

Regular Meeting of the Mayor and City Council of the City of Milton was held on February 15, 2007 at 7:00 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 City Clerk staff.

City Clerk Marchiafava called the roll.

Councilmembers Present: Councilmember Karen Thurman, Councilmember Julie Zahner Bailey, Councilmember Bill Lusk, Councilmember Tina D'Aversa-Williams, Councilmember O'Brien, and Councilmember Rick Mohrig. Councilmember Neal O'Brien arrived at the meeting a few minutes late.

PLEDGE OF ALLEGIANCE

Mayor Lockwood led the Pledge of Allegiance.

APPROVAL OF MEETING AGENDA

Motion: Councilmember Zahner Bailey moved to approve the meeting agenda with the following corrections:

- 1) Defer January 11, 2007 minutes to the March 1, 2007 meeting
- 2) Defer Agenda Item Number 07-169 An Ordinance Amending Article 19.4.1, 19.4.2 and Article 33, Section 25 (G) the City of Milton Zoning Ordinance regarding permitting adult entertainment establishments and billboards.
- 3) Remove Agenda Item Number 07-183 Approval of Monthly Invoice for Legal Fees.
- 4) Add Oath of Office for Court Clerks and Deputy City Clerk.

Second and Vote: Councilmember Thurman seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

Mayor Lockwood said that Public Comment is a time for citizens to share information with the Mayor and the City Council and to provide input and opinions on any matter. Each citizen who chooses to participate in public comment must complete a comment card and submit it to the City Clerk. The Mayor said that this is not a time to engage the Mayor or members of the City Council in conversation. When your name is called, please come forward and speak into the microphone stating your name and address for the record. You will have 3 minutes for remarks.

James Pittman, 620 Hopewell Oaks Circle, Milton, stated he was there to speak about a noise ordinance, which he believed at last action was linked to a work session and currently in draft. She stated that reviewing that the current draft for hours in construction work showed much longer than the current Fulton County requirements. Briefly, allows construction until 10:00 p.m. and Fulton County currently allows until 7:00 p.m. and the draft ordinance allows until 9:00 p.m. on Saturday, whereas the current Fulton County requirements only allow until 5:00 p.m. The City of Milton was formed for a number of reasons. Among those was to protect and provide for a better quality of life. Keeping the current Fulton County hours and even having the Saturday hours adjusted to start later would protect this quality of life and allow some people to sleep in. He does not believe this is an issue of my personal values. This is from his prospective of common sense. He is sure if you ask anybody in this room and certainly people in his neighborhood, Hopewell Place, whether they would like to have construction going on until 10:00 at night or 7:30 p.m., he feels certain and knows that the answer would be no. He knows the Councilmembers will use their common sense and have the hours remain as they are in Fulton County 7:00-7:30 p.m. on the weekdays and perhaps adjust the Saturday hours to a little later.

City Clerk Marchiafava stated this concludes Public Comment.

REPORTS AND PRESENTATIONS

Recognition of Artist Pattie Rice Blohm

Mayor Lockwood recognized Pattie Rice Blohm and stated that she is a native of Atlanta receiving a B.B.A. in Business Administration and a B.F.A. in Fine Arts, both from Georgia State University. After working in the business sector and teaching art at South Gwinnett High School, she decided to pursue a painting career full time. He further stated her current focus is painting large farm animals and still lifes. Her work is characterized by strong contrast values and a warm sense of life that enable her images to “pop” from the canvas. He explained rather than paint a landscape with animals, she prefers to paint just the animal, filling the canvas with their personality. She likes the humorous quality that the animals tend to evoke as they observe the observer. She lives in Milton and was excited about the opportunity to help when she heard that the City would take donations of art and citizens can display their art for sale at City Hall. Her portrait of Pocahontas, a horse that lives on Thompson Road, will be permanently displayed at Milton City Hall and she has generously donated the painting. He thanked her on behalf of the Mayor and Council and stated that we are honored to recognize her this evening.

Nomination and approval of a Resolution appointing the Chief Judge and Associate Judges of the City of Milton Municipal Court

Mayor Lockwood stated that an interview team was selected and began searching for Municipal Court Judges. Several resumes were received for this position. After all interviews were completed, the team made a unanimous decision for a Chief Judge and two Associate Judges for the City of Milton Municipal Court. In compliance with Section 3.22, Section 10 of the City of Milton Charter, the Mayor nominated the following candidates:

Mayor Lockwood stated that Barry Zimmerman has been practicing law in the Atlanta Metropolitan area for the past 31 years. He earned his undergraduate degree at the University of North Carolina, Chapel Hill and his law degree from the University of Georgia. He has a general law practice, with a focus on Criminal Law, Domestic Relations, Personal Injury and Corporate Law. For the past 27 years, he has been both a part-time Municipal Court Judge and Magistrate Court Judge. During that time, he has sat in the City of Atlanta Municipal Court, City of Atlanta Traffic Court, City of Alpharetta Municipal Court, City of Roswell Municipal Court and Fulton County Magistrate Court.

Mayor Lockwood stated that Brian Hansford has been an Attorney and Partner for Patterson & Hansford, PC for the past six years. The firm performs all areas of litigation, primarily in the areas of Criminal and Domestic Law. He served as Assistant Solicitor General for the Forsyth County Solicitor General office. He has served as Assistant Prosecutor for the City of Alpharetta with the prosecution of all traffic and misdemeanor cases since 2004.

Mayor Lockwood stated that Dan Phelan served an Attorney and Partner for Kurzman, Phelan, and Liblang for ten years. The firm practiced litigation, both plaintiff and defendant, in the areas of Product Liability, Personal Injury, Commercial and Divorce Litigation, and Law Firm Management. He served on the City of Milton’s Governor’s Commission.

Motion and Vote: Councilmember Lusk moved to approve Resolution No.07-02-09 appointing Barry Zimmerman as Chief Judge of the City of Milton Municipal Court. Councilmember D’Aversa-Williams seconded the motion. There was no Council discussion. The motion passed unanimously.

Motion and Vote: Councilmember Thurman moved to approve Resolution No. 07-02-010 appointing Brian Hansford as Associate Judge of the City of Milton Municipal Court. Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

Motion and Vote: Councilmember Lusk moved to approve Resolution No. 07-02-011 appointing Daniel Phelan as Associate Judge of the City of Milton Municipal Court. Councilmember D'Aversa-Williams seconded the motion. There was no Council discussion. The motion passed unanimously.

Administration of Oath of Office: *(Administered by the Mayor)*

- a. Chief Judge of the City of Milton Municipal Court
- b. Associate Judges of the City of Milton Municipal Court
- c. Enforcement Officer – Greg Wilson

Oath of Office for the municipal court clerks, records clerk, building official and deputy city clerk *(Added by motion and vote)*

Mayor Lockwood administered the Oath of Office for Chief Judge Barry Zimmerman of the City of Milton Municipal Court, Associate Judge Brian Hansford of the City of Milton Municipal Court, Associate Judge Dan Phelan of the City of Milton Municipal Court. He also administered the Oath of Office to Enforcement Officer Greg Wilson, Court Administrative Assistant Jennifer Nichols, Deputy Court Clerk Karen Fricke, Records Clerk Crystal Lewis and Deputy City Clerk Regina Smith.

CONSENT AGENDA *(removed by motion and vote)*

City Clerk Marchiafava stated that the consent agenda was removed this evening.

ZONING ORDINANCE PUBLIC HEARING

Tammi Kimsey, 3250 Sonata Lane, Milton, stated she wanted to question some of the ordinances regarding letting all of the adult bookstores come to the Highway 9 area. She stated that the residents that live on this side will become known as businesses that are questionable and are not necessarily what we are looking for in the City of Milton. By keeping it on this end of the City, it prevents other ends of the City from taking any of it and wants to be heard to make sure this does not happen on their end.

Laura Nysong, 14305 Creek Club Drive, Milton, stated she represents the Crooked Creek Homeowners Association. They are very opposed to any adult bookstore going into the Highway 9 area. She indicated they have worked over the last several years trying to keep this sort of stuff out of the area and she would like the Mayor and Council to know that their association is definitely opposed to this.

City Clerk Marchiafava stated this completes public comment.

Mayor Lockwood stated that public comments are now closed.

City Clerk Marchiafava read Agenda Item No. 07-159.

Approval of an Ordinance to Adopt the Georgia Department of Transportation Construction Specifications, Online Edition, as amended. Ordinance No. 07-02-07

Director of Community Services Greg Wilson stated that the purpose of this ordinance is to adopt the GDOT specifications for construction. This is for uniform guidelines for the City of Milton for all of our roadways and the specifications deal with sub-grade construction and types of materials that are necessary for road construction. It is a very necessary item for citizen safety and he recommended approval.

City Clerk Marchiafava stated there was no public comment.

Motion and Vote: Councilmember Mohrig moved to approve the Ordinance to Adopt the Georgia Department of Transportation Construction Specifications, Online Edition, as amended. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read Agenda item No. 07-160.

Approval of an Ordinance to Amend Chapter 16, Streets and Sidewalks, of the Code of Ordinances for the City of Milton.

Ordinance No. 07-02-08

Director of Community Services Greg Wilson stated that the previous agenda item that was approved that adopted construction specifications for the City of Milton. He then stated this item includes that construction specification into the chapter that deals with streets and sidewalks. He further stated that the staff recommends approval.

Motion and Second: Councilmember Mohrig moved to approve the Ordinance to Amend Chapter 16, Streets and Sidewalks of the Code of Ordinances for the City of Milton. Councilmember Thurman seconded the motion.

Discussion on the Motion: Councilmember Zahner Bailey stated she had one question for Community Development Director, Mr. Wilson. She asked that he confirm that the approval of this is separate and distinct from the work that his staff will be doing regarding sidewalks and that he will be evaluating that separately.

Director of Community Services Greg Wilson responded that this was correct and stated this is only about the construction methods and materials used in constructing the sidewalks and walks that are required and necessary.

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

City Clerk Marchiafava read Agenda Item No. 07-161.

Approval of an Ordinance to Amend Chapter 9, Building Code, of the Code of Ordinances for the City of Milton.

Ordinance No. 07-02-09

Director of Community Development Tom Wilson stated that the ordinance amends Chapter 9 of the Building Code to increase the number of board members from five to seven and to connect the employment and terms of this board consistent with other boards and commissions serving in this City. The members will serve concurrently with the terms of the Mayor and Council as is stipulated in the ordinances establishing the City of Milton Construction Board of Adjustment and Appeals. Approval is recommended.

City Clerk Marchiafava stated there was no public comment.

Motion and Vote: Councilmember D'Aversa-Williams moved to approve the Ordinance to Amend Chapter 9, Building Code, of the Code of Ordinances for the City of Milton. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read Agenda item No. 07-162.

Approval of an Ordinance to Amend Article 12H.2 of the City of Milton Zoning Ordinance regarding the City of Milton Northwest Fulton Overlay District Design Review Board.

Ordinance No. 07-02-010

Director of Community Development Tom Wilson stated that Article 12H.2 of the City of Milton Zoning Ordinance establishes the Northwest Fulton District Design Review Board, also known as the City of Milton Design Review Board.

Currently it consists of 5 members. The ordinance amends Article 12H.2 to increase the number of board members to seven and the employment and terms of the board members shall be consistent with the other boards and commissions serving the City. The members would serve concurrently with the term of the Mayor and City Council. Approval is recommended of this ordinance.

City Clerk Marchiafava stated there was no public comment.

Motion and Vote: Councilmember Lusk moved to approve the Ordinance to Amend Article 12H.2 of the City of Milton Zoning Ordinance regarding the City of Milton Northwest Fulton Overlay District Design Review Board. Councilmember D'Aversa-Williams seconded the motion. There was Council discussion. The motion passed unanimously.

City Clerk Marchiafava read Agenda item No. 07-163.

Approval of an Ordinance Establishing the City of Milton Planning Commission.

Ordinance No. 07-02-011

Director of Community Development Tom Wilson stated the known City Charter states that the City shall state by ordinance any such board, commission and authority to fulfill any investigative quasi judicial or quasi legislative function the City Council deems necessary, and shall by ordinance establish the composition period of existence, duties and powers thereof. The ordinance establishes the City of Milton Planning Commission. The Commission is a seven member advisory board which reports its findings and recommendations to the Mayor and City Council. The Commission is charged with upholding the policies of the City of Milton comprehensive plan when reviewing rezoning, concurrent variances, and changes to the City of Milton Zoning Ordinances, associated zoning map and comprehensive plan. Staff recommends approval of this ordinance.

City Clerk Marchiafava stated there was no public comment.

Motion and Vote: Councilmember Zahner Bailey moved to approve the Ordinance Establishing the City of Milton Planning Commission. Councilmember D'Aversa-Williams seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read Agenda item No. 07-164.

Approval of an Ordinance Establishing the City of Milton Northwest Fulton Overlay District Design Review Board. Ordinance No. 07-02-012

Director of Community Development Tom Wilson stated Article 12H-2 of the City of Milton Zoning Ordinance mandates the creation of the Northwest Fulton Design Board, also known as the City of Milton Design Review Board. The ordinance before you tonight establishes the City of Milton Northwest Fulton Design Review Board. This Board will consist of seven members. The Board is charged with reviewing all non-residential plans for development within the Northwest Fulton Overlay Zoning District; the Crabapple and Birmingham Crossroads Overlay Districts, for compliance with the standards within the Zoning Ordinance. The Board shall make recommendations to the Community Development Department prior to the approval of a land disturbance permit, building permit or primary variance. Staff recommended approval of this ordinance.

City Clerk Marchiafava stated there was no public comment.

Motion and Second: Councilmember O'Brien moved to approve the Ordinance Establishing the City of Milton Northwest Fulton Overlay District Design Review Board. Councilmember D'Aversa-Williams seconded the motion.

Discussion on the Motion: Councilmember Mohrig asked that it be considered as soon, as they had the chance to amend, to add the Highway 9 overlay into this. He further stated that he believes there is a need to have a Design Review Board that covers the entire City from different areas.

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

City Clerk Marchiafava read Agenda item No. 07-165.

Approval of an Ordinance Establishing the City of Milton Board of Zoning Appeals.

Ordinance No. 07-02-013

Director of Community Development Tom Wilson stated the ordinance before the Board establishes the City of Milton Board of Zoning Appeals. This Board consists of seven members. The Board is charged to hear and decide on the requests for release of the provisions of the City of Milton Zoning Ordinance. The Board of Zoning Appeals also considers appeals of any decision or interpretation made by the Community Development Director. Staff recommended approval of this ordinance.

City Clerk Marchiafava stated there was no public comment.

Motion and Vote: Councilmember Lusk moved to approve the Ordinance Establishing the City of Milton Board of Zoning Appeals. Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read Agenda item No. 07-166.

Approval of an Ordinance Establishing the City of Milton Construction Board of Adjustment and Appeals.

Ordinance No. 07-02-014

Director of Community Development Tom Wilson stated this ordinance establishes the City of Milton Construction Board of Adjustment and Appeals. Pursuant to the Milton City Code, Chapter 9, Section 9 of the Construction Board of Adjustment and Appeals shall be comprised of seven members. The Construction Board of Adjustment and Appeals shall have the power to hear the appeals, the decisions and interpretations of the building officials and consider variances to construction codes and methods. The city liaison for the board is the building official. Staff recommended approval of this ordinance.

City Clerk Marchiafava stated there was no public comment.

Motion and Vote: Councilmember Thurman moved to approve the Ordinance Establishing the City of Milton Construction Board of Adjustment and Appeals. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read Agenda item No. 07-168.

Approval of an Ordinance Amending Chapter 2, Administration, Meeting Times, of the City of Milton Code of Ordinances.

Ordinance No. 07-02-015

City Clerk Marchiafava stated that Chapter 2, Article 1, Section 1, of the City Code of Ordinances establishes and outlines the meeting times of the City's open Council meetings. The City's Charter, House Bill 1470 Article 3, Section 3.13 establishes the meeting times. The changes in the rules and procedures at the regular meeting held on January 18, 2007 reflect the meeting time for the City Council Meetings has changed to 7:00 p.m. Additionally, the governing body

of the approved a City Council work session for the second Thursday of the month at 5:30 p.m. This ordinance amends Chapter 2 to reflect that the time changed in addition to the City Council work session was added.

City Clerk Marchiafava stated there was no public comment.

Motion and Vote: Councilmember Mohrig moved to approve the Ordinance Amending Chapter 2, Administration, Meeting Times, of the City of Milton Code of Ordinances. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

NEW BUSINESS

City Clerk Marchiafava read Agenda item No. 07-177.

**Approval of a Resolution Appointing Members to the City of Milton Planning Commission.
Resolution No. 07-02-012**

Mayor Lockwood stated he would entertain nominations for the City of Milton Planning Commission.

Mayor Lockwood stated his nomination is Paul Moore.

Councilmember Thurman stated her nomination is Paul Hackman.

Councilmember Zahner Bailey stated her nomination is Curtis Mills.

Councilmember Lusk stated his nomination is George T. Ragsdale.

Councilmember O'Brien stated his nomination is Fred W. Edwards.

Councilmember D'Aversa-Williams stated her nomination is Cary Schlenke.

Councilmember Mohrig stated his nomination is Bob Moheb.

Motion and Vote: Councilmember Mohrig moved to approve the Resolution Appointing Members to the City of Milton Planning Commission. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Lockwood administered the Oath of Office to all who were present.

City Clerk Marchiafava read Agenda item No. 07-178.

**Approval of a Resolution Appointing Members to the City of Milton Northwest Fulton Overlay District Design Review Board.
Resolution No. 07-02-013**

Mayor Lockwood stated he would entertain nominations for the Northwest Fulton Overlay District Design Review Board.

Mayor Lockwood stated his nomination is Eddie Moore.

Councilmember Thurman stated she is still working on her appointment.

Councilmember Zahner Bailey stated her nomination is Cathy Cook.

Councilmember Lusk stated his nomination is Alex Paulson a previous member of NW Fulton Design Review Board.

Councilmember O'Brien stated his nomination is Buck Bell.

Councilmember D'Aversa-Williams stated her nomination is Michael Stevens.

Councilmember Mohrig stated his nomination is Thorton Kirkland.

Motion and Vote: Councilmember Mohrig moved to approve the Resolution Appointing Members to the City of Milton Northwest Fulton Overlay District Design Review Board. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Lockwood administered the Oath of Office to all who were present.

City Clerk Marchiafava read Agenda item No. 07-179.

Approval of a Resolution Appointing Members to the City of Milton Board of Zoning Appeals.

Resolution No. 07-02-014

Mayor Lockwood stated he would entertain nominations for the Board of Zoning Appeals.

Mayor Lockwood stated his nomination is Dr. Gary Willis.

Councilmember Thurman stated her nomination is Marcia Parsons.

Councilmember Zahner Bailey stated her nomination is Scott Kilgore.

Councilmember Lusk stated his nomination is Walter Cook.

Councilmember O'Brien stated his nomination is Linda S. Kelly.

Councilmember D'Aversa-Williams stated her nomination is Sandy K. Jones.

Councilmember Mohrig stated his nomination is Heidi Souder.

Motion and Vote: Councilmember Thurman moved to approve the Resolution Appointing Members to the City of Milton Board of Zoning Appeals. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Lockwood administered the Oath of Office to all who were present.

City Clerk Marchiafava read Agenda item No. 07-180.

Approval of a Resolution Appointing Members to the City of Milton Construction Board of Adjustment and Appeals. Resolution No. 07-02-015

Mayor Lockwood stated he would entertain nominations for the Construction Board of Adjustment and Appeals:

Mayor Lockwood stated his nomination is Don Lee.

Councilmember Thurman stated her nomination is Richard Coates.

Councilmember Zahner Bailey stated she is still working on her appointment.

Councilmember Lusk stated his nomination is Steve Check.

Councilmember O'Brien stated he is still working on his appointment.

Councilmember D'Aversa-Williams stated her nomination is Paul Norfleet.

Councilmember Mohrig stated he is still working on his appointment.

Motion and Vote: Councilmember Lusk moved to approve the Resolution Appointing Members to the City of Milton Construction Board of Adjustment and Appeals. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Lockwood administered the Oath of Office to all who were present.

City Clerk Marchiafava read Agenda item No. 07-181.

Approval of a Resolution Appointing Members to the City of Milton Board of Ethics.

Resolution No. 07-02-016

Mayor Lockwood stated he would entertain nominations for the Board of Ethics:

Mayor Lockwood stated his nomination is Carol Lane .

Councilmember Thurman stated her nomination is Susan Campbell.

Councilmember Zahner Bailey stated her nomination is Joe Whitley.

Councilmember Lusk stated his nomination is Clint Johnson.

Councilmember O'Brien stated his nomination is Joe McMillan.

Councilmember D'Aversa-Williams stated her nomination is Todd Ashley.

Councilmember Mohrig stated his nomination is Jackson "Skip" Gray.

Motion and Vote: Councilmember Mohrig moved to approve the Resolution Appointing Members to the City of Milton Board of Ethics. Councilmember D'Aversa-Williams seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Lockwood administered the Oath of Office to all who were present.

City Clerk Marchiafava read Agenda item No. 07-182.

Approval of a Resolution Authorizing Participation in a 401 (a) Social Security Replacement Deferred Compensation Program.

Resolution No. 07-02-017

City Treasurer Carol Wolfe stated the staff recommendation tonight is approval of a resolution authorizing the City's participation in a 401 (a) Replacement Deferred Compensation Program for Social Security. As a new government, the City of Milton has a unique opportunity to elect not to participate in Social Security. In order to do that, however, the Social Security Administration does require a replacement retirement plan. Our retirement vendor, ICMARC, has recommended that we use a 401(a) a self-directed investment program for that replacement plan. The replacement plan has a minimum funding requirement of 7½ %. We would like to meet that funding requirement with a 3.75% employee contribution and a match of 3.75% employer contribution to meet the minimum requirement. This will replace the 6% of the normal 7.65% withholding of social security from an employee's paycheck. The remaining 1.65% is for Medicare funding and that is not eligible for an opt-out provision.

Motion and Vote: Councilmember Mohrig moved to approve the Resolution Authorizing Participation in a 401 (a) Social Security Replacement Deferred Compensation Program. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava stated Agenda Item No. 07-183 was removed by motion and vote.

City Clerk Marchiafava read Agenda item No. 07-184.

Approval of a Resolution for the City of Milton to Adopt the National Incident Management System (NIMS) as its system for preparing for and responding to emergency incidents.

Resolution No. 07-02-018

Director of Public Safety Chris Lagerbloom stated that NIMS, or the National Incident Management System, was developed by order of the Homeland Security Presidential Directive, HSPD No. 5, Management of Domestic Incidents. It is to be adopted as a condition for federal assistance so responders from different jurisdictions can work together better to respond to national disasters and emergencies, including acts of terrorists. NIMS benefits include a unified approach to incident management and a standard command of management structures and an emphasis on preparedness mutual aide and resource management. It is a fairly standard resolution and our recommendation tonight is for Mayor and Council to adopt the resolution.

Motion and Vote: Councilmember Lusk moved to approve the Resolution for the City of Milton to Adopt the National Incident Management System (NIMS) as its system for preparing for and responding to emergency incidents. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Lockwood thanked everyone on behalf of the City of Milton who volunteered to serve on boards and commissions and their willingness to help out with the City.

MAYOR AND COUNCIL REPORTS

Recommendation on Creation of Milton County.

Councilmember Thurman stated that at the Work Session last week, they discussed the request of the Atlanta Fulton County Delegation on a recommendation letter to them stating whether or not we would recommend the creation of Milton County. She stated she received comments back from Councilmember Lusk and those were the only comments she received. She asked if there were other comments on how to proceed with the letter regarding the creation of Milton County.

Councilmember Mohrig stated that he believed the entire Council is very supportive of going forward with Representative Jan Jones' creation of Milton County.

Councilmember O'Brien stated he agreed with that. Going door to door in the community, it seems their first choice was the county then followed by the city. He agreed that we need to support that initiative.

Councilmember Lusk stated he wanted to reinforce his comments that he sent in previously. He believes the formation and recreation of Milton County should be approved for all the same reasons that City of Milton was created.

Councilmember Thurman stated that as it was said in our Work Session, she believed this would be in the best interest for the citizens of this area to be our own county, and would support writing a letter emphasizing that we do recommend the creation of Milton County. She asked if we have to everyone's opinion or the majority prior to writing the letter.

City Manager Bovos stated that based on the comments tonight, it was his understanding that we could move forward and that the City would be drafting a letter in support of the creation and formation of Milton County.

STAFF REPORTS

Retreat Scheduling

City Manager Aaron Bovos stated he had a few updates for the Council. First, he reminded there is a retreat scheduled on March 9, 2007. This is a reschedule from a retreat we had scheduled on February 9, 2007 and it will be a one day retreat at the Hilton Garden Inn. In addition, he stated that we have scheduled March 26 and 27 as a 2-day out of town retreat with details coming soon.

Update on Executive Aide

City Manager Aaron Bovos stated the recruitment of the Executive Aide is moving forward and we have written a job description. This is no longer a position that is just dedicated to the Mayor and it is no longer the position that was originally in the Charter, but has become a staff position who does report to himself as well as the Mayor jointly. Work will be done both on behalf of the Mayor, the City Council and staff with respect to priority projects identified by the Council. He further stated the position was originally posted in conjunction with the Charter position, however, we did not move forward with that recruitment. We did finalize the list today and he stated that he and the Mayor completed interviews with five finalists. He stated they will be moving forward on that recommendation early next week. As a reminder, he stated that since this is not the Charter position, this will not come before Council as confirmation. This position will be hired as any normal position in the organization.

Monthly Financial Reports

City Manager Aaron Bovos stated that the monthly financial reports have had a few questions on where we stand on the financial basis within the City. He stated that the Council will be receiving, hopefully, on the third meeting of every month the prior month's financial reports, which will include month-to-date and year-to-date actuals from the budget perspective, cash flow perspective and will include a summary of grant applications as well as purchase order details. It will be placed on the Consent Agenda each month and can be pulled if anyone has questions. He stated our goal is for everyone to have an idea of where the City is from a financial position.

City Hall closed for President's Day

City Manager Aaron Bovos stated that City Hall will be closed on Monday for President's Day.

City Manager Aaron Bovos stated that everyone received new hire paperwork at the retreat where he requested they be turned in. He stated that so far he has received Councilmember Lusk and Councilmember Mohrig's paperwork and needs everyone else to turn theirs in.

Noise Ordinance Update

Public Safety Director Chris Lagerbloom stated he would give a quick update as to where we are with Montana's Bar and Grill. He stated that he did not want to single this restaurant out, but it has been one that has generated a lot of public interest this week. He stated there were several instances where citizens notified the Fulton County Police over the weekend with their noise complaints and the police responded twice over the weekend and he believes they took appropriate actions. He stated that some of the challenges with the restaurant and the Noise Ordinance are that we cannot compel Fulton County to act on our behalf and direct their law enforcement activities. We cannot enter into the chain of command and ask them to cite someone or to respond on behalf of City of Milton. This is strictly prohibited as part of the IGA that was adopted with Fulton County. Our position is certainly to keep in touch with Fulton County. He stated they had a good conversation with our City Commander who is Major Kelly with Fulton County and they discussed the Noise Ordinance and other things to make sure there is an understanding as to what is going on and make sure we have a good idea of the background as to that incident when service is taken over by our City. He said that visits were made to the restaurant by code enforcement based on citizen complaints that there may be some code issues, as well as representatives from Fulton County Fire due to some additional citizen complaints. There were a few violations cited, but none that he considered to be catastrophic, such as signs, fire extinguishers, and some trip hazards that were in the area of the stage. These are all being addressed by the Fulton County Fire Department. He wanted the Mayor and Council to know that we are on top of it, but we do not have a Noise Ordinance as of this point and what is actually enforceable is the Noise Ordinance which exists currently in Fulton County. There is an event there this weekend (at the restaurant), a third anniversary, on both Saturday and Sunday and he plans to go on Sunday to get a perspective on the noise as opposed to trying to second guess from a desk here at City Hall. He stated that he will not be able to take any action, but this will give us some type of concept as to where it is. He further stated that he and the owner have had conversations this week and they are both openly sharing information about what is best for the City of Milton at this point. He stated the owner knows how to contact him and vice versa. He does not have any other information to report other than letting the Council know what actions we have been able to take up to this point and what action should be warranted when we do actually take over the services and we can provide the enforcement, if that is necessary and this would be handled after deployment.

Public Safety Director Chris Lagerbloom stated, as a separate and distinct issue, he wanted to talk about the Noise Ordinance. He said we have heard a lot of comments and he is appreciative of the comments made tonight with regards to construction noise and we will take those to heart. We will actually include a different time period in the Ordinance, which you will see the next time it comes before this Council. He stated that is certainly an issue which as policy makers, we would ask that the Mayor and Council decide what the community value is in that case and give staff some guidance as to what is the correct time to stop construction noise. From an enforcement perspective, we can do whatever the Mayor and Council decide is the community value. He then stated that he, Mr. Wilson and Mr. Scott have worked at great length today about the Noise Ordinance and have some different approaches. They just want to make sure that the dog is not always chasing his tail a year from now and stated we want to make sure our research is done correctly so that when we bring an Ordinance to the Mayor and Council that it will work now and into the future. He stated this might take us a little more time and research, but it will bring a better Ordinance to the Mayor and Council either in a Work Session or at a Council meeting. He wanted to let them know this is ongoing and he asked for any questions.

Councilmember Mohrig asked what type of input would be needed from the Council with regards to the times and is this still open to for input.

Public Safety Director Chris Lagerbloom responded affirmatively and said they want to get a general consensus. They do not mind seeing those emails because it helps in the formulation. He further stated that they are interested at this point in what the community feel is and what the Council feels on behalf of the community as to what that right time is.

Mayor Lockwood wanted to thank the staff for working diligently on these ordinances and as Mr. Lagerbloom said, we want to get this right the first time.

City Manager Bovos stated as a follow up to Mr. Lagerbloom's comments that the earliest the Mayor and Council will see a draft will be at the Mayor and Council will be March 8. He further stated substantial changes will be made to the Ordinance that we had previously, so it will need to go before the Mayor and Council in the first reading and the earliest date would be March 15. He then stated he wanted to make sure everyone is aware of the timeline.

City Manager Bovos then asked Mike Tuller to bring an update on the Forsyth County Development.

Update on Forsyth County Development

Deputy Community Development Director Mike Tuller stated that earlier in the week he received a notice from Forsyth County's Zoning Department about a pending proposal to be heard probably in March of this year. It is approximately a 6 acre tract on the Northwestern quadrant of McGinnis Ferry at Tidwell Drive. The use looks to be a retail proposal and it is a total of 60,000 square feet in total retail space and a little over 220 parking spaces being proposed. He stated he asked Forsyth if they would entertain a traffic study to look at the intersection on the project. They have told us they do not warrant traffic studies in those cases unless it is a major development. He then stated this is arguably a reasonable sized development in its context and said we have asked them, but have not heard back as to whether the traffic study will be a component of the review. He then stated that on February 28th there will be a zoning information hearing to discuss this plan in further detail. He stated we did voice our concerns about the possibility of placing a traffic signal at the intersection and quite possibly they are revising some of their plans.

Update on local government meeting with Cherokee County Board of Commissioners

Communications Manager Bill Doughty wanted to give a brief reminder to follow up on his email from Wednesday as we reach out to the elected officials in our neighboring communities to set up meetings with them. We have our next one scheduled for Tuesday, February 20th at 5:30 p.m. at the Cherokee County Justice Center with the Cherokee County Board of Commissions. He said he had heard back from the majority that they plan to attend and wanted to know if anyone's plans had changed and would not be able to attend. He stated he would also make sure they got a "heads-up" on their agenda.

Mayor Lockwood stated he appreciated everyone's participation on this. It was very beneficial last week with the Fulton County Board of Education.

Public Safety Director Chris Lagerbloom stated in following up with an answer to Councilmember O'Brien's question earlier. He stated that they both talked this afternoon and he was able to deal yesterday with some solicitors and the response from the police officers of Fulton County indicated that during the transition period, Fulton County could not enforce County Ordinances within City of Milton, but they could only enforce State Law. He then said they went through the IGA and had a good conversation with Major Kelly and he believes they mutually agreed on what is best to do in this situation so that Ordinances can be enforced and enforced legally within the confines of that agreement. He then stated that he believes that next week the Mayor and Council will see that Milton Officials will be administering an Oath of Office to the Fulton County Officers serving in the City of Milton and for the term of the agreement, which means it would expire when we take over service. He stated he did not want to swear anyone in forever in the City of Milton, but for the term of the agreement. Along with that we will be issued a Court schedule and a Court calendar as well as our uniform traffic or code citation that should be delivered next week. He stated these are things which are necessary to enforce any of the Ordinances in Milton, because they are City Ordinances and they would need to come to our Court. He stated that in circumstances such as that, his opinion and the opinion of the City Attorney, is that the County could have enforced the County's ordinance so that is our opinion at this point, but he stated we can tighten it up. He stated it was

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contingent on tonight, but now that we have judges appointed, hopefully, they will get to administer their first Oath next week.

City Manager Bovos stated there was no further business.

Mayor Lockwood requested a motion to adjourn the meeting.

ADJOURNMENT

Motion and Vote: Councilmember Mohrig moved to adjourn the meeting at 8:17 PM. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

Date Approved: April 12, 2007

Jeanette R. Marchiafava, City Clerk

Joe Lockwood, Mayor