

Regular Meeting of the Milton City Council

Monday, October 5, 2009 at 6:00 pm

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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 October 5, 2009 at 6:00 PM, Mayor Joe Lockwood presiding.

INVOCATION

Greg Foster, City of Milton Fire Department, Pastor, The Lighthouse Church, led the invocation.

CALL TO ORDER

Mayor Pro Tem Tina D'Aversa 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

Mayor Lockwood was absent/excused.

PLEDGE OF ALLEGIANCE

Nikunj Jinan, Troop 3000, led the Pledge of Allegiance.

City Clerk Marchiafava read Agenda Item 09-946.

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Tart moved to approve Agenda Item 09-946, Approval of the Meeting Agenda. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously 6-0.

PUBLIC COMMENT

Mayor Pro Tem D'Aversa

- Public comment is a time for citizens to share information with the Mayor and City Council and to provide input and opinions on any matter that is not scheduled for its own public hearing during today's meeting.
- There is no discussion on items on the Consent Agenda or First Presentation from the public 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 members of the City Council in conversation.
- 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.

1. Approval of the September 14, 2009 Work Session minutes.
Agenda Item No. 09-947

2. Approval of the September 21, 2009 Special Called Meeting Minutes.
Agenda Item No. 09-948
3. Approval of the September 21, 2009 Special called Work Session Minutes.
Agenda Item No. 09-949
4. Approval of the September 21, 2009 Regular Meeting Minutes.
Agenda Item No. 09-950
5. Approval of a contract with Comfort Zone Portables for the Milton Roundup.
Agenda Item No. 09-951

Motion and Vote: Councilmember Tart moved to approve the Consent Agenda. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 6-0.

FIRST PRESENTATION

City Clerk Marchiafava read the First Presentation of Agenda Item 09-952.

ZM09-03 – Northwest Corner of Webb and Morris Roads by Precision Design and Development (Bowen Family Homes). A request to modify the following conditions:

1) To modify Condition 1.d (RZ05-022) – Site development shall be substantially consistent with the rendering and elevation submitted to the Fulton County Department of Environment and community Development on June 27, 2005 except for lots identified as 136 through 216 on the revised site plan submitted on September 11, 2009 to the City of Milton Community Development Department.

2) To modify condition 1.f (RZ05-022) – The minimum heated floor area for a townhouse unit shall be 2,000 square feet except for those lots identified as 136 through 216 shall be a minimum heated floor area of 1,850 square feet. All units shall have a rear entry 2-car garage except for those lots identified as 136 through 2116 on the revised site plan submitted on September 11, 2009 to the City of Milton Community Development Department.

3) To modify Condition 2.a. (ZM07-03) To replace the revised site plan submitted on July 2, 2007 to the City of Milton Community Development Department with the revised site plan submitted on September 11, 2009 to the City of Milton community Development Department.

Motion and Vote: Councilmember Hewitt moved to approve the First Presentation Agenda Item. Councilmember Tart seconded the motion. The motion passed unanimously 6-0.

NEW BUSINESS

City Clerk Marchiafava read Agenda Item 09-953.

**Approval of a Resolution authorizing the City of Milton to apply for and accept a Georgia Department of Transportation GATEway Grant. Upon award of the grant, the City of Milton shall enter into a Mowing and Maintenance agreement with the Georgia Department of Transportation.
Resolution No. 09-10-105**

Tom Wilson, Interim Community Development Director

- This is an offer for a grant from GDOT for up to \$50,000.
- There is no match and it can be used for design and landscaping at the city boundaries where you would drive into the City of Milton and that occurs at Arnold Mill, Birmingham, 376 and Highway 9.
- The only stipulation is if we do accept the grant money, we have to enter into a maintenance agreement with GDOT to maintain it once we have planted.

Councilmember Zahner Bailey

- In terms of the timing, she asked when to expect to hear back from them.

Interim Community Development Director Tom Wilson

- It is uncertain, but he thinks within the next couple of months.

Motion and Vote: Councilmember Zahner Bailey moved to approve Agenda Item 09-953, Approval of a Resolution authorizing the City of Milton to apply for and accept a Georgia Department of Transportation GATEway Grant. Upon award the grant, the City of Milton shall enter into a Mowing and Maintenance agreement with the Georgia Department of Transportation. Councilmember Thurman seconded the motion. There was no Council discussion. The motion passed unanimously 6-0.

MAYOR AND COUNCIL REPORTS

Councilmember Zahner Bailey

- Reminded everyone about Rivers Alive on Saturday, October 10, 2009 from 8:00am until 1:00pm.
- This is a state sponsored activity and she is pleased to be a part of it.
- There will be scouts, students, parents and people of all ages to come and help clean the waterways.

Councilmember D'Aversa

- The Hopewell Eco Explorers Club is going to Webb Road to the property of Dennis Potts on Saturday and help clean an area behind his property that is a natural stream.
- They will train the children on how to clean the waterways and how to protect them.

STAFF REPORTS

City Manager Lagerbloom

- He and the City Attorney attended the Service Delivery Strategy meeting last Wednesday and they discovered that, according to the law, we really do not qualify as a county for an extension.
- The resolution for the extension they were planning on bringing forward is not feasible.
- There is a certain group of people that are called up by statute as to have to agree in the county.
- It is the county, the county seat, any city in the county that has a population greater than 9,000 and then fifty percent of the remaining cities in the county.
- We have at this point, as an interim update, officially submitted on behalf of the city our two names of who we would be comfortable with as mediators.
- We will be back down at ARC this week on Thursday to be part of more discussion, as well as be part of the selection process for the mediators that are used to get us to the next step.

Councilmember Tart

- He asked if any of the other affected cities passed resolutions to try to get Fulton County to agree to the remaining issues.

City Manger Lagerbloom

- Actually, it is not Fulton County that is the issue here.
- There are a lot of different players in the Service Delivery Strategy and there are disagreements between other cities.

City Manager Lagerbloom

- The CPAC would like to meet with this Council during the week of the 26th and it looks like everyone is available Monday October 26, 2009 at 6:00 pm.

City Manager Lagerbloom

- Councilmember Tart brought up an issue about political signs out front of city hall.

- City Attorney Jarrard probably can explain where we are with respect to the law as we are in a leased building.

Councilmember Tart

- We now have three candidates' signs out in front of City Hall and there could potentially be more.
- It is his opinion that City Hall needs to be A political.
- He knows that we are in a leased building and the person who owns this building can certainly express his or her views, however he also thinks that the city needs to not provide a perception that it is involved in politics.
- It needs to be involved in the business of running the city.
- He thinks it sends the wrong message to our citizenry for there to be political signs in front of City Hall.

City Attorney Jarrard

- He advised the city manager that before we take down political speech on private property, we need to reach out to the landlord and ensure that that individual or that entity has no problem with that.
- It is very likely they do not.
- It is very likely they have no knowledge of those signs.

Councilmember D'Aversa

- If the landlord has given proper authority for those signs to be there, she asked what the law is with regard to freedom of speech.

City Attorney Jarrard

- If there is nothing in our lease that would prohibit it which I do not believe there is and if the private property owner wants them to remain there, they will remain there.
- The single enactment that this city has done is the sign ordinance and as long as they do not violate your sign code or on private property with private property owner's permission they can stay.
- He would like to see a policy by the Council that on city property we do not allow political signage.

Councilmember Tart

- He thinks that is what should be done.

Councilmember Zahner Bailey

- I had not really thought about it until Councilmember Tart posed it.
- From the perspective of being A political, she thinks that is a legitimate comment.

Councilmember Hewitt

- He agrees.
- He thinks going forward they should have a policy against it.

City Attorney Jarrard

- As long as it is on an agenda where they can actually vote on it which it would take no more than a motion and vote that the City Council adopt a policy that political signage should not be allowed on city property.

Councilmember Lusk

- He would support that.
- We are talking about 183 feet across the front here and we have a couple of city parks out there.
- We have 203 miles of road and if you take two sides of that you have 406 miles of opportunity out there for signs so what is 183 feet.

Councilmember D'Aversa

- She suggested putting it on the agenda for the next meeting and includes all of city property.

City Manager Lagerbloom

- He is scheduled for a meeting with Ms Cauley Wednesday in regards to the Christmas tree donation and the reason planting should take place October 24th.
- October 1st was the beginning of the transition from CH2M Hill to city operations.
- We are actively moving forward with the plan that was presented last week.
- We will go into that plan in a lot of detail at the work session.
- It is a reasonably comprehensive document and will give some ideas as to what our bench marks are and what our time line is and when certain things are going to go into effect.
- Because of the items on the Work Session agenda the meeting will be held in the Council Chambers rather than the Executive Conference Room.

Councilmember D'Aversa

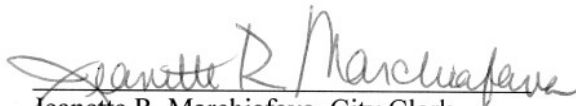
- She thanked everyone for attending the meeting.

ADJOURNMENT


After no further business, the regular meeting adjourned at 6:51 PM.

Motion and Vote: Councilmember Tart moved to adjourn the Regular Meeting. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously 6-0.

Date Approved: October 19, 2009



Jeanette R. Marchiafava, City Clerk



Joe Lockwood, Mayor