



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

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

Monday, December 7, 2009

ACTION MINUTES

6:00 PM

INVOCATION – City of Milton Police Chaplin Remco Brommet

1) CALL TO ORDER

2) ROLL CALL

Councilmember D'Aversa was absent/excused.
Councilmember Thurman arrived at the meeting late.

3) PLEDGE OF ALLEGIANCE

4) APPROVAL OF MEETING AGENDA

(Agenda Item No. 09-986)

Motion and Vote: Councilmember Hewitt moved to approve agenda item 09-986, Approval of Meeting Agenda. Councilmember Lusk seconded the motion. The motion passed unanimously (5-0). (Councilmember Thurman was not present for the vote).

5) PUBLIC COMMENT

6) CONSENT AGENDA

1. Approval of the November 9, 2009 Work Session Minutes.
(Agenda Item No. 09-987)
2. Approval of the November 9, 2009 Special Called Meeting Minutes.
(Agenda Item No. 09-988)

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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.

3. Approval of the November 16, 2009 Regular Meeting Minutes.
(Agenda Item No. 09-989)

Motion and Vote: Councilmember Lusk moved to approve the Consent Agenda. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously (5-0). (Councilmember Thurman was not present for the vote.)

7) REPORTS AND PRESENTATIONS *(None)*

8) FIRST PRESENTATION

1. **ZM09-04 /VC09-04** - Northeast corner of Hwy 9 and Bethany Bend by Dr. David Smith
A request to revise condition 2.a. from the site plan received by the Department of Environment and Community Development on November 8, 2006 to the site plan received by the City of Milton Community Development Department on November 3, 2009. The applicant is also requesting a concurrent variance to delete the 10-foot landscape strip along the newly formed north property line to allow the required parking aisle width (Article 12G.4.A.2).
(Agenda Item No. 09-990)
2. An Ordinance to Amend the City of Milton Tree Preservation Ordinance and Administrative Guidelines.
(Agenda Item No. 09-991)

Motion and Vote: Councilmember Tart moved to approve the First Presentation items. Councilmember Hewitt seconded the motion. The motion passed unanimously (5-0). (Councilmember Thurman was not present for the vote.)

9) ZONING AGENDA

1. **ZM09-03** – Northwest Corner of Webb and Morris Roads by Precision Design and Development (Bowen Family Homes). A request 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. Any changes to the site plan must be approved by the Director of Community Development and must meet or exceed the requirements of the Zoning Ordinance and these conditions. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

(Agenda Item No. 09-952) (First Presentation on October 5, 2009. Deferred on October 19, 2009. Deferred on November 16, 2009.)

ORDINANCE NO. 09-12-54

Motion and Vote: Councilmember Lusk moved to approve ZM09-03 with staff recommended conditions. Councilmember Tart seconded the motion. The motion passed unanimously (5-0). (Councilmember Thurman was not present for the vote.)

10) UNFINISHED BUSINESS

1. Approval of an Ordinance Regulating the location, placement, and leasing of wireless telecommunications facilities.

(Agenda Item No. 09-979)

ORDINANCE NO. 09-12-55

Motion: Councilmember Tart moved to approve Agenda Item No. 09-979, A approval of an Ordinance regulating the location, placement, and leasing of wireless telecommunications facilities with the following changes:

Insertion of a statement that the overlay standards would apply and the location of that statement can be at the discretion of staff.

A change to Section 6(e) referencing a minimum 20' wide landscaping strip.

Insertion on page 14 the requirement for two public hearings:

- 1) in front of the Planning Commission; and
- 2) in front of the City Council and also to go before the DRB.

Adding an additional \$500 fee to go before the Planning Commission.

Add 30 days to all of the timetables contained within the document and also a change to the table in section 6 (f) where it states "the maximum height for four users is 180', should be changed to 150'.

Second: Councilmember Zahner Bailey seconded the motion.

Discussion on the Motion:

City Attorney Jarrard suggested with respect to the overlay language, that it should state that it should be consistent with the overlay to the extent practicable and to the extent not in conflict with this ordinance.

Second Withdrawn: Councilmember Zahner Bailey withdrew her second.

Motion Restated. Councilmember Tart moved to add to the original motion the language articulated by the City Attorney with regard to the overlay.

Second and Vote: Councilmember Zahner Bailey seconded the motion. The motion passed unanimously (5-0). (Councilmember Thurman was not present for the vote.)

11) NEW BUSINESS

1. Approval of a Resolution adopting the Council meeting deadlines and Council and Work Session meeting dates (January through December 2010).

(Agenda Item No. 09-992)

RESOLUTION NO. 09-12-114

Motion and Vote: Councilmember Hewitt moved to approve a Resolution adopting the Council meeting deadlines and Council and Work Session meeting dates (January through December 2010). Councilmember Tart seconded the motion. The motion passed unanimously (5-0). (Councilmember Thurman was not present for the vote.)

2. Approve the execution of a multi-year contract with Riverside Uniforms to provide necessary equipment for the City of Milton Fire Department operations.

(Agenda Item No. 09-993)

Motion and Vote: Councilmember Hewitt moved to approve the execution of a multi-year contract with Riverside Uniforms to provide necessary equipment for the City of Milton Fire Department operations. Councilmember Lusk seconded the motion. The motion passed unanimously (5-0, Councilmember Thurman was not present for the vote.)

3. Approval of a change order with the City of Milton and URS Corporation for emergency bridge inspections.

(Agenda Item No. 09-994)

Motion and Vote: Councilmember Tart moved to approve a change order with the City of Milton and URS Corporation for emergency bridge inspections. Councilmember Hewitt seconded the motion. The motion passed unanimously (5-0). (Councilmember Thurman was not present for the vote.)

4. Approval of contracts totaling \$581,263.70 with C.W. Matthews Contracting Co., Inc. and Kimley Horn and Associates, Inc. for the reconstruction of Morris Road from Deerfield Parkway to Webb Road.

(Agenda Item No. 09-995)

Motion and Vote: Councilmember Hewitt moved to approve contracts totaling \$581,263.70 with C.W. Matthews Contracting Co., Inc. and Kimley Horn and Associates, Inc. for the reconstruction of Morris Road from Deerfield Parkway to Webb Road. Councilmember Lusk seconded the motion. The motion passed unanimously (5-0). (Councilmember Thurman was not present for the vote.)

5. Approval of an Intergovernmental Agreement by and among the cities of Alpharetta, Dunwoody, Johns Creek, Milton, Roswell, and Sandy Springs, Georgia for the acquisition of color aerial photography and light detection and ranging (LiDAR) data.
(Agenda Item No. 09-996)

Motion and Vote: Councilmember Lusk moved to approve an Intergovernmental Agreement by and among the cities of Alpharetta, Dunwoody, Johns Creek, Milton, Roswell, and Sandy Springs, Georgia for the Acquisition of color aerial photography and light detection and ranging (LiDAR) data. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously (5-0). (Councilmember Thurman was not present for the vote.)

12) MAYOR AND COUNCIL REPORTS

13) STAFF REPORTS

1. Discussion on Traffic Calming Policy.

14) EXECUTIVE SESSION

1. The purpose for the Executive Session is to discuss land acquisition and pending litigation.

(Agenda Item No. 09-997)

Motion and Vote: Councilmember Zahner Bailey moved to adjourn into Executive Session at 7:28 p.m. to discuss land acquisition and pending or potential litigation. Councilmember Tart seconded the motion. The motion passed unanimously (6-0).

RECONVENE

Motion and Vote: Councilmember Lusk moved to reconvene the Regular Meeting at 9:35 p.m. Councilmember Thurman seconded the motion. The motion passed unanimously (6-0).

15) ADJOURNMENT

(Agenda Item No. 09-998)

Motion and Vote: Councilmember Lusk moved to adjourn the Regular Meeting at 9:36 p.m. Councilmember Tart seconded the motion. The motion passed unanimously (6-0).