communicated and it could have been discussed in a work session. We have had months where we could have done this. In the interest of the City, he does not believe we should be supporting something that blindly snuck past us.

**Councilmember D'Aversa** said that first of all, she wanted to apologize for her tardiness this evening. Her 8<sup>th</sup> grader was playing in the 8<sup>th</sup> grade band for the last time in middle school and she wanted to be there for him. She is glad to be here to make some comments tonight. First of all, her thought process as she heard the rest of the Council speak is that there is a balance here between what Representative Jones is putting forward legislatively and agreement among the City Council and the Mayor. She thinks from her perspective, having received the thorough House Bill descriptions on April 24<sup>th</sup>, whether or not she had heard there may be term limits set or whether she had mentioned in meetings that were meant for other purposes, but there were some changes that were coming. She had not seen formally the descriptions as we saw... did not discuss them, but saw them on April 24<sup>th</sup> with regard to these four House Bills. Certainly, she would not suggest that we are in a position to not hope that the Mayor will sign most of these bills, three out of the four, because they do make positive impacts to the City. She thinks this is what makes the big difference here. She personally believes that the process there are three points which strike her as critical here for these House Bills. Number one is the very core process in which these House Bills were brought forward to the City. She does disagree with some of her fellow Councilmembers that the legislature does not need to communicate with a municipality. We are the governing body. The whole reason that Representative Jones wrote the Charter and went through all the challenges that we all went through to become a City and the excitement we all went through to become a City is because we wanted local control and we have it now. We are doing a good job. She does think it is time that we be allowed to do that job and taking away some of the responsibilities and the authority sends a very poor message if nothing else. Number two: after poor processes are the critical impact that she believes that these changes in House Bill 811 are going to have on our City. Our Mayor is working very hard; our Council is working very hard. We have gone through a lot of discussion on some of the issues that we were going to bring forward that are now impacted by the changes that are being brought forward by a ratification of House Bill 811. Thirdly, for her and maybe even most concerning to her is motivation. She has no idea what the motivation of House Representative Jan Jones was in bringing the House Bill 811. No idea. She has not had a formal discussion with her, which she would have loved to have had, and a presentation, a discussion, a legislative update. It is May and we have not had a legislative update. She has been to legislative updates that Representative Jones has brought to other groups that are at the surface level and meant for those groups so they are not going to be specific to the City of Milton, but they are nonetheless legislative updates. She does think we could have been afforded the effort. Had we been afforded the opportunity to have a discussion with Representative Jones, then we may have had a different outcome. She does think that Rep. Jones should have given us the consideration and the respect as elected officials and our staff and our strong City Manager to have reviewed and to have had dialogue and input into these changes. Her concerns are not about the positive impacts on three of the Bills, but the negative impact of House Bill 811. She has written a letter to the Governor, as some of my fellow Councilmembers have, asking him not to sign, but to veto House Bill 811. She believes the communication needs to go back to a formal communication between the City, the Mayor, the Council and the City Manager and let the outcome come from there. She believes Rep. Jones needs to put the authority back into the control of the City governors, if you will, and the legislature. Her main concern and the bottom line are not about power or control, but a sense of responsibility. If you take responsibility away from your kids, for example, eventually they just give up and they let you take it. So, maybe somebody else will come and do the job that we have been put here to do. She hopes that this Council will see the negative in House Bill 811 and the positive in the other House Bills and ask the Governor to make the right decision.

**Councilmember Lusk** said he rises to call the previous question.

**Councilmember Thurman** said she would like to make one comment if Councilmember Lusk does not mind. She wants to say that we keep hearing that Rep. Jones should have come before us. Rep. Jones tried to come before us. She was put on the agenda at the very, very end of a Council meeting and was not able to stay until the end of the Council meeting to present that when we were still meeting at the middle school. After that, she was in session for the next three months and was not able to reschedule to come back before us. She did try to come before us to present this information. Call for question?

**Mayor Lockwood** said that she did have her email and her telephone.

**Councilmember Mohrig** said he would like to make a couple of comments. He has been listening, sitting back and trying to listen to what everybody is saying. He guesses he has a fundamental concern because Representative Jones, who is a respected legislator, is the one who pushed through, who fought for local government and who was seeking to refine our charter. He does not view it with distrust. He does not view it as being snuck past us. He thinks we are using some terms up here where we are painting a respected official who does have overall the best interest of this City. That is why she actually took it forward. He thinks it is almost like a trial without a person here. He thinks we need to be careful how we characterize an elected official. When we talk about trying to have communication and share things back and forth, a letter came forward from the City asking the Governor, the highest elected official in our state to veto a house bill without input from this Council. That, he thinks is, you know, and the same thing could be said, there are phones, there are e-mails, there are voice mails that did not take place either. So he thinks we need to be careful how we characterize one elected official when we have to look closely at ourselves as a body how we operate. As far as the motivation of this, he guesses that he does not share the same concern that this is something that is meant to hurt the City. He has looked at things. There were a couple of things, as we stated, he was not aware of when they were passed. He is sure there are laws that are passed every day by the legislature or legislation that affects all of us in the state and the city because if you go down there and spend time, there are a lot of things going on that we are not aware of on a regular basis. These, he guesses he looked through, and he looked at the gravity. He thinks we are giving it much more gravity in our discussion points than really what it merits. He does not think it takes away power from our City. He does not think it changes it in a negative sense. He does know he did make the call; he did talk to Representative Jones when he saw the concerns. He said can you please clarify what was the intent and what were you covering. He did make that call and reached out. We have a responsibility to reach out. If we have questions, it is our responsibility to reach out to a higher elected official and say, can we do this better. Is there a way and can you give me input why or what were you seeking to do. And he thinks that Councilmember Thurman also clarified that some of the things that were in there were reviewed with legal council down at the State Capitol and they were recommended to say if you do not clarify, if you do not change this process, you set yourself up for legal costs or legislation if you ever did have an impasse. So from that stand point, he does not see that as a shift of power. He sees it as a clarification. And if you look at the way things have been voted when we talk about people that we have nominated. He does not think this body once turned down any nomination that another member brought forward and he guesses that when he looks toward the future he hopes that we had representation up here where at least a majority of the folks can agree on something. He does not think there is going to be collusion. He is hearing a lot of distrust comments when these things are going forward and he does not share that distrust. We have good solid people that are on the Council. We need to just look forward and say that if another representative like Mark Burkhalter, who is the State Speaker Pro Tem, if he states that he talked to her and basically he supports and he thinks it is in the best interest of the City, like he said, he would defer to those folks to say well, maybe they understand a little bit more than he does.

**Mayor Lockwood** said he would just like to state for the record that certainly he respects Representative Jones and he applauds her and thanks her for all her work. This whole discussion is more about the process and also the changes that he thinks will negatively impact the City.

**Councilmember Thurman** said that she thinks the question has been called.

**City Attorney Scott** said it requires a motion to or if the move on the previous question and at that point it requires a two-thirds vote.

**Councilmember Zahner Bailey** said she thinks there was still discussion underway, correct?

**City Attorney Scott** said yes. He thinks it is up to the Mayor to continue to allow discussion.

**Councilmember Zahner Bailey** said do we have public comment.

**City Clerk Marchiafava** said Mr. Mayor, she does have one card that was submitted by Patti Silva and her statement is, she would like to know who originally proposed a change to this Charter.

**Mayor Lockwood** replied he does not know.

**Councilmember Zahner Bailey** said she would just like to clarify that her points of discussion are absolutely tied to the Charter changes. It is not about any statements about any other elected officials. She does believe that the process was not followed as intended. She thinks as a local governing body, it is reasonable for us to expect as elected officials to have conversations, communications about things that would directly impact how we do the business of this City. She thinks that the other thing is just that distinction between local governments and state governments and those things that happen at a state level versus when you create a municipality as we did. Thankfully, as Representative Jones helped to do to that incorporation process and she recalls very vividly when she was inaugurated and she talked about having to turn over the City to the Council. Those were some wise words. And as part of that transition, it means that we do need to be engaged and involved in the changes that impact the way we do business every day. She thinks that the struggle is that some of us do not necessarily view those changes as minor, but they are perhaps, more than just minor. She will just point out the one thing that struck her is that on April 24<sup>th</sup>, the same night that Mayor Lockwood put forward a resolution to confirm committees was the first time that we found that he no longer had the authority to create committees. She thinks that is an example that makes her pause and she finds the timing of that if nothing else interesting. She would hope that we as a Council, regardless of the vote on this resolution, she would like to ask that the dissenting opinions be conveyed to the Governor because she does not support the Charter changes in House Bill Number 811. She believes that unless we have a unanimous vote, that we do indeed need to allow the Governor of the state to understand how this Council feels and what our positions are, and thinks that at least with that we have given honest, open communication amongst this Council and Mayor. In particular because we were not given an opportunity in advance to have a discussion and she would surely hope that as we proceed that we would embrace open dialogue because she does not believe that open dialogue occurred with regards to these changes and she finds that very unfortunate.

**Mayor Lockwood** agreed and said okay, we will.

**Councilmember Thurman** said that she did not believe that we were following our own processes because she thinks we...

**Mayor Lockwood** said he thinks we have one more public comment.

**Councilmember Thurman** said even that was stated we had to have that done prior to the item. She stated we are not following any of the processes tonight.

**Mayor Lockwood** said right. That is correct. One more public comment.

**City Clerk Marchiafava** called for Cary Schlenke for public comment and then announced that public comment was now closed.

**Cary Schlenke** said she was sorry for the delay in her public comment and stated her name and she lives at 490 the Hermitage Drive, Milton, Georgia. She read the newspaper article today and frankly was disappointed to see this same sort of thing coming back up again. She thinks it just continues to make this Council divided and she would like [the Council] try to move forward and work together. She thinks the City staff would like to see you guys working together instead of constantly against each other. As a citizen, she would like to see some group effort. She does not expect the Council to all agree, but we have serious issues that we need to mull over in our minds whether it is sewer or whatever. She just feels like this kind of thing [newspaper article] just takes away from what this City should be working towards and she would like to see the efforts being put in different directions. Last night at our planning commission we were talking about all the things that we would like to do as a planning commission, but just getting through our briefing and our regular planning commission, we were talking amongst ourselves how we needed more time to do the other things that we would like to see done. She thinks committees are great and to do anything that would jeopardize that or even to put it up for discussion where we cannot continue to move on with City business as the Charter was written, and there may be things that need to be revisited later, but she just thinks that right now is not the time based on the newspaper article.

**Councilmember O'Brien** asked what newspaper are you referring to.

**Cary Schlenke** said it is today's AJC, but just when you look at, you can download that, House Bill 811. You thought nobody read your stuff. Anyway, when she was looking at House Bill 811, just looking through it she is like she does not get it. She just wished it would stop and Councilmember Bill Lusk said at one of the meetings before that Council is dysfunctional over she thinks the whole City Attorney and Solicitor thing. She would just love to see you guys, you know, you do not have to be friends, you do not have to agree on the things that you want to disagree on, but just stop butting heads and put this stuff aside and work on the important things for our City.

**Mayor Lockwood** said he would disclose that he does agree and he is ready to move forward. He thinks the Council is spending way too much time on things that are not important for the City and we need to move forward on things that are important for the City. As Councilperson Zahner Bailey stated if this resolution passes tonight, we can send it to the Governor although we will certainly let him know that it was not passed unanimously; but let us take this to a vote and let us move forward.

**Motion and Vote:** Councilmember Lusk moved to approve a Resolution supporting Legislation in the 2007 Session of the Georgia General Assembly and directing the City manager to formally notify the Governor of the State of Georgia of the City of Milton's official and formal support for such legislation. Councilmember Thurman seconded the motion. There was no further Council discussion. The motion passed 4-3, with Councilmember Zahner Bailey, Councilmember D'Aversa, and Mayor Lockwood voting in opposition.

**Public Comment:**

**Maureen Statton** asked to excuse her for being tardy. She is here tonight basically she had called the Milton Police Department and she got a courtesy call back from Lieutenant Collette and this is totally off the subject that was just discussed. It is about an abandoned home that is off of Freemanville in a development called Freemanville Renaissance she believes, just north of Henderson Road. It kind of borders the property or the subdivision that she lives at, which is in Staple Point, and there has been a lot of activity at that home and a lot of the neighbors have complained about rowdiness, late night partying, whatever you want to define it as. She is a social worker and is very concerned about the abandoned building. It is precisely these types of abandoned homes that later we find out they are activities for crime and comprised situation for children and mothers and perhaps claims of domestic violence. She is just concerned that the house is abandoned and it is not boarded up. Apparently, Milton Police Department did not know about it. So Lieutenant Collette just asked that she call this to your attention this evening and see if we can get Public Safety to look into zoning or perhaps whoever is in charge in this capacity to do something to board up that home.

**Mayor Lockwood** thanked Ms. Statton for her comments.

**Councilmember Thurman** stated that she knew that normally we did not respond to public comments, but she would like to get some information from our staff on this or on what our physical policy is for abandoned homes if you do not mind, Mayor.

**Director of Community Development Wilson** said that we do have International Property Maintenance Code that would require the building to be sealed and secured and in some other run down condition, we do have a code that would do that. This is the first that he has heard of it and he will send someone out tomorrow. It would be the responsibility of the property owner to secure this property and we will certainly follow up on that.

### **MAYOR AND COUNCIL REPORTS**

**Mayor Lockwood** said that he would just like to say that he appreciates the public being out here and he knows there are certain issues like this past one we discussed where it may look like we are a little dysfunctional, but he can honestly say that he thinks that everyone here, in their heart, wants to do their best for Milton. Hopefully tonight, we will move on past that issue and do what is best for our city. Are there any Council reports?

**Councilmember O'Brien** said he has a brief comment. He said he appreciates the help of the staff and City Manager Bovos. We had kind of a neat visit with the disability summit a couple of weeks ago and he deferred the discussion of senior issues to the Work Session in June at which time we would anticipate talking about senior issues as well as Public Safety. He wanted to talk about our neighborhood watch and some other initiatives that he have been pursuing with our Public Safety folks and he just wanted to give them a heads up about that and he looks forward to, along with his colleagues on accounts on the staff airing out some of those issues.

**Councilmember Lusk** said he would like to add that it seems like the items that become contentious have overshadowed the accomplishments that we collectively here and the parties out there have made in the last six months. He thinks they have made tremendous progress way ahead of some of the other communities that started at the same time and even ahead of Sandy Springs. He thinks that collectively we are all proud of our accomplishments here and we should be. With public comment like this in the past, and hopefully there will be more of it in the future, we can all come together and make this City what we really dreamed it would be - the next model city in the Southeast.

**Councilmember D'Aversa** said she apologized for not getting her staff report placed under Council Reports. She meant to do that earlier in the week. She and Councilmember Zahner Bailey had the opportunity to attend the school board meeting for our District with Katie Reeves earlier in the week and she also sits on the local school council for one of the schools so she goes to the Cluster Meetings for the Alpharetta/Milton cluster. She would encourage everyone here including ourselves to continue to follow their very good and very informative website site to note the Fulton County School systems meetings and the things that they are doing. They are in budgeting currently and there have been some challenges according to the public and in her opinion as well with some of the budgeting information that they have been putting out. However, through the use of the public comment as well as letters and information, very professional information is being put forward to the school board. She thinks we are making the difference in some of the items that they were actually going to be cutting that we felt would make a huge impact in our schools. The two main points that School Board Member Reeves talked about or discussed in her fairly lengthy meeting was the budget, the budgeting process which she herself said was flawed. She is not so sure that it was flawed, but she does think that if the public and the voters do not kind of watch out for changes in the budget that we can end up with a budget that may not be in the best interest of the students, teachers and the public.

**Update on Fulton County School Board Meetings.**

Councilmember D'Aversa stated that the second issue was of big or of major discussion was a new math curriculum that is being rolled out. The sixth graders this year were the first sixth grade class to receive the connected math and this is the State of Georgia math curriculum, and for those of you that have school age children, it is a big impact. It is a major change. The seventh graders will be the first seventh graders to have this group that has started in the sixth grade is going to roll through and each year they are going to be the first class to go through this curriculum. There are pros and cons for the change in the curriculum. She would encourage you all to take a look at the school board website and to follow some links, and to keep an open mind. Both on the budgeting process, as well as on the new math curriculum. She also wanted to make a comment; we on the Council and the City are receiving a lot of e-mails about the site selection for the new high school. We have received e-mails in the past about the selection for the new elementary school and even e-mails with regards to the math curriculum. She does not think she minds receiving those e-mails at all and she did want to make sure that everyone is aware especially the folks that come to these meetings that are very engaged with the City processes. She stated that the public realizes that we have no authority with regard to the Fulton County School Board and with regard to their site selection for schools, land purchase, and budgeting. Certainly, we are developing a great relationship with the school board and a tremendous relationship with the actual schools and the principals and administrators within our City, but we have really little or no authority and little opportunities to influence greatly the school board. So while we certainly want to be kept informed, she just wanted to make sure that everybody is aware of that and you can share that with your neighbors and friends. She does not want someone to think that we are just not acting. For example, on the new site selection, we are just not in a position to be able to act. Other than as you are to lobby if you will, the school board, and she would encourage you to do that as well. She thinks that it is very important that we continue to communicate about the school board issues because it is a huge impact on our City. That is why she kind of feels like since we are very involved that we should bring it forward. She asked Councilmember Zahner Bailey is she would like to add comments.

**Councilmember Zahner Bailey** said she appreciates that opportunity and she will just say a few things because the meeting went quite long. It was probably a four to five hour meeting and that agenda was primarily focused on the budget, the lack of roll back because that was one specific thing that was noted that the millage rollback is not now going to occur. They are looking now to take that extra millage that would have been instead a roll back and they are going to apply that to debt reduction which makes a lot of sense. Separate from our personal opinions on that, as we just noted, we do not have any control over how they do that, but they will be applying that amount. She thinks it was about  $\frac{3}{4}$ ths of a mill or  $\frac{6}{10}$ ths of a mill that is going to go back into reducing their debt and they are going to do that over a five year period. The math curriculum obviously was discussed and because land purchasing was not part of that discussion, she did take the opportunity to speak with School Board Member Katie Reeves at the end of the meeting. Again, to Councilmember D'Aversa's point, there have been a lot of inquiries from the citizens asking what we do as a City. What we can do is continue that collaborative dialogue and so she reinforced, as we did at a Council meeting with members of that Board. We had sent a letter going back months ago when we had first become a City, she had asked staff and Council and Mayor to send that letter. But that first letter needs to be a continued dialogue. Part of that communication earlier this week was that we want to be engaged. We want to be engaged pervasively in their site plan evaluations. We want to be pervasively engaged in the Birmingham Elementary School which will be the first school that will pursue land disturbance in advance of any of these other potential school sites at the Freemanville location. And again, we need to lobby and we need to communicate and communicate often and continue to make those points. She would just ask as part of this Council update from Councilperson D'Aversa and herself instead of staff, that separate from this meeting talk about proactive steps that we can take to engage them on a regular basis to find out when indeed the land disturbance permits are going to be pursued for the Birmingham Elementary location. Mark Law, City Arborist, has gone out and reviewed from his perspective but she thinks we can have some milestones that we have in place with the school board that would be very helpful. We also talked about architectural design and they talk about specific prototypes, etc., but she thinks, as we did several years ago with Milton as a community advocate, she provided the school board the Northwest Fulton Overlay and many of those documents. She thinks that as a new jurisdiction, we need to proactively provide that information again to the

Board of Education. If we can proactively engage them on a regular basis, she thinks to Councilmember D'Aversa's perspective and comment will end up with a better end result. She would encourage that citizens communicate directly with the Board of Education regarding their concerns on that school site. But, we do not by state law have any authority over that particular location.

**Councilmember D'Aversa** said and again, on the budget process, watch the website because they are in a position right now through public comment and that communication from the public and the various engaged local school councils and PTA's. They have revisited their budget. They found some money and they made a decision at least for the time being not to have a roll back, which means the equivalent of not having a tax reduction. In her opinion, that is minor compared to the impact that it would have had on the schools. They feel like the board, the majority of the board anyway, feels like taking that or what would have been the roll back and putting it toward the long term deficit in there for five years or actually been in there for ten years and paying it off through an escrow account over five years would be the best way or the best use of those funds. And it also gives them a way to kind of get around having a roll back into really saving taxpayer's money in the long run. We will save money in the long run, but what she would encourage you to do is to watch that especially if you are engaged in the schools and have the opportunity to comment and send communications to the board members. We do not want to, in the next few weeks before the budget is passed, see that change and all of a sudden school is out. Engaged parents, PTA's, and local school council would have gone on vacation and all of a sudden it is approved. The City is extremely important.

**Mayor Lockwood** said thank you.

**Councilmember O'Brien** said if he could just piggy back on that too. Like he said, Katie Reeves is our border representative and she is very open to input. He did have a conversation briefly with her today. There was a meeting Superintendent James Wilson and School Board Member Katie Reeves and we made sure that we had open dialogue and we want to encourage it. One of the things that we brought up with her is that as we look at that individual site for the high school, and have had concerns raised by citizens with noise and the noise ordinance. We said we wanted to stay engaged when we actually look at how they are going to do the layout and just make sure that in fact, we come up with something that will really work with the citizens. He would encourage those of you who have concerns, as Councilmember D'Aversa said, make sure you get to the board. Send them to the board because they are the ones that will actually be making the decisions. We will continue to make sure we have got the dialogue.

**Councilmember Zahner Bailey** said just a quick comment about the timeline because a lot of people are thinking that that school site is going to have a lot of activity in the immediate. Her questions to School Board Member Reeves were specifically how soon and when are we going to get the site plan, and when are we going to have folks that can engage. Her response was it is not on my radar screen. And again, whether or not you agree with that comment or not, she thinks the reality is that they have purchased that land, but that does not necessarily mean that they are proactively engaged in site plan evaluation. She thinks that through Tom Wilson's staff, we can get a better sense of that timetable. But, her sense is that the Birmingham Elementary School is what gets their attention in the immediate and, of course, we do not want to ignore the other. Hopefully, we can report back with some more definitive time tables separate from this evening.

**Mayor Joe Lockwood** asked if there were any other Council reports and there was none.

## **STAFF REPORTS**

### **Update on Fire Deployment**

**City Manager Aaron Bovos** stated that the first staff report will be from Deputy Director of Public Safety, Charles Millican.

**Deputy Director Charles Millican** stated that he is proud this evening to be able to provide you with some very positive news. He will briefly just take us through about the past five months and through tomorrow morning, which will lead us into the deployment of fire services.

This will be similar to what we have done in the past with our Public Safety Department and the deployment of police services. The values that we build the Public Safety Department on are five values: people first, service, creativity initiative and problem solving. The deployment stages again just mirrored exactly what we did with police. Equipment procurement back in December which we started purchasing some of those large fire trucks. All the equipment that was an essential order that would take quite a bit of time to process. We started that back in December. We also started the personnel recruitment and the transition training, which we have just completed and we have done that over the past two weeks with the firefighters. Then obviously, we will be deploying tomorrow morning at ten o'clock in the morning as we take over from Fulton County. The deployment objectives matched those as a Public Safety Department. We did that both on the police and the fire side. At a minimum, we will provide the same level of service that was provided by our incorporation to deploy technologies which promoted efficiencies for both the citizens of Milton and the firefighters of the Department of Public Safety, and to protect the City's financial assets and manage a balance with effective service delivery, and recruit and get the right people for the team. The three fire trucks that you see out front this evening are 2007 Pierce Arrow fire engines. We purchased specific suppression equipment that is germane to the task going strategy efforts or needs of the City of Milton as well as extrication equipment. We purchased what is commonly known as the Jaws of Life for every piece of equipment that we see sitting out front. We also purchased an extreme amount of safety equipment for our people because our motto is that we go home safe and we go home tomorrow morning when we get off shift. Medical equipment, as we are a First Responder Agency, and technology components were purchased. Those vehicles are equipped with intercoms that will help the communication efforts of the crew inside that fire engine. Laptop computers will be in the computer, as well as thermal imaging cameras and multi-gas detection monitors. In July, we will take delivery of a 2007 Pierce-ladder truck which is a quint. That would be a 75 foot aerial articulating ladder that will be pre-piped to be able to flow water should we need to engage in those type of fire fighting tactics. We will also, into the next month, be taking delivery of a 2008 Ford 4-wheel drive F-250, extended bed, wild land brush truck. We will equip that with 300 feet of forestry hose which is specific to wild land fire fighting. It is cotton jacketing hose and has a 100 gallon water tank on that that can get into the brush areas if we need to. Further along with equipment procurement was firefighter structural protective clothing. We choose the morning pride turn out gear and went with them for everything that we will place our firefighters in a full complement and that is the helmet, coat, pants, gloves and boots. Regarding this firefighter gear, we searched all across the nation for the best gear to put our people in and we found the gear that was blood born pathogen resistant. It is made of a Kevlor Nomex material. It had the highest thermal liner barrier as well as moisture barrier, which obviously keeps out the heat, but allows the body to breathe and breathe very well. It is compliant with all the OSHA and National Fire Protection Association guidelines.

For uniforms and accessories we went with the Nomex NFCA compliant. We went with the dark blue shirts and the dark blue pants. You are well aware of what the patches look like and the badges and we also have name plates on station uniforms. For the technology components again, just to mention we have the in-car or in-fire engine laptop computers. They are the Dell rugged laptops. From that the crew or the officer in charge, the company officer, will be able to do the records management system and actually enter the reports, and pull up the pre-fire plans to both commercial and residential homes, as they are in route to whatever incident they are responding to. They will be able to have their pre-plans and inspection records and we will be able to automate that so that we can do CO's or certificates of occupancy for businesses straight from the field to alleviate our citizens to have to come here to City Hall for those reports. We will be able to automate those straight to the fire truck. As he mentioned, we will have the thermal imaging cameras and the multi-gas detection instruments with the LED lighting packages as we did on the police cars as well.

The hiring process consisted of the physical agility test, oral interview with the oral review board, background investigation, a psychological evaluation and then the contingent offer of employment based upon the drug screen and the pre-employment physical, and then a final offer was made to the candidates.

The department specifically to fire services is comprised of 42, we had 42 total openings. We are deploying tomorrow morning with 42. All of those positions are staffed and then the fire services out of the Public Safety Department will utilize the three executive levels which manage both branches, both the police and the fire. For fire services, we have three Captains which are germane to each shift. We run 24 on and 48 off so we have an A, B and C platoon. The three Captains will manage those as shift commanders. They also have other responsibilities other than managing the shifts and they will assist the executive staff with the training needs, operational needs, life safety code, fire marshal issues, etc. We will have company officers which will be the non-Lieutenants and then we have 27 firefighters.

This just takes us through a little bit of where those firefighters are recruited from. As you can tell, we brought in 18 from Fulton County and then kind of sprinkled around the metro area as you can tell. Years of experience range from a minimum of one year to a maximum of 35, which gave us an average of 14 years of experience that we are starting with tomorrow morning. Demographics, we have 40 male firefighters and 2 female firefighters and 3 minorities. The transition training, he said we are wrapping that up today. And during the first weeks, we went through Human Resource orientation with Carol Wolfe's department and staff. We had our Medical Director, Dr. Ian Greenwall, and we went over the emergency medical services processes and our protocol is how we are run as a First Responder Agency. We had an outstanding half day delivery by one of our fire Lieutenants on customer service. We then looked at target hazards throughout the City. We had apparatus for mirrorization. We are a big proponent and operate strictly on instant management system. There was three weeks of crew resource management, and we spent quite a bit of time on that as well as radio communications and arson detection. The first week finished up with building construction and with different or various trips around the City for familiarization. The second week again, involved emergency medical services training, emergency vehicle operations. We opted that these fire engines with large diameter hose, five inch supply line hose so it was something new for some of the folks. We had quite a bit of training on that and also the self-contained breathing apparatus we had to have fit tested. Each firefighter has been fit tested and the breathing apparatus they wear inside a IDLH or an immediate danger to life and health environment, they have been measured specifically for that so we will not run the risk of having any safety malfunctions. We went through drafting operations because obviously there are portions of the City (about 20%) that are not hydrants or that do not have hydrants so we went through the drafting operations on how to maintain an adequate water flow if we need to. They went through forcible entry and then we worked with our extrication tools. We ended up with our records management system personnel accountability and traffic directing, as we will utilize those resources again to assist our police officers so that we get the best operation in the field.

We are looking at deployment tomorrow and we did that through an official swearing in with Mayor, staff and Council on Friday, May 11<sup>th</sup> at four o'clock where the firefighters received their shift and station assignments. Also during this past week we did receive recognition by the state due to the firefighter's standards and training as well as the State EMS, an EMS licensed agency. We secured those certifications and permits which is a good thing. Tomorrow morning at ten o'clock, we do a (12:30) from Fulton County. With that he will entertain any questions. He wanted to make sure that all of you will have an opportunity to engage some of the firefighters and they are a little different from our police officers. They seem to be a little bit more animated and a little bit more passionate. We have made a lot of comments this evening, but he just wanted to reiterate that through the efforts of the citizens and of this Council, staff and the City Manager you as the citizens have a tremendous amount to be proud of in five months. It gives him cold chills and he thanks you for the opportunity to be a part of that.

**Mayor Lockwood** said thank you and stated that he shares the same thoughts too.

**Councilmember Zahner Bailey** asked do you want to brag about the award that she knows you won.

**Deputy Director Charles Millican** stated yes, we got the fire trucks in on a Friday and we were invited to Roswell for an annual muster. We entered our fire trucks into that competition and we came out first place in apparatus appearance. This is very good.

**Update on Crabapple** (*Removed by motion and vote*)

**Letter from Clinton B. Johnson, Chairman, Board of Ethics** (*Added by motion and vote*)

**City Manager Aaron Bovos** said the next report comes to us actually as official correspondence from Clinton Johnson, as the Chairman for the Board of Ethics. He is going to read this letter that was received on May 14<sup>th</sup>, 2007 and the subject is the Council Resolution of March 15, 2007.

“The Board of Ethics by unanimous vote recommends that the language of the subject resolution be modified to not restrictive attendance and speaking as a citizen as it relates to boards, commissions, and authority. Although we are in agreement with the intent of the resolution to avoid undue influence, we believe that the present resolution may be in violation of State of Georgia and United States laws. We respectfully request that the Council reconsider the resolution in light of our concerns.”

He would add that Agenda Items do traditionally go through legal review. Certainly, the City Attorney is responsible and accountable for the legal review process. When items are added to the agenda outside the process that encourage legal review that does not happen. However, it is his recommendation that this resolution go through legal review and for the City Attorney to provide comment as to the validity of Chairman Johnson’s letter and report back to him as well as the Council.

**Councilmember O’Brien** asked if he needed anything from him to make that happen, to have that review.

**Mayor Lockwood** stated not at this time and called for the next staff report.

**City Manager Bovos** said there are no further staff items.

**Councilmember O’Brien** asked the City Manager if he wanted to share briefly what we did as part of or based at the Taste of Alpharetta.

**City Manager Bovos** recognized Project Assistant Linda Blow at this time.

**Project Assistant Linda Blow** stated that she, Patti Silva and her two children passed out 500 Frisbees tonight at the Taste of Alpharetta. They offered the Frisbees as a plate. We put a paper plate in each one and held them up stating on behalf of City of Milton, would you like to use the Frisbee as your plate to put your food on. It was fun and we actually did get a number of people say that they live in Milton. There were so many people there. She stated that the City Manager is looking to do a similar type function in Milton that hopefully in the future will draw people up here the same way.

**Mayor Lockwood** asked if the City Clerk will please sound the next item.

**City Clerk Marchiafava** said the City Attorney would like to say make a report.

**Mark Scott, City Attorney**, said just very briefly for those of you who do not know, the Mayor and him attended a meeting this morning with Fulton County and we did the actual closing on Stations 41 and 42. They are now recorded as City of Milton property and Station 43, which is under the Cops Leasehold Program; we subleased so we will be officially taking possession of that tomorrow. We had to actually jump through quite a few hoops on Station 43 because permission had to be received by the bondholder’s insurance. We managed to get that quickly. It happened Tuesday morning we found out that it had been done and he has to give credit to Lynn Gaven, the attorney who represented the City on the tax anticipation note. They happened to be the same counsel who had done it for Sandy Springs. They came through for us and he is happy because there was a real question about how we were going to pull all this off if that did not get approved. The process got taken care of and we cleared the way so the deployment can go off without a hitch tomorrow morning.

**Councilmember Zahner Bailey** asked if she could ask one quick question. As an extension of the Mayor's proclamation on behalf of the City, she knows how much all of us care about our Firemen and Firewomen that have been part of Fulton County. She suspects that you may already be doing this, but can we just as a note of more personal thanks, separate from the proclamation or either make sure that that proclamation is copied and sent to each Fulton County officer that served in those stations. Perhaps that as an addition to that send a personal thank you that either we all sign or that someone signs on our behalf. She stated they had served us so well and whether or not they are a part of the new City of Milton, she would like us to send a personal notation that thanks them for their service. Obviously, they could not all be here this evening and she knows that all of us feel that sense of pride and appreciation for those men and women. If there is something that we could do, she would appreciate it on their collective behalf.

**EXECUTIVE SESSION**

The purpose of the Executive Session is to discuss personnel.

**Motion and Vote:** Councilmember Mohrig moved to adjourn to Executive Session at 9:17 pm. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

**RECONVENE**

**Motion and Vote:** Councilmember Lusk moved to reconvene the regular meeting of the May 17, 2007 at 11:03 pm. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

**ADJOURNMENT**

**Motion and Vote:** Councilmember Lusk moved to adjourn the regular meeting of May 17, 2007 at 11:06 pm. Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

**Date Approved:** August 2, 2007

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Jeanette R. Marchiafava, City Clerk

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Joe Lockwood, Mayor

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