



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

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

Monday, April 28, 2008

ACTION MINUTES

6:00 PM

1) CALL TO ORDER

2) ROLL CALL

3) PLEDGE OF ALLEGIANCE

(Agenda Item No. 08-563)

4) APPROVAL OF MEETING AGENDA

Staff recommended the following changes to the meeting agenda.

1. Under New Business, move item #1 A Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee (District 2), and item #3 A Resolution Appointing Members to the City of Milton Board of Zoning Appeals (District 6) to after the Reports and Presentations.
2. Under New Business, defer the Resolution appointing Members to the City of Milton Board of Ethics (District 1) to May 5, 2008.
3. Add to New business, consideration of a lease agreement for station #43 on Hickory Flat Road.
4. Add an Executive Session to discuss potential litigation after Reports and Presentation and the appointments to the Board of Zoning Appeals and the Bike and Pedestrian Committee.

Motion and Vote: Councilmember D'Aversa moved to approve the Meeting Agenda as amended. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

5) PUBLIC COMMENT

6) CONSENT AGENDA

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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. 08-564)

1. Approval of the April 14, 2008 Regular Meeting Minutes.

Motion and Vote: Councilmember Lusk moved to approve the April 14, 2008 Regular Meeting Minutes. Councilmember Tart seconded the motion. The motion passed unanimously.

7) REPORTS AND PRESENTATIONS

1. Presentation to Northwestern Middle School students Alex Barker, Matt Ballard, Chloe Myles and Walker Holman in recognition of their bravery for spotting and putting out a fire in their neighborhood.

8) FIRST PRESENTATION**9) ZONING AGENDA****(Agenda Item No. 07-389)**

1. **RZ07-016** - Text Amendment to the City of Milton Zoning Ordinance, Article 12G State Route 9 Overlay District regarding buffers and building height.

(This item was deferred 6 months by City Council at the October 18, 2007 meeting.)

Ordinance No. 08-04-06

Motion and Vote: Councilmember D'Aversa moved to approve Text Amendment RZ07-016, Article 12G State Route 9 Overlay District for a two part 75 foot undisturbed buffer with a ten foot improvement setback located adjacent to all AG1 zoning districts and all property zoned used or developed for residential use. For part two the buildings in Highway 9 Overlay District shall be a maximum of two stories with a maximum height of 30 feet excluding the Morris Road and Deerfield Parkway. Councilmember Tart seconded the motion. The motion passed 5-1, with Councilmember Thurman voting in opposition. (Councilmember Lusk was not present for the vote.)

(Agenda Item No. 08-497)

2. **ZM07-005/VC07-014** North side of Webb Road, Petitioner: Webb Road Associates, LLC by Ken Morton, Request: To Modify Condition 2.a.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.

(This item was deferred on March 17, 2008 until April 28, 2008)

Motion and Vote: Councilmember Thurman moved to defer until June 16, 2008 **ZM07-005/VC07-014** North side of Webb Road, Petitioner: Webb Road Associates, LLC by Ken Morton, Request: To Modify Condition 2.a.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. Councilmember Lusk seconded the motion. The motion passed 5-2, Councilmember Zahner Bailey and Councilmember Tart voting in opposition.

At this time, Councilmember Lusk was excused from the meeting.

(Agenda Item No. 08-550)

3. **RZ08-01** – Text Amendment to Article 3.3.12 of the City of Milton Zoning Ordinance to amend the definition of “landscaping business”.

(The First Reading was on April 14, 2008.)

Ordinance No. 08-04-07

Motion and Vote: Councilmember Thurman moved to approve **RZ08-01** – Text Amendment to Article 3.3.12 of the City of Milton Zoning Ordinance to amend the definition of “landscaping business”. Councilmember D’Aversa seconded the motion. The motion passed 6-0. (Councilmember Lusk was not present for the vote.)

(Agenda Item No. 08-551)

Moved by Motion and Vote

4. **ZM08-01** – 13941, 13943, 13945 Highway 9 North - (RZ07-010) Petitioner: Milton Organizers, LLC. The request is:

1) To modify Condition 2.a. of RZ07-010, to redesign site plan to eliminate septic and connect to sewer.

2) To modify Condition 4.d. of RZ07-010, to allow discretion by the Transportation Engineer of Milton to determine throat length of the entrance on Hwy 9.

(The First Reading was on April 14, 2008.)

Motion and Vote: Councilmember Tart moved to defer until June 16, 2008 **ZM08-01** – 13941, 13943, 13945 Highway 9 North - (RZ07-010) Petitioner: Milton Organizers, LLC. The request is:

1) To modify Condition 2.a. of RZ07-010, to redesign site plan to eliminate septic and connect to sewer.

3) To modify Condition 4.d. of RZ07-010, to allow discretion by the Transportation Engineer of Milton to determine throat length of the entrance on Hwy 9.

Councilmember Zahner Bailey seconded the motion. The motion passed 5-0-1, with Mayor Lockwood recused.

10) UNFINISHED BUSINESS

11) NEW BUSINESS

(Agenda Item No. 08-565)

1. Approval of a Resolution Amending Resolution No. 08-04-29, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee (District 2).

(This item was deferred on April 14, 2008 for District 2 appointment.)

Resolution No. 08-04-32

Motion and Vote: Councilmember D'Aversa moved to approve a Resolution Amending Resolution No. 08-04-29, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee by appointing David Shepherd for District 2. Councilmember Hewitt seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-555)

Deferred by Motion and Vote

2. Approval of a Resolution Amending Resolution No. 08-01-11, a Resolution Appointing Members to the City of Milton Board of Ethics (District 1).

(This item was deferred on April 14, 2008.)

(Agenda Item No. 08-556)

Added by Motion and Vote

3. Approval of a Resolution Amending Resolution No. 08-01-03 A Resolution Appointing Members to the City of Milton Board of Zoning Appeals (District 6).

(This item was deferred on April 14, 2008.)

Resolution No. 08-04-33

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution amending Resolution No. 08-01-03 a Resolution Appointing Members to the City of Milton Board of Zoning Appeals by appointing John McRae for District 6. Councilmember Lusk seconded the motion. The motion passed unanimously.

Added by Motion and Vote

EXECUTIVE SESSION

Motion and Vote: Councilmember Lusk moved to adjourn into Executive Session to discuss potential litigation at 6:27 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.

Motion and Vote: Councilmember Tart moved to approve moving agenda item 08-497 and 08-551 under the Zoning Agenda to be presented before agenda item 07-389. Councilmember Thurman seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-566)

4. Approval of a Resolution to create a committee to serve as the Citizen's Participation Group for potential revision to the Milton Tree Preservation Ordinance and Administrative Guidelines.

Resolution No. 08-04-34

Motion and Vote: Councilmember Tart moved to approve a Resolution to create a committee to serve as the Citizen's Participation Group for potential revision to the Milton Tree Preservation Ordinance and Administrative Guidelines. Councilmember Zahner Bailey

seconded the motion. The motion passed 6-0. (Councilmember Lusk was not present for the vote.)

(Agenda Item No. 08-567)

5. Approval of Ashbrooke Farms Sidewalk Easement Dedication.

Motion and Vote: Councilmember Hewitt moved to approve the Ashbrooke Farms Sidewalk Easement Dedication. Councilmember Thurman seconded the motion. The motion passed 6-0. Councilmember Lusk was not present for the vote.

(Agenda Item No. 08-568)

6. Approval of the February 2008 invoice for legal fees.

Motion and Vote: Councilmember Tart moved to approve the February 2008 invoice for legal fees. Councilmember D'Aversa seconded the motion. The motion passed 6-0. (Councilmember Lusk was not present for the vote.)

Added by Motion and Vote

Consideration for a Lease Agreement for Station #43, Hickory Flat Road.

Motion and Vote: Councilmember Thurman moved to approve the Lease Agreement for Station #43, Hickory Flat Road. Councilmember Tart seconded the motion. The motion passed 6-0. Councilmember Lusk was not present for the vote.

12) MAYOR AND COUNCIL REPORTS

13) STAFF REPORTS

Added by Motion and Vote

14) EXECUTIVE SESSION

Motion and Vote: Councilmember Tart moved to adjourn into Executive Session to discuss potential land acquisition and litigation at 8:37 p.m. Councilmember Hewitt seconded the motion. The motion passed 6-0. (Councilmember Lusk was not present for the vote.)

RECONVENE

Motion and Vote: Councilmember Hewitt moved to reconvene the Regular Meeting. Councilmember D'Aversa seconded the motion. The motion passed 6-0. (Councilmember Lusk was not present for the vote.)

(Agenda Item No. 08-569)

15) ADJOURNMENT

Motion and Vote: Councilmember Zahner Bailey moved to adjourn the Regular Meeting. Councilmember Tart seconded the motion. The motion passed 6-0. (Councilmember Lusk was not present for the vote.)

Meeting Adjourned at 9:05 p.m.