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The Work Session of the Mayor and Council of the City of Milton was held on October 13, 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 a more informal setting to update Council on business items.
- No votes will be taken.
- There are six items on our 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 into the City Clerk staff.
- Public comment is allowed for ten minutes per agenda item and no more than two minutes per person.
- Public comment will be heard at the beginning of each item.
- Once the item is called no other public comment cards will be accepted.

City Clerk Marchiafava

- We have removed item number five, discussion on Parks and Recreation planning efforts, due to a scheduling conflict.

City Clerk Marchiafava read the first agenda item.

Presentation on Disability Awareness

Acting City Manager Chris Lagerbloom

- We had a great and informative staff meeting with Marie Latta involved.
- Milton has the ability to be a shining star as relates to our city wide compliance in welcoming persons of all abilities to our events and web site and documents we provide to our community.
- Marie Latta is a consultant.
- At the next regular meeting, we will bring forward a contract to allow her some consulting opportunities with the City.
- Introduced Marie Latta.

Marie Latta

- This City has taken a positive proactive approach to accessibility.
- As we look at compliance with American with Disabilities Act of 1990, we are looking at it from two ways.
- As we develop a compliance plan, we have an opportunity to create a culture of universal accessibility.
- She firmly believes with the atmosphere in the City of Milton, we can create a model for accessibility in a city.
- There are some immediate things we need to do.
- While we are doing that we will also be setting some long term processes in place.
- Accessibility works best when we take an operational approach.
- We think first of the physical access and that is important because if you cannot get there then you cannot participate.
- Along with that we will be looking at a broader spectrum.
- We will combine compliance with culture.

- We will look at accessibility from three different perspectives with people.
- Physical access, people who are ambulatory and who are in wheel chairs or use other mobility equipment and we will look at it from the point of view with communication disabilities.
- People who are blind or have low vision, deaf, hard of hearing, and have speech and language deficits.
- Then we will look at it from the cognitive point of view.
- Everyone will feel included in the City of Milton and will be able to participate.
- She was excited when she read the mission.
- We will be sure that everyone can participate in your mission.
- There is quality of life and the mission is very clear cut and positive and productive.
- Interaction and participation are the bottom line for people with disabilities.
- Title 2 is for state and local government.
- There is an operational administrative requirement.
- She is discovering by using those administrative requirements we have a method for going about systematic accessibility and assessment of where we are and what we need to do.
- It is a good overall operational plan so we will use that as the foundation.
- Some immediate priorities: designating an individual to oversee ADA compliance, developing a grievance procedure, and this is one of the things that is high on her priority list.
- It is important to have a procedure in place because if there are issues then there is a plan, so you will not be caught off guard so you can resolve things quickly and positively.
- Developing notice to the public.
- Some things will be short term.
- It will be important to get them in place and use them when we are looking at the longer term plans.
- Developing an evaluation plan within that is a thirteen step process and that is where you get in all the way from reviewing your job descriptions; it is a good administrative review for anyone.
- Developing a transition plan - actually putting together a document shows what we have done and what we have available so if someone comes in and has a problem or a question, you will have the plan and show evidence of what you are doing.
- A hand full of things collectively we have identified as more immediate needs, reviewing the portion of the Comprehensive Plan that you are dealing with now to look at policy and really see if accessibility has been included.
- The website is your public face so we need to review it just to be sure that inadvertently you have not discriminated.
- We need to look at the job descriptions and ensure that we are complying and meeting the needs.
- She visited the Crabapple Festival and she will put together a brief report on that.
- A lot of things that need to be implemented are not money related, but just doings some things a little differently.

Mayor Lockwood

- It has been rewarding for him to get to know Marie.
- She has a wealth of experience and she can help us a lot.
- He thanked her for all she is doing.

City Clerk Marchiafava read the next agenda item.

Presentation of the 1st Annual City of Milton Holiday Card

Project Coordinator Linda Blow

- Played a video of Georgia snow.
- The video was taken by Melinda Crider on New Years Day 2002 on the Alpharetta line.
- It is Georgia Snow hence the name of our first holiday card "Georgia Snow."
- Introduced artist Melinda Crider who is responsible for the idea of our first holiday card.

Melinda Crider

- The video was taken on 850 Liberty Grove Road, January 1, 2002.
- It is in the Birmingham community.

Project Coordinator Blow

- Wanted to point out the logo on the flap of the envelope.
- City of Milton is on the back along with the credits for Melinda.
- Will roll it out with an amateur photo contest for submissions for the cards next year.
- Hopes we can continue this and keep adding to it.
- This year we are putting them in packs of twelve and will sell them for twenty dollars.
- They will come out on November 1st.

Councilmember Zahner Bailey

- She is really struck by the video.
- As a thought as part of the publicity for the new card, maybe consider a clip of the horses in motion for our website.
- It is lovely to see them in motion.

Melinda Crider

- She does not have a problem with that.

City Clerk Marchiafava read the next agenda item.

Presentation of a Partial Update on the Comprehensive Plan

CPAC Chairman George Ragsdale

- This is intended to be a status report.
- The original plan was to complete the plan and have it adopted by Council in September with the idea that it would be forwarded to DCA and ARC.
- In February when we presented the assessment and the Community Participation Plan we had a fairly sizeable delay at that point.
- We have had delays with respect to the financial model.
- Shortly after the February meeting he asked an opinion of the City Attorney with respect to when the plan was required to be submitted to the state.
- At that time it was understood that the plan was not due until 2011 because we were operating under the Focus Fulton 2025 Plan.
- Through the timely intervention of both Alice Wakefield and Billy Beckett, we determined the expectation on the part of DCA was that plan would be submitted this year.
- We had an appropriate legal opinion and we could have argued that with them and take the full amount of time, we decided it was in the best interest of maintaining our relationship with them that we try and comply with what they wanted.
- Community Development Director Wakefield was timely in negotiating a partial update plan which is due December 31st.
- The full plan will not be due until sometime thereafter.
- While they were adamant in the first place that we have it in by the end of the year; as soon as we agreed to do a partial plan by the end of the year; the date for submitting the final plan sort of evaporated.
- We do not feel constrained with respect to getting the complete plan done, although all of the people involved are anxious to get it done as quickly as possible.
- We will try and have a public hearing early November to present the partial update plan with an expectation early in December we will ask Council to adopt the plan.

- We will be asking for approval to submit it to the state.
- It is not a final plan but a partial plan.
- Once we submit that we will continue to resume our work on the final plan.
- The key piece is the financial model.
- There is a public strategic planning workshop for December 1st.
- The purpose is to talk about alternatives that we want the financial model to evaluate.
- The partial update plan will not address that so even though it comes after we ask for approval to submit the partial plan they are really disconnected.

Community Development Director Wakefield

- Knows that there has been some frustration, but it is under way.
- Last month, we had an all day work session.
- Much of the information needed required a lot of leg work in gathering the data.
- We agreed upon the data we wanted to provide in the financial model, then it was up to staff to gather the data.
- We all agreed we would provide this data to the programmer by the end of September.
- Unfortunately, the data was sent to the programmer today.
- The character area map in the description along with the land use data; it says it was in progress and would be completed this week.
- It was completed today and forwarded to the programmer today and that took some time in recalculating that because there were some changes made to the character area map so we had to go back and do those calculations.
- The 2009 budget was delivered before the end of the month to the programmer.
- Public Works data is in progress and we expect it to be complete by the end of this week, however, the key components to the financial model data have been sent to the programmer.
- That was the character area information and the land use data.
- The Parks and Recreation data was completed and sent to the programmer today.
- The part time Parks and Recreation Director was a great help.
- She received the information from Public Safety early in the process and it was sent to the programmer.
- We have some tweaking to do as it relates to the fire safety, but that is in progress and he will have that this week.
- We provided the programmer all of the zoning information in the City of Milton.
- That took an enormous amount of time because we had to do it by hand which meant pulling every file and checking every file and going to the Fulton County website and pulling their documents to look at their minutes, so it took a lot of time from the Community Development staff.
- The only thing we have not done yet with that is linking it to the GIS.
- From this day forward as the rezoning occurs we can update it so we can easily get that information.
- We are a little over two weeks behind in getting the data to the programmer so that will probably delay him from doing some of his work.
- We will more than likely get something by the end of November or the first of December.

Councilmember Zahner Bailey

- With regards to the data, as that model evolves, if there are identifications of any data that was incorrect or if there is additional data that becomes necessary is that something identified as being workable and worked into that process.

Community Development Director Wakefield

- Yes, just sending him the information this morning on the character area, we let him know there were some areas we felt were not exactly correct and we would be reevaluating that and would forward it to him as we make the necessary corrections.

- We will have until he gives us the final run to make changes.

CPAC Chairman Ragsdale

- He wanted to thank the members who participated in the September 18th meeting.
- We had two sessions to try and develop and understanding of what the frame work of the model needed to look like.
- Because of the fact that we are trying to approach it as an enduring kind of a tool there will be opportunities to change and modify it even after the plan is submitted.
- The model can continue to be tweaked.
- The character area is the bed rock with the land use as with any character area being the next layer.
- Changing the definition of a character area is probably not that big of a deal.
- To give a since of what is in the partial plan, the first four sections, issues and opportunities, existing development patterns, areas requiring special attention, and the consistency with community quality objectives are sections that were submitted as part of the assessment in April.
- The new areas which are required as part of the partial update are the implementation plan, the short term work program, the report of accomplishments and the implementation policies.
- In terms of new material the backend of the document that Council was given is where we need input.
- For clarification, when we talk about the report of accomplishments for example because of what he state is looking for is really report of accomplishments with respect to what Fulton County's plan said was going to be accomplished.
- It is not intended to be a report card on Milton, but more so with respect with the Fulton 2025 Plan.
- The short term work program, we try to make sure the things indicated as being done in 2008 are things that were budgeted to be done in 2008 and similarly in 2009 and that they are consistent with the budget.
- The implementation policies in large part are at a principal level.
- They tend to be lofty and he hopes as we move through the final plan, we can distill them down to some more tangible implementation policies, but for now they are at a high level to make sure we have something that will be directionally indicative of what we want to do so the state can give us feedback.
- We will look forward to Council's comments.
- He wants to make sure the high points in terms of the bench marks they are looking at are addressed.
- We feel pretty confident we will not have any trouble meeting the December 31st deadline.
- We do not want to assume if we do not hear from anyone that they do not have comments so he would appreciate it if Council does not have any comments to let us know that as well.
- One of the things that continues to nag the Comprehensive Plan Advisory Committee is this disconnect between what the state requires and what we all believe we would like to ultimately see as a plan.
- When we finish with the comprehensive plan, he thinks it will in some respects be frustrating because it will not go into the level of actionable detail that we might like to have.
- There is more work that will need to be done.
- Having the schedule relief that we have is going to help us put more detail into it than we might otherwise have been able to do.
- The Comprehensive Transportation Plan is scheduled to be done next year and as a result of that we have backed off in terms of what we might have otherwise done with respect to transportation for the comprehensive plan.
- We want to make sure the plan we produce and the work that Public Works Director Drake is going to do works together.
- One of the down sides of this process taking so long is people have other commitments, people lose interest and he personally believes when we get the financial model back it will start to regenerate interest amongst the volunteers on the committee.
- There is a core of people that have been diligent about participation but it is tough for sixteen people with the number of times we have met and the amount of time we have spent.
- People are not as diligent about participating as they once were.

- Unfortunately, there is not much we can do about that.
- We will come back and talk about resources later.
- Financially we do not have any issues.

Mayor Lockwood

- Thanked George Ragsdale and the rest of the committee for all of their hard work and help.

City Clerk Marchiafava

- Acting City Manager Lagerbloom asked that we move to item number seven which is discussion on Noise Ordinance.
- We do have several public comment cards for this item.

Discussion on Noise Ordinance

Tim Sudduth, 1075 S. Bethany Creek Drive, Milton Georgia

- He stood before Council a few months ago and asked for help.
- Montana's Bar and Grill is right behind our housing subdivision.
- We would like to have worked with them but unfortunately it continues to be a problem over and over again.
- It came to a head July 3rd.
- They started the night early.
- We knew it would get louder and louder.
- He waited until 10:00 and when he realized he could hear it all the way down at our swim tennis on the other side of Bethany Bend it was a little too loud.
- We called some officers out and they ended up getting a fine.
- After they got the fine for a couple of weeks they calmed down and things were going well.
- Now he has a concern for the children in our community and our development.
- We have teenagers.
- He has a four year old and an eighteen month old.
- Even on Tuesday night they are still going at 11:30 p.m.
- He thinks that is excessive.
- He would like to have something where we could limit the amount of noise.
- There was an article in the paper and they talked about how they had eighty thousand dollars of improvements.
- Those improvements were to expand to an open air atrium.
- It has open windows on the outside.
- It is still very loud and annoying.
- On Friday and Saturday nights they go until around one to two in the morning.
- We are asking for help.
- We love it here and would love to stay here but cannot imagine staying in that neighborhood the way things are.

Jason Fields, 1135 S. Bethany Creek Drive, Milton, Georgia

- This is the first time he has ever complained.
- They were one of the original people in the neighborhood.
- They have been there since 2000.
- When they moved in Montana's was a sports bar and they never had any bands or outside activity.
- Since the new owner took over several years ago it has been every week end.
- He has not been one that has had to call the police because by the time the noise has gotten to a level where it impacts his house and walks outside there was already a City of Milton Police Officer in the neighborhood.

- He has had some sick children over the past several months and in his daughters room; you cannot sleep at night because of the base sound from the music.
- When it impacts the children he has to draw the line.
- His neighbors have repeatedly called the police and it is a futile effort.
- The property owner has put up a fence between the neighborhood and his establishment but it makes no difference.
- The people that live in the houses that serve as a buffer are forced to wear ear plugs in their own house and forced to move to opposite sides of the house when the bands are playing.
- It is not like we moved into our neighborhood knowing what we were getting into.
- It was there prior to this and hopefully we will be there long after this is taken care of.
- It seems the police do not really have enough tools in their book to come out and actually help us out.
- They are diligent.
- They come as soon as we call and take measurements and to everything in their power but when it comes to bringing the property owner in and holding him to task for what is happening, it seems that is where the ball is being dropped.
- We would just like some help.

Phil Cranmer, 1040 S. Bethany Creek Drive, Milton, Georgia

- Does not want to sound redundant.
- We have been here before.
- It has been over a year now the owner has been in place.
- Imagine being in your home and having the radio blasting and having no control over that volume.
- Think how annoying that would be.
- We are here for two reasons.
- We have exhausted all options between the Homeowners Association and with help of the City staff relative to finding a neighborhood friendly approach in trying to resolve this issue with Montanas.
- He worked with Charles Millican for seven months and after seven months of meeting with Montanas directly, we got nowhere.
- All they did was replace a fence that had once fallen down.
- That does nothing more than stop the head lights going into the homeowners homes.
- Seven months later after a lot of talk and good ideas relative to putting in lelands and relative to pulling in a noise expert, we got nowhere.
- Enough is enough.
- We have exhausted all options.
- He has gone so far as to tell the bar owner; please do not invest anymore money into the establishment until he knows what he underlying issue is.
- That building used to be a green house.
- It was not meant to have live music played in.
- When you hear he has thrown eighty thousand dollars into it, he still has not had one noise expert go in there and do an evaluation.
- We did come up with a noise expert and when it came down to paying for it, the homeowners associated considered kicking in a portion of the funds to complete the evaluation, he said business was bad and he could not afford it.
- He committed to putting in fifty to seventy Leyland cypresses but it never happened.
- We are here asking for Council's help.
- He thinks the noise ordinance in general has worked for the majority of the city but it has not worked for us relative to amplified music.
- Three nights a week he is wearing ear plugs or leaving the air condition fan or leaving the television on.
- Some nights we have to go to the spare bed room in the back of the house just to get away from the noise.

- We are asking for support and amending the noise ordinance such that amplified music is limited to reasonable hours.

City Clerk Marchiafava read the following comment cards into the record:

Raymond (Joey) Costainzo:

I am still after 2 years wearing ear plugs 3 days a week. I had a court case pending on August 3rd for a noise violation. First time the defendant did not come prepared. Second time the defendant did not show. In my opinion this has a great deal to do with the character of the defendant.

Craig Kaufman:

The noise ordinance is ineffective, if it is even enforced. Friday and Saturday evenings are unpleasant to be outdoors on my porch. We need a stricter ordinance or a new government.

Scott Morgan:

Noise Ordinance has not been effective in controlling the intolerable music from Montana's Grill. This must change. I have been living with the intolerable noise from Montana's Bar and Grill for 3 years and have not seen a change. My calls to 911 will sometimes bring an officer and even then it is confusing as to a citation be written. Several citations have been issued but then the case never ends in our favor. The noise continues every week-end and on random school nights. I am very frustrated with what I and my neighbors have had to deal with to no end. This must not be allowed anymore. I welcome any of you to come over on any night that music or bands play and hear for yourself. Thank you.

Marta Bustillo:

We have lived in the subdivision before Montanas moved in. Sometimes their music is so loud that it echoes and bounces off of some of the other houses in our neighborhood. This happens often on week nights, way past our (and our children's) bed time.

That completed public comment.

Acting City Manager Lagerbloom

- This is something that Billy Beckett was working on when he was here.
- This is something he had worked on previously.
- He has some interest and back ground in making sure we get this ordinance right.
- He hopes he can answer some questions as to what different decibels levels sound like.
- He tried to pull from a couple of different examples what the different levels could be equated to.
- He thinks the noise ordinance is something collectively we need to discuss.
- He wants to caution that we do not change a law just to deal with one issue.
- What we have heard tonight focuses around one issue and that issue may be important to us, but as we go through this discussion we need to realize we are dealing with noises that deal with the entire city and not just Montana's Bar and Grill.
- On the second page of the ordinance in the chart listed on the bottom of the page.
- We have a district in which the sound is received as well as a district in where the sound comes from.
- In the circumstance we have heard about tonight, that would be an area of commercial interest that is sending sound into a residential area.
- In the chart at any hour of the day until ten o'clock at night the permissible sound level is at 65 decibels.
- Between 10:00 p.m. and 7:30 a.m. as the ordinance is presently written those decibels would be reduced by 5.
- The City Attorney and he battled around many different ways to address noise in Milton.
- We could get into the nuts and bolts of trying to regulate amplified noise.
- We could talk about live music.

- We could talk about live amplified music.
- At the end of the day what we are interested in is controlling in some circumstances is noise.
- What is actually leaving that property and being received on an additional property.
- We changed our focus and direction from trying to put in prohibitions against amplified music or against live music.
- We need to focus our discussion tonight on those decibels levels and come up with at different set of numbers if these numbers are not sufficient for what Council's expectations are for noise in Milton.
- Our ordinance when compared to others is conservative.
- Our decibels are lower than any of the cities that have noise ordinances that surround us.
- That does not mean we do not need to get more conservative.
- Instead of having the hours as they are, we may want to drop that noise level down by 15 instead of 5.
- The ordinance is straight forward to enforce.
- One other area in the ordinance is on page four in section 7D; there has been some concern about noise that comes from the high school and events that occur there.
- You can see the exemptions that between the hours of 7:30 and 10:00 they are exempt as long as they do not exceed 70 decibels.

Mayor Lockwood

- We certainly cannot look at this from one specific issue or one area, but obviously there is a problem in a certain area.
- It sounds appealing to have a quiet City after 10:00 p.m. and he would like to know how realistic that is and how legal it is.

City Attorney Jarrard

- As with anything a local government tries to do, you have the police power.
- The police power has to be serve a legitimate public health safety and welfare purpose.
- There are multiple things to look at.
- A quite city could significantly impact commercial development.
- That needs to be taken into account.
- There would need to have a significantly well documented public health and safety reason.

Mayor Lockwood

- Asked City Attorney Jarrard if he had this issue with other jurisdictions.

City Attorney Jarrard

- Yes.
- This is a very common issue.
- The decibel levels established in this code are within the typical range that he is used to seeing.
- If we were to lower it along the lines the City Manager mentioned, it would go from a fairly conservative jurisdiction to a really conservative jurisdiction.
- There is a legitimate concern so he is not taking away from that.

Mayor Lockwood

- In looking at the chart; 65 decibels are not that loud, so from what he is hearing the noise must be more than 65 decibels at night in this instance.

Councilmember Thurman

- Asked if we were getting complaints from any other locations than the high school and Montanas.

Acting City Manager Lagerbloom

- Those are the two on a repetitive basis.

Councilmember Thurman

- In regards to Montanas, what is the typical decibel reading?
- Where is the threshold that it becomes bearable for people who live there and want to sleep.

Acting City Manager Lagerbloom

- If the music is louder than the decibel level assigned by the ordinance somehow it gets to right on the line by the time our officers get there or he is right on the line all the time as it is.
- It is consistently at the highest permissible decibel level for that particular time of day.

Councilmember Thurman

- If we dropped it down five to ten, it would reduce the level of noise.

Acting City Manager Lagerbloom

- He would think so.
- He does not think we could drop it ten and not notice a difference.

Councilmember Thurman

- What if we went to something like that after 10:00 p.m.
- If we reduced it so they could not have the loud noise because it sounds like it is probably going until one or two in the morning.
- She asked if that was an option.

Acting City Manager Lagerbloom

- The difficult issue in measuring sound is sound on these decibel meters has peaks and valleys.
- It is a very difficult thing to enforce even during the day.
- You really have to dedicate an officer there for an hour to figure out if they have violated it by five decibels for fifteen minutes out of that hour because it does not say for fifteen continuing minutes it just says for fifteen minutes.
- In theory it makes a lot of sense, but the enforceability of it is a challenge.

Councilmember Thurman

- So for enforceability it is easier if it is a hard number.

Acting City Manager Lagerbloom

- Yes, it does not mean it is necessarily right but it is the easiest to enforce and it may very well be right for our circumstances.
- As a side note, he has learned in working through this process, he realizes things are financially driven and he can appreciate a business that is trying to stay in business in this economy.
- He knows there are places in this nation where we can put a twelve lane shooting range in the middle of a neighborhood and not one sound will be heard on the outside of that building, so there are ways to keep sound in, if loud noise is a method to draw people to business.

Councilmember Thurman

- One of the residents pointed out Montanas was not built to hold sound in.
- It was built as a green house and that is where the problem lies.
- There is nothing to buffer any of that sound in that facility.

Mayor Lockwood

- Maybe you hit on something in talking about economics.
- Maybe there is a point where we adjust the decibel and they have to do improvements to meet those.
- With the school that was mentioned is there some way we can work with them because there sound system may not be aimed correctly.
- That may be a problem that is internal.

Acting City Manager Lagerbloom

- We have explored that at length.
- Those speakers are pointing above the crowd so intuitively it seems if the sound is pointing over their heads, you have to increase the sound so it gets down into the football stadium.
- We have approached them with that.
- They would be the ones that would have to make those modifications.

Councilmember Thurman

- They have made some modifications because the noise is much better than it was.

Acting City Manager Lagerbloom

- The complaints about the high school have gone down this fall.

Councilmember D'Aversa

- She was going to point out that the equipment the school has is not appropriate for maintaining the noise inside the stadium.
- It is about how they insulate the walls and that may be a good starting point.
- Is there something we can do that requires that noise being brought inside.
- In regards to Montana's, they have added on and added an outdoor patio where the noise is concentrated.
- She asked if we have any opportunity for setting up a permitting process for noise levels that will reach a certain level at night where we require they have that noise inside.
- When they got the permit to go from and nursery to Montanas were there any requirements.

City Attorney Jarrard

- He does not know that we could not modify our zoning regulations to requires some sort of an amplified music requirement.
- It would be something we would have to be advised of when they come in to apply.
- We could put in some sort of buffering requirements or insulation requirements that you would expect to capture that.

Community Development Director Wakefield

- To answer the second question, they would have advised us that they were converting this structure to a bar and grill.
- There are certain basic codes they would have to meet but there is nothing that requires them to do an additional insulation just because it is converting to a bar and grill.
- In regards to their ability to convert from the green house to this facility if the property is properly zoned and there is no conditions of zoning that restricts certain uses then yes they can do that conversion.

Councilmember D'Aversa

- Asked if there was anything we might be able to do with regard to the citation process.
- It sounds like if they reach the higher levels enough and get citations it seemed to be a deterrent to them for a short period of time.

- It seems that a negotiating process might be worth while.

City Attorney Jarrard

- Restaurants depend a lot on the good will of the public and want the public to be positive.
- He is not used to them wanting to have a protracted battle with people who are basically upset and offended by the way they are conducting business.

Acting City Manager Lagerbloom

- He and Billy Beckett met with them and tried a mediation approach.
- They looked at the whole facility.
- They looked at options that were available.
- They took options with them that they thought were options they would like him to explore even further.
- They left it in his court with the documents and asked him to take a look at them and see if there are any of these steps he could take to make it better for this particular neighborhood and when his response came back to Billy it was that he agreed to do none of the things they had asked him to do in that mediation session.

Councilmember D'Aversa

- With regards to any of our other ordinances is there anything that is a violation that might help him to want to work with the City.

Acting City Manager Lagerbloom

- There is nothing more restrictive than this noise ordinance.

Councilmember D'Aversa

- Asked if he was familiar with the barriers they put on GA 400.
- They make them to buffer facilities like this that have outdoor entertainment, amphitheaters, etcetera.
- They make them to look and blend in more so than the big walls.
- Asked if it was something the City might consider doing since this was grandfathered in and we are stuck with this particular location.
- Also having a stricter ordinance with regard to outdoor entertainment and noise levels like this adjacent to residential neighborhoods so we catch it in the permitting and zoning process in the future.

City Attorney Jarrard

- To the extent that you adopted a new noise code, it would be applicable.
- There is no vested right to continue to have music that would be in defiance to a new code you may adopt.
- They would be required to comply with the new code.

Councilmember D'Aversa

- From a perspective of if you have only heard from Montana's and the school in small amounts then it is this issue we need to take care of and then need to take care of the future ones with zoning requirements.

Mayor Lockwood

- Economics may be a source for a fix on this one.
- If we lowered the decibel levels and this mans business was going down because of that then maybe it would force him economically to beef up his insulation system.
- There has to be a point where we put pressure that gives a solution here.
- We just have to find that point that is reasonable and fair.

Councilmember Lusk

- Asked if we knew which direction Billy Beckett was planning on.

Acting City Manager Lagerbloom

- He thought he was going to try and bring forward something that prohibited either live or live amplified music as a recommendation.
- That is something we could still do although after talking with the City Attorney he thinks we really need to just attack noise and not care what the source is.

Councilmember Lusk

- His concern with lowering the decibel level is what is acceptable.
- What might be acceptable to one might not be acceptable to another.
- Before we head down that path, we need some research done by sound engineers to determine what would be acceptable across the property line.
- Addressing another part of this we have built hyperbaric chambers where sitting across from each other we could not hear each others voices so there are means and methods to attenuate sound to a level that would be a minimum decibel level.
- It is a matter of economics as to what he would do.
- Maybe we could summarize at this point where we actually stand legally and what we could do that would be binding to the whole city without violating anyone rights to make noise.
- Asked if the effort would better come from the community as opposed to the law making body.

City Attorney Jarrard

- That is a great question.
- He thinks what he is getting at is anything the City adopts will be broad brush and will apply to every property within the City.
- We need to be mindful of what we do because cities cast a very broad net when they adopt new rules and regulations.
- The reality is that people that are affected also have their civil causes of action and if someone is out there causing a nuisance, they would have the right to pursue that and it would not be dependent upon the City doing anything.
- Unfortunately, pursuing a private cause of action for nuisance is expensive.

Councilmember Lusk

- He is not trying to shift our responsibility and duty to the community, but that is the type of advice we would need.
- We do not want to broad brush this whole issue.

City Attorney Jarrard

- There is the law of unintended consequences and that is that we go to some sort of ten or fifteen decibel reduction do we know what the consequences of that would be and he does not know what they would be.
- That is something you would expect your staff and law enforcement to try and advise you whether you are going to cast your net a bit to far in that sort of scenario.
- He is not used to a restaurant “playing a game of chicken” with the local jurisdictions or their neighbors.
- He is used to us working it out getting some insulation in there finding a compromise because they want patrons and customers and those come from happy neighbors.

Mayor Lockwood

- His guess is that establishment does not draw just from the neighborhood around there.

Councilmember Hewitt

- Asked if it is a sustained time when the officer is taking the decibel reading.

Acting City Manager Lagerbloom

- The case when you get to court is a sustained time.
- Because of the repetitiveness of this particular issue our officers have truly waited for the opportunities when appropriate when it has just gotten over the decibel level because the way the ordinance reads that to is a violation so there is some police discretion.

Councilmember Hewitt

- Asked if there been a decibel reading at the school.

Acting City Manager Lagerbloom

- Not to his knowledge and they have not had any opportunity to take any action against the school.
- There is so much going on during a football game that we would be happy to do a decibel reading if we had someone that wants to complain about it.
- There are two schools of focus.
- One says it is too loud and the other says that is what it sounds like in the fall on Friday nights in Georgia.
- There is no a community out cry and some people enjoy setting on their porch and listening to a football game.

Councilmember Hewitt

- In going back to the Montana's situation, it might be worth while to make one more try in negotiating with them.

Acting City Manager Lagerbloom

- He is happy to try that if they think there might be some value in it.

Councilmember Tart

- Looking on the chart the conversational speech at one foot away is 60 decibels.
- We have a lot of businesses that are located very close to residents so between the hours of 10:00 and 7:30, he thinks there is some opportunity, especially if we find that Montana's and other businesses are at that threshold of 65.
- If we could drop that a little bit, it might put the pressure on some businesses to make some improvements that would be more respectful to the neighbors there.
- His other issue has to do with section 7 paragraph D sounds emanating form a league, school or church sponsored, sporting or recreational event shall be exempt so long as they do not exceed 70 decibels.
- He is a big proponent of equal application and equal opportunity under the law, so why did we make the decisions to have schools and churches and those types of events treated differently than a business.

Acting City Manager Lagerbloom

- The ordinances that we were finding as draft ordinances gave complete and total exemptions in that particular category and we took it one step further and placed the decibel level.
- Most ordinances those types of events are exempt from the requirements of the noise ordinance.

Councilmember Zahner Bailey

- Asked if there would be some defining things in the area of the Highway 9 corridor that would allow us to impose a slightly different approach because of the proximity of residences to the commercial.
- Asked what other parcels or business people in our community would be negatively impacted if we were to reduce the decibel after ten o'clock.

- If there are none then that gives us an opportunity to go with further reductions.

Acting City Manager Lagerbloom

- He wants us to be cautious that we address this problem because it needs to be solved in some capacity without jeopardizing or finding those unanticipated consequences.

Mayor Lockwood

- It is a concern to everyone.
- He suggest we consider working on the decibel levels or thinking about it.
- Staff can give us some recommendations but he thinks we have a general consensus that we need to try and solve this problem.

Acting City Manager Lagerbloom

- He appreciates the comments and what he would like to bring this forward and get it back on the agenda.
- We ask that you potentially consider to modify this ordinance that between the hours of 10:00 pm and 7:30 am the noise levels be reduced by ten decibels for receiving property.
- He thinks that will take us a step in the right direction.

Mayor Lockwood

- Thanked the citizens for being here and sharing their concerns.
- Would like to work out this situation to the best possible solution.

City Clerk Marchiafava read agenda item number 5.

Discussion on on-call consultants and upcoming Public Works contracts

Transportation Engineer/Planner Sara Leaders

- The purpose of the on call and engineering services is to provide effective means to contract for transportation planning and engineering services.
- We have some design of intersection roadway projects that are slated for FY 2009 that we plan to include in these services.
- Initiate our transportation master plan.
- We have selected three services and five task orders for the three.
- We have representative here from those firms to present the following power point presentation.

Purpose

- Provide efficient means to contract for transportation planning and transportation engineering services
- Design of roadway projects slated for FY 09
- Initiate transportation master plan
- Provide other engineering and planning services for the City

3 Consultant Contracts – 5 Task Orders

1. Transportation Master Plan – Faye DiMassimo, Kimley-Horn
2. Birmingham at Providence Intersection – Marsha Anderson Bomar, Street Smarts
3. Arnold Mill at New Providence Intersection – Marsha Anderson Bomar, Street Smarts
4. Traffic Calming – Marsha Anderson Bomar, Street Smarts
5. Landrum Rd Bridge – Loai El-Gazairly, URS

Schedule

- June 5 – City posted RFQ
- July 10 - 26 responses
- July 24 – Short listed 6 firms

- Aug 7 & 8 – Interviewed 6 firms
- Aug 27 – Selected 3 Consultants
- Oct 20 – Approval of contracts
- Nov 3 – Approval of up to 5 task orders

Technical Review

- Technical Evaluation Committee
 - Dan Drake – Milton Public Works
 - Alice Wakefield – Milton Community Development
 - Roddy Motes – Milton Public Works, Field services
 - Sara Leaders – Milton Public Works, Transportation design/planning
 - Rick Pearce – Milton Procurement
 - Cedric Clark – Sandy Springs, Transportation planning
 - Cindy Jenkins – Johns Creek, Transportation design/planning

Evaluation Criteria of Statements of Qualifications

- 45% Qualifications and Past experience in Design
- 35% Qualifications and past experience in Planning
- 10% Qualifications of Project Manager, Design Lead, and Planning Lead
- 10% QC/QA Procedures

Contract Details

- 5 year
- Zero Dollar Contract
- Negotiated rates with Consultants
- Task orders encumber the City for a particular scope
- Task orders greater than \$50,000 are approved by City Council

5 Task Orders – Nov 3 Approval

- | | |
|----------------------------------|---------------------|
| 1. Transportation Master Plan | Estimated \$450,000 |
| 2. Birmingham at Providence | Estimated \$125,000 |
| 3. Arnold Mill at New Providence | Estimated \$100,000 |
| 4. Traffic Calming | Estimated \$35,000 |
| 5. Landrum Rd Bridge | Estimated \$90,000 |

Total Estimated \$800,000

1. Transportation Master Plan

Faye DiMassimo, Kimley-Horn and Associates, Inc.

1. Transportation Master Plan

- Project Management Plan, Development of Vision, Goals, Objectives, and Investment Strategies
- Communication
- Comprehensive Plan foundation
- Brand and logo

1. Transportation Master Plan

- Stakeholder and Public Involvement
 - Community Event
 - Statistically valid scientific poll/opinion survey
 - Stakeholder Advisory Committee (up to 6 meetings)

- Stakeholder/Focus Group (up to 4 meetings)
- Public Meetings (3 including community event)

1. Transportation Master Plan

- Inventory of Existing Conditions
- Assessment of Current and Future Needs
- Recommendations

1. Transportation Master Plan

- Access Management
 - SR 9 from Bethany to Forsyth County – pilot, guide, Modifications to ROW Manual and Community Services Plan
 - SR 140 Strategy (tech memo)
- Pavement Management
- Trail Implementation

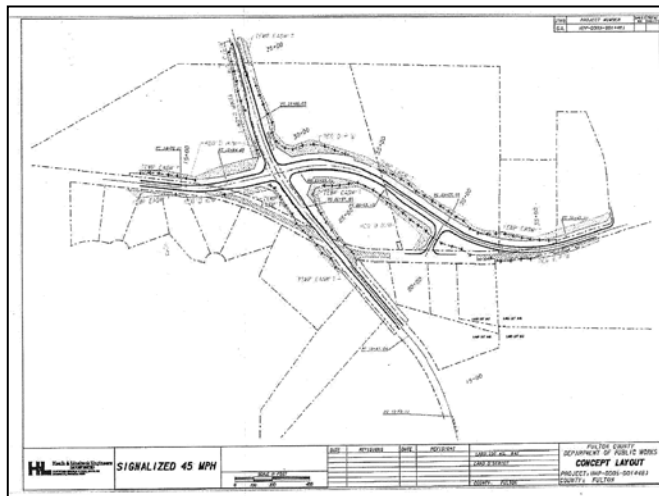
Intersection Improvement Projects:

2. Birmingham at Providence
3. Arnold Mill at New Providence

Marsha Anderson Bomar, Street Smarts

GDOT Intersection Concept Design

2. Birmingham Hwy (SR 372) at Providence Rd (CR 27)





2-3 Citizen Advisory Committee (CAC)

- A Citizen Advisory Committee (CAC) will be created for each intersection project
- Each CAC will meet a total of four (4) times
 - **Meeting #1:** Present alternatives and discuss constraints.
 - **Meeting #2:** Discuss intersection alternatives including ideas that were identified during Meeting #1. Identify a preferred alternative
 - **Meeting #3:** Presentation of the preferred alternative and design details for the alternative.
 - **Meeting #4:** Presentation of the preferred intersection alternative to the City Council with the CAC in attendance. (CAC will have the option of presenting the alternative to the Council if they so choose.)

2-3 Public Information Open House (PIOH)

- Public Information Open House (PIOH) between CAC Meetings #3 and #4 to present the preferred alternative for each intersection.
- The goal is to inform the public and receive comments about the proposed project.
- No formal presentations
- Handouts and maps describing the proposed project are made available

4. Traffic Calming

Marsha Anderson Bomar, Street Smarts

4. Traffic Calming

- Physical and other measures
 - to reduce the negative effects of motor vehicle use
 - To improve conditions for non-motorized street users.
- Techniques include
 - Police enforcement
 - Education
 - Speed humps, center islands, chokers, chicanes, and roundabouts and more

4. Traffic Calming Projects

- City of Atlanta: Evaluated requests for speed humps by collecting and analyzing field data based on the criteria published by the Institute of Transportation Engineers.
- City of Woodstock: Evaluated measures to reduce speeds and traffic, and enhance safety in the City of Woodstock neighborhoods in the most effective way.
- Mt. Vernon Traffic Calming: Encouraged reduced travel speed on Mt. Vernon Parkway. Project also included sidewalks along the Parkway and landscaping to improve the image, safety, appearance and utility of the Parkway.

5. Landrum Road Bridge Replacement

Loai F. El-Gazairly, URS

5. Landrum Road Bridge Replacement

- Purpose
 - Replace existing bridge with precast/prefabricated structure
- Existing Bridge
 - 15 ft long and 12 ft wide over Briar Creek
 - Wooden Deck
 - Weight Limit 3 Tons
 - Speed Limit 25 mph
 - Local traffic

5. Landrum Road Bridge Replacement

- **Scope of Work**
 - **Concept Developing Phase**
 - Concept Layout and Report
 - Public Information Open House
 - **Environmental Phase**
 - Environmental Site Assessment
 - Stream Buffer Variance
 - A section 404 permit exemption
 - **Hydrology and Hydraulic Study**
 - Hydrology and hydraulic modeling
- **Scope of Work (continue)**
 - **Structural Design**
 - Structure Type
 - Aesthetic Consideration
 - **Geotechnical Investigation**
 - Borings (depth and samples)
 - Laboratory Testing
 - Foundation Report
 - **Construction Plan Phase**
 - Construction Plan Set
 - Construction Cost Estimate

Next Actions

- **3 Contracts will be presented for approval on Oct 20**
- **Up to 5 task orders will be presented for approval on Nov 3**

Public Works Director Drake

- We still have our project framework agreements with GDOT on the three projects that we are still waiting to here back from them and have been since May.
- The district engineer is working with us to get that piece done.
- The estimates of \$800,000 are just estimates.
- We are working on the final negotiations.
- We have negotiated each of the rates.

Councilmember Lusk

- Seems like we are working at cross purposes.
- It is a cost plus with a guarantee fee but no guarantee match.
- Asked if that was right.

Public Works Director Drake

- We have negotiated rates.
- Each of the task orders will be cost plus fixed fee and those will be the estimates we have.
- These are not lump sums.

Councilmember Zahner Bailey

- Because this will be the new bridge that is constructed as a new jurisdiction, it sounds like part of the process already deals with the aesthetic designs.

Public Works Director Drake

- We have two times we will go to the design review board with this.
- Once for their initial input and then after we get the final details on it.
- One thing we are thinking about; it is a wooded structure right now, is having a concrete structure and the gravel would go over the bridge so the gravel would be part of the bridge.

Councilmember Zahner Bailey

- Hopefully, we are looking at examples not just in Milton whether nationally or internationally we look at a design that also fits within a more rural environment.
- There is one that connects between Cherokee and Milton, further north and maybe they could take a look at that one.

Public Works Director Drake

- We are looking at whether it will be a one lane or two lane bridge.
- Right now it is a one lane.
- We will go to the public to get that opinion.

Councilmember Zahner Bailey

- The approach for bridges can be a defining element for Milton.
- We hope we have a lot that we have to replace, but we need to look at it long term.

Mayor Lockwood

- Thanked the consultants for their presentation.

City Clerk Marchiafava read the next agenda item.

Discussion on Rules and procedures to govern boards, commissions and committees and to differentiate between them. This will include membership (number, appointment, terms, etc.), oversight by and use of staff, use of city hall, reporting to Mayor & Council, etc.

Councilmember Thurman

- The reason for this is to protect the City.
- If we have an organization that wants to use city hall.
- Wants us to put information on the web site that we may not totally agree with their views this allows us to say no.
- The other reason is we all know that our most precious resources within the City is staff time and money.
- This allows a way to try and regulate the amount of time that is spent by any of these committees of staff time and City resources.
- She sent it to everyone and has received no comments.
- This has only a couple of minor changes.
- Rather than saying swearing in, she put oath of office.
- That is the main area there were any changes.
- She asked how we formalize something like this so it becomes city policy so we can enforce it going forward with anyone who may decide they want to have a citizens group that we do not feel comfortable supporting.

Mayor Lockwood called for public comment on the item.

George Ragsdale, 540 Treyburn View, Milton , Georgia

- He is speaking only on behalf of himself and not the Comprehensive Plan Committee and not the Planning Commission.
- The way this agenda item was listed it raised a concern he mentioned at a prior meeting.
- It continues to be something he thinks is worth considering.
- His comments are focused on planning and zoning and not on any of the other boards and commissions.
- We have an opportunity to structure the way we handle planning and zoning matters differently than the way they have historically been done.
- We have modeled our processes after Fulton County, but he believes there is a more efficient way to do it.
- The key word he picked out is differentiating between boards and commissions.
- We have a lot of overlap between boards and commissions.
- We have boards and commission that in his opinion do not add value the way they are currently utilized because the process does not allow them that.
- When people feel like their time is not contributing to a solution, we get meeting burn out.
- There are a lot of people with a lot of expertise that want to contribute their time but he recommends we look at the way the process is structured to take better advantage of that.
- We can have a more efficient process with respect to the community, how lone it takes to get things approved, how long it takes to get things through.
- Staff time is not only very valuable, but also very expensive and we have a lot of people in the community that are willing to contribute time to do a lot of work that we could be doing that would minimize the amount of staff time in certain instances and allow us to be more effective as a community.

Mayor Lockwood

- Appreciates Councilmember Thurman putting time into this and it makes a lot of since to him.
- It looks like it lays out the community structure we have and addresses it so in the future it will certainly help.

Councilmember Tart

- He has some suggestions.

- Under the City sanctioned committees, under expenditures; it says no city paid expenditures may be incurred except as approved by the City Manager; his suggestion is to add or by resolution of the Mayor and City Council.
- Also under the same category use of city logo must be approved by the City Manager, add or by resolution of the Mayor and City Council.
- That would be in line with what we recently did with the Milton Grows Green Committee.
- The other issue he has is the use of city facilities in the same category under City sanctioned committees, it use of city facility, staff meeting held off premises unless approved by the city manager.
- If we sanction a committee that would be a committee that this body has approved as having a purpose and he would think they would be able to use the facility.

Councilmember Thurman

- Under a lot of cases they will be using the facility because a lot of committees in place because staff requested it.
- What we did not want is for it to be a situation where they wanted to have weekly meetings here and we have to have a staff member here to open and close the facility.
- That is a use of staff time and that is what we are trying to minimize as much as possible.

Councilmember Tart

- Asked if they could put something in there that would have something to do with outside of normal business hours.
- He does not think it is a burden on staff if it is during normal business hours.

Councilmember Thurman

- If that is the case the City Manager would typically say that is fine as long as someone else is not using it.
- The two conference rooms have to be coordinated around.
- She just wanted to give the City Manager discretion on it.

Mayor Lockwood

- We also have available the fire station if it is a small meeting.
- He thinks the city manager would have the purview to allow committees to meet in city hall if it is appropriate.

Councilmember Thurman

- He is suppose to be managing the City so it should be under his or her purview.

Acting City Manager Lagerbloom

- He is not uncomfortable with the way this is written and as long as there is latitude to deal with it on a case by case basis and a latitude to have an understanding of why it may or may not work on a case by case basis will be fine.
- Common sense goes into play.
- If there is a twenty or so person committee meeting that needs to happen after hours, whereas he might not have the staff at this particular facility to facilitate an opening and closing does not mean he does not have staff somewhere in Milton.
- As long as there is some latitude and understanding in both directions, he thinks it is written fine.

Councilmember Zahner Bailey

- It sounds like the intent is not to always have a committee that does not meet in city hall but just the circumstances of a particular group or meeting might vary.
- It does not mean that for always a group could not have access.

- Her concern is we have volunteers and we need to be cautious that we send a message to the volunteers that give of their time that city hall is open to them as well. Of course, with the perspective that we do not want to misuse staff time, but nor do we want to send a message that they do not deserve the consideration of using a city hall that their taxes help to pay for.

Acting City Manager Lagerbloom

- Agrees with that and appreciates Councilmember Thurman's concern for staff time because we are thin and there will be some circumstances when it will work better to have a meeting at a fire station.

Councilmember Zahner Bailey

- With regards to the website, the way she reads this it is up to the city manager to review it so it is not that the approval for having access to the website. Once you have a committee that is sanctioned and that has been part of it then that is more of a function of the data that would then go to the website and funnel through the city manager.

Councilmember Thurman

- For some committees, she would expect them to have updated material on the website once a month or once every other month, while other committees may be only every six months or a year.
- We do not want it to be so everyone is automatically running to have things changed on the web site on a weekly basis so it takes up a lot of staff time, so we leave that up to the city manager to police that activity.

Mayor Lockwood

- This is a guideline and there is latitude to the city manager.

Councilmember Tart

- Back to the expenditures and city logo, he does not want us to corner us in to not being able to do what we have done in the past, i.e. if we have something like the CPAC committee and in the resolution where we give the CPAC committee roles and objectives we say in that resolution that CPAC can hire a consultant to do x; the way this reads the city manager would have authorize it and not the City Council and he would argue that the City Council has more purview over how our money is spent.

Councilmember Thurman

- She has no problem adding or by resolution of the Mayor and City Council to the logo and to the expenditures.

City Attorney Jarrard

- With respects to City sanctioned committees versus other committees the way the purpose reads on that, it looks to him like you will have situations where a committee could either definition so he thinks that would be a situation.
- It says a citizen driven organization to support an ongoing initiative take away the specific event just a moment and it could be an ongoing initiative that is beneficial to the city that could be similarly just like a city sanctioned committee. The point being that you will then be in a situation of deciding what is and is not a city sanctioned committee.
- The question is if it is your anticipation, and forget about boards for a second, on the committees is it your anticipation that all of these would be created by some affirmative action of the Council.
- For instance that there would be some resolution like we did with the disability committee or the grow green committee.
- If that is the way we anticipated it, then how would we distinguish between something that is City sanctioned and something that is not.

Councilmember Thurman

- If you look under approval, for the City sanctioned committees it is by resolution of the City Council and the other committees are by the city managers approval.

City Attorney Jarrard

- That is fine.
- Under policy, he wondered if they would think about this, for instance, we reference under boards and commissions - BZA, DRB maybe some language that says in those situations that these boards and commission may take official action that is binding on the city as provided by whatever resolution or ordinance that they are offering under because they do.
- That would dovetail nicely into the next two blurbs where we could say may not take official action under the other two that is binding on the city to specifically distinguish that those other two cannot take binding action that binds this Council.

Councilmember Thurman

- That is what she tried to say, but he wants to reword that it will be fine with her.

Councilmember Lusk

- Asked if that would be governed under the individual by laws.

City Attorney Jarrard

- It would but he thinks that in carving these out we are trying to set forth on these city committees, you will not be giving that power away and if you are we are going to call it a board.

Councilmember Thurman

- Our Charter states that we have to have a person appointed from each district, we can say that is only for the boards and commissions.

City Attorney Jarrard

- That is correct and it will end this debate we have every time we have one of these and that will make your jobs easier.

Councilmember Zahner Bailey

- Obviously, the Ethics Ordinances apply to all of our committees; she asked where we ended up with our volunteer policy.
- We had gone down a path with a number of different addendums to that and she does not know if all of those were addressed.

Acting City Manager Lagerbloom

- It is probably something that needs to come back before Council for adoption.

Mayor Lockwood

- Maybe we could address that with this when it comes back before us.

Acting City Manager Lagerbloom

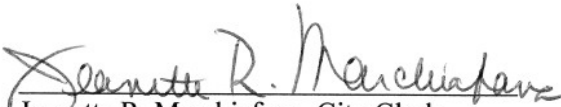
- It is at a point that it could come forward.

Councilmember Zahner Bailey

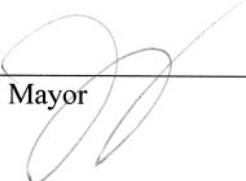
- She just did not recall a time we had finalized that.

After no further business, the Work Session adjourned 9:17 p.m.

Date Approved: November 3, 2008



Jeanette R. Marchiafava, City Clerk



Joe Lockwood, Mayor