

# 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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**Thursday, January 24, 2008**

**ACTION MINUTES**

**7:00 PM**

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**1) CALL TO ORDER**

**2) ROLL CALL**

**3) PLEDGE OF ALLEGIANCE**

**(Agenda Item No. 08-477)**

**4) APPROVAL OF MEETING AGENDA**

1. Move agenda item numbers 1, 2, 3, 4 & 5 from New Business to after Reports and Presentations.
2. Remove Executive Session.

**Motion and Vote:** Councilmember D'Aversa moved to approve the meeting agenda, as amended. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

**(Agenda Item No. 08-478)**

**5) ELECTION OF MAYOR PRO TEM**

1. Mayor Lockwood nominated Councilmember Tina D'Aversa as Mayor Pro Tem.

**Motion and Vote:** Councilmember Tart moved to accept the nomination of Councilmember D'Aversa as Mayor Pro Tem. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

**6) PUBLIC COMMENT**

**7) CONSENT AGENDA**

**(Agenda Item No. 08-479)**

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

**(Agenda Item No. 08-480)**

2. Approval of the November 15, 2007 Regular Meeting Minutes.

**Motion and Vote:** Councilmember Zahner Bailey moved to split the Consent Agenda items and vote on them separately. Councilmember D'Aversa seconded the motion. The motion passed unanimously.

**(Agenda Item No. 08-479)**

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

**Motion and Vote:** Mayor Lockwood moved to approve the Financial Statements for the period ending November, 2007. Councilmember Zahner Bailey seconded the motion. The motion passed 5-2, with Councilmember Tart and Councilmember Hewitt voting in opposition.

**(Agenda Item No. 08-480)**

2. Approval of the November 15, 2007 Regular Meeting Minutes

**Motion and Vote:** Councilmember D'Aversa moved to approve the November 15, 2007 Regular Meeting Minutes. Mayor Lockwood seconded the motion. The motion passed 5-2, with Councilmember Tart and Councilmember Hewitt voting in opposition.

**8) REPORTS AND PRESENTATIONS**

1. Presentation and contribution from Avensong Homeowners' Association to the Milton Public Safety Department.

**9) NEW BUSINESS**

(ITEMS 1, 2, 3, 4, AND 5 WERE MOVED BY MOTION AND VOTE)

**(Agenda Item No.-481)**

1. Approval of a Resolution Amending Resolution No. 08-01-01, A Resolution Appointing Members to the City of Milton Design Review Board.

**Resolution No. 08-01-09**

**Motion and Vote:** Councilmember D'Aversa moved to approve a Resolution Amending Resolution No. 08-01-01, a Resolution Appointing Members to the City of Milton Design Review Appointing Board Member Vince Pisano for

District 4 and Darryl Jan Porter for District 6. Councilmember Hewitt seconded the motion. The motion passed unanimously.

**(Agenda Item No. 08-482)**

2. Approval of a Resolution Amending Resolution No. 08-01-07, a Resolution Appointing Members to the City of Milton Construction Board of Adjustment and Appeals.

**Resolution No. 08-01-10**

**Motion and Vote:** Councilmember Tart moved to approve a Resolution Amending Resolution No. 08-01-07, a Resolution Appointing Members to the City of Milton Construction Board of Adjustment and Appeals Appointing Board Member John McRae from District 6. Councilmember D'Aversa seconded the motion. The motion passed unanimously.

**(Agenda Item No. 08-483)**

3. Approval of Resolution Amending Resolution No. 08-01-04, a Resolution Appointing Members to the City of Milton Board of Ethics.

**Resolution No. 08-01-11**

**Motion and Vote:** Councilmember D'Aversa to approve a Resolution Amending Resolution No. 08-01-04, a Resolution appointing members to the City of Milton Board of Ethics by reappointing the Mayor's nomination Carol Lane, Susan Campbell for District 1, Clint Johnson for District 3 and Todd Ashley for District 5 and appointing new Board Member Carol Cookerly for District 4. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

**(Agenda Item No. 08-466)**

4. Approval of Resolution Amending Resolution No. 07-03-24, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee.

**Resolution No. 08-01-16**

**Motion and Vote:** Councilmember D'Aversa moved to approve a Resolution Amending Resolution No. 07-03-24, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee by appointing Board Member Lisa Cherry for District 4. Councilmember Hewitt seconded the motion. The motion passed unanimously.

**(Agenda Item No. 08-484)**

5. Approval of Appointments to the City of Milton Comprehensive Plan Advisory Committee.

**Resolution No. 08-01-12**

**Motion and Vote:** Councilmember Hewitt moved to approve a Resolution Amending Resolution NO. 08-01-05 a Resolution appointing members to the City of Milton Comprehensive Plan Advisory Committee by appointing Board Members Tim Enloe District 4 and Lynn Gregory for District 6. Councilmember D'Aversa seconded the motion. The motion passed unanimously.

## ZONING AGENDA

### **(Agenda Item No. 08-454)**

#### **1. U07-007/VC07-012**

To request a use Permit (Article 19.4.3) for Agricultural Related Activities to add a 3,240 square feet. training building and to request a 4-part concurrent variance to use the existing parking area within the 100-foot setback near the west property line (Article 19.4.3.13.4); 2) To increase the maximum building setback from 20 feet to 250 feet for the new building (Article 12h.3.5.C.1); 3) To allow parking between the existing buildings and the street (Article 12H.3.5.f.3); and 4) To delete the 75 foot buffer and 10 foot improvement setback adjacent to AG-1 and/or residentially developed properties (Article 1H.3.1.C.2.)

#### **Ordinance No. 08-01-02**

**Motion:** Councilmember Lusk moved to approve the request subject to the following conditions:

- 1) To the owner's agreement to restrict the use of the subject property as follows:
  - a) An agricultural related activity, at a maximum density of 1,540 square feet per acre zoned or a total gross floor area of 26,365 square feet, whichever less.
- 2) To the owner's agreement to abide by the following:
  - a) To the revised site plan received by the Milton Community Development Department on January 17, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, City of Milton Subdivision Regulations and these conditions prior to the approval of 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.
- 3) To the owner's agreement to the following site development considerations:

- a) To allow existing structures and the new building to exceed the maximum 20-foot building setback from the edge of required landscape strip and/or easements as shown on the site plan. (VC07-012, Part 2)
  - b) To allow parking between the buildings and the right-of-way as shown on the site plan. (VC07-012, Part 3)
  - c) Only resident parking allowed in front of the house adjacent to the west property line. (VC07-012, Part 3)
  - d) Provide a total of 20 parking spaces to be used by the newly constructed training center and the existing training center/office.
  - e) Provide a 75-foot buffer and 10-foot improvement setback along the west property line for a distance of 407 feet from the right-of-way except where the existing house and pool along the west property line encroach.
  - f) To maintain the 75-foot buffer and 10-foot improvement setback along the north, east and west property lines without replanting where sparsely vegetated. To allow existing structures to remain. (VC07-012, Part 4)
  - g) To allow existing buildings and pool to encroach into the 100-foot setback along all property lines.
  - h) To complete a combination plat of all parcels to be approved by the Community Development Department prior to the Land Disturbance Permit submission.
  - i) To relocate the dumpster outside of the 100-foot setback along the west property line.
- 4) To the owner's agreement to abide by the following requirements, dedication and improvements:
- a) 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 meet the requirements of the approved final site plan including the following:
    - i) Provide at least 10.5 feet of right-of-way from the back of curb/edge of pavement 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.
  - b) 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 compliance with the Transportation Master Plan and the adjacent developments, according to the definitions in the newly established Right-of-Way Ordinance.

- 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) The water quality and detention facilities shall utilize earthen embankments, where possible. Walled structures are not encouraged. If walled structures are proposed, they must meet the acceptable design standards of the Department of Community Development.
  - d) Detention facility shall have a 6-foot, 5 board equestrian-styled fence with 2 inch by 4 inch welded wire constructed around it.

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

**(Agenda Item No. 08-455)**

2. **RZ07-020/ VC07-015** To rezone from O-I (Office-Institutional) to O-I (Office-Institutional) to expand the existing day care facility from 2,000 square feet and 38 students to 3,600 square feet at an overall density of 2,647 square feet per acre. The applicant is proposing a 1,600 square foot building separate form the existing structure. The applicant is also requesting a concurrent variance to reduce the 25-foot buffer and 10-foot improvement setback to a 5-foot landscape strip along the east and west property lines form the existing building for a distance of 150 feet.

**Ordinance No. 08-01-03**

**Motion:** Councilmember Tart moved to approve subject to the following conditions:

- 1) To the owner's agreement to restrict the use of the subject property as follows:
  - a) Restrict the use of the subject property to a day care center at a maximum density of 2,647 square feet of gross floor area per acre zoned or a total gross floor area of 3,600 square feet, whichever is less.
  - b) Restrict the number of students to 78.
  - c) Restrict the height to 1 story not to exceed 15 feet from average grade.
- 2) To the owner's agreement to abide by the following:
  - b) To the site plan received by the Community Development Department on November 6, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, all other applicable city ordinances, City of Milton Subdivision Regulations and these conditions prior to the approval of a Land Disturbance Permit. In the event 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 the following site development considerations:
  - a) Reduce the required 25 foot buffer and 10 foot improvement setback to a 5 foot landscape strip along the east and west property lines only in the area of the existing driveway, structure and parking areas. (2006VC-0070 NFC)
  - b) Reduce the required 25 foot buffer and 10 foot improvement setback to a 5 foot landscape strip along the west property line from the back of the existing building for a distance of 150 feet. (VC07-015)
  - c) Provide 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.
- 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 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 meet the requirements of the approved final site plan including the following:
    - i) To allow a maximum of 1 curb cut along Webb Road.
    - ii) Provide at least 10.5 feet of right-of-way from the back of curb/edge of pavement 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.
- 5) To the owner's agreement to abide by the following requirements, dedication and improvements:
- a) The developer's Professional Engineer shall demonstrate to the City by engineering analysis submitted with the LDP application (should greater than 5,000 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) The water quality and detention facilities shall utilize earthen embankments, where possible. Walled structures are not encouraged. If walled structures are proposed, they must meet the acceptable design standards of the Department of Community Development.
  - d) Detention facility shall have a 6-foot, 5 board equestrian-styled fence with 2 inch by 4 inch welded wire constructed around it.

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

**(Agenda Item No. 07-313)**

3. **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.

**Motion and Vote:** Mayor Lockwood made the motion to extend time for public comments on this item to two minutes per person. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

**Motion and Vote:** Councilmember Zahner Bailey moved to deny 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 Tart seconded the motion. The motion passed 4-3, with Mayor Lockwood, Councilmember Lusk, and Councilmember Thurman voting in opposition.

**(Agenda Item No. 07-418)**

4. **ZM07-006 - 2865 Webb Road** - To modify Condition 3.a. of Z06-051 to reduce the required 25-foot buffer and 10-foot improvement setback to a 5-foot landscape strip along the east and west property line for a distance of 150 feet north of the existing building

**Motion and Vote:** Councilmember Thurman moved to remove Agenda Item No. 07-418, ZM07-006, 2865 Webb Road, from the agenda. Councilmember Tart seconded the motion. The motion passed unanimously.

**10) UNFINISHED BUSINESS**

**(Agenda Item No. 08-456)**

1. An Ordinance Regarding 2008 Meeting and Work Session Dates and Times for the City of Milton City Council.

**Ordinance No. 08-01-01**

**Motion and Vote:** Councilmember D'Aversa moved to approve An Ordinance Regarding 2008 Meeting and Work Session Dates and Times for the City of Milton City Council. Councilmember Tart seconded the motion. The motion passed 5-2, with Councilmember Thurman and Councilmember Lusk voting in opposition.

**11) NEW BUSINESS**

**(Agenda Item No 08-485)**

6. Approval of a Resolution Adopting the City of Milton City council Meeting Schedule for Regular Meetings and Work Sessions.

**Resolution No. 08-01-13**

**Motion and Vote:** Councilmember D'Aversa moved to approve a Resolution Adopting the City of Milton City Council Meeting Schedule for Regular Meetings and Work Sessions. Councilmember Tart seconded the motion. The motion passed unanimously.

**(Agenda Item No 08-486)**

7. Approval of a Resolution Adopting the City of Milton Zoning and use Permit Schedule, Zoning Modification Schedule, Board of Zoning Appeals Schedule, and the City Milton Design Review Board Schedule.

**Resolution No. 08-01-08**

**Motion and Vote:** Councilmember D'Aversa moved to approve a Resolution Adopting the City of Milton Zoning and use Permit Schedule, Zoning Modification Schedule, Board of Zoning Appeals Schedule, and the City Milton Design Review Board Schedule. Councilmember Hewitt seconded the motion. The motion passed unanimously.

**(Agenda Item No. 08-487)**

8. Approval of a Resolution to Authorize the Mayor and City Council to approve the submission of a Grant Application to the US Bureau of Justice Assistance Bullet Proof Vest Partnership Program.

**Resolution No. 08-01-14**

**Motion and Vote:** Councilmember Lusk moved to approve the Resolution to Authorize the Mayor and City Council to approve the submission of a Grant Application to the US Bureau of Justice Assistance Bullet Proof Vest Partnership Program. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

9. **(Agenda Item No. 08-488)**

Approval of a Resolution to Authorize the Mayor and City Council to Approve the Submission of a Grant Application to the US Smokeless Tobacco Company for a Polaris Ranger ATV.

**Resolution No. 08-01-15**

**Motion and Vote:** Councilmember D'Aversa moved to approve a Resolution to Authorize the Mayor and City Council to Approve the Submission of a Grant Application to the US Smokeless Tobacco

Company for a Polaris Ranger ATV. Councilmember Tart seconded the motion. The motion passed unanimously.

**10. (Agenda Item No 08-489)**

Approval of Legal Fees for November 2007.

**Motion and Vote:** Councilmember Lusk moved to approve the Legal Fees for November 2007. Councilmember Thurman seconded the motion. The motion passed 5-2, with Councilmember Tart and Councilmember Hewitt voting in opposition.

**12) MAYOR AND COUNCIL REPORTS**

**13) STAFF REPORTS**

**14) ADJOURNMENT**

**(Agenda Item No. 08-491)**

**Motion and Vote:** Councilmember Zahner Bailey moved to adjourn the meeting at 10:36 p.m. Councilmember Tart seconded the motion. The motion passed unanimously.