



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 27, 2009

Action Minutes

6:00 PM

1) CALL TO ORDER

2) ROLL CALL

3) PLEDGE OF ALLEGIANCE

(Agenda Item No. 09-845)

4) APPROVAL OF MEETING AGENDA

Staff recommended the following changes to the meeting agenda.

1. Move from new Business to after Reports and presentations, Agenda Item No. 09-850, Amendment of Resolution No. 09-02-79, 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.
2. Under Reports and presentations, Add an Arbor Day Proclamation.
3. Under Reports and presentations, Add a Presentation of the Milton Arts Committee's new exhibit by Patti Silva, and recognition of Artist Marcia Blake.
4. Move to First Presentation from New Business, Agenda item No. 09-849, Changing the item from a Resolution to an Ordinance, which now reads Approval of an Ordinance to Revise and Update Speed Zones and Regulations Regarding Vehicular Speeds within the City Limits and to Provide for Enforcement of those Regulations.
5. Add to Reports and Presentations, Discussion on Milton population.

Motion and Vote: Councilmember Thurman moved to approve the Meeting Agenda, as amended. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 7-0.

5) PUBLIC COMMENT

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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.

6) CONSENT AGENDA**(Agenda Item No. 09-846)**

1. Approval of the April 13, 2009 Regular Meeting Minutes.

(Agenda Item No. 09-847)

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

Motion and Vote: Councilmember Lusk moved to approve the Consent Agenda. Councilmember Tart seconded the motion. The motion passed unanimously 7-0.

7) REPORTS AND PRESENTATIONS**8) FIRST PRESENTATION****9) ZONING AGENDA****(Agenda Item No. 09-813)**

1. **U09-01 / VC09-01**, 13120 Arnold Mill Road, by Frank Schaffer, The Landscape Group, Inc. - To obtain a use permit for a landscaping business on 1.74 acres at a density of 3,908.04 square feet per acre (Article 19.4.27). Applicant is also requesting 3-part concurrent variance:
 - 1) To delete the 50' buffer and 10' improvement setback along the west property line from the right-of-way for a distance of 140' (12H.3.1 Section C.1).
 - 2) To delete the 50' buffer and 10' improvement setback along the east property line from the right-of-way for a distance of 140' (12H.3.1 Section C.1).
 - 3) To allow a sign located less than 10' from the right-of-way (Article 33 Section 21.C). (First Presentation on March 2, 2009.)

Motion: Councilmember Tart moved to defer until May 18, 2009, Agenda Item 09-813 **U09-01 / VC09-01**, 13120 Arnold Mill Road, by Frank Schaffer, The Landscape Group, Inc. - To obtain a use permit for a landscaping business on 1.74 acres at a density of 3,908.04 square feet per acre (Article 19.4.27). Applicant is also requesting 3-part concurrent variance:

- 1) To delete the 50' buffer and 10' improvement setback along the west property line from the right-of-way for a distance of 140' (12H.3.1 Section C.1).
- 2) To delete the 50' buffer and 10' improvement setback along the east property line from the right-of-way for a distance of 140' (12H.3.1 Section C.1).
- 3) To allow a sign located less than 10' from the right-of-way (Article 33 Section 21.C).

Second and Vote: Councilmember D'Aversa seconded the motion. The motion passed unanimously 7-0.

(Agenda Item No. 09-836)

2. **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).

Motion and Vote: Councilmember Thurman moved to defer until June 18, 2009 Agenda Item 09-836, **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). Councilmember Hewitt seconded the motion. The motion passed unanimously 7-0.

(Agenda Item No. 09-837)

3. **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.

Motion and Vote: Councilmember Zahner Bailey moved to approve Agenda Item 09-837, **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 with the exception of Section 25.a.2, with that section to be reviewed by staff and the City Attorney at some future date. Councilmember Tart seconded the motion. The motion passed unanimously 6-0. (Councilmember Lusk was not present for the vote.)

10) UNFINISHED BUSINESS

(Agenda Item No. 09-838)

1. 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 Thurman moved to approve Agenda Item 09-838, 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. Councilmember Hewitt seconded the motion. The motion passed unanimously 7-0.

11) NEW BUSINESS

(Agenda Item No. 09-848)

1. Consent for the Extension of the Consulting Agreement with Latta Enterprises for Six Months and in Accordance with the Established Terms of the Contract.

Motion and Vote: Councilmember D’Aversa moved to approve Agenda Item 09-848, Consent for the Extension of the Consulting Agreement with Latta Enterprises for Three Months and in Accordance with the Established Terms of the Contract. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

(Agenda Item No. 09-849) Moved to First Presentation and changed to Ordinance by Motion and Vote

2. Approval of a Resolution to Revise and Update Speed Zones and Regulations Regarding Vehicular Speeds within the City Limits and to Provide for Enforcement of Those Regulations.

Motion and Vote: Councilmember D'Aversa moved to approve Agenda Item 09-849 as a First Presentation for Approval of an Ordinance to Revise and Update Speed Zones and Regulations Regarding Vehicular Speeds within the City Limits and to Provide for Enforcement of Those Regulations. Councilmember Hewitt seconded the motion. The motion passed unanimously 7-0.

(Agenda Item No. 09-850)

Moved by Motion and Vote

3. Amendment of Resolution No. 09-02-79, 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.

Motion and Vote: Councilmember Hewitt moved to approve Agenda Item 09-850, Amendment of Resolution No. 09-02-79, 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 Audrey Goolrick for District 6. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 7-0.

(Agenda Item No. 09-851)

4. Approval of (a) Stormwater Projects including Contract with Qual-Con Construction Services, Inc. for \$6,338.20; (b) Right of Entry Agreements with Starnes, Rock, and Denness; and (c) Cost Share Agreement between Rock, Denness, and the City of Milton.

Motion and Vote: Councilmember Hewitt moved to approve Agenda item 09-851 Approval of (a) Stormwater Projects including Contract with Qual-Con Construction Services, Inc. for \$6,338.20; (b) Right of Entry Agreements with Starnes, Rock, and Denness; and (c) Cost Share Agreement between Rock, Denness, and the City of Milton. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 7-0.

12) MAYOR AND COUNCIL REPORTS

13) STAFF REPORTS

14) EXECUTIVE SESSION

(Agenda Item No. 09-852)

Removed from the Agenda

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

Motion and Vote: Councilmember Thurman moved to remove the Executive Session. Councilmember Lusk seconded the motion. The motion passed unanimously 7-0.

(Agenda Item No. 09-853)

15) ADJOURNMENT

Motion and Vote: Councilmember Lusk moved to adjourn the Regular Meeting at 9:35 p.m. Councilmember Hewitt seconded the motion. The motion passed unanimously 7-0.