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The Regular Council Meeting of the Mayor and Council of the City of Milton was held on May 5, 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.

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

PLEDGE OF ALLEGIANCE

Mayor Lockwood led the Pledge of Allegiance

City Clerk Marchiafava read agenda item 08-570.

APPROVAL OF MEETING AGENDA

Staff recommended the following change to the Meeting Agenda:

1. Add to Reports and Presentations a Presentation from the Mad Italian.

Motion and Vote: Councilmember Tart moved to approve the Meeting Agenda as amended. Councilmember D'Aversa seconded the motion. There was no council discussion. The motion passed unanimously.

PUBLIC COMMENT

Mayor Lockwood read the rules for Public Comment.

Patty Silva 1685 Highgrove Club Drive, Milton Georgia

- Aware of a new petition in Milton related to a car crash in which there was a fatality.
- Has been discussion about the safety of our roads.
- Concerned about reducing the speed limit in Milton.
- Was told that in the State of Georgia and officer cannot pull you over unless you are going 11 miles over the speed limit.
- Suggest we take a look at our speed limits in Milton because there are too many deaths.
- Allocate some money to go toward the providence on Birmingham Highway intersection.

City Clerk Marchiafava stated that completes Public Comment.

CONSENT AGENDA

City Clerk Marchiafava read the following Consent Agenda items:

1. (Agenda Item No. 08-571)
Approval of the April 21, 2008 Special Called Work Session meeting Minutes.

2. (Agenda Item No. 08-572)
Approval of the April 21, 2008 Special Called Meeting Minutes.
3. (Agenda item No. 08-573)
Approval of the Financial Statements for the period ending February 2008 and March 2008.

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

REPORTS AND PRESENTATIONS

Proclamation in Recognition of Fibromyalgia Awareness Day

Mayor Lockwood presented a Proclamation in recognition of Fibromyalgia Awareness Day to Melvin Garmon.

Added by Motion and Vote

Presentation from the Mad Italian

Public Safety Director Chris Lagerbloom

- Milton comes together as a group on occasion with a function termed Milton Nights.
- This event occurred last month at the Mad Italian.
- They chose the Public Safety Department as a sponsor and beneficiary of some of the proceeds from that night's sale.
- Introduced Tracy Guertner from the Mad Italian to make the presentation.

Tracey Guertner, 5310 Windward Parkway, Milton Georgia

- Handles marketing and community events for The Mad Italian Restaurants.
- Hosted Milton night at the end of March and it was a big success.
- Attributes the success to the fact that before they hosted the event they promoted that they would donate a portion of their proceeds to the City of Milton Fire and Police Department.
- Donated \$150.00 to the Fire and Police Department.
- Thanked the Public Safety Department for all they do for the City of Milton.

FIRST PRESENTATIONS

City Clerk Marchiafava read agenda item 08-574

ZM08-02 – Southside of Cumming Hwy (West of Sunfish Bend); Petitioner: El Mina Inc. Request: To modify condition 2.a. of RZ03-140 to modify the site plan.

Motion and Vote: Councilmember Tart moved to approve the First Presentation of ZM08-02 – Southside of Cumming Hwy (West of Sunfish Bend); Petitioner: El Mina Inc. Request: To modify condition 2.a. of RZ03-140 to modify the site plan. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.

NEW BUSINESS

City Clerk Marchiafava read agenda item 08-575.

Approval of a Resolution approving the submission to the Governor's Office of Highway safety for the purchase of two (2) Harley-Davidson police motorcycles.

Resolution No. 08-04-35

Public Safety Director Lagerbloom

- This is a Resolution for a grant we would like to submit to the Governor's Office of Highway Safety.
- There is no indication as to our success or non-success in a grant submission.
- In looking at the options for our submittal many of the different categories did not apply.
- This grant request would be to supplement the traffic officers already approved.
- There is no personnel request coming with this.
- This is simply for equipment and it does not have a match requirement from the City.
- If it is funded it would benefit Milton and this is our first opportunity to participate in this grant.
- As we move forward, it will come up yearly.
- Confident that our grant package is adequate and well written.
- Lieutenant Marietta is present to answer any questions about the grant.

Councilmember Zahner Bailey

- Are the Harley's typically what you would choose if you were to continue to add to a fleet?

Public Safety Director Lagerbloom

- If we were a City that was situated similarly to Alpharetta that has a long stretch of high speed GA 400 then this might not be the request you would see coming from me.
- There are two manufacturers of police motorcycles.
- One is Harley Davidson and the other is BMW.
- A heavier motorcycle is what is needed for the roads we have.

Councilmember Thurman asked what the time frame would be.

Public Safety Director Lagerbloom stated that we should know something by October.

Councilmember Lusk asked about the history of granting these purchases with other jurisdictions.

Public Safety Director Lagerbloom

- Some agencies have had a lot of success with GOHS.
- Usually the cities that have success are those who are very, very intense in their traffic enforcement.
- Considering the number of citizens and the number of miles of road we are above average in the numbering type of enforcement that we conduct.
- From that perspective we sit fairly decently.
- The one thing that we have going against us is the fact that we do not have a multi lane high speed limited access highway that runs through Milton, and sometimes that ways into their decision.
- At this point there is no harm in trying.
- We always look for opportunities to grant fund items for our Public Safety Department that we would have to otherwise fund from the General Fund.

Motion and Vote: Councilmember Lusk moved to approve a Resolution approving the submission to the Governor's Office of Highway Safety for the purchase of two (2) Harley-Davidson police motorcycles. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read agenda item 08-555.

Approval of a Resolution Amending Resolution No. 08-01-11, a Resolution Appointing Members to the City of Milton Board of Ethics (District 1).

Resolution No. 08-04-36

Councilmember Thurman stated she was honored to nominate Kristin White who is a practicing attorney and lives in Milton. She has lived in Milton for four years with husband Matt who is a Baseball Coach at Georgia Tech and her darling daughter Charlotte who is seven months old. She said she is very excited to get involved with the city and looks forward to serving.

Motion and Vote: Councilmember D'Aversa moved to approve a Resolution Amending Resolution No. 08-01-11, a Resolution Appointing Members to the City of Milton Board of Ethics (District 1) by appointing Kristin White. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously.

Oath of Office

Mayor Lockwood administered the Oath of Office to Kristin White for the City of Milton Board of Ethics (District 1).

MAYOR AND COUNCIL REPORTS

Mayor Lockwood

- Update on the proposed gating at Crooked Creek.
- Met with some of the residents of Crooked Creek.
- They are ready to move forward and want Council to make some decisions.
- We talked to them about setting up some community meetings.
- At this point we have not really heard from anyone other than the residents that are for gating.
- Asked Public Works Director Dan Drake if they had come up with some dates for some meetings.

Public Works Director Dan Drake

- We have a date of May 29th in the evening at the auditorium in Milton High School.
- They reported at their April 16th meeting that 68% of the residents showed up to the meeting and of those 68%; 80% voted for the gating.
- That is approximately 52% of the homes.
- They did offer that the city was going to put \$600,000.00 into the roads prior to the gating.
- Another thing we talked about at the meeting was the issue of the Milton Trail.
- Discussion about having Creek Club Drive as a part of the Milton Trail.
- That is one issue that they were not aware of, so they are trying to work through that process.
- We were asking them to conduct a traffic study to find out what amount of diversion is going to happen, if it is gated and they are waiting to know that they will get further along before they spend the money to do that.

Mayor Lockwood

- In clarification of the request for the \$600,000.00 repair work.
- That is not something the City of Milton was proposing or ready to do all at once or right up front, but over time the City of Milton certainly is obligated to do that.
- It will probably in the millions of dollars over the next several years with repaving and repairs.
- They are proposing to ask the City of Milton to at least take care of the crises areas that need to be repaired.
- Whether we elect to do that or not, it is not unreasonable that they would ask, because it is something that we would have to do in the future anyway.

Councilmember Thurman asked Public Works Director Drake if he would have the information to them as to where in our paving process this would be before a decision is made.

Public Works Director Drake

- In the next work session we will be discussing the pavement management and what our program is going to be for this year and the next five years, so we will be talking about this.

Councilmember Tart asked if there was discussion about the increase of dues to the annual assessments that this privatization is going to cause one hundred percent of the residents, or is that still forth coming.

Public Works Director Drake

- They say that each home owner will pay approximately \$674.00 a year increased dues.
- Nearly doubles the HOA dues to \$1424.00 as reported in the news paper.

Councilmember Zahner Bailey

- One of the requests Council had made of the HOA was; they provide us that cost analysis.
- Even though it has been reported in the paper, it would be incumbent on us to understand the analysis that allows them to arrive at that figure.
- Did that include the city assuming that \$600,000.00 dollars?
- What was the assumption that allowed them to arrive at that \$675 increase in dues; and is that a one time cost or anticipated over a period of time?

Mayor Lockwood

- We could ask them to address those issues in the meeting although that is basically their numbers and a lot of that is their amenities package.
- They are talking about spending several million dollars on their new club house and pool, etcetera.

Public Works Director Drake

- It is actually a requirement of the privatization process that they prepare a cost analysis, but we have not gotten into that detail yet, because they are not sure they are going through the process yet.

Councilmember Zahner Bailey

- There were three things that were incumbent in being brought back to Council; one was the cost analysis in terms of a net amount; two was going to be the results of the vote and this body had not really gone through what our threshold would be because currently our policy requires one hundred percent.
- The third was having a legal assessment.
- Determining that there is no public good to that road is a large hurdle.

City Attorney Jarrard

- Working with the Homeowners Association Attorney on a revised policy for the City of Milton and it will be helpful to know what kind of buy in they have from the community.
- To accomplish this end with respect to our policy, we have to make the two meet.
- A critical element to know they have a majority buy in and that will have to go into the policy Council adopts, which will supersede the policy which is in place now.

Councilmember D'Aversa

- One of the reasons for public meetings with regards to this proposal is there are some difference of opinions on the information that is out there from the community.
- Had at least twenty five telephone calls since their meeting.
- There are a very wide range of understandings of what the whole process is.
- What the percentage is.

- What their payments will be.
- What the City will be covering.
- What their tax ramifications, if any will be.
- These very publicly open meetings will help to clarify.
- We can have someone present to give the absolute facts to everyone at the same time so everyone is on the same page.
- Right now you have a small portion of the HOA and what they communicate to their community and she does not think the city was represented at their HOA meeting.
- Is there another board meeting May 29th?

Community Development Director Tom Wilson

- There is a CPAC meeting that night.

Councilmember D'Aversa

- That would be a conflict, and we would not want that to happen.

Community Development Director Wilson

- We will reschedule one of them.

Councilmember Zahner Bailey

- That is also the week of Memorial Day so that could be tough for some of the community.

Public Works Director Drake

- The intent was to get this meeting in before more people go out of town for summer vacations.
- The facilities were not available to have it before the 22nd.

Councilmember D'Aversa asked about having it at Hopewell Middle School on the 22nd.

Operations Coordinator Jestin Johnson

- Has yet to hear from Dr. Thompson.
- Will try to get more information as soon as possible.

Councilmember D'Aversa

- Almost positive they do not have anything scheduled on that date.

Public Works Director Drake asked directions from Council as to the format of the meeting, so staff could prepare.

Mayor Lockwood

- Foresees it as a co-mingling of our city staff with a presentation by Crooked Creek.
- Staff should be available to answer any logistical questions.
- Crooked Creek needs to come forward with the effort for this presentation.

Councilmember Zahner Bailey

- Asked if it would be helpful for Council to have a copy of what was sent out when they took their vote. Need to know if there were commitments made to those folks that voted that was based on the city paying for \$600,000.00 or for the city covering certain things.
- If we had what they had in writing we could hopefully provide some facts.

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- Just in terms of setting expectations, in this particular situation it will be important to manage expectations because we have an existing policy in place that requires 100% and 52%, even if was based on 100% of folks understanding all of the facts; while it is a majority, it is a far cry from 100%.
 - We have a policy that addresses the whole of Milton.
 - We need to be cautious that we do not establish based on this one request that supersedes the policy that impacts the whole of Milton and twenty three thousand residents.

City Attorney Jarrard

- Also once the Council adopts the new policy there may be some criteria in that policy that the neighbors have not voted on, for instance; the requirement of bonding or managing the operational cost.
- At some point the community is going to have to have buy in as to what the policy is that Council sets up before Council is comfortable abandoning public roads and letting them go private.

Councilmember D'Aversa

- It is a concern that the residents at Crooked Creek does not realize that we have a policy that says 100% right now.
- They think they need our approval in order to abandon that road.
- They do not even know the verbiage but they need our approval to gate their community and it is that simple and we know how magnanimous this is.

City Attorney Jarrard

- They do need Council's approval under the abandonment laws of the state of Georgia but the 100% is a tried and true bench mark to meet and we would be deviating from that.

Councilmember D'Aversa

- If we were to present that at the meeting then all of a sudden we would level the understanding for the entire community.
- We have not gone down that path at this point, so they do not understand what they are asking of the City collectively.

Mayor Lockwood

- It sounds like he is hearing that Council would like some information from staff on what was presented by Crooked Creek HOA to the residents and also some more specifics on what this will entail and what the impact would be and some alternate dates that might make more sense for our citizens.
- Suggested that Public Works Director Drake delve into those issues and e-mail Council.

Councilmember Lusk asked how the \$600,000.00 was derived.

Public Works Director Drake

- The HOA had a paving company do an evaluation of the roads.

Councilmember Zahner Bailey asked if our staff had reviewed and feels comfortable with those estimates or if that is another element of the analysis.

Public Works Director Drake

- It has not been carefully reviewed yet.
- There are additional costs they have not considered.

Councilmember Zahner Bailey

- Unless we had that analysis up front we would not really know if those numbers are things we feel comfortable with based on professional assessment because what if that \$600,000.00 is actually more like a million.
- There are different scenarios and a lot of variables.

Councilmember Lusk

- With the status of the cost of petroleum right now, who can extrapolate the cost of asphalt in the next five years?

Councilmember Tart

- Does anyone know what efforts are being made on the part of the Homeowners Association to get that number up from 53%?
- Thinks they need to go door to door.

Councilmember D'Aversa

- Feels they need to get closer to 75% before we even consider making a change because there are other cities right around us that have that same Ordinance.
- Does not think they have been directed as to where they need to be shooting.

Public Works Director Drake

- They would be asking for approval on 66%.

Councilmember Tart

- That is typical of most covenants.

Mayor Lockwood said he is interested in what other citizens have to say outside of the community.

Councilmember D'Aversa

- We just need to guide them more as to where they need to go.

Mayor Lockwood asked staff to work with the City Manager and come up with some more definitive parameters of the direction we need to go as we move forward and set up the meetings.

Councilmember D'Aversa asked if that would include the input from Jarrard and Davis, as an example; what are the examples of other cities and what that state threshold is.

City Attorney Jarrard

- Mr. Samuels and Mr. Teague are working together to come up with a policy.
- Has not reviewed it yet so he is not sure what their vision is on how they get past that one hundred percent rule.

Mayor Lockwood

- In order for Council to make a decision, they need to look at all aspects of it and not just the neighborhood themselves but the surrounding citizens.
- He asked if there were any other Council reports.

Councilmember Zahner Bailey

- The City of Milton was represented at Summit Hill and it was a tremendous treat to see the kids respond to the Mayor when the Mayor showed up because it was an opportunity for Summit Hill to hear from a number of different folks in the community including the City of Milton.

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- Thanked Operation Coordinator Jestin Johnson and Communications Manager Lisa Maggart for being there helping to represent the City of Milton.
 - It was a treat to see our Mayor interact with some of the youth and students.
 - Some of the students wanted Mayor Lockwood's autograph and wanted to know if he had met the president and if he would be going to the White House any time soon and they wanted to know if he had met Arnold Schwarzenegger.
 - Those lighter moments are a real treat and it was a delight.

STAFF REPORTS

City Manager Billy Beckett

- Had wonderful experiences with everyone he has come in contact with and is honored to have an opportunity to serve Council and the citizens of Milton.
- He is looking forward to meeting with Council individually.
- We have many exciting opportunities in this City.
- Excited with the diversity on Council and especially excited about the talent we have on Council.
- By working together with Council and the community we can continue to do great things for the City of Milton.

Mayor Lockwood said they had also talked about scheduling in a retreat soon.

Community Development Director Wilson

- CPAC will have an open house and kick off meeting on May 14th at City Hall.
- We have also confirmed Summit Hill Elementary School for two comprehensive plan visioning meetings.
- One on May 29th and also on May 31st.

Financial Manager Stacey Inglis

- When we went through the budget process last year, we estimated property taxes and we did not realize there was something not included in the digest, which is utility tax.
- Any kind of lines or substations or transformers etcetera, located in the city, we have to tax.
- The state assesses those values and sends them out separately.
- We received notice that of the values of the properties within Milton, there were six different companies we could bill.
- We just sent those bills out and there is \$570,000. 00 that we will be collecting.
- It was not included in the budget so when we go through the budget adjustment process we will talk about it more.

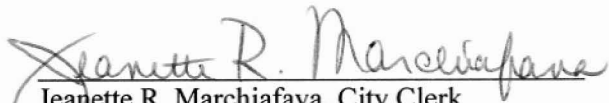
Mayor Lockwood thanked Financial Manager Inglis.

ADJOURNMENT

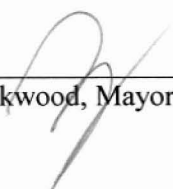
Motion and Vote: Councilmember Lusk moved to adjourn the Regular Meeting. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

After no further business, the Regular Meeting adjourned at 6:57pm.

Date Approved: May 19, 2008



Jeanette R. Marchiafava, City Clerk



Joe Lockwood, Mayor

