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The Regular Council Meeting of the Mayor and Council of the City of Milton was held on August 18, 2008 at 6:00 PM, Mayor Joe Lockwood presiding.

INVOCATION

Tass Welch, Community Minister, Community of Christ Church led the invocation.

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 Julie Zahner Bailey, Councilmember Bill Lusk, Councilmember Burt Hewitt, Councilmember Tina D'Aversa, Councilmember Alan Tart

PLEDGE OF ALLEGIANCE

The Sons of the American Revolution led the Pledge of Allegiance

APPROVAL OF MEETING AGENDA

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

PUBLIC COMMENT

Mayor Lockwood

- Public comment is a time for citizens to share information to the Mayor and City Council and provide input and opinions on any matter that is not scheduled for its own public hearing during today's meeting.
- There is no discussion for items on the Consent Agenda or First Presentation from the public or from Council.
- Each citizen who chooses to participate in public comment must complete a comment card and submit it to the City Clerk.
- This is not a time to engage the Mayor or members of the City County in conversation.
- When your name is called, please come forward and speak into the microphone stating your name and address for the record.
- You will have five minutes for remarks.

There was no public comment.

CONSENT AGENDA

City Clerk Marchiafava read the following Consent Agenda items:

1. Approval of the August 4, 2008 Special Called Work Session Minutes.
2. Approval of the August 4, 2008 Regular Minutes.

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

REPORTS AND PRESENTATIONS

A Proclamation celebrating the 225th Anniversary of the Treaty of Paris.

Councilmember Lusk presented the Proclamation to the Sons of the American Revolution.

PUBLIC HEARING

City Clerk Marchiafava read agenda item 08-649.

Approval of Alcohol Beverage Application for Target Store T-2431 at 139055 Highway 9. Applicant is Target Corporation for Wine and Malt Beverage.

Finance Manager Stacey Inglis

- Staff request approval for Target Store T-2431 at 139055 Highway 9.
- They have applied for retail sales of wine and malt beverage.
- They have adhered to all of the requirements of the Ordinance.

Mayor Lockwood declared the Public Hearing closed.

Motion and Vote: Councilmember Hewitt moved to approve the Alcohol Beverage Application for Target Store T-2431 at 139055 Highway 9. Applicant is Target Corporation for Wine and Malt Beverage. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

UNFINISHED BUSINESS

City Clerk Marchiafava read agenda item 08-626.

**Approval of an Ordinance Amending Chapter 15, Health and Public Safety to reflect the composition of the Milton Department of Public Safety.
Ordinance No. 08-08-19**

Lieutenant Matt Marietta

- Asked to bring a change in Chapter 15 of the City Ordinance.
- Part of this addresses incident management and other house keeping issues.
- Need to note that there is a change from what was initially presented in the packet.
- A zero was misplaced associated with the Fire Marshall duties.
- Instead of 25 cents per square foot for structural plan review it is actually 2.5 per square foot.
- The change can be found of page 12.

Motion and Second: Councilmember Lusk moved to approve an Ordinance Amending Chapter 15, health and Public Safety to reflect the composition of the Milton Department of Public Safety. Councilmember Thurman seconded the motion.

Discussion on the motion:

Councilmember Zahner Bailey

- Asked if we need to include the comment that was made for page 12 or if that is automatically adopted as part of this.

City Manager Beckett

- Recommends we include that change because we have a written document and we need a part of the change reflected in the record.

Motion to Amend: Councilmember Lusk moved to amend the motion to include the correction on page 12 to reflect the difference between 25 cents per square foot to 2.5 cents per square foot. Councilmember Thurman seconded the motion to amend.

Vote: There was no further Council discussion. The motion passed unanimously.

Mayor Lockwood administered the Oath of Office to the new Fire Marshall Melissa Henderson.

Councilmember Lusk

- This appointment carries a lot of responsibility.
- The Mayor and he deals with Fire Marshalls on a daily basis and they understand the important function they serve.
- It is an honor and well deserved.
- He commends Melissa Henderson and looks forward to have her serve.

City Clerk Marchiafava read agenda item 08-638.

Approval of an Ordinance Accepting the Georgia Municipal Employee Benefit System Official Plan Document for Retirement Program.

Ordinance No. 08-08-20

City Manager Beckett

- Read a section of the Employment Agreement that is applicable and triggered the necessity for the change.
- Under section 7a, Georgia Municipal Association Retirement Plan state the employer agrees to enroll the employee into the applicable retirement plan with the Georgia Municipal Association GMA know and the Georgia Municipal Employees Benefit System GMEBS plan and to make all of the appropriate contributions on the employee's behalf. The employer intends that the employee shall be immediately vested in the GMA retirement plan pending approval from GMA and approval of all associated documentation.
- Approval of this would result in compliance with that particular portion of the agreement.
- That is the only change affected by the decision.

Motion and Vote: Councilmember D'Aversa moved to approve an Ordinance Accepting the Georgia Municipal Employee Benefit System Official Plan Document for Retirement Program as presented. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read agenda item 08-639.

Approval of an Ordinance to Adopt the City of Milton Trail Development Standards.

Ordinance No. 08-08-21

Public Works Director Dan Drake

- This is dealing with the Milton Trail which is a new system of road side trails within the City.
- The first part is the requirements of new development and redevelopment for the construction of the Milton Trail.

- The second part is the standards of the trail which talks about the cross section and material types of the trail, bench signage and which side of the road.
- This has been worked together with the Department of Community Development, Public Works as well as the Bike and Ped Committee.
- Staff recommends approval.

Councilmember Zahner Bailey

- Asked if the signage would be consistent with some of the design standards and if it needed to be concluded before we proceed with this.

Public Works Director Drake

- In Section 5 of page 8, there is a signage standard which says that a trail sign shall have a rustic appearance of earthy wood like materials.
- It talks about the horse logo and a hitching post potentially being included.

Councilmember Zahner Bailey

- The main thing would be to have it consistent with our sign ordinance.

Public Works Director Drake

- They will take it in front of the DRB.

Councilmember Thurman

- Looks like some intense design standards.
- Hopefully we will have subdivisions wanting to hook up to the trail in places.
- She does not want the standards to be so strict that it prevents us from getting as much of it done as we would like to have done.
- We have to have a compromise.

Public Works Director Drake

- In each of the standards there is a minimum and a preferred.
- Anything below the minimum standard is something they would have to look at again.
- Approving this as an Ordinance may not give us that flexibility.

Councilmember Thurman

- Asked if there were any lead way so that he can approve things that do not have to always come back to Council for strict approval.

Public Works Director Drake

- We can state that Council would like for us to incorporate that, or we can come back with it written in there.
- He is not sure if it is in there but it is a very good point.

Mayor Lockwood

- We would not want to eliminate that and only have the trail in front of a new subdivision or a developed piece of property.

Public Works Director Drake

- We could amend section 3 on page 7 which says; the cross section required for each segment of the Milton Trail shall be according to figure A1.
- We could say except where design exceptions may be approved by the Director of Public Works.

Councilmember Tart

- Asked if the minimum design standards were dependent on ADA requirements.

Public Works Director Drake

- They are based on the roadway facility that we are next to as well as the actual surface.
- All of the surfaces will be ADA accessible including the gravel.

Councilmember Tart

- He is not opposed to the addition provided that they add back in that the minimum standards would still comply with ADA.

Public Works Director Drake

- The sidewalks and trail will go along with the grade of the road and the grade of the road may not meet standards.
- It is ok if the grade does not meet standards.
- It is the ramps that need to and we are bound to make sure that the ramps apply to ADA standards.
- It is the steep of the main line path that they are talking about.
- The actual surface itself will be ADA accessible.

Councilmember D'Aversa

- Not sure she understands how all of the surfaces can be ADA accessible.

Public Works Director Drake

- The actual concrete and asphalt is not a problem being ADA accessible as far as the material type.
- The gravel that we are talking about is a crusher run smaller gravel that is ADA accessible.
- The grade itself may not be but we are talking about a very specific type of gravel that is ADA accessible for anything that is within our public rights of way.

City Manager Beckett

- He has a meeting scheduled for the 25th with Marie Latta who is a fairly acknowledged expert with ADA issues.
- We have a lot of work to do.
- We inherited some circumstances that indicate that we need to do more work in that area.
- He has invited members of the Disabilities committee and Ms Latta to explore all we need to do.
- The Justice Department has promulgated some new regulation relative to ADA and they have not been finalized yet but they are coming so if we can leave it open ended for now with the awareness that of course we have to comply with the ADA law and regulations he thinks our interest will be better served and the Disabled communities interest will be better served once we have someone on board that can focus us in that direction.

Mayor Lockwood

- Asked if everyone was clear that all connections would be ADA accessible but we are limited to the grade of the road.
- He would not want to limit our trails from connecting if it was an exhorbent amount of cost and work to connect a certain piece of property.

Councilmember Zahner Bailey

- Asked if it were possible that the schools could address a separate category so we could identify how the schools could tie in.
- As it relates to different standards on a property that we may not even be able to anticipate; does the variance process that we have in place also allow an avenue for someone that we are not yet anticipating being able to request a variance even to this standard once these standards are developed.

Public Works Director Drake

- It really does not.
- We are talking specifically about putting an exception in section 3 to give the Director of Public Works that discretion to make some exceptions.

Councilmember Thurman

- It might not be right of the Director of Public Works to have to go before the BZA to request a variance to these standards.
- She does not know who else would actually be doing them.

Councilmember Zahner Bailey

- She surely was not suggesting that but she was just thinking about a primary and a secondary variance.
- Very much like if there was a variance request that came to Community Development and if they did not support the variance that the next process would then go through the Board of Zoning Appeals so she was viewing that as the step after staff would have reviewed it.

Public Works Director Drake

- There are variance requests for hardship to the Director of Community Development in there as far as triggers.

Community Development Director Wakefield

- She thinks what Councilmember Zahner Bailey is alluding to is if someone disagrees with Mr. Drake and wants to appeal his decision it would go to the BZA.
- There is currently a provision that is in the zoning Ordinance that allows for that.

Motion and Second: Councilmember Hewitt moved to approve and Ordinance to Adopt the City of Milton Trail Development Standards with the addition in Section 3 that we also give discretion to the Public Works Director. Councilmember Lusk seconded the motion.

Discussion on the Motion:

City Attorney Ken Jarrard

- He agrees with giving discretion and asked if they want to confine that to any criteria or the extent of that discretion.
- He raises that so when the final comes back before Council they look at it and say; it seems unfettered; he just wanted to raise that it would appear as it is stated right now an unfettered discretion.

Mayor Lockwood

- Thinks that is a good point.
- We need a professional recommendation from staff as to a suggestion on that.

City Attorney Jarrard

- He would have to defer to staff because they will have a better understanding of the types of discretion they need.

Mayor Lockwood

- Maybe we could put it to a percentage.
- If we find it is a hardship in many cases; the variance process could handle it or we could revisit it.

Councilmember Thurman

- She thinks it would be hard to quantify.
- Would rather give him an open end.
- She trust he knows what their intent is.

Councilmember Tart

- Asked the attorney to look at page 6.
- Section 3 provisions for trail easements; asked whether there should be shall in place of will in the third sentence.

City Attorney Jarrard

- Thinks that shall is a stronger language but he is comfortable with will.
- He thinks it accomplishes the same thing.

Councilmember Zahner Bailey

- Subsequent to whatever this vote would be; would it be reasonable that Mr. Drake would go back to this committee about what that discretion would be.

Mayor Lockwood

- That is a good point but there will be discretion with staff.
- We would like to ask that Mr. Drake does go to the committee and work with them to come up with a reasonable discretion.

Public Works Director Drake

- We have a meeting with them next week and we will bring it up.

Vote: The motion passed unanimously.

NEW BUSINESS

City Clerk Marchiafava read agenda item 08-640.

Approve of two facility use agreements with Hopewell Youth Association for Baseball programs at Bell Park.

Public Works Director Drake

- Both agreements are with the Hopewell Youth Association.
- One is for the Recreational Baseball league.
- One is for the five travel teams.
- We spent the last month and a half with the HYA, Councilmember D'Aversa and the attorneys working through this agreement.
- We think we have agreed on all of the points.
- There are 3 amendments he would like to propose on both agreements.
- The first would be section 16 of each agreement.
- The recreational baseball; on page 6; the last sentence of section 16 says; the association is encouraged to arrange for the availability of the fibrillators with trained members at the facilities; he is asking to have the word encourage be replaced with required.
- Accommodation in section 6 and section 12; on the bottom of page 6 in section 6 says; these backgrounds checks will be paid by the association; he would like to amend; accept the city and association will equally share the cost for background checks until October 31, 2008.
- Section 12; there is language that says prior to July 1, 2009 the reinvestment will be 5%; the first sentence we will strike and also strike the first few words of the second sentence that says effective July 1, 2009; if we do that it basically says that 15% will be collected for all years.
- The final is section 4, page 3, last paragraph, second line says; the recreational level registration is waived for all children and that would read; waive for up to one child; so we will strike for all children and put up to one child.
- With those amendments; staff recommends approval.

Motion and Second: Councilmember D'Aversa moved to approve two facility use agreements with Hopewell Youth Association for baseball programs at Bell Park. The one facility use agreement is for travel teams and the other is for recreational baseball as per amended and read by our Public Works Director Dan Drake. Councilmember Tart seconded the motion.

Discussion on the Motion:

Councilmember D'Aversa

- Thanked everyone for their hard work.
- She thinks it is a very solid agreement.
- She asked the City attorney to comment on an e-mail document that made some suggestions to conflict of interest for people that are participating in developing these agreements and working around Bell Memorial Park and the Hopewell Youth Association Facility Use Agreements.
- What would constitute a conflict of interest on behalf of a Council person or the Mayor?

City Attorney Jarrard

- He is mindful of some of the discord that has circulated and with respects to the suggestion that certain Council Members have a conflict of interest; he does not agree that is the case under our Ethics code.
- Certainly there could be cases where a conflict of interest would exist; for instance; if a member of the Council was a sitting board member on the association and also on this Council and was trying to work out an arrangement that involved dual roles in both hats; that could present a conflict that they would need to disclose.
- If there was any inducement that a Councilmember may receive some form of financial remuneration as a product of working on this; that could be a conflict of interest.
- He would know it when he saw it and would look at the Ordinance to confirm it but with the things that were suggested that might be a conflict of interest; they were not.

Vote: There was no further Council discussion. The motion passed unanimously.

City Clerk Marchiafava read agenda item 08-650

Approval for the public Safety Department to execute a memorandum of understanding with the Bureau of Alcohol, tobacco and Firearms regarding participation in Metro Atlanta Arson Task Force.

Lieutenant Matt Marietta

- Typically the investigation of arson is a complex process and involves a lot of expertise and equipment that the average police or fire departments do not have.
- In the interest of properly solving these crimes Metro Atlanta agencies under the auspices of the Department of Justice, the Bureau of Alcohol Tobacco and Firearms have made an agreement to pool their resources between the different Fire Marshalls and Police Departments and whatever agency investigates in the primary jurisdiction in addition to the Alcohol, Tobacco and Firearms Special Agents; this can include equipment, expertise, knowledge, training etcetera.
- This agreement was promulgated by the Department of Justice for us to participate in this task force.
- It allows for remuneration of overtime expenses that are incurred as a result of our staff participating in someone else's arson investigation and likewise.
- They have the same agreement to where they would come and assist us should the need arise.
- They also provide equipment and a lot of technological processes that are not available to a City our size.

Councilmember Lusk

- Asked if they also provide additional and ongoing training.

Lieutenant Marietta

- There are a lot of training resources that are already open to us.
- We participate in the Georgia Public Training Center as being an agency of the state.
- There is also a national fire academy that has ongoing training related to this.
- It is a mutual process all the way around.

Motion and Vote: Councilmember Hewitt moved to approve the Public Safety Department to execute a memorandum of understanding with the Bureau of Alcohol, tobacco and Firearms regarding participation in Metro Atlanta Arson Task Force. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read agenda item 08-651.

Approval of a Solid Waste Management Plan agreement with consultant.

Public Works Director Drake

- This is an agreement with Ecological Planning Group for their consulting services for the Solid Waste Management Plan.
- It is before Council for approval.

City Manager Beckett

- The Charter has another provision that causes some concern that he will take up with Representative Jones and others but section 6.30 of the Charter says; no contract with the City shall be binding on the City unless it is made or authorized by the City Council and such approval is entered in the City Council journal of proceedings pursuant to section 3.14 of the Charter.
- That conflicts with his authority to approve expenditures of up to \$50,000.
- Staff recommends approval.

Councilmember Thurman

- Asked if there was a budget amendment needed for this.

City Manager Beckett

- He thinks we took care of that about two months ago.
- There was a question as to whether or not it was in the scope of service with CH2M Hill and it is not.
- He hopes we will be able to resolve the issue of the unspecified nature of some of the terms of the scope of the contract.
- The nature of the scope is difficult to interpret sometimes.

Motion and Vote: Councilmember Thurman moved to approve a Solid Waste Management Plan agreement with consultant. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read agenda item 08-652.

Approval to award a contract to CW Matthews for Paving Services (Construction) in the amount of \$621,033.43 and provide authority to the City Manager to execute the agreement with the contractor.

Public Works Director Drake

- We received 9 bids for the paving services on 8 residential roads and 1 collector.
- Each of the roads will be patched and resurfaced and Thompson Road of 1.8 miles from Hopewell to Francis will be significantly patched prior to the LARP resurfacing this fall.
- That comprised the \$621,033.43
- The bids ranged from that to \$795,000 so this is low bid.
- Staff asked for approval.

Mayor Lockwood

- Asked if this was not only low bid but encompasses all of the scopes of work they were looking for.

Public Works Director Drake

- Correct

Councilmember Thurman

- Asked what we had in the budget of these particular roads.

Public Works Director Drake

- We had \$630,000 for this so we are right where we should be.

Motion and Vote: Councilmember Hewitt moved to approve awarding a contract to CW Matthews for Paving Services (Construction) in the amount of \$621,033.43, and provide authority to the City Manger to execute the agreement with the contractor. Councilmember D'Aversa seconded the motion.

Discussion on the Motion:

Councilmember Lusk

- Asked if there were any other anticipated extras in this scope of work.

Public Works Director Drake

- There is one small anticipated one and that would be in the Bell Park Road; that goes up to the entrance and there is about 200 feet of alligator cracking within Bell Park that we will probably resurface and pay that out of the park budget.

Councilmember Lusk

- Asked if this was a unit price contract.

Public Works Director Drake

- Yes.

Councilmember Zahner Bailey

- Asked if this was consistent with the PCI analysis.

Public Works Director Drake

- Yes.

Vote: There was no further Council discussion. The motion passed unanimously.

MAYOR AND COUNCIL REPORTS

Mayor Lockwood

- He would like to get some feed back on times in regards to a Council retreat.

Councilmember Lusk

- Asked if we need to have it before the end of September because of the budget approval.

Mayor Lockwood

- He wanted to get some comments from Council to see how their schedules are working first.
- It is hard to get everyone together at one time.
- Asked if everyone could check their schedules and let him know as soon as possible.

STAFF REPORTS

City Manager Beckett

- Wanted to remind everyone the next meeting will be Wednesday September 3rd due to Labor Day.

Public Works Director Drake

- We have tossed around some different names for the Solid Waste Committee and the one we came up with is the TARA Committee (Trash and Recycling Advisory Committee).

Councilmember Zahner Bailey

- In terms of length for that committee; does he anticipate it to be consistent with the time frame of getting that policy in place?

Public Works Director Drake

- We put July 31, 2009 in the draft Resolution, but it will probably be till the end of next spring.

Councilmember Tart

- Needed clarification on the retreat request?

City Manager Beckett

- If it is during the week; they can do some budgetary things in conjunction with the retreat.
- Staff has some agenda items that we feel are important but Council may also have some.
- The most urgent need is to get through the budget but there are other issues that have a sense of urgency.
- The middle of October would be the very latest to have a retreat to address some of the issues.

Mayor Lockwood

- We could have a half day meeting to discuss the budget if we need to.

Councilmember Tart

- Asked the City Manager if in his experience; it would be more successful to do two days together or split it up.

City Manager Beckett

- In his experience; he thinks a concentrated effort where people are removed from their day to day responsibilities is best.
- It is also good to have a variety of moderators.

Councilmember D'Aversa

- Would suggest we try to squeeze a weekend in if possible.

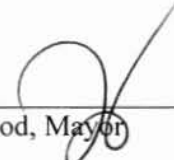
ADJOURNMENT

After no further business, the regular meeting adjourned at 7:15 PM.

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

Date Approved: September 3, 2008


Jeanette R. Marchiafava, City Clerk



Joe Lockwood, Mayor