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The Regular Council Meeting of the Mayor and Council of the City of Milton was held on March 3, 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.

City Clerk Marchiafava read the following statement from Councilmember Karen Thurman:

I apologize for not being in attendance at the start of tonight's meeting. Prior to the vote to change the meeting date from Thursday to Monday, I notified the Mayor and City Council that I have a work related conflict that would prevent me from timely attending many of the meetings if moved from Mondays at six o'clock. My schedule could be rearranged to be available any day of the week except for Monday. I am honored to serve the citizens of Milton and will continue to work hard to ensure that our dreams for the city are fulfilled.

Council Members Present: Councilmember Julie Zahner Bailey, Councilmember Burt Hewitt, Councilmember Tina D'Aversa, Councilmember Alan Tart

Councilmember Karen Thurman arrived at 7:10 p.m.

PLEDGE OF ALLEGIANCE

Mayor Lockwood led the Pledge of Allegiance

Mayor Lockwood made a comment for the record in reference to Councilmember Thurman's statement read by City Clerk Marchiafava. He said that he did send out an e-mail asking the Council about their choice on meeting nights and the only thing that he received from Councilmember Thurman was that Monday was just not a good day for her and that would not be her pick. Also in conversation, that is all he heard. He never heard anything about a work related conflict. He is not sure if any of the other Councilmembers heard anything like that or not.

APPROVAL OF MEETING AGENDA

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

Staff requested the following changes to the Meeting Agenda

1. Add Executive Session to discuss pending litigation.

Councilmember Lusk requested the following change and stated that he was not in attendance at that time and would like more time to review the item.

2. Remove item 08-519 from the Consent Agenda, Approval of the February 4, 2008 Regular Meeting Minutes from the Consent Agenda and defer to March 17, 2008.

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 6-0-1. (Councilmember Thurman was absent during the vote.)

PUBLIC COMMENT

Mayor Lockwood read the rules for Public Comment

Carlee Bentley, 2500 Bethany Church Road, Milton Georgia

- Here to thank Mayor Lockwood and the City Council, Charles Millican and the firefighters and all of City staff.
- Last month, the firefighters learned how to halter and lead some important four legged residents of Milton.
- They learned quickly.
- Some of them are even pros now.
- Want to supply all of the fire trucks with halters and tranquilizers, (referred to as peppermints) so they can more easily catch the horses.
- Thanks go to Hamp Phillips and Leslie Weber for donating the halters.
- The horse community is eager to work with the Council to make our unique city the best ever.

CONSENT AGENDA

(Agenda Item No. 08-505)

1. Approval of the December 10, 2007 Work Session Meeting Minutes.

(Agenda Item No. 08-506)

2. Approval of the December 13, 2007 Regular Meeting Minutes.

(Agenda Item No. 08-507)

3. Approval of the January 8, 2008 Special Called Meeting Minutes.

(Agenda Item No. 08-508)

4. Approval of the January 10, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-509)

5. Approval of the January 17, 2008 Special Called Meeting Minutes.

(Agenda Item No. 08-510)

6. Approval of the January 17, 2008 Special Called Work Session Minutes.

(Agenda Item No. 08-517)

7. Approval of the January 24, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-518)

8. Approval of the January 30, 2008 Special Called Meeting Minutes.

(Agenda Item No. 08-519)

9. Approval of the February 4, 2008 Regular Meeting Minutes. *Removed and Deferred by Motion and Vote*

(Agenda Item No. 08-520)

10. Approval of the February 11, 2008 Work Session Minutes.

Motion and Vote: Councilmember Tart moved to separate items 1, 2, and 3 from the Consent Agenda and vote on them separately. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

Motion and Vote: Councilmember Zahner Bailey moved to approve items 1, 2, and 3 under the Consent Agenda. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed 4-0-3. Councilmember Tart and Councilmember Hewitt requested recusal due to not being members of the Council in December 2007. (Councilmember Thurman was absent during the vote.)

Motion and Vote: Councilmember D'Aversa moved to approve items 4, 5, 6, 7, 8 and 10 under the Consent Agenda. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

REPORTS AND PRESENTATIONS

PUBLIC HEARING

ALCOHOL BEVERAGE LICENSE APPLICATION

(Agenda Item No. 08-459)

1. Approval of Alcoholic Beverage License Application for Tribla, Inc. d/b/a I Love New York Pizza at 980 Birmingham Road, Suite 200, Milton, GA 30004. Applicant is Nereyda Blandon for Consumption on the Premises – Wine and Malt Beverage.

Interim City Manager Chris Lagerbloom

- The applicant is in compliance at this point.
- Staff recommends approval for this item.

Councilmember Tart

- Do we have a ruling on the issue of the citation given to the applicant?

Interim City Manager Chris Lagerbloom

- We do.
- Court Clerk submitted the e-mail that shows the owner of this business was put on a hold and clear, pre-trial diversion status.
- She has ninety days to complete the TIPS Alcohol program with a dismissal fee.
- At that point her case will be dismissed.
- What that means is the court has taken action to confirm continued compliance with our Alcohol Ordinance.
- Do not see a reason not to approve the application.
- We will watch as it progresses through the court system.
- If there is a problem in ninety days when it goes back to court for evaluation, then it would be the City Manager's job to bring it back in front of Council for review.

Councilmember Zahner Bailey

- Asked Interim City Manager Lagerbloom if he could confirm that this approval in no way would mean that Council is replacing the ninety day process that is before the court.

Interim City Manager Chris Lagerbloom

- The court is a separate and unique body.
- It operates parallel to what we are doing with this.
- If Council approves tonight and there is another problem in the future, it could be brought before the court again, and with the second violation we would ask the court not to dismiss.
- It would also come before Council again for review.

Motion and Vote: Councilmember Hewitt moved to approve Alcoholic Beverage License Application for Tribla, Inc. d/b/a I Love New York Pizza at 980 Birmingham Road, Suite 200, Milton, GA 30004. Applicant is Nereyda Blandon for Consumption on the Premises – Wine and Malt Beverage. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

FIRST PRESENTATION

(Agenda Item No. 08-521)

1. Approval of Ordinance Adopting Chapter 17, Public Works, and providing for inclusion and identification in the Code of Ordinances for the City of Milton, Georgia to be referenced in the future as Chapter 17 (Public Works).

(Agenda Item No. 08-522)

2. Approval of an Ordinance Amending Chapter 15, Health and Public Safety, of the Code of Ordinances for the City of Milton, Georgia.

3. (Agenda Item No. 08-523)

U07-011/VC07-017

13620 Hopewell Road, Monticello Real Estate Invest, LLC, JT Adams – Use Permit for a Private School to be developed with 5 buildings for a total of 63,400 square feet with a maximum of 325 students for Kindergarten – 8th graders. The applicant is also requesting the following 5-part concurrent variance:

- 1) To reduce the building setback along the north property line from 100 feet to 85 feet (19.4.40.B.3)
- 2) To reduce the 75-foot buffer and 10-foot improvement setback to the extent necessary to all the septic field to encroach. (Article 12H.3.1C.2.)
- 3) To increase the 20 foot setback from the landscape strip to 500 feet. (12H.3.5.C.1)
- 4) To allow parking between the right of way and the building. (Article 12H.3.5.F.3)
- 5) To reduce parking from 171 spaces to 70 spaces (Article 18.2.1)

4. (Agenda Item No. 08-524)

U08-001/VC08-001

Land Road (No Address), Celestino Martinez - To obtain a use permit to develop a landscape business. The applicant is also requesting to following concurrent variance;

To allow access from a local road (Article 19.4.27 Section B.1)

Motion and Vote: Councilmember Hewitt moved to approve the First Presentation agenda items. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

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).

Community Development Director Tom Wilson

- The Construction Board of Adjustment and Appeals is a board that would consider variances, building codes, construction techniques and building products.
- We do have a quorum on the board.
- The board rarely meets.
- The fact that we do not have a nominee at this time is of no real problem.
- Suggest we defer this item indefinitely until a nomination surfaces.

Motion and Vote: Councilmember Lusk moved the defer indefinitely the 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). Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

City Marchiafava read Agenda Item No. 08-525.

Approval of a Resolution Amending Resolution No. 08-02-19, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee (Districts 2 and 4).

Resolution No. 08-03-25

Community Development Director Wilson

- Douglas Kolesar has been nominated for the Bike & Pedestrian Path Committee for District 4.

Councilmember Hewitt

- Douglas was not able to come to this meeting.
- He is new to our area and is looking forward to serving for the City.

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution Amending Resolution No. 08-02-19, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee appointing Douglas Kolesar for District 4. Councilmember D'Aversa seconded the motion. There was no Council discussion. There was no Council discussion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

City Marchiafava read Agenda Item No. 08-526.

Approval of a Resolution on Mutual Agreement with Alpharetta regarding city limits boundary. Resolution No. 08-03-24

Community Development Director Wilson

- The map book provided to Council essentially is just cleaning up the boundary and running down property lines.
- Was asked if in changing the boundary, the city assumed any more liability for street.
- We have a net loss of 169 feet of street which we will no longer have to maintain.
- It is mostly a clean up of where property lines did not go down boundary lines.
- In some cases boundary lines went down center lines of streets, which was not a good solution.
- Alpharetta has passed in their City Council this exact same boundary.
- This would be for all intense and purposes in the future our boundary for Alpharetta.

Motion and Vote: Councilmember D'Aversa moved to approve a Resolution on Mutual Agreement with Alpharetta regarding city limits boundary. Councilmember Tart seconded the motion. There was no Council discussion. There was no Council discussion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

City Marchiafava read Agenda Item No. 08-527.

Approval of a Resolution to approve transmittal of Community Assessment portion of Comp Plan to Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA).

Community Development Director Wilson

- Two weeks ago, we gave Council the Community Assessment of Public Participation Plan and the data appendix that went with it for your review prior to sending it to the DCA and the Atlanta Regional Commission.
- Some of Council requested more time to review the documents and possibly some suggestions for improvements.
- Recommend we defer this item until March 17, 2008.

Councilmember Zahner Bailey

- Appreciates the additional time.
- This is one of the most important endeavors that this City has.
- She has reviewed a lot of the documentation, but the long term impact that it will have makes it incumbent on all of us to take it seriously.
- She appreciates the opportunity to provide specific input to that documentation.

Motion and Vote: Councilmember Zahner Bailey moved to defer the approval of a Resolution to approve transmittal of Community Assessment portion of Comp Plan to Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA) until the March 17, 2008 Regular Meeting. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

City Marchiafava read Agenda Item No. 08-528.

Approval of December 2007 Invoice for Legal Fees.

Finance Manager Stacey Inglis

- The invoice total for Legal services for December 2007 is \$11,468.53.

- Our total budget for legal fees is \$180,000.00.
- After payment of this invoice the total payment for legal fees for this fiscal year will be \$31,141.46.
- We are well within our budget.
- With the 33.3 % of the year that has passed, we have spent 16.7%.
- Staff request Council approves payment of this invoice.

Motion and Vote: Councilmember D'Aversa moved to approve the December 2007 Invoice for Legal Fees. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed 4-0-3. Councilmember Tart and Councilmember Hewitt requested recusal due to not being members of the Council in December 2007. (Councilmember Thurman was absent during the vote.)

City Marchiafava read Agenda Item No. 08-529.

Approval of a Resolution to create the Milton Disability Awareness Committee, the Milton Disability Awareness Committee Board, to Provide for the possible Appointment of Certain Committee Members to Enforcement Positions, and for other purposes as designated.

Resolution No. 08-03-23

Councilmember D'Aversa read the Resolution.

WHEREAS, the City of Milton would like to include persons of all abilities in every aspect of community life; and

WHEREAS, the City of Milton would like to promote the inclusion of persons of all ability levels through education, advocacy, and influence on public policy.

WHEREAS, the City of Milton formed a citizens committee in April 2007 for the purpose of recommending the action for the city with regard to persons with disabilities; and

WHEREAS, the City of Milton Disability Awareness citizens committee is hereby named the Milton Disability Awareness Committee (MDAC); and

WHEREAS, MDAC governance shall be provided by a Board comprised of seven members of the community, each having experience and/or expertise with persons with various disabilities.

WHEREAS, the MDAC Board shall elect a chairman and vice-chairman by majority vote;

WHEREAS, the MDAC Board may establish and appoint representatives to as many committees and sub-committees as are determined by the Board to be necessary for the mission of the MDAC to be accomplished;

WHEREAS, in addition, the MDAC Board shall authorize and provide for volunteers to fulfill the functions of the MDAC, with said volunteers being full MDAC members, it being understood that all MDAC members will be volunteers;

WHEREAS, that the City of Milton believes it in the best interest of the public for those qualified MDAC members satisfying the statutory requirements of O.C.G.A. § 40-6-228 to be empowered by the

City of Milton Public Safety Director to enforce the Parking Law for Persons with Disabilities Act, at O.C.G.A. § 40-6-220; and,

WHEREAS, staff of the City of Milton will attend the meetings of the MDAC Board but shall hold no official capacity of the committee; and

WHEREAS, the mission of the MDAC shall be “The mission of the Milton Disabilities Awareness Committee is to promote the inclusion of persons of all abilities in every aspect of community life through education, advocacy, and influence on public policy.” And,

WHEREAS, the logo for the Milton Disability Awareness Committee shall be:



[As approved by majority vote of the committee]

WHEREAS, all members of the MDAC shall reside in the City of Milton and be at least 21 years of age; and

WHEREAS, each person nominated to the MDAC Board shall hold office for a period of two years or until such time as they are no longer able to participate in the committee; and

WHEREAS, each person serving on the MDAC Board may be removed from the committee for cause by a majority vote of the committee; which, for purposes of this Resolution shall mean (1) malfeasance or misfeasance in carrying out official functions, (2) unwillingness to carry out official functions, (3) unreasonable number of absences from meetings and/or official events, and (4) any other act or omission that would lead a reasonable person to conclude the committee member is unfit for continued service on the committee; and

WHEREAS, the MDAC Board shall meet at regular intervals to perform the tasks and duties of recommending actions to the city staff and city council; and,

WHEREAS, each member of the MDAC, including MDAC Board members, shall undertake their respective duties in a volunteer capacity and not be compensated for any time or expenses associated with any assignment or function received by the MDAC Board; and

WHEREAS, should any member of the MDAC Board be unable to fulfill their duties, the Board shall nominate a new member to be confirmed by a majority vote of the Board.

NOW, THEREFORE, BE IT RESOLVED BY THIS COUNCIL OF THE CITY OF MILTON, GEORGIA, AND IT IS RESOLVED BY THE AUTHORITY OF SAID CITY COUNCIL, that:

By passage of this resolution, the City of Milton Mayor and the City Council hereby create the Milton Disability Awareness Committee (“MDAC”), with a Board comprised of seven individuals, to serve as the official citizen’s committee to the City of Milton; and,

BE IT FURTHER RESOLVED that the members of the MDAC Board shall be:

BE IT FURTHER RESOLVED, that qualifications for serving on the MDAC Board, the rules and regulations for Board membership, officers, removal, term limits, disqualification, and volunteer status shall be as set forth in the preamble to this Resolution;

BE IT FURTHER RESOLVED, that the MDAC logo shall be as depicted in the preamble to this Resolution;

BE IT FURTHER RESOLVED that the Milton Public Safety Director shall appoint any member of the Milton Disability Awareness Committee that meets the statutory requirements in O.C.G.A. § 40-6-228, to wit: that the member is a Permanently Disabled Person as defined in O.C.G.A. § 40-6-221(5), to enforce the provisions of the Parking Law for Persons with Disabilities Act at O.C.G.A. § 40-6-220, et. seq., subject to all rights, obligations and limitations set forth within the Act.

Councilmember D’Aversa thanked everyone for indulging her in reading the Resolution.

Motion and Second: Councilmember Zahner Bailey moved to approve a Resolution to create the Milton Disability Awareness Committee, the Milton Disability Awareness Committee Board, to Provide for the possible Appointment of Certain Committee Members to Enforcement Positions, and for other purposes as designated. Councilmember Tart seconded the motion.

Discussion on the Motion:

Councilmember D’Aversa

- The MDAC committee has been working very hard since last April to talk about compliance issues and inclusion issues for persons of all ability levels within The City of Milton.
- Bringing forward proper protocols and expertise from outside the City of Milton to help us to be a city that we can really be proud of.
- If there is one word that describes this committee it is inclusion.
- She is very proud to have been a part of it.
- She introduced members of the committee.
- She started with the Resident Advisor Mr. Mark Johnson. She said he spoke with us last year about inclusion. He is the advocacy Director for the Shepherds Center and he has been very involved with various groups in this area and through out the country. He is award winning when it comes to his knowledge of inclusion of persons with all ability levels. She thanked Mark Johnson for his hard work.
- Ann Coggins is the chairman of the group. Ann lives in District 1 of the City of Milton.
- Laura Basham is the Co Chairman.
- Marcia O’Shaughnessy is in District 3.

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- Olga Espinola could not attend this meeting. She is a new citizen to the City of Milton and she lives in District 5. She brings a unique perspective to our committee because we have not previously had someone who is sight impaired to guide us. We will learn a lot from her as we move forward with the committee.
 - Gary Arnold is with canine assistance.
 - Renee Catanzaro she will say a few words on behalf of the committee.

Renee Catanzaro, 565 Devenshire Farms Way, Milton Georgia

- Thank the Council and Councilmember D'Aversa for sponsoring this Resolution to bring these opportunities to us to move forward together as a committee and formalizing the board with the city.
- Hopefully allowing us to have mutual accountability for the things we desire.
- Look forward to continue working with the city and staff to make Milton not only an accessible community but also a welcome accessible community.
- Through the Resolution you have heard of our mission statement, which is to promote the inclusion of persons with all abilities in every aspect of community life, through education, advocacy and influence of public policy.
- We have also created the logo.
- We wanted to keep ourselves form branding with the city so people in the community could feel comfortable to come to us as we are out in the community to voice their opinions and concerns.
- We were able to work with staff and Council this past year for the Milton city round up.
- We were able to provide input for the disability community to be a part of that.
- We were able to reach out and survey certain members of the community that had disabilities that attended the event to see what we did right or wrong and where we can improve.
- We were happy to be involved with that event.
- We have worked with the city on other physical disability issues, including looking at the parks for grant opportunities.
- We hope to continue to be consulted and hopeful provide advisement on how to structure new parks so we can include everyone.
- We would like to work with the Bike and Pedestrian Committee and we hope to have opportunity so we can have connectivity in our community so there is accessibility for everyone.
- We have worked on Pedestrian Cross Walk issues whether it is making sure there are curb cuts as well as timing issues for traffic intersections.
- We have divided into work groups.
- We have communication and web sites with a feature for the vision impaired.
- Incorporating future surveys that the cities would typically mail, we would have the software that would allow them to participate in such a survey.
- We have done some work on merchant education.
- It is a multi part program we hope to launch that will enable business owners as they come in for their new license or renewal be provided with material which educates them on accessibility needs within their stores.
- We would like to provide further opportunities for education and give a certification of completion where they would be noted as someone that had gone through the training and could be on our web site which would have links to other appropriate vendors and informational support. This would show who is an accessible merchant inside the City of Milton.
- We are working with Public Safety and the City Attorney on deputizing.

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- We would want to be involved with city staff and the Fire Marshal to create a Milton accessibility standard for all new residential and commercial developments.
 - It would be nice for us to be involved in the onset rather than coming back in at the end and trying to create.
 - We would like to make this a better place for all citizens of Milton.

Councilmember D'Aversa

- Renee did not mention that she was instrumental in meeting with the Hopewell Youth Association Board and guiding them in the areas that are not accessible in the park.
- She is very proud of the people on the committee and she is humbled by all that they have done.
- She also thanked Linda Blow, who is a member of staff and heads up the Milton Pacers which is our volunteer program. She has been instrumental in bringing this group together.

Councilmember Lusk stated that he really appreciated what Councilmember D'Aversa had done.

- He met with Ann Coggins last spring when she made him aware of what she was trying to do.
- He commends her in her initiative and drive in bring this to fruition.
- Several years ago he was president of the Dekalb Citizen Advocacy Group in Dekalb County, which is an organization that helps person with developmental disabilities.
- He commends the committee for bringing awareness to our city.
- As part of the Council he is proud that everyone is behind this initiative.

Councilmember Zahner Bailey

- Also thanked the committee.
- It is a joy to observe some of the volunteers at work.
- It is what defines our city and our community, whether it be the young or the old.
- Everyone benefits from their efforts and they set a great example for this community.
- She said she could not thank them enough.
- She also thanked Councilmember D'Aversa for all she had done.

Mayor Lockwood also thanked the committee and commended them for their hard work.

Interim City Manager Lagerbloom

- It is a great opportunity for Milton to have a group of people like them.
- It is an awesome thing to form this type of committee.
- Commended everyone for doing all they did.
- It was brought up in a previous e-mail by one of the Council Members questioning whether we could establish this particular committee with the Charter changes from last year.
- He would like the City Attorney to address this.

City Attorney Angie Davis

- Councilmember Thurman raised the issue in the agenda review session last week.
- The concern Councilmember Thurman was expressing was that in the Charter the appointment of members should be from each of the Council Members, Mayor included.
- She raised the issue based on the Charter provision and in looking at it; unfortunately it is just not that clear.
- It is internally inconsistent.

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- Thinks there may have been two alternative options and both were put in.
 - It reads as follows: all members and board commissions and authorities of the city shall be appointed by a majority vote of the City Council for such terms of office in such manner that shall be provided by ordinance, except for other appointing authority, terms of office or manner appointment as prescribed by this Charter or by law. Part two reads; except as otherwise provided by this charter or by law, each board or commission or authority shall consist of seven members with one member being appointed by each member of the city council and the mayor. Members appointed by the mayor may reside anywhere within the corporate city limits, but a member appointed by members of city council shall reside in the district of the council member who appointed such member.
 - In the first sentence it provides that members of these boards and committees will be appointed by the majority vote of the council as provided by ordinance but then it goes on to say except as provided by law or the charter, each member of council would appoint someone.
 - As that reads, it suggest in her opinion that you would have the unilateral appointment irrespective of council approval.
 - There is an internal inconsistency.
 - You have operated by each of you selecting someone and then Council approving them.
 - That is a hybrid of what the charter says.
 - I have not done a complete survey of the City of Milton's board and committees but the Bike and Pedestrian Committee has eight members, so that does not fall necessarily within either of these interpretations.
 - The Comprehensive Planning Committee has sixteen members and does not fall in with any of these combines.
 - All of that makes it a difficult question.
 - She asked Council if they could an interpretation or comments.

Councilmember D'Aversa

- Each member of this committee needs to be experts in disabilities or various ability levels.
- That makes a slight difference.
- In some of the other committees we have been able to appoint almost arbitrarily with no direction as to expertise in a certain area.
- Perhaps it would behoove the Council to approve this Resolution with the thought process that the CPAC as well as the Bike and Pedestrian Committee are slightly different.
- We can come back and amend this Resolution and appoint by the vote of each Councilmember if that would be appropriate.
- Interestingly enough we have one member on the committee from each district.
- She asked City Attorney Davis if it be appropriate to go ahead with the Resolution with the thought process that we would confirm and reaffirm how we are going to appoint these committees and then make the amendment in the future.

City Attorney Davis

- Think that is a fine compromise.
- Does not know how the other committees were appointed with varying procedures and memberships.
- Does not know if these issues were raised at the time and analyzed or just not revealed or discussed.

- These people have obviously done a lot of hard work and Council would like to empower them to go forward.
- If Council approves them as each District represented you may be fitting both provisions of the charter.
- If no one is going to object from their district.
- Allow this committee to continue working and then we will take a look at how to deal with the charter.

Mayor Lockwood

- Agrees with City Attorney Davis and also with Councilmember D'Aversa.

Councilmember Zahner Bailey

- Thanked City Attorney Davis for being so prompt in her review.
- Since we have a variety of approaches for committees and given the fact that variety of approaches have served us well in the past, that as we proceed maybe having flexibility in committees because different committees have different purposes, different volunteers, different passions, and different experiences, and if our goal is to be inclusive in all that we do then sometimes flexibility is important.

Councilmember Lusk

- Could we possibly go ahead and appoint this committee on a conditional basis pending review of our charter requirements?

City Attorney Davis

- Certainly, but that would be more formal than Councilmember D'Aversa may have meant. If Council wants to make a contingent appointment pending continued review, that is fine.

Councilmember Thurman arrived during the discussion.

Councilmember Zahner Bailey

- We already have a motion and a second for this Resolution.
- Can we proceed with that knowing that we always have the opportunity to come back and modify without formally making it contingent.
- If the goal is to proceed and to acknowledge these good people here this evening to continue to do their work understanding that we have legal input that says there are other committees that are operating in different forms can we go ahead and take a vote knowing that we can always for a Resolution if different comes forward.

Mayor Lockwood agreed with that.

Councilmember Tart

- Would like to echo those sentiments.
- The Resolution as it is written does not call for certain committee members to be from districts.
- We can always come back to it if it turns out our Charter provides clarity as to how we appoint these members.

City Attorney Davis suggested that Council restate the motion for the benefit of Councilmember Thurman.

Motion Restated: Councilmember Zahner Bailey moved to approve agenda item 08-529 that reads Approval of a Resolution to create the Milton Disability Awareness Committee, the Milton Disability Awareness Committee Board, to Provide for the possible Appointment of Certain Committee Members to Enforcement Positions, and for other purposes as designated.

Mayor Lockwood clarified for Councilmember Thurman and stated each member happens to be from each district, one person from each district.

Councilmember Zahner Bailey stated that City Attorney Davis had also clarified that she did not see that there was a conflict per say. She had reviewed it and there are other committees that have flexibility in having been appointed and given that these people have expertise and involvement in a particular area which they have expertise the flexibility in the matter could prevail.

There was no further Council discussion.

Vote: The motion passed unanimously.

MAYOR AND COUNCIL REPORTS

Councilmember Hewitt

- Councilmember Tart and I attended the Newly Elected Officials workshop sponsored by the Carl Vinson Institute and the Georgia Municipal Association.
- We were able to be with our peers from across the state.
- Enjoyed the education we received.

Councilmember Zahner Bailey

- As a quick update on the Milton Goes Green Committee (that is not the official name) but they had been meeting.
- They will have their third meeting this coming Thursday.
- They are putting forth a lot of great initiatives and making a lot of great progress.
- They keep formal minutes, etcetera.
- You will continue to get updates on that.

Councilmember Thurman

- Last year when we rededicated the public safety buildings, Bill Mays came down but his wife was unable to join him because she was in bad health.
- She passed away last Friday.
- He seems to be doing well.

Mayor Lockwood said that was a great idea and thanked Councilmember Thurman for doing that.

Mayor Lockwood

- We are continuing to move forward with our City Manager search and it is going very well.
- Hopefully, we will have some candidates to bring to Council very soon.

STAFF REPORTS

Interim City Manager

- The fiasco that happened today with trying to register for the Georgia Municipal Convention was a computer glitch at their end.
- At this point, they have dumped all of that data and will reopen the registration Wednesday so staff will register everyone Wednesday morning.

EXECUTIVE SESSION

Added by Motion and Vote

The purpose of the Executive Session is to discuss pending litigation.

Motion and Vote: Councilmember Zahner Bailey moved to adjourn into Executive Session at 7:25 p.m. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.

RECONVENE

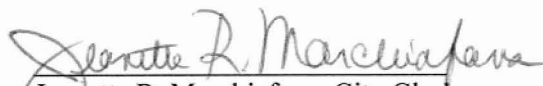
Motion and Vote: Councilmember Lusk moved to reconvene the Regular Meeting. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.


ADJOURNMENT

Motion and Vote: Councilmember Hewitt moved to adjourn the Regular Meeting. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

After no further business, the regular meeting of the Milton City Council was adjourned at 7:46 p.m.

Date Approved: March 17, 2008


Jeanette R. Marchiafava, City Clerk



Joe Lockwood, Mayor

