



## 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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Monday, September 21, 2009

ACTION MINUTES

6:00 PM

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**1) CALL TO ORDER**

**2) ROLL CALL**

**3) PLEDGE OF ALLEGIANCE**

**4) APPROVAL OF MEETING AGENDA**

**(Agenda Item No. 936)**

**Motion and Vote:** Councilmember D'Aversa moved to approve Agenda Item 09-936, Approval of the Meeting Agenda. Councilmember Tart seconded the motion. The motion passed unanimously 7-0.

**5) PUBLIC COMMENT**

**6) CONSENT AGENDA**

1. Approval of the September 9, 2009 Regular Meeting Minutes.  
**(Agenda Item No. 09-937)**
2. Approval of Financial Statements for the period ending August 2009.  
**(Agenda Item No. 09-938)**

**Motion and Vote:** Councilmember D'Aversa moved to approve the Consent Agenda. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 7-0.

**7) REPORTS AND PRESENTATIONS**

Page 1 of 7

Milton City Hall  
City Council Chambers  
13000 Deerfield Parkway, Suite E  
Milton, GA 30004

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1. Proclamation Designating October as Crime Prevention Month.  
(Presented by Councilmember Tina D'Aversa and Councilmember Alan Tart)
2. Proclamation to honor Caitlin Davies and Heather Kipniss for their charity work in Support of Camp Kudzu.  
(Presented by Councilmember Karen Thurman)
3. Proclamation for the Sportsman Award for the 2009 Dizzy Dean Tournament.  
(Presented by Councilmember Tina D'Aversa)

## 8) PUBLIC HEARINGS

1. Public Hearing on Ordinance to Adopt adjustments to the Fiscal 2009 Budget for each fund of the City of Milton, Georgia.  
(First Public Hearing on September 9, 2009.)
2. Public Hearing on Ordinance to Adopt the Fiscal 2010 Budget for each fund of the City of Milton, Georgia.  
(First Public Hearing on September 9, 2009.)
3. Public Hearing on Ordinance of the Mayor and Council of the City of Milton, Georgia, to fix the Ad Valorem Tax Rate of the City of Milton for Fiscal Year 2009; and for other purposes. (First Public Hearing on September 21, 2009, 5:45 PM)

### ALCOHOL BEVERAGE LICENSE APPLICATIONS

4. Approval of Alcohol Beverage License Application for The Manor Golf & Country Club located at 15952 Manor Club Drive, Milton, Georgia. The applicant is M. Doug Meredith for consumption on the premises of wine/malt beverage/distilled spirits.  
(Agenda Item No. 09-939)

**Motion and Vote:** Councilmember Zahner Bailey moved to approve Agenda Item 09-939, Approval of Alcohol Beverage License Application for The Manor Golf & Country Club located at 15952 Manor Club Drive, Milton, Georgia. The applicant is M. Doug Meredith for consumption on the premises of wine/malt beverage/distilled spirits. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

5. Approval of Alcohol Beverage License Application for Vintage Pizzeria – Milton, LLC d/b/a Vintage Pizzeria located at 12540 Broadwell Road, Suite 1103, Milton, Georgia. The applicant is Kara Gonzalez for consumption on the premises of wine/malt beverage/distilled spirits.  
(Agenda Item No. 09-940)

**Motion and Vote:** Councilmember D'Aversa moved to approve Agenda Item 09-940, Approval of Alcohol Beverage license Application for Vintage Pizzeria – Milton, LLC d/b/a Vintage Pizzeria located at 12540 Broadwell Road, Suite 1103, Milton, Georgia. The applicant is Kara Gonzalez for consumption on the premises of wine/malt beverage/distilled spirits. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

**9) FIRST PRESENTATION** (*none*)**10) ZONING AGENDA**

1. **ZM09-02** – West Side of Birmingham Highway (SR 372) Land Lots 1096, 1096, 1098 1135 of the Second District/Second Section - Braeburn Subdivision – By John Wieland Homes and Neighborhoods, Inc. represented by William Woodson Galloway, Dillard & Galloway, LLC. A request to modify the following conditions:

- 1) To modify condition 1.d, which currently allows up to 54 townhomes at a maximum density of 0.86 dwelling units per acre, to allow up to 38 townhomes at a maximum density of 0.61 dwelling units per acre based on total acreage zoned.
- 2) To modify 1.e, which currently allows up to 45 single-family residential units at a maximum density of 0.72 dwelling units per acre, to allow up to 61 single-family residential units at a maximum density of 0.98 dwelling units per acre based on total acreage zoned.
- 3) To modify the required minimum lot size in condition 1.f from 18,900 square feet such that no more than 15 lots shall have a minimum lot size of 10,890 square feet (approximately ¼ acre) or above, at least three (3) lots (Lots 11-13) shall have a minimum lot size of one (1) acre or above, and the remaining lots shall have a minimum lot size of 14,500 square feet (approximately 1/3 of an acre) or above.
- 4) To modify condition 2.a to replace the revised site plan received by the Fulton County Department of Environment and Community Development on June 7, 2006 with the revised site plan received by the Milton Department of Community Development on July 7, 2009.
- 5) To modify condition 3.e to reduce the 15-foot building separation to a 10-foot building separation with a 5-foot side yard setback for lots less than one (1) acre.

**(Agenda Item No. 09-925)** (First Presentation on September 9, 2009.)

**Motion:** Councilmember Zahner Bailey moved to deny Agenda Item No. 09-925:

**ZM09-02** – West Side of Birmingham Highway (SR 372) Land Lots 1096, 1096, 1098 1135 of the Second District/Second Section - Braeburn Subdivision – By John Wieland Homes and Neighborhoods, Inc. represented by William Woodson Galloway, Dillard & Galloway, LLC. A request to modify the following conditions:

- 1) To modify condition 1.d, which currently allows up to 54 townhomes at a maximum density of 0.86 dwelling units per acre, to allow up to 38 townhomes at a maximum density of 0.61 dwelling units per acre based on total acreage zoned.
- 2) To modify 1.e, which currently allows up to 45 single-family residential units at a maximum density of 0.72 dwelling units per acre, to allow up to 61 single-family residential units at a maximum density of 0.98 dwelling units per acre based on total acreage zoned.
- 3) To modify the required minimum lot size in condition 1.f from 18,900 square feet such that no more than 15 lots shall have a minimum lot size of 10,890 square feet (approximately ¼ acre) or above, at least three (3) lots (Lots 11-13) shall have a

Page 3 of 7

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minimum lot size of one (1) acre or above, and the remaining lots shall have a minimum lot size of 14,500 square feet (approximately 1/3 of an acre) or above.

- 4) To modify condition 2.a to replace the revised site plan received by the Fulton County Department of Environment and Community Development on June 7, 2006 with the revised site plan received by the Milton Department of Community Development on July 7, 2009.
- 5) To modify condition 3.e to reduce the 15-foot building separation to a 10-foot building separation with a 5-foot side yard setback for lots less than one (1) acre.

**Second and Vote:** Councilmember D'Aversa seconded the motion. The motion failed 3-4, with Councilmember Hewitt, Councilmember Lusk, Councilmember Thurman, and Mayor Lockwood opposed.

**Motion:** Councilmember Thurman moved to allow withdrawal of Agenda Item 09-925:

1. **ZM09-02** – West Side of Birmingham Highway (SR 372) Land Lots 1096, 1096, 1098 1135 of the Second District/Second Section - Braeburn Subdivision – By John Wieland Homes and Neighborhoods, Inc. represented by William Woodson Galloway, Dillard & Galloway, LLC. A request to modify the following conditions:
  - 1) To modify condition 1.d, which currently allows up to 54 townhomes at a maximum density of 0.86 dwelling units per acre, to allow up to 38 townhomes at a maximum density of 0.61 dwelling units per acre based on total acreage zoned.
  - 2) To modify 1.e, which currently allows up to 45 single-family residential units at a maximum density of 0.72 dwelling units per acre, to allow up to 61 single-family residential units at a maximum density of 0.98 dwelling units per acre based on total acreage zoned.
  - 3) To modify the required minimum lot size in condition 1.f from 18,900 square feet such that no more than 15 lots shall have a minimum lot size of 10,890 square feet (approximately ¼ acre) or above, at least three (3) lots (Lots 11-13) shall have a minimum lot size of one (1) acre or above, and the remaining lots shall have a minimum lot size of 14,500 square feet (approximately 1/3 of an acre) or above.
  - 4) To modify condition 2.a to replace the revised site plan received by the Fulton County Department of Environment and Community Development on June 7, 2006 with the revised site plan received by the Milton Department of Community Development on July 7, 2009.
  - 5) To modify condition 3.e to reduce the 15-foot building separation to a 10-foot building separation with a 5-foot side yard setback for lots less than one (1) acre.

**Second and Vote:** Councilmember Hewitt seconded the motion. The motion passed 4-3, with Councilmember Zahner Bailey, Councilmember D'Aversa, and Councilmember Tart opposed.

2. **RZ09-04** – An Ordinance to create Article 13 of the Milton Zoning Ordinance; to establish a historic preservation commission in the City of Milton to provide for the designation of historic properties or historic districts; to provide for issuance of

Certificates of Appropriateness; to provide for an appeals procedure; to repeal conflicting ordinances; and for other purposes.

**(Agenda Item No. 09-926)** (First Presentation on September 9, 2009.)

**Motion and Vote:** Councilmember Zahner Bailey moved to defer until October 19, 2009, Agenda Item 09-926, **RZ09-04** – An Ordinance to create Article 13 of the Milton Zoning Ordinance; to establish a historic preservation commission in the City of Milton to provide for the designation of historic properties or historic districts; to provide for issuance of Certificates of Appropriateness; to provide for an appeals procedure; to repeal conflicting ordinances; and for other purposes. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

3. **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 July 20, 2009.)

**Motion:** Councilmember Thurman moved to defer until October 19, 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:** Councilmember Lusk seconded the motion.

**Friendly Amendment to the Motion:** Councilmember Tart moved to add they would commence enforcement of illegal activity at that time if the information is not presented by that date.

**Vote:** The friendly amendment was accepted by Councilmember Thurman and seconded by Councilmember Lusk. The motion passed unanimously 7-0.

## 11) UNFINISHED BUSINESS

1. Approval of an Ordinance of the Mayor and Council of the City of Milton, Georgia, to Adopt Amendments to the Fiscal 2009 Budget for each Fund of the City of Milton,

Page 5 of 7

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Georgia, Amending the Amounts Shown in Each Budget as Expenditures, Amending the Several Items of Revenue Anticipations, Prohibiting Expenditures to Exceed Appropriations, and Prohibiting Expenditures to Exceed Actual Funding Available.

**(Agenda Item No. 09-927)** (First Presentation on September 9, 2009.)

**ORDINANCE NO. 09-09-50**

**Motion and Vote:** Councilmember Hewitt moved to approve Agenda Item No. 09-927, Approval of an Ordinance of the mayor and Council of the City of Milton, Georgia, to Adopt Amendments to the Fiscal 2009 Budget for each Fund of the City of Milton, Georgia, Amending the Amounts Shown in Each budget as Expenditures, Amending the Several Items of Revenue Anticipations, Prohibiting Expenditures to Exceed Appropriations, and Prohibiting Expenditures to Exceed Actual Funding Available. Councilmember D'Aversa seconded the motion. The motion passed unanimously 7-0.

2. Approval of an Ordinance of the Mayor and Council of the City of Milton, Georgia, to Adopt the Fiscal 2010 Budget for each Fund of the City of Milton, Georgia, Appropriating the Amounts Shown in Each budget as Expenditures, Adopting the Several items of Revenue Anticipations, Prohibiting Expenditures to Exceed Appropriations, and Prohibiting Expenditures to Exceed Actual Funding Available.

**(Agenda Item No. 09-928)** (First Presentation on September 9, 2009.)

**ORDINANCE NO. 09-09-51**

**Motion and Vote:** Councilmember Tart moved to approve Agenda Item No. 09-928, Approval of an Ordinance of the Mayor and Council of the City of Milton, Georgia, to Adopt the Fiscal 2010 Budget for each Fund of the City of Milton, Georgia, Appropriating the Amounts Shown in Each budget as Expenditures, Adopting the Several items of Revenue Anticipations, Prohibiting Expenditures to Exceed Appropriations, and Prohibiting Expenditures to Exceed Actual Funding Available with the following change, move the \$20,000 relative to the LCI grant to the Capital Grant Fund. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

## 12) NEW BUSINESS

1. Approval of a Memorandum of Understanding between the City of Milton and City of Alpharetta for SWAT services.

**(Agenda Item No. 09-941)**

**Motion and Vote:** Councilmember Lusk moved to approve Agenda Item No. 09-941, Approval of a Memorandum of Understanding between the City of Milton and City of Alpharetta for SWAT services. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 7-0.

## 13) MAYOR AND COUNCIL REPORTS

## 14) STAFF REPORTS

**15) EXECUTIVE SESSION****16) ADJOURNMENT****(Agenda Item No. 09-942)**

**Motion and Vote:** Councilmember Tart moved to adjourn the Regular Meeting at 9:53 p.m. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.