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The Work Session of the Mayor and Council of the City of Milton was held on December 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

- Welcomed everyone to the meeting.
- Work sessions are a more informal setting to update the Council on business items.
- No votes will be taken.
- 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 will be allowed for a total of ten minutes per agenda item and no more than two minutes pre person.
- Public comment will be heard at the beginning of each item.
- Once the item is called no other comment cards will be accepted.
- There are eight items on the agenda for this meeting.
- Discussion of the right-of-way privatization policy has been moved to the December 15th regular meeting because of a death in the family of one of our staff.
- Out of respect to the people that came for that item, we will still have public comment on that item.
- Any presentations will be held until the December 15th meeting.

City Clerk Marchiafava

- We will defer public comment on item #1 Discussion of the right of way privatization policy until later in the meeting and will move to item #2 at the citizens' request.

City Hall Utilization Policy

Interim City Manager Mort Smedley

- Asked for direction as to what Council had in mind for the policy, whether they wanted to have a police officer here or a City employee, or if they wanted to defer the meetings to the Fire Station.

Mayor Lockwood

- Typically, we have allowed Station 43 to house small committee meetings or if citizens need to meet on something.
- It is a cost to the City and our taxpayers to open City Hall after hours for meetings and that is part of the reason we are addressing this.

Councilmember Lusk

- It is probably a more efficient use of City property if we did utilize Station 43 to the extent that we can.
- It is manned twenty four hours so it is a better option than opening City Hall.

Councilmember Thurman

- We need to be careful. If we start allowing certain people to use City Hall other than those allowed based on the Resolution we recently passed and not allowing others, we could get into a difficult situation.

- It is probably easier, unless done for the convenience of a staff member that will be in attendance, just to say it is easier for them to use Station 43 unless the staff member needs to be in attendance and would rather have it here.

Mayor Lockwood

- He would leave it up to the City Manager's discretion on the number of people that would be attending a certain meeting.
- We do have the facility and staff there so it would be no additional cost to the City to use Station 43.

Councilmember Zahner Bailey

- Asked if it was the City Manager's intent that some of those committees that are formally sanctioned by the City would still have the option of meeting at City Hall.

Interim City Manager Smedley

- The option was based upon the number of persons that would attend, so if we had a big overflow then we could open City Hall.
- It would be at the City Manager's discretion.

Councilmember Zahner Bailey

- There was a section to allow a key to be provided to someone on the committee and it would need to be returned by the next morning and her thought is that people that have jobs might need a little more time than the next morning.

Interim City Manager Smedley

- He does not think it would be a good idea to give out the key, but he put that on there for discussion purposes.

Mayor Lockwood

- He would agree that it would not be a good idea.

Councilmember Zahner Bailey

- As an example, would the Tree Committee continue to meet here at City Hall because we have staff involved?

Interim City Manager Smedley

- As long as a staff member is involved then it would be at City Hall.

City Clerk Marchiafava read agenda item #3.

Update on SSD funding

Interim City Manager Smedley

- The City Attorney and he have been trying to set up a meeting with the County and their attorney so we can pursue this funding.

Councilmember Thurman

- She assumes once they meet with the County then it will be up to us to decide what our next step will be.

Interim City Manager Smedley

- That is correct and we will have additional guidance at that time and then we will be able to pursue it.

City Clerk Marchiafava read agenda item #4.

Discussion on assessment by North Ridge Restoration on the Crabapple and Bethwell Community buildings.

Interim City Manager Smedley

- He sent an e-mail regarding the budgetary concerns and the fiscal impacts when discussing this item.

CH2M Hill Parks and Recreation Representative Brad Chambers

- There certainly are fiscal impacts.
- Public Safety Director Lagerbloom was able to work out an arrangement with Northridge Restoration and they were kind enough to do a very thorough assessment of not only Crabapple and Hopewell Community buildings, but also all of the buildings in the City parks in Milton.
- It includes the house at Birmingham Park and the administrative building that the youth baseball association uses at Bell Memorial Park.
- There were at least one hundred photos taken of the interior and exterior of each of the buildings and a very detailed break down of cost.
- The administrative building at Bell Memorial Park - the total estimated cost for interior and exterior was \$8,000.
- He recommends in order to take care of some of the cost issues would be to back it off to \$6,500.
- It would keep the structural integrity in good shape.
- There is some siding that needs to be replaced, and there is a rotting support post on the front porch that needs to be replaced.
- The house at Birmingham Park - the total estimated cost for all repairs is \$86,000 and \$31,000 would be for the exterior.
- An additional \$3,500 would replace some garage doors that are in bad shape.
- The kitchen has settled, particularly the counters and part of this would go to replace or shore those cabinets.
- Staff's recommendation would be to do the exterior and garage repairs for \$35,000, scale back on the kitchen repair to maybe 50% of what the kitchen repair would be, which would be in the \$7,000 range and \$3,000 miscellaneous repair for a total of \$45,000 to keep the structural integrity.
- If something is not done, the building is going to suffer.
- Both community buildings have limited to no use.
- They have not been used for a couple of years.
- The restrooms are non-functional and there is no ADA accessibility.
- He asked Northridge to give a recommendation based on having interior restrooms that would be ADA accessible.
- The Bethwell building has a serious roof problem so the cost to take care of that is \$86,000.
- It gets into how much of a statement you want the buildings to be in the Bethwell and the Crabapple.
- Staffs recommended cost would be \$77,000.
- Most of the costs of that would be to put the restrooms on the inside and make them ADA accessible.
- Some of these costs do not include things like parking because neither building has a parking lot or sidewalks or ramps or anything to get from a parking area into the building.

Councilmember Thurman

- Asked if we had determined the deed restrictions on both Crabapple and the Bethwell house.

Representative Chambers

- No.
- The City Attorney would no more about it.

Councilmember Lusk

- Asked in regards to the restrooms if they would be unisex or male and female.

Representative Chambers

- Male and female.

Councilmember Lusk

- His knowledge of both buildings is that they are fairly small so adding restrooms to each one will restrict the available space even further.

Representative Chambers

- They would take the back wall out and it would be an extension, so the useable space would be the same.

Councilmember Lusk

- Asked if Crabapple would tie into the sanitary sewer.

Representative Chambers

- He is unsure.

Councilmember Lusk

- Bethwell is not served with sewer and asked if the cost would include the septic tank.

Representative Chambers

- The way this was costed out is that it would tie back into whatever is currently there.

Councilmember Lusk

- Asked if the roof that needed repair was to the extent that it needs to be stabilized immediately in order to preserve it.

Representative Chambers

- It is not leaking yet, but he thinks it is a short matter of time until it does.

Councilmember Lusk

- Asked if the house in Birmingham needed to be stabilized immediately in order to preserve the house.

Representative Chambers

- The roof is in pretty good shape, but the siding in places is rotting and some fascia boards rotting.

Councilmember Zahner Bailey

- One of the things she hopes they consider before they expend any dollars on these is that this is a part of the overall park planning.
- When they consider the Crabapple house as well as Bethwell, she would like to get the input of the Design Review Board in terms of what it would look like before any repairs are made.
- The comment about deed restrictions is critical.
- We need to understand how the building must be used legally.
- Would like to have the current square footage of the buildings and how much the potential renovations would add to that square footage.

Representative Chambers

- Approximately 1,000 square feet for the community buildings is the current square footage.

- He thinks the restrooms would add 200 to 300 square feet to that.

Councilmember Zahner Bailey

- Her overall perspective would be, if we do not have leaks and if we are not about to lose any of these buildings that we incorporate them as part of our overall assessment for park planning.

Representative Chambers

- That is a good point and we have asked in the RFP for the overall parks and recreation assessment is for the consultant to look at them.

Councilmember Lusk

- In regards to the deed restrictions, before we go ahead on Bethwell and Crabapple, we consider the feasibility on maintaining the size structure we have now or either adding on to them drastically or removing them and coming up with some other alternatives.

Councilmember D'Aversa

- She thinks the new committee they are in the process of forming should be involved in these discussions.
- There is so much that this impacts and she would like to do a thorough review before we start to spend money.
- Asked if they had discussed the first meeting for the committee and when that would start.

Representative Chambers

- They wanted to wait until all of the members were appointed before they discussed it.

Councilmember D'Aversa

- From the perspective of the ones that have been appointed, they are requesting a list of the other members and when they can get started.

Representative Chambers

- He has been working on the bylaws and some general things they can start with.

Councilmember D'Aversa

- With regard to Bethwell, the deed restriction for that property was it was donated to the City for community use.
- It may be that having a community house is not the most appropriate use there.

Councilmember Zahner Bailey

- She knows there are some Girl Scout groups that are very interested in being a part of whatever occurs.
- As we look at that building, she thinks the other thing people are interested in is that any of the buildings they would hope there would also be some green development standards applied.

City Clerk Marchiafava read agenda item #5.

Discussion on City Parks i.e. addition of no glass in the parks, no tobacco products (not simply “no smoking”), etc., as well as the shifting of the special event permit process out of the Parks and Recreation Chapter of the Code of Ordinances for park signs, etc.

Representative Chambers

- He was talking with the Public Works Director about the park signs and the fact that they still say Fulton County and they may not be worded the way they should be for the City of Milton.

- We are going from the old format to the new format for the codification on ordinances, so he started looking at the codes to make sure they are what they need to be before we put them on a sign someplace in a park.
- He has a few recommendations and some deletions.
- The first item he recommends is Article 1, Section 2, Subsection B and adding sub-subsection 6.
- That is under the section that talks about the duties of the Parks and Recreation Director for the City.
- That director should have the authority to do several things and there are five there now and he recommends adding 2 more.
- The first one is the director would have the authority to set fees and charges for all recreation programs, classes, facility rentals and those types of things.
- The second is to make and post additional rules as necessary.

Councilmember Zahner Bailey

- Because we do not have a Parks and Recreation Director yet, would it be a default to the Public Works Director and/or would the parks committee make recommendations to that director?

Representative Chambers

- The City Manager has the authority to delegate that.

Interim City Manager Smedley

- It would be his recommendation, plus the fact that the fees and charge schedules they could make up and change by ordinance once a year, rather than the City Manager setting the prices that should be set by City Council.

Representative Chambers

- Coincidentally, because he has been working on the Parks and Recreation Advisory board bylaws, it is in the bylaws that they will work in conjunct with staff to set the fees with staff to set the fees and charges policy that will come before Council for approval.

Councilmember Thurman

- Thinks the Hopewell Youth Association has some say so in their fees.
- We need to make sure this would not be in conflict with our current policy.

Councilmember D'Aversa

- Thinks it is with approval by the City.

Representative Chambers

- Article 1, Section 3, he is recommending deletion of subsections A, B and C under that.
- The entire special event permit process now falls in the Parks and Recreation chapter.
- He does not think that is the best place to have it, not having a full time department or staff.
- Since it is a permit process and it goes through different departments and because there are a lot of zoning and variance issues that come up in special events, he thinks it should be deleted in this particular section.
- Subsection D just changes that subsection A.
- The next item is without the written consent of the Parks and Recreation Director who is an authorized representative, he suggest that be reworded to, "without the approval of the Director of Recreation and Parks or the Milton City Manager."
- It also says "no use of city parks within this section shall be allowed without also obtaining all necessary city permits" and it just cleans up the permit process and references that there is a permit process so it brings the City Manager into play and references the permit process.

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- He recommends the final sentence which says “ such consent may also be given by the City Manager provided the Recreation and Parks Department is made aware”, that sounded odd because the City Manager can do what he wants to do, plus he has already given the authority right above that, so he recommends they eliminate that redundancy.
 - Article, Section 3, new subsection B, he recommends adding the following: an independent commercial activities at parks and park facilities is prohibited without prior authorization.
 - That is saying the commercial activities cannot use the parks without getting the authorization to do so and paying the fee.
 - This stops any commercial use of the park without going through the permit process.

Councilmember D’Aversa

- With regard to Bell Memorial at this time, she thinks they put in the facility use agreement that the travel team is supposed to have a permit from the city and any outside entity would also have to and asked if it was still that way within that Resolution.

Representative Chambers

- They already had an agreement in place with the City.

Councilmember D’Aversa

- She was just wondering if it was his recollection that it was in there.

Representative Chambers

- As far as he knows it is.
- This is just to make sure any other organization would have to do the same thing.

Councilmember Zahner Bailey

- Just for consistency do we need to say in addition to prior authorization, it should be prior authorization and prior permitting?

Representative Chambers

- OK and he will run all of this through the City Attorney.
- Article 1, Section 4 is the actual rules listed by specifics.
- Item M currently reads smoking and it shall be unlawful for anyone to smoke in the park.
- His recommendation is to change that to where it says tobacco, it shall be unlawful to engage in chewing tobacco, dipping snuff or smokeless tobacco or to smoke cigarettes, cigars or pipes in the City parks.
- Basically, right now it is saying you cannot smoke but you can chew tobacco, so you can have tobacco in some forms and not in others so for consistency and helping keep the parks clean, the recommendation would be to prohibit tobacco in the City parks.

Councilmember Lusk

- Asked where he came up with this suggestion.
- Asked if it was based on other parks rules.

Representative Chambers

- It was from reading where it said no smoking which is somewhat unusual to have a no smoking in city parks so he was just making an assumption that the Council was saying it was not ok to smoke, but it was ok to chew tobacco, so he was trying to be consistent.

Mayor Lockwood

- Asked what is typical in other jurisdictions regarding smoking.

Representative Chambers

- Typically, not allowing smoking is unusual.
- It would not be referenced in the first place.

Councilmember Zahner Bailey

- Seems she has been on other parks where you are not allowed to smoke.
- She recalls the discussion as a Council where they did not want to have smoking in their parks because one it is not healthy and two it does not set a positive example for our youth and three it was a maintenance issue.
- She would support this language.

Representative Chambers

- That typically would be a park rule as opposed to an Ordinance.

Mayor Lockwood

- Would like more information on what other jurisdictions do and whether it is an Ordinance or a park rule.

Councilmember Thurman

- This was a change they made in Fulton County because they decided they did want it not just as a park policy.

Councilmember D'Aversa

- Also supports that.
- There have been a lot of changes in all of the environments at large with regards to no smoking.
- We may be able to justify chewing tobacco and spitting would be something that would impede on other people's health as well.

Councilmember Lusk

- Personally, he thinks it is carrying it a little bit too far.
- Certainly, we let dogs in our parks, but usually we have restricted areas for dogs and perhaps we could do the same thing for those who chew tobacco and smoke.

Representative Chambers

- If there had not been a reference to no smoking in the first place, he probably would not have brought anything about tobacco up.

Mayor Lockwood

- Thinks we need more research on that and asked Mr. Chambers to find out what other jurisdictions and parks are doing.

Representative Chambers

- Next page, he suggested five set of rules.
- One - disobeying orders, it says that a park employee has the right to tell someone to stop doing something.
- The next one is you cannot obstruct or render dangerous any part of a park.
- Selling - you cannot have flea markets and garage sales and those types of things.
- Tea gatherings, it goes back to official meetings.
- Official meetings would need some sort of permit.
- The last one is glass and there is a local rule at Bell Memorial that no glass is allowed.

- It is a dangerous situation to have glass bottles so the recommendation would be to not allow glass bottles and those types of things in parks.

Councilmember Thurman

- Asked if they could add after selling, except by permit or approval of the City Manager or something like that.
- What if we decide to have a city wide garage sale or a charity event, they would need to get a permit but she does not want to say they could never do it.

Mayor Lockwood

- Would support that also.

Councilmember Lusk

- Asked if Mr. Chambers would elaborate on obstruction in Section R.

Representative Chambers

- If someone decides they want to pull their car into the parking lot and work on it.
- That is really the only example that comes to mind at this point.
- Setting up a tailgate party in the parking lot or something.

Councilmember Lusk

- Asked what is rendering dangerous any part of a park.

Representative Chambers

- Something like pulling a tree across a roadway to obstruct it, to see if they could cause vandalism or something like that.

Councilmember Zahner Bailey

- Asked if we could define obstruction and suggested the police officers may have some suggested language, or the City Attorney.

Public Safety Director Lagerbloom

- Can look at that definition, but the obstruction they are used to dealing with is normally obstruction of a person as opposed to obstruction of property.

Councilmember Zahner Bailey

- Under gatherings, what would be normal?
- As an example, boy scouts that get together and want to play some baseball, but they are boy scouts and it is not a league oriented.
- Asked if that would be considered a gathering because they also happen to be part of an organization and they are going to use the park.
- Maybe that section is one we want to give more thought to.

Councilmember Tart

- Under Section 4, under the current Ordinance, paragraph B under firearms, he remembers there was a supreme court ruling on being able to carry firearms in a public park and he thought we made a change at that time.
- This says it is unlawful for any person to possess any explosive substance including firearms and any city parks unless written permission for such has been authorized by the Mayor and City Council.

Public Safety Director Lagerbloom

- We did make some changes in the Ordinance, but at this point we do not have any intention of regulating firearms in parks.
- We do have the regulation over the discharge of firearms in parks.
- He can work with Mr. Chambers to make sure they have the correct wording.

Representative Chambers

- New Article or Chapter on special event permit process, the reason it is worded that way is it is where Council and the City Attorney thinks it would be the place to put this, whether it becomes a new article in some other part of the code or whether it becomes its own chapter as part of the City code, this is pretty much taken from what Sandy Springs did.
- It puts this process in the City Manager's purview.

Councilmember Zahner Bailey

- Looking at Section 6 under liability, we want to make sure it is specific for Milton and consistent with our liability contract.

Mayor Lockwood

- We originally had the privatization item as the first item on the agenda.
- Per request we agreed to wait until around 6:30 for that item.
- He is willing to stay all night and listen to the citizens concerns or opinions, but with respect to staff, there are three other items on the agenda.
- We will take another ten or fifteen minutes and complete the other agenda items, then we will go back to the privatization policy item.

City Clerk Marchiafava read agenda item #6.

Discussion on Insurance Premium Tax – Recoup Lost Revenues.

Interim City Manager Smedley

- In an attempt to recoup lost revenues that we had with the filings with the Insurance Premium Tax Ordinance, we contacted the Office of Insurance and Safety Fire Commissioner to get an exact figure so we could pursue going after our omissions insurance or investigating it to find out if we could get some retribution or income from it.
- We are pursuing that.

Discussion of City Lease Options re: City Hall

Interim City Manager Smedley

- The same thing with the City lease, which is agenda item #7.
- We are in contact with CH2M Hill's corporate attorneys and from what he gathered from our attorney we are awaiting some information from them.

City Clerk Marchiafava read agenda item #8.

Discussion on emergency operations plan.

Public Safety Director Lagerbloom

- Hopefully, the City's Emergency Operations Plan will be coming up for adoption in January.
- This has been in the works for some time and is required by Chapter 15, Section 3, Article 3, Subsection 3 of the city code.
- It puts us at a level of competence and direction in the event of a catastrophic or emergency event.
- It is handled on a citywide bases and not just the Public Safety Department.

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- This is the document that guides the efforts of the components of the city government that has to come together in a time of crises.
 - FEMA and other federal regulations come into play.
 - Some grants and funding require that our city be in compliance of NIMS.
 - There is a Georgia law that establishes the County as the primary emergency management organization for both the county and the municipalities within it.
 - He spent a good part of the day in FCEMA which is the Atlanta Fulton County Emergency Management Agencies command center downtown Atlanta.
 - It is the primary EMA within the jurisdiction.
 - It is lead by Director Rocky Moore with Fulton County.
 - Milton is a member of FCEMA but we are required to develop our own emergency operations plan and that is what he hopes we adopt by Resolution in January.
 - For our perspective we will have conformance with NIMS.
 - It is based on the scalability of command structure starting at the local level.
 - We provide the basic building block for that structure.
 - We are responsible for fulfilling this basic function for the citizens with FCEMA serving as the conduit for intrastate interstate federal aid to the citizens.
 - We have the authority to design this plan to be Milton specific.
 - The Mayor serves to declare the disaster in the City and formally requests assistance.
 - The City Manager is the primary coordination point for the city and the Public Safety Director is designated as the Emergency Management Director by our Ordinance.
 - The Public Safety Director can name someone to coordinate this particular process.
 - We have named Lieutenant Matt Marietta.
 - He has been through all of the minimum required courses and certifications and on the job training and has the professional experience.
 - Different levels of the agency have attended certain required training.
 - They are available on line and they do not cost anything to take them if anyone is interested.
 - Any of the command staff as well as the emergency operations staff is required to take two additional courses.
 - We will be hosting an ICS 300 course Monday, Tuesday and Wednesday of next week.
 - This is designed in an all hazard planning platform.
 - There are four phases of emergency management.
 - Mitigation preparedness, response and recovery.
 - All hazards mean that the response is beyond the scope of standard fire and police emergency.
 - That is where we get into Tornados, acts of terrorism etcetera.
 - There is a primary and secondary provider for the ESFs.
 - For example, infrastructure and roads in the event of a tornado would be the primary responsibility of the Public Works Department.
 - An operations plan provides the frame work that mirrors the County, State and Federal plan so that we are all doing the same thing in the event of a crisis.
 - Just because we do not have this plan adopted yet does not mean we would be any less capable of responding to it, but he thinks the response will be better on a completely coordinated basis when we get this adopted.

Councilmember Zahner Bailey

- Thinking about the TARA committee, as it relates to some of the haulers, especially with the tornado.
- That committee was thinking about what would be the specific permitting or authorization that would be needed in this sort of emergency so it would be helpful if we make sure that is a part of this.

Councilmember Lusk

- Asked what other private resources were considered in this plan.
- Asked if we have contractors that are available for tree removal other than what we already have in the city.

Public Safety Director Lagerbloom

- He thinks we do.
- Each event is different and there is a resource list that becomes part of this document.

Discussion of the right-of-way privatization policy.

Mayor Lockwood

- Our normal process during work sessions is we have agenda items that are presented to us.
- Tonight, unfortunately our Public Works Director had a death in the family and could not be here so we are going to move the item to our next regularly scheduled meeting under staff report and have this presented to us.
- Out of respect to the 18 citizens who have shown up at this meeting to speak on the item we will go ahead and hear public comment.
- Our procedure is a two minute limit per person with a ten minute total on each item, but he is willing to extend the time out of respect to everyone.
- He would like to ask the citizens who wish to speak to be efficient with the comments and do not reiterate too much or if you agree with the last person, just say you agree with the last person rather than repeating the same thing.

Public Comment:

Mike Stevens, 570 Greenview Terrace, Crooked Creek Subdivision, Milton Georgia

- Back in April Crooked Creek held a very large annual meeting with an attendance of nearly 500 people.
- At that time the community voted over 80% for us to pursue gating.
- In May we came before Council at a work session where Council asked us to give all the data we had and we were going to start the process.
- Shortly after that meeting we heard there was one road block that would prevent us from ever even trying to gate so we put everything on hold until we had a chance to meet with Council again.
- We met with Council about a month ago and addressed the abandonment issue and at the time we were told the abandonment could not happen on a road that was used for any public service.
- Their attorney felt that was a mistake and we came to the agreement that yes Council can abandon any road they want to.
- In our case you have someone to take it over.
- Asked for a show of hands from the audience of who was in favor for gating Crooked Creek.
- This is a very small percentage of the residents of Crooked Creek.
- We hired our own professional private traffic engineer and he is here tonight.
- The highlights of the report from them are traffic in 2006 was roughly 3,000 cars a day entering Crooked Creek.
- It has grown 35% in two years.

Mike Thomas, 14765 Creek Club Drive, Alpharetta, Georgia 30004

- He is a board member but also a home owner.
- He lives close to Francis Road and the traffic density and speed is such that during many times of day you cannot even get across the road to take your child and her bicycle to the sidewalk side.
- We do have an issue and it affects the citizens.

- We have a projected increase year over year of 17.6% traffic.
- As was analyzed to us by the company that did the traffic study that means the traffic will likely triple in the next ten year and double in the next five years.
- We did a twenty five mile and hour speed study and fifty four percent of the cars driving through Creek Club Drive exceeded the speed limit.

Bob Crystal, 3350 Compass Way, Milton, Georgia

- He is on the Crooked Creek Board of Directors.
- Agrees with what was previously said.
- There are valid concerns regarding the safety of our streets.
- It should not be their job to have to convince the Council.
- We have an unreasonable policy on the books that needs to be changed.
- It is important to the Council to remember that making the policy to something less than the requirement of 100% does not diminish the role of the Council.
- The Council would not be surrendering its authority to make the final decision as to whether it is appropriate in a particular case to abandon the road.
- He is not sure what the rationale is for requiring 100% approval but the practical effect is to virtually prohibit privatizing roads in any community.
- If Council does not want to consider under any circumstances a request to privatize roads then the right policy is in place.
- He hopes it is not the Council's objective to do that.
- By changing the policy to something less than 100% approval, the Council would be able to determine on a case by case basis whether it is appropriate to abandon a street.
- There are other communities that have expressed interest in privatizing.
- We are not suggesting the policy should be changed only for Crooked Creek.

Laura Wyson, 14305 Creek Club Drive, Milton, Georgia

- She is the past homeowner association president.
- She has spent a great deal of time with other people working on this issue.
- We spent a considerable amount of time working with Fulton County prior to the City.
- We spent a lot of time trying to manage the growth situation around us and many of us who purchased in the community did not expect to see cut through traffic.
- They bought into a golf club community and wanted a nice quiet community.
- It is not safe.
- They tried to get speed tables pushed through and hit the wall many times on that because of the same issue on the Ordinance.
- 100% is not really consistent with HOAs require for voting and if you are going to put an ordinance in place and make it almost unachievable, her question is why even have it.
- It needs to be an achievable goal.
- We worked with staff from the inception of the City to put in stop signs to alleviate.
- It has helped some but not enough.
- We have done a lot of things on our own at our own expense.
- We have had some serious accidents on our street.
- We have had many pets that have been killed or injured.

Jeremy Hawkins, 920 York Cove, Milton Georgia

- Supports everything that has been said.

Thomas F. King, 910 York Cove, Milton Georgia

- Supports previous comments.

Ralph H. Dean, Jr. 14720 Creek Club Drive, Milton Georgia

- Lived in Crooked Creek about one and a half years.
- They were concerned about the street being a through street but with the stop sign in front of their house he thought that would control speed and traffic but it does not.
- It is very scary in front of his house.
- He has three children.
- Every time his first and third grade children go outside to play, he is with them because he is concerned they will lose the ball in the street and run out to get it without thinking.
- He is very conscious of the speed and the observance of the stop sign.
- He has almost been hit in front of his house while edging along the curb.
- It is amazing to him that the people that go through the stop signs are the people that are not familiar with the neighborhood.
- He has been passed while driving on creek club by cars going through.

Allen Backrach, 1000 York Cove, Milton, Georgia

- Supports the previous comments.

Thomas and Kay Lozick, 14620 Creek Club Drive, Milton Georgia

- He is a father of three and it is his desire that the gating project does go through.
- If it does go through he hopes that Public Safety Director Lagerbloom will continue proactive policing throughout the neighborhood.
- The stop signs have not slowed traffic down.
- In his opinion it has sped traffic up between stop signs.
- They still want to get through the neighborhood quickly.
- If for some reason we are unable to get the gating project passed, he still encourages the Public Safety Director to step up community policing.

Melissa Fiorillo, 3260 Wolf Willow Close, Milton Georgia

- Supports the previous comments.

Mark A. Meckes, 14585 Creek Club Drive, Milton Georgia

- He lives on the north side of the lake at the bottom of the hill leading out the rear entrance.
- He has been involved in past efforts to slow the traffic down.
- He was involved in previous traffic study and there was a check point in front of his house and cars were going fifty and sixty miles per hour past his house.
- It is a narrow road and it is dangerous.

Steve Sanford, 14635 Creek Club Drive, Milton Georgia

- They live on the straight way which is the last spot past the damn heading toward the curve.
- It is an extremely dangerous place to be during rush hour.
- It can take sometimes ten to twelve minutes to even get out of the driveway because of the number of cars that are coming through and they are not moving at twenty five miles per hour but more excessive speeds.
- He would invite anyone to spend fifteen to thirty minutes and look at those stop signs and he assures they will see no more than less than half the people go through the stop signs without stopping.
- Most of the license plates going through are not even Fulton County plates so it is a big issue.
- It is not highway 9 and they would like for it to be respected as a neighborhood.
- He would ask Council to consider if the 100% approval is even reasonable in this type scenario.

Todd Lake, 14640 Creek Club Drive, Milton Georgia

- Agrees with the previous statements.

Kimberly San Gord, 14635 Creek Club Drive, Milton Georgia

- Agrees with the previous comments.
- Gating is imperative to the safety of our neighborhood.

Gerald R. Stevens, 14630 Creek Club Drive, Milton Georgia

- Agrees and supports all statements made.

Lisa Russo, 14368 Creek Club Drive, Milton Georgia

- Agrees and supports strongly all statements made.

Wayne Post, 965 York Cove, Milton, Georgia

- Agrees and supports all previous statements.

Mayor Lockwood

- Thanked everyone for the comments.
- We will be hearing this again on December 15, 2008 under staff reports.

Councilmember Thurman

- She will be out of town on December 15th so she would like to go ahead and make her comments.
- She enjoys living in her gated community.
- If they had to get 100% of the people who moved into their neighborhood knowing it was gated to approve something, they would never get it.
- She thinks 100% is not a reasonable number.
- She thinks the Ordinance needs to be changed.
- She is not sure what the right number would be but clearly to her it is not 100%.
- She can also say it is not going to get rid of all the speeding in the neighborhood but what it does do is help them police themselves which is a nice thing.
- She would strongly support changing it from 100%.

Councilmember Lusk

- Two years ago, he spent about four days going door to door in Crooked Creek.
- He witnessed it for himself and he understand every comment made.
- He hopes they can change things to make it more livable for the community.

Councilmember D'Aversa

- We had asked for some information to confirm the way the voting process went and the type of information that was presented.
- That would help us.
- We discussed other cities and similar ordinances and the types of percentages they are requiring.
- There are a lot of cities that have 100% so it is not something that is A typical to our City.
- There are also cities that have 75%.
- She said this in May and she said it to their board, make sure you have as many people's buy in as possible and if you can bring that information to Council, it would be helpful.
- It would also be nice to have the traffic study that was conducted recently.
- It will go a long way with them making a decision because it will have to be an ordinance change.
- She believes they can get 75%.

Mayor Lockwood

- The Public Works Director will get the information from the traffic engineer and compile that for them.
- We have to look at the whole picture and we have a lot of legalities to look at but they are listening and they appreciate everyone coming out and sharing this.
- They will consider everything and make a decision.
- He also went door to door and saw in that community and saw some of the issues and problems they have.

Councilmember Zahner Bailey

- There is a speeding issue and an enforcement issue.
- Asked Public Safety Director Lagerbloom to address this issue.

Public Safety Director Lagerbloom

- Talking specifically about speed enforcement, this is one of the hardest things that law enforcement deals with.
- Complaints happen on a daily basis and we really want to do something.
- Some of the restrictions that are placed on us by the state and this is not an excuse but it is just to let you know there are some restrictions and no matter how hard or bad we want to change them unfortunately sometimes we just cannot do that.
- Our City is governed by the State in regard to any speed enforcement and that is to use either laser or radar as speed measurement devices.
- The state gives us a permit for them and they have to approve the roadways that we can use it on.
- To run speed enforcement it has to be on a list that Council adopted and it is available on the web.
- There is one street in Crooked Creek that is approved by the state and that is Creek Club Drive from end to end.
- The rest of the streets in Crooked Creek are not approved by the state at this point which means it is illegal to operate speed detection on them.
- If we were to right a ticket on those roads the state could not only suspend our permit but take our speed detection devices.
- There is one organization in the state that is exempt from these restrictions and that is the state.
- It is not legal to operate speed detection in an unmarked car.
- The car has to be marked with letters greater than 4 inches.
- They have to be contrasting color to the color of the car and they have to be reflective.
- We have to maintain that visibility of approaching traffic by five hundred feet so we cannot sit in corners or behind bushes.
- There are a couple of spots on Creek Club Drive where we can get those five hundred feet of visibility.
- The largest of those is the area near the damn.
- We cannot be on a grade of more than 7%.
- The one that hurts us most is that we are required by state law to give ten miles and hour so if the speed limit is 25, it becomes and illegal traffic stop at anything less than 36 miles and hour.
- We can enforce stop signs.

Questions coming from the audience could not be heard on the recorder.

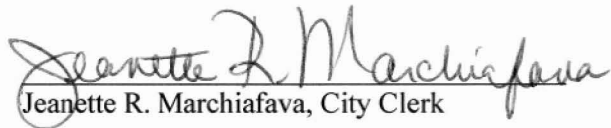
Mayor Lockwood

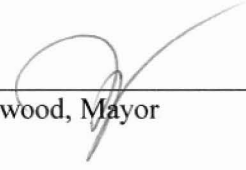
- Thanked Public Safety Director Lagerbloom.
- If we were still Fulton County, we would not have the opportunity to talk directly back and forth the way we are now.

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- He has decided to put this item on the work session agenda for January 12, 2009 because this is such an important item.
 - Our Public Works Director can get with those on their board and prepare for that.
 - We do take it serious and we want to give it the time it needs.

After no further business, the Work Session adjourned at 7:53p.m.

Date Approved: January 5, 2009


Jeanette R. Marchiafava, City Clerk


Joe Lockwood, Mayor