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The Work Session of the Mayor and Council of the City of Milton was held on April 20, 2009 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 the Council on business items.
- No votes will be taken.
- There are seven items on the agenda.
- Public comment is allowed that is germane to an agenda item.
- If you wish to speak you are required to fill out a public comment card and turn it in to the City Clerk staff.
- Public comment will be allowed for 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 read agenda item #1.

Demonstration of real time captioning at public meetings.

City Manager Chris Lagerbloom

- We would like to change the agenda and allow Council to watch the process for the first two agenda items.
- After that we would like for Heidi Thomas who is a representative for the company speak.

City Clerk Marchiafava read agenda item #2.

Heart Ready City (community CPR training; AED certification; etc.)

Fire Chief Robert Edgar

- As mentioned last month it is his goal for the fire rescue department to pursue a public access AED program for the City of Milton.
- We are well on our way.
- We had our first city employee CPR training class.
- The second class is this week for all city employees.
- In the back of the Council chambers there is an AED hanging on the wall.
- There is also one in the main lobby in Community Development.
- In addition our goal is to institute a program called Heart Ready CPR or Heart Ready City which is a CPR program for the community.
- He introduced Lieutenant Russ Scanlan as the coordinator for this program.

Lieutenant Scanlan

- Gave the following presentation:

What is a "Heart Ready City"?

A “Heart Ready City” is a prestigious designation that is given to cities that are committed to community based programs that improve the Cardiac Chain of Survival for their citizens.

What is the “Chain of Survival”?

A sequence of four actions (links) that must occur quickly to help ensure the best chances of survival of a Cardiac Arrest victim

1. Early recognition of the emergency and phoning 911 for EMS
2. Early bystander CPR
3. Early delivery of a shock via defibrillator if indicated
4. Early advanced life support and post-resuscitation care delivered by healthcare providers

Identifying a Problem

- In 2003, USA Today started an 18 month investigation into the effectiveness of EMS systems nationwide
- USA Today found that some major American cities were 10 or more times more effective at saving victims of Cardiac Arrest than other cities and some cities were so embarrassed by their resuscitation statistics they refused to report.
- The Metro Atlanta Area refused to report resuscitation data.
- It was later found that Cardiac Arrest survival rates were essentially zero percent in the greater Atlanta area.

ATLANTA AREA: POOR PERFORMER

Due in part to:

- Low rate of bystander-initiated CPR
- Delays in calling 911 and 911 system delays
- Only 0.7 percent of victims had a palpable heart rhythm when emergency responders arrived
- As a result 7,900 Atlanta-area residents die from heart attacks each year

How did we stack up?

- 45% of Sudden Cardiac Arrest victims survive in the Seattle area and 39% in Boston
- Atlanta area 0%
- 7,900 people died each year in the Atlanta area from Cardiac Arrest

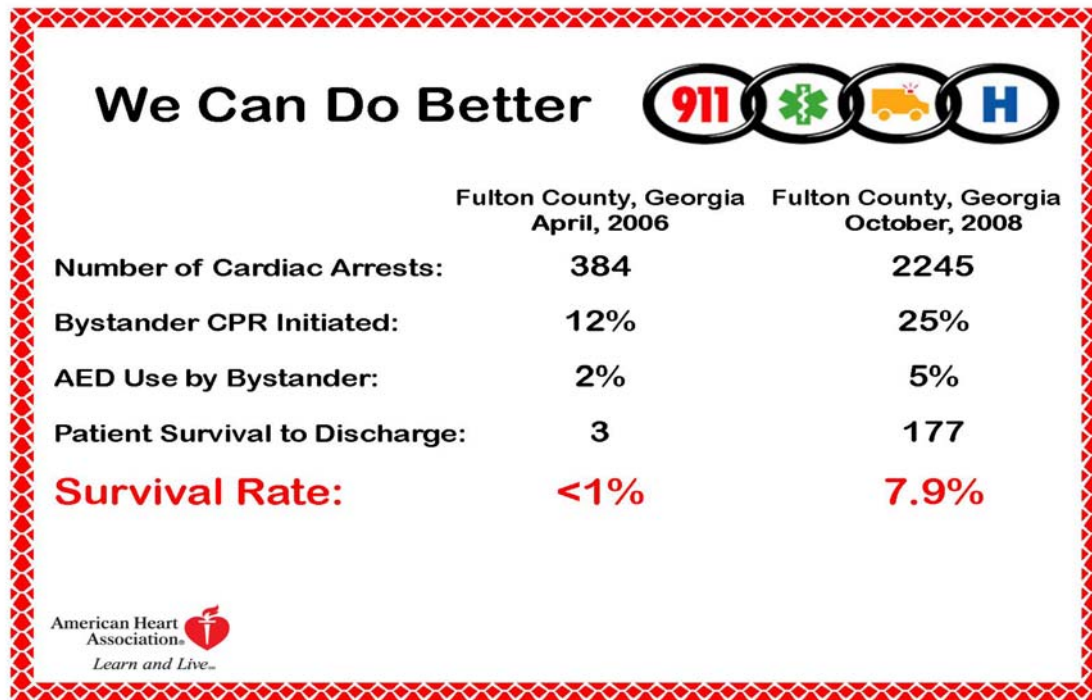
How do we get better?

- Four years ago, USA Today reporter Robert Davis documented how EMS services in most of the nation’s 50 largest cities were fragmented, inconsistent and slow
- Davis found that the top performers had systems that any city could replicate
- Though good journalism can point the way toward saving lives, change requires official action and commitment requiring solid leadership and accountability
- Atlanta Mayor Shirley Franklin was so appalled by the USA Today report she has demanded improvement of Atlanta’s EMS program through a “chain of survival approach” and today Atlanta has improved their resuscitation rates to 15%
- AHA has initiated a Restart Atlanta Hearts campaign that focuses on the four step Chain of Survival program.

Results

- In 2008, the survival rate (to hospital discharge) has jumped from 0 to 7.9 percent.

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- Rates are much higher in areas where training and AED placement is more intense



What is Possible?

- Recently the AHA provided CPR training to all Atlanta Hartsfield-Jackson Airport employees and placed 300 AED's throughout the airport, leading to a 48% survival rate among those experiencing Cardiac Arrest at the airport

The Bottom Line

- If cities follow the Chain of Survival Approach that has been proven in cities like Seattle, improvements are guaranteed. Lives can be saved!
- As Shirley Franklin noted, "All you need to do is save one life, and it's worth it. It's miraculous."

Heart Ready City

- As part of the Restart Atlanta Hearts program AHA designates certain cities as Heart Ready Cities
- These are cities that are committed to the Chain of Survival and providing excellent EMS services to their communities

Milton is ready

- Through the support of the Fire Chief, Medical Director, Mayor, City Manager, AHA and the City Council
- Milton can qualify as a Heart Ready City and save lives in the community

Heart Ready Components

- Enhanced 911
- Emergency Medical Dispatch System (EMD)

- CPR/AED training
- AED promotion
- AED tracking
- Fire Department responders AED equipped
- Law Enforcement Units AED equipped
- ALS services
- Outcome Measurement

Councilmember Zahner Bailey

- Thanked Lieutenant Scanlan.
- It is a huge bright spot.
- In terms of community outreach and planning for the upcoming classes, she asked when they would occur.
- Asked where they could route suggestions for timing, locations and events.

Lieutenant Scanlan

- They do not have a calendar in place yet.
- They are in the infantile stage of the community CPR training program.
- They will have a calendar.
- Scheduling the events will be the biggest logistical problem for them because they will try and do it all on duty.

Councilmember Zahner Bailey

- Asked how many citizens would be reasonable for a training session to be able to manage effectively.

Lieutenant Scanlan

- Approximately 10 to 20.
- They would like to have some mass CPR events which would probably be a Saturday event.
- They could do it at a community center or church etcetera.
- They may need some audio/video and other equipment to do it.

Councilmember Zahner Bailey

- Asked if there was a beginning age for training.

Chief Edgar

- It would depend on if the person could actually do the compressions.
- It is a 30/2 compression ratio which is pretty strenuous.
- An important component of this is to recognize someone is in need and call 911 and get the system activated.
- Also to know if there is an AED available and start some of the airway components of the CPR.

Councilmember Zahner Bailey

- When she thinks about the ability to impact the largest number of people, between teachers, administrators and young people, even if it is just to have a large assembly before the summer and have that plan that the middle schools and the high schools and why not the elementary schools because you have a lot of teachers that also live here and it may be a great way to kick off this initiative.
- She hates to wait for next school season if there is an opportunity to have that sort of assembly before summer break.
- The last day of school in Fulton County is May 22nd.

Lieutenant Scanlan

- One of the goals is to get into the schools and train them and encourage the school board to place AEDs in all of the schools.

Councilmember Thurman

- She thinks most of the schools have them in place.
- Most of the coaches have been trained and carry them with them on sporting events.

Chief Edgar

- It has been his experience that you place an AED inside a school and it may get put under a desk and with the transition of teachers and others they forget or do not know where it is so it is important to get back in there and let them know how important it is.

Lieutenant Scanlan

- One component of the AED placement is that there will be regular inspections of the AED.

Councilmember D'Aversa

- There is an upcoming public safety day that is conjunction with Frye's and that would be an awesome way to reach a lot of people.

Chief Edgar

- That is on the agenda.

Councilmember Zahner Bailey

- The park clean up on April 25th would be a good place, even if it is just a one page sign and help people be mindful that this is forth coming.

City Clerk Marchiafava read agenda item #3.

Landrum Road Bridge Replacement Concept plan and schedule.

Carter Lucas, Principal Engineer

- This is an update for the concept plan and schedule for the Landrum Road Bridge replacement.
- It is a nineteen foot long bridge, fourteen foot clear span.
- In April 2008 during an inspection it was found to be deficient in a number of different areas.
- There is corrosion on the beams, the flanges and the connections from the upper deck.
- That inspection was done by JB Trimble.
- They came back and said the best long term solution for the bridge was to do a complete replacement.
- In November 2008, Council approved a contract with URS to do the bridge design and in March of 2009 it went to DRB for their review and comments.
- We took a number of main comments from the DRB review.
- They wanted to maintain a one lane bridge in the area.
- Because of the location and the amount of traffic, this bridge is not necessarily one that gets a lot of visibility, so they felt the dollars needed to be spent on those portions of the bridge that were visible as you cross it.
- The headwall and faces of the bridge were not necessarily one they wanted to focus on.
- What we took from that is we would essentially have a concrete faced bridge with the end walls or headwalls smooth concrete.
- The parapet walls that were visible to the inside of the bridge would be faced with some sort of pre-fab stone similar to the existing abutments.
- One of the more significant points was they wanted this to remain as a gravel road.

- The concept plan keeps this as a gravel road versus a paved surface.
- Essentially this is a pre-fabbed bridge with no bottom.
- This was selected from an environmental standpoint.
- In March 2009 a public meeting was held.
- Landrum road spans about 15 parcels which are owned by about 11 people.
- We had two attendees at the meeting and received three comments.
- He gave Council a copy of the comments received from the public meeting.
- The conceptual layout Council has is what the project will entail.
- It is approximately 300 feet worth of road work.
- The new structure will be slightly higher than the old one so we have to go back up the dirt road to provide drainage and grading to bring the curb down into the bridge location.
- We will have easements and/or right-of-way.
- Some temporary easement and some permanent required from pre-property owners.
- In the initial stage we will have a one lane, twelve foot wide bridge with seven foot wide shoulders, gravel surface.
- This does support the comments from DRB to look at the trail portion and the pedestrian circulation over the bridge.
- Their suggestion was to a landscape strip, two foot separation between any sidewalk and trail and travel lane.
- This bridge does support that but it does not necessarily support that in the future.
- If at any point this bridge were to be two laned, we have the ability to do two lanes on the bridge but we cannot do two lanes and trails or sidewalks on that.
- One consideration would be at this point to make the structure a little wider to be able to accommodate that in the future or we can assume it will be a one lane structure forever.
- If we had to two lane it, in the future it would have to be replaced.
- Under the typical section, the artist rendering shows pathways on both sides.
- The design could be modified to do that but right now it is not intended to support paths on both sides of the travel lane.
- Once we get the conceptual plan approved, the permit process can begin.
- They are hoping to begin the permit process in May 2009 along with right-of-way acquisition.
- In June we expect to be able to go out to bids and award the contract in August 2009.
- Looking at roughly 3 to 6 month construction period and of that time the road would be closed about a month for the bridge installation.
- Right now we are looking at February 2010 completion date.

Councilmember Lusk

- Asked how they plan on advertising, will they propose one cross section and one phase as a base proposal then the other two as alternates or have they decided on one of those three.

Carter Lucas

- They are trying to pick one that is closest to what the DRB was looking at.
- They wanted to try and match the existing abutments that are there now.
- We will pick the closest one.

Councilmember Lusk

- From a cost standpoint as to providing some of the other textures on the sides of the bridge and asked if these would be able to be viewed from public right-of-way.

Carter Lucas

- The materials they plan to use will be the inside face of the parapet walls.
- They are relatively small.
- The parapet wall will be the wall that runs along top of the headwall on the very outside of the structure.
- We will have a fence and a small parapet wall.
- The outside that you cannot see from the right-of-wall will be plain concrete faced.

Councilmember Lusk

- That is what he was getting at so it is sort of misleading to show this.

Carter Lucas

- He wrestled with whether or not to put those in there but he wanted to make sure everyone had an idea of what the con-span structures were.
- The first photo is probably more representative of what the structure will look like other than the small parts of the parapet walls.

Councilmember D'Aversa

- Asked about the disruption to stream running under the bridge.

Carter Lucas

- It will be as minimal as possible.
- Because this structure is so wide, 28 foot wide by six foot tall, they will be able to get outside the stream banks.
- They will install a footer beyond the stream.

Councilmember D'Aversa

- Asked about the estimate of the price difference between the smooth facing versus the texturized facing.

Carter Lucas

- He does not know at this point but they can get it.

Councilmember D'Aversa

- She is trying to anticipate if the citizens would be interested in supporting something that has a little bit more than the smooth concrete.

Carter Lucas

- What usually happens with the pre-fab structure, con-span comes back with a full cost estimate and at that point they can go through any of the options they think may be viable and provide pricing at that point.

Mayor Lockwood

- One thing to keep in mind is it is such a small road, it would be a judgment call we might want to make on whether it would be worth spending additional money.

Carter Lucas

- When we come back to Council for contract approval they can look at those cost and see how they impact the overall project.

Councilmember D'Aversa

- Asked if the citizens that showed up for the meeting voiced any concerns about what the bridge would look like.

Councilmember Thurman

- She can answer that because she was one of the two that showed up.
- Most of the discussion was how wide it will be and will it be paved or not.
- The goal is to make it so most people would not even realize they are going over a bridge.

Carter Lucas

- One of the benefits of the con-span is the speed at which they can be built.

Councilmember Zahner Bailey

- Asked if they would have the opportunity to see what some of the treatments are.
- Hopefully the DRB would get the chance to see that.
- This is not the only bridge they consider going forward and one bridge he might want to take a look at, not as an example for this necessarily, but it is a Cherokee bridge that connects Cherokee County with northwest Fulton, off of Liberty Grove Road.
- It is a unique approach that Cherokee County used and it does enter into Milton.
- Asked if there would be any guard rails.

Carter Lucas

- Just the four board fencing.

Councilmember Zahner Bailey

- Knowing that there are other bridges we have to look at, as a suggestion, when we look at guard rails, some are more rural than others and the guard rails that were used in the City of Alpharetta at Webb Bridge Park have a more rustic look and she suggest that sort of approach at some time when looking at guard rails.

City Clerk Marchiafava read agenda item #1.

Demonstration of real time captioning at public meetings.

City Manager Lagerbloom

- Tonight we had a demonstration of one of the things our ADA consultant had lined up for you all to see.
- He introduced Heidi Thomas to present the real time captioning.

Heidi Thomas, EduCaption Company

- One of the reasons she wanted to come and demonstrate this is because it answers a lot of questions, such as how does it happen, what do we have to do, what does it look like.
- If she can hear it then she can put it on the screen.
- This provides and accommodation for someone who has a hearing loss and their first language is English and opposed to American Sign Language and needs the accommodation of the English words.
- She does not take the place of a sign language interpreter.
- She serves a different population of people with hearing loss.
- One of the benefits of this service is there is a file of everything that happened in the meeting verbatim.
- It is not a certified transcript and it is not official but this could be a help to the person preparing minutes.
- It is pretty low tech for her to provide the service from somewhere besides here in the room.
- She can provide the service if there is a high speed internet connection here from a remote location.
- Anyone around the country who works with them could be available.

Councilmember Tart

- Wondered about the cost.

Heidi Thomas

- She is not prepared to go into that now because it would depend on how they wanted to use the services and those variables would be: on an ongoing basis, so many hours per month per year or just whenever they need her, whether it is on site or remote.
- Those things all factor into it.
- It is not an inexpensive service and a ball park is anywhere from \$90 to \$120 an hour.

Councilmember Tart

- Asked if some jurisdictions employ her to be at the meeting with advanced notice rather than her being at every meeting.

Heidi Thomas

- Absolutely.
- We would have a contract for services with the City of Milton and the only thing that would be in the contract would be when you need us, this is how much we will charge and we need this much notice and there is a 24 hour cancelation policy.
- It would bind no one to anything other than should you need our services this is what we are going to charge you for the next year but we could be on an on call basis with enough notice.
- If we are doing it remotely and it does not depend on her schedule then they need less advance notice to be able to accommodate.
- Also the quality of the services stays very high.
- Quality is what they are about.
- They will not be the cheapest or the most expensive.

Councilmember Zahner Bailey

- Asked in terms of advance notice how much advanced notice she would need.

Heidi Thomas

- A week would be great and if they were able to do it remotely they could probably accommodate with 48 hours notice.
- Twenty four hours would be tough.
- If it is on site they would need a minimum of two weeks' notice to provide services.

City Clerk Marchiafava read agenda item #4.

Transportation Plan Progress to date.

Carter Lucas

- This is an update of our comprehensive Transportation Master Plan.

Faye DiMassimo, Kimley Horne Associates

- We are at a milestone activity in terms of having just completed the existing conditions report.
- It is not the most exciting or glamorous part of the project but a very necessary part of the project.
- We have some unique tasks to the City of Milton's transportation plan, including an access management component, pavement management and trail implementation plan.
- In terms of access management, one of the things they committed to was looking at the overall access management policies and suggesting what types of changes or modification might be necessary to the community services manual and the right-of-way manual for the City.
- The pilot study overlaps with a portion of the study committee's area for state route 9.

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- They are looking from Bethany to the City limits in terms of a specific access management very detailed parcel by parcel level examination of that.
 - They are in the data collection phase.
 - They have finished the field investigation.
 - They reported that to the State Route 9 Committee and they will continue to coordinate with them through the process.
 - She had a follow up discussion with Community Development Director Wakefield to make sure they were detailing it out properly.
 - Pavement management was also another unique piece of the project.
 - When they started out it was going to have a more extended time frame.
 - It was going to start a little later and end a little sooner.
 - We were requested by City staff that in preparation for the annual budgeting cycle and looking at capital improvement budget to expedite that piece of work and push it up so they applied the resources that were necessary.
 - They have evaluated all of the existing roadway surface conditions including the gravel roads being handled separately.
 - They researched and updated the unit cost that you are using for estimating paving expenses in terms of the budgeting activity and provided to staff the FY 2010 recommended capital roadway paving projects list.
 - We have not received comments back from staff on that yet.
 - Because this was a briefing tonight the pavement experts within Kimley Horne who have been doing the detailed analysis are planning to be available in June.
 - If there are really detailed and highly technical questions about pavement management they will be available for that rather than have them be at this meeting.
 - On the trail implementation plan, they did an update of the construction and maintenance cost estimate for the core network of trails that is already included in your trail network plan.
 - They have also provided that to staff, received some comments back and finalized it so it is essentially complete.
 - Under the transportation plan core services, this part of the transportation plan they are following the regional planning process so they ensure as the projects and suggested improvements that come out the process will be ready to go into the regional planning process and the ARCs process and for the City to be able to be qualified for the federal funding and hopefully they can seek for the recommended improvements.
 - They are on target in terms of being on schedule.
 - The shaded out area is essentially everything that has been completed thus far.
 - In terms of the project management plan and public involvement, they finalized the project management plan and schedule, coordinated with sub-contractors, had an initial kick off meeting and they have already held two TSAC meetings.
 - One was a TSAC meeting followed by a joint meeting with TSAC and the CPAC committee so they could make sure the process was being closely coordinated.
 - The TSAC committee is eager and enthusiastic so they have to help them temper that just a little bit because there is a process that has to be followed.
 - They have to get the existing conditions report complete and get the base modeling piece complete.
 - They have what is in ARCs model and they must use that information at least in one of the scenarios they will run.
 - In addition they want to be able to run a scenario that looks at what the City's vision is if it differs in terms of those core underlying data points like population.
 - As she understands it there may be some question about the base line population and staff is working with City Officials on that, so they are waiting on that to be concluded before they expend resources on

running scenarios that ultimately end up not being the ones that need to be run to accomplish the objectives of the transportation plan.

- They have done one model run that is the existing network to be able to look at what is there now and figure out where there may be some problems.
- For example, the TAZs are large and in a sub-area analysis they have to break those down so they will give a result that is meaningful in a sub-area analysis.
- They are not going ahead right now with the needs assessment until they resolve the population projections so they can make sure they are working out the right data.
- They have a finished existing conditions report.
- They have taken comments from staff and incorporated them.
- The TSAC committee has until this Thursday to respond with their comments on that document and then they will finalize it and that deliverable will be made by the end of this month.
- In terms of any particulars they are coordinating very closely with the CPAC committee.
- They have used sources such as the rural preservation plan, the master plans and design guidelines, northwest Fulton Overlay, she has an entire list of other sources they have relied upon that are unique to Milton.
- The needs assessment is the next major piece of work and they are about to kick that off.
- At the request of TSAC they are going tie the meetings with them to deliverables to that they have something real to work on.
- They have a joint meeting with the CPAC committee in August that is already on the schedule and it is to bring them all together to make sure that the work is fitting together.
- They were working around the summer vacations.
- They will send out a complete list of the meetings to staff.
- They will go ahead and give the committees the results of the needs assessment of those first model runs to they can start rolling up their sleeves and digging into what it means and what kind of improvements should be considered for the kinds of needs that are demonstrated through the model.

Councilmember Thurman

- Thanked her for the thorough presentation.
- The things that are completed thus far including the trail implementation plan and the construction and maintenance cost estimates, asked if that was a report Council will get in the interim.

Faye DiMassimo

- That report has already been provided to staff and they can provide it and the pavement management to Council now.
- Those two pieces of work are complete and normally she would rely on staff to provide that to Council.

Councilmember D'Aversa

- From her perspective if it behooves Council it would be better for them to digest things in stages, then it will not be so overwhelming.

Councilmember Lusk

- One of the biggest variables if the cost of liquid asphalt.
- Asked what actual comparative numbers they are using for the unit cost.

Faye DiMassimo

- She will have to get them a copy of the report and they can determine the extent that is explained because that is not her area of expertise.
- They will have their asphalt guys at one of the upcoming meetings to make sure they can get questions like that answered but she will go ahead and find out the answer and e-mail it to them so they can see it.

Councilmember Thurman

- Asked if the only thing she needs from us is the population figure or if there is anything else they are waiting on.

Faye DiMassimo

- She needs two things: are we in concurrence with the current population of Milton and where are we with what we would like to see as a projection from Milton by 2010.

City Manager Lagerbloom

- He committed to having the GIS people to come up with a methodology that was used for particular ways of calculating a population.
- That has been done and they are prepared to bring that forward.
- He realizes they will not be able to challenge the census until later in the summer but they are prepared to bring that forward at the meeting a week from tonight.

Faye DiMassimo

- She just wants to make sure their resource commitment is to the things they really have concurred with so they make sure they give the correct recommendations that are based on those things.

Councilmember Zahner Bailey

- Early on when the contract was approved, one of the things talked about was your firm's ability to help us look at those numbers and whether or not a 2.7 factor coming from Georgia Power and the ARC, is that factor really a number that we want to buy into in totality, her request is that between now and next week we can be provided some additional perspective.
- She is not convinced that an automatic factor of 2.7 versus a 2.4 or 2.5 is necessarily the right number.
- She thinks it would be to our benefit to have your firm to look at that since that is part of their expertise as well.
- With regards to the gravel road assessment, part of what they were going to do was to also evaluate what might be best practices for gravel roads in terms of the mixture.
- There were some situations where the roadways did not have the ideal mixture and we had to back fill.
- That has been corrected but we still have the question of what do we want that standard to be for the other gravel roads.

Faye DiMassimo

- The report focused most exclusively on paved surfaces.
- There was a policy assessment, sort of a comparative of that cost because it was focused on providing this deliverable for purposes of that capital improvements program budgeting cycle
- There was the question at one time about whether or not gravel roads were tremendously more expensive or less expensive to maintain so there was a policy assessment based on a pretty broad literature review and other comparative type review to help give some insight into that as a policy matter.

Councilmember Zahner Bailey

- She would like to see their firm provide that assessment, she thinks there are some fallacies out there about gravel roads costing significantly more.
- She thinks there is some data scientifically driven that indicates that is not necessarily the case.

Faye DiMassimo

- What was interesting about that is there is a body of literature and research that has demonstrated that the cost comparison between gravel road maintenance and other road maintenance is not as great as what has been expressed.

- There are some differences and there are some core reasons for those differences and it is important to drill down into those reasons to understand it so that will part of the deliverable.

Councilmember Lusk

- He did a cost analysis last fall in terms of maintenance cost on gravel roads.
- What has come up in the meantime is suggestions by a lot of people in the City of paving these gravel roads.
- He does not think it is something you can do on a unit cost basis, specifically since conditions vary on these roads as far as horizontal and vertical curves and site distances etcetera that is involved with estimating the cost of changing the gravel road to a paved road in compliance with state and county standards, property acquisitions and everything else that is involved, he asked if they had intended on carrying the study any further with the gravel roads.

Faye DiMassimo

- Just to the extent that was outlined originally in their scope.
- She thinks it might be helpful if they go ahead and lineup an on site visit by their pavement management people and set up a work session with staff and we can get into the details of what those cost are and how they are calculated.
- They will move forward on setting that up.

Councilmember Zahner Bailey

- There is a gravel road meeting on April 30th and it seems it would be valuable to have someone from their firm present.

City Clerk Marchiafava read agenda item #5.

Discussion on ADA, notice of non-discrimination.

City Manager Lagerbloom

- They have the tendency to bring these resolutions in the work session before they bring them to the Regular Meeting and he does not know they need to do that.
- This is a very straight forward Resolution and one he feels comfortable just presenting it at a Council Meeting rather than tying up a lot of time tonight.
- This is a Resolution that basically provides to our citizens a notice of non discrimination under the ADA.
- It meets the requirements of Title 2.

Councilmember D'Aversa

- She just wanted to see if Marie Latta had anything to add.

Marie Latta, ADA Consultant

- She does not have anything to add.
- This one is based on the model from the Department of Justice so she does not have anything.

Councilmember D'Aversa

- She wanted to acknowledge that Marie has worked with our junior Mayor for the Day that came from the sixth grade to have him and his vision teacher to convert the first documents as well as other documents into brail.
- She is proud of the documents and that Christian Aims was able to work with Betty Daniel to have those completed and they did it in less than a week and they are anxious to do some more.
- Betty recommended we take those to Kinkos and have them bound.

City Clerk Marchiafava read agenda item #6.

Discussion on national citizen survey.

City Manager Lagerbloom

- We talked in a previous meeting about our performance measurement system and one of the steps was to start at the recommendation of the ICMA's performance measurement department.
- One way to start that is with an actual citizen survey and only after you do a citizen survey would it then be appropriate to move into their more formalized measurement system.
- We are going on the guidance of the professionals at ICMA and their performance management center to make sure we address this in the correct order.
- This is a standard format survey which means we do not have a lot of ability to change the core of the survey.
- That eliminates the argument that you asked questions and let people to get the answers you wanted.
- It is a survey that we can have some statistical reliability.
- Staff has gone through the form and made some recommendations for removal of some of the items that do not pertain to Milton.
- He brings this before Council because we do have an opportunity to add a couple of questions to the survey that are Milton specific.
- We have the ability to provide three free form multiple choice questions.
- He and Matt came up with some things they think they might want to know so they put together five different questions for Council's consideration.
- Question A deals with growth and whether or not we want growth or how we would want growth.
- Question B deals with services.
- Question C deals with funding.
- Question D deals with events.
- Question E deals with communication.
- In his mind they are in priority order.
- He asked if Council thought they were viable questions or if they would like to change a question or make a suggestion that we might want to know that we did not consider.
- He hopes to take the fourth priority question and turn it into a short answer question which is why they did not provide different short answer questions.
- He hopes they can determine four things they want to know and massage those around three free form multiple choice and one short answer question.

Mayor Lockwood

- To clarify, the majority of the questions we do not have control over.
- He suggested everyone take them and look at them and think about it and get back with the City Manager on whether we agree with these questions or if we have a suggestion someone on staff could compile them.

Councilmember D'Aversa

- Asked if there was an opportunity or have they precluded him from having an open ended other.

City Manager Lagerbloom

- The short answer question could be an other.
- We will be provided the responses that come into the short answer question as they come in.

Councilmember D'Aversa

- What she is asking, when you look at community services there are so many more that they could list that might be provided by the City so you will have to give some sort of open other and then specify that they capture in some sort of verbatim comment.

City Manager Lagerbloom

- Asked Matt Marietta to look into that.

Matt Marietta

- He thinks one of the options is they can use that final question as, is there anything you would like to discuss on one of the other questions or you would like to address further then you can do that.
- Say they wanted to comment on the City of Milton is a nice place to live then they can just go to that free form section and fill in whatever their thoughts were on that.
- As far as statistical analysis is concerned that question is not relevant anyway because there will not be any consistency between internally within our survey respondents and in between cities which is the primary benefit of this.

Councilmember D'Aversa

- What she is eluding to for example what additional community services would you like to see offered by the City.
- There is a large array of services that might be listed here rather than us list them, most research groups would capture that data.
- If there were 100 responses they would document those and they would be statistically viable if x number of citizens commented that they would like to see certain things.

City Manager Lagerbloom

- That might be an excellent short answer question, that we simply ask the question, what additional community services would you like to see offered by the City.
- That way we do not put any preconceived notions in anyone that they have to pick one of the five choices but they can say whatever they want to say.

Councilmember D'Aversa

- She does understand they want to limit this because of respondent fatigue.
- She does think there will be people that will write in anyway.

Councilmember Zahner Bailey

- To clarify, she wrote down other and other on a and be, is it as an example beyond number four you would also have another so if people felt that number one through four, you are saying that based on this structure, it does not allow that.

Matt Marietta

- In the survey document under question 18, it has policy question 1, policy question 1 and so on.
- Basically that is filling in the space where on our survey it would appear with whatever question we choose and for the first three we have basically the same format that all of the other questions took which if you look at the first it is scaled from 1 to 5 with 1 being excellent.
- We are limited in our structure in those first three.

Councilmember D'Aversa

- We basically chose as an turnkey approach.
- It is a little different than what we did originally.
- This give us a little more control over the bias response that might occur.

Councilmember Zahner Bailey

- Asked what the time table would be.

City Manager Lagerbloom

- The faster they can move forward there is the potential that we could have a deliverable by August.
- He says that not to put anybody on the spot but if they are going to weigh in on this please do so.

Mayor Lockwood

- If nothing else send Chris an e-mail saying you agree with the questions or if you would like to add something then it can be considered.

Councilmember Thurman

- Asked how they were getting the questionnaires out.

City Manager Lagerbloom

- Part of the survey package is two mailings to citizens that will actually receive it.
- The first is a mailing of a post card to let them know they have been selected based on a random numbered table.
- The survey is to be completed by the person over 18 who have had the most recent birthday in a particular household.
- They will receive the survey from the national citizen survey through ICMA.

Councilmember Tart

- Asked if there had been any thought to trying to figure out the area of the city where the information is coming from.
- In terms of data regarding how safe someone feels, how would you rate your city in terms of violate crimes, property crimes etcetera.
- There are a lot of questions in here and if we were able to ascertain what area it was coming from, we could pinpoint our efforts.
- Asked if that is something this might be used for.

Matt Marietta

- When he speaks with them he will check to be sure if it is just alphabetically driven based on our post addresses or if it location controlled as well.

Councilmember D'Aversa

- They can easily track it.
- Sometime that intimidates people and they will not respond because if they know there is a number on their survey then they are being tracked but you stipulate it is only for aggregation and that would be how you track it back to the original address.

Matt Marietta

- He has several sample copies of what the finished product looks like.
- It goes through in detail how they balance the responses out and compare them to other cities.

City Manager Lagerbloom

- This is the first step toward bringing Milton into a professional performance measurement and management system.
- This was the recommendation of the performance measurement group.

Councilmember Zahner Bailey

- In terms of those free form questions, knowing some of this may or may not be utilized, asked if it would make sense to route those questions to the CPAC committee knowing there is a time frame.

City Manager Lagerbloom

- He does not think so.

Mayor Lockwood

- He would agree with the City Manager.
- As it spreads out it will just get more convoluted.

City Manager Lagerbloom

- What he is looking for is really a base line and they can spread the net out as big as they want but understand a finished document where we can interpret what it says is further out.
- His goal is to have this complete so as they went through some of the budget discussions this year we would have the usability of this data.

Councilmember Zahner Bailey

- He question was simply these five questions, give that there was a lot of effort that went through and growth and transportation are all issues that are being addressed by our CPAC committee and she thinks it is a missed opportunity to make sure we are at least considering what that input might be.
- She is not suggesting the document be delayed but in the next five days if some of the people that have been focused on what some of the free form questions would be valuable in their planning effort...

Mayor Lockwood

- As a suggestion if any Council Members are interested, they could talk to their representatives on CPAC and get some feedback before they respond back.

Councilmember Zahner Bailey

- She just is not sure why we would not reach out to a group that has been part of our planning process since some of the questions are tied to planning and how we determine what we will do going forward.

Faye DiMassimo

- One thing she thinks it would be important to add on this is they also have a survey and she thinks it would be important so that they ensure that the resources that are shared between these two things give you the most bang for the buck.
- They made a determination working with staff that because there had been quite a bit of survey work and public input done through CPAC and other things prior to this that the best use of the scientifically valid research survey they will be doing with the transportation plan was best focused later in the process when they get to recommendations and needs and they would vet that through the research survey.
- Realizing everyone will be interested in the details of what the questions are, they thought it a good idea to begin building a consensus for that survey instrument now even though they do not know all of the specific questions.
- They have already developed a template of the kinds of questions that might be asked and provided that to staff and it might be useful if they provided that to Council and to the other consultant just so they can make sure it is happening in a coordinated fashion.

Councilmember Zahner Bailey

- She thinks coordination is always helpful.
- If she is not mistaken the statistically valid survey that they are working on were looking at being able to track and identify from what area without necessarily putting people in an uncomfortable situation.

City Clerk Marchiafava read agenda item #7.

Presentation to Mayor and Council from representatives of Crooked Creek.

City Attorney Jarrard

- Reminded Council this is a public and open forum and this is a matter where the City and Council have been put on notice of potential litigation and he encouraged them to be mindful of that and keep comments limited.
- There may be a forum and he spoke with Mr. Dillard and there might be an opportunity for us to speak privately and off the record with Council in Executive Session since there is a threat of litigation but we cannot go off the record in a public forum at a public meeting.
- He again cautioned them to keep their comments limited or not at all but there will be an opportunity to have dialogue that is foreclosed to us just maybe not this evening.

Doug Dillard, Dillard & Galloway, LLC

- They represent the Crooked Creek neighborhood and their purpose tonight is to avoid litigation and not to create any.
- They were here and asked to be on this agenda for the purpose of having some open dialogue with the City.
- They know Council has been discussing this issue for a long long time and they are hopeful that there can be some positive resolution soon.
- They are on the agenda for next week and their hopes are that between now and then that they can have some form of dialogue that Ken and Council agree on and can result in some meaningful resolution of this very important matter to the Crooked Creek neighborhood.
- By way of background the neighborhood was created in 1995.
- Six hundred and forty single family homes, about 11% of Milton's population.
- While they are asking for privatization today as a result of the developer in 1995 dedicating these roads to the public, not by deed, but by dedication by way of plat and there is a significant difference as far as the Georgia law is concerned.
- The adjacent property owners in this neighborhood to all of the public roadways in crooked creek, own the simple title.
- The dedication of the roadways by plat, by the developer in 1995 gave the public then Fulton County the opportunity to accept those roadways and to then in turn maintain them as public roadways until that use is changed.
- Now, the whole issue is that we think there is serious severe public safety issue that affects the rights of these neighbors to use their property.
- It affects the rights of the traveling public as they traverse these roads and as a result they think there is a public purpose clearly stated to change the current use of these roadways.
- They are not asking that the roadways be abandoned and there is very important distinction with that.
- If they were asking under the state statute for these roadways to be abandoned, we must show that there, the public's right to use it has ceased and/or there is no public need for that public use to continue.
- They are not asking for that.
- These roads as privatized will still remain as a part of the street system.
- They will still be used by the traveling public.
- They will be used by the people that live in Crooked Creek and they will be used by their social invitees who might come there.
- They will be used by police, fire, 911 and the like so the issue of abandonment is really not the issue.
- The issue of privatization is the issue.

-
- Council has recognized the rights of citizens to come before you and ask that their roadways be privatized.
 - You have a policy that was adopted by you when you created the City of Milton that was in place in Fulton County at the time.
 - That privatization policy creates what they feel like is an unreasonable if not an impossible condition and that is that it required that 100% of everyone that is within the community that uses the road, that is adjacent to the abandoned roadways agree to that privatization.
 - If you have an abandoned road under the state statute, in order to privatize it then you could never privatize the road and this policy does not anticipate that.
 - The policy anticipates that you have 100% of the property owners that want to privatize the road, they can do that.
 - That is not about abandoning the roadway.
 - You cannot abandon the roadway and still have the right to use it if you follow the strict interpretation of the abandonment statute because the abandonment statute means that the roadway is abandoned and it goes to the adjacent property owners on each side of the road, therefore it is never used as a public roadway again.
 - In most instances you have situations where the roads have been used over the years, no longer maintained by the local government, people do not use them, the adjacent property owners want to do something else with them.
 - They basically want to close the road and shut it down so we are not talking about abandonment.
 - They are talking about privatization and your current policy recognizes the rights of the citizens to come before you and ask that be done.
 - We feel like the 100% is an unrealistic impossible condition to comply with.
 - We think it is an unreasonable condition and therefore as we have said in our letter to you we feel like it is unlawful, particularly in light of the fact that other jurisdictions both in Fulton County and elsewhere have adopted other procedures for the privatization of roads.
 - You have to understand that you are not talking about privatization of a roadway if it had not at one time been a public roadway because it could have been privatized by the developer in the first instance and never been a public road.
 - The developer could have gated this community to start with.
 - It would have been a gated community today and it would be on your road system, post office would need to know about it.
 - It would still be a part of your road system within your community but it would not be a public road, it never had been a public road and the main reason it is not a public road is because the developer at the time assumed responsibility for the maintenance of the road, the constant care of the road which he would then turn over to the homeowners association so what they are asking Council to do is to do exactly what the developer could have done when he initially developed this property and allow them to privatize these roads.
 - Why are they asking to do that?
 - They are asking to do that because we have a traffic study which we have shared with the City which shows this is a dangerous road.
 - Primarily it is Crooked Creek Road which connects Highway 9 and Francis.
 - We have 93 property owners that live and about this road.
 - You are far more aware of the securitize nature, the slopes that come down into the streets than I am.
 - You live out here with this situation.
 - It is a dangerous situation, not only for the traveling public that uses the road but more importantly for those people that live on the road.
 - We have situations where people cannot come and get their mail, particularly in the a.m. and p.m. rush hour without being in danger.

- What they asked Council to do is to change, and this is what is really on the agenda for next week, we are asking you to change your policy of privatization and we are going to suggest that you follow the privatization policies that have been adopted by Johns Creek and Sandy Springs and other jurisdictions throughout the State of Georgia.
- We have done this, not a lot but we have done this in several jurisdictions throughout the state.
- This is not an unusual request.
- The effect of it is that we turn an unsafe situation into a safe situation.
- We allow the homeowners association to be responsible for the maintenance of the roadway and in so doing the policy then must reflect the governance of what the neighborhood has already put on themselves.
- Basically it is a simple majority and we ask that you adopt the policy that both Sandy Springs and Johns Creek have adopted.
- To have a local government to have the right to restrict the use of a public roadway is not unusual.
- DeKalb County for example, if you want to put speed bumps or traffic calming devices or if you want to put restrictions one way or two ways or cul-de-sacs in roadways there is a process that you go through and there percentage is 20%.
- If 20% of the property owners are affected by this request then that is enough to petition the Board of Commissioners to then look at it.
- Last week they had some traffic calming devices put in a roadway and 65% of the neighborhood supported that so what they are asking them to do is to change your policy.
- They do not think that Georgia law in this situation requires that there be a total abandonment.
- He has cited a case and given it to Ken where there was a steep and winding road and it continued to be used and they put restrictions on it.
- We are involved in local government and state government many time using the power of eminent domain to limit access to certain roadways.
- To control access by right in right out.
- To control access by medians.
- To control access by allowing certain curb cuts and or to put one way pair system in and that kind of thing.
- It still remains a part of the public road system but it does not, it might impair the rights of adjacent property owners to use that roadway, it might cause a more securitize route for those who use it but the Georgia Courts have been consistent for years and years and years that a more securitize route is not compensable so what does that leave you relative to the privatization of these roads.
- We think it does several things, first of all as he pointed out it creates a very safe environment.
- It eliminates the cut through between Highway 9 and Francis Road.
- It gives us control over the repair, maintenance and the security and safety of the system.
- The gates that would be put up would be manned gates.
- They would be twenty four hour manned gates.
- The public safety issues are not an issue, there would be provisions for that on a twenty four hour basis and at the end of the day, they feel like as it relates to the traveling public, their rights are not going to be impaired because while it might create a more securitize route, it certainly does not create anything that is compensable.
- So what about those neighbors that might not be in favor of it that are located in Crooked Creek, they have access.
- Their rights to use the roads are not in any way impaired.
- He thinks the potential harm that might be created out there either to the property owners within Crooked Creek and to the traveling public is really insignificant if not nonexistent so we know you have had situations where you have had a lot of people here asking you to consider this.
- We think the you recognize the rights to have the privatization done.

- We think the 100% requirement is excessive and we ask that you reduce that percentage but really what we do is ask that you reduce that percentage in accordance with Sandy Springs and Johns Creek and let the homeowners have their vote in accordance with their governance and their bylaws and then come to you with proof that they have held those meetings and with that then you would act favorably on the petition.
- We also are concerned that while there might appear to be some issue as it relates to the public's right to use the roads, the important thing for you to remember is that the public continues to have the rights to use the roads.
- They are restricted, the residents will have the right to use it.
- It will no longer be a cut through between Francis and Highway 9.
- There has been some discussion about gating the road, just putting a gate on one side of it and the other without gating it at both ends, we do not think that is a suitable solution plus it really does not answer the questions relative to the traveling public's right to use it.
- If that is the case then they obviously do not have the right.
- You have the power to adjust that.
- The other side of it is, it does not give us the safety nor the security that this community is looking for and we feel like deserves.
- In summary, you have recognized the right to privatize, we feel like the 100% rule is unlawful and unreasonable therefore we ask you to change it and in so doing that would require a text amendment and we would ask that at the same time the issue of the privatization of the roadway attract that text amendment so that you could pass the text amendment, we could then bring you compliance with that text amendment and you would authorize that privatization.

Councilmember Thurman

- Asked if the item mentioned was on the agenda for next week.

City Manager Lagerbloom

- He does not have it on the agenda at this point.
- The only thing he has received is a demand letter from Mr. Dillard that it be on the next Council meeting and he looks to our City Attorney to let him know when it is ready to be on the Council agenda.

City Attorney Jarrard

- He is hoping they can adjourn into Executive Session where they can discuss this as a potential litigation matter and then we might want to reach back out the Mr. Dillard and see if we can set up a meeting so we can have more free dialogue in a setting that he thinks is more conducive.

Motion and Second: Councilmember Tart moved to adjourn into Executive Session to discuss litigation at 8:00 p.m. Councilmember Thurman seconded the motion.

Discussion:

Councilmember D'Aversa

- Asked if there was anything else on the agenda or if there was any public comment.

City Manager Lagerbloom

- We do not.

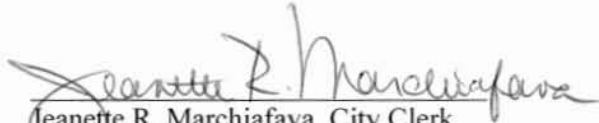
Vote: The motion passed unanimously.

RECONVENE


Motion and Vote: Councilmember Tart moved to reconvene the Work Session at 9:00 p.m. Councilmember Thurman seconded the motion. The motion passed unanimously.

There was no further business discussed.

Date Approved: May 4, 2009



Jeanette R. Marchiafava, City Clerk



Joe Lockwood, Mayor