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**The Work Session of the Mayor and Council of the City of Milton was held on September 8, 2008 at 6:00 PM, Mayor Joe Lockwood presiding.**

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

**Mayor Lockwood**

- Work Sessions are more informal setting to update Council on business items.
- No votes will be taken.
- There are six items on the agenda.
- Public comment is allowed that is germane to an agenda item.
- If you wish to speak you are required to fill out a public comment card and turn it in to the City Clerk staff.
- Public comment will be allowed for a total of ten minutes per agenda item and no more than 2 minutes per person.
- Public comment will also be heard at the beginning of each item.
- Once the item is called no other public comment cards will be accepted.

**City Clerk Marchiafava** read the agenda item.

**Presentation to the Mayor and City Council on the Milton Roundup.**

**Project Coordinator Linda Blow**

- Handed out copies of a drawing of a hand fan that will be handed out at the gate, and will have the program on it.
- The fan is in the shape of a cowboy hat.
- We had to close the vendors and sponsors due to running out of space.
- Need more space for next year.
- Apparent we will have to look for different grounds next year.
- We are having a car show at the Publix parking lot.
- Having a ride the bull competition this year.
- We will have a plaque in City Hall with the winners' names for that and also a plaque with the names of the winners for the chili cook off.
- We will have Hopewell Middle School orchestra.
- Thinks the Milton High Chorus group will be singing the National Anthem.
- Will have free hot air balloon rides.
- We have collected almost fifteen thousand dollars in sponsorship fees.
- The total cost so far is twenty three.
- The Crabapple Arts and Antique fair is October 4<sup>th</sup> and is moving forward.
- We have as many participants as we did last year at this point so we are hoping to get more.
- We are discussing the holiday event and have a lot of volunteers to work on it.
- It will be at the Crabapple Crossroads this year.
- We will have a North Pole and a real reindeer and Santa.
- Talked the Milton High School Chorus group into that as well.
- T-shirts will be in tomorrow.
- She was given the task of getting art on the wall at City Hall.
- Patti Silva came across some people who are happy to share their art with us.

**Patti Silva**

- Over a year ago she joined Linda Blow and some others to form the Milton Art Committee.
- For many months they have dreamed of having a revolving art exhibit in this Council Room.
- Linda's objective was also to fill the empty walls for the enjoyment of our city staff.
- She is pleased to introduce our first artist Isabelle Gautier.
- She is originally from France and has lived in Milton for nine years.
- Her early artistic development was inspired by a love of nature, color and design.
- After her university studies and travels, she moved to Paris where she pursued her interest in art, architecture and modular design.
- After seeing the nature of her work and the constant reminder to her of natural beauty with a green theme, she thought Isabelle would be the perfect artist to show case at City Hall.

**Isabelle Gautier**

- Thanked everyone for the opportunity to have the art exhibition at City Hall.
- She invited everyone to see the rest of it.

**City Clerk Marchiafava** read the next agenda item.

**Overview and update on Milton Grows Green (MGG) Committee's mission, subcommittees and activities.**

Presentation given by Jon McPhail, Jack Lindon, Francia Lindon, Cindy Eade, Melissa Estes, Marc Arrington, Charles Slade:

- **GOALS**
- Help preserve and enhance the City of Milton's rural character consistent with its stated mission.
- Encourage appropriate and sustainable growth for present and future generations
- Identify standards and incentives for greener, more sustainable building practices.
- Promote sound public policy by providing research and information on practices that protect natural resources.
- Develop a framework for evaluating, recommending and/or implementing appropriate initiatives.
- Raise awareness and influence personal choices in ways that improve the health and quality of life for residents.
- Concept of Milton "growing green" initiated by Councilperson Julie Zahner Bailey.
- First presented and gained consensus at a September 2007 work session with mayor and Council.
- Subsequent meetings with the City Manager, Mayor and staff reaffirmed formation and direction of the committee.
- Committee's composition encompasses volunteers with specific interests, expertise and dedication to various environmentally related topics.
- First of seventeen meetings held on February 22, 2008.
- Designed a logo, adopted a Mission Statement and issued an Executive Summary.
- Formed five standing subcommittees focusing on specific areas of interest.
- Identified as a stakeholder group by CPAC and CLUP update process.
- Benefits of "growing green"
- Supports national, state and regional environmental initiatives.
- Milton can be a leader among Georgia communities.
- Thoughtful and sustainable growth benefits both the economy and the environment by maintaining a natural balance of ecological resources, promoting a healthier environment for citizens, and contributing to the profitability of local businesses.
- Desirable environments increase property values.

- Many Georgia Agencies and Organizations promote green planning and growth.
- Governor Perdue's program "Conserve Georgia" announced in April 2008.
- Georgia State Legislation now gives tax credits for installation of renewable energy sources.
- Businesses looking to boost the bottom line are adopting energy saving policies.
- Emory and Georgia Tech are ranked by the Princeton Review as being in the top 10 universities in the country for being "green".
- Citizens are increasingly influenced by environmental issues in their voting choices.
- Many national publications have produced environmentally focused editions.
- **STANDING SUBCOMMITTEES**
- Water, Air and Energy – identify issues and recommend ways to improve the quality and conservation of these natural resources.
- Communication and Education – publicize conservation and ecological initiatives and initiate and participate in public education projects.
- Land use and Building Standards – Investigate existing eco-friendly building standards and programs for conservation of land an open spaces and provide recommendations.
- Reduce, Reuse and Recycle – (the "three Rs") assist with the planning and implementation of waste reduction, recycling and reuse programs
- Certifications and Designations – identify grants and designations Milton could apply for that would identify it as a "Green" city.
- **WATER, AIR & ENERGY**
- Protect water resources: adopt a stream, rivers alive, water conservation, storm drain markers, education on vegetative stream buffers, and education on proper septic system maintenance.
- Support the Georgia Clean Air Campaign.
- Encourage reduced residential, commercial and municipal energy consumption.
- **COMMUNICATION & EDUCATION**
- Growing green starts with awareness of the connection between community and environment.
- Education creates broader public support for city initiatives and enables citizens to make informed choices.
- Communication and education is an integral part of the other 4 MGG subcommittees.
- MGG will be a resource by providing research and information related to the environment and sustainability; by coordinating citizen efforts to assist the city in meeting environmental mandates; by communicating environmental information and options, enabling citizens to make personal choices that better conserve natural resources and protect our community.
- **LAND USE & BUILDING STANDARDS**
- Identify building standards that relate to the environment, smart growth, sustainability and energy efficiency and how they are implemented through mandates and incentives in other localities.
- List information practical for Milton's rural character and develop a framework for analysis by city professionals.
- Sources: quality growth partnership, Georgia Department of Community Affairs, Georgia Environmental Facilities Authority, EPAs U.S. Green Building Council, Georgia Environmental Policy Institute, Georgia Land Trust Service Center, and Southface who provides technical expertise for meeting Georgia's Energy Code as well as for LEED building standards and ahs already provided guidance to MGG on these issues.
- Research incentives and mechanisms for Transfer of Development Rights (TDRs) in standard codes and in practice and investigate opportunities for non-profit participation such as land banks.
- Investigate grants and tax incentives available through non-profit organizations such as Georgia Conservancy, Trust for Public Land and tax incentives at the state and federal level.
- **REDUCE, REUSE & RECYCLE**
- Create and publicize programs and events that encourage waste reduction and recycling, such as: specialized collection events for computer and bulky items and reuse programs including donations to non-profits.

- Investigate existing recycling center models and their applicability to Milton.
- Arrange and publicize cooperative events with existing facilities such as the City of Roswell and the North Fulton Recycling Center.
- Assist the TARA Committee and policymakers in developing a recycling program with MGG research to date.
- Pursue partnerships with local schools, teachers and civic groups including the Hopewell Middle School's pilot program (Milton Grows Green-Hopewell), Adopt-A-Stream, Adopt-A-Road and other cleanup programs.
- **CERTIFICATIONS & DESIGNATIONS**
- There are nationally recognized designations and standards Milton can work toward to give it a special identity as an environmentally friendly place to live.
- Atlanta Regional Commissions' "Green Community" Certification (in development phase).
- "League of American Bicyclists bike-friendly Community"
- The Environmental Protection Agency's "Green Power Community"
- The Sierra's Club designation "Cool City"
- Special designations are also available for neighborhoods and individual buildings.
- **CURRENT PROJECTS**
- Continue to confer with professionals from the green/sustainable building movement to identify current best practices for green building in order to provide recommendations.
- Milton Grows Green – Hopewell, a middle school pilot program that includes an Adopt-A-Stream branch and other environmental efforts.
- Supporting Milton Public Works with volunteers assisting in State storm water requirements.
- Creating a free pilot recycling program with Community Waste Services at Bell Memorial Park with opportunities for other pilot programs.
- Adopt-A-Road program – redesign and implementation in process
- MGG Booth and participation at the Milton Roundup, September 13<sup>th</sup>.
- Developing of a practical model rain water harvesting system that citizens can choose to build, and search for possible outside funding sources.
- Producing of a tri-fold brochure introducing the MGG Committee and listing resources for consumer and municipal eco-friendly information.
- Rivers Alive annual clean-up program scheduled.
- Confer with local garden clubs to establish community gardens.
- **ADOPT-A-STREAM PROGRAM**
- Georgia Adopt-A-Stream is housed in the Non-Point Source Pollution Program of the Georgia Environmental Protection Division, DNR.
- MGG is working on a Milton-specific pilot program at Hopewell Middle School.
- It teaches people to become stewards of their watershed by: Increasing public awareness of the State's non point source pollution and water quality issues, Providing citizens with the tools and training to evaluate and protect their local waterways, Encouraging partnerships between citizens and their local government, Collecting baseline water quality data from local streams on air and water temperature, dissolved oxygen, pH and conductivity.
- **ADOPT-A-ROAD PROGRAM**
- Prior Fulton County program needed focus and volunteer support
- In April 2008 Acting Cit Manager asked MGG to take on the now Milton program.
- Review of program by MGG identified need for: Program structure, procedures and requirements, Consolidation of signage and new design in progress, Legal agreement review and revision – in progress, Establish a data base of matches – identify adopted roads, and those available with individuals, businesses or groups already assigned or newly volunteering.
- Communications materials needed to convey revised program.
- Train and assign interested individuals/groups.

- Coordinate efforts with Milton's Public Works.
- Develop a budget for signs and communication materials.
- **COMMUNITY WASTE SERVICES PILOT RECYCLING PROGRAM AT BELL MEMORIAL PARK**
- MGG, in concert with business partner Community Waste Services (CWS), has created a free pilot recycling program for Bell Memorial Park.
- Program will be proactively coordinated with Milton and HYA, including communication and education.
- 35-gallon recycling carts will be placed at various locations to be collected on a weekly basis or as needed.
- These containers allow for "single-stream" recycling including glass, aluminum and steel cans, plastics and cardboard.
- Signs will be posted next to recycling containers indicating acceptable materials.
- Similar pilot programs are possible at City Hall and schools.
- **CONCLUSION**
- Milton Grows Green will continue to work to improve the quality of life for Milton's citizens and as a committed and active stakeholder in Milton's future, requests formal recognition from the Mayor and City Council.

**City Clerk Marchiafava** read the next agenda item.

**Presentation by the Board of Ethics on Chapter 6, Code of Ethics and Standards of Conduct.**

**Chairperson Todd Ashley**

- Talked about some modifications to the Ethics Ordinance the Ethics Board has undertaken.
- Everyone has worked very hard on getting this Ordinance to say things Council wants it to say and to not to say things it does not need to say.
- Will be very brief.
- Thanked the City Attorneys for their time.
- Page 7, Article 4, Section 2; conflict of interest transactions; one of the things we wanted to focus on was something that would affect anyone in elected office who deals with spending public money, accumulating public money.
- People who have businesses and otherwise engaged in the City or conflict of interest transactions.
- Be advised one thing they focused on and make perfectly clear is that conflict of interest transactions; if you think you are getting close to something, come see them and ask for an advisory opinion.
- Conflict of interest transactions are covered here.
- Basically, if you have any business with, do any business with, are a partner with a vendor who does any business with or otherwise are responsible for city money or resources, please be very careful how you deal with that deal with it according to the law.
- Page 9, Article 4, Section 9, deals with the aspects of politics that occur in any arena in which you have elected officials.
- Part A deals with not using political pressure or political recrimination to affect city employment and one of the things they focused on is use of City resources; in campaigning or supporting others for office.
- Basically, if you think you need to use a city copier to make fliers for the candidate that you are supporting; do not do it.
- We make some exceptions for incidental phone calls.
- We are not into micro managing.
- We know you are adults and we do not care how you manage incidental contacts, but what we do care about is use of city resources to address them: city telephone, copiers, city employees, city resources, Hopewell Park, is it possible that could be misused.

- Anyone trained in law can come up with a factual scenario that would create a violation of just about anything.
- Page 10, Article 4, Section 9B #2: we have received a lot of questions and concerns about political campaign involvement.
- An employee or city official except for elected officials; that covers basically everyone who is affiliated with the City but you all may not be involved in any political activity in his/her official capacity that would constitute a conflict of interest including active participation in any aspect of any political campaign for any office of the City of Milton.
- Bottom line: can I as Chairman of the Ethics Board say I Todd Ashley Chairman of your Ethics Board support Tina D'Aversa for reelection and I use that example to illustrate the distinction between those elections that occur within the city and those that occur for state and federal offices.
- I could not do that because I would be in violation of our Ethics Board if I said I support Karen Thurman for reelection; I could not do that.
- As a private person, may I support or oppose anybody I want as a private individual? Yes.
- With respect to City officials, the second half of part two - nothing in this paragraph shall be construed to limit any elected official from supporting any candidate in any election of his/her official capacity provided the elected official does not utilize city equipment, property or funds in support of such candidate.
- You can support and endorse and oppose anybody you want to without restrictions so long as you do not use city resources to do it or there is no self dealing involved.

#### **Councilmember Thurman**

- Asked when this will come before Council for vote.
- She is getting e-mails from people asking for her endorsement.

#### **Board of Ethics Chair Todd Ashley**

- It is up to Council to approve it or not.
- Article 4, Section 10, before city entities.
- They expected this section would draw some questions and require an advisory opinion going forward on a given set of facts.
- No city official or employee shall appear on behalf of any private person other than himself, herself, or family members before any City body, although they specified, agency, commission or authority board; basically, anything having to do with the City. However, there is a notable exception here: a member of the City Council may appear before such groups on behalf of his constituents in the course of his duties as a representative of the electric, or in the performance of public or civic obligations.
- Any board, agency, or commission or other deliberative legislative or service oriented body in this city can be a host to a City Council Member.
- Our meetings are as open to Council as Council's meetings are to the public provided that such member of the City Council shall comply with all internal operating rules and regulations of that particular group and shall not interfere with or delay the activities of the group.
- What we do not want to have happen for example is: Councilmember X show up to Commission Y's meeting and upon being recognized as an attendee takes the floor and begins a dialogue with the commission such that the deliberative legitimate functions of that commission are overwhelmed in a discussion that is not necessarily driven by the agenda that the board would have to publish; so we do not get into a position of taking a vote on something that was not on an agenda; we will certainly be deferential to the elected officials.
- He would also encourage any board chairman to be very reluctant to invite participation in the deliberative aspects of that body by a Councilmember.
- Each case will be fact specific.

- If the Councilmember's activities, whether they be pre-meeting during meeting or after meeting has the effect of creating additional issues or causing issues to be tabled or prolonging a deliberative aspect of some committee or commissions work then it could conceivably become interference and delay.
- This is about giving the boards and commissions enough of their own space to do the things that Council put them there to do.
- If a Councilmember shows up at a meeting and does not ask to be recognized and does not comment, sits quietly, and takes notes that is absolutely no basis for any action under this Ethics Ordinance.

**Councilmember Lusk**

- Would like to see an educational process after this is adopted for all of the boards and committees and Council members.

**Todd Ashley**

- The discussions they have had include becoming more proactive so they can provide educational opportunities to whoever wants them.

**Councilmember Thurman**

- Asked if the ordinance addresses people interfering with the board; not necessarily by appearing to them but by calling them and suggesting they vote certain ways.
- This just covers them interfering with the operation of a board but not influencing them.

**Board of Ethics Chair Todd Ashley**

- The short answer would be no.
- Those who are elected have the obligation to attempt to influence and persuade, within the bounds of the law, the opinions of those who will make decisions that affect their constituents.

**Councilmember Thurman**

- Disagrees with that because since Council appoints them she does not feel like they should be influencing their decision because their decision could be influenced by the fact that they may be afraid they would lose their appointment if they did not vote a particular way on an item.
- She does not feel like they should have the authority to call up their Planning commission appointee and say: "you really need to vote a certain way on this particular item or else I will appoint someone else."
- To her that is a problem and she does not know it that is covered in the ordinance.

**Board of Ethics Chair Todd Ashley**

- As to an individual conversation between a Councilmember and their appointee in her hypothetical what they are addressing is the group function and not necessarily an individual function to the extent that no confidential information gets shared and that no political pressure.....

**City Attorney Jarrard**

- To the extent that a Councilmember is engaged in that type of situation, the section about appearance before bodies is of limited and I think a focused provision.
- He thinks you could go back to just ethical precepts. For instance section 8 on page 7 never engage in conduct which is unbecoming to a member or which constitutes a breach of the public trust.
- To some language that has been overlooked. It says that if a City Councilmember goes to one of these additional meetings, they have to comply with all internal operating rules and regulations.
- If those rules are violated and the Ethics Board has proof that a Councilmember violated a rule that had been set by that board, they will fine that the language of no interference or delay will have been triggered.
- There are some attorneys on that board and they are going to know how to read it.

**Councilmember Lusk**

- That is where the educational process comes in.

**Councilmember Zahner Bailey**

- Because this is a topic that has come up in other formats, she asked if City Attorney Jarrard could confirm it says that people can participate because before when there was a Resolution it was rescinded. The issue was the infringement of freedom of speech and she does not read this to take away people's freedom of speech or the ability to participate as somebody that represents constituents.
- She just wants to confirm that going to or participating in a meeting is not in violation of the Ethics Ordinance.
- Not only do we want to make sure that no one is interfering or delaying, we also do not want to set the stage for frivolous or politically motivated misuses of this language.
- She wants to be very clear that there is language that will be talked about if anybody tries to misuse this language.
- As an example, if you get invited to come by a committee and if you are asked a question from that board is there anything in this language that would preclude as someone who would have an answer to the question posed to you by that committee from answering that question.
- Would that fall under a politically or frivolous motivated approach?

**Board of Ethics Chair Ashley Todd**

- Without pre-judging any matter that may come before them, maybe.

**Councilmember Zahner Bailey**

- Asked if there were additional language that needed to be added to clarify; shall not interfere or delay because it sounds like it could be perceived subjectively.

**City Attorney Jarrard**

- He has been reviewing the language during this discussion and when he reads it together with the requirement of compliance with all internal rules and regulations in that group. Once you have satisfied that requirement, he does not think there is any chance that you are going to be deemed to have interfered or delayed the business of that body if you have complied with the rules.
- For that reason he is comfortable with the language.

**Councilmember Thurman**

- The Chairperson should be stopping them before that point.

**Board of Ethics Chair Ashley Todd**

- That is correct. He would say to them thank you for coming. You are always welcome, but if you wanted to raise your hand and wanted to comment he probably would not recognize you.

**Mayor Lockwood**

- That goes back to the education needed from you.

**Board of Ethics Chair Ashley Todd**

- Page 11, Section 12: solicitation or acceptance of gifts - that has not changed too much, but he would suggest Council to be familiar with that as it relates to the Ordinance.
- Page 16, Article 5, Section 12: we are changing the complaint procedure to make it more fair to the respondent.
- One of the last things we have to do is to adopt a form that anyone wishing to file an ethics complaint will have to use in order to get their complaint before us.

- Once the form is prepared, as we hand it to the City Clerk, city staff will notify the chairman or chairman's designee, who will then review the complaint for sufficiency.
- We are not reviewing it for adequacy or merit at that time, but making sure they put information in the blocks they were suppose to put information in.
- Our statute limitations on ethical violations is found in part c on page 17: complaint must be filed within six months of the date the alleged violation is said to have occurred or in the case of concealment or non disclosure within six months of the date of the alleged violation should have been discovered after due diligence.
- Continuing in Section D: the City Clerk will deliver to the chair or designee and we will assess it for any initial defects.
- There is a procedure whereby we will notify the complainant of any defects in the form and give them an opportunity to fix it within five days.
- Parties will then be notified by the city and within sixty days of determination by the chair that the complaint meets the requirements set forth in the pleading section 12B and 12C, unless such time as extended; the board will convene a meeting to conduct an initial review to determine whether specifics substantiated evidence from a credible source exists to support a reasonable that there has been a violation of the Ordinance.
- Continuing to H and I: once the Ethics Board passes on the complaint and says there might be something there; then they will convene a hearing.
- One of the things they wanted to do in re-writing the Ordinance is to divest the Ethics Board of the burden of being the prosecutor, the defense attorney and the judge.
- We do not want to be that anymore.
- We just want to be the judge.
- The burden will be on the party making the complaint to prove their complaint be clear and convincing evidence.
- The old Ordinance was by preponderance of the evidence.
- The message we want to send is if you have something bring it to us and we will look at it, which is what we are supposed to do.
- The members of the Ethics Board do not want to be subject to a complaint because we are not doing the job that Council put us here to do.
- If you do not have anything and you bring it to us anyway; we will tell that also, but the burden will be on the person bringing the complaint.
- We will not help try the case and we will not help defend the case, we will just tell you what we see.
- Individuals served will have the opportunity to issue subpoenas through the city if they need to.
- Page 21, Section 17: wrongful use of the Board of Ethics; individuals directing unfounded frivolous false or politically motivated complaints to the Board of Ethics may be subject to penalties including but not limited to dismissal, public reprimand, criminal prosecution for perjury and or payment of cost in attorney's fees associated with handling and processing of the complaint.
- Other penalties may be imposed by the Board of Ethics for wrongful use of the Ethics Ordinance.
- Section 18 goes on to set some additional prescriptions on wrongful use of the Ordinance and the board that we want to avoid at all cost; politically motivated; what might a factor be to determine if a complaint if politically motivated?
- Hypothetically speaking an alleged violation occurred in May, complainant learned of it in June and waited until the week before the election to file an ethics complaint might that be politically motivated?
- It might be.
- Might there be meat to the complaint?
- Maybe.
- This board does not need to be a tool to settle scores political or otherwise.
- We have been here from the beginning and experienced the growing pains.

- There will come a factional scenario that seems like it is an ethical violation that is not covered by this ordinance.
- No law ever captures everything it is intended to.
- Sometimes they capture things they are not intended to.
- This is our good faith best effort and he asked Mayor and Council to approve this Ordinance.

**Councilmember Lusk**

- Asked about the question of the City Attorney being the defense attorney for Councilmembers.

**City Attorney Jarrard**

- In the current Ordinance, the City Attorney was in the stand point of immediately conducting investigations into the allegations and submitting a report to the Ethics Board and they are a big proponent of them not doing that anymore.
- It puts the City Attorney in an impossible situation.
- This ordinance provides the board the opportunity to review and decide if it meets the standard of even further review.
- The board is qualified and entitled to do that based on the strength of the document.

**Councilmember Thurman**

- City Attorney Davis had voiced concerns about the Ethics Board hearing complaints about City officials, elected officials when at least one of those elected officials would have been appointed by a particular Councilmember or the Mayor so basically they are deciding the fate of somebody that appointed them.
- She had suggested going to a different board type or having that person recuse themselves so they are not hearing a complaint against somebody that appointed them; she asked what the City Attorneys feelings were about that.

**City Attorney Jarrard**

- That was brought with respect to some of their preliminary concerns about the whole mechanism by which the board is appointed to preside over you.
- He thinks that issue was fully vetted by this Council and he thinks Council said they were happy with the board they had and Council was comfortably that the board could act reasonably and comfortable and in light of that they have certainly been comfortable going forward with the will of the Council.
- That early concern was in no way an intention to show any disrespect to that board, but it was something we wanted to raise and something we thought might be a concern.
- This Council does not believe it is a concern and we are happy to go along with that.

**Mayor Lockwood**

- If any Councilmember has any questions, they can direct them to Mr. Ashley and he can share them with Council as they move forward.
- He thanked everyone involved for all of the hard work they put into it.

**City Clerk Marchiafava** read the next agenda item.

**Discussion on finances for construction of the first phase of the Milton trail.**

**Dr. Brian Maloney**

- A couple of weeks ago you demonstrated your leadership and future thinking by your approval of the Milton trail standards thus creating one of the greatest assets for the City of Milton.
- This is truly a community asset that is going to preserve the rural nature of Milton and encourage a healthy lifestyle and promote greenness as well as increase property values.
- Like any asset there is a cost.

**Allan Tetley**

- As we embark on this ambitious trail plan, it will take a number of years to get the trail consistent across the whole territory of Milton.
- It will require a lot of money.
- We have a three pronged approach for going after outside funding other than the money that you are going to generously give us.
- There are 28 fortune 1000 companies that reside in the state of Georgia.
- They have budgets and give away money every year to all sorts of ambitious projects of which this could be one.
- To go after those funds requires a detailed plan and that is well laid out.
- We now need a fully thought out approach to sell or market the idea.
- One of the first things that come back is where does the City of Milton stand and have they stepped forward to put the initial seed money.
- When we go after the state and federal money; we need the commitment of the City to say; we stand behind this in order to get those matching dollars.
- Some of those are a match of 20 to 80 percent with the City matching 20.
- The third avenue is benefactor foundations of which there are a number of very large ones head quartered in the City of Atlanta.
- There are about forty foundations based in Georgia that have contributed to the Atlanta bike trail.
- These are foundations that we can also go after.
- There is a CH2M Hill employee that is going to help with the grants and working with the committee.

**Dr. Brian Maloney**

- We divided the funding for the trail system into the first five year segments and that was based on the 20/80 match with 20 percent from the City which is \$200,000.
- Looking at the budget, we have two sidewalk funds; one is what the developers paid into when they were creating their areas, yet the trail system was still evolving, so the public works people said instead of putting it in there, why not just put it into the sidewalk fund.
- You have about \$45,000 in that fund.
- That is irrespective of the new sidewalk fund which has over \$100,000.
- We are also aware there is \$300,000 slated for park improvements and land acquisitions of \$1,313,338, so we are hoping if we can get that sidewalk fund of \$45,000 and maybe \$150,000 out of some of those other "kitties", it would get us to the \$200,000 and that would allow us to get the 80/20 match.

**Mayor Lockwood**

- You talked about over a five year period and asked is that \$200,000 for this year?

**Dr. Brian Maloney**

- Yes, and we feel that when the basic funding of the plan was set up, we were looking at the city for the \$200,000 for each of the years.
- If we can get that first leg going and with appropriate input from the City as to how we set up the trail foundation and the appropriate tax vehicle that would then allow the committee to begin to solicit some of the other donations.

**Councilmember Zahner Bailey**

- To the \$200,000 over the next five years, are you anticipating that we would foresee \$200,000 each year or that next year that 20/10 is going to be dependent on what corporate sponsors and foundational funds you are able to acquire?

**Dr. Brian Maloney**

- For the first year and we would love to see the trail as a line item on the budget for future years, but our hope would be that we could come up with that money so the City could use that for other potential resources.

**Councilmember Zahner Bailey**

- The \$100,000 that is in the current budget draft just talks about sidewalks and when she thinks about sidewalks, she thinks about alternative pathways i.e. the trail system so subsequent to this meeting if we can better understand what the thinking was on the \$100,000 because it may be that they already anticipated that being part of the trail system.

**Public Works Director Drake**

- Regarding the \$100,000, we have money in our budget right now for sidewalk repair.
- Up until this year we had no money for sidewalks or any type of paths.
- The recommendation by the City Manager was to put the \$100,000 in there for sidewalks and path improvements.

**Councilmember Zahner Bailey**

- We need to better understand if we can reallocate that \$100,000 to a trail.

**Dr. Brian Maloney**

- Other than a small amount of gravel money that we are seeking for a test this is money that we are anticipating leveraging.
- It is not that we are going to take \$100,000 and go out and that is what a \$100,000 bought us we want to leverage that money so we can get additional money.

**Mayor Lockwood**

- He has scheduled a meeting with the City Manager and staff to look at that, then we can share that with Council.

**Dr. Brian Maloney**

- One other point was that approximately two years ago a Parks Authority, the legislation for parks authority was set in place.
- Johns Creek has already activated their Parks Authority so if Council would like to set up an investigative committee to evaluate the creation of a Parks Authority that would have both components for the trail, as well as development of some of the park space because it is over 80% of the kids that are turned down from the Alpharetta and Roswell programs are Milton kids. We definitely need some type of infrastructure for them.
- He would be happy to be involved with that and Alan has agreed to be the financial mind. He would be another valuable member.

**Councilmember Thurman**

- Would like to start working on the Parks Authority as soon as possible.
- For us to develop a parks program like we need which includes the bike and pedestrian pathway, we will have to have and utilize the parks authority.
- Based on her conversations with the City Manager, she thinks we may be better off getting it from the land acquisition because it was her understanding that part of the sidewalk funds were to patch in areas on Highway 9 and the Crabapple area where there were gaps in sidewalks so we may need to look at other parts of the budget to find the money.

**Mayor Lockwood**

- He certainly supports looking into that request.

**Public Works Director Drake**

- One of the things we need to think about is the grants that we are talking about or the foundations that we have. We could use some of that foundation money for some of the local maps that we are talking about.
- We could take some of the City money and some of the foundation money and split it up for the 20/80 match.

**Mayor Lockwood**

- Thinks this is important because this would be a way to put something out there that our citizens could touch and feel and see and be proud of.

**City Clerk Marchiafava** read the next agenda item.

**Discussion on abandoning of a portion of Old Cogburn Road.**

**Public Works Director Drake**

- Old Cogburn Road is a short gravel road.
- It is about one thousand feet that serves about four or five houses and dead ends at a property owned by Millie Green.
- There have been some issues about the road being used for construction purposes to that piece.
- We initially received a petition that we had on the Consent Agenda that we formally requested that road be abandoned.
- One option is to initiate the abandonment process of that last 220 feet.
- There will have to be two public hearings and do a survey out there and that would take a couple of months.
- The other option is to make that last 220 feet portion a pedestrian only portion of that gravel road.
- We would put up barricades that says do not enter pedestrians only.
- That would cut off access to that piece.
- Assuming there are no legal hurdles to do that we would make a public works decision to make that portion of the road as a pedestrian only segment.
- We have had a lot of history with that particular property so we would like to have Council's input.
- If we were to do the abandonment we would most likely to a pedestrian only as an interim and then look to abandon the property.

**Mayor Lockwood**

- Asked Public Works Director Drake what kind of comments he had received so far about this.

**Public Works Director Drake**

- We have comments from both the neighbors that are on both sides of the portion that we would like to abandon that they would like to abandon the road based on construction vehicles.
- Historically, that piece was not used.
- The same applicant that occupies some of Millie Greens property a bulldozer went through there and cut down some of there brush and put down gravel and we did not do anything because over the last few months we were investigating if we actually own that property.
- We thought it was a private easement but found out within the last week or so that it was not a private easement and is a public road.
- Had we known at the time, we would have given a violation for working down there without a right of way encroachment permit.

- There are other issues with the actual use of the property.

**Mayor Lockwood**

- Asked if there were comments from the other side of the issue.

**Public Works Director Drake**

- No, there is support all around.

**Councilmember Hewitt**

- If we were to abandon it who's property would it become?

**City Attorney Jarrard**

- The property would be divided at the center line and everybody gets to half way in the middle.

**Councilmember Hewitt**

- What would be the benefit of keeping it pedestrian knowing it gets into someone else's back yard.
- Would there be an upkeep cost?

**Public Works Director Drake**

- The benefits would be there is a potential use for it somewhere down the road.
- The down side is there is some issue of liability of that section as well as some small amount of maintenance.

**Councilmember Zahner Bailey**

- Appreciates public works looking creatively and in concert with Jarrard and Davis and hearing what was just indicated about a pedestrian only; it seems that would be the best.
- She would hate to see us abandon an opportunity for some sort of future activity.

**Councilmember Thurman**

- Asked if there were a down side to making it pedestrian only other than the fact that we would have to maintain that portion.

**Public Works Director Drake**

- Potential liability.

**City Attorney Jarrard**

- Potential liability is small.

**Councilmember Thurman**

- Would prefer to keep it pedestrian only so we can still use it rather than abandoning.

**Councilmember Zahner Bailey**

- She agrees with that.

**Councilmember Lusk**

- Asked what would be the benefit of keeping pedestrian only if it 200 feet of dead end road.

**Mayor Lockwood**

- What if the property that it dead ends too what if someday there was a use for that.

**Councilmember Lusk**

- Asked if they were talking about the entire width through the right of way.

**Public Works Director Drake**

- Absolutely.
- Making a portion of that right of way an off limits to vehicles.

**Mayor Lockwood**

- Sounds like there is a consensus to move in that direction.

**City Clerk Marchiafava** read the next agenda item.

**Discussion on a Parks and Recreation Commission.**

**Councilmember Tina D'Aversa**

- Would like for Council to approve at the next available Council meeting a Resolution that we create the Milton Parks and Recreation Committee.
- It would be a formal committee for the City of Milton that would have appointees from each Council district to sit on the committee and to develop working in conjunction with Public Works Director Drake and our City Manager, as well as the new part time Parks and Recreation Director, to develop how we are going to move forward with our Parks and Recreation program.
- We have a really good example in Roswell and Alpharetta.
- This will be a governing, guiding body that works with Parks and Rec programs with the City staff and makes decisions on the way things will move forward.
- Attorney Paul Fricke developed a basic rough draft and we need to give him guidance on things we would like to change.
- Also, the Chairman of the Alpharetta Parks Commission has volunteered to come and work with us as we appoint our committee and get the Resolution done.
- She talked to him about things that have had challenges and successes with.
- We also had an offer from the Parks and Rec Director.
- He is a CH2M Hill employee that was the long time Director of New Town Park prior to the incorporation of Johns Creek.
- We have seen the successes that volunteers committees have on our City.
- We do not have the funding to do a lot of things that we would love to do that we know are necessary right now in these commissions so both our current City Manager as well as the Public Works Director have suggested they think is time to move forward with this and it is much needed.
- She asked for Council's input over the next week or so.
- Also think about who your appointment would be.

**Mayor Lockwood**

- Also think about some individuals may have access to resources that we could use.

**Councilmember Thurman**

- Asked how this would work with the Parks Authority.
- We are not going to have much of a Parks and Recreation Department until we have a Parks Authority in place.
- She wants to make sure we have clearly distinguished the difference between the two and what their responsibilities and rolls are.

**Councilmember D'Aversa**

- As she understands it the authority is more of a funding body.
- The parks authority is going to be developing the ways to fund the development of the parks.

**Councilmember Thurman**

- Would like to make sure as to what is funded because if they are raising the money and signing on for the bonds. They may have an idea how they want those funds to be used whereas the parks and rec commission may think differently.

**Councilmember D'Aversa**

- Reading the Charter and what parks authorities purviews are compared to what the commission prevue will be as a body that comes before the Council to make recommendations. The commission hears opportunities for things and contemplates things. They do the leg work and the Parks Authority will be at a little different level and the funding decision making would lie with the authority.

**Councilmember Thurman**

- We just need to make sure what that difference is.
- She would love to see us work on getting them both established so the parks commission has some money in which to do something.

**Councilmember D'Aversa**

- At this point, there is a lot to do even without the Parks Authority, but she would like to see us get them both established.

**Mayor Lockwood**

- The committee could be looking at things and getting some leg work done then as we get the authority up and running they could come up with funds.

**Councilmember Zahner Bailey**

- She is assuming that while this commission might be involved in a master plan for the parks authority, the entity that might come together to help master plan our parks system may or may not be this body of seven; she is assuming that we might have an outside consultant of that there might be other entities.

**Program Director Tami Hanlin**

- She would like to get some clear direction because the individual that the City Manager was referencing is going to serve as our part time parks and rec director and he has a specifically a lot of background in the master planning process for parks and recreation. She was working under the assumption that he and the committee they are going to appoint would be the group that conducted the planning process or as much as we can afford.

**Councilmember D'Aversa**

- She would say absolutely he would be involved.
- They will work in concert with each other.
- The committee will jump start him having some additional support of people that can do a lot of leg work and can bring the values of Milton.
- He is coming from outside of Milton.

**Councilmember Tart**

- If he is not mistaken this will be the only commission/board/committee that does not have concurrent terms as the elected officials.

**Councilmember D'Aversa**

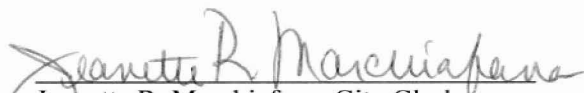
- It is just a draft. They should have the same terms so it would need to be changed.


**Mayor Lockwood**

- Thanked Councilmember D'Aversa for bringing this forward.

After no further business, the Work Session adjourned at 8:57 PM.

**Date Approved:** October 6, 2008

  
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Jeanette R. Marchiafava, City Clerk

  
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Joe Lockwood, Mayor