



## 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, August 11, 2008**

**ACTION MINUTES**

**5:30 PM**

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**1) CALL TO ORDER**

**2) ROLL CALL**

**3) PLEDGE OF ALLEGIANCE**

**(Agenda Item No. 08-643)**

**4) APPROVAL OF MEETING AGENDA**

**5) PUBLIC COMMENT**

**6) PUBLIC HEARING**

1. Approval of an Ordinance of the Mayor and Council of the City of Milton, Georgia, to fix the Ad Valorem Tax Rate of the City of Milton for Fiscal Year 2008; and for other purposes.  
(First Public Hearing held on July 21, 2008, Second Public Hearing held on August 4, 2008)

**7) UNFINISHED BUSINESS**

**(Agenda Item No. 08-627)**

1. Approval of an Ordinance of the Mayor and Council of the City of Milton, Georgia, to fix the Ad Valorem Tax Rate of the City of Milton for Fiscal Year 2008; and for other purposes.

**Motion and Vote:** Councilmember Thurman moved to approve an Ordinance of the Mayor and Council of the City of Milton, Georgia, to fix the Ad Valorem Tax Rate of the City of Milton for Fiscal Year 2008; and for other purposes. Councilmember Zahner Bailey seconded the motion. The motion passed unanimously.

## 8) NEW BUSINESS

### (Agenda Item No. 08-644)

1. Authority for staff to proceed issuing COs and related permits for the Manor subdivision.

**Motion:** Councilmember Tart moved to authorize Milton staff to issue all necessary permits and certificates of occupancy as to the Manor subdivision in Milton in spite of there being no present constitutional authority for the development to be connected to Forsyth County sewer, based upon the following findings and according to the following terms and conditions:

1. The Manor development in Milton has had a Site Development permit issued by Fulton County, since Autumn of 2002;
2. The private wastewater treatment plant that serves the Manor was purchased by Forsyth County and is currently owned and operated by Forsyth County, and is referred to as the Manor Wastewater Treatment Facility;
3. The Manor subdivision is located within the Etowah sewer basin, which is a basin where Fulton County has traditionally not provided sewer service based upon the Fulton County 2006 Inter-Basin Transfer Ordinance;
4. Milton adopted the Fulton County 2006 Inter-Basin Transfer Ordinance, and therefore shares in Fulton County's public policy of not authorizing sewer service in the Etowah sewer basin, irrespective of whether such sewer service is made available by a private or public sewer treatment plant;
5. Since issuance of the Site Development permit, the Manor has conducted development operations, including the construction of infrastructure, roadways, and homes – at significant cost to the developer;
6. Citizens of Milton have contracted for the purchase of homes in the Manor, closings have been scheduled, and homeowners are poised to move into the newly constructed homes;
7. Based upon the above facts, the equities of the situation are such that in spite of the lack of authority for Forsyth County to provide sewer service, Milton believes it in the best interest of its citizens for the development to proceed;

8. The authority granted by this motion shall only have application to the Manor subdivision as platted on the date this motion is approved;
9. Sewer service shall be prohibited for any new lots that are platted or acquired as a part of an expansion of the Manor subdivision within the City of Milton occurring after the date this motion is approved;
10. This motion shall not serve as authority or acquiescence for any sewer provider in another jurisdiction to provide sewer service in Milton;
11. A statement shall be attached to any CO(s) issued in the Manor development that reads as follows: “Issuance of this 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 Lusk seconded the motion. The motion passed unanimously.

(Agenda Item No. 08-645)

#### 9) ADJOURNMENT

**Motion and Vote:** Councilmember Lusk moved to adjourn the Special Called Meeting at 6:15 p.m. Councilmember Hewitt seconded the motion. The motion passed unanimously.