



## 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, March 17, 2008**                      **ACTION MINUTES**                      **6:00 PM**

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**1) CALL TO ORDER**

**2) ROLL CALL**

Councilmember Burt Hewitt was absent. Mayor and all other Councilmembers were present.

**3) PLEDGE OF ALLEGIANCE**

**(Agenda Item No. 08-531)**

**4) APPROVAL OF MEETING AGENDA**

1. Remove item #5, approval of the Financial Statements for the period ending February, 2008 from the Consent Agenda and defer until April 14, 2008;
2. Remove item #3 Approval of a Resolution Amending Resolution No. 08-03-25, a Resolution Appointing Members to the City of Milton bike & Pedestrian path Committee (District 2) and defer until April 14, 2008;
3. Add Staff Report for the SAFER Grant; and
4. Add Executive Session to discuss pending litigation and personnel.

**Motion and Vote:** Councilmember D'Aversa moved to approve the meeting agenda, as amended. Councilmember Thurman seconded the motion. The motion passed unanimously (6-0).

**5) PUBLIC COMMENT**

**6) CONSENT AGENDA**

**(Agenda Item No. 08-519)**

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

**(Agenda Item No. 08-532)**

2. Approval of the February 20, 2008 Regular Meeting Minutes.

**(Agenda Item No. 08-533)**

3. Approval of the March 3, 2008 Regular Meeting Minutes.

**(Agenda Item No. 08-534)**

4. Approval of the February 13, 2008 Special Called Work Session Minutes.

**(Agenda Item No. 08-535)                      *Removed and Deferred by Motion and Vote***

5. Approval of the Financial Statements for the period ending February, 2008.

**(Agenda Item No. 08-536)**

6. Approval of Land Development Final Plats
  - 1) The Triple Crown III, LL 739 Revise lot lines lot 54
  - 2) Triple Crown IV Unit 1 LL 773 Revise set backs lot 33 per ZM07-007-508
  - 3) King Estates LL 616 2 lots
  - 4) Vickery Crest I LL 1052, 1053, 1108 46 lots

**Motion and Vote:** Councilmember Thurman moved to approve the Consent Agenda. Councilmember Lusk seconded the motion. The motion passed unanimously (6-0).

**7)        REPORTS AND PRESENTATIONS****8)        PUBLIC HEARING****(Agenda Item No. 08-527)**

1. 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 Tart moved to defer 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 April 14, 2008. Councilmember D'Aversa seconded the motion. The motion passed unanimously (6-0).

**9)        FIRST PRESENTATION****10)      ZONING AGENDA****(Agenda Item No. 08-497)**

1. **ZM07-07-005/VC07-014**, Webb Road (No address for this parcel) - To request a Zoning Modification to modify Condition 2a to modify the site plan (05Z-029) and a 3 part concurrent variance: 1) To reduce the side yard setback from twenty (20) feet to ten (ten) feet along the east and west property line (Article 8.1.3.C.)    2) To reduce the rear minimum setback from twenty-five (25) feet to ten (10) feet along the south

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

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property line (Article 8.1.3.D.); 3) To reduce the 10-foot landscape strip along the east, west, and south property lines to allow for a retaining wall (Article 4.23.1.).  
(First Reading on February 4, 2008.)

**Motion and Vote:** Councilmember Thurman move to defer ZM07-07-005/VC07-014, Webb Road (No address for this parcel) - To request a Zoning Modification to modify Condition 2a to modify the site plan (05Z-029) and a 3 part concurrent variance: 1) To reduce the side yard setback from twenty (20) feet to ten (ten) feet along the east and west property line (Article 8.1.3.C.) 2) To reduce the rear minimum setback from twenty-five (25) feet to ten (10) feet along the south property line (Article 8.1.3.D.); 3) To reduce the 10-foot landscape strip along the east, west, and south property lines to allow for a retaining wall (Article 4.23.1.) until April 28, 2008. Councilmember Lusk seconded the motion. The motion passed unanimously (6-0).

2. **(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 – 8<sup>th</sup> graders. The applicant is also requesting 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)
- (First Reading on March 3, 2008.)

**Motion:** Councilmember Tart moved to approve the withdrawal without prejudice for 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 – 8<sup>th</sup> 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)

**Second and Vote:** Councilmember D’Aversa seconded the motion. The motion passed unanimously (6-0).

**3. (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) (First Reading on March 3, 2008.)

**Motion and Vote:** Councilmember Tart moved to deny 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). Councilmember D'Aversa seconded the motion. The motion passed unanimously (6-0).

**11) UNFINISHED BUSINESS****(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).

**Ordinance No. 08-03-04**

**Motion and Vote:** Councilmember Zahner Bailey moved to approve the 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). Councilmember Thurman seconded the motion. The motion passed unanimously (6-0).

**(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.

**Ordinance No. 08-03-05**

**Motion and Vote:** Councilmember Lusk moved to approve an Ordinance Amending Chapter 15, Health and Public Safety, of the Code of Ordinances for the City of Milton, Georgia. Councilmember Thurman seconded the motion. The motion passed unanimously (6-0).

**12) NEW BUSINESS****(Agenda Item No. 08-537)**

1. Approval of a grant application to the Department of Homeland Security for the Assistance to Firefighters Grant program sponsored by FEMA.

**Resolution No. 08-03-26**

**Motion and Vote:** Councilmember D'Aversa moved to approve a grant application to the Department of Homeland Security for the Assistance to Firefighters Grant program sponsored by FEMA. Councilmember Lusk seconded the motion. The motion passed unanimously (6-0).

**(Agenda Item No. 08-538)**

2. Approval of a Resolution to amend Resolution 08-01-08 to adopt the 2008 Zoning and Use Permit, Zoning Modification, Board of Zoning Appeals and the City of Milton Design Review Board Schedules.

**Resolution No. 08-03-27**

**Motion and Vote:** Councilmember Lusk moved to approve a Resolution to amend Resolution 08-01-08 to adopt the 2008 Zoning and Use Permit, Zoning Modification, Board of Zoning Appeals and the City of Milton Design Review Board Schedules. Councilmember Tart seconded the motion. The motion passed 6-0-1. (Councilmember Hewitt was absent during the vote.)

**(Agenda Item No. 08-539)**

*Removed and deferred by motion and vote.*

3. Approval of a Resolution Amending Resolution No. 08-03-25, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee (District 2).

**13) MAYOR AND COUNCIL REPORTS****14) STAFF REPORTS****15) EXECUTIVE SESSION**

**Motion and Vote:** Councilmember Lusk moved to adjourn into Executive Session at 7:42 p.m. Councilmember Thurman seconded the motion. The motion passed unanimously (6-0).

**RECONVENE**

**Motion and Vote:** Councilmember Lusk moved to reconvene the Regular Meeting. Councilmember Tart seconded the motion. The motion passed unanimously (6-0).

**(Agenda Item No. 08-540)****16) ADJOURNMENT**

**Motion and Vote:** Councilmember D'Aversa moved to adjourn the Regular Meeting at 12:00 midnight. Councilmember Tart seconded the motion. The motion passed unanimously (6-0).