



## CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

### CITY COUNCIL

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

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Thursday, July 3, 2008

ACTION MINUTES

3:00 PM

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- 1) Permitting and authority to proceed for the entire Sembler development on State Route 9 in accord with site development permit.

**Informal Motion:** Councilmember Hewitt moved to authorize Milton staff to issue all necessary permits and certificates of occupancy as to Phases I and II of the Sembler development in Milton in spite of there being no present constitutional authority for the development of be connected to Fulton County sewer, based upon the following findings:

1. That both phases of the Sembler development in Milton have had a Land Disturbance permit issued by Fulton County in late 2006 before the creation of Milton.
2. That since issuance of the land Disturbance permit, Sembler has conducted development operations in both phases, including the erection of infrastructure, buildings, and roadways – at significant cost to the developer;
3. That both phases of the Sembler development are located within the Big Creek sewer basin, which is a basin where Fulton County has traditionally provided sewer service – and is a basin for which the provision of sewer is consistent with the No Interbasin Transfer Act;
4. The Sembler development is not located in the Etowah basin, which is a basin where Fulton County has traditionally not provided sewer service;
5. That certain retail components in the Sembler development are nearing completion, with stores literally days away from grand opening;
6. That based upon the above facts, the equities of the situation re such that in spite of the lack of authority for Fulton to provide sewer service, Milton believes it in

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Milton, GA 30004

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the best interest of the health, welfare and safety of its citizens for the development to proceed; and,

7. A statement shall be attached to any CO(s) issued in either phase I or II of the Sembler development, that "Issuance of the CO should not be construed as a waiver by Milton of its right to seek strict compliance of all constitutional entitlements and safeguards concerning the requirement that another jurisdiction may only provide new sewer service in Milton pursuant to an Intergovernmental Agreement. The issuance of this CO was the product of a fact specific inquiry and is to have no precedential effect with respect to any other development.

**Second and Vote:** Councilmember Thurman seconded the motion. The motion passed (5-0). Councilmember D'Aversa and Councilmember Tart were not present for the vote.

The meeting adjourned at 3:30 p.m.