



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

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

Monday, December 21, 2009

ACTION MINUTES

6:00 PM

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- 4) **APPROVAL OF MEETING AGENDA**
(Agenda Item No. 09-1002)

Staff recommended the following changes to the meeting agenda:

1. Add under New Business; Approval of a Supplement to the Sungard Public Sector Inc. Application Service Provider Agreement.
2. Add under New Business; Approval of a Transition Agreement by and between the City of Milton, Georgia and Optech Monete, LLC.
3. Add under New Business; Approval of a Transition Agreement by and between the City of Milton, Georgia and Safe Built Georgia Inc. for Building Department Services.
4. Add under New Business; Approval of a Transition Agreement by and between the City of Milton, Georgia and Georgia Management Agency, Inc. d/b/a/ Roadworx.
5. Add under New Business; Approval of a Transition Agreement by and between the City of Milton, Georgia and Lowe Engineers, LLC for Engineering Services.
6. Under the Zoning Agenda staff recommends deferral of RZ09-04, An Ordinance to create Article 13 of the Milton Zoning Ordinance; to establish a historic preservation commission in the City of Milton to provide for the designation of historic properties or historic districts; to provide for issuance of Certificates of Appropriateness; to provide

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

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for an appeals procedure; to repeal conflicting ordinances; and for other purposes to January 18, 2010.

7. Add discussion of personnel to the Executive Session.
8. Under Staff Reports defer discussion on the Traffic Calming Policy.

Motion and Vote: Councilmember Hewitt moved to approve the Meeting Agenda as amended. Councilmember Lusk seconded the motion. The motion passed unanimously 7-0.

5) PUBLIC COMMENT

6) CONSENT AGENDA

1. Approval of the December 7, 2009 Regular Meeting Minutes.
(Agenda Item No. 09-1003)
2. Approval of Financial Statements for the period ending November 2009.
(Agenda Item No. 09-1004)

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

7) REPORTS AND PRESENTATIONS

1. A Proclamation for Eagle Scout Jason Wynne.
(Presented by Mayor Joe Lockwood)
2. A Proclamation recognizing the Inaugural Mayor's Run Volunteers.
(Presented by Mayor Joe Lockwood)

8) FIRST PRESENTATION

1. Approval of an Ordinance to Amend Chapter 4, Municipal Court, by adding a new section entitled A Pre-Trial Intervention and Diversion Program to be administered by the City of Milton Solicitor's Office for the purpose of ending the repeat offenses of theft by shoplifting, underage possession of alcohol, disorderly conduct, and other miscellaneous misdemeanor and traffic offenses through the education of eligible defendants; and for other purposes.
(Agenda Item No. 09-1005)
(Presented by Fran Shoenthal, Municipal Court Solicitor)

Motion and Vote: Councilmember D'Aversa moved to approve the First Presentation of Agenda Item 09-1005, Approval of an Ordinance to Amend Chapter 4, Municipal Court, by adding a new section entitled A Pre-Trial Intervention and Diversion Program to be administered by the City of Milton Solicitor's Office for the purpose of ending the repeat offenses of theft by shoplifting, underage possession of alcohol, disorderly conduct, and other miscellaneous

misdeemeanor and traffic offenses through the education of eligible defendants; and for other purposes. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

9) PUBLIC HEARINGS

ALCOHOL BEVERAGE LICENSE APPLICATIONS

1. Approval of Alcohol Beverage License Application for Aldi Inc. d/b/a as Aldi, Inc. (GA) #30 located at 12990 Highway 9 North, Suite 107, Milton, Georgia. The applicant is Scott Kornegay for retail – Wine/Malt Beverage.

(Agenda Item No. 09-1006)

(Presented by Stacey Inglis, Finance Director and City Treasurer)

Motion and Vote: Councilmember D’Aversa moved to approve Agenda Item 09-1006, Approval of Alcohol Beverage License Application for Aldi Inc. d/b/a/ as Aldi, Inc. (GA) #30 located at 12990 Highway 9 North, Suite 107, Milton, Georgia. The applicant is Scott Kornegay for retail – Wine/Malt Beverage. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 7-0.

2. Approval of Alcohol Beverage License Application for Su Shin USA d/b/a as Magic Wok & Sushi Bar located at 12890 Highway 9, Suite 140, Milton, Georgia. The applicant is GuoFu Wu for Consumption on the Premises – Wine/Malt Beverage.

(Agenda Item No. 09-1007)

(Presented by Stacey Inglis, Finance Director and City Treasurer)

Motion and Vote: Councilmember Hewitt moved to approve Agenda Item 09-1007, Approval of Alcohol Beverage License Application for Su Shin USA d/b/a as Magic Wok & Sushi Br located at 12890 Highway 9, Suite 140, Milton, Georgia. The applicant is GuoFu Wu for Consumption on the premises – Wine/Malt Beverage. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

3. Approval of Alcohol Beverage License Application for Casa De Tontos LLC d/b/a Sip Wine Tapas Restaurant located at 12635 Crabapple Road, Suite 110, Milton, Georgia. The applicant is John Foster Smith for Consumption on the Premises – Wine/Malt Beverage/Distilled Spirits.

(Agenda Item No. 09-1008)

(Presented by Stacey Inglis, Finance Director and City Treasurer)

Motion and Vote: Councilmember Lusk moved to approve Agenda Item 09-1008, Approval of Alcohol Beverage License Application for Casa De Tontos LLCA d/b/a Sip Wine Tapas Restaurant located at 12635 Crabapple Road, Suite 110, Milton, Georgia. The applicant is John Foster Smith for Consumption on the Premises – Wine/Malt Beverage/Distilled Spirits. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

10) ZONING AGENDA

Deferred by motion and vote

1. **RZ09-04** - An Ordinance to create Article 13 of the Milton Zoning Ordinance; to establish a historic preservation commission in the City of Milton to provide for the designation of historic properties or historic districts; to provide for issuance of Certificates of Appropriateness; to provide for an appeals procedure; to repeal conflicting ordinances; and for other purposes.

(Agenda Item No. 09-926)

(First Presentation on September 9, 2009. Deferred on September 21, 2009, October 19, 2009.)

(Presented by Tom Wilson, Interim Community Development Director)

2. **ZM09-04 /VC09-04**, Northeast corner of Hwy 9 and Bethany Bend by Dr. David Smith
A request to revise condition 2.a. from the site plan received by the Department of Environment and Community Development on November 8, 2006 to the site plan received by the City of Milton Community Development Department on November 3, 2009. The applicant is also requesting a concurrent variance to delete the 10-foot landscape strip along the newly formed north property line to allow the required parking aisle width (Article 12G.4.A.2).

(Agenda Item No. 09-990)

(First Presentation on December 7, 2009)

(Presented by Tom Wilson, Interim Community Development Director)

Motion and Vote: Councilmember Tart moved to approve the withdrawal of agenda item 09-990, ZM09-04/vc09-04 Northeast corner of Hwy 9 and Bethany Bend by Dr. David Smith A request to revise condition 2.a. from the site plan received by the Department of Environment and Community Development on November 8, 2006 to the site plan received by the City of Milton Community Development Department on November 3, 2009. The applicant is also requesting a concurrent variance to the delete the 10-foot landscape strip along the newly formed north property line to allow the required parking aisle width (Article 12G.4.A.2). Councilmember Hewitt seconded the motion. The motion passed unanimously 7-0.

11) UNFINISHED BUSINESS

1. An Ordinance to Amend the City of Milton Tree Preservation Ordinance and Administrative Guidelines.

(Agenda Item No. 09-991)

(First Presentation on December 7, 2009)

(Presented by Tom Wilson, Interim Community Development Director)

ORDINANCE NO 09-12-57

Motion and Vote: Councilmember D'Aversa moved to approve Agenda Item 09-991, An Ordinance to Amend the City of Milton Tree Preservation Ordinance and Administrative Guideline. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 7-0.

2. Approval of an Ordinance Adopting and Enacting a Code of Ordinances which codifies Ordinances as they existed on June 15, 2009.

(Presented by Jeanette Marchiafava, City Clerk and Clerk of the Court)

(Agenda Item No. 09-1000)

ORDINANCE NO 09-12-56

Motion and Vote: Councilmember Thurman moved to approve Agenda Item 09-1000, Approval of an Ordinance Adopting and Enacting a Code of Ordinances which codifies Ordinances as they existed on June 16, 2009. Councilmember Lusk seconded the motion. The motion passed unanimously 7-0.

12) NEW BUSINESS

1. Approval of a Resolution adopting the Partial Plan Update of the City of Milton 2008-2028 Comprehensive Plan.

(Agenda Item No. 09-1009)

(Presented by Tom Wilson, Interim Community Development Director)

RESOLUTION NO 09-12-115

Motion and Vote: Councilmember Thurman moved to approve Agenda Item 09-1009, Approval of a Resolution adopting the Partial Plan Update of the City of Milton 2008-2028 Comprehensive Plan. Councilmember Lusk seconded the motion. The motion passed unanimously 7-0.

2. Approval of a Resolution to Adopt the 2010 Zoning and Use Permit, Zoning Modification, Board of Zoning Appeals and the City of Milton Design Review Board Schedules.

(Agenda Item No. 09-1010)

(Presented by Tom Wilson, Interim Community Development Director)

RESOLUTION NO 09-12-116

Motion and Vote: Councilmember Thurman moved to approve Agenda Item 09-1010, Approval of a Resolution to Adopt the 2010 Zoning and Use Permit, Zoning Modification, Board of Zoning Appeals and the City of Milton Design Review Board Schedules, with a change of the Planning Commission date from December 22, 2010 to December 15, 2010. Councilmember Tart seconded the motion. The motion passed unanimously 7-0.

3. Approval of a Resolution to Adopt the City of Milton Comprehensive Transportation Plan.

(Agenda Item No. 09-1011)

(Presented by Carter Lucas, Principal Engineer)

RESOLUTION NO 09-12-117

Motion and Vote: Councilmember Zahner Bailey moved to approve Agenda Item 09-1011, Approval of a Resolution to Adopt the City of Milton Comprehensive Transportation Plan. Councilmember D'Aversa seconded the motion. The motion passed unanimously 7-0.

4. Approval of a Resolution to authorize the City of Milton Mustang Logo by athletic teams playing at Bell Memorial Park pursuant to agreements with the City of Milton.

(Agenda Item No. 09-1012)

(Presented by City Manager Chris Lagerbloom)

Motion and Vote: Councilmember Tart moved to defer until January 6, 2010 Agenda Item 09-1012, Approval of a Resolution to authorize the City of Milton Mustang Logo by athletic teams playing at Bell Memorial Park pursuant to agreements with the City of Milton. Councilmember Hewitt seconded the motion. The motion passed unanimously 7-0.

5. Approval of a Resolution stating the City of Milton's opposition to the use of Fulton County General Fund money on Special Service District Operations and Services such as transferring the net revenue generated from traffic citations issued by the Fulton County Police Department within the geographical boundaries of the South Fulton Special Services District to the South Fulton Special Services District Fund.

(Agenda Item No. 09-1013)

(Presented by Chris Lagerbloom, City Manager)

RESOLUTION NO 09-12-119

Motion and Vote: Councilmember Hewitt moved to approve Agenda Item 09-1013, Approval of a Resolution stating the City of Milton's opposition to the use of Fulton County General Fund money on Special Service District Operations and Services such as transferring the net revenue generated from traffic citations issued by the Fulton County Police Department with the geographical boundaries of the South Fulton Special Services District to the South Fulton Special Services District Fund. Councilmember Tart seconded the motion. The motion passed unanimously 7-0.

Added by Motion and Vote

Approval of a Supplement to the SunGard Public Sector Inc. Application Service Provider Agreement.

Motion and Vote: Councilmember Tart moved to approve a Supplement to the SunGard Public Sector Inc., Application Service Provider Agreement. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

Added by Motion and Vote

Approval of a Transition Agreement by and between the City of Milton, Georgia and Optech Monete, LLC.

Motion and Vote: Councilmember D'Aversa moved to approve a Transition Agreement by and between the City of Milton, Georgia and Optech Monete, LLC. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

Added by Motion and Vote

Approval of a Transition Agreement by and between the City of Milton, Georgia and Safe Built Georgia Inc. for Building Department Services.

Motion and Vote: Councilmember Hewitt moved to approve a Transition Agreement by and between the City of Milton, Georgia and Safe Built Georgia Inc. for Building Department Services. Councilmember Lusk seconded the motion. The motion passed unanimously 7-0.

Added by Motion and Vote

Approval of a Transition Agreement by and between the City of Milton, Georgia and Georgia Management Agency, Inc. d/b/a/ Roadworx.

Motion and Vote: Councilmember Hewitt moved to approve a Transition Agreement by and between the City of Milton, Georgia and Georgia Management Agency, Inc. d/b/a/ Roadworx. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

Added by Motion and Vote

Approval of a Transition Agreement by and between the City of Milton, Georgia and Lowe Engineers, LLC for Engineering Services.

Motion and Vote: Councilmember Lusk moved to approve a Transition Agreement by and between the City of Milton, Georgia and Lowe Engineers, LLC for Engineering Services. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

13) MAYOR AND COUNCIL REPORTS**14) STAFF REPORTS**

1. Discussion on MARTA Offset Funds.
(*Carter Lucas, Principal Engineer*)
2. Discussion on Traffic Calming Policy.
(*Carter Lucas, Principal Engineer*)

15) EXECUTIVE SESSION***Added by Motion and Vote***

1. The purpose of the Executive Session is to discuss potential land acquisition, pending litigation and personnel.
(Agenda Item No. 09-1014)
(*Ken Jarrard, City Attorney*)

Motion and Vote: Councilmember Tart moved to adjourn into Executive Session at 8:21 p.m. Council Thurman seconded the motion. The motion passed unanimously 7-0.

RECONVENE

Motion and Vote: Councilmember Tart moved to reconvene the meeting at 10:13 p.m. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

16) ADJOURNMENT
(Agenda Item No. 09-1015)

Motion and Vote: Councilmember D’Aversa moved to adjourn the meeting at 10:15 p.m. Councilmember Tart seconded the motion. The motion passed unanimously 7-0.