

CITY COUNCIL  
JEFF REESE, MAYOR  
GIL MCDOUGAL, MAYOR PRO-  
TEM  
VERLAND BEST  
DANNY CARTER  
SHIRLEY MARCHMAN  
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# City of Villa Rica



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CITY CLERK: ALISA DOYAL  
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## **SPECIAL CALLED CITY COUNCIL MEETING AGENDA**

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street  
September 13, 2018 | 6:00 PM

**Meeting Call to Order** (Mayor Jeff Reese)

**Adoption of the Agenda** (Mayor Jeff Reese)

**Public Comment** (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes)

### **A. Carroll County Service Delivery Strategy**

1. Service Delivery Strategy - October 2018

### **B. Adoption of 2019 Budget**

### **C. Executive Session (David Mecklin, Attorney)**

1. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50-14-3(b)(2).

### **D. Adjournment**

# ***Service Delivery Strategy***

*for*

**Carroll County, Georgia**

*and the cities of*

**Bowdon, Georgia  
Bremen, Georgia  
Carrollton, Georgia  
Mount Zion, Georgia  
Roopville, Georgia  
Temple, Georgia  
Villa Rica, Georgia  
Whitesburg, Georgia**



*Adopted September 1999  
Fire Protection and Parks, Recreation and Cultural Arts Amended November 2012  
Amended and Restated October 2018*

***Service Delivery Strategy***

***Carroll County and the Cities of Bowdon, Bremen, Carrollton, Mount Zion, Roopville, Temple, Villa Rica and Whitesburg***

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## **CARROLL COUNTY SERVICE DELIVERY AGREEMENT**

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**Parties: Carroll County and the Cities of Bowdon, Bremen, Carrollton, Mount Zion, Roopville, Temple, Villa Rica, and Whitesburg**

### **AIRPORT**

The West Georgia Regional Airport Authority is a statutorily created entity whose members (three from Carroll County and three from Haralson County) are appointed by the respective governing bodies of Carroll and Haralson Counties. The Authority is the governing entity for the West Georgia Regional Airport.

The facility serves a multi-county area. Funding is provided primarily from user fees with occasional intergovernmental funds in the form of local government contributions and state/federal grants.

Future growth and the facility's import to the multi-county area for transportation and economic development may at some point require a more sustained level of operational and capital improvement funding. Since the facility provides a county-wide service, any such funding is provided from the respective county general funds.

### **ANIMAL CONTROL**

Pursuant to the Local Option Sales Tax (LOST) distribution agreement, Carroll County provides this service to all cities (including only the Carroll County portion of the City of Bremen), utilizing a building facility and property located at 251 Automation Drive, Carrollton, Georgia, which was constructed by the County using Special Purpose Local Option Sales Tax (SPLOST) funds. The County and each city have adopted Animal Control Ordinances. Funding is provided from the County General Fund.

## **BUILDING CODES INSPECTION**

The cities of Bremen, Carrollton and Villa Rica provide this service in their jurisdictions. Carroll County provides this service in unincorporated Carroll County and for all other cities on a fee basis.

Funding for this service is derived from taxes and fees from the unincorporated area of the County and the cities receiving the service only. Should any jurisdiction currently utilizing the County provided inspections service select to provide its own service, then this same funding provision will apply. Services to the other cities should be derived from user fees and/or by intergovernmental agreements between the County and respective cities.

## **CONVENTION / TOURISM SERVICES**

The Carroll County Chamber of Commerce provides tourism information and promotion of lodging, attractions and events available in all seven cities and unincorporated Carroll County. These services are funded by a hotel/motel tax levied on hotel/motel guests staying in hotels/motels in unincorporated Carroll County. Operational funding for the Carrollton Area Convention and Visitors Bureau (CACVB) is currently derived in total from a hotel/motel tax levied on hotel/motel guests staying in hotels/ motels within the City of Carrollton. The CACVB is governed by a five (5) member board appointed by the Mayor and City Council of Carrollton. The City of Villa Rica appoints and funds the Villa Rica Board of Tourism (a volunteer organization) from hotel/motel taxes levied on guests staying in hotels/motels within the City of Villa Rica.

## **CORONER – DEATH INVESTIGATION**

The County Coroner provides death investigation services county-wide, all costs are paid from the County's General Fund.

## **COURTS**

Superior, State, Magistrate, Juvenile, and Probate court functions and services (including prosecution, probation, social services and any additional related/allied services) are county-wide in scope and function, and all costs associated are paid from the County General Fund. Each respective city choosing to provide Municipal Court Services shall pay all costs associated with same from city funds and retain all fines/forfeitures from same.

## **ECONOMIC DEVELOPMENT**

Carroll County and the Development Authorities of the cities of Bowdon, Carrollton, and Villa Rica are investment stakeholders in the Carroll County Economic Development Foundation, dba Carroll Tomorrow, a 501(c)(3) public-private partnership, which provides specific economic development support to meet the needs of these respective communities. Carroll Tomorrow, in conjunction with the Carroll County Chamber of Commerce serves as the county-wide clearinghouse, coordinator, recruiting, and marketing arm for economic development activities in Carroll County. Carroll Tomorrow partners with Haralson County Development Authority and the City of Bremen, as well as the Douglas County Development Authority on projects that may have regional benefits. Carroll County has in the past provided SPLOST funds for the acquisition of land, as well as assistance in the construction of industrial access roads, industrial sites, and the extension of infrastructure to facilitate economic investment in the County on a case-by-case basis as resources permit and will continue to do so.

## **ELECTIONS**

Carroll County currently provides this service for all elections held county-wide (national, state, district, and county) through its Board of Elections and Registrations. The Board of Elections will also provide this service to city jurisdictions for city elections on a fee basis pursuant to intergovernmental agreements; however, qualifying for city elections is handled by the cities.

## **E-911 COMMUNICATIONS CENTER**

Emergency 911 (E-911) service in Carroll County is provided county-wide under the auspices of Carroll County and is funded from a \$1.50 surcharge on local telephones and cellular phones. In 2016, the County completed the addition to, and renovation of, the E-911 facility using SPLOST funds.

The E-911 Communications Center for Carroll County was originally established as a 911 Center under an intergovernmental agreement which created a Users Board consisting of a representative from each agency dispatched by the Center.

Currently user fees fund the operation of the E-911 Communications Center. In the future should the expenses of operating the E-911 Center exceed the funds generated from all surcharge applications available (both landlines and wireless) any additional funding requirements shall be borne by the participating governing authorities or private users on a pro rata basis. That pro rata basis shall be the respective users total number of dispatch calls as a percentage of the total calls for the most recently completed calendar year period.

## **EMERGENCYMANAGEMENT**

This service is provided by the Carroll County Emergency Management Agency. This service is clearly county-wide in scope and function and should continue to be funded from the County General Fund.

## **EMERGENCYMEDICALSERVICES**

This service is currently provided county-wide by Carroll County under a contractual agreement with a private 911 zone provider. The Emergency Medical Services Review Committee advises the Chairman of the County Board of Commissioners on matters relating to the development and coordination of the emergency medical services system that serves the residents of Carroll County. The County will continue to fund this from the County General Fund.

## **EXTENSION SERVICE**

The Carroll County Extension Service provides this service county-wide. The Extension Service is a part of the University System of Georgia and receives some state funding. A cooperative agreement exists between Carroll County and the Extension Service to provide educational and technical services to homeowners and businesses in the areas of agricultural, horticultural, environment, family consumer sciences, and youth 4-H programs. Funding is provided from the County General Fund and state funding.

## **FIRE PROTECTION**

Carroll County provides fire services to all of unincorporated Carroll County and to the cities of Bowdon, Mount Zion, Roopville, Temple, Villa Rica, and Whitesburg pursuant to under the intergovernmental agreements for \$1.00 per year and extending fifty years. In providing this service, the Carroll County Fire Department operates fifteen fire stations and a fire headquarters with appropriate equipment and manpower.

The City of Carrollton provides fire services to the incorporated area of Carrollton and to a designated fire district in the unincorporated Carroll County under an intergovernmental agreement with Carroll County. The City of Carrollton operates four fire stations with appropriate equipment and manpower. Pursuant to an intergovernmental agreement, the City of Carrollton and the Carroll County Fire Department have a reciprocal Automatic and Mutual Aid pact. The City of Carrollton and the Carroll County Fire Departments also participate in a regional Hazardous Materials Response Program headquartered in the City of Carrollton.

As Carroll County and its cities continue to grow and the respective fire services expand, great care should be exercised in closely coordinating the location of any new fire stations and the allocation of resources for equipment/apparatus between the fire service providers in the County. The Departments should consult regularly and routinely on these and other matters, study and evaluate potential growth patterns, and plan to allocate all resources (manpower, facilities and equipment) in a manner so as to maximize coverage, response, and effectiveness.

Fire services are paid from the County General Fund for all unincorporated areas and for the cities of Bowdon, Mount Zion, Roopville, Temple, Villa Rica and Whitesburg. The City of Carrollton receives a millage rate credit for fire services provide within its city limits.

## **HOSPITALS**

The Carroll City-County Hospital Authority (the “Authority”) owns several health care facilities in Carroll County. In 1988, the Authority formed Tanner Medical Center, Inc. (“Tanner”), a tax-exempt, charitable provider of health care services, and agreed to lease the Authority’s facilities to Tanner. Under this lease, Tanner is obligated to maintain tax-exempt status, operate and maintain the Authority’s facilities, maintain an emergency department providing obstetrical services, provide indigent care and otherwise to provide health care services for residents of the County. The Authority receives from Tanner periodic reports on Tanner’s operations, and the Authority is authorized to enforce Tanner’s obligations under the lease. Authority members are selected by the Authority from nominations submitted jointly to the Authority by the City of Carrollton Mayor and City Council and the Carroll County Board of Commissioners.

## **JAIL**

Carroll County owns and operates the only jail currently in service within the County. The City of Bremen utilizes the Haralson County Jail. The capital costs of the current jail were paid by Carroll County. The operating costs are paid from the County’s General Fund and per diem fees paid by the cities.

Carroll County’s cities have chosen not to operate jails. Instead, the cities have chosen to pay Carroll County to use the County jail space to house (1) individuals arrested for violations of state laws or city ordinances with a bond returnable to a city court, (2) individuals sentenced to imprisonment for violations of state laws or city ordinances prosecuted in city courts, or (3)

individuals for whom warrants are issued by city courts (the foregoing are sometimes collectively referred to as the "City Inmates"). The current fee for housing City Inmates is \$35 per day.

For any inmates housed in the County jail other than the City Inmates, regardless of the jurisdiction affecting the arrest, the County should will not charge a per diem fee, but rather the County shall bear that cost from the County's General Fund. Notwithstanding the foregoing, for any charge subsequently bound over to state or superior court, the cities shall not be required to pay the County the per diem fee.

## **LAW ENFORCEMENT**

The cities of Bowdon, Bremen, Carrollton, Mount Zion, Temple, Villa Rica and Whitesburg provide municipal police forces for the purpose of law enforcement in their respective jurisdictions. The City of Roopville provides no city police services. The cost of this service is paid from the general fund of each city. The Sheriff of Carroll County provides this service in unincorporated Carroll County and the City of Roopville. However, the Sheriff is also the chief law enforcement officer of the County and has county-wide jurisdiction including arrest powers within and outside each municipality of the County. The other duties of the Sheriff also involve county-wide responsibilities, including management of the county jail and serving the courts. The Sheriff is elected by all voters of the County and as such is charged with serving the entire county. The law enforcement and court responsibilities of the Sheriff's Department are paid from the County General Fund.

## **LIBRARIES**

Carroll County has six (6) libraries (Warren P. Sewell Memorial Library in Bowdon, Neva Lomason in Carrollton, Mount Zion, Temple, Villa Rica and Whitesburg Public Library), which operate under the umbrella of the West Georgia Regional Library System, the entity receiving state and other funds for purposes of operating the regional system. Carroll County has a local library board (Carroll County Library Board) with representatives appointed locally.

All libraries are available to citizens county-wide. Carroll County makes an annual budget appropriation each year in support of all six (6) county libraries. The City of Carrollton makes an annual appropriation for the operation of the Neva Lomason Library. The City of Villa Rica operates the Villa Rica Public Library and funds all expenses. The City of Bowdon funds all operating expenses for the Warren P. Sewell Memorial Library. The City of Mount Zion contributes funds for the Mount Zion library. The City of Temple contributes funds for the Temple library. The City of Whitesburg contributes funds for the Whitesburg library.

## **RECREATION**

Carroll County, the City of Bowdon, City of Bremen, City of Carrollton, City of Mount Zion, City of Temple and the City of Villa Rica provide what are considered to be full-time recreation programs. Carroll County provides county-wide recreational services. The types of programs, activities, and facilities vary in each jurisdiction/community but all provide/sponsor certain youth recreation programs (basketball, football, baseball, softball, cheerleading, and soccer). However, programs, activities, and facilities in some jurisdictions, particularly those with full-time programs, are more expansive in scope.

The County acknowledges that significant numbers of residents of unincorporated Carroll County participate in the programs, activities, and facilities of full-time city recreation programs, particularly those not provided by the County programs. Some of the programs are theater, dance, music, senior programming and art. The County desires to continue access to these broader range program/activities for its unincorporated residents on the same basis as they are available to incorporated residents, and believes the unincorporated residents' participation is also beneficial to the full-time programs through increased user fees and corporate/business support.

In consideration for the cities with full-time programs continuing access for unincorporated residents on the same basis as incorporated residents, the County provides funding (from the County General Fund) to the cities with full-time programs to partially offset the cost of residents of unincorporated Carroll County participating in the programs.

The funds will be distributed based on the overall participation of unincorporated residents in the programs and activities of full-time city recreation programs, as well as each city's pro rata share of that participation.

The County currently budgets \$360,000 annually to supplement the full-time city recreation programs. The payments are made in two installments payable in January and May each year.

With the growth in recreation, cultural arts/leisure service and facilities throughout the County by the respective service providers, it is important that a high level of cooperation and coordination be maintained among these providers to minimize unnecessary duplication and encourage the shared use of facilities and resources.

## **PLANNING AND ZONING**

All local governing jurisdictions who are a party to the Service Delivery Strategy process provide planning and zoning services for their respective jurisdictions. Each jurisdiction desires to continue providing these services for the purposes of maintaining local oversight, accountability, and level of service. Funding is provided from the general funds of the respective jurisdictions.

The parties to this process agree to utilize the same process adopted to resolve disputes arising from annexation to resolve any future land use plan compatibility disputes resulting from changes in land use plans subsequent to the time the Service Delivery Strategy is effective.

The County acknowledges that the overall planning responsibilities of the Three Rivers Regional Commission (Three Rivers) supported by per-capita dues are generally county-wide in application and dues assessed by Three Rivers to the County and its cities for this purpose should be paid from the County General Fund. Charges for specific services and project assistance outside the scope of those provided under the per-capita dues assessment should be paid directly by the jurisdiction receiving the service or project.

## **PUBLIC HEALTH**

Public health services in Carroll County are subsidized by the County (by means of County appropriations to supplement the State's funding formula) through the Carroll County Health Department. Those services are available county-wide and should be funded from the County General Fund.

## **PUBLIC HOUSING**

Public Housing in Carroll County is provided by the cities of Bowdon, Bremen, Carrollton, and Villa Rica. It is a city service only.

## **ROAD AND STREET CONSTRUCTION**

Road and street construction within the corporate limits of the cities is the financial, policy, and managerial responsibility of the respective cities with the exception of Roopville where road and streets are maintained by Carroll County. Carroll County has in the past assisted in the construction of streets within the corporate limits of the respective cities and will continue to do so on a case-by-case basis. Cities utilizing the Carroll County's construction crews will enter into an intergovernmental agreement with Carroll County and the cities will be responsible all fees for professional services and costs of materials and supplies and will reimburse Carroll County for all labor and fuel costs incurred.

Carroll County provides for road and street construction in unincorporated Carroll County.

## **ROAD AND STREET MAINTENANCE**

Road and street maintenance within the corporate limits of the respective cities is the financial, policy and managerial responsibility of the respective cities, with the exception of Roopville where roads and streets are maintained by Carroll County. Carroll County has in the past assisted in the maintenance of roads and streets within the corporate limits of the respective cities on a case-by-case basis. Cities utilizing the Carroll County's maintenance crews will enter into an intergovernmental agreement with Carroll County, and the cities will be responsible all fees for professional services and costs of materials and supplies and will reimburse Carroll County for all labor and fuel costs incurred.

Carroll County provides for road and street maintenance in the unincorporated areas of the County.

## **SENIOR CITIZENS PROGRAMS**

Senior citizens programs in Carroll County are provided by the cities of Bowdon, Bremen, Carrollton, Mount Zion, Villa Rica, Whitesburg and Temple. The County is exploring ways to enhance programs in order to better serve all senior citizens of the County.

## **SOCIAL SERVICES**

Social Services in Carroll County are provided by Department of Family and Children Services (DFACS), Carroll Association for Remarkable Citizens (ARC), and the Pathways Center (mental health) are provided county-wide and shall be paid from County General Fund. Any supplemental funding is totally discretionary and may be paid from City General Funds.

## **SOLID WASTE COLLECTION/DISPOSAL/RECYCLING**

The cities of Carrollton, Bowdon, Bremen, Villa Rica, Temple, and Roopville provide their own solid waste collection either through direct service or by contract with a private collection provider and funded in large part through user fees. Residents of unincorporated Carroll County and other cities (Whitesburg and Mount Zion) rely on either the County's convenience centers or the residents/businesses thereof contract independently with private collection firms.

Disposal of solid waste in Carroll County is the responsibility of the Carroll County. The County operates a transfer station at a location off Simonton Mill Road. All governmental jurisdictions, service providers, residents, and businesses located in Carroll County may use the County's facility. All operational and capital costs of the County's facility is supported by

tipping (user) fees paid on a per ton basis.

All costs associated with the collection and disposal of solid waste in the unincorporated areas of the County are paid with revenues derived from the unincorporated area of the County.

In conjunction with the County's convenience centers, Carroll County provides recycling facilities at these locations which are available to all Carroll Countians.

## **TAX COLLECTION**

Carroll County currently provides this service for county-wide tax collection (including vehicles and manufactured homes) through the Carroll County Tax Commissioner. Carroll County and the Tax Commissioner will also provide this service to municipalities for city taxes on a fee basis pursuant to intergovernmental agreements.

## **TAX VALUATION**

The Carroll County Board of Assessors currently provides this service for county-wide tax valuation and all costs are paid from the County General Funds.

## **WATER AND WASTEWATER SERVICES**

### **I. Water Service.**

The cities of Bowdon, Bremen, Carrollton, Mount Zion, Roopville, Temple, Whitesburg, and Villa Rica and the Carroll County Water Authority ("CCWA") operate water distribution systems and distribute water directly to users located within their respective service areas. The cities of Bowdon, Bremen, Carrollton, Roopville, Whitesburg and Villa Rica have permitted water supplies and water treatment plants, as necessary, to supply users within their respective service areas. CCWA has permitted water supplies and water treatment plant to supply users within its respective service area and to municipal customers including the cities of Mount Zion, Roopville, Temple, Whitesburg and Villa Rica. Capital, operating and debt service costs for water service are derived from enterprise funds maintained by the respective entities and supported by their user fees. Carroll County does not provide or fund water service.

### **II. Wastewater Service.**

The cities of Bowdon, Bremen, Carrollton, Temple, and Villa Rica, and CCWA currently provide wastewater collection and treatment using various methodologies. Each entity

has permitted wastewater treatment facilities and associated collection systems that service portions of their respective service areas. Capital, operating, and debt service costs for wastewater service are derived from enterprise funds maintained by the respective entities and supported by their user fees. Carroll County does not provide or fund wastewater service.

The attached Water and Wastewater Service Delivery Map shows each entity's respective water and wastewater service delivery area.

The availability of adequate water and wastewater capacities are essential to the long-term livability and economic viability of Carroll County and its municipalities. Development of water and wastewater capacities takes significant time, planning, resources and investment to bring to fruition. As such, Carroll County and the water providers therein will continue to cooperate in areas of mutual benefit to be effective, efficient and responsive regarding delivery of water and wastewater services within Carroll County.

## **MEMORANDUM OF AGREEMENT ADOPTING A PROCESS TO RESOLVE “CONFLICTING LAND USE PLANS”**

The approving parties to this Service Delivery Strategy have determined that overall the Land Use plans of the respective jurisdictions are generally compatible and non-conflicting at this time.

However, the approving parties also recognize that in the future amendments to their respective plans or rezonings may result in conflicts. Accordingly, the approving parties agree to follow the same process required to resolve land use disputes arising from annexation as adopted on April 18, 1999, for any future conflicting land use plans.

This process is applicable only for the purpose of resolving future ‘conflicting land use plans between jurisdictions in Carroll County, Georgia beginning the effective date specified herein. No other basis for objection shall invoke this process.

Should any jurisdiction of Carroll County, Georgia propose to amend its land use plan by revision of said plan or by rezoning any property with a common boundary with another jurisdiction, the jurisdiction proposing the amendment or rezoning shall so notify the jurisdiction with a common boundary by certified letter to the Chief Elected Official of the jurisdiction of the intent to amend the land use plan or rezoning of said property. The notice shall specify the proposed change in land use or the proposed change in zoning classification and any proposed specific use(s) if known.

The jurisdiction receiving such notice shall have ten (10) business days to notify the jurisdiction proposing the land use revision or rezoning of its intent to object to the proposed amendment or rezoning and shall specify the basis for the objection. The absence of said notification shall be construed to mean the jurisdiction proposing the amendment or rezoning may proceed with the revision or rezoning in compliance with applicable state and local laws and ordinances and no subsequent objections under this process may be filed for the land use amendment or rezoning under consideration.

If a jurisdiction serves notice of its intent to object, then said objection shall be submitted to the governing authority of the objecting jurisdiction at its next regularly scheduled meeting for consideration. The objection shall be considered valid for purposes of invoking this process only upon a majority vote of the governing body of the objecting jurisdiction in favor of the objection. If the objecting jurisdiction fails to act on the intent to object within twenty (20) business days, then no objection shall be considered to exist for purposes of this process.

If the objecting jurisdiction confirms by affirmative vote an objection as permitted herein, then the objecting jurisdiction shall have five (5) business days to document in writing the nature of the objection. This documentation shall be delivered to the Chief Elected Official of the jurisdiction proposing the amendment to the land use plan or rezoning by certified mail.

Representatives of the affected jurisdictions shall have ten (10) business days from the proposing jurisdictions receipt of the objections to meet and devise mitigative measures to address the specific ‘conflicting land use plans’. Once the jurisdictions agree that the mitigative measures are reasonable to address ‘conflicting land use plans’, then the jurisdiction proposing the amendment or rezoning may proceed with the amendment or rezoning with the imposition of said conditions.

If the jurisdictions fail to reach an agreement on mitigative measures, then the jurisdictions agree to mutually select a mediator from the list maintained by the Georgia Department of Community Affairs or other mutually agreed upon source. The cost and any associated expense shall be equally borne by the respective jurisdictions.

The mediator shall have up to thirty (30) days to propose alternatives/mitigation, etc. to resolve the objections to the proposed amendment to the land use plan or rezoning. The mediator’s proposal must be approved by the designated representative(s) of both jurisdictions.

If at the end of thirty (30) calendar days the jurisdictions cannot agree to a resolution of the objection through mediation, then the dispute shall be referred to the Board of Land Use Conflict Appeals which shall be composed of three (3) board members•; one appointed by the proposing jurisdiction, one appointed by the objecting jurisdiction, and one who must be a certified AICP planning professional appointed by both jurisdictions.

The Board of Land Use Conflict Appeals shall be vested with the authority to make the final administrative determination as to the applicability of the objection.

Within fifteen (15) business days of the rejection of the mediator’s proposed resolution and after not less than fifteen (15) calendar days notice in the County’s legal organ, the Board of Land Use Conflict Appeals shall hold a public hearing for the purpose of hearing any comments as to the proposed land use amendment or rezoning and/or the objection thereto.

Within five (5) business days of the public hearing the Board of Land Use Conflict Appeals shall render its decision, which shall be in the form of one of the following alternatives:

1. Approve the amendment to the land use plan or rezoning as proposed.
2. Deny the amendment to the land use plan or rezoning based on the objection.
3. Approve the land use amendment or rezoning based on the mediator’s proposed resolution.

All jurisdiction parties to the Service Delivery Strategy agree to be bound by the decision of the Board of Land Use Conflict Appeals. All costs associated with the. work of the Board of Land Use Conflict Appeals shall be equally borne by the jurisdictions.

Nothing in this process shall prohibit a jurisdiction from proceeding with its land use amendment or rezoning process subject to the outcome of this process.

Nothing in this process shall preclude the right of any property owner to seek additional relief in a court of competent jurisdiction. The effective date of this Agreement shall be July 1, 2000.

This Agreement may be modified or amended by approval of the same jurisdictions necessary to adopt the Service Delivery Strategy in O.C.G.A 36-70-21, 36-70-25.

- Members of the Board of Land Use Conflict Appeals may not be an elected or staff member of the respective governing authorities' parties to this resolution process.

## **MEMORANDUM OF AGREEMENT ADOPTING A PROCESS TO RESOLVE LAND USE CLASSIFICATION DISPUTES OF AN AREA TO BE ANNEXED**

*(Revision of Memorandum of Agreement originally adopted April 1998)*

This process is applicable only for the purpose of resolving land use classification disputes when the County objects to the proposed land use of an area to be annexed into a municipality within the County. No other basis for objection shall invoke this process.

Upon receipt of the notification to the County by the City as required in O.C.G.A. 36-36-6 and O.C.G.A. 36-36-9, the County shall have ten (10) business days to notify the City in writing of its intent to object to the proposed annexation and shall specify the basis for the objection. The absence of said notification by the County shall be construed to mean the City may proceed with the annexation in compliance with applicable state and local laws and ordinances and no subsequent objections under this process may be filed for the annexation under consideration.

If the County serves notice of its intent to object, then said objection shall be submitted to the Board of Commissioners at their next regularly scheduled meeting for consideration. The objection shall be considered valid for purposes of invoking the provisions of this process only upon a majority vote of the Board of Commissioners in favor of the objection. If the Board of Commissioners fails to act on the intent to object within twenty (20) business days, then no objection shall be considered to exist for purposes of this process.

If the Board of Commissioners confirms by affirmative vote an objection as permitted for herein, then the County shall have five (5) business days to document in writing the nature of the objection. This documentation shall be delivered to the City.

Representatives of the affected City and the County shall have ten (10) business days from the City's receipt of the objections to meet and devise mitigative measures to address the specific land use conflicts created by the proposed annexation. Once the City and County agree that the mitigative measures are reasonable to address land use conflicts, then the City may approve the annexation with the imposition of said conditions.

If the City and County fail to reach an agreement on mitigative measures, then the City and County agree to mutually select a mediator from the list maintained by the Georgia Department of Community Affairs or other mutually agreed upon source. The cost and any associated expense shall be equally borne by the City and County.

The mediator shall have up to thirty (30) calendar days to propose alternatives/mitigation, etc. to resolve the objections to the proposed land use classification. The mediator's proposal must be approved by the designated representative(s) of both the City and County.

If at the end of the thirty (30) calendar days the City and County cannot agree to a resolution of the objection through mediation, then the dispute shall be referred to a Board of Annexation Appeals which shall be composed of three (3) members\*; one appointed by

the City, one appointed by the County, and one who must be a certified AICP planning professional approved by both the City and County.

The Board of Annexation Appeal shall be vested with the Authority to make the final administrative determination as to the applicability of the objection.

Within fifteen (15) business days of the rejection of the mediator's proposed resolution and after not less than fifteen (15) calendar days notice in a newspaper of general circulation, the Board of Annexation Appeals shall hold a public hearing for hearing any comments as to the proposed annexation and/or the objections thereto.

Within five (5) business days of the public hearing, the Board of Annexation Appeals shall render its decision, which shall be in the form of one of the following alternatives:

1. Approve the annexation based on the land use classification proposed.
2. Deny the annexation based on the land use classification objection.
3. Approve the annexation based on the mediator's proposed resolution.

The City and County agree to be bound by the decision of the Board of Annexation Appeals. All costs associated with the work of the Board of Annexation Appeals shall be equally borne by the City and County.

Nothing in this process shall prohibit a City from proceeding with its annexation process subject to the outcome of this process.

Nothing in this process shall preclude the rights of any property owner to seek additional relief in a court of competent jurisdiction.

The effective date of this Agreement shall be July 1, 2000, or upon adoption of the Service Delivery Strategy by Carroll County and its municipalities as required in O.C.G.A. 36-70-21, 36-70-25, whichever is later.

This agreement may be modified or amended by approval of the same jurisdictions necessary to adopt the Service Delivery Strategy in O.C.G.A. 36-70-2 I, 36-70-25.

\* Members of the Board of Annexation Appeals may not be an elected or staff member of the respective governing authorities' parties to this resolution process.