

**Work Session of the Mayor and Council of the City of Milton was held on September 13, 2007 at 5:30 PM, Mayor Joe Lockwood presiding.**

All Councilmembers were present.

**Mayor Lockwood** called the meeting to order and explained Work Sessions are a more informal setting to update the Council on business items. There will be no votes taken during the Work Session. Public Comment will be allowed that is germane to the agenda item. Public Comment will be heard at the beginning of each item and further explained that once the item is called, no other public cards will be accepted.

**City Clerk Marchiafava** stated Acting City Manager Chris Lagerbloom wanted to make some opening remarks.

**Acting City Manager Lagerbloom** explained the reason for not having the normal work session set up tonight is due to the fact that we are training a new sound technician and based on this fact, he wanted to be sure that all microphones were working and that the meeting would proceed without any problems. We will be back to regular work session format next month.

**Discussion on Recycling Program and Green City.**

**City Clerk Marchiafava** stated the first item is a Discussion on Recycling Program and Green City to be presented by Councilmember Zahner Bailey. There is no public comment on this item.

**Councilmember Zahner Bailey** passed out a hand-out for green initiatives and recycling recommendations.

- There is a national trend to move towards recycling programs within cities.
- Education: there is a need for environmental education within the City.
- There are partnerships available through neighboring cities.
- We can tap into the local schools recycling programs that are already in place.
- Possibly we can use our police and fire department locations for recycling locations.
- Our Boy Scouts and Girl Scouts are already involved in making Milton a green community.
- CH2MHill would be a great partner with the City in moving forward with these recycling programs.
- There are the programs such as Rivers Alive, Keep Roswell Beautiful, Keep North Fulton Beautiful and others that we can also partner with.
- She would like to move forward in seeing how Milton can communicate with these organizations to move forward with partnerships as a City initiative. She would work with staff on how to best proceed.

**Councilmember Lusk** said we might consider organizations that work within our City such as waste haulers and, more particularly, Waste Management. On Saturday, September 22, 2007, they are having a recycling effort at the Maxwell Road station to collect electronic items.

### **Discussion on Tree Fund/Tree Bank/Sidewalk Fund**

**City Clerk Marchiafava** stated the next item is a discussion on Tree Fund/Tree Bank/and Sidewalk Fund to be presented by Community Development Director Tom Wilson. There is no public comment on this item.

**Community Development Director Wilson** said that tonight our Arborist Mark Law is going to talk a little about our Tree Fund, Tree Bank, and Sidewalk Fund.

**Arborist Law** gave an overview of the Tree Bank and Tree Fund:

- During the clearing of land for development purposes, protected trees shall be conserved on the development site wherever and whenever reasonably possible.
- If protected trees are lost or destroyed, the developer or owner shall pay for their loss or destruction by the replanting of recompense trees.
- Prior to the issuance of any Land Disturbance permit, a bond in the amount of the total planting cost plus 125% will be submitted to the City of Milton and held until the trees are installed.
- We are still in the process of getting bonds transferred from Fulton County over to the City of Milton for approximately \$115,000.
- The money will be placed into an account designated as “Tree Recompense Bond Payable” or “Tree Fund” and the money will be held in this account for up to one year after the issuance of a certificate of occupancy or until the plantings have been installed and approved by the City Arborist.
- If a job has not been completed as required, the Arborist may request only a partial release of funds or continue to hold the funds until all requirements are met.

### **How to Determine the Tree Fund Contribution**

- The City of Milton determines that a development site cannot physically contain all the required landscape trees.
- A developer or owner will request that the tree fund alternative be utilized to satisfy the site density requirements and/or specimen recompense requirements.
- The City of Milton will approve the request and the developer or owner determines the cost associated with planting the trees. This cost will be the total installed price determined by an average of three different landscape contractors plus 125%.
- Once this has been approved by the City Arborist, the developer or owner will submit the tree recompense amount to the City of Milton.

### **How much money can be generated through a Tree Fund?**

- This depends on the size of the municipality, the requirements of the Tree Ordinance, the manner in which it is enforced and its formula to calculate the fees.
- For example, the City of Roswell generates tens of thousands of dollars as does Cobb County. It has also been estimated that the Dekalb Tree Ordinance would generate close to a million dollars.

### **Who should control the Tree Fund?**

- This should be controlled by the arborist, the finance department and with final decisions rendered by the City Council.

- These funds will be kept separate from the general fund and will be carried forward each year so that no part of the fund may be deposited into the general fund.

#### Disbursements of the Funds

- The funds can be utilized to purchase and plant trees at City owned properties.
- They can also be used to for schools, stream bank restoration, planting trees along streets or medians on county or City road projects and also maintenance.
- Departments within the City of Milton may apply for funds to purchase green space, the purchase and planting of trees, shrubs and grasses and also maintenance with their primary focus being planting of trees. There are requirements for the use of these funds, such as the reason for the request, the amount requested and how the funds will be spent, also the types of trees and shrubs to name a few.

#### Sites available for banked trees

- An inspection was done at each of the sites listed below to determine the need for trees to be installed as they become available or as funds allow.
- These are listed in the order of those who have a more immediate need down to the least.
- This priority list is subject to change.

1. Summit Hill School
2. Northwestern Middle School
3. Bell Park
4. Fire Stations #10, 14 and #18
5. Bethwell Community Center
6. Crabapple Community Center
7. Birmingham Park
8. Providence Park
9. Birmingham Highway School Site (proposed)
10. Freemanville Road School Site (proposed)
11. Crabapple Crossing
12. Milton High School
13. Cogburn Woods Elementary School
14. Hopewell Middle School

The Council suggested we follow up with Fulton County on the outstanding bond monies. They also asked Community Development Director Tom Wilson to start moving forward with a Tree Ordinance.

#### **Discussion on Architectural Review of Single Family Home Plans.**

**City Clerk Marchiafava** stated the next item is a discussion on Architectural Review of Single Family Home Plans by Community Development Director Tom Wilson. There is no public comment on this item.

**Community Development Director Wilson** introduced John Walker with Community Development to give a presentation.

John Walker with Building Services stated:

- This review would include building code enforcement violations, correct application of construction products, inconsistencies and clarity in an effort to eliminate potential defects.

- The City adopted many of Fulton County's existing ordinances and in them was the practice of not conducting plan reviews of proposed single family residential units.
- The Building Department has required the submittal of basic building plans for proposed single family residential units in the City. This was to have a minimum set of plans to review for major life-safety issues, to verify the square footage of the building and to use on the job site to confer about compliance issues.
- Plan reviews will not adversely impact a builder's or developer's construction timetable. Most plan reviews can be conducted within 2 to 3 days and the building department guarantees a maximum of five days for review.
- The purpose of the review is to analyze construction documents to identify built-in design flaws that could lead to problems or even building failure.
- Plan reviews are becoming more common in the Atlanta area as cities focus on the quality of construction that will impact its future tax base.
- These plan reviews are currently conducted for a fee of 50% of the building permit. This fee does cost the builder on the front end of the process, but can eliminate costly and time consuming errors in the field. This is not revenue for the City, but it is a fee for the service and will off-set itself.
- In our limited reviews, building department staff has already seen mistakes that would have required stop work orders and field redesigns.

In conclusion, these plan reviews are an important part of the process of enforcing building codes and protecting public safety. The application of plan reviews to single family residential construction would assist in reducing the City's and contractor's liability while ensuring compliance with building codes and local ordinances. Staff recommends the City conduct and charge for Residential Plan Reviews.

**Community Development Director Wilson** said they will be working on this with regards to the fees charged and their other concerns and will bring it back to the Council.

**Councilmember D'Aversa** asked why all the jurisdictions are not doing this.

**Community Development Director Wilson** said most do not do it because they do not have the ability to do it, but they would if they had the resources available. We do have the staff and the resources to do this.

#### **Discussion on a Telecommunications Ordinance.**

**City Clerk Marchiafava** stated the next item is a discussion on a Telecommunications Ordinance by Community Development Director Tom Wilson. There is no public comment on this item.

**Community Development Director Wilson** stated we are asking you to review a Telecommunications Ordinance, which will establish guidelines for all wireless communication towers and antennas by encouraging the development of wireless communications and at the same time protecting the general health, safety and welfare of the public. This will also address our desire to maintain the aesthetic integrity of the neighboring communities in the future placement of these facilities.

- Staff began working on this ordinance because the City Council recently directed us to evaluate a telecommunications ordinance for the City which would minimize the visual impact of proposed vertical telecommunications tower structures and modern-day technological advances to integrate these federally regulated communications facilities with the rural context of the new municipality.
- Wireless telecommunication towers have been approved in the past under the Fulton County Board of Commissioner's jurisdiction as use permits in Chapter 19 of the county's Zoning Code. The

Milton City Council has requested additional performance requirements for the review of wireless telecommunications towers and suggested a stand-alone ordinance as the best avenue to pursue this initiative.

- Section 704(a) of the Federal Telecommunications Policy Act of 1996 gives local governments the ability to regulate policy specific to wireless telecommunication facilities, but is rather limited, but does have a comprehensively developed ordinance that provides reasonable accommodations for these modern-day technologies and will place the City in a good position to defend aggressive measures to install visually intrusive telecommunication towers through the municipal landscape.
- Staff has continued to create ordinances which will promote the agrarian context of the new City and has carefully researched wireless telecommunications facility ordinances around the region. Developing this ordinance will help insure that new wireless telecommunications facilities are integrated into the natural fabric of the surrounding community and are designed to be aesthetically pleasing where applicable.
- The ordinance promotes the co-location of new cellular service providers on existing structures in an effort to minimize the need for additional vertical structures to be placed in Greenfield areas of the City.
- It also considers encouraging wireless telecommunications towers within municipal properties when it is determined that service delivery is lacking by the provider.
- The revenues from the telecommunication facility franchise fees would service the City of Milton tax base.
- It does place the burden of proof on the wireless telecommunication providers to supply professional engineering analysis that validates the need for new facility locations to be installed in areas where service delivery is proposed to be limited.
- It also encourages the utilization of “stealth” technological design options where the appearance of the telecommunications facility is not outwardly apparent to the public as first glance or can be retrofitted into existing community-based structures as an effective alternative whenever possible.

#### **Discussion on Changes to the Demolition permit and Text Amendments to the Zoning Ordinance**

**City Clerk Marchiafava** stated the next item is a discussion changes to the demolition permit by Community Development Director Tom Wilson. There is no public comment on this item.

**Director of Community Development Wilson** said that tonight we are going to address two items at the same time, since it involves the Zoning Ordinance. Senior Planner Robyn MacDonald is going to go over some changes to the demolition permit and also the text amendments to the Zoning Ordinance.

**Senior Planner Robyn MacDonald** said that the only change to the demolition permit is under 12H.2, Design Review Board, where it will now be required for both residential and non-residential structures to have the plans reviewed by the City of Milton Overlay District Design Review Board who will make recommendations to the Department of Community Development prior to the approval of a Land Disturbance permit, Building Permit or Demolition Permit.

