

*This summary is provided as a convenience and service to the public, media, and staff. It is not the intent to transcribe proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted and heard by Council, but not quoted. This document includes limited presentation by Council and invited speakers in summary form. This is an official record of the Milton City Council Meeting proceedings. Official Meetings are audio recorded.*

**The Regular Council Meeting of the Mayor and Council of the City of Milton was held on June 2, 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 and made general announcements.

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

**Council Member Absent:** Councilmember Julie Zahner Bailey

**City Clerk Marchiafava** read the following statement:

Councilmember Zahner Bailey is unavailable to attend tonight's meeting due to a family obligation to which she committed well over a year ago.

**PLEDGE OF ALLEGIANCE**

**City Clerk Marchiafava** introduced the Sons of the American Revolution who led the Pledge of Allegiance.

**City Clerk Marchiafava** read agenda item 08-586.

**APPROVAL OF MEETING AGENDA**

Staff recommended the following changes to the Meeting Agenda:

1. Under new Business; remove Agenda item 08-602, approval of a Resolution of the Milton City Council to establish a policy prohibiting extension of public sewer and wastewater treatment service to any parcel within the City limits that is not located within the Fulton County sewer service area.
2. Under New Business; defer until June 16, 2008 Agenda item 08-597, Approval of a Resolution Amending Resolution No. 08-05-37, A Resolution appointing a Citizen's Participation Group for potential revision to the Milton Tree Preservation Ordinance and Administrative Guidelines (Districts 1 and 4).
3. After Public Comment, administer the oath of office to Adam Orkin for the Milton Tree Committee.
4. Add an Executive Session to discuss pending litigation.

**Motion and Vote:** Councilmember Lusk moved to approve the Meeting Agenda, as amended. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously (6-0).

**PUBLIC COMMENT**

**Mayor Lockwood** read the rules for Public Comment.

There was no Public Comment

**Oath of Office – Milton Tree Committee**

**Mayor Lockwood** administered the Oath of Office to Adam Orkin for the Milton Tree Committee.

**CONSENT AGENDA**

**City Clerk Marchiafava** read the following Consent Agenda items:

(Agenda Item 08-587)

1. Approval of the May 12, 2008 Work Session Minutes.

(Agenda item No. 08-588)

2. Approval of the May 19, 2008 Regular Meeting Minutes.

**Motion and Second:** Councilmember D'Aversa moved to approve the Consent Agenda. Councilmember Hewitt seconded the motion.

**Discussion on the Motion:** Councilmember Thurman stated that she was not at the May 19<sup>th</sup> meeting and asked if the items should be split.

**City Attorney Angie Davis** stated that it would be appropriate to split the items.

**Amended Motion and Vote:** Councilmember D'Aversa amended the motion to split the two items on the Consent Agenda. Councilmember Hewitt seconded the motion. The motion passed unanimously.

**City Clerk Marchiafava** stated the first vote will be on the May 12<sup>th</sup> Work Session Minutes.

**Councilmember Lusk** asked as a Point of Order to move for approval to defer the May 19<sup>th</sup> Meeting Minutes to June 16, 2008.

**City Attorney Davis** stated there is really no obligation to do so. The counter veiling requirement is the Open Meetings Act that says Council adopts the meeting minutes at the next meeting. Based on that directive, it would be better to approve those at this meeting; unless we have received indication that there are issues with respect to the minutes that have been presented.

**Councilmember Lusk** withdrew his motion to defer the May 19<sup>th</sup> Meeting Minutes.

**Mayor Lockwood** stated he thought we had already voted on the May 12<sup>th</sup> Minutes and we are on the May 19<sup>th</sup> Minutes.

**Motion and Vote:** Councilmember Tart moved to approve the May 19, 2008 Regular Meeting Minutes. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed 5-1, with Councilmember Thurman opposed.

**City Clerk Marchiafava** stated she did not think we formally adopted the May 12<sup>th</sup> Work Session Minutes.

**City Attorney Davis** stated she thought there may have been some confusion with the splitting of the motion so it would be appropriate to take a new motion.

**Motion and Vote:** Councilmember Hewitt moved to approve the May 12, 2008 Work Session Minutes. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously.

## **REPORTS AND PRESENTATIONS**

### **Proclamation for National Flag Day**

**Councilmember Lusk** presented a Proclamation for National Flag Day to the Sons of the Revolution.

---

**Sons of the American Revolution President, Jim McIntire**

- Thanked the Mayor and Council on behalf of the Piedmont Chapter for the courtesy extended them throughout the year and the issuance of the Proclamations.
- He introduced the following members: Councilmember Bill Lusk, State Color Guard Commander Paul Prescott, State Genealogist and Piedmont Chapter Registrar Bob Sapp, Chairman of the Speakers Bureau in the Piedmont Chapter Jack Ferguson, and Vice President Bob Shaw.
- They are having their second Annual Flag Retirement Ceremony on Flag Day, June 14<sup>th</sup>.
- It is a joint venture between their chapter and the Northside Funeral Chapel and they would like to invite the City of Milton to participate.
- Bring any flags that need to be retired or take them to the Northside Funeral Chapel.

**Proclamation for City of Milton MDA Firefighter Appreciation Month**

**Mayor Lockwood** presented Betsy Grome and the Milton Firefighters with a Proclamation of the City of Milton MDA Firefighter Appreciation Month.

**Betsy Grome, MDA Program Coordinator**

- Thanked the Mayor and Council and stated the firefighters would be collecting for MDA June 13, 20, and 27, 2008.
- Last year, they collected close to \$38,000.00.
- All of the money collected stays local to help the 2,200 families that are affected with Neuro Muscular diseases in North Georgia and the Atlanta area.
- She thanked Public Safety Director Lagerbloom and the firefighters for all of their help.

**Mayor Lockwood** also thanked all of the Firefighters and the Public Safety Department for their services.

**City Clerk Marchiafava** read the First Presentation items.

**FIRST PRESENTATIONS**

(Agenda Item No. 08-589)

1. **RZ08-02** – Text Amendment to Article 28 Rezoning Procedures.

(Agenda Item No. 08-590)

2. **RZ08-03** – Text Amendment to Article 12G Highway 9/Scope of DRB.

(Agenda Item No. 08-591)

3. **RZ08-04** – Text Amendment to Article 12H NW Overlay/Scope of DRB.

(Agenda Item No. 08-592)

4. **RZ08-05** – Text Amendment to Article 12H1 Crabapple/Scope of DRB.

(Agenda Item No. 08-593)

5. **RZ08-06** – Text Amendment to Article 12H2 Birmingham/Scope of DRB.

(Agenda Item No. 08-594)

6. **RZ08-07** – Text Amendment to Article 12A Overlay District/Scope of DRB.

(Agenda Item No. 08-595)

7. **ZM08-03** – 3160 Francis Road, Canine Assistants, By Planners and Engineers Collaborative, to modify condition 2.a. to modify the site plan (U07-007).

**(Agenda Item No. 08-596)**

8. **ZM08-04** – 5404 Windward parkway, Real Development LLC, By Robert Forrest, to modify condition 2.a to modify the site plan (96Z-127).

**Motion and Vote:** Councilmember Thurman moved to approve the First Presentation items. Councilmember Lusk seconded the motion. The motion passed unanimously (6-0).

**UNFINISHED BUSINESS**

**City Clerk Marchiafava** read agenda item 08-582.

**Approval of an Ordinance Amending Chapter 15, Health and Public Safety, Article 2, as it pertains to the regulations involving firearms and components of firearms, of the Code of the Ordinances of the City of Milton, Georgia.**

**Ordinance No. 08-06-08**

**Public Safety Director Chris Lagerbloom**

- This was a modification to Chapter 15 and basically it removes the word firearm and ammunition in one section.
- Before the request to change, it read: “to prohibit and regulate the possession of sale the use of explosives, gasoline or other flammable liquids, firearms, ammunition or dangerous weapons of any kind”.
- We ask to remove the word firearms and ammunitions and replace it with a clause that says “excluding firearms or components of firearms”.
- This change should bring our Ordinance in compliance with State Law, as well as remove us from the possibility of a reasonably large class action law suit, that is being brought against many cities that have specific wording similar to this in their Ordinances.
- This has been through legal review so we ask for approval to the change in Chapter 15.

**City Attorney Davis**

- They have reviewed it.
- It was in response to a threat of litigation and this would be an appropriate revision.

**Motion and Vote:** Councilmember Tart moved to approve an Ordinance Amending Chapter 15, Health and Public Safety, Article 2, as it pertains to the regulations involving firearms and components of firearms, of the Code of the Ordinances of the City of Milton, Georgia. Councilmember D’Aversa seconded the motion. There was no Council discussion. The motion passed unanimously (6-0).

**Welcome to Alice Wakefield, Community Development Director**

**Mayor Lockwood** recognized Alice Wakefield as the new Community Development Director and stated he looked forward to working with her.

**NEW BUSINESS**

**City Clerk Marchiafava** stated that item #1 under New Business was deferred until June 16, 2008 and read Agenda Item 08-598.

**Approval of the March 2008 invoice for legal fees.**

**City Manager Billy Beckett**

- Finance Director Inglis was unable to be at the meeting.
- He stated that the legal fees include expenses presented by the City Attorney and any external sources.
- The total amount is \$27,299.54.
- We budgeted \$180,000.00 and with this invoice the total will be \$90,664.47, which is approximately 50% of the budget with 50% remaining in the fiscal year.
- We ask approval for this invoice.
- He stated that he thought he understood the circumstances as to why a professional invoice is singled out, but he would recommend Council treat this invoice the same as any other invoice submitted by any other entity.

**Councilmember Tart**

- Asked City Manager Beckett if he could provide more of an explanation as to how this should be dealt with.

**City Manager Beckett**

- Stated he did not know why Council would treat this invoice any differently than any other invoice submitted by an engineering firm or architectural firm or anyone else.
- It is a normal invoice in the course of business.
- We would distribute the bill in advance to department heads for review and discussion with the City Attorney.
- Similarly, Council would be provided with a copy as well so all of the normal approvals would be completed and we would pay the invoice upon approval of all of the parties involved.

**Councilmember D'Aversa**

- The former City Manager requested Council approve those items Council was involved with.

**City Manager Beckett**

- Stated he was comfortable with Council signing off on it and he understands where that City Manager was coming from.
- It is very difficult if you do not have control over the exchange of information and it is very difficult to sign off on under those conditions, but he is comfortable with doing so.
- If in the future it becomes evident that we will exceed the budget or if it becomes evident that perhaps Council needs to review the policy in terms of contact directly with the City Attorney, then we can cross that bridge when we get there.
- If Council is comfortable with what they are doing now then he is comfortable approving it just as he would any other invoice.

**Councilmember D'Aversa**

- This is a good example of a lot of the business that we do and a lot of the consulting services that we use our City Attorneys for.
- She asked City Manager Beckett if he saw anything that would preclude him from approving or if he saw anything that would concern him at all.

**City Manager Beckett**

- Practices differ from place to place, but it does not mean that they are right or wrong.
- It just means that this Council adopted a different policy and process and the direct contact with the City Attorney obviously is a practice that has been assimilated. If that is the practice that Council wants then that is fine.
- It is very difficult to control those expenses; for example, if we took this particular invoice and spread it out over twelve months, then obviously we would need more than \$180,000.00, so some fiscal control would be normal.
- That can be accomplished in a number of ways.
- Council can engage in some practices with the cooperation of the attorneys to obtain a relatively stable process of expending funds for legal bills.

**Mayor Lockwood**

- Appreciates the City Manager bringing that to their attention and would like to ask the City Attorney what is typical with most of their clients.

**City Attorney Davis**

- This was not a process they had ever been subjected to.
- They are always treated like any other invoice.
- Take into consideration that the bills are very detailed and there are some things that are attorney/client privileged.

**Motion and Vote:** Councilmember Hewitt moved to approve the March 2008 invoice for legal fees. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously (6-0).

**City Clerk Marchiafava** read agenda item 08-599.

**Authorization of Contracting for Emergency Medical Services & Establishment of Oversight Committee.**

**Public Safety Director Chris Lagerbloom**

- We have had this on the agenda several times as we evolve through the process of getting to some type of a regional agreement for our ambulance provider.
- We had to figure out equitably, the correct way to break up a subsidy and match it with a level of service that we were willing to accept.
- There are more ambulances in the system and the cost is very reasonable when we attack this on a regional perspective.
- Asking Council to approve two different things.
- First is the EMS contract has an attachment to it that shows the different levels of response as well as the initial subsidy.
- We worked with the finance department to appropriately budget for it in this fiscal year.
- We will also budget for it in fiscal year 09.
- The contract has been through the legal department.
- This is a contract that has been through several different legal evaluations and because it is a contract that will be signed off on by all four cities, it is something that has been vented through several different legal departments as well as rural metro legal department.

- 
- We are comfortable that we can live with this contract and we can live with it to the extent that we would recommend we do not make any substantial changes to it that could force the cities that have already adopted this contract to go back and re-adopt a new contract because of changes we would try to put into it.
  - One of the issues brought up by our City Attorney is as it relates to HIPPA and whether or not Rural Metro is in compliance.
  - Spoke to the regional director and he sent me a message that rural metro is in compliance.
  - The second thing we ask Council to approve is the oversight committee and we often term it EMROC which stands for the North Fulton Emergency Medical Response Oversight Committee.
  - We have to have one before we have the other but once we establish control of this ambulance service and we start to pay the subsidy there is absolutely no good reason why we would allow Fulton County to continue to manage that contract.
  - EMROC is a group of people combined of all these cities that are buying into this regional concept for the purpose of oversight.
  - The first year the subsidy is \$132,250.00.
  - We ask that Council approve both of these so we can continue good ambulance service after July 1, 2008.

**Councilmember Lusk**

- Read that Roswell would be paying about \$132,000.00 per year also.

**Public Safety Director Lagerbloom**

- That is correct and at the last work shop because we adopted this EMROC philosophy or the oversight regional concept as a group, Sandy Springs elected to buy better service than the rest of us.
- They were willing to put \$450,000 or more to the ambulances in Sandy Springs.
- When you take Sandy Springs out of the mix there is not that much.
- We were really trying to tinker with percentages and figure what was fair and frankly we were going to lose the regional concept if we did not just split it equally, at least in year one.
- It is very different historically to figure the differences in calls for service in Northeast Fulton versus Northwest Fulton because they were all Fulton.
- We would have to go in address specifically and try to take out what the real data is.
- Now that we know we are in a process where the cities are going to be all independent and we are going to be part of a group, they will start to track records for our specific city versus the others.

**Councilmember Lusk**

- The records indicate that several of the calls came from 30004 and 30005 in Forsyth County so those calls were warped into our historical record.
- Asked are we going to be able to differentiate in the political boundaries of our City and separate us from south Forsyth.

**Public Safety Director Lagerbloom**

- We will.
- It will make it a lot easier because rural metro no longer has the zone in Forsyth so there will be no possibility of them billing because they no longer have that contract.

**Motion and Vote:** Councilmember Hewitt move to approve authorization of Contracting for Emergency Medical Services & Establishment of an Oversight Committee. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously (6-0).

**City Clerk Marchiafava** read agenda item 08-600.

**Approval of a Resolution Regarding the Fulton County Board of Education's Proposed High School at Freemanville Road.**

**Resolution No. 08-06-39**

**City Attorney Davis**

- At the request of Council, this reflects the City's request that the Board of Education consider certain citizen issues that was brought to Council concerning environmental issues with respect to the intended site of a high school facility in the City of Milton located along Freemanville Road.

**Mayor Lockwood** asked if there were any questions for our City Attorney.

**Motion and Second:** Mayor Lockwood moved to approve a Resolution Regarding the Fulton County Board of Education's Proposed High School at Freemanville Road. Councilmember Hewitt seconded the motion.

**Discussion on the motion:**

**Councilmember D'Aversa** stated with regard to this Resolution, one of the things she had noted during the discussions among Council and City Attorneys was a reference to some concerns that she is not sure were the concerns of the citizens that came before us, that brought us to the point of having this Resolution. She specifically wanted to make sure we note that some of the items in this Resolution are not specifically from the Protect Milton people. We received an e-mail and Lisa Cauley wanted something read into the record. It references the seventh statement in the Resolution with regard to the impact of a high capacity septic system on the site. She does not know how someone can have something on the record if they are not here to put it on the record but she just wanted to pass that along.

**Mayor Lockwood** asked the City Attorney what that process would be.

**City Attorney Davis** said in terms of putting that on the record, typically we would ask citizens to be here for public comment and we do not have a process by which we would read their comments into the record; lest we end up with a real "slippery slope" as to how we entertain public comment before this Council. If Councilmember D'Aversa wants to express concerns based on the e-mail then that is fine to do and to the extent the "whereas" in paragraph seven is problematic for the Council then that could be removed in the amended motion and it could be approved without that provision.

**Councilmember D'Aversa** asked if it would be appropriate for her to make a statement that she would like to read since they received it this evening; she intended to be here but was unable to be here. She asked if it would be appropriate?

**City Attorney Davis** stated they would not want to set a practice, unless they are going to adopt new procedures by which they agree to read citizen's statements in the record.

**Mayor Lockwood** said he would agree with that, but if that is a concern that Councilmember D'Aversa shares then it would be fine to express her concerns.

**City Attorney Davis** said she could raise the issues without reading her statement verbatim.

**Councilmember D'Aversa** said another reason she brings it to the attention of the Council is because she did raise the issue with City Attorney Jarrard with regards to writing this Resolution, that she did not want to send a message that this was a Resolution that was in support of sewer by default because we are making a statement against a high capacity septic system on the site. She would not want someone to take it out of context and read a statement that says adverse impact of a high capacity septic system on the site generalized concerns regarding the stress of the school development will have on impact of waters. In her opinion, the primary purpose of this Resolution is the stress and the impact that would be had on the natural waters that run through that property. The waters that are already in a situation of decline right now and are in need of protection and looking at it from that perspective, she wants to protect those waters and protect that property from that perspective. She does not have any evidence that shows her that there would be any adverse impact with a septic system on that property. We have schools throughout Milton, and she will site Summitt Hill Elementary School, on a septic system and they have 1,200 children, so that has not been a situation. She does believe that the impact of the stream that is currently on this particular property and with regard to Chicken Creek and being protected by the EPA is the strong concern. She shares that concern of the citizens so she just does not want this statement to be misconstrued in any way. Again, for the record that we would not be proponents of sewer on the site because of talking about an adverse impact of a high capacity septic system that we have no evidence that would have an adverse impact.

**Mayor Lockwood** said he reads it as saying including the impact of a septic system, but that is just one of the environmental concerns.

**Councilmember D'Aversa** said it is specified in there and that is what causes her concern. Anytime you specify against one thing, you may by default be misconstrued as specifying something else.

**Mayor Lockwood** said he remembers there being some discussion with the engineer and that was one of the concerns with the high school and the high capacity of the septic system that was an environmental concern of this site.

**Councilmember Thurman** said she thought he used the term "white elephant" when he spoke about the septic system. Obviously, it was a concern with the engineer, which is the only person or professional Council had discussion with about the situation.

**Councilmember Tart** said the engineer also made it very clear that he was not a septic expert.

**Mayor Lockwood** stated he was afraid they were taking this into septic versus sewer discussion when the whole reason that he brought this forward was to discuss the concern of our citizens and the City of Milton for environmental reasons as a whole, and to ask the School Board to please look into these and consider all of these. So, at this point, we have a motion and a second on this Resolution as written.

---

**Councilmember D'Aversa** stated she supports the Mayor's Resolution. She did not want that statement to be misconstrued, so she felt she would be remiss if she did not state that for the record.

**Councilmember Lusk** said he was not sure how much he could add to it, but certainly we have identified one impact of building on the site, there storm water run off or storm water control and he thinks we would be disingenuous to eliminate the concern of the high capacity septic system. He thinks it is just as serious if not more so than storm water control so he would support this Resolution. He thinks we are actually sending a message to the County Board of Education that we have some serious concerns and would like them to look at this site based on the fact that it does straddle a couple of the endangered streams in our City.

**Councilmember Tart** stated that very early on in the Resolution it does talk about the 116 acre parcel in question delivers storm water to Chicken Creek and Cooper Sandy Creek, however, in paragraph seven where it talks about the concerns expressed if we really want to be true to what the concerns that were expressed they did express a lot of concern about the storm water runoff and the fact that there would be an increase in storm water runoff as a result of all of the construction and impervious surfaces and etcetera that would be resulting from this development. He would feel better if we were staying true to what they were presenting and if we inserted in this additional storm water runoff.

**Councilmember Lusk** stated he takes exception to that based on the State Codes for discharging from a site. There cannot be discharge of a volume greater from a developed site than from a pre-developed site, so there is control with the rate and volume of storm water runoff.

**Councilmember Tart** stated that we are not discussing in paragraph seven what the laws are. In fact, we just said for the record that we are not discussing the impact of septic system; we are merely expressing the concerns of the citizens. Storm water runoff was a concern of the citizens, so if we are staying true to that theme then we should insert in this paragraph exactly what the concerns of the citizens were, which the additional storm water runoff was.

**Mayor Lockwood** stated he appreciates everyone's comments, but at this point we have a motion and second on this Resolution and he would also state for the record that he does not perceive this to be or want this to be a statement for sewer versus septic. We are passing this on as recommendation for the Board of Education, so if there are no more comments lets bring this to a vote.

**Vote:** The motion passed unanimously (6-0).

**City Clerk Marchiafava** read agenda item 08-601

### **Approval of the First Amendment to the Sublease Between Fulton County and City of Milton for the Northwest Fire Station located at 750 Hickory Flat Road**

**City Attorney Davis**

- This came before Council prior to the end of April and Council approved a lease agreement that is substantially in this form.
- Despite the fact that she had presented the contract that the Fulton County Attorney's office had presented to her, when she sent it back for execution and tying up the last bit of detail on the transaction, they requested additional revisions.
- The only changes are with respect to paragraph D.

- 
- We had previously stated that the lease amounts would be the same as under the previous lease and they have requested that for the first term of the lease and any renewal period thereafter that the lease payments would be based on a monthly pro-rated figure, based on the debt service payments that they were obligated to fund, under their COPS transaction.
  - That debt service payment schedule is attached as an Exhibit B and the financial ramifications are actually better than we had budgeted for because in some respects for some of these years it fluctuates.
  - We will not spend as much money on the lease as we thought.
  - This is what Fulton County has asked that we approve.
  - She contacted the Fulton County Attorney's to see if there was any additional progress on the AMBAC approval.
  - That was the approval by the funding company that needed to pass off on the lease agreement.
  - It is still held up for approval, however, we seem to have some positive indications that they will not charge us that review fee which was in the range of about \$5,000.00.
  - We are hopeful to avoid that fee and to get that process completed.
  - As it stands now we were operating under the previous lease until this gets approved.
  - AMBAC approves the lease as well, so if this meets with Council's approval she would ask for a motion to authorize the chairman to sign this revised first amendment to sublease between Fulton County and the City of Milton.

**Motion and Vote:** Councilmember Thurman moved to approve the First Amendment to the Sublease between Fulton County and City of Milton for the Northwest Fire Station located at 750 Hickory Flat Road. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously (6-0).

### **MAYOR AND COUNCIL REPORTS**

#### **Mayor Lockwood**

- Would again like to welcome Alice Wakefield.
- We are excited for Tom Wilson and his future opportunity and we are glad he will still be around and part of the team.

#### **Councilmember Lusk**

- Reported that he spoke briefly with the County Commissioner Lynn Riley and she indicated that hopefully on this Wednesday that the County would be cutting a check for our special services.

### **STAFF REPORTS**

#### **City Manager Beckett**

- We have some small issue relating to storm water markers.
- He left some literature for them to consider and he does not know what kind of issue it is for the City, but we would hope to place this item on the next work session agenda for a decision as to material.

#### **Councilmember Thurman**

- Asked if this was something typically that elected officials decide.

#### **City Manager Beckett**

- No, typically it is something that he would make a decision on but he is trying to be patient.
- He understands a committee was involved in the discussion and we want to be inclusive and if we have committees and environmental concerns associated that is fine.

- 
- He usually has inherited those because they are essential to the NPDES permit.
  - Normally, he would make the call in conjunction with staff.

**Councilmember D'Aversa**

- Asked what committee was involved.

**City Manager Beckett**

- It was the Green Committee involved in the discussion with this.

**Councilmember D'Aversa**

- Asked who came up with these three.

**City Manager Beckett**

- We probably picked some out of a design today because there was a multi-faceted number of designs and materials.

**Councilmember Thurman**

- Thinks it would be a decision to be made by staff since it is not a policy decision.

**City Manager Beckett**

- Hopefully, we will learn together and this is not a criticism, but one of his responsibilities is to bring information to their attention on the Council manager form of government.
- He can learn from Council and, hopefully, he can impart some things that will be useful to them.

**Mayor Lockwood** stated if there were no other staff reports, he would like a motion to adjourn into Executive Session.

**EXECUTIVE SESSION**

**Motion and Vote:** Councilmember Hewitt moved to adjourn into Executive Session at 7:05 p.m. to discuss pending litigation. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously (6-0).

**RECONVENE**

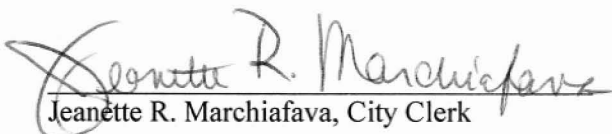
**Motion and Vote:** Councilmember Lusk moved to reconvene the Regular Meeting at 7:41 p.m. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously (6-0).

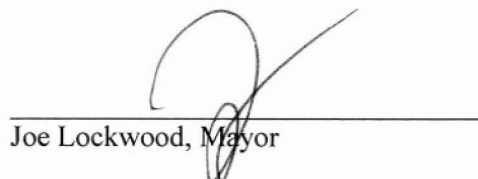
**ADJOURNMENT**

**Motion and Vote:** Councilmember Thurman moved to adjourn the Regular Meeting at 7:42 p.m. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously (6-0).

After no further discussion, the meeting adjourned at 7:42 p.m.

**Date Approved: June 16, 2008**

  
\_\_\_\_\_  
Jeanette R. Marchiafava, City Clerk

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