CITY COUNCIL REGULAR MEETING

City Council Chambers, City Hall
Monday, November 21, 2022 at 6:00 PM

ACTION MINUTES

Peyton Jamison, Mayor

CITY COUNCIL

DISTRICT 1	DISTRICT 2	DISTRICT 3
Andrea Verhoff – Post 1	Juliette Johnson – Post 1	Jan C. Jacobus – Post 1
Carol Cookerly – Post 2	Paul Moore – Post 2	Rick Mohrig – Post 2

INVOCATION – Pastor Billy Lowe, City Church

1) CALL TO ORDER

2) ROLL CALL

Mayor: Mayor Peyton Jamison present.

Councilmembers Present: Councilmember Andrea Verhoff, Councilmember Paul Moore, Councilmember Jan Jacobus, and Councilmember Rick Mohrig.

Councilmembers Absent: Councilmember Juliette Johnson and Councilmember Carol Cookerly.

3) PLEDGE OF ALLEGIANCE (Led by Mayor Peyton Jamison)

4) APPROVAL OF MEETING AGENDA (Add or remove items from the agenda) **(Agenda Item No. 22-349)**

Motion and Vote: Councilmember Moore moved to approve the Meeting Agenda with the following amendment:

- Add an Executive Session to discuss Land Acquisition, Potential Litigation, and Personnel.

Councilmember Verhoff seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

5) PUBLIC COMMENT (General) –

6) CONSENT AGENDA

A. Approval of the November 7, 2022 Regular City Council Meeting Minutes.
(Agenda Item No. 22-350)
(Tammy Lowit, City Clerk)

B. Approval of the November 10, 2022 Special Called Council Meeting Minutes.
(Agenda Item No. 22-351)
(Tammy Lowit, City Clerk)

C. Approval of the November 14, 2022 Work Session Meeting Minutes.
(Agenda Item No. 22-352)
(Tammy Lowit, City Clerk)

D. Approval of the Financial Statements and Investment Report for Period 11 - August 2022.
(Agenda Item No. 22-353)
(Karen Ellis, Finance Director)

E. Approval of a Construction Services Agreement between the City of Milton and ATL Pressure Wash LLC, for the Cleaning and Preparation of City Hall for Exterior Painting.
(Agenda Item No. 22-354)
(Sara Leaders, Public Works Director)

F. Approval of a Construction Services Agreement between the City of Milton and 54 Faith, Inc. dba Five Star Painting for Exterior Painting of Milton City Hall and Community Place.
(Agenda Item No. 22-355)
(Sara Leaders, Public Works Director)

G. Approval of a Recreation Provider Agreement Between The City of Milton and Revalca Kids LLC dba Kidcreate Studio to Provide Recreational Art Classes and Camps.
(Agenda Item No. 22-356)
(Tom McKlveen, Parks and Recreation Director)

H. Approval of a Professional Services Agreement between the City of Milton and Juan Quero dba JQ AV Techs for the Configuration and Operation of the City's AV Equipment during City Meetings.
(Agenda Item No. 22-357)
(Stacey Inglis, Deputy City Manager)

I. Approval of Change Order #2 of a Professional Services Agreement with Pond and Company to Increase Maximum Contract Price for the Big Creek Greenway Connection Trail Project (PI 0015078).
(Agenda Item No. 22-358)
(Sara Leaders, Public Works Director)

J. Approval of Task Order #5 to Provide Design Services for the Big Creek Greenway Connection Trail Project (PI 0015078).
(Agenda Item No. 22-359)
(Sara Leaders, Public Works Director)

K. Approval of a Professional Services Agreement between the City of Milton and Alexandra Gebhardt to Provide Human Resources Consulting Services.
(Agenda Item No. 22-360)
(Niki Graham, Human Resources Director)

L. Approval of Subdivision Plats and Revisions.

Name of Development / Location	Action	Comments / # lots	Total Acres	Density
1. Cornelia Nastac & Dorel Nastac 2315 Dinsmore Road LL 533 Dist. 2 Sect. 2	Minor Plat	To subdivide the property into two (**2**) lots. **Lot 1** will contain **1.194** acres and **Lot 2** will contain **1.800** acres	**2.994** Acres	**0.66** lots/ Acre

(Agenda Item No.22-361)
(Robert Buscemi, Community Development Director)

Motion and Vote: Councilmember Mohrig moved to approve the Consent Agenda as read. Councilmember Jacobus seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

7) REPORTS AND PRESENTATIONS

A. Recognition of the Milton Volunteer Fire Corps for Surpassing 1,000 Service Hours Milestone.
(Peyton Jamison, Mayor)

B. Discussion of Occupational Tax Process and Fee Structure.
(Bernadette Harvill, Asst. City Manager)

8) FIRST PRESENTATION

9) PUBLIC HEARING

10) ZONING AGENDA

11) UNFINISHED BUSINESS

A. Consideration of an Ordinance Amendment to Chapter 56 Article VI for Registration of Personal Transportation Vehicles (PTVs) and the Use of PTVs on Shared Use Paths.
(Agenda Item No. 22-341)
(Sara Leaders, Public Works Director)

Motion and Vote: Councilmember Jacobus moved to approve Agenda Item No. 22-341. Councilmember Mohrig seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

12) NEW BUSINESS

A. Consideration of a Resolution Adopting the 2023 City of Milton City Council Regular Meeting and Work Session Schedule.
(Agenda Item No. 22-362)
(Tammy Lowit, City Clerk)

Motion and Vote: Councilmember Mohrig moved to approve Agenda Item No. 22-362. Councilmember Moore seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

13) MAYOR AND COUNCIL REPORTS

14) STAFF REPORTS

15) EXECUTIVE SESSION (Land acquisition, Personnel, and Potential Litigation)

Motion and Vote: Councilmember Moore moved to adjourn to Executive Session to discuss land acquisition, personnel, and potential litigation at 7:30pm. Councilmember Jacobus seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

RECONVENE

Motion and Vote: Councilmember Mohrig moved to reconvene the Regular Meeting at 7:43pm. Councilmember Moore seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

16) ADJOURNMENT (Agenda Item No. 22-363)

Motion and Vote: Councilmember Moore moved to adjourn the Regular Meeting at 7:44pm. Councilmember Verhoff seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

CALL TO ORDER

Mayor Jamison: Thank you. I would like to call the regular meeting of the Milton City Council for Monday, November 21st, 2022 to order. The city strongly recommends that you review tonight's agenda carefully, and if you wish to speak on any item on the agenda, then please bring your comment cards to the clerk as soon as possible. While the Milton rules allow a speaker to turn in their comment card up until the clerk calls the agenda item, once the agenda item is called, no more comment cards can be accepted. Will the City Clerk please call the roll and make general announcements?

ROLL CALL

City Clerk: Good evening, Mayor and Council. I'll be happy to call roll for the November 21st regular city council meeting. I would like to remind those in attendance to please silence all cell phones at this time. Those attending the meeting who would like to make a comment, you are required to complete a public comment card. Your comment card must be presented to the City Clerk prior to the agenda item being called. Any comment cards received after the item has been called will not be accepted.

All speakers please identify yourself by name, address, and organization before beginning your comment. If you are representing an organization, an affidavit is required stating you have the authority to speak on that organization. Please review tonight's agenda, and if you would like to make a comment, please bring your comment card to me now.

Demonstration of any sort within the chamber is prohibited. Please refrain from any applause, cheering, outburst, or booing with anyone speaking. Anyone in violation will be asked to leave. As I call roll this evening, please confirm your attendance. Mayor Peyton Jamison?

Mayor Jamison: Here.

City Clerk: Councilmember Andrea Verhoff?

CM Verhoff: Here.

City Clerk: Councilmember Paul Moore?

CM Moore: Here.

City Clerk: Councilmember Jan Jacobus?

CM Jacobus: Here.

City Clerk: And councilmember Rick Mohrig?

CM Mohrig: Here.

Mayor: Mayor Peyton Jamison present.

Councilmembers Present: Councilmember Andrea Verhoff, Councilmember Paul Moore, Councilmember Jan Jacobus, and Councilmember Rick Mohrig.

Councilmembers Absent: Councilmember Juliette Johnson and Councilmember Carol Cookerly.

PLEDGE OF ALLEGIANCE

City Clerk: And for the record, Councilmembers Juliette Johnson and Carol Cookerly are absent. Would everyone please rise for the pledge of allegiance?

All: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPROVAL OF MEETING AGENDA

Mayor Jamison: Okay. Council, we need to approve the meeting agenda, and I would like to add an executive session to discuss land acquisition, personnel, and potential litigation.

CM Moore: I'd like to make a motion that we accept the agenda as read with the adjustments that you just asked for.

CM Verhoff: Second.

Mayor Jamison: Okay. I have a motion from Councilmember Moore, and a second from Councilmember Verhoff to approve the

agenda as read, with the addition of the executive session. All in favor, please say, "aye."

Councilmembers: Aye.

Motion and Vote: Councilmember Moore moved to approve the Meeting Agenda with the following amendment:

- Add an Executive Session to discuss Land Acquisition, Potential Litigation, and Personnel.

Councilmember Verhoff seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

CONSENT AGENDA

Mayor Jamison: Any opposed? Okay. That's unanimous. Next is general public comment. Do you have public comment?

City Clerk: Mayor, we do not have any, sir.

Mayor Jamison: Okay. So, waive the public comment, and I'll ask the City Clerk to please call the next item.

City Clerk: Mayor, that next item is – bear with me – the consent agenda. The first item is approval of the November 7th, 2022 regular city council meeting minutes. It's Agenda Item No. 22-350.

Item B is approval of the November 10th, 2022 special called council meeting minutes, Agenda Item No. 22-351.

Item C is approval of the November 14th, 2022 work session meeting minutes, Agenda Item No. 22-352.

Item D is approval of the financial statements and investment report for period 11, August 2022, Agenda Item No. 22-353.

Item E is approval of a construction services agreement between the City of Milton and ATL Pressure Wash, LLC for the cleaning and preparation of City Hall for exterior painting, Agenda Item No. 22-354.

Item F is approval of a construction services agreement between the City of Milton and 54 Faith Inc., doing business as Five Star Painting, for exterior painting of Milton City Hall and Community Place, Agenda Item No. 22-355.

Item G is approval of a recreation provider agreement between the City of Milton and Revalca Kids, LLC, doing business as Kidcreate Studio, to provide recreational art classes in camps, Agenda Item No. 22-356.

Item H is approval of a professional services agreement between the City of Milton and Juan Quero, doing business as JQ AV Techs, for the configuration and operation of the City's AV equipment during City meetings, Agenda Item No. 22-357.

Item I is approval of Change Order No. 2, a professional services agreement with Pond & Company to increase maximum contract price for the Big Creek Greenway Connection Trail Project, Agenda Item No. 22-358.

J is approval of Task Order No. 5, to provide design services for the Big Creek Greenway Connection Trail Project with Pond. It's Agenda Item No. 22-359.

Item K is approval of a professional services agreement between the City of Milton and Alexandra Gebhardt to provide human resources consulting services, Agenda Item No. 22-360.

Our final item, L, is approval of subdivision plats and revisions. The name of the development is Cornelia and Dorel Nastac 2315 Dinsmore Rd, Land Lot 533, District 2, Section 2, it is a minor plat to subdivide the property into two lots, Lot One will contain 1.194 acres, and Lot Two will contain 1.8 acres, with a total of 2.994 acres and a density of 0.66 lots per acre. Mayor – I'm sorry. It's Agenda Item No. 22-361. Mayor –

Mayor Jamison: Okay. Do we have a motion to approve the consent agenda?

CM Moore: Mr. Mayor, I make a motion that we approve the consent agenda as read.

CM Jacobus: Second.

Mayor Jamison: Okay. I have a motion from Councilmember Moore and a second from Councilmember Jacobus to approve the consent agenda as read. All in favor, please say, "Aye."

Councilmembers: Aye.

Motion and Vote: Councilmember Mohrig moved to approve the Consent Agenda as read. Councilmember Jacobus seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

REPORTS AND PRESENTATIONS

Mayor Jamison: Any opposed? Okay. That's unanimous. So, we'll move onto reports and presentations. Will the City Clerk please sound the first item?

City Clerk: Mayor, that first item is a proclamation recognizing the Milton Volunteer Fire Corps for surpassing 1,000 services hours milestone. Mayor –

Mayor Jamison: Thank you. So, it is my honor here to recognize the Milton Volunteer Fire Corps. We have a great group here. They've dedicated countless hours in service to our community, and after I read the proclamation, I'll invite Steve Cory to come up to introduce some of the members that are here tonight. So, whereas the Milton Volunteer Fire Corps, formed in 2021 to support the Milton Fire Rescue Department and its dedicated members.

And whereas this citizen group is affiliated with Fire Corps, a national grassroots effort to help Fire, EMS departments enhance their services by assisting with non-emergency task, and whereas the Milton Volunteer Fire Corps has grown from a few individuals to a robust, committed, hardworking group who are making a positive impact. And whereas a primary responsibility is rehab, which involves helping keep firefighters from Milton and neighboring departments safe, secure, and healthy at incidents.

And whereas Milton Volunteer Fire Corps members have done that as well as promoting firefighters' long-term

health, with a focus on cancer prevention. And whereas, they have also been innovative, creative, and open to helping in many other ways, such as vaccine clinics, improving fire stations, providing resources, and even landscaping.

And whereas, the Milton Fire Corps has contributed to the fire department in our community in more and more ways, having recently surpassed over 1,000 volunteer hours. Now, therefore, we, the Mayor and City Council of the City of Milton recognize the Fire Corps members' dedication, their support, and congratulate them on reaching this milestone. And this is given under our hand and seal of the City of Milton on this 21st day of November, 2022. Steve, if you can come on up and introduce some of the members, and we'll do a presentation and take some pictures.

Mr. Cory: Thank you. Thank you, Mayor and City Council for this proclamation. We're very proud to receive it. We are a group of resident citizens of Milton who greatly appreciate the services of our fire, police, EMS first responders. And Fire Corps was founded to serve those who serve us. Tonight, I've got with us several members of the Fire Corps, Jim Loughridge – yeah, do you want to stand up when I say your names?

Jim Loughridge, Jon Ng. Jon is in Morocco, I think, tonight. So, Ron Busch and Donna Busch. Conroy Keating, Amy Donnelly, Patti and Peter Fredlund, Dr. Sundk Ganesan, Megana Ganesan, Akash Ganesan and Suraj Ganesan. They've been tremendous in the clinics. Dr. Ganesan is a CDC doctor. Tyler Gerding and Doug Hene. Michele Lopes, Lisa Lockridge, Bala Balakrishna, Sara Rich and Tony Rich.

Tony, as you know, is the chairman of the equestrian committee and helps us as well. George Sarno. George is an ex-firefighter from Roswell. Scott Stachowski and Bart Vantieghem. Bart is, I think, the chairman of the beekeeper club for Milton as well. So, we have quite a roster. So, I wanted to just say thank you very much, and thank you to all our members, too. And especially to our Chief, of course.

Mayor Jamison: Of course.

Mr. Cory: Who without, this wouldn't be possible. So, thank you.

[Applause/Crosstalk/Photos Taken]

Mayor Jamison: Okay. That were being done with our reports and presentations, will the City Clerk please sound the next item?

City Clerk: Mayor, that next report and presentation item is discussion of occupational tax process and the fee structure. Our Assistant City Manager, Ms. Bernadette Harvill.

Male Speaker: Where'd she go? Oh, there.

Ms. Harvill: Good evening, Mayor and Council. Tonight, we will be discussing Milton's occupational tax process and fee structure and the potential for updates to each as outlined in the City's current strategic plan. I've been working alongside our Finance Director, Karen Ellis, and our Economic Engagement Manager, Anita Jupin, and our Planner II, Emily Schnarre, on this topic. Our goal this evening is to present information that will provide context to council for the feedback we are seeking in this initial phase of the project.

We will stop periodically throughout the presentation to request this feedback, and we are also happy to answer any questions you may have or research additional information you may need related to this topic. These conversations may lead to the need to review other Milton ordinances, but tonight's presentation will focus on Chapter 12, Business Regulation and Taxation.

At this time, we will not be discussing any zoning considerations or making any zoning decisions unless guided to do so my council. And those changes would proceed through the traditional zoning process inclusive of a CZIM and planning commission review.

First. We will go over the objective of the project as a whole, as well as what specific feedback our team is seeking from council this evening. We will go over some definitions specific to the topic of occupational taxes that will help clarify some of the content being presented. We

will discuss state authorized methods of calculating occupational taxes, and then we will take a closer look at how Milton currently calculates these taxes versus the calculation methods being utilized in neighboring communities.

Karen will discuss Milton's business demographics by showing you where Milton's current businesses exist. She will share a breakdown of our current business by fee type, as well as business activity. And finally, she will discuss the revenue breakdown by fee type. We will then compare Milton's revenue collections to those of our surrounding jurisdictions and discuss some potential revenue impacts based on potential changes to the city's occupational tax fee structure.

Following Karen, Anita will go over some specific considerations and the sample business survey we would like to send out as part of our stakeholder input process. Finally, we will go over the projected project timeline and obtain any final feedback from council.

Our team has put together the following project objective based on the current five-year strategic plan. If Council's in favor of this objective, our team will review the existing occupational tax process and fee structure to determine if any updates are necessary to meet this objective, which is creating a simplified occupational tax process and fee structure which attracts businesses that fit into a cohesive, community-driven vision for Milton and further reduces Milton's reliance on property tax revenues.

This objective ties directly to Strategic Priority No. 1, Goal No. 1, Objectives No. 1 and 2. And we are happy to make any adjustments to this objective if Council would like to make any recommendations at this time. All good? Okay. Excellent. So, we'll continue based on this objective for this project.

Now that have been over all project objective in place, there is some initial feedback our team would like to obtain tonight to ensure we're moving in the right direction with our research and any proposed updates that may come out of that research.

We will stop periodically throughout the presentation to gather input on potential fee structure options, potential local exemptions and other Milton-specific considerations, the proposed business owner stakeholder survey, the overall project timeline and possible implementation timeframe. And finally, we would like to gather any other feedback or guidance Council may have related to this topic that we should be keeping in mind as we begin this process.

Before we proceed, our team thought it was important to provide a handful of definitions that will help offer context of some of the information we'll be discussing this evening. First, what is an occupational tax? This is a tax that is levied on persons, partnerships, corporations, or other entities for engaging in occupation, profession, or business.

Some people still refer to this as a business license. Just to clarify, this process is not licensing an establishment. It is truly a tax that local jurisdictions are authorized to collect for the purposes of raising revenue. And the local jurisdiction issues an occupational tax certificate signifying the payment of these taxes, as opposed to a business license.

The fee itself is made up of two components: the tax and an administrative fee. The administrative fee approximates the reasonable cost of handling and processing the tax to include staff equipment, software, etc. In Milton, review of these applications requires review and input from Zoning, Fire, Economic Engagement, and Finance. So, this fee covers those costs at the current rate of $75.00 per application, is in line with other communities in the surrounding area.

For the purposes of an occupational tax ordinance, employees are W-2 employees and do not include 1099 employees. This'll be an important distinction when we discuss methodologies for calculating the tax later in this presentation. Similarly, the concept of gross receipts will play an important role in this discussion. Here you can see the definition. Gross receipts means the total revenue of the business or practitioner for the given period. The definition goes further to detail what is and what is not included when calculating gross receipts.

As part of the process improvements, we have identified other jurisdictions that are doing a really good job of explaining what is and what is not included in gross receipts on their applications. And our team plans to implement this type of clarification on Milton's application should the gross receipts method be what is ultimately decided on for the method of calculation moving forward in Milton.

When calculating occupational taxes, the state authorizes four methods: a fee based on the number of employees a business has, a fee based on what is referred to as a profitability ratio, which is the entities net income divided by their gross receipts – and this is done on a nationwide average basis. We have not found may local jurisdictions that utilize this methodology on its own, so we will not really be focusing on this this evening, but I just wanted to point out that the state does authorize this.

The next method, gross receipts, does take into consideration the profitability ratio and is the more popular of the two receipts-based methods. And finally, there is that flat fee. The state has a separate consideration for professional practitioners in this grouping, referred to as the 400 Club. Those practitioners in the box here qualify under this group may opt to pay the lesser of the local applicable fee or that $400.00 per practitioner. So, they have a cap that they are authorized to stay under. This will be important later in our conversation.

Before you is Milton's current fee structure. We have one of the more unique fee structures in the group of communities that we have reviewed in this initial stage of our research. Milton's primary fee structure is based on gross receipts, utilizing that profitability ratio we just talked about, as determined by the North American Industry Classification System, or NAICS code.

We have a master list of codes that corresponds to one of the 24 classes you see to the right. The business takes their gross receipts and multiplies it by the corresponding rate and gets the fee owed. Then, the $75.00 administrative fee is added to get the total tax due.

If a business is operating in a residential space and has one employee, they qualify in Milton for a flat home-based fee of $100.00 plus that $75.00 administrative fee. Milton also has a third separate fee for those commercial businesses that do not generate gross receipts – think of a call center, for example – which pays a flat $150.00 fee plus $7.00 per full time equivalent employee, plus that $75.00 administrative fee. And then finally is there that state provided flat fee of $400.00 for qualifying professional practitioners that we must adhere to.

As we move on to the explanation of the fee structure for neighboring jurisdictions, I would like to stop and point out the two main complaints that we have received over the years on our fee structure. The first is the difference between the method Milton utilizes compared to those jurisdictions immediately adjacent. So, we'll go to that in a minute. That is one of the largest complaints we receive.

And secondly, we have the limitations of that state-created 400 Club. We have practitioners that believe that they should also qualify that don't currently under state law that have often seeked out information from us to potentially allow them into a grouping like that. So, those are the two main pieces of feedback that we get as a finance department.

As part of our project objective is to attract business that fit into a cohesive, community-driven vision for Milton, that attempt to attract businesses along with addressing some of the feedback we've received that we just went over has led us to look at these surrounding jurisdictions and compare how they're handling their calculation of occupational taxes.

We looked at the immediately adjacent jurisdictions of Cherokee County, Forsyth County, the City of Alpharetta, and the City of Roswell. Additionally, we looked at our other North Fulton neighbors, the City of Johns Creek and the City of Sandy Springs.

On this slide, you can see the fee structure for each community broken down. This is a lot of information, but the key points to take away are one, most other communities have narrowed down their fee structure to one

primary fee type, with the inclusion of the state-mandated 400 Club alternative. Please note, Alpharetta does currently have a home-based category similar to Milton in their code.

Two, Milton falls in between the two fee structures being utilized by these jurisdictions. You have Alpharetta, Cherokee County, and Forsyth County with a primary fee structure based on the number of employees each business has. Then you have Roswell, Johns Creek, and Sandy Springs with a combination of gross receipts plus the number of employees model. Roswell recently changed to this model from a flat fee model. And we will go into that a little later to show the revenue collection predictions that they have based on this change.

Milton's gross receipts fee is not combined with a per employee model at this time, so we kinda fall in between these two. Another takeaway is that many jurisdictions have incentives or standard deductions in place. You can see in Cherokee County, taxes are capped at $6,000.00 per business. And similarly, at $10,000.00 in Alpharetta. Sandy Springs has a cap of $75,000.00, and Roswell has opted to implement a $100,000.00 cap.

Both Johns Creek and Sandy Springs offer a standard deduction of $20,000.00 off of the company's calculated gross receipts, and Roswell has also implemented a local higher job incentive that was mentioned on their website. So, we will come back to this, but this is – I can stop here if anyone has any questions about this. This is kinda the crux of understanding of where we're going to look at how we compare to these neighboring jurisdictions.

Mayor Jamison: I'm sorry. Did you say Roswell, Johns Creek, Sandy Springs is either or, or –

Ms. Harvill: They have done a combination. So, what they do is you go there, you calculate your gross receipts, and then you add on top of that a flat fee for your number of employees –

Mayor Jamison: Oh.

Ms. Harvill: And that comes out with your total tax.

Mayor Jamison: Okay. Got it.

Ms. Harvill: I tried to do that image by coming those boxes.

Mayor Jamison: Looking at the spreadsheets, it's like we're going over alcohol all over again.

Ms. Harvill: Nope. We're going to break this down really easily.

CM Moore: We might need some –

[Laughter/Crosstalk]

Ms. Harvill: So, you have them with a combination of the two. Then you have the other communities with just an employee only. And then you have Milton, who's utilizing it almost separately. You have either an per-employee or a gross receipts – or that flat fee. And we can come back to this a little later.

So, as you can see, our immediately adjacent communities, with the exception of Roswell, utilize that per-employee flat fee calculation, and one of the pieces of feedback we would like to obtain this evening, later on, is whether or not Council would like us to consider minimizing our payment categories or looking into going into one direction or the other. And we're going to give you a lot more information so you can make that decision. So, right now, I'm going to turn in over to Karen Ellis, who's our Finance Director, to discuss some of the specific details about Milton's current business.

Ms. Ellis: Good evening, Mayor and Council. As we go through the following slides, I'll break down the mix of occupational tax fee types. I'll describe the business types by industry NAISC code, and then I'll review the number of certificates issued and the revenues generated over the past five years within the city.

This first slide represents a map of where the Milton businesses are located within the city. As you can see, a majority of the businesses located in the Crabapple and Birmingham and Deerfield commercial nodes are tax-based on gross receipts. As we spread out into the residential areas, you'll see that more of the home-based, flat fee business are assessed in that way.

The following pie chart describes the various businesses by NAICS code for all fee types within the city. These codes represent an industry classification utilized at federal statistical agencies in analyzing data related to the U.S. business economy. The three major industry types located within Milton are the professional, scientific, and technical services; retail trade; and construction.

Some of the business types within the professional services category inside of Milton would be legal, accounting, computer system designs, and public relations.

Within the retail trade category, you'll find everything from golf court sales and grocers to gas stations, jewelers, and florists.

And then construction business types could include any kind of construction for building, for roads, or for utilities.

Now, here we have broken out the three largest categories within the City of Milton that show the fee type associated with that trade.

Most professional service businesses are taxed as a flat fee, home-based business, with only 24% coming through gross receipts. Contrarily, our retail trade businesses are more heavily concentrated in gross receipts taxation at 62%, with the balance based on the flat rate, home-based fee. And lastly, the construction businesses are largely taxed in the flat fee, home-based category at 80%, with the balance going to gross receipts.

My final slide provides a picture of the number of businesses certified for the past five years by the major types that we've just discussed. Now, the number of businesses – on the left – filed as gross receipts and home based are almost equal year after year. They're very close, the two orange and yellow columns. But as we look to the revenue generated according to these types, you'll notice that the gross receipt businesses generate consistently over 80% of the revenue collected year after year in the city. If the City were to shift away from gross receipts model, we could see a large decline in revenues.

Now, I'll pass it back to Bernadette. She's gonna compare Milton's revenue collections to those of our surrounding jurisdictions, discuss some of the potential revenue impacts based on potential changes to the City's occupational tax fee structure.

Ms. Harvill: All right. I really appreciate Karen's help explaining what Milton's businesses currently look like and our make up and how it relates to our current fee structure. On this slide, you can see a bar chart on the left that shows the number of certificates reported in the past three annual comprehensive financial reports published by each jurisdiction.

Forsyth County has the highest number of businesses at just under 8,000 in 2021, followed by Sandy Springs at 6,000. Cherokee County and Roswell have around 5,000 registered businesses each. And then we have Johns Creek at 4500. Alpharetta at approximately 4500. Milton just under 900.

The line graph to the right shows the actual revenue collections for FY 2020 and FY 2021 and the budgeted collections for FY 2022 and FY 2023. You can see those jurisdictions with a large number of registered businesses utilizing a per employee model do bring in less revenues than those that have fewer registered businesses and utilize a gross receipts plus employee model.

Here you can see the projected increase Roswell anticipates for fiscal year 2023 based on its fee structure change from their flat fee previously, that included a flat fee plus their number of employees, to the new model of gross receipts plus the number of employees. They are projecting a $4 million increase in revenues based on that changed.

You can also see that Alpharetta, with over 3,600 more businesses than Milton, currently projecting around $143,000 more in revenues than Milton in fiscal year of 2023 based on their per employee model being utilized. Does anyone have any questions about the data presented regarding the –

CM Jacobus: What kind of pushback is Roswell getting?

Ms. Harvill: We have not surveyed that, but honestly, Roswell is surrounded by Johns Creek and Sandy Springs. I'm not sure if they've seen any pushback yet. I can inquire though.

CM Jacobus: Gosh.

Ms. Harvill: And we're kind of sandwiched in the middle there. So, here we have – our finance team ran numbers to see what Milton's revenues would've looked like in 2022 based on the per employee models of Alpharetta, Cherokee County, and Forsyth County.

Please note, we cannot run the models based solely on gross receipts, as we do not have that level of data from our current home-base and per-employee businesses. An assumption we could make is that there would be certain businesses that would make less than the $100.00 flat fee, but primarily, more of them would probably incur a tax increase based on gross receipts.

So then, the table before you, you can see Milton would've collected $790,594 less under the Alpharetta model, $811,574 less under the Cherokee model, and $751,668 less under the Forsyth model, making total revenues go from almost a million dollars down to under 200,000 **[inaudible] [00:30:30]**. So, that just gives you an idea. Now, this would be if you just mimicked those structures. We can talk about an array of things. We can talk about a per employee model that has different tiers. We can talk about mixing it with some other items.

So, we have a lot of things we could talk about tonight. It doesn't have to be these, but these were just the examples we showed so you can see what it would look like if we mimicked those structures in our immediately adjacent communities. So, now we'll hand it over to Anita. And she's gonna talk to you tonight about some Milton-specific potential exemptions, rebates, credits, and other things that we can consider in those fee structures.

Ms. Jupin: Good evening, Mayor and Council. Tonight, I want to briefly go over the concept of state-wide and local exemptions. So, no matter which type of fee structure that we go with, there are state-wide exemptions that exist for certain types of businesses, such as agricultural businesses,

veteran-run businesses, etc. that are exempt from paying occupational taxes on a state level. And local jurisdictions must adhere to that. But there are also local considerations that we can implement for purposes of economic development.

So, why would we want to consider local exemptions? These local exemptions can be a critical component to the economic development toolbox that we are working to develop and can be helpful to attract or maintain certain types of businesses within our community. Local exemptions can send a message to site selectors about the industry types that best fit here in Milton.

And it's important to note that these local exemptions and the benefit that they bring to the city must be explicitly defined. So, an example of a specific benefit to Milton would be job creation or the retention of jobs in these particular industries.

We can also implement a credit or a rebate, or even place a limit on the percentage increase for these certain industries year over year to provide relief as a local tax exemption. So, with this in mind, our team is looking for feedback tonight regarding these Milton-specific considerations. Are there certain industries or business types that we want to consider or local exemptions as a tax incentive?

The industries that we have identified are outlined here. We have agricultural businesses, equestrian-based businesses, local exemptions for business owners who both live and operate their business within the city as an incentive for keeping their business withing their home community. Sustainable, green businesses, as well as businesses that occupy brick and mortar commercial space. We're experiencing increasing vacancies in commercial office space.

This isn't unique to Milton. It's a challenge that's being felt nationwide. We identify vacant office space by communicating regularly with local brokers. We work closely with them as we implement new strategies to attract new tenants. But the impacts of the pandemic have led to many employers shifting to a hybrid or a remote work environment. So, providing a local exemption would be a

way to incentivize a return-to-work office strategy. At this time, our current fee structure, which offers a flat $175.00 fee for home-based businesses could be a way to incentivize these home-based businesses versus incentivizing occupying commercial space. The considerations of local exemptions do come straight from our strategic and comprehensive plans, and if this is something that Council would like to consider as a part of this process, we're happy to do further research on these items. And I'll pause here for any questions or feedback.

CM Jacobus: Do we look into some of what other areas are doing related to tech? Now, it's my understanding that it's pretty aggressive in some surrounding communities to offer large incentives to get the tech companies to come. And I would think, for us especially in the Route 9/Deerfield quarter, it would be very helpful to have some incentives for people to want to develop – take some of that office space or build some new office space based on some exemptions for that.

Ms. Jupin: Absolutely. So, I have reached out to my partners in the region just to explore what types of incentives they're using. So, there is traditional incentives, as well as nontraditional. Alpharetta, for example – just being our closest neighbor – an example attracting those tech-based businesses and life science companies, they're using tax abatements, reduction of permit fees or impact feeds, expediting speed to market whenever they can.

So, those are just some of the tools in a traditional sense that they're implementing. And then we've heard all throughout the state of nontraditional incentives like concierge services, even, helping those site selectors as far to finding school locations for families to relocate here and really incentivizing return to commercial office space that way.

CM Jacobus: I think we should include something like that.

Ms. Jupin: Okay. Are there any other questions? So, with that, we also have a sample business that we have created to send to our stakeholders in the business community. We're really looking to ask them two main questions. One is simply, "Why did you choose to open your business in Milton?" We feel it's important to leave this question open-ended to

really allow the opportunity for our business owners to share with us, from their perspective, what sets Milton apart in the region.

And second, "What would help to streamline the process of applying for your occupational tax certificate?" We've had some feedback regarding the complexity of our process, so we want to hear directly from our business owners, get them involved, listen to how we can streamline this process for them and implement some helpful changes.

And if there's any other items that you would like to hear back from our business community from, we are more than happy to include that in the survey that we plan to send out. We are aiming to send the survey out December 5th, and we'll give two weeks to collect responses there. So, if there's any questions for me about this survey, I'm happy to answer them at this time.

Mayor Jamison: Rick, and then I've got a question.

CM Mohrig: Yeah. I've just got a general question. We have a large number of home-based businesses, which is a flat fee if you only have one employee. Are you considering changes to that, or are you looking at leaving that alone? Do you have – and then, what would be the impact if we are looking at changes, which direction do we see that going?

Ms. Harvill: So, we are here tonight to gather that feedback from Council to see if you have any interest in us researching further and going in one direction or the other. So, based on the feedback you've been given this evening, we were gonna – in the next part – go back to those fees to show you again and discuss and discuss any potential for what the Council is feeling like the direction they'd like us to head in.

And I have a project timeline to show you our next plan is to go back, take the survey, take the information you've given us, do additional research, and come back to you in another subsequent meeting with potential revisions and what those impacts would be.

CM Mohrig: Okay. So, the survey would go to current occupational tax certificate holders, people who do business under that. It's

not geared towards looking at changing the home-based with one –

Ms. Harvill: It's actually to find out about our process. We're not going to ask the business owners necessarily about the fee structure –

CM Mohrig: Right.

Ms. Harvill: It's gonna be about our process and being able to make that as streamlined and as simple for them as possible –

CM Mohrig: Okay.

Ms. Harvill: Based on the information that they tell us that they need.

CM Mohrig: Okay.

Mayor Jamison: Quick question. As part of this part of this process, are y'all talking about putting this online to where you can renew online and pay online?

Ms. Harvill: Yes, sir.

Mayor Jamison: Okay. I know it's easy for me to walk across the street, but I feel bad for some people that have to drive in.

Ms. Harvill: As you can see, our fee structure is quite complex.

Mayor Jamison: Yeah.

Ms. Harvill: So, it's always kind of been a stumbling block for us to be able to get that in an online format, but irregardless, even if we keep the current fee structure, we are gonna work to get that up.

Mayor Jamison: Okay. Great. Paul? Or Paul then Jan?

CM Jacobus: Go ahead.

CM Moore: Bernadette, as you look at our process and somebody who's from this industry, do you find our process to be complex?

Ms. Harvill: Yes, sir. I do.

CM Moore: You do?

Ms. Harvill: I do.

CM Moore: And then are the complaints that we're getting consistent with what you find to be complex?

Ms. Harvill: It is a lot, especially – let me back it up. We have some people that are large businesses. It's not as complex for them. They're used to it. They have a team behind them. They see this in all the different locations. They have different maybe franchises. Then we have our smaller businesses. Milton has a lot of smaller businesses. They have never seen anything like this before, from even starting a business.

How do you even start a business? Anita's team has great information out there on first stop, where to go, how to get your state requirements taken care of. Then you come here, and you see an application that has four options, and you don't really know where you fall because you don't even understand from the onset –

CM Moore: Right.

Ms. Harvill: About what that means to be – and so, they have some home-based businesses that may have – well, okay. I have my employee, but my brother also lives in our house, and he works for me. So, now they're outside of that home-based – so, there's just so many complexes it feels like that we could potentially simplify for these business owners.

CM Moore: Okay. Thank you.

Ms. Jupin: As an interim sort of stop gap. We've created an FAQs document that does currently live on our website, just while we're ironing out the complexities of this process. We're trying to go through and answer as many questions as we can because you know it's hard to anticipate all of the questions that we receive, but just things that they get at the front desk, the calls that I get, the calls that finance department gets all the time. We are trying to incorporate a lot of those questions onto our website, just so that in the interim, we've identified ways to try to make it a little bit smoother for them.

CM Jacobus: On your survey that you're doing, is there any reason why we wouldn't consider picking out businesses and industries in neighboring communities that we would like to see move to Milton? And are there things that we could or should be doing to attract them to Milton? I'm just wondering whether – it just seems like there's an awful lot going on around us, and we seem to be pretty quiet. And is there a reason for that that we're not seeing?

I mean, there's some of the obvious, but are there some subtle things – this being one – that may have an impact on our ability to attract some others? So, maybe surveying some of the key companies, etc. in neighboring, that might be helpful.

Mr. Krokoff: I want to make sure we focus on the occupational tax perspective of this tonight. You're bringing up a very important point. I'm hoping we're gonna call some of that out of the Deerfield study we're doing right now to determine truly – I agree with you. We're seeing significant demand in and around there, but not in our area.

More of an economic development thing. With the occupational taxes, when you look at how they break out across all the different businesses, even the largest of our businesses don't pay all that much in occupational taxes.

CM Jacobus: But is what they have to go through, in Milton, enough to stop somebody that maybe is looking to put a second one in Milton, say, "You know what? It's not worth the hassle." Is any of that going on? Are there things we're doing that hinders us in this category?

Mr. Krokoff: Perhaps.

Ms. Harvill: I think potentially – and like I said, most feedback we get is from people that do come over from the immediately adjacent communities. So, you hear from them the most because we are currently structurally different than them. But we don't hear as much feedback from those other communities that come from a little further away because we're actually less expensive than them. So, we're kind of like in medium point.

I would say, I don't think our actual process to apply is putting up with much of a barrier to larger businesses like that.

CM Jacobus: Okay.

Ms. Jupin: All right. If there's no other questions for me, I'll turn it back to Bernadette to go over our timeline.

Ms. Harvill: I'm gonna take a step back for one moment and go back to our fee structure table. So, now that we have a little bit of feedback on what to include in that survey and also to look into for the local exemptions. I heard the technology sector is one of the areas we want to look into. Was there anything else from a potential – if we do stay with gross receipts, is there any other potential areas Council would like us to look into?

Considering some exemptions, potentially, was anything about living and working in Milton or possibly bringing employees to Milton or anything like that something that we'd like to consider having an exemption for or even having the cap on the tax that an individual business would pay? Anything like that is of interest for us to do any further research on?

Mayor Jamison: Questions from Council?

CM Moore: I think you're on the right track, Bernadette. I think your more simplified approach at the moment is sufficient for me without layering on six more variables to consider.

Ms. Harvill: Excellent. And just to put it in perspective, one of our highest paying tax is around $60,000.00. If that helps from an individual basis of understanding, that's one of the highest taxes we collect.

CM Jacobus: Bernadette, I would appreciate it if you would send me a copy of this presentation. I'm not sure I'm grabbing the whole thing as quickly as you went through it.

Ms. Harvill: Absolutely.

CM Jacobus: So, I'd like it – and then be able to maybe send you a note afterward.

Ms. Harvill: Absolutely.

CM Jacobus: After I had a chance to look at it more closely. But some of this is the first time I've ever seen it.

Ms. Harvill: We can certainly do that. And I can even put some time –

CM Mohrig: Could we all get it?

Ms. Harvill: On the next agenda to get additional feedback.

Mr. Krokoff: Absolutely. We'll get it to all the councilmembers.

Mayor Jamison: And I would say just say simple, I mean more simple the better would be a great step. But I really couldn't tell you tonight.

Mr. Krokoff: And this is just the beginning.

Mayor Jamison: Yeah.

Mr. Krokoff: We're just starting out –

Ms. Harvill: So, I'll go to the timeline.

Mr. Krokoff: Just looking for initial feedback. Like the alcohol thing, it'll be coming back before you, and we'll build on each one iteratively.

CM Jacobus: Great.

CM Mohrig: I think it – go ahead Paul.

CM Moore: **[Inaudible]** comment on what I think I heard is a bit of a disconnect for me. I think I heard you guys say in the beginning of this, we were looking at a way for this to potentially make our reliance on our property tax a little bit less significant. So, the disconnect for me is to look for ways to incentivize businesses where there might be tax relief is a disconnect for me on that.

CM Jacobus: Yeah.

Ms. Harvill: Let me restate –

CM Moore: Ease of processing, certainly I get. Complexity could go out the window. But can you explain the disconnect for me?

Ms. Harvill: Absolutely. As a team, to achieve that overall objective, what we've looked at – some of our work on this goes all the way back to former staff that we've worked with, and we've talked to our community. We thought maybe in Milton one of the potential avenues we would present would be moving to a gross receipts model. Now, that will change some status for some home-based businesses, but you could incentivize a potential category of exemptions, similar to a senior exemption on property taxes, where overall, tax revenue would increase but may not burden some specific businesses that are smaller, for example.

So, if they had under so many employees, you might do an incentive for that. If they make under $20,000, they would only pay the administrative fee, for example. Certain things like that is what we were thinking that may help stair step into the gross receipts model. We at this time did not pitch or even contemplate combining the employees and gross receipts.

We thought that was a large change for our business owners. But we did think that maybe removing that home-based fee might get us to that less reliance on property taxes and create a fee where it would incentivize – everyone would have the same fee structure regardless of where they worked out of.

So, one of the things today is, if you work out of your home versus coming into a brick and mortar, and you make a larger revenue base, you're almost incentivized to stay in your home and not fill the brick-and-mortar spaces. So, if one of Council's goals was to fill brick and mortar, that wouldn't necessarily be achieved under the current model we have. So, we kinda have a lot of things to discuss that we may not be able to answer tonight.

But if you guys saw this tonight and said to us, "Nope. We wanna be per employee," that would kind of stop a lot of things for us. But we're hearing differently. We're hearing, we need more information. So, that gives us exactly what we need this evening to know that we're not looking to just

maybe go in the total per employee direction. We need to bring you back some other examples of some models we could do in Milton that maybe could stair step into a different direction.

CM Moore: I think one of the measures we have to make is where we are as a city in our development for our tax base. We're still a relatively new city by all standards compared to those around us. If you have to look at, too, the fact that we have an emerging business environment here in Crabapple, and what is that gonna look like and what kind of tax base is that gonna produce for us versus – and this is, in my mind, kind of a thriving environment here, right now, in Crabapple. There seems to be a sense of urgency to get here.

There seems to be – at least from what we're hearing from the development community is that the spaces are filling and they're – the businesses that have come, for the most part, have been successful. You look at Deerfield, by contrast, where we have raw space that has been slow to develop or has been passed over by some of the development community, where you look at the development at Exit 8 Highway or Exit 9, Exit 10, etc. – how does Deerfield get overlooked? And you skip from some of the surrounding steps to a Halcyon or an Avalon. How do we get missed?

What is it that's missing? Is it a tax base consideration that we need to look at? So, in that instance, I would look for incentives to attract the kind of businesses that would be appropriate for Highway 9. It might be different than those businesses for Crabapple.

Ms. Harvill: And we can also look at – some of those don't necessarily have to be occupational tax based. We can – Anita mentioned a lot of incentives that are actually considered abatements. They're a little bit on a larger scale then just your annual occupational tax fee –

CM Moore: Yeah.

Ms. Harvill: They may waive taxes for so many years on a larger basis. They may –

CM Moore: Yep.

Ms. Harvill: Give other kinds of incentives like we said, we have the impact fees, other things like that. So, we could absolutely work with community development on some further research in that area if you don't want them to be related to the maybe long-term occupational tax structure as well.

CM Moore: Okay. Thank you.

CM Mohrig: And as far as the one concern I'd have is if we try to roll home-based businesses with just one person, so, they already live in the city, they're paying property taxes. If we start to make that complex, a lot of those businesses are smaller. I would just say, we wanna tread carefully when we're talking about that. I think we get a lot more people probably applying for business licenses and actually claiming when they run their business. If we start saying, "Well, now we want you to provide gross receipts," and we start to add taxes and complexity to try to grow our tax base, I think that would be a disincentive.

I think the opportunity from a tax base – and I said this when we were talking about budget before, if we look at – we're gonna see property values within the Crabapple area – we're gonna see more – and this is something that maybe the data you can help from a tax standpoint, separate from occupational tax, but property tax – as these vacant properties now are developed, I think we're gonna see a rise, and we've already seen it. We've seen a 29% increase in property tax revenue in a four-year period – or projected for the fifth year.

So, I was kinda going the same way with Paul is, I'd like to see property tax relief for people, but I think as we expand the base and we get more commercial property coming online, I think we're still gonna see – even if we control our tax nodes rate – I think we'll still see the property tax base grow just because we're developing properties that weren't here before.

Because that's where – my comment when I had mentioned before is I'd like to see us – if we could potentially collect what we need from a tax standpoint and run our operations and look at all the safeguards but keep out taxes as low as

possible and still keep our quality of living with the things that we offer.

That, I think, should be as a city, our goal. Make sure we can fund our operations, be forward looking, but also tie in the model of as we develop different businesses and people come online, we're gonna be growing our tax base. Because like I said, the simplified approach I looked at from property taxes, I saw a 29% increase. If you look at back to 2019 to what our projected is, that's significant. And I think it's only gonna go higher as some of these spaces around here go up.

Mr. Krokoff: Do you mind if I just jump in on that real quick?

Mayor Jamison: Yeah. Sure.

Mr. Krokoff: So, of course, revenues – tax revenues are a zero-sum game if our expenses are the expenses. And of course, we're always gonna try to work those back to be able to get the most our of our taxpayer dollars. I want to make sure we're coming out of this with the right message. This isn't about increasing taxes. So, I just want to be very clear on that.

What Bernadette is talking about, our fiscal policy – the city's fiscal policy – where we try to continue to reduce our reliance on property taxes and increase our reliance, so to speak, on the other taxes. Right? Zero-sum. You push one down, the other one's gotta pop up. So, that's what Bernadette is referring to.

At the end of the day, as long as we continue to find our efficiencies, make sure we're making the best use of our taxpayer dollars, if other revenues increase like you said, Councilmember Mohrig, if we continue to see increases in other areas, that could potentially reduce the tax liability to our individual citizens. But I just want to make sure, coming out of this, this does not turn into a conversation about increasing the people's occupational taxes. That is not what this is about.

Mayor Jamison: Yeah. Bernadette, I think it's like – the goal is to make it almost a tax neutral, really, I mean, is what you're looking for on current business centers –

Ms. Harvill: Yeah. I'll go back to our –

Mayor Jamison: Because for a business owner that moved from Alpharetta – been in Roswell and Alpharetta and Milton, Milton was by far the most complicated to get a business license. But now I got it down, and it's easy. And so, it's like, as long as it's online and it's streamlined, it's much easier for me. So –

Ms. Harvill: Absolutely. Yeah. So, I just went back to the objective really quickly so everyone can see that we do want to attract business while further reducing our reliance on property tax revenues. That is the overall goal.

CM Jacobus: I'd like to know a little bit more about why Roswell did what it did and just have an understand – I mean, that's such a spike that they're expecting. I mean, I would think that there's some reasoning behind that. There's –

Ms. Harvill: I can **[inaudible – crosstalk] [00:53:54]**.

CM Jacobus: You gain an understanding on how that's occurring and why they did that and are they doing something we missed or – I mean, it just seems like such a tremendous –

Mayor Jamison: I have a pretty good idea, but I don't want to speculate.

Ms. Harvill: Same here. I just do know that their old model was a unique flat fee model that was pretty low on the flat fee scale. I don't know what made them go from that to specifically the similar one as Sandy Springs and Johns Creek, but I can certainly call over and ask. And I can also watch any meetings to kind of hear some feedback they received during their process.

CM Mohrig: And it may be – maybe when we – because I also need to kinda look at it again, try to wade through. But I wonder what the business mix – when we talk about types of businesses, how does Roswell stack up against Milton? We're looking at the revenue, but really, what's the business mix that they're getting X amount – especially with Roswell making a change, I would like –

Ms. Harvill: They didn't have a – they removed their home-based category in this iteration. So, they're doing all gross receipts. But we can certainly get the additional

information to show by NAICS code what kinds of business they attract.

CM Mohrig: Okay.

Ms. Harvill: That's easy to obtain. We can bring that back.

CM Mohrig: Okay.

Mayor Jamison: Anything else?

Ms. Harvill: So we have some great information. I just want to, so I just want to make sure that we're treading in the right direction. Council, as a whole, would like us to look into keeping that home-based flat fee in addition to our gross receipts? Is that the feedback we're receiving tonight?

Mayor Jamison: For the time being, that's the way I'm hearing it.

Ms. Harvill: Okay. I just want to make sure I heard that correctly.

CM Jacobus: I think.

Mayor Jamison: For our first draft, sure.

Ms. Harvill: Perfect. And then also looking at comparing what other types of businesses are in the surrounding communities. We can do that. We did pull a map of our own types of businesses in our jurisdiction, and it kind of just looked like a nice Jackson Pollock and just decided that it wasn't as meaningful. We couldn't find a pattern or maybe where most types aligned, so we just scrapped that. But Emily worked really hard on a lot of maps, and we have different ones we can show you and we'll bring back with her as well. And she can help us map in the other areas.

CM Mohrig: Yeah. I just wonder if we can see kind of – because I think of the different cities, and I look at our city, I think we – I mean, I think we've got a different business mix. We don't really have a lot of hotels. We don't have convention centers. We don't have, like Paul had mentioned, the Halcyon or the Avalon. I think we're looking at – without the opportunity of Highway 9, from an economic development standpoint, what can we attract so we are competitive.

So, I like the idea of looking at exemptions or different things that would actually pull in different businesses because we see businesses right on our border – we see other cities growing, where we'd like to say, "Okay. What can we do?" Which I think is what you guys are saying. What can we do to try to attract that into our city also.

Ms. Harvill: Perfect. So, I'm going to skip forward to our project timeline, which is now gonna just change a little bit, I think. So, we kicked off our project originally back in October by creating our staff-led team that gathered the data presented this evening. Tonight, we obtained very critical feedback form Council to guide our next steps in this process. On December 5th, we will distribute the business owner stakeholder survey with a two-week timeframe for submitting responses. We were gonna work throughout December and early January with our internal and external partners.

We have a couple of people that are actually also from GMA and they'd like to give us some feedback on how the processes work in other communities and **[inaudible]** additional information that you've been looking for. If we have substantial information in time to bring back in December, maybe we'll add a December work session in here. If not, we'll keep on that journey to come back to you January 18th with additional information to obtain that feedback.

And then, currently, based on this timeline, we were proposing having ordinance revisions to the Council sometime maybe in February or March. And I just wanted to let everyone know that the state deadline, which Milton has to follow for occupational tax renewals, is March 31st.

CM Mohrig: **[Inaudible – crosstalk]**.

Ms. Harvill: So, our proposal was to say that, potentially new businesses throughout 2023 would go into the new model, and then the renewals for 2024 would apply to the new model. So, if we do change anything that would have a potential tax change for those businesses, they would have some time to prepare for that.

CM Mohrig: A year to adjust. Okay.

Ms. Harvill: So, does that sound like a good timeline for Council?

Mayor Jamison: Yeah.

Ms. Harvill: Excellent.

CM Jacobus: Yes.

Ms. Harvill: So, our team will go back and address those things. And thank you so much for your time this evening and your feedback.

Mayor Jamison: Thanks, Bernadette.

Ms. Harvill: Thank you.

UNFINISHED BUSINESS

Mayor Jamison: Okay. So, there are no First Presentation, Public Hearing, or Zoning Agenda items. We'll move onto unfinished business. Will the City Clerk please sound the item?

City Clerk: Mayor, the item is consideration of an ordinance amendment to Chapter 56, Article 6 for registration of personal transportation vehicles and the use of PTVs on shared use paths. It's Agenda Item No. 22-341. Mr. Rob Dell-Ross.

Mr. Dell-Ross: Thanks, Tammy. Good evening, Mayor and Council. Tonight's item is focusing on three ordinance changes we have to Chapter 56, Article 6 in the City Code. In your packets, there – there's the presentation. Focusing on three changes to the ordinance tonight. One is the registration process that was recommended out of the adopted PTV plan several months ago, in the summer, that you've seen.

Second item is clarifying the insurance requirements from an enforcement perspective and from the city reviewing personal transportation vehicles as vehicles – as no different in your car and the insurance reflects that. The third language is defining what a shared use path is. This ordinance changes allow the city to designate shared use paths in the future that would be PTV eligible. And I'll show you the map of that.

There are currently not any of those paths in existence today, so we're basically setting the framework for conversations in the future. I am not gonna read ever word on the screen here, but these are in your packet – Page 158. I will highlight the red box at the top left. We're defining a shared use path as a pathway separated from vehicular traffic by an open space or barrier within the right of way. So, think about that as a wide sidewalk. The minimum we would be looking for is eight, but preferably 10 to 12 that is separated most often by either a grass strip or a curb from the asphalt.

The insurance requirements are going to be liability, the same way as a vehicle. We're adding some language in our code to very clearly state that the driver of the PTV is responsible for proof of insurance if they're asked by enforcement. The bottom left box, a registration and fee, this is the process we discussed previously. The city is recommending matching state law, which allows for a five-year license that will be $15.00. There is an example of the form that we've drafted for that application at the back of my presentation.

You've seen this map before. The next time you see, it will be a little bit clearer and easier to understand. But we're basically talking about the aqua lines – the light blue color on this map – and the legend defined as PTV accessible multi-use path.

So, you'll see paths primarily along 372, in this section, then making the right turn and then heading north up 372 here. Those aqua lines aren't in existence today. The ordinance changes allow those conversations for us as they're designed, as they're brought online, likely through Capital Projects, likely through TSPLOST2, I think you'll be seeing over the next five years.

Sara and I have started looking into the first major project that's gonna be coming out of this. We're looking at this block – let me see if you can see my cursor – the roundabout at 372, heading north in front of the elementary school and then up to School Drive. We're looking for options to reduce some of the congestion that you see. If any of you have driven through that in the morning or the afternoon, that's one of the most congested parts of this

city, by far. So, we're looking at some improvements both from a vehicular perspective and from a PTV perspective, to hopefully allow our residents to not have to hop in their car and drop the kids off at school.

The next graphic – this is just a clarification. This isn't anything we're changing tonight, but we've had some questions in prior discussions with you and with residents – based on the state law, based on the current city code, seatbelts are not required in personal transportation vehicles. The state law reads, hip restraints or hand holds. Which, if you see in the picture, are these devices that you hold onto on the side of the PTV. You will see some of these equipped with seatbelts, but they technically are not required and these ordinance changes is not changing that.

Lastly, draft registration form, we are working hard on this, working with Finance, working with PD to hopefully have this online first of the year. So, registration form, we're trying to keep this as simple as possible. Contact information on the left. A list of eligible drivers in your household and then a quick legal affidavit that you're signing in the bottom right corner. That concludes the presentation. Here for questions.

Mayor Jamison: Rick and then Paul.

CM Mohrig: So, we're looking at doing a minimum fee that would be good for five years per vehicle?

Mr. Dell-Ross: Correct.

CM Mohrig: And then, the homeowner would have to have and actually have on the vehicle proof of insurance if they're operating on either the multi-use or within a neighborhood that were approved?

Mr. Dell-Ross: On any public street.

CM Mohrig: Okay. So, they would need to have an insurance –

CM Moore: Can you clarify that? I'm sorry. On any public street you said?

Mr. Dell-Ross: So, this – I should've specified that earlier. This city code

only applies to public streets. So, if you're in a gated community and you're on a private street, you're subject to your own HOA bylaws. The city code has no jurisdiction, no power on private neighborhoods.

CM Mohrig: So, have we actually – when we were looking at the ordinance earlier, did we in fact say that these would be allowed on all say neighborhood private streets, or did we kind of regulate where those were gonna be initially?

Mr. Dell-Ross: So, the way the ordinance was adopted in 2020, it applied to public streets of speed limit 25 miles an hour and below. So, as of today – without making any of the changes we just talked about today, anyone is allowed – a licensed driver is able to ride in their personal transportation vehicle on any public street in this city that's signed 25 miles an hour and below.

CM Mohrig: Twenty-five or under. Can a homeowner association regulate whether or not that people can actually drive in their subdivision, even if it's not a gated community?

Mr. Dell-Ross: I don't know if that's happened, but my understanding is yes. There are multiple HOAs in our city that have done that.

CM Mohrig: I think that that would be one that we definitely want to clarify and know on the front end before we – as we're going into the registration, I think it would be important to know because if, in fact, we – HOA can regulate and say, "You know what? With our neighborhood, no. We don't wanna see these vehicles driving around." I think it would be important that we actually educate and let everybody know within the city that even though you live on a 25 mile per hour zone, if your HOA has said, "No. You can't use these," then we need to make sure that that's actually known.

Mr. Dell-Ross: Once the registration process is online first of the year, we're planning some outreach with Greg. We'll add that to our message. Yes.

Attorney Jarrard: Councilman Mohrig, let me address that very **[audio cuts out] [01:06:27]**. I wanna make sure that our language is

precise, and what I mean by that is every HOA is gonna have different **[audio cuts out]**.

CM Mohrig: Right.

Attorney Jarrard: So, whether or not they can regulate or prohibit this activity is gonna be a function of whether their covenants regulate or prohibit this activity.

CM Mohrig: Right.

Attorney Jarrard: If they do – if they do speak to this issue, then the covenants would control because when you buy your property in that neighborhood –

CM Mohrig: Right.

Attorney Jarrard: You are accepting that contractual provision that said, "I can't do this because it's in the covenants." So, I only want to make that point of emphasis is that it may not apply because there may be covenants that don't address this issue at all.

CM Mohrig: **[Inaudible – crosstalk] [01:07:08]**.

Attorney Jarrard: But if they do, yeah. I think the covenants and that community could, in fact, shut this activity down.

CM Mohrig: Would we also include – I mean, we're calling them personal transportation vehicles. Back when most covenants were put in place –

Attorney Jarrard: Golf carts.

CM Mohrig: They said golf carts. So, I'm just wondering, are we equating the two? Just so we don't get into someone where nuance and say "hey, we don't, we just said we can have golf carts, but now I've got a PPT." And I don't even know whether we have subdivisions that limit those. I know ours – when I **[inaudible]**, it said you couldn't even have hammocks or trampolines. So, the boiler plate originally was pretty restrictive. So, I assume a lot of subdivisions have those to start out, and it may actually be in there. But I have not looked at individuals. I just want to make sure we don't get caught up with a 15-year-old subdivision that

said, "Prohibited golf carts," but now they can say, "Well, now we can do PTVs."

Attorney Jarrard: I can answer that unless you want to.

Mr. Krokoff: No. I think I'm holding down from the previous one. Go ahead.

Attorney Jarrard: Yeah. Look, in the matters of enforcement – what their covenants say. Again, I don't mean to sound redundant – is gonna be how their covenants speak to this issue.

CM Mohrig: Yeah.

Attorney Jarrard: But then going further, yes. I agree. There has been some evolution of the concept. Maybe, well back in the '80s and '90s and 2000's, we've had good old fashioned golf carts are now kind of evolved to this different term. But I think in any enforcement, you're gonna look at what a reasonable person would understand is off limits. And I think that'll control how this is enforced and kind of if it looks, talks, walks like a golf cart, **[inaudible] [01:08:46]** golf cart. It's probably gonna be a golf cart. So, that would be mine.

Female Speaker: I'm sorry.

CM Mohrig: I just know sometimes people in your profession will definitely go to individual words. I just want to make sure we actually **[inaudible – crosstalk]**.

Attorney Jarrard: It's funny you say that. And this is one of the areas where covenants are more powerful than our quasi-criminal ordinances because obviously with our ordinances, we're prosecuting them in City Court. But in covenants, it's gonna be a civil enforcement action, and that gives the regulating body a little more latitude because you're not talking about criminal sanctions. You're talking about fines. And so, I think then they're given more latitude because a good defense lawyer, you're right, would, "Oh, it's not a golf cart. It's a PTV."

CM Mohrig: It's not a golf cart. Right.

Attorney Jarrard: "It's a PTV for Heaven's sakes. There's a huge difference between those two **[inaudible]**." Not in a civil context.

CM Mohrig: Yes. Okay. Thanks.

Mayor Jamison: Jan?

CM Jacobus: My concern is how we're letting members of the community know about this. And, for example, at Crooked Creek, we have ordinance, nobody follows them. And we're gated, and they use that against the folks that are trying to govern it. Where my concern comes in is more and more people get these, and the more this piece of equipment has evolved, they look like small cars now.

CM Mohrig: They're fast.

CM Jacobus: I mean, they've got the big, fat wheels. They've got everything. But they're going out onto city streets. They're leaving their protection in a gated community, and they're going out onto the street. And my concern is that is the city doing enough to make all these individuals aware that No.1, that street is like a 40-foot Route 9. It's not 25 miles an hour. Are we doing everything to make sure people are aware of what these guidelines are and where they should and should not be with these vehicles?

Mr. Dell-Ross: Staff's hope, working with Greg and working with social media, is that once the logistics through the registration process is online and we have that form and we're open for business come first of the year, we expect there's gonna be conversations that – we expect there's gonna be questions. We expect there's gonna be a dialogue about, "Wait. I thought that was legal" and simple naivety that they're not blatantly breaking the law. They just didn't know what the law was.

To answer one of your questions earlier, from a city staff perspective, we use PTV and golf cart interchangeably. I tend to use PTV and when the ordinance just because there's a rigid state definition of what a personal transportation vehicle is. And they do that because there's a difference between a golf cart and a primarily agricultural vehicle or a ATV or a low-speed vehicle. Those are all based by weight, based on maximum speed. They're all very strict definitions in the state code. Our City Code references personal transportation vehicles i.e., golf carts.

Mayor Jamison: And we're really not changing the law today. We're really just making it more of the registration process.

Mr. Dell-Ross: Correct.

Mayor Jamison: So, this will actually probably make people more aware of where and how to use a golf cart.

Mr. Dell-Ross: We're reflecting the new registration process. We're kinda clarifying what the expectations are for insurance. And we're enabling ourself to bring shared use paths online into our PTV network in the future.

CM Mohrig: But we have actually put an ordinance to allow these to be on our 25 mile per hour or less streets within the city?

Mr. Dell-Ross: Yes. That was done in –

CM Mohrig: Okay. So, that's what different. And I know now they're selling these at Lowes, at Home Depot. I mean, you can now get them locally. So, I think the use and people actually acquiring them in this city of relative affluence in Milton, I think you're gonna see more people buy them. That's why I think it is important that we actually educate our whole public within the City of Milton of what the rules are and restrictions are.

CM Verhoff: But there –

CM Jacobus: But I think a large number of them think because they're driving on the sidewalk or a dirt side that 25 mile an hour street doesn't pertain to them. But it does. And somehow we need to make sure they understand that. They think because they're not riding on the street, that it's okay.

Mr. Dell-Ross: I agree with you. I've seen two behaviors, not necessarily in Milton, but just driving around, I've seen the golf cart on the sidewalk, which is – if we're gonna try and be very clear, you should not be driving –

CM Mohrig: Right.

Mr. Dell-Ross: A PTV on a four-to-five-foot sidewalk. Second behavior that I've seen personally, it may be a driver that has a very short gap – a short segment along a 35 mile an hour road

that they know they're trying to get from point A to point B, and there's no way to get between the – and they decide, we'll I'm just gonna drive this quarter mile and no one's gonna catch me.

CM Mohrig: That's what people used to do with minibikes.

CM Moore: But they're subjecting themselves to a violation.

Mr. Dell-Ross: Yes. They are.

CM Moore: If they chose to do it that way.

CM Verhoff: Yeah. So, I've seen them – because I live in this area, and the sectioned that you had mentioned with the school traffic and everything. So, I've seen golf carts going through the roundabout to get to the other side near Starbucks and everything. So, technically, right now, by law, the roundabout is connected to Birmingham Highway, which is a 35 mile an hour road. So, they shouldn't be crossing over through the roundabout?

Mr. Dell-Ross: Technically, you should not be crossing at that roundabout because technically, by state law, we need all of those crossings. If you have two roads that are 25 up against each other and the main line is 35 or 40 separating it, technically, to cross that it's a state route. In this case, we need a crossing at location approved by the state DOT, and that's not in place yet.

CM Moore: And that would probably not be at the roundabout either, if I remember correctly where I was seeing on your map –

CM Verhoff: Right. Like based on the map that you had, the potential crossing would be probably at Kensington Farms and –

Mr. Dell-Ross: So, we're looking at – as part of that project that I talked about earlier, we're looking at a couple of different crossings north of the roundabout because we're expecting that the state DOT with the local district will not want to – and I just lost my presentation. It's back up now. We're expecting them not to prefer it at the roundabout. So, these pink lines – we're not expecting to get all three, but we showed that expecting one of the three to be approved. So, either at Kensington Farms or at these two driveways.

CM Moore: And Rob, this map is not a hundred percent reflective of some of the conversations that we've had before about some of our concern about the use on the sidewalk or the pathways in Crabapple. Right?

Mr. Dell-Ross: Correct.

CM Moore: This is not a finished map yet?

Mr. Dell-Ross: This is a work in progress, as all our maps are. These aqua lines are not in place today, but they're representative of where we're aspiring to build them in the future.

CM Moore: Great. I have a couple more follow-ups from me please. The discussion about the restraints – the hip devices or the handholds, I thought Chief, at our last meeting talking about this, assured us that we were gonna require seatbelts.

Mr. Dell-Ross: So, we've talked with PD. We've talked with a local business owner that he addressed to you four or five months ago in open comment and clarified that this is the state law and this is the city code. City code matches state law, and state law does not require seatbelts for PTVs.

CM Moore: Ken, do we subject ourselves to any liability if there is an injury. If a state law's a state law, we're okay?

Attorney Jarrard: Yes. I'm not concerned about that.

CM Moore: Okay. I would sure like to see us take it to a higher standard. So, we've got young drivers. Might be more constrained with a seatbelt. But if that's not something that we can or should do, I guess I'll give up that **[inaudible – crosstalk]**.

Mr. Dell-Ross: I'll note, just in conversation, there have been some of the older PTV models that have been going to the shop, going to the local business and getting seatbelts added as a retrofit just because they –

CM Moore: You can have them.

Mr. Dell-Ross: Want the added safety.

CM Moore: But it's not required. Okay. Also, I would just point out, I think I read in the packet that the way our ordinance reads, the PTVs cannot be capable of exceeding 20 miles per hour. I think that was in the packet.

Mr. Dell-Ross: If that's in the packet, that's correct.

CM Moore: Yeah.

Mr. Dell-Ross: I **[inaudible] [01:17:33]** print it out here, just on the screen.

CM Moore: You don't have happen to have the packet available, do you? Because I had one more question that – I didn't bring my PC with me to refer to. It was just a clarification about the drivers and the licensing, and it was on –

CM Mohrig: That was the question I was gonna ask **[inaudible – crosstalk]**.

Mr. Dell-Ross: So, I'm looking at packet Page 158, Chapter 56, Article 6. Definition of personal transportation vehicle means any motor vehicle No. 2, capable of a maximum level ground speed of less than 20 miles an hour.

CM Moore: Yeah. Okay. So, it is **[inaudible]**.

Mr. Dell-Ross: So, by definition, if your golf cart can go 25, it's no longer a golf cart.

CM Moore: Yeah. Okay. So, in the packet, on Page 2 of your section. I don't have my packet with me. I didn't bring my PC with me. There was a clarification that I'd like to get to if you can pull that page up by chance. And it has to do with the definition. There's a definition I'd like some clarity on. I should've written a more complete note. I'll have to remind myself when I see the page. Yeah.

Mr. Dell-Ross: Page **[inaudible]**.

Male Speaker: Yep. That's –

Mr. Dell-Ross: Definition section, direct me where to go.

CM Moore: So I think it – let's see. **[Inaudible]** right there. So, I read – under the main paragraph where a license – I'm assuming

it's supposed to say or license to operate a motor vehicle. The term license or license to operate a motor vehicle means any driver's license or any other license to permit to operate a motor vehicle issued under or granted by the laws of this state, including – No. 2 was confusing to me, the privilege of any person to drive a motor vehicle whether or not such person holds a valid license.

CM Mohrig: **[Inaudible – crosstalk] [01:19:48]** does that mean?

CM Moore: To me, that's in conflict.

CM Verhoff: Unless they don't have to have a license? But –

CM Moore: Yeah. That's why I was troubled.

Mr. Dell-Ross: I'm looking to Ken for a little bit of help on that.

Mayor Jamison: That's what I was gonna say. Let's let Ken –

Attorney Jarrard: Councilmember Moore, show me that again.

Mr. Dell-Ross: My understanding has always been that –

CM Moore: You have to have license.

Mr. Dell-Ross: The driver of the PTV must be a licensed driver, therefore, it must be 16 years or older.

[Inaudible – crosstalk].

CM Moore: So, is No. 2 –

Mr. Dell-Ross: I'm not sure what that –

CM Moore: Is No. 2 in conflict with our objective?

Female Speaker: **[Inaudible]** of any person –

Attorney Jarrard: I wouldn't pertain to any sort of a almost a grandfathering, would it? Individuals that can operate them without a driver's license, but do so because of the length of time? Are we aware of anything like that?

Mr. Dell-Ross: I'm afraid, given that this isn't a section that we're changing tonight – this was passed in 2020. I don't know what the purpose of that might've been.

CM Moore: Okay. Well, can we go back and look at that? Because in my read –

Mr. Dell-Ross: Absolutely.

CM Moore: - of that, it looks like it's basically saying that's an exception to having a driver's license.

Attorney Jarrard: Clearly. Clearly.

CM Moore: And I'm not in favor of that.

CM Mohrig: Right. And I wonder if that infers the privilege of any person to drive, meaning they are of age where they could drive the vehicle or could be licensed. But I think that's part of the education is we want to make sure this is not, "Hey, we now have the tag, but Joey is 12, but he's capable of driving." Well, he doesn't have a driver's license, so he cannot go on a public street or on a trail.

CM Moore: And who grants the privilege?

Councilmember Verhoff: So, Rob you show –

CM Moore: Or you've got a driver's license process to go through. I'm sorry.

Councilmember Verhoff: That's okay.

CM Moore: Where you got a learner's permit period of time, you understanding how to operate a gross weight vehicle that's significant. And even though this is less than that, you learn the rules of the road, etc., etc., etc.

CM Mohrig: **[Inaudible – crosstalk] [01:21:38]**.

CM Moore: And how to judge distance –

Attorney Jarrard: I think that's a good catch.

CM Moore: And speed and breaking and all that kind of stuff. So, if that's what that means, I would not be able to support **[inaudible – crosstalk] [01:21:46].**

Mr. Dell-Ross: We'll research that issue and get back to you.

CM Moore: Great. Thank you.

Mr. Krokoff: My guess is you're gonna – this is a guess. You're gonna find that in the state code. That's probably where **[inaudible – crosstalk].**

Mr. Dell-Ross: I agree. I'm just not sure – there's gotta be a reason for it, and I don't **[inaudible – crosstalk].**

[Crosstalk]

Mayor Jamison: I'm assuming that has to be something to do with agricultural use **[inaudible – crosstalk].**

Mr. Krokoff: We'll dig deeper into it and get an answer for you. Again, it's two plus, over two years ago.

[Crosstalk]

CM Mohrig: You used to be able to drive tractors **[inaudible – crosstalk].**

CM Moore: Yeah. Thank you.

Councilmember Verhoff: Yeah.

Male Speaker: I'm guessing –

CM Verhoff: Our sample form that you showed that, when they apply and register with the city, there was a section on there that said, "List all of the household members that are able to drive" –

Mr. Dell-Ross: Yes. That was a suggestion from last meeting that we added to the form in the top right, trying to reinforce the licensed driver issue. We're asking whoever submits the form with their $15.00 to list the eligible drivers in their household.

CM Mohrig: Yeah.

CM Verhoff: Okay.

CM Mohrig: **[Inaudible] [01:22:33]** over the five-year period, some people may, then, qualify that weren't on the list or –

CM Moore: Yeah.

Mr. Dell-Ross: Yes. That's true.

CM Verhoff: Then they can come in and update their application, I guess, if they have a new driver in the house or –

CM Moore: Yeah. Should be a requirement.

Mayor Jamison: I guess my one ask or question is the enforcement of this. Any time the city implements new rules, laws, I mean, it's one of those things where I hope we're not gonna pass this on Monday, and we're gonna have police giving tickets on Tuesday. You know? So, hopefully, we're gonna have plenty of time to educate the community and give warnings and all that stuff. Right?

Male Speaker: **[Inaudible – crosstalk].**

Mr. Dell-Ross: I don't wanna speak for Chief Austin, but I've heard him speak here before talking about we tend to not write tickets. We tend to do more of the education, more of the –

Mayor Jamison: Okay.

CM Verhoff: I remember that.

Mr. Dell-Ross: More of the gentle warnings. Steve?

Mr. Krokoff: Before you close this item, I just want to make sure I make – I want to make one thing clear. Going back early on in the discussion, we talked about HOA's authority and their ability to regulate within their subdivision, gated or non-gated. Gated, of course, are private roads. The city has no authority there, and they would manage that. And non-gated areas of HOAs, the city still has no authority to enforce HOA covenants.

So, if an HOA decides. "We don't want golf carts on our 25 mile an hour roads," that's an issue between the HOA and the members of the community that live there. The city cannot go in and say, "Sorry" to people in this specific subdivision "You can't do it." We lack the authority to do that. That is going to be, like Ken said, a civil issue between the HOA and the members of that community.

CM Jacobus: Does that hold true –

Mr. Krokoff: Am I good there?

Attorney Jarrard: Yeah.

CM Jacobus: Is that held true on the other regulations about what it should be – the safety issues and all that. It's still all up to the HOA?

Mr. Krokoff: Well, the HOA –

CM Jacobus: Like allowing ones that can go 25 miles an hour?

Mr. Krokoff: They can't exceed our code, I don't – no. Let's break it up between private and public roads. On public roads, regardless, they have to comply with our city standards.

CM Jacobus: Okay.

Mr. Krokoff: If it's a public road, our laws govern.

CM Jacobus: Okay.

Mr. Krokoff: I don't know what happens on a private road if your PTV can go more than 20.

Attorney Jarrard: Well, they couldn't – their covenants aren't a license to violate our law. All right? So, while we wouldn't be in a position of enforcing their covenants, they also can't use their covenants to trump our baseline regulation.

CM Jacobus: That was my question.

Attorney Jarrard: So, no community that can do that little factum to itself that is exempt from the law. But they can make it more rigorous and shut it down.

CM Jacobus: They certainly can try.

Mayor Jamison: Rick?

CM Mohrig: It's just one last thing. I don't know enough about PVTs to know that all the new ones –

CM Moore: To get the acronym correct.

CM Mohrig: That are coming out, they all only go – they go less – or PTV – they go less than 20 miles per hour? I don't know. I mean, I've seen some of these things that, they can go pretty darn fast. And I think people would assume, "Hey, mine's good on the road." So, I'm just wondering how – do you know much about that technology?

Mr. Dell-Ross: I don't, other than I agree with you. I would tend to think as we get further into technology, you're gonna get golf carts that can drive as fast as people want them to drive.

CM Mohrig: I just know up in Michigan, I have a relative who has one of those, and I rode on it. And it goes better than 25 miles per hour –

CM Verhoff: Yeah.

CM Mohrig: But I think he would probably say that that was he golf cart because it looks like a golf cart. But I don't – I mean, I guess that would be a question, do they really go 20 miles per hour or less – a maximum of 20 miles per hour?

CM Verhoff: We have one, and you – there's a setting –

CM Mohrig: A regulator?

CM Verhoff: A regulator that you can set the speed on it. So, even if the pedal's all the way down, --

CM Mohrig: It's only gonna go so fast.

CM Verhoff: You're only going 20. Yeah.

CM Mohrig: Like the old golf carts that you could only go so fast with on the golf course. Okay.

Mayor Jamison: All right. Any other questions for Rob? All right. Any – no public comment, I'm assuming. We'll open up for a motion then.

CM Moore: So, we're adopting the process for the licensing.

[Crosstalk]

CM Mohrig: Is that all we're voting on tonight?

Mayor Jamison: Yeah. The shared paths, the insurance, and the registration.

CM Jacobus: Has nothing to do about the correction that Paul brought up?

Mayor Jamison: Because we can't change that because that's different code.

CM Jacobus: Okay.

CM Moore: **[Inaudible – crosstalk] [01:27:06].**

CM Jacobus: I'll make a motion –

CM Moore: Let's look into it before we make a statement like that. But –

Mayor Jamison: Well, we can't change that tonight, though.

CM Moore: No. Not tonight. No.

Mayor Jamison: Yeah. Yeah. Okay.

CM Moore: But let's –

[Crosstalk]

Mr. Dell-Ross: We're going to research that issue and get back to you.

CM Moore: Yeah. Right. Yeah. Thanks.

CM Jacobus: All right. I'll make a motion that we approve Agenda Item No. 22-341.

CM Mohrig: Second.

Mayor Jamison: Okay. I have a motion from Councilmember Jacobus and a second from Councilmember Mohrig to approve Agenda Item No. 22-341. Any discussion on the motion? All in favor, please say, "aye."

Councilmembers: Aye.

Motion and Vote: Councilmember Jacobus moved to approve Agenda Item No. 22-341. Councilmember Mohrig seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

NEW BUSINESS

Mayor Jamison: Any opposed? That's unanimous. Thank you. Good stuff.

CM Mohrig: Thanks, Rob.

Mayor Jamison: So, we'll move on to new business. Will the City Clerk please sound the first item?

City Clerk: Mayor, that item is consideration of a resolution adoption – oh, let me start over. Item is consideration of a resolution on adopting the 2023 City of Milton City Council regular meeting and work session schedule. It is Agenda Item No. 22-362. Mayor and Council, provided to you in your online packet and before you tonight is the 2023 draft calendar that identifies the regular City Council meetings and the work session meetings.

Our goal is to get this before you in November so that you have a chance to review it and can approve it, so then that way staff can begin to prepare and fill out their next year events and schedules, etc.

I just wanted to point out a few things for you, if I could. You'll notice that with the way that the New Year's Eve and the Martin Luther King dates fall in January, we'll start off with Wednesday meetings. We'll have another Wednesday meeting in February. We are going to push, in April, in the pink, the meetings back by a week due to spring break, in that first week in April.

And then, very similar in July with the way that July 4th falls, we will be pushing back those meetings by one week. Otherwise, it's a very smooth year.

So, this is for you to review, and I'll be happy to answer any questions or also ask for your approval.

Mayor Jamison: Any questions for Ms. Tammy?

CM Jacobus: No.

CM Verhoff: Everything looks good.

Mayor Jamison: Okay. Open it for a motion.

CM Mohrig: Mr. Mayor, I'll make the motion that we approve Agenda Item No. 22-362.

Male Speaker: **[inaudible – crosstalk] [01:29:19].**

Councilmember Moore: Second.

Mayor Jamison: Okay. I have a motion from Councilmember Mohrig and a second from Councilmember Moore to approve Agenda Item No. 22-362. All in favor, say "aye."

Councilmembers: Aye.

Motion and Vote: Councilmember Mohrig moved to approve Agenda Item No. 22-362. Councilmember Moore seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

MAYOR AND COUNCIL REPORTS

Mayor Jamison: Any opposed? That's unanimous. So, that will conclude that. Just a couple reports we have.

The Milton voters approved all three of the referendums that were on the ballot to extend our homestead exemptions for Milton seniors, so that's a good thing. The law will be in effect on January 1st of 2023, and anyone that wants to apply can come to the Finance department.

A few events coming up. We have Christmas in Crabapple December 3rd from 2:00 to 6:00 p.m. December 10th, we have Pancakes with Santa. And so, please check social media on that. So, fun stuff coming. So, good stuff then. Happy Thanksgiving to everybody. All right. Any other reports? Rick?

CM Mohrig: I just wanna say thanks to the – Chief Austin and Lieutenant Bradshaw. Last Friday, we got a request from some students from a private school that are in a government class – wanted to talk to us about a couple of topics, and Chief and Lieutenant Bradshaw – and then I attended also – gave plenty of time and answered the kids' questions or the students' questions.

And I just want to say, I appreciate the continued engagement of – and these students weren't from Milton, but we reached out. We set the time, and I just want to say thanks for our Police department actually engaging the community outside of Milton.

Mayor Jamison: Good stuff. Okay. We will open it for a motion to adjourn into executive session to discuss personnel, land acquisition, and potential litigation. Do I have a motion?

CM Moore: So moved.

CM Jacobus: Second.

Mayor Jamison: Okay. I have a motion from Councilmember Moore, a second from Councilmember Jacobus. All in favor, say, "aye."

Councilmembers: Aye.

Mayor Jamison: All right. That's unanimous.

Motion and Vote: Councilmember Moore moved to adjourn to Executive Session to discuss land acquisition, personnel, and potential litigation at 7:30pm. Councilmember Jacobus seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

RECONVENE

Mayor Jamison:	All right. Motion to reconvene.
CM Mohrig:	So moved.
CM Jacobus:	Motion to reconvene.
Mayor Jamison:	All right. Second. Who has second?
CM Moore:	Second.
Mayor Jamison:	All right. So, it's Mohrig and Moore. All in favor, say, "aye."
Councilmembers:	Aye.

Motion and Vote: Councilmember Mohrig moved to reconvene the Regular Meeting at 7:43pm. Councilmember Moore seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

ADJOURNMENT

Mayor Jamison:	All right. Motion to adjourn.
CM Moore:	So moved.

[Crosstalk]

Councilmember Verhoff:	Second.
Mayor Jamison:	All right. I'll do Paul and Andrea, then.
Mayor Jamison:	All in favor, say, "aye."
Councilmembers:	Aye.
Mayor Jamison:	Goodnight.
CM Jacobus:	Good night.

Motion and Vote: Councilmember Moore moved to adjourn the Regular Meeting at 7:44pm. Councilmember Verhoff seconded the motion. The motion passed (5-0). Councilmember Johnson and Councilmember Cookerly were absent from the meeting.

Date Approved: December 5, 2022

Tammy L. Lowit, City Clerk

Peyton Jamison, Mayor

CITY OF MILTON, GEORGIA
EST. 2006