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The Regular Meeting of the Mayor and Council of the City of Milton was held on November 3, 2008 at 6:00 PM, Mayor Joe Lockwood presiding.

INVOCATION

Scott Seeke, Pastor, River Lutheran Church, led the invocation.

CALL TO ORDER

Mayor Lockwood called the meeting to order.

ROLL CALL

City Clerk Marchiafava called the roll and made general announcements.

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

Mayor Lockwood stated that Councilmember Thurman was on a work related conference call in another area of the building and would join the meeting after her call.

PLEDGE OF ALLEGIANCE

The Sons of the American Revolution led the Pledge of Allegiance.

APPROVAL OF MEETING AGENDA

Staff recommended the following change to the meeting agenda.

1. Under New Business, defer until November 17, 2008, Approval of Resolution Amending Resolution No. 08-10-46, A Resolution to Create the Milton Grows Green Committee and its Governing Board and for other Designated Purposes by Adding an MGG Committee Governing Board Member.
2. Under New Business, remove Approval of a Resolution in Support of Legislation to Amend Article III, Section IX, Paragraph VI of the constitution of Georgia and OCGA 15-21-92 in the 2009 Session of the Georgia Assembly.
3. Add an Executive Session to discuss personnel.

Motion and Vote: Councilmember Lusk moved to approve the Meeting Agenda, as amended. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed 6-0. (Councilmember Thurman was not present for the vote.)

PUBLIC COMMENT

Mayor Lockwood read the rules for Public Comment.

- Public comment is a time for citizens to share information with the Mayor and City Council.
- To provide input and opinions for any matter that is not scheduled for its own Public Hearing for today's meeting.
- There is no discussion on items on the Consent Agenda or First Presentation or from Council.
- Each citizen who chooses to participate in Public Comment must complete a comment card and submit it to the City Clerk.
- This is not a time to engage the Mayor or Council in discussion.
- When your name is called please come forward and speak into the microphone stating your name and address for the record.

- You will have five minutes for remarks.

Tim Sudith, 1020 S. Bethany Creek Drive, Milton, Georgia

- It is the same topic that we always talk about and that is the noise ordinance and the bar behind their house.
- The last two weekends he has had to have an officer come out and take a decibel reading.
- We talk about bringing the levels down.
- Behind their house it is consistently reading minus five, so it is still going to be an issue.
- It is disrupting the students before they go to school so it is more of an issue with the children on Tuesday nights.
- On the weekends, it is just annoying and he feels it is disrespectful.
- When he calls the manager of the bar he is told they will do it, but nothing changes.
- This is an area he would love to live, but he cannot see buying a house with that right behind them.
- In Roswell at Chastain Park night activities cut off at 11:00 at night and we are allowing this to go on until 2:00 in the morning.
- When he can still hear it and it is still vibrating his windows at 2:00 am, it is too loud.
- He respectfully asks that Council give it consideration.

Phil Cranmer, 1040 S. Bethany Creek Drive

- Does not want to reiterate Tim Sudith's comments, but this has been a long standing and long running issue.
- They need Council's support in amending this ordinance such that they can have peace and quiet back in the neighborhood.
- They attempted to work with Montana's for about eight months and tried the friendly approach to come to some conclusion that was good for both parties, but after eight months they got nothing but a stall tactic.
- We are back to three days a week, wearing ear plugs, and running fans and leaving televisions on.
- The base that emits out of Montana's is ridiculous.
- His bed is vibrating.
- He can feel the ear plugs pounding inside his head so they do not work at times.
- He has been doing some homework on decibel readings and noise in general.
- There is a public safety issue to noise.
- He found safe decibel levels on line and what is referenced is the EPA and what they feel is relative safe levels for certain instances.
- For example; for neighborhoods during waking hours they recommend 55 decibels.
- During sleeping hours they suggest 45 decibels.
- There is a lot of information regarding health into safe and reasonable decibel levels.
- Thanked Council for there continued support.

City Clerk Marchiafava read the following comments into the record for Joe Costanzo, 1105 S. Bethany Creek, Milton Georgia:

"The noise continues to be an issue for our subdivision every Tuesday, Friday and Saturday. How do we go forward? How can we be sure that when we move in Milton in the future that this will not be an issue? At this time the Council is all too aware with our issues with Montana's. It is time we come to a conclusion."

CONSENT AGENDA

City Clerk Marchiafava read the Consent Agenda items.

(Agenda Item No. 08-698)

1. Approval of the October 13, 2008 Work Session Minutes.

(Agenda Item No. 08-707)

2. Approval of the October 20, 2008 Regular Meeting Minutes.

Motion and Vote: Councilmember Lusk moved to approve the Consent Agenda. Councilmember Tart seconded the motion. The motion passed 6-0. (Councilmember Thurman was not present for the vote.)

REPORTS AND PRESENTATIONS

City Clerk Marchiafava read the next agenda item.

A Veterans Day Proclamation.

Councilmember Lusk

- Typically, we try to produce the Proclamations before the event happens.
- Since next week we have a work session, he felt it was appropriate to read the Proclamation at the Regular Council Meeting.
- He read and presented the Proclamation to the Piedmont Chapter Sons of the American Revolution and members of Veterans Foreign War Post 12002, Alpharetta.

City Clerk Marchiafava read the next agenda item.

A Proclamation Declaring November 2008 as Family Month.

Mayor Lockwood

- Asked Joanne Mills to approach the podium with him.

Joanne Mills

- We passed this Proclamation last year and are happy to have Mayor and Council support this again this year.
- Families are very important in our community.
- It is the core of our values, our life style and everything we stand for.
- Governor Purdue passed this Proclamation on a statewide basis every year, but we wanted to do it in Milton so we could give it action and expression in our community.
- Introduced the following people that would be accepting the Proclamation: Co Milton PTSA Presidents for Milton High School Lisa Stammer and Bonnie Kitay, First Councilor for the Church of Jesus Christ of Latter Day Saints, Kim Spezio is a member of Saint Peter Chanel Catholic Church, and George Ragsdale of Saint Aiden's Episcopal Church.

Mayor Lockwood

- Read and presented the Proclamation.

Joanne Mills

- Thanked the Mayor and Council.
- Wanted to encourage everyone during the month of November that all families in Milton do one simple thing a week.
- During the first week, sit down with the family and have a family meal and conversation.
- During the second week, try to invite a neighboring family over and get to know someone else.
- Rainbow House is a place that helps with transitional housing for homeless families with children and they are having a big party for the homeless children on New Years Eve and they need sleeping bags. Also, North Fulton Community Charities is very low on food so they ask that sleeping bags and non perishable food items be donated.

- The items can be taken to the Alpharetta Library.
- Try to get the word out to do this during the third week of November to help strengthen other families.
- The last week of November is Thanksgiving and they hope all will enjoy celebrating that with extended family and friends and remembering things they are grateful for.

Mayor Lockwood

- Thanked everyone.
- Families are what we are all about in Milton and that is why we are all here.

FIRST PRESENTATION

City Clerk Marchiafava read the First Presentation items.

(Agenda Item No. 08- 708)

1. Approval of an Ordinance Amending the Noise Control Ordinance within the City of Milton, Georgia.

(Agenda Item No. 08-709)

2. Approval of an Ordinance Establishing Solid Waste Collection Services Within the City of Milton; Providing for the Scope and Nature of the Operation; Providing for the Disposal of Garbage, Solid Waste and Refuse; Requiring the Execution by Service Providers of a Non-Exclusive Agreement with the City of Milton; Providing Procedures for the Handling of Complaints; Providing for Forfeiture; and for Making Other Provisions.

(Agenda Item No. 08-710)

3. U08-06 - 13365 Arnold Mill Road by Extreme Mulch to obtain a Use Permit for a Landscaping Business (Article 19.4.27) on 3.75 acres with a 2,500 square foot existing office and an existing 2,000 square foot pole barn at a density of 666.66 square feet per acre.

(Agenda Item No. 08-711)

4. RZ08-11 – Text Amendment to Article 3, “Definitions” of the City of Milton Zoning Ordinance.

Motion and Vote: Councilmember Hewitt moved to approve the First Presentation Items. Councilmember D’Aversa seconded the motion. The motion passed 6-0. (Councilmember Thurman was not present for the vote.)

PUBLIC HEARING

City Clerk Marchiafava read the Public Hearing item.

Public Hearing on the Comprehensive Plan Partial Update.

Community Development Director Alice Wakefield

- The purpose of this hearing is to allow for public comment of the partial plan update to the City of Milton’s comprehensive plan.
- The City currently operates under the Fulton County Focus Fulton 2025 Comprehensive Plan originally adopted by the Fulton County Board of Commissioners in November of 2005, and adopted by the City of Milton on November 21, 2006.
- The plan was developed under the old state planning standards and procedures and at a time when the City of Milton was still part of unincorporated Fulton County.

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- The Focus Fulton plan is ambiguous and lacks explicit information regarding the specific issues and needs of the City of Milton.
 - The City of Milton initiated the preparation of the city's first comprehensive plan in 2007 under the leadership of CPAC committee.
 - Utilizing the new standards and procedures for local comprehensive planning adopted by the Department of Community Affairs in 2005 as the foundation, both the community participation program and the community assesses which were the first two phases of the plan were successfully completed.
 - The development of the community agenda which is phase three is in progress and is the actual plan.
 - Because of the fast approaching plan deadline and in the interest of moving Milton toward greater local control and self determination as quickly and as thoughtfully as possible; the city was asked by the DCA and ARC to prepare a partial plan update.
 - DCA and ARC felt a partial plan update was in the best interest of better regional coordination and inter jurisdictional cooperation.
 - The City agreed by preparing this, it would allow adequate time to prepare a full plan that is thoughtful and clearly reflects the vision and can carry the city forward for the next twenty years.
 - This update is essentially a re-packaging of work already completed.
 - This plan does not represent a completion of the comprehensive plan.
 - It is a bridge document between the old plan and the new plan utilizing the current planning standards.
 - The deadline for submission of the partial plan is December 31, 2008.
 - We ask that all comments be received by November 14th.
 - We ask all comments be sent to Chairman George Ragsdale so we will have one point of quality control for the document.
 - The transmittal resolution will be on the City Council agenda on December 15, 2008.

There was no further public comment.

NEW BUSINESS

Mayor Lockwood

- Councilmember Thurman is still on a conference call and she is presenting the next item.
- Asked the City Attorney if it would be appropriate to move on to Mayor and Council Reports.
- We will go ahead and allow public comment on the next item.

City Clerk Marchiafava read agenda item 08-713.

Approval of a Resolution of the Mayor and City Council of the City of Milton Georgia in Support of the November 4, 2008 Atlanta Fulton Public Library System Bond Referendum.

Resolution No. 2008-11-48

Public Comment:

Jon Carroll, 2140 Country Ridge Road, Milton Georgia

- In the paper it seemed the bond was for the libraries in Roswell and Milton, and then they tacked on something that sounded like it was in Atlanta.
- He just wanted more of an explanation of how much money was going to where.
- If they are going to spend ten million dollars to build in Atlanta and spend two hundred fifty thousand here then it changes the aspects of it.
- In reference to the noise issue of Montana's, he used to play in a band and there were outdoor clubs that had the same problem and it was required of the club owner to put in a limiting system so they would have the PA system and it would have a limit set to the decibel level.
- That way there would be no chance of a spike going over and having someone turning up there base amp.

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- It is a compressor limiter and it might solve their problems because they could set it and nothing would get above the allowed decibels.

This item will be recalled later in the meeting.

MAYOR AND COUNCIL REPORTS

Mayor Lockwood

- Councilmember Thurman had the suggestion that the City of Milton sponsor a Habitat for Humanity house and he will let her fill in the details on that later.

Added by Motion and Vote

EXECUTIVE SESSION

The purpose of the Executive Session is to discuss personnel.

Motion and Vote: Councilmember D'Aversa moved to adjourn into Executive Session at 6:38 p.m. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed 6-0. (Councilmember Thurman was not present for the vote.)

Councilmember Thurman joined the Executive Session at 6:40 p.m.

RECONVENE

Motion and Vote: Councilmember Tart moved to reconvene the Regular Meeting at 6:49 p.m. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read agenda item 08-713 – a re-reading of the item.

Approval of a Resolution of the Mayor and City Council of the City of Milton Georgia in Support of the November 4, 2008 Atlanta Fulton Public Library System Bond Referendum.

Resolution No. 08-11-48

Councilmember Thurman

- Alpharetta and Roswell have already approved their referendums.
- Libraries are an important part of our community.
- Her only concern was the central library that everyone had a concern for.
- She added some language to our referendum that is not in the Alpharetta or Roswell referendum.
- She would like to strengthen it by saying Whereas, the bond referendum includes the construction and equipping of a new Central Library facility solely upon the condition that sufficient additional funds are raised from private sources to cover approximately fifty percent (50%) of the anticipated costs of the Central Library facility prior to the bond funds being expended for the Central Library.
- The bonds will be issued for the whole thing but they cannot use the bonds prior to the bonds being utilized for the Central Library.
- The total costs of the Central Library is \$170,000,000 of which \$85,000,000 comes from the bond referendum and \$85,000,000 is supposed to be coming from private sources.

Councilmember Zahner Bailey

- She appreciates the additional language in there.
- It is a concern for all of us in terms what that Central Library would impact in terms of cost with that referendum.
- Asked if they do not raise the additional 50% through private funds what would happen to the funds as part of that referendum.

Councilmember D'Aversa

- This is just a support of a Resolution.
- Once the vote passes tomorrow we do not have control over that.

City Attorney Jarrard

- If they have the bonds approved, they would wait until they have this condition satisfied before they actually issue the bonds.
- They do not have to spend it immediately.
- What is says is asperationally do not draw the funds until you have that 50% match.

Councilmember Thurman

- They still can draw the funds down for the other library.
- It is just not for that one particular library, which is what we want.

Councilmember Lusk

- They will issue bonds to the extent of covering all of the branch libraries, but they cannot spend anything on the Central Library until the remaining \$85,000,000 is raised from public sources.

City Attorney Jarrard

- This language would tell Fulton to do that.

Mayor Lockwood

- He believes the intent is we would support libraries in our areas, but we do not want to cause our taxpayers to waste money else where.

Motion: Councilmember Lusk moved to approve a Resolution of the Mayor and City Council of the City of Milton Georgia in Support of the November 4, 2008 Atlanta Fulton Public Library System Bond Referendum, as amended by Councilmember Thurman:

“**WHEREAS**, the bond referendum includes the construction and equipping of a new Central Library facility solely upon the condition that sufficient additional funds are raised from private sources to cover approximately fifty percent (50%) of the anticipated costs of the Central Library facility prior to the bond funds being expended for the central library;”

Second and Vote: Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava read agenda item 08-715.

Approval of a Resolution establishing the policy in Milton concerning the standardization of structure and other attributes of Boards Commissions and Committees.

Resolution No. 08-11-49

Councilmember Thurman

- This is a Resolution that supports the chart that we have already discussed and the City Attorney has reviewed.

Councilmember D'Aversa

- With regards to the prospects of a proposed parks commission, what category would Council perceive that falling into?

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- The proposed is to have everyone on the Council appoint someone to be on the parks commission and have them work with Director Drake and Mr. Chambers.
 - Asked Councilmember Thurman if she had any thought on that.

Councilmember Thurman

- She thinks it would be one of the first two.

Councilmember Lusk

- Perhaps the City Attorney could weigh in on that.
- Asked what his thoughts were on creating an authority, as opposed to a commission or committee.

City Attorney Jarrard

- Once you get into authorities they tend to be their own sovereign power of not so much a committee which can be dismantled by the Council when they want.
- On the scale of things an authority is high up there.

Councilmember D'Aversa

- Mr. Fricke put together the Resolution for the commission separate and distinct from what an authority would be.
- An authority being a fund raising body, as well and discriminating body based on the Charter.
- The commission is to be more of a decision making group that works with the parks group to do some of the things that we have gone down the path going into the next budgeted year to do.

City Attorney Jarrard

- He thinks it would fall into category two on the chart.

Mayor Lockwood

- It would be open to discussion when it comes forward.

Councilmember Zahner Bailey

- When we last talked about this City Attorney Jarrard was going to make a few modifications and she did not see the modified chart.

City Attorney Jarrard

- All of the modifications the Council recommended are in there.

Councilmember Tart

- The row that has the various different committees and the category that they fit under; his concern is as we add other commissions we will have to redo the whole resolution.
- Asked if we could say example committees or something so we do not have to redo the resolution every time.

Councilmember Thurman

- The chart says current participants.

City Attorney Jarrard

- We could put current participants and put a parenthetical under that category for example only or something like that to further enforce the fact.

Councilmember D'Aversa

- She thinks it might be appropriate for us to have it be specific and amend the resolution each time.

Councilmember Tart

- Thinks it would be appropriate to put it in the resolution of the committee so if we have a parks committee we specify what type of committee it is in the resolution.
- He would not want to have a resolution for the parks committee and also amend the resolution for the committees to add that to the chart.

City Attorney Jarrard

- When he read current participants, he thought they were examples; that is the way he read it.
- He also agrees that the next time Council forms a committee or commission to designate whether they consider this to be a level one or two or three.

Councilmember Tart

- He considers them examples also, but when the Arts Committee was brought up and the comment was made; we need to add this to the chart, he got the impression this was an absolute chart.

Councilmember Thurman

- She was adding that as an example so we did not hurt people's feelings.

Motion and Vote: Councilmember Tart moved to approve a Resolution establishing the policy in Milton concerning the standardization of structure and other attributes of Boards Commissions and Committees. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor and Council Reports Continued

Councilmember Thurman


- Will have more information on the Habitat for Humanity item at the work session.

ADJOURNMENT


After no further business, the Regular Meeting adjourned at 7:04 pm.

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

Date Approved: November 17, 2008



Jeanette R. Marchiafava, City Clerk



Joe Lockwood, Mayor