



## 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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**Wednesday, January 21, 2009      ACTION MINUTES      6:00 PM**

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**1) CALL TO ORDER**

**2) ROLL CALL**

**3) PLEDGE OF ALLEGIANCE**

**(Agenda Item No. 09-771)**

**4) APPROVAL OF MEETING AGENDA**

Staff recommended the following changes to the Meeting Agenda:

1. Under Unfinished business, Staff would like to remove from the agenda, item number one, An Ordinance Amending the Noise Control Ordinance within the City of Milton, Georgia.
2. Staff would like to move Items 2-6, under Unfinished Business, before the Zoning Agenda.

**Motion and Vote:** Councilmember Lusk moved to approve Agenda Item 09-771 Meeting Agenda, as amended. Councilmember D'Aversa seconded the motion. The motion passed unanimously (5-0).

**5) PUBLIC COMMENT**

**6) CONSENT AGENDA**

**(Agenda Item No. 09-772)**

1. Approval of the January 5, 2009 Regular Meeting Minutes.

**(Agenda Item No. 09-773)**

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

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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.***

**Motion and Vote:** Councilmember Hewitt moved to approve the Consent Agenda items. Councilmember Lusk seconded the motion. The motion passed unanimously (5-0).

## 7) REPORTS AND PRESENTATIONS

## 8) FIRST PRESENTATION

## 9) ZONING AGENDA

### **(Agenda Item No. 08-683)**

- 1) **ZM08-06/VC08-06** - 765 & 785 Mid-Broadwell Road by Sally Rich-Kolb to modify Condition 2.a. of Z05-072 to revise the site plan; 2) To delete condition 4.b. to remove the requirement that the owner dedicate to Fulton County (City of Milton) the necessary right-of-way to provide a connector road from Broadwell Road to Mid-Broadwell Road prior to attaining an LDP, or as may be approved by the Director of Public Works; and 3) To request a concurrent variance to reduce parking from 58 to 39 spaces (Article 18.2.1). (This item was deferred on October 20, 2008.)

*(Presented by Alice Wakefield, Community Development Director)*

**Motion and Second:** Councilmember D'Aversa moved to approve **ZM08-06/VC08-06** - 765 & 785 Mid-Broadwell Road by Sally Rich-Kolb to modify Condition 2.a. of Z05-072 to revise the site plan; 2) To delete condition 4.b. to remove the requirement that the owner dedicate to Fulton County (City of Milton) the necessary right-of-way to provide a connector road from Broadwell Road to Mid-Broadwell Road prior to attaining an LDP, or as may be approved by the Director of Public Works; and 3) To request a concurrent variance to reduce parking from 58 to 39 spaces (Article 18.2.1) also add the condition to save the three specimen trees. Councilmember Zahner Bailey seconded the motion.

**Motion to Amend and Vote:** Councilmember Zahner Bailey moved to make an adjustment to the original motion that would add language that would state the zoning modification site plan notwithstanding, no encroachment for parking purposes on City of Milton property shall be allowed. Mayor Pro Tem seconded the motion. The motion passed (3-1-1) with Councilmember Hewitt opposed and Mayor Lockwood recused.

**Vote on Motion as Amended:** The motion passed (3-1-1) with Councilmember Lusk opposed and Mayor Lockwood recused.

### **(Agenda Item No. 09-763)**

- 2) **ZM08-09** -13941 13943, 13945 Highway 9 North by Milton Organizers, LLC to modify Condition 2.a. of RZ07-010, to redesign site plan to eliminate septic and connect to sanitary sewer.

**Motion and Vote:** Mayor Pro Tem D'Aversa moved to approve Agenda item 09-763 **ZM08-09**-13941 13943, 13945 Highway 9 North by Milton Organizers, LLC to modify Condition 2.a. of RZ07-010, to redesign site plan to eliminate septic and connect to sanitary sewer. That

approval is based on the September 15, 2008 revised IGA and sewer service agreement approved by the majority of the Milton City Council, be adopted, approved, ratified by Fulton County. This approval would be conditional on the adoption and approval of the September 15, 2008 IGA and sewer service being approved by Fulton County. In addition, set a special condition that any modification to the site plan based on this change in conditions to allow the elimination of the septic and septic fields to connect sanitary sewer require that the applicant review the additional three specimen trees and require them to try and save those trees. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously (5-0-1) with Mayor Lockwood recused.

**(Agenda Item No. 08-685)**

- 3) **RZ08-09** Text Amendment - To amend Article 22, Appeals of the City of Zoning Ordinance. (This item was deferred on November 17, 2008.)

**Motion and Vote:** Councilmember Hewitt moved to approve Agenda Item 08-685 **RZ08-09** Text Amendment - To amend Article 22, Appeals of the City of Milton Zoning Ordinance based on staff recommendations in addition to Section 22.9.1, change the word will to shall, in Section 22.2.2 insert 10% whichever is less, in Section 22.7.1, a request for a variance from any zoning ordinance provision that involves more than five lots or 10% of the lots of the subdivision whichever is greater in accordance to Section 22.3.1, in Section 22.2.1d, to hear and decide applications for variances from any zoning ordinance that involves more than five lots or 10% whichever is greater. Councilmember D'Aversa seconded the motion. The motion passed unanimously (5-0).

**(Agenda Item No. 08-682)**

- 4) Approval of an Ordinance to Amend Chapter 14, Land Development and Environmental Protection, of the Code of Ordinances for the City of Milton, Georgia.

**Motion and Vote:** Councilmember Lusk moved to approve Agenda Item 08-682, Approval of an Ordinance to Amend Chapter 14, Land Development and Environmental Protection, of the Code of Ordinances for the City of Milton, Georgia. Councilmember Hewitt seconded the motion. The motion passed unanimously (5-0).

**10) UNFINISHED BUSINESS**

**(Agenda Item No. 08-708)**

*Removed by Motion and Vote*

1. Approval of an Ordinance Amending the Noise Control Ordinance within the City of Milton, Georgia.  
(First Presentation on November 3, 2008.)

**(Agenda Item No. 09-774)**

2. Approval of a Resolution Amending Resolution No. 09-01-66, A Resolution to Create the Milton Parks and Recreation Advisory Board and to develop the Milton Parks and Recreation Ordinance by appointing a member for District 2.

**RESOLUTION NO. 09-01-72**

**Motion and Vote:** Councilmember D'Aversa moved to approve Agenda Item 09-774 Approval of a Resolution Amending Resolution No. 09-01-66, A Resolution to Create the Milton Parks and Recreation Advisory Board and to develop the Milton Parks and Recreation Ordinance by appointing Curtis Mills District 2. Councilmember Hewitt seconded the motion. The motion passed unanimously (5-0).

**(Agenda Item No. 09-775)**

3. Approval of a Resolution Amending Resolution No. 09-01-67, A Resolution to Create a Committee to Serve as the Highway 9 Design Guideline Committee for Potential Revision to the Highway 9 Overlay District of the City of Milton Zoning Ordinance.

**RESOLUTION 09-01-73**

**Motion and Vote:** Councilmember Hewitt moved to approve Agenda Item 09-775 Approval of a Resolution Amending Resolution No. 09-01-67, A Resolution to Create a Committee to Serve as the Highway 9 Design Guideline Committee for Potential Revision to the Highway 9 Overlay District of the City of Milton Zoning Ordinance by appointing Tom MacPherson. Councilmember D'Aversa seconded the motion. The motion passed unanimously (5-0).

**(Agenda Item No. 09-776)**

4. Approval of a Resolution Amending Resolution No. 09-01-68, A Resolution to Create a Committee to Serve as the Historic Preservation Committee for Development of a Historic Preservation Ordinance for the City of Milton by appointing committee members.

**RESOLUTION NO. 09-01-74**

**Motion and Vote:** Councilmember D'Aversa moved to approve Agenda Item 09-776 Approval of a Resolution Amending Resolution No. 09-01-68, A Resolution to Create a Committee to Serve as the Historic Preservation Committee for Development of a Historic Preservation Ordinance for the City of Milton by appointing Melissa Thomas-Dubois for District 2. Councilmember Hewitt seconded the motion. The motion passed unanimously (5-0).

**Motion and Vote:** Councilmember Zahner Bailey moved to approve Agenda Item 09-776 Approval of a Resolution Amending Resolution No. 09-01-68, A Resolution to Create a Committee to Serve as the Historic Preservation Committee for Development of a Historic Preservation Ordinance for the City of Milton by appointing Brian Beach for District 3. Councilmember D'Aversa seconded the motion. The motion passed unanimously (5-0).

**(Agenda Item No. 08- 753)**

5. Approval of a Resolution Amending Resolution No. 08-12-62, A Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan by appointing members for District 1, 2, and 3.

**RESOLUTION NO. 09-01-75**

**Motion and Vote:** Councilmember Lusk moved to approve Agenda Item 08-753, Approval of a Resolution Amending Resolution No. 08-12-62, A Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan by appointing Steve Beecham for District 1. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously (5-0).

**Motion and Vote:** Councilmember Hewitt moved to approve Agenda Item 08-753, Approval of a Resolution Amending Resolution No. 08-12-62, A Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan by appointing Nick Voigt for District 2. Councilmember D'Aversa seconded the motion. The motion passed unanimously (5-0).

**Motion and Vote:** Councilmember D'Aversa moved to approve Agenda Item 08-753, Approval of a Resolution Amending Resolution No. 08-12-62, A Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan by appointing Doug Hand for District 3. Councilmember Hewitt seconded the motion. The motion passed unanimously (5-0).

**(Agenda Item No. 08-754)**

6. Approval of a Resolution Amending Resolution No. 08-12-63, A Resolution to Create a Citizen Advisory Committee for City of Milton Concept Plans for the Intersections of Birmingham at Providence and Arnold Mill at New Providence by appointing members for Districts 1, 2, 3, and 4.

**RESOLUTION NO. 09-01-76**

**Motion and Vote:** Councilmember Lusk moved to approve Agenda Item 08-754, Approval of a Resolution Amending Resolution No. 08-12-63, A Resolution to Create a Citizen Advisory Committee for City of Milton Concept Plans for the Intersections of Birmingham at Providence and Arnold Mill at New Providence by appointing Star Voigt for District 2. Councilmember D'Aversa seconded the motion. The motion passed unanimously (5-0).

**Motion and Vote:** Councilmember Zahner Bailey moved to approve Agenda Item 08-754, Approval of a Resolution Amending Resolution No. 08-12-63, A Resolution to Create a Citizen Advisory Committee for City of Milton Concept Plans for the Intersections of Birmingham at Providence and Arnold Mill at New Providence by appointing Ronnie Rondem for District 3. Councilmember D'Aversa seconded the motion. The motion passed unanimously (5-0).

## **11) NEW BUSINESS**

**(Agenda Item No. 09-777)**

1. Approval of an Amendment to Professional Service Agreement with Kimley-Horn and Associates, Inc.

**Motion and Vote:** Councilmember Lusk moved to approve Agenda Item 09-777 Approval of an Amendment to Professional Service Agreement with Kimley-Horn and Associates, Inc. Councilmember Hewitt seconded the motion. The motion passed unanimously (5-0).

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

(Agenda Item No. 09-778)

**15) ADJOURNMENT**

**Motion and Vote:** Councilmember Hewitt moved to adjourn the Regular Meeting at 9:38 p.m. Councilmember D'Aversa seconded the motion. The motion passed unanimously (5-0).