

September 25, 2023

Addressees:

Pike County Board of Commissioners:

Briar Johnson

Jason Proctor

James Jenkins

Tim Guy

Tim Daniel

Brandon Rogers, Pike County Manager

Jeremy Gilbert, Pike Director of Planning & Zoning

The enclosed materials have been gathered from a number of sources including, but not limited to, the Pike County Ordinances, the Official Code of Georgia Annotated (O.C.G.A.) related to the Georgia Development Impact Fee Act, and Excerpts from Board of Commissioner legal minutes.

Our objective as stakeholders in Pike County is to layout an argument for why we believe the increase to the residential impact fee schedule was haphazard and inappropriate and to once again request that your motion to approve the increased fee schedule at the Board of Commissioners meeting on January 31, 2023, be reversed and the BOC's begin the process as per laid out by the Pike County Ordinances.

Contents:

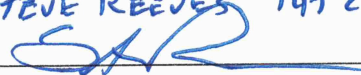
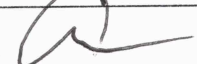
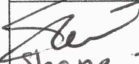
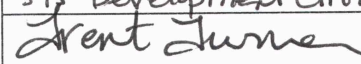
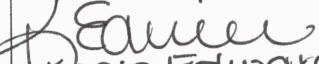


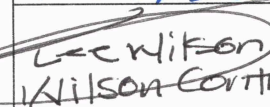
- PAGES 4-5: Pike Ordinances regarding amendments to impact fees including amending the fee schedule and the O.C.G.A section referenced in the Pike Ordinances that outline the procedure that should be followed.
- PAGE 6: Excerpts from the legal minutes of the 12/14/22 BOC meeting related to 90-day moratorium motion and acceptance for major and minor subdivisions until Impact Fees are resolved.
- PAGE 7: Excerpts from the legal minutes of the 1/11/23 BOC meeting involving the discussion around discovery of a report from Paragon from 2018 that showed the fees should be increased.
- PAGE 8: Excerpts from the legal minutes of the 1/31/23 BOC meeting where approval of increased impact fees was passed with a motion and unanimous approval of the BOC.
- PAGE 9: Excerpts from the legal minutes of the 2/28/23 BOC meeting where the Chairman questioned whether the procedures to increase the impact fees were followed and other commissioners expressed concern over the effects of the increase.

Our hope is that you would carefully consider the financial strain this puts on any individual or family desiring to move to Pike County and build a home but also the development community who is local and extremely conscientious of the product they build. But equally as important is

that the procedures and ordinances in place were not followed by our County Government and Officials and this should be rectified as quickly as possible.

Our understanding is that the Pike Ordinances outline a procedure whereby even an amendment to the impact fee schedule requires the BOC follow the procedures for adoption of an ordinance imposing a development impact fee which includes the forming of an Advisory Committee and two public hearings.

SIGNED BY CONCERNED STAKEHOLDERS OF PIKE COUNTY:

Shannon Mullina Shannon Mullina STS Development Group	STEVE REEVES LAND SURVEYING STEVE REEVES 147 COOK Rd 
 Alton Turner STS Development Group	
 Shane Turner STS Development Group	
 Trent Turner STS Development Group	
 Kacie Edwards Prosperity Real Estate Group	
 Billy Shubert Wynntree Contracting	
 RANDY DAUS TERRA SERVICES	
 Lee Wilson Wilson Contracting	
LEE McLendon - Pike Co land owner wanting to build	
Layne McLendon landowner 5677 GA Hwy 109 Melona, GA 30258	

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SIGNED BY CONCERNED STAKEHOLDERS OF PIKE COUNTY:

 *Jody Strickland* 09/27/23
Trademark Quality Homes

 *Alan M Rayburn* 09/27/23
Trademark Quality Homes

 *John David Chapman, Jr.* 09/27/23
Trademark Quality Homes Inc

 *Scott Greene* 09/27/23
Trademark Quality Homes

 *Tony Long* 09/27/23
Trademark Quality Homes

 *Shane Sauls* 09/27/23
Trademark Quality Homes

 *Nick Bartlett* 09/27/23
Trademark Quality Homes

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SIGNED BY CONCERNED STAKEHOLDERS OF PIKE COUNTY:


 Freedom Builders LLC

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SIGNED BY CONCERNED STAKEHOLDERS OF PIKE COUNTY:

 Authentisign
Jeffery Martin 09/28/23
Jeffery & Sadie Martin
Current Builder of New
Construction Home

 Authentisign
09/28/23
Michael Griffith
LM Home Builders, LLC

 Authentisign
Ron Johnson 09/29/23
Ron Johnson
MRJ Construction

 Authentisign
Kyle Johnson 10/03/23
Kyle Johnson
Johnson Brothers
Construction

 Authentisign
09/28/23
Cory Dague
Dague Communities

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SIGNED BY CONCERNED STAKEHOLDERS OF PIKE COUNTY:



Cory Dague, President 09/28/2023

Dague Communities, Inc.

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SIGNED BY CONCERNED STAKEHOLDERS OF PIKE COUNTY:

Authentisign
Shane Parsons 09/29/23
Shane Parsons
Current Residential
Home Builder

Authentisign
Misty Ingram 09/29/23
Misty and Bart Ingram
Current Residential
Home Builder

Authentisign
Bowen Jones 09/29/23
Bowen Jones
Bowen & Sons, Inc

Authentisign
Melissa Stephens 09/29/23
Melissa Stephens
Better Homes and
Gardens, Metro Brokers
Builders Rep

Authentisign
Misty Gatlin 09/29/23
Misty Gatlin
Current Residential
Home Builder

Pike County Code & Ordinances
Title XV: Land Usage Chapter 157: Development Impact Fee Ordinance

§ 157.11 PERIODIC REVIEW AND AMENDMENTS

(A) Ordinance Amendments.

- (1) This Ordinance may be amended from time to time as deemed appropriate or desirable. Any such amendment to this Ordinance, including an amendment to the development impact fee schedule, attached hereto as Attachment A, shall follow the procedures for adoption of an ordinance imposing a development impact fee as set out and required under the Georgia Development Impact Fee Act (**O.C.G.A. 36-71-1 et seq. as amended**).*

* When there is a reference to the State Code and "et seq", such as the reference to OCGA 36-71-1 et seq, the reference typically identifies the initial section in a series of sections dealing with the subject matter, and the use of et seq could be interpreted 'and the following sections related to the subject matter'. In your case and based on the exchange of emails between you and Jeremy, it is intended to include all of the State Code Sections for the Georgia Development Impact Fee Act. – Rob Morton email dated 6/12/23.

2017 Georgia Code
Title 36 - Local Government
Provisions Applicable to Counties and Municipal Corporations
Chapter 71 - Development Impact Fees

O.C.G.A. 36-71-5:

- (a) Prior to the adoption of a development impact fee ordinance, a municipality or county adopting an impact fee program shall establish a Development Impact Fee Advisory Committee.
- (b) Such committee shall be composed of not less than five nor more than ten members appointed by the governing authority of the municipality or county and at least 50 percent of the membership shall be representatives from the development, building, or real estate industries. An existing planning commission or other existing committee that meets these requirements may serve as the Development Impact Fee Advisory Committee.
- (c) The Development Impact Fee Advisory Committee shall serve in an advisory capacity to assist and advise the governing body of the municipality or county with regard to the adoption of a development impact fee ordinance. In that the committee is advisory, no action of the committee shall be considered a necessary prerequisite for municipal or county action in regard to adoption of an ordinance.

O.C.G.A. 36-71-6:

Prior to the adoption of an ordinance imposing a development impact fee pursuant to this chapter, the governing body of a municipality or county shall cause two duly noticed public hearings to be held in regard to the proposed ordinance. The second hearing shall be held at least two weeks after the first hearing.

O.C.G.A. 36-71-10:

(a) A municipality or county which adopts a development impact fee ordinance shall provide for administrative appeals to the governing body or such other body as designated in the ordinance of a determination of the development impact fees for a particular project.

(b) A developer may pay a development impact fee under protest in order to obtain a development approval or building permit, as the case may be. A developer making such payment shall not be estopped from exercising the right of appeal provided by this chapter, nor shall such developer be estopped from receiving a refund of any amount deemed to have been illegally collected.

(c) A municipality or county development impact fee ordinance may provide for the resolution of disputes over the development impact fee by binding arbitration through the American Arbitration Association or otherwise.

Timeline of Impact Fee Amendment:

Pike County BOC Meeting 12/14/22 (excerpts from legal minutes):

9. New Business

County Manager Brandon Rogers stated the Board of Commissioners has been presented with three fee schedules; the current fee schedule, the proposed fee schedule and the fee schedule Commissioner Proctor made suggestions on.

Commissioner Proctor noted that while fees are being discussed, Impact Fees need to be adjusted as well. CM Rogers noted that the county received a recommendation from Paragon in Griffin a couple of years ago that the Impact Fees needed to be about \$5,000-\$6,000 per home, where it currently is at \$2,404 per home.

Commissioner Proctor asked how long it would take to change the Impact Fees. CM Rogers stated based off the information the county already has from Paragon, to do a quick change will probably be 2-3 months at the most, but to do an overall complete methodology, it will probably take over a year.

Commissioner Proctor stated he would like to impose a 90-day moratorium on major and minor subdivisions until all the fees have been reviewed and the Impact Fees have been fixed.

Commissioner Proctor stated he does not want to impose a moratorium on a single homeowner.

Commissioner Proctor stated he did not want to stop all building permits; his concern was subdivisions.

Motion/second by Commissioners Proctor/Guy to adopt updated fee schedule presented by Commissioner Proctor to be effective as soon as the Chairman signs and authorize Chairman Johnson to sign the fee schedule, motion carried 5-0.

Motion/second by Commissioners Proctor/Guy to impose a 90-day moratorium on any new major and minor subdivisions and any building permits related thereto, motion carried 5-0.

Pike County BOC Meeting 1/11/23 (excerpts from legal minutes):

9. New Business

County Manager Brandon Rogers stated Jeremy Gilbert, Planning and Development Director found out some information from Paragon last week. When the previous Planning and Development Director was with the County sometime between 2018 and 2020, Paragon did more leg work on the Impact Fees than what they were aware of.

Paragon did a good bit of work on the current departments and the methodology reports for each one based on projects between 2018 and 2025.

Paragon came up with the amount of funding needed by 2025, the Impact Fees would need to be raised in Pike County to \$6,776.62 per dwelling. The current Impact Fee is \$2404.15 that was set in 2006 and has not changed since then.

When Paragon took the information five years ago with the projects then, they came up with an Impact Fee of \$6,776.62 that should be collected.

Commissioner Proctor suggested that the surrounding counties need to be called and see what they charge for Impact Fees and a breakdown of costs needs to be looked at for each department. A lot of information needs to be obtained.

Commissioner Daniel noted that is a substantial difference in the Impact Fees from what is being proposed to what is being collected now.

Discussion only, no motion entertained.

Pike County BOC Meeting 1/31/23 (excerpts from legal minutes):

9. New Business

CM Rogers asked the Board for their feedback if they would like to change the Impact Fees amount and allocations or leave them like they are.

The amount in Impact Fees that the county is collecting now is not significant enough for the growth the county is seeing.

Paragon proposed to raise the \$2404.15 to \$6434.94. County Manager Rogers stated his recommendation would be to use Paragon's recommendation.

Tim Daniel asked if the Impact Fee could be set at a different amount somewhere between what the County collects now and what Paragon recommended. CM Rogers stated it can be set at any amount the Board wants as long as the number can be justified. Paragon has justified the number they recommend. Paragon recommended this number four years ago.

Motion/second by Commissioners Guy/Daniel to approve Paragon's Residential Impact Fee recommended amount with County Manager Brandon Rogers recommended allocations effective February 1, 2023, motion carried 4-0.

Motion/second by Commissioners Daniel/Proctor to allow citizen Kyle Johnson to address the Board, motion carried 4-0.

Citizen Kyle Johnson addressed the Board stating they just approved increasing the Impact Fee two and a half times from what it currently was for an individual building a home, has the Board had any consideration of increasing the cost to the developer. The developments are causing a massive growth. Commissioner Proctor replied the fees were increased in December and that included developers. Pike County does not have the same ratio as other counties, Pike County has more rooftops than businesses.

Pike County BOC Meeting 2/8/23 (excerpts from legal minutes):

9. New Business

For discussion: Commissioner Briar Johnson asked Planning and Development Director, Jeremy Gilbert, to explain how the Impact Fee Committee works.

Planning and Development Director, Jeremy Gilbert, replied state law requires that when an Impact Fee is enacted, that you have a committee. When Pike County enacted the Ordinance for the original Impact Fees around 2005-2006, a committee was formed.

Chairman Johnson asked if it is implanted by law that going forward anytime an Impact Fee is changed that a committee does not have to be formed. Jeremy Gilbert replied it is his understanding that it does not.

Commissioner Guy noted the Impact Fee numbers look substantially high and he would like to sit down with the community and see what the county can do to work with these numbers but as of right now, the county is going to have to hold to what has been set but he would like to work toward something that is more comfortable for the county, the builders and the citizens in Pike County.

Commissioner Daniel stated something is not right if Pike County has the highest Impact Fee in the State of Georgia.

County Manager Brandon Rogers noted it is very hard to find another county that fits like Pike County. Pike County fits more in the category of size with your southern counties but you do not see the growth in the southern counties that you see in Pike County. The growth that Pike County is experiencing is more compared to metro Atlanta.