



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

Karen Thurman
Julie Zahner Bailey
Bill Lusk
Neal O'Brien
Tina D'Aversa
Rick Mohrig

Thursday, August 16, 2007

Action Minutes

7:00 PM

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- (Agenda Item No. 07-327)**
- 4) **APPROVAL OF MEETING AGENDA**

Motion: Councilmember O'Brien moved to approve the Meeting Agenda as amended:

- 1) Remove from First Presentation Agenda Item No. 07-334, Approval of an Ordinance and policy for the management and maintenance of the storm water system from the Agenda.
- 2) Add to First Presentation Approval of an Ordinance Amending Chapter 8, Parks and Recreation of the Code of Ordinance for the City of Milton, Georgia.
- 3) Move from Unfinished Business to after the Consent Agenda Item No. 07-310, An Ordinance granting a Non-Exclusive Agreement with BellSouth Telecommunications doing business as AT&T Georgia concerning the providing of Internet Protocol Enabled Video Services.
- 4) Move from New Business to after the Consent Agenda, Agenda Item No. 07-335, Approval of a Resolution Requesting the Milton Community Development Director enter into formal negotiations with the preferred consulting for the development of the Milton Comprehensive Plan.

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- 5) Add to New Business, Approval of June 2007 Invoice for Legal fees.
- 6) Add to New Business, Approval of a Resolution Authorizing the City Manager to File a Notice of Intent with the Georgia Environmental Protection Division in Order to be covered under a NPDES permit for discharges from a stormwater system.
- 7) Add to New Business Approval of a Resolution Appointing Christopher J. Lagerbloom as Acting City Manager.
- 8) Add to Mayor and Council Reports the Discussion on Proposal from the Sizemore Group for the update to the Crabapple Master Plan.
- 9) Postpone Agenda Item No. 07-329, Approval of the April 26, 2007 Work Session Meeting Minutes on the Consent Agenda.

Second and Vote: Councilmember Lusk seconded the motion. The motion passed unanimously.

5) **PUBLIC COMMENT**

6) **REPORTS AND PRESENTATIONS**

7) **CONSENT AGENDA**

(Agenda Item No. 07-328)

1. Approval of Financial Statements for the period ending July, 2007.

(Agenda Item No. 07-329)

2. Approval of the April 26, 2007 Work Session Meeting Minutes.
(Postponed by motion and vote)

(Agenda Item No. 07-330)

3. Approval of the June 7, 2007 Regular Meeting Minutes.

(Agenda Item No. 07-331)

4. Approval of the June 14, 2007 Work Session Minutes.

Motion and Vote: Councilmember Mohrig moved to approve the Consent Agenda, as amended (Items 1, 3, and 4). Councilmember Thurman seconded the motion. The motion passed unanimously.

(Agenda Item No. 07-310)

Approval of an Ordinance granting a Non-Exclusive Agreement with BellSouth Telecommunications, Inc. doing business as AT&T Georgia concerning the providing of Internet Protocol Enabled Video Services.

Ordinance No. 07-08-37 (Moved by motion and vote)

Motion and Vote: Councilmember Lusk moved to approve an Ordinance granting a Non-Exclusive Agreement with BellSouth Telecommunications, Inc. doing business as AT&T Georgia concerning the providing of Internet Protocol Enabled Video Services. Councilmember O'Brien seconded the motion. The Motion passed unanimously.

(Agenda Item No. 07-335)

Approval of a Resolution Requesting the Milton Community Development Director to Enter Into Formal Negotiations with the Preferred Consulting Firm for the Development of the Milton Comprehensive Plan.

Resolution No. R-07-51 (Moved by motion and vote)**8) PUBLIC HEARING****(Agenda Item No. 07-332)**

1. Public Hearing and First Reading of the Millage Rate Ordinance.

9) ZONING AGENDA**(Agenda Item No. 07-313)**

1. **RZ07-005 / VC07-002** – 855 Mayfield Road to rezone from AG-1 to MIX to develop a total of 15,000 sq.ft of medical office; 3,500 sq.ft of commercial; and 9 residential units. Request to reduce the 75-foot buffer and 10-foot improvement setback to a 15-foot landscape strip adjacent to AG-1 by Milton Medical Holdings, LLC c/o Jay Davis. (Second Reading)

Motion and Vote: Councilmember Lusk moved to defer four (4) months Agenda Item No. 07-313, RZ07-005/ VC07-002 – 855 Mayfield Road to rezone from AG-1 to MIX to develop a total of 15,000 sq. ft of medical office; 3,500 sq. ft of commercial; and 9 residential units. Request to reduce the 75-foot buffer and 10-foot improvement setback to a 15-foot landscape strip adjacent to AG-1 by Milton Medical Holdings, LLC c/o Jay Davis. Councilmember Thurman seconded the motion. The vote passed 6-1, with Councilmember Zahner Bailey voting in opposition.

(Agenda Item No. 07-314)

2. **RZ07-008** - 15260 Hopewell Road to rezone from AG-1 to C-1 the existing 1.179 square foot structure for a retail market by Mark King. (Staff notes that MIX was the inappropriate district to request and the request has been amended to C-1 and a concurrent variance is needed.) (Second Reading)

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Motion and Vote: Councilmember Thurman moved to accept the withdrawal of application for Agenda item No. 07-314, RZ07-008 - 15260 Hopewell Road to rezone from AG-1 to C-1 the existing 1.179 square foot structure for a retail market by Mark King. Councilmember Lusk seconded the motion. The motion passed 6-1, with Councilmember Zahner Bailey in opposition.

Agenda Item No. 07-315)

3. **RZ07-009 / UP07-002 / VC07-006** – 3455 Morris Road to rezone from AG-1 to A (Staff notes that the site is currently zoned A pursuant to Z96-124 and therefore the rezoning petition RZ07-009 portion of the request is not needed to develop a 9,500 square foot Montessori School and a concurrent variance to decrease the 20-foot landscape strip to 10 feet along Webb Road. (Second Reading)

Ordinance No. 07-08-40

Motion: Councilmember Zahner Bailey moved to approve RZ07-009/UP07-002/VC07-006 3455 Morris Road to rezone from AG-1 to A (Staff notes that the site is currently zoned A pursuant to Z96-124 and therefore the rezoning petition RZ07-009 portion of the request is not needed to develop a 9,500 square foot Montessori School and a concurrent variance to decrease the 20-foot landscape strip to 10 feet along Webb Road with the following conditions:

**CONDITIONS OF APPROVAL
UP07-002
3455 MORRIS ROAD**

The Mayor and Council approved a Use Permit for a Day Care Facility (Article 19.4.15) subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owners agreement to restrict the use of the subject property as follows:
 - a. Restrict the use of the subject property to a day care facility at a maximum density of 3,209.46 square feet per acre zoned or a total gross floor area of 9,500 square feet, whichever is less.
 - b. Restrict the number of students in the day care facility to 160.
2. To the owner's agreement to abide by the following:

- a. To the site plan received by the Community Development Department on June 7, 2007. Said site plan is conceptual in nature and must meet or exceed the requirements of the Zoning Ordinance, all applicable city ordinances, and these conditions prior to the approval of a Land Disturbance Permit. In the even the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
 - b. Prior to the issuance of a Certificate of Occupancy, comply with all regulations of the Georgia Department of Human Resources and file a copy of the approved registration with the Community Development Department.
3. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Reserve sufficient along the following roadways, prior to the approval of a Land Disturbance Permit, as necessary to comply with the Transportation Master Plan consistent with adjacent developments, pursuant to the Right of Way Ordinance.
 - b. Dedicate at no cost to the City of Milton prior to the approval of a Land Disturbance Permit or Certificate of Occupancy (whichever comes first), sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to the City of Milton such additional right-of-way as may be required to:
 - i. Provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, along the entire property frontage, as well as allow the necessary construction easements while the rights-of-way are being improved.
 - ii. Provide 45 feet of right-of-way from centerline of both Morris Road and Webb Road.
 - c. Driveway entrances shall meet the Community Service Policies and AASHTO guidelines, or roads be reconstructed to meet such criteria, at the approval of the Transportation Engineer. Driveway entrances shall provide for the ninety-five percent (95%) queue with uninterrupted traffic flow onto the main line and/or a minimum throat length of two hundred feet.

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4. a. The developer's Professional Engineer shall demonstrate to the City by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions. The designed facility is required to be underground. Locations shall be as approved by the Stormwater Engineer.
- b. Stormwater detention facility shall utilize vegetative measures for water quality. Individual Land Disturbance Permits/building permits are strongly encouraged to utilize GASWCC limited application controls such as infiltration trenches, porous surfaces, rain gardens, etc.

Second and Vote: Councilmember D'Aversa seconded the motion. The motion passed unanimously.

(Agenda Item No. 07-316)

4. **UP07-001 / VC07-004** – 15386 Birmingham Highway (SR 372) to request a Use Permit for landscaping business (Article 19.4.27) to use an existing 1,200 sq.ft home and a 500 sq. ft. barn and develop a 3,750 sq.ft. barn. The applicant is also requesting a two part concurrent variance 1) to reduce the 50-foot buffer and 10-foot improvement setback to a 25 foot buffer and 10-foot improvement setback along the east and west property lines (Article 12H.3.5.C.1); and 2) reduce the 50-foot setback adjacent to AG-1 (agricultural) to 30 feet along the east property line (Article 19.4.27.B.3). (Second Reading)
Ordinance No. 07-08-39

Motion: Councilmember Thurman moved to approve UP07-001 / VC07-004–15386 Birmingham Highway (SR 372) to request a Use Permit for landscaping business (Article 19.4.27) to use an existing 1,200 sq.ft home and a 500 sq. ft. barn and develop a 3,750 sq.ft. barn. The applicant is also requesting a two part concurrent variance 1) to reduce the 50-foot buffer and 10-foot improvement setback to a 25 foot buffer and 10-foot improvement setback along the east and west property lines (Article 12H.3.5.C.1); and 2) reduce the 50-foot setback adjacent to AG-1 (agricultural) to 30 feet along the east property line (Article 19.4.27.B.3) with the following conditions:

**CONDITIONS OF APPROVAL
UP07-001
15386 Birmingham Highway (SR 372)**

The Mayor and City Council approved a USE PERMIT for a landscape business (Article 19.4.27.) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

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- 1) To the owner's agreement to restrict the use of the subject property as follows:
 - a) Landscaping business in the existing structure(s) and one 3,750 square-foot future barn. No modifications will be made to the exterior of the structure(s), other than normal maintenance.
 - b) Total square footage of all structures shall not exceed 5,250 square feet, or a density of 2,706 square feet per acre.
- 2) To the owner's agreement to abide by the following:
 - a) To the site plan received by the Milton Community Development Department on June 5, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit or Certificate of Occupancy, whichever comes first. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
- 3) To the owner's agreement to the following site development considerations:
 - a) Reduce the 50' buffer and 10' improvement setback along the east property lines to the extent necessary to allow the existing structure(s) to comply (Part 1 VC07-004).
 - b) Reduce the 50' setback adjacent to AG-1 (Agricultural) along the east property line to the extent necessary for the existing structures to comply (Part 2 VC07-004).
 - c) Reduce the 50' buffer and 10' improvement setback along the west property line to 25 feet beginning at the right-of-way and extending northward along the west property line to a point adjacent to the existing cross-tie wall and to the extent necessary to allow the existing structures to comply (Part 1 VC07-004)
 - d) No more than one (1) exit/entrance on Birmingham Highway. Curb cut location and alignment are subject to the approval of the Milton Traffic Engineer.
 - e) The site will be limited to 4 (four) work vehicles; does not include office staff.
- 4) To the owner's agreement to abide by the following requirements, dedication and improvements:
 - a) Reserve Right of Way necessary along the following roadways, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide for

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compliance with the Transportation Master Plan and the adjacent developments, according to the definitions in the newly established Right of Way Ordinance.

- b) Dedicate at no cost to the City of Milton prior to the approval of a Land Disturbance Permit or Certificate of Occupancy (whichever comes first), sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to the City of Milton such additional right-or-way as may be required to:
 - (i) Provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, along the entire property frontage, as well as allow the necessary construction easements while the rights-of-way are being improved.
 - (ii) Provide 20-foot Milton Trail easement along Birmingham Highway (SR 372), outside of the required Landscaping Strip.
 - (iii) Pay into sidewalk fund rather than install sidewalk across frontage as this phase of the Milton Trail is scheduled in Long Range.
 - c) Driveway entrances and roads shall meet the Community Service Policies and AASHTO guidelines:
 - i) Remove and replace existing fence 10 feet farther from Birmingham Highway (SR 372) for sight visibility.
 - ii) Remove trees from frontage of property to provide proper line of sight visibility.
- 5) To the owner's agreement to abide by the following:
- a) The developer's Professional Engineer shall demonstrate to the City by engineering analysis submitted with the LDP application (should greater than 5000 square feet be disturbed), that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions. Locations shall be as approved by the Stormwater Engineer.
 - b) The proposed development shall utilize vegetative measures for water quality. Individual Land Disturbance Permits/Building Permits are strongly encouraged to utilize GASWCC limited application controls such as infiltration trenches, porous surfaces, rain gardens, etc. A maintenance agreement is required to be recorded for such item used.
 - c) Septic tank to be pumped out prior to Certificate of Occupancy.

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- d) Exterior bulk storage areas shall be protected from erosion and detailed on the Building Permit/Land Disturbance Plan.

Motion and Vote: Councilmember Lusk moved to end debate. The motion passed 6-1, with Councilmember Zahner Bailey in opposition.

Second and Vote: Councilmember Lusk seconded the motion. The motion passed 5 -2, Councilmember Zahner Bailey and Councilmember D'Aversa voting in opposition.

(Agenda Item No. 07-317)

5. **ZM07-002** – 295 Crooked Stick Drive (Lot 11) to modify zoning conditions 1.d and 1.e to allow a pool house to encroach into required rear and side property lines. (Second Reading)

Ordinance No. 07-08-41

Motion: Mayor Lockwood moved to approve ZM07-002 – 295 Crooked Stick Drive (Lot 11) to modify zoning conditions 1.d and 1.e to allow a pool house to encroach into required rear and side property lines with the following conditions:

CONDITIONS OF APPROVAL

ZM07-002

295 Crooked Stick Drive (Lot 11)

The City of Milton Mayor and City Council approved the modification of the conditions of Z85-181, M89-055 and M89-92, with the regard to the above referenced property currently zoned CUP (Community Unit Plan) District. Zoning Modification petition ZM07-002 was approved by the Mayor and City Council at the August 16, 2007 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. No more than 36 single family detached dwellings and accessory uses and structures at a maximum density of 0.37 units per gross acre.
 - b. Limit the height of the buildings to no more than 3 stories.
 - c. Provide a minimum lot area of 2 acres per dwelling unit.
 - d. Provide at least the following setbacks on each lot:

Front 60 feet from right-of-way, except for Lot 27 which shall have a minimum of 54 feet (M02-003)

Side Interior 25 feet from property line; except for lot 10 which shall have a 20-foot side yard setback (M89-55); except for Lot 11 which shall have a

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10-foot setback from the rear property line for a distance of 180 feet along the east property line. (ZM07-002)

Side Corner 40 feet from right-of-way

Rear 50 feet from property line

- e. Property at least a 100 foot building setback from the property line of the CUP, except for Lot 10 which shall have a setback of 40 feet from the peripheral property line (M89-92); except for Lot 11 which shall have a setback of 50 feet from the peripheral property line (ZM07-002).
 - f. Provide a minimum heated floor area per dwelling unity of 3,000 square feet.
 - g. No lot shall drive direct access from either Providence Road or Batesville Road.
 - h. Recreation areas shall be for the exclusive use of the residents of the development and their guests, and shall not be located within 50 feet of the boundary of the project.
 - i. All recreation and other areas which may be held in common, shall be maintained by a Mandatory Homeowners Association where proposed documents of incorporation shall be submitted to the Director of Planning and Community Development for his review and approval prior to the recordation of the first final plat.
 - j. The property shall be developed in accordance with the Fulton County Subdivision Regulations. All internal streets shall be privately owned and maintained.
 - k. Detached Dwellings – Swimming pools shall be allowed in side and rear yards of single family dwellings in any district, except for Lot 27 which shall be allowed to have a swimming pool in the front yard of a double frontage lot, adjacent to Batesville Road. (02VC-012)
2. To the owners agreement to abide by the following:
- a. Any exterior illumination on the site shall not exceed 1.2 foot candles on any property line adjacent to a residential use or zoning district, nor will the light source be directly visible from adjoining residential properties.
 - b. Limit the free-standing project identification signage on the entire property to no more than one unlighted, double faced pole/sign monument adjacent to Providence Road, having no more than 40 square feet of

surface area per face and further not to exceed a height of f10 feet from finished grade measured from the base of the sign structure.

- c. To provide and maintain off-street parking on the subject property during the entire construction period.
3. To the owner's agreement to abide by the following requirements dedications and improvements:
- a. Dedicate at no cost to Fulton County , prior to the approval of a Land Disturbance Permit, at least 30 feet of right-of-way from the centerline of Providence Road, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as improve said road 14.5 feet from cent of road to back of curb, and further to allow the necessary construction easements while the right-of-way is being improved.
 - b. Provide deceleration lanes for a distance of 200 feet and a 50 foot taper from all project entrances.
 - c. Connect to metropolitan water available to the site and provide on-site sewage disposal satisfactory to the Board of health; as well as pay all required tap-on fees, front footage assessments and pro-rated share of the cost of public utility extensions as determined by the Department of Planning and Community Development.
 - d. Design required on-site storm water detention facilities such that they are not located within any required buffers or on required parking areas.

Second and Vote: Councilmember Mohrig seconded the motion. The motion passed unanimously.

10) FIRST PRESENTATION

(Agenda Item No. 07-333)

1. Approval of an Ordinance Amending Chapter 6, Code of Ethics and Standards of Conduct.

(Agenda Item No. 07-351)

2. Approval of an Ordinance Amending Chapter 8, Parks and Recreation of the Code of Ordinance for the City of Milton, Georgia.

(Added by motion and vote)

(Agenda Item No. 07-334)

3. Approval of an Ordinance and policy for the management and maintenance of the storm water system. *(Removed by motion and vote)*

Motion and Vote: Councilmember Thurman moved to approve the first presentation of items 1 and 2. The motion was seconded by Rick Mohrig. The motion passed unanimously 5-0 by those present. Councilmember Lusk and Councilmember O'Brien were not present for the vote.

11) UNFINISHED BUSINESS**(Agenda Item No. 07-311)**

1. Approval of an Ordinance Adopting Chapter 18, Assemblages in Public Places of the City of Milton Code of Ordinances.

Ordinance No. 07-08-38

Motion and Vote: Councilmember Mohrig moved to approve an Ordinance Adopting Chapter 18, Assemblages in Public Places of the City of Milton Code of Ordinances. Councilmember D'Aversa seconded the motion. The motion passed unanimously 6-0 by those present. Councilmember O'Brien was not present for the vote.

12) NEW BUSINESS**(Agenda Item No. 07-336)**

1. Approval of a Resolution to enter into a Project Framework Agreement for PI0007312 Transportation Master Plan (ARC #FN239).

Resolution No. 07-08-52

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution to enter into a Project Framework Agreement for PI0007312 Transportation Master Plan (ARC #FN239). Councilmember D'Aversa seconded the motion. The motion passed unanimously.

(Agenda Item No. 07-337)

2. Approval of a Resolution Consenting to Creation of the North Fulton Community Improvement District.

Resolution No. 07-08-53

Motion and Vote: Councilmember Thurman moved to approve a Resolution Consenting to Creation of the North Fulton Community Improvement District. Councilmember O'Brien seconded the motion. The motion passed unanimously.

3. Approval of June 2007 Invoice for Legal fees. *(Added by Motion and Vote)*

Motion and Vote: Councilmember O'Brien moved to approve the June 2007 Invoice for Legal fees. Councilmember Thurman seconded the motion. The motion passed unanimously.

4. Approval of a Resolution Authorizing the City Manager to File a Notice of Intent with the Georgia Environmental Protection Division in Order to be covered under a NPDES permit for discharges from a stormwater system. *(Added by motion and vote)*

Resolution No. R-07-54

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution Authorizing the City Manager to File a Notice of Intent with the Georgia Environmental Protection Division in Order to be covered under a NPDES permit for discharges from a stormwater system. Councilmember Mohrig seconded the motion. The motion passed unanimously.

4. Approval of a Resolution Appointing Christopher J. Lagerbloom as Acting City Manager. *(Added by Motion and Vote)*

Resolution No. 07-08-55

Motion and Vote: Councilmember Lusk moved to approve a Resolution Appointing Christopher J. Lagerbloom as Acting City Manager. There was a unanimous second. The motion passed unanimously.

13) MAYOR AND COUNCIL REPORTS

1. Options for Providence Park
2. Discussion on Proposal from the Sizemore Group for the update to the Crabapple Master Plan

14) STAFF REPORTS

1. Milton Round-up

(Agenda Item No. 07-338)

15) ADJOURNMENT

Motion and Vote: Councilmember O'Brien moved to adjourn the August 16, 2007 Regular Meeting at 12:47 a.m. Councilmember Mohrig seconded the motion. The motion passed unanimously.