

Regular Meeting of the Mayor and Council of the City of Milton was held on May 3, 2007 at 7:00 PM, Mayor Joe Lockwood presiding.

INVOCATION

Rev. Burke, Morning Star Chapel

CALL TO ORDER

Mayor Lockwood called the regular meeting to order.

ROLL CALL

City Clerk Marchiafava called roll and reminded those in attendance to please silence all cell phones and pagers at this time. Additionally, those attending the meeting who would like to provide public comment either during the public hearings or during the call for public comment you are required to fill out a public comment card and those need to be turned in to City Clerk staff. They are available at the front and back tables.

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

PLEDGE OF ALLEGIANCE

Mayor Lockwood led the Pledge of Allegiance.

Mayor's Comments:

The Mayor thanked everyone for attending and stated that Monday night the City of Milton Police Department officers were rolled out and started working for the City in their official capacity. He thanked them and everyone involved in that endeavor.

APPROVAL OF MEETING AGENDA

City Clerk Marchiafava stated that staff would like to make the following changes:

- 1) Move Agenda Item No. 07-258, Approval of a Resolution Appointing the City Solicitor to the beginning of the meeting before public comment; and
- 2) Add Oath of Office for City Solicitor, Fran Shoenthal; and.
- 3) Add Oath of Office for Field Services Supervisor, Matt Folstrom; and.
- 4) Remove Agenda item No. 07-242, Approval of an Ordinance Establishing Mayor and City Council Committees of the City of Milton; and.
- 5) Remove Agenda item No. 07-252, Consideration of a request for Inter-basin transfer of sewer; and.
- 6) Remove Agenda item No. 07-254, Approval of a Resolution Nominating Elected Officials to Committees; and.
- 7) Remove Agenda Item No. 07-235, Approval of a Resolution regarding meeting times.

Motion and Vote: Councilmember Thurman moved to approve the meeting agenda, as amended. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution Appointing Fran Shoenthal as the City Solicitor. *(Added by Motion and Vote)*

Resolution No. 07-05-44

City Clerk Marchiafava stated that by motion on March 15, 2007, City Council approved compensation for the City Solicitor set at \$400 per court session.

Mayor Lockwood stated that an interview team consisting of himself, Mayor Pro Tem Karen Thurman, and Councilmember Neal O'Brien was formed to select the candidate. The interview process was conducted and it was a unanimous decision.

Councilmember O'Brien stated it was a very thorough process, and the individual that was chosen was enthusiastically and unanimously picked not only by the excellent qualifications of the selectee, but it is believed the candidate was a perfect fit for Milton.

Councilmember Thurman added that the candidates were all very qualified, but this was an easy decision taking only about 10 minutes. It was very obvious that the selectee was the best candidate for the position and everyone was happy to have her acting as a city official.

Mayor Lockwood concurred with statements by Councilmember O'Brien and Councilmember Thurman.

City Clerk Marchiafava stated that the person selected by the interview team for the position of City Solicitor was Fran Shoenthal.

Motion and Vote: Councilmember Thurman moved to approve the Resolution Appointing Fran Shoenthal as City Solicitor. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava called the newly appointed City Solicitor, Fran Shoenthal, up to have the Oath of Office administered by Mayor Lockwood

Administration of Oath of Office to City Solicitor Fran Schoenthal. *(Added by Motion and Vote)*

Mayor Lockwood administered the Oath of Office to Fran Shoenthal.

Administration of Oath of Office to Field Services Supervisor. *(Added by Motion and Vote)*

City Clerk Marchiafava called the Field Services Supervisor, Matt Folstrom, up for the administration of Oath by Mayor Lockwood.

Mayor Lockwood administered the Oath to Field Services Supervisor, Matt Folstrom.

PUBLIC COMMENT

Mayor Lockwood stated 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 three minutes for remarks.

Mayor Lockwood stated that if any public comment was regarding the sewer issue, it had been removed from the Agenda.

Beth Vason, 421Calton Hill Court, Milton, GA 30004, commented regarding the building permit fee and site plan review fee. She stated she is a fourth generation resident of the area and did not come to attack the City of Milton, but her intent was to try to get something that is out of line back in line. She was in the process of starting to finish out her basement for her two teenagers and was doing a partial finish. It was almost finished by the builder including studs, electric, plumbing, etc. She only needed to add sheetrock and additional lighting and air-conditioning. She told the Council she had researched the permit process and was told by Roswell that the fee would be \$145 and Alpharetta stated it would be \$249. She said she was shocked when she arrived at the City of Milton and had to write a check for

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\$195.63 for a site plan review, which she was told that Milton, Johns Creek and Sandy Springs all charge, and stated that these charges are not required in Alpharetta or Roswell. She said her house was built eight years ago, inspected by Fulton County and, therefore, she did not feel there was a need for this simple drawing that she provided and did not think the \$195.63 was justified for just looking at the drawing of her home that was given a current C.O. by Fulton County. She could provide quite a bit of background information if it was required regarding this matter. She stated that if Alpharetta and Roswell could provide the same service for the amount they are charging and Milton is charging this exuberant amount for the same service, then she believed there was a fundamental problem with the fee structure and cost structure of the City of Milton that should be addressed.

Jon Carroll, 2140, Country Ridge Road, Milton, GA 30004 stated he wanted to ask Councilmember Karen Thurman about the new Bills that had been put forth in the Legislature regarding the City parks and recreations division. He stated that the City Manager Aaron Bovos had indicated he was going to speak on this issue more in the future, but he wanted to know if she had anything she could tell them tonight.

Councilmember Thurman stated that she really did not know much of anything about them.

Mayor Lockwood stated that regarding public comment, they were not to discuss that matter. The Mayor said under Council Reports they could possibly address this, but not at this time.

Councilmember Thurman stated it would be a short statement, but she could address it at a later time.

Rose Prestianni, 105 Providence Oaks Pointe, Milton, GA 30004, read a statement regarding the No Inter-Basin Transfer of Sewer Policy. She stated she and many citizens learned that there are applicants seeking amendments to the No Inter-Basin Transfer of Sewer Policy that have withdrawn their requests. She said that there are developers that believe if they think their requests may be at risk to withdraw their applications rather than be denied and then wait for a more opportune time to resurface believing that the citizens opposed will drop their vigilance. She wanted to be sure that the record will reflect a continued concern on this key issue by many citizens of the City of Milton. They will continue to let the Mayor, City Council, and staff hear about their concerns.

Bob Moheb, 13085 Morris Road, Milton, GA 30004, stated he was speaking on the matter of someone in the audience at a prior Council meeting telling a Councilmember to shut up. He said this type of conduct is embarrassing and thought they should be escorted out and even possibly arrested. He also stated he thought the building fees are pretty high. The Community Development and Inspectors do an excellent job, but if you compare Milton to Fulton County in other areas, they are quite a bit higher. The end user is the one to absorb that cost and believes this is something that should be looked at whether through a citizen committee or another format, but it should be examined.

Carol Lane, 14890 East Bluff Road, Milton, GA 30004, spoke regarding the No Inter-Basin Transfer of Sewer request and stated it first showed up on the agenda in February. She stated that Milton was requested to write a letter to Fulton County in support of extending sewer to the property in question. The next time the topic was on agenda approximately 35 others were requesting Milton write letters in support of extending sewer. She said that the request jumped from a request on 6 acres to 90 acres. The City of Milton adopted the same policy as the Fulton County when they became a city in December. She said in essence the letter from the City of Milton allows Fulton County to provide an exemption to the long-standing policy that prohibits inter-basin transfers from the Etowah Basin to Big Creek. She stated that in essence the letter of support means that the City of Milton violates the no-sewer policy. The City of Milton looks like it does today because of the Comprehensive Land Plan upholding the no-sewer policy. Sewer equals density and septic keeps it at a one acre minimum. She said the petitioner has the right to petition for what he wants for his property, but his request should be denied for the reasons stated: 1) violates the 1995 No-Sewer Ordinance and 2) violates the July 2006 Resolution presented by Commissioner Riley, which reaffirmed the 1995 ordinance and 3) Fulton County has consistently

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withheld the Ordinance and a precedent has been set in the courts to uphold no-sewer laws. She believed the City of Milton would violate the no-sewer policy if granted and, thus, setting a new precedence to the courts allowing sewer. She further stated that the policies that have already been established need to be followed. The City of Milton has been marketed as being rural and we need to stay with the no-sewer policy.

Patti Silva, 1685 Highgrove Club Drive, Milton, GA 30004, stated she was there to oppose the sewer being allowed in Milton. She was part of the petition in opposition going around and stated in less than 24 hours they received over 500 signatures opposing this matter. They are expecting well over 1000. She stated she is an advocate of slow growth and that we need to cherish our city.

REPORTS AND PRESENTATIONS

Mayor Lockwood stated that the Georgia Municipal Association held an essay contest entitled "*If I Were A Mayor, I Would*" and said he thought there was about 6000 applicants in twelve districts in the State of Georgia. He said there was one person from each district whose essay was chosen, so twelve were selected. He went to the awards ceremony at the 755 Club and sat with the essay winner of the contest from our district. He then introduced the winner, **Elizabeth Edwards**, and called for her and her parents to come forward. He asked Elizabeth to read her essay aloud. [Elizabeth Edwards read her essay from the Mayor's chair at the dias.] After reading of the essay, the Mayor stated that he was very proud to have Elizabeth as a resident of the City of Milton.

Proclamation for National Teacher's Day and Teacher's Appreciation Week.

Councilmember Tina D'Aversa read the Proclamation for National Teacher's Day and Teacher's Appreciation Week proclaiming Tuesday, May 8, 2007, as *National Teacher's Day* and it was further proclaimed the week of May 7-11, 2007 as *Teacher Appreciation Week*.

Mayor Joe Lockwood called for any teachers in the audience to come forward and they were recognized.

Proclamation for Emergency Medical Services Week:

Public Safety Director Lagerbloom read the Emergency Medical Services Proclamation which proclaimed the week of May 20-26, 2007 as *Emergency Medical Services Week* with the theme *EMS Servicing Ordinary People, Extraordinary Service*.

CONSENT AGENDA

1. Approval of the February 8, 2007 Work Session Minutes.
2. Approval of the February 21, 2007 Special Called Work Session Minutes.
3. Approval of the March 1, 2007 Regular Meeting Minutes.

Motion and Vote: Councilmember Thurman moved to approve the Consent Agenda. Councilmember Mohrig seconded the motion. The motion passed unanimously.

ZONING AGENDA

There was no Zoning Agenda.

FIRST PRESENTATION

There were no First Presentation items.

UNFINISHED BUSINESS

Approval of an Ordinance Amending Chapter 11, Article 1 and 2, Business and Occupational Licenses of the Code of Ordinances of the City of Milton, Georgia. (Second Reading.)
Ordinance No. 07-05-29

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Finance Manager Inglis stated that it was the City Manager's recommendation to approve the recommended revisions to Articles I and II of the Ordinance governing the issuance of business and occupational licenses. She advised that major changes reflected in the revisions to Chapter 11, Article I, included the addition of the provision for businesses that do not generate gross receipts at their business locations in the City of Milton to calculate the occupational license fee dues based on the number of fulltime equivalent employees at the Milton location. (Example, Verizon call centers inside the City of Milton limits would not generate gross receipts). The second item that had major changes are the revised due date for annual occupational license renewals from January 31st to March 31st. This had been in response to the business community who said they could not have their gross receipts ready by January 31st. For clarification, the number of days delinquency before a one time penalty could be assessed for non-compliance with the occupational license renewal provisions and said this was state law - changing it from 30 to 90 days. She stated that revisions to Chapter 11, Article II, included the addition of applicable state statute regarding the levying of fees upon insurers doing business within Milton, additional of population and associated fees for insurer licensing. These changes were a requirement of the State of Georgia and the Georgia Municipal Association (GMA), and will be presented as the next agenda item tonight.

Councilmember Thurman asked Finance Manager Inglis if she had worked with the call centers in the area regarding the agreement for their business fees and wanted to know if those businesses were aware of this issue.

Finance Manager Inglis stated she believed this was something the City had discussed with them.

City Manager Bovos stated that this was correct and that they actually had a copy of the Ordinance in anticipation of the approval tonight.

Motion and Vote: Councilmember Lusk moved to approve the Ordinance Amending Chapter 11, Article 1 and 2, Business and Occupational Licenses of the Code of Ordinances of the City of Milton. Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance Establishing Mayor and City Council Committees of the City of Milton.
(Removed by motion and vote)

Consideration of a request for Inter-basin transfer of sewer. *(Removed by motion and vote)*

NEW BUSINESS

Approval of a Resolution authorizing the participation in a Contract with Georgia Municipal Association's Delinquent Insurance Business License Collection Program.
Resolution No. 07-05-39

Finance Manager Inglis stated that the City Manager's recommendation is to adopt Resolution No. 07-05-39, in order to identify and license insurance brokers doing business within the city limits of Milton. This is a service offered through GMA by its subcontractor, Municipal Revenue Services, Inc., to go out and discover the insurance companies that have agents selling policies to residents within the City of Milton city limits. She explained that GMA collects the revenues for the City and keep 50 percent for their services and distribute checks to the City in December. [The program was explained in more detail to Council].

Motion and Vote: Councilmember Zahner Bailey moved to approve the Resolution authorizing the participation in a Contract with Georgia Municipal Association's Delinquent Insurance Business License

Collection Program. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution Nominating Elected Officials to Committees. *Removed by motion and vote)*

Approval of a Resolution for a Grant Application to the Assistance to Firefighters Grant Program for funding of a generator and a tanker for fire emergency response.

Resolution No. 07-05-40

Public Safety Director Lagerbloom stated the purpose of the grant would be to award one year grants directly to fire department EMS organizations to enhance their abilities to protect first responders in the public and fire related hazards. The cascade system refills air tanks and provides light at scene of a fire. The second item to discuss is that of a water tanker to provide support for firefighters and help in times of low water pressure, but also critical to certain areas of the City that have no water at all which accounts for about 20 percent of the City of Milton. The City would benefit from this both administratively and operationally and the cost associated with the cascade system is \$87, 892 and the fire tanker for \$350,000. There is a required 5 percent match and based on those two figures \$21,894 the Public Safety Department can match that from their fiscal year 2007 budget.

Motion and Vote: Councilmember Mohrig moved to approve the Resolution for a Grant Application to the Assistance to Firefighters Grant program for funding of a generator and a tanker for fire emergency response. Councilmember O'Brien seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution establishing and joining the Georgia Mutual Aid Resource Pact.

Resolution No. 07-05-41

Public Safety Director Lagerbloom stated he would like for the City of Milton to be partnered with the Georgia Mutual Aid Resource Pact (GMAG), which was organized pursuant to Georgia Law Section 25.61 and provides municipalities at no cost with an organized process to get additional resources in the event of a natural disaster. It promotes more efficiency and more cooperation at no cost to the City. It was established along boundaries of the counties in which member jurisdictions are located and the City of Milton or NW Fulton, as it was formerly known was covered with GMAG through the Fulton County Government and Fulton County Fire Department. The City would just be solidifying something that was truly available to this area and something that we now would like to become a part of. There were 75 departments in the state that are a part of GMAG and it is available 24 hours a day, 7 days a week in the event of disaster additional resources would be available to the City of Milton.

Motion and Vote: Councilmember O'Brien moved to approve a Resolution establishing and joining the Georgia Mutual Aid Resource pact. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution to assist in settlement of Fulton County v. 0.009 acres of land et al, matter.

Resolution No. 07-05-42

City Attorney Scott stated this had been discussed at the Work Session the prior week. He said that on April 4, 2007, he had been invited by an attorney for the County to participate in a mediation session with the county and with the attorney and the Condemnees, the property owners, regarding the resolution of a condemnation matter regarding 372 square feet of land located at the corner of Broadwell Road and Mayfield Road, which is also the corner of Birmingham Highway and Crabapple Road. He stated that the actual address of the property is actually listed as 735 Birmingham Highway. He said that in the briefing several months ago on the Crabapple Improvements Plan and there have been streetscape improvements underway there and they were undertaken by Fulton County before Milton became a City. In December of 2005, Fulton County initiated a condemnation action to condemn the 372 square feet, a/k/a .009 acres of land at that corner, and they attempted to condemn that property. He said that as soon as a government

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attempted to take land by eminent domain files a complaint, they pay the money into the court as far as what their appraiser has told them it was worth and then at that point it is the government's property. He said then the case proceeds to trial and the only issue at that point is the value of the land. He told the Council that this case was proceeding to trial and believed it would be called to trial in the month of May. They asked that the case first be heard in mediation to see if any chance of reaching an agreement prior to taking it to trial, which in condemnation cases is always a jury trial. He stated that he had been contacted by the County attorney around January after the Crabapple Community House was purchased and asked him if the City would consent to granting an easement to the 735 Birmingham Highway property so that they could connect to the sewer line that runs diagonally from about SW to NE across the Crabapple Community House property. He had initially discussed this matter with the City Manager because the initial request was that the City simply grants them the easement gratis and it was discussed that some payment was appropriate because that is what you do when you grant an easement is to permit a property right. He advised the Council that this was not received very well, but several months later he stated he got a call from the attorney who had actually been involved in the closings of the properties who indicated that his firm was also representing the County in the condemnation action. He knew what was going on and asked him [Mark Scott] to appear at the mediation session that was scheduled for April 4th in the hope that we could help them broker an agreement. They needed to come up with an amount of money that the County would pay to the owners of the property, which was partially in the estate of their mother. What they also asked for were several other concessions regarding the property. The County indicated to him that they would be willing to have the County offer basically to the property owners, as the representatives of the estate and as the individual owners, that they would increase whatever amount they would pay for the condemnation settlement by \$1,000, and would ask them to pay to the City directly \$1,000 for the sewer easement. An agreement was entered into and he made sure that this was completely contingent on City Council ratifying the agreement and that it would be recommended to Council and subject to Council ratification. He stated this was contained in the Resolution before the Council.

He further advised that they are asking for the permanent sewer easement and advised that in the packet the Council had been provided was the plat, which was part of the Resolution, as well as the property description of the actual sewer easement. Also included was the plat of the entire property. They also were requesting Council to grant them a parking license for the benefit of 735 Birmingham Highway for 25 years, subject to renewal. He continued to give Council the legal definition of a license: *a license is the authority to do a particular act or series of acts on the land of another without possessing any estate or interest therein*. It is nothing more or nothing less than permission for that property to allow parking. The way the property line between 735 and Birmingham Highway and the Crabapple Community House property is situated is such that the area that is unpaved adjacent to 735 Birmingham Highway allows for parking, but the property line between the two properties runs directly down the middle of every vehicle that would sit in those parking spaces. He said it was not paved, lined or striped, so the property line basically bisects every vehicle that is ever parked there and they obviously have the right to have people park the front end of their vehicles on their property. They want permission from the City to allow people to park the back half of their vehicles on our property. He said this was not an exclusive license, just for permission to let people park there and that the City was okay with continuing to allow the people to park there. Otherwise, they really would not have parking for the property or just half a space for each vehicle. In his opinion, this is very reasonable and he did not have a problem with these recommendations to the Council. Because of the condemnation, basically, all of the corner side block property that was their property, subject to right-of-way, is now County property and by default of incorporation is now City property as well. He stated that they want an easement across the right-of-way of Broadwell Road so that they could maintain and keep up the building and put of ladders in case they have to paint, do roofing, or other maintenance. This was just as an abundance of caution so that the City could not say they could not do that. He said due to the condemnation there is now a zero lot line. The property owners said that historically there had been an awning between the first and second floors of the building, and recognizing that this was a historical building, they want to restore that awning to give the building its original appearance [indicated the property owners have photos]. Due to the zero lot line and right-of-way area, they were asking for a variance from the right-of-way, which only Council can grant because this was not

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a zoning variance, but a right-of-way variance to allow the reconstruction of that facade protruding out as far as eight feet. He wanted Council to make sure they understood that this was only a right-of-way variance and that any other type of design review which would be required under the Crabapple Overlay would require review by the Design Review Board and Staff. This is what the mediation memorandum memorialized.

In conclusion, because they are now at a zero lot line, there is a sign which is mounted at a 45 degree angle coming out from a post at the very corner of the building, which is also encroaching into the right-of-way. The property owners are also requesting that sign be grandfathered and allow it to continue to protrude into the right-of-way. All of the encroachments into the right-of-way only encroach into the sidewalk area and do not encroach into the actual roadway. He had actually copied the handwritten mediated agreement that the mediator asked be reviewed and signed, and he had taken the provisions that the mediator wrote and turned those into the Resolution he was presenting. It was his recommendation that they accept the Resolution and explained that the money that they paid for the Crabapple Community House will be coming back to the City in exchange for the easements. He stated when you look at what the City would be benefiting in terms of those streetscape improvements, the City would definitely be getting something beneficial back in exchange for these requests. It was his general and legal opinion that in assisting the County in getting this matter settled is in the City's best interest.

Motion and Second: Councilmember Thurman moved to approve a Resolution to assist in the settlement of Fulton County v. 0.009 acres of land et al, matter. Councilmember Lusk seconded the motion.

Discussion on the Motion:

Councilmember Zahner Bailey stated that based on conversations with the City Attorney, she recommends approval of the Resolution. There were three technical amendments that had been discussed and the City Attorney said they were in keeping with the mediation that was just discussed. These items were for discussion purposes and stated the technical amendments and asked where they would be in the document for legal clarification.

City Attorney Scott said the request by Councilmember Zahner Bailey only clarifies this matter slightly further and did not change the meaning and did not interfere with the content of the mediation agreement that this memorializes and all this did is to clarify the matter further and states that the sewer easement is only for the property in question, that this was the agreement, and that the parking license was not exclusive. Finally, that what was agreed to and what was asked for in the agreement was for the right-of-way relief and not to go ahead and just build the awning without the Design Review Board's approval. He stated the right-of-way variance is so they can go ahead and build it and that is what Council can give them.

Mayor Lockwood stated that if the owner, Mrs. Statham, still wanted to speak she could fill out a public comment card and do so. [*Clerk's Note: No card submitted*].

Linda Statham stated that she was the wife of 40 years of Ben Statham, one of the owners of the Crabapple Community Building. She said that this was not about money, but it had an emotional attachment for them. Ben Statham's mother had owned the first antique shop in the building in question called Penthouse Crabapple Antiques and that going condemnation and eminent domain was a terrible thing to do. She wanted to extend her appreciation to Mark Scott for his mediation efforts regarding this matter. To have even a few feet on both sides of the property is important when you are a property owner, pay taxes, and have such a personal attachment to this building. She wanted to thank everyone involved in saving it and for having perhaps a better understanding for in the future when you are dealing with other people's land.

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City Attorney Scott stated that they make their motions when they state the amendments. He further stated that the Stathams were okay with the proceedings and with the amendments, as they do not change the original agreement, just further clarifies them.

Motion to Amend No. 1: Councilmember Zahner Bailey moved to approve to amend Sections 8 and 9 as follows:

“A permanent sewer easement in favor of 735 Birmingham Highway *ONLY* across the Crabapple Community House property as more fully described in the legal description and plat attached hereto as Exhibit “A”; and in further consideration of the above, the Council of the City of Milton hereby grants to Condemnees a *NON-EXCLUSIVE* parking license...”

Second and Vote: Councilmember D’Aversa seconded the motion. There was no Council discussion on the amended motion. The motion passed unanimously.

Motion to Amend No. 2: Councilmember O’Brien moved to amend Sections 9, 10, and 11 of the Resolution to assist in the settlement of Fulton County v. 0.009 acres of land et al, matter to replace all references to 735 Birmingham Highway with *755 MID BROADWELL*; and to amend sections 10 and 11 to further read:

“In further consideration of the above, the Council of the City of Milton hereby grants an easement across the right of way of Broadwell Road *AND MAYFIELD ROAD* for maintenance and upkeep access for the building at 755 Mid Broadwell; and

Councilmember Zahner Bailey stated that she and Councilmember Thurman had asked about the verbiage *pre-existing sign* and that they had talked about whether it might be better to change that to *signage* to make sure the structure and the sign would be covered and Tom Wilson had suggested this as well.

Restated Motion:

City Attorney Mark Scott restated the motion.

“In further consideration of the above, the Council of the City of Milton hereby grants a variance from applicable setbacks and right of way to allow the re-construction of a historically existing awning on Condemnees’ building located at 755 Mid Broadwell across the facade along the right of way over the sidewalk along both Broadwell and Mayfield Roads to a maximum, encroachment of 8 (eight) feet, construction subject to Design Review Board and staff review along with a similar variance to allow the pre-existing corner *SIGNAGE* on the building to encroach into the right of way over the sidewalk adjacent to the immediate corner of Broadwell and Mayfield Roads.”

Second and Vote: Councilmember Thurman seconded the motion. There was no further Council discussion. The motion to approve the Resolution with the two amendments passed unanimously.

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

Approval of a Resolution regarding meeting times. (*Removed by motion and vote*)

MAYOR AND COUNCIL REPORTS

Citizen Survey

Councilmember D’Aversa stated the need for a citizen survey in order to begin the process for developing a strategy and plan for gathering information from the citizens of Milton. She had reviewed nearby cities for citizen surveys, which measure resident opinion, the quality of community, and services

delivered and gauge user's satisfaction with programs and services. The purpose in Milton would be to identify the unmet needs of community residents. There are research groups that offer consulting and guidance and data gathering methods. This topic was near and dear to her heart, as she had a background and graduate degree in marketing research, and feels that as a new City there is a lot of information that is unknown to us about our citizens, their needs and desires. On-line surveys are growing in popularity and are less costly. There are also focus groups, which are valuable for data gathering, and exist polls and street polls are also effective methods for collecting data. She believed that a combination of mail and on-line survey for Milton's citizen's survey would work well. She recommended that the Council form a Citizen Advisory Committee to help develop the survey questions, and discussed what Alpharetta had similarly done by using an advisory committee. She would be happy to help in these efforts.

Councilmember Thurman asked if the citizen survey topic was something they could discuss on their retreat.

City Manager Bovos informed the Council it was their agenda and they could add whatever they wanted and stay as long as needed.

Councilmember D'Aversa said that it could be a fun project in developing the right questions in order to collect the right information, and is as important in processing the data that would be collected. She believed this would be a good way to get the citizens and neighbors involved.

Councilmember Zahner Bailey concurred that the gathering of public input is critical, as they embark on the Comprehensive Land Use process with our new City.

City Manager Bovos informed the Council they are pleased to have this initiative moving forward as Councilmember D'Aversa had presented. He that they did have some experience from Staff's perspective on surveys. The first thing would be to define what it is they want the survey to be comprised of. They would not want a survey that is so lengthy that they would lose interest. He suggested really thinking about what it is they would want to know and limit it to some specific topics or specific information. The next things they will be hearing about are budget revisions for fiscal year 2007. If the City decides to move forward with a consultant or other outside help, he suggested they consider what the appropriation amount should be and move forward with funding that effort and what the timeline is.

STAFF REPORTS

Update on Police Deployment.

Director of Public Safety Lagerbloom provided Council a slide presentation on police deployment which included: Equipment procurement, personnel recruitment drive, agility and transition training, deployment philosophy, protection of city's financial assets through effective policing, and hiring right people for the job. He also gave a lengthy explanation regarding the different police equipment that was selected and why those items were chosen including: City of Milton police cars, guns, vests, uniforms, technical items (computers in cars for records management), cameras, laser lights, radar, LED lighting in cars, software, GPS, in-car ticketing, DMS (policy and procedure software) for password protection on the Internet. He spoke further on the hiring process and training including drug screenings and background checks on hired police candidates, recruitment process, policy and procedure review training, emergency medical training review and certifications, training on in-car camera usage, reporting system, basic handcuffing and self-defense, and building clearing. He stated that he believed these officers are doing a good job thus far for the City and they look forward to continue serving the City.

Councilman Lusk informed Public Safety Director Lagerbloom that he was very impressed with the police force that he had assembled and the caliber of people on the force. The City of Milton should be very proud of the police department and all of its members.

Councilmember Thurman stated that the deployment day was very exciting and a wonderful experience to be part of.

Councilman O'Brien said that the degree of detail that Chris Lagerbloom presented to Council spoke to the type of thought and experience that went into the establishment of the Public Safety Department. It was remarkable and what a custom fit the public safety group is for the City of Milton.

Councilmember Zahner Bailey stated she was aware that some of the school kids were so excited when they saw the Milton police cars driving around.

Emergency Notifications Plan Review

Public Safety Director Lagerbloom provided Council a presentation regarding the Emergency Notifications Plan. [Reading from Policy Handout] and explaining the steps that would occur in responding to any emergency. He further discussed the types of emergencies, significant events, including vehicle pursuits, and how notifications would be handled. He wanted Council to know that there was a plan in action to manage emergencies and significant events, and also a plan of action for handling the events that may occur. He stated that they also had a plan that will coordinate through the City Manager to get the appropriate persons notified as quickly as possible.

Councilmember Lusk asked if the City had any arrangements with Medivac for air rescue.

Public Safety Director Lagerbloom stated that there were several different air rescue outfits in the Atlanta area. He stated that Emory flies an air rescue helicopter and that there were three or four different options coordinated through the dispatch center.

City of Milton Newsletter

Communication Manager Doughty discussed expansion and enhancement of the City's communication tools, which included discussion about the first publication of the first issue of the City of Milton printed Newsletter (produced in mid-April and currently as a paid insert with the Milton Herald). He stated it was intended to be a quarterly publication to be on or about the 15th of each month. There will be a PDF version that can be posted to the website. At the same time they produced the first print Newsletter, they also introduced a formal version of the electronic version of the Newsletter through Constant Contact, who manages the email subscriptions for the City.

Website Development

Communication Manager Doughty stated that this was the enhancement and the printed Newsletter was the expansion and the website is the enhancement. He said we now have a contract employee to redesign the City of Milton's website. He would be addressing all aspects, including graphical, architectural and functional standpoints. Some of goals were a cleaner and more flexible design overall, a home page that would be information rich with frequent contact updates, use of photos, other graphical devices, and a tremendous expansion in the overall amount of information that will be available. All the department heads have or will be contacted regarding the specific needs they may have for their areas and how their goals can be achieved from a communications standpoint. He discussed the navigation structure aspects of the website, functional uses like on-line payments for business licenses, permits, etc., access to on-line forms to do business on line that will not just be PDF documents, but interactive forms, exploring software for advanced calendaring, content management system to allow posting of information directly on website and not have to rely on a third party webmaster. At Council's request, they were looking at on-line audio and video streaming and will be addressing these issues. He hopes that the majority of his end of the redesign to be completed within 6-10 weeks.

Update on Gravel Roads

Community Services Director Greg Wilson gave an update that when they inherited the roads from Fulton County many of those were in a state that required quite a bit of maintenance. This was based on

their assessment and citizen requests. They put together an action plan and the key portions of that plan were listed on the information Council was provided. He talked about the four different perspectives to approach this matter. 1) Looking at filling of potholes (public safety factors); 2) cleaning out ditches (helps channeling of water and limiting erosion); 3) reshaping roads (proper water drainage and mitigating storm water erosion and safety); and 4) Dust abatement (products considering for use). The citizen feedback on the work that had already been done was excellent.

Councilmember Zahner Bailey asked that in terms for the roads she knew there was a plan for getting the highest priority work for the roads done, but wanted to know if there was a general timeline for getting the work done. She asked how is this prioritized and where the City was for the first blush of addressing the 15.5 miles of roads.

Community Services Director Wilson stated that the roads were characterized into two groups which are 1) bad and 2) really bad. They have pretty much regarded all of them and he believed they are right where they wanted to be in terms of the major work that needed to be done. They will have to periodically go out and put gravel in the potholes, but at this point it was on-going maintenance so that everyone of the City roads has had some sort of maintenance with the exception of the annex roads because they were in a little bit better shape than the other roads. The roads that were in the worse condition have all been surfaced.

Councilmember Zahner Bailey asked if the annex roads were still going to be addressed.

Community Services Director Wilson stated that yes they would be.

Councilmember Lusk asked about the work that had been done and asked if it were comparable to what was already done on Summit Road. He believed the City was on the right path to maintaining these gravel roads.

Councilmember Karen Thurman said she appreciated the newly annexed areas to be added in. They would feel that they are also a part of the City now.

Community Services Director Wilson stated on the spreadsheet they were provided there was a typo where it indicates the gravel roads that were included as part of the annexation - Sweetapple Road and Lackey Road are actually State Road 140 and it shows State Route 9 on the spreadsheet.

Mayor Lockwood stated as clarification for staff on the agenda up on the screen as Item No. 2, it says update on Fire Department Deployment, but this item is not on his agenda.

City Clerk Marchiafava confirmed that statement and stated that item had been deferred to the next meeting on the 17th.

Councilmember Thurman asked if they could address Mr. Carroll's questions about the two Bills he was asking about, as she knew very little about them other than briefly what was discussed with the Mayor and the City Manager - the Building Authority and Park Authority and what purpose they serve.

City Manager Bovos stated that they actually had a legislative update scheduled for the June Work Session and his preference would be to invite anybody back for that who was interested in hearing about those particular Bills, as well as others that will be discussed and which would affect Milton.

Councilmember Thurman said that it was her understanding that regarding those two authorities it was something that would be available for the Council to use, but not required in case they decided they wanted to use them.

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City Manager Bovos stated that the legislation had been adopted in the past and, at this point and time, the City is not acting on them. They are not active, but are tools that can be utilized in the future if so desired. He added that he was not aware that the Governor had signed any Milton Bills.

Councilmember Thurman said she did not believe the Governor actually signs local legislation. It usually waits for 30 days and then it automatically becomes law.

ADJOURNMENT

Mayor Joe Lockwood advised that if there was no further business that this would conclude the meeting tonight and called for a motion to adjourn.

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

After no further business, the meeting adjourned at 9:30 PM.

Date Approved: August 2, 2007

Jeanette R. Marchiafava, City Clerk

Joe Lockwood, Mayor

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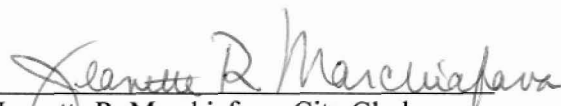
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