



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

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

Monday, July 20, 2009

ACTION MINUTES

6:00 PM

1) CALL TO ORDER

2) ROLL CALL

3) PLEDGE OF ALLEGIANCE

4) APPROVAL OF MEETING AGENDA

(Agenda Item No. 09-895)

Staff recommended the following changes to the meeting Agenda:

1. Under Reports and Presentations, remove the presentation by the Milton Bicycle and Pedestrian Trail Committee and place it on the August Work Session.
2. Remove Item No. 1 under New Business, Approval of a Resolution adopting the Partial Plan Update, the Community Assessment and the Community Participation Plan of the City of Milton 2008-2028 Comprehensive Plan.
3. Add an Executive Session to discuss potential litigation.

Motion and Vote: Councilmember Tart moved to approve the Meeting Agenda as recommended by staff. Councilmember D'Aversa seconded the motion. The motion passed unanimously 7-0.

5) PUBLIC COMMENT

6) CONSENT AGENDA

1. Approval of the July 6, 2009 Regular Meeting Minutes.
(Agenda Item No. 09-896)

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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.

2. Approval of Financial Statements for the period ending June 2009.
(Agenda Item No. 09-897)

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

7) REPORTS AND PRESENTATIONS

Removed by Motion and Vote:

1. Presentation by the Milton Bicycle and Pedestrian Trail Committee.
(Presented by Dr. Brian Maloney, Chair)

8) FIRST PRESENTATION (none)

9) PUBLIC HEARINGS

ALCOHOL BEVERAGE LICENSE APPLICATIONS

1. Approval of Alcohol Beverage License Application for Marquis Restaurant Group Windward d/b/a CHA CHA BONGA Cuban Grill located at 5250 Windward Parkway, Suite 111, Milton, Georgia. The applicant is Ivonne Cranford for consumption on the premises of wine/malt beverage. (This item was postponed on July 6, 2009.)
(Agenda Item No. 09-891)

Motion and Vote: Councilmember D'Aversa moved to approve Agenda Item 09-891, Approval of Alcohol Beverage License Application for marquis Restaurant Group Windward d/b/a CHA CHA BONGA Cuban Grill located at 5250 windward parkway, Suite 111, Milton, Georgia. The applicant is Ivonne Cranford for consumption on the premises of wine/malt beverage. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

2. Approval of Alcohol Beverage License Application for J and D Restaurant Corp. d/b/a The Red Hen located at 5310 Windward Parkway, Milton, Georgia. The applicant is David Rutledge for consumption on the premises of wine/malt beverage.
(Agenda Item No. 09-898)

Motion and Vote: Councilmember Lusk moved to approve Agenda Item 09-898, Approval of Alcohol Beverage license Application for J and D Restaurant Corp. d/b/a The Red Hen located at 5310 Windward parkway, Milton, Georgia. The applicant is David Rutledge for consumption on the premises of wine/malt beverage. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

10) ZONING AGENDA

1. **ZM09-01/VC09-03** – 13940 Atlanta National Drive by Aliaune Thiam, represented by Stephen Rothman, Wilson Brock & Irby, LLC Rothman for a modification to Condition 1.e. (Z85-181) to reduce the 100-foot perimeter setback to 33 feet and a concurrent

variance to reduce the minimum setback from 100 feet to 33 feet for a private court (Article 19.3.8.B.1). (First Presentation on July 6, 2009.)
(Agenda Item No. 09-890)

Motion and Vote: Councilmember Tart moved to approve Agenda Item 09-890, **ZM09-01/VC09-03** – 13940 Atlanta National Drive by Aliaune Thiam, represented by Stephen Rothman, Wilson Brock & Irby, LLC Rothman for a modification to Condition 1.e. (Z85-181) to reduce the 100-foot perimeter setback to 33 feet and a concurrent variance to reduce the minimum setback from 100 feet to 33 feet for a private court (Article 19.3.8.B.1). Councilmember D’Aversa seconded the motion. The motion passed unanimously 7-0.

2. **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).**(Agenda Item No. 09-813)**
(First Presentation on March 2, 2009.) (Deferred on June 15, 2009.)

Motion: Councilmember Hewitt moved to defer until September 21, 2009, Agend 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 Tart seconded the motion. The motion passed unanimously 7-0.

3. **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. 09-836) (First Presentation on April 13, 2009, deferred on June 15, 2009.)

Motion and Vote: Councilmember Zahner Bailey moved to defer until September 21, 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 Tart seconded the motion. The motion

failed 3-4, with Mayor Lockwood, Councilmember Thurman, Councilmember Lusk and Councilmember Hewitt opposed.

Motion and Vote: Councilmember Hewitt moved to approve 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) including parts 1 through 3 as approved by the Planning Commission with conditions as noted by staff. Councilmember Lusk seconded the motion. The motion passed 4-3, with Councilmember Zahner Bailey, Councilmember D'Aversa and Councilmember Tart opposed.

11) UNFINISHED BUSINESS (*none*)

12) NEW BUSINESS

Removed by Motion and Vote

1. Approval of a Resolution adopting the Partial Plan Update, the Community Assessment and the Community Participation Plan of the City of Milton 2008-2028 Comprehensive Plan. (This item was deferred on July 6, 2009.)
(Agenda Item No. 09-892)

2. Approval of a Resolution to appoint two members to the Stakeholders Committee for the North Fulton Comprehensive Transportation Plan.

(Agenda Item No. 09-899)

RESOLUTION NO. 09-07-98

Motion and Vote: Councilmember Tart moved to approve Agenda item 09-899, Approval of a Resolution to appoint two members to the Stakeholders Committee for the North Fulton Comprehensive Transportation Plan. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

3. Delivery of the Parks and Recreation Advisory Board Recommendation to the Mayor and Council on use of Bell Memorial Park for Travel Teams.

(Agenda Item No. 09-900)

(Presented by Mark Shaw, PRAB Vice-Chair)

13) MAYOR AND COUNCIL REPORTS

14) STAFF REPORTS

15) EXECUTIVE SESSION

Added by Motion and Vote

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

Motion and Vote: Councilmember Thurman moved to adjourn into Executive Session at 9:56 p.m. Councilmember D'Aversa seconded the motion. The motion passed unanimously 7-0.

RECONVENE

Motion and Vote: Councilmember Lusk moved to reconvene the Regular Meeting at 10:10 p.m. Councilmember D'Aversa seconded the motion. The motion passed unanimously 7-0.

16) ADJOURNMENT

(Agenda Item No. 09-901)

Motion and Vote: Councilmember Lusk moved to adjourn the Regular Meeting at 10:12 p.m. Councilmember D'Aversa seconded the motion. The motion passed unanimously 7-0.