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**The Regular Council Meeting of the Mayor and Council of the City of Milton was held on February 4, 2008 at 6:00 PM, Mayor Joe Lockwood presiding.**

**CALL TO ORDER**

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

**ROLL CALL**

**City Clerk Marchiafava** called the roll.

**Councilmembers Present:** Councilmember Julie Zahner Bailey, Councilmember Burt Hewitt, Councilmember Tina D'Aversa, Councilmember Alan Tart

**Councilmembers Absent:** Councilmember Karen Thurman and Councilmember Bill Lusk were not in attendance.

**PLEDGE OF ALLEGIANCE**

**Mayor Lockwood** led the Pledge of Allegiance

**APPROVAL OF MEETING AGENDA**

**City Clerk Marchiafava** read Agenda Item No. 08-495.

Staff would like to request the following changes to the Meeting Agenda:

1. Add Executive Session to discuss land acquisition

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

**PUBLIC COMMENT**

**Mayor Lockwood** read the rules for public comment.

**Jon Carroll** 2140 Country Ridge Road, Milton

- Wanted to ask if the meetings could be moved back to 7.
- Tough to get off work and get here by 6.
- Understand that the zoning issues can drag on into the early morning so I understand why you wanted to move them up
- Participation will be a lot weaker.
- Work until six and know a lot of people are like that.
- Just ask that council move it back to seven or six thirty at least.

**City Clerk Marchiafava** said that completes Public Comment.

**CONSENT AGENDA**

**City Clerk Marchiafava** read the Consent Agenda as follows:

**(Agenda Item No. 08-496)**

1. Approval of the December 6, 2007 Regular Meeting Minutes.

**Councilmember Tart** stated that previously he was advised to vote no, since he was not a Councilmember at the time, because the Charter says we cannot recuse ourselves.

**Mayor Lockwood** asked the City Attorney Ken Jarrard's advice regarding this matter.

**City Attorney Jarrard** stated that voting on the minutes is a ministerial action and to the extent that you are duly elected Councilmembers, you have a right to vote on the minutes. He would recommend you vote on the minutes. The minutes are suppose to reflect a true and accurate depiction of what occurred at the last meeting and if you are comfortable that and that is in fact the case, then vote in favor. If you believe they do not accurately depict what occurred at the last meeting, vote in opposition.

**Councilmember Tart** stated that in his case he was not even here.

**City Attorney Jarrard** stated that Council has access to audio tapes, but if Councilmember Tart was uncomfortable he could recuse himself based on having no information on the item.

**Councilmember Tart** chose to recuse himself from the vote.

**Motion and Vote:** Councilmember D'Aversa moved to approve the Consent Agenda. Councilmember Zahner Bailey seconded the motion. The motion passed 4-0-1, with Councilmember Tart recused.

## **REPORTS AND PRESENTATIONS**

**City Clerk Marchiafava** read agenda item

### **Presentation by the City of Milton Public Safety Foundation**

#### **Mayor Lockwood**

- We are very fortunate to have so many wonderful people that have gotten involved in so many different ways.
- One particular group of people got together and formed a Public Safety Foundation.
- They have raised money for our public safety for items not typically funded in our budget.
- Through the generosity of these individuals and this group, our public safety officers have things they normally would not have.
- He is very proud to introduce Joe Cramer and Jan Fowler and ask them to make the presentation.

**Mayor Lockwood** asked Interim City Manager Chris Lagerbloom if he would like to add anything.

#### **Interim City Manager Lagerbloom**

- This is the first for Milton.
- The Public Safety Foundation is a great group of interested citizens who come together under the purpose of adding to our public safety agency.
- He would like to say it is excellent they are here and we so appreciate what they do.
- As the City matures this will be the first of many benefits that we share with the Public Safety Foundation.

**Joe Cramer, Public Safety Foundation,** thanked the Mayor and Council for letting us address them this evening. They now have a permanent board. They are about to start soliciting publicly to get more funds. Through the generosity of several of our board members, we managed to get some funds together. We came to make the initial grant to both the Police Department and the Fire Department.

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- Would like to introduce Jan Fowler our Grant Committee Chair, Herb Mueller our Treasurer, Dick Balland with the New York State Police Foundation, and Chris Coker our Fire Representative on the Board and of course Chris Lagerbloom.

**Jan Fowler, Public Safety Foundation**, presented Mayor Lockwood and the City of Milton with the first grant of eight hundred and twenty five dollars, on behalf of the Public Safety Foundation, to purchase utility trailers to haul the golf carts to all of the special events.

**Mayor Lockwood** thanked the Foundation members and advised them how much it meant to the City and our public safety officers. We appreciate all of the foundation members hard work.

**Jan Fowler, Public Safety Foundation**, stated that they appreciate everything the public safety officers do to keep them safe and stated that part of the money was from the Roundup and private donations.

**Mayor Lockwood** stated that this was part of the advantage of having our own City. As a community, this is what we are able to do and he thanked them again.

### **FIRST PRESENTATION**

**City Clerk Marchiafava** read Agenda Item No. 08-497.

**ZM07-07-005/VC07-014**, Webb Road (No address for this parcel) - To request a Zoning Modification to modify Condition 2a to modify the site plan (05Z-029) and a 3 part concurrent variance: 1) To reduce the side yard setback from twenty (20) feet to ten (ten) feet along the east and west property line (Article 8.1.3.C.) 2) To reduce the rear minimum setback from twenty-five (25) feet to ten (10) feet along the south property line (Article 8.1.3.D.); 3) To reduce the 10-foot landscape strip along the east, west, and south property lines to allow for a retaining wall (Article 4.23.1.).

**Motion and Vote:** Councilmember Tart moved to approve the First Presentation item. Councilmember Hewitt seconded the motion. The motion passed unanimously.

### **NEW BUSINESS**

**City Clerk Marchiafava** read Agenda Item No. 08-498.

**Approval of a Resolution Amending Resolution No. 08-01-10, a Resolution Appointing Members to the City of Milton Construction Board of Adjustment and Appeals (District 4).**

**Motion and Vote:** Councilmember D'Aversa moved to defer until February 20, 2008 the Approval of Resolution Amending Resolution No. 08-01-10, a Resolution Appointing Members to the City of Milton Construction Board of Adjustment and Appeals (District 4). Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously.

**City Clerk Marchiafava** read agenda item No. 08-499.

**Approval of a Resolution Amending Resolution No. 08-01-16, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee (Districts 1, 2 and 4).**

**Motion and Vote:** Councilmember Zahner Bailey moved to defer until February 20, 2008 the Approval of a Resolution Amending Resolution No. 08-01-16, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee (Districts 1, 2 and 4). Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously.

**City Clerk Marchiafava** read Agenda Item No. 08-500.

**Approval of a Resolution of the City of Milton to Establish a Franchise Fee applicable to holders of cable and video franchises issued by the State of Georgia.**

**Resolution No. 08-02-18**

**City Attorney Ken Jarrard**

- The resolution establishes the franchise fee that the City of Milton will charge to those cable utilities that have franchise in the city.
- The previous law was that each cable provider had to negotiate a separate franchise fee in every jurisdiction they lay line in.
- Last year the state adopted a new statute that allows for a state wide permit, therefore taking away the right of them having to negotiate with each jurisdiction.
- One thing the local jurisdictions still has to do is establish a franchise fee rate.
- You will still get to collect a fee from these providers.
- You have to adopt the franchise fee and it has to be distributed to the state in order to be collectable.
- The resolution you have establishes that rate at 5% which is the maximum amount that can be collected.

**Councilmember D'Aversa** asked if this was a fee in the past that had not been levied, and if it would cause the providers to increase their rates.

**City Attorney Jarrard** stated the franchise fee is a fee that has historically been collected already. This is something Council has to adopt to make it effective with the new law.

**Motion and Vote:** Councilmember D'Aversa moved to approve a Resolution of the City of Milton to Establish a Franchise Fee applicable to holders of cable and video franchises issued by the State of Georgia. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.

**MAYOR AND COUNCIL REPORTS**

**Councilmember D'Aversa**

- Angie Davis (one of our city attorneys) and I went to Fulton County and met with Commissioner Lynn Riley, several of her staff and the County Attorney last week.
- They brought to our attention that Fulton County's library committee would like to build a library in the City of Milton.
- A twenty five thousand square foot library.
- They need property to build it on.
- Looking to us to provide the property.
- Either property we already have or get donated for this purpose.
- Like for council and staff to provide input.
- We have a short time frame.
- Would like to have the property presented in the next few weeks.
- By the end of February they will decide which libraries they will go forward with in the various cities.
- Urge people to go out and find some property.
- If we have zoned property already maybe we could make a decision to offer it or we have several land owners who have mentioned that they would like to donate property for this type of purpose.

**Councilmember Zahner Bailey**

- Attended a meeting in November at the Alpharetta Library about the issue of the Library Board evaluating the budget they were bringing forward with regard to libraries in Fulton County including Milton.
- The twenty five thousand square feet were discussed.
- Asked them if the budget was going to include dollars for the land.
- At the time they couldn't answer the question.
- There is a budgeted amount of about seven hundred thousand to improve the library in Alpharetta and they were concerned that that was not enough from a funding perspective
- I wasn't so sure the library board wasn't going to be looking to their budget for those dollars.
- Like to consider that we approach the library board and see if we can make the request of them to add to their budget the land for the library.

**Councilmember D'Aversa**

- They basically said they cannot fund the property but if we can provide the property then they are ready to go forward with it.

**Councilmember Zahner Bailey**

- I would ask that when we look at property, we make sure we do not end up with an exaction, that we don't have a developer offer land in exchange for density.
- I would ask our City Attorney to be mindful as we evaluate options.
- Would like to involve our Comprehensive Plan Advisory Committee in reference to the location of the library.
- Historically there has been discussion about the Birmingham Park.
- There will be a lot of different perspectives about where that library may be appropriately located.
- I hope this topic can get to the Comprehensive Plan Advisory Committee before their next meeting.

**Councilmember D'Aversa**

- Thanked Councilmember Zahner Bailey for the information and history.
- Think we need to move as quickly as possible to determine if there is land properly zoned for a library.

**Mayor Lockwood** asked Jon Carroll if he would come up and speak to council.

**Jon Carroll**

- One of the main questions for the committee would be what the sewer requirements are.
- If they can use a septic, then it is not an issue.

**Councilmember Zahner Bailey**

- That is why the Comprehensive Plan Committee and staff needs to identify where the appropriate locations are.
- There are institutions that are served by septic and they are served appropriately.
- They don't have failure and they have a primary and secondary field.
- Public sewer that already exists may be another consideration for the local.

**Jon Carroll**

Asked how much land would be needed.

**Councilmember D'Aversa**

Stated at least two acres would be needed.

- We are saying we maybe could come up with the land.
- We don't have to have everything confirmed within the next few weeks.
- We just have to agree we are moving forward

**Mayor Lockwood** asked Community Development Directory Tom Wilson what the appropriate zoning would be for a library.

**Director Wilson** stated he thought it to be O-I, but it is possible with the use permit it would be allowable in all areas that the schools are.

**Mayor Lockwood** asked Councilmember D'Aversa how soon they need an answer.

**Councilmember D'Aversa** said they need an answer within the next few weeks, before the end of February. We just need to let them know if we can provide the land.

**Director Wilson** suggested we identify on a map all the properties that are properly identified. Brining the Comprehensive Plan Advisory Committee in is a good idea. The most limiting factor is the availability of land, then as a group we can decide and approach some people for donations.

**Jon Carroll** asked if the possibility of putting the library at Providence Park was still in question.

**Councilmember D'Aversa**

- Commissioner Riley did bring that up along with Birmingham Park.
- It has been a general consensus that we wouldn't want to use our park land for a library if we can use already properly zoned land.

**Mayor Lockwood** stated that maybe that would be plan b or c, but lets see what other land is available first.

**Councilmember D'Aversa**

- They are planning to increase the size of the Alpharetta Library.
- It doesn't preclude us from being that close.
- Providence Park is pretty close to the current Alpharetta Library.
- Just to know we have the availability of the property and we are willing to commit to it is what the committee wants to hear from us.

**Mayor Lockwood** stated that he personally supports a library for the City of Milton and probably has the support from Council. We need to pursue all of our options. We do not need to let this opportunity slip pass us.

**Councilmember Zahner Bailey**

- There has been a lot of research done by the Friends of Alpharetta library group.
- A group went out that has also worked with some of the other Fulton County Libraries.
- They have done a study on how many of the public and private schools are currently part of the circulation of the Alpharetta library.
- That may be data that could be helpful.

**Director Wilson** stated he would provide a map by the end of day tomorrow of all the properties currently zoned and the long range plan for O-I property.

## **STAFF REPORTS**

### **Interim City Manager Chris Lagerbloom**

- We started our transition process with our City Attorney.
- Met with three attorneys at the firm.
- Spent several hours working through open items.
- Felt it was a very productive meeting.

### **Community Development Director Tom Wilson**

- Our Charter says that the city limits would follow the meanderings of the Alpharetta city limits.
- The meanderings of the Alpharetta city limits are not all that precise.
- Over the last five months, we have been working with the City of Alpharetta trying to nail that down.
- It is an exercise in GIS mapping in city limits.
- In this proposal there are no new parcels coming into Milton.
- No parcels leaving Milton.
- It is simply straightening up the city limits line to a line of right of ways and not the center line of roads.
- I have prepared a map book for you of the entire city limits showing both the original city limits and our proposed city limits line.
- Worked with Diane Wheeler at Alpharetta and we are in agreement that this is the most logical location for the city limits line.
- We hope that Milton and Alpharetta City Council will pass a resolution attached to this map book saying this is what we recognize from this point forward as our city limits line.

### **GIS Manager Dawn Abercrombie** showed parts of the map and stated:

- The two major aspects that we looked at were the ease of road management, and we agreed to follow the parcel boundary.
- We had a couple of areas along the boundary that dissected the parcel boundaries just randomly.
- Over all it is not to significant of a change.
- The first area is where the Alpharetta boundary comes in to play.
- We cleaned up how the boundaries looked so that they would follow the parcel boundary.
- Some had to do with road maintenance and making sure that right of ways were clarified on who has what type of maintenance and/or where.

### **Community Development Director Tom Wilson**

- Alpharetta is going over this same map book next Monday night.
- As soon as we get to an understanding that this is what we want to do, we will both pass a similar resolution that we observe this in the future.

## **EXECUTIVE SESSION**

The purpose of the Executive Session was to discuss land acquisition.

**Motion and Vote:** Councilmember Zahner Bailey moved to adjourn into Executive Session at 6:44 pm. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.

## **RECONVENE**

**Motion and Vote:** Councilmember D'Aversa moved reconvene the Regular Council Meeting. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously.

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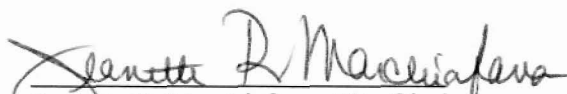
**ADJOURNMENT**

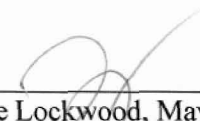
**Mayor Lockwood** requested a motion to adjourn.

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

After no further business, the meeting of the Milton City Council was adjourned at 8:01 p.m.

Date Approved: March 3, 2008

  
Jeanette R. Marchiafava, City Clerk

  
Joe Lockwood, Mayor

