



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

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

Monday, October 6, 2008

ACTION MINUTES

6:00 PM

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**

(Agenda Item No. 08-676)

- 4) **APPROVAL OF MEETING AGENDA**

Staff recommended the following changes to the Meeting Agenda:

1. Add a Resolution Amending Resolution No. 08-09-43, Appointing Advisory Committee Members for the Solid Waste Management Plan (TARA Committee) for District 3 and District 4, after the Reports and Presentations.
2. Add an Executive Session to discuss potential land acquisition.

Motion and Vote: Councilmember Hewitt moved to approve the Meeting Agenda, as amended. Councilmember Lusk seconded the motion. The motion passed unanimously.

- 5) **PUBLIC COMMENT**

- 6) **CONSENT AGENDA**

(Agenda Item No. 08-677)

1. Approval of the September 8, 2008 Special Called Budget Work Session Minutes.

(Agenda Item No. 08-678)

2. Approval of the September 8, 2008 Work Session Minutes.

Page 1 of 6

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

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(Agenda Item No. 08-679)

3. Approval of the September 15, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-680)

4. Approval of the September 24, 2008 Special Called Meeting Minutes.
5. Approval of the following Construction Agreements per City Charter requirement:
 - a. April 15, 2008 - Unit prices and estimated quantities for estimated total from Atlanta Paving and Concrete Construction Inc for Bell Park handicapped ramps project with a total cost of \$12,498.30; and
 - b. June 16, 2008 - Construction agreement with Blount Construction Company, Inc. for Treyburn Run project with a total cost of \$18,240; and
 - c. June 24, 2008 - Construction agreement with Turnkey Services Inc for addition to restroom at Bell Park project with a total cost of \$36,000; and
 - d. July 8, 2008 - Construction agreement with Hardin Septic Tank and Sewer Lines Inc for Bell Park septic system project with a total cost of \$38,980.

(Dan Drake, Public Works Director)

Motion and Vote: Councilmember Lusk moved to approve the Consent Agenda. Councilmember Hewitt seconded the motion. The motion passed unanimously.

7) REPORTS AND PRESENTATIONS

1. A Proclamation dedicating October 6, 2008 as “Zack and Thomas Eller Adopt-a-Shelter Pet” day.

(Added by Motion and Vote)

Approval of a Resolution Amending Resolution No. 08-09-43, appointing Advisory Committee Members for the Solid Waste Management Plan (TARA Committee) for District 3 and District 4.

Resolution No. 08-10-45

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution Amending Resolution No. 08-09-43, Appointing Advisory Committee Members for the Solid Waste Management Plan (TARA Committee) appointing Ron Hardy for District 3 and Lauren Holmes for District 4. Councilmember Lusk seconded the motion. The motion passed unanimously.

8) FIRST PRESENTATION**(Agenda Item No. 08-682)**

1. An Ordinance to Amending Chapter 14, Land Development and Environmental Protection, of the Code of Ordinances for the City of Milton, Georgia.

(Agenda Item No. 08-683)

2. **ZM08-06/VC08-05** - 765 and 785 Mid Broadwell Road, To modify Condition 2.a. and 4.b.of RZ03-140 (ZM06-011 NFC), to modify the site plan and to remove the

Page 2 of 6

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requirement that the owner dedicate to Fulton County (City of Milton) the necessary right-of-way to provide a connector road from Broadwell Road to Mid Broadwell Road prior to attaining an LDP, or as may be approved by the Director of Public Works. The applicant is also requesting a concurrent variance to reduce parking from 58 to 39 spaces (Article 18 Section 2.1).

(Agenda Item No. 08-684)

3. **ZM08-07** - 12659 Itaska Walk, To modify Condition 3.a. of RZ03-156 to reduce the side set back from 10 ft. to 4 ft along the north property line and to reduce the rear set back from 20 ft. to 8 ft.

(Agenda Item No. 08-685)

4. **RZ08-09** - To amend Article 22, Appeals of the City of Milton Zoning Ordinance.

(Agenda Item No. 08-686)

5. Approval of an Ordinance to Amend Chapter 6 of the Code of Ordinances of the City of Milton, To Establish the Code of Ethics for the City of Milton; To further and Incorporate the Policies and Laws of the State of Georgia Relating to Ethical Standards; To Create the Board of Ethics and Provide for Board Membership, Duties, and Responsibilities; to Provide for the Disposition of Ethics Complaints; to Ensure Compliance With Ethical Standards; to Repeal Conflicting Provisions; to Provide for Severability; to Provide for an Effective Date; and for other Purposes.

Motion and Vote: Councilmember Tart moved to approve the First Presentation Items. Councilmember D’Aversa seconded the motion. The motion passed unanimously.

9) ZONING AGENDA

10) UNFINISHED BUSINESS

(Agenda Item No. 08-687)

1. Authorize the issuance of permits (LDP, building, CO, etc.) to those parcels reflected within the sewer delivery area map approved by City Council on September 15, 2008 as long as the applicant provides an approved sewer permit from Fulton County.

Motion: Mayor Lockwood moved to authorize Milton staff to review and issue, as appropriate, all necessary permits and certificates of occupancy for those developments-in-progress located within areas color-coded for sewer service as reflected in the sewer service map adopted by the Milton City Council on September 15, 2008. This Motion is based upon the following findings and subject to the following restrictions:

1. That on September 15, 2008 the Milton City Council, at a duly called and advertised meeting, adopted a sewer service map and an accompanying Intergovernmental Agreement (“IGA”) for delivery to Fulton County for its consideration;

2. That the sewer map and the IGA identified certain land lots and portions of land lots that the Milton City Council considered appropriate for sewer service;
3. That the September 15 sewer map is color-coded, and only those parcels colored dark blue or light blue are deemed appropriate for sewer service;
4. That the map adopted by the Milton City Council includes areas designated for sewer service where certain developments-in-progress are presently located;
5. A development-in-progress, for purposes of this motion, is a development in need of permitting, plan review, or a certificate of occupancy that also has a sewer availability letter from Fulton County issued prior to the date of this motion – and is located entirely located within areas color-coded for sewer service as reflected in the sewer service map adopted by the Milton City Council on September 15, 2008;
6. That based upon the above facts, the equities of the situation are such that in spite of the lack of an agreed upon sewer IGA between Fulton County and the City of Milton, it nonetheless is in the best interest of the health, welfare and safety of the citizens of Milton for developments-in-progress to proceed with permitting, plan review and certificate of occupancy issuance; and,
7. A statement shall be attached to any permit(s) and/or CO(s) issued stating that: “Issuance of this permit and/or CO should not be construed as a waiver by Milton of its right to require strict compliance with all constitutional entitlements and safeguards concerning the requirement that another jurisdiction may only provide new sewer service in Milton pursuant to an Intergovernmental Agreement. Issuance of this permit and/or CO was based upon the development being located in an area deemed appropriate for sewer service by the City of Milton, and issuance of same is to have no precedential effect with respect to any other development.”

Second and Vote: Councilmember Thurman seconded the motion. The motion passed 4-3, with Councilmember Zahner Bailey, Councilmember D’Aversa and Councilmember Tart opposed.

11) NEW BUSINESS

(Agenda Item No. 08-688)

1. Acceptance of the Milton Trail commitment letter from Canine Assistants.

Motion and Vote: Councilmember Hewitt moved to approve the Acceptance of the Milton Trail commitment letter from Canine Assistants. Councilmember Lusk seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-689)

2. Approval of a Memorandum of Agreement to participate in the North Fulton Comprehensive Transportation Plan (CTP).

Motion and Vote: Councilmember Thurman moved to approve a Memorandum of Agreement to participate in the North Fulton Comprehensive Transportation Plan (CTP). Councilmember Lusk seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-690)

3. Approval of a change order in the amount of \$65,000 revising the City of Milton and CH2MHILL contract for additional services for National Pollutant Discharge Elimination System (NPDES) Stormwater in 2008.

Motion and Vote: Councilmember Hewitt moved to approve a change order in the amount of \$65,000 revising the City of Milton and CH2MHILL contract for additional services for National Pollutant Discharge Elimination System (NPDES) Stormwater in 2008. Councilmember Thurman seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-691)

4. Approval of an agreement with Blount Construction Company, Inc. for gravel road reconstruction in the amount not to exceed \$201,297.60.

Motion and Vote: Councilmember D'Aversa moved to approve an agreement with Blount Construction Company, Inc. for gravel road reconstruction in the amount not to exceed \$201,297.60. Councilmember Thurman seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-692)

5. Approval of a professional services agreement with Peek Pavement Marking, LLC for Annual Citywide Street Striping.

Motion and Vote: Councilmember D'Aversa moved to approve a professional services agreement with Peek Pavement Marking, LLC for Annual Citywide Street Striping. Councilmember Tart seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-693)

6. Approval of a Resolution to Create the Milton Grows Green Committee and its Governing Board and for Other Designated Purposes.

Resolution No. 08-10-46

Motion and Second: Councilmember D'Aversa moved to approve a Resolution to Create the Milton Grows Green Committee and its Governing Board and for Other Designated Purposes. Councilmember Tart seconded the motion.

Amendment to the Motion: Councilmember Thurman moved to change the body to include 12 members with one member from each district, to include after the initial appointments, any new

appointments would have to be approved by the City Council based on the recommendation by the Governing Board. Councilmember Hewitt seconded the motion.

Vote: The motion to amend passed unanimously.

Second Amendment to the Motion: Councilmember Thurman moved to change the body to include 13 members rather than 12 with one member from each district, to include, after the initial appointments, any new appointments would have to be approved by the City Council based on the recommendation by the Governing Board. Councilmember Hewitt seconded the motion.

Vote: The motion to the second amendment passed unanimously.
(This amendment rescinds the first amendment to the motion.)

Vote: The original motion as amended passed unanimously.

12) MAYOR AND COUNCIL REPORTS

13) STAFF REPORTS

14) EXECUTIVE SESSION

Motion and Vote: Councilmember Lusk moved to adjourn into Executive Session to discuss potential land acquisition and pending litigation at 8:08 p.m. Councilmember Hewitt seconded the motion. The motion passed unanimously.

RECONVENE

Motion and Vote: Councilmember Hewitt moved to reconvene the Regular Meeting at 8:43 p.m. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-694)
15) ADJOURNMENT

Motion and Vote: Councilmember Thurman moved to adjourn the Regular Meeting at 8:44 p.m. Councilmember Lusk seconded the motion. The motion passed unanimously.