

Regular Meeting of the Mayor and City Council of the City of Milton was held December 21, 2006 at 5:30 PM, Mayor Joe Lockwood presiding.

CALL TO ORDER

Mayor Lockwood called the meeting to order.

ADMINISTER OATH OF OFFICE TO THE NEWLY ELECTED OFFICIALS

Judge Tom Campbell administered the Oath of Office to Councilmember Bill Lusk and Councilmember Neal O'Brien.

ROLL CALL

City Clerk Marchiafava reminded everyone to silence their cell phones and pagers. Additionally, those wishing to provide public comment during a public hearing or at the conclusion of the meeting under the public comment section are required to complete a public comment card. They need to be turned in to City Clerk staff.

City Clerk Marchiafava called the roll.

Councilmembers Present: Councilmember Karen Thurman, Councilmember Julie Zahner Bailey, Councilmember Bill Lusk, Councilmember Neal O'Brien, Councilmember Tina D'Aversa-Williams, and Councilmember Rick Mohrig.

PLEDGE OF ALLEGIANCE

Mayor Lockwood led the Pledge of Allegiance

APPROVAL OF MEETING AGENDA

City Clerk Marchiafava stated that the first item is Approval of the Meeting Agenda.

Motion and Vote: Councilmember Mohrig moved to approve the Meeting Agenda. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

QUESTIONS BY DISTRICTS 3 & 4 TO ACTION PREVIOUSLY TAKEN BY THE CITY COUNCIL

Mayor Lockwood stated this was an opportunity for Councilmember Lusk and Councilmember O'Brien to ask any questions concerning the actions that have been taken prior to their seating on the Council. Neither Councilmember Lusk nor Councilmember O'Brien had any questions.

REPORT AND ACCEPTANCE OF FULTON COUNTY ELECTION RESULTS FOR THE DECEMBER 5, 2006 RUNOFF

City Clerk Marchiafava read the results of the December 5, 2006 Runoff:

Milton City Council District 3

Marty Locke	626	(40.54%)
Bill Lusk	918	(59.46%)

Milton City Council District 4

Tim Enlow	433	(28.14%)
Neal O'Brien	1106	(71.86%)

Motion and Vote: Councilmember Williams moved to approve the Report and Acceptance of Fulton County Election Results for the December 5, 2006 Runoff. Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

ELECTION OF MAYOR PRO TEM

Mayor Lockwood announced that he will now open the floor for nominations for Mayor Pro Tem. The nominee will need to confirm acceptance of the nomination. Once all nominations are made the floor will be closed for any additional nominations. After nominations are closed discussion on all the nominees can occur. Once the discussion is completed, the vote will be called for each nominee. He asked for any nominations for Mayor Pro Tem.

Councilmember Mohrig nominated Councilmember Thurman for Mayor Pro Tem.

Mayor Lockwood nominated Councilmember Tina D'Aversa-Williams for Mayor Pro Tem.

City Clerk Marchiafava asked Councilmember Thurman and Councilmember D'Aversa-Williams do they accept the nominations. Both Councilmembers accepted the nomination.

Mayor Lockwood stated that nominations were now closed. The floor is now opened for discussion.

Mayor Lockwood stated that he nominated Councilmember D'Aversa-Williams because of her relationships with the other Councilmembers, neighboring city officials, and her business and professional experience. She has visited with surrounding Mayor Pro Tem to learn about this position.

There was no other discussion.

City Clerk Marchiafava called for a vote on the nominations beginning with Councilmember Thurman.

Motion and Vote: Councilmember Mohrig moved to approve Councilmember Thurman as the Mayor Pro Tem. Councilmember O'Brien seconded the motion. The motion passed 4-3 with Mayor Lockwood, Councilmember D'Aversa-Williams, and Councilmember Zahner Bailey voting in opposition.

City Clerk Marchiafava called for a vote on the nomination of Councilmember D'Aversa-Williams.

Motion and Vote: Mayor Lockwood moved to approve Councilmember D'Aversa-Williams as the Mayor Pro Tem. Councilmember Zahner Bailey seconded the motion. The motion failed 3-4, with Councilmember Thurman, Councilmember Lusk, Councilmember O'Brien and Councilmember Mohrig voting in opposition of the motion.

REPORTS AND PRESENTATIONS

Presentation of the American Flag by Congressman Tom Price.

Congressman Tom Price stated that it was a great pleasure to be with the Council tonight on this wonderful occasion. It is an honor for him to stand before the new City of Milton and present to the City a United States Flag flown over the Capitol. He stated he would like to share some comments that he made on the floor on the House regarding the City of Milton. These were made November 14th in honor of the new City of Milton. "Mr. Speaker, I am pleased to take this opportunity to congratulate the Mayor, City Council, and citizens of the newly created City of Milton in Georgia. In accordance with the Bill passed by the Georgia General Assembly and signed by Governor Sonny Perdue, the community of Milton will be officially incorporated as a city in December 2006. What a wonderful and gratifying time this is for the people of Milton. They worked tirelessly to make this day a reality and have chosen to honor Mayor Lockwood as the first Mayor of their new city. Milton is a pastoral involved and respectful community. They have seized the opportunity to have a direct impact on their future. This achievement also comes with many new responsibilities and I am confident that the citizens will successfully embrace these new challenges. It is my honor to

represent this new Georgia municipality. Mr. Speaker, thank you for the privilege of bringing the recognition of this House of Representatives as we congratulate the people of Milton, Georgia and we wish them the very best during this exciting transition. Congratulations to each and every one of you and to all the citizens of the City of Milton.”

Mayor Lockwood thanked Congressman Price for his comments.

Presentation by Fulton County Commissioner Lynne Riley.

Commissioner Lynne Riley congratulated the Mayor and Council on their service to the citizens of Milton, Georgia. Today, she brings greetings from the Fulton County Board of Commissioners and has proclamations to present to each and everyone of the Council for their historic service as the first elected officials of the City of Milton, Georgia. She read the proclamation as follows: “Whereas, the right to self governance is a cornerstone of free American government; and, Whereas, citizens of unincorporated Northwest Fulton County felt the need for a City government with leadership provided by individuals living within their community; and, Whereas, during the 2006 session of the Georgia General Assembly, Representatives Mark Burkhalter and Jan Jones sponsored House Bill 1470 for the creation of your City of Milton; and, Whereas, House Bill 1470 was passed by the House of Representatives and the Senate of the Georgia Assembly, and was signed into law by Governor Sonny Perdue on March 29, 2006; and, Whereas, citizens of the City of Milton have duly elected Mayor Joe Lockwood and City Councilmembers Karen Thurman, Julie Zahner Bailey, William Lusk, Neal O’Brien, Tina D’Aversa-Williams, and Rick Mohrig to lead their new city; and, Whereas, the City of Milton became officially incorporated on December 1, 2006. Now, therefore, be it resolved that the Board of Commissioners of Fulton County commend Mayor Joe Lockwood for his role in the newly formed City of Milton and hereby extend best wishes for successful governance and hereby proclaim Thursday, December 21 as City of Milton Appreciation Day in Fulton County, Georgia. Thank you all for your service to your citizens.”

Mayor Lockwood thanked Commissioner Riley for her comments.

Five –Minute Break: **Mayor Lockwood** stated that a five minute break will take place for the newly elected officials to have a photo opportunity with their families.

PUBLIC COMMENT

City Clerk Marchiafava asked if there were any Public Comments. There was no public comment.

CONSENT AGENDA

- 1) Approval of the November 21, 2006 Special Called Meeting Minutes.
- 2) Approval of the November 22, 2006 Special Called Meeting Minutes.
- 3) Approval of the November 27, 2006 Special Called Meeting Minutes.
- 4) Approval of the November 28, 2006 Special Called Meeting Minutes.
- 5) Approval of the November 29, 2006 Special Called Meeting Minutes.

Motion and Vote: Councilmember D’Aversa-Williams moved to approve the Consent Agenda. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

ZONING AGENDA

City Clerk Marchiafava stated that there is no Zoning Agenda.

FIRST PRESENTATION

City Clerk Marchiafava read all the First Presentations into the record.

- 1) Approval of an Ordinance Adopting an Open Records Policy.
- 2) Approval of an Ordinance Granting a Franchise Agreement with Georgia Power.

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

UNFINISHED BUSINESS

Approval of an Ordinance to appoint the Milton City Council to act Temporarily as the Northwest Fulton Overlay District Design Review Board. (Second Reading)
Ordinance No. 06-11-73

Acting Community Development Director Wilson stated that the Northwest Fulton Overlay District Design Board makes recommendations to the Community Development Director regarding land disturbance permits, building permits, sign permits, and primary variances. This process will allow the staff to process and issue permits in a timely manner until such time that the Design Review Board is formed.

Motion and Vote: Councilmember Lusk moved to appoint the Milton City Council to act Temporarily as the Northwest Fulton Overlay District Design Review Board. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

ZONING ORDINANCE PUBLIC HEARING

Mayor Lockwood asked if there was anyone who would like to address the Council on the zoning ordinance.

Brian Snelling, 1450 S. Johnson Ferry Road, Atlanta, stated that he was given a copy of Section 11 dealing with sign variances and he had a few questions. He stated that by reading the ordinance, it looks like limitations will be set to allow for a variance for signs, but not for in respect to height number or size of a sign and regard to lighting. In that past with Fulton County, developers and businesses were allowed to file for a sign variance to ask for an increase in size over the specific overlay district. He wanted to know if the intention of this was to not allow any variance at all in the City of Milton or a request for an increase in size of signage.

Acting Community Development Director Wilson stated that the ordinance as it is written, does not allow for variances to size or height of signs.

Brian Snelling asked that the Council consider allowing businesses the opportunity to apply for a variance. He currently is looking at some property in the State Route 9 overlay district and his understanding of the current restrictions is 100 square feet or 5% of the applicable building area, whichever is less. His development is proposing a Target anchor center. Their particular wall area is 1,800 square feet, 5% of which is almost 800 square feet. If you limit them to 100 square feet, their bull's eye is more than 100 square feet. It would prevent anything other than a small boutique sign. If they did put it in there, the scale would be greatly reduced and would eliminate any possibility for signage. Another point he wanted to make was that other businesses in the area, private corporations, within the City of Milton exceed the 100 square foot limit. He would like for the Council to take that into consideration. One of the purposes for this zoning resolution is to promote economic development. He does not feel that this restriction will allow for an appeal and allow the City of Milton to pursue economic development from small shop businesses and they will look elsewhere to develop property.

City Clerk Marchiafava asked if there were any more comments. With there being none, the public hearing was closed.

Approval of an Ordinance to Adopt Amendments to the Fulton County Zoning Resolution, thereby adopting and establishing the Zoning Ordinance and Official Zoning Maps of the City of Milton, Georgia.
Ordinance No. 06-11-74 (Second Reading)

Acting Community Development Director Wilson stated that the ordinance before the Council tonight is intended to replace the Chapter 33 of the Fulton County Zoning Ordinance in its entirety with a content neutral sign ordinance.

City Attorney Mark Scott presented materials regarding the effects of outdoor advertising on the environment and public safety. He presented a binder of news and legal articles on the subject which the council incorporates by reference into its findings and will be kept by the City Clerk. The articles presented included the following:

An Executive Summary

A report on Obie Media Corporation authored by Citizens for a Scenic Florida

A report titled Signs, Billboards and Your Community jointly authored by the Pennsylvania Resources Council and the Society Created to Reduce Urban Blight

An article titled "Billboard and Sign Control from the website of Scenic America

A staff report from the City of Toronto, ON, Public Works Committee regarding traffic safety issues in light of electronic animation signs proposed for the city.

An article titled "Billboard Regulation in Portland" from the City Club of Portland, OR

A Transportation Synthesis Report from the Wisconsin Department of Transportation on Electronic Billboards and Highway Safety

An article titled "The Trouble with Tri-Vision Billboards" from the website of Scenic America

A Federal Highway Administration Report titled "Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction."

An article titled "Sign of the Times" from *Environment*, Vol. 33, No. 2 p. 21

An article titled "Your Ad Goes Here: How the Highway Beautification Act of 1965 Thwarts Highway Beautification" from the University of Kansas Law Review (2000)

A copy of the Georgia Outdoor Advertising Act, O.C.G.A. 32-6-50

News articles from the Atlanta Journal Constitution regarding the collapse of a tri-vision billboard in Snellville in August, 2002.

Councilmember Bailey asked if Section 34.5 Definition that Tom Wilson mentioned would be a part of this initial amendment or initial proposition for the zoning ordinance.

Acting Community Development Director Wilson stated that it would.

Councilmember Zahner Bailey stated that it could be a friendly amendment as well as any additional amendments to the sign ordinance.

Councilmember Zahner Bailey asked a question about rationale. She asked would it be appropriate as the City continues through this document, in the future for the rationales to be further expanded upon.

Councilmember O'Brien asked City Attorney Scott to clarify that this product is staff product and this is for sign purposes pertaining exclusively to the City of Milton.

Councilmember Zahner Bailey stated that rather going through definitions that may not be identified here, we can make a general comment that the Council can identify some definitions that are in some of the other overlays that we would want to define. Specifically, on page 5 where it mentions a water tower, her suggestion would be that we

distinguish that water tower, whether it is currently in use or no longer in use or as an architectural feature. As an example, the silos in Crabapple are obviously structures that have been there for a very long time. They currently are not utilized but the silos are not intended to be a location for signs. So similarly in the definition, she asked that it be distinguished between water tower in use and versus a water tower that may not currently be in use and/or that which is an architectural feature.

Councilmember Lusk stated that it read here it is a standpipe that is currently in use. He stated that it could be rephrased to read currently or previously used. He stated that he could not come up with the right language now, but that City Attorney Scott was on the right track. On the wall signs passage at the 4th line, "be flushed with the wall", that implies that it is embedded in the wall and flushed with the surface to the wall rather than adhering to the wall.

Councilmember Thurman stated that she did not know how it could be flushed completely to the wall and be made of wood or substance to look like wood.

Councilmember Lusk stated that he brought this up because of his experience on the Design Review Board and interpretations on those sign issues. Flushed is not the right term. He thought they were in parallel planes and projecting from the wall. We are talking about two different planes: the plane of the sign and the plane of the wall. He thought it should relate to those two planes as to whether or not they are parallel. In his experience there have always been conflicts between the overlay sign ordinances and Fulton County sign ordinances. We are getting into areas here where we need to make sure they are coordinated and explicit.

Acting Community Development Director Wilson stated that he thinks all conflicts have been eliminated within this ordinance.

Councilmember Zahner Bailey asked a question in reference to the word "lot" in Section 8. She stated that later in this ordinance, development is talked about, sometimes interchangeable with lot. Her question was do we want to reference subject lot or development just for consistency.

Councilmember Lusk stated that parcel would not be interchangeable with lot. Lot implies land lot or some other definition of property area.

Councilmember O'Brien asked do we want to consider stating that an application that is incomplete is invalid. In other words, rather than reflecting that the manager shall reject, just indicate that an application must be complete to be valid or considered. It may eliminate an issue of discretion on our part and therefore vulnerability.

Councilmember Zahner Bailey clarified on Section 8B. She wanted to verify that in this document as an addendum, color charts for every overlay are indeed part of the document.

City Attorney Scott stated that is correct.

Councilmember Zahner Bailey stated that she would like to point out that this document was based on Fayette County and she thinks, as the City Attorney has noted, much of the base of this language is derived from legally challenged language that upheld itself in a court of law. From that perspective, it is the greatest test. She would ask that in response to that public comment, as a part of this entire process, it is to bring that more into compliance with ordinances that have already been challenged and upheld. She also asked for clarification that the document that was challenged and subsequently upheld incorporated some limitations.

City Attorney Scott stated that is correct.

Councilmember Thurman stated that we are basically saying in the ordinance that you cannot get any type of variances as far as height, number and sizes of sign.

City Attorney Scott stated that is correct.

Councilmember Thurman asked if that particular part of the sign ordinance was looked at in Fayette County. She stated that by limiting this, we could be opening ourselves up to a challenge.

City Attorney Scott stated that is correct.

Councilmember Thurman asked if there were any cases where this particular part has been held to be constitutional.

City Attorney Scott stated this would be a challenge to validity, not constitutional.

Councilmember Thurman stated that it does not mean the variance will be approved but the applicant has the opportunity to get the variance and we are taking away that opportunity. She wanted to know if the neighboring cities and counties have the same type of language and the same sign restrictions as far as size, height and number.

City Attorney Scott answered yes.

Councilmember Thurman stated that what she does not want to do is for this to be so limiting that someone has to come back and sue us and everything has to be declared valid. Having sat on the Fulton County Board of Appeals for 12 years, there were times when variances were approved for height, size and number because it felt that it was in keeping with the best interest of the community. She is concerned about completely eliminating that option.

Councilmember Zahner Bailey stated she wanted to clarify if in Roswell they are allowed to appeal up to the maximum. Also, she stated that with the new city and sign ordinances, we are trying to evaluate those things that are inclusive of different areas like Crabapple, Birmingham, and Highway 9 as well as those areas that will be incorporated through our annexation process. She wanted to know if the sign ordinance addresses those various sizes appropriately.

Councilmember Thurman stated that a variance is not necessarily approved; an appeal should be granted if it is in harmony with the intent.

Planner Robyn MacDonald stated that she just looked back at Fulton County and the applicants were allowed to go back before the BZA for appeals for those items. It really is a policy decision for the Council.

Councilmember Thurman wanted to know how staff came about deciding to put this language and limitation in this ordinance.

Planner Robyn MacDonald that it was brought before the staff from Fayette County and Sandy Springs.

Councilmember Zahner Bailey made a statement about severability. She is in agreement that we do not want to set ourselves up for litigation that cannot be supported. Knowing the whole basis of this document that was brought before the Council by the City Attorney for the purposes of replacing Section 33, if we are putting forth effectively the majority of the ordinance that has been tested in Fayette County, she wondered if the City Attorney could possibly give the Council some more discussion about severability. Part of the Fayette County ordinance was challenged; not this particular section but it did not ultimately result in throwing out the whole ordinance.

Councilmember Thurman stated that she has seen plenty of signs that would conform and she has seen signs that did not conform that she would rather much have in place of them. That is where it is nice to have some flexibility because sometimes a sign that might be a little higher or larger might look much better if it is done in the proper manner than one that actually completely conforms to the ordinance.

Councilmember O'Brien stated that both options are equally unpallable that if we seek to exclude the opportunity to appeal, that has its own challenge. However, if there is an appeal process, in his opinion, one invites the question of selectivity of the appeal opportunity that we would subsequently suffer. Perhaps some of the consensus here is to defer

to the staff and City Attorney for the best guidance available subject to an approval formula that would be most workable for us.

Councilmember Mohrig asked if we would allow the appeal process, and an appeal for variance was allowed for size, does it keep that as a separate ruling or does it potentially become a precedent setting.

Councilmember Zahner Bailey stated that there are opportunities for variances. It is just that it categorizes those things that are appealable and those that expect the language to be in concert with the sign ordinance.

Councilmember Thurman stated that it must be understood that it would not be the Council making those decisions, but the Board of Zoning Appeals who we appoint.

Councilmember O'Brien asked if in the legal sense was it safer to preserve the opportunity to relax rather than tighten the rules. He wanted to know would that perhaps be the safest.

Councilmember Lusk asked if we should put an ADR clause in the ordinance.

Councilmember Thurman stated that she would not be in favor of variances at all as far as illumination or number. She is just talking about height and size.

Councilmember Mohrig agreed.

Mayor Lockwood stated that Councilmember Thurman made a good point earlier that sometimes something that is allowed in the parameters make look worse than something that is not.

Councilmember Zahner Bailey asked if there would be a way as part of the friendly amendment to cap that at a maximum so that we do not end up encouraging excessive movement. She stated that she heard Tom. Wilson says that in Roswell, there was a cap at the maximum within that district because you have some variations within districts. In line with the citizens concerns and knowing that signage is such a community value issue, she would just ask for consideration to cap that at a maximum that it might be in the best interest of the citizenry.

Councilmember Thurman stated that her friendly amendment would be to cap it at no more than 1½ times the height or size and delete the illumination and number so that they would not be subject to appeal.

Councilmember Mohrig stated that essentially you would be moving those two up into allowable for appeals.

Councilmember Zahner Bailey stated that for an example, a multi-tenant sign in parts of Northwest Fulton, the maximum is 32 square foot. That would allow it to be up to 48 square feet. Her only hesitation is that we have spent so many years putting together ordinances in place for multi-tenant buildings. She understands when we want the exception but has concerns when we start saying we can do it up to 1½ times. It seems like it would encourage that.

Councilmember Thurman stated that they would still have to demonstrate that there is a hardship or it would not be granted. It is not granted just because they go and ask for it. It must be a demonstrated hardship and not a self-imposed hardship.

Councilmember D'Aversa-Williams asked for an example of a hardship.

Councilmember Zahner Bailey stated that some of the overlays specifically encourage signs not to necessarily be the first thing you see but to be in harmony with the area. It is a great question about what defines a hardship because when she looks at this document pulled from Fayette County there is not language that refers to hardship. It specifically talks about topography and natural features and so the location of a parcel does not represent a hardship because it was a decision to locate a business there. And if you located a business particularly within an overlay that is

principled on the philosophy of not being necessarily the first thing you see, she wants to be careful that the Council does not put into conflict some of those philosophies that are part of the underlying statements of those overlays.

Councilmember D'Aversa-Williams asked Councilmember Thurman to restate the friendly amendment she suggested.

Friendly Amendment: Councilmember Thurman moved to allow a variance of up to 1½ times for height or size but no variance be allowed for illumination or number of signs and a variance would only be granted if a hardship could be proven and if it would be in keeping with the intent of the zoning ordinance.

Typically, she saw a lot of hardships where it was a topography type thing or people were trying to save certain trees. In those cases, they felt like it was a hardship and was trying to be intent with the harmony.

Councilmember Lusk asked if a hardship was implicit or explicit in the appeal process.

Councilmember D'Aversa-Williams asked should it be defined.

Councilmember Mohrig stated that burden of proof and definition of that specific hardship would come forward in the appeal.

Mayor Lockwood stated that the amendment made sense if we looked at it on a case by case basis and truly monitored it so that it is not just a way for people to get bigger signs.

Friendly Amendment Accepted: Councilmember Lusk stated that he accepted the friendly amendment.

Councilmember D'Aversa-Williams asked would it be appropriate to add the definition of hardship as one of the definitions on page 3 and page 4.

Planner Robyn MacDonald stated there would be some grammatical errors within the ordinance that would be fixed such as the lettering of paragraphs.

Councilmember Zahner Bailey wanted to know if it was fair to say in harmony would be specific to that area within the City of Milton since we obviously have variations within those overlays.

Councilmember Lusk asked if it said a minimum of one of those conditions. He also had a question about Article E, Standards, E.2 making reference to lot in the first line and the second line. It needs to be consistent.

Councilmember Thurman stated that she would make that friendly amendment.

Councilmember Zahner Bailey stated that she had a discussion with the City Attorney about window signs. The goal of this ordinance is to be consistent with the overlays and the Northwest Fulton overlay does not allow for window signs and so this is the first mention of those. In order to have this consistent with the Northwest Fulton overlay, we would need to delete window signs, item number 3, and then subsequently as we go through this is that there are several different sections within each district that make mention to it. Again, for the purposes of making this consistent with the Northwest Fulton overlay, those sections would need to be deleted where it is inconsistent.

She stated that she would make a friendly amendment for consideration that any reference to window signs with the exception of definitions be deleted in an effort to make that consistent with the Northwest Fulton overlay and the other overlays that are defined within the City of Milton.

Councilmember Thurman asked if window signs were currently allowed under the Highway 9 overlay.

Planner Robyn MacDonald stated that window signs with neon light or fluorescent were not allowed.

Councilmember Thurman asked if we were to delete it from here, would we be deleting it from the Highway 9 overlay also.

Friendly Amendment: Councilmember Zahner Bailey to be specific on the friendly amendment she reworded it to say where window signs are inconsistent as represented in this current draft we would want to delete reference to window signs when there is an inconsistent reference within that overlay.

Referring back to Councilmember Thurman's statement, there may be one exception to Highway 9, and if not, then we would want to be consistent with Highway 9 and any of the other overlays. With regards to the Northwest Fulton overlay, the Birmingham Master Plan, potential the Crabapple Master Plan, we want to be very certain that this is consistent with those overlays.

Councilmember Thurman asked would you leave it in this section because they are allowed on Highway 9 so therefore, you do not want to totally delete it.

Councilmember Zahner Bailey stated that in regards to Highway 9, we do not have the time or appropriate venue to address the inconsistencies or differences between the Highway 9 overlay and the others. We have had citizens address this Council and Mayor before this evening urging us to look at the distinctions between Highway 9. She believed they would be remiss if part of the friendly amendments this evening did not highlight the necessity of reviewing the differences between the Highway 9 overlay and other inconsistencies.

Friendly Amendment Accepted: Councilmember Lusk accepted the friendly amendment.

Councilmember D'Aversa-Williams stated that on Section 17, it would preclude schools from having ticker tape type signs.

Councilmember Mohrig stated that if the school wanted to put something out front here, if it is more than 150 feet away, it would still be allowed.

Councilmember Zahner Bailey asked for example of a flashing sign within the City of Milton that therefore would not be prohibited. As long as it is 150 feet away it would be alright.

She also stated that her question would be would they like to prohibit all flashing lights with the exception of traffic lights, which is not for the City to deal with.

Councilmember Thurman stated there is a difference between animated and flashing signs and changeable copy signs. The changeable copy signs are typical like schools and churches and if they are 100 feet off the right of way, then you know.

Councilmember Zahner Bailey stated that the overlays prohibit changeable copy signs. That has been something heard for years that citizens do not want to reintroduce. She stated that she was interested in the City Attorney's impression of this.

Councilmember Thurman stated that we should prohibit animated and flashing signs period.

Councilmember Zahner Bailey stated that currently we prohibit changeable copy signs within the Northwest Fulton overlay, the Birmingham Master Plan, and the Crabapple Master Plan. She was concerned about introducing changeable copies and allowable signs.

Councilmember Thurman stated that Summit Hill Elementary came before the Board of Zoning Appeals for their particular changeable copy sign and it was set back further from the road than allowed because they felt it was

important for parents picking up their children. It is not the sign at the road but the one at the school when the parents are sitting in line waiting for their children. Fulton County did allow an appeal.

Councilmember Zahner Bailey asked if based on what we had addressed before with the Board of Zoning Appeals that would not be the appropriate forum for those unusual circumstances.

Councilmember Thurman stated that she would rather leave it in now and take it out later.

Councilmember Zahner Bailey concurred with Councilmember Thurman. She stated that since it is currently a prohibited sign in a majority of the overlays that represent the City of Milton, she would be in favor of keeping it a prohibited sign.

Councilmember Lusk stated on Article A Signs, Article D Signs in Right of Way, being one most recently familiar with political signs, he would question if political signs have to be permitted.

City Attorney Scott stated that no permit was needed.

Councilmember Zahner Bailey stated that she wanted to clarify item number 11. She thought it would prohibit changeable copy signs without the exception of the 150 feet because that is a departure from what is currently prohibited.

Councilmember Thurman stated she did not want the 150 feet even for the animated or flashing signs. She would rather take out the 150 feet total.

Councilmember Zahner Bailey stated that the rationale she would use and concurring with Councilmember Thurman is that you can indeed see that 150 feet and that currently it is a prohibited sign in virtually all overlays that represent the City of Milton. For consistency and from a community value standpoint, she would ask that changeable copy not be allowed 150 feet off of that road but continue to be prohibited where it is currently prohibited within the overlays.

Councilmember Thurman stated that if the overlay is more restrictive, then you go with the more restrictive overlay.

Councilmember Zahner Bailey stated that with concern for Highway 9 overlay, she asked Robyn MacDonald to verify whether or not a prohibited use in the Highway 9 overlay includes no changeable copy.

She stated that what she was saying is that prohibited signs would be no animated signs, no flashing signs, nor any interchangeable copy signs.

Planner Robyn MacDonald stated that on page 27 it talks about prohibited sign types under State Route 9. It states that freestanding, rotating, projecting, pylon, pole, portable, flashing, animated, sandwich, blinking, fluctuating, and electronic/manual reader boards, and neon are prohibited.

Councilmember Zahner Bailey stated that because it does not expressly exclude changeable copy, by reading this, it seems that the intent for those citizens that live within that area could be that they would want to exclude changeable copy.

Planner Robyn MacDonald stated that Highway 9 supersedes the main sign ordinance.

Friendly Amendment: Councilmember Zahner Bailey requested a friendly amendment on page 27 Section R1 to insert "and no changeable copy" and the other portion of that friendly amendment is on page 11 Section 11 where we would delete reference to 150 feet and the 24 hours. Therefore, it would state "animated signs, flashing signs, and changeable copy signs."

She asked if that was an acceptable friendly amendment.

Friendly Amendment Accepted: Councilmember Lusk agreed with the amendment.

Councilmember Thurman asked if a sign could be required to be removed if the business has moved or ceases operation and the sign has deteriorated.

Councilmember Zahner Bailey stated that she was suggesting that particular language be deleted only because it introduces a concept that was not previously a concept supported by the overlays. For example, if you have a development where there has been extensive grading and the building is below the grade of the road, the current overlays still allow for appropriate freestanding signs at both of the entrances. They allow for appropriate signage on the walls and they also allow for a second perpendicular wall sign. This language if left introduces a concept of allowing a sign to be raised above what was intended. You could end up with an unintended consequence of a sign that would be at the ground that you would see from the road but with this calculation, it could take a sign and take it up on a pole effectively. That is in direct contrast with the philosophy of our crossroad communities, whether that be Crabapple, Birmingham, or eventually Arnold Mill and Highway 9. She suggested that the language be deleted since it was language that really did not apply to our current overlays. She asked would that be an acceptable friendly amendment.

She stated that in other words, item 1 and 2 will be kept that clearly allows you to define the existing grade, which is the intent.

Friendly Amendment: Councilmember Zahner Bailey requested the following words be removed from Section 23: "In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is greater. Where the normal grade is below the normal grade of the public street, the sign base can be raised to the elevation of the normal grade of the street before the height limitations are applied (surveyor's certificate required)."

Councilmember Thurman made a statement about section 22 on the size and measuring. She always thought a box was drawn around it. Now there is an 8-sided box instead of a 4-sided box.

Councilmember Zahner Bailey stated that if we were to go back and use the traditional measurement that had been in place, would it allow for those exceptions to go through a variance or appeals process if we were to keep the language more conservatively in place so we did not end up with unintended signs. She recently visited other towns where signs were intentionally unique. It takes a little more creativity and it does not always accommodate the standard colors and logos and sizes of those signs. Again, with philosophies of the overlays that have been put in place historically, she thought it was a great question that Councilmember Thurman brought up which was do we necessarily want to move away from a measurement standard that allowed us to monitor that more closely.

Councilmember Thurman stated that she could see 6 lines, but she is having trouble with 8.

Councilmember Zahner Bailey asked if the totality of the sign still have to meet that. She asked Acting Community Development Director Wilson to walk her through the example of where the white space would normally be a part of the 32 square feet is allowed to shift.

Councilmember Thurman stated that the eight sided would allow one letter to go above or below the line but it does not allow you to really have both without drawing around the whole box. You still have a box around most of it but you one that may drop above for a capital letter or below for a "g" "j" or "y".

Councilmember Zahner Bailey stated a different scenario separate from the polygon. More recently, there was a situation where one tried to take a cylinder and create a definition of wall. She wanted to know if there was anything

within measurement that we want to include either this evening or in short order that allows us to better define what a true wall is as oppose to trying to creatively interpret wall from other shapes.

City Manager Bovos interrupted the discussion and stated that the challenge with the facility tonight is that we must be out by 9:00 PM. He did not learn until he got here that we needed to go page by page through this ordinance. The meeting needs to be wrapped up within the next 30 to 35 minutes. There are nine additional agenda items that cannot be deferred. He just wanted to make everyone aware of the time constraints.

Mayor Lockwood asked could the sign ordinance be deferred.

City Manager Bovos stated that it should not be deferred. In the event that the Council chooses to defer this ordinance, then the City would not have a Zoning Ordinance in place which would prohibit the issuance of building permits on Tuesday. The moratorium would have to be extended that is currently in place.

Councilmember Thurman asked if it was approved as is with the friendly amendments made so far tonight, could they go back and make any other adjustments.

City Manager Bovos stated that was correct.

Councilmember Zahner Bailey stated they were close to having some of the other amendments and take this under advisement and pick up the pace.

Councilmember Lusk said he was not sure about accepting the amendment to Section 23. He has run across this issue several times in Design Review Board. He thought it created a hardship for some applicants. Possibly they could come back with a hardship application where their property set 6 feet below the grade of the road so their sign would be depressed 6 feet.

Friendly Amendment Accepted: **Councilmember Lusk** accepted the amendment after City Attorney Scott explained it to him.

Councilmember Zahner Bailey clarified Section 24C on illumination. She stated that in all instances this is external illumination. She asked that the word external be inserted to clarify.

Councilmember Lusk stated that he would agree with that as opposed to internal illumination.

Friendly Amendment: **Councilmember Zahner Bailey** asked everyone to keep in mind that in Section 25B this is a whole new category of signs, information signs, that effectively moves us away from content. The concern is that two standard informational signs, this is in addition to already allowable freestanding signs, wall signs, is excessive. She thought that one would be sufficient. Given that we have the opportunity beyond this evening to further address that, she asked that the Council be more conservative as oppose to more lenient and consider changing that to one informational sign. She also asked that the word "temporary" be inserted because the informational signs are intended to be non-permanent. This is her friendly amendment.

Councilmember Thurman stated that it says each lot, in which you could have four or five lots in a row with each of them with one sign on them. She stated that if you have a large piece of property, it could be different than four pieces of small property. She does not know how that is addressed in here.

Mayor Lockwood suggested that everyone move forward, but at this point have a committee to look at everything else and come back later and amend this in the interest of time.

Councilmember Zahner Bailey stated that she is concerned with information signs as it relates to a brand new ordinance we have never had before in the City of Milton. She asked that the friendly amendment still be addressed changing that from two to one, insert the word temporary, and also take under advisement Councilmember Thurman's

point and could in addition to lot, reference lot parcel or development, whichever would allow us to mitigate the concern that was raised that we not have excessive numbers of informational signs posted within one development.

Councilmember Thurman stated that is an amendment that needed to be discussed a little further.

Councilmember Zahner Bailey stated that we would be approving the ordinance as is this evening.

Mayor Lockwood stated a workshop could be held to amend this later.

Councilmember Thurman stated that we may need to leave this in and take a look at it next week or so. It obviously needs some tweaking to several things.

Councilmember O'Brien stated that it would be attractive to back it up to one and move forward.

Friendly Amendment Accepted: **Councilmember Lusk** agreed to accept the amendment for two to one informational signs and inserting the word temporary. Also, he wanted to do a word search through the whole document pulling up the word "lot". He thinks it needs to be consistent with that.

Councilmember Zahner Bailey offered a friendly amendment to do a word search of the entire document looking for any inconsistencies of the word "lot" so we arrive at a consistent use of that reference with the exception of the informational sign.

Planner Robyn MacDonald stated there may be other instances where you may want to leave it as lot. A search cannot be done and totally replace the word. The document has to be really examined.

Councilmember Zahner Bailey stated that leaves the window signs as allowable already in Highway 9 overlay.

She also stated that the 50 foot setback would not preclude a rural road in another setting from still being narrower. This is only addressing the setback from a right of way.

She clarified that on page 23 where it references that the overlays will supersede this ordinance. A discussion was held about inserting the word "intent" because it was going to be the specification and intent of those overlays.

City Manager Bovos stated that from a procedural standpoint every amendment needed to be voted on separately.

Amendment No. 1

City Manager Bovos stated that was to Section 3 Definitions. The first section amended was water towers.

All Councilmembers concurred.

Amendment No. 2

City Manager Bovos stated that amendment #2 was to Section 8-A.

All Councilmembers concurred.

Amendment No. 3

City Manager Bovos stated that amendment #3 was to Section 8-B.

All Councilmembers concurred.

Amendment No. 4

City Manager Bovos stated that amendment #4 was to Section 11-A.

All Councilmembers concurred.

Amendment No. 5

City Manager Bovos stated that amendment #5 was to overall formatting and grammatical issues.

All Councilmembers concurred.

Amendment No. 6

City Manager Bovos stated that amendment #6 was to Section 11-E2.

All Councilmembers concurred.

Amendment No. 7

City Manager Bovos stated that amendment #7 was to Section 16-3.

All Councilmembers concurred.

Amendment No. 8

City Manager Bovos stated that amendment #8 was to Section 17-L.

All Councilmembers concurred.

Amendment No. 9

City Manager Bovos stated that amendment #9 was to Section 23.

All Councilmembers concurred.

Amendment No. 10

City Manager Bovos stated that amendment #10 was to Section 24-C.

All Councilmembers concurred.

Amendment No. 11

City Manager Bovos stated that amendment #11 was to Section 25A and B

All Councilmembers concurred.

City Manager Bovos stated that concludes all the friendly amendments and that a motion was needed for approval of the original motion. He asked all those in favor of approving the zoning ordinance Article 33, as well as 12, and Article 34.5 to say "I."

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

City Manager Bovos stated that he needed a roll call vote on Section 33, the new sign ordinance, the original sign ordinance including any amendments.

Motion: Councilmember Lusk moved to Adopt Amendments to the Fulton County Zoning Resolution, thereby adopting and establishing the Zoning Ordinance and Official Zoning Maps of the City of Milton, Georgia along with Article 12, Article 34.5, with the following amendments to Article 33:

Amendment No. 1 to Section 3

Amendment No. 2 to Section 8-A
Amendment No. 3 to Section 8-B
Amendment No. 4 to Section 11-A
Amendment No. 5 to Overall formatting
Amendment No. 6 to Section 11-E(2)
Amendment No. 7 to Section 16-3
Amendment No. 8 to Section 17-L
Amendment No. 9 to Section 23
Amendment No. 10 to Section 24-C
Amendment No. 11 to Section 25 –A and B

Second and Vote: Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance to Adopt the Fulton County Subdivision Regulations as the City of Milton, Georgia Subdivision Regulations. (Second Reading)
Ordinance No. 06-11-75

Acting Community Development Director Wilson stated that this ordinance would control the development of subdivisions by providing standards for the construction and platting of new subdivisions and that the ordinance was consistent with the Georgia Plat Act.

Motion and Vote: Councilmember Thurman moved to adopt the Fulton County Subdivision Regulations as the City of Milton, Georgia Subdivision Regulations. Councilmember Mohrig seconded the motion. The motion passed unanimously.

Approval of an Ordinance Adopting the International Property Maintenance Code, 2003 Edition as amended. (Second Reading)
Ordinance No. 06-11-76

Acting Community Development Director Wilson stated that this ordinance would provide standards for the continual maintenance of residential and commercial properties within the city.

Motion and Vote: Councilmember Mohrig moved to approve the ordinance adopting the International Property Maintenance Code, 2003 Edition as amended. Councilmember Thurman seconded the motion. The motion passed unanimously.

NEW BUSINESS

Resolution Authorizing the Mayor to execute closing documents to effectuate the transfer of title for Parks and Fire Stations.
Resolution No. 06-11-22

City Manager Bovos stated that this resolution allows the Mayor to execute documents which have been prepared by both Fulton County as well as the City Attorney's office in order to facilitate the transfer of real property, primarily fire stations and park facilities from Fulton County to the City of Milton. Fulton County passed two different resolutions, one in August 2006 and one in May 2006, outlining how real property would be transferred. Although listed in this resolution is Providence Park at 44.70 acres, staff recommended at this point that any document signed by the Mayor to effectuate transfer of real property would exclude Providence Park. Closing is anticipated next week.

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution authorizing the Mayor to execute closing documents to effectuate the transfer of title for Parks and Fire Stations. Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

Resolution to Create a Committee to serve as the citizen's participation group for the Bike and Pedestrian Paths Grant awarded through the State of Georgia to the City of Milton; and for other purposes.
Resolution No. 06-11-23

City Manager Bovos stated Representative Jan Jones was here to talk about this item tonight, but had to leave for prior commitments. He walked through the resolution so everyone could understand their obligation from now until the January 11 meeting to find a nominee.

This committee is going to be created after this adoption of the resolution to serve as a sounding board for a grant that was obtained by the state representative to define bike and pedestrian path capabilities within the incorporated city limits of Milton. The panel should consist of nine members from the community. Each Councilmember will have one nomination to the nine-member panel. State Representative Jan Jones will have two nominations. All nominees must reside within the City of Milton, must be 21 years of age or older, and they have to live in the district that the councilmember who nominated them live in order to be concurrent. They will serve on a volunteer capacity and not be compensated for any time or excess expense from the acceptance of the appointment. They will serve an interim time period and the goal is to continue to develop the committees that are needed for organization on a long term basis. The nomination process will occur at the January 11 meeting, which means the nominations will be needed from each councilmember, discussion on each nominee and a vote on each nominee will occur. He wanted to make sure everyone understood that this process was moving forward on January 11 with the actual naming of nominees and confirmation of those committee members.

Motion and Vote: Councilmember Thurman moved to approve a Resolution to Create a Committee to serve as the citizen's participation group for the Bike and Pedestrian Paths Grant awarded through the State of Georgia to the City of Milton; and for other purposes. Councilmember D'Aversa-Williams seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution Authorizing the Execution of a Service Contract between CH2M HILL, INC. and the City of Milton, Georgia.
Resolution No. 06-11-24

City Manager Bovos stated that a committee did discuss remaining issues with a representative from CH2M Hill. There were two changes that occurred from the time everyone met at the work session to the current draft. The first was the excess liability insurance coverage. CH2M Hill went back to their broker record and underwriter and was able to obtain one umbrella excess liability policy for \$45 Million to spread across the three clients that they currently have receiving City services in the State of Georgia. As a result of that, our services or cost was greatly reduced. We had an estimate \$250,000 in the original contract which now has been reduced to \$50,000 the first year, \$60,000 each subsequent year after that. The new language in the contract reflects that change in the excess umbrella liability coverage. The second change is in the 6th "whereas" which is at the beginning of the document. There was verbiage that outlined the procurement process that actually occurred in Sandy Springs that was not applicable to the City of Milton and that updated language is now reflected in the new document. Basically, the word "bid" was taken out since the Governor's Commission did not deploy that. They did deploy a process that was competitive. However, it was not a formal bid or RFP process. The prior contract amount was \$5,185,000 for the first year. We are increasing the first year by \$50,000 so the new contract amount is \$5,235,000, but we have eliminated the need for the \$250,000 appropriation to obtain the \$45 Million excess umbrella policy. We are in a net gain of \$250,000.

Councilmember Mohrig thanked Councilmember Lusk for his efforts in working with the contract including the savings we will see on the excess liability insurance. It will be over \$1 Million spread over the five years.

Mayor Lockwood stated that the staff and Council performed a lot of due diligence and worked very hard. There were a lot of issues and questions, but Rick Hirsekorn from CH2M Hill worked with everyone to provide a comfort level. We saved about \$750,000 between staff, Council and the spirit that CH2M Hill has worked with.

Councilmember Zahner Bailey stated that at the last committee meeting, she and Councilmember Lusk had some thorough discussions. They are very appreciative on the responsiveness and for that \$570,000 worth of savings that the City will incur within the first three years.

Councilmember Lusk reflected the thanks for the negotiations they went through to get to this point. He also stated that he looks forward to getting everything started up and moving forward with the task at hand.

Motion and Vote: Councilmember Thurman moved to approve a Resolution authorizing the Execution of a Service Contract between CH2M HILL, INC. and the City of Milton, Georgia. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution Approving the City of Milton Youth Athletic Association Facility Use Agreement and Organizational Requirements for external non-profit entities interested in public park usage.
Resolution No. 06-11-25

City Manager Bovos stated that this resolution allows us to move forward with organizations who are currently utilizing Milton's facilities for youth sport associations. We have one currently and that is the Hopewell Youth Association currently operating out of the Bell Memorial Park.

Jim Cregge is here tonight and he did an excellent job working with staff facilitating the document. He has one last challenge with the document. The City has requested information about residences versus non-residences. In the formulation of the document, a sister city's document was used pulling forward information or changes that was not applicable to Milton nor the Hopewell Youth Association. As a result of that, you have the document that is in front of you.

As a note, the resolution does authorize the Mayor, City Manager and City Clerk to enter into any agreements with youth associations as they petition and come forward for those agreements with no changes to the original contract. We will not bring these in front of you in the event we expand the Parks & Recreation program for approval every time. It will be just the approval blanket of the actual document and then we will specify who it is granted to at the point and time it is granted.

Jim Cregge, 1078 Colony Drive, Alpharetta, stated that he hoped everyone would be in support of the document as it has been worked through with staff on behalf of the Hopewell Youth Association. The association has served the community for over 20 years. The association is excited with moving forward with the City of Milton and serving the community at large. He pointed out that the proposed agreement does call for a preferential registration period for the City of Milton residents. However, there are two things they need assistance with. The current Hopewell registration process does not have a mechanism for checking online that a person's residency is within the City of Milton. Also, he is asking for a one-time exemption on the ideal of preferential treatment for the City of Milton. That one time would be this current Spring season because the registration is already open and active. The next opportunity will be the fall registration which starts around June. In addition, the proposal calls for key control. He is personally offering to the City to coordinate and get the park and all its associated facilities re-keyed and get the keys distributed to the appropriate people. He can coordinate with a few vendors, get a bid and show them what needs to be done, turn it over the Council and City Manager and ask them to approve one, then he would manage that process personally. He stated that now since the area is incorporated, residents of the City of Milton are now subject to a 75% additional fee to participate in programs with the City of Alpharetta. Already, he is seeing a higher interest than in the past 12 years. An overcrowding issue will surface quickly. If the City chooses to get involve with other associations down the road, hopefully this is something they can work with.

Councilmember O'Brien asked will there be a difference in charge of what Alpharetta does.

Jim Cregge stated that may well be a decision by the policymakers of the City. He urged the Council that if they did decide to go that way, not to implement it for this Spring's registration as currently. If implemented tonight, people would be saying foul play because their registration has already been open for the month of December. Anything

implemented at this moment would be quite a rush and they might want to take a little more time and give it some consideration. He looks forward in great anticipation that the City will buy Bell Memorial Park. Also, it has been customary at Hopewell to charge a higher fee for out-of-county residents but there never was a penalty for a person who was a resident of Alpharetta

Motion and Vote: Councilmember Lusk moved to approve a Resolution approving the City of Milton Youth Athletic Association Facility Use Agreement and Organizational Requirements for external non-profit entities interested in public park usage. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of Monthly Invoice for Legal Fees.

City Manager Bovos stated that the Council adopted a financial management program that outlined staff requirements to procure goods and services under professional service agreements. This is really less an approval of an ordinance and more of an acknowledgement that we have bypassed the financial management program process in order to issue checks in excess of \$50,000 per year. Under normal circumstances an RFP or bid would be issued for anything expended over \$50,000 per year. He needs a motion to approve the lack of adhering to the financial management program under the City Attorney's invoice.

Councilmember D'Aversa-Williams asked would this be a one time situation.

City Manager Bovos stated we will be receiving invoices on a monthly basis. Those invoices will be paid against a purchase order. The purchase order itself will be in excess of \$50,000. Legal fees were appropriated at \$110,000 during the fiscal year 2007 budget process. We did not do a formal RFP process because it was the Mayor's appointment. Traditionally, Mayor's appointments are employees versus professional service contracts.

Councilmember Zahner Bailey stated that as invoices came in, they would be reviewed by the treasury department along with the City Manager. These are checks and balances as the invoices come in.

Motion and Vote: Councilmember Mohrig moved to approve the monthly invoice for legal fees. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

MAYOR AND COUNCIL REPORTS

Councilmember Lusk stated that he was proud to be here and was looking forward to help make this City be what the resident's desire.

Councilmember Zahner Bailey stated that she had been asked by Commissioner Lynn Riley's office to participate in a Code Enforcement Board meeting this morning. Subsequent from today, she will provide the update. Basically, there is a request from the Code Enforcement Board of Fulton County to consider a language change that would go before the State Legislature that would allow for amendments that were a part of historic Code Enforcement Board language to be adopted. We as a Council need to consider that language so we can put forward a letter of support along with Sandy Springs and potentially the City of Atlanta. On January 11, as part of our agenda, the legislative update. So between now and then, that may be the appropriate time for us to take that up for further discussion.

Mayor Lockwood stated that he is working with the City Manager concerning negative press. There is some negative press and comments around about the franchise fees. We will be issuing some press releases and articles so that people understand what we are doing.

STAFF REPORTS

City Manager Bovos stated that the resolutions and ordinances are now being posted on the website. There is also a calendar that has been placed on the website and has been done similar to an Outlook calendar. In the event that you want to know what is going on that particular day, you can pull up that day and click on any item and receive additional information.

It is important to remind everyone that the financial disclosure reports are due to the City Clerk by January 1. In addition, campaign contributions reports are due to the City Clerk by December 31. So there are two deadlines: January 1 and December 31 for both the campaign contribution reports and the financial disclosure reports.

Staff is currently working on the Tax Anticipation Note. A resolution will be on the January 11 agenda for the TAN. There have been some questions about that over the past couple of months. We currently are in the RFP process to obtain the best financing for that Tax Anticipation Note. We will be moving forward with closing that transaction subsequent to the approval of the resolution approving financing.

There have been several questions in regards to the current status of Providence Park. He had a meeting with the Mayor, Commissioner Riley as well as Tom Andrews, the County Manager. The EPD has required Fulton County to file a new remediation plan with respect to Providence Park. That report is due next Friday and Fulton County is proposing 12 to 18 additional months of monitoring with respect to the contamination of Providence Park. They did find trace amounts in the downstream lake at Providence Park which prompted the EPD to require the additional 12 to 18 months of monitoring. County Manager Andrews did indicate that Fulton County had set aside funds and are to provide the mechanism in which Fulton County can continue the monitoring process. He anticipates updating us periodically with respect to any additional traces of amount of contamination found in the down gradient lake or the additional wells that are dug.

The Intergovernmental Agreements for Police and Fire are scheduled to be on the January 11 agenda. There was discussion at the last Council meeting with respect to those documents. We have come to a fairly reasonable compromise with the County in respect to many of the terms in the documents. If approved on January 11, they are scheduled for Fulton County approval on January 17.

He gave an update on the Legislative report that was supposed to be presented by Representative Jan Jones. Notwithstanding Councilmember Zahner Bailey's comment about some additional legislation which needs to be supported in respect to Code Enforcement Boards, we have drafted a document to present to Jan Jones that is currently being distributed. It identifies three areas of legislation in which staff would propose. This document has not been sent to Representative Jones. It outlines some additional clarification in the Scheffer amendment which was attached to House Bill 36 during the 2005 legislation session to clarify any remaining funds that are left in the Special Service District, when municipalities incorporate, where funds were previously used in the Special Service District to provide general government services. So in this instance, Fulton County had Special Service District funds that applied to the areas of Milton and Johns Creek segregated to where their revenues and expenses are occurred and booked. They will end up with a surplus fund balance. Their point on that is very different from Milton and Sandy Springs and Johns Creek. We will like some additional information added to House Bill 36 and the Scheffer amendment and to clarify what happens to those remaining funds.

The second item deals with jail construction and staffing. O.C.G.A. §15-21-90 allows us to charge an additional dollar for the construction, maintenance, and acquisition of jail facilities. Certainly staff is not proposing that a jail or jail facility be built in the City of Milton. However, in the event we contract with another government, it will be nice if we can collect the dollar fee that they also collect and contribute that dollar fee as a part of an intergovernmental agreement for jail services to expand or provide additional maintenance dollars for existing jail facilities.

House Bill 719, which was sponsored by the City of Atlanta last year, did not make it off the floor. This bill deals with increasing the minimum fines which can be charged in Municipal Court from \$1,000 to \$2,500. We have not identified which ones will be raised for that is decided by a Judge. Atlanta noted very articulately last year that this law has been in place approximately 20 years with no change in maximum fine amounts. The cost of doing business has changed dramatically over the past 20 years so we would request support of House Bill 719. Councilmember Zahner Bailey did mention earlier that there will be a legislative update on the January 11 agenda. What that is a resolution that Council approved that support or deny your position on legislation that is proposed in the upcoming session. It will be an annual process. Representative Jan Jones had some different things to discuss with the Council tonight. We will try to get that reschedule and we may need to delay the approval of that resolution until the end of

January in order for the Council to take opinions and have discussion on not only these items but the items Representative Jones would present.

He passed out the meeting agenda for the month of January. As he discussed a week or two ago, he would like to have weekly meetings with the Mayor and biweekly meetings with each councilmember. He wanted to confirm that these were the meetings they had on their calendar.

The next document is on work sessions. The memo outlines what a work session is and the purpose of one. It gives you two options in order to have a work session. A work session is designed for a more informal question and answer review setting than a true city council meeting. Tonight's discussion on the sign ordinance could have gone through a work session, been discussed, finalized, and then brought forward back to City Council with many of the issues that were talked about completed. We have identified a list of potential discussion topics that would want or need to go through a work session. They include anything from review of overlay districts to Crabapple Master Plan, impact fees, capital improvement plan development, emergency notification, parks and recreation plans, annual budget process, and other items. His request to everyone is to review the memo and determine if you would like to have work sessions. If so, how would you like to go about that. There are two options: add it on to the end of a council meeting, which would make a council meeting extremely long or add a meeting a month. Staff is fine with either option but he has heard that people would prefer to meet only twice a month.

He announced that the January 11 council meeting will be at the new city hall. The painting is being finalized. All the carpet is in and baseboards will be going in within the next few days. We plan on taking possession of that facility on December 29. However, it will not open for business until we have obtained furniture which will be around the end of January.

Councilmember Mohrig asked if we would be meeting at the school again.

City Manager Bovos stated that there would be enough furniture in the facility to meet from there forward at City Hall. The staff will still reside at Perimeter with the CH2M Hill corporate offices.

Lastly, he discussed a document written to him by Roddy Motes, Field Service Manager in the Community Services Department. It outlined some challenges with the current Birmingham area and specifically Marketplace at Birmingham, and issues with traffic flow. He has directed staff to move forward with meeting with the developer to review potential improvements to the existing issues that are outlined. He would like everyone to read the memo and if there is anything they know that was agreed upon prior in the development of the master plan or the developer, please let Roddy know so that we can incorporate any of those changes and staff recommendation to the developer. This is a high priority item from a public safety perspective.

He reminded everyone that he would be out of the office tomorrow and City Hall is open on Tuesday. However, that is a holiday for city staff so CH2M Hill employees will be in the office, but City staff will not be back until Wednesday.

ADJOURNMENT

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

After no further business, the meeting adjourned at 9:05 PM.

Date Approved: February 1, 2007