

***(Clerk's note: There is no audio of this meeting due to a technological error.)***

**The Regular Meeting of the Mayor and Council of the City of Milton was held on March 16, 2009 at 6:00 PM, Mayor Joe Lockwood presiding.**

**INVOCATION**

Tass Welch, Community Minister, Community of Christ Church led the invocation.

**CALL TO ORDER**

**Mayor Lockwood** called the meeting to order.

**ROLL CALL**

**City Clerk Marchiafava** called the roll and made general announcements.

**Council Members Present:** Councilmember Karen Thurman, Councilmember Julie Zahner Bailey, Councilmember Bill Lusk, Councilmember Burt Hewitt, Councilmember Alan Tart

**Council Member Absent:** Councilmember Tina D'Aversa was absent/excused.

**PLEDGE OF ALLEGIANCE**

**Mayor Lockwood** led the Pledge of Allegiance

**APPROVAL OF MEETING AGENDA**

Staff recommended the following changes to the meeting agenda:

1. Under New Business, Remove Agenda Item 09-825, Approval of a Resolution in Support of Creating a Culture of Universal Accessibility for all Residents and visitors in the City of Milton.
2. Add an Executive Session to discuss potential land acquisition.

**Motion and Vote:** Councilmember Tart moved to approve the Meeting Agenda, as amended. Councilmember Hewitt seconded the motion. There was no Council discussion. The motion passed unanimously 6-0.

**PUBLIC COMMENT**

Mayor Lockwood read the rules for Public Comment.

- Public comment is a time for citizens to share information with the Mayor and City Council.
- To provide input and opinions for any matter that is not scheduled for it's own Public Hearing for today's meeting.
- There is no discussion on items on the Consent Agenda or First Presentation or from Council.
- Each citizen who chooses to participate in Public Comment must complete a comment card and submit it to the City Clerk.
- This is not a time to engage the Mayor or Council in discussion.
- When your name is called please come forward and speak into the microphone stating your name and address for the record.
- You will have five minutes for remarks.

**CONSENT AGENDA**

City Clerk Marchiafava read the following Consent Agenda items.

**(Agenda Item No. 09-822)**

1. Approval of the March 2, 2009 Regular Meeting Minutes.

**(Agenda Item No. 09-823)**

2. Approval of Financial Statements for the period ending February 2009.

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

**REPORTS AND PRESENTATIONS**

**A Proclamation Recognizing Zachary Eller, State Honoree in the Prudential Spirit of Community Award.**

**ZONING AGENDA**

**ZM08-08/VC08-08** South side of Webb Road by Ken Morton, Webb Road Associates:

To modify Condition 2.a. of 05Z-029 (ZM05-063), to revise the approved site plan in order to provide 33,286 square feet of two-story office buildings. The applicant is requesting two concurrent variances:

- 1) To reduce the side yard setback from 20 feet to 10 feet along the east and west property lines (Article 8.1.3.C).
- 2) To reduce the minimum rear setback from 25 feet to 10 feet along the south property line (Article 8.1.3.D).

**Public Comment:**

**Support**

**Ken Morton**, 14732 Taylor Valley Way, Milton, GA 30004

**Opposition**

**John Bratten**, 440 Bethany Green Cove, Milton, GA

**Laura Bentley**, 2500 Bethany Church Road, Milton, GA 30004

**Cary Schlenke**, 490 The Hermitage Drive, Milton, GA 30004

**William M. Anderson**, 565 Kensington Farm Drive, Milton, GA

**E-Mails Received In Opposition**

**Heidi Sowder**, 525 Sunflower Court, Milton, GA

**Diane Palmer**, 3300 Bethany Bend, Milton, GA

**Daryl Jan Porter**, 133406 Aventide Lane, Milton, GA 30004

**Kathi Cook**, 14670 Birmingham Highway, Milton, GA

**Motion and Vote:** Councilmember Tart moved to approve ZM08-08, to revise the site plan and deny the variances by eliminating conditions 3b and 3c of the recommended conditions, and amend condition 3g to add the trees will be recompensed with 6" caliper trees on site. Councilmember Zahner Bailey seconded the motion with a friendly amendment to add the 4-board black fence around the above ground

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detention pond. The motion failed 2-4, with Mayor Lockwood, Councilmember Thurman, Councilmember Lusk and Councilmember Hewitt opposed.

**Motion:** Councilmember Thurman moved to approve Agenda Item 09-824 **ZM08-08/VC08-08** South side of Webb Road by Ken Morton, Webb Road Associates, To modify Condition 2.a. of 05Z-029 (ZM05-063), to revise the approved site plan in order to provide 33,286 square feet of two-story office buildings. The applicant is requesting two concurrent variances:

- 1) To reduce the side yard setback from 20 feet to 10 feet along the east and west property lines (Article 8.1.3.C).
- 2) To reduce the minimum rear setback from 25 feet to 10 feet along the south property line (Article 8.1.3.D).

**Second and Vote:** Councilmember Hewitt seconded the motion. The motion passed 4-2, with Councilmember Zahner Bailey and Councilmember Tart opposed.

### **NEW BUSINESS**

**Approval for the Fire Department to Submit a Grant Application to Firehouse Subs Public Safety Foundation for the Purchase of R.I.T. pack Firefighter Safety Devices.**

**Motion and Vote:** Councilmember Tart moved to approve Agenda Item 09-826, Approval for the Fire Department to Submit a Grant Application to Firehouse Subs Public Safety foundation for the Purchase of R.I.T. pack Firefighter Safety Devices. Councilmember Lusk seconded the motion. The motion passed unanimously 6-0.

**Approval of a Change Order to increase the CH2MHILL contract amount for Financial and Land Use Planning modeling (Additional Services) for a sum of \$10,000.**

**Motion and Vote:** Councilmember Lusk moved to approve a Change Order to increase the CH2MHILL contract amount for financial and Land use Planning modeling (Additional Services) for a sum of \$10,000. Councilmember Thurman seconded the motion. The motion passed unanimously 6-0.

**Approval of a Resolution to Amend Resolution No. 08-12-58, A Resolution Adopting the 2009 City of Milton City Council Regular Meeting and Work Session Schedule to Change the May 2009 Meeting dates.**

**Motion and Vote:** Councilmember Tart moved to deny a Resolution to Amend Resolution No. 08-12-58, a Resolution Adopting the 2009 City of Milton City Council Regular Meeting and Work Session Schedule to Change the May 2009 Meeting dates. Councilmember Hewitt seconded the motion. The motion passed unanimously 6-0.

*Added by Motion and Vote*

### **EXECUTIVE SESSION**

**Motion and Vote:** Councilmember Tart moved to adjourn into Executive Session at 8:32 p.m. Councilmember Hewitt seconded the motion. The motion passed unanimously 6-0.

### **RECONVENE**

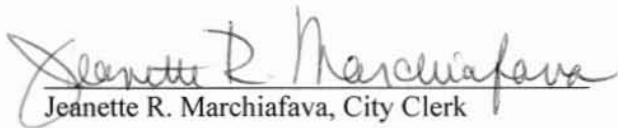
**Motion and Vote:** Councilmember Tart moved to reconvene the Regular Meeting at 9:00 p.m. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 6-0.

**ADJOURNMENT**

After no further business, the meeting adjourned at 9:02 p.m.

**Motion and Vote:** Councilmember Lusk moved to adjourn the regular meeting. Councilmember Hewitt seconded the motion. The motion passed unanimously 6-0.

**Date Approved: April 13, 2009**

  
Jeanette R. Marchiafava, City Clerk

  
Joe Lockwood, Mayor