



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

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

Monday, November 17, 2008

ACTION MINUTES

6:00 PM

1) CALL TO ORDER

2) **ROLL CALL** – Councilmember Tina D'Aversa was absent/excused.

3) PLEDGE OF ALLEGIANCE

(Agenda Item No. 08-717)

4) APPROVAL OF MEETING AGENDA

Staff recommended the following changes to the Meeting Agenda:

1. Under the Zoning Agenda, move item number 3 U08-06 – 13365 Arnold Mill Road by Extreme Mulch to obtain a use Permit for a Landscaping Business to the beginning of the Zoning Agenda.
2. Under New Business, defer until December 15, 2008 Approval of a Resolution Requesting the Transmittal of City of Milton draft 2008 – 2028 Comprehensive Plan partial Update to the Georgia Department of Community Affairs and the Atlanta Regional Commission for their official review.
3. Add a Resolution Amending Resolution No. 08-01-09, A Resolution Appointing members to the City of Milton Design Review Board for District 3 and place that item after the Alcohol Beverage Application Public Hearing.

Motion and Vote: Councilmember Hewitt moved to approve the Meeting Agenda, as amended. Councilmember Lusk seconded the motion. The motion passed unanimously 6-0.

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. 08-718)

1. Approval of the November 3, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-719)

2. Approval of the Financial Statements for the period ending October 2008.

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

7) REPORTS AND PRESENTATIONS**8) FIRST PRESENTATION****9) PUBLIC HEARING****ALCOHOL BEVERAGE LICENSE APPLICATION****(Agenda Item No. 08-720)**

1. Approval of Alcohol Beverage License Application for Georgia CVS Pharmacy LLC d/b/a CVS Pharmacy #2945 located at 13933 Alpharetta Highway, Milton, Georgia. The applicant is Georgia CVS Pharmacy LLC for Package Retail – Wine and Malt Beverage.

Motion and Vote: Councilmember Lusk moved to approve Alcohol Beverage License Application for Georgia CVS Pharmacy LLC d/b/a CVS Pharmacy #2945 located at 13933 Alpharetta Highway, Milton, Georgia. The applicant is Georgia CVS Pharmacy LLC for Package Retail – Wine and Malt Beverage. Councilmember Thurman seconded the motion. The motion passed unanimously 6-0.

END OF PUBLIC HEARING***Added by Motion and Vote***

**A Resolution Amending Resolution No. 08-01-09, A Resolution Appointing Members to the City of Milton Design Review Board by Adding Board Member Vic Jones for District 3.
RESOLUTION NO. 08-11-50**

Motion and Vote: Councilmember Thurman moved to approve appointing a member outside Council's appointed districts. Councilmember Hewitt seconded the motion. The motion passed unanimously 6-0.

Motion and Vote: Councilmember Thurman moved to approve a Resolution Amending Resolution No. 08-01-09, A Resolution Appointing Members to the City of Milton Design Review Board by Adding Board Member Vic Jones for District 3. Councilmember Hewitt seconded the motion. The motion passed unanimously 6-0.

10) ZONING AGENDA

Moved by Motion and Vote:**(Agenda Item No. 08-710)**

3. **U08-06** - 13365 Arnold Mill Road by Extreme Mulch to obtain a Use Permit for a Landscaping Business (Article 19.4.27) on 3.75 acres with a 2,500 square foot existing office and an existing 2,000 square foot pole barn at a density of 1,200 square feet per acre. (First Presentation on November 3, 2008.)

ORDINANCE NO. 08-11-31

Motion and Vote: Councilmember Hewitt moved to approve U08-06 – 13365 Arnold Mill Road by Extreme Mulch to obtain a Use Permit for a Landscaping Business (Article 19.4.27) on 3.75 acres with a 2, 500 square foot existing office and an existing 2,000 square foot pole barn at a density of 1,200 square feet per acre with the added condition that there be no overnight tractor trailers and no added flood lights other than the ones that currently exist. Councilmember Lusk seconded the motion. The motion passed unanimously 6-0.

(Agenda Item No. 08-685)

1. **RZ08-09** - To amend Article 22, Appeals of the City of Milton Zoning Ordinance. (First Presentation on October 6, 2008.)

Motion and Vote: Councilmember Lusk moved to defer until January 26, 2009, **RZ08-09** - To amend Article 22, Appeals of the City of Milton Zoning Ordinance. Councilmember Thurman seconded the motion. The motion passed unanimously 6-0.

(Agenda Item No. 08-682)

2. An Ordinance to Amend Chapter 14, Land Development and Environmental Protection, of the Code of Ordinances for the City of Milton, Georgia. (First Presentation on October 6, 2008.)

ORDINANCE NO. 08-11-29

Motion and Vote: Councilmember Tart moved to approve An Ordinance Amending Chapter 14, Land Development and Environmental Protection, of the Code of Ordinances for the City of Milton, Georgia as proposed by staff with the exception of Sub Paragraph 3 on page 59 of 103, dealing with rezoning and variances, also in paragraph 5 at the top of page 61 of 103, dealing with the variance needing to be site plan specific. Councilmember Hewitt seconded the motion. The motion passed unanimously 6-0.

(Agenda Item No. 08-711)

4. **RZ08-11** – Text Amendment to Article 3, “Definitions” of the City of Milton Zoning Ordinance. (First Presentation on November 3, 2008.)

Motion and Vote: Councilmember Tart moved to approve **RZ08-11** – Text Amendment to Article 3, “Definitions” of the City of Milton Zoning Ordinance. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

11) UNFINISHED BUSINESS**(Agenda Item No. 08-708)**

1. Approval of an Ordinance Amending the Noise Control Ordinance within the City of Milton, Georgia.

Motion and Vote: Councilmember Thurman moved to defer until December 15, 2008 an Ordinance Amending the Noise Control Ordinance within the City of Milton, Georgia Councilmember Hewitt seconded the motion. The motion passed unanimously 6-0.

(Agenda Item No. 08-709)

2. Approval of an Ordinance Establishing Solid Waste Collection Services Within the City of Milton; Providing for the Scope and Nature of the Operation; Providing for the Disposal of Garbage, Solid Waste and Refuse; Requiring the Execution by Service Providers of a Non-Exclusive Agreement with the City of Milton; Providing Procedures for the Handling of Complaints; Providing for Forfeiture; and for Making Other Provisions.

ORDINANCE NO. 08-11-30

Motion and Vote: Councilmember Tart moved to approve an Ordinance Establishing Solid Waste Collection Services Within the City of Milton; Providing for the Scope and Nature of the Operation; Providing for the Disposal of Garbage, Solid Waste and Refuse; Requiring the Execution by Service Providers of a Non-Exclusive Agreement with the City of Milton; Providing Procedures for the Handling of Complaints; Providing for Forfeiture; and for Making Other Provisions. Councilmember Hewitt seconded the motion. The motion passed unanimously 6-0.

12) NEW BUSINESS**(Agenda Item No. 08-721)** *Deferred until December 1, 2008 by Motion and Vote*

1. Approval of Resolution Amending Resolution No. 08-10-46, A Resolution to Create the Milton Grows Green Committee and its Governing Board and for other Designated Purposes by Adding an MGG Committee Governing Board Member.

(Agenda Item No. 08-722) *Deferred until December 15, 2008 by Motion and Vote*

2. Approval of Resolution Requesting the Transmittal of City of Milton draft 2008 – 2028 Comprehensive Plan Partial Update to the Georgia Department of Community Affairs and the Atlanta Regional Commission for their official review.

(Agenda Item No. 08-723)

3. Approval of Resolution Requesting the Transmittal of the FY 2009 Livable Centers Initiative Study Application for Crabapple to the Atlanta Regional Commission for Consideration.

RESOLUTION NO. 08-11-51

Motion and Vote: Councilmember Thurman moved to approve Resolution Requesting the Transmittal of the FY 2009 Livable Centers Initiative Study Application for Crabapple to the

Atlanta Regional Commission for Consideration. Councilmember Tart seconded the motion. The motion passed unanimously 6-0.

(Agenda Item No. 08-724)

4. Approval of Resolution Requesting the Transmittal of the FY 2009 Livable Centers Initiative Study Application for Highway 9 to the Atlanta Regional Commission for Consideration.

RESOLUTION NO. 08-11-52

Motion and Vote: Councilmember Hewitt moved to approve Resolution Requesting the Transmittal of the FY 2009 Livable Centers Initiative Study Application for Highway 9 to the Atlanta Regional Commission for Consideration. Councilmember Lusk seconded the motion. The motion passed unanimously 6-0.

(Agenda Item No. 08-725)

5. Approval of revised task order for Crabapple Crossroads southeast quadrant study with Kimley Horn and Associates, Inc.

Motion and Vote: Councilmember Zahner Bailey moved to approve staff's recommendation to withdraw the revised task order for Crabapple Crossroads southeast quadrant study with Kimley Horn and Associates, Inc based on the input of staff, the input of the consensus of Council and that we would look to address transportation planning for Crabapple at the direction of staff and our transportation planners. Councilmember Tart seconded the motion. The motion passed unanimously 5-0-1. Mayor Lockwood was recused.

(Agenda Item No. 08-726)

6. Approval of task order for Landrum Road Bridge Replacement with URS.

Motion and Vote: Councilmember Thurman moved to approve task order for Landrum Road Bridge Replacement with URS. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 6-0.

(Agenda Item No. 08-727)

7. Approval of a Resolution to authorize the Mayor and City Council to approve the submission of a grant application to the Georgia Recreational Trails Program.

RESOLUTION NO. 08-11-53

Motion and Vote: Councilmember Hewitt moved to approve a Resolution to authorize the Mayor and City Council to approve the submission of a grant application to the Georgia Recreational Trails Program. Councilmember Thurman seconded the motion. The motion passed unanimously 6-0.

13) MAYOR AND COUNCIL REPORTS

14) STAFF REPORTS

15) EXECUTIVE SESSION**(Agenda Item No. 08-728)****16) ADJOURNMENT**

Motion and Vote: Councilmember Lusk moved to adjourn the meeting at 9:59 p.m. Councilmember Hewitt seconded the motion. The motion passed unanimously 6-0.