

Regular Meeting of the Milton City Council

Thursday, December 7, 2006, 4:30 PM

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Regular Meeting of the Mayor and City Council of the City of Milton was held December 7, 2006 at 4:30 PM, Mayor Lockwood presiding.

CALL TO ORDER

Mayor Lockwood called the meeting to order.

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 the Clerk. Also, IT has asked that everyone to speak into the microphones because of the acoustics in the room.

City Clerk Marchiafava called the roll.

Councilmembers Present: Councilmember Karen Thurman, Councilmember Julie Zahner Bailey, 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 following needed to be added to the agenda:

- 1) An ordinance appointing the Community Development Manager to act temporarily as a Northwest Fulton Overlay District Design Review Board under First Presentations.
- 2) A public hearing for Agenda Item No. 06-117 establishing the zoning ordinance and official zoning maps of the City Milton will be heard at 5:30 PM as legally advertised.

Motion: Councilmember Thurman moved to approve the meeting agenda with the following amendment:

- 1) Addition of an Ordinance To Appoint The Community Development Manager to Act Temporarily as the Northwest Fulton Overlay District Design Review Board as a First Presentation.
- 2) A public hearing for Agenda Item No. 06-117 establishing the zoning ordinance and official zoning maps of the City Milton will be heard at 5:30 PM as legally advertised.

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

PUBLIC COMMENT

Mayor Lockwood asked if there was anyone in the audience that would like to address the Mayor and Council. Hearing no one, he closed public comments.

CONSENT AGENDA

Approval of the November 14, 2006 Special Called Meeting Minutes.

Motion and Vote: Councilmember Mohrig moved to approve the Consent Agenda. Councilmember D'Aversa-Williams seconded the motion. The motion passed unanimously.

REPORTS AND PRESENTATIONS

Mayor Lockwood stated that there were no reports and presentations at this time.

ZONING AGENDA

Mayor Lockwood stated that there were no items under the zoning agenda.

FIRST PRESENTATION

1. 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.
2. Approval of an Ordinance to Adopt the Fulton County Subdivision Regulations as the City of Milton, Georgia Subdivision Regulations.
3. Approval of an Ordinance Adopting the International Property Maintenance Code, 2003 Edition as amended.

Motion and Vote: Councilmember Mohrig moved to approve the First Presentation items listed above. Councilmember D'Aversa-Williams seconded the motion. The motion passed unanimously.

UNFINISHED BUSINESS

Approval of an Ordinance to Adopt and Approve Chapter 14, Land Development, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia.
Ordinance No. 06-12-72

Community Development Manager Mike Tuller stated that this ordinance will adopt and approve Chapter 14 for land development and provide for inclusion and identification in the future development codes of ordinances for the City of Milton, Georgia.

Mayor Lockwood asked if there was any discussion.

Councilmember Zahner Bailey asked if this was in concert with Fulton County's current requirements.

Mayor Lockwood stated that it was the exact same document.

Community Development Manager Tuller stated there were recent edits that the State asked the City to make to it.

Councilmember Zahner Bailey stated that these are the same as would be the case for Fulton County if we were not becoming a new city.

Community Development Manager Tuller stated that was correct and these were the model codes as they had recently been amended by the State.

City Clerk Marchiafava asked for any public comments on this item. There was no public comment.

Motion and Vote: Councilmember Mohrig moved to Adopt and Approve Chapter 14, Land Development, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia. Councilmember D'Aversa-Williams seconded the motion. There was no Council discussion. The motion passed unanimously.

NEW BUSINESS

Approval of a Contract with Mauldin & Jenkins, LLC to audit the City's financial statements and perform a single audit for the fiscal year ending September 30, 2007.

City Treasurer Wolfe stated this was to award Request for Proposal (RFP) 07001 external auditing services to Mauldin & Jenkins. The annual cost will not exceed \$31,000.00 for fiscal year 2007, \$33,500.00 for fiscal year 2008, and \$35,500.00 for fiscal year 2009. The purchasing policy does not normally require the Council to approve contracts less than \$50,000 with the exception of the approval for the external auditing services no matter what the cost is. The City of

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Milton let the proposal for external auditing services on September 26 and proposals were due back to the City on October 27. Due to the complexity of municipal auditing and the shrinking market of firms that specialize in this service, we only received one proposal. There was a thorough review of the proposal according to the criteria that was in the RFP. A meeting was held with them and questions were answered from both sides. The staff is comfortable recommending this firm for auditing services. This firm does have an Atlanta office and they are the largest provider in the Atlanta area of municipal auditing services. They will provide support services to the City both in their Atlanta and Macon office. There is a presentation attachment to this item from Mauldin & Jenkins that outlines the entities they provide service for, as well as the background and history of their firm. She introduced Adam Fraley, Client Services Manager, to speak about the firm.

Adam Fraley stated that the firm is excited about working with the City of Milton. The firm audits more governments in the State of Georgia than any other public accounting firm. He stated that the firm is qualified to assist the City during this inaugural year.

Councilmember Zahner Bailey asked if this was a multi-year contract.

Adam Fraley stated that is correct. It is a three year contract.

City Clerk Marchiafava asked if there were any questions or comments. There was no public comment.

Motion and Vote: Councilmember Mohrig moved to approve a contract with Mauldin & Jenkins, LLC to audit the City's financial statements and perform a single audit for the fiscal year ending September 30, 2007. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of Resolution to Serve as Official Notification of the City of Milton's Intent to Start a Police Department on or before May 1, 2007; and to Terminate Police Services Currently being provided by Fulton County.

Resolution No. 06-12-19

Public Safety Director Chris Lagerbloom stated that this ordinance is needed in order to secure an ORI number through the National Crime Information Center and the Georgia Crime Information Center to be able to access that data. We need it at this point for some administrative duties such as administering alcohol licenses and gun permits. Also, once we start to hire firefighters and police officers, we need access to criminal histories to conduct background investigations. In order for the State to issue that number we have to have a police department.

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

Motion and Vote: Councilmember Mohrig moved to approve a Resolution to Serve as Official Notification of the City of Milton's Intent to Start a Police Department on or before May 1, 2007; and to Terminate Police Services currently being provided by Fulton County. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

An Ordinance to Appoint the Community Development Manager to Act Temporarily as the Northwest Fulton Overlay District Design Review Board. *(Added as a First Presentation by Motion and Vote)*

City Clerk Marchiafava stated that this item was added as a First Presentation and asked if there were any questions on this item.

Councilmember Zahner Bailey stated that she wanted to confirm that between the first and second reading there could be some minor adjustments to the language of this and that both Mike Tuller and Tom Wilson were working on that currently.

Acting Community Development Director Wilson stated that he anticipates setting up an interim review board that may include some members of the City Council. At the second reading, it will be made clear when the meetings will occur and how it will work.

Motion and Vote: Councilmember Mohrig moved to approve an Ordinance to Appoint the Community Development Manager 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.

MAYOR AND COUNCIL REPORTS

Councilmember Zahner Bailey gave an update of the Georgia Transmission Corporation. She stated the Council should have received a summary from the meeting held on November 29. She spoke with Tom Parker today to verify he was in receipt of that summary. A meeting is scheduled with the Alphawoods subdivision next week. Items that were agreed to are continuing to be followed up on.

Councilmember D'Aversa-Williams discussed potential new schools that had entered into the SPLOST III for North Fulton. We have asked for some information from Dr. Vicki Denmark and she will provide it on the 20th of this month. It will give a clear picture of where the schools are anticipated to be and thoughts from Fulton County.

STAFF REPORTS

City Manager Bovos stated there are times where it is relevant to have work sessions besides traditional Council meetings. He asked for feedback if Council would like to have meetings where no vote is taken, but items can be placed on an agenda for discussion. It is available to discuss issues and bring certain things to staff's attention. They are public meetings and often times they are attended by the press. No business occurs, but an agenda is published with discussion topics. He stated that Annie Vermilya is working on scheduling reoccurring meetings between him and each Councilmember on an ongoing basis beginning in January. His goal is to meet with all Councilmembers every other week and the Mayor every week.

He discussed the inaugural party. The proposed date is January 27. The outline proposed two different options. One is either a black-tie event or a casual event. It is currently slated for the Atlanta National facility. He asked the Council to get back with him in their choice of which style of event they would like to have. There is a meeting scheduled with Atlanta National on Friday.

Councilmember Mohrig asked if the press would be there.

City Manager Bovos stated that invitations will be sent out and it will be advertised on the website. It is an open invitation to any and everyone who would like to celebrate the City of Milton inauguration.

MVP Volunteer Program and Inaugural Party

He gave an update on the MVP Volunteer Program. The program has been separated into two tracks: special projects and operational projects. Under the special projects category, the program is assisting the assignment of special projects for people who are willing to volunteer. It includes the inaugural party, a database for historical buildings, and other related-type items. The goal is to discuss the volunteer program at the retreat that we have in February to gain insight into what the Council would like to see that organization be.

Retreat

He stated that the retreat is scheduled for the second week in February so that everyone can be in attendance.

Annexations

He spoke about a map that outlined where the City was in regard to annexations. The green section represented annexations that Milton had completed. The grey section was the City of Roswell with the yellow section being the newly annexed area by the City of Roswell. The black portion outlined the remaining unincorporated areas and the red

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section was annexed by both organizations. As a result with discussion with staff from Roswell, the door has not yet been closed on additional discussions about how the City would like to see the actual boundaries drawn.

Mayor Lockwood stated that a meeting was held with Mayor Wood today regarding the double annexations. Mayor Wood asked that this Council put together a proposal and present it to him.

Councilmember Thurman reiterated what Mayor Lockwood stated - that Mayor Wood wanted the Council to put together a map that represented a fair resolution to this issue. The goal is to work this out between the cities and not proceed with any litigation.

City Manager Bovos stated that Council's input will be sought on how they would like the lines drawn and then present the proposal to Mayor Wood and his senior staff.

Councilmember Zahner Bailey asked if there was any date driven by law in terms of when this needed to be done.

City Manager Bovos stated that the challenge is that any changes or any new annexations to occur will be effective after December 1. As a result of that, we may miss some property tax revenue. Our driving force and goal is to represent the constituents' requests about what municipality they would like to be in versus worrying about where revenue is going. There is some concern about what Fulton County will do with unincorporated parcels with the special service district tax millage rate. There is a substantial fund balance within the special service district fund that Fulton County will use to offset services delivered to any unincorporated area.

Councilmember Thurman stated that from reading the newspaper she understood that Roswell had instructed Fulton County that they were providing services to all the areas they had currently annexed. According to the map, there were areas that had been annexed by both cities. She wanted to know the position that Milton would take on those areas.

City Manager Bovos stated Milton has notified Fulton County about our annexations. Letters have been received from Fulton County and they are fully aware that there are parcels that have been annexed by both organizations. The initial stand has been taken that whoever completed a legal annexation first dominates on where services are to be delivered. That is the approach from both jurisdictions until the lines are drawn.

Councilmember Thurman stated that the issue did arise where Roswell did have conflicting legal notices posted for some of those annexations. She asked if we were allowing them to provide services to those areas if they completed the annexation prior to when their legal notice stated the annexation was going to be completed.

City Manager Bovos stated that staff is taking the position that if the respective jurisdiction feels that they have completed the annexation legally then that is when the annexation occurred. They have not legally challenged our annexations and vice versa.

City Attorney Scott stated that if the City feels the need at any point to challenge the annexations, there is a deadline. The annexation statute states that individuals who wish to challenge an annexation must do so within thirty (30) days. It does not state clearly what another city must do because it really does not happen. He stated that he is comfortable instructing the Council to use the thirty day deadline in which December 28 would be the applicable deadline.

Councilmember Zahner Bailey asked from a communication standpoint was there a discussion today about the best way to communicate to those citizens as this map is drawn and as negotiations with the City of Roswell continues. Also, she wanted to know if there is a plan in place to communicate to the citizens the process that we are now undertaking and in the interim how they should expect to be provided services.

City Manager Bovos stated that for the parcels that are not in contention, there is a plan to communicate. We are beginning to review the welcome package that goes out within the next day or two. The goal with the salmon-colored areas is to review those areas and determine where they go. The goal is to get the boundaries agreed upon quickly for public safety purposes. Right now any 911 calls are routed to Fulton County because they remain the public safety answering point until Bellsouth completes that change.

Councilmember Zahner Bailey stated that there would be no risk to citizens in terms of the provision of public safety services.

City Attorney Scott stated that he has received several calls and emails from citizens who received letters from Roswell welcoming them into the city. They thought they were annexed by the City of Milton. Roswell has gone ahead and sent out letters, regretfully, to that effect. It is important for the City to communicate with people who are double annexed, particularly people who signed the City of Milton's applications for annexations.

Councilmember Thurman stated that one of the issues is that Roswell does have city provided solid waste service. Those citizens have been notified that they will be receiving a solid waste bill from Roswell this month and they want to know what to do with this bill.

City Manager Bovos stated that Roswell has some challenges in respect to solid waste service delivery. Their senior staff clearly outlined that Roswell will not be providing garbage service until January 1 to anyone annexed.

Councilmember Zahner Bailey stated that it sounded like it could be a few weeks before garbage is picked up and citizens will not be happy.

City Manager Bovos stated that our constituents who were annexed into the City of Milton will be covered for garbage service.

Councilmember Zahner Bailey asked if a letter could be sent to Roswell on behalf of those citizens outlining their concerns.

City Manager Bovos stated that he would do so.

Intergovernmental Agreements with Fulton County

He stated that he sent an email yesterday regarding intergovernmental agreements with respect to services delivered by Fulton County on behalf of the City of Milton. The Fulton Commissioners did pass with a unanimous vote our Animal Control IGA, Water Waste IGA, and Emergency 911 IGA. Unfortunately, there were some negative discussions about where we were as an organization. Johns Creek had the opportunity to have their IGAs adopted before the City of Milton did. They also had an IGA for Fire and Police. There were some discussions during this approval about movable equipment, which is known as personal property versus real property. They recessed for a few minutes to receive clarification from the attorney in respect to personal property being included in the distribution. It has not been included from day one. We will be pursuing additional legislation that will allow us to go back to the County and address some of those issues as will the City of Dunwoody. When Milton had the opportunity to have the IGAs discussed, there were Fulton County Commissioners who were very concerned that we did not have IGAs for fire. There was a perception that the City of Milton chose not to have IGAs for police and fire. That is not the opinion of our senior staff and it was clarified for the commissioners. It did create some debate and negative feedback towards the City of Milton. The City received a draft of an IGA from Fulton County and went through reiterations with that particular agreement. Milton then presented Fulton County with a version of both the police and fire IGAs.

They had some issues with verbiage that was added to the IGAs. One issue was the shortness of the term. Milton's goal is to deploy police and fire on or before May 1. The second issue was that the City of Milton only wanted to provide an official thirty days notice to Fulton County which is all that is required by House Bill 1470. As a result, senior staff with Fulton County stated they were no longer interested in having IGAs with the City of Milton and they would move forward with a Memorandum of Understanding. The City of Milton has reiterated that this is not the desire. The IGA protects Fulton County as much as it protects the City of Milton. Milton is still willing to enter into IGAs for police and fire service.

One Commissioner was very distraught with the checklist provided by the County that was not returned by the City of Milton. Fulton County's Manager provided us with a checklist. The resolution for this checklist was at the November 14 meeting. He stated that he drafted a letter on November 15 back to the County Manager that took his checklist and

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transferred it into a letter format and provided all the data sets he requested within his checklist. One commissioner was upset that the checklist was not fed through a typewriter and the information not typed on the form. He stated that he spoke with a commissioner last night and stated they would complete the checklist as they wished.

Councilmember D'Aversa-Williams asked which commissioners were negative in regard to the communication between our city and Fulton County.

City Manager Bovos stated that the checklist issue was raised by Commissioner Boxill and Commissioner Edwards. On a positive note, Commissioner Darnell spent about ten minutes congratulating the City and Council. Commissioner Pitts also spoke in favor of the letter that was sent to the Commissioners and sent appreciations for the letter.

Councilmember Zahner Bailey asked if it would be beneficial to reiterate the things that were written in the original letter with a recap of what we just talked about in a positive way and that we apologize if we did not respond back with the checklist in the form that they needed. With regards to the IGAs, from a timetable perspective, she asked could a call be made to County Manager Andrews about proceeding with the IGA draft and completing the process between now and year end.

City Manager Bovos stated that the letter has already been drafted and the checklist has been completed in the correct format. He spoke with the Commission Chair and she stated there should be no problem in the adoption of fire and police IGAs in January. It was not something that could happen in December based upon how they recessed from meetings and the process one has to go through to get an item scheduled on the agenda.

The election results will be certified on December 9 at 10:00 AM. We are planning on the swearing in of the two new Councilmembers on the December 21st agenda. At the conclusion, we will elect a Mayor Pro Tem. Pictures are also scheduled to be taken of the Council to be used on the website.

Community Development Manager Tuller stated that the staff for community development met with senior planners for Fulton County to pick up archival information for historic properties and structures that fall within the City of Milton jurisdiction. The data is being compiled and will be used in the upcoming months for historic preservation plans for the future. Initial steps have been made to meet with the planning staff from Fulton County and Cherokee County because of pending developments that will have a ripple effect in our jurisdiction.

Staffing Update

City Treasurer Wolfe gave an update on staffing. The following City related jobs are posted: Executive Aide to the Mayor, Judge, Deputy Fire Chief, Public Safety Administrative Assistant, Battalion Chief, Police Lieutenant, Firefighters and Police Officers.

Public Safety Open House

The Public Safety Director, Chris Lagerbloom, has scheduled open houses for Public Safety recruitment on January 9 and 10 for police and January 16 and 17 for fire. He has also facilitated a link on the website to Public Safety that has the benefit package, compensation, job descriptions, and other details. Positive comments are being received from the applicant pool on the benefits package.

She stated that at the end of the public hearing, she will pass out a W-4 for the Council to fill out in order to be set up in the payroll system.

Public Safety Director Lagerbloom followed up on the emergency crisis communication. For the last couple of days, he has been added to the Fulton County Emergency Communication Tree. He will get immediate calls just as any other senior staff personnel in Fulton County from the dispatch center for events that occur in Northwest Fulton. If something were to happen that was of importance, he would get City Manager Bovos on board to help make a decision until the City actually has a formalized communication plan.

City Manager Bovos reminded everyone that on next Friday discussions will continue that was held prior to the meeting convening today. Those time slots were scheduled by Annie Vermilya.

He stated that business cards were in for everyone and for Council to pick them up.

ZONING ORDINANCE PUBLIC HEARING (5:30 PM)

Joan Winderle, Six Hills Subdivision, requested an amendment to zoning resolution article 34.5.7 minimum setbacks for a new street. She stated that new public and private streets must be located at a minimum of 50 feet from any peripheral property line adjoining AG-1 and residentially zoned property unless interpersonal access is required. For one year now, her neighbors and her family have been fighting an attempt by a developer to build a new fifteen home subdivision that would require construction of a new street in the middle of their existing subdivision. That new road is not a part of Six Hills. The Fulton County BZA has had three hearings on this matter since May. At the first hearing on May 18, the BZA denied the developer's application for a variance to build a new public street. It did not meet the 50 foot setback requirements. The developer had the option to appeal this decision to the Superior Court of Georgia. He did not file an appeal on this issue. He then submitted the same concept plan and called the new street a private street. Acting Director of Community Development Terry Todd denied this plan because the developer did not meet the minimum 50 foot setback requirements. Private streets in Fulton County are required to be constructed to Fulton County's standards which would allow for the dedication to the County should a developer or owner choose to relinquish control. At the next two hearings, the BZA considered the developer's argument that the 50 foot setback required by Fulton County for a new public street serving 15 homes should not apply to new private streets serving the same development. Before getting the ruling, the developer withdrew his request so that he could pursue this project and argument with the City of Milton. She is asking for an amendment that would make it clear that all development standards applicable to new public streets in existing subdivisions would equally apply to private streets. There is no justification for treating a new public street differently from a new private street that is being constructed in the middle of existing subdivisions. The amendment, which was drafted by an attorney, would make it clear that the setbacks for new streets apply for all new streets. Adopting this amendment would prevent the developer in this case or other potential cases from arguing that the City of Milton has adopted an unjustified and illogical distinction between new public and private streets to be constructed in existing subdivisions.

Steven Longfellow, Six Hills, stated that he is in support of this amendment and thinks it will greatly clarify the language so other subdivisions with the City of Milton did not have to deal with this issue.

Mike Roland, Six Hills, stated that he lives adjacent to the property and supports the amendment.

Ted Cox asked if there was any intention for the contemplated zoning ordinances to have material variances from what is currently required under the Fulton County ordinances including the Northwest Fulton Overlay.

City Attorney Scott stated that the intent at this point with one possible exception is to adopt it as currently intact in Fulton County.

Ted Cox asked if properties that were non-conforming would be grandfathered in as non-conforming.

City Attorney Scott stated that prior lawful non-conforming uses would be afforded the same lawful treatment they receive now. However, any prior non-lawful, non-conforming uses would be enforced just as Fulton County enforced it before.

Ted Cox stated that they are involved in a dispute. Some of the City Council heard the issues that he is involved in and he is in the process of negotiating an agreement. He does not believe it will occur and will ultimately be in court. There were thirteen requested variances submitted to the Fulton County Board of Commissioners. Those were withdrawn. There is a question about word usage.

Councilmember D'Aversa-Williams recommended to Ted Cox that he get in touch with the City of Milton's Code Enforcement officials.

Lisa Anderson asked what the plan for adopting Crabapple from Fulton County was.

City Attorney Scott stated that the current plan is to keep the overlay districts intact.

Lisa Anderson asked how does the citizens get together with the Council to discuss what is going on within the ongoing developments. She would like to share some studies that indicate what can and cannot be done before decisions are made about future zoning issues.

City Manager Bovos asked was Lisa Anderson talking about amendments to or the existing zonings.

Lisa Anderson stated the existing zonings.

Councilmember D'Aversa-Williams stated that the Council is having these types of discussions in the workshops. It is also the perfect opportunity to have public input.

Lisa Anderson stated several people would like to be more involved.

Councilmember Zahner Bailey stated that conversations with the Community Development staff have been involving the citizens input. We want to make sure everybody is involved. There are people who do not realize the details of the plans in Crabapple. There is a need to put together a communication to go out to the people to let them know that some things currently underway tie to a master plan document. She shares her concerns and wants to make sure that people are informed.

Mayor Lockwood asked what the best way was for Lisa Anderson to contact the staff.

City Manager Bovos stated that when filling out her card she should indicate interest in having discussions with the Council about the overlay districts and when it is scheduled, the staff will send letters out to citizens who would like to have additional information on those topics. In addition, information will be posted on our website and a press release will be done as well.

City Clerk asked if there were any more public comments. There was no other comments from the public.

City Attorney Scott stated that he received an email from Commissioner Riley yesterday afternoon following the commissioners' meeting. There was an executive session held regarding sign litigation. There was a settlement proposal from the sign company that is suing the County whereby they had proposed the dropping of the lawsuit in exchange for the issuance of County permits for requested places around the County. This may include areas they do not have jurisdiction over anymore. Fulton County rejected that approach, but Commissioner Riley emphasized that as Milton adopts its new zoning ordinances for the City not to readopt Chapter 33 of the Fulton County Zoning Resolution, which would be Article 33 of the proposed zoning ordinance. He has a draft of a replacement along the lines of what has been spoken about. Staff will review it and perform more edits. He is urging the Council that rather than adopting Article 33 as currently proposed, that we go ahead and adopt the sign ordinance which is largely based on that which Sandy Springs has been reviewing. Other municipalities across the State have taken an interest in it because it is now on the website and they are saying that it works well. The biggest issue in that it takes away some issues of content based on discrimination that the sign companies have been using for first amendment challenges. It also eliminates distinction between on premise and off premise signs and includes a section for billboards.

Councilmember Zahner Bailey stated that Section 33 would come out of what is currently Fulton County's standard for signs. There will be a replacement.

Also, she wanted to know since the overlays has some sign specific language in it, is there anything within Section 33 or its replacement that would meet or has already been identified so that none of that language is at risk.

City Attorney Scott stated that would be evaluated within the coming days and weeks before a final copy is presented. One of the issues is that the overlays require design review boards. The use of the board's discretion over sign designs

has been considered unconstitutional. Any of those provisions would have to be removed that exist in the overlay districts.

Councilmember Zahner Bailey stated that the board over the Northwest Fulton overlay has review authority, but no decision making authority. It is meant as a recommendation and not a binding decision. Also, she wanted to make sure that the draft language from Sandy Springs does not have a separate clause for no billboards.

City Attorney Scott stated that it has a billboard section which defines billboards. It does not distinguish between on premise versus off premise signs. That has been repeatedly found to be problematic. We are simply regulating billboards. Billboards are only allowed to be used in the M-1 industrial zones. They would only be allowed along oriented State routes or national highways so that would significantly limit where they could go.

Councilmember Zahner Bailey stated the categories needed to be looked at closer. If a work session is held, she wanted this item to be one for discussion.

City Attorney Scott spoke about the amendments Councilmember Zahner Bailey proposed to Chapter 12. In order to try to turn them into amendments that worked in context of the document, more changes had to be made. We will go ahead and adopt those as a new ordinance amending Chapter 12 at the next Council meeting.

Councilmember Zahner Bailey reminded everyone that the language was in regard to demolitions. We did not want to open doors for demolition on historic structures.

City Attorney Scott stated that they will try to think of those things in advance just in terms of the ease of codifying it. He asked that if the Council saw areas they viewed as problematic or things they would like to see an amendment on, for them to come up with some proposed language written down. This would be a great help. It could be read into the record, given to the Clerk, and become the amendment and ordinance from the start.

Councilmember Zahner Bailey stated that the chapters were the emails that she sent in advance with the concern of demolition. The citizens of the community had expressed multiple demolitions had occurred without permits.

City Attorney Scott stated that he was willing to work together with Councilmembers on proposed language in advance of the Council meeting.

ADJOURNMENT

Motion and Vote: Councilmember Thurman moved to adjourn the meeting at 5:57 PM. Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

Date Approved: January 11, 2007

Jeanette R. Marchiafava, City Clerk

Joe Lockwood, Mayor