CITY COUNCIL REGULAR MEETING

City Council Chambers, City Hall
Wednesday, September 06, 2023 at 6:00 PM

ACTION MINUTES

Peyton Jamison, Mayor

CITY COUNCIL

DISTRICT 1	DISTRICT 2	DISTRICT 3
Andrea Verhoff – Post 1	Juliette Johnson – Post 1	Jan C. Jacobus – Post 1
Carol Cookerly – Post 2	Paul Moore – Post 2	Rick Mohrig – Post 2

INVOCATION – Rabbi Hirshy Minkowicz, Chabad of North Fulton

1) CALL TO ORDER

2) ROLL CALL

Mayor: Mayor Peyton Jamison present.

Councilmembers Present: Councilmember Andrea Verhoff, Councilmember Paul Moore , Councilmember Juliette Johnson, Councilmember Carol Cookerly, Councilmember Jan C. Jacobus, and Councilmember Rick Mohrig.

Councilmember(s) Absent:

3) PLEDGE OF ALLEGIANCE (Led by Mayor Peyton Jamison)

4) APPROVAL OF MEETING AGENDA (Add or remove items from the agenda) **(Agenda Item No. 23-229)**

Motion and Vote: Councilmember Moore moved to approve the Meeting Agenda with the following amendment:

- Add a New Business Agenda Item #23-243A - Approval of a Resolution Appointing a Member to the City of Milton Sustainability Committee by Appointing a Board Member for District 2/Post 2.
- Add an Executive Session to discuss land acquisition, potential litigation, and personnel.

Councilmember Verhoff seconded the motion. The motion passed (7-0).

5) PUBLIC COMMENT (General) –

One (1) Public Comment:

1) Gary Jablonski

6) CONSENT AGENDA

A. Approval of the August 21, 2023 Regular City Council Meeting Minutes.
(Agenda Item No. 23-230)
(Tammy Lowit, City Clerk)

B. Approval of the Financial Statements & Investment Report for the Period 10 – July 2023.
(Agenda Item No. 23-231)
(Karen Ellis, Finance Director)

C. Approval of a Construction Services Agreement between the City of Milton and R & B Developer, Inc. for the Expansion of the City Hall Parking Lot.
(Agenda Item No. 23-232)
(Sara Leaders, Public Works Director)

D. Approval of a Resolution to Amend a Previous Petition for Condemnation of Property Rights Needed for Morris Road Widening Project, Parcel 10 (0.034 Acres of Fee Simple Right of Way; 23,918.80 Square Feet of Temporary Construction Easement, Temporary Easement for Restoration of Detention Pond and Installation of Culvert; and One (1) Driveway Easement); Owner: Morris Lake Townhome Association, Inc.)
(Agenda Item No. 23-233)
(Sara Leaders, Public Works Director)

E. Approval of Memorandum of Understanding Between the City of Milton and the National Charity League, Inc. to Provide Volunteer Support at City Outreach Events and Initiatives.
(Agenda Item No. 23-234)
(Tom McKlveen, Parks & Recreation Director)

F. Approval of the TASER Energy Weapon Agreement with Amendment No. 1 between the City of Milton and AXON Enterprise, Inc.
(Agenda Item No. 23-235)
(Rich Austin, Police Chief)

G. Approval of a Professional Services Agreement between Focal Forensics, LLC and the City of Milton for the Purpose of Outsourcing Certain Video Redaction Requests for Body Camera and In Car footage Requested through Georgia Open Records Act.
(Agenda Item No. 23-236)
(Rich Austin, Police Chief)

H. Approval of Change Order #1 to the Contract with Ten-8, LLC to Provide for the Installation of Budgeted Items Prior to Delivery.
(Agenda Item No. 23-237)
(Gabe Benmoussa, Fire Chief)

I. Approval of an Amendment to the Services Agreement between the City of Milton and Invoice Cloud for Price and Service Fee Changes.
(Agenda Item No. 23-238)
(Karen Ellis, Finance Director)

J. Approval of Subdivision Plats & Revisions.

Name of Development / Location	Action	Comments / # lots	Total Acres	Density
1. The Homestead at Milton 15135 Hopewell Rd. LL 543-47, 606-09, 617-18 Dist. 2 Sect. 2	Minor Plat (Revision #2)	This Plat supersedes the Minor Subdivision Plat recorded in Plat Book 452, pages 128-142. The purpose of this revision is to re-configure the common area at the front entrance (15135 Hopewell Rd), remove addresses not assigned to specific parcels, change address for Lot 30, eliminate references to Lots 31 & 32, add bio-pond as-built data and add bio-pond easements.	**166.29** Acres	**0.180** Lots/Acre

(Agenda Item No. 23-239)
(Robert Buscemi, Community Development Director)

Motion and Vote: Councilmember Moore moved to approve the Consent Agenda as read. Councilmember Johnson seconded the motion. The motion passed (7-0).

7) REPORTS AND PRESENTATIONS

A. Proclamation Recognizing September as Childhood Cancer Awareness Month.
(Mayor Peyton Jamison)

B. Proclamation recognizing September as Mental Wellness Month and Suicide Prevention Week.
(Mayor Peyton Jamison)

8) FIRST PRESENTATION

A. Consideration of an Ordinance of the Mayor and Council of the City of Milton, Georgia, to Adopt Amendments to the Fiscal 2023 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 Appropriations, Prohibiting Expenditures to Exceed Appropriations and Prohibiting Expenditures to Exceed Actual Funding Available.
(Agenda Item No. 23-240)
(Bernadette Harvill, Deputy City Manager)

B. Consideration of an Ordinance of the Mayor and Council of the City of Milton, Georgia, to Adopt the Fiscal 2024 Budget for Each Fund of the City of Milton, Georgia Appropriating the Several Items of Revenue Appropriations, Prohibiting Expenditures to Exceed Appropriations and Prohibiting Expenditures to Exceed Actual Funding Available.
(Agenda Item No. 23-241)
(Bernadette Harvill, Deputy City Manager)

Motion and Vote: Councilmember Mohrig moved to approve the First Presentation items as read. Councilmember Moore seconded the motion. The motion passed (7-0).

9) PUBLIC HEARING

A. Consideration of an Ordinance of the Mayor and Council of the City of Milton, Georgia, to Adopt Amendments to the Fiscal 2023 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 Appropriations, Prohibiting Expenditures to Exceed Appropriations and Prohibiting Expenditures to Exceed Actual Funding Available.
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B. Consideration of an Ordinance of the Mayor and Council of the City of Milton, Georgia, to Adopt the Fiscal 2024 Budget for Each Fund of the City of Milton, Georgia Appropriating the Several Items of Revenue Appropriations, Prohibiting Expenditures to Exceed Appropriations and Prohibiting Expenditures to Exceed Actual Funding Available
(Agenda Item No. 23-241)
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10) ZONING AGENDA

A. Consideration of U23-02 located at 3450 Hamby Road (AG-1) by Tammy Urey to request a Use Permit for "Alternative Senior Housing" (Sec. 64-1844) to Use the Existing Single-Family Residence for a Maximum of Four (4) Residents.
(First Presentation at the July 24, 2023 Regular Council Meeting, Zoning Agenda at the August 7, 2023 Regular Council Meeting, Deferred to the September 6, 2023 Regular Council Meeting)
(Agenda Item No. 23-184)
(Robert Buscemi, Community Development Department

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One (5) Public Comment (in support):
1) James Urey - applicant
2) Tammy Urey – applicant
3) Polly Hyatt
4) Tracy Markoff
5) Richard Fanning

One (2) Public Comment (in opposition:
1) James Limbaugh
2) Fred Karr

Motion and Vote: Councilmember Moore moved to approve Agenda Item No. 23-184 with staff recommended conditions. Councilmember Mohrig seconded the motion. The motion passed (7-0).

B. Consideration of RZ23-04, a Text Amendment to Amend Chapter 64 as it Relates to Flag Lots.
(First Presentation at the July 24, 2023 Regular Council Meeting, Zoning Agenda at the August 7, 2023 Regular Council Meeting, Deferred to the September 6, 2023 Regular Council Meeting)
(Agenda Item No. 23-185)
(Robert Buscemi, Community Development Department)

One (1) Public Comment (in opposition:
1) Lauren Holmes

Motion and Vote: Councilmember Cookerly moved to approve Agenda Item No. 23-185 with the amendment that the original structure be exempted from a 1.5 acre lot requirement to a minimum of one (1) acre. Councilmember Moore seconded the motion. The motion passed (7-0).

C. Consideration of RZ 23-05, a Text Amendment to Amend Chapter 64 as it Relates to Retaining Walls.
(First Presentation at the July 24, 2023 Regular Council Meeting, Zoning Agenda at the August 7, 2023 Regular Council Meeting, Deferred to the September 6, 2023 Regular Council Meeting)
(Agenda Item No. 23-186)
(Robert Buscemi, Community Development Department)

One (1) Public Comment (in-support):
1) Scott Reece

Motion and Vote: Councilmember Cookerly moved to approve Agenda Item No. 23-186 with the amendment that a wing wall, attached to a structure, can be 10 feet in height and it can carry those 10 feet of height for 25 feet on the horizontal. Once the 25 feet maximum length is met, then the wing wall can drop down to a 4:1 slope. *(Amendment as referenced in presentation: (2) b.i. 'Wing walls are permitted up to 10 feet in exposed height for a maximum distance of 25 feet and then sloping at a maximum of a 4:1 slope to a maximum of 6 feet in height. Delete b.ii. in it entirety.)*
Councilmember Moore seconded the motion. The motion passed (7-0).

D. Consideration of **RZ23-02 -** A Text Amendment with Respect to Notification Requirements for Various Types of Land Use Permits and Variance Requests and Other Procedural Updates to Comply with Latest Amendment to Georgia State Zoning Procedures Law in Chapter 64, Zoning of the City of Milton City Code.
(Agenda Item No. 23-221)
(Robert Buscemi, Community Development Director)

Motion and Vote: Councilmember Jacobus moved to approve Agenda Item No. 23-221. Councilmember Mohrig seconded the motion. The motion passed (7-0).

E. Consideration of **RZ23-03 -** A Text Amendment with Respect to the Following Alcohol-Related Uses of Limited Food Service Restaurant and Limited Tap Establishment within Chapter 64, Zoning of the City of Milton City Code.
(Agenda Item No. 23-222)
(Robert Buscemi, Community Development Director)

Motion and Vote: Councilmember Jacobus moved to approve Agenda Item No. 23-222 with the amendment to add the following language to the footnote 10: ***Notwithstanding this Division or any other provision of the City of Milton code of ordinances. establishments holding a non-standard consumption on-premises license that was first issued on or before January 1, 2022. and have further had no changes to the ownership of the establishment. will be permitted to apply for a new license for the sole purpose of relocating the establishment.***
Councilmember Moore seconded the motion. The motion passed (7-0).

11) UNFINISHED BUSINESS

12) NEW BUSINESS

A. Consideration of a Resolution to Condemn Property Rights Needed for Morris Road Widening Project, Parcels 2 and 19(0.045 Acres of Fee Simple Right of Way and 3,644.03 Square Feet of Temporary Construction Easement for Construction of Slopes); Owner: Winward Development, Inc.).
(Agenda Item No. 23-242)
(Sara Leaders, Public Works Director)

Motion and Vote: Councilmember Jacobus moved to approve Agenda Item No. 23-242. Councilmember Mohrig seconded the motion. The motion passed (7-0).

B. Consideration of Resolution of the City of Milton, Georgia to Set Municipal Voting Precincts and Municipal Polling Place Locations for Municipal Elections.
(Agenda Item No. 23-243)
(Steven Krokoff, City Manager)

One (1) Public Comment (in opposition:
1) Matthew Weiss

Motion and Vote: Councilmember Moore moved to approve Agenda Item No. 23-243 with the amendment to correct the scrivener's error on #4 of the Resolution - name of location of polling place is the Milton Public Safety Complex not the Milton City Park and Preserve. The address reflected under #4 is correct therefore no address change is required. *For clarification: The location of the polling place for Precinct 3 is Milton Public Safety Complex, 13690 Highway 9, Milton, GA 30004.*
Councilmember Mohrig seconded the motion. The motion passed (7-0).

New Business Item #23-243A was Added to immediately follow the Consent Agenda during Approval of Meeting Agenda.

A. Consideration of a Resolution Appointing a Member to the City of Milton Sustainability Advisory Committee by Appointing a Board Member for District 2/Post 2.
(Agenda Item No. 23-243A)
(Mayor Peyton Jamison)

Motion and Vote: Councilmember Mohrig moved to approve Greg Tinker to the Milton Sustainability Advisory Committee for District 2/Post 2, Agenda Item No. 23-243A. Councilmember Verhoff seconded the motion. The motion passed (7-0).

13) MAYOR AND COUNCIL REPORTS

14) STAFF REPORTS

15) EXECUTIVE SESSION

Motion and Vote: Councilmember Moore moved to adjourn into Executive Session at 9:46 pm. Councilmember Mohrig seconded the motion. The motion passed (7-0).

RECONVENE

Motion and Vote: Councilmember Mohrig moved to reconvene into the Regular Meeting at 10:03pm. Councilmember Jacobus seconded the motion. The motion passed (7-0).

16) ADJOURNMENT
(Agenda Item No. 23-244)

Motion and Vote: Councilmember Mohrig moved to adjourn the Regular Meeting at 10:03 pm. Councilmember Jacobus seconded the motion. The motion passed (7-0).

Persons needing special accommodations in order to participate in any City meeting should call 678.242.2500.