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**Regular Meeting of the Mayor and Council of the City of Milton was held on August 2, 2007 at 7:00 PM, Mayor Joe Lockwood presiding.**

**INVOCATION** given by Greg Foster, City of Milton Fire Department

**CALL TO ORDER**

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

**ROLL CALL**

**Councilmembers Present:** Mayor Joe Lockwood, Councilmember Karen Thurman, Councilmember Julie Zahner Bailey, Councilmember Lusk, Councilmember Tina D'Aversa-Williams, and Councilmember Rick Mohrig.

**Councilmember Absent:** Councilmember Neal O'Brien

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MEETING AGENDA**

City Clerk announced that Staff would like to make the following changes to the Agenda:

- 1) Postpone the April 26, 2007 Work Session Minutes on the Consent Agenda until the August 16, 2007 regular meeting;
- 2) Remove Agenda Item No. 07-312, Approval of an Ordinance and policy for the management and maintenance of the storm water system from First Presentation.
- 3) Change Agenda Item No. 07-319 under New Business to Approval of a Resolution Amending Resolution No. 07-02-016, A Resolution appointing Members to the City of Milton Board of Ethics by appointing Board Member John McCrory for District 6.
- 4) Add to the Executive Session to discuss litigation.
- 5) Remove from Staff Reports the report on the Fulton County Mayoral Council.

**Mayor Lockwood** asked if there are any other items to be considered and there were none.

**Motion and Vote:** Councilmember Thurman moved to approve the Meeting Agenda as amended. Council member Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

**PUBLIC COMMENT**

**Jon Carroll, 2140 County Ridge Road, Milton, GA**

- There has been a whole lot of talk about the \$850,000.00.
- Has the City exhausted all alternatives rather than going to the State legislature?
- Has the City talked to Representative Jones and Representative Burkhalter?
- Has the City drafted the legislation and were we ready to do that if we need to?
- Whenever he has dealt with the Milton employees or City Manager or anybody from Milton it has always been a good experience.

- They have always been helpful and he thought that sometimes we get caught up in all the bad things that have happened and forget the good things.
- The City did good work and he thought that the staff and the City Manager had done a good job.
- Has something put in place so something like this did not happen again?

**Bob Moheb, 13085 Morris Road, Milton, Georgia**

- A lot of the citizens were upset about our \$855,000.00.
- As a citizen he would call on the City Council to find out exactly what happened and whose fault it was.
- This is money that the City could have used.
- Sometimes citizens get a little embarrassed to live in the City of Milton.
- Feels like he lives in Communist Milton.
- City is supposed to be run by the citizens.
- The City was put together because Fulton County was not treating citizens right.
- A lot of the citizens do not feel like they are being treated right.
- City Council needs to pull together and work with each other.

**REPORTS AND PRESENTATIONS**

**Proclamation to proclaim the public safety precinct located at 750 Hickory Flat Road in Milton, Georgia to Officer May and officially name the facility the “Christopher B. May Public Safety Building”. The proclamation will be received Bill and Barbara May.**

**Councilmember Bill Lusk** requested that Bill May come forward. He stated that two very important things in his life and those were the duty and the dedication of our military that protects our shores. The second thing is the duty and dedication and loyalty of our public service forces that protect us within our borders. Tonight, he will present to Bill May, father of fallen police officer Christopher D. May, a proclamation.

Whereas the City of Milton, Georgia is a newly incorporated city in Fulton County, Georgia and a new owner of a Public Safety Precinct located at 750 Hickory Flat Road, Milton, Georgia and;  
Whereas, the precinct was opened, it was the policy of Fulton County to make buildings or portions thereof as deemed appropriate by the Board of Commissioners of Fulton County and;  
Whereas, on August 19<sup>th</sup>, 1991, around eight o'clock p.m. Fulton County police officer, Christopher B. May responded to a person shot call and assisted the injured and after arriving and;  
Whereas, after assisting the injured and checking next door for possible leads or suspects, Officer May encountered a hidden perpetrator with a high powered rifle and;  
Whereas, Officer May was shot and killed by the perpetrator in the line of duty and;  
Whereas, Christopher B. May dedicated his life to the Fulton County Police Department in a manner such that it was fitting that a Fulton County facility be dedicated to him and;  
Whereas, the City of Milton wishes to formally acknowledge its intent to keep the facility named after Officer May and;  
Whereas Officer May's courage, courageous actions in 1991 are yet another example of the dedicated service of the officer's of the Fulton County Police Department to the citizens of the City of Milton.  
Now, therefore, we the Mayor and City Council of the City of Milton hereby dedicate and proclaim the Public Safety Precinct located at 750 Hickory Flat Road, Milton, Georgia to Officer May and officially name the facility the Christopher D. May Public Safety Building.

Given under my hand and seal this City of Milton, Georgia on this 2<sup>nd</sup> day of August 2007.

Mayor Joe Lockwood

**Bill May** made a short speech in response to the Proclamation saying our police were there to protect us and we needed to give them what they need.

**Councilmember Zahner Bailey** stated that Bill and Barbara May were both at the station when it was first dedicated. Barbara May was not able to attend the meeting this evening. The dedication that has been out in the community is still there.

**Mayor Lockwood** thanked Mr. May and his family again for the sacrifice that his family made to keep us safe. He also thanked all the officers in blue that were present. If we paid them 20 times what they make, it still would not be enough. He thanked the officers for putting their lives on the line for everyone everyday. He wanted the officers to know it was appreciated and added that they were the most important thing the City had out there.

**City Clerk Marchiafava** announced the next item.

**Presentation from the Avensong Community Board of Directors.**

**City Clerk Marchiafava** requested that the members of the Board of Directors come forward.

**Alan Tart**, President of the Avensong Community Association, stated that their neighborhood is right off of Deerfield Parkway in Milton, Georgia. He was joined by several members of their Board. There were several volunteers in the audience from the neighborhood that helped with this effort. He announced to the Mayor, members of the City Council and Public Safety Director, Chris Lagerbloom, they were presenting a check in the amount of \$3,000.00 for a raffle fundraiser that we had on the 7<sup>th</sup> of July benefiting the Milton Police Department. Due to the outstanding efforts of our community volunteers and our many sponsors, they were able to raise over \$3,630.00, of which allowed them \$630.00 to offset their cost. He hoped the City would support the sponsors and they would be available on their website in the near future. They are very pleased to present this check to Chris Lagerbloom, Director of Public Safety, and hoped that the fine women and men of the City on the police force would benefit from the on-board printers that this check will go to purchase. They are very proud to be part of the new City of Milton and wanted this effort to be the first of many in which they could partner for this City. Working together they knew they could help the City enhance the goods and services. They look forward to future and cooperative endeavors that they could partner with the City for the betterment of the community.

**Public Safety Director Lagerbloom** thanked the City's friends in Avensong. One of the best things they get to do as a police agency is to partner with our neighborhoods and our citizens. He attended the fundraising event they had at the pool. On-board printers were something that was going to increase their efficiency and allow police to work better, quicker, and safer. The Public Safety Department is exceptionally grateful and we will put it into use right away.

**CONSENT AGENDA**

**City Clerk Marchiafava** read the Consent Agenda items:

1. **(Agenda Item No. 07-305)**  
Approval of the April 26, 2007 Special Called Meeting Minutes  
*(Postponed by motion and vote)*

2. **(Agenda Item No. 07-306)**  
Approval of the April 26, 2007 Work Session Meeting Minutes.

3. **(Agenda Item No. 07-307)**  
Approval of the May 3, 2007 Regular Meeting Minutes.

**(Agenda Item No. 07-308)**

4. Approval of the May 10, 2007 Work Session Minutes.

**(Agenda Item No. 07-309)**

5. Approval of the May 17, 2007 Regular Meeting Minutes.

**Motion and Vote:** Councilmember Mohrig moved to approve the Consent Agenda (Items 2, 3, 4, and 5). Councilmember D'Aversa seconded the motion. The motion was passed unanimously.

**FIRST PRESENTATION**

**(Agenda item No. 07-310)**

1. Approval of an Ordinance granting a Non-Exclusive Agreement with Bell South Telecommunications, Inc. doing business as AT & T Georgia concerning the providing of Internet Protocol Enabled Video Services.

**(Agenda item No. 07-311)**

2. Approval of an Ordinance Adopting Chapter 18, Assemblages in Public Places of the City of Milton Code of Ordinances.

**(Agenda Item No. 07-312)**

3. Removed by Motion and Vote.

**(Agenda Item No. 07-313)**

4. **RZ07-005 / VC07-002** - 855 Mayfield Road to rezone from AG-1 to MIX to develop a total of 15,000 sq. ft of medical office; 3,500 sq. ft of commercial; and 9 residential units. Request to reduce the 75-foot buffer and 10-foot improvement setback to a 15-foot landscape strip adjacent to AG-1 by Milton Medical Holdings, LLC c/o Jay Davis.

**(Agenda Item No. 07-314)**

5. **RZ07-008** – 15260 Hopewell Road to rezone from AG-1 to C-1 the existing 1.179 square foot structure by Mark King. (Staff notes MIX was the inappropriate district to request and the request has been amended to C-1 and a concurrent variance is needed).

**(Agenda Item No. 07-315)**

6. **RZ07-009 /UP007-002 / VC07-006** – 3455 Morris Road to rezone from AG-1 to A Staff notes that the site is currently zoned A pursuant to Z06-124 and therefore the rezoning petition RZ07-009 portion of the request is not needed to develop a 9,500 square foot Montessori School and a concurrent variance to decrease the 20-foot landscape strip to 10 feet along Webb Road.

7. **(Agenda Item No. 07-316)**

**UP07-001 /VC07-004** - 15386 Birmingham Highway (SR 372) to request a use permit for landscaping business (Article 19.4.27) to use an existing 1,200 sq. foot home and a 500 sq. ft. barn and develop a 3,750 sq. ft. barn. The applicant is also requesting a concurrent variance to reduce the 50-foot buffer and 10-foot improvement setback to a 25 foot buffer and 10-foot improvement setback along the east and west property lines (Article 12H.3.5.C.1).

8. **(Agenda Item No. 07-317)**

**ZM07-002** – 295 Crooked Stick Drive (Lot 11) to modify zoning conditions 1.d and 1.e to allow a pool house to encroach into required rear and side property lines.

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

**UNFINISHED BUSINESS**

**City Clerk Marchiafava** read Agenda item No. 07-293.

**Approval of an Ordinance for the City Council to Authorize Fulton County to Conduct an Election.  
Ordinance No. 07-08-34**

**City Clerk Marchiafava** stated that on November the 6<sup>th</sup>, 2007, there would be an election in the City of Milton to elect City Council members for Districts 2, 4 and 6. OCGA 21-2-5 provides that a municipality may authorize and contract with the county to conduct elections. Approval of this ordinance would establish authority that the Mayor is authorized to enter into a contract with Fulton County Department of Registrations and Elections to conduct this election. Mayor and Council have been provided with the ordinance and the contract. The Fulton County Board of Registration shall operate as the Superintendent of the election and shall perform any and all functions of the City and of any of its officials in connection with the conduct of such election or run-off thereof.

**Mayor Lockwood** asked if there are any questions.

**Councilmember Thurman** asked of this had amounts listed in it and that within 90 days after the date of the election or any run-off election, whichever had lasted further, the county should furnish the City a complete statement showing all costs and expenses incurred in the election and refund an excess in the election account or collect any deficit which may be in said account. She asked if these were hard numbers or just estimates and would they get an actual amount at the appropriate time.

**City Clerk Marchiafava** stated that on July 12<sup>th</sup> when the first reading of this occurred, there were different figures. There were several municipalities that got together and contacted the Department of Registrations and Elections and therefore we had received this second contract with adjusted figures. She advised the Mayor and Council that she did speak to the Interim Director, April Pye, who stated that there is going to be a referendum for South Fulton on September the 18<sup>th</sup>. If that passes, there would be a countywide election in November. There was a possibility that this contract could be a more reduced price than what was received the second time.

**Councilmember Thurman** asked if we believed this was this going to be the highest we will pay.

**City Clerk Marchiafava** replied that is correct.

**Councilmember Thurman** stated that it is in the contract that they may collect from the City for any deficit. She asked did City expect there to be any additional amount above these costs.

**City Clerk Marchiafava** stated that no additional amount was expected. If the referendum passes, there is a possibility that there would be even more of a reduction in the contract.

**Councilmember Zahner Bailey** asked when did we get that revised estimate in terms of that cost.

**City Clerk Marchiafava** stated unfortunately, it would be after the City made the payment. The City was required by the contract to make the payment now so the assumption was that we would be talking about sometime between September 18<sup>th</sup> and the official election. She is hopeful that the City will receive a refund.

**Councilmember Lusk** stated that his question centered around that cost also. He thought they had appropriated more than this sum in the original budget.

**City Clerk Marchiafava** stated that she believed they did because they were going on the first figures provided in the contract. She will defer to Carol Wolfe to answer this budget question.

**City Treasurer Carol Wolfe** stated that there was no appropriation for this in the 2007 budget. It was included in the 2008 budget, even though the City had to pay for it. We would pre-pay that to 2008 and the figures were revised once in the budget. She did not recall what the current figures in the budget were, but believed they had been revised down to what this contract was. They were higher at one point, a little over \$100,000. Now, she thought they were down somewhere around the \$65,000 range.

**Councilmember Zahner Bailey** asked City Treasurer Wolfe, as they go through the 2008 budget process (assuming at the work session on the 9<sup>th</sup>) but subsequent to that and even after the 2008 budget was approved, if they ended up with a refund, would they just go through the same process that we did this year.

**City Treasurer Wolfe** responded and said if we end up with a refund, the City's general practice would be to take the expenditures given back to us, put them in an unallocated account and use that for any mid-year type budget adjustments.

**Motion and Vote:** Councilmember Mohrig moved to approve the Ordinance for the City Council to Authorize Fulton County to Conduct an Election. Councilmember Thurman seconded the motion. There was no further Council discussion. The motion passed unanimously.

#### **NEW BUSINESS**

**City Clerk Marchiafava** stated this was a public hearing for an alcohol beverage license application.

**(Agenda Item No. 07-318)**

**Approval of Alcoholic Beverage License Application for Bay House Seafood, Inc., D/B/A Blue Ocean Seafood located at 5310-D Windward Parkway, Milton, Georgia 30004. Applicant was Tony Karimi and Bob Mohkami for Consumption on the Premises – Wine, Malt Beverage and Distilled Spirits.**

**City Treasurer Carol Wolfe** stated that before you is an application for an alcohol beverage license. The owner had filled out the application and has made all the compliances with Chapter 7, the issuances of the consumption on the premises of wine, malt beverage and distilled spirits. The location is 5310-D Windward Parkway. It is between the Mad Italian and Non-Pie Cuisine on the Home Depot side of Windward Parkway. It is in the area of other restaurants and was previously the Oyster House. Again the applicant has made all the compliance for the issuance of this license and staff recommends approval.

**Councilmember Zahner Bailey** asked if the Oyster House had an alcohol license as well.

**City Treasurer Wolfe** replied yes, but they were required to re-submit under new owners and change of name to be in compliance for a new license.

There was no public comment on this item.

**Motion and Vote:** Councilmember Zahner Bailey moved to approve the Alcoholic Beverage License application for Bay House Seafood, Inc., D/B/A Blue Ocean Seafood located at 5310-D Windward Parkway, Milton, Georgia 30004. Applicant is Tony Karimi and Bob Mohkami for consumption on the premises – Wine, Malt Beverage and Distilled Spirits. Councilmember D'Aversa seconded the motion. The motion passed unanimously.

**Motion and Vote:** Councilmember Zahner Bailey moved to approve the alcohol beverage license application for Bay House Seafood, Inc. Councilmember D'Aversa seconded the motion. There was no further Council discussion. The motion passed unanimously.

**City Clerk Marchiafava read Agenda Item No. 07-319.** This item was changed by motion and vote this evening.

**Approval of a resolution amending resolution number 07-02-016, A Resolution appointing members to the City of Milton Board of Ethics.**

**Resolution No. 07-08-50**

**City Clerk Marchiafava** asked Councilmember Mohrig to make his nomination at this time.

**Councilmember Mohrig** stated that he would like to nominate John McCrory, to represent District 6, Board of Ethics.

**Motion and Vote:** Councilmember Thurman moved to approve a Resolution amending Resolution No. 07-02-016, A Resolution Appointing Members to the City of Milton Board of Ethics by appointing Board Member John McCrory for District 6. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

#### **Oath of Office**

**Mayor Lockwood** administered the Oath of Office to new Board member John McCrory.

#### **MAYOR AND COUNCIL REPORTS**

**City of Milton Sponsorship with the North Metro Miracle League.**

**Councilmember D'Aversa** reported on the North Metro Miracle League. She has been a sponsor of a baseball team for one of the young groups that they have and the name of our team is the Milton Mustangs. She was just going to pay the \$500.00 sponsorship herself, but she wanted us to have a team named the Milton Mustangs. It was continuing from last year and into next year and that is what this refers to is a sponsorship of the youth team. They play at North Park on Saturdays in the fall and the spring and she would love for everybody to come out. Staff has been out in the past and it is just a wonderful environment. Many of the kids have disabilities and the kids that come out to help support them are more able bodied children.

#### **STAFF REPORTS**

**City Treasurer Wolfe** reminded Mayor and Council there was a Monday update meeting before the upcoming workshop. Those meetings had been scheduled for this Monday at 8:00 AM. They had moved the afternoon update to 3:00 PM so as to not run over because there is a Board of Ethics Meeting at 6:00 PM. She just wanted to remind them of the schedule change.

#### **EXECUTIVE SESSION *(Added litigation by Motion and Vote)***

**City Clerk Marchiafava** read Agenda Item No. 07-320.

The purpose of the Executive Session was to discuss personnel and also to discuss litigation.

**Motion and Vote:** Councilmember D'Aversa moved to adjourn to Executive Session to discuss personnel pending litigation. Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

**EXECUTIVE SESSION ADJOURNMENT**

**Motion and Vote:** Councilmember Mohrig moved to adjourn the Executive Session at 10:04 PM. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

**MEETING RECONVENED**

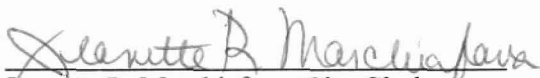
**Motion and Vote:** Councilmember D'Aversa moved to reconvene the August 2, 2007 meeting at 12:25 AM. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.


**ADJOURNMENT**

**Motion and Vote:** Councilmember Thurman moved to adjourn the August 2, 2007 regularly scheduled meeting. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

After no further business, the meeting adjourned at 12:26 AM, August 3, 2007.

**Date Approved:** September 6, 2007

  
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Jeanette R. Marchiafava, City Clerk

  
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Joe Lockwood, Mayor