

This summary is provided as a convenience and service to the public, media, and staff. It is not the intent to transcribe proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted and heard by Council, but not quoted. This document includes limited presentation by Council and invited speakers in summary form. This is an official record of the Milton City Council Meeting proceedings. Official Meetings are audio recorded.

The Regular Meeting of the Mayor and Council of the City of Milton was held on January 5, 2009 at 6:00 PM, Mayor Joe Lockwood presiding.

CALL TO ORDER

Mayor Lockwood called the meeting to order.

ROLL CALL

City Clerk Marchiafava called the roll and made general announcements.

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

PLEDGE OF ALLEGIANCE

Mayor Lockwood led the Pledge of Allegiance.

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Lusk moved to approve agenda item 09-759, Approval of the Meeting Agenda. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

PUBLIC COMMENT

Mayor Lockwood read the rules for Public Comment.

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

There was no Public Comment.

CONSENT AGENDA

City Clerk Marchiafava read the Consent Agenda items:

(Agenda Item No. 09-760)

1. **Approval of the December 8, 2008 Work Session Minutes.**

(Agenda Item No. 09-761)

2. **Approval of the December 15, 2008 Regular Meeting Minutes.**

(Agenda Item No. 09-762)

3. **Approval of the Financial Statements for the period ending November 2008.**

Motion and Vote: Councilmember Tart moved to approve the Consent Agenda items. Councilmember Hewitt seconded the motion. The motion passed unanimously 7-0.

FIRST PRESENTATION

City Clerk Marchiafava read agenda item 09-763.

ZM08-09 – 13941, 13943, 13945 Highway 9, North - To modify Condition 2.a. of RZ07-010, to redesign site plan to eliminate septic and connect to sanitary sewer, by Milton Organizers, LLC.

Mayor Lockwood

- Recused himself from discussion, comment or vote due to being on the Board of Directors for the bank.

Motion and Vote: Councilmember Tart moved to approve the First Presentation item **ZM08-09** – 13941, 13943, 13945 Highway 9, North - To modify Condition 2.a. of RZ07-010, to redesign site plan to eliminate septic and connect to sanitary sewer, by Milton Organizers, LLC. Councilmember Thurman seconded the motion. The motion passed unanimously 6-0-1 with Mayor Lockwood recused.

UNFINISHED BUSINESS

City Clerk Marchiafava read agenda item 08-764.

Approval of a Resolution Amending Resolution No. 08-12-59, A Resolution to Create the Milton Parks and Recreation Advisory Board and to develop the Milton Parks and Recreation Ordinance by appointing members for Districts 2 and 4.

RESOLUTION NO. 09-01-66

Councilmember Hewitt

- Introduced his nominee Sabrina Moore.
- She and her husband have been involved in the community for many years.
- He appreciates her willingness to serve and looks forward to her participation.

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution Amending Resolution No. 08-12-59, A Resolution to Create the Milton Parks and Recreation Advisory Board and to develop the Milton Parks and Recreation Ordinance by appointing Sabrina Moore for District 4. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

Oath of Office

Mayor Lockwood administered to Oath for the Milton Parks and Recreation Advisory Board to Sabrina Moore for District 4.

City Clerk Marchiafava read agenda item 08-750.

Approval of a Resolution Amending Resolution No. 08-12-55, A Resolution to Create a Committee to Serve as the Highway 9 Design Guideline Committee for Potential Revision to the Highway 9 Overlay District of the City of Milton Zoning Ordinance.

RESOLUTION NO. 09-01-67

Councilmember Hewitt

- His nominee is Vic Jones for this committee.
- Vic serves on several other committees.
- He was on the steering committee that helped form the City.
- He appreciates his willingness to serve on this committee.

Mayor Lockwood

- Asked the City Attorney if we should vote on these individually or all at once.

City Attorney Jarrard

- Requested they make the motions individually.

Motion and Vote #1: Councilmember Thurman moved to approve a Resolution Amending Resolution No. 08-12-55, A Resolution to Create a Committee to serve as the Highway 9 Design Guideline Committee for Potential Revision to the Highway 9 Overlay District of the City of Milton Zoning Ordinance by appointing Vic Jones for District 4. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

Councilmember D'Aversa

- Introduced two appointees.
- Roger Festa who serves on the tree preservation committee.
- Adam Orkin also serves on that board.
- They probably know as much about Highway 9 as anyone.
- They are both in the development community for commercial and residential properties.
- Adam Orkin is president of Orkin Associates in Milton.
- Roger Festa is a long time resident of the area.
- His bio is tremendous.
- She is honored to have them serve on this committee.

Motion and Vote #2: Councilmember Lusk moved to approve a Resolution Amending Resolution No. 08-12-55, A Resolution to Create a Committee to serve as the Highway 9 Design Guideline Committee for Potential Revision to the Highway 9 Overlay District of the City of Milton Zoning Ordinance by appointing Roger Festa and Adam Orkin for District 5. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously.

Councilmember Tart

- Introduced Diane Palmer who also serves on the tree committee.
- She owns a small horse farm off of Bethany Bend.
- She is a CPA who owns her own company.
- He thanked her for serving District 6.

Motion and Vote #3: Councilmember D'Aversa moved to approve a Resolution Amending Resolution No. 08-12-55, A Resolution to Create a Committee to serve as the Highway 9 Design Guideline Committee for Potential Revision to the Highway 9 Overlay District of the City of Milton Zoning Ordinance by appointing Diane Palmer for District 6. Councilmember Zahner Bailey seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

Oath of Office

Mayor Lockwood administered the Oath for the Highway 9 Design Guideline to Vic Jones for District 4, Roger Festa and Adam Orkin for District 5, and Diane Palmer for District 6.

City Clerk Marchiafava read agenda item 08-765.

Approval of a Resolution Amending Resolution No. 08-12-60, A Resolution to Create a Committee to Serve as the Historic Preservation Committee for Development of a Historic Preservation Ordinance for the City of Milton by appointing members for the Mayor, and Districts 1, 2, 3, 4, and 6.
RESOLUTION NO. 09-01-68

Councilmember Zahner Bailey

- Introduced Joan Borzelleri as her at large nominee.
- She has a history of caring about the natural world.
- Although her education was in social work, she left a case work position to work for the State of Georgia Department of Human Resources.
- She served as the training manager for the M.I.S. group.
- She transitioned to the private industry in financial and healthcare software.
- She has worked with the girl scouts on a national and local level.
- She has been a Girl Scout leader for ten years and is a long time member of the Georgia Forest Watch Organization which is an oversight group for the protection of the Chattahoochee and Oconee National Forest.
- She values the historical and architectural heritage exemplified by protection and restoring historic sites.
- Honored to appoint her and she appreciates her commitment to this committee.

Motion and Vote #1: Councilmember D'Aversa moved to approve a Resolution Amending Resolution No. 08-12-60, A Resolution to Create a Committee to serve as the Historic Preservation Committee for Development of a Historic Preservation Ordinance for the City of Milton by appointing by appointing Joan Borzilleri, District 2 at large. Councilmember Lusk seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

Councilmember Hewitt

- His nominee is Mark Hancock.
- Mark could not be here this evening, but he is in the banking business.
- He and his family live in Providence Oak Subdivision.
- He is proud to nominate him as his representative.

Motion and Vote #2: Councilmember D'Aversa moved to approve a Resolution Amending Resolution No. 08-12-60, A Resolution to Create a Committee to serve as the Historic Preservation Committee for Development of a Historic Preservation Ordinance for the City of Milton by appointing Mark Hancock for District 4. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

Oath of Office

Mayor Lockwood administered the Oath for the Historic Preservation Committee to Joan Borzilleri for District 2.

City Clerk Marchiafava read agenda item 08-753.

Approval of a Resolution Amending Resolution No. 08-12-62, A Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan by appointing members for District 1, 2, and 3.

City Clerk Marchiafava

- Asked if Council would like to defer this item until January 21, 2009 because there are no nominees for this committee at this time.

Motion and Vote: Councilmember D'Aversa moved to defer until January 21, 2009 a Resolution Amending Resolution No. 08-12-62, A Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan by appointing members for District 1, 2, and 3. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

City Clerk Marchiafava read agenda item 08-754

Approval of a Resolution Amending Resolution No. 08-12-63, A Resolution to Create a Citizen Advisory Committee for City of Milton Concept Plans for the Intersections of Birmingham at Providence and Arnold Mill at New Providence by appointing members for Districts 1, 2, 3, and 4.

City Clerk Marchiafava

- There are no nominees at this time, if Council would like to defer.

Motion and Vote: Councilmember Thurman moved to defer until January 21, 2009 a Resolution Amending Resolution No. 08-12-62, A Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan by appointing members for District 1, 2, and 3. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

Mayor Lockwood

- His appointment was unable to attend when it was voted on to appoint her, but she is present at this meeting so he would like to administer the oath.

Oath of Office

Mayor Lockwood administered the Oath for the Citizen Advisory Committee for City of Milton Concept Plans to Yvonne Latorre at large.

NEW BUSINESS

City Clerk Marchiafava read agenda item 08-721

Approval of Resolution Amending Resolution No. 08-10-46, A Resolution to Create the Milton Grows Green Committee and its Governing Board and for other Designated Purposes by Adding an MGG Committee Governing Board Member.
RESOLUTION NO. 09-01-69

Councilmember Tart

- Introduced Todd Harkleroad as his nominee.
- He is an arborist for Casey Tree Experts.
- Has fourteen years working in the green industry.
- Thanked him for his service.

Motion and Vote: Councilmember D'Aversa moved to approve a Resolution Amending Resolution No. 08-10-46, A Resolution to Create the Milton Grows Green Committee and its Governing Board and for other Designated Purposes by Adding an MGG Committee Governing Board Member by appointing Todd Harkleroad for District 6. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

Oath of Office

Mayor Lockwood administered the Oath for the Milton Grows Green Committee to Todd Harkleroad for District 6.

City Clerk Marchiafava read agenda item 09-766

Approval of an Amendment to the Medical Director Services Agreement.

Public Safety Director Chris Lagerbloom

- This is an amendment to our contract that we have between the City of Milton and the Emory Clinic.
- It is something that we are required to have.
- It was anticipated and budgeted.
- It represents the 5% increase of this year versus last year.
- It equates to an increase monthly of \$87.75.

Motion and Vote: Councilmember Hewitt moved to approve agenda item 09-766, Approval of an Amendment to the Medical Director Services Agreement. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

City Clerk Marchiafava read agenda item 09-767.

Approval of a Field Trial Agreement between the City of Milton and TeraHop Networks, Inc.

Public Safety Director Lagerbloom

- This is a no cost contract.
- It is a local based company that designed a wireless asset tracking system.
- They have tested it in the law enforcement arena in Cherokee County and are interested in our relationship with the City of Alpharetta as we deploy fire services.
- They want to try their system in our agency.
- This has been through legal review.

Motion and Vote: Councilmember Lusk moved to approve agenda item 09-767, Approval of a Field Trial Agreement between the City of Milton and TeraHop Networks, Inc. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

City Clerk Marchiafava read agenda item 09-768.

City Clerk Marchiafava

- In compliance with House Bill 1470, the City of Milton will be holding elections for Council seats for the Mayor, District 1, 3 and 5 in 2009.
- The Georgia Election Code Section 21-2-131A1 provides that qualifying fees shall be fixed no later than February 1st of any year in which an election is to be held.
- The fees shall apply to candidates seeking municipal offices in the election to be held November 3, 2009.
- Mayor is \$690 and for Council Members it is \$390.
- A copy of the Resolution, if approved, will be published in the newspaper of general circulation.

Motion and Vote: Councilmember Tart moved to approve agenda item 09-768 a Resolution of the City of Milton, Georgia to Set Qualifying Fees for the Municipal Election. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

City Clerk Marchiafava read agenda item 09-769.

Approval of a Resolution Continuing a Wired and Wireless Enhanced 911 Charge on Wired and Wireless Communications within the City of Milton.

RESOLUTION NO. 09-01-71

Public Safety Director Lagerbloom

- The cover letter on the Resolution that was passed in July was appropriate.

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- It had both Wired and Wireless in it but the Resolution itself only had the word wireless in it.
 - The only change in this Resolution is that any place that the word wireless is used, the words wired and or wired or were added.
 - Other than that there were no changes to the Resolution.

Motion and Vote: Councilmember Tart moved to approve a Resolution Continuing a Wired and Wireless Enhanced 911 Charge on Wired and Wireless Communications within the City of Milton. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

MAYOR AND COUNCIL REPORTS

Mayor Lockwood

- We had some residents on Bethany Road concerned about speeding.
- They asked to come before Council to speak on those concerns.
- Thursday evening we will provide the opportunity to come and voices their concerns to Mayor, Council and whatever staff needs to be here.
- Asked for show of hands from Council if they could attend.
- Since everyone plans to be here, we will need to advertise it.

(Zoning issues typed verbatim)

Mayor Lockwood:

At our last City Council Meeting, we had a zoning case, number RZ08-10, that a motion was made and passed. After the meeting and conversations and concerns from staff as well as the City Attorney about some of the conditions and also conversations with certain Council Members who were in attendance and had voted on the motion, had some concerns. With that being said, I am prepared to, not at this meeting but at our next scheduled meeting to make a motion to see if the Council is interested in re-hearing that case. Our City Attorney has given me some information to read and I am going to read that now. Pursuant to Robert's Rules of Order, I hereby give notice that at the Council's regular meeting on February 2, 2009, I will move to rescind the Council's approval on RZ08-10, that occurred on December 15, 2008. I also request that rz08-10 be placed as an agenda item on the February 2nd agenda, because the potential rescission of a re-zoning is itself a zoning action under the zoning procedures act, my proposed motion to rescind may only occur after a public hearing in full compliance with the public hearing requirements of the Milton Zoning Code. Consequently I would further request that as part of this notice, the Director of Community Development be directed to provide lawful public notice of the potential rescission, including placement of signage and a legal ad in the appropriate legal order no less than fifteen days prior to the February 2nd meeting, announcing that a public hearing will be held on February 2nd prior to the motion to rescind being considered. Are there any Council reports?

Councilmember Zahner Bailey:

I do have a report but before that report, first of all thank you for that notice. I have two questions regarding that notice based on your comments. One would be; just specifically, are you aware of procedural or legal issues or reasons that a rescission of a legally decided zoning case on December 15th would be required by law.

Mayor Lockwood:

We will defer that to our City Attorney.

Councilmember Zahner Bailey:

For the record, I will ask the question of our City Attorney, whether or not you Mr. City Attorney, similarly do you have any procedural or legal concerns with this rezoning case that was legally before us and legally decided on December 15th.

City Attorney Jarrard:

When the issue was brought to my attention and what I have advised those Council Members that I have spoken with and that they have called and asked me is that in this situation there was not a constitutional challenge letter placed into the file so I did not have any concerns that there would be a lawful or legal challenge as to the substance of merits of the rezoning because I just do not think they have done what they needed to do to perfect their challenge, so no I am not aware that we would face the concern that it would be legally challenged or overturned. I am not concerned about that.

Councilmember Zahner Bailey:

Specifically, were there any procedural concerns that you had or you were aware of relative to the hearing of that case legally on December 15th?

City Attorney Jarrard:

No.

(End of Zoning Issue)

Councilmember Zahner Bailey:

- She was pleased to participate January 3, 2009 in the first annual Bring One for the Chipper Milton Grows Green annual event.
- They had a very successful first annual event with a lot of people that recycled their Christmas trees.
- They had a lot of volunteers from Hopewell Middle School as well as from North Western.
- They had students from Alpharetta High School and from Milton High School.
- The chipping of the trees will take place on Thursday.
- Between now and then they have a terrific opportunity where Crooked Creek in concert with Milton Grows Green, the Homeowners Association and with Waste Management are going to do some additional collections and bring to the site at Fire Station #43.

Councilmember D'Aversa

- They also gave seedlings to anyone who brought a tree to recycle and they had some left over, so they worked out a plan to plant them at Hopewell Middle School through the Eco Explorers Club.

Councilmember Zahner Bailey

- The seedlings were Red Cedar and Green Ash, which are indigenous to the area.

Councilmember Tart

- He has the distinction and honor to go to Washington DC from January 15th through January 22nd to oversee food protection for inaugural events.

Mayor Lockwood

- Congratulations, that is an honor.

STAFF REPORTS

Public Safety Director Lagerbloom

- He now has Public Safety picture directories to give Council.
- Lieutenant Marietta put together a statistical comparison for entering autos for the City of Milton for the calendar year 2008.
- We are borrowing a speed trailer which reminds you how fast you are going and put it at a couple of different places in Milton.

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- There is no video speed enforcement that is legal in Georgia, so it will not issue tickets, it will just remind drivers to bring their speed back down to the speed limit.

Community Development Director Wakefield

- The partial plan update for the comp plan was submitted to ARC on time.
- ARC and DCA now have sixty days to review and once we hear back from them, then we can formally adopt it.
- CPAC and staff will work on finalizing the plan.

Public Works Director Drake

- ARC has requested a list of projects for a potential federal economics stimulus package.
- He needs comments back by tomorrow noon.

Councilmember Tart

- It said a lot of the projects started 2008 and most of them will end 2011 and beyond.
- Asked if there was any information regarding whether they had a better chance getting grants if it were short versus long term.

Public Works Director Drake

- ARC and GDOT have put on constraints for these projects so we are trying to be within those constraints as much as possible.
- They have not provided any guidance on what they are going to pick.

ADJOURNMENT


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

Motion and Vote: Councilmember Lusk moved to adjourn the regular meeting. Councilmember D'Aversa seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

Date Approved: January 21, 2009



Jeanette R. Marchiafava, City Clerk



Joe Lockwood, Mayor