



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

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

Monday, March 3, 2008

ACTION MINUTES

6:00 PM

1) CALL TO ORDER

2) ROLL CALL

3) PLEDGE OF ALLEGIANCE

(Agenda Item No. 08-516)

4) APPROVAL OF MEETING AGENDA

1. Add Executive Session to discuss pending litigation
2. Remove item #9, Approval of the February 4, 2008 Regular Meeting Minutes from Consent Agenda and defer to March 17, 2008.

Motion and Vote: Councilmember Tart moved to approve the meeting agenda, as amended, Councilmember Hewitt seconded the motion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

5) PUBLIC COMMENT

6) CONSENT AGENDA

(Agenda Item No. 08-505)

1. Approval of the December 10, 2007 Work Session Meeting Minutes.

(Agenda Item No. 08-506)

2. Approval of the December 13, 2007 Regular Meeting Minutes.

(Agenda Item No. 08-507)

3. Approval of the January 8, 2008 Special Called Meeting Minutes.

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

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

(Agenda Item No. 08-508)

4. Approval of the January 10, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-509)

5. Approval of the January 17, 2008 Special Called Meeting Minutes.

(Agenda Item No. 08-510)

6. Approval of the January 17, 2008 Special Called Work Session Minutes.

(Agenda Item No. 08-517)

7. Approval of the January 24, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-518)

8. Approval of the January 30, 2008 Special Called Meeting Minutes.

(Agenda Item No. 08-519)

Removed and Deferred by Motion and Vote

9. Approval of the February 4, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-520)

10. Approval of the February 11, 2008 Work Session Minutes.

Motion and Vote: Councilmember Tart moved to separate items 1, 2, and 3 from the Consent Agenda and vote on them separately. Councilmember Hewitt seconded the motion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

Motion and Vote: Councilmember Zahner Bailey moved to approve items 1, 2, and 3 under the Consent Agenda. Councilmember D'Aversa seconded the motion. The motion passed 4-0-3. Councilmember Tart and Councilmember Hewitt requested recusal due to not being members of the Council in December 2007. (Councilmember Thurman was absent during the vote.)

Motion and Vote: Councilmember D'Aversa moved to approve items 4, 5, 6, 7, 8 and 10 under the Consent Agenda. Councilmember Tart seconded the motion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

5) REPORTS AND PRESENTATIONS**6) PUBLIC HEARING****ALCOHOL BEVERAGE LICENSE APPLICATION****(Agenda Item No. 08-459)**

1. Approval of Alcoholic Beverage License Application for Tribla, Inc. d/b/a I Love New York Pizza at 980 Birmingham Road, Suite 200, Milton, GA 30004. Applicant is Nereyda Blandon for Consumption on the Premises – Wine and Malt Beverage.

Motion and Vote: Councilmember Hewitt moved to approve Alcoholic Beverage License Application for Tribla, Inc. d/b/a I Love New York Pizza at 980 Birmingham Road, Suite 200,

Milton, GA 30004. Applicant is Nereyda Blandon for Consumption on the Premises – Wine and Malt Beverage. Councilmember Lusk seconded the motion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

END OF PUBLIC HEARING

7) FIRST PRESENTATION

(Agenda Item No. 08-521)

1. Approval of Ordinance Adopting Chapter 17, Public Works, and providing for inclusion and identification in the Code of Ordinances for the City of Milton, Georgia to be referenced in the future as Chapter 17 (Public Works).

(Agenda Item No. 08-522)

2. Approval of an Ordinance Amending Chapter 15, Health and Public Safety, of the Code of Ordinances for the City of Milton, Georgia.

3. (Agenda Item No. 08-523)

U07-011/VC07-017

13620 Hopewell Road, Monticello Real Estate Invest, LLC, JT Adams – Use Permit for a Private School to be developed with 5 buildings for a total of 63,400 square feet with a maximum of 325 students for Kindergarten – 8th graders. The applicant is also requesting the following 5-part concurrent variance:

- 1) To reduce the building setback along the north property line from 100 feet to 85 feet (19.4.40.B.3)
- 2) To reduce the 75-foot buffer and 10-foot improvement setback to the extent necessary to all the septic field to encroach. (Article 12H.3.1C.2.)
- 3) To increase the 20 foot setback from the landscape strip to 500 feet. (12H.3.5.C.1)
- 4) To allow parking between the right of way and the building. (Article 12H.3.5.F.3)
- 5) To reduce parking from 171 spaces to 70 spaces (Article 18.2.1)

4. (Agenda Item No. 08-524)

U08-001/VC08-001

Land Road (No Address), Celestino Martinez - To obtain a use permit to develop a landscape business. The applicant is also requesting to following concurrent variance; To allow access from a local road (Article 19.4.27 Section B.1)

Motion and Vote: Councilmember Hewitt moved to approve the First Presentation agenda items. Councilmember D’Aversa seconded the motion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

8) UNFINISHED BUSINESS

9) NEW BUSINESS

(Agenda Item No. 08-498)

1. Approval of a Resolution Amending Resolution No. 08-01-10, a Resolution Appointing Members to the City of Milton Construction Board of Adjustment and Appeals (District 4).

Motion and Vote: Councilmember Lusk moved the defer indefinitely the approval of a Resolution Amending Resolution No. 08-01-10, a Resolution Appointing Members to the City of Milton Construction Board of Adjustment and Appeals (District 4). Councilmember D'Aversa seconded the motion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

(Agenda Item No. 08-525)

2. Approval of a Resolution Amending Resolution No. 08-02-19, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee (Districts 2 and 4).

Resolution No. 08-03-25

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution Amending Resolution No. 08-02-19, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee appointing Douglas Kolesar for District 4. Councilmember D'Aversa seconded the motion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

(Agenda Item No. 08-526)

3. Approval of a Resolution on Mutual Agreement with Alpharetta regarding city limits boundary.

Resolution No. 08-03-24

Motion and Vote: Councilmember D'Aversa moved to approve a Resolution on Mutual Agreement with Alpharetta regarding city limits boundary. Councilmember Tart seconded the motion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

(Agenda Item No. 08-527)

4. Approval of a Resolution to approve transmittal of Community Assessment portion of Comp Plan to Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA).

Motion and Vote: Councilmember Zahner Bailey moved to defer the approval of a Resolution to approve transmittal of Community Assessment portion of Comp Plan to Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA) until the March 17, 2008 Regular Meeting. Councilmember Tart seconded the motion. The motion passed 6-0-1. (Councilmember Thurman was absent during the vote.)

(Agenda Item No. 08-528)

5. Approval of December 2007 Invoice for Legal Fees.

Motion and Vote: Councilmember D'Aversa moved to approve the December 2007 Invoice for Legal Fees. Councilmember Lusk seconded the motion. The motion passed 4-0-3.

Councilmember Tart and Councilmember Hewitt requested recusal due to not being members of the Council in December 2007. (Councilmember Thurman was absent during the vote.)

(Agenda Item No. 08-529)

6. Approval of a Resolution to create the Milton Disability Awareness Committee, the Milton Disability Awareness Committee Board, to Provide for the possible Appointment of Certain Committee Members to Enforcement Positions, and for other purposes as designated.

Resolution No. 08-03-23

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution to create the Milton Disability Awareness Committee, the Milton Disability Awareness Committee Board, to Provide for the possible Appointment of Certain Committee Members to Enforcement Positions, and for other purposes as designated. Councilmember Tart seconded the motion. The motion passed unanimously.

10) MAYOR AND COUNCIL REPORTS

11) STAFF REPORTS

12) EXECUTIVE SESSION

Motion and Vote: Councilmember Zahner Bailey moved to adjourn into Executive Session at 7:25 p.m. Councilmember Hewitt seconded the motion. The motion passed unanimously.

RECONVENE

Motion and Vote: Councilmember Lusk moved to reconvene the Regular Meeting. Councilmember Hewitt seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-530)

13) ADJOURNMENT

Motion and Vote: Councilmember Hewitt moved to adjourn the Regular Meeting at 7:46 p.m. Councilmember Thurman seconded the motion. The motion passed unanimously.