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**The Regular Meeting of the Mayor and Council of the City of Milton was held on June 1, 2009, at 6:00 PM, Mayor Joe Lockwood presiding.**

**INVOCATION**

**Reverend John Wolfe** led the invocation.

**CALL TO ORDER**

**Mayor Lockwood** called the meeting to order.

**ROLL CALL**

**City Clerk Marchiafava** called the roll and made general announcements.

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

**PLEDGE OF ALLEGIANCE**

The Boy Scouts from Troop No. 1459 led the Pledge of Allegiance.  
(Sven Leicher, Bjorn Leicher, Andy Holben and Jordan Carr)

**APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Zahner Bailey moved to approve Agenda Item 09-866, Approval of the Meeting Agenda. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

**PUBLIC COMMENT**

**Mayor Lockwood**

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

There was no public comment.

**CONSENT AGENDA**

**City Clerk Marchiafava** read the Consent Agenda Items.

1. Approval of the may 11, 2009 Work Session Minutes
2. Approval of the may 18, 2009 Regular Meeting Minutes.

**Motion and Vote:** Councilmember Tart moved to approve the Consent Agenda. Councilmember D'Aversa seconded the motion. The motion passed unanimously 7-0.

### **FIRST PRESENTATION**

**City Clerk Marchiafava** read the First Presentation Items.

1. RZ09-02 – Text amendment to amend Article 22,3.1 Variances: Variance considerations.
2. RZ09-03 – Text amendment to Amend Article 33 Signs: Section 11 considerations.

**Motion and Vote:** Councilmember Lusk moved to approve the First Presentation Items. Councilmember Hewitt seconded the motion. The motion passed unanimously 7-0.

### **FIRST PRESENTATION AND PUBLIC HEARING**

**City Clerk Marchiafava** read the First Presentation and Public Hearing, Agenda Item 09-871.

**Approval of an Ordinance to Adopt Amendments to the Fiscal 2009 Budget for Each Fund of the City of Milton, Georgia Amending the Amounts Shown in Each budget as Expenditures, Amending the Several Items of Revenue Anticipations, Prohibiting Expenditures to Exceed Appropriations, and prohibiting Expenditures to Exceed Actual Funding Available.**

**Motion and Vote:** Councilmember Tart moved to approve the First Presentation of Agenda Item 09-87, Approval of an Ordinance to Adopt Amendments to the Fiscal 2009 Budget for Each Fund of the City of Milton, Georgia Amending the Amounts Shown in Each budget as Expenditures, Amending the Several items of Revenue Anticipations, Prohibiting Expenditures to Exceed Appropriations, and prohibiting Expenditures to Exceed Actual Funding Available. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 7-0.

### **PUBLIC HEARING**

**Approval of an Ordinance to Adopt Amendments to the Fiscal 2009 budget for Each Fund of the City of Milton, Georgia Amending the Amounts Shown in Each Budget as Expenditures, Amending the Several Items of Revenue Anticipations, Prohibiting Expenditures to Exceed Appropriations, and prohibiting Expenditures to Exceed Actual Funding Available.**

#### **Finance Manager Stacey Inglis**

- The General Fund has been hit by the current economic conditions.
- Collection trends indicate a 6.5% decrease in initial projections.
- When the projections for the FY 2009 budget were compiled, the anticipated collection rate for 2009 property taxes was 93%.
- However, given the prior year collection rate of 89%, a decrease of approximately \$1 million for real and personal property taxes is suggested.
- A decrease of almost \$524,000 in current year utility taxes is necessary due to an error in the tax digest. Based on the Georgia Department of Revenue, last year's digest for the utility property within Milton inadvertently included property located elsewhere within the County.
- The error was corrected on this year's digest greatly reducing the amount of taxes owed to the City.
- Collection rate for last year's property taxes was expected to be higher than 89%, the FY 2009 prior year property tax was projected at a low rate.
- A combined increase of \$435,000 is being suggested based on actual in the real and personal prior year property tax line items.
- The franchise fees collected were considerably higher than the two previous years with an increase of \$300,000 being suggested.
- Local Option Sales Taxes are trending almost 13% lower than this time last year.
- A decrease of \$607,000 is recommended.
- Only 82% of Milton's businesses have renewed their business licenses with a decrease of \$70,000 is suggested.

The following are the budget amendments requested:

- Mayor and Council, cut \$56,170.
- City Clerk, cut \$950.
- City Manager, cut \$104,630.
- General Administration, cut \$29,751.
- Information Technology, add \$18,000
- Municipal Court, cut \$9,473
- Public Safety Administration, cut \$151,556.
- Police, cut \$55,244.
- Fire, add \$94,882.
- Public Works, cut \$545,668.
- Parks and Recreation, cut \$20,000.
- Community Development, cut \$73,552.
- Cutting the entire confiscated assets fund because there is no guarantee the person will be able to pay for itself so at this time it is just not feasible.
- Operating Grant fund, cut \$26,820.
- Hotel/Motel Tax fund, cut \$7,000.

**Mayor Lockwood** called for public comment. There was no public comment.

The Public Hearing was closed.

### **UNFINISHED BUSINESS**

**City Clerk Marchiafava** read Agenda Item 09-864.

#### **Approval of an Ordinance of the City Council to Authorize Fulton County to Conduct Election. ORDINANCE NO. 09-06-42**

#### **City Clerk Marchiafava**

- The Municipal General Election will be on November 3, 2009 for the Mayor and Council Districts 1, 3 & 5.
- O.C.G.A. provides that a municipality may authorize and contract with a county to conduct elections.
- Approval of this Ordinance will establish authority for the Mayor to enter into a contract with the Fulton County Department of Registrations and Elections to conduct this election.
- A copy of the contract is attached to the ordinance and incorporated therein.
- The Fulton County Board of Registration shall operate as the Superintendent of the election and shall perform any and all functions of the City of any of its officials in connection with the conduct of such election or runoff thereof.

**Motion and Vote:** Councilmember D'Aversa moved to approve Agenda Item No. 09-864, Approval of an Ordinance of the City Council to Authorize Fulton County to Conduct Election. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

### **NEW BUSINESS**

**City Clerk Marchiafava** read Agenda items 09-872.

**Revision to Task Order 09-SSI-01 for Traffic Calming Services with Street Smarts, Inc. for \$8,028.99.**

**Principal Engineer Carter Lucas**

- This is a contract extension with Street Smarts.
- The contract is actually \$7,528.26.
- We were able to get a little bit of savings at the last minute.
- This will be the creation for standard construction details for different traffic calming measures we will use in our program.

**Councilmember Zahner Bailey**

- As it relates to the contract and this particular task order, it was mentioned that Street Smarts would also consider having those designs taken to the Design Review Board and the contract does not expressly mention that.
- She wondered if they should mention that in the contract.

**Principal Engineer Lucas**

- Their thought process was they would take those to the Chairman or the full board depending on how he wanted to handle it.

**Councilmember Zahner Bailey**

- She did not know if that needed to be stated or not.
- As long as that is an understanding before the final recommendations come back.

**Principal Engineer Lucas**

- We will handle that at a staff level.

**Motion and Vote:** Councilmember Hewitt moved to approve Agenda Item 09-872, Revision to Task Order 09-SSI-01 for Traffic Calming Services with Street Smarts, Inc. for approximately \$7,500. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

**City Clerk Marchiafava** read Agenda Item 09-873.

**Approval of an application to the Department of Homeland Security for the Assistance to Firefighters Grant program sponsored by FEMA for the purchase of a diesel exhaust extraction system for two fire stations.**

**RESOLUTION NO. 09-06-95**

**Matt Marietta**, Assistant to the City Manager

- This grant along with the one following this comes from the same pool of money.
- This represents the same program that has given us the SAFER grant.
- We have applied each year for this grant which usually supplies equipment.
- He asked for approval from Council to submit these grants.
- The first item is for a diesel exhaust extractor system for the two older fire stations.
- This was brought forward by the Fire Chief.
- Every time the fire engine starts up it belches diesel smoke out into the bay area.
- The NFPA has recognized the elimination of that health hazard as an important thing for the fire fighters safety.
- Because NFPA and OSHA and other organizations have recognized this, FEMA has made this one of their funding priorities for the AIG grant program this year.
- In total for four systems it will be \$23,300.
- This has a 10% match which would give us a \$2,300 match to come up with if awarded the grant.

**Councilmember Zahner Bailey**

- Asked if the budget had the \$2,300 allocated for this.

**City Manager Lagerbloom**

- Yes, it would be worth us finding these dollar figures in the budget to do this, knowing it existed when the budget was adopted.

**Councilmember Lusk**

- For \$2,300 we cannot afford not to do this.

**Motion and Vote:** Councilmember Zahner Bailey moved to approve Agenda Item 09-873, Approval of an application and the accompanying Resolution to the Department of Homeland Security for the Assistance to Firefighters Grant program sponsored by FEMA for the purchase of a diesel exhaust extraction system for two fire stations. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

**City Clerk Marchiafava** read Agenda Item 09-874.

**Approval of a grant application to the Department of Homeland Security for the Assistance to Firefighters Grant Program sponsored by FEMA for the purchase of a tanker-truck to serve as a water supply and spare apparatus for the Fire Department.**

**RESOLUTION NO. 09-06-96**

**Matt Marietta**, Assistant to the City Manager

- If you recall as part of the budget preparation last year we were discussing the purchase of a tanker truck for two purposes.
- We have 80% fire hydrant coverage in the City and in some cases they have to lay ½ mile of hoses to reach the houses.
- Thankfully we have assistance nearby and it has not been an issue to the point that anyone has been harmed because of it.
- A tanker truck would allow us to start a shuttle operation where you set up a dump tank and drop all of the water into it and then that truck can drive to the nearest fire hydrant and fill up so it allows us to have a water source to draft off of.
- The second purpose for this is if we properly configured this tanker truck it could serve as a backup apparatus in the event we have something happen to one of the fire trucks that takes it out of service.
- Because of our rural character FEMA prioritizes the provision of tanker trucks to cities.
- This works out to \$468,000 with a potential \$46,000 match for the City.
- There is also the possibility they want to fund less than that amount so our match would be less.
- At that point we would bring it back before Council.

**Motion and Vote:** Councilmember Tart moved to approve Agenda Item 09-874, Approval of a grant application to the Department of Homeland Security for the Assistance to Firefighters Grant Program sponsored by FEMA for the purchase of a tanker truck to serve as a water supply and spare apparatus for the Fire Department. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

**City Clerk Marchiafava** read Agenda Item 09-875.

**Approval for City Clerk Jeanette Marchiafava to serve as Chief Municipal Registrar and Absentee Ballot Clerk, and approval for Deputy City Clerk to serve as Deputy Municipal Registrar.**

### **City Clerk Marchiafava**

- Georgia Election Code requires that the appointment of the Registrar be verified in the Mayor and Council minutes, Code Section 21-2-212.
- Code Section 21-2-380.1 provides for the appointment of an Absentee Ballot Clerk.
- The appointments of these positions will be necessary for the upcoming Municipal election.

**Motion and Vote:** Councilmember D'Aversa moved to approve Agenda Item 09-875, Approval for City Clerk Jeanette Marchiafava to serve as Chief Municipal Registrar and Absentee Ballot Clerk, and approve for Deputy City Clerk to serve as Deputy Municipal Registrar. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

## **MAYOR AND COUNCIL REPORTS**

### **Councilmember Thurman**

- There will be a Town Hall Meeting for the Crabapple area in July.
- Councilmember Hewitt and Councilmember Lusk will be hosting with her.
- She asked J.T. Adams and John Wieland to be there.
- They are working on a plan together and hope to present it at the meeting.
- It will publicly announced so everyone can attend.
- One of the topics will be transportation. She is hopeful that staff will be present to answer questions.

### **Councilmember Lusk**

- The Memorial Day Ceremony was pulled off in grand fashion.
- He thanked Linda Blow, Allie Taylor, the Police Department, and the Fire Department.
- They had great coverage from the media including Jason Wright and his great write-up in the paper.
- We continue to get better and with the keynote speaker General Roy Beauchamp, it added a lot of dignity and solemnity to the occasion.
- He is looking forward to next year and increasing the participation.

## **STAFF REPORTS**

### **City Manager Lagerbloom**

- June 8, 2009 would be a regularly scheduled work session, but with three Council Members traveling, he has indicated to the City Clerk that we will cancel that work session.
- He will see if there is a possibility for four meetings in July.
- Asked Council to look at their calendars and see if they would be available for a Special Called meeting on July 27, 2009 to discuss pavement management.
- That is the date all of the consultants can be here.
- He knows they threw a lot at them with the budget amendments and they will have a more comprehensive outline at the June 15<sup>th</sup> meeting.
- He asked that they try and get some of the questions they might have answered before that time so they can work towards modifying it if it needs to be.
- We have received several e-mails from the Crooked Creek neighborhood and, although we have not been non responsive, we have been cautious about answering those e-mails because of the threat of litigation.
- He thinks they should work through the City Attorney to provide responses to the e-mails, specifically the ones asking staff or Council to confirm the levels of safety of roadway, etcetera.
- Councilmember Thurman had a good idea on providing Council training specifically when a citizen wants to make a complaint about staff.
- Complaints happen routinely in a Police Department and we have a good mechanism in place. We take each complaint very seriously.
- We want to be able to look into both sides of the story before we cast any shadows.

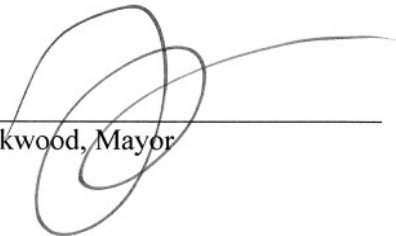
**ADJOURNMENT**

After no further business, the meeting adjourned at 7:01 pm.

**Motion and Vote:** Councilmember Tart moved to adjourn the meeting at 7:01 p.m. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

**Date Approved: June 15, 2009**

  
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Jeanette R. Marchiafava, City Clerk

  
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Joe Lockwood, Mayor