



## 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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**Monday, July 14, 2008**

**ACTION MINUTES**

**4:00 PM**

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#### 1) CALL TO ORDER

#### 2) ROLL CALL

Councilmember Tina D'Aversa and Councilmember Burt Hewitt were absent/excused.

#### 3) PLEDGE OF ALLEGIANCE

(Agenda Item No. 08-617)

#### 4) APPROVAL OF MEETING AGENDA

Staff recommended the following change to the Meeting Agenda

1. Add an Executive Session to discuss pending litigation.

**Motion and Vote:** Councilmember Tart moved to approve the Meeting Agenda, as amended. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously (5-0).

#### 5) PUBLIC COMMENT

#### 6) NEW BUSINESS

(Agenda Item No. 08-618)

1. To discuss and possibly resolve issues with pending permit limitations.

**Motion:** Councilmember Lusk moved to authorize Milton staff to issue all necessary permits and certificates of occupancy as to those developments depicted as "yellow dots" on the July 11,

2008 sewer map prepared by Milton staff in spite of there being no present constitutional authority for the development to be connected to Fulton County sewer, based upon the following findings:

1. That the subject developments in Milton have been issued Land Disturbance Permits.
2. That since issuance of the Land Disturbance Permits, the developments have conducted development operations at significant cost to the developers;
3. That the subject developments are located in, or appear to be located within the Big Creek sewer basin based upon Fulton county sewer basin maps which is a basin where Fulton County has traditionally provided sewer service;
4. The subject developments do not appear to be located in the Etowah basin, which is a basin where Fulton County has traditionally not provided sewer service;
5. That based upon the above facts, the equities of the situation are such that in spite of the lack of authority for Fulton to provide sewer service, Milton believes it is in the best interest of the health, welfare and safety of its citizens for the developments to proceed; and,
6. A statement shall be attached to any CO(s) or permits issued for these developments that states "issuance of this CO or permit should not be construed as a waiver by Milton of its right to seek strict compliance with all constitutional entitlements 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:** Councilmember Thurman seconded the motion.

**Amended Motion #1:** Councilmember Lusk moved to include the following sentence to his main motion; "Any issuance of any CO or permit shall not be deemed as a guaranty of sewer by the City of Milton."

**Second:** Councilmember Thurman seconded the amended motion.

**Amended Motion #2:** Councilmember Lusk moved to include language in paragraph 3 of the main motion so paragraph 3 will read as follows: "That the subject developments are located, or appear to be located within the Big Creek sewer basin based upon Fulton county sewer basin maps either by location within the basin or via gravity flow to the basin, which is a basin where Fulton County has traditionally provided sewer service."

**Second:** Councilmember Thurman seconded the amended motion.

**Amended Motion #3:** Councilmember Lusk moved to include the following sentence to his main motion; "The adoption of this motion shall in no way depart or reflect a change in policy from that reflected in the July 2006 Interbasin Transfer Resolution by Fulton County."

**Second:** Councilmember Thurman seconded the amended motion.

**Vote:** The motion passed unanimously (5-0).

**(Agenda Item No. 08-619)**

- 2 Authorization to Execute a Cooperation Agreement for Fulton County Community Development Block Grant (CDBG) and HOME Programs.

**Motion and Vote:** Councilmember Thurman moved to approve Authorization to Execute a Cooperation Agreement for Fulton County Community Development Block Grant (CDBG) and HOME Programs. Councilmember Lusk seconded the motion. The motion passed unanimously (5-0).

*Added by motion and vote*

**Executive Session to discuss pending litigation.**

**Motion and Vote:** Councilmember Lusk moved to adjourn into Executive Session at 6:08 p.m. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously (5-0).

**RECONVENE**

**Motion and Vote:** Councilmember Thurman moved to reconvene the Special Called Meeting at 7:01 p.m. Mayor Lockwood seconded the motion. The motion passed unanimously (5-0).

**(Agenda Item No. 08-620)****6. ADJOURNMENT**

**Motion and Vote:** Councilmember Thurman moved to adjourn the Special Called Meeting at 7:02 p.m. Councilmember Lusk seconded the motion. The motion passed unanimously (5-0).