



## 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 13, 2009**

**ACTION MINUTES**

**6:00 PM**

---

#### 1) CALL TO ORDER

#### 2) ROLL CALL

Councilmember Alan Tart was absent/excused.

#### 3) PLEDGE OF ALLEGIANCE

*(Agenda Item No. 09-829)*

#### 4) APPROVAL OF MEETING AGENDA

Staff recommended the following changes to the meeting agenda.

1. Move from the Consent Agenda to New Business, Approval of the renewal of the Intergovernmental Agreement for the provision of animal control services between Fulton County and the City of Milton.
2. Move Agenda Item No. 09-839 to after Reports and Presentations, Amendment of Resolution No. 09-03-85, a Resolution to Create a Committee to Serve as the Highway 9 Design guideline Committee for the Potential Revision to the Highway 9 Overlay District of the City of Milton Zoning Ordinance by Adding Committee Members.

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

#### 5) PUBLIC COMMENT

#### 6) CONSENT AGENDA

Page 1 of 5

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. 09-830)**

1. Approval of the March 9, 2009 Work Session Minutes.

**(Agenda Item No. 09-831)**

2. Approval of the March 16, 2009 Regular Meeting Minutes.

**(Agenda Item No. 09-832)**

3. Approval of an Agreement to Assign Office Lease.

**(Agenda Item No. 09-833)**

4. Approval of contract with Marriott Evergreen Conference Center (Retreat of the Mayor and Council).

**(Agenda Item No. 09-834)**

5. Approval of the following plats:
 

1)	The Manor 1-B	revision	Revise lot 9
2)	The Hampshires II	revision	Add drainage easement
3)	Pure Property	minor plat	create two lots

**(Agenda Item No. 09-835)***Moved by Motion and Vote to New Business*

6. Approval of the renewal of the Intergovernmental Agreement for the provision of animal control services between Fulton County and the City of Milton.

**Motion and Vote:** Councilmember D'Aversa moved to approve the Consent Agenda items 1-5. Councilmember Hewitt seconded the motion. The motion passed unanimously 6-0.

**7) REPORTS AND PRESENTATIONS**

1. Patriots Day Proclamation.
2. Georgia Cities Week Proclamation.

**8) PUBLIC HEARING**

1. Public Hearing on Solid Waste Management Plan and approval to submit Draft Solid Waste Management Plan on April 15, 2009 to Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA).

**RESOLUTION NO. 09-04-88**

**Motion and Vote:** Councilmember Lusk moved to approve a Resolution to transmit Solid Waste Management Plan and approval to submit Draft Solid Waste Management Plan on April 15, 2009 to Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA). Councilmember Thurman seconded the motion. The motion passed unanimously 6-0.

**9) FIRST PRESENTATION**

**(Agenda Item No. 09-836)**

1. **U09-02/VC09-02** - 15150 Birmingham Hwy, Application by Robb Nestor to obtain a use permit for a landscaping business on 3.926 acres at a density of 387.92 square feet per acre (Article 19.4.27). Applicant is also requesting concurrent variance to allow access from a local street (Article 19.4.27.B.1).

**(Agenda Item No. 09-837)**

2. **RZ09-01**- To amend Article 33 “Signs” of the City of Milton Zoning Ordinance to clarify the height restriction of various signs and to amend the “Considerations” for sign variances.

**(Agenda Item No. 09-838)**

3. Approval of an Ordinance of the Mayor and Council of the City of Milton, Georgia, to allow a waiver of the penalty of the base amount of past due ad valorem taxes on a case by case basis, to allow for payment of past due ad valorem taxes in installments, and for other purposes.

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

**10) UNFINISHED BUSINESS****(Agenda Item No. 09-839) Moved by Motion and Vote to after Reports and Presentations**

1. Amendment of Resolution No. 09-03-85, A Resolution to Create a Committee to Serve as the Highway 9 Design Guideline Committee for the Potential Revision to the Highway 9 Overlay District of the City of Milton Zoning Ordinance by Adding Committee Members.

**RESOLUTION NO. 09-04-89**

**Motion and Vote:** Councilmember D’Aversa moved to approve Amendment of Resolution No. 09-03-85, A resolution to Create a Committee to Serve as the Highway 9 Design Guideline Committee for the Potential Revision to the Highway 9 Overlay District of the City of Milton Zoning Ordinance by appointing John Bratten for District 2. Councilmember Thurman seconded the motion. The motion passed unanimously 6-0.

**11) NEW BUSINESS****(Agenda Item No. 09-840)**

1. Approval of a contract with EDAW, Inc. to prepare and develop a Parks and Recreation Comprehensive Assessment for the City of Milton.

**Motion:** Councilmember Hewitt moved to approve a contract with EDAW, Inc. to prepare and develop a Parks and Recreation Comprehensive Assessment for the City of Milton, with the following changes: Section 2.3, remove any reference to the transfer of the property as expected within this fiscal year, section 2.4, Birmingham Park to make plan plural to read plans and

remove references to complete or not by Fulton County, section 5, paragraph 2, change it to the Georgia Institute of Technology. Councilmember Thurman seconded the motion.

**Motion to Amend #1:** Within Section 5.0 under design standards, reference existing documents, the Rural Preservation Plan, the Northwest Fulton Overlay otherwise referred to as the Milton Overlay and the Crabapple Master Plan made by Councilmember Zahner Bailey.

**Motion to Amend #2:** Under Section 4.0, include other providers to be provided by the City an inventory of surrounding jurisdictions made by Councilmember D’Aversa.

The motions to amend were accepted by Councilmember Hewitt and Councilmember Thurman.

**Vote:** The motion passed unanimously 6-0.

**(Agenda Item No. 09-841)**

2. Acceptance of Bethany Road Petition.

**Motion and Vote:** Councilmember D’Aversa moved to approve the Acceptance of Bethany Road Petition. Councilmember Hewitt seconded the motion. The motion passed unanimously 6-0.

**(Agenda Item No. 09-842)**

3. Approval for an Application to the Department of Justice for a 2009 COPS Hiring Grant.

**Motion and Vote:** Councilmember Thurman moved to approve an Application to the Department of Justice for a 2009 COPS Hiring Grant. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 6-0.

**(Agenda Item No. 09-843)**

4. Approval of a Resolution of the City Council of Milton to Enter into a Contractual Agreement with ECOS Environmental Design, Inc. as the Comprehensive Plan/Committee Agenda Public Participation Facilitator.

**RESOLUTION NO. 09-04-90**

**Motion and Vote:** Councilmember D’Aversa moved to approve a Resolution of the City Council of Milton to Enter into a Contractual Agreement with ECOS Environmental Design, Inc. as the Comprehensive Plan/Committee Agenda Public Participation Facilitator. Councilmember Thurman seconded the motion. The motion passed unanimously 6-0.

## 12) MAYOR AND COUNCIL REPORTS

## 13) STAFF REPORTS

## 14) EXECUTIVE SESSION

1. The purpose of the Executive Session is to discuss potential litigation and personnel.

**Motion and Vote:** Councilmember Zahner Bailey moved to adjourn into Executive Session at 7:50 p.m. Councilmember Hewitt seconded the motion. The motion passed unanimously.

## **RECONVENE**

**Motion and Vote:** Councilmember Hewitt moved to reconvene the Regular Meeting at 9:10 p.m. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 6-0.

**(Agenda Item No. 09-844)**

## **15) ADJOURNMENT**

**Motion and Vote:** Councilmember Zahner Bailey moved to adjourn the Regular Meeting at 9:12 p.m. Councilmember Lusk seconded the motion. The motion passed unanimously 6-0.