



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

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

Monday, June 15, 2009

ACTION MINUTES

6:00 PM

INVOCATION – Chaplin Remco Brommet

1) CALL TO ORDER

2) ROLL CALL

3) PLEDGE OF ALLEGIANCE *(Led by the Mayor)*

4) APPROVAL OF MEETING AGENDA *(Add or remove items from the agenda)*
(Agenda Item No. 09-877)

Motion and Vote: Councilmember Hewitt moved to approve Agenda Item 09-877, 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 June 1, 2009 Regular Meeting Minutes.
(Agenda Item No. 09-878)
2. Approval of Financial Statements for the period ending May 2009.
(Agenda Item No. 09-879)
3. Approval of the City Hall Space/Facility Needs Analysis agreement with Consultant Lyman, Davidson Dooley, Inc (\$12,800.00).
(Agenda Item No. 09-880)

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

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.

7) REPORTS AND PRESENTATIONS

1. Presentation from Milton Public Safety Fund – Grant Presentation.
(Presented by Jan Fowler, Member of the Milton Public Safety Fund Committee)
2. Proclamation “Amateur Radio Week”.
(Accepted by North Fulton Amateur Radio League (NFARL) President, Mack McCormick)
3. Granicus Demo Streaming Presentation.
(Presented by Kelley Christy, IT Manager)

8) FIRST PRESENTATION *(none)*

9) PUBLIC HEARINGS

SECOND PUBLIC HEARING

1. Approval of an Ordinance 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.
(Agenda Item No. 09-871)

ALCOHOL BEVERAGE LICENSE APPLICATIONS

2. Approval of Alcohol Beverage License Application for N & L Restoration d/b/a Cans Taqueria...Tequila Bar located at 12635 Crabapple Road, Suite 320, Milton, Georgia. The applicant is Larry Stepp for consumption on the premises of wine, malt beverage, and distilled spirits.
(Agenda Item No. 09-881)

Motion and Vote: Councilmember Hewitt moved to approve Agenda Item 09-881, Approval of Alcohol Beverage license Application for N & L Restoration d/b/a/ Cans Taqueria... Tequila Bar located at 12635 Crabapple Road, Suite 320, Milton, Georgia. The applicant is Larry Stepp for consumption of the premises of wine, malt beverage, and distilled spirits. Councilmember Tart seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

3. Approval of Alcohol Beverage License Application for Gray Doster, LLC d/b/a ‘cue located at 13700 Highway 9, Suite 300, Milton, Georgia. The applicant is Paul J. Doster for consumption on premises – wine/malt beverage.
(Agenda Item No. 09-882)

Motion and Vote: Councilmember Lusk moved to approve Agenda Item 09-882, Approval of Alcohol Beverage License Application for Gray Doster, LLC d/b/a/ ‘cue located at 13700 Highway 9, Suite 300, Milton, Georgia. The applicant is Paul J. Doster for consumption on premises – wine/malt beverage. Councilmember D’Aversa seconded the motion. There was no Council discussion. The motion passed unanimously 7-0.

10) ZONING AGENDA

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).**(Agenda Item No. 09-813)**
(First Presentation on March 2, 2009.) (Deferred on May 18, 2009.)

Motion: Councilmember Thurman moved to defer until July 20, 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. There was no Council discussion. The motion passed unanimously 7-0.

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).
(Agenda Item No. 09-836) (First Presentation on April 13, 2009, deferred on April 27, 2009.)

Motion and Vote: Councilmember Tart moved to defer until July 20, 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.

3. **RZ09-02** - Text amendment to amend Article 22.3.1 Variances: Variance Considerations
(Agenda Item No. 09-869) (First Presentation on June 1, 2009)
Ordinance No. 09-06-43

Motion and Vote: Councilmember Thurman moved to approve **RZ09-02** - Text amendment to amend Article 22.3.1 Variances: Variance Considerations as per staff's recommendations with

the exception of deleting “letter size” from Section 22.2.3.1. Councilmember D’Aversa seconded the motion. The motion passed unanimously 7-0.

4. **RZ09-03** - Text amendment to amend Article 33 Signs: Section 11 Considerations.
(**Agenda Item No. 09-870**) (First Presentation on June 1, 2009)
Ordinance No. 09-06-44

Motion and Vote: Councilmember Thurman moved to approve **RZ09-03** - Text amendment to amend Article 33 Signs: Section 11 Considerations approved per staff recommendation with the exception of deleting the word “letter size” from Section 11 D. Councilmember Tart seconded the motion. The motion passed unanimously 7-0.

11) UNFINISHED BUSINESS

1. Approval of an Ordinance 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. (First Presentation and 1st Public Hearing on June 1, 2009, 2nd Public Hearing June 15, 2009.)

(**Agenda Item No. 09-871**)
Ordinance No. 09-06-45

Motion and Vote: Councilmember Zahner Bailey moved to approve an Ordinance 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 Tart seconded the motion. The motion passed unanimously 7-0.

12) NEW BUSINESS

1. A Resolution Establishing the City of Milton Community Identification Sign Program.
(**Agenda Item No. 09-883**)
Resolution No. 09-06-97

Motion and Vote: Councilmember Thurman moved to approve a Resolution Establishing the City of Milton Community Identification Sign Program with one correction to Definitions No. 2. deleting the Highway 9 Commercial Corridor and replacing it with “Highway 9/Windward Parkway/Deerfield Parkway Corridor area”. Councilmember Tart seconded the motion. The motion passed 6-1, with Councilmember Zahner Bailey voting in opposition.

2. Approval of a change order in the amount of \$392,200.00 revising the City of Milton and CH2MHILL contract for additional services for National Pollutant Discharge Elimination System (NPDES) Permit Compliance for 2009.

(Agenda Item No. 09-884)

Motion and Vote: Councilmember Hewitt moved to approve a change order in the amount of \$392,200.00 revising the City of Milton and CH2MHILL contract for additional services for National Pollutant Discharge Elimination System (NPDES) Permit Compliance for 2009. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

3. Approval of a Contract for Surveys of Bethwell and Crabapple Community Center Properties for \$2,125 and for Birmingham Park for \$10,822.

(Agenda Item No. 09-885)

Motion and Vote: Councilmember Lusk moved to approve a Contract for Surveys of Bethwell and Crabapple Community Center Properties for \$2,125 and for Birmingham Park for \$10,822. Councilmember Tart seconded the motion. The motion passed unanimously 7-0.

4. Approval of a Task Order for Citywide Bridge Inventory and Inspection Study with URS for \$32,517.26.

(Agenda Item No.09- 886)

Motion and Vote: Councilmember Lusk moved to approve a Task Order for Citywide Bridge Inventory and Inspection Study with URS for \$32,517.26. Councilmember D'Aversa seconded the motion. The motion passed unanimously 7-0.

13) MAYOR AND COUNCIL REPORTS**14) STAFF REPORTS****15) EXECUTIVE SESSION** *(If needed)*

Added by the City Attorney: Executive Session to discuss potential litigation.

Motion and Vote: Councilmember Tart moved to adjourn to Executive Session to discuss potential litigation. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

Reconvene

Motion and Vote: Councilmember Lusk moved to reconvene the regular meeting. Councilmember Hewitt seconded the motion. The motion passed unanimously 7-0.

16) ADJOURNMENT**(Agenda Item No. 09-887)**

Motion and Vote: Councilmember Thurman moved to adjourn the Regular Meeting at 9:09 p.m. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 7-0.