

## Tammy Lowit

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**From:** Tony Palazzo <Tony.Palazzo@berkeleycp.com>  
**Sent:** Friday, May 6, 2022 9:44 AM  
**To:** tammy.lowit@cityofmiltonga.us; tammy.lowit@cityofmiltonga.gov  
**Subject:** Ethics Complaint Filing  
**Attachments:** Ethics\_Complaint\_Form.pdf; Complaint Addendum.pdf

**Importance:** High

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Ms. Lowit-

I hope this email finds you well. Please see attached Ethics Complaint and supporting documents.

I would appreciate it if you could confirm once it has been processed.

Thank You,  
Tony Palazzo

Tony Palazzo, CFA | President

Berkeley Capital Partners  
3000 Heritage Walk | Suite 301 | Milton, GA 30004

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### **PLEASE NOTE OUR ADDRESS HAS CHANGED**

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ESTABLISHED 2006

## ETHICS COMPLAINT FORM

Pursuant to Article Five of the City of Milton, Georgia Ethics Ordinance, No. 10-09-76 ("Ethics Ordinance"), this form **MUST** be used to report alleged violations of any portion of the Ethics Ordinance. Failure to provide the information requested could result in the dismissal of the complaint. Please type or print legibly in ink.

When completed, the form must be submitted to the City Clerk whose office is located at: Milton City Hall, Suite 107F, 13000 Deerfield Parkway, Milton, Georgia 30004. (In the event the City Clerk is the subject of this Complaint, the Complaint must be submitted to the City Manager, whose office is located at Milton City Hall, Suite 107F, 13000 Deerfield Parkway, Milton, Georgia 30004. Ethics Ordinance, Article 5, Section 1(A))

### COMPLAINANT INFORMATION

Name: Tony Palazzo

Mailing Address: [REDACTED]

\_\_\_\_\_

\_\_\_\_\_

Phone: [REDACTED]

Email: tony.palazzo@berkeleycp.com

### **ALLEGED VIOLATOR**

(Note: A separate ethics complaint must be filed for each person alleged to have engaged in any activity violating the Ethics Ordinance even if the allegations arise from the same factual basis. Ethics Ordinance, Article 5, Section 1(E))

Name: Paul Moore

Title: Council Member

### **ALLEGED VIOLATIONS**

Identify each of the specific provisions of the Ethics Ordinance alleged to have been violated by the Alleged Violator named above. (Ethics Ordinance, Article 5, Section 1(B).)

- A. Sec. 2-825(5) Please see enclosed Complaint
- Sec. 2-825(6)
- B. Sec. 2-831(1)
- Sec. 2-831(2)
- Sec. 2-831(8)
- C.
- Sec. 2-831(9)
- Sec. 2-848(a)
- D.
- Sec. 2-848(b)
- Sec. 2-852
- E. Sec. 2-855(b)
- Sec. 2-859
- Sec. 2-861(c)
- F.

(If additional specific provisions are alleged to have been violated, please attach a supplemental list identifying the additional specific provisions)

The statement may be typed or printed in the space provided below, or it may be included in a separate attached document. If more than one specific provision of the Ethics Ordinance is alleged to have been violated, either this page may be copied and attached or additional pages may be attached in order to describe each of the sections alleged to have been violated separately.

Provision Alleged to Have Been Violated: Please see enclosed Complaint and Exhibits

Date(s) of Alleged Violation: Please see enclosed Complaint and Exhibits

**Facts Supporting Alleged Violation:** Please see enclosed Complaint and Exhibits

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

**WITNESSES:**

Identify the name, address, and phone number of any persons who may be called as witnesses to substantiate, corroborate or prove the allegation(s) contained in this Complaint, if any.

Witness Name: Tony Palazzo \_\_\_\_\_

Address: [REDACTED] \_\_\_\_\_

[REDACTED] \_\_\_\_\_

Phone: [REDACTED] \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

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\_\_\_\_\_

Phone: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

**SUPPORTING MATERIALS:**

List all materials (including documents, recordings, transcripts, affidavits, etc.) that may be relied on to support and prove the alleged violation(s) identified above. If extra pages are needed, copy this page and attach it to this Complaint. Attach a copy of all listed materials to this Complaint.

- 1 Please see attached Complaint and Exhibits identified therein.
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(Note: If the City Clerk determines that this Complaint fails on its face to comply with Article 5, Section 1 of the Ethics Ordinance, and notifies the Complainant in writing of a defect via certified mail, return receipt requested, the Complainant shall have five (5) business days from receipt of the notification of defect from the City Clerk to cure any defects that may be cured and re-submit the ethics complaint. If an ethics complaint is not re-submitted within the allotted time period, the City and the City Clerk shall take no further action on the ethics complaint. Ethics Ordinance Article 5, Section 2(a)(1))

**SIGNATURE**

(Must Be Notarized – Ethics Ordinance Article 5, Section 1(B))

I have read the ethics complaint and aver that the facts contained therein are true to the best of my knowledge and belief, and I am aware that the Ethics Ordinance authorizes the imposition of penalties against me for filing a frivolous complaint, including without limitation, payment of costs and attorney's fees associated with the handling and processing of the ethics complaint, and/or all other penalties applicable under the law.

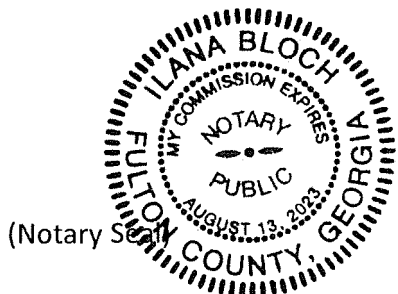
  
Complainant's Signature

5-5-2022  
Date

**NOTARY PUBLIC:**

Sworn to and subscribed before me this

5<sup>th</sup> day of May, 2022.





**BEFORE THE BOARD OF ETHICS  
FOR THE CITY OF MILTON**

In the Matter of the Complaint Against  
Council Member Paul Moore

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**COMPLAINT**

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COMES NOW Tony Palazzo (“Petitioner”) a resident of the City of Milton acting in his individual capacity, and pursuant to Sec. 2-882 submits that evidence exists to support a reasonable belief that Council Member Paul Moore (“Respondent”) has violated the Ethics Code of the City of Milton, stating in support thereof as follows:

**PRELIMINARY STATEMENT**

Petitioner supported a project to install passive traffic calming devices (i.e., radar-controlled speed signs) on White Columns Drive and Treyburn Manor View (the “Proposal”). According to data provided by the City of Milton, White Columns Drive is the most sped on street in the City of Milton, with speeds at the 85<sup>th</sup> percentile of 44 mph. That is nearly 20mph over the posted speed limit. Similarly, Treyburn Manor View is the fourth most sped on street in the City of Milton, with speeds, at the 85<sup>th</sup> percentile, of 42 mph. That is 18mph over the speed limit.

These two streets have been the subject of repeated resident complaints and community concern, as far back as 2008. Comments posted on social media include the following:

*“Speeding has been a problem here for years!”*

*“This is a safety issue and needs to be managed before someone gets hurt.”*

*“Tonight, my husband and I were taking our puppy for a walk...a white Lexus SUV came up the hill speeding on the wrong side of the street, proceeded to over correct and hit our mailbox and keep going. In the next 5 minutes another car driving towards the [White Columns Country] Club swiped the curve, because another car came up the hill and almost hit them head on because he was going too fast and was on the wrong side of the road. Lastly, we had to yell at a man in an Audi SUV for driving way to fast up the hill.”*

According to a study from the AAA’s Foundation for Traffic Safety, the risk of injury or death is extremely high at the speeds regularly seen on White Columns Drive and Treyburn Manor View. The study indicated that “average risk of severe injury for a pedestrian struck by a vehicle reaches 10% at an impact speed of 16 mph, 25% at 23 mph, 50% at 31 mph, 75% at 39 mph, and 90% at 46 mph. The average risk of death for a pedestrian reaches 10% at an impact speed of 23 mph, 25% at 32 mph, 50% at 42 mph, 75% at 50 mph, and 90% at 58 mph.”

Based on its stated policy, consistent practice and prior precedent, the City of Milton’s professional staff approved installation of the radar-controlled speed signs in connection with the Project. As a related matter, a cost sharing agreement was

submitted to the Milton City Council, to approve a 50/50 cost share on the signs between the City and White Columns Community Association. Such traffic control measures are wholly consistent with at least six other traffic calming devices installed by the City and for which cost sharing agreements were approved throughout Milton in the last 10 years. One such approved agreement was between the City of Milton and the White Columns Community Association in 2012. An agreement that appears to have followed the same process as was followed by the Association for this Project.

Respondent who has a personal, pecuniary conflict of interest and personal bias against the proponents, did not abstain and instead influenced the Council to advocate against the Proposal.

### **FACTUAL BACKGROUND**

Respondent is a member of White Columns Community Association Inc., (“White Columns”) residing at 15290 White Columns Drive, Milton, Georgia 30004. Petitioner is a fellow homeowner and President of White Columns.

Petitioner and eight of his peers were elected to serve on the Board of the White Columns Community Association after a fair election. Respondent had campaigned against Petitioner and the members of his ballot, engaging in pejorative ad hominem, and publicly endorsing other candidates. A true and correct copy of the Letter is enclosed as **Exhibit A**. Unfortunately, after the election Respondent

fostered a negative bias against Petitioner and the current directors of the White Columns Community Association. For instance, on November 23, 2021, Respondent emailed the Board stating that among them there was “a bad actor that was creating a hostile situation” in the community, further complaining that a certain member of the Board had approached him and “was very animated and aggressive during the exchange, obviously egregious enough to where others who saw it felt like they needed to come to [his] defense”. See **Exhibit B**.

Moreover, Respondent emailed the Board stating that he “was disappointed” with the current Board’s interpretation of the governing documents regarding election terms. Respondent later acknowledged that the Board’s positions on election terms was correct and consist with the Association’s governing documents, but the result was not what he hoped it would be. Notwithstanding his knowledge of the Association’s government documents, Respondent still made a lengthy presentation, without factual basis, as the leader for a dissenting group on that issue. Although Respondent may deny animosity in the interest of public decorum, the history of the parties indicates otherwise.

On November 30, 2021, a homeowner reported a concerning speeding incident on White Columns Drive, that prompted Petitioner and the Board to contact the City and request a meeting to address speeding remediation alternatives. A copy of the letter is enclosed as **Exhibit C**.

After months of arduous efforts by the City’s professional staff, and members of the Board, the four radar-controlled speed signs were installed and, upon mutual collaboration with the City Attorney, a Cost Sharing Agreement (the “Agreement”) was drafted whereby the City would pay for half of the cost of procuring the signs. The Agreement was subsequently submitted to the Milton City Council for consideration.

The present action arises from the ethical violations committed by Respondent at the City Council Regular Meeting of May 2, 2022, regarding Agenda Item No. 22-152 for the “Approval of an Agreement between the City of Milton and White Columns Community Association, Inc. for Installation of Four Radar Feedback Signs” (the “Meeting”).

Respondent lives on White Columns Drive, where three of the subject signs were installed; stands to be financially affected by the installation and maintenance costs associated with installing the signs by way of assessments; is an activist on a homeowner group dissenting from Petitioner on several issues; and acts as dual representative of that groups’ views misusing his role as a public official. Pursuant to applicable ordinances, Respondent should have disclosed his conflict and abstained from participating in and voting on White Columns’ matters. It was violative of the ethics code for Respondent to steer the Meeting in favor of the removal of speed signs endangering the lives of constituents. Instead, the disclosure

of conflict and abstention should have been the initial step. A copy of the Meeting transcript is enclosed as **Exhibit D**. At the Meeting, other Milton City Council members proposed to approve the Agreement and let the residents vote the current Board out if they felt directors were not representative of the community. In response, Respondent said “well there's some more there's more history to that” giving the indication that he was willing to influence the Council to abandon a prudent stance on public safety, in favor his personal interest of not being inconvenienced by the signs on his street and maintaining his rapport with a dissenting group within the neighborhood.

In late 2021, Petitioner met with Milton Chief of Police Rich Austin who stated that speeding enforcement on White Columns Drive was particularly difficult due, primarily, to insufficient site lines to produce reliable speed readings on police devices. On December 7, 2021, Petitioner met with Respondent to discuss the issues expressed by law enforcement regarding speeding incidents on White Columns Drive. On December 17, 2021, Chief of Police Rich Austin, and Director of Public Works Sara Leaders, participated in a meeting with Petitioner and the Board of the White Columns Community Association, open to all White Columns residents. A true and correct copy of the December 17, 2021, minutes is enclosed as **Exhibit E**. The minutes memorialized the following:

Chief Austin stated that speeding issues in the White Columns area have increased considerably in the last couple of years. All City of Milton Police officers are responsible for traffic control, but the Milton Police Department has two officers solely dedicated to speed control in the neighboring areas. That traffic enforcement team will add three additional officers in 2022. As a challenge to enforce speed limits, Chief Austin stated that radar needs 500 ft to capture speed and the White Columns Drive not having many straight sections make it harder to read and estimate the driver's speed, when the approximate time window is two seconds. Chief Austin stated White Columns is in a "perfect storm" of traffic problems, based on the area and technical difficulties.

Respondent had knowledge of the challenges for law enforcement to produce accurate speed readings due to the shape on the road, and that it was a "perfect storm" for traffic problems. However, at the Milton City Council meeting, Respondent stated that his home was "right behind beyond the fourth sign" and he "he [didn't] see a speeding problem on [his] end of the neighborhood" but observed elevated speeds and other parts of the of the neighborhood. Subsequently, plainly comingling public business with HOA governance, Respondent stated "I think the past [White Columns] boards have said they're not convinced that can get 67%. That was a reasonable measure and to say that there's a powerful groundswell to have to make a change. I don't think we've reached that threshold." Then, ignoring the public safety implication of the signs, Respondent went on to remark that "the price point of the neighborhood as several people this evening said [is that the signs] are much more industrial than I ever would have imagined".

Respondent followed with a proposal to remove the signs, then to turn them off and finally to defer consideration of the cost share agreement. Consideration of aesthetics, HOA politics and personal convenience over public safety and supportive community opinion is the result of Respondent not abstaining from voting and not expressing his conflicted views on Agenda Item No. 22-152. Local ordinances and public policy mandate the abstention of Respondent on all White Columns matters and the call for a new vote on the proposal at the next scheduled Regular Meeting of the City Council.

### **CODE OF ETHICS VIOLATIONS**

This Board of Ethics (“Board”) has jurisdiction over this matter for purposes of making findings of fact, conclusions of law and disposition of this complaint pursuant to the City of Milton Municipal Code. Petitioner submits that Respondent has violated the following ordinances:

#### **1. Sec. 2-861. - Abstention to avoid conflicts of interest**

Respondent failed to announce his conflict and abstain from participating in the Meeting. The Code defines the conflict of interest as a direct or indirect pecuniary or material benefit accruing to a city official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city. The Respondent’s interest in rejecting the Agreement and installation of speed signs on White Columns Drive is not remote. Moreover, the proximate interest is



demonstrated by the Respondent's aforementioned biased and self-serving comments during the proceedings.

(c) In the event of a conflict of interest, the city official or employee shall announce his or her intent to abstain prior to the beginning of the discussion, debate, deliberation, or vote on the item, shall not participate in any way, and shall abstain from casting a vote.

(Ord. No. 10-09-76, art. 4, § 15, 9-20-2010)

## **2. Sec. 2-825- Code of ethics for municipal service generally**

This division codifies for local enforcement the ethical standards of O.C.G.A.

§ 45-10-1, stating in pertinent part:

Any person in city service shall:

(5) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

(6) Make no private promises of any kind binding upon the duties of office, since an employee has no private word that can be binding on public duty.

(Ord. No. 10-09-76, art. 2, §§ 1—10, 9-20-2010)

Upon information and belief, Respondent held himself as the representative of a certain view against speed signs at White Columns Drive and Treyburn Manor View implying a promise to represent a dissenting group, using his position as a

public officer to advocate and influence the Council to adopt the position shared by that likeminded group. By doing so, Respondent discriminated unfairly against Petitioner and residents of the White Columns Community Association by dispensing a special treatment to a certain group. The proper course would have been to abstain and allow the Council to proceed without a preconceived bias or conflict of interest, thus avoiding the present situation where the City has impinged on the White Columns Community Association's authority to make legally authorized decisions. Respondent has used his official position to employ the Council as the proxy vehicle to apply his personal preference on the subdivision.

### **3. Sec. 2-831- Code of ethics for city officials and department directors**

This division is intended to adopt and incorporate herein for local enforcement the ethical standards of O.C.G.A. § 45-10-3, stating:

(2) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration.

(8) Never engage in other conduct which is unbecoming to a member, or which constitutes a breach of public trust.

(9) Never take any official action with regard to any matter under circumstances in which he knows or should know that he has a direct or indirect monetary interest in the subject matter of such matter or in the outcome of such official action.

(Ord. No. 10-09-76, art. 3, §§ 1—9, 9-20-2010)

Due to the foregoing reasons, Respondent has breached the public trust.

**4. Sec. 2-848. - Conflict of interest transactions.**

This division of the Municipal Code prohibits transaction subject to conflicts of interests stating as follows:

(a) No city official or employee shall engage in any business or transaction or have a financial or other monetary interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties, except consistent with the disclosure and abstention provisions set forth herein. Additionally, no city official or employee shall vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has a financial interest.

(Ord. No. 10-09-76, art. 4, § 2, 9-20-2010)

On this ethical precept, Respondent has not only voted but has also submitted the motion to the council to defer the approval of the Agreement, and potential removal of the speed signs. Undeniably, Respondent has a financial interest in the outcome of the final determination of the Council relative to the installation and location of traffic signs. If the cost sharing agreement were approved, thus reducing the Association's expenses by \$6,800, assessments to each White Columns Community Association member, of which Respondent is one, are likely to be impacted. Failure to approve such a cost share may also have an impact on assessments paid by members of the White Columns Community Association.

While Respondent may claim that his opposition to the Project nullifies any conflict of pecuniary interest, the mere presence of the pecuniary interest is the basis for the conflict of interest and strict basis for abstaining from the Project's discussion and vote.

#### **5. Sec. 2-852. - Withholding of information**

Respondent has withheld from the Council and the community the fact that he advocates for a particular group within White Columns and has maintained that bias by encouraging the Council to compromise on their stance regarding traffic and speeding remediation.

No city official or employee shall knowingly withhold any information that would impair the proper decision making of the council or any of the city's boards, agencies, authorities, or departments.

(Ord. No. 10-09-76, art. 4, § 6, 9-20-2010)

#### **6. Sec. 2-855. - Political recrimination and activity**

Respondent has used his public office to aid the cause advocated by the group for which he speaks in White Columns and that it aligns with his personal interest, at the expense of public safety and protection of life and property.

(b) City officials and employees of the city are encouraged to exercise their right to vote, but no city official or employee shall make use of government time or equipment to aid a political candidate, party, or cause. No employee shall be hired, promoted, favored, or discriminated against with respect to employment because of his or her political opinions or affiliations.

(Ord. No. 10-09-76, art. 4, § 9, 9-20-2010)

## **7. Sec. 2-859. - Disclosure of interest**

Respondent has also failed to disclose his personal pecuniary interest in the Agenda Item proposed.

Any member of the council who has a financial or personal interest in any proposed legislation or action before the council shall immediately disclose publicly the nature and extent of such interest.

(Ord. No. 10-09-76, art. 4, § 13, 9-20-2010)

## **CITATIONS OF AUTHORITY**

### **I. The Intervention of Respondent on Matters Pretraining White Columns is Against the Public Officer's Duties as a Trustee of the State**

Respondent is a public officer by virtue of his position as a Council Member for the City of Milton and he has a pecuniary interest in the control and denial of the application for a cost share agreement, installation, and maintenance of radar-controlled speed signs on a street where he resides; as a result, a conflict of interest

exists. By submitting the approval of the Agreement and speeding remediation policies of the subdivision to his own office and having the ability to influence the vote of the Council, Respondent violated his duties as a trustee of the State under Art. I, Sec. II, Par. I of the Georgia Constitution.

The evidence supports the Petitioner's contention that there is a conflict of interest that warrants the Respondent's abstention from all proceedings related to the White Columns Community Association. The constitutional trust provision is applied when "a public officer had definitely benefitted financially (or definitely stood to benefit financially) as a result of simply performing their official duties."

*Ianicelli v. McNeely*, 272 Ga. 234(2), 527 S.E.2d 189 (2000). That is because:

All public officers, within whatever branch and at whatever level of our government, and whatever be their private vocations, are trustees of the people, and do accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from the discharge of their trusts. *Ianicelli*, supra.

Georgia courts have voided certain official acts as against public policy, even though the conflicted council member did not vote, exercise his influence in procuring members of the council to vote, and although it was free from fraud. Following the holding in *Mayor & C. of Macon v. Huff* 60 Ga. 221 (1878) - handed down in 1851- the courts of this State have reaffirmed this tenet: invalidity stems not

from the actuality of monetary loss to the public body, but from the very existence of the conflict of interest.

## **II. Georgia Law Renders Illegal a Vote on Conflicted Matters**

In addition to ordinances mandating the disclosure of conflict and subsequent abstention to vote on conflicted matters, the Georgia Constitution prohibits the type of conduct exhibited at the Meeting. Ga. Code Ann., § 36-30-6 states:

It is improper and illegal for a member of a municipal council to vote upon any question brought before the council in which he is personally interested.

In fact, a substantial body of case law has developed around the voidability of conflicted actions by public officials. See *Dunaway v. City of Marietta*, 251 Ga. 727, 308 S.E.2d 823 (1983) (conflict of interest requiring hearing to determine validity of rezoning decision when presiding officer of zoning board meeting was also corporate officer of applicant for re-zoning, even though presiding officer did not vote); *Wyman v. Popham*, 252 Ga. 247, 312 S.E.2d 795 (1984) (allegations of indirect financial interest on the part of two commissioners required hearing to determine validity of commissioners' vote); *Brooks v. City of Atlanta*, 254 Ga. 303, 328 S.E.2d 705 (1985) (ordinance authorizing city to transfer land invalidated when president of city council appeared to have undisclosed financial interest in consummation of transaction); *Vickers v. Coffee County*, 255 Ga. 659, 340 S.E.2d

585 (1986) (commissioners' selection among alternative tracts of land for sale to county invalidated because selection of a different site might affect adversely value of property owned by voting commissioner); *Columbus v. Board of Water Commissioners of Columbus*, 261 Ga. 219, 403 S.E.2d 791 (1991) (conflict of interest for city council member to serve on city board).

### **CONCLUSION**

Based on the foregoing, Petitioner respectfully requests this Complaint be served on the Respondent and the Ethics Panel conduct an expedited evidentiary hearing within 60 days of this submission directing Respondent to show cause as to why he should not be subject to disciplinary action under Sec. 2-892(2) and be directed to abstain from all matters pretraining to White Columns Community Association Inc.

/s/ Tony Palazzo  
Petitioner

[REDACTED]

[REDACTED]

Email: [REDACTED]

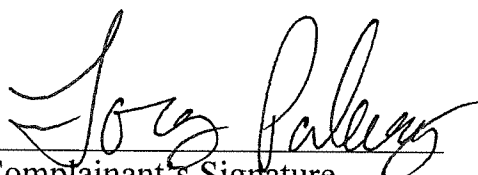
Tel. [REDACTED]



## AFFIDAVIT

I have read the ethics complaint and aver that the facts contained therein are true to the best of my knowledge and belief, and I am aware that the Ethics Ordinance authorizes the imposition of penalties against me for filing a frivolous complaint, including without limitation, payment of costs and attorney's fees associated with the handling and processing of the ethics complaint, and/or all other penalties applicable under the law.

Dated this 5<sup>th</sup> day of May, 2022.

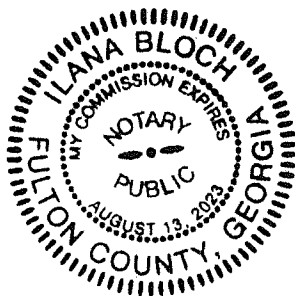
  
Complainant's Signature

NOTARY PUBLIC:

Sworn to and subscribed before me this

5<sup>th</sup> day of May, 2022.

(Notary Seal)



## **EXHIBIT A**

Dear White Columns Homeowners,

In a year where we are struggling to keep ourselves and our families safe from a pandemic, it is also a year where we have the nation politically divided. We were bombarded day in and day out with political attack ads on TV, on our phones and in our mailboxes. As longtime resident of White Columns it was with great dismay to find political style letters and 4 color mailers suddenly appearing in my mailbox from a small group of homeowners looking to take control of the HOA Board.

For purpose of transparency, none of us are on this letter are on the HOA board nor are we running for a board seat. That said, some of us have lived here for as long as 25 years. So it was very enlightening to learn from this group branding themselves the 'White Columns Live Happy' group (yes they even have a website) and is promising that if given control of the HOA they will improve all of our lives through "social events, good will, good value and good governance". And to think that for all these years we thought we were happy at White Columns, but we really were not, we just did not know it. We should be so grateful to this group for the enlightenment.

But maybe we should first consider whether it is in the HOA's 'job description' to provide social events for the community? We live in a country club community. Unlike other subdivisions that have their own clubhouse with community pool and tennis courts where these events are held, we do not have those facilities. We knew that when we moved here. Homeowners choose to join the Country Club, or they installed pool or tennis court and invite whomever they wanted to socialize with.

If the 'LIVE HAPPY' group wants to organize community gatherings, the HOA has numerous committees (a welcome committee, a finance committee, an architectural/modification committee) begging for volunteers so we are certain that these homeowners would be welcome to start the White Columns LIVE HAPPY Social Committee.

It is our understanding that this effort was kicked off at 'an invitation only meeting' held at the Manor Country Club on July 23. Invitations were sent 'only' to residents of the gated section. That 'private' event's intent was well planned and has morphed into this full fledge effort to assume control of the HOA board. By trying to push through a 'slate' for the whole HOA board they eliminate any challenges to their agenda, published or otherwise.

In the past, terms on the Board were staggered to preserve some continuity from one Board to the next. Also, seats were filled by individuals volunteering to do a thankless job and represent not just their section, but the community at large. As individuals, if they had an agenda, they had to convince the rest of the Board and the community of its merits. Electing a predetermine slate of 9 'LIVE HAPPY' participants who have already agreed upon their agenda in a secret meeting eliminates the concern about someone raising an objection. The value we have seen over the years of having individual candidates is the diversity of opinions from these community representatives.

The 'LIVE HAPPY' group has distributed information in the form of political style 4-color mailers, letters, emails, etc. to your email and 'snail' mail boxes All the material was very well done, as might be expected since one the participants is a political operative who has experience in running these types of campaigns. Haven't we had enough of this negative campaign stuff hitting us over the past year on the national, state, and local level? Do you think things are so bad at White Columns as to warrant this coup attempt and to drag this political vitriol down to a neighborhood level creating an issue where there hasn't been one for 2 dozen years?

Like any good politician there are promises of "no increase in assessments" which is an attempt by innuendo to imply that there is an impending increase in the assessments. Since the budgets may not be released before the election, this is a tactic used to sow unjustified assumptions.

We are also being promised "quick fixes" to our neighborhood needs and concerns. The implication is that the community is in disrepair, but they did not include any specifics about how the current HOA had not maintained the neighborhood. Please look around you and see if the current HOA has allowed everything or anything to fall into disrepair. In fact, it is in fact quite the opposite. The HOA actively monitors that the individual homeowners are maintaining the appearance of their property and actively manages the approval process for proposed changes and modifications. All this without becoming the overbearing HOA that we all see on TV shows or read about in real life. The last thing we all want is an HOA that micro-manages every aspect of our properties.

In conclusion, we are being asked to make a wholesale change to a Board that has been doing its job. Not always perfect and not always on the schedule of some disgruntled homeowners with their own agendas. But, like the rest of us, our Board consists of volunteers who also have jobs and families to attend to. Personally, we should all thank them for all they do.

Yours truly,  
Already Happy at White Columns  
Tracy & Jeff Artis  
Giles & Debbie Barton  
Sharon & Cliff Butler  
Mark & Suzanne Cassada  
Jim & Shelley Costello  
Kimberly Daly  
Mark & Jennifer Flores  
Joe & Suzanne Gaines  
Pam & Derek Giddings  
Robyn & Brian Henry  
Courtney & Kevin Hensley  
Jim Howard Amy & Ted Turner  
Trey & Tammie Hudson  
LeAnn Jasper  
Pat & Karen Keith

Julie Knapp  
Dave & Mary Leveille  
Mel & Tobi Levine  
Roger & Lainie Meirs  
Paul & Kathy Moore  
Mike & Darlene Pocza  
Kevin O'Sullivan  
Pam & Joe Scripture  
Suanne & Curt Smith  
Bob Sullivan

## **EXHIBIT B**

**From:** [Paul Moore](#)  
**To:** [Tony Palazzo](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Continuing issue with Adam Hollingsworth's temper  
**Date:** Tuesday, November 23, 2021 3:08:45 PM

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Hi Tony,

I wanted to take a minute to respond to some of the thoughts shared in the last 2 emails. I share Julia's concern about the way she and others were treated at the cul-de-sac meeting and I want to address my interaction with Adam after the Annual Meeting.

As you well know, being in a leadership role can oftentimes be hard. You, in many ways are the target for the good, the bad and the ugly. You have to own it as the leader, even when you were not necessarily the instigator of the issue. In this case, the Board has a bad actor that is creating a hostile situation that has to be taken seriously. The Board would like to have a pleasant and comfortable relationship with the community it serves and unfortunately that is being compromised by Adam. I am sure you were as uncomfortable as I was with the aggressive behavior at the cul-de-sac meeting by Adam toward several of the residents, most of whom were women. I sincerely hope the issue was addressed after the meeting as that kind of behavior cannot be tolerated. It was intended to intimidate the residents and I would not be surprised if it has a lasting effect of diminishing their engagement in the future...I believe the intended outcome.

Unfortunately the behavior was repeated after the Annual Meeting, although it was one on one with me. As you noted, I can handle myself in a difficult situation and that is why there was no mention of it when you and I spoke. However, the reason I have chosen to follow up is because although it was a one on one exchange between Adam and me, the exchange clearly caught the attention of others that witnessed the exchange. Because Adam was very animated and aggressive during the exchange, obviously it was egregious enough to where others who saw it felt like they needed to come to my defense and thus the follow up letter from Julia. She asked if she could share it and I agreed for the same reason I noted above. Although I found his aggressive behavior unacceptable, I find it even more egregious that once again, his behavior had an effect on others who witnessed the exchange that will likely diminish their future engagement with the Board if they know that every time someone offers an opinion that Adam doesn't agree with it will be met with an aggressive and inappropriate response. I am confident that is not something the Board wants as an outcome or should be willing to tolerate.

The conversation you and I had after the meeting, Tony, was respectful and productive. Although we don't agree on all the issues, we had a civil conversation, we both made our points without making a scene and we both left with things to think about. We didn't walk away feeling like we had to get the better of one another and we have set the stage for future, productive exchanges.

Please give the email from Julia and my follow up note serious consideration. I believe further action regarding Adam's behavior is in the best interest of the Board and more importantly in the best interest of the community.

Respectfully,  
Paul  
[REDACTED]

On Sun, Nov 21, 2021 at 8:27 AM Tony Palazzo [REDACTED] >  
wrote:

Hi Julia- I hope all is well with you and your family. I really appreciate your engagement and questions at the annual meeting. Everyone on the board enjoyed the interactions with our neighbors, both when we agree and when we disagree.

I cannot speak to any discussions between Paul and Adam. I am aware they spoke but was not part to their conversation. One would assume they are both used to difficult conversations given their long history in local and national politics. I consider Paul a friend and respect him very much as our local representative and soon to be neighbor at city hall. I spoke with Paul at length at the end of the night and not one word was mentioned of any concerns, inappropriate discussions or fears of interactions with board members. I am sure that Paul would have mentioned something to me had he been intimidated in a discussion with a board member.

Neighborly respect is something we need more across all parts of White Columns. It is our goal to honor all questions and comments even when we disagree. We will do our best as a board to ensure that occurs in all our interactions with our neighbors. To the extent that doesn't happen, I apologize and will strive to do better.

It is my hope that our neighbors that disagree with us on issues will strive to do the same. It hurts my heart to see comments on Facebook such as, "Hopefully residents will realize soon what kind of Board they have elected". I agree with you entirely that we should be able to disagree calmly and without the risk of defamation by our neighbors in a public domain or in person.

I will make sure everyone on the board does everything in their power to remain calm and respectful in all interactions with our neighbors.

If I don't talk with you have a great Thanksgiving.

Thank You,  
Tony

-----Original Message-----

From: [REDACTED]  
Sent: Friday, November 19, 2021 4:23 PM  
To: [REDACTED] Tony Palazzo  
[REDACTED] >  
Cc: Paul Moore [REDACTED]  
[REDACTED]  
Subject: Continuing issue with Adam Hollingsworth's temper

Dear Melissa and Tony,

I felt I needed to follow up my previous email to you about Adam Hollingsworth's behavior toward residents of White Columns. It seems apparent to me you tried to minimize the chance of a reoccurrence of the ugly scene he caused at the cul de sac meeting by giving him



a nonspeaking role at the annual meeting the other night.

However, that precaution alone was not sufficient to keep him from verbally accosting a resident after the meeting ended. He approached Paul Moore and was visibly irate. He then attempted to bully him into changing his position (on the one or two year terms) brought up during the meeting. Paul is a very level headed and calm individual, used to defusing heated debates. He refused to take the bait and argue with him.

Imagine the possible outcome if Adam had done this to a different resident, one not so level headed, perhaps one with a temper as volatile as his own...

Right now you have evidence that Adam's temper cannot and will not be curbed when he is faced with someone who does not agree with him. If you do not take steps to remove him from the Board, you will share in the liability for any future incidents caused by his bullying behavior.

You may speak to Paul [REDACTED] as he gave me permission to address this with you. But I speak as a woman who had a finger pointed in her face in seething anger. Paul may have felt safe in a confrontation with this man. The three women who experienced his temper at the cul de sac meeting don't feel the same. I see red flags that his temper may lead to a physical altercation someday when it's not a woman or a city councilman he's berating.

I really do appreciate your calm and respectful manner of speaking with residents, even when opinions or beliefs don't mesh. I barely felt safe speaking up and questioning anything the other night. I breathed a sigh of relief when my question wasn't treated as a personal attack. (Please see the tone of the 9-page written response Adam emailed me about the dam grant for evidence this isn't always the case.) This is not how interactions with your HOA are supposed to feel. It's toxic and feels threatening.

Thank you,

[REDACTED]

Cc: Paul Moore [REDACTED]

Sent from my iPad

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Paul B. Moore [REDACTED]

## **EXHIBIT C**

**WHITE COLUMNS**  
COMMUNITY ASSOCIATION

December 1, 2021

The Honorable Paul Moore  
Mr. Steven Krokoff  
Ms. Sara Leaders  
Chief Rich Austin  
City of Milton  
2006 Heritage Walk  
Milton, GA 30004

Dear Councilman Moore, Mr. Krokoff, Ms. Leaders and Chief Austin:

Speeding and unsafe roadway conditions seem to be getting worse not better in White Columns. While we are grateful for the efforts you have undertaken with our Board to date, it is clear more must be done to ensure the safety of our community.

On April 16, 2021, we shared an email with Mr. Krokoff that we received from a White Columns resident. It read in part, *"This is a safety issue and needs to be managed before someone gets hurt."*

On May 11, we had an opportunity to meet with Mr. Krokoff, Ms. Leaders and Chief Austin. That resulted in increased enforcement efforts on White Columns Drive.

On July 2, our Association requested of the City a warrant study for new stop signs in the golf section of White Columns.

Members of our Board met with Ms. Leaders on September 28, to capture the data necessary for the stop sign warrants and to identify locations for new radar-controlled speed limit signs.

At Association expense, we purchased four radar-controlled speed limit signs for installation in the golf section of White Columns, as well as front entrance cameras. While we know this is not a cure-all, it does reflect an immediate investment we could make as additional solutions are identified.

Deep concerns were expressed by residents about speeding and unsafe road conditions at community meetings on October 24 and November 17.

Then, yesterday, a White Columns resident posted on our Association Facebook a message which is serious and deeply concerning. That message read in part:



*"Tonight, Tuesday November 30, 2021, at 4:45 p.m., my husband and I were taking our puppy for a walk. We live at 170 White Columns Dr on the main drag just after the curve on the way out of the golf section. As we were heading down our driveway, a white Lexus SUV came up the hill speeding on the wrong side of the street, proceeded to over correct and hit our mailbox and keep going. There was a mother walking her dog with a small boy and girl strapped to her chest going up the hill who could have been hit. In the next 5 minutes another car driving towards the [White Columns Country] Club swiped the curve, because another car came up the hill and almost hit them head on because he was going to fast and was on the wrong side of the road. Lastly, we had to yell at a man in an Audi SUV for driving way to fast up the hill. All this happened before we got from our house to the lake! WE HAVE A SERIOUS PROBLEM that will not be solved with flashing speeding signs."*

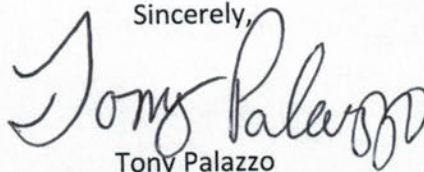
These pervasive safety concerns cannot continue, and we need your help. To that end, we are requesting the following:

1. That the four of you convene a town hall meeting for White Columns residents to listen to concerns and help identify new and sustained solutions to improve roadway safety in our community. We are glad to publicize the meeting and, based on resident input, help gain consensus around new solutions so the City can be assured that the time and resources you invest will have a productive end.
2. To further increase roadway safety enforcement within White Columns by the Milton Police Department.
3. To advise residents on how to engage police when they witness speeding and reckless driving.
4. To share with us all records of calls for service on White Columns Drive the last five (5) years involving speeding, reckless driving and/or motorist-caused property damage.
5. To finalize the results of the stop sign warrant study based on the measurements taken on September 28.
6. To assist us in identifying the final locations for the four radar-controlled speed signs purchased by the Association so they can be installed before the end of the year.

We know you share our concern about these issues. We are grateful for the time each of you have taken to work with us on these issues. However, the seriousness of the degradation in roadway safety in White Columns is accelerating. More must be done and quickly.

Please let me know how best to proceed.

Sincerely,



Tony Palazzo  
President

White Columns Community Association

## **EXHIBIT D**

# City Council Meeting 05\_02\_2022

Mon, 5/2 6:20PM – White Columns Discussion Section

## SUMMARY KEYWORDS

signs, hoa, community, city, neighborhood, columns, speed, residents, board, traffic calming, speeding, white, question, measures, milton, agreement, traffic, council, decision, vote

## SPEAKERS

Paul Moore, Jan Jacobus, Dana Dudley, Suzanne Gaines, City Clerk, Bert Blakckburn, David Lavelle, Karen Kemper, Peyton Jamison, Mke Upton, Rick Mohrig, Courtney Hensley, Sarah Leaders, Ken Jarrard - City Attorney, Tony Palazzo, Capitan Barstow, Carol Cookerly, Steve Krokoff

### City Clerk 24:15

Mayor. That item is approval of an agreement between the city of Milton and white columns Community Association for installation of for radar feedback signs. Its Agenda Item Number 22 152. Miss Sarah leaders

### Sarah Leaders 24:51

Good evening mayor and council. So this is a agreement that we're proposing between the city and white columns related to a right of entry and indemnity The maintenance and a cost share agreement for radar feedback signs in the neighborhood. I want to start with quickly going over the city's role in our traffic calming program. First thing we do is determine the eligibility for city funds. And our ordinance sets established as if more than 50% of the vehicles identified with traffic counts are going over the posted speed limit. That's one of the eligibility requirements for traffic calming funding, we look at applications and process them on a first come first served basis. And those can be prioritized if needed based on available funding in the traffic calming program. We look and develop and discuss concepts with the applicant, which is usually the HOA of a neighborhood. We approve the plans for the final measures, determine base costs using city procurement procedures. And then we either bid and construct or permit the installations. This slide shows some of the historic traffic calming measures that have been installed. The first category is where there was the city cost sharing for those measures and they were installed by the city. It's a 5050 cost share on the what we consider a basic measure. So that's a list of the neighborhoods and the types of devices under the first bullet. The next bullet is some neighborhoods that have both funded and installed the measures with their own own funds. And those simply required a right of way permit to install those and then an indemnity and maintenance agreement that was recorded between the city and the HOA. And so we've had two examples of neighborhoods that have had gone that route. And then what we're talking about tonight is the proposed white columns agreement, which is somewhat of a combination of these, it would be a city cost share based on the bid amount for a basic sign. But the HOA would pay for any upgrades, they would install, indemnify and maintain the measures. And these, again, are related to core radar feedback signs. These are the components of the agreement. And I'll go through each one of these.

First of all the right of entry. So we issue a radical encroachment permit would actually which actually allows the installation of the signs. And this is something that can be done with or without the agreement with our standard right away permit. spells out these conditions it's allow allows the work and installation in the right of way, it covers general safety requirements, utility coordination and restoring any damages. So the right of way encroachment permit has been has been issued for the signs and like I said it was it can run separate than the agreement. The right of entry terms in the agreement are related to the future maintenance and access to enter the right of way to again keep up with the signs and maintain them. These bullets cover the indemnification and maintenance components of the agreement. So first of all, it covers that the private improvements will be installed in the city right of way and that the city's indemnified and held harmless related to public improvements. If there's any damage to underground city infrastructure, or curb anything to that effect sidewalk, it would cover the repair and replacement of those public improvements includes a maintenance obligation, again, the HOA would would maintain the signs and been be given access to the right of way to enter to maintain them. And the duration is set to that it will remain in full force until the private improvements are removed. So a little bit of information about the signs. The picture on the top right is our standard what we're calling our base radar sign. We've recently installed, I believe, 10 of these throughout the city. So that's where we got the cost for the base sign. And then the the sign in the more in the middle is the example of what's being proposed and white columns. So this shows the, again the cost for that was bid as we purchased those 10 signs and then the eligible 50% of the in the space installation comes to a total for the for signs of \$6,853. There's also a data sharing component of the agreement that allows within 30 days notice that the HOA would make any speed or date time information collect By the sign available to the city this just shows that the agreement is governed by these walls that spell out the information on signage as well as our code related to traffic calming. So in conclusion, the future considerations based on the ordinance the white columns, Hoa does comply with Section 48 to 63 A, which again, like I said at the beginning requires that half of the vehicles are exceeding the speed limit to qualify for funding under the traffic calming program. Legal has performed a review of the covenants and has determined that the HOA complies with section 48 to 58 A of the code that they may act on behalf of the neighborhood. And the installation may proceed without a petition of all the homeowners. And lastly, that they could consider future traffic coming in the future. This agreement is only related to the radar signs, they could choose to go the route of a bid and installation by the city. So if they're considering speed tables, that could be something that the city would bid and get cost on. And then there could be a similar agreement if there was another HOA proposed installation of traffic coming. That's the presentation.

**Peyton Jamison 31:29**

Thank you. For we ask questions. Is he okay with public comment now?

**City Clerk 31:36**

Mayor, thank you. We do have public comment. And I'll have a section that I'll read into the they're here in attendance if they would like their comments read so I'll first start with support and opposition and then I have public comment who will come to the podium and the same support and then opposition. Our first commenter is Mel Levine at 890 Hampton bluff Dr. Milton and that's it he is wants to state that he is in support of this item. Our next is Mary laville. She is an opposition she's at 15400 white columns drive. I do not think the board represented the neighborhood as a whole by proper communication and



resolution. It does not complement our investment as homeowners and nobody wants to see anyone hurt but I do not think the ridiculous scale of speed monitor is going to ensure that either Peter Gillean at 15420 guy and I believe is it's not same 15420 Why combs drive and opposition signs do not sit fit well with the neighborhood. Other signs should be removed. Jim Howard at 420 Highlands Manor is in opposition white column speed funds are not in keeping with the standards of the neighborhood. All all posted signs are black, not polished steel and should not should be removed. They are an eyesore and should not have been installed in the first place. Denise Upton is in opposition. These large permanent obtrusive speed meters are number one not wanted by every neighbor I've spoken to number two were installed without informing or getting consent of the affected homeowners. Two of the four are between houses. And number three are not in keeping with the neighborhood's aesthetics. Any mess Meza I believe is the last thing 15305 white columns drive in opposition. Question data collected speeding beyond club entrance and placement of signs and non decorative appearance are the same as used on highways observed on it five south and George's 316 Let me just make sure on what college I'm in active discussion with longtime residents who reside around and beyond for thought, I'm sorry, I'm having or sign in, rear section and sound placement of all unnecessary especially based on large price tag, but that homeowner vote, appearance and blessing and belief of necessity. And the final one that I'll read is from Kelly math Calusa at 15410 white columns drive in opposition. We have lived in white columns since 2012. And we are extremely upset that white columns HOA has chosen to add these bulky unsightly speeding signs in our neighborhood, in particular in immediate sight from the front of our home. I would like to call Tony Palazzo to the podium please.

**Tony Palazzo 34:56**

Good evening, city council I know many of you so I'm I have a met. Appreciate you having me here today. I'm here to speak on behalf of the white columns Community Association. One, I want to thank everyone here for everything you've done for the city, and very, very appreciative

**Peyton Jamison 35:16**

Tony real quick can you say your address, please.

**Tony Palazzo 35:19**

Sorry, 1505 Muirfield Cove, Milton 30004. So they are very appreciative of everything the City Council has done, I'm convinced the city of Milan wouldn't be where it is today, without a lot of the difficult decisions that happen here. So very, very grateful for everybody service, I shot a email over to the City Council today. The board of white columns, Community Association, has a fiduciary duty, and we wanted to focus on some very important things. And one of the most important things to us is safety. And I think as the city has focused on well to the speeding and safety, we wanted to focus on that, because that's what we were told, was a very, very important issue within the neighborhood, and it's something that we strongly believe in. So what we have in white columns is four separate neighborhoods, for those of you don't know for 34 houses, there's two neighborhoods with approximately 40 homes. The goal section, which is what we're here today is 220 houses and gated white columns about 130. So we're here really addressing the goal section of white columns. So there's been a significant speeding problem and white columns for a very long time, I would argue it's one of the most spent on residential streets in the city of Milton. So I think the first question the council member may ask themselves is why that is. And it's my opinion, that's driven by the fact that there's a



very large for profit business. And the center of the neighborhood that serves a significant number of people, which is the club core by columns Golf Club has over 1000 members. Typical day, there's a significant amount of coming and going from the club. So that alone makes the white column situation unique to any other neighborhood with a Milton. The other things that have happened over a very long period of time is speeding is sort of addressed within the community, but nothing ever really seemed to happen. And so what we decided, as an association and as a board was safety of children safety of residents addressing an issue that seems to be getting worse, and based on the data the city provided has gotten significantly worse. We wanted to take steps to address it. And so I think I heard Sarah say that neighborhoods qualify for financial support if 50% or more of the readings and speed study are speeding. Well, the good news and white column the number is 98%. So why columns drive eastbound off of Friedman Ville road 98% of the readings in the last feet study exceeded this exceeded the speed limit, the 85th percentile speed, which for those that aren't traffic experts, which I'm not, I had to figure out what that meant, means 15% of the readings are above that number. The other thing the 85th percentile speed is is where a city normally set sets a speed limit. So for white columns, depending on which traffic measure you look at the numbers are alarming. 85th percentile white columns drive westbound. So going to the clubs 44 miles an hour. So if you think about that for a second 44 miles an hour 85th percentile, that means 15% of the readings on the day they did this piece study were higher than 44 miles an hour, which is extremely scary. Second, something that was very eye opening to me is why do we want to reduce speeds in the neighborhood, safety all these large, different things we can focus on but something that came to mind is infant.

**City Clerk** 38:59

One minute remains,

**Tony Palazzo** 39:00

thank you, is a child fatalities. So there's a ton of research available online about the speed at which a youth or child is struck by a car and their probability of surviving. So those numbers are fairly dramatic and change very quickly with the speed at which the car is traveling. So under 25 miles an hour child has 5% chance of dying over 35 miles an hour, that probability goes to 15. And once you get into the mid 40s, it's over 50%. So our main focus as a neighborhood as a board is to try to bring down these speeds which are extremely alarming. And that's this was the first step hopefully in many in order to do that. So I'm here to answer any questions that council may have. And I'm just very grateful and appreciative for your time and the thought you put into this matter.

**Peyton Jamison** 39:55

Thank you can you please call the next speaker

**City Clerk** 39:59

I'd like to invite Dana Dudley to the podium please. Mike Upton would you like to come to the podium please?

**Mke Upton** 40:40

Mike Upton, 15, three, seven white columns drive built in Georgia. Just a little bit of background I'm not going to argue about the cost it works out to be \$30 per family which is no big deal with even if you

don't do it, do appreciate it but it's not gonna make or break anybody. The just wanna give you a little bit background, I was on the board seven and a half years six and a half I was president. We have always had a speeding problem. Number one, our speed limits are 25 miles an hour. I defy you to find any place in Atlanta where people generally drive 25 miles an hour or less. As a matter of fact, your own police departments for me and more than one occasion that they want to excite anybody less or do it over 35 that your streets your speed limit. Occasionally, but seldom see police officers out there. Matter of fact, the biggest offenders I live on my columns now they have for 21 years. The biggest offenders by far are the FedEx trucks, UPS. And most importantly, the school buses are the worst speeders out there. I think the signs are hideous. I don't think they fit our neighborhood. I would take exception to where they're placed. Our biggest. We went through this twice, by the way we did surveys and all that stuff. Nobody likes any of the measures. Okay. And what I was gonna say it that lost my train of thought, Oh, my biggest problem from my perspective is the club that was referenced his white columns Country Club, it is no secret. Okay, your police department knows. When you exit the club to go back out of her Freeman belt road, you're facing the back of the signs, right? I biggest safety problems, people leaving the club about half drunk. Thank you could probably make your monthly budget by this steak on a Saturday or Sunday afternoon. Plus, when the pool opens, people are out there drinking all day long. Okay. So I personally am all for safety. We've tried it before. Education doesn't work as a joke. A lot of people in that community lawn services. As drivers, what have you, everybody seems to use a different pest control service. I said, school buses are the worst offender. So we tried that one once. We debated endlessly about what we could do. The most effective and cost effective approach is speed bumps. Sarah calls them something different, but their speed bumps. They work everybody hates. My question I like clarification on is when I was on the board. It's my understanding that communities that have mandatory HOAs board has ultimate authority can do whatever it wants to. From a traffic calming standpoint, as long as it's in accordance with city rules, whatever is not mandatory 67% of the affected homeowners need to approve it. I like to know what the current rule is? Because I'm not sure 67% of homeowners off community based on my prior experience. I haven't seen any recent surveys. I wasn't surveyed personally. Neither was my wife. I just like got to know what the rules are going forward. Your ordinances so the question is that homeowners have any input other than elect board members who served for two years? That's my question. Is this not new issue? Everybody's for safety community, I think started selling houses or you might remember like 9093 or something like that. We've never had an accident. That means I have homeowners insurance on my home. monkeying around a fire. But it's not like this has gotten dramatically worse. I moved into white columns I realized in two or three weeks, people don't drive 25 miles an hour. So again, the community it's not easy always to, to stay under 25. So that's my want to make sure you understand this not a big deal. And I'd like to hear what the rules are. But this stuff, thank you. Thank you,

**City Clerk** 45:31

Dana Dudey, I invite you to the podium.

**Dana Dudley** 45:37

Thank you. Good evening, everyone. My name is Dana Williams Dudley. I live at 590 Glen Hampton, Dr. Milton 30004. I live I've lived in the golf section of white columns for 14 years. I served on the white comps board of directors from 2014 through 2020, and also served as president from mid 2016 to

August of 2020. Since my time on the board, and prior to this time, traffic calming measures have been discussed with the city of Milton. I'm grateful for the time that many City representatives have spent with us over the years to discuss the speeding and white columns, and also to address possible measures that can be taken. And Sarah, thank you so much for your time over the years. There were two traffic studies conducted during my time on the board in 2016 and again in 2019. Based on the results of the 2016 study, in August of 2017, I submitted an application for the community to be considered for the city's traffic calming program. We were approved to participate at the time, and as recently as 2019. We discussed the the addition of speed tables and the possible placement of additional stop signs if warranted. The city developed aerial maps which showed potential locations of speed tables. In response to a question from the city about whether the board of directors had authority to make direct decisions on behalf of the members of the association. In February of 2019. I sent white columns governing documents over to the city to show that the Board did in fact have authority. Despite alerting white comms residents about plans via emailed Hart beam up via hardcopy letters of annual reports and email messages. Many residents still complained that they were unaware of the proposed traffic calming options. Because of residents concerns raised to the city and to the board in March 2019. We were told by the city that we may want to proceed with a vote to ensure that there was 67% approval from impacted residents. At the time, the city did not want to proceed because of perceived unrest within the community. In a white cones meeting held in April of 2019. Residents were very outspoken and demanded that they have the right to vote on what they consider to be extreme measures that would alter the appearance of the neighborhood and potentially adversely impact home values. Base based on based upon the extent of the complaints and past outcome of voting on the same issue, the board opted not to proceed with a vote because we felt that it would not pass at that time. Instead, we continued with mesh messaging about adhering to posted speed limits throughout the community. The boards of directors and y columns have always had the same level level of authority regarding decision making on behalf of the residents. And while this is a mandatory HOA based on prior communications and guidance from the city, even in instances where HOA boards of directors may act on behalf of residents. The city also has a policy of taking into account wide community support for these types of projects in their February 20 in their February 18 2020 minutes under the category of ad hoc speeding committee, the current Board of Directors included the following excerpt one minute Mr. Barnes reported that the ad hoc speeding committee was successful in conducting meetings with the city of Milton about speeding remediation measures in the golf section, and that all available initiatives are being discussed with the committee members and golf residents at large. Please be aware of that The day these measures have not been presented to golf residents at large. While there's information about the proposed radar signs and a couple of email communications, and in documents posted to our property management property management companies website, there have been no meetings to discuss options with the residents. I'm aware that the board committed the current board conducted two opinion surveys but the results have not been presented to residents either. In fact, I've spoken with residents who've never received a hot or copy. I am in favor of traffic calming, but please, I ask that you listen to the community members and seek their opinion about this subject. Thank you for your time and consideration.

**Peyton Jamison** 50:48

Thank you.

**City Clerk 50:50**

I'd like to invite Karen Kemper to the podium please.

**Karen Kemper 51:05**

Good evening. My name is Karen Kemper and I have lived at 15 315 White Collins drive in Milton, Georgia for 21 years. I would like to express my concerns related to the proposed reimbursement of costs for the for radar signs that the HOA already purchased and installed. It is my understanding that the city told prior HOA boards that they would need approval by 67% of the residents to indicate why community support there has never been a community vote on traffic calming solutions. This past December, the HOA sent a letter to the city, which requested a committee a meeting with the city and white columns residents were neighbors concerns could be heard and solutions presented to improve track traffic conditions in our neighborhood. When this meeting was requested, the HOA had already purchased for radar signs without gaining neighborhood consensus. The HOA then installed the signs without any neighborhood consensus and without a town hall meeting between residents and the city. The HOA purchased these four signs with the original plan location for the fourth sign on Traver Manor view based on traffic studies. The fourth sign has actually been stalled in front of my house. This is approximately three quarters of a mile in the back of the neighborhood. And about a quarter of a mile past the club entrance. Traffic for only 28 homes passes this traffic calming sign. I'm not aware of any notification by the HOA to the community about this change in placement. Prior to the initial installation on March 17. On March 18, I spoke with Ronnie motes of the Public Works Department because the installer did not have the permit with them. During our conversation. He mentioned that wait column streets only accommodated three radar signs. But since the HOA already had purchased for this 12 foot high unnecessary radar sign with a solar panel on top wound up in a default location in front of our house. Again, the community was not made aware of the location of this extra sign until installation began is the city aware of that this fourth sign was placed on the far side of the sidewalk instead of in the right of way strip like the other three signs. For whatever reason, this sign is the only radar sign that I have ever seen on a city street. That is that that is on the far side of the sidewalk. The setting the sign so far from the curb, create a potential safety hazard for drivers and families. Not only is this particular sign approximately eight and a half feet from the curb, it is one of two signs and white columns placed on the left hand side of the street. This sign in front of our house draws the driver's eyes away from the road to the left past any oncoming traffic. Then an additional eight and a half feet past the curb, past the sidewalk and any walkers, runners etc. And then up 12 feet all while navigating a curve. I have not seen any traffic calming signs around Milton or anywhere else that are placed on the left hand side of the street, let alone in this manner, displacing the sign on the left hand side of a city street plus another eight and a half feet past the curb create a potential safety hazard for drivers and their families. It is my understanding that the city ordinance section 48 Dash 237 states that traffic calming devices can only be supported on residential streets with a minimum average daily traffic count of 401 Minute. A 2016 traffic study indicates an average daily count of 277 vehicles in a location on white columns drive past the club and before the intersection of Traver and Manor drive, which was shown on the slide presented by Miss leaders. The fourth sign is located behind this intersection where there is presumably even less traffic. An updated traffic study in 2019 does not even appear to address this location. The radar sign on Traver Manor view is near a 2019 traffic study location that had an average daily count of 396, which barely meets criteria established by the city. Lastly, is the city aware that none of the four radar signs are in locations which address and alert drivers leaving the club along white

columns drive where there is substantially more traffic? I am in favor of traffic calming in white columns. But any proposed plans need community wide support. Thank you for your time this evening.

**Peyton Jamison** 56:13

Thank you.

**City Clerk** 56:15

I'd like to invite Courtney Hensley, to the podium, please.

**Courtney Hensley** 56:24

Good evening. My name is Courtney Hensley. And I live at 15 340. White columns drive. I have been a resident of white columns for 22 years, maybe longer than most people in this room. And the interesting thing is in that 22 years, I've never been here before. I've never felt like the need to be here. But I am here tonight. So I hope that you can see that and the support behind me that there is a reason that we are all here. For 20 years, the HOA board did an amazing job. There were never any issues. It's an it's a job that many people don't get a lot of praise for. But they did a great job because nobody was unsettled by it. When the current board took over in 2020. There was unfortunately there's been a lot of unrest. I am not against traffic calming measures. The police presence, for example has been wonderful, and from what I've heard has made a very big impact and has been very successful in the neighborhood. However, I do oppose the current speed signs and any further measures without community wide awareness. There also needs to be full disclosure of information along with resident approval. The reason speed signs look like they belong in an industrial zone or beautiful community is becoming an eyesore. Even if the current Hoa is allowed to make these types of decisions without input. Why would they? Aren't they supposed to be stewards of the majority? I'm curious how an HOA borough board would not want to fully hear all sides from all residents. The signs are 12 feet tall, twice as large as those on Freeman Ville. Two are on the opposite side of the road and one is placed at the back of the neighborhood toward a dead end with only 28 homes behind it. Additionally, not one of the four signs installed addresses the biggest speeding issue in our community, which are drivers leaving the club towards Freeman Ville road. And while the signs have a data share component, it won't necessarily be valid. There are teens trying to beat their daily numbers. As I've already heard this is happening which I believe why police presence is so important. The current board did not engage the community in a true conversation about this subject. The only in person meeting the HOA has allowed since they took over was in 1117 1921 or 2021 annual meeting. In that meeting, speeding was discussed and it was stated that more information would be gathered and that residence would be kept informed before any decisions were made. That didn't happen. There was no meeting to discuss options. There was obviously no vote, there was nothing during the most recent HOA call and board meeting which for the record, they only allow residents on listen only mode. A member of the board stated they received an approximate 30% response rate on a race recent survey and I use that very loosely. If you divide that total by the number of homes and all four sections, which is 434. That is 134 responses from all of white columns. So if you do average math is a very small percentage from the Gulf section who answered and have that small number, an even smaller number who stated that traffic was the number one issue. No results were provided or shared with residents. I've heard from many neighbors who never even recently received a survey. How can something so casually distributed be used for making such important decisions on behalf of 227 Golf section residents. Our community

needs to be brought together to discuss what if any options are being considered and proper fair decisions need to be taking place before anything is done. Even if a vote isn't required is the right thing to do. Thank you for your time.

**Peyton Jamison** 1:00:14

Thank you.

**City Clerk** 1:00:17

I'd like to invite Suzanne Gaines to the podium please.

**Suzanne Gaines** 1:00:26

Good evening, I am Suzanne Gaines and I live at 540 Traver and view Milton Georgia 3004. I am a resident of white columns Golf I have lived here for nine years, we bought our home and white columns for its bucolic setting. I now feel that our neighborhood has an industrial edge to it with the newly installed speed signs. I understand the concern to address speeding in our neighborhood. However, I disagree with the process the HOA board decided to follow through with we now have 412 12 foot silver poles with flashing lights and solar panels installed. This decision was from results of a survey than less than 30% of the residents of 434 homes completed showing speed as a concern. We were told at the November 2021 homeowners meeting that a committee would be formed to address the speeding in the neighborhood. In February 18 2022. The H O meeting show that Mr. Barnes reported that the ad hoc speed speeding committee was successfully conducting meetings with the city of Milton about speeding remediation measures in the golf section. And that all available initiatives were being discussed with the committee members and golf residents at large. It never was done. As a golf resident, I have never been notified of the initiatives that the committee was discussing. We are all here is concerned homeowners. I'm asking the city to allow the residents to have a voice in the measures that are being taken to keep our neighborhoods safe.

**Peyton Jamison** 1:02:09

Thank you.

**City Clerk** 1:02:10

Thank you. Our final comment I would like to invite David Lavelle to the podium, please.

**David Lavelle** 1:02:22

Thank you, David Lavelle, 15 400. White columns drive. We've lived there for 12 years now. I'll try not to be repetitive. I'm here in opposition of the enormous signs. I feel like this has been an autocratic decision made by a homeowner's association without any input from the people who live in the golf community. remind all of you that there are four white columns, communities, and many of the board members live outside of the golf community. So it may not affect them for these signs to be in our section. When the signs went up, I sent an email out to the homeowners association board and ask them questions. And I just like to read some of the responses to the questions because I don't want to misspeak. So in response to question the association's purchase of the new radar controlled signs were included in community wide emails in September, on September 6, October 10 and December 21 of 2021, as well as in the February 15 2022 community wide email. So that speaks to the purchase of



the sides later. They comment in addition, while individual votes on every matter facing the association cannot, as a practical matter be taken by every resident. We do want to make sure we are both communicating and listening well, which obviously that didn't happen. In order to gauge community opinion. We did circulate a resident survey as part of our February 15 2022 Community email. So in other words, they surveyed us after repeatedly telling us that they already purchased the equipment. Among golf residents 50% said speeding and road safety is extremely or very important. Another 28% said the issue is somewhat important. In the same survey, radar controlled speed signs ranked third behind increased community education and increased speed controls by Milton police. So in other words, it was the third recognized priority to the board. However, we purchased the size. So it just feels like this decision has been made without any consideration for those who are impacted the most by it. Thank you.

**Peyton Jamison 1:05:16**

Thank you.

**City Clerk 1:05:17**

That concludes public comment.

**Peyton Jamison 1:05:19**

Okay, fine. We'll close public comment and open up for council questions and discussion. Can I have one question or two questions really quick. One is what is the legal authority of HOA has now what what exactly are they requesting?

**Ken Jarrard - City Attorney 1:05:40**

Well, let me start from the beginning. First of all, we're talking about city of Milton right away. So we have the authority to set up systems in place that will help stakeholders and constituents approach the city to ask for certain things to do within our right of way remember, something of like right away abandonment, etc. We have capabilities for private groups, etc, to come and make these requests to us. Not unlike what we're seeing here, we have an ordinance, and we have an attendant policy. The ordinance and the policy both contemplated in situations where you have a mandatory HOA that is otherwise task to act on behalf of the HOA, eventualities, they have the right to do that and to bypass the petition requirement. And so our office did, in fact, look at the covenants as well as what white columns HOA had the authority to do, and concurred that they do, in fact, have the authority under our policy and our code to make this request. That is not binding on the city of Milton, it is a part of our process that we put in place to bring these issues to you. But you're confronted now with both an encroachment permit or encroachment on the city right of way as well as an agreement, implicating cost share. Those are discretionary. So you certainly have the right to do this, because you've put in place a system that allows it to get to this point. And it is my belief that every one has acted appropriately. From a legal standpoint, that's why it's in front of you, if they had not done things appropriately would never have gotten here. But here it is. So within the confines of that the the the contract itself is appropriate. I believe it was drafted by my office, I believe it is consistent with the ordinance that contemplates a 5050 share. And if sort of a base traffic calming system with 100%, for any overruns are what are considered to be enhanced, traffic calming measures. But this is to the council now. You've you've heard the public feedback and the public participation and all the various

concerns both pro and con, you have in front of you in agreement that you have every right to adopt this evening. But you also have some things to think about. Because at the end of the day, this is a council decision. And you have the right to heartily say yes, I have the right to say no. And you would even in fact, I believe I heard some speaker saying that you had asked previously or there had been some discussion about going back and notwithstanding that the HOA had made these affirmations on behalf of its community that you still wanted to get certain percentages of the community to be in favor, you would have that authority as well. Although I would respectfully suggest to you we have an ordinance and a policy that contemplates that an HOA has the right to infect. And we believe they are speaking appropriately, at least under the law in this case.

**Peyton Jamison 1:08:41**

Thank you. Carol.

**Carol Cookerly 1:08:43**

So let me net it out this way we have the opportunity or the responsibility to either support the HOA or to overrule the HOA.

**Ken Jarrard - City Attorney 1:08:53**

That is a fair characterization of it. Yes.

**Paul Moore 1:08:58**

Ken I think this is a question for you? I think there are two things for us with the agreement. One is the cost sharing. And the second part is permission from the city to place these signs in the right away and my correct on those two things.

**Ken Jarrard - City Attorney 1:09:15**

Right. One of them of course is the approval of the money share. The other is the permission to encroach now that'll also be protected by way of a permit. But we are also giving that authorization by way of the agreement.

**Paul Moore 1:09:28**

Okay. So follow up question to that. Would you expect in that process that the signs would not have been erected prior to this evening's vote

**Ken Jarrard - City Attorney 1:09:39**

if they're on city right of way, if they're within city right of way there needs to be city or things are placed in city right of way. That's our position

**Paul Moore 1:09:50**

That's what I kind of thought where I would have thought we would have been as well. Sara, I have a question. May I have a question for you? Um, A lot of the information that was presented this evening was regarding some of the speed studies have done the past the most recent I recall being 2019. Is that correct?



**Sarah Leaders 1:10:08**

Yes.

**Paul Moore 1:10:09**

Has there been any speed study since 2019?

**Sarah Leaders 1:10:12**

There have not.

**Paul Moore 1:10:13**

So after 2019, I think a couple of the residents this evening representative, there was a variety of meetings that took place, even as recently as 2021. Or there was a discussion about additional measures. As a matter of fact, I think I even spoke at that meeting, talking about the three E's of the city, education, enforcement and engineering. I think at the request of the community, meaning white columns community, we chose to engage the city for the enforcement part of that and we elevated the police presence, I think pretty significantly, the whole idea is to be consistently inconsistent. So you didn't know when they were going to be there. It wasn't going to be Tuesday mornings or Friday afternoon. Do we have any information as a result of that elevated engagement by the Milton police as to the impact on this, on the speeds,

**Sarah Leaders 1:11:06**

We've not recounted those same locations from 2019. At this time, so

**Paul Moore 1:11:10**

We do we know whether or not speeding tickets or warnings were given during that period of time that they from 2021. Until now,

**Sarah Leaders 1:11:21**

I don't have those exact numbers in front of me, I know some of the the patrols were done at the multi way stop intersection. And then I know there were some spot speed. Studies done is are patrols run as well. But I don't have the details of the numbers of those.

**Paul Moore 1:11:38**

I just I just know anecdotally, there were a lot of tickets written or warnings given, including to a close friend of mine who was picking me up as a convenience one day, didn't warn him that there might be police in the area, probably good thing I didn't he was he learned a lesson coming and going past the club. Wasn't a true that we were also doing a study about the putting in some stop signs in some strategic places to have an impact on speeding as well.

**Sarah Leaders 1:12:08**

We looked at those from a safety standpoint to see if they warranted limited sight visibility. And there were two locations. We had a third party engineer look at those to, to measure those distances and run evaluations based on the traveling speeds. And there were two locations that met the safety warrants for multibuy stops.

**Paul Moore** 1:12:29

And those those plans have not been placed, have they?

**Sarah Leaders** 1:12:33

They're in the in the process of getting installed.

**Paul Moore** 1:12:37

We don't know what impact those might have on safety or speeds at this point, because we've taken another action prior to the placement of those signs. Right. Okay. I just like to make a comment to about the 67%. And I think some of the community has very eloquently pointed this out in the fact that there may have been a more recent interpretation of whether or not the 67% is needed, not a recent interpretation, I guess an updating of our awareness of the HOA is authority versus the the input from the community. And I lived in the community for 24 years 21, I think in the home that I'm in today, which is the very end of white columns drive, so I'm one of those 28 homes, it's behind beyond the fourth sign. I don't I don't see a speeding problem. On my end of the neighborhood, I chose to live down there on purpose, because it's a quieter, quieter part of the street. But I do observe elevated speeds and other parts of the of the neighborhood as well. So I'm concerned to that speed is is needing to be addressed. But what's interesting is historically, the city has chosen to stay out of that I'm not writing this, even Sarah, you happen to be standing at the podium and just sort of general commentary for consumption. The city has chosen to stay out of the fight because it was clearly dividing the community. And that divide is an over as evidenced by the fact that we have a number of people assembled here this evening. So I'm in a minority this evening speaking in favor of but a significant majority in speaking in opposition. And I've gotten the phone calls and the emails and texts saying how upset everybody is about the process. So I own that as part of the city. I own it as part of the community too, I think has been wise historically to have stayed out of the fight. I think the past board's have said they're not convinced that can get 67% That was a reasonable measure and to say that there's a powerful groundswell to have to make a change. I don't think we've reached that threshold. I think the board certainly has acted within their authority and they're entitled to do that. I think it's a mistake. I think the signs are not in keeping with the spirit or the tenor or The price point of the neighborhood as several people this evening said they are much more industrial than I ever would have imagined. You know, do a comparison to the signs we have on Freeman ball road that are significantly less encroaching significantly less impactful. But just as important, the city is determined that is significantly less engaging sign is also very effective. And yet we've chosen to go to this significant sign great height with multicolored flashing. I just think it's an over a significant overstepping of the requirement. I guess in wrapping my questions as much as comments, I would say I think this is a significant mistake. I think we have a chance to correct it. I think that we should not necessarily at this point, reward a HOA that may have overstepped their bounds with the timing of this. And the fact that even though they're not required to secure the 67%, it's the smart thing to do. I don't think the city should engage in the fight. We should stand aside, let the community express its interests, conduct the vote, and then let the chips fall where they may.

**Peyton Jamison** 1:16:18

Thank you. Sara, quick question. I know you gave us the list of what these that we've approved over the years, I guess as a 10, or 12. Has there ever been some where we had discussion like this, any of them have ever been denied?

**Sarah Leaders 1:16:32**

All of the past ones, the HOAs did act on behalf of the neighborhood. And so there was they followed the ordinance as it set up. So the item that came before Council for approval would have been the construction contract for the actual installation and purchase. So those all were approved when those came before.

**Peyton Jamison 1:16:55**

All right, thank you. I just wasn't involved in any other ones. Double check, Carol. Carol then Rick.

**Carol Cookerly 1:17:02**

Thank you. So one of my least favorite things to do is to adjudicate anything regarding an HOA, because you know more about your community and the details, many of which were probably not been shared tonight. It's just a bit of a sticky wicket. And also, I appreciate leadership of HOAs, I really do. But if people aren't happy, it does cause call for perhaps the rollback to see what could make people happy. And there are three elements here. And I think that this might be the core of of the process, that you could roll back whether residents acknowledge the issue, whether residents want action, and what action is agreeable. Because I don't think that you're gonna get there, which is where you were a very happy community with a great reputation, if this isn't fixed through a new process. So I would support that. But I want to make it clear that I also respect the leadership of the HOA, and the fact that it is solution oriented. Because the flip side of that are many communities where the HOA doesn't do anything decisive, and problems persist. And then there is a tragedy and it's a Why didn't you do something? So I would say if you go down this path to open process, that you act expediently and make firm decisions and then take responsibility for those decisions, because at some point, someday, something may happen. And there will be no finger pointing if everybody participates as quickly as possible. So that's my two cents.

**Rick Mohrig 1:18:55**

Right? The signs installed before it even came before us. And I do know any type of traffic calming in a subdivision is always a concern. We've had this in our subdivision. I definitely understand the concern for speed and trying to regulate that and you don't want to have an accident occur. But in what I've served on a couple of boards, HOA boards, I know it's a thankless job, as a couple of you have actually served longer terms. But I think it's important that you actually have community support, you may have the legal ability to actually enact this. But if it's something that's going to cause the citizens and the residents who live closest to it, they're against it. That doesn't seem like something you want to do to your neighborhood unless you've got some glaring error where there have been an accident somebody has been hit. You need to act immediately then maybe there would be a Reason to enact something against the, I guess, majority or will have what the community wants. But I would think that you'd want to go back. And actually, the science, first of all should have been installed until you actually notified the residents and you went through the proper channels with the city. But then make sure that you've got community support. And it doesn't sound like there's been that due diligence. On this instance, it

sounds like you've done it in the past. But it doesn't sound like you've really got majority support. We didn't have a lot of people out here saying, we fully support it, I think what we've heard is the opposite. So that, I guess I'm coming down more on the side of saying, I think you want to have the community involved. So you actually come up with a solution that most people can support, you may not get 100%, but to not really have a true representation from the people that live in that immediate community. I don't think that's a good, good way to move.

**Peyton Jamison 1:20:54**

Ken, can you speak on the signs being installed?

**Ken Jarrard - City Attorney 1:20:56**

Well, somewhere that was in response to my question to Councilmember Moore and hear me when I tell you that when it comes to the introduction of anything into city or county right away, for that matter, I'm going to want to ensure that there has been some approval by the government, however that has manifested but I also don't want there are various levels of improvement. And what we're talking about here this evening, is actual traffic calming devices placed literally within the traveling lanes. Is that not correct? Within traveling lanes, as well, but with respect to the signage? May I asked Miss Sarah, a question? So with respect to the signage that has been discussed, was that permitted by the not by the council but by staff?

**Sarah Leaders 1:21:41**

Yes, it was.

**Ken Jarrard - City Attorney 1:21:42**

So there has been indicia of permission given by staff with respect to that. This is this is a different sort of transaction than that this involves both cost as well as installation within the right of way correct within the traveling lanes.

**Sarah Leaders 1:21:59**

This is within the right of way. So there's the difference in active and passive traffic calming. The passive is more of the educational component, like a sign would be active would be something physical in the travel lanes themselves, like a speed table. So we looked at it as like we would a decorative sign. Lots of neighborhoods come in with permits to change all their signage to decorative so they're putting a decorative fixture within the right of way. So it's a similar permit to what we would do for that sort of signage, again, with as it being a passive educational type of traffic calming. That was the approach that that we took in the agreement is to, again, the cost sharing, and then the right of entry to continue to maintain it and to set the maintenance terms is what the agreement spelled out.

**Ken Jarrard - City Attorney 1:22:57**

With respect to those that the already completed installation was that gives me a comfort level. I just was concerned about that, as well as the conversation was unfolding.

**Peyton Jamison 1:23:08**

A follow up to that, let's say Council says now they have to remove the signs.

**Ken Jarrard - City Attorney 1:23:15**

The signs are already there. Okay. No, but this deal, this transaction we're talking about tonight does not go forward. Okay. But the signs themselves have already been permitted would remain and they stay.

**Peyton Jamison 1:23:23**

Okay. That's kind of where I was coming in, along with. I don't like overriding an HOA decision they were voted in to do whatever the citizens that voted them to do. So it always becomes difficult to override that. And it sets a precedent of us getting into these decisions by understanding it says what's before us, Jan, what's before,

**Jan Jacobus 1:23:45**

Sarah, were all four of the signs. Did you approve the location for all four questions. And I just wonder about the fourth sign that came up about where that was located where there was only 28 homes and located on the opposite side of the sidewalk. It almost sounds like that was put in outside the right of way. How far was our right away, I guess is the question to ask.

**Sarah Leaders 1:24:11**

You look at the map here of the locations. So originally, we looked at two on Traver Manor and two on white Collins drive. Once we did the stop sign warrants, one of the proposed locations became near what was going to be a multi way stop. So it didn't make sense to have the two on trailer and manner anymore. So we looked at a third location on white columns drive and the red arrows were the conceptual locations and then once the signs got ready to be installed, the the actual locations were determined but these were the general the three locations and the direction that they would go midpoint. And this is all coordinated with the city and the HOA for visibility for not too much visibility. So you do want to as you're coming around a curve or a hill to be able to for the sign to catch your attention. So there's there's some logistics that go into the placement. But this was the this is the map of the three on weicon Drive and the one on Traver Manor.

**Paul Moore 1:25:27**

Oh, Sarah, while you've got that map up, sorry. help me with the orientation of the arrows. So the arrow was intended. If I'm if I climb on white columns, Dr. Going in the first arrow that I see is near the pond. And it's it's facing as if you're going to leave white columns. Is that the orientation that I am I looking at the sign or we're looking at the back of the sign with orientation of the arrow? The reason I'm asking the question is that right now? All the signs on white columns, the orientation to be able to read the sign is as you were coming in to the neighborhood, there is no orientation of the signs as you're exiting the neighborhood. Was that the city's intention?

**Sarah Leaders 1:26:39**

Yes, yes.

**Paul Moore 1:26:41**

That they should all be oriented as we're coming in. So the map is incorrect. Yes, the outcome is correct. Okay. I'll just point out an interesting fact. I think the only accidents we've had in the neighborhood are between the clubhouse and the exit of white columns or the entrance of white columns. And they were accidents as people were leaving the community. So these have no effect on this accidents that have taken place historically. So thanks. Can I have another question for you? I just want to clarify that your comment about whether the signs stay or go with our decision this evening? Right. I think I disagree. With that. I just want to clarify my thinking compared to your thinking. So if this is an agreement for the use of the right away, and the access to the right away, and then for the funding thereof, by the signs, isn't this also a decision about whether the sign stay or go,

**Ken Jarrard - City Attorney 1:27:43**

The city staff have been authorized to issue encroachment permits, and they have done so. The more important aspect of the agreement before you this evening is the cost share is a financial aspect of it, particularly with respect to the city's match. And that is what is the primary issue that this evening. Extend to that I misspoke earlier. That is my fault. There is a right of entry component of the that agreement. I'm not taking that back there is. But I agree that city staff have the right to allow and permit encroachments and the right of way.

**Paul Moore 1:28:22**

But prior to the vote of Council, I think that's a vote that's in cast.

**Ken Jarrard - City Attorney 1:28:28**

That's right. No, I think that's I think that's true. And that's not uncommon. Where I think I think the agreement covers a lot of area, but the focus of the agreement is the funding and the get the entity. So that was my mistake in my previous answer to you.

**Paul Moore 1:28:46**

So here's the heartburn I have about that. It's no secret, anybody in this room, this is a long back battle that's gone on in white columns. This is not the first time white columns in one way, shape or form has been before the city in trying to address this issue of speeding. And historically, we have stayed out of the fight. This time we've chosen to engage I don't know what the circumstances were that were different that the city chose to engage. But I think I think we have a chance to correct our engagement. If we charge the HOA with going back and doing some of this things that should have been done prior to this placement. Maybe it's turned the signs off for a period of time until the proper percentage of the community has given their support. Maybe it's they're removed for a period of time or maybe they're moved in in their entirety. But I think we've entered this fight and I think that's a mistake. I think that the authority should be granted by counsel on something like this when we're talking about a right away, especially when there's a kid venture's issue, I've already presented the fact that we have a couple of instances of things that the city has engaged in that were for the good of traffic calming, which is the engagement of the of Milton police force. We don't know truly the outcome of that, because we haven't done the speed study since the elevated engagement of the city, we have not seen any impact from the placement of the site of the stop signs. So I think short of those two things, I think we should be charging the HOA to number one, go back and measure or take the take responsibility for measuring both of those impacts and see if they'll have an impact on the speed Overall, I'd be surprised if it didn't.

And at that point, engage the community for the proper chance to have their voice. By doing it this way, you're basically saying that the HOA can run roughshod over a majority that has spoken this evening and what I believe to be a majority in the neighborhood and opposition in the golf community. I think it'd be a misrepresentation of the voice of the people that we so sought solidly stand here for if we silenced that, whatever the percentage is, I believe to be 67% or more. They're in opposition. I think we've silenced those voices tonight, by going forward with a vote that says this is okay, either procedurally or that we chosen to engage in a fight that we never should have engaged in in the first place.

**Peyton Jamison** 1:31:33

Paul, I'll just one question I don't think we engaged in the fight. I think just the HOA came to us.

**Paul Moore** 1:31:38

We knowingly participated in something that we know. I totally get it. It would be irresponsible for us not to be involved in assessing traffic calming measures for the safety of the community. That part I totally get. But to where we have historically said go fight your own fight first and then come back with a with a majority. We didn't do that this time.

**Peyton Jamison** 1:32:03

All I'm saying is this is very common within the city, and I don't

**Paul Moore** 1:32:07

It's not common, its not common

**Peyton Jamison** 1:32:13

We put 12 of them. Steve then Rick or Rick then Steve.

**Rick Mohrig** 1:32:14

Sarah, if I could just ask you has public works? Did I understand that you actually have approved that locations for installation of two stop signs within the golf club community?

**Sarah Leaders** 1:32:27

That's correct.

**Rick Mohrig** 1:32:27

When do we plan to install those?

**Sarah Leaders** 1:32:29

We're working with the HOA they have the decorative signpost so while we could have put up the standard metal post, we decided to wait and let let them get the final placement and the decorative fixture to attach it to and then we've ordered the stop bar material to put down on the pavement.

**Rick Mohrig** 1:32:50

So breakaway sign at that point inside breakaway pole inside. Have we done? Have we as a city approved these type of like speed signs without a majority of people within a four there's HOA?



Because it seems like with Fulton County and then also with I know when we're trying to do it in our subdivision, I thought we had to have that majority threshold that we met. Did they bypass that because they had a greater than 50% in the speed study exceeded the speed limit? Is that why it was they were able to go ahead without getting the percentage of approval within the community.

**Sarah Leaders** 1:33:31

It was the review of the HOA covenants. So I've got the slide pulled up with the list of the gun this past neighborhoods where we have installed there were there's been two other neighborhoods that have done radar signs through again through the HOA acting on behalf of the neighborhood one is Kennewick that the city did contribute to that. That funding and then Hopewell plantation, did some privately owned and installed radar signs that we did an indemnity agreement for that was recorded, related to them being in the right of way. And then they had a right away permit to install them.

**Rick Mohrig** 1:34:15

So two radar signs and the rest are speed bumps. Yes. Okay. Gotcha. Thanks. I guess the this is new to me that we actually don't need majority. I guess I wasn't aware of that. 50% Because in the past, it's always been like Paul, it said, usually you want the neighborhood to come to the agreement of what they majority rule want to actually go on in their community. Because I think when we were talking about doing it in belterra, we were talking about the number of people on the street higher X percentage of people in approving either speed humps or a sign or something else. Now, this is kind of like a difficult position for the neighbors because their sign things up there but they feel like they at least what I'm hearing they feel like they didn't have a voice and suffer through their community association.

**Peyton Jamison** 1:35:09

Steve maybe you were going to say something then Jan's gonna say something

**Steve Krokoff** 1:35:11

I will speak whenever the council determines. So just to clear one thing up I wish I could, staff didn't wait into any any issue going on between an HOA and its community. The ordinance is very clear on what role that staff plays in this. And when there was some concern or confusion as to what the HOA is empowered to do. Of course, we brought that to legal counsel and we got that clarified. And and staff acted appropriate Lee throughout the entire process, including granting the the right of entry into the into the right away, which they do every day. It comes down to what the purpose of this is. And that's a cost share for the traffic calming devices and the ongoing maintenance, not necessarily whether staff is weighing into an issue between an HOA and its. And its community, which of course, I am somewhat conflicted because in addition to the city manager, I'm also a resident of white columns. But I do think it comes down to not necessarily whether or not they've met the threshold, because it's already been determined legally that they have. I think what the question before you today is whether or not the City Council is going to contribute the 50% of the cost share. Unless the council has decided it's going to end it has the authority to now overrule the decision by staff on the entry into the right away.

**Peyton Jamison** 1:36:49

So just to clear everything up, no matter what counsel says tonight, the sign stay is that correct?



**Steve Krokoff** 1:36:56

That's a Ken question if you can overrule staff right of entry.

**Peyton Jamison** 1:37:01

And that's because because that's important, because even if counsel says no, I personally, I'm gonna have a hard time for the city uninstalling speed signs. Given the data that was given us it's I just want to make sure we're all on the same page on what the outcome is going to be. If it's not.

**Ken Jarrard - City Attorney** 1:37:20

Well, the code and there's a process the process has been followed the process has culminated in this evening's discussion. But from the bigger picture, I mean, you get to get right to it, the city, I'm reading from your ordinance, our ordinance, the city reserves the right to remove traffic calming devices, for any reason period. Upon approval of city manager, the public works director may order the applicant to remove a traffic calming measure in accordance with Subsection C, which I won't get into. So I mean, again, I want to keep going back to the plenary authority of the council over its right of way. But I concur with your city manager that what's on the table today is primarily a funding construct. reimbursement.

**Jan Jacobus** 1:38:01

Yeah. I kind of agree with Paul from the perspective that I think the city should stay out of and let the HOA do what they need to do. But I look at it from a different perspective. And that is, I think if the members of the community really don't want those signs, then when the next election occurs, you vote in people that want that and you pull the signs out. That lets the responsibility stay with the HOA, I, I'm just very uncomfortable. The city, getting that involved, when you really don't know all the people and you don't know everything that's going on there. And you got to trust that. It always happens in these HOAs because I've been on Crooked Creek's board. Nobody wants to be on the board. You have trouble getting people on the board. And then when there's a big issue, everybody blames the members of the board. This board did what they thought was right, whether it was or not, but they do what they thought was right. And if the members, the majority of the members of community don't feel that they did the right thing, they should vote them out and put in people that will do what the majority of members want.

**Peyton Jamison** 1:39:27

I agree, Jan.

**Paul Moore** 1:39:30

Jan, with all due respect, we're talking about another contentious issue within the community. And that is what are the board terms. We've already had some debate within our own community about the elected terms of this board. So the board is in control of that and they've without dragging you into the dirty Muddy Waters of our neighborhood battles. Just know that that won't work. Not making the right decision this evening and kicking the can down the road, I think is unfair, it would be an unfortunate decision on our part this evening. I think we have a responsibility to charge the HOA with going back and taking number one advantage of another speed study, seeing if the police impact had made a difference. Number two, see if the signs the stop signs make a difference. And at that point, if we still have a speeding problem, you bet they'll probably get the 67% that they need. Because at that point,

we have to do something different. I don't think we're there. I think we have not. I think we're not hearing the voice of the community this evening.

**Peyton Jamison** 1:40:42

But Paul, just real quick, but I think I think what the issue is the signs are staying,

**Paul Moore** 1:40:46

Not necessarily not if the council, if the motion is made for the signs to be removed. I heard Kevin say that we can override staff decision.

**Ken Jarrard - City Attorney** 1:40:57

That's in your that's in your code that directly. It's actually in the agreement.

**Peyton Jamison** 1:41:01

I guess my only issue is, you know, the HOA has the legal and I know people on both sides of this.

**Paul Moore** 1:41:06

But so does the council have legal authority

**Peyton Jamison** 1:41:09

Right, I just think we're treading very carefully when we get into HOA business and overriding their decision which they were elected to represent their HOA. So it's tricky.

**Paul Moore** 1:41:20

I was elected to represent the voice of the community. And I believe we are not representing the voice of the community with by supporting the board's decision this evening.

**Peyton Jamison** 1:41:30

Other questions or discussion? That said, I'll open up for Carol.

**Carol Cookerly** 1:41:36

So can we vote on something else? Which is interesting. Where are we going? Can we vote on now? Well, no. Look, we're nibbling around the edges here. And I'm I am with my colleagues. As I said at the beginning, I'm very uncomfortable adjudicating something with a minutes worth of knowledge, lots of history and some angst, etcetera. But can we with the power of having the one side of the purse strings? Can we ask for process? And we asked for a survey process? Can we can that be our mandate, so that we know that we can put this issue to bed on behalf of the citizens? I would imagine the HOA would like that monkey off of its back. And I would imagine the citizens would like that clarity. So can we on behalf of our fiduciary responsibility? Can we vote on that,

**Ken Jarrard - City Attorney** 1:42:45

Under the strength of this agenda header, approval of an agreement for the city and white columns for installation for radar feedback signs. If the council believes that before it is prepared to vote on this agreement that it wants that sort of additional process? I would be comfortable with that direction being

given tonight. But I'm not going to go much farther than that with respect to what this agenda had or would allow

**Peyton Jamison** 1:43:07

We approve it or deny it. That's my opinion.

**Paul Moore** 1:43:11

Well, maybe compromise is that we think about if we were to pause, allow some of this other information to be measured the impact of the police enforcement and the stop signs that we not require that the signs be removed for the time being, but they'd be turned off. And if set such time that there is compelling information that says we still have a speeding problem, and a majority of 67% majority can be accomplished that at that point, the signs are still in place, no cost incurred in removing them. But they're turned back on.

**Peyton Jamison** 1:43:52

Paul, I will probably the only thing I could grant would be a deferral for some delayed period of time. But the HOA acted in their legal authority. They're asking us so I think we approve it or we deny it.

**Paul Moore** 1:44:05

But Mr. Mayor, all due respect, I'll just ask that you give consideration to what our city attorney has suggested is within our authority, and it's within our authority to deny the placement

**Peyton Jamison** 1:44:16

Absolutely and we can have that motion and I think, Rick.

**Rick Mohrig** 1:44:19

What I'm hearing is kind of a mix of different things like Carol said we're kind of dipping around outside. I think that the the problem we've got right now is the signs were approved, the signs were installed, legally. What we have before us is more. The issue is are we going to fund the purchase of the signs are we going to enter into an agreement where we maintain and Paul what you were talking about was trying to go back and maybe before we approve or deny, maybe we do a deferral have them come back after they're done. Direct the community association or homeowners association to in fact do a survey, do more speed study. And Sara is going to install the stop signs. But before we approve funding, without telling them that we're going to override and pull the signs out, may we put defer this item or this portion of the item and say, you know, we'll hear it again, once you've gone back and actually kind of the community that may also afford the ability of the community to work with their community or Homeowners Association, to try to get this rectified and try to solve it internally. Because it sounds like we'd have to overrule what legally has gone through and to take the signs out. And that that becomes a little bit. Again, like Carolyn said, if we don't have full representation, we're going on what we've heard, but I'm just a little trouble that they got installed. But I understand we did that within what the legal and what our ordinance actually covers.

**Peyton Jamison** 1:45:55

And quick, quick question. If we go say to a deferral, the signs still stay, they can still operate. It's just the cost sharing, is that correct?

**Ken Jarrard - City Attorney** 1:46:05

That's right, until further direction of either the city manager or of course, again, you know, the buck stops with the council, the council has the right to control your right of way, curious idiosyncrasy of this process. So just cannot play a hypothetical way very quickly. So let's assume that you make that direction that we go back to the HOA with a demand from the city of Milton that says basically, before we talk about a cost, share, etc, we want to see you engage the community and basically do some sort of a vote the way he always know how to do. And let's say they don't get 67%, let's say they get 50.1%. Because the HOA has otherwise has the authority to do this, independent of that 67%, I'm just saying that is going to be food for thought for you all to say, maybe 30% is enough, then you say because we're not talking about bringing the petition. Now that's got 67% requirement, we're talking about just a check the pulse of the community, I hope y'all are seeing the distinction I'm making. It's an informational point. But it's not legally dispositive of

**Carol Cookerly** 1:47:08

But counselor, it is informational to us in terms of wishes of the community, and we are predisposed to want to represent to want to validate the wishes of the majority.

**Ken Jarrard - City Attorney** 1:47:20

I agree completely. So

**Carol Cookerly** 1:47:21

I feel like you're minimizing that, but it's actually I think, very powerful for at least us on

**Ken Jarrard - City Attorney** 1:47:28

That was not my intent counselor the only thing I was pointing out to you was that information is important. But I'm just suggesting that 67% threshold is not the key to the kingdom in this situation.

**Peyton Jamison** 1:47:39

I mean, I really try not to wade into that, because we get into a lot of into a lot of gray area.

**Carol Cookerly** 1:47:46

We also have something that is moved pretty far down the path. I mean, even this talking about turning them on, turn them off, that's not

**Peyton Jamison** 1:47:53

Because always a sign. It's already up.

**Carol Cookerly** 1:47:54

So if we go down, I understand that, but they don't have to stay up. Okay. I mean that there is a core issue here, they don't have to stay up signs, or moveable signs can be changed, and we're talking about that, too. There's apparently is some sentiment that they're that they're ugly, and they're this and

they're that. And whether you turn them on or when you turn them off, that doesn't change ugly. We have core issues here that we're just kind of on the outer rim of this thing.

**Rick Mohrig** 1:47:54

Which is like it's that's where I'm my my thoughts are, before we approve the funding for this the city side and basically put our stamp of approval on it. There's obviously concern within the community. And I'd like to hear like you'd said to Carol and Paul, your reference, get the data that tells us, you know, go back, you know, homeowners association, you're asking us for them to fund half of this, go back and actually do a little bit more thorough data, because it sounds like at least the folks that came up today are not in favor of what you've done as far as the sign. But we're not then saying we're not overriding and saying let's go into a whole new area. And we're going to take the signs out, even though legally we could do that. I don't think we're ready to do that at this point. I think we don't. My suggestion is we do not approve this. We differ we we ask the homeowner association to go back and actually talk to the residents. And then they can bring the data back that will also allow an afford the community to actually work within themselves to try to resolve some of these issues.

**Peyton Jamison** 1:49:29

What's the funding really quick? We're talking about

**Capitan Barstow** 1:49:35

The city's total contribution per the agreement this evening is 6853 \$6,853.

**Paul Moore** 1:49:47

I think Rick makes some good points. I would rather err on the side of being conservative and do a little more fact finding than to make a bad decision this evening on not enough information. I think it would be completely appropriate to allow some of these additional measures to be considered with a with a deferral. And that we, I really thought it was gonna be more clear cut than this. But based on the arguments that I'm hearing and trying to make sure that we work with the best facts available, I could support a deferral provided there are charges to the HOA to go and participate in engaging the community, take a look at the stop sign impact and take a look at the impact of the police enforcement.

**Peyton Jamison** 1:50:37

So I guess the question is, what would be the exactly what would be the charge that you would ask? I mean, the out the outcome of that, because the signs are gonna be, they're gonna be operational.

**Paul Moore** 1:50:50

Yeah, I think. I think we need to allow staff to finish their process of putting the signs up or citizens, the stop signs, I think we need to go back and take a look, we charge the mature, who owns the responsibility, but we look at the number of tickets that were written, and at what speeds and whether there are warnings issued and at what speeds and see if that's had an impact. And I think we should do a traffic study, I think we should do another speed study that says we do or don't have us speeding issue at this point, whether the signs stay on or off to me, I think that there's a truer measure of the speed study if the signs are off. But I think it would give us a false read. To be very fair and transparent, I think it would give us a false read at a lower speed. If the signs stay active, because people are going

to abide by the the Oh, provided by the signs, they're going to have the impact. So it's a false read, if the signs stay on, all supporting the way, but I think to be fair, the signs should be off, but all supporting the way. And then lastly, I think a community survey should be conducted. And I will leave it up for debate about whether it's 50% plus one. I think that's reasonable. I just really think Council shouldn't be getting into these waters. I'll just that's just my two cents I agree. I don't think we should be here.

**Peyton Jamison 1:52:15**

I know people on both sides of this issue. And I just really think this is an HOA decision. And prior to Councilmember Jacobus, his point of view, if they want to stop signs, we want the speed signs out they should just elect a different board. I mean, that's just my two cents.

**Paul Moore 1:52:28**

Well there's some more there's more history to that

**Rick Mohrig 1:52:30**

That only only, I guess, supposing they're different view on that is if we do a deferral, we're just encouraging them to go back and actually talk talk within the community. We're not ripping out the signs, which I know that's what the the will of many people here, they want to see them pulled out. We're not impacting that. So the question is, do we do the funding? And can we encourage them to do a little bit more due diligence, that's only thing that I see by doing a deferral we're offering and that gives the community a chance to maybe do a little bit more input. I thought, initially, we were doing more than just I thought we and I think Paul probably thought that too. We were looking at more than just the funding of this. We're talking about whether the signs were going to be approved. But we've been told they already have been approved. I don't think as a council, we're ready to say, let's overrule what staff has already done. But at least on this one, we can send it back and say Do a little bit more communication within your community. And hopefully, you find out really where people stand and take appropriate action internally.

**Peyton Jamison 1:53:40**

Okay, no more discussion will open for a motion.

**Paul Moore 1:53:45**

I'd like to make a motion that we defer. However, let me ask a question, Sarah, what's an appropriate amount of time to defer? If we're going to ask for the speed study be conducted?

**Sarah Leaders 1:53:59**

We would likely want to get that done. We try to do that during school, when school is in session. So we only have a few more weeks here in May. So at least four months to get us if we aren't able to get them until August.

**Paul Moore 1:54:17**

So you don't think it can be done in between now the under school?

**Sarah Leaders** 1:54:21

We could get we probably yes. We we could likely get least

**Paul Moore** 1:54:29

Defer for no less than 60 Maybe 90 days. Is that reasonable?

**Sarah Leaders** 1:54:34

90 days. Sounds good.

**Paul Moore** 1:54:35

Okay. So I make a motion Mr. Mayor that we defer this decision for 90 days for to allow a couple of different things to happen. Number one is a speed study. Number two that the city have a chance to install the stop signs. Number three that we capture information from The city of Milton Police Department on number of tickets written and at what speeds and then number four that the HOA conduct a community survey to represent to see what the representation is and they achieve at least 50% plus one be able to come back for this for an approval.

**Peyton Jamison** 1:55:25

You have a second?

**Carol Cookerly** 1:55:26

May ask a question. So on your last part of that, then we're overruling the power of Hoa, we can keep that intact. If, if you're if the last part is just it is our desired wish. Because if you make it mandatory, then we're trying to overrule the power of the HOA, and that doesn't work for me.

**Paul Moore** 1:55:50

Okay, so I'll withdraw the last part.

**Carol Cookerly** 1:55:52

But we've but it is our express desire that because I think that's a process is everything right, folks? So if, if you will say that, then I'm 100% on board with this.

**Paul Moore** 1:56:04

Okay, so I'll amend the last part of my motion to say that we strongly encourage the HOA to conduct a survey and see what the representation of the community is for or against.

**Rick Mohrig** 1:56:16

Second.

**Peyton Jamison** 1:56:18

Okay, I'm have a motion from Councilor Moore and a second from councilmember Maurig. Like I said I personally might not agree with what the HOA did by fully respect their charter and what they're charged to do. Any other discussion?. All in favor, please say aye. All oppose. Would you say Jan. Favor. Says five to two. Motion carries. We're good?. You clear Steve on what

**Steve Krokoff** 1:56:51

I am Just if the council would like to consider perhaps we want to change the language in the ordinance related to traffic calming that would that would now make the decision as to whether or not to implement any of the of the traffic calming device anything in the right away contingent upon the vote here as opposed to separating that up?

**Peyton Jamison** 1:57:10

Yeah, I guess my only two cents the one thing that I guess I gauged tonight was city of putting traffic calming within the right of way without us approving it. I think everyone in this room thought we were approving that. So maybe that is something we can talk about the next work session or so everyone's okay with that.

**Steve Krokoff** 1:57:27

The right of entry, correct me if I'm wrong, both Sarah and Ken is not only the initial, the initial installation, but also the ongoing maintenance because normally we take over, we take over the maintenance, but in this situation, because they were different than our base model. I believe that the HOA was going to take over ongoing maintenance, and they would now have to continue to enter enter the right away for that. But I understand where this where this body would come from thinking that that was part of it. It makes sense. Perhaps we should change the language if you want to continue on even with this, this program.

**Peyton Jamison** 1:58:01

Okay, that's good. So 90 days is that so can we have a count, we need to have a date on this or you said 90 days

**Ken Jarrard - City Attorney** 1:58:07

Would be the next meeting after the 90 day period.

**Peyton Jamison** 1:58:11

All right, thank you. All right.

**City Clerk** 1:58:15

Does that language change the motion that I just recorded?

**Peyton Jamison** 1:58:18

Do you want me to repeat it or no? Okay. Okay. Alright, so make sure. All right. We will move on.



## **EXHIBIT E**

**WHITE COLUMNS COMMUNITY ASSOCIATION INC.  
BOARD OF DIRECTORS MEETING MINUTES**

December 17, 2021

A regular meeting of the White Columns Community Association, Inc. Board of Directors was held on December 17, 2021 at 8:30 AM at the White Columns Country Club and quorum was established. The meeting was transmitted via conference line and open to all residents to listen in.

Board members in attendance: Tony Palazzo, [REDACTED]  
[REDACTED]

Board Members Absent: [REDACTED]

Non-Board Member Guests: [REDACTED]

Chief Police Rich Austin and Jason Griffin from the Milton Police Department and Sara Leaders, Director of Public Works for the City of Milton.

**MINUTES**

**MOTION:** By Adam Hollingsworth, to retain and pay Able Building Group, L.L.C., an affiliated company of Access Management Group, to install four radar speed signs, including provision of posts and building materials, in the amount of \$4,718.21 as per invoice submitted by the vendor.

**VOTE:** Seconded by Brad Dell, discussed and passed without dissent.

**RESOLVED:** The Motion was approved.

**MOTION:** By Kim Littlehales to approve the Revised Community Wide Standards as enclosed herein and posted for public access.

**VOTE:** Seconded by Tiffany Hoes, discussed and passed without dissent.

**RESOLVED:** The Motion was approved.

**NEW BUSINESS**

Mr. Hollingsworth informed the October 2021 minutes will be circulated, discussed and approved by UWC.

Mr. Palazzo greeted the officials from the City of Milton and informed the purpose of their presence at the Board meeting was to discuss speeding issues at White Columns and explain the efforts undertaken by the City and the Association. Mr. Palazzo indicated the Association had collected and analyzed all speeding studies, consisting of four speeding studies over a 20-year period, which made it apparent that speeding issues have become progressively worse over last twenty years.

Mr. Palazzo indicated the purpose of the meeting and goal of the Association is to find a solution to avoid future accidents or casualties, being that some incidents reported the current year were of grave concern.

Mr. Hollingsworth proceeded to greet the City of Milton officials and remarked that Directors have met multiple times with Milton Police Department and the City's Public Works Department. He also noted a letter was sent to City officials on December 1 detailing concerns about speeding and traffic safety. The Association has witnessed an increase in police activity in the area after those meetings and letters that were submitted to the officials. Further, Mr. Hollingsworth summarized the meetings with Chief Austin and Ms. Leaders in May to analyze the 2019 speed studies and revisited the Association's Community Meeting that took place in 2019 to discuss speedbumps, as well as the September 2021 meeting with City officials to determine the locations and installation of radar speed control signs and measured locations for new potential stop signs. Mr. Hollingsworth, submitted that the catalyst for today's meeting was a Facebook post by a resident, Mrs. Pam Giddings, narrating a series of reckless driving events that were gravely concerning. Mr. Hollingsworth indicated that Mrs. Giddings was asked to lead an Ad Hoc Committee on speeding.

Mr. Hollingsworth asked Chief Austin to update the Board with regard to the recent patrolling and issuance of speeding warnings around the Club, as well as guidance on how neighbors may report speeding incidents. Mr. Hollingsworth also requested an update from Ms. Leaders on the stop sign warrant study and suggestions to implement engineer solutions.

Chief Austin stated that speeding issues in the White Columns area have increased considerably in the last couple of years. All City of Milton Police officers are responsible for traffic control, but the Milton Police Department has two officers solely dedicated to speed control in the neighboring areas. That traffic enforcement team will add three additional officers in 2022. As a challenge to enforce speed limits, Chief Austin stated that radar needs 500 ft to capture speed and the White Columns Drive not having many straight sections make it harder to read and estimate the driver's speed, when the approximate time window is two seconds. Chief Austin stated White Columns is in a "perfect storm" of traffic problems, based on the area and technical difficulties, that being one of the reasons Milton PD has issued 49 citations out of which 43 were stop sign violations and 2 were speeding (both being club members), others being for expired tags, hands free violations, and others.

Captain Jason Griffin, Chief of Patrol was introduced by Mr. Hollingsworth.

Chief Austin affirmed that speeding issues may return once the area is placed back in maintenance mode and officer reallocated to other areas. With reference to reporting speeding incidents, Chief Austin informed that City of Milton Police has a non-emergency line to report speeding or witness may call 911 to report instances of reckless driving. If the witness may safely capture the tag number of the vehicle involved in the incident, law enforcement may prosecute the driver after the accident, this being also applicable to hit-and-run of mailboxes, and other personal property.

Mr. Palazzo asked if the Chief could compare White Columns' problems relative to other neighborhoods. Ms. Leaders stated she would provide a comparative spreadsheet. Captain Griffin stated that Kingsley and other neighborhoods with cut through areas were subject to similar reckless

driving issues.

Chief Austin reaffirmed that Milton Police Department would double their current team of two full time traffic officers by adding Sergeant and an Officer to said Special Operations Unit dedicated exclusively to traffic enforcement.

Ms. Leaders provided a comparative analysis of speed studies comparing White Columns to Kingsley and Crooked Creek. White Columns 85% percentile speed is significantly higher than Kingsley and Crooked Creek. Ms. Leaders also informed that based on engineering analysis, speed studies and intersection visibility considerations, the City of Milton has approved the installation of stop signs at Treyburn Manor View and Hallbrook Ct. and White Columns Drive and Treyburn Manor View. With regard to next steps relative to stop sign installation, Ms. Leaders indicated that a warning sign with a posted note will be installed first to alert the neighbors for 30 days and then install the definitive stop sign with the decorative posts and reflective materials and marking on the streets. Mr. Palazzo summarized that speed radars will be installed in January 2022, aiding further with the stop signs approved by the City.

In reference to the first steps of the Speeding Committee, Ms. Leaders suggested that the Committee schedules an introductory meeting with her to revisit the current state of traffic control measures and determine goals moving forward.

Ms. Hoes conveyed potential concerns of homeowners with regard to traffic calming devices, such as speed bumps. Ms. Leaders indicated that homeowners should not be concerned about firefighters or law enforcements being slowed down, since some speed bumps are designed to fit firefighter trucks. Further, Ms. Leaders referenced before/after studies performed by the City and indicated they have not received negative feedback after the installation of speed bumps, while seeing a dramatic decrease in speeding.

Ms. Leaders informed that she will provide a copy of the stop sign warranty study as well as the comparative speeding data before and after speed hump installation. Ms. Leaders further expressed that she was not aware of any study by the City supporting the presumption that speed bumps negatively affect housing prices. Ms. Leaders offered to provide a detailed before/after speeding analysis of all neighborhoods where the City has approved, financed and installed speed bumps. In reference to speed bump installation costs, Ms. Leaders stated the costs will be shared equally among the Association and the City.

Mr. Pennington informed the City officials of the interactions the Board of Directors has had with Club Corp relative to their contribution to the Association. In summary, the Association has requested Club Corp's counsel to implement measures to i) overpublicize and educate its members about speed limits within White Columns, ii) for Club Corp to become an assessment-paying member of the Association, iii) to financially contribute to the Association's speed remediation initiatives, and iv) consider access of golf carts into the Club's property to diminish traffic on their front entrance and public roads.

## **Property Manager Update**

Ms. Dicks indicated that 82% of the homeowners who received courtesy violation notices were compliant. Further, Ms. Dicks agreed to inform Mr. Dell before the installation of the radar speed signs proceeds, in the first week of January 2022. Ms. Dicks inquired about a perimeter fence repair on Rolling Links Drive and was informed that the Association's maintenance responsibility for perimeter fencing is limited to those properties subject to Fence Maintenance Agreements on Dinsmore Rd and the Oaks entrance at Freemanville. Further, addressing miscellaneous matters Ms. Dicks stated the Arboguard proposal will be completed by mid-January, and Access would like to help with the distribution of clickers to new homeowners.

Mr. Palazzo emphasized the need to make changes to monthly financials posted and prepared by Access. Amongst the issues referenced, Mr. Palazzo indicated that corrections are needed to properly reflect the apportionment of Common and Gated/Non Gated Assessment payments on the income statements, as well as indicating the collection amounts received on the proper Gated/Non-Gated ledgers instead of the common income statement. It was also pointed out that collections must also be reported on the revenue side of the financial statements. In conclusion, Ms. Dicks will correct the August, September and October monthly financial reports and repost them with the required revisions.

Mr. Palazzo indicated that Ms. Dicks had produced a one-page modification request form guide, and suggested its modification to clarify that modification applications should be sent to Access directly, and they will either grant or deny the request at which point the results will be sent to the Modifications Committee.

Mr. Pennington remarked the need for Access to coordinate with BOS for them to address the recurring requests from guards related to supplies for the guardhouse.

## **New Vendor Report**

No updates.

## **COMMITTEE REPORTS**

### **Community Affairs**

Ms. Littlehales provided an update regarding the great progress of the women's group gatherings and the holiday Night of Lights event. Ms. Littlehales informed the food truck vendor cancelled due to a damaged truck, and with the direction of Brittany Palazzo the Community Affairs Committee was able to host the event, solely based on the support of volunteers. The holiday event was heavily attended by neighbors. Ms. Littlehales indicated that Spring Fling, Women's Reading Club and Graduation events will be next on the social calendar.

### **Finance Committee**

No updates.

## **Landscape and Grounds Committee**

Mr. Palazzo informed with respect to the Gated section that all light bulbs are being replaced, while the front and back gates as well as the stop signs are being sanded down and repainted. Ms. Dicks informed that she will prepare and circulate a letter reminding homeowners to keep their outdoor lighting in functioning condition and maintain their mailboxes painted. Mr. Palazzo indicated that a neighborhood vendor charges \$65 to change a lighting kit and \$100 to repaint a mailbox.

## **CWS**

Mr. Palazzo summarized the changes made to the Community Wide Standards, as follows: elimination of Club approval for any purpose, added violation timeline, restricted clicker transfers, stipulated requirement to send the property manager a picture of the subject resident with painting applications, prohibition to use landscape rocks, gas lanterns must be functioning, introducing street parking policies, adding speeding policies reinforcing the statements provided by Chief Austin, addressing tree maintenance on White Columns Drive, enhancing the tree removal provision, adding fishing and window maintenance provision.

## **AD HOC COMMITTEES REPORTS**

### **Road Resurfacing and Engineering RFP:**

Ms. Hoes informed that two Gated residents were added to the Gated Road Resurfacing Committee. The Association is presently conducting Task C of the Project, which includes the inventory of failing curbs that will be fixed before roads resurfacing. Ms. Hoes stated the current vendor will introduce a civil engineering firm specialized on speed bump studies.

The Committee is presently engaged in the drafting of a presentation describing the progress made on the resurfacing project and setting forth the goals moving forward. Mr. Hollingsworth and Ms. Hoes will work to organize and schedule an in-person, and live video, chat-enabled conference with Gated residents to conduct the presentation. Mr. Palazzo informed that the bank interested in financing the repaving project requires a reserve study, and that such study will be completed by end of Q1 2022.

### **Government Affairs:**

No updates.

## **OLD BUSINESS**

No updates.

## **EXECUTIVE SESSION**

In Executive Session the Board of Directors discussed pending and prospective collection and litigation.

## **ADJOURNMENT**

A motion to adjourn the meeting was approved without dissent.

Adam Hollingsworth  
Secretary

1/21/22  
Date