



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

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

Monday, October 19, 2009

ACTION MINUTES

6:00 PM

INVOCATION – Tass Welch, Community Minister, Community of Christ Church

- 1) CALL TO ORDER**
- 2) ROLL CALL**
- 3) PLEDGE OF ALLEGIANCE**
- 4) APPROVAL OF MEETING AGENDA**
(Agenda Item No. 09-955)

Staff recommended the following changes to the Meeting Agenda:

1. Add an Executive Session to discuss potential land acquisition.
2. After the Consent Agenda, Add a Resolution amending Resolution No. 08-01-09, a Resolution appointing members to the City of Milton Design Review Board for District #3.
3. After the Consent Agenda, Add a Resolution Amending Resolution No. 09-01-75, a Resolution appointing members to the Stakeholder Advisory Committee for the City of Milton Transportation plan for District #3.
4. Under Public Hearing, remove agenda item 09-959, Approval of Alcohol Beverage License Application for Casa De Tontos LLC d/b/a Sip Wine Tapas Restaurant located at 12635 Crabapple Road, Suite 110, Milton, Georgia. The applicant is John Foster Smith for consumption on the premises of wine/malt beverage/distilled spirits.

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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.

Motion and Vote: Councilmember Lusk moved to approve Agenda Item 09-955, Approval of the meeting agenda, as amended. Councilmember Tart seconded the motion. The motion passed unanimously 7-0.

5) PUBLIC COMMENT

6) CONSENT AGENDA

1. Approval of the September 28, 2009 Special Called Meeting Minutes.
(Agenda Item No. 09-956)
(Jeanette Marchiafava, City Clerk and Clerk of the Court)
2. Approval of the October 5, 2009 Regular Meeting Minutes.
(Agenda Item No. 09-957)
(Jeanette Marchiafava, City Clerk and Clerk of the Court)
3. Approval of Financial Statements for the period ending September 2009.
(Agenda Item No. 09-958)
(Presented by Stacey Inglis, Finance Director)

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

Added by Motion and Vote

A Resolution Amending Resolution No. 08-01-09, A Resolution Appointing members to the City of Milton Design Review Board for District 3.

RESOLUTION NO. 09-10-106

Motion and Vote: Councilmember Tart moved to approve a Resolution Amending Resolution No. 08-01-09, A Resolution Appointing Members to the City of Milton Design Review Board by adding James R. Brown for District 3. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

Added by Motion and Vote

A Resolution Amending Resolution No. 09-01-75, A Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan by Adding Committee Member for District 3.

RESOLUTION NO. 09-10-107

Motion and Vote: Councilmember Thurman moved to approve A Resolution Amending Resolution No. 09-01-75, A Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan by adding Joshua Barnes for District 3. Councilmember Hewitt seconded the motion. The motion passed unanimously 7-0.

7) REPORTS AND PRESENTATIONS

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1. A Proclamation recognizing Milton High School Marching Band's 60th Anniversary.
(Presented by Councilmember Tina D'Aversa)

8) FIRST PRESENTATION (None)

9) PUBLIC HEARING

Removed by Motion and Vote

ALCOHOL BEVERAGE LICENSE APPLICATION

1. Approval of Alcohol Beverage License Application for Casa De Tontos LLC d/b/a Sip Wine Tapas Restaurant located at 12635 Crabapple Road, Suite 110, Milton, Georgia. The applicant is John Foster Smith for consumption on the premises of wine/malt beverage/distilled spirits.

(Agenda Item No. 09-959)

(Presented by Stacey Inglis, Finance Director and City Treasurer)

10) ZONING AGENDA

1. **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. Deferred on September 21, 2009.)

(Presented by Tom Wilson, Interim Community Development Director)

Motion and Vote: Councilmember Thurman moved to defer until December 21, 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 Lusk seconded the motion. The motion passed unanimously 7-0.

2. **ZM09-03** - Northwest corner of Webb and Morris Roads, Land Lots 1044, 1045, 1046, District 2/2. The application is Precision Design and Development (Bowen Family Homes) by Corbitt Woods to modify the following conditions:

- 1) To modify Condition 1.d (RZ05-022) - Site development shall be substantially consistent with the rendering and elevation submitted to the Fulton County Department of Environment and Community Development on June 27, 2005 except for lots identified as 136 through 216 on the revised site plan submitted on September 11, 2009 to the City of Milton Community Development Department.
- 2) To modify Condition 1.f. (RZ05-022) - The minimum heated floor area for a townhouse unit shall be 2,000 square feet except for those lots

identified as 136 through 216 shall be a minimum heated floor area of 1,850 square feet. All units shall have a rear entry 2-car garage except for those lots identified as 136 through 216 on the revised site plan submitted on September 11, 2009 to the City of Milton Community Development Department.

- 3) To modify Condition 2.a. (ZM07-03) To replace the revised site plan submitted on July 2, 2007 to the City of Milton Community Development Department with the revised site plan submitted on September 11, 2009 to the City of Milton Community Development Department.

(Agenda Item No. 09-952) (First Presentation on October 5, 2009.)
(Presented by Tom Wilson, Interim Community Development Director)

Motion: Councilmember D’Aversa moved to defer until November 16, 2009, Agenda Item 09-952, ZM09-03 – Northwest corner of Webb and Morris Roads, Land Lots 1044, 1045, 1046, District 2/2. The Application is Precision Design and Development (Bowen Family Homes) by Corbitt Woods to modify the following conditions:

- 1) To modify Condition 1.d (RZ05-022) – Site development shall be substantially consistent with the rendering and elevation submitted to the Fulton County Department of Environment and Community Development of June 27, 2005 except for lots identified as 136 through 216 on the revised site plan submitted on September 11, 2009 to the City of Milton Community Development Department.
- 2) To modify Condition 1.f. (RZ05-022) – The minimum heated floor area for a townhouse unit shall be 2,000 square feet except for those lots identified as 136 through 216 shall be a minimum heated floor area of 1,850 square feet. All units shall have a rear entry 2-car garage except for those lots identified as 136 through 216 on the revised site plan submitted on September 11, 2009 to the City of Milton Community Development Department.
- 3) To modify Condition 2.a. (ZM07-03) To replace the revised site plan submitted on July 2, 2007 to the City of Milton Community Development Department with the revised site plan submitted on September 11, 2009 to the City of Milton Community Development Department.

Second and Vote: Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

3. **U09-01/VC09-01**, 13120 Arnold Mill Road – The Applicant is Frank Schaffer, The Landscape Group Inc. is requesting 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) and a 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 40’, (12H.3.1 Section C.1) and

- 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 April 27, May 18, June 15, July 20, September 21, 2009)

(Presented by Tom Wilson, Interim Community Development Director)

Motion: Councilmember Tart moved to deny parts 1 and 2 of Agenda Item 09-813, U09-01/VC09-01, and to allow withdrawal of part 3 of VC09-01, 13120 Arnold Mill Road – The Applicant is Frank Schaffer, The Landscape Group Inc. is requesting a Use Permit for a Landscaping Business on 1.74 acres at a density of 3,908.04 square feet acre (Article 19.4.27) and a 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 40', (12H.3.1 Section C.1) and
- 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 6-1, with Mayor Lockwood opposed.

11) UNFINISHED BUSINESS *(none)*

12) NEW BUSINESS

1. Approval of a Resolution to Adopt Amended Solid Waste Management Plan.

(Agenda Item No. 09-960)

(Presented by Carter Lucas, Principal Engineer)

RESOLUTION NO. 09-10-108

Motion and Vote: Councilmember Tart moved to approve Agenda Item 09-960, Approval of a Resolution to Adopt Amended Solid Waste Management Plan, with edits proposed by staff. Councilmember Lusk seconded the motion. The motion passed unanimously 7-0.

2. Approval of a Resolution adopting the Community Assessment and the Community Participation Plan of the draft City of Milton 2008-2028 Comprehensive Plan.

(Agenda Item No. 09-961)

(Presented by Tom Wilson, Interim Community Development Director)

Motion and Vote: Councilmember Hewitt moved to defer until December 21, 2009 Agenda Item 09-961, Approval of a Resolution adopting the Community Assessment and the Community Participation Plan of the draft City of Milton 2008-2028 Comprehensive Plan. Councilmember Tart seconded the motion. The motion passed unanimously 7-0.

13) MAYOR AND COUNCIL REPORTS

14) STAFF REPORTS

15) EXECUTIVE SESSION

Added by Motion and Vote

Executive Session to discuss potential land acquisition.

Motion and Vote: Councilmember Zahner Bailey moved to adjourn into Executive Session at 7:26 p.m. Councilmember Thurman seconded the motion. The motion passed unanimously 7-0.

RECONVENE

Motion and Vote: Councilmember Thurman moved to reconvene the Regular Meeting at 7:40 p.m. Councilmember Tart seconded the motion. The motion passed unanimously 7-0.

16) ADJOURNMENT
(Agenda Item No. 09-962)

Motion and Vote: Councilmember D'Aversa moved to adjourn the Regular Meeting at 7:43 p.m. Councilmember Tart seconded the motion. The motion passed unanimously 7-0.