



## CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

### CITY COUNCIL

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

---

**Monday, June 16, 2008**

**ACTION MINUTES**

**6:00 PM**

---

**1) CALL TO ORDER**

**2) ROLL CALL** – Councilmember Thurman was absent/excused.

**3) PLEDGE OF ALLEGIANCE**

**(Agenda Item No. 08-604)**

**4) APPROVAL OF MEETING AGENDA**

Staff recommended the following changes to the Meeting Agenda:

1. Add a Public Hearing after Reports and Presentations, An Ordinance to Adopt Amendments to the Fiscal 2008 Budget for Each Fund of the City of Milton, Georgia Amending the Amounts Shown in Each Budget as Expenditures, Amending the Several Items of Revenue Anticipations, Prohibiting Expenditures to Exceed Appropriations, and prohibiting Expenditures to Exceed Actual funding Available.
2. Add to new business as an emergency agenda item based on the July 1<sup>st</sup> deadline, Approval for the Amendment of the Service Level Agreement with Rural Metro Ambulance to Provide EMS Service with the Several Cities of North Fulton County, to Include the City of Milton.

**5) PUBLIC COMMENT**

**6) CONSENT AGENDA**

**(Agenda Item No. 08-605)**

1. Approval of the June 2, 2008 Regular Meeting Minutes

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

Page 1 of 6

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.***

**7) REPORTS AND PRESENTATIONS****8) FIRST PRESENTATION  
(Agenda Item No. 08-606)**

1. Approval of an Ordinance to Adopt Amendments to the Fiscal 2008 Budget for Each Fund of the City of Milton, Georgia Amending the Amounts Shown in Each Budget as Expenditures, Amending the Several Items of Revenue Anticipations, Prohibiting Expenditures to Exceed Appropriations, and prohibiting Expenditures to Exceed Actual Funding Available.

**Motion and Vote:** Councilmember Lusk moved to approve the First Presentation item. Councilmember D’Aversa seconded the motion. The motion passed unanimously (6-0)

**9) PUBLIC HEARING  
ALCOHOL BEVERAGE LICENSE APPLICATION****(Agenda Item No. 08-607)**

1. Approval of Alcohol Beverage Application for Lotty & Lotta Market, LLC d/b/a Nahm Thai Cuisine at 5310 Windward Pkwy, Suite C. Applicant is Ngamta Thong Young for Consumption on Premises –Distilled Spirits. (This item was deferred on May 19, 2008.)

**Motion and Vote:** Councilmember Tart moved to approve Alcohol Beverage Application for Lotty & Lotta Market, LLC d/b/a Nahm Thai Cuisine at 5310 Windward Pkwy, Suite C. Applicant is Ngamta Thong Young for Consumption on Premises –Distilled Spirits. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously (6-0).

**END OF PUBLIC HEARING****10) ZONING AGENDA****(Agenda Item No. 08-497)**

1. **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, April 28, 2008 until June 16, 2008)

**Motion and Vote:** Councilmember D’Aversa moved to accept withdrawal of **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 Zahner Bailey seconded the motion. The motion passed unanimously (6-0)

**(Agenda Item No. 08-551)**

2. **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.
- (This item was deferred on April 28, 2008 until June 16, 2008.)

**Motion:** Councilmember Hewitt moved to accept withdrawal of **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.

**Second and Vote:** Councilmember Zahner Bailey seconded the motion. The motion passed (5-0-1) with Mayor Lockwood recused.

**(Agenda Item No. 08-574)**

3. **ZM08-02** – Southside of Cumming Hwy (West of Sunfish Bend); Petitioner: Inland Group by Eric Johansen. Request: To modify condition 2.a. of RZ03-140 to modify the site plan.
- (This item was deferred on May 19, 2008 until June 16, 2008)

**Motion and Vote:** Councilmember Zahner Bailey moved to defer until July 7, 2008 **ZM08-02** – Southside of Cumming Hwy (West of Sunfish Bend); Petitioner: Inland Group by Eric Johansen. Request: To modify condition 2.a. of RZ03-140 to modify the site plan. Councilmember Tart seconded the motion. The motion passed unanimously (6-0).

**(Agenda Item No. 08-589)**

4. **RZ08-02** – Text Amendment to Article 28 Rezoning Procedures.

**Motion and Vote:** Councilmember Tart moved to approve **RZ08-02** – Text Amendment to Article 28 Rezoning Procedures with changes to 28.3 (Public Hearing and Notice Requirements) in the paragraph that starts the Department shall give notice by regular mail to all property owners or current residents within five hundred feet of the subject property with a minimum of 75 owners. Add the same requirement to 28.4.7 with regard to notification within 500 feet with a minimum of 75 owners and to delete the phrase in 28.4.6 within five miles of the Heartsfield Jackson International Airport Boundary. Councilmember D'Aversa seconded the motion. The motion passed unanimously (6-0).

**(Agenda Item No. 08-590)**

5. **RZ08-03** - Text Amendment to Article 12G Highway 9 /Scope of DRB.

**Motion and Vote:** Councilmember Hewitt moved to approve **RZ08-03** - Text Amendment to Article 12G Highway 9 /Scope of DRB as per Staff's Recommendation including removing the Primary Variance and to clarify that a Primary Variance would go to the DRB for review and recommendation but the Community Development Department reviews it and the appeals process would take the Primary Variance to the Board of Zoning Appeals. Councilmember D'Aversa seconded the motion. The motion passed unanimously (6-0).

**Motion and Vote:** Councilmember Zahner Bailey moved to approve moving Agenda Items #10 and #11 forward and in advance of Agenda Item #6. Councilmember Hewitt seconded the motion. The motion passed unanimously (6-0).

**(Agenda Item No. 08-591)**

6. **RZ08-04** - Text Amendment to Article 12H NW Overlay / Scope of DRB.

**Motion and Vote:** Councilmember Lusk moved to approve **RZ08-04** - Text Amendment to Article 12H NW Overlay / Scope of DRB and duplicate amendments made to RZ08-03. Councilmember Tart seconded the motion. The motion passed unanimously (6-0).

**(Agenda Item No. 08-592)**

7. **RZ08-05** - Text Amendment to Article 12H1 Crabapple / Scope of DRB.

**Motion and Vote:** Councilmember Zahner Bailey moved to approve **RZ08-05** - Text Amendment to Article 12H1 Crabapple / Scope of DRB. Councilmember D'Aversa seconded the motion. The motion passed unanimously (6-0).

**(Agenda Item No. 08-593)**

8. **RZ08-06** - Text Amendment to Article 12H2 Birmingham / Scope of DRB

**Motion and Vote:** Councilmember Zahner Bailey moved to approve **RZ08-06** - Text Amendment to Article 12H2 Birmingham / Scope of DRB. Councilmember Tart seconded the motion. The motion passed unanimously (6-0).

**(Agenda Item No. 08-594)**

9. **RZ08-07** - Text Amendment to Article 12A Overlay District / Scope of DRB.

**Motion and Vote:** Councilmember Hewitt moved to approve **RZ08-07** - Text Amendment to Article 12A Overlay District and add a provision to 12.A.3..3.A notification of the DRB to reflect the requirements indicated in Article 28 as it relates to the Planning Commission for the notification of property owners or current residents within 500 feet of a boundary of a subject property with a minimum of 75 owners who appear on the tax record of Fulton County as

retrieved by the City's Geographic Information System/ Scope of DRB . Councilmember Lusk seconded the motion. The motion passed unanimously (6-0).

**(Agenda Item No. 08-595)**

10. **ZM08-03** - 3160 Francis Road, Canine Assistants, By Planners and Engineers Collaborative, to modify condition 2.a. to modify the site plan (U07-007).

**Motion and Vote:** Councilmember Tart moved to approve **ZM08-03** - 3160 Francis Road, Canine Assistants, By Planners and Engineers Collaborative, to modify condition 2.a. to modify the site plan (U07-007). Councilmember D'Aversa seconded the motion. The motion passed unanimously (6-0).

**(Agenda Item No. 08-596)**

11. **ZM08-04** - 5404 Windward Parkway, Real Development LLC, by Robert Forrest, to modify condition 2.a. to modify the site plan (96Z-127).

**Motion and Vote:** Councilmember Hewitt moved to approve **ZM08-04** - 5404 Windward Parkway, Real Development LLC, by Robert Forrest, to modify condition 2.a. to modify the site plan as it will be attached to the zoning modification approval. Said site plan shall control to the extent there is any inconsistency with the previous condition 1a (96Z-127). Councilmember Lusk seconded the motion. The motion passed unanimously (6-0).

**11) UNFINISHED BUSINESS**

**12) NEW BUSINESS**

**(Agenda Item No. 08-597)**

1. Approval of a Resolution Amending Resolution No. 08-05-37, A Resolution Appointing a Citizen's Participation Group for potential revision to the Milton Tree Preservation Ordinance and Administrative Guidelines (Districts 1 and 4).

**Resolution No. 08-06-40**

**Motion and Vote:** Councilmember D'Aversa moved to approve a Resolution Amending Resolution No. 08-05-37, A Resolution Appointing a Citizen's Participation Group for potential revision to the Milton Tree Preservation Ordinance and Administrative Guidelines (Districts 1 and 4) by appointing Scott Gronholm and Cherilyn Allen. Councilmember Lusk seconded the motion. The motion passed unanimously (6-0).

***Added by Motion and Vote:***

Approval for the Amendment of the service Level Agreement with Rural metro Ambulance to provide EMS Service with the Several Cities of North Fulton County, to Include the City of Milton.

**Motion and Vote:** Mayor Lockwood moved to approve the Amendment of the service Level Agreement with Rural metro Ambulance to provide EMS Service with the Several Cities of

North Fulton County, to include the City of Milton. Councilmember Lusk seconded the motion. The motion passed unanimously (6-0).

### **13) MAYOR AND COUNCIL REPORTS**

### **14) STAFF REPORTS**

### **15) EXECUTIVE SESSION**

**Motion and Vote:** Councilmember Lusk moved to adjourn into Executive Session at 11:27 p.m. Councilmember Hewitt seconded the motion. The motion passed unanimously (6-0).

### **RECONVENE**

**Motion and Vote:** Councilmember Lusk moved to reconvene the Regular Meeting at 11:46 p.m. Councilmember Hewitt seconded the motion. The motion passed unanimously (6-0).

**(Agenda Item No. 08-608)**

### **16) ADJOURNMENT**

**Motion and Vote:** Councilmember Tart moved to adjourn the Regular Meeting at 11:48 p.m. Councilmember D'Aversa seconded the motion. The motion passed unanimously (6-0).