Special Called Meeting of the Milton City Council
Tuesday, November 14, 2006, 6:00 PM
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Special Called Meeting of the Mayor and City Council of the City of Milton was held November 14, 2006 at 6:00 PM, Mayor Joe Lockwood presiding.

Call to Order
Mayor Lockwood called the meeting to order.

Roll Call and General Announcements
City Clerk Marchiafava reminded everyone to silence their cell phones and pagers. Additionally, those wishing to provide public comment during a public hearing or at the conclusion of the meeting under the public comment section are required to complete a public comment card. They need to be turned in to the Clerk.

City Clerk Marchiafava called the roll.


Pledge of Allegiance
Mayor Lockwood led the Pledge of Allegiance.

Approval of Meeting Agenda
City Clerk Marchiafava stated that the first item is Agenda Item No. 06-001, Approval of the Meeting.

Motion and Vote: Councilmember Thurman moved to amend the meeting agenda adding two applications for annexation that have been received by City staff and verified for Arnold Mill Road area properties and the Highway 9 properties. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motioned passed unanimously.

Motion and Vote: Councilmember Thurman moved to approve the meeting agenda as amended. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

Report of the Election Results
City Clerk Marchiafava read the results of the November 7, 2006 Election:

Milton City Mayor
Joe Lockwood 4317 (59.06)
George Ragsdale 2992 (40.94%)

Milton City Council District 1
Karen C. Thurman 5962 (100%)

Milton City Council District 2
Julie Zahner Bailey 3597 (50.3%)
Gordon W. Hunter 2576 (36.07%)
Roger Santi 968 (13.56%)

Milton City Council District 3
Jon Carroll 499 (7.54%)
Clint Johnson 1176 (17.76%)
Marty Lock 1399 (21.13%)
Bill Lusk 2426 (36.65%)
Paul Moore 1104 (16.68%)

UNAPPROVED/DRAFT
Motion and Vote: Councilmember Mohrig moved to accept the report of election results. Councilmember D’Aversa-Williams seconded the motion. There was no Council discussion. The motion passed unanimously.

Adoption of the Robert’s Rules of Order to Govern Council Meeting Rules of Procedures
City Manager Bovos briefed the Council on Robert’s Rules of Order, which is an interim measure until the Rules of Procedures ordinance is passed. He highlighted the following points:

1. The clerk will read the item into the record and will ask for a motion and a second prior to any discussion, which is required under Robert’s Rules of Order. The Council can then have discussion as they choose, which will be facilitated by the Mayor, and then the City Clerk will call for the vote.
2. The person who makes a motion cannot vote against the motion that they put on the floor.
3. Friendly amendments to a motion can be made at any point in time, but the friendly amendment requires concurrent by the person who made the second and the motion has to be voted on.
4. Only one amendment to a motion can be made at any specific time while it is on the floor. There cannot be multiple amendments; each amendment has to be addressed individually before the final is voted on.
5. Items that are motioned for deferment are recommended from staff perspective to be deferred to a specific meeting date.
6. Items that are motioned to be tabled have no discussion. After the motion and the second, the Mayor does not facilitate a discussion, there is a vote called immediately.
7. There is no discussion on items on the Consent Agenda or First Presentations.

City Manager Bovos added that if the Council has any questions, please feel free to ask him and he will walk the Council through the issue.

Motion and Vote: Councilmember Thurman moved to adopt Robert’s Rules of Order to govern Council meeting Rules of Procedure. Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

Consent Agenda
City Clerk Marchiafava read all the items under the Consent Agenda.

1) Approval of a Resolution Appointing Aaron J. Bovos as the City Manager for the City of Milton, Georgia. Resolution No. 06-11-01

2) Approval of a Resolution Appointing Jeanette R. Marchiafava as the City Clerk for the City of Milton, Georgia. Resolution No. 06-11-02

3) Approval of a Resolution Appointing Carol R. Wolfe as City Treasurer for the City of Milton, Georgia. Resolution No. 06-11-03
4) Approval of a Resolution Appointing Mark E. Scott as City Attorney and naming the law firm of Riley, Lewis & McLendon as City Solicitor for the City of Milton, Georgia. Resolution No. 06-11-04

**Motion and Vote:** Councilmember D’Aversa-Williams moved to approve the Consent Agenda. Councilmember Thurman seconded the motion. The motion passed unanimously.

**Reports and Presentations**

**Mayor Lockwood** administered the Oath of Office to the City Manager Aaron Bovos, City Clerk Jeanette R. Marchiafava, City Treasurer Carol R. Wolfe, and City Attorney Mark E. Scott.

**Zoning Agenda**

**City Clerk Marchiafava** stated that there is no Zoning Agenda.

**First Presentation**

**City Clerk Marchiafava** read all the First Presentations into the record.

1) Approval of an Ordinance to provide for the continuation of ordinance and law during the transition period legislatively established for the City of Milton, Georgia, and the adoption of ordinances by the City of Milton, Georgia.

2) Approval of an Ordinance adopting Rules of Procedures for the City Council Meetings and Public Hearings for the City of Milton, Georgia.

3) Approval of an Ordinance Adopting the Fiscal Year.

4) Approval of an Ordinance to require a nonexclusive Solid Waste Contract to operate in the City of Milton, Georgia.

5) Approval of an Ordinance Adopting the Financial Management Program.

6) Approval of an Ordinance to adopt procedures consistent with the Zoning Procedures Acts of the State of Georgia as amended.

7) Approval of an Ordinance to Adopt and Approve Chapter 1, General Provisions, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia.

8) Approval of an Ordinance to Adopt and Approve Chapter 2, Administration, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia.

9) Approval of an Ordinance to Adopt and Approve Chapter 3, Elections, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia.

10) Approval of an Ordinance to Adopt and Approve Chapter 4, Municipal Court, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia.

11) Approval of an Ordinance to Adopt and Approve Chapter 5, Animal Control, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia.

12) Approval of an Ordinance to Adopt and Approve Chapter 6, Code of Ethics, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia.

13) Approval of an Ordinance to Adopt and Approve Chapter 7, Alcoholic Beverages, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia.
14) Approval of an Ordinance to Adopt and Approve Chapter 10, Taxation, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia.

15) Approval of an Ordinance to Adopt and Approve Chapter 11, Business Regulations, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia.

16) Approval of an Ordinance to Adopt and Approve Chapter 12, Offenses and Violations, and providing for inclusion and identification in the future developed Code of Ordinances for the City of Milton, Georgia.

City Clerk Marchiafava announced that she will distribute information on the two items added to the meeting agenda.

Motion and Vote: Councilmember Thurman moved to approve the First Presentation items listed above. Councilmember Mohrig seconded the motion. The motion passed unanimously.

(Added by Motion and Vote)
Approval of an Ordinance to Annexing Arnold Mill Road Area Properties.

Motion and Vote: Councilmember Mohrig moved to accept the Annexation of the Arnold Mill Road area properties. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

(Added by Motion and Vote)
Approval of an Ordinance to Annexing State Route 9 Properties.

Motion and Vote: Councilmember Thurman moved to accept the Annexation of the State Route 9 area properties. Councilmember D’Aversa-Williams seconded the motion. There was no Council discussion. The motion passed unanimously.

City Attorney Scott asked those presenting annexation applications to please come forward.

1) **Donnie Chapman, representing applicants of Highway 9 Annexation**, stated that one hundred percent (100%) of the owners are asking for annexation into the City Milton.

2) **Bernard Wolff, representing applicants of Arnold Mill Road Annexation**, stated that he lives at 1000 Lackey Road and he is the managing partner of Wolff Investors, who own land lots 1014, 1015, and part of 1016. Mr. Wolff, on behalf of the land owners in the Arnold Mill Road area, would like to apply for annexation into the City of Milton.

Unfinished Business *(none at this time)*

New Business
Approval of a Resolution to ratify the Governor’s Commission Action.
Resolution No. 06-11-05

Government Commission Chairman Ron Wallace stated that on the behalf of the Governor’s Commission that he is pleased to present their report that includes copies of the Resolutions passed by the Commission. He also offered his congratulations to everyone.

Motion and Vote: Councilmember Zahner Bailey moved to approve the Resolution to ratify the Governor’s Commission Action. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.
Approval of a Resolution approving the City Seal for the City of Milton, Georgia.
Resolution No. 06-11-06

City Clerk Marchiafava stated that the Council was provided a copy of the recommended City Seal for their consideration. The official City seal will be used on all official documents. The City Clerk will be the custodian of all records as well as the City seal.

Motion and Vote: Councilmember Mohrig moved to approve the Resolution approving the City Seal for the City of Milton, Georgia. Councilmember D’Aversa-Williams seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution designating the Milton Herald as newspaper for official publications and notices (legal organ).
Resolution No. 06-11-07

City Attorney Scott stated the importance of obtaining an official legal organ for official notices for the City. There were several newspapers to choose from including the Milton Herald, the Alpharetta Neighbor, and the Atlanta Journal Constitution. The staff recommended that the Council adopt the new Milton Herald by Appen Newspapers, who created a new addition specifically for the City. He stated that the Milton Herald promised to dedicate a reporter to the City to cover all Council meetings and work sessions. The Milton Herald has about 9,000 in circulation in the area to be annexed, which is significantly higher than the Milton Neighbor, the planned addition to the Neighbor Newspaper covering the Milton area. The Milton Herald covers about 109 subdivisions including the areas that are going to be part of the Arnold Mill annexation. His recommendation based on the information provided is that the Council adopts the Milton Herald as the legal organ.

Motion and Vote: Councilmember Thurman moved to approve the Resolution designating the Milton Herald as newspaper for the publications and notices (legal organ). Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution of the Mayor and City Council of the City of Milton, Georgia defining the deployment of municipal services pursuant to the City’s charter and priority in delivering services to constituents.
Resolution No. 06-11-08

City Manager Bovos stated that the Resolution will be used as a caveat for us the provide notice to Fulton County tomorrow about the City’s assumption and deployment of service. House Bill 1470 requires thirty (30) days notice for provision to be presumed with the exception of community development. If the Resolution does pass by the seated Council tonight, it will allow the City staff to notify County Manager Tom Andrews and the Fulton County Commission that the City is planning on assuming those services.

A few things have transpired since passing House Bill 1470 which include the Intergovernmental Agreements between the City of Milton and Fulton County. There are several items that the City will not give thirty (30) days notice on. However, the City has previously provided Fulton County with that information. With respect to language in House Bill 1470, as well as passing the resolution, that the City is within its bounds and right as an organization. The Council will notice the first two services:

Finance (including collection of all available taxes, charges for service, licenses and permits, grants, intergovernmental revenues) will become effective November 14, 2006 with the passing of the resolution. The reasoning for that is staff does not want Fulton County beginning their renewal process and holding money on the City’s behalf having to transfer that money thirty (30) days after the resolution was approved.

Human Resources, Information Technology, Geographic Information Systems, City Clerk, Municipal Court for non-public safety code infractions, Communications, Administration, and Operations will be effective December 1, 2006, which is the formal occurrence of the City having full incorporation powers.
Community Development including planning, zoning, permitting, inspections, and land use will be effective December 22, 2006. Since the last time the Council met at the Council Interactive Session there was a legal opinion that came from the City Attorney’s Office that specifically outlined the City’s need to not adopt some of the required zoning ordinances and procedures until December 1, 2006. From the result of that the first reading will be on December 7, 2006, and the second reading will be on December 21, 2006. On December 22, 2006, the City will begin its full Community Development permitting function. It does not prohibit the City from continuing what it began on November 1, 2006, which is taking, reviewing, and commenting on plans.

Public Works including maintenance of public transportation routes, transportation planning, capital projects, right-of-way maintenance, and public facilities maintenance will be effective January 1, 2007. This came as a recommendation from Commissioner Lynn Riley, as well as the Fulton County Public Works Department. They are currently completing capital projects with matching dollars within our jurisdiction. The goal was to not take over the function before Fulton County completed the projects in order for the City not to have to pay the match or the portion of the match from the time the City would have taken the function over.

Public Safety, including police and fire operations, municipal court for public safety violations, and the housing of inmates detained by the City of Milton personnel will deploy on or about May 1, 2007, although there is a stipulation in the Resolution that allows the City to give thirty (30) days notice, as outlined in House Bill 1470. In the event that the City is not able to deploy May 1st or are able to deploy before May 1st, the City has the thirty (30) days notice available.

Recreation and Parks, including facility maintenance, administration of youth association agreements, and programs and services will be effective January 1, 2007. The Resolution excluded Providence Park, although he has a meeting planned with the City Attorney, and John LaVelle, Fulton County Land Administrator, to begin to discuss the transferring and disposition of Fulton County assets and having the assets be acquired by the City. The time frame for the transition assets is December 2006 and January 2007.

City Manager Bovos stated that he was available to answer any questions members of the Council may have. He added that one of the goals for tomorrow with respect to the Resolution is to complete a letter back to County Manager Tom Andrews with respect to what the City’s goals are as outlined in the Resolution. Mr. Andrews sent him a letter dated November 6, 2006, which outlined the County’s request for the City to notify them.

Councilmember Zahner Bailey asked City Manager Bovos whether the discussion he and City Attorney Scott had about Providence Park were specific to the liability title or was it specific to assets in general. City Manager Bovos replied that the resolution explicitly excludes Providence Park and that the staff’s goal at that time was not to begin discussion or negotiations with Fulton County about the park. They informed the City that they do not plan on receiving a report back from the EPA until 2008.

**Motion and Vote:** Councilmember Mohrig moved to approve the Resolution of the Mayor and City Council of the City of Milton, Georgia, defining the deployment of municipal services pursuant to the City’s Charter and priority in delivering services to constituents. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously.

**Approval of a Resolution directing the City Manager to formally request the Georgia Department of Revenue certify the City of Milton as a Qualified Municipality and to begin distribution of Local Option Sales Tax proceeds; and for other purposes.**

**Resolution No. 06-11-09**

City Manager Bovos stated that the Resolution allows the City to formally certify with Commissioner Graham, Georgia Department of Revenue, to receive the City Qualified Municipal status for Local Option Sales Tax. There are six particular services that have to be delivered in order for a municipality to qualify, as outlined in the resolution. Those items are:
Water – Fulton County currently owns and operates the water system. There will be a Water and Wastewater Intergovernmental Agreement (IGA) at the next Council meeting.

Sewage – Fulton County currently owns and operates the sewage system. As stated there will be a Water and Wastewater IGA at the next Council meeting. The service will remain with the County. Even though they are through the County, the City will qualify for the service through the IGA.

Garbage Collection – This will provided by the City of Milton through a non-exclusive ordinance regulating solid waste providers. This item will be on the agenda at the next Council meeting.

Police Protection and Fire Protection – This is required through House Bill 1470 to be provided by the County until the termination of the twenty four (24) month transition period (November 30, 2008). There have been multiple discussions with Fulton County about the IGA’s. As a result of the Resolution that was just passed, Fulton County has decided that they do not want IGA’s for police and fire protection. The City will do memorandums of understanding in their place at the staff level. As a result of that the City will use the language in House Bill 1470 to qualify the City through that process.

Library – This was based on House Bill 489, the service delivery strategy agreement between the counties and the cities that passed about seven (7) years ago. It does not allow the cities to provide library services as one of the qualifying services to become a municipality. It was specifically excluded from the resolution, but based upon the five services that are outlined, the City is fully capable of certifying tomorrow with Commissioner Graham the City’s ability to collect local option sales tax.

**City Manager Bovos** stated that the Resolution also addresses the City’s request of Commissioner Graham to begin his process on or before November 30, 2006, which allows the City to begin a thirty (30) day timeframe on November 30th. At that time he notifies the surrounding jurisdictions and municipalities in North Fulton of our qualification process and allows them a comment period. Once the comment period closes, the City will begin distribution. The City’s goal is to start receiving Local Option Sales Tax (LOST) as soon as possible. He is available to answer any questions members of the Council may have.

**Motion and Vote:** Councilmember Zahner Bailey moved to approve the Resolution directing the City Manager to formally request the Georgia Department of Revenue certify the City of Milton as a Qualified Municipality and to begin distribution of Local Option Sales Tax proceeds. Councilmember D’Aversa-Williams seconded the motion. There was no Council discussion. The motion passed unanimously.

**Approval of a Resolution Accepting and Awarding Placement of City Insurance to Georgia Interlocal Risk Management (GIRMA) for the City of Milton, Georgia.**

**Resolution No. 06-11-10**

**City Treasurer Wolfe** stated that staff recommendation is to adopt a resolution authorizing membership into GIRMA to direct staff to execute the contract to buy property and casualty coverage. The City has an inherent risk in conducting business operations employing personnel and owning asset. Through the Resolution, the City is procuring insurance coverage to address that risk. The insurance is for City owned property and employees only. All vendors are required to obtain their own property and casualty and employee insurance. An effort was put forth to contact several insurance brokers in order to compare quotes and proposals. But, due to the timeframe in which the City needed to buy the coverage and the unique circumstance that the City had no claims history, the City was able to get a proposal from one company which was GIRMA.

GIRMA is an affiliate agency of the Georgia Municipal Association (GMA) that was established in 1987. They provide municipalities an opportunity to participate in an insurance pool. GIRMA is the largest insurer of Georgia municipalities and member contributions are pooled to pay for and provide insurance coverage. She introduced George Van Leuven, Jr., GIRMA representative, who is in the audience. He is available to answer any technical questions that the Council may have.
City Treasurer Wolfe stated that the required contract is two (2) years, which will facilitate coverage as the City puts business operations into place and also gives the City a time period to establish claims history for future insurance pricing. GIRMA provides the City a six (6) month window to make full payment for the insurance, which helps for cash flow purposes. She stated that information was provided in the Council’s agenda packets that showed insurance broken down by type of coverage. The total annual premium for insurance coverage is $140,656.00, which included claims management, litigation management, legal consultation, account services, loss control consultation, training opportunities, access to safety training for safety grant, and administrative support. The coverage will be effective November 14, 2006. She asked if there were any questions that she or Mr. Van Leuven could answer. There were no questions.

Motion and Vote: Councilmember Thurman moved to approve the Resolution accepting and awarding placement of city insurance to Georgia Interlocal Risk Management (GIRMA) for the City of Milton, Georgia. Councilmember Mohrig seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor and Council Reports
City Clerk Marchiafava asked if the Mayor and Council have any reports. There were none.

Staff Reports
City Manager Bovos stated that he has a letter addressed to the Fulton County Board of Zoning Appeals regarding the variance request that they are addressing currently for the Target sign. The City is attempting to confirm if that item has been pulled off of their agenda. He asked if all Councilmembers could sign the letter. He would like to send the letter tomorrow morning via email and certified mail in the event that there is a meeting on November 16th.

Staff has been investigating the development in Forsyth County, specifically, Bethany Bend and McGinnis Ferry. Staff is working toward needing to address some of GRETA’s specific infrastructure improvements that may occur in the city limits of Milton and how that will be procured by the Forsyth County Commission during their approval of that specific rezoning request. Planner Robyn MacDonald and staff have sent out several emails with regards to the issue. The City will be drafting a letter to the Forsyth County Commission and staff will attend the meeting so that the City’s thoughts are expressed during the public hearing.

He announced that Council will receive their laptops this evening. He requested that the Council immediately begin to separate City and personal business. He reminded them that anything on a City laptop is subject to Open Records, which states that the City has to turn over any requested information within three business days or 72 hours. He also cautioned the Council on discussing specific agenda items via email with multiple Councilmembers. Stating their position on an issue may constitute a quorum and will violate the Georgia Open Meetings Law.

Councilmember Zahner Bailey asked if staff will prepare a letter for a sign variance in regards to Birmingham Crossroads. She will provide the information after the meeting or first thing tomorrow. City Manager Bovos responded that he will be glad to prepare that letter.

Business Systems Manager John Abrera, CH2MHILL, announced that the laptops include a manual and they will have access to their email accounts through the Internet. A future training session is planned.

City Clerk Marchiafava reminded the Council of the upcoming training for the State required Newly Elected Official Training on February 10-11, 2007 in Macon, and the 2007 Mayor’s Day Conference on January 20-22, 2007 in Atlanta. A retreat is being planned at the end of January. She added that if anyone is interested in the attending these training sessions, to please contact the City Clerk’s Office.

Public Comment
City Clerk Marchiafava asked if there was anyone in the audience that would like to address the Mayor and Council during public comment to come forward and state their name and address for the record.

Paul Moore, 15290 White Columns Drive, first wanted to thank and congratulate the Mayor and Council on a job well done. He looks forward to seeing what the City can accomplish in the future. He has been working diligently
on the Birmingham Crossroads sign variance issue that Councilmember Zahner Bailey had spoken about earlier. He strongly hopes that wherever the case is heard that the vote is against this variance. The way the developer, H. E. Armstrong, presented the Publix’s sign to Fulton County was incorrect. The picture that was shown to Fulton County and the steering committee for approval was depicted as produce painted on the side of the building. What is painted on the water tower is not what was approved.

Adjournment

Motion and Vote: Councilmember Mohrig moved to adjourn. Councilmember D’Aversa-Williams seconded the motion. There was no Council discussion. The motion passed unanimously.

After no further business, the meeting adjourned at 8:23 PM.

Date Approved: December 7, 2006

[Signature]
Jeanette R. Marchiafava, City Clerk

[Signature]
Joe Lockwood, Mayor