



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

Karen Thurman
Julie Zahner Bailey
Bill Lusk
Burt Hewitt
Tina D'Aversa
Alan Tart

Wednesday, February 20, 2008	Action Minutes	6:00 PM
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1) **CALL TO ORDER**

2) **ROLL CALL**

3) **PLEDGE OF ALLEGIANCE**

(Agenda Item No. 08-502)

4) **APPROVAL OF MEETING AGENDA**

1. Under New Business; Defer Agenda item No. 08-498 Approval of a Resolution Amending Resolution No. 08-01-10, a Resolution Appointing members to the City of Milton construction Board of Adjustment and appeals (District 4).
2. Under New Business; Add a Resolution in support of House Bill 975 Relating to Counties and Municipal corporations in General, so as to provide that it shall be unlawful for any County or Municipal Corporation to issue any backdated license, permit, or other similar authorization under certain circumstances; To provide for a criminal penalty; To provide for related matters; To State Legislative intent; to provide an effective date; to Repeal conflicting laws; and for other Purposes.
3. Under New Business; Add a Resolution in support of House Bill 1015 relating to special districts divided into noncontiguous areas, so as to provide for additional requirements regarding certain excess funds; to provide an effective date; To repeal conflicting laws; and for other purposes.
4. Add a Staff Report on Disability Day at the Capitol.

Motion and Vote: Councilmember D'Aversa moved to approve the meeting agenda as amended. Councilmember Tart seconded the motion. The motion passed unanimously.

5) **PUBLIC COMMENT**

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Milton City Hall
City Council Chambers
13000 Deerfield Parkway, Suite E
Milton, GA 30004

Persons needing special accommodations in order to participate in any City meeting should call 678-242-2500.

6) CONSENT AGENDA**(Agenda Item No. 08-503)**

1. Re-Approval of the Financial Statements for the period ending December, 2007.

(Agenda Item No. 08-504)

2. Approval of the Financial Statements for the period ending January, 2008.

(Agenda Item No. 08-505)

3. Approval of the December 10, 2007 Work Session Meeting Minutes.

(Agenda Item No. 08-506)

4. Approval of the December 13, 2007 Regular Meeting Minutes.

(Agenda Item No. 08-507)

5. Approval of the January 8, 2008 Special Called Meeting Minutes.

(Agenda Item No. 08-508)

6. Approval of the January 10, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-509)

7. Approval of the January 17, 2008 Special Called Meeting Minutes.

(Agenda Item No. 08-510)

8. Approval of the January 17, 2008 Special Called Work Session Minutes.

Motion and Vote: Councilmember Tart moved to separate items 1 and 2 under the Consent Agenda and defer items 3, 4, 5, 6, 7, and 8 until March 3, 2008. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

Motion and Vote: Councilmember Thurman moved to approve the Financial Statements for the period ending December, 2007. Councilmember D'Aversa seconded the motion. The motion passed 5-0-2. Councilmember Tart and Councilmember Hewitt requested recusal due to not being members of the council in December 2007.

Motion and Vote: Councilmember Tart moved to approve the Financial Statements for the period ending January, 2008. Councilmember Hewitt seconded the motion. The motion passed unanimously.

7) REPORTS AND PRESENTATIONS**8) FIRST PRESENTATION****9) UNFINISHED BUSINESS**

10) PUBLIC HEARING
ALCOHOL BEVERAGE LICENSE APPLICATION

(Agenda Item No. 08-459)

1. Approval of Alcoholic Beverage License Application for Tribla, Inc. d/b/a I Love New York Pizza at 980 Birmingham Road, Suite 200, Milton, GA 30004. Applicant is Nereyda Blandon for Consumption on the Premises – Wine and Malt Beverage.

Motion and Vote: Councilmember Thurman moved to defer to the March 3, 2008 meeting, the Approval of Alcoholic Beverage License Application for Tribla, Inc. d/b/a I Love New York Pizza at 980 Birmingham Road, Suite 200, Milton, GA 30004. Applicant is Nereyda Blandon for Consumption on the Premises – Wine and Malt Beverage and extend the temporary Alcoholic Beverage License. Councilmember Tart seconded the motion. The motion passed unanimously.

END OF PUBLIC HEARING

11) NEW BUSINESS

(Agenda Item No. 08-498)

1. Approval of a Resolution Amending Resolution No. 08-01-10, a Resolution Appointing Members to the City of Milton Construction Board of Adjustment and Appeals (District 4). *(Deferred by motion and vote)*

(Agenda Item No. 08-499)

2. Approval of a Resolution Amending Resolution No. 08-01-16, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee by appointing Allan Tetley for District 1.

Resolution No. 08-02-19

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution Amending Resolution No. 08-01-16, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee by appointing Allan Tetley for District 1. Councilmember Tart seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-511)

3. Approval of a Resolution to Authorize the Mayor and City Council to approve the submission of a grant application to the Department of Homeland Security for the Fire Prevention and Safety Grant through the Assistance to Firefighters Grant program sponsored by FEMA.

Resolution No. 08-02-20

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution to Authorize the Mayor and City Council to approve the submission of a grant application to the Department of Homeland Security for the Fire Prevention and Safety Grant through the Assistance to Firefighters Grant program sponsored by FEMA. Councilmember D'Aversa seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-512)

4. Approval for the City of Milton Mayor and Council to sign letters in support of funding the SAFER grant in President George W. Bush's FY2009 budget and directing staff to deliver the letter once signed to Representative Tom Price and Senators Johnny Isakson and Saxby Chambliss."

Motion and Vote: Councilmember Lusk moved to approve the City of Milton Mayor and Council to sign letters in support of funding the SAFER grant in President George W. Bush's FY2009 budget and directing staff to deliver the letter once signed to Representative Tom Price and Senators Johnny Isakson and Saxby Chambliss." Councilmember Hewitt seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-513)

5. Approve the City of Milton's participation in the LUCA program as a contract addition to be provided by CH2MHill, OMI in the amount of \$13,828.

Motion and Vote: Councilmember D'Aversa moved to approve the City of Milton's participation in the LUCA program as a contract addition to be provided by CH2MHill, OMI in the amount of Seventy five hundred (\$7,500.00) dollars. Councilmember Thurman seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-514)

6. Approval of a Resolution Regarding Fulton County's Proposed Construction of Elevated Water Tank in the City of Milton.

Resolution No. 08-02-23

Motion and Second: Councilmember Zahner Bailey moved to approve A Resolution of the Milton City council Expressing Concern Over the proposed Construction by Fulton County of a 140-Foot Elevated Water Storage Tank at Freemanville Road which includes the additional details outlining those that were part of the Pritchard Mountain Water, LLC as well as referencing the Design Review Board to review the tower if at such time Fulton County determines an alternative would still lead them to an elevated tower and the Design Review Board be a participant in any storage tank, along with an amendment to add additional detail. Councilmember D'Aversa seconded the motion.

Motion to Amend and Vote: Councilmember Zahner Bailey amended the motion to add the confirmation of a 40-foot above tank along with Whereas #6 and the Whereas #7 of the Resolution refers to the experts in the pertinent field and insert the full legal name of the engineering firm and recognize the fact that Wiedeman and Singleton Inc. were engaged by Pritchard Mountain LLC and Fulton County in accordance with the contract attached as exhibit B. Councilmember Tart seconded the motion. The Motion to Amend passed unanimously.

(Agenda Item No. 08-515)

7. Consideration of Rescission of Resolution No. 07-03-27, A Resolution to Govern the Conduct of City Council Members as they relate to Boards, Commissions, and Authorities.

Motion and Vote: Councilmember Zahner Bailey moved to approve Consideration of Rescission of Resolution No. 07-03-27, A Resolution to Govern the Conduct of City Council Members as they relate to Boards, Commissions, and Authorities. Councilmember D'Aversa seconded the motion. The motion passed unanimously.

(Added by Motion and Vote)

8. Approval of a Resolution in Support of House Bill 975 Relating to Counties and Municipal Corporations in general, so as to provide that it shall be unlawful for any county or municipal corporation to issue any backdated license, permit, or other similar authorization under certain circumstances to provide for a criminal penalty; to provide for related matters; to state legislative intent; to provide an effective date; to repeal conflicting laws; and for other purposes.

Resolution No. 08-02-21

Motion and Vote: Councilmember Thurman moved to approve a Resolution in Support of House Bill 975 Relating to Counties and Municipal Corporations in general, so as to provide that it shall be unlawful for any county or municipal corporation to issue any backdated license, permit, or other similar authorization under certain circumstances to provide for a criminal penalty; to provide for related matters; to state legislative intent; to provide an effective date; to repeal conflicting laws; and for other purposes. Councilmember D'Aversa seconded the motion. The motion passed unanimously.

9. **(Added by Motion and Vote)**

A Resolution in support of House Bill 1015 relating to special districts divided into noncontiguous areas, so as to provide for additional requirements regarding certain excess funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

Resolution No. 08-02-22

Motion and Vote: Councilmember Lusk moved to approve A Resolution in support of House Bill 1015 relating to special districts divided into noncontiguous areas, so as to provide for additional requirements regarding certain excess funds; to provide an effective date; to repeal conflicting laws; and for other purposes. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

12) MAYOR AND COUNCIL REPORTS**13) STAFF REPORTS**

(Agenda Item No. 08-516)**14) EXECUTIVE SESSION**

The purpose of the Executive Session is to discuss pending litigation.

Motion and Vote: Councilmember Lusk moved to enter into Executive Session at 9:10 p.m. Councilmember D'Aversa seconded the motion. The motion passed unanimously.

RECONVENE

Motion and Vote: Councilmember Lusk moved to reconvene the Regular Meeting. Councilmember Hewitt seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-517)**15) ADJOURNMENT**

Motion and Vote: Councilmember Lusk moved to adjourn the Regular Meeting at 9:55 p.m. Councilmember Hewitt seconded the motion. The motion passed unanimously.