



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, December 6, 2007

Action Minutes

7:00 PM

1) **CALL TO ORDER**

2) **ROLL CALL**

3) **PLEDGE OF ALLEGIANCE**

(Agenda Item No. 07-434)

4) **APPROVAL OF MEETING AGENDA**

1. Add an Executive Session to discuss pending litigation.
2. Defer Item 07-444, a Resolution regarding reimbursement of legal fees for unfounded ethics complaints to December 13, 2007.

Motion and Vote: Councilmember D'Aversa moved to approve the Meeting Agenda as amended. Councilmember Mohrig seconded the motion. The motion passed unanimously 5 - 0 by Councilmembers present.

5) **PUBLIC COMMENT**

6) **REPORTS AND PRESENTATIONS**

1. Introduction of Police Officer Kiel and K-9 Officer DaSilva AKA "Silva".
2. The Muscular Dystrophy Association has awarded the City of Milton Public Safety Department with the "Rookie of the Year" Award for most money raised by a new department and the "Screaming Siren" award for most money raised in the metro area for 2007. Milton Firefighters raised more than \$37,930 in their six day boot drive.

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Milton City Hall
City Council Chambers
13000 Deerfield Parkway, Building 100
Milton, GA 30004

Persons needing special accommodations in order to participate in any City meeting should call 678-242-2500.

7) CONSENT AGENDA**(Agenda Item No. 07-435)**

1. Approval of the November 8, 2007 Work Session Minutes.
(Jeanette Marchiafava, City Clerk and Clerk of the Court)

(Agenda Item No. 07-436)

2. Approval of the November 8, 2007 Special Called Meeting Minutes.
(Jeanette Marchiafava, City Clerk and Clerk of the Court)

Motion and Vote: Councilmember Lusk moved to approve the Consent Agenda. Councilmember Mohrig seconded the motion. The motion passed unanimously 5 - 0 by Councilmembers present.

8) ZONING AGENDA**(Agenda Item No. 07-413)**

1. **RZ07-007/VC07-005**

To rezone from A (Medium Density Apartments) & C-1 (Community Business) to C-1 (Community Business) to develop 141,511 square feet of retail, commercial, service, office and accessory uses including fast food restaurants limited to bagel, bakery, coffee houses and ice cream parlors which shall not be freestanding and a gas station at a density of 8,805.43 square feet per acre. The applicant is also requesting a 3-part concurrent variance; 1) To reduce the required buffer along the east property line from 100 feet to 25 feet and the 10-foot improvement setback; 2) To delete the 10' landscape strip along the south property line. 3) To allow a loading area within the front yard.
(This item was deferred on November 15, 2007).

Motion and Second: Councilmember Mohrig moved to approve RZ07-007/VC07-005, to rezone from A (Medium Density Apartments) & C-1 (Community Business) to C-1 (Community Business) to develop 141,511 square feet of retail, commercial, service, office and accessory uses including fast food restaurants limited to bagel, bakery, coffee houses and ice cream parlors which shall not be freestanding and a gas station at a density of 8,805.43 square feet per acre. The applicant is also requesting a 3-part concurrent variance; 1) To reduce the required buffer along the east property line from 100 feet to 25 feet and the 10-foot improvement setback; 2) To delete the 10' landscape strip along the south property line. 3) To allow a loading area within the front yard with staff's recommendations. Councilmember Lusk seconded the motion.

Motion to Amend: Councilmember Zahner Bailey moved to amend the motion to approve RZ07-007/VC07-005, to rezone from A (Medium Density Apartments) & C-1 (Community Business) to C-1 (Community Business) to develop 141,511 square feet of retail, commercial, service, office and accessory uses including fast food restaurants limited to bagel, bakery, coffee houses and ice cream parlors which shall not be freestanding and a gas station at a density of 8,805.43 square feet per acre. The

applicant is also requesting a 3-part concurrent variance; 1) To reduce the required buffer along the east property line from 100 feet to 25 feet and the 10-foot improvement setback; 2) To delete the 10' landscape strip along the south property line. 3) To allow a loading area within the front yard with the following amendments:

- Add 1D which would state “Restrict the maximum height including any parapet to 35 feet from average grade.”
- Change “delete” to “reduce” and add from the adjacent property to the south and building locations in 3F
- Striking Land Disturbance Permit in 4A
- Add the word “site” prior to the word C.O. and add building CO’s will not be delayed by signal installation in 4a7
- Add the words “in the right of way” after the word frontage in 49E
- Replacing the words “non-climbable” with “2 inch x 4 inch welded wire” in 5B
- Add number 6 which states “The applicant shall act diligently and in good faith to secure from the owners of Phase 1 a restriction on billboards and other uses prohibited in Phase 2 to be extended to Phase 1.”
- Add number 7 which states “The applicant shall act diligently and in good faith to accessorize the mast arms in phase 1 to as closely resemble those installed in phase 2.”
- In a letter of agreement, provide the following wording...”Provide a six (6) foot wide sidewalk within the right-of-way along the property frontage with such sidewalk a minimum of five feet from back of curb and no closer than 2 feet where feasible, as approved by the Director of Community Development in Phase 1.
- All new sidewalk installations along the rights-of-ways shall have a color stamped pattern to simulate a transverse double row brick paver pattern every 50 feet, to be approved by the City of Milton Design Review Board.
- Add a black four-board-equestrian-styled fence adjacent to the sidewalk between the sidewalk and the development or as approved by the Director of Community Development in Phase 1.

Second: Councilmember D’Aversa seconded the motion to amend. The motion passed unanimously 5 - 0 by Councilmembers present.

Vote: The original motion with amendments passed unanimously 5 - 0 by Councilmembers present.

9) FIRST PRESENTATION**(Agenda Item No. 07-437)****1. RZ07-011**

To rezone from C-1 (Community Business) and O-I (Office-Institutional) to O-I (Office-Institutional) to develop a 140,000 square foot office building with a maximum height of 4 stories.

(Agenda Item No. 07-438)**2. RZ07-018/U07-009/ VC07-010**

To rezone from C-1 (Community Business) and O-I (Office-Institutional) to C-1 (Community Business) to develop a 5,700 square foot retail commercial building and a Use Permit (Article 19.4.41(1)) for a 3 story (less than 60 feet) 110,000 square foot climate controlled self storage facility and a 2-part concurrent variance to 1) To locate the refuse area adjacent to the street (Article 12G.4.B.4) and 2) To allow parking islands every 11TH space instead of every 5TH space (Article 4.23.2).

(Agenda Item No. 07-439)**3. RZ07-019/ U07-010/ VC07-011**

To rezone from C-1 (Community Business) to O-I (Office-Institutional) to develop 23,000 square feet of office. The applicant is also requesting a Use Permit to exceed the district height, Article 19.4.21, to allow the building to be constructed at a maximum height of 70 feet that includes an underground garage and 3 stories of office. To request a 3-part concurrent variance to 1) To reduce the side setback from 20 feet to 15 feet along the north property line (Article 8.1.3.C.); 2) To reduce the 25-foot non-impervious buffer, to allow approximately 6,010 sq.ft. of encroachment to allow parking on pervious pavement (City Code Chapter 14, Section 6.5.(i); 3) To reduce the 50-foot undisturbed stream buffer to allow approximately 675 sq.ft. of encroachment to allow parking on pervious pavement (City Code Chapter 14, Section 6.5 (ii)).

(Agenda Item No. 07-440)**4. U07-006/ VC07-013**

To request a Use Permit (Article 19.4.27) For a 1,890 sq. ft. existing building for a landscape business and a 3-Part Concurrent Variance to 1) Reduce the 50-foot setback to 40 feet along the east property line (Article 5.1.3.D.); 2) Reduce the 50-foot buffer and 10-foot improvement setback to a 10-foot landscape strip planted to buffer standards along the east property line (Article 12.H.C.1) and 3) Reduce the 50-foot buffer and 10-foot improvement setback to a 15 foot landscape strip planted to buffer standards along the south property line. (Article 12.H.C.1)

(Agenda Item No. 07-441)**5. RZ07-017**

Zoning Ordinance to delete 19.3.1 Alternative Antenna Support Structure to exceed the District Height. Amend Articles 19.3 & 19.4 to reflect the City of Milton.

(Agenda Item No. 07-442)**6. ZM07-007**

To modify Condition 3.a. (03Z-159) to reduce the perimeter building setback along the north property line for Lot 33, Phase 4 – Unit 1 of Triple Crown Subdivision from 50 feet to 36 feet.

Motion and Vote: Councilmember Mohrig moved to approve the First Presentation items above. Councilmember Thurman seconded the motion. The motion passed unanimously 5 - 0 by Councilmembers present.

10) UNFINISHED BUSINESS**(Agenda Item No. 07-426)**

1. Approval of Amendments to Chapter 7, Alcohol Beverage Licenses, of the Code of Ordinances for the City of Milton, Georgia.

Motion and Second: Councilmember Mohrig moved to approve an Ordinance amending Chapter 7, Alcohol Beverage Licenses, of the Code of Ordinances for the City of Milton, Georgia. Councilmember Lusk seconded the motion. **(Ordinance No. 07-11-53)**

Motion to Amend: Councilmember Thurman moved to amend the motion to approve an ordinance amending Chapter 7, Alcohol Beverage Licenses, of the Code of Ordinances for the City of Milton, Georgia to also include wine and beer. Councilmember Lusk seconded the motion. The motion to amend passed unanimously 7 – 0.

Vote on original motion: The motion passed unanimously 7 – 0.

11) NEW BUSINESS**(Agenda Item No. 07-443)**

1. Approval of a Resolution abandoning Black Oak Road in the City of Milton

Motion and Vote: Councilmember D'Aversa moved to defer the approval of a Resolution abandoning Black Oak Road in the City of Milton to December 13, 2007. Councilmember Mohrig seconded the motion. The motion passed unanimously.

(Agenda Item No. 07-444)

2. A Resolution regarding reimbursement of legal fees for Councilmembers charged with ethics violations determined to be unfounded.
(Deferred by Motion and Vote)

12) MAYOR AND COUNCIL REPORTS

13) STAFF REPORTS

1. Update of Local Issuing Authority Status from Environmental Protection Division (EPD).

14) EXECUTIVE SESSION *(Added by Motion and Vote)*

Motion and Vote: Councilmember Zahner Bailey moved to adjourn into Executive Session. Councilmember Mohrig seconded the motion. The motion passed unanimously 7 – 0.

15) RECONVENE

Motion and Vote: Councilmember D'Aversa moved to reconvene the Regular Meeting. Mayor Lockwood seconded the motion. The motion passed unanimously 7 – 0.

16) AMENDMENT TO THE MEETING AGENDA

Motion and Vote: Councilmember Mohrig moved to amend the Meeting Agenda. Councilmember O'Brien seconded the motion. The motion passed unanimously 7 – 0.

1. Add a Resolution Authorizing the City Attorney to commence litigation intervening in litigation in litigation styled as: K.H. Outdoor Advertising v. Fulton County, Granite State Outdoor Advertising v. Fulton County and Action Outdoor Advertising v. Fulton County. **(Resolution No. 07-12-66)**

Motion and Vote: Councilmember D'Aversa moved to approve a Resolution authorizing the City Attorney to commence litigation intervening in litigation in litigation styled as: K.H. Outdoor Advertising v. Fulton County, Granite State Outdoor Advertising v. Fulton County and Action Outdoor Advertising v. Fulton County. Councilmember Thurman seconded the motion. The motion passed unanimously 7 – 0.

(Agenda Item No. 07-445)

17) ADJOURNMENT

Motion and Vote: Councilmember Mohrig moved to adjourn the regular meeting of December 6, 2007 at 12:01 am. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 7 – 0.