

CITY OF PINE LAKE, GEORGIA WORK SESSION AGENDA OCTOBER 14, 2025 @ 6:00PM COURTHOUSE&COUNCIL CHAMBERS 459 PINE DRIVE, PINE LAKE, GA 30072

NOTE: All attendees are reminded to silence cellular phones and other devices that may cause interruption of the session proceedings.

CALL TO ORDER - WORK SESSION

ANNOUNCEMENTS/COMMUNICATIONS

ADOPTION OF THE AGENDA OF THE DAY

PUBLIC COMMENT – 3 minutes each please

NEW BUSINESS

- 1. Development and Downtown Development Authorities Review
- 2. Dam and Wetlands Reports by AECOM

PUBLIC COMMENT – 3 minutes each please

REPORTS AND OTHER BUSINESS

- Strategic Performance Report (SPR), October 2025
- Mayor
- City Council

EXECUTIVE SESSION

ADJOURNMENT

MAYOR Brandy Hall

Dianay nan

COUNCIL MEMBERS
Jean Bordeaux, Mayor pro tem
Jeff Goldberg
Tom Ramsey
Thomas Torrent
Augusta Woods

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STRATEGIC PERFORMANCE REPORT

OCTOBER 2025



Good day, Mayor and Council Members,

I am pleased to share with you the ninth installment of the Community Building Team's <u>Strategic Performance Report (SPR)</u>. It is produced to coincide with the monthly City Council Work Session. The format and content are topical based; concise in nature; organized by the alphabetical order of offices/departments following City Manager lead topics; and accented with images and illustrations for more relatable reading. A pdf version of the document is attached for higher quality reading and printing.

We had a productive session at the City Council Planning Retreat held on September 24, 2025 with all council member candidates of the upcoming election participating. One of the topics discussed during the planning session was "economic development tools" available to the City of Pine Lake; this topic has also been highlighted in the last several Strategic Performance Reports.

The Action Item Report prepared by Acting City Clerk Dagenhard summarized next steps: "City Manager Hawthorne is expected to work with City Attorney Balch and the Governing Authority in planning for continued discussion on development authority options—as well as preparation of a request for quotation (RFQ) targeting consultant experts in the field of economic development—to take place at the October [14th] Work Session.

STRATEGIC PERFORMANCE REPORT: OCTOBER 2025

For consideration in advancing future redevelopment opportunities largely along the commercial Rockbridge Road corridor, the overall discussion somewhat coalesced around potential authorization by the City Council of a development authority or a downtown development authority.

The October Strategic Performance Report features a comparison of the two types of development authorities in Georgia as companion reading to an in-depth article included as part of the work session support documents: "Downtown Development Authority Law And Urban Redevelopment Law Overview," published by Jenkins, Bowen & Walker, P.C., a well-known Georgia law firm specialized in zoning and land use and local municipal law among other expert areas.

How Do Development Authorities and Downtown Development Authorities in Georgia Compare Functionally?

In Georgia, the main difference between a Development Authority (DA) and a Downtown Development Authority (DDA) lies in their geographic focus and specific purpose, though they share similarities in their activation process and some powers.

Feature	Development Authority (DA)	Downtown Development Authority (DDA)
Primary Goal	Broader, citywide economic development and job creation.	Revitalizing and correcting blight specifically within the downtown business district.
Geographic Scope	Operates across the entire city or county jurisdiction.	Focused exclusively on a designated downtown business district.
Power of Eminent Domain	DAs have the authority to use eminent domain to acquire property for development purposes.	DDAs do not have the power of eminent domain.

Focus of Projects	May involve industrial parks, office complexes, or larger-scale economic development projects.	Centers on downtown-specific improvements like streetscapes, historic preservation, and commercial revitalization.
Funding Mechanisms	Can issue revenue bonds and receive grants to fund projects.	Often uses tax increment financing (TIF) and issues revenue bonds, with a focus on capturing growth within the downtown district.
Legal Basis	Created under Georgia's Development Authorities Law (O.C.G.A. § 36-62).	Created under Georgia's Downtown Development Authorities Law (O.C.G.A. § 36-42).

Shared characteristics

- Activation process: Both a DA and a DDA exist for every city in Georgia but must be "activated" by the local governing body through a formal resolution before they can begin operations.
- **Purpose:** Both types of authorities are created to promote the general welfare, trade, and commerce of their respective jurisdictions by stimulating economic growth.
- **Financial capabilities:** Both can issue revenue bonds to finance projects. However, the specific projects each can undertake are dictated by their differing scopes.

How Do Development Authorities and Downtown Development Authorities Compare on Board Members Composition?

In Georgia, Downtown Development Authorities (DDAs) have specific board member requirements, while the composition of general Development Authorities (DAs) is determined by local ordinance. The main difference lies in the DDA's mandate for business owner representation and local residency.

Key differences in board composition

Feature	Downtown Development Authority (DDA)	General Development Authority (DA)
Membership requirements	Must consist of seven directors who are resident taxpayers of the city or county.	Set by the local ordinance that establishes the authority.
Business representation	At least four of the seven directors must own or operate a business within the downtown area.	Not required to have specific business representation, though local ordinance can specify it.
Appointing body	The mayor and city council typically appoint members.	The local governing body, such as the city council or county commission, appoints members.
Governing statutes	Governed by the Georgia "Downtown Development Authorities Law" (O.C.G.A. § 36-42-1).	Governed by the Georgia "Development Authorities Law" (O.C.G.A. § 36-62-1).
Activation	Like DAs, DDAs must be activated by a resolution from the local governing body.	Can only begin transacting business after being "activated" by the local governing body.

Give Examples of Projects Undertaken by Each Type Of Authority

In Georgia, a Development Authority (DA) focuses on broader economic development, while a Downtown Development Authority (DDA) is hyper-focused on revitalizing its central business district. Here are examples of projects for each type of authority.

Development Authority (DA) projects

DA projects are large-scale, often involving significant land acquisition and infrastructure to attract major employers. Their efforts are designed to impact the economic landscape of an entire city or county.

- **Industrial parks:** DAs often acquire and develop large tracts of land, providing the necessary infrastructure, like roads and utilities, to attract manufacturing or logistics companies.
- **Business recruitment:** They engage in marketing and negotiations to bring major corporations to their area, which creates new jobs and tax revenue.
- **Infrastructure development:** A DA might fund and oversee the construction of large infrastructure projects, such as access roads to a new business park or improvements to support a new large-scale facility.
- Regional collaboration: Multiple county DAs may collaborate on a joint development authority to combine resources and attract large projects that benefit a wider region.

Downtown Development Authority (DDA) projects

DDA projects are focused specifically on the downtown area. Their goal is to prevent blight and enhance the district's appeal to businesses and residents.

- Streetscape improvements: DDAs improve the look and feel of downtown by installing decorative lighting, street furniture, and planters.
- **Public gathering spaces:** They create parks, plazas, and outdoor amphitheaters to serve as community hubs and host events.
- **Historic preservation:** DDAs may assist with the renovation or remodeling of historic buildings in the downtown district to preserve their character and bring them back into commercial use.
- **Business facade grants:** Many DDAs offer grants or loan programs to encourage downtown businesses to improve their building exteriors and storefronts.
- **Promotional events:** To increase foot traffic and awareness, DDAs frequently organize and promote events like festivals, farmers' markets, and holiday celebrations.



SECTION AND ADDRESS OF THE PERSONS ASSESSED.

ATTORNEYS AT LAW

Call us to speak with an attorney Phone: (770) 387-1373

Downtown Development Authority Law And Urban Redevelopment Law Overview

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1. CONSTITUTIONAL FOUNDATION

The Constitutional grant of authority for downtown development authorities is found in Article 9, Section 6, ¶ 3 of the Georgia Constitution:

The development of trade, commerce, industry, and employment opportunities being a public purpose vital to the welfare of the people of this state, the General Assembly may create development authorities to promote and further such purposes or may authorize the creation of such an authority by any county or municipality or combination thereof under such uniform terms and conditions as it may deem necessary. The General Assembly may exempt from taxation development authority obligations, properties, activities, or income and may authorize the issuance of revenue bonds by such authorities which shall not constitute an indebtedness of the state within the meaning of Section V of this article.

This article provides that the General Assembly may create development authorities to promote the development of trade, commerce, industry and employment. Development authorities may be exempted from certain taxes, including property taxes. Development authorities may be authorized to issue revenue bonds that do not constitute an indebtedness of the state. This allows authorities to issue bonds that do not count toward their local government debt limitation, which is generally 10 percent of the assessed value of all taxable property within the jurisdiction.

The General Assembly has by general law authorized two types of development authorities. O.C.G.A. § 36-62-1 et seq. authorizes development authorities in both cities and counties, and is geared toward industrial developments. O.C.G.A. § 36-42-1 et seq. authorizes downtown development authorities, which are generally aimed toward developing downtown business districts. These two types of authorities are very similar, but do have some differences. The subject of this paper is Downtown development authorities and applicable law.

DOWNTOWN DEVELOPMENT AUTHORITY LAW, O.C.G.A.§ 36-42-1 THROUGH§ 36-42-16

1. Legislative Purpose, O.C.G.A.§ 36-42-2.

The expressed legislative purpose of the DDA is to revitalize and redevelop central business districts of cities in the state by financing projects to promote trade, commerce, industry, and employment opportunities.

• Key Definitions, 36-42-3.

- 1. the acquisition, construction, installation, modification, renovation or rehabilitation of land, interests in land, buildings, structures, facilities or other improvements within the downtown development area;
- 2. the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture or other property of any nature whatsoever used on, in or in connection with any such land, interest in land, building, structure, facility, or other improvement;
- 3. any undertaking authorized as part of a city business improvement district;
- any undertaking authorized under the Redevelopment Powers Law when the DDA has been designated as a redevelopment agency;

5. any undertaking under the Urban Redevelopment Law when the DDA has been designated as an urban redevelopment agency.

Project: In the context of activities that DDAs are authorized to engage in, project means:

These activities are within the meaning of the word project if their overarching purpose is the development of trade, commerce, industry, or employment in the downtown development area. A project may be for any industrial, commercial, business, office, parking, public, or other use, provided that a majority of the members of the authority determine by resolution that the project and its use would further the purpose of the law. This expressly includes buildings and structures used as non-profit hospitals, non-profit skilled nursing homes, or non-profit intermediate care homes, along with related equipment.

Cost of the project: This term is defined by a long list including almost every cost and fee imaginable arising from the project, from the obvious cost of acquisition to the minute, such as title insurance, surveying fees and loan fees. All of these costs are expressly allowed to be repaid from the proceeds of revenue bonds, notes or other obligations issued by the DDA.

Creation of DDA, O.C.G.A.§ 36-42-4.

The General Assembly has created a downtown development authority for each municipality in Georgia, which only need be activated by the governing authority. Each such DDA shall consist of a board of seven directors, one of which may be a member of the city council. The initial terms of the board shall be two years for two members, four years for two members, and six years for three members. Subsequent terms shall be for four year periods, except for the member who is also a member of the local government governing body, whose term expires with his term in office.

Geographical Area of Responsibility, O.C.G.A.§ 36-42-5.

The city shall by resolution designate the geographical area in its central business district which shall be known as the downtown development area. The resolution must state that the city has a need for a downtown development authority. Though it is not expressly required, the better practice is to reference a map, such as a tax map, clearly delineating the bounds of the central business district and the parcels within it.

A copy of the resolution creating the DDA must be filed with the Secretary of State and the Department of Community Affairs. The DCA may, but is not required to, furnish written comments to the authority which are to be informal and not affect any action taken by the DDA or the city government.

Amendments to Authorizing Resolution, O.C.G.A.§ 36-42-6.

After adopting the authorizing resolution, the city council may by resolution adjust the boundaries of the central business district. Such change is effective prospectively only, and shall not affect any project undertaken in the downtown development area before the change. The city council may appoint new members to the DDA when authorized. The city council may disapprove the issuance of revenue bonds or other obligations by the DDA.

• Qualification and Reimbursement of Directors, O.C.G.A.§ 36-42-7.

A director must be a tax payer living in the city or the owner or operator of a business within the downtown development area who is also a resident taxpayer of the county within which the city is located.

At least four of the directors shall have an economic interest in the redevelopment and revitalization of the downtown development area. Thus, what some opponents to DDA activities would call a conflict of interest is actually required by the General Assembly.

The directors are required to elect one of their members as chairman and another as vice-chairman. They may select one to be secretary and one to be treasurer, or one to be both secretary and treasurer. The secretary and treasurer need not be a director. The directors are not paid for their services except they may be reimbursed for actual expenses incurred in the performance of their duties.

Each director, except the director who is an elected member of the city council, is required to complete at least eight hours of training on downtown development within the first twelve months of the director's appointment.

Powers of the DDA, O.C.G.A.§ 36-42-8.

- 1. to file suit or defend suits;
- 2. to adopt a corporate seal;
- 3. to enter into contracts and to make other agreements necessary to exercise the power of the authority, including construction contracts, leases, sales contracts, finance agreements, contracts regarding the use of projects, cooperative agreements with urban renewal finance authorities operating in the downtown development area regarding financing activities;
- 4. to acquire by purchase or lease real property and personal property in furtherance of the DDA's purpose;
- 5. to finance, refinance, and manage projects and to pay the cost of any project from the proceeds of revenue bonds or notes:

- 6. to borrow money or to execute revenue bonds or notes and enter into mortgage agreements and security deeds as necessary to provide security for borrowing;
- 7. to issue revenue bonds or notes and use the proceeds for paying the cost of any project authorized under the DDA laws:
- 8. to apply to federal, state, or local governments for loans, grants, or other financial assistance;
- 9. to enter into agreements with the federal government to carry out the public purposes of the authority;
- 10. to contract for any period, not exceeding 50 years, with the state or any of its institutions or any city or county for use of facilities or services as long as the activities or transactions are in furtherance of an authorized undertaking of the DDA. This allows the DDA to avoid the general constitutional ban on local government contracts binding beyond the term of the existing city council;
- 11. to extend credit or make loans to anyone for the cost of any project authorized under the act;
- 12. to enter into any lease, trust indenture, trust agreement, or other security agreements as security for repayment of any revenue bonds or notes or other obligations of the authority. Such security agreements may allow the DDA to foreclose or force the sale of property to collect the principal, interest, or to ensure compliance with any condition in the agreement;
- 13. to receive and use taxes levied by the city to pay the cost of any project authorized under the act;
- 14. to receive and administer gifts and grants of money or property of any kind;
- 15. to use, sell, lease, exchange, transfer, dispose or grant options to any land, personal property, or to rent such property which is deemed to be in the best advantage of the authority and the public purpose;
- 16. to acquire any interest in real property or personal property by loan agreement, note, or mortgage;
- 17. to employ engineers, surveyors, city planners, attorneys, or other professionals needed for meeting the goals and objectives of the authority;
- 18. to make long-range plans or proposals for the downtown development area in cooperation with the city;
- 19. to adopt bylaws governing the business of the authority;
- 20. to exercise any power granted by the State to public or private corporations which is not inconsistent with the public policy of the DDA law;
- 21. to do all things necessary to carry out the powers conferred by the DDA law;
- 22. to serve as urban redevelopment agency under Chapter 61 of O.C.G.A. Title 36;
- 23. to contract with the city to carry out services in the city business improvement district established under Chapter 43 of O.C.G.A. Title 36; and
- 24. to serve as redevelopment agency as provided by Chapter 44 of O.C.G.A. Title 36.

The DDA has the power necessary to carry out the purposes and provisions of the DDA act, including the following:

• Eminent Domain Power, O.C.G.A.§ 36-42-8.1.

A DDA has the authority to exercise the power of imminent domain to take real property necessary for purposes authorized under the DDA laws. This is subject to certain procedural limitations contained within the DDA law.

Revenue Bonds, O.C.G.A.§§ 36-42-9, 10 & 11.

Revenue bonds, notes or other obligations issued by an authority shall be paid solely from the property (real, personal and revenues) encumbered to secure the bonds or obligations. The DDA board must adopt a resolution authorizing the issuance of the bonds.

The bonds shall be dated, show a maturity date of no more than 40 years from issuance, and bear interest which may be fixed or adjustable. The bonds shall be redeemable, and may be subject to other terms as provided by the authorizing resolution. The terms of the bonds are binding on the directors of the authority and their successors.

The DDA may refund bonds by the issuance of new bonds, at or before maturity. There is no limit upon the amount of bonds that an authority may issue. The DDA's bonds are exempt from all general laws pertaining to maximum interest rates. DDA bonds must be issued in accordance with the Revenue Bond Law. The bonds are validated by a procedure in which a petition and complaint for validation is filed in the superior court of the county and served upon the district attorney. The superior court then conducts a validation hearing, of which the public must be notified. The bonds may be sold at public or private sale.

The DDA may also issue notes in anticipation of bonds. Such notes may be issued for the same purposes as the anticipated bonds. No judicial validation is required for the notes to be issued. The issuance of the notes shall not exceed the par value of the anticipated bonds.

Obligations of authority not public debt, O.C.G.A.§ 36-42-12.

The debts of the DDA are not binding on the municipality, nor may creditors compel the performance of the taxing power to repay the indebtedness.

The DDA is exempt from taxes on any property acquired by the authority, but this does not include exemption from sales and use tax on property purchased by the authority or used by the authority.

• Creation of Special Districts, O.C.G.A.§ 36-42-16.

Cities may create one or more special districts within the area of operation of the DDA for levying and collecting taxes, fees, or assessments to pay the cost of any project authorized under the DDA law.

CITY BUSINESS IMPROVEMENT DISTRICTS, O.C.G.A.§36-43-1 et seq

1. General Purpose.

This chapter of the Georgia code authorizes municipalities to create city business improvement districts, and then collect extra fees and an increased millage rate in the district to pay for supplemental services intended to restore and promote business activity within the business district.

Key Definitions.

- 1. District Plan: A plan adopted by the municipality which includes:
- -a map of the CBID,
- -a description of the boundaries proposed for creation or extension,
- -the present and proposed uses of the properties within the CBID,
- -the supplemental services to be provided in the CBID,
- -the maximum millage rate to be levied in the CBID,
- -the proposed time for implementation of the plan,
- -design and rehabilitation standards which may be mandated for buildings within the CBID,
- -any rules and regulations applicable to the CBID,
- Supplemental services means those services provided for the improvement and promotion of the CBID, including, but not limited to, advertising, promotion, sanitation, security, and business recruitment and development.
- Municipal Powers in the CBID, O.C.G.A.§ 36-43-4.
- To adopt a district plan for the provision of supplemental services in the CBID,
- To fix and levy an annual millage upon real and personal property within the district, which may be liens upon the properties in the CBID,
- To provide supplemental services in the CBID, and to contract with non-profits and DDA for all or part of the supplemental
- To mandate design and rehabilitation standards for buildings in the CBID subject to historic preservation requirements,
- To levy and collect a surcharge on existing business licenses and occupation taxes upon businesses and occupations within the district, which may be liens upon the properties in the CBID.

Procedural Requirements for the Adoption of the District Plan, O.C.G.A.§ 36-43-5.

A central business improvement district may not be created unless it is approved by at least 51% of the taxpayers of the district or by the taxpayers owning at least 51% of the taxable property in the district.

This requires a written petition signed by the taxpayers which must include a proposed district plan and a budget for payment of the services to be provided within the district.

Upon receipt of the petition, the governing authority shall refer it to the appropriate municipal departments for review of its sufficiency, reasonableness of assessments, and financial feasibility. The departments shall submit to the governing authority reports approving, disapproving or giving qualified approval with modifications to the district plan, with reasons. The governing authority shall hold a public hearing upon whether or not the CBID should be created, with notice in a newspaper of general circulation in the community at least ten days prior to the date of hearing. The governing authority may then approve with modifications, or disapprove the plan. Once the plan is adopted, it may be amended, rescinded or revised by ordinance.

Because the CBID involves both taxation and land use regulation, the procedural requirements should be strictly followed to avoid legal challenge.

Earmarking of Funds, O.C.G.A. § 36-43-6 & 7.

The expense of supplemental services in the CBID may be paid from the increased millage rate, occupation and business license fees charged in the CBID, which shall be collected at the same time and manner, and by the same officers as the general millage and fees. The extra taxes levied under the central business improvement district plan shall be expended only for the services or other improvements authorized under the district plan, and the extra taxes shall not be used to pay for services provided by the City on a city-wide basis.

The governing authority may adopt special building standards for buildings in the CBID if it finds that such standards are necessary to prevent or eliminate blight, improve property values, or to foster economic development. Compliance with these standards may be enforced just like any other municipal ordinance, including citation to the municipal court or civil enforcement action.

• Termination of Plan and Districts, O.C.G.A. § 36-43-9.

Any special district created under this law shall terminate on a specific date no less than five years nor more than ten years from its creation or renewal by ordinance.

• REDEVELOPMENT POWERS LAW, O.C.G.A. § 36-44-1 ET SEQ.

1. Purpose, O.C.G.A.§ 36-44-2.

The Redevelopment Powers Law allows counties and municipalities to redevelop economically depressed areas, and to fund such redevelopment with bonds secured by the increased ad valorem tax revenues from the redeveloped areas.

Key Definitions, O.C.G.A.§ 36-44-3.

Redevelopment means any activity, project or service necessary or incidental to achieving the development or revitalization of a redevelopment area under a redevelopment plan, or the preservation or improvement of historical or natural assets within a redevelopment area, including the following:

- -renovate, construct, reconstruct, preserve, restore, expand or demolish:
- 1) buildings for and demolition of buildings for business, commercial,

industrial, governmental, educational, charitable or social activity purposes,

- 2) public or private housing,
- 3) public facilities to provide governmental services,
- 4) historic properties,
- 5)green spaces,
- 6)mass transit and pedestrian facilities,

7)telecommunication infrastructure;

- improving property values;
- acquisition, retention, use and disposition of real property.

Redevelopment area means any one or combination of the following:

- -any urbanized or developed area which, for a number of reasons including dilapidated buildings, faulty layout, or unsanitary conditions, sound community growth is impeded or conditions detrimental to public health and welfare exist;
- -any area located within an urbanized or developed area which is substantially underutilized because of open lots, buildings more than 40 years old, buildings of low value in comparison to surrounding areas, airport or transportation noise, environmental degradation; or an area in which there is a shortage of affordable housing;
- -any geographic area designated in the comprehensive plan for redevelopment which has previously been developed for commercial, residential, industrial or office uses which would benefit from redevelopment;
- -any geographic area adversely affected by airport or transportation noise or other environmental degradation that retards the redevelopment of the area;
- -any urbanized or developed area, or area between two such areas, that has inadequate transportation facilities; Redevelopment costs means any expenditures made or estimated to be incurred to achieve redevelopment under a redevelopment plan, including:
- -capital costs;
- -financing costs;
- -professional service costs;
- -administrative costs;
- -relocation costs;
- -payments to political subdivision or board of education in lieu of taxes to compensate for loss of tax revenues because of redevelopment activity;
- -real property assembly costs.

Redevelopment plan means a written plan for the redevelopment of the redevelopment area which:

- -specifies the boundaries of the redevelopment area,
- -explains the grounds for the local legislative body's finding that the redevelopment area has not been subject to growth and development through private enterprise and is not anticipated to be developed without approval of the redevelopment plan, or that the area includes natural or historic assets which have not been adequately preserved and which will not be preserved without the redevelopment plan,
- -explains the proposed uses after redevelopment,
- -describes the proposed redevelopment projects under the plan, including their estimated cost and proposed financing,
- -describes proposed long-term contracts and agreements,
- -describes proposed relocation payments,
- -states that it conforms with the local comprehensive plan and land use regulations, and explains exceptions,
- -estimates redevelopment costs to be incurred,

- -recites the last known assessed value of the redevelopment area and the estimated assessed value after redevelopment,
- -shows that historic properties in the area will not be substantially altered in a manner inconsistent with technical standards for rehabilitation, and will not be demolished unless reuse is found to be infeasible,
- -provides effective and termination date for the tax allocation district,
- -provides a map of the proposed tax allocation district, showing existing uses of property in the district,
- -specifies the estimated tax allocation increment base of the tax allocation district,
- -specifies property taxes for computing tax allocation increments,
- -specifies the amount of the proposed tax allocation bond issue, including the term and assumed rate of interest applicable,
- -estimates positive tax allocation increments for the term of the proposed bonds,
- -specifies the property proposed to be pledged as security for the bonds, which may include positive tax allocation increments from the tax allocation district, general funds derived from the tax allocation district, and certain other property.

Tax Allocation District (TAD) means a contiguous geographic area within a redevelopment area which is created to issue tax allocation bonds to finance redevelopment in the area.

Tax allocation increment is a formula expressed as:

1 year's total tax value of all TAD property - tax allocation increment base

ad valoremX

taxes in the TAD tax value of all property in the TAD

Thus, as redevelopment increases the tax value of the property in the TAD, more of the ad valorem taxes collected in the TAD are available for bond financing.

Tax allocation increment base means the taxable value of all taxable property located in the TAD on the date of its creation.

Redevelopment Agency, O.C.G.A.§ 36-44-4, 5 & 6.

- -describe the boundaries of the redevelopment area,
- -prepare redevelopment plans,
- -create tax allocation districts,
- -issue tax allocation bonds,
- -deposit and disburse money to and from the special fund of the TAD,
- -Enter contracts, leases, mortgages, finance agreements as necessary and convenient to effectuate the redevelopment plan. These documents may include restrictions and covenants that run with the land and regulate the use of land,
- -Acquire, retain, use and dispose of property,
- -all powers in the Urban Redevelopment Law.

The adoption of the redevelopment plan, the boundaries of the redevelopment area and the TAD, and the issuance of the tax allocation bonds must still be accomplished by the adoption of a resolution of the local government. DDAs are authorized to exercise eminent domain, in conjunction with the Downtown Development Authority Law.

Several corporate bodies are authorized to serve as the redevelopment agency, including the local government, a newly created public body, a housing authority, a previously created urban redevelopment agency, a joint redevelopment agency created by multiple local governments, and DDAs within their downtown development area.

The local government may designate some or all of its redevelopment powers to the redevelopment agency. These powers, which may only be used to effectuate the redevelopment plan, are:

Procedure for adopting redevelopment plans, O.C.G.A. § 36-44-7.

Once the plan is prepared, it is submitted to the local government, which must hold a public hearing within 60 days. Notice of the public hearing shall be published in a newspaper of general circulation in the area at least once in a period at least 5 days immediately preceding the date of the public hearing. Within 45 days after the public hearing, the local government shall hold a public meeting to consider approval of the plan, which must be published in the same fashion. The local government must approve, amend and approve, or reject and return the plan to the redevelopment agency. If a plan is resubmitted, the same public hearings must be held. After the plan is adopted, it may be amended subject to the same procedures.

• Creation of the TAD, O.C.G.A.36-55-8.

The redevelopment plan that is approved by the local government must describe the boundaries of the TAD and create the TAD on December 31 following the adoption of the resolution or some subsequent year. The TAD is named Tax Allocation District 1, (name of local government). The plan must specify the estimated tax allocation increment base, the property taxes to be used for computing the tax allocation increments, and the property to be used to secure the payment of tax allocation bonds. Finally, the plan must contain a finding that the redevelopment area has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the redevelopment plan, and that the improvement of the area is likely to enhance the value of a substantial portion of the other real property in the district.

Computation of tax allocation increments, O.C.G.A.§ 36-44-9.

In cities having independent school systems, ad valorem taxes for education purposes are included in computing the tax allocation increments. In cities where a board of education sets the millage rate and the city has no authority to change it, the ad valorem taxes used for educational purposes may only be used for computation of tax increment credits if the board of

education consents. County ad valorem property taxes collected in the TAD may be included in the computation if the county consents. A county may pledge all or part of the general funds derived from a municipal TAD as security for tax allocation bonds and for payment of other redevelopment costs of the TAD. Each of these consenting actions requires a resolution from the consenting body.

Determining the tax allocation increment base, O.C.G.A.§ 36-44-10.

Prior to the date of creation of the TAD, the redevelopment agency must apply to the state revenue commissioner for a determination of the tax allocation increment base of the TAD. Such determination must be made within 60 days after the creation of the TAD. If the TAD boundaries are later amended, the base must be redetermined as of the date of the amendment, in the same manner. The state revenue commissioner will presume that any property within the TAD that is acquired by the local government or any agency thereof within one year prior to the creation of the TAD was done so in contemplation of the creation of the TAD. If that presumption is not rebutted, the property will not be treated as exempt from taxation for the purpose of determining the tax allocation increment base.

Allocation of tax allocation increments, O.C.G.A.§ 36-44-11, 20.

All positive tax allocation increments received for a TAD are paid out to the redevelopment agency each year until all redevelopment costs are paid off. The increments received are put into a special fund. General funds arising from the TAD that have been pledged, and moneys derived from lease or contract payments, should also be deposited into the special fund, but accounted for separately. General funds may only be used to pay bonds if positive tax allocation increments and lease payments are insufficient, and the local legislative body enters a resolution making such finding. After the bonds and redevelopment costs have been repaid, any money left over in the special fund is paid back in a proportionate manner to the various local governments whose ad valorem taxes were affected by the TAD. Once all redevelopment costs have been paid, the local government may dissolve the TAD.

• Issuance of Tax Allocation Bonds, O.C.G.A.§36-44-14.

Tax allocation bonds may be issued to pay redevelopment costs in conjunction with a TAD created by the local government. The bonds are declared to be essential for governmental purposes, and are therefore tax exempt. Bonds must be authorized by resolution stating the name of the TAD and the aggregate principal of the bonds authorized, which may not exceed the estimated aggregate redevelopment costs of the TAD. The local government may create a lien upon the public improvements financed by the bonds, or the revenues therefrom, for the benefit of bondholders. Tax allocation bonds shall mature within 30 years, and are subject to the Revenue Bond Law, and are judicially validated. The local government may issue notes in anticipation of the tax allocation bonds.

• Redevelopment loans, O.C.G.A.§ 36-44-16.

In addition to bonds, a redevelopment agency may borrow funds from financial institutions and pledge lease contracts or revenue from lease contracts as security. The terms of such loans shall be no greater than 25 years.

• Limitation on TADs, O.C.G.A.§ 36-44-17.

No local government may create a TAD when the total taxable value within the TAD along with the total taxable value of the other TADs in the local government jurisdiction exceeds 10% of the total current taxable value of all taxable property located within the jurisdiction.

• Private contracts, O.C.G.A.§ 36-44-19.

Political subdivisions may enter contracts with private persons and entities related to the exercise of redevelopment powers, provided such contracts are for no more than 30 years.

Conflicts of Interest, O.C.G.A.§ 36-44-21.

Elected and appointed officials, and employees of local governments and redevelopment agencies, may not voluntary acquire any interest in any property included or planned to be included in a redevelopment area, or in redevelopment contracts. Where such interest is not voluntary, it must be immediately disclosed to the local government and entered upon the minutes. Any such official or employee that acquires an interest in property in the two years prior to the submittal of the redevelopment plan, and retains the interest at the time the plan is submitted, shall disclose the interest at least 30 days prior to the public meeting scheduled for the adoption of the plan, and shall not participate in any action which affects that property.

Thus, no official or employee may acquire property in the redevelopment area while the redevelopment plan is in effect, and if the property was acquired two years before the submittal of the plan, it must be disclosed. This appears to suggest that if the property interest was acquired more than two years before the submittal of the plan, there may not be a disclosure requirement; however, that assumption is inconsistent with the intent of the law, and should not be relied upon.

It should be remembered too that the Downtown Development Authority Law expressly requires 4 out of 7 DDA board members to have an economic interest in the downtown development area. This creates a potential conflict catch-22 about which DDA

Local law required, O.C.G.A.§ 36-44-22.

Before redevelopment powers may be exercised under this chapter, a local law must be passed which may authorize some or all of the powers provided. Such local law, and all amendments, shall only become effective if approved in a special election.

• URBAN REDEVELOPMENT LAW, O.C.G.A.§ 36-61-1 et seq.

1. General purpose.

Under this act, a city may declare an area as a slum area and appropriate for an urban redevelopment project.

Key definitions.

Slum area means an area where the predominance of buildings, by reason of dilapidation, deterioration, or obsolescence, is conducive to ill health, disease transmission, infant mortality, juvenile delinquency, crime, or is otherwise harmful to the public health. The definition is generally consistent with the Redevelopment Powers Law's definition of redevelopment area.

Urban redevelopment area is a slum area that has been designated as appropriate for an urban redevelopment project.

Urban redevelopment project includes undertakings in an urban redevelopment area for the elimination or prevention of slum, including clearing and redevelopment, rehabilitation, or both, in accordance with the urban redevelopment plan.

Resolution of necessity, O.C.G.A.§ 36-61-5.

The process must begin with the city or county adopting a resolution finding that:

- -One or more slum areas exist in the jurisdiction,
- -The rehabilitation of such areas is necessary for public health, safety, morals and welfare.
 - Preparation of plan, O.C.G.A.§ 36-61-6 and 7.

Upon designating a slum area for redevelopment, a city is required to prepare a plan or a program to eliminate and prevent the development or spread of slums or to provide for redevelopment of slum areas. The plan may be prepared by the local government, or by a designated redevelopment agency. Prior to adoption or amendment of the plan, a public hearing must be held, with prior notification in a newspaper of general circulation.

After the hearing, the local government may approve the plan if it finds:

- -a feasible method exists for relocation of displaced families,
- -the urban redevelopment plan confirms with the plan for the local government as a whole,
- -the plan will afford maximum opportunity for redevelopment by private enterprise.

• General powers, O.C.G.A.§ 36-61-8.

- 1. to carry out urban redevelopment projects within the area of operation;
- 2. to make and enter contracts necessary in the exercise of the powers;
- 3. to contract for improvements within the urban redevelopment area;
- 4. to enter into any building within the urban redevelopment area to make surveys, appraisals or other tests;
- 5. to invest urban redevelopment project funds in property or banks;
- 6. to borrow money and obtain other forms of financial assistance from governments or from other sources, public or private, to carry out the purposes of the Urban Redevelopment Law;
- 7. to make plans necessary to carry out the purposes of the Urban Development Law which plans shall include:
- -a general plan for the locality;
- -urban redevelopment plans;
- -plans for repair and rehabilitation of buildings and improvements;
- -plans for enforcement of state and local laws and codes; and
- -appraisals, title searches, and other plans to prepare for urban redevelopment projects.
- to prepare plans and provide reasonable assistance for relocation of families displaced from an urban redevelopment area;
- to appropriate funds and make expenditures to carry out the purposes of the chapter; and
- to organize, coordinate, and direct the administration of the provisions of the chapter in order that the objective of remedying slums and preventing the causes may be most effectively promoted and achieved.

The law authorizes cities and counties to exercise the following powers:

• Eminent domain, O.C.G.A. § 36-61-9.

Local governments may exercise the power of eminent domain in furtherance of the purposes of the redevelopment plan after adoption of a resolution finding that the acquisition of a particular property is necessary. If the property is not to be acquired for the purpose of devoting it to a public use, the owner has the right to notify the local government of his intention and willingness to rehabilitate the property and maintain it in accordance with the redevelopment plan, and enter an enforceable agreement with the local government to ensure performance.

• Disposal of property, O.C.G.A. § 36-61-10.

A local government may sell, lease or otherwise transfer property in an urban redevelopment area for residential, recreation, commercial, industrial or other uses or for public use, or may retain the property for public use, in accordance with the redevelopment plan. The local government may place restrictions on the property that run with the land so that it may only be used in conformance with the redevelopment plan after it is transferred. Prior to disposing of property, the local government must comply with competitive bidding procedures, including running a notice in the newspaper each week for two consecutive weeks prior to the execution of any contract to sell, lease or otherwise transfer real property. In contracting to transfer property, the local government may take into consideration the ability of the purchaser to comply with the terms of the redevelopment plan, and may consider factors other than prices.

The local government may exchange real property with veterans' administration organizations if the property to be acquired is to be used for civil improvements.

Bonds, O.C.G.A.§ 36-61-12.

A local government may issue bonds to finance an urban redevelopment project. Such bonds are payable solely from income and revenues from the urban redevelopment projects, and from grants or loans from federal or other sources. Such bonds do not constitute an indebtedness within the meaning of the local government debt limitation, and are tax exempt.

• Powers of the DDA as the Urban Redevelopment Agency.

- 1. the power to determine an area as a slum area for an urban redevelopment project;
- 2. the power to approve and amend urban redevelopment plans;
- 3. the power to establish a general plan for the locality as a whole;
- 4. the power to formulate a workable program;
- 5. the power to define conditions which render structures unfit for human habitation or to designate the officials to enforce ordinances or to provide for the enforcement of ordinances of the municipality;
- 6. the power to issue general obligation bonds; or
- 7. the power to appropriate funds, to levy taxes, or to close a street.

If the DDA is designated by a city as the urban redevelopment agency, it is authorized to exercise all the rights and powers granted under the Urban Redevelopment Act except the following:

Urban redevelopment agency, O.C.G.A.§ 36-61-18.

In the alternative to having a DDA serve as the redevelopment agency, a local government may authorize an urban redevelopment agency under this section of the law.

• Conflicts of interest, O.C.G.A.§ 36-61-19.

The conflict of interest provision in the Urban Redevelopment Law is very similar to that provision in the Redevelopment Powers Law, discussed above. One difference is that there is no wording discrepancy in regard to the ownership of an interest in the two years prior to the submittal of the urban redevelopment plan. If any official or employee owns, or if he owned in the preceding two years, an interest in any property included in the urban redevelopment project, he must immediately disclose in writing the interest, which shall be entered on the minutes, and he shall not participate in any activity affecting that property. Again, this creates the potential conflict with the Downtown Development Authority Law's requirement that 4 out of 7 board members have an economic interest in the downtown development

Additional Practice Areas	>
⊼ Article Presentations	>
Reported Cases	>
Representative Clients	>
••• <u>Testimonials</u>	>

1 Pump Station

1.1 Scope

- 1. Option 1 Vicinity of Wier/Dam
 - a. Intake structure for pumping with screen and grit settling chamber
 - b. Portable pump containment pit
 - c. Pump discharge chamber
 - d. New concrete channel for missing sections
 - e. Stabilization of slopes of ditch / channel
- 2. Option 2 Vicinity of Culvert
 - a. Intake structure for pumping with screen and grit settling chamber
 - b. Portable pump containment pit
 - c. Pump discharge chamber
 - d. Piping for connection to lake inlet manhole / pipe

1.2 Site Survey

- 1. Snapfinger Creek; starting at minimum 100ft upstream of the Weir / Dam and ending 100 ft downstream of lake outlet connections
- 2. Survey of ditch / channel,
- 3. Wetlands (Eastern and western)
- 4. Lake inlets, lake outlets, and lake berms
- 5. Necessary upstream storm water networks
- 6. Bathymetric Survey of Lake

1.3 Hydraulic and Hydrological Calculations

1. Develop H&H Calculations – delineate watersheds, calculate inflows, calculate outflows, develop and write hydrology report

1.4 Site Plans

- 1. Develop Preliminary Site Plan Layout
- 2. Produce Site Plan PDFs

1.5 Applicable Permits

- 1. Water withdrawal permit from GAEPD, if average withdrawal is over 100,000 gallons per day.
- 2. Section 404 permit (Nationwide Permit 42 for Recreational Facilities) from USACE if installing a permanent structure in the stream, below the ordinary high water mark.
- 3. Section 404 permit (Nationwide Permit 3a for Maintenance or possibly 42 for Recreational Facilities) from USACE if repairing weir in stream, replacing pipe in stream, or digging or filling wetlands within the existing flume. A permit for impacts to the wetlands within the existing flume can be avoided with an Approved Jurisdictional Determination, however, it may be quicker to concede jurisdiction and file a Preconstruction Notification (PCN) to impact the wetlands.
- 4. Buffer Variance from the GAEPD, should the Local Issuing Authority state that the project requires a buffer variance. Should a buffer variance be required, it would fall under Criterion 2.a. This criterion involves construction or repair of an existing infrastructure project or a structure that, by its nature, must be located within the buffer.

2 Channel Enhancement / Gravity Flow Option

2.1 Scope

- 1. Repair of Weir / Dam
- 2. Intake structure with screen and grit settling chamber
- 3. New concrete channel for missing sections

4. Stabilization of slopes of ditch / channel

2.2 Site Survey

- 1. Snapfinger Creek; starting at minimum 100ft upstream of the Weir / Dam and ending 100 ft downstream of lake outlet connections
- 2. Survey of ditch / channel,
- 3. Wetlands (Eastern and western)
- 4. Lake inlets, lake outlets, and lake berms
- 5. Necessary upstream storm water networks
- 6. Bathymetric Survey of Lake

2.3 Hydraulic and Hydrological Calculations

 Develop H&H Calculations – delineate watersheds, calculate inflows, calculate outflows, develop and write hydrology report

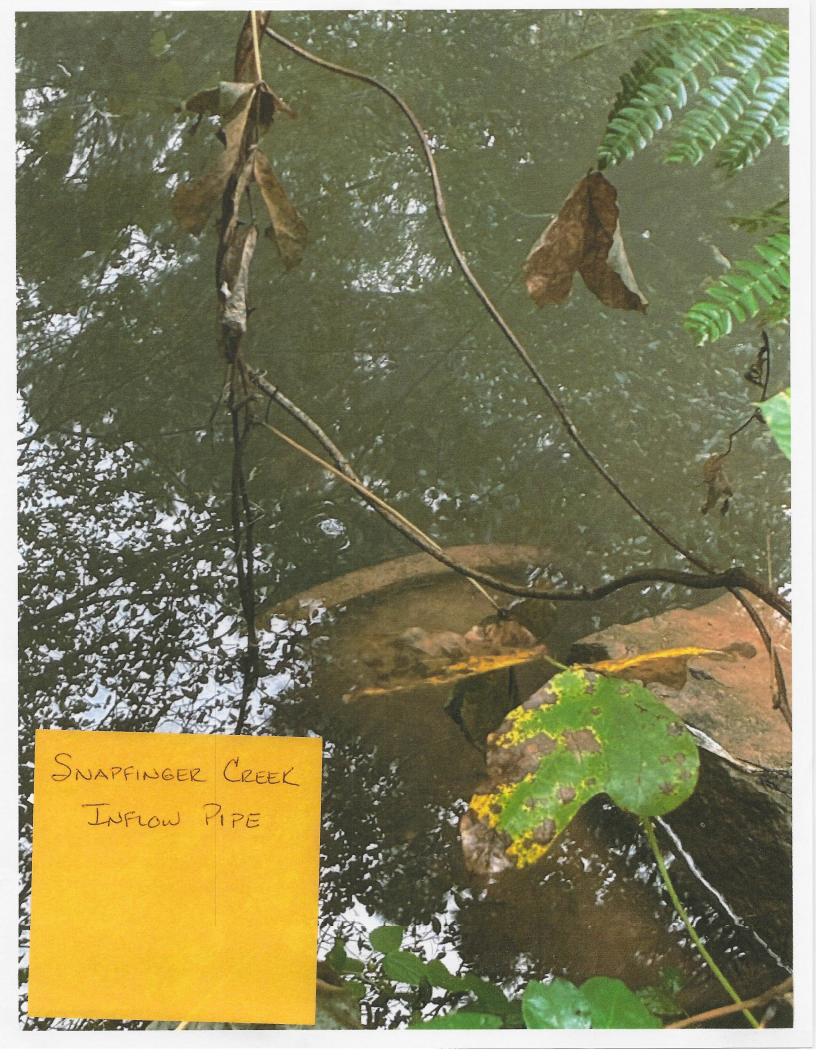
2.4 Site Plans

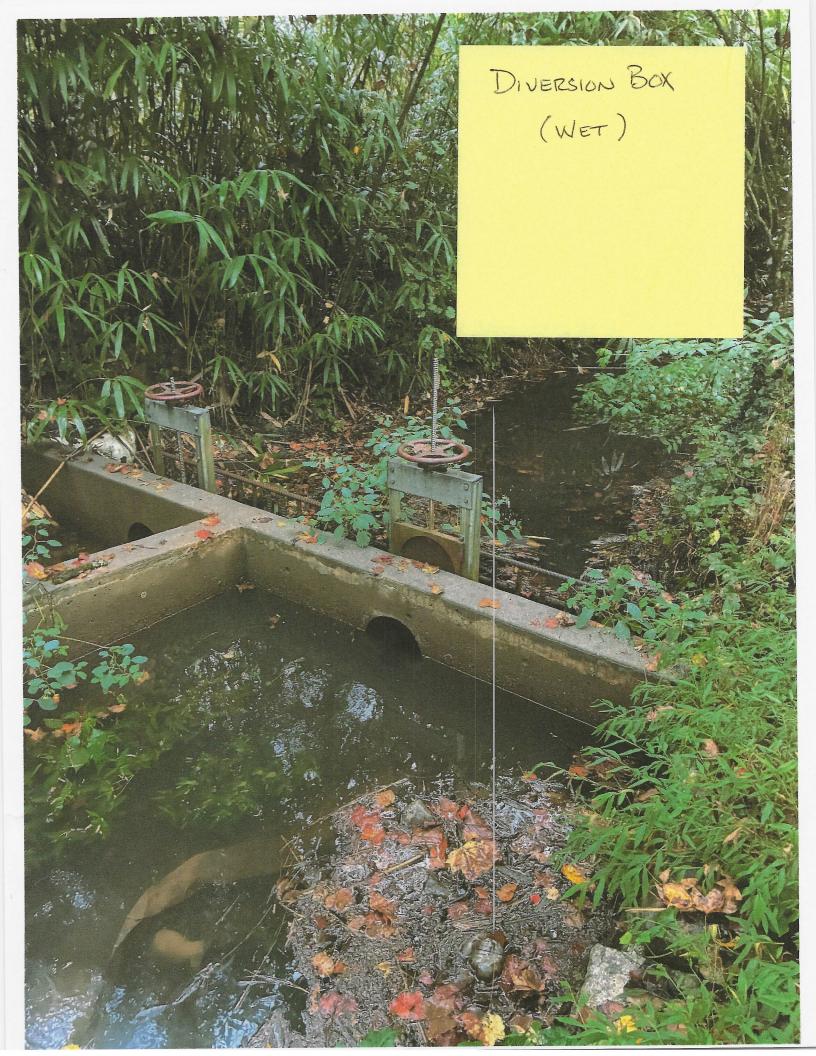
- 1. Develop Preliminary Site Plan Layout
- 2. Produce Site Plan PDFs

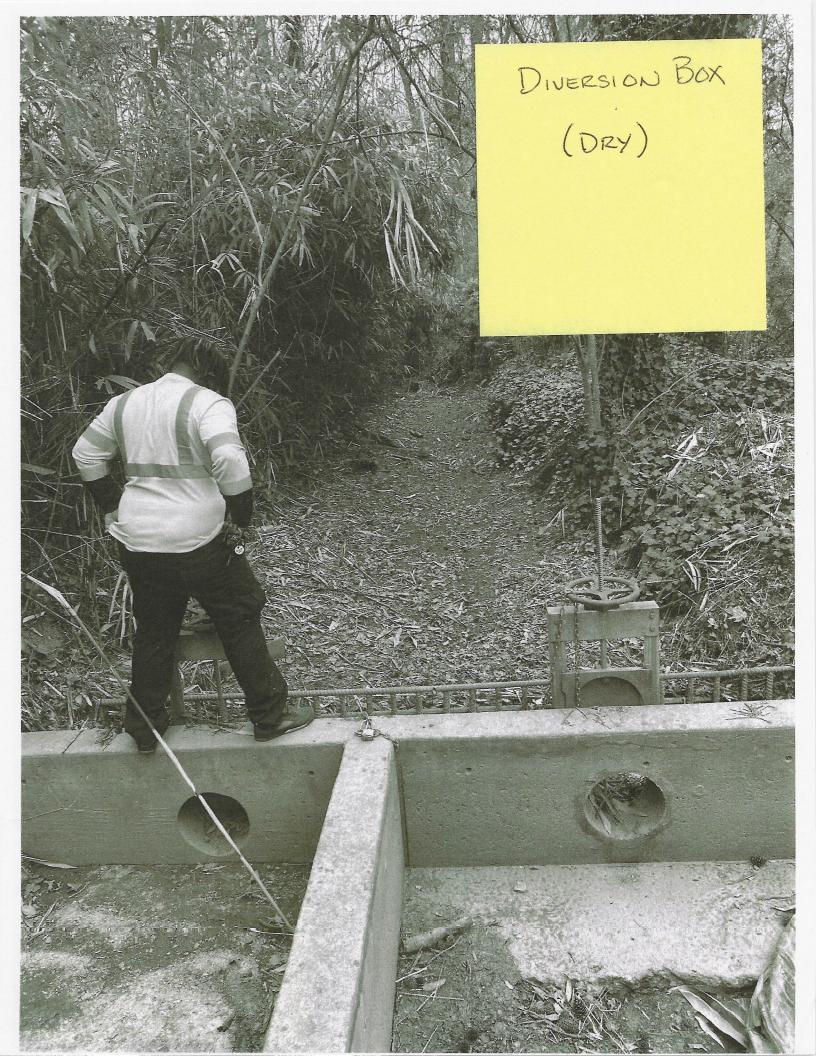
2.5 Applicable Permits

- 1. Water withdrawal permit from GAEPD, if average withdrawal is over 100,000 gallons per day.
- 2. Section 404 permit (Nationwide Permit 3a for Maintenance or possibly 42 for Recreational Facilities) from USACE if repairing weir in stream, replacing pipe in stream, or digging or filling wetlands within the existing flume. A permit for impacts to the wetlands within the existing flume can be avoided with an Approved Jurisdictional Determination, however, it may be quicker to concede jurisdiction and file a Preconstruction Notification (PCN) to impact the wetlands.
- 3. Buffer Variance from the GAEPD, should the Local Issuing Authority state that the project requires a buffer variance. Should a buffer variance be required, it would fall under Criterion 2.a. This criterion involves construction or repair of an existing infrastructure project or a structure that, by its nature, must be located within the buffer.

Page 1 of 2









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26 September 2025

Bernard Kendrick Public Works Director City of Pine Lake 425 Allgood Road Pine Lake, GA 30072

Cc:

Mr. Shahid Jamil, P.E., AECOM Project Manager

Re: Inspection Report

August 2025

Pine Lake Dam [NID # N/A], Pine Lake, DeKalb County, Georgia

Dear Mr. Kendrick:

Enclosed is the inspection report for Pine Lake Dam, conducted by AECOM on August 19, 2025, on behalf of the City of Pine Lake. This inspection was performed to assess the dam's current condition and identify any potential safety concerns.

Based on available documentation, field observations, and a brief telephone call with Georgia Safe Dams, AECOM determined that Pine Lake Dam does not meet the regulatory definition of a dam under the Georgia Safe Dams Act of 1978, which applies to structures 25 feet or taller and/or with a storage capacity of 100 acre-feet or more. Therefore, no action is currently required for registration or hazard classification under the Georgia Environmental Protection Division Safe Dams Program.

Responsible dam owners strive to manage and understand the risks their structure may pose to the community. Sources of information regarding dams and their operations are listed below on pages 2 & 3. At a minimum, regular inspections are recommended. An Operation and Maintenance Plan should also be developed by a qualified engineer in coordination with the dam owner.

The principal observations of the inspection by AECOM are listed below.

Principal Observations:

- 1. The dam is not listed in the Georgia Safe Dams inventory or the National Inventory of Dams and lacks a formal hazard classification because it is not of a size to be a regulated dam.
- 2. The reservoir's maximum storage capacity is currently unknown.
- 3. Dense vegetation on both upstream and downstream slopes obstructed visual inspection for erosion, animal activity, or structural damage.
- 4. The emergency spillway outlet channel is heavily vegetated and could not be thoroughly inspected.
- 5. The function and condition of the outlet control structure and other hydraulic elements remain undetermined due to limited visibility and access.

Clarifications and supporting information:

• The "Emergency Spillway Outlet Channel" refers to the area immediately downstream of the spillway, which connects to the western wetlands and Snapfinger Creek. This area was heavily vegetated and

404 965 9600 tel 404 965 9605 fax

• FEMA National Safe Dam Program Overview Fact Sheet:
https://www.fema.gov/sites/default/files/documents/fema_nsdp-overview-fact-sheet.pdf

Based on the visual inspection and information compiled by AECOM, with consideration that this project does not meet the regulatory definition of a dam, AECOM recommends the following actions:

- 1) Determine the operational characteristics of the lake and dam, which should include:
 - a) The historic, current, and proposed normal pool elevation for the lake.
 - b) Means for maintaining the normal pool elevation into the future.
 - c) Means for adding water to the lake from Snapfinger Creek.
- 2) Develop an annual maintenance plan, which should include:
 - a) Annual test operation of outlet control structure valves.
 - b) Vegetation management, including: clearing, trimming, and mowing.
 - c) Erosion monitoring and mitigation, like adding riprap to the downstream embankment toe/Snapfinger Creek Bank.
 - d) Monitoring for animal burrowing.
 - e) Clear debris from outlet control structure trash rack (if applicable).
- 3) Maintain vegetation on the dam slopes with these primary considerations:
 - a) Slopes should not be so thickly vegetated that they cannot be inspected from both the dam crest and water's edge. Due to the thick hedge on the upstream slope and the steep grade, it's not possible to see the lakeshore from the dam crest.
 - b) Photo 7 shows the mouth of the spillway at the water's edge of the lake. Clearing the spillway channel will help with inspecting the outlet control structure. Inspecting the outlet control structure is necessary for understanding the hydraulic capacity of the dam. For that reason, the spillway channel is higher priority for clearing than the dam embankment. It is recommended to remove the hedge from the mouth of the spillway and clear vegetation like kudzu vines that inhibit inspection where the spillway channel flows into the western wetlands.
 - c) Woody vegetation with thick root systems that infiltrate the dam embankment put the structure at risk when the lake is full of water and the slope is under stress. This type of vegetation should be avoided for planting on the streambank/downstream slope of the dam as well as the upstream slope of the dam. Photos 1-3, 4, and 7 show the thick hedge on the upstream slope of the dam that impedes view of the lake. While this hedge may not present a problem with the water level kept low, it presents a risk when the slope is submerged. The embankment can erode around the root ball of the hedge and provide a path for water to release through the embankment and fail the dam. Since the hedge is continuous along the entire alignment of the dam, it's recommended from a cost savings perspective to assess if the lake level would ever rise to the elevation of the hedge before considering removal or trimming of the hedge.
 - d) Consult with a person knowledgeable about the different plants that were planted on the Snapfinger Creek streambank in 2023 and what would be appropriate for repairing and replanting areas of the slope that are eroded, as seen in Photos 8-10.
 - e) Consult with landscape architect to determine vegetation types and method of planting that are best suited to dam sites. This might include non-woody vegetation, plants with shallow root structures, and tree boxes.
- 4) If desired by the City of Pine Lake, conduct a study of the drainage area and storage area to determine the maximum storage capacity of the dam.

Embankment (Earth) Dam Inspection Form

Name of Dam:

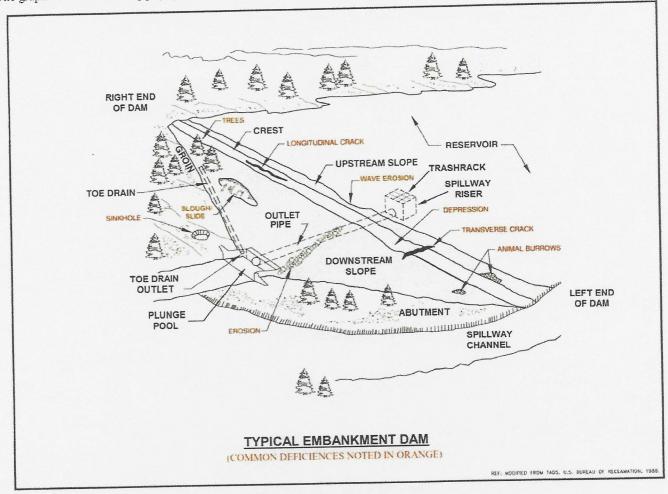
Pine Lake Dam [ID: N/A]

Inspection Date:

August 19, 2025

H. Terminology

The graphic on the following page provides guidance for the terminology used for this form.



PHOTOGRAPHIC LOG

Client Name: City of Pine Lake

Site Location:
Pine Lake Dam

Project No. 60767292

Photo No.

Date: 08/19/2025

Direction Photo Taken:

South

Description:

Upstream Slope -

Taken from upstream embankment toe in the northwest corner of the lake, looking south across the spillway sill.

Vegetation shown in the mouth of the spillway goes down to the waterline, including larger woody vegetation that was present on the entire embankment length.



Photo No.

Date: 08/19/2025

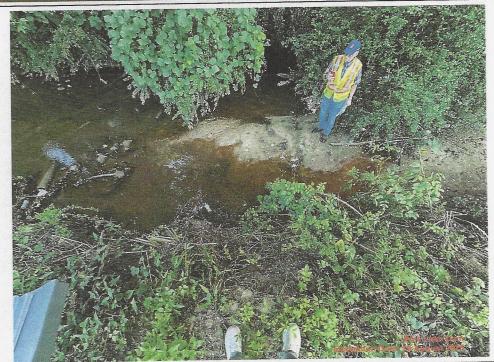
Direction Photo Taken:

North

Description:

Downstream Slope/Snapfinger Creek Bank –

The bench along the dam toe has eroded and resulted in a vertical cliff face.



PHOTOGRAPHIC LOG

Client Name: City of Pine Lake

Site Location:
Pine Lake Dam

Project No. 60767292

Photo No.

Date: 08/19/2025

Direction Photo Taken:

East

Description:

Downstream Slope/ Snapfinger Creek Bank –

Another angle showing 2'-4' vertical face of downstream slope toe.



Photo No.

Date: 08/19/2025

Direction Photo Taken:

West

Description:

Downstream Slope/Snapfinger Creek Bank –

Showing 2'-4' vertical face of downstream slope toe.



PHOTOGRAPHIC LOG

Client Name: City of Pine Lake

Site Location:

Project No. 60767292

Photo No. 25

Date: 08/19/2025

Direction Photo

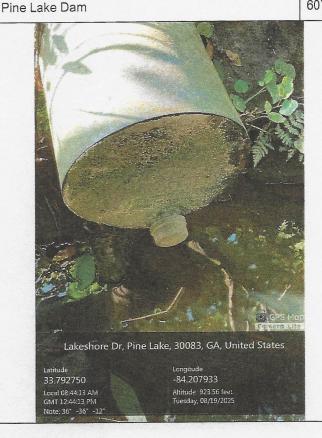
Taken:

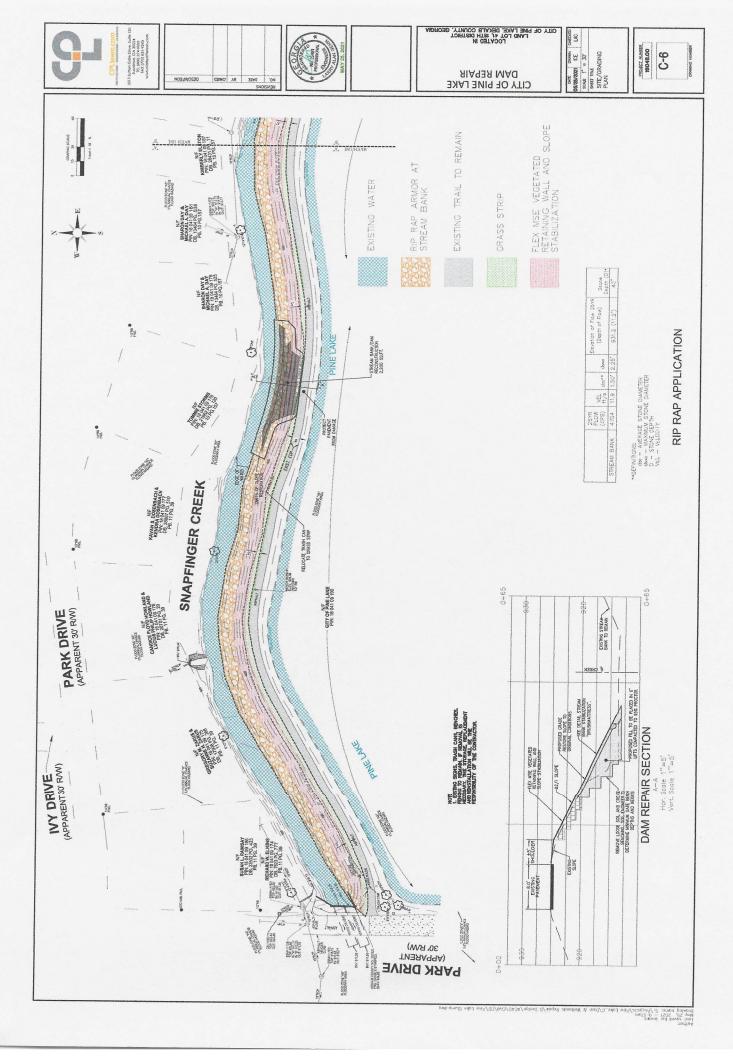
South/southeast

Description:

Pipe outlet into Snapfinger Creek –

Purpose of outlet pipe is unknown





Embankment (Earth) Dam Inspection Form

Name of Dam:

Pine Lake Dam [ID: N/A]

Inspection Date:

August 19, 2025

Pine Lake Dam Overview Map

