



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 15, 2008

ACTION MINUTES

6:00 PM

1) CALL TO ORDER

2) ROLL CALL

Councilmember Karen Thurman and Councilmember Bill Lusk were not present for the meeting/excused.

3) PLEDGE OF ALLEGIANCE

(Agenda Item No. 08-744)

4) APPROVAL OF MEETING AGENDA

Staff recommended the following changes to the meeting agenda:

1. Under New Business, move agenda items 1 through 6 to before the Zoning Agenda.
2. Under Staff Reports, move discussion of the right-of-way privatization policy to January 12, 2009 Work Session.

Motion and Vote: Councilmember Tare moved to approve the meeting agenda, as amended. Councilmember D'Aversa seconded the motion. The motion passed unanimously 5-0.

5) PUBLIC COMMENT

6) CONSENT AGENDA

(Agenda Item No. 08-745)

1. Approval of the December 1, 2008 Regular Meeting Minutes.

(Agenda Item No. 08-746)

2. Approval of the following task orders:

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- a. November 19, 2008 – Task Order 09-SSI-01 from Street Smarts, Inc. for traffic calming services for the City of Milton with a total cost of \$15,162.27; and
- b. November 7, 2008 – Task Order 09-KHA-01 from Kimley-Horn and Associates, Inc. for Phase 1 Crabapple Crossroads Southeast Quadrant Study with a total cost of \$17,635.00; and
- c. November 25, 2008 – Revised Task Order 09-KHA-01 from Kimley-Horn and Associates, Inc. for Revised Phase 1 Crabapple Crossroads Southeast Quadrant Study with a total cost of \$21,783.00

(Agenda Item No. 08-747)

3. Approval for Street light acceptance agreement with Crabapple Crossing Subdivision.

Motion and Vote: Councilmember Zahner Bailey moved to approve the Consent Agenda with the exception of agenda item 08-746, approval of task orders. Councilmember Tart seconded the motion. The motion passed unanimously 5-0.

Motion and Vote: Councilmember Zahner Bailey moved to approve removing agenda item 08-476 approval of task orders from the Consent Agenda for purposes of discussion. Councilmember Tart seconded the motion. The motion passed unanimously 5-0.

Motion: Councilmember Tart moved to approve agenda item 08-746, Approval of the following task orders:

- a. November 19, 2008 – Task Order 09-SSI-01 from Street Smarts, Inc. for traffic calming services for the City of Milton with a total cost of \$15,162.27; and
- b. November 7, 2008 – Task Order 09-KHA-01 from Kimley-Horn and Associates, Inc. for Phase 1 Crabapple Crossroads Southeast Quadrant Study with a total cost of \$17,635.00; and
- c. November 25, 2008 – Revised Task Order 09-KHA-01 from Kimley-Horn and Associates, Inc. for Revised Phase 1 Crabapple Crossroads Southeast Quadrant Study with a total cost of \$21,783.00

Second and Vote: Councilmember Hewitt seconded the motion. The motion passed unanimously 5-0.

7) REPORTS AND PRESENTATIONS

8) FIRST PRESENTATION

9) PUBLIC HEARING

ALCOHOL BEVERAGE LICENSE APPLICATION

(Agenda Item No. 08-748)

1. Approval of Alcohol Beverage License Application for Wu & Huang Enterprises, Inc. d/b/a Ru San's Milton located at 13085 Alpharetta Highway 9N, Unit #440, Milton, Georgia. The applicant is Kent Wu for Consumption on the Premises – Wine and Malt Beverage.

Motion and Vote: Councilmember Hewitt moved to approve Alcohol Beverage License Application for Wu & Huang Enterprises, Inc. d/b/a Ru San's Milton located at 13085 Alpharetta Highway 9N, Unit #440, Milton, Georgia. The applicant is Kent Wu for Consumption on the Premises – Wine and Malt Beverage. Councilmember D'Aversa seconded the motion. The motion passed unanimously 5-0.

END OF PUBLIC HEARING

10) ZONING AGENDA

(Agenda Item No. 08-734)

1. **ZM08-08/VC0-07** - South side of Webb Road, To modify condition 2a. and a 2 part concurrent variance to 1) To reduce the side yard setback from 20 feet to 10 feet along the east and west property lines; 2) To reduce the minimum rear yard setback from 25 feet to 10 feet along the south property line.

Motion and Vote: Councilmember Hewitt moved to defer until March 16, 2009, **ZM08-08/VC0-07** - South side of Webb Road, To modify condition 2a. and a 2 part concurrent variance to 1) To reduce the side yard setback from 20 feet to 10 feet along the east and west property lines; 2) To reduce the minimum rear yard setback from 25 feet to 10 feet along the south property line. Councilmember D'Aversa seconded the motion. The motion passed unanimously 5-0.

(Agenda Item No. 08-735)

2. **RZ08-10**, 622 N. Main Street by Larry Singleton, ADT Real Estate, LLC, To rezone from C-2 (Commercial) to C-1 (Community Business) to develop a 28,260 square foot retail home fashion center at a density of 12,504.42 square feet per acre on 2.26 acres.

Motion: Councilmember Zahner Bailey moved to approve **RZ08-10**, 622 N. Main Street by Larry Singleton, ADT Real Estate, LLC, To rezone from C-2 (Commercial) to C-1 (Community Business) by approving it at the density approved by Fulton County for the original of 18,673 square feet per acre on 2.26 acres along with additional conditions from staff:

APPROVED C-1 (Community Business) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

- 1) To the owner's agreement to restrict the use of the subject property as follows:

(Modified Conditions via the Motion)

- a) Retail Commercial and accessory uses, at a maximum density of ~~12,504.42~~ **8,262.39** gross floor area per acre zoned or a total gross floor area of ~~28,260~~ **18,673** square feet, whichever is less but excluding gas stations and associated gas pumps, freestanding fast food restaurants, commercial amusements (cinemas not included),

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liquor sales package stores (wine stores allowed), (restaurants may sell liquor by the drink), motels, hotels, adult entertainment establishments including adult bookstores, adult entertainment as defined in Article 3.3.3., check cashing stores, pawn shops, coin operated laundries, video arcades (video machines that are incidental to otherwise permitted businesses are allowed), pool halls, massage parlors, nail salons, stand alone beauty salons, stand alone barber shops, flea markets, discount retail shops, roadside vending, roadside produce stands or seasonal vending.

2) To the owner's agreement to abide by the following:

a) To the site plan received by the Community Development Department on October 7, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, all other applicable city ordinances and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

3) To the owner's agreement to the following site development considerations:

a) Provide 30' wide cross-access easements free of any structures or utilities for future vehicular and pedestrian inter-parcel access points on the east and west property lines and on the south side of the northwest section of property as approved by the Director of Public Works.

b) All building entrances shall have a direct connection to the sidewalk network and to the three cross-access points.

c) The site plan must provide adequate fire truck access to all buildings on site, in alleys and one-way conditions; as acceptable to the Transportation Engineer and Fire Marshal.

(Added conditions via the Motion)

d) Provide a black four-board-equestrian-styled fence adjacent to the sidewalk between the sidewalk and the development or as approved by the Director of Community Development.

e) Revised site plan shall be reviewed by the Design Review Board.

f) Some specimen trees shall be saved per the Arborist and the Design Review Board recommendation.

g) Some recompense trees shall be planted on the site and shall be 6 "caliper in size.

4) To the owner's agreement to abide by the following requirements, dedication and improvements:

a) Reserve the necessary Right of Way along the necessary property frontage of SR 9/North Main Street, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide for compliance with the Transportation Master Plan and the adjacent developments, according to the definitions in the Right of Way Ordinance.

b) Dedicate at no cost to GDOT prior to the approval of a Land Disturbance Permit or Certificate of Occupancy (whichever comes first), sufficient land as necessary to provide the Right of Way for the approved final site plan including the following:

i) Provide the following road improvements as approved by the Transportation Engineer for Milton and GDOT:

1) East bound left turn lane with 90' of storage on SR 9 at site driveway

2) Striping for west bound left turn lane with 60' of storage on SR 9 at Rex Theater property

3) Concrete barrier or pylons within striping to the east of property as approved by GDOT

ii) Provide six foot wide concrete sidewalk along the entire SR 9 frontage of the property located no more than 1 foot off the Right of Way line and no less than 5 feet behind the back of curb or as approved by the Director of Public Works.

c) Any new required entrances shall meet the Community Service Policies and AASHTO guidelines, or roads be reconstructed to meet such criteria, at the approval of the Transportation Engineer for Milton and GDOT.

5. To the owner's agreement to abide by the following:

a. The developer's Professional Engineer shall demonstrate to the City by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions. Locations shall be as approved by the Stormwater Engineer.

- b. The water quality and above-ground detention facilities shall utilize earthen embankments, where possible. Walled structures are not encouraged. If walled structures are proposed, they must meet the acceptable design standards of the Department of Community Development.
 - i. Above-ground Detention facility shall have a six foot high, five-board equestrian style fence with two inch by four inch welded wire constructed around it.
- c. The Developer shall utilize GASWCC limited application controls. All water quality and above-ground detention facilities shall have vegetated surfaces to be regularly maintained by the owner.
- d. Provide a maximum 75 percent impervious, per drainage basin, at maximum build-out or as approved by the Stormwater Engineer.

Second and Vote: Councilmember Tart seconded the motion. The motion passed 3-2, with Mayor Lockwood and Councilmember Hewitt opposed.

11) UNFINISHED BUSINESS

12) NEW BUSINESS

(Agenda Item No. 08-749)

1. Approval of a Resolution Amending Resolution No. 08-12-54, A Resolution to Create the Milton Parks and Recreation Advisory Board and to develop the Milton Parks and Recreation Ordinance.

RESOLUTION NO 08-12-59

Motion and Vote: Councilmember Zahner Bailey move to approve a Resolution Amending Resolution No. 08-12-54, A Resolution to Create the Milton Parks and Recreation Advisory Board and to develop the Milton Parks and Recreation Ordinance by appointing Mark Shaw as the Mayor's appointment. Councilmember D'Aversa seconded the motion. The motion passed unanimously 5-0.

(Agenda Item No. 08-750)

2. Approval of a Resolution Amending Resolution No. 08-12-55, A Resolution to Create a Committee to Serve as the Highway 9 Design Guideline Committee for Potential Revision to the Highway 9 Overlay District of the City of Milton Zoning Ordinance.

Motion and Vote: Councilmember D'Aversa moved to approve to defer until January 5, 2009 a Resolution Amending Resolution No. 08-12-55, a resolution to Create a Committee to Serve as the Highway 9 Design guideline Committee for Potential Revision to the Highway 9 Overlay District of the City of Milton Zoning Ordinance. Councilmember Tart seconded the motion. The motion passed unanimously 5-0.

(Agenda Item No. 08-751)

3. Approval of a Resolution Amending Resolution No. 08-12-56, A Resolution to Create a Committee to Serve as the Historic Preservation Committee for Development of a Historic Preservation Ordinance for the City of Milton.

RESOLUTION NO. 08-12-60

Motion and Vote: Councilmember D’Aversa moved to approve a Resolution Amending Resolution No. 08-12-56, A Resolution to Create a Committee to Serve as the Historic Preservation Committee for Development of a Historic Preservation Ordinance for the City of Milton by appointing Bob Meyers for District 6. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 5-0.

(Agenda Item No. 08- 752)

4. Approval of a Resolution Amending Resolution No. 08-04-32, A Resolution Appointing Members to the City of Milton Bike and Pedestrian Path Committee.

RESOLUTION NO. 08-12-61

Motion and Vote: Councilmember Zahner Bailey moved to approve a Resolution Amending Resolution No. 08-04-32, A Resolution Appointing Members to the City of Milton Bike and Pedestrian Path Committee by appointing Sandra Sheley for District 6. Councilmember D’Aversa seconded the motion. The motion passed unanimously 5-0.

(Agenda Item No. 08- 753)

5. Approval of a Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan.

RESOLUTION NO. 08-12-62

Motion and Vote: Councilmember Tart moved to approve a Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan with the exception that one member to the committee who resides or owns property in their respective City Council District. Councilmember D’Aversa seconded the motion. The motion passed unanimously 5-0.

Motion and Vote: Councilmember Tart moved to approve a Resolution to Create a Stakeholder Advisory Committee for City of Milton Transportation Plan with the exception that one member to the committee who resides or owns property in their respective City Council District by appointing Bruce Smitherman for the Mayor’s Appointment, Clyde Johnson for District 4, Vic Jones for District 5, and Brad Robinson for District 6. Councilmember D’Aversa seconded the motion. The motion passed unanimously 5-0.

(Agenda Item No. 08- 754)

6. Approval of a Resolution to Create a Citizen Advisory Committee for City of Milton Concept Plans for the Intersections of Birmingham at Providence and Arnold Mill at New Providence.

RESOLUTION NO. 08-12-63

Motion and Vote: Councilmember D’Aversa moved to approve a Resolution to Create a Citizen Advisory Committee for City of Milton Concept Plans for the Intersections of Birmingham at Providence and Arnold Mill at New Providence with Councilmembers nominating citizens and residents at large from within the City. Councilmember Hewitt seconded the motion. The motion passed unanimously 5-0.

Motion and Vote: Councilmember D’Aversa moved to approve a Resolution to Create a Citizen Advisory Committee for City of Milton Concept Plans for the Intersections of Birmingham at Providence and Arnold Mill at New Providence by appointing Yvonne Latorre for the Mayor’s appointment, Marty Littleton for District 5, and Brad Robinson for District 6. Councilmember Hewitt seconded the motion. The motion passed unanimously 5-0.

(Agenda Item No. 08-755)

7. Approval of task orders for concept studies of Birmingham at Providence intersection for \$116,434.06 and Arnold Mill at New Providence intersection \$70,496.70 with Street Smarts, Inc.

Motion and Vote: Councilmember D’Aversa moved to approve task orders for concept studies of Birmingham at Providence intersection for \$116,434.06 and Arnold Mill at New Providence intersection \$70,496.70 with Street Smarts, Inc. Councilmember Tart seconded the motion. The motion passed unanimously 5-0.

(Agenda Item No. 08- 756)

8. Approval of a Resolution Requesting the Transmittal of the draft City of Milton 2008-2028 Comprehensive Plan Partial Update to the Atlanta Regional Commission and the State of Georgia Department of Community Affairs.

RESOLUTION NO. 08-12-64

Motion and Vote: Councilmember D’Aversa moved to approve a Resolution Requesting the Transmittal of the draft City of Milton 2008 – 2028 Comprehensive Plan Partial Update to the Atlanta Regional Commission and the State of Georgia Department of Community Affairs. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously 5-0.

(Agenda Item No. 08- 757)

9. Approval of a Resolution to Adopt the 2009 Zoning and Use Permit, Zoning Modification, Board of Zoning Appeals and the City of Milton Design Review Board Schedules.

RESOLUTION NO. 08-12-65

Motion and Vote: Councilmember D’Aversa moved to approve a Resolution to Adopt the 2009 Zoning and use Permit, Zoning Modification, Board of Zoning Appeals and the City of Milton Design Review Board and Planning Commission Schedules as amended by staff, including the date change of January 18, 2010 to January 20, 2010 and February 15, 2010 to February 17, 2010. Councilmember Hewitt seconded the motion. The motion passed unanimously 5-0.

13) MAYOR AND COUNCIL REPORTS

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14) STAFF REPORTS

- 1) Discussion of the right-of-way privatization policy.

(Moved by Motion and Vote to the January 12, 2009 Work Session.)

15) EXECUTIVE SESSION

(Agenda Item No. 08-758)

16) ADJOURNMENT

Motion and Vote: Councilmember Tart moved to adjourn the meeting at 8:29 p.m. Councilmember D'Aversa seconded the motion. The motion passed unanimously 5-0.