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**Work Session of the Milton City Council held Monday, February 11, 2008 at 6:00 pm. Mayor Joe Lockwood presiding.**

**Council Members Present:** Councilmember Julie Zahner Bailey, Councilmember Bill Lusk, Councilmember Tina D'Aversa, Councilmember Alan Tart, Councilmember Karen Thurman (arrived at the meeting late)

**Councilmember Absent:** Councilmember Burt Hewitt

**Mayor Lockwood**

- Work sessions are a more informal setting to update the council on business items.
- No votes will be taken.
- Public comment is allowed if it is germane to an agenda item.
- Speakers are required to fill out a public comment card and turn it in to the City Clerk.
- Public comment will be allowed for a total of 10 minutes per agenda item, 2 minutes per person.
- Public comment will be heard at the beginning of each item.
- Once the item is called no other public cards will be accepted.

City Clerk Marchiafava called the first agenda item.

**Presentation on the Community Assessment and Citizen Participation Plan (CPAC).**

**Community Development Director Tom Wilson:**

- This is the first part of the comprehensive plan efforts.
- The Comprehensive Plan Advisory Committee has done a great job.
- The committee has had eleven meetings in the last four months.
- The Comprehensive Plan Advisory Committee Chairman George Ragsdale is going to present part of the program along with other members of the committee.
- At a later date we will present a Resolution to the City Council for authorization to send the community assessment and the citizen participation plan to D.C.A. (Department of Community Affairs and A.R.C. (Atlanta Regional Commission)).
- There will be a few days for council to ask questions.
- Maybe as early as the first Monday in March we can transmit this to the D.C.A. and A.R.C, or as soon as we are comfortable with it.
- They will take forty days to review it and let us know if we have good accurate and enough information to make an informed decision.
- The important thing going forward is to understand that the documents you have so far are really trying to comport with what the state requires.
- It is necessary that we have the state's approval before we move forward but we are anxious to get into the meat of the planning process.
- If you have concerns or questions about what this is, we will try and address them over the next few weeks.
- This is a preliminary document that we will have time to work on as we go forward.
- The important thing is getting it approved so we can move forward.
- John Ford and Clay Cheek can answer any questions you may have so far.

**John Ford** stated he was there to answer questions and see if there is anything else that needs to be accomplished as part of the process to ensure we move forward with the comprehensive plan.

**Councilmember Zahner Bailey** asked if there was anything we are precluded from in any of the elements that after it is submitted would preclude any changes going forward?

**John Ford** replied no, because essentially the map is showing existing character areas as defined. As you work through the community agenda, you may change some of the boundaries, some of the character areas and on of the things identified in the character areas are, we have two mega character areas; one being the state route nine quarter and second being state route 140 quarter, because they do have different types of characteristics along the quarters. As we prepare the community agenda, we need to look twenty years into the future. Twenty years in the future you may be changing some of those character areas either to provide greater protection or greater opportunities. The state does not require you to adhere to these areas in you future plan.

## **POWER POINT SLIDES**

**Presented By: George Ragsdale**

### **Comprehensive Plan Presentation**

**To The Milton City Council by the Milton Comprehensive Plan Advisory Committee (CPAC) -February 11, 2008**

#### **Why Plan?**

- Required by State law
- To ensure future growth does not exceed capacity
- To provide a “roadmap” for change that, over time, preserves the quality of life desired by residents

#### **What is a Comprehensive Plan?**

- An assessment of existing conditions
- A policy guide that addresses future needs, limitations and opportunities for the community
- A blueprint for a coordinated approach to future land use, transportation, infrastructure and both natural and cultural amenities
- A good plan includes the strategies and identifies the priorities necessary for implementation.

#### **What is the Approach?**

- Phase 1 - Baseline Assessment
  - Mission/Vision Statement
  - Community Assessment (CA)
  - Community Participation Plan (CPP)
- Phase 2 – Community Agenda
  - Visioning/Goal Setting
  - Character Area Level Planning
  - Community Design Workshops
- Phase 3 – Adoption
- Phase 4 – Implementation

#### **Mission/Vision Statement**

##### **Mission Statement:**

- The City of Milton is committed to maintaining the unique quality of life for our constituents while efficiently delivering essential services to residents and businesses in a community interactive environment.

##### **Vision Statement:**

- Milton is a distinctive community embracing small-town life and heritage while preserving and enhancing our rural character.

### **What is Community Assessment?**

- An objective analysis of the present state of the community and anticipated future trends in eight focus areas:
  - Population
  - Economic Development
  - Housing
  - Natural/Cultural Resources
  - Community Facilities
  - Transportation
  - Land Use
  - Intergovernmental Coordination

### **What is Community Participation Plan?**

- Outline of strategy for ensuring meaningful public and stakeholder involvement in the process and ownership of the results
  - Questionnaire(s)
  - Stakeholder interviews
  - CPAC
  - Presentations/Open Houses
  - Web page
  - Visioning Session(s)

### **Schedule – Where Are We?**

- Drafts of CA and CPP are complete – we are seeking approval of City Council for submission to State
- Next step is to submit CA and CPP to ARC – up to 40 day waiting period before we begin Visioning process
- We are approximately 30 days behind our original schedule
- We are still working towards completion of the draft plan by end of June 2008, with formal adoption by end of September 2008

### **Quality Community Objectives**

- Development patterns
  - Traditional Neighborhoods
  - Infill development
  - Sense of place
  - Transportation alternatives
  - Regional identity

### **Quality Community Objectives**

- Social/Economic Development
  - Growth preparedness
  - Appropriate businesses
  - Educational opportunities
  - Employment options
  - Regional cooperation/solutions
  - Housing opportunities

### **Quality Community Objectives**

- Resource Conservation
  - Heritage preservation
  - Open space preservation
  - Environmental protection

**Presented by Heidi Sowder:**

**Character Areas**

**Why Character Areas?**

- Character Areas are an integral part of the current state analysis of Milton.
- The term “Character Area” is used to define the visual and functional differences of communities, corridors and natural areas. What really lies within Milton’s borders?

**Process**

- Process began with BRPH leading an exercise wherein CPAC members identified areas on the land use map with specific characteristics; e.g., equestrian areas, gravel roads, greenspace, commercial, etc.
- John Ford and Clay Cheek of BRPH, then gathered data through various means to further identify and define character areas.
- All information was consolidated and placed into draft format – which was revised per CPAC members’ comments via e-mail and also during meetings.

**Character Areas Map**

*Map Presented*

**Character Area Types**

- This data gathering culminated in the identification of 14 different Character Area Types within the City.
- As you can see on the map, each Character Area Type is designated by color coding (There are two types of Linear Greenspace corridors).
- A Character Area Type may “house” a variety of land uses. For instance, the yellow Suburban Area Developing areas designated in the Freemanville, B’ham Hwy. areas to the west and the Bethany, Hopewell, Hamby and Thompson areas to the east have equestrian estates, agricultural uses and large lot subdivisions interspersed throughout. The central section of State Route 9, designated a densely developed Main Commercial Corridor is home to the Five Acres development, which are residential lots of 5 acres.

**Narratives**

- The Character Area Narrative pages define each Character Area Type and give examples of where each is located.
- Issues and opportunities contained within each color coded text section provide information for development strategies based on the “Areas Requiring Special Attention” element of the Community Assessment back on page B-14.

**City Clerk Jeanette Marchiafava** called the next agenda item

Power Point Presentation  
Presented by Wayne Super:

**Freemanville Road Elevated Water Tank**

***Extension of Water Mains and Facilities***

**Introduction**

Harold Wiedeman, Vice President

- Certified Engineers in business for over 100 years
- Wiedeman & Singleton, Inc. Civil and Environmental Engineers
- Principle

Alec Rickenbaker

- Managing Partner of Hampshire Partners, LP
- Principle organizer of Pritchard Mountain Water, LLC

Wayne I. Super, Director and Chief Risk Officer

- Cisco Capital Corporation
- USD \$40 billion company
- Certified in Risk Management

**Purpose**

- Hear input from impacted citizens and provide relevant information to the City of Milton
- Request City Council to take a position on this matter
- Request City Council to take a position opposing the construction of a 150ft elevated water storage tank.

**Facts Presented By County**

- As presented by Chris Browning of the Fulton County Public Works Department
  - Inadequate water pressure in area (current & proposed developments) defined by map
  - Has not fallen below minimum GA EPD required PSI
  - Development of 359 new homes will strain current system
  - Current 4M gallon water tank does not remain full
  - Mains extension to supply uninterrupted water to tank (Freemanville Rd)
  - Pritchard Mountain Water, LLC to build Booster Pump at cost of \$3.7M then turn over asset to Fulton County
  - Fulton County to erect 400K gallon, 150 Ft elevated water storage tank at Freemanville Rd site.
  - Elevated tank is being built to comply with Fulton County Water Works internal policy
  - Original cost estimated at \$600K
  - Act as back-up in case of pump failure
  - 140 elevation to cover area as outlined on map

**Alternatives**

- Build water pump, but, without elevated water storage tank

**Question**

- Will safety & security be compromised without an elevated water storage tank?

**Reasons Not To Build an Elevated Water Storage Tank**

- Cost now estimated at \$2M. Represents CAPEX from either Taxpayer funds or water revenue( increase water prices)
- Booster pump meets EPD requirements and is approved to operated without an elevated water tank
- An elevated tank will provide additional, yet marginal redundancy. Tank will empty in hours after complete pump failure
- There is a long history of public entities other than Fulton County building ground storage tanks and booster pumps to serve storage and pressure issue.
- Buckhead exclusively uses ground level tanks coupled with booster pumps.
- An elevated tank coupled with booster pump is an overly conservative design philosophy
- Shrouding area residences from overspray will cost as much as painting the tank (composite materials do not eliminate this cost)
- Seen as eyesores by the community which the county is trying to serve.
- Devalue homes in the immediate area. Disturbs quiet enjoyment.
- A booster pump coupled with a ground level tank is more flexible when water pressure needs change in the future. Replace the pump rather than build another water tower
- Booster pumps are usually less expensive than elevated water towers. In this case very much cheaper; since, Pritchard Mountain Water, LLC is paying \$3.7M to build and install the pump which will connect to the current 4M gallon ground level water storage tank.

**Please Issue a Proclamation Opposing Construction of a 140 FT Elevated Water Storage Tank**

**City Of Milton: Please Say We Would Rather Fulton County Invest \$2M In Libraries, Roads, ETC....**

**If an elevated water storage tank must be built, let us make it look nice.**

**Examples Landmark Water Storage Tanks:**

- Water Tower of Indiana-American Water Company has been a fixture on the Gary Skyline since the birth of the city. The 150 ft. tall concrete structure, built in 1910, encloses an elevated 290,000-gallon capacity.
- Appleton water tower United Kingdom
- Mount Washington's Tower
- 24535 Sitkovska Water Tower Prague
- Hanko Water Tower Finland
- Volunteer Park Water Tower 2 Seattle, WA
- Chapel Bridge and Water Tower
- Switzerland Vlissingen - Water Tower Antwerp, Belgium
- Old Chicago Water Tower - Kessell, Germany
- Mannheim-Water tower, Germany
- Columbus, Texas
- Queensland Australia
- Nassau, Bahamas
- Helsinki Water Tower Moscow, Russia
- Invercargill, New Zealand
- Murtoa Water Tower, Australia

**Buildings Erected Around Tank**

- The *House in the Clouds* in **Thorpeness** was built to resemble a house in order to disguise the eyesore, whilst the lower floors were used for accommodation.
- Water Tower - **Gödöllő, Hungary**
- The Victorian water tower on **Shooters Hill, London.**

**Is this Our Community Vision?**

**Or Is this: Not Exactly Horse Country, but....**

*Maps and Photo Illustrations*

**City Clerk Jeanette Marchiafava** called the next agenda item.

Power Point Presentation  
Presented by Robyn MacDonald

**Mayor & Council Work Session-February 11, 2008**  
**(1) Public Hearing & Notice Requirements**

### **Article 28.3 – Public Hearing & Notice Requirements**

- Any change to the Zoning Maps (Rezoning/Use Permits) or Text of the Zoning Ordinance requires:
- Council shall hold a public hearing following the public hearing by the Planning Commission where a recommendation was made on the petition.
- Notice to the Planning Commission and City Council hearings shall be given simultaneously at least 15 days but no more than 45 days prior to the date of City Council Meeting.
- Published in a newspaper of general circulation.
- Shall contain: Time, place, and purpose of the hearing, location of property, and the present and proposed zoning classifications and/or requested use permit.
- Re-notification is not required when a petition is deferred by the Council.

### **Sign Posting for Public Hearings**

- Applicant or agent posts a sign as issued by the CD department in a conspicuous location on each public street frontage not later than 8:30 a.m on the 20th day prior to the Planning Commission Meeting.
- Shall contain: Time, place, and purpose of the hearing, and the present and proposed zoning classifications and/or requested use permit.
- If not posted on the 20th day prior to the PC meeting, the first hearing date will be administratively removed from the agenda.
- When deferred by the Planning Commission or Council, the applicant is required to post an updated sign with new hearing dates prior to the next scheduled date.
- When less than 20 days deferral by the City Council, posting an updated sign is not required.

### **Mailed Notices of Public Hearings**

- Shall give notice by regular mail to all property owners within 300 feet of the boundaries of the subject property. (Staff Policy – at least 50 owners notified for each petition)
- Shall contain: Time, place, and purpose of the hearing, location of property, and the present and proposed zoning classifications and/or requested use permit.
- Owners who appear on the tax records of Fulton County.
- Notices shall be mailed a minimum of 15 days prior to the hearing date.
- Re-notification by mail is not required when a petition is deferred by the Council.

### **Community Zoning Information/Design Review Board Meetings**

- These meetings are not “Public Hearings” and therefore not included in all the required notices.
- The CZIM date is on the posted sign.
- The Design Review Board and CZIM are posted on the Web Site’s calendar and under the Planning and Zoning Schedules.
- Agendas posted on the door of the Chamber a minimum of 24 hours prior to the meetings.
- Staff asks that the applicant send out their public participation letter prior to the CZIM so that they can inform the adjacent property owners of the meeting as well as additional meetings.

Presented by Robyn MacDonald:

### **(2) Public Participation Plan & Report**

#### **Article 28.4.7 of the Zoning Ordinance**

#### **Goals:**

1. Ensure that applicants pursue early and effective public participation with their petitions.
2. Ensure that citizens have an adequate opportunity to learn about petitions that may affect them.
3. Ensure ongoing communication between applicants, adjoining property owners, environmentally stressed communities, community associations & other organizations, elected officials and City Staff.
4. Target area for public participation should be determined by the applicant and the planner at the time of the pre-application review meeting.

### **Public Participation Plan & Report**

#### **Article 28.4.7 of the Zoning Ordinance**

▪ **Requirements of Applicant**

1. Submit a Public Participation Plan for meeting with interested citizens to advise of pending rezoning/use permit to allow the citizens to discuss concerns and provide input.
2. To inform the public, solicit input and provide a summary of these activities in the form of written report (Public Participation Report)
3. Public Participation reports are required to be submitted no less than 7 business days before the City Council Mtg.
4. If the report is not submitted as required, the City Council may defer an application.

**Public Participation Plan Requirements**

**Public Participation Plan Minimum Standards to Identify the following:**

1. All property owners within a ¼ mile of the site
2. Area homeowners' associations
3. Environmentally stressed communities
4. Political Jurisdictions and any other public agencies which maybe affected by an application as determined by the applicant and current planner at the time of pre-application review.

**Public Participation Plan Requirements**

- Explanation of how interested parties will be informed of rezoning/use permit applications.
- Methods for providing opportunities for discussion with interested parties before public hearings are held.
- Applicants are required to schedule at least 1 meeting at a convenient location and time and notify all interested parties.
- Applicant's schedule for completion of the Public Participation Plan.

**Public Participation Report**

- Every Rezoning and Use Permit applicant is required to submit a report
- No later than 7 business days before the Mayor & City Council Meeting
- Will be provided to the Mayor & City Council

**Minimum Standards for Public Participation Report**

1. Provide a list of all parties that were contacted, the methods of notification that were used, and copies of all letters.
2. Provide dates and locations of all community and/or other meetings. (Attach meeting notices, letters, etc.)
3. Provide the number of people who participated in meetings held to discuss application. (attach sign in sheets)
4. A summary of concerns & issues expressed by parties.
5. A summary of the applicant's response to concerns.

**City Clerk Jeanette Marchiafava** called the next agenda item.

**Discussion on Crabapple Moratorium**

George Ragsdale read the following letter:

January 31, 2008

To: Mayor and Council

From: The Planning Commission

Re: Crabapple Development Moratorium

After a careful and thorough review, the Planning Commission respectfully recommends a 6 month development moratorium at the Crabapple Crossroads. During the 1/29/08 Planning Commission Briefing Meeting, Commissioner George Ragsdale introduced the moratorium for consideration and discussion. The Planning Commission reviewed the issues and drew the conclusion that the City of Milton is best served by halting applications for development to allow time for the Comprehensive Plan to take its course and for Crabapple to be included in the review and stages planned for greater Milton. By doing so, Milton and Crabapple will be a blended plan that by the combined process will produce a plan that can be considered and balanced as a whole rather than two disjointed projects.

CPAC has also recommended that Crabapple be included in the overall Comprehensive Plan. In order to optimize the process under the guidance of John Ford, Milton needs to take a step back from the pressures Crabapple is facing for development. The Planning commission agrees and supports an inclusive process that we feel will produce a better end result for the City.

We also believe that without taking this action, Milton exposes itself to litigation based on land/development decisions previously made that have allowed development beyond current standards. Milton should not continue to accept and process applications until the Comprehensive Plan can be completed. Upon completion of the process a more meaningful and valuable result can be delivered for Crabapple.

During the 1/29 Planning Commission public meeting, the Planning Commission voted 7-0 in support of a 6 month moratorium.

We respectfully request the Mayor and City Council to support this action and take immediate action.

Respectfully,

Paul Moore  
Chairman, Milton Planning Commission

**City Clerk Jeanette Marchiava** called the next agenda item.

### **Transportation Town Hall Meeting and Survey Results- February 11, 2008**

Power Point Presentation

Presented by Dan Drake:

- Held November 29, 2007
- 40 Residents and 20 Staff in Attendance
- Received 110 Surveys from meeting and Web survey
- 5 Transportation Stations
  - Maintenance
  - Public Safety
  - Bike-Ped
  - Traffic Calming
  - Intersections

### **Maintenance and Public Safety Stations (1-2)**

#### **Maintenance**

1. Good gravel road maintenance
2. Good job of Grass cutting of Right of Way
3. Provide Bike-able shoulders on Roads

#### **Public Safety**

1. Need speed studies and enforcement
2. SR 140 at Providence and Hwy 372 at Providence very dangerous
3. Questions about equipment and methods used by Police officers

### **Bike-Ped and Traffic Calming Stations (3-4)**

#### **Bike - Ped**

1. Keep bikers safe on roadways and maintain safety on Milton Trail
2. Keep pedestrians safe at intersections
3. Missing sections of sidewalk

#### **Traffic Calming**

1. Speeding is a problem
2. Cut-through traffic is a problem in neighborhoods and there is traffic from other counties
3. Take all traffic calming and put it into intersections

### **Transportation Intersection Station (5)**

1. Top 2 Intersection Improvements
  - Arnold Mill at New Providence
  - Birmingham Hwy at Providence
2. Crabapple Intersection
  - Community concern
3. Lower Priority Intersection Projects
  - Freemanville at Providence
  - Providence at Bethany

### **Transportation Survey**

- Paper surveys were available to fill out at Nov 29 Meeting
  - Received 23 paper surveys
- Online surveys were available on the City of Milton Website
  - 11/29/07 to 12/19/07
  - Received 87 online surveys
- Results

### **Resident Priorities (1 highest, 8 lowest)**

1. Transportation
2. Planning and Zoning
3. Police and Fire
4. Parks and Recreation
5. Schools
6. Stormwater, Floodplain, and Streams
7. Economic Development
8. Libraries

### **Transportation Priorities (1 highest, 7 lowest)**

1. Intersections
2. Traffic Calming
3. Road Maintenance
4. Bike and Ped issues
5. Speeding/Enforcement
6. Widening state routes
7. Gravel road maintenance

### **Intersection Improvement Priorities (1 highest, 5 lowest)**

1. Birmingham Hwy SR 372 at New Providence
2. Mayfield Rd at Mid Broadwell Rd
3. Arnold Mill SR 140 at New Providence
4. Providence at Freemanville
5. Bethany at Providence

#### **Highest Transportation Priorities/Projects**

1. Birmingham Hwy 372 at Providence
2. Crabapple Crossroads (multiple intersections)
3. Bike and Pedestrian Issues

#### **Do you support keeping gravel roads as opposed to paving them? Why or Why not?**

- Yes – 76%
- No – 24%

#### **MARTA and Alternate forms of Transportation**

Do you support MARTA in your community?

- Yes - 48%
  - No - 52%
2. Would you support a rail extension to Windward?
    - Yes - 61%
    - No - 39%
  3. Would you support additional bus routes in the City?
    - Yes - 45%
    - No - 55%

#### **Do you take an alternate form of transportation to work at least once a week?**

Yes - 17% No - 83%

#### **What would it take to change your mind?**

- Better Availability Service 41%
- Nothing 40%
- Change in Employer Policies 6%
- Safety 4%
- Environment 2%
- Complete Milton Trail 1%

#### **Staff Recommended Next Actions**

1. Reprioritize intersection improvement projects
2. Move forward with design of 2 intersections
3. Wait for Crabapple recommendations from CLUP and CTP for Mayfield and Mid-Broadwell
4. Put other transportation projects on hold and focus dollars and staff time to 2 projects
5. Request a Capital FY08 Budget change to reflect #1- #3

**City Clerk Jeanette Marchiafava** called the next agenda item.

Presented by Dan Drake:

**Stormwater Management**

**Program Update-February 11, 2008**

## **Agenda**

- Metropolitan North Georgia Water Planning District (MNGWPD)
- National Pollution Discharge Elimination System (NPDES)
- NPDES Status/Schedule
- Conservation Subdivision Ordinance

## **MNGWPD Requirements**

- Meeting the recommended MNGWPD requirements is required in order to receive an NPDES permit for operating an Municipal Separate Storm Sewer System (MS4)
- Audited for compliance by EPD
- MS4 Inventory
- Inspections Program
- Flood Plain Mapping
- Water Quality Monitoring

## **National Pollution Discharge Elimination System (NPDES) Permit Compliance**

- Required by Federal Law “Clean Water Act”
- Milton was issued a permit for the period 2008-2012 on January 14, 2008
- DNR monitors compliance with NPDES and MNGWPD requirements

## **NPDES Permit Objective**

- Improve water quality from “non-point” sources of pollution
- Transition from “reactive approach” to “proactive approach” to managing the stormwater management infrastructure
- Result in improved programming of system capital improvements

## **Key Program Elements**

- Adoption of model ordinances including “Conservation Subdivision Ordinance”, “Litter Control Ordinance”
- Educate and Involve the public
- Improve Community Development Standards
- Monitor water quality
- Develop a program to maintain system functionality

## **NPDES Permit Status**

- Successfully completed EPD audit – October 31, 2007
- The NPDES Permit was approved with the acceptance our “Notice of Intent” (NOI) to operate our MS4 as a Phase II Community - January 14, 2008

## **NPDES Permit Schedule**

- NOI Procedures - March 2008
- Public Education/Outreach – Initiated/Ongoing
- System Inventory – Initiated (IMS), Completed by 2010
- Outfall Screening (Water Quality) – Begin 2008/Ongoing
- Coordination with Community Development – Ongoing
- BMP (Pond Inspections) – Begin 2008/Ongoing
- System Inspections – Begin 2008/Ongoing
- Flood Plain Mapping – 10%+ per year starting 2008

## **Adoption of Ordinances**

- The City must transmit the adopted Model Ordinance (or equivalent), including litter control and conservation subdivisions ordinances by June 13, 2008.

- March-April 2008: Draft model ordinance, including conservation subdivision and litter control
- May 2008: First reading, second reading, approval
- June 2008: First meeting for approval, if needed
- June 13, 2008: Transmit adopted ordinances to the state.

**Dan Drake** stated he had two documents that Council should have. One is the Fulton County Conservation Subdivision which only applies to South Fulton and the model Conservation Ordinance from the Regional Metropolitan North Georgia Water Plan District. He said that Fulton's is more heavily modeled after us. He stated that over the next couple of months he would like to come back to Council with discussions on the three ordinances to get a first reading and a second reading in May and hopefully get approval on the second reading so it can be transmitted to the state by June 13th.

**Councilmember Tart** stated he was a little concerned because it sounds like it has to be adopted and yet conservation subdivisions could go against Milton's rural equestrian character and preserving it. Would like to see more information regarding whether we have to adopt this.

**Transportation Engineer Jim Seeba** stated that currently we do have to pass a model ordinance for conservation subdivision, but there has been some discussion recently for the coming permit period for 2008-2012 that this may be relaxed to being an option that we introduce, but currently we have to adopt essentially the model ordinance that A.R.C. provides.

**Councilmember Zahner Bailey** asked what the distinction was about when it goes from the supposed mandate to a potential optional.

**Transportation Engineer Jim Seeba** stated it was being reviewed right now. The consultant for A.R.C. in North Georgia recommended that it be changed to be an option.

**Councilmember Thurman** asked who had the authority to make it an option.

**Transportation Engineer Jim Seeba** stated it was the ARC.

**Councilmember Zahner Bailey** asked when the results of that decision could be expected.

**Transportation Engineer Jim Seeba** stated around the time the city submits their adoption ordinance and probably around 5-6 months.

**Councilmember Zahner Bailey** stated this was a controversial topic for years. She also stated with the comprehensive land use plan being developed, she could not at this time support a conservation subdivision in 60 days that we are just hearing about now and our community does not have a clue and we think might be a mandate. She stated she would like to know what the city's legal options are with regard to this process and whether we could petition the A.R.C.

**Transportation Engineer Jim Seeba** stated that if we have a timeline as to how we are going to approach this issue and if we have land planning to do and a comprehensive plan to complete before we can make these decisions, then this will suffice. They are looking for submittal by the middle of June, 2008, so there is some time.

**Councilmember Zahner Bailey** reiterated that this is a huge issue and needs to be central to the city's comprehensive land use process and needs to engage extensive public participation.

**Public Works Director Dan Drake** stated the reason this is being brought before Council is, it is part of a letter we received on the 14th that stated the city must complete adoption of litter control and a conservation subdivision ordinance.

**Councilmember Zahner Bailey** stated that we have had discussion about a possible moratorium as it relates to Crabapple and conservation subdivision ordinance has much more far-reaching impact on our land planning than a two month period would allow for based on the history of this area and the public participation she has personally been involved in. She said she would like our city attorney to take a look at that and advise us on our options before we consider doing anything.

**Transportation Engineer Jim Seeba** stated that we do in the meantime need to provide them a schedule of how we plan to approach this issue.

**Councilmember Zahner Bailey** requested that we have a discussion with our Comprehensive Land Use Planning Committee and staff. She said she believes this would be essential.

**Public Works Director Dan Drake** stated this was just being brought to council's attention to let them know we received this letter.

**Additional discussion with Council with Dan Drake and Jim Seeba about timeframe and timeline for the conservation subdivision matter.**

**Councilmember Thurman** advised that there were 4 or 5 Bills before the State Legislature concerning water, septic and sewer. She asked if they were following these bills. She said she wants to make sure that the city is up on these especially as they pertain to sewer issues.

**Public Works Director Dan Drake** stated he was not sure if we were following the Bills, but were following the recently adopted state water plan.

**Councilmember Tart** agreed with Councilmember Thurman and stated that the Bills needed to be kept up with so if these Bills are considered by the House and Senate, we may need to send letters to our Representatives to fight them if need be.

**Council discussion about the need for the City to make sure someone is keeping up with following what Bills are before the State Legislature and the importance of doing so on a regular basis and they want to know who at the City is responsible for this matter.**

**Councilmember Lusk** asked about the status of inspection of the dams.

**Transportation Engineer Jim Seeba** stated the National Resource Conservation Service is responsible for the ownership and maintenance of the dams in the City of Milton. He stated he believed there are 8 of them and the State is putting pressure on us to update the dams. He stated he believed there was a recent inspection.

**Councilmember Zahner Bailey** asked about the inventory of the review of the dam inspections and how many are rated as higher risks.

**Dan Drake** stated that they are working on an inventory of the stormwater system that is within our right-of-way and dams and bridges have not begun yet, but they are projected for this year, but we are making progress.

**City Clerk Jeanette Marchiafava** called the next agenda item.

**Discussion on City Hall Renovations.**

**Interim City Manager Lagerbloom** made his presentation and told Council they could walk around City Hall with him and he could show them what was being proposed to make City Hall safer and to serve the citizens better.

- Too many doors at City Hall
- Get doors down to 2 or 3 instead of 5 and make others, staff only doors

- Signs are not adequate to read from road so is confusing to citizens
- Secure City Hall better if possible
- Possible glassing in windows in certain areas
- Court day prisoner secured access area
- Take what today is Community Development and Public Safety area and switch their work spaces.
- Allows for all citizens to be served from one lobby as opposed to several on both sides of the building
- Public Safety personnel sharing two cubes currently
- Law enforcement sensitive information sitting on those desks and not secure
- Mark Stevens is here to explain what the construction capabilities are
- Have not settled on a cost estimate as of this time for this proposed project.
- Have engaged the company that built City Hall for Milton to look at project and get us a ballpark estimate for installing windows, the doors issue, etc.
- They know everything about the build-out of our City Hall building.

**Mr. Lagerbloom took Council around the building to look at areas for possible renovations.**

- Going to look at cost of possibly having one police officer attend the council meetings.
- Can get back with Council on cost estimates.
- Off-duty officer rate would be around \$30.00/hr.
- Discussion about location of metal detector in court area and not wanting to move it from where it is located.
- Need to determine whether police officer should monitor the metal detector or the room.

**Mayor Lockwood** asked Council how they felt about adding a police officer at their next meeting at the approximate cost of \$100 to \$200 dollars. We can do this short term or long term and see how it goes.

**Discussion with Interim City Manager, Mayor and Council about need for police during Council meetings.**

**Councilmember Tart** stated for the sake of the public and citizens in attendance there should be some sort of measured response regarding a police officer, another metal detector, or secured door. He said something needs to be done.

**Mayor Lockwood** stated it appeared Council was mixed regarding this issue and perhaps it should be left up to Staff for recommendations.

**Interim City Manager Lagerbloom** stated he needed to have Council's perception on what they are willing to deal with.

**Discussion ensued between the City Manager, Mayor and Council about the need for additional security during Council meetings.**

**Interim City Manager Lagerbloom** stated he would like to get some estimates and a more accurate plan to present at the March work session. He said he could bring something back showing the real cost for the windows, security, and other renovations.

**Mayor Lockwood** stated he would like to move forward with this and stated they do not have to make the decision, but would like to firm it up to review this again.

**Discussion on Resolution No. 07-03-27, A Resolution to Govern the Conduct of City Council members as they relate to Boards, Commissions and Authorities.**

**Interim City Manager Lagerbloom** asked Mayor and Council if this was something they want on the Council agenda. City Attorney can answer questions for you. Also stated the Ethics Board had some questions regarding its constitutionality.

**City Attorney Angie Davis** stated she would tend to agree with the Ethics Board. One, there is already a provision in the city's ethics ordinance that is being debated right now in terms of using your official capacity to influence elections or impose other actions. This proposed resolution omits that language. She stated it does say that an elected official shall do those things, but does not distinguish between an elected capacity and official capacity versus personal capacity, and believes it is overbroad and could have some first amendment implications. It says *you cannot participate or comment on* which is extremely broad. She stated her advice on this matter would be to deal with it with the ethics ordinance and have a comprehensive set of requirements as opposed to piecemeal resolutions that conflict and in this case could be interpreted as unconstitutional. She stated that she was planning to meet with the Ethics Board members to discuss doing a complete overhaul of the ethics ordinance and this may be a good time to hear what you may want to accomplish by a provision like this and do this in a different place. She stated it is better to have the rules in one place as opposed to have the ordinance, piecemeal resolutions and going through minutes to find things.

**Councilmember Tart** discussed with the City Attorney all the inconsistencies he found in the Ethics Ordinance and stated that was troubling to Council.

**City Attorney Davis** stated the Ethics Board wants something as close to the State Ethics Board as possible for a starting point and that this will be on their agenda to discuss for changes to the city's Ethics Ordinance. She asked Council if they wanted it to start from the Ethics Board up to them or would they prefer an overhaul of the ordinance to start at this level. She said they could go either way. The Ethics Board could put together something and do the work and then present it to Council.

**Councilmember D'Aversa** stated the city adopted the ordinance from Sandy Springs and then Mr. Jim Langlais was to review it as the expert and bring it forward to us in a work session before it was adopted. We then went to the ethics board and asked them to review it and come forward with suggestions and changes. We then had other issues come up which drove further changes and it uncovered further conflicts so we had many challenges with the Ethics Ordinance.

**City Attorney Davis** stated that from the comments she has heard from members of the Ethics Board they feel they are set up to fail because there is a political aura about this and they do not want this to be political nor should an ethics board be political. They should be a neutral, nonbiased body. She said that because each councilmember has appointed someone, that makes it more difficult. She said the bottom line was that the ethics ordinance is mainly meant to police the council. Nobody can escape the political nature of it.

**Councilmember Lusk** asked the city attorney if she knew that a lot of municipalities do not have boards and use the state board for all of their cases.

**City Attorney Davis** stated she did but did not know GMA's (Georgia Municipal Association) position on it, but she thought mandating it is a good idea. The States Ethics Code is very general and basic. They are more set up to deal with election and campaign concerns. She said if you really want a meaningful ethics board for treatment of ethical issues, it is not good to say you will do nothing and see if the state will catch it. That is not a good plan. We can talk about this and look at different things. She continued to state that the ordinance provides that a member of the ethics board can actually bring a complaint. The Ethics Board should really act as the judge and be neutral and unbiased. If the judge also gets to be the complainant, how is that unbiased and neutral? It is an odd thing to happen that a colleague on your board brought a complaint. This type of thing makes it difficult to make things run smoothly and be meaningful. She stated that these are two global issues that needs to be addressed.

**Councilmember Thurman** stated she knew there were problems with the ethics ordinance, for example where it says if you are aware of a violation and do not report it and that includes staff, they would be in violation of the

ethics ordinance. That puts staff in a very uncomfortable position if they have to report a violation that they know may have occurred against an elected official. She said that is not fair to them that they have to report a violation against somebody they were hired to support and have to worry about job security.

**Councilmember Lusk** asked what the general practice is.

**City Attorney Davis** told Mayor and Council she believed the city's ordinance was a little extreme. There are some basic right and wrong perimeters. The State's ethics requirements give a good basis to start from.

**Councilmember Tart** stated he felt he had to check the ordinance for everything he planned to do to make sure it was not a violation and it should not be that way.

**Councilmember Thurman** stated that this was enacted because of the problems and we had volunteers complaining about the fact that councilmembers were taking over meetings and they were not being effective. When a councilmember takes over a meeting and starts talking, the volunteers do not feel that can do what they need to do.

**Councilmember Tart** said you are talking about the resolution versus the ethics ordinance. This resolution is in strict contradiction to statements made in the ethics ordinance, so that needs to be pointed out as well.

**City Attorney Davis** stated that balance is what is needed. Everyone has a job to do and these members are appointed to do that. Their work will come back to you to make decisions. We hope there can be a balance and that the changes will not be unconstitutional. Everything will need to be consistent. She said if Council could get their suggestions and comments to her then she could take them to the ethics board before their next meeting on February 25th in a rough draft format along with looking at the State Ethics Code. She stated she believed this would be fine for them to start the process and Council already has too much on their plates right now.

**Councilmember D'Aversa** said she would like to have several reviews of the ordinance before they adopt another one. She said she felt they have been completely misled. We have had our city attorney and an additional attorney that was supposed to be an expert review it and we spent a lot of time regarding the ordinance and now we are hearing that it is an atrocity.

**Councilmember Thurman** stated that the Sandy Springs attorney looked at it and the chairman of the Sandy Springs Ethics Committee who was also an attorney and two attorneys on our own ethics board.

**Councilmember Zahner Bailey** stated she knew Joe Whitley on the ethics board had the utmost knowledge, experience and integrity serving on that board. She stated she thought he had some issues with the document.

**City Attorney Davis** stated that the city's Ethics Board has really become a real political vessel, which is exactly what it is not supposed to be.

**Mayor Lockwood** said even our city attorney who looked at it and went to Sandy Springs and talked to them and they stated the reason they had not found any glitch with it was because they had not had to use the ordinance like Milton. The Mayor stated he would also like to commend his appointment to the ethics committee too.

**City Attorney Davis** reiterated the next Ethics Board meeting would be on February 25th and there will be a complete agenda.

**Mayor Lockwood** asked if there was a consensus to remove the resolution and rescind it and move forward with the ordinance.

**Councilmember Lusk** said whenever possible he thought they should consolidate issues into one document if possible. He stated he would want to address the points that are put forth in the ordinance.

**City Attorney Davis** stated an appropriate thing to do with the will of Council would be to put this on the agenda listed as rescission of Resolution No. 07-03-27 and take care of that by vote at the next meeting, and she would immediately be getting together some drafts for the ethics ordinance and will copy all of you regarding that process.

**Councilmember Tart** stated that in going forward the current Ethics Ordinance states that they cannot use their official capacity to influence a board.

**Interim City Manager Lagerbloom** stated there was one more item before they adjourned and handed out the annual report and said Lisa Maggart wanted them to have a copy before anyone else in Milton had one. He said they were put together by hand for Council. These copies are not the final formatted ones, but Lisa wanted council to have them to review.

**Councilmember Tart** asked about the city's mission statement on the website.

**Interim City Manager Lagerbloom** stated it was the same one he handed to Councilmember D'Aversa tonight.

**Councilmember D'Aversa** stated she never confirmed a mission statement that had constituents in it. She said that was not the mission statement in the April 2007 presentation that Aaron provided to her. She said she would rather have the one she forwarded to the City Manager tonight in her outlook presentation as the city's mission statement and vision. The two says similar things.

**Interim City Manager Lagerbloom** stated he would bring that to Lisa's attention.

**Mayor Lockwood** asked Council to review the agenda that Tami Hanlin will be forwarding to them for their meeting with CH2M Hill and think about any items or issues they may want to address. The meeting is to be held February 13, Wednesday afternoon at 3:00 p.m. in Sandy Springs.

After no further business, the Work Session adjourned.

**Date Approved:** March 3, 2008

  
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Jeanette R. Marchiafava, City Clerk

  
\_\_\_\_\_  
Joe Lockwood, Mayor

