



## CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

### CITY COUNCIL

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

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**Monday, November 16, 2009**

**ACTION MINUTES**

**6:00 PM**

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INVOCATION

**1) CALL TO ORDER**

**2) ROLL CALL**

**3) PLEDGE OF ALLEGIANCE**

**4) APPROVAL OF MEETING AGENDA**

**(Agenda Item No. 09-972)**

Staff recommended the following change to the meeting agenda:

1. Remove the Executive Session.

**Motion and Vote:** Councilmember Tart moved to approve agenda item 09-972, Approval of Meeting Agenda as amended. Councilmember D'Aversa seconded the motion. The motion passed unanimously.

**5) PUBLIC COMMENT**

**6) CONSENT AGENDA**

1. Approval of the November 2, 2009 Regular Meeting Minutes.  
**(Agenda Item No. 09-973)**  
*(Jeanette Marchiafava, City Clerk and Clerk of the Court)*
2. Approval of Financial Statements for the period ending October 2009.  
**(Agenda Item No. 09-974)**

Page 1 of 4

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

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*(Stacey Inglis, Finance Director)*

3. Approval of the execution of a renewal contract with the Emory Clinic to continue provision of Medical Direction Service.  
**(Agenda Item No. 09-975)**  
*(Matt Marietta, Assistant to the City Manager)*
4. Approval of a contract with Mauldin & Jenkins, LLC to audit the City's financial statements for the fiscal year ending September 30, 2009.  
**(Agenda Item No. 09-976)**  
*(Stacey Inglis, Finance Director)*
5. Approval of a contract with Mauldin & Jenkins, LLC to audit the Annual Report of 9-1-1 Collections and Expenditures for the year ended September 30, 2009.  
**(Agenda Item No. 09-977)**  
*(Stacey Inglis, Finance Director)*
6. Approval of a contract from AT&T providing a managed firewall for the T1 Internet circuit.  
**(Agenda Item No. 09-978)**  
*(Kelley Christy, IT Manager)*

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

## **7) REPORTS AND PRESENTATIONS** *(None)*

## **8) FIRST PRESENTATION**

1. Approval of an Ordinance Regulating the location, placement, and leasing of wireless telecommunications facilities.  
**(Agenda Item No. 09-979)**  
*(Tom Wilson, Operations Director)*

**Motion and Vote:** Councilmember Zahner Bailey moved to approve the First Presentation item. Councilmember Thurman seconded the motion. The motion passed unanimously.

## **9) ZONING AGENDA**

1. **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.

Page 2 of 4

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- 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 216 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. Any changes to the site plan must be approved by the Director of Community Development and must meet or exceed the requirements of the Zoning Ordinance and these conditions. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

**(Agenda Item No. 09-952)** (First Presentation on October 5, 2009. Deferred on October 19, 2009)  
(Presented by Tom Wilson, Interim Community Development Director)

**Motion and Vote:** Councilmember D'Aversa moved to defer until December 7, 2009 agenda item 09-952, Councilmember Tart seconded the motion. The motion passed unanimously.

## 10) UNFINISHED BUSINESS

1. Approval of an Ordinance establishing Solid Waste Collection Services within the City of Milton; providing for the scope and nature of the operation, providing for the disposal of garbage, solid waste and refuse; requiring the execution by service providers of a non-exclusive agreement with the City of Milton; with the City of Milton; providing procedures for the handling of complaints; providing for an infrastructure maintenance fee; requiring indemnity insurance; providing for revocation and amendment; prohibiting assignment and subletting without consent; providing for forfeiture; and for making other provisions.

**(Agenda Item No. 09-967)**

(Presented by Matt Marietta, Assistant to the City Manager)

### **ORDINANCE NO. 09-11-53**

**Motion and Vote:** Councilmember Tart moved to approve agenda item 09-967, Approval of an Ordinance establishing Solid Waste Collection Services within the City of Milton; providing for the scope and nature of the operation, providing for the disposal of garbage, solid waste and refuse; requiring the execution by service providers of a non-exclusive agreement with the City of Milton; with the City of Milton; providing procedures for the handling of complaints; providing for an infrastructure maintenance fee; requiring indemnity insurance; providing for revocation and amendment; prohibiting assignment and subletting without consent; providing for

forfeiture; and for making other provisions. Councilmember Thurman seconded the motion. The motion passed unanimously.

## 11) NEW BUSINESS

1. Approval of a Resolution Continuing the Wired and Wireless Enhanced 911 Charge, and Establishing a Concurrent Enhanced 911 Charge on VoIP, for all such Communications within the City of Milton.

**(Agenda Item No. 09-980)**

*(Presented by Matt Marietta, Assistant to the City Manager)*

**RESOLUTION NO. 09-11-113**

**Motion and Vote:** Councilmember Lusk moved to approve agenda item 09-980, Approval of a Resolution continuing the Wired and Wireless Enhanced 911 Charge, and Establishing a Concurrent Enhanced 911 Charge on VoIP, for all such Communications within the City of Milton. Councilmember Tart seconded the motion. The motion passed unanimously.

## 12) MAYOR AND COUNCIL REPORTS

## 13) STAFF REPORTS

## 14) EXECUTIVE SESSION

*Removed by Motion and Vote*

**(Agenda Item No. 09-981)**

1. The purpose of the Executive Session is to discuss pending litigation, potential land acquisition, and personnel.

## 15) ADJOURNMENT

**(Agenda Item No. 09-982)**

**Motion and Vote:** Councilmember Lusk moved to adjourn the Regular Meeting at 7:51 p.m. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.