CITY of POOLER
GEORGIA

CITY COUNCIL RETREAT – MINUTES

Friday, August 7, 2026 | 9:00 a.m.
The Thompson Savannah, 201 Port Street, Savannah, GA 31401

9:06-9:08 a.m. **Welcome & Introductions**

Mayor Karen Williams called the retreat to order at 9:06 a.m.

Present:
Karen Williams, Mayor
Aaron Henry, Mayor Pro Tem
Wesley Bashlor, Councilmember
Michael Carpenter, Councilmember
Tom Hutcherson, Councilmember
John Wilcher, Councilmember
Craig Call, City Attorney
Heath Lloyd, City Manager
Chris Lightle, Chief Finance Officer
Kiley Fusco, Clerk of Council
Matthew Saxon, Assistant City Manager
Caroline Hankins, Assistant City Manager
Alex Cook, IT Director
Chris Parrish, Communications Coordinator
G. Wade Simmons, Fire-Rescue Chief
Ashley Brown, Police Chief
Nicole Johnson, Planning & Development Director
Jeremy Greene, Recreation Director

Absent:
Shannon Valim, Councilmember

Guest Speakers:
Ben Perkins, Development Authority Attorney
Alton Brown, Consultant
Brandon Bowen, Attorney
Ahmed Saeed, Professor
Kirby Glaze, Attorney

9:08-9:26 a.m. **Review of Term Priorities**

City Manager Heath Lloyd provided a presentation on term priorities to date, attached, and provided an annual report. No action was taken.

9:26-9:40 a.m. **Finance Update**

Chief Finance Officer Chris Lightle provided a finance presentation, attached. No action was taken.

9:40-9:56 a.m. **Asset Management & Data Analysis**

Assistant City Manager Matthew Saxon provided presentations on asset management and data analysis, attached, and provided a live demonstration of the RMT program used by Public Works. No action was taken.

9:56-10:09 a.m. **Grant Update**

Assistant City Manager Caroline Hankins provided a presentation on grants, attached. No action was taken.

10:09-10:23 a.m. Development Authority Update (Bonding)

Development Authority Attorney Ben Perkins provided presentations on Development Authority bonding under state law, attached. No action was taken.

10:24-11:12 a.m. Wetlands & Balancing Federal Environmental Regulations

Alton Brown of Resource + Land Consultants provided a presentation on wetlands, attached. No action was taken.

11:12-11:18 p.m. Break

11:18-12:08 p.m. Annexation Law in Georgia

Attorney Brandon Bowen of Jenkins, Bowen & Walker provided a presentation on annexation law, attached. No action was taken.

12:08-12:28 p.m. Lunch Service

12:15-1:17 p.m. Data Center Impacts & Opportunities

Dr. Ahmed Saeed of Georgia Tech, attending virtually, provided a presentation on data centers, attached. No action was taken.

1:17-1:47 p.m. Authorities in Georgia

Attorney Kirby Glaze, of the Carl Vinson Institute of Government, provided a presentation on authorities, attached. No action was taken.

1:47-2:27 p.m. Bonds

Attorney Kirby Glaze, of the Carl Vinson Institute of Government, provided a presentation on bonds, attached. No action was taken.

2:27-2:44 p.m. Public-Private Partnerships in Georgia

Attorney Kirby Glaze, of the Carl Vinson Institute of Government, provided a presentation on public-private partnerships, attached. No action was taken.

2:44-2:50 p.m. Break

2:50-4:05 p.m. Council Open Dialogue

Mayor Karen Williams opened the floor to council for discussion. No action was taken.

4:05-4:09 p.m. Closing Remarks & Action Steps

City Manager Heath Lloyd provided closing remarks. No action was taken.

4:09-4:25 p.m. Executive Session

With no further public business to conduct, Mayor Pro Tem Aaron Henry moved to enter Executive Session. Executive Session was entered at 4:09 p.m.

Motion to Enter; PASSED (5-0-0)
MOVER: Henry

SECONDER: Wilcher
AYES: Bashlor, Carpenter, Henry, Hutcherson, Wilcher
NAYS:

The retreat was called back to order at 4:25 p.m.

4:25 p.m. **Adjournment**

Councilmember Tom Hutcherson moved to adjourn the retreat.

Motion to Adjourn; PASSED (5-0-0)
MOVER: Hutcherson
SECONDER: Wilcher
AYES: Bashlor, Carpenter, Henry, Hutcherson, Wilcher
NAYS:

The retreat adjourned at 4:25 p.m. The foregoing minutes are true and correct and are

approved on this ________ day of ________________, ________.

CITY OF POOLER, GEORGIA

____
Karen L. Williams, Mayor

ATTEST:

____
Kiley Fusco, Clerk of Council

CITY *of* POOLER

GEORGIA

City Council Retreat

AUGUST 7, 2026

WELCOME & INTRODUCTIONS

Karen Williams

REVIEW OF TERM PRIORITIES

Heath Lloyd

Near-Term/2025

- 311
- Pine Barren Intersection Improvements
- Communication (Social Media Presence)
- DDA
- Charter Rewrite Process
- "Shovels in the Ground"
- 9-Acre Lake
- Parks Improvement (Rogers Street)
- Parks Assessment
- Flock Cameras
- Library Plans
- Committee Guidelines Ordinance
- Council Discussions/Workshops
- Council Meetings
- Four Outdoor Basketball Courts
- Potential for Hosting Travel Baseball Tournaments
- Communication to Council Before Reaching Public

Strategic Priority (2025-2026)	Completed	Progress	No Action as of Date
311 Customer Service System	✓		
Pine Barren Intersection Improvements		✓	
Communication (Social Media Presence)	✓		
Downtown Development Authority (DDA)		✓	
Charter Rewrite Process		✓	
"Shovels in the Ground" (Capital Projects Webpage)	✓		
9-Acre Lake Project		✓	
Parks Improvements (Rogers Street)		✓	
Parks Assessment	✓		
Flock Safety Cameras		✓	
Library Plans	✓		
Committee Guidelines	✓		
Council Discussions / Workshops	✓		
Council Meeting Efficiencies		✓	
Outdoor Basketball Courts	✓		
Travel Baseball Tournament Initiative	✓		
Communication to Council Prior to Public Release	✓		

Long-Term/Through 2027 and Beyond

- Dog Mayor
- Grant Programming and Funding
- Pine Barren (RS – PP)
- Public Safety/Preparing for Growth
- DA/DDA Plan and Funding Mechanism(s)
- Annexation Plan
- Charter Rewrite
- Library Construction
- UDO
- Godley Station Roundabout (T&H)
- Modernized, Family-Friendly Parks & Recreation Planning
- Districts
- Hi-Lo Trail Funding & Execution
- Recreation: Four Basketball Courts, Five Softball Fields, Six Flex Fields
- Citywide Transit Study Prior to TSPLOST
- Implement Committees/Councils (Senior, Arts, Ethics, Youth, Env.)

Strategic Priority (2027 and Beyond)	Completed	Progress	No Action as of Date
Dog Mayor (Council Initiative)			✓
Grant Programming and Funding		✓	
Pine Barren Corridor (Rogers Street – Pooler Parkway)		✓	
Public Safety / Preparing for Growth		✓	
DA/DDA Plan and Funding Mechanism(s)		✓	
Annexation Plan		✓	
Charter Rewrite		✓	
Library Construction			✓
Unified Development Ordinance (UDO)		✓	
Godley Station Roundabout / Traffic Improvements	✓		
Modernized, Family-Friendly Parks & Recreation Planning		✓	
Council Districts (Council Initiative)			✓
Hi-Lo Trail Funding & Execution		✓	
Recreation Improvements (Basketball Courts & Athletic Fields)		✓	
Citywide Transit Study Prior to TSPLOST		✓	
Implement Advisory Committees/Councils		✓	

FINANCE UPDATE

Chris Lightle

Million-Dollar Revenue Group

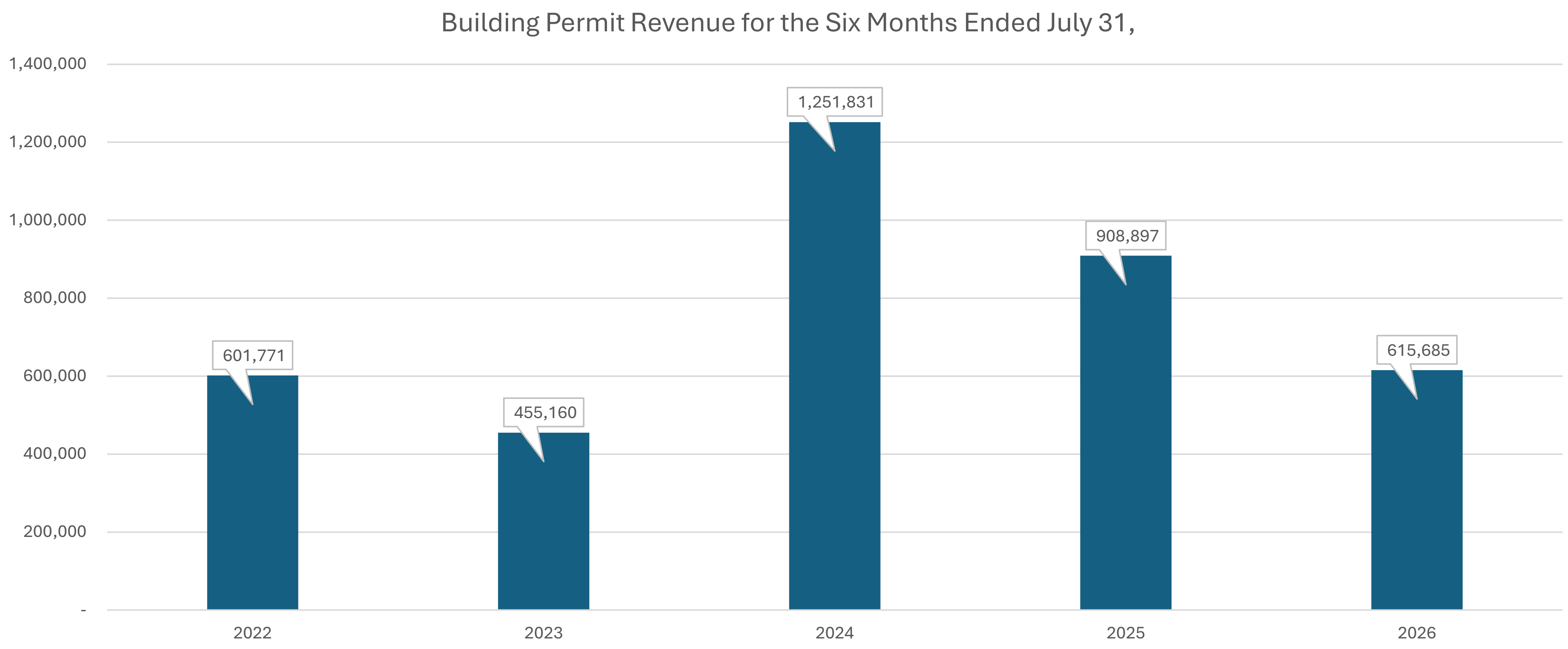
Revenue Source		7/31/2026	7/31/2025	$ Increase (Decrease)	% Change	Annual Budget	Projected	Over (Under) Annual Budget	% Variance
Real property - current year		4,399,874	3,741,387	658,487	17.6%	9,250,000	10,000,000	750,000	8.1%
Personal property - current year	1	-	-	-		2,000,000	2,200,000	200,000	10.0%
Motor vehicle title ad valorem tax fee		953,829	866,115	87,714	10.1%	1,620,000	1,916,248	296,248	18.3%
Franchise taxes - electric		2,747,426	2,489,767	257,659	10.3%	2,500,000	2,747,426	247,426	9.9%
Local option sales tax (LOST)		5,414,631	5,594,965	(180,334)	-3.2%	11,150,000	10,908,213	(241,787)	-2.2%
Insurance premium tax	2	-	-	-		2,500,000	2,500,000	-	0.0%
Building permits		615,685	908,897	(293,212)	-32.3%	1,100,000	921,730	(178,270)	-16.2%
Sanitation - refuse collection charges		1,268,739	1,200,012	68,727	5.7%	2,800,000	2,971,786	171,786	6.1%
Transfer in from fund 275		747,079	743,349	3,730	0.5%	1,500,000	1,690,442	190,442	12.7%
		16,147,263	15,544,492	602,771	3.9%	34,420,000	35,855,845	1,435,845	4.2%

Total general fund budgeted revenues	41,505,160
Million-dollar revenues as a % of total revenues	82.9%

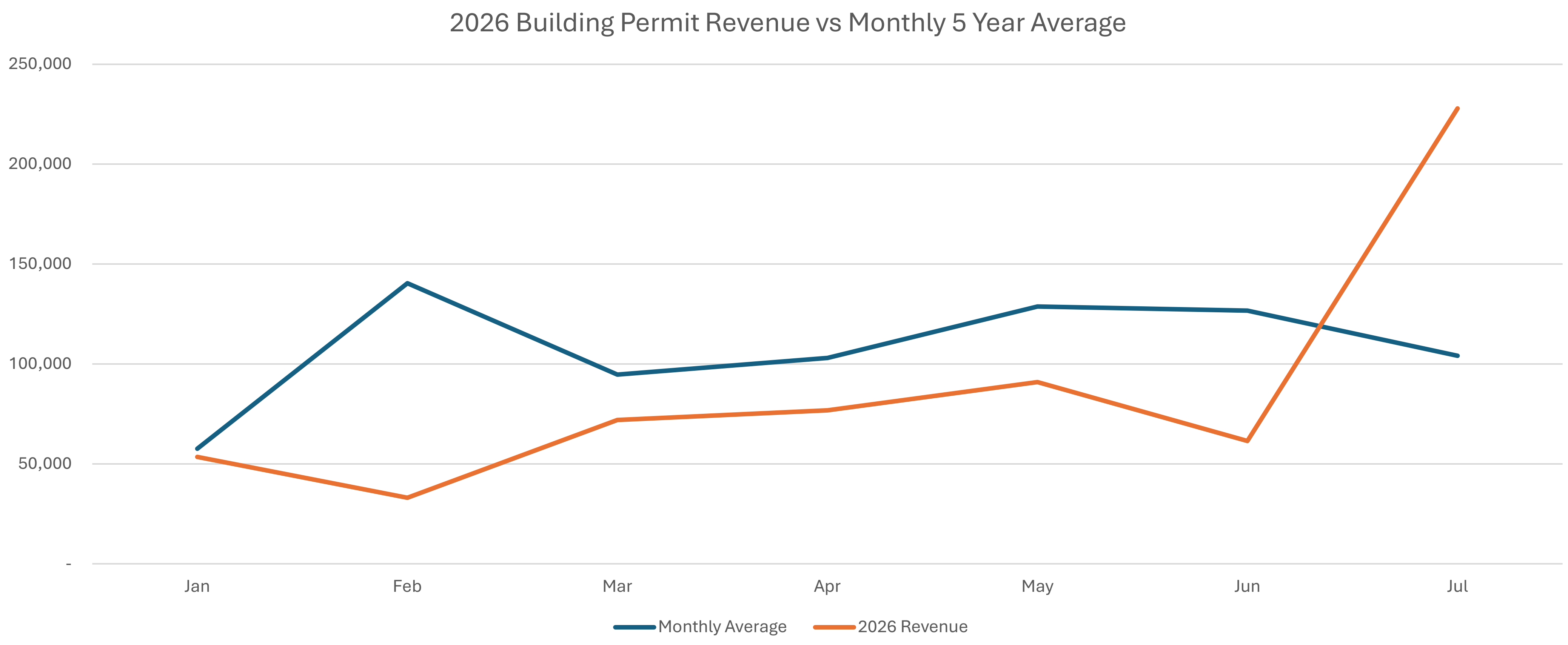
1 Current year personal property taxes are collected in the final quarter of the year

2 Insurance premium tax is a one-time annual collection in October

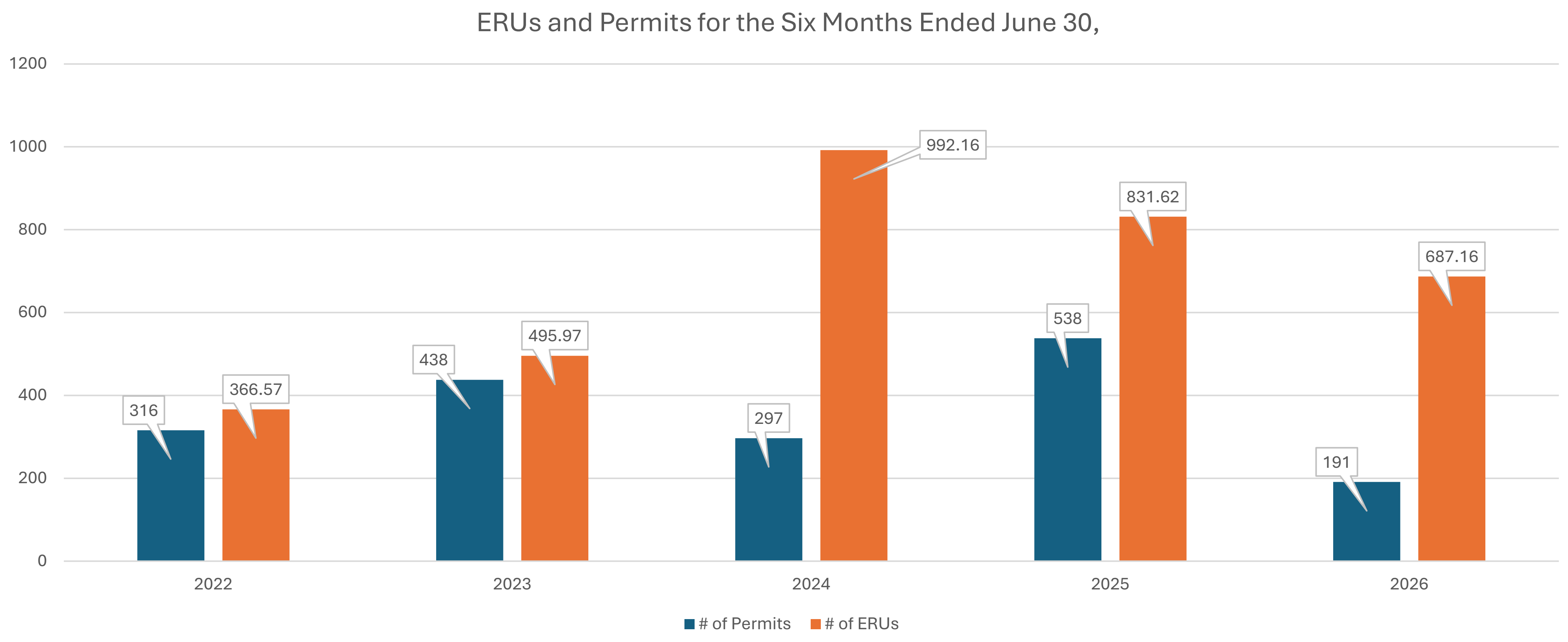
Building Permit Revenue – Last Five Years



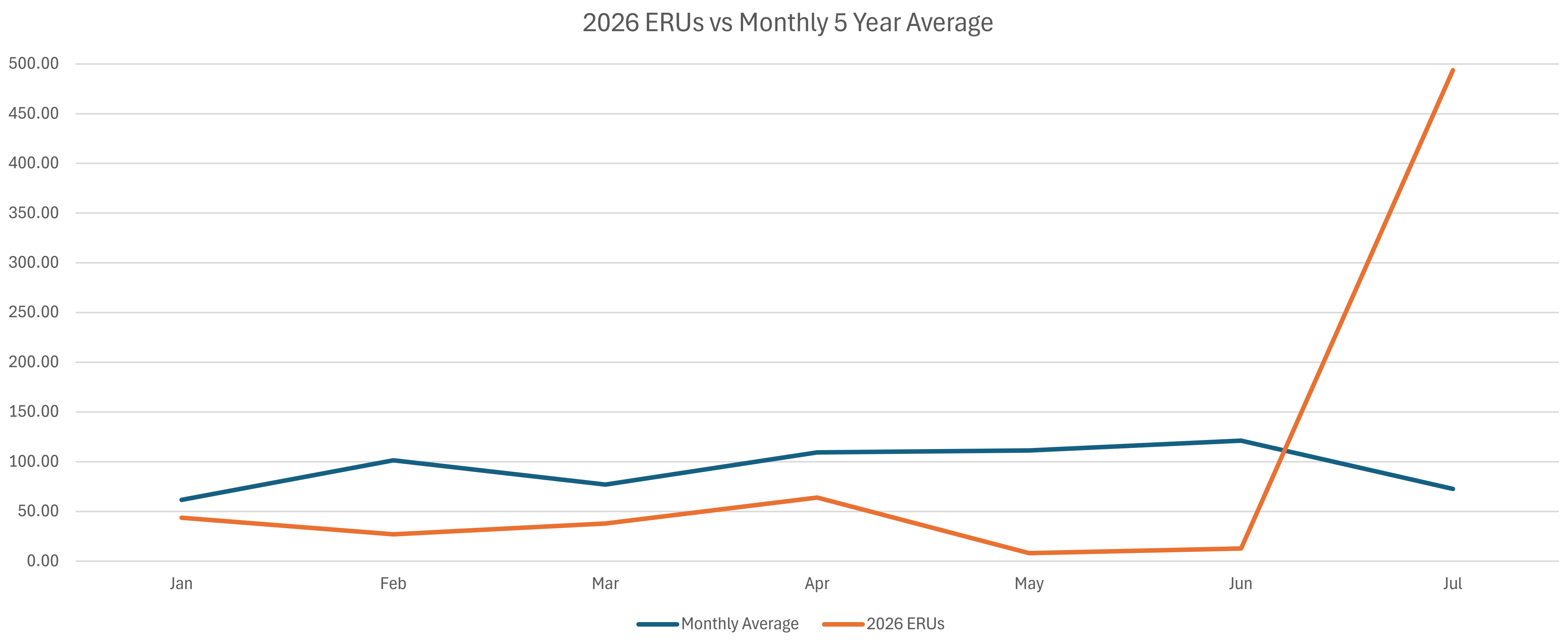
Building Permit Revenue vs. Monthly Five-Year Average



Equivalent Residential Units (ERU) and Permits for the Six Months Ended July 31



2026 ERUs vs. Monthly 5-Year Average



Questions?

ASSET MANAGEMENT & DATA ANALYSIS

Matthew Saxon

What Is Asset Management?

Asset management is all about using mapping technology to keep track of physical assets in a city. Roads, bridges, water systems, and public buildings are all part of this system.

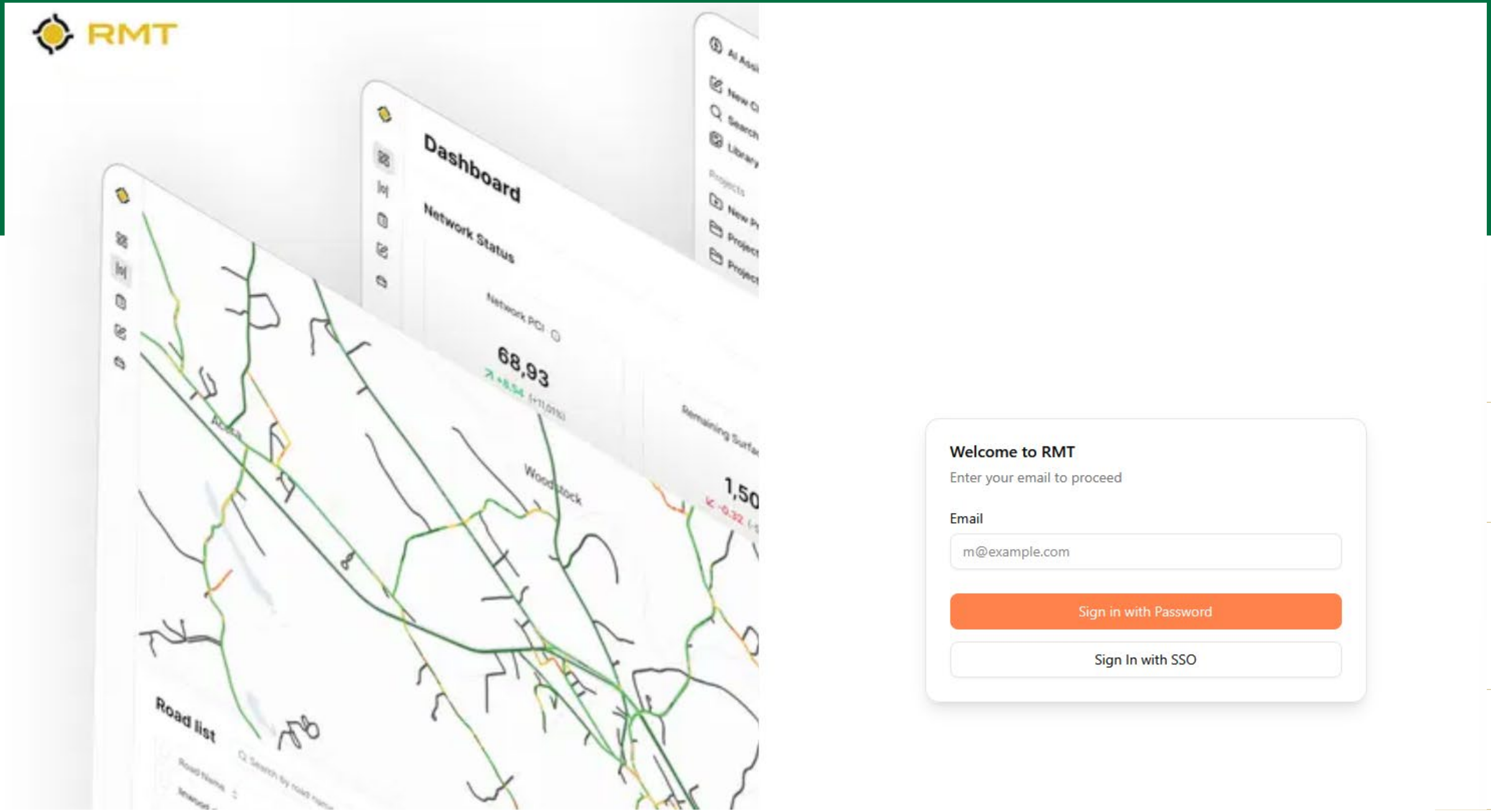
GIS: the Foundation for Asset Management

Geographic Information Systems (GIS) are widely recognized as the foundation for effective asset management because they provide the spatial context needed to understand, manage, and optimize assets throughout their lifecycle.

GIS and Asset Management Together

Geographic Information Systems (GIS) are widely recognized as the foundation for effective asset management because they provide the spatial context needed to understand, manage, and optimize assets throughout their lifecycle.

Road Monitoring Technology



Georgia Power Streetlight Outages

Georgia Power

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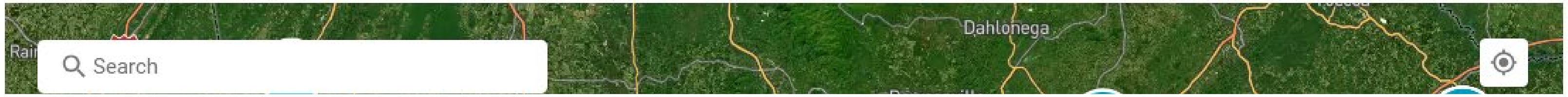
Report a Street Light Outage

1. To find the light location: Enter the address of the outage location in the search bar, click the target icon in the upper right-hand corner of the map to navigate to your location, or zoom in on the map
2. If the light exists on the map, click it, then click "REPORT STREET LIGHT ISSUE"
3. If the light does not exist on the map, right-click, or long-press via a mobile device, then click "REPORT MISSING STREETLIGHT ISSUE"
4. Populate all information on the form
5. Once complete, click "DONE" in the top-right of the form

Click here for a full-screen map



Questions?

GRANT UPDATE

Caroline Hankins

Grant Name	Grantor/Agency	Category	Amount Requested	Amount Awarded	Local Match	Submission Date	Fiscal Year	Status
Community Project Funding	Appropriations - Buddy Carter - HUD	Transportation	$ 16,000,000.00	$ 8,000,000.00		4/27/2022	2023	Approved
Community Project Funding	Appropriations - Buddy Carter - HUD	Facilities	$ 6,000,000.00			3/9/2023	2024	Declined
Community Project Funding	Appropriations - Buddy Carter - FEMA	Facilities	$ 13,000,000.00			5/1/2024	2025	Declined
Governor Office of Highway Safety	High Visibility Enforcement Grant	Public Safety	$ 34,313.60	$ 34,313.60		10/3/2024	2025	Approved
Land Water Conservation Fund	National Park Service	Recreation	$ 500,000.00	$ 250,000.00	$ 250,000.00	10/23/2024	2024/2025	Approved
2024 Assistance to Firefighters Grant	FEMA (Assistance to Firefighters Grant)	Public Safety	$ 171,349.00			12/20/2024	2025	Declined
2025 State Homeland Security Program	GEMA State Homeland Security	Public Safety	$ 45,000.00			12/20/2024	2025	Declined
	GEMSA	Public Safety	$ 1,000.00	$ 1,000.00		1/10/2025	2025	Approved
	DHS/FEMA (AFFIRM) class	Public Safety	$ 3,500.00	$ 3,500.00		2/6/2025	2025	Approved
Coastal Incentive Grant	Georgia Department of Natural Resources	Planning	$ 160,000.00			2/10/2025	2025	Declined
GRPA New Initiative Grant	GA Recreation and Parks Association	Recreation	$ 1,000.00	$ 1,000.00		2/18/2025	2025	Approved
Georgia Trauma Commission Bleeding Control Kit Program	Georgia Trauma Commission	Public Safety	$ 750.00	$ 750.00		2/25/2025	2025	Approved
	GEMSA	Public Safety	$ 3,000.00	$ 3,000.00		3/10/2025	2025	Approved
2025 Georgia Forestry Commission Fire Assistance Grant Program	Georgia Forestry Commission	Public Safety	$ 5,000.00	$ 5,000.00		3/15/2025	2025	Approved
T-Mobile Home Town Grant	T-Mobile	Recreation	$ 50,000.00			3/24/2025	2025	Declined
2025 Pre-Hospital Trauma Life Support	GEMSA (Georgia EMS Association)	Public Safety	$ 5,580.00	$ 7,794.66		4/1/2025	2025	Approved
Community Project Funding	Appropriations - Buddy Carter - DOT	Transportation	$ 15,000,000.00	$ 4,000,000.00	$ 1,000,000.00	4/25/2025	2026	Approved
2026 Pre-Hospital Trauma Life Support	Georgia Trauma Commission/GEMSA	Public Safety	$ 4,472.00			6/1/2025	2025	Declined
USTA Facility Assistance Grant	USTA Georgia	Recreation	$ 5,000.00	$ 5,000.00		6/1/2025	2025	Approved
Safe Streets and Roads for All (SS4A)	US Department of Transportation	Transportation	$ 300,000.00	$ 240,000.00	$ 60,000.00	6/16/2025	2025	Approved
Arthur M. Blank Foundation	GA Recreation and Park Association	Recreation	$ 1,308.00	$ 1,308.00		7/1/2025	2025/2026	Approved
Blank Foundation Equipment Grant	GRPA - Atlanta United - Blank Foundation	Recreation	$ 1,308.00	$ 1,308.00		7/1/2025	2025	Approved
Georgia Trauma Commission Bleeding Control Kit Program	Georgia Trauma Commission	Public Safety	$ 2,199.20	$ 2,199.20		8/29/2025	2025	Approved
Transportation Alternatives and Congestion Mitigation and Air Quality Improvement	GA Department of Transportation	Transportation	$ 10,000,000.00	$ 640,000.00	$ 160,000.00	9/19/2025	2027	Approved
2026 State Homeland Security Program	GEMA State Homeland Security	Public Safety	$ 53,276.80	$ 53,276.80		10/15/2025	2026	Approved
Hazard Mitigation Grant Program	GA Emergency Management and Homeland Security Agency	Planning	$ 2,594,390.00	$ 2,205,231.50	$ 389,158.50	11/24/2025	2026	Approved
Hazard Mitigation Grant Program	GA Emergency Management and Homeland Security Agency	Planning	$ 129,719.50	$ 129,719.50		11/24/2025	2026	Approved
Coastal Incentive Grant	Georgia Department of Natural Resources	Planning	$ 160,000.00			12/1/2025	2026	Declined
Atlanta Hawks Grant	GRPA - Hawks Partnership	Recreation	$ 2,308.00	$ 2,308.00		12/11/2025	2025/2026	Approved
2026 EMT (Emergency Medical Technician) / AMET (Advanced Emergency Medical Technician) Competitive Training Grant	Georgia Trauma Commission	Public Safety	$ 10,000.00	$ 12,000.00		2/2/2026	2026	Approved
GACP Technology Grant	Georgia Chiefs of Police	Public Safety	$ 10,000.00	$ 10,000.00		2/24/2026	2026	Approved
Community Project Funding	Appropriations - Buddy Carter - DOT	Transportation	$ 10,000,000.00			2/26/2026	2027	Under Review
Community Project Funding	Appropriations - Jon Ossoff - EOC	Public Safety	$ 10,000,000.00			2/26/2026	2027	Declined
2026 AEMT (Advanced Emergency Medical Technician) Competitive Training Grant	Georgia Trauma Commission	Public Safety	$ 3,000.00	$ 3,000.00		5/2/2026	2026	Approved
FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant	FEMA	Public Safety	$ 2,790,156.77		$ 1,734,422.17	6/4/2026	2025	Under Review
FEMA (Assistance to Firefighters Grant) Portable Fire Training Building	FEMA	Public Safety	$ 765,336.36		$ 76,533.64	6/4/2026	2025	Under Review
2026 Pre-Hospital Trauma Life Support	Georgia Trauma Commission	Public Safety	$ 5,100.00	$ 5,100.00		7/1/2026	2027	Approved
2026 Tactical Emergency Casualty Care (TECC)	Georgia Trauma Commission	Public Safety	$ 5,100.00	$ 5,100.00		7/1/2026	2026/2027	Approved
2026 EMT (Emergency Medical Technician) Competitive Training Grant	Georgia Trauma Commission	Public Safety	$ 10,000.00	$ 12,000.00		7/1/2026	2026/2027	Approved
SAMHSA - Substance Abuse and Mental Health Services Administration grant	US Department of Health and Human Services	Public Safety	$ 300,000.00			7/15/2026	2026	Under Review
2026 Tactical Emergency Casualty Care (TECC)	Georgia Trauma Commission	Public Safety	$ 5,100.00	$ 5,100.00		7/21/2026	2026/2027	Approved

Fiscal Years 2023 –2027

Awarded

- $15,639,009.26
- 28 grants approved
- 68% success rate
- Diverse grant agencies

Applied

- $88,138,267.23
- 41 applications
- 22% declined
- 10% under review

Highlighted Grants - $7,540,227.80

Grant Name	Grantor/Agency	Category	Amount Requested	Amount Awarded	Status
Land Water Conservation Fund	National Park Service	Recreation	$500,000.00	$250,000.00	Approved
Community Project Funding	Appropriations - Buddy Carter - DOT	Transportation	$15,000,000.00	$4,000,000.00	Approved
Safe Streets and Roads for All (SS4A)	US Department of Transportation	Transportation	$300,000.00	$240,000.00	Approved
Transportation Alternatives and Congestion Mitigation and Air Quality Improvement	GA Department of Transportation	Transportation	$10,000,000.00	$640,000.00	Approved
2026 State Homeland Security Program	GEMA State Homeland Security	Public Safety	$53,276.80	$53,276.80	Approved
Hazard Mitigation Grant Program	GA Emergency Management and Homeland Security Agency	Planning	$2,594,390.00	$2,205,231.50	Approved
Hazard Mitigation Grant Program	GA Emergency Management and Homeland Security Agency	Planning	$129,719.50	$129,719.50	Approved
GACP Technology Grant	Georgia Chiefs of Police	Public Safety	$10,000.00	$10,000.00	Approved
2026 EMT (Emergency Medical Technician) Competitive Training Grant	Georgia Trauma Commission	Public Safety	$10,000.00	$12,000.00	Approved

Millage Rate Savings

- 1 mill = $3.2M
- Grant awarded amounts total $15,639,009
- Grant funding is equivalent to 4.89 mills

Questions?

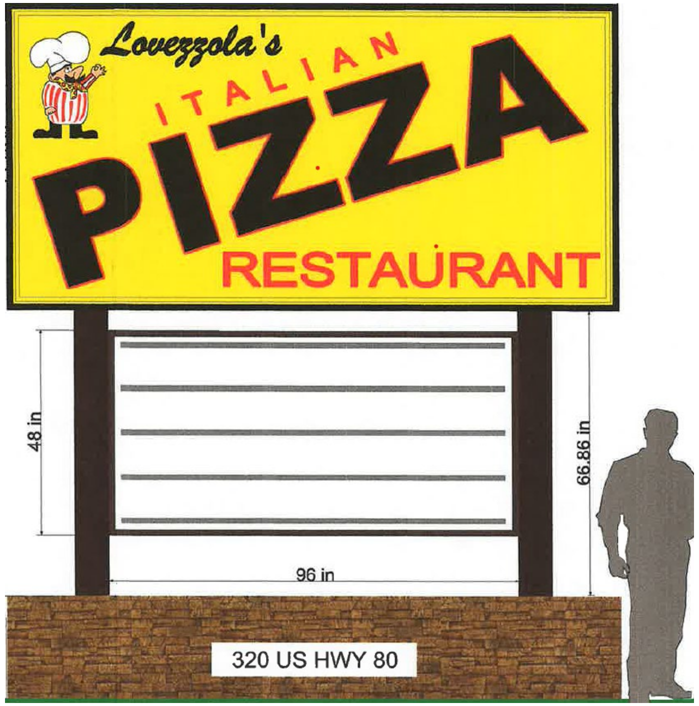
DEVELOPMENT AUTHORITY UPDATE

Ben Perkins

1897

OLIVER MANER LLP

Development Authority



- First award of the Façade Improvement Program
- Installation of a new sign
- Grant match of $10,000

Ga. Const. art. III, § 6, ¶ V

(e) No municipal or county authority which is authorized to construct, improve, or maintain any road or street on behalf of, pursuant to a contract with, or through the use of taxes or other revenues of a county or municipal corporation shall be created by any local Act or pursuant to any general Act nor shall any law specifically relating to any such authority be amended unless the creation of such authority or the amendment of such law is conditioned upon the approval of a majority of the qualified voters of the county or municipal corporation affected voting in a referendum thereon. This subparagraph shall not apply to or affect any state authority.

Bonding

- To issue bonds, an entity needs security.
- This security is typically in the form of assets and revenue streams (e.g., Pinewoods; water and sewer revenues, tax revenues, etc.).

Questions?

WETLANDS & BALANCING FEDERAL ENVIRONMENTAL REGULATIONS LOCALLY

Alton Brown

RESOURCE+LAND CONSULTANTS

Aquatic Resources & Waters of the U.S. Changes in Federal Regulations

Aquatic Resource & Habitat Types

- Wetlands – Classified by primary hydrology input
  - Freshwater Wetlands
    - Slope
    - Depressional
    - Riverine
  - Tidal Wetlands
    - Saltwater
    - Freshwater
- Streams – Classified by flow regime
  - Ephemeral
  - Intermittent
  - Perennial

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Wetland Definition

- "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."
- Wetlands generally include **marshes, swamps, bogs, wet meadows, and similar areas**.
- For field identification, a wetland normally exhibits three characteristics:
  - **Wetland hydrology** — water is present at or near the ground surface long enough to affect the area.
  - **Hydric soils** — soils formed under prolonged saturated or oxygen-depleted conditions.
  - **Hydrophytic vegetation** — plants adapted to growing in saturated soils.

Wetlands

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Wetlands

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Stream Definition

- A natural watercourse in which water flows within a defined channel, typically having a bed and banks.
- EPA classifies streams according to how long they normally carry water:
  - **Perennial stream:** Flows continuously during a typical year, although flow may stop during severe drought.
  - **Intermittent stream:** Flows during certain seasons when groundwater or other sustained sources provide water.
  - **Ephemeral stream:** Flows only during or shortly after rainfall or snowmelt and is normally above the groundwater table.

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Streams/Tributaries

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Streams/Tributaries

Streams/Tributaries

Determining Limits of Aquatic Resources

- Desktop Preliminary Assessment
- On-Site Preliminary Assessment
- Formal Field Delineation and Survey

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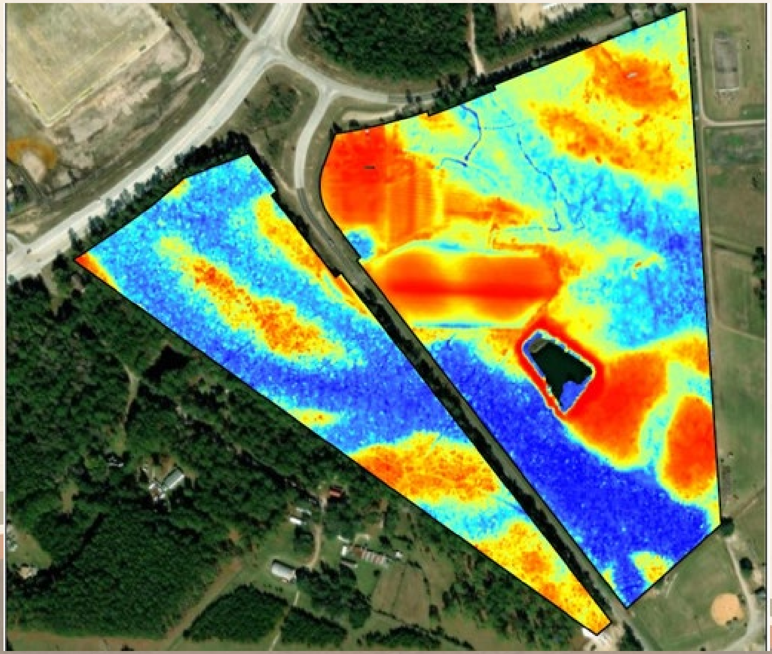
Reliable Identification Tools



LIDAR

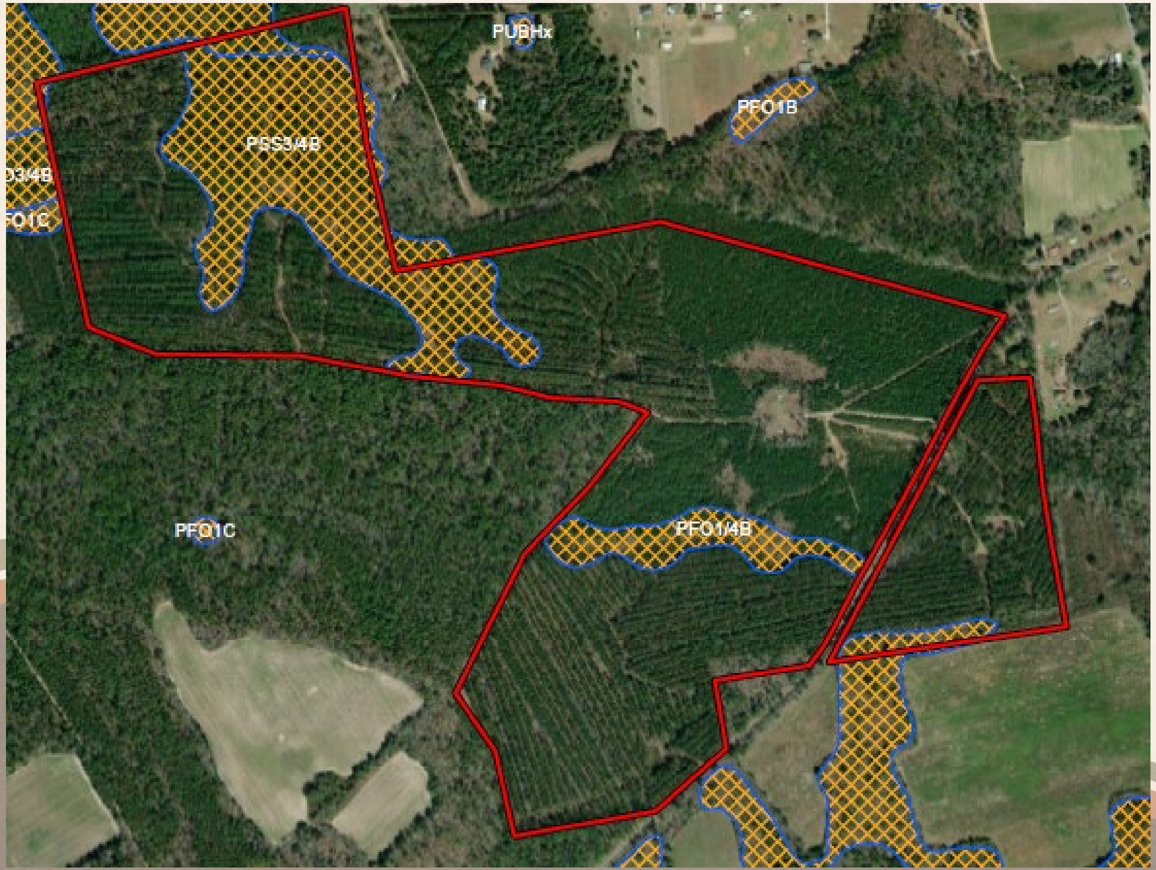
Color Infrared

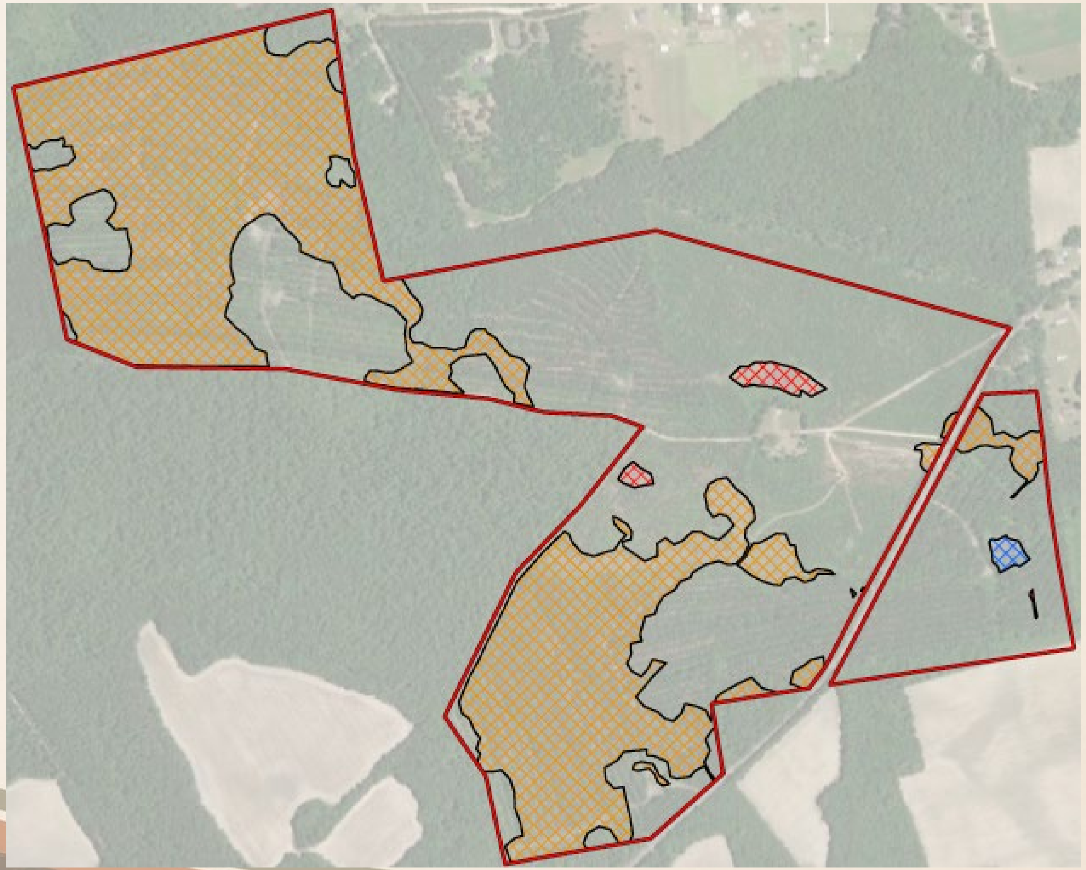
Ortho Photograph

Unreliable Identification Tools

US Fish and Wildlife Service - National Wetland Inventory

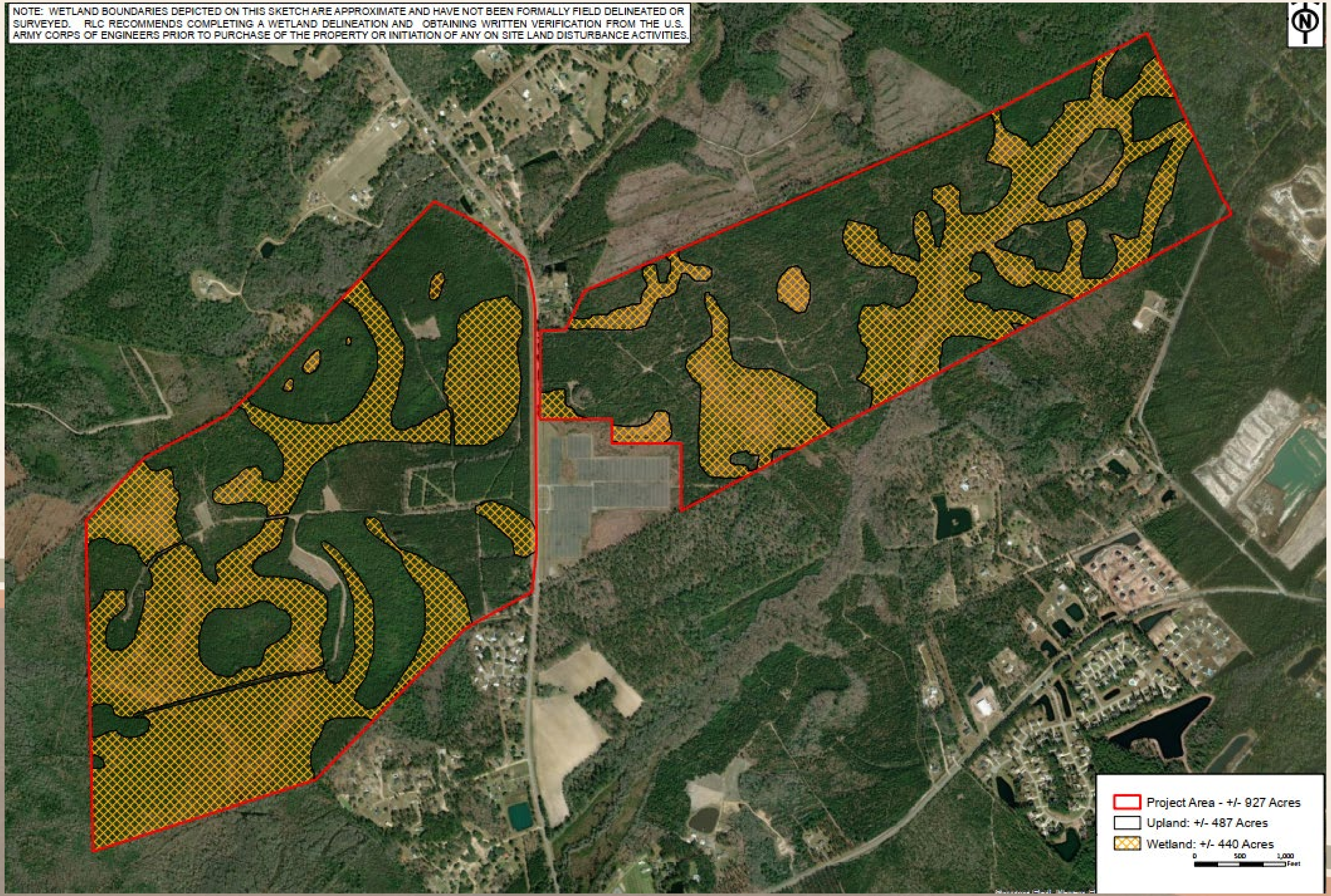
National Wetland Inventory





RESOURCE+LAND CONSULTANTS

On-Site Preliminary Assessment



Project Area: 927 Acres

Upland: 487 Acres

Wetland: 440 Acres

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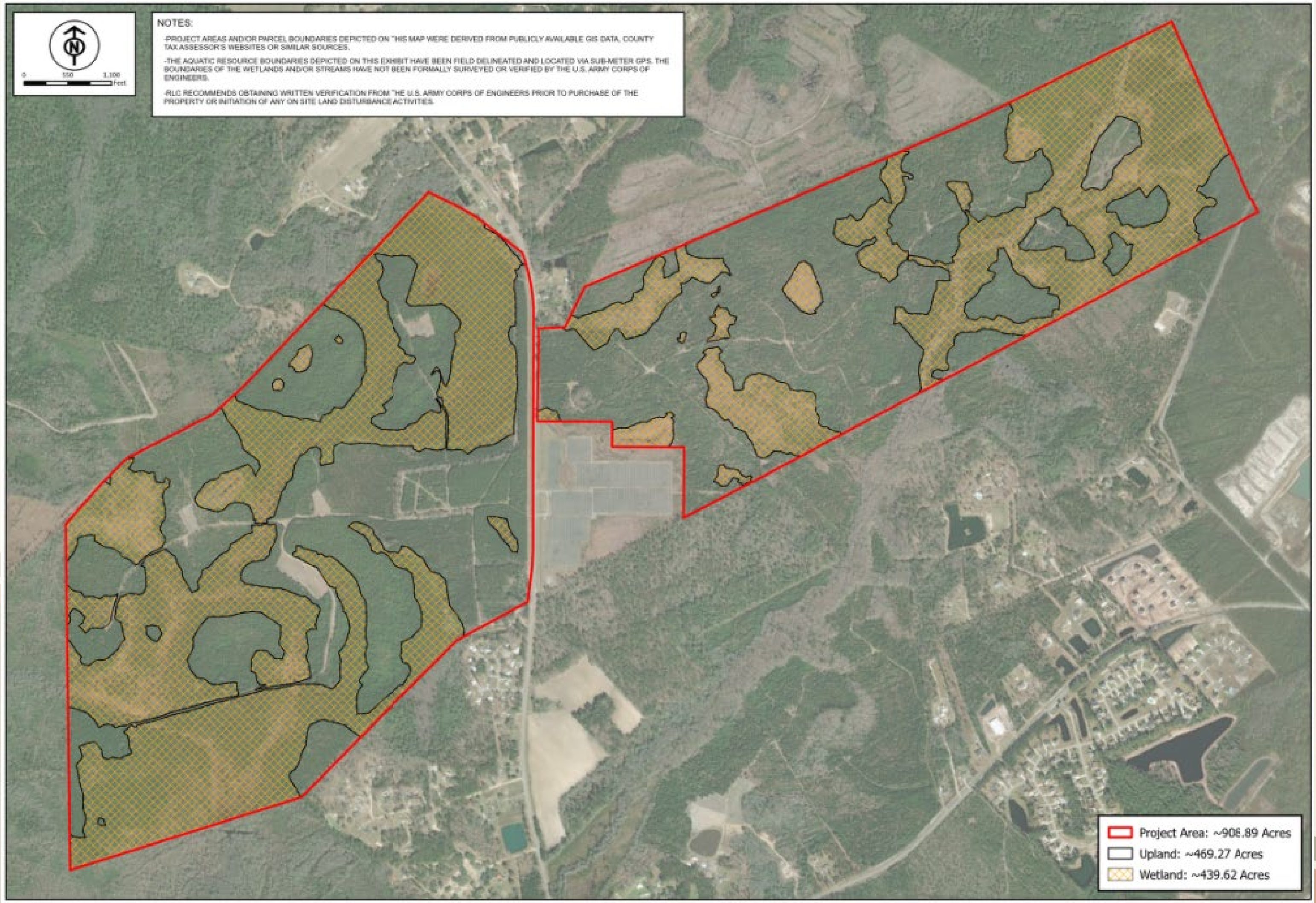
Formal Delineation



Project Area: 908 Acres
Upland: 469 Acres
Wetland: 439 Acres

Regulatory Authority

- Clean Water Act - 1972
  - The Act generally prohibits the discharge of a pollutant from a point source into "navigable waters" without authorization. Congress defined navigable waters as **"the waters of the United States, including the territorial seas,"**
  - Revised Interpretations: 1975,1977,1985, 2001, 2006, 2015, 2019, 2021, 2023 ,2025 and likely 2026

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Why the Change

- 2023 *Sackett v. EPA:* In a 9-0 decision, SCOTUS substantially narrowed federal jurisdiction. The Court held that wetlands are federally protected only when they have a continuous surface connection to relatively permanent waters covered by the Act. As a result, many geographically separated wetlands are no longer federally regulated.

- 2024 *Loper Bright Enterprises v. Raimondo:* SCOTUS overturned the longstanding *Chevron* doctrine, which had required courts to defer to a federal agency's reasonable interpretation of an ambiguous statute. The Court held that judges must independently determine the best interpretation of federal law. The decision gives courts greater authority to review agency regulations and may make federal environmental and other regulations more vulnerable to legal challenges.

Present Jurisdiction (March 2025 to Present)

- 2023 Sacket Decision: CWA only extends to wetlands that have a “continuous surface connection” with WOTUS.
- Waters of the United States means:
  - (i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
  - (ii) The territorial seas; or
  - (iii) Interstate waters;
- (2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;
- (3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;
- (4) Wetlands adjacent to the following waters:
  - (i) Waters identified in paragraph (a)(1) of this section; or
  - (ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;
- *March 2025 EPA MEMORANDUM TO THE FIELD CONCERNING THE PROPER IMPLEMENTATION OF “CONTINUOUS SURFACE CONNECTION”* rescinded any components of guidance or training materials that assumed a discrete feature established a continuous surface connection (i.e. the man-made drainage ditches within the property).

RLC RESOURCE+LAND CONSULTANTS

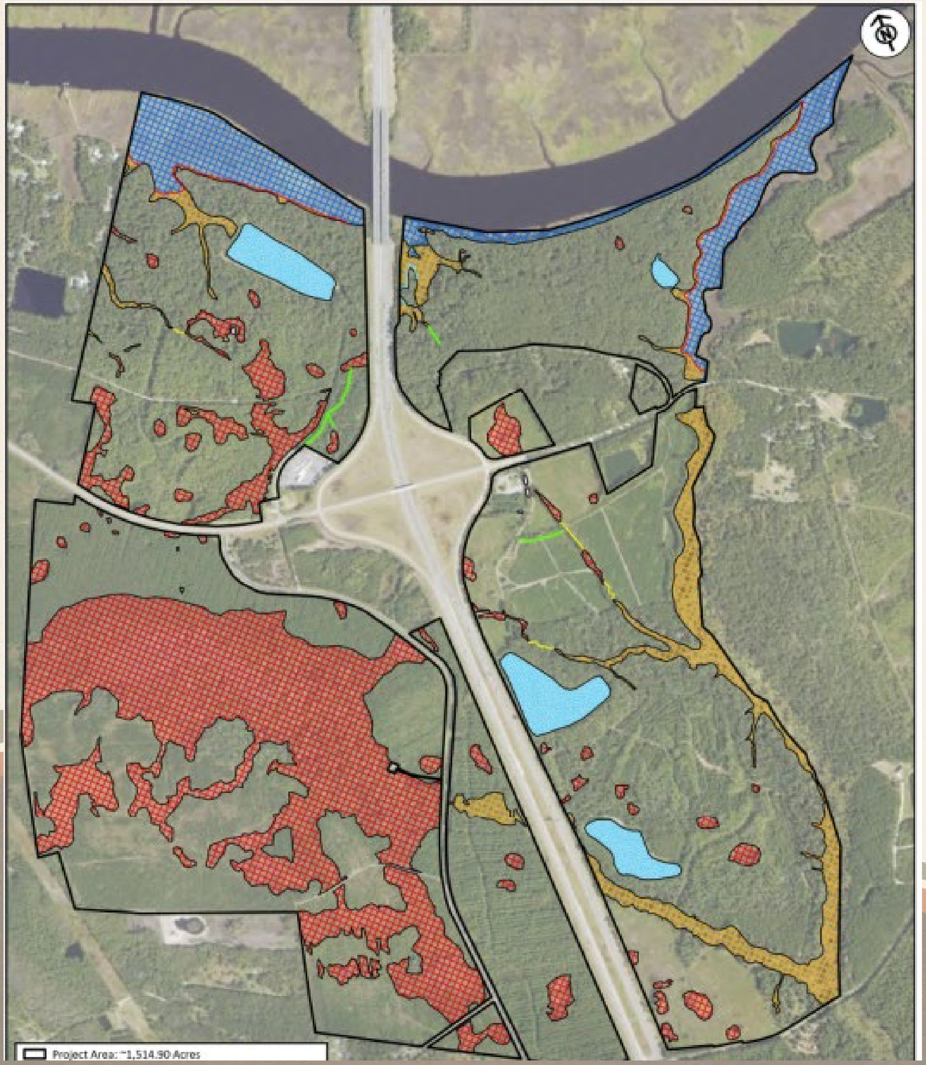
Jurisdictional Change

2021

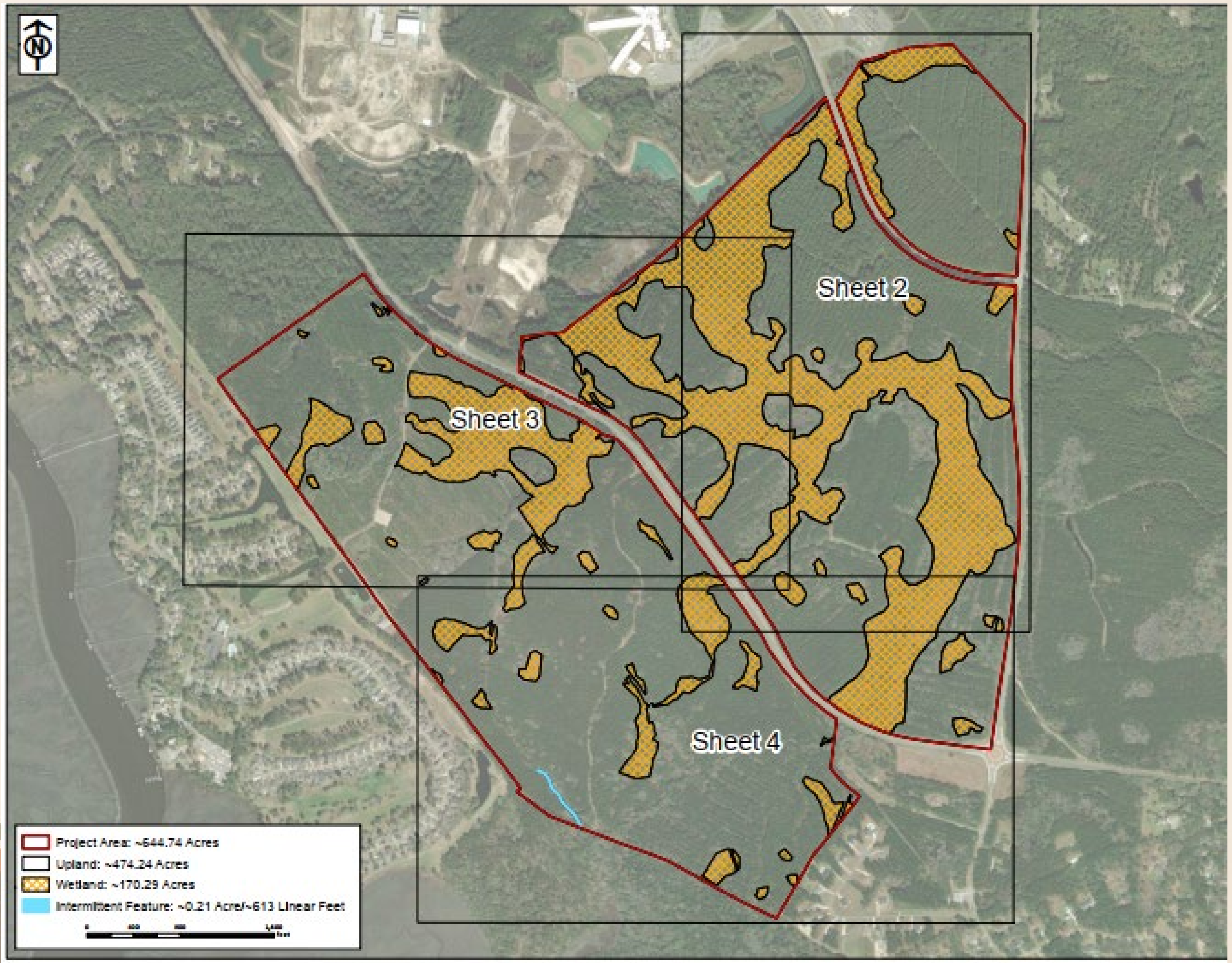
2025

RLC RESOURCE+LAND CONSULTANTS

Jurisdictional Change



+/- 285 Acres Non-Jurisdictional



+/-170 Acres Non-Jurisdictional

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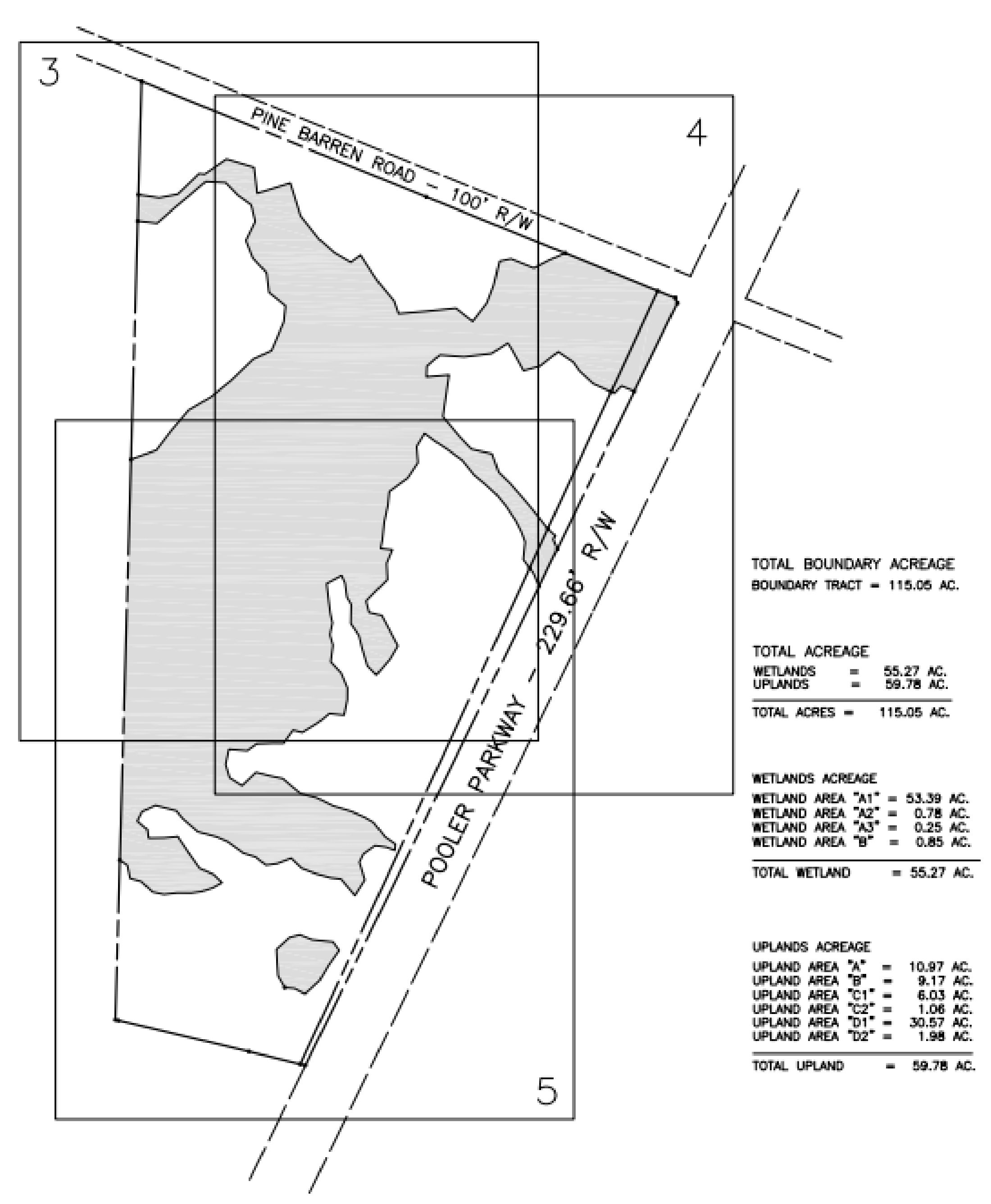
Jurisdictional Change

2019: 0.85 Acres Non-Jurisdictional

2025: 55.27 Acres Non-Jurisdictional



Proposed WOTUS Rule

- Proposed rule would define key terms such as:
  - relatively permanent
  - tributary
  - continuous surface connection
    - clarify “wet season” definition for purposes of jurisdictional waters
  - remove interstate waters as an independent jurisdictional category
  - clarify the scope of regulatory exclusions for ditches, groundwater, prior-converted cropland, and waste-treatment systems.

If finalized, the rule is expected to reduce the number of waters and wetlands requiring federal permits and mitigation.

Proposed WOTUS Rule Timeline & Status

- **March–May 2025:** EPA and the Army conducted consultations and public listening sessions.
- **November 20, 2025:** Proposed rule published in the *Federal Register*.
- **December 12–16, 2025:** Public meetings held.
- **January 5, 2026:** The 45-day public-comment period closed.
- **Current status:** A final rule has not yet been published in the *Federal Register*. Anticipated to be published before end of 2026.

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Ordinance Development

Local Ordinances Regulating Wetlands

- Purpose of the Ordinance?
  - Establish aquatic resource permitting process?
  - Determine acreage of aquatic resources remaining in City Limits and establish % loss that is acceptable?
  - Protect all remaining aquatic resources and prohibit any future impacts?
- Define resources to be protected
  - Wetland
  - Waters – Lake, Pond, etc.
  - Stream
  - Ditch
- Who will approve the delineation of the resource boundary? Based on USACE verification?
- Will the ordinance apply to both USACE jurisdictional waters and non-jurisdictional waters? Just non-jurisdictional waters?
- Does condition of wetland influence ability to impact?
- What will the permit/variance process require?
  - Staff Approval?
  - City Council Approval?
- Will City approval be required if USACE and/or EPD approval has been obtained? Aquatic resource identification and USACE permitting occurs at the beginning of the diligence process for most projects.
- Will compensatory mitigation be required? What will that include? Wetland preservation? Creation? Restoration? On-site? Off Site? Within City Limits only?
  - Purchase of mitigation credits from USACE approved mitigation bank available if USACE permit required but not available if USACE permit is not required.
- Mandated timeline for approval?

Non-Federal Wetland Regulations

- SC DES-BCM- Coastal Counties of SC
- City of Savannah
- Town of Bluffton
- Town of Hilton Head

Ten-Minute Break

ANNEXATION LAW IN GEORGIA

Brandon Bowen *via Zoom*

Annexation: Growing Pains and Growth Spurts

Brandon Bowen

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August 7, 2026

Methods of Annexation

There are 5 methods of Municipal Annexation authorized by Georgia law:

1. The 100% method
2. The 60% method (really the 60% and 60% (method))
3. Annexation by Resolution and Referendum
4. Annexation of Unincorporated Islands
5. Annexation by Act of the General Assembly

Plus deannexation

Methods of Annexation

Local Act – General Assembly

- “The legislature's power to annex property is limited only by the federal and state constitutions.” Ft. Oglethorpe v. Boger, 267 Ga. 485 (1997).
- This is the only method of annexation not covered by the dispute resolution process.

Methods of Annexation

Annexation of Unincorporated Islands

- Essentially these are unincorporated areas that have been completely surrounded by one or more municipalities since January 1, 1991.
- Islands can be annexed by the city that abuts the greatest percentage of the external boundary.
- Cities may annex by passage of an ordinance within 30 days of notice to the property owners.

Methods of Annexation

Resolution/Referendum Method

- This method allows cities to call for a referendum in adjacent areas that meet certain criteria defining them as developed for urban purposes.
- After passing a resolution identifying the area under consideration and setting the time and place for a public hearing, a plan for extending municipal services must be prepared.
- The plan for extending services must be approved by the city, made publicly available in advance of the hearing, and must be presented at the hearing.

Methods of Annexation

Resolution/Referendum Method *(continued)*

- After the hearing, the city may call for an election to be held within the area under consideration. A majority of the ballots cast will determine whether the area is annexed.
- County objections to this type of annexation are possible.
- Where the county is providing water, sewer, police, or fire protection, the county must consent to the annexation. Thus, in areas where there is potential service delivery competition, the county will likely have already prevented an annexation they don’t like from proceeding under this method.

Methods of Annexation

60% Method

- Written petition signed by at least 60% of the owners of the land area (by acreage) and at least 60% of the resident electors in the area proposed for annexation.
- After reviewing the petition for validity, the city must set a time and place for a public hearing, and a plan and reports for extending municipal services must be prepared.
- Notice must be sent of the time and place for the hearing to the mailing address in the property tax records for each property owner whose property is in the area proposed for annexation. It must be mailed not less than 15, nor more than 45, days before the hearing.
- A plan for extending services must be approved by the city, made publicly available in advance of the hearing, and must be presented at the hearing.
- After the hearing, the city may choose to annex the territory identified in the petition.

Methods of Annexation

60% Method *(continued)*

- County objections to this type of annexation are possible.
- These petitions are less common than the 100% method as obtaining the signatures of electors can be difficult.

Methods of Annexation

100% Method – "A Free Election"

- Written petition signed by 100% of the owners of all the land in the area proposed for annexation.
- Cities may choose to annex the territory through passage of an ordinance.
- Counties in which the city is not already located must consent to the first annexations into their county under this method.
- This is the most commonly used method of annexation.

Methods of Annexation

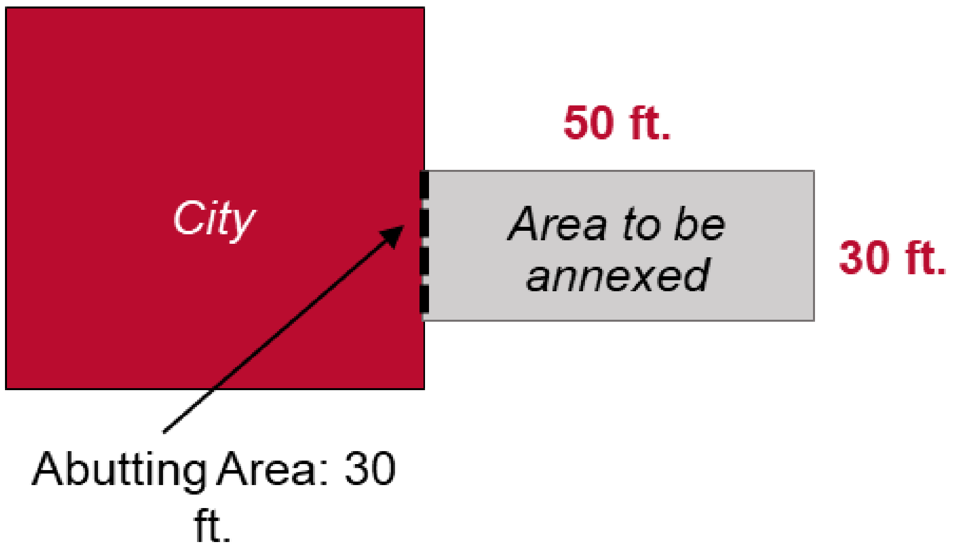
Contiguity

- Each “home rule” method of annexation requires that the area to be annexed to the city be contiguous, that is, adjacent to the city.
- The definitions of contiguity differ slightly for each method.
- Under the 100% method, the area must abut the city by 1/8 of its aggregate external boundary or 50 feet, whichever is less.
- Under the 60% and Resolution Referendum methods, the area must abut the city by at least 1/8 of its aggregate external boundary.
- Under the unincorporated islands method, the entire aggregate external boundary must abut one or more cities.

Methods of Annexation

100% Petition Method

Example:



Total boundary=160'

1/8 of 160=20'

Abutting Area=30'

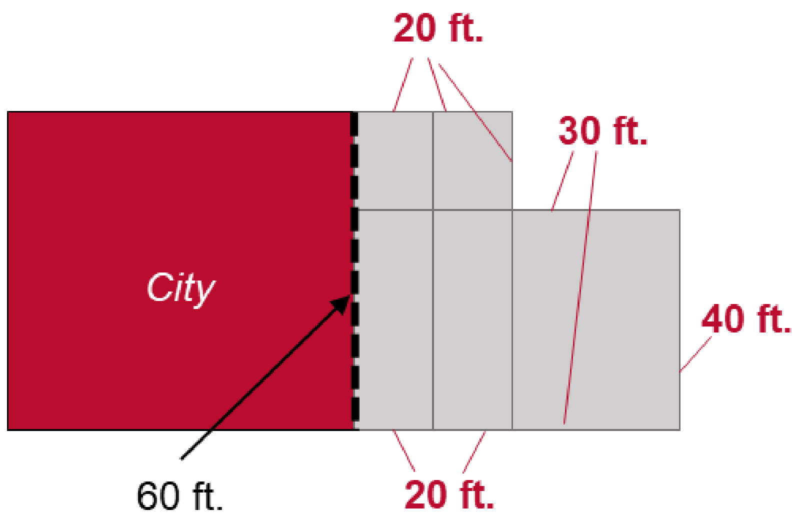
More than 1/8 (30>20) of the total boundary abuts the municipal boundary, so the parcel can be annexed.

Source*: Growing Cities, Growing Georgia*, GMA Legal Report. January 2014.

Methods of Annexation

60% Method *(continued)*

Example:



Total boundary=260'
Contiguous Boundary=60'
1/8 of 260=32.5'

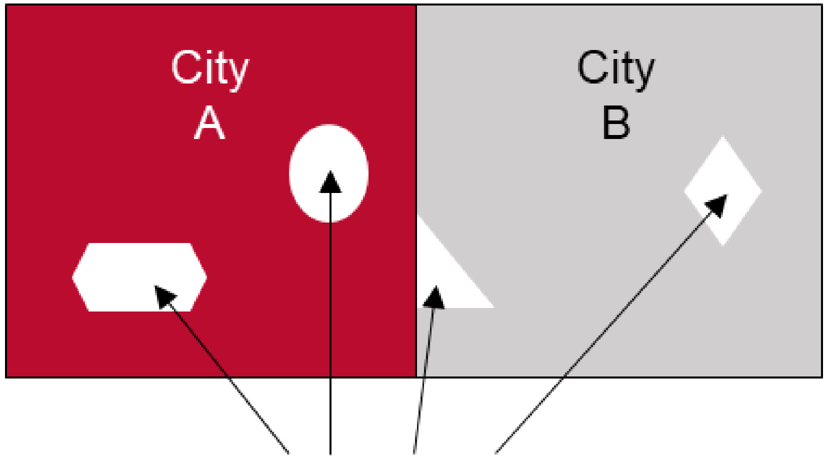
More than 1/8 of the total boundary is contiguous to the municipal limits (60>32.5).

Source: *Growing Cities, Growing Georgia*, GMA Legal Report. January 2014.

Methods of Annexation

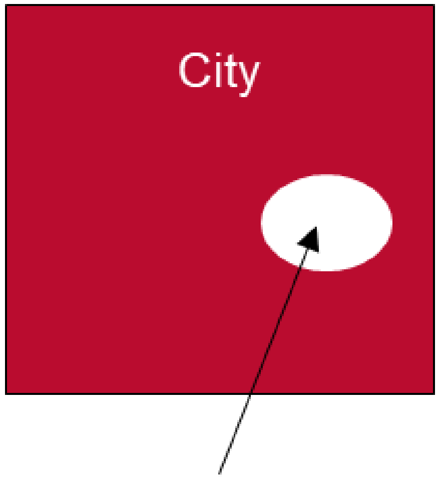
Annexation of Unincorporated Islands *(continued)*

Example 1:



Unincorporated islands

Example 2:



Unincorporated island

Source*: Growing Cities, Growing Georgia*, GMA Legal Report. January 2014.

Methods of Annexation

Unincorporated Islands

- Each “home rule” method of annexation prohibits the creation of new unincorporated islands.
- However, cities can “nibble” away at an island; they don’t have to “eat” the entire thing. See <u>Calloway v. City of Fayetteville</u>, 296 Ga. App. 200 (2009).

Methods of Annexation

Contiguity (*continued*)

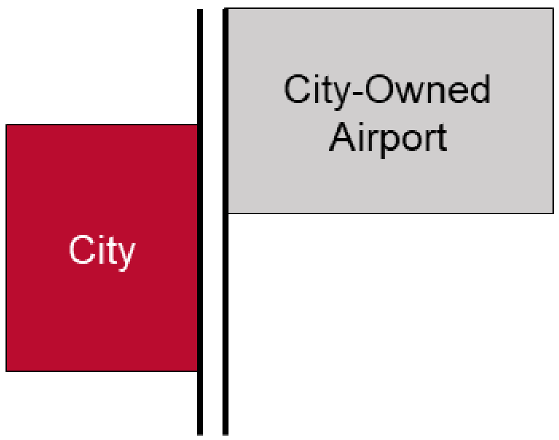
In defining contiguity, the law exempts:

- land owned by a local government or the state.
- the definite width of any street or street right-of-way, any creek or river, railroad or other public service corporation.

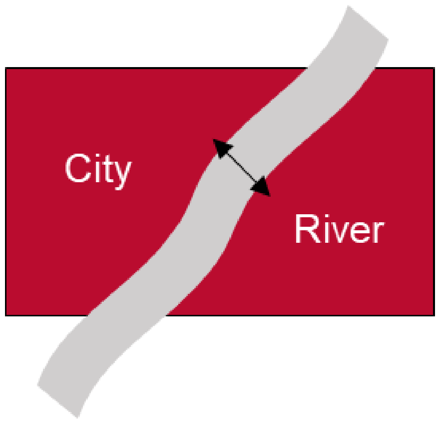
Methods of Annexation

Contiguity – Exemptions *(continued)*

Example 1:



Example 2:



Source: *Growing Cities, Growing Georgia*, GMA Legal Report. January 2014.

Notice Requirements

Notice to Counties of Proposed Annexations

- Each method of annexation, except for the annexation of unincorporated islands, provides that the city send notice of the proposed annexation to the county in which the territory under consideration is located within 30 days.

- Within five days of receipt of such notice, the county must notify the city of the presence of any county-owned public facilities within the area proposed for annexation.

Notice Requirements

County Property in Area Proposed for Annexation

Control and ownership of county-owned property is not changed by municipal annexation, unless and until:

- It is no longer usable for service to the unincorporated area of the county as a result of the annexation.
- It is funded by revenues obtained from the unincorporated area of the county.
- It is used to provide services solely to the unincorporated areas of the county.
- The county adopts a resolution declaring that the facility is no longer usable for service to the unincorporated area as a result of annexation.

Notice Requirements

County Property in Area Proposed for Annexation

- In the event that county property is rendered no longer usable due to annexation, the county must be compensated the fair market value by the city, and the city takes ownership.
- When the city takes in land on both sides of a county road right-of-way, it assumes ownership and control, care, and maintenance.
- The city and county can come to an agreement that alters these defaults, and if they cannot agree on the fair market value, it can be submitted to a special master for determination.

Notice Requirements

Submittal of Annexation Information

Within 30 days of the last day of the quarter in which an annexation becomes effective, the annexing city must submit a report to: 1) the Department of Community Affairs, 2) the Legislative and Congressional Reapportionment Office of the General Assembly, and 3) the county governing authority.

The report must include:

- the area annexed (identifying the county in which it is located), and
- the total acreage annexed, the enactment date and effective date of the annexation ordinance, or Act of the General Assembly, and
- the details concerning the legal authority used to accomplish the annexation, and
- a list of roadways, bridges, and rights-of-way on state routes that were annexed, and
- a digital shapefile of the annexed area.

The annexing city must also submit a letter indicating the city's intention to inform the U.S. Census Bureau of the boundary change.

Deannexation- old fashioned O.C.G.A. § 36-36-22

Cities are also authorized to grant written petitions signed by 100% of the land owners of an area within the city to remove the territory from the city limits.

- This first requires a resolution to be passed by the county governing authority in which the property is located.
- No such petition that would result in the creation of an unincorporated island could be granted, however.
- Best practice would be to send notice to DCA, the Legislative and Congressional Reapportionment Office, and the Census Bureau.

Deannexation- New for 2023

New language adopted as O.C.G.A. Sec. 36-36-131**.**

Like the 100% method in reverse.

If the governing authority of the county consents to the deannexation, and the deannexation conforms with the requirements of this article, the governing authority of the municipal corporation shall approve such deannexation unless it finds that the deannexation would be detrimental to the health, safety, and welfare of the residents and property owners of the area to be deannexed or to the area remaining within the municipality.

Deannexation- New for 2023

- No more than 10 parcels at one time.
- Cannot create unincorporated islands and cannot cut off areas of the city that would be non-contiguous.
- Property not eligible if city has outstanding bonded indebtedness.
- City may choose to continue to provide services to such areas, but only if worked out with the county.

Zoning Procedures Law

A local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

Zoning and Land Use

ZPL Procedures

If the zoning is for property to be annexed into a municipality, then:

1. Such municipal local government shall complete the procedures required by this chapter for such zoning, except for the final vote of the municipal governing authority, prior to adoption of the annexation ordinance or resolution or the effective date of any local Act but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required under Code Section 36-36-6;

Zoning and Land Use

ZPL Procedures *(continued)*

2. The hearing required by subsection (a) of this Code section shall be conducted prior to the annexation of the subject property into the municipality;

3. In addition to the other notice requirements of this Code section, the municipality shall cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing as required under the provisions of subsection (a) or (b), as applicable, of this Code section and shall place a sign on the property when required by subsection (b) of this Code section; and

Zoning and Land Use

ZPL Procedures *(continued)*

4. The zoning classification approved by the municipality following the hearing required by this Code section shall become effective on the later of:

   A. The date the zoning is approved by the municipality;

   B. The date that the annexation becomes effective pursuant to Code Section 36-36-2; or

   C. Where a county has interposed an objection pursuant to Code Section 36-36-11, the date provided for in paragraph (8) of subsection (c) of said Code Section.

Zoning and Land Use

ZPL Procedures

“A qualified municipality into which property has been annexed may provide, by the adoption of a zoning ordinance, that all annexed property shall be zoned by the municipality, without further action, for the same use for which that property was zoned immediately prior to such annexation. A municipality shall be a qualified municipality only if the municipality and the county in which is located the property annexed into such municipality have a common zoning ordinance with respect to zoning classifications.”

Annexation Objection Process

What is the context and background to this system?

- A legislative compromise between ACCG and GMA.
- Jointly published handbook addresses many questions posed in reaction to the law. However, book now out of date due to passage of HB 1461 in 2022 **and HB 155 in 2025.**
- Arbitration is something that is often used to settle contract disputes; usually parties agree to arbitrate in a signed agreement.

Annexation Objection Process

Process Steps

1. Notice of potential annexation from city to county.
2. Objection from county.
3. Panel is formed.
4. Meetings/schedule a hearing/trial of the matter.
5. Panel determines if there is a valid objection.
6. Panel reaches a decision, reduces it to writing.
7. Post decision details.

Annexation Objection Process

1. Notice of Potential Annexation from City to County and Impacted School Systems

Within 30 days of "acceptance of petition of annexation," a city must notify the county governing authority and any impacted school system by verifiable delivery.

- This would only include the 100% and 60% methods.
- However, O.C.G.A. § 36-36-6 requires notice from the city to the county upon adopting a resolution calling for an annexation referendum.
- Notice is defined as a letter which includes a description of the property to be annexed, a description of the proposed zoning classification and land use to the area to be annexed, and information on the time and place of the public hearing on the proposed zoning.

Annexation Objection Process

1. Notice of Potential Annexation from City to County and Impacted School Systems ***(continued)***

- The statutes seem to neglect a notice requirement for the annexation of unincorporated islands, but it is probably best practice for cities to notice counties and impacted school systems of this intent- perhaps upon first reading of an ordinance.
- The notice must be sent by verifiable delivery which means "and delivery, electronic mail, certified mail, or statutory overnight delivery, provided that the means of delivery allows for verification of the delivery of such notice."
- If a petition, it must include a copy of the annexation petition which includes the proposed zoning and land use for the area.

Annexation Objection Process

1. Notice of Potential Annexation from City to County <u>and Impacted School Systems</u> ***(continued)***

- <u>Impacted school systems means a county or independent school system operating or providing services to the territory to be annexed or which would operate or provide services in a territory to be annexed.</u>
- <u>Every annexation under this definition will therefore require verifiable notice delivery to at least one school system and maybe more than one.</u>

Annexation Objection Process

2. County Objections

If the county does not object:

- The city may not change the zoning or land use of the annexed property to a more intense use from that stated in the notice for one year after the effective date of the annexation, unless there is a change in the service delivery agreement or the comprehensive plan that is agreed upon by the city, county, and all required parties.

Annexation Objection Process

2. County Objections

If the county objects:

- The county has 45 days after receipt of the notice to deliver an objection to the city and the Department of Community Affairs by verifiable delivery.
- The objection can only be made by a vote of the county governing authority.

Annexation Objection Process

2. County Objections

The county governing authority may by majority vote object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:

- The proposed change in zoning or land use.
- Proposed increase in density.
- Infrastructure demands related to the proposed change in zoning or land use.

Annexation Objection Process

2. County Objections

- Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3).
- The objection shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection.

Annexation Objection Process

2. County Objections

In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:

1. Result in:

   A. A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or

   B. A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and

Annexation Objection Process

2. County Objections *(continued)*

In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:

2. Authorize or result in land use that differs substantially from the existing uses suggested for the property by the county's comprehensive land use plan or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

Annexation Objection Process

2. County Objections

“Capital outlay project” means major, permanent, or long-lived improvements or betterments, such as land and structures, such as would be properly chargeable to a capital asset account and as distinguished from current expenditures and ordinary maintenance expenses. Such term shall include, but not be limited to, roads, streets, bridges, police cars, fire trucks, ambulances, garbage trucks, and other major equipment.

Annexation Objection Process

3. Panel Formation

- No later than the ~~15th~~ **20th** day after the Department of Community Affairs receives the county objection, an arbitration panel shall be appointed.
- DCA maintains the pools of arbitrators, and upon receiving notice of a disputed annexation, provides names from each pool.

Annexation Objection Process

3. Panel Formation

DCA maintains three pools of arbitrators that have been trained by CVIOG:

- One pool contains persons currently or within the last six years that have been municipal elected officials **or managers/administrators.**
- One pool contains persons currently or within the last six years that have been county elected officials **or managers/administrators.**
- One pool contains persons that have a master's degree or higher in public administration or planning and are currently employed by an institution of higher education in GA (but not CVIOG).
- DCA maintains a pool of hearing officers and court reporters which the panel may employ to assist with the record formulation process.
- DCA will also promulgate rules for uniform procedures and operations of panels.

Annexation Objection Process

3. Panel Formation

Upon receiving notice, DCA will select names from the pools of people that do not live in the county where the annexation is taking place, ~~or~~ in the city that is considering the annexation, **or any city within the county**:

- four names picked randomly from the city official pool. (The county will strike two of these.)
- four names picked randomly from the county official pool. (The city will strike two of these.)
- three names picked randomly from the academic pool. (The city and county each strike one.)
- Thus, the final panel selected will consist of five arbitrators.
- Panelists cannot serve on more than four panels in any given calendar year.

Annexation Objection Process

4. Meetings

- Panel must meet immediately after appointment.
- Panel must render a decision within 60 days of appointment.
- <u>However, the chair of the panel may extend the deadline once for a period of no more than 10 business days.</u>
- <u>The city and county may also, by mutual agreement, postpone the arbitration process by 180 days to negotiate a potential settlement.</u>

Annexation Objection Process

4. Meetings

Meetings subject to the Open Meetings Act

Where evidence is submitted or arguments made . . .

Significance of Open Meetings Act?

- Open to the public.
- Visual and sound recording permitted.
- Written or oral notice to the legal organ at least 24 hours in advance.
- Post an agenda at the meeting site prior to the meeting (as early as possible).
- Take minutes.
- Meetings may be in person, virtually or by teleconference, but must abide by the Open Meetings Act.

Annexation Objection Process

5. Decision Making, Determining Objection Validity

- The statute declares that “the panel shall first determine the validity of the grounds for objection as specified in the objection.”
- The objection shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection.

Annexation Objection Process

5. Decision Making, Determining Objection Validity

The panel shall receive evidence from the:

- City.
- County.
- Annexation applicant or property owner.

Annexation Objection Process

5. Decision Making, Determining Objection Validity

In arriving at its decision, the panel shall consider:

- “The existing comprehensive land use plans of both the county and city;”
- “The existing land use patterns in the area of the subject property;”
- “The existing zoning patterns in the area of the subject property;”
- “Each jurisdiction's provision of infrastructure to the area of the subject property and to the areas in the vicinity of the subject property;”

Annexation Objection Process

5. Decision Making, Determining Objection Validity

(continued)

In arriving at its decision, the panel shall consider:

- “Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;”
- “Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection; and”

Annexation Objection Process

5. Decision Making, Determining Objection Validity

(continued)

In arriving at its decision, the panel shall consider:

“Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.”

Annexation Objection Process

5. Decision Making, Determining Objection Validity

The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property. This may include planning documents and capital infrastructure plans.

Annexation Objection Process

6. The Panel’s Decision

- Based on the evidence and arguments presented, and in light of the standards discussed above, the panel should vote to determine if the objection is valid.
- This will be in the form of a motion and should state the reasons for that determination. The decision should be reduced to writing, with authorship assigned to one panel member, to be approved at a later meeting.

Annexation Objection Process

6. The Panel's Decision

"As to any objection which the panel has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the annexation and propose any reasonable mitigating measures as to an objection pertaining to infrastructure demands."

Annexation Objection Process

6. The Panel's Decision

"If an objection involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, *the panel shall quantify such impact in terms of cost.*"

Annexation Objection Process

6. The Panel's Decision

- Decision (findings and recommendations) shall be sent to the parties and DCA by verifiable delivery.
- DCA must maintain a database of decisions for review.

Annexation Objection Process

6. The Panel's Decision

- The costs of the arbitration must be split 50%/50% between the city and the county, unless the panel determines that any party has advanced a position that is substantially frivolous, then the costs shall be borne by the party that has advanced such position.

Annexation Objection Process

6. The Panel's Decision

The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned between the city and county.

Annexation Objection Process

7. Post Decision

If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.

Annexation Objection Process

7. Post Decision

- The members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees **plus $100**.
- The panel stands dissolved on the 10th day after it renders its findings, unless it is reconvened as part of an appeal.

Annexation Objection Process

7. Post Decision

Appeal

- Within ten days of receipt of the panel’s decision, any party may appeal the decision to the superior court.
- The grounds must be error of fact or law, bias or misconduct of an arbitrator, or the panel’s abuse of discretion.
- The Court has an expedited appeal *reviewing the record before the panel*. The Court may send it back to the panel.

Annexation Objection Process

7. Post Decision

- City or property owner may decide they are no longer interested in the annexation. If the annexation is abandoned, the county may not change the zoning, land use, or density for a period of ~~one year~~ two years unless the change adopted by all parties is made in the comprehensive plan or service delivery strategy.
- May result in an intergovernmental agreement before panel reaches a decision.

  This shows that a key purpose of this process and venue is to give cities and counties a moment to stop and discuss and try to reach a compromise.

Annexation Objection Process

7. Post Decision

Parties may accept the decision.

- If objection is deemed valid, city may annex subject to the recommendations of the panel or abandon the annexation.
- The conditions remain binding for two years.

Annexation Objection Process

7. Post Decision

Agreements

Good faith negotiations are required between the parties, and if they reach an agreement after panel formation and before dissolution, that is to be made the order of the panel unless the matter is on appeal. If on appeal, then it is to be made a part of the court’s order. These agreements are to be recorded in the deed records.

CONTACT INFORMATION

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DATA CENTER IMPACTS & OPPORTUNITIES

Ahmed Saeed *via Zoom*

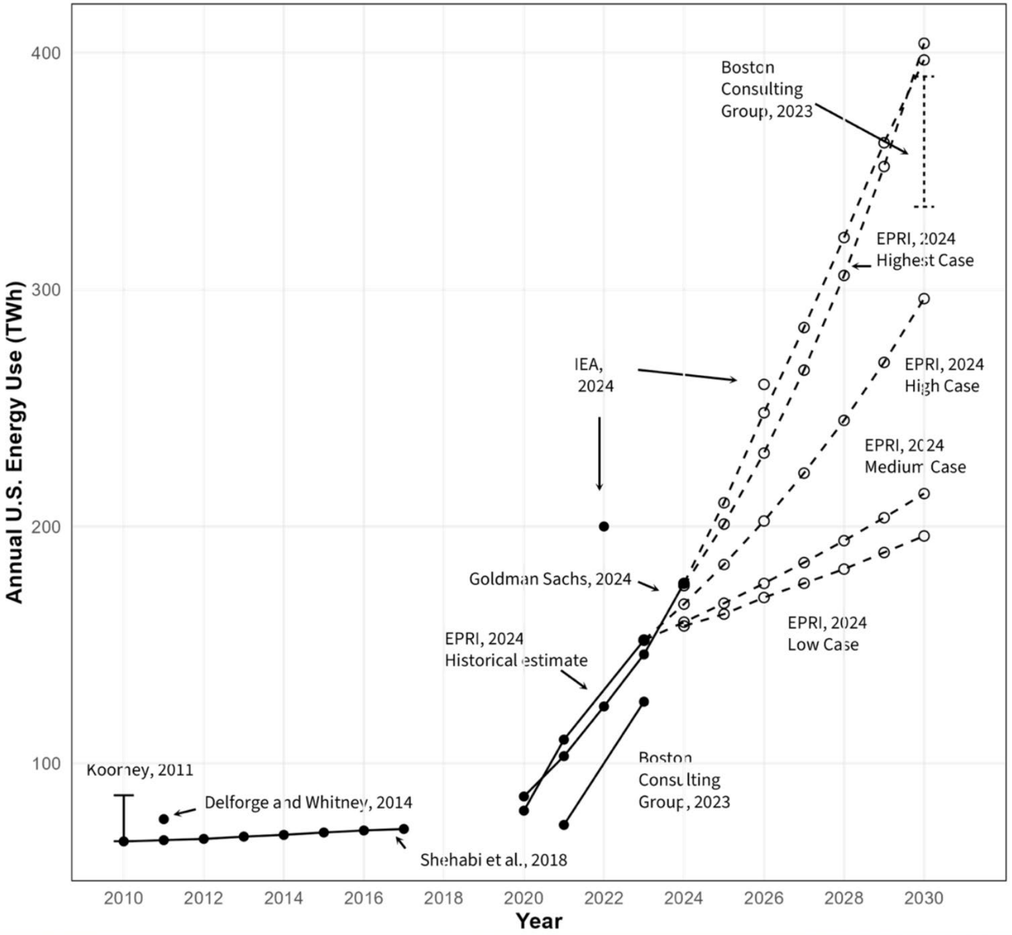
Data Centers:
Asset or Liability?

Ahmed Saeed
Assistant Professor of Computer Science
BBISS Faculty Fellow

Georgia Tech

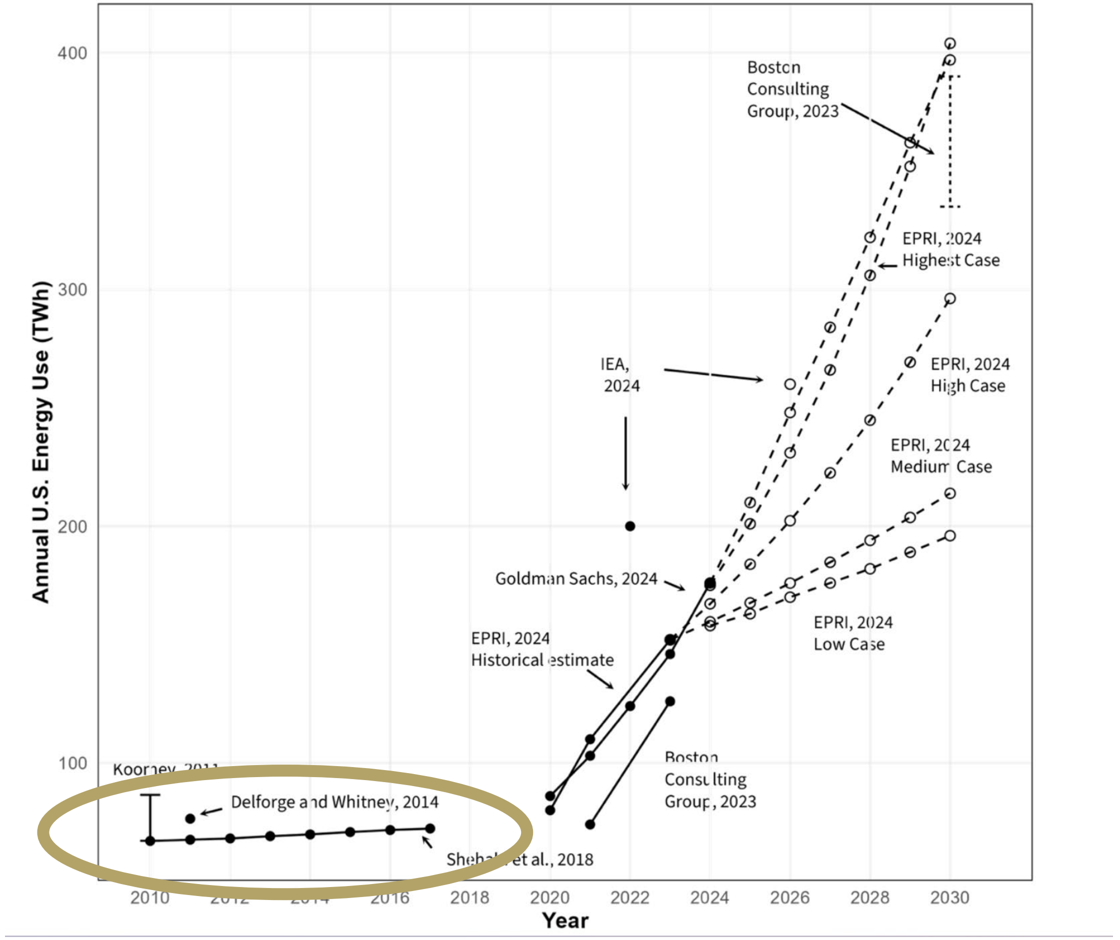
Datacenter Trends

Datacenter Development Growth



Shehabi, A.; Newkirk, A.; Smith, S.; Hubbard, A.; Lei, N.; Siddik, M., et al. (2024). 2024 United States Data Center Energy Usage Report. Lawrence Berkeley National Laboratory. Report #: LBNL-2001637. https://escholarship.org/uc/item/32d6m0d1

Datacenter Development Growth



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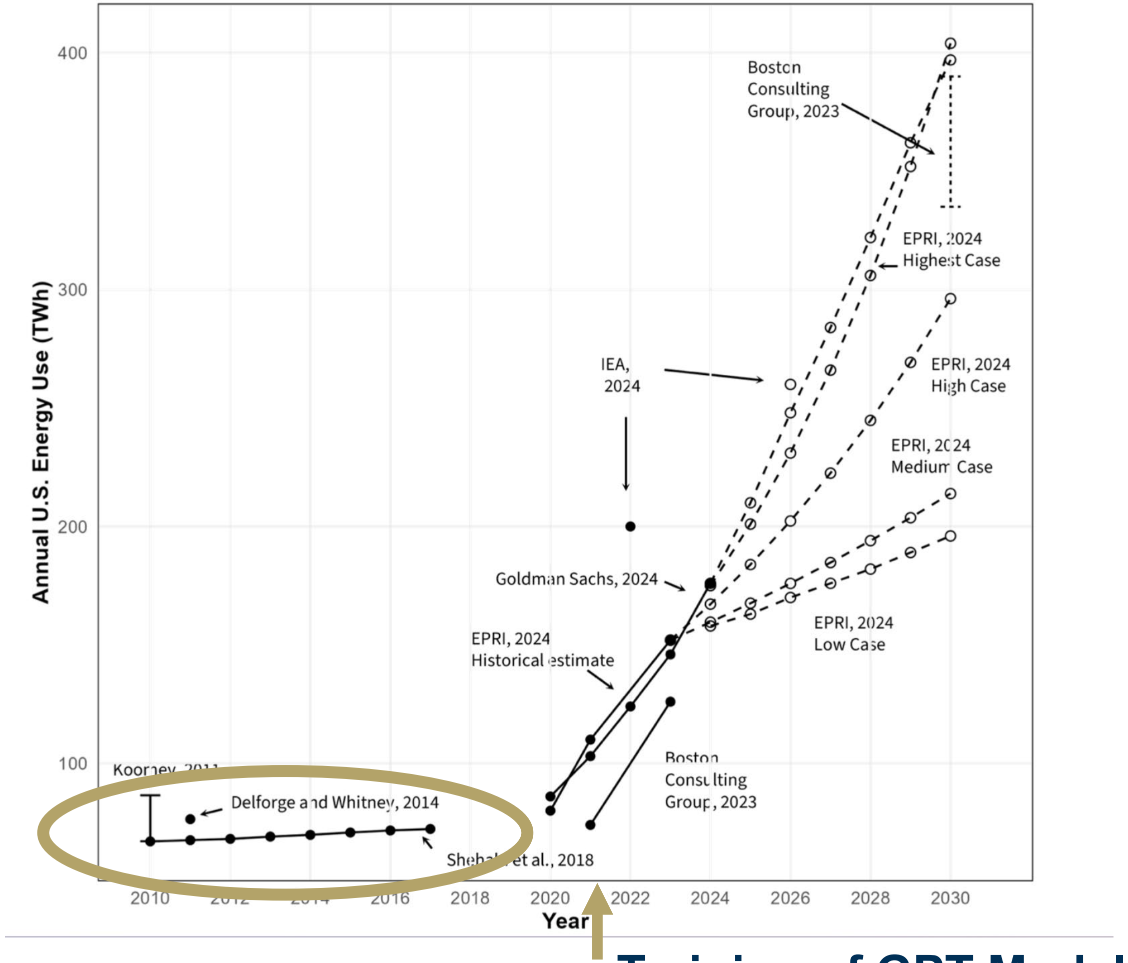

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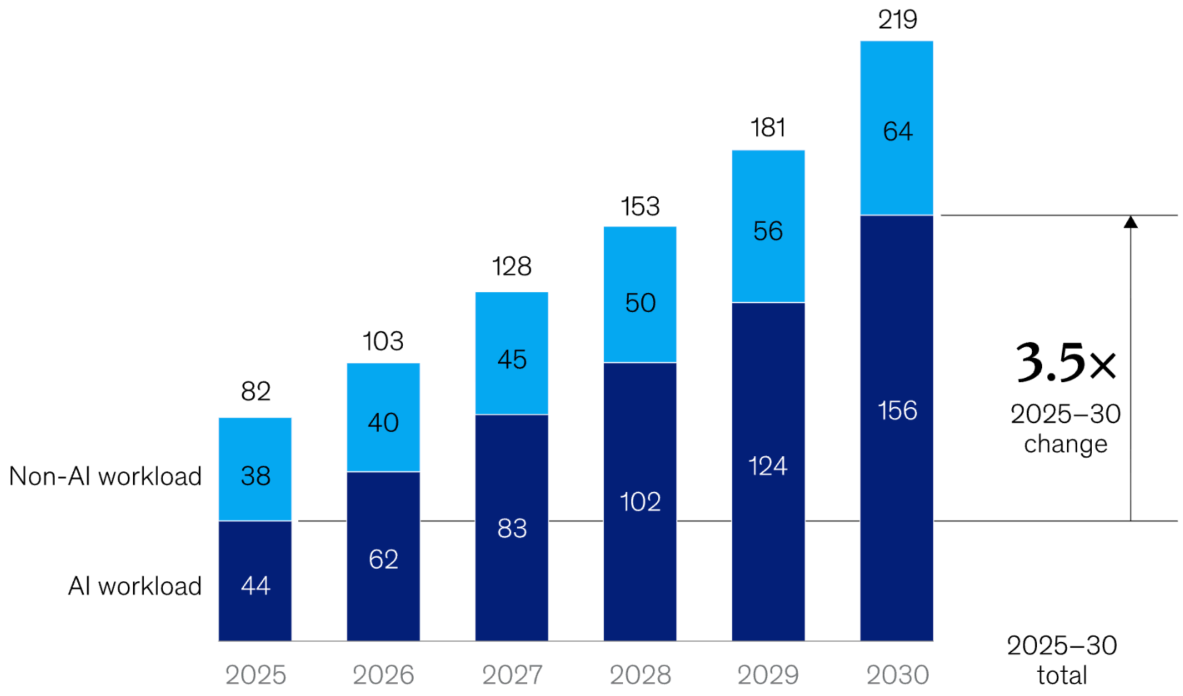
Datacenter Applications

Estimated global data center capacity demand, 'continued momentum' scenario, gigawatts



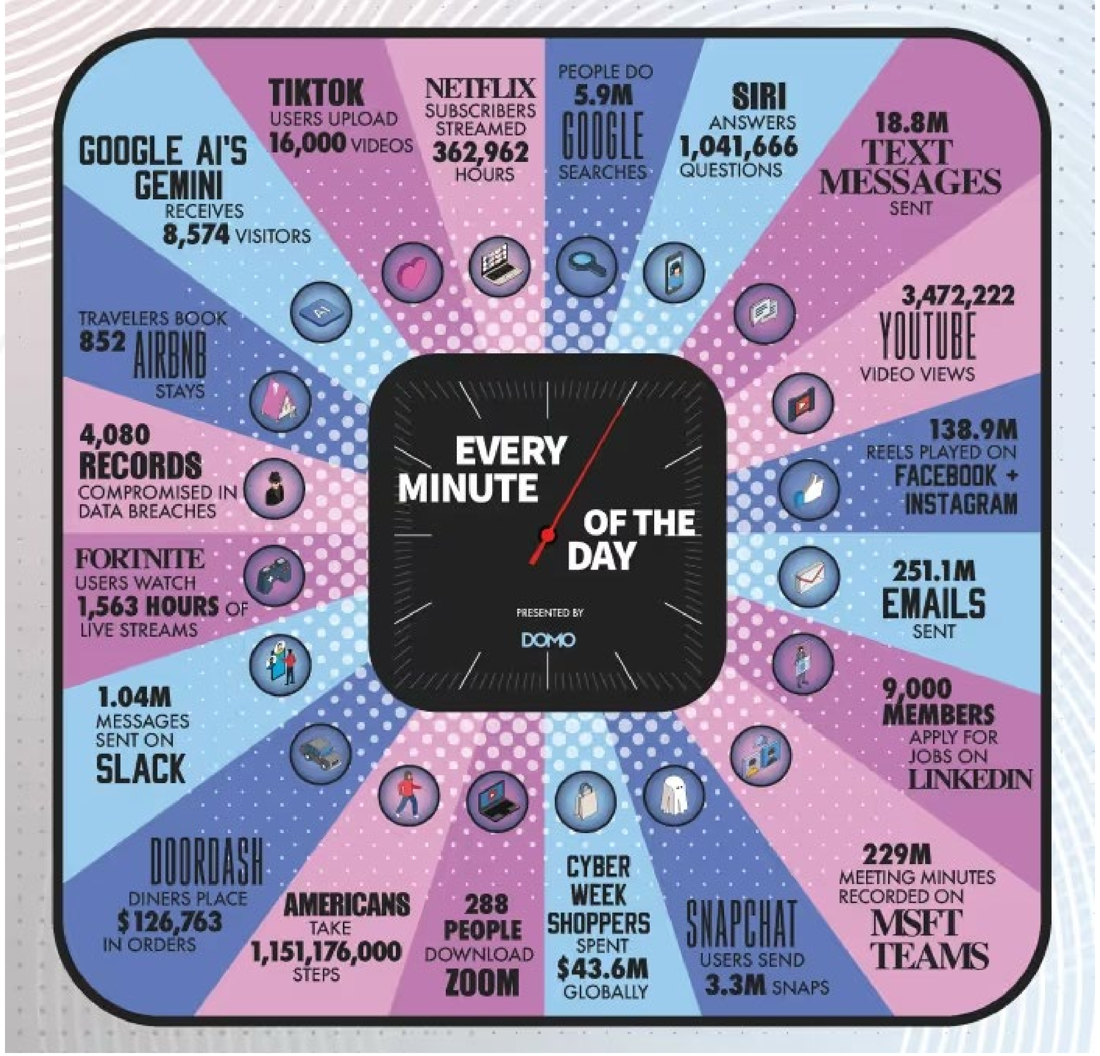
Incremental AI capacity added per year, gigawatts	13	18	21	19	22	31	124

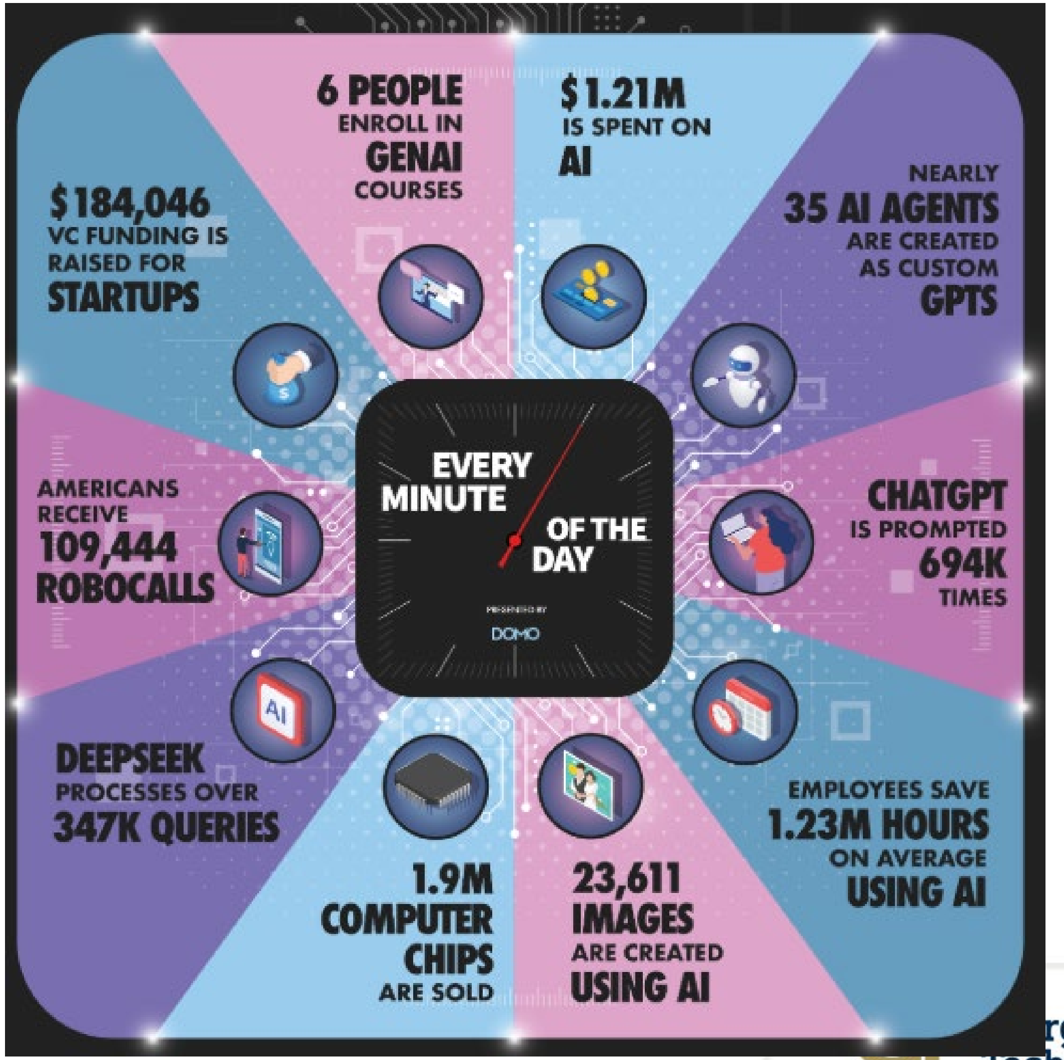
Note: Figures may not sum to totals, because of rounding.
Source: McKinsey Data Center Demand Model; Gartner reports; IDC reports; Nvidia capital markets reports

McKinsey & Company

Georgia Tech

Datacenter Applications





https://www.domo.com/

How is Georgia Coping?

Expanding Power Generation and Delivery

UTILITY DIVE

Georgia Power's new IRP keeps coal plants online to serve data centers

The integrated resource plan approved by regulators on Tuesday also calls for up to 4,000 MW of renewable resources by 2035 and more than 1,500 MW of storage.

Published July 16, 2025

Robert Walton
Senior Editor

AP

Georgia regulators approve huge electric generation increase for data centers

Georgia Power

South Metro Atlanta communities to benefit from new transmission infrastructure projects including Ashley Park-Wansley line

Georgia Tech

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ew

Park-

Concerns about who pays for this infrastructure (esp. in the long term)? On whose land is it built? What is the environmental impact of that expansion?

Water Consumption: A Comparative Take

- High water consumption is causing worries about decreasing water pressure and water quality while increasing water bills

POLITICO **A data center drained 30M gallons of water unnoticed — until residents complained about low water pressure**

- Estimated to be the consumption of **one of the largest** Georgia datacenters **in 4 months**
- Total livestock water use **per day** in Georgia is 11-50M gallons*

- Estimated total use of datacenters in northern Virginia is ~2B gallons** compared to 4-18B gallons by livestock*

* https://www.usgs.gov/mission-areas/water-resources/science/livestock-water-use
** https://www.ft.com/content/1d468bd2-6712-4cdd-ac71-21e0ace2d048?syn-25a6b1a6=1

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- Total livestock water use **per day** in Georgia is 11-50M gallons*

Improvements in cooling technology (e.g., closed loop cooling) will further reduce water consumption

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Environmental Impacts

- Air quality degradation
  - **Indirect:** increasing generation by utilities using fossil fuels
  - **Direct (rare):** generating power on premise using diesel generators
- Worsening the impact of heat waves
  - Datacenters push so much heat into their surroundings that can make heat waves worse
- Lowering ground water quality and generation of e-waste
- Noise from cooling and power equipment

Data Center Governance

Two questions should anchor every hearing

Project readiness

Is the requested load, schedule, water use, and construction plan credible?

Public protection

Who pays, what is measured, and what happens if the project changes or closes?

Good decisions convert promises into clear, enforceable conditions.

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States Offer Complementary Lessons

Criterion	Texas	Minnesota	South Dakota	New York	Virginia
Grid + interconnection	**Leading**	Moderate	Moderate	Emerging	Strong
Flexibility	**Leading**	Moderate	Limited	Emerging	Strong
Costs + transparency	Strong	Strong	Strong	Emerging	**Leading**
Clean energy	Limited	**Leading**	Limited	Emerging	Moderate
Water Advance supply review, permits, cooling choices, conservation and reuse, public reporting, and authority to limit use.	Limited	**Leading**	Strong	Emerging	Strong
Community review Siting and local authority, cumulative-impact analysis, public participation, and disclosure of community effects.	Limited	Strong	Moderate	**Leading / interim**	Strong

For counties, the lesson is practical: grid, cost, resource, and community protections should be coordinated rather than negotiated one at a time.

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Policies at "Leading" States

- **Texas** — Charges study costs, tests site control and financial commitment, discloses duplicate requests, and sets emergency load-shed rules. — GRID + FLEX
- **Minnesota** — Creates a very-large-customer class, funds incremental clean capacity, and reviews major water use for conservation and reuse. — CLEAN + WATER
- **Virginia** — Taxes electricity at 1.1¢/kWh; adds use reporting, efficient cooling in scarcity areas, and Tier 4 backup-generator controls. — COST + DATA

For counties, borrow the mechanisms: verify readiness, assign public-system costs, specify operating duties, and require ongoing reporting.

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A Commissioners Interface to Data Centers

Land + roads

Zoning, site plans, setbacks, construction traffic, corridors

Public cost

Roads, emergency response, utility extensions, exit risk

Water + air

Cooling, drought, wastewater, generators, emissions

Community

Noise, visual impacts, cumulative development, reporting

The county does not control every issue—but it can require a complete record and coordinate the responsible agencies.

Ask for evidence, not assurances

Three questions expose most hidden assumptions and clarify what belongs in permits, agreements, and operating reports.

1	**What is built—and when?**	Phases, load ramp, water demand, roads, substations, cooling, generators.
2	**Who pays—and if plans change?**	Assign upgrades, unused capacity, public services, and decommissioning risk.
3	**What is measured publicly?**	Electricity, water, flexibility, noise, incidents, and compliance milestones.

A clear record protects the county, the public, and credible developers.

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The Verdict: Build Assets, Prevent Liabilities

Physical Connectivity

The 20th-century model for national growth focused on the interstate system to enable commerce and security.

Federal Mandate: Critical for interstate commerce and national defense.

Local Burden: Noise, land-use disruption, and pollution concentrated in communities.

Digital Connectivity

The 21st-century equivalent, where data centers serve as the backbone for AI, security, and global digital trade.

Federal Mandate: Essential for AI supremacy and digital economic sovereignty.

Local Burden: Energy grid strain, water extraction, and ratepayer cost-shifting.

Georgia Tech

Lunch Service

AUTHORITIES IN GEORGIA

Kirby Glaze

Authorities

What are they and why do we need them?

What are authorities?

What are authorities?

- Definitions:
  - Black's Law Dictionary: The lawful delegation of power by one person to another. In the English law relating to public administration, an authority is a body having jurisdiction in certain matters of a public nature.

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  - Statute: "Authority" means each public body corporate and politic created pursuant to this chapter.
  - Courts: Authorities are sometimes referred to as quasi-public corporations and often are created for the purpose of incurring independent debt for a new project to be supported solely from the project's revenue. See e. g., International Longshoreman's Assn. v. Ga. Ports Auth., 217 Ga. 712

What are authorities?

Authorities are special purpose entities, created by legislative act, that share characteristics of both public entities and private entities.

What are authorities?

- Application:
  - Delegated Powers:
    - State – Local Legislative Act or General Enabling Legislation
    - People – Local Constitutional Amendment
  - Independent Status:
    - Creatures of the State: a public body corporate and politic
    - You can give birth to them but can’t kill them, except as provided for by the State.

Why do we have them?

Why do we have them?

- Historically:

Depression of 1830's - widespread default on State-guaranteed debt

1857 – over half the States had constitutional restrictions on the power of the legislature to incur debt. By the end of the Civil War almost all had such.

Revenue Bonds – debt which is not guaranteed by the taxes of the government, but by revenues generated by the activities of the Authority.

Why do we have them?

- Historically:

  1921 – Creation of the New York Port Authority

  Depression of 1930's – Public Works Administration encouraged creation of Authorities as a means of funding public project and putting people to work

  Post World War II – backlog of needed infrastructure resulted in a growth of Authorities

Why do we have them?

- In Georgia:

1951 - Savannah Economic Development Authority established by
local amendment to the State Constitution
1969 – Enactment of the Development Authorities Law
1981 – Enactment of the Downtown Development Authorities Law
and authorization of Joint Development Authorities
1987 – Elimination of local constitutional amendments
1996 – Enactment of Local Government Authorities Registration Act
(requiring Authorities to register with DCA)
2018 – Registration and financial reporting combined into one report to be filed with DCA

Why do we have them?

- In Georgia:

There are 11 types of authorities that can be created through a general enabling act:

Development Authority
Downtown Development Authority
Hospital Authority
Housing Authority
Joint Development Authority
Recreation Authority
Regional Industrial Development Authorities
Regional Jail Authority
Regional Solid Waste Management Authority
Residential Care Facilities for the Elderly Authority
Resource Recovery Development Authority
Urban Residential Finance Authority (municipalities over 350,000)

Based on the latest DCA reports there are approximately 1500 registered Authorities.

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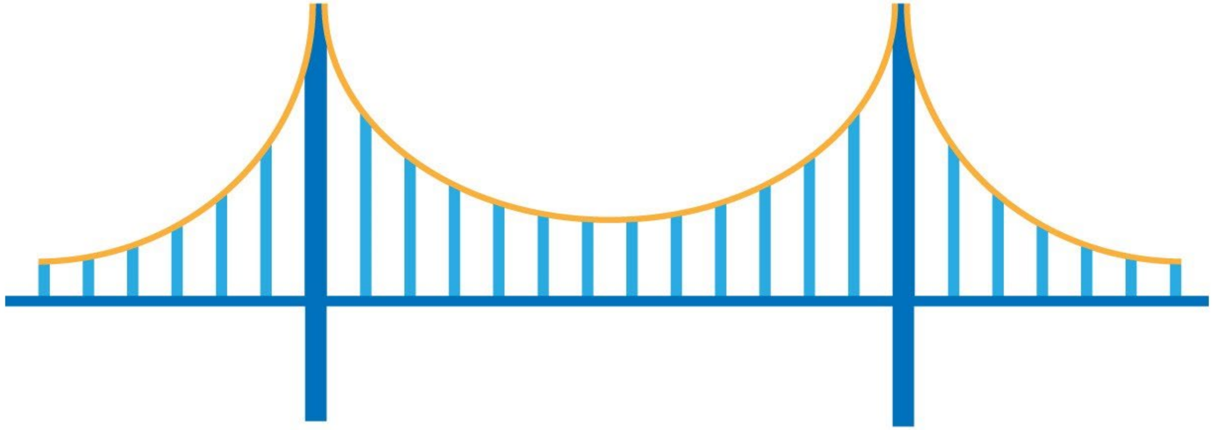
Why do we have them?

Public Sector:
Ability to borrow
Ability to contract
Ability to negotiate
All limited by law



Private Sector:
Ability to borrow
Ability to contract
Ability to negotiate
Generally limited only by the marketplace

Intergovernmental Contract Provision

Authorities have some of the Characteristics of each

Questions?

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BONDS

Kirby Glaze

Bonds

General Obligation Bonds

Revenue Bonds

Bonds for Title

BOND FINANCING

What are bonds for?

Bond Financing both provides capital for public improvements

and

provides Economic Incentives for private investment

OVERVIEW OF BOND FINANCING

What is a **Bond**?

- ✓ Same as a Loan, or a Note: a Bond is a promise made by the Issuer of the Bond (the Authority) to the purchasers of/investors in the Bond to repay the amount that was borrowed
  - “Principal” is the amount that was actually borrowed
  - “Interest” is the cost of borrowing those funds
  - “Debt Service” is the sum of the principal and interest that must be repaid

TYPES OF BONDS

General Obligation Bonds

- ✓Issued by state and local governmental entities
- ✓Paid out of the **taxing power** of the governmental issuer
- ✓Generally subject to voter referendum

NOTE: Authorities generally do not have taxing power and do NOT issue general obligation bonds

TYPES OF BONDS

Revenue Bonds

- ✓Bonds are paid from **project revenues** rather than taxes (“enterprise” funds), such as rents, tolls, fees, or other charges of the authority
- ✓Authority Revenues Bonds may be issued to benefit economic development prospects
  - ➢ Bond proceeds are loaned to the prospect, and loan repayments are used to repay the bonds (lease and installment sale structures also available)

TYPES OF BONDS

Tax Exempt Bonds vs Non-Exempt Bonds

- ✓General obligation bonds are always tax exempt
- ✓Revenue bonds issued for certain activities (primarily manufacturing) are exempt from federal income tax on the interest they pay, thereby creating a lower interest rate
- ✓Non-Exempt Revenue bonds are generally used for ad valorem tax abatement purposes

REVENUE BONDS

What is the Authority's **liability** on the bonds that it issues?

REVENUE BONDS ARE LIMITED OBLIGATIONS

- ✓ Revenue bonds issued by the authority are **limited obligations**, payable solely from the revenues pledged to the repayment of the bonds
- ✓ Authority is referred to as a **conduit issuer**
- ✓ Sole source of security for the bonds comes from the loan repayments made by the private company – the conduit borrower
- ✓ Important to document this carefully, as investors may be confused when a governmental issuer is involved. Taxes?

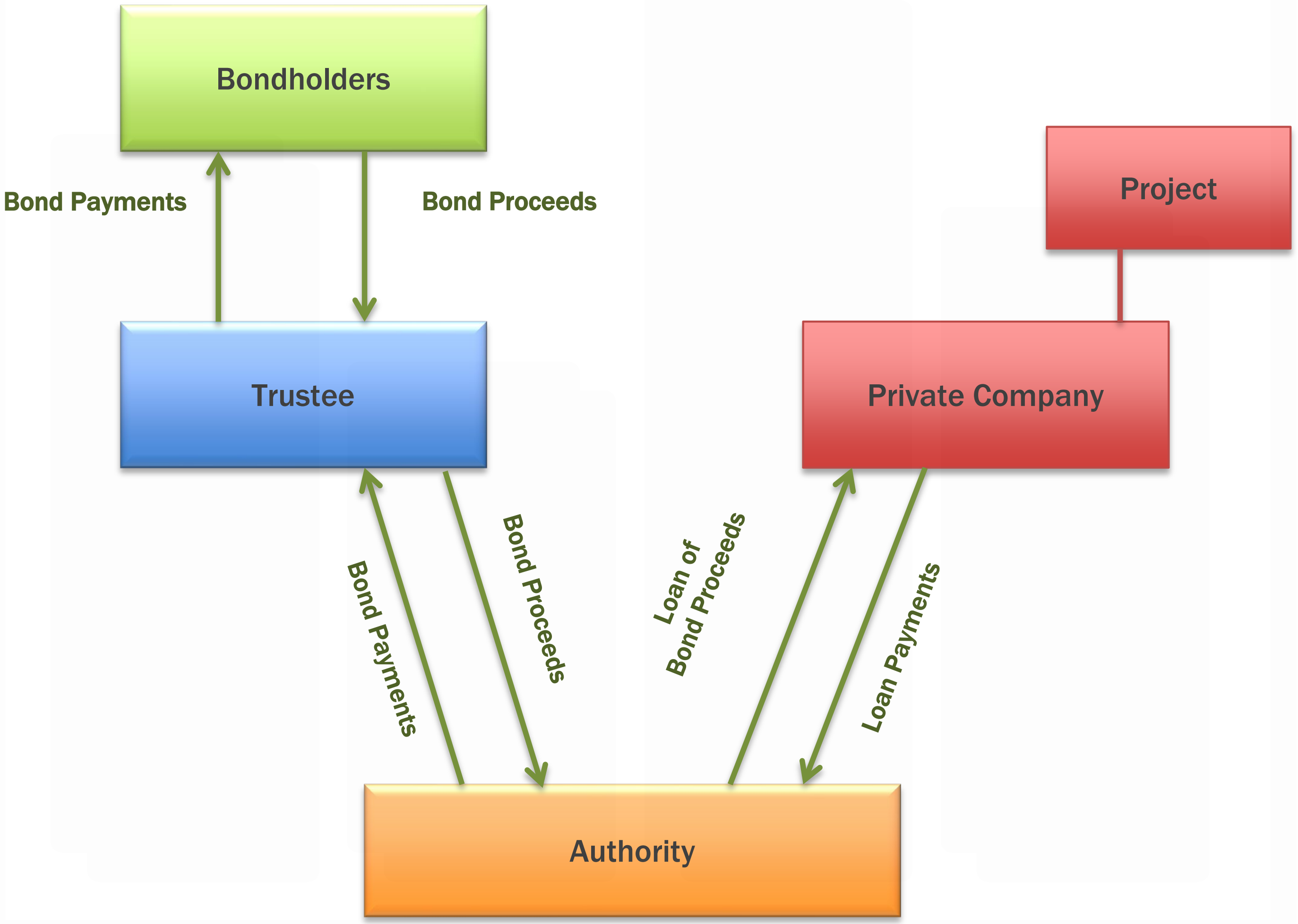
TYPICAL REVENUE BOND FINANCING STRUCTURE

Authority financing of private economic development (primarily tax exempt)

- ✓ Authority issues bonds and lends bond proceeds to private company to finance economic development project
- ✓ Private company agrees, in loan agreement, to build and operate economic development project and to pay debt service on bonds
- ✓ Payments made by private company under the loan agreement are pledged as security for, and are used to make the payments on, the bonds
- ✓ Bonds are **"limited obligations"** of the Authority, payable solely from the payments made by the private company under the loan agreement
- ✓ Does not create any debt or obligation of local governments to levy taxes

TYPICAL EXAMPLE:

Authority financing of economic development project



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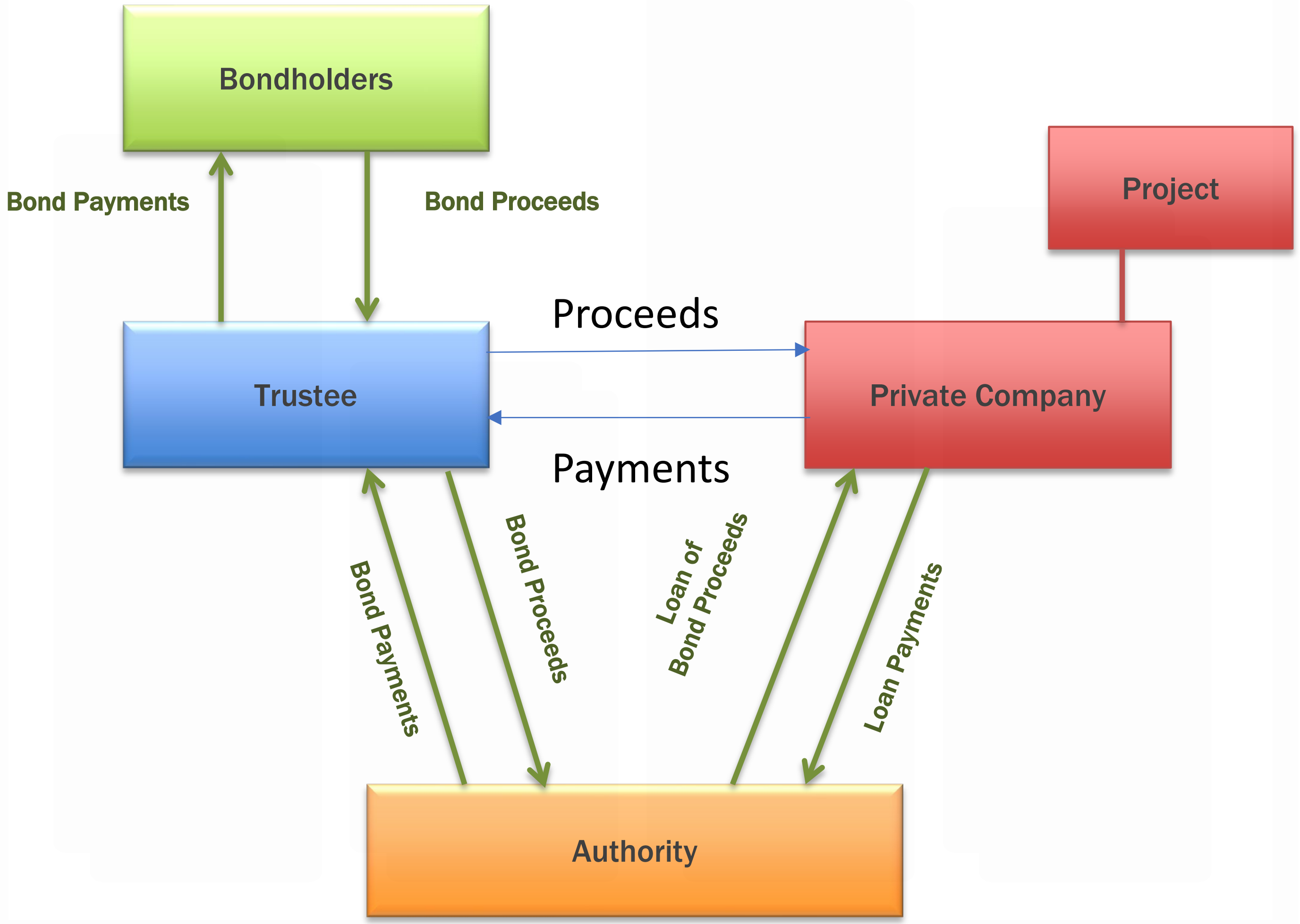


REVENUE BOND ISSUANCE

What are the **purposes** for which **bonds** can be issued by a development authority?

PURPOSES FOR WHICH BONDS ISSUED

- ✓ “**Projects**” are normally prescribed by the Authority’s enabling legislation (constitutional amendment, local act, general statute)

- ✓ Also, Georgia’s Revenue Bond Law also provides generally applicable rules governing the issuance of bonds

- ✓ Tax-exempt bonds are subject to limitations set by the federal Internal Revenue Code

The 1st major economic tool for an Authority:
Bond Financing

The second:
Incentives

How can the authority provide a **property tax incentive** to support a project?

PROPERTY TAX INCENTIVES

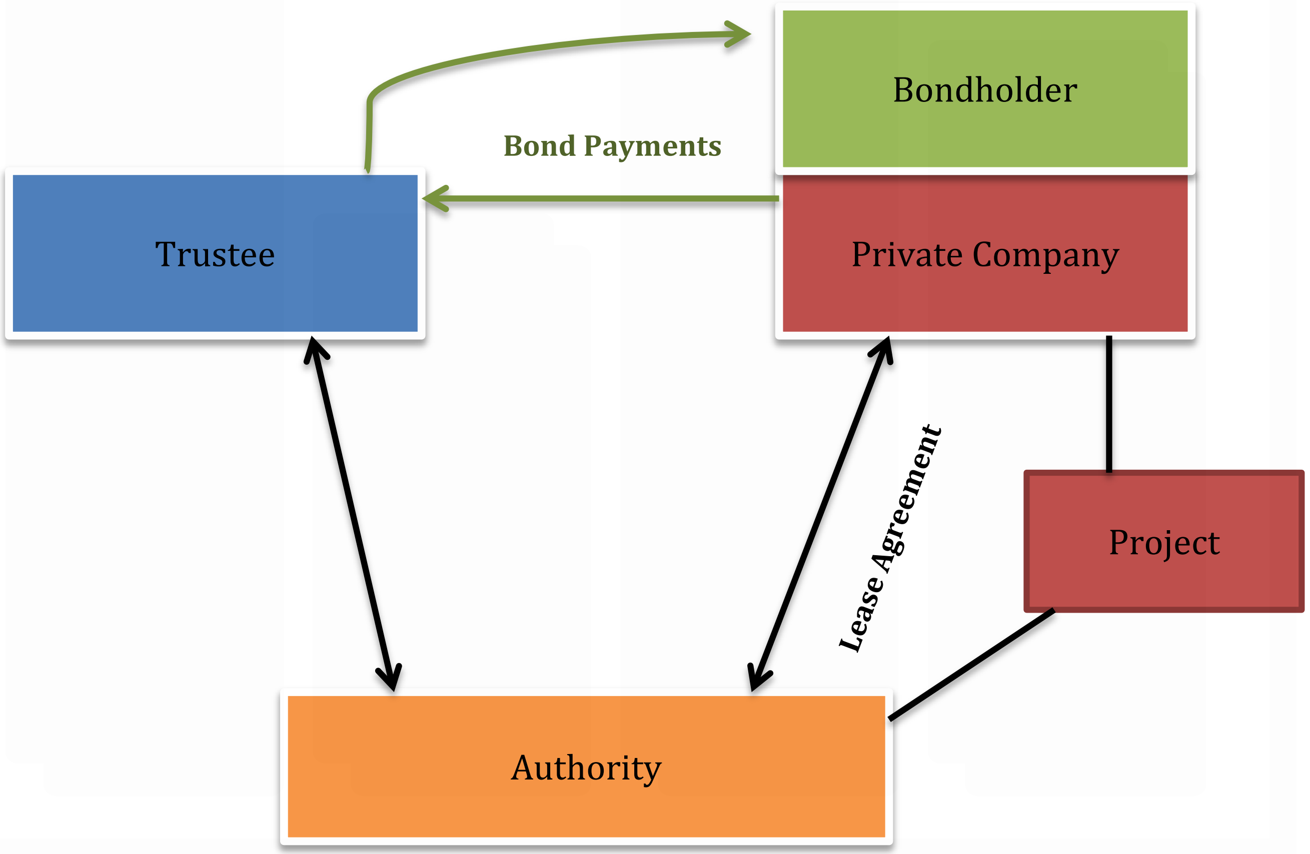
- ✓ Property tax incentives can be provided using a **sale-leaseback bond transaction** (generally referred to as "Bonds for Title")
- ✓ Authority issues bonds and uses proceeds to purchase economic development project from private developer
- ✓ Private company conveys title to the Project to Authority
- ✓ Authority is exempt from property taxes
- ✓ Private company pays property taxes based on leasehold value
- ✓ Bonds are secured by lease payments from private company

PROPERTY TAX INCENTIVES

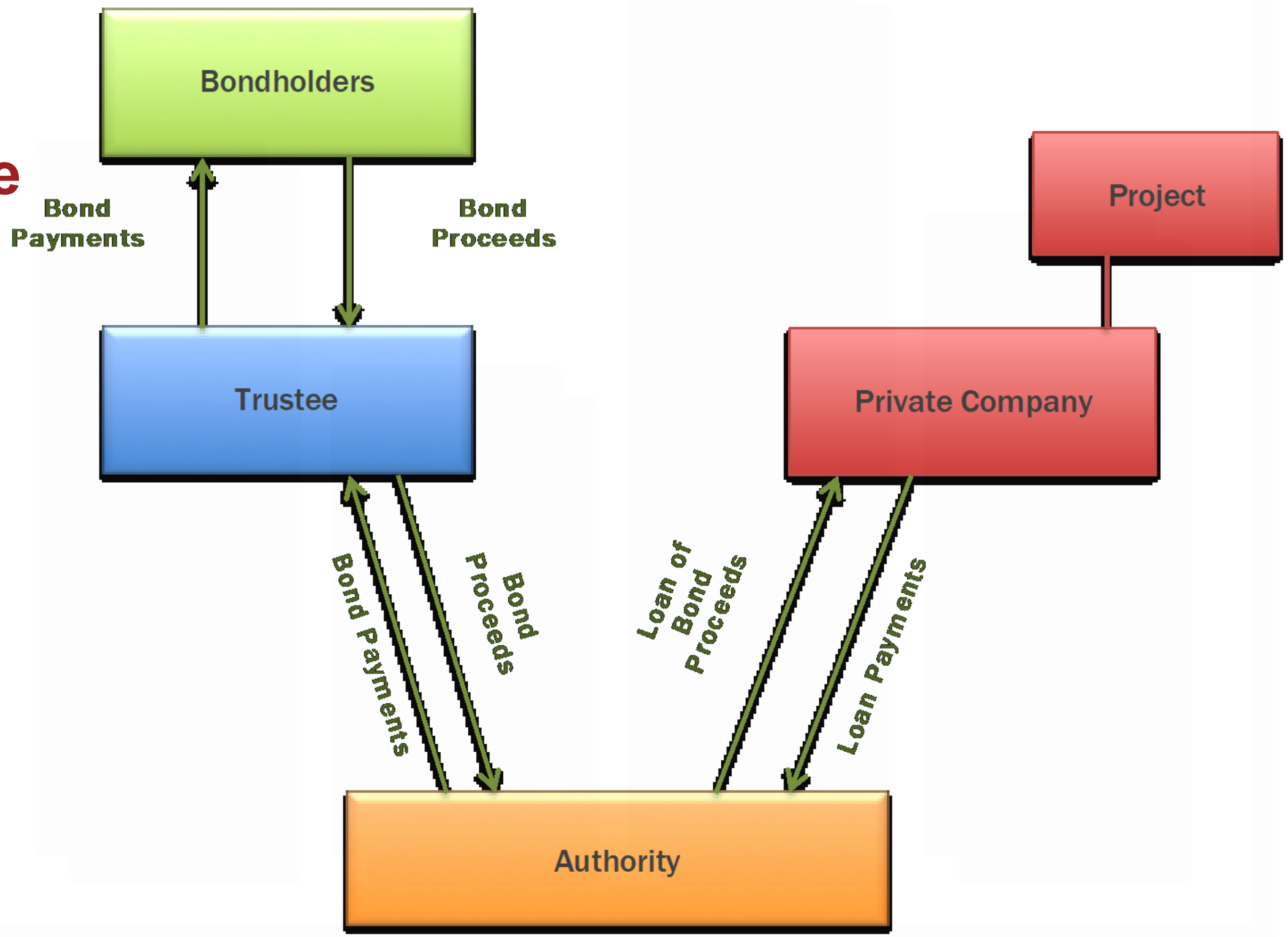
- ✓ While the sale-leaseback bond financing structure may be used to raise funds, often the sole purpose of the structure is to provide a reduction in property taxes
- ✓ In that case, private company may "buy" the bonds
- ✓ Private company is then both the obligor on the bonds (through lease payments) and the owner of the bonds
- ✓ Because the private company only has a leasehold interest in the Project, rather than a fee simple interest, it pays lower property taxes during the term of the lease (lease is generally for a specific term with the company having the right to repurchase the property by paying off the bonds, thereby accruing equity)

Bonds for Title:

Property Tax Incentive



Compare with “true financing” bond structure



PROPERTY TAX INCENTIVES

Legislative Action

✓The use of a sale-leaseback bond structure for property tax purposes has been approved by courts for many years, but was acknowledged by the General Assembly in O.C.G.A. Section 36-80-16.1(e), which became effective on April 22, 2009

✓That statute expressly authorizes each county board of tax assessors to employ method of valuing leasehold estate based on the fair market value of the private company's increasing interest in property over the term of the lease

✓Statute recognizes the use of a "ramp up" formula for valuing a leasehold interest in a sale-leaseback bond arrangement

O.C.G.A. Section 36-80-16.1(e)

O.C.G.A. § 36-80-16.1

GEORGIA CODE

*** Current Through the 2011 Regular Session ***

TITLE 36. LOCAL GOVERNMENT
PROVISIONS APPLICABLE TO COUNTIES, MUNICIPAL CORPORATIONS, AND OTHER GOVERNMENTAL ENTITIES
CHAPTER 80. GENERAL PROVISIONS

O.C.G.A. § 36-80-16.1 (2011)

. . .

(e) This Code section shall not affect revenue bonds or other revenue obligations which any local government authority has issued or which have been judicially validated on or before April 22, 2009. Each county board of tax assessors shall continue, notwithstanding this Code section, to exercise its powers and discharge its duties and is specifically authorized, without limitation, to use a method or methods of valuation for leases related to revenue bonds or other revenue obligations issued by a local government authority for a capital project or projects to be leased primarily to a nongovernmental user or users, based on assessments of the increasing interest of the nongovernmental user or users in the real or personal property, or both, over the term of the lease, or to use a simplified method or methods employing a specified percentage or specified percentages of such leasehold interests. Each local government authority that is authorized to issue revenue bonds or other revenue obligations secured by a taxable property interest, such as a taxable lease of a capital project, shall continue, notwithstanding this Code section, to exercise its powers and discharge its duties, including, in the case of development authorities, the development of trade, commerce, industry, and employment opportunities. Any local government or local government authority which directly or indirectly receives payments in lieu of taxes shall be authorized to use the same for any governmental or public purpose of such local government or local government authority.

PROPERTY TAX INCENTIVES

- ✓ Board of Assessors is not required to use any particular method for valuing the private company's leasehold interest
- ✓ However, Board of Assessors must establish that the method is **not arbitrary or unreasonable**
  - ➢ May include a memorandum of agreement, containing leasehold valuation method, in bond validation pleadings
  - ➢ May present expert testimony at bond validation hearing to support that the memorandum of agreement provides a reasonable and non-arbitrary method for determining leasehold validation

Questions?

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PUBLIC-PRIVATE PARTNERSHIPS IN GEORGIA

Kirby Glaze

PUBLIC PRIVATE PARTNERSHIPS (P3'S)

What are they and how do they work?

Public Private Partnerships in Georgia

- Common Law definition of a partnership:
- A partnership is when two or more individuals join to operate a business for profit. Key elements include:
  - The primary indicator is an intent to share profits and losses among the partners.
  - Each partner contributes capital, labor, or skills and has a stake in the venture.
  - The venture must actively conduct business activities rather than merely holding assets.
  - Each partner has authority to bind the partnership in business dealings with third parties.

GEORGIA DEPARTMENT OF TRANSPORTATION RULES GOVERNING PUBLIC-PRIVATE PARTNERSHIPS

- "Public-Private Partnerships" or "P3": An arrangement between the Department and one or more private or public persons that provides for one or more of the planning, development, design, construction, reconstruction, extension, expansion, financing, operation, and maintenance of a Transportation Project that may include, but is not limited to, the following:

GEORGIA DEPARTMENT OF TRANSPORTATION RULES GOVERNING PUBLIC-PRIVATE PARTNERSHIPS

1. Acceptance of private contribution to a Transportation Project in exchange for a public benefit concerning that Transportation Project;
2. Sharing of resources and the means of providing Transportation Projects;
3. Cooperation in researching, developing and implementing Transportation Projects;
4. Use of innovative financing methods;
5. Use of innovative project delivery methods;
6. Use of leases, licenses, permits, or franchises.

- The use of the word "partnership" to describe such an arrangement does not confer on the relationship formed any of the attributes or incidents of a partnership under common law or Section 14-8-1*et seq.* of the Official Code of Georgia Annotated.

O.C.G.A. Title 36, Ch. 91, Art. 5 "Partnership for Public Facilities and Infrastructure Act"

"Qualifying project" means any project selected in response to a request from a local government or submitted by a private entity as an unsolicited proposal in accordance with this article and subsequently reviewed and approved by a local government, within its sole discretion, as meeting a public purpose or public need. This term shall not include and shall have no application to any project involving:

(A) The generation of electric energy for sale pursuant to Chapter 3 of Title 46;

(B) Communications services pursuant to Articles 4 and 7 of Chapter 5 of Title 46;

(C) Cable and video services pursuant to Chapter 76 of this title; or

(D) Water reservoir projects as defined in paragraph (10) of Code Section 12-5-471, which shall be governed by Article 4 of this chapter.

National Council for Public-Private Partnerships, defines such as:

- "A contractual agreement between a public agency (federal, state or local) and a private sector entity. Through this agreement, the skills and assets of each sector (public and private) are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service and/or facility."

Balancing the Public Sector Interests and the Private Sector Interest

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Public Sector:
Risk adverse
Rewards not measured in profits
Generally limited in capital and expertise

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Private Sector:
Risk in proportion to reward (best return for the lease risk)
Reward measured in profits
Generally has capital and expertise

The parties don't need identical objectives, but mutually inclusive objectives.

Public Sector:
Risk adverse
Rewards not measured in profits
Generally, limited in capital and expertise

Private Sector:
Risk in proportion to reward (best return for the lease risk)
Reward measured in profits
Generally, has capital and expertise

The parties don't need identical objectives, but mutually inclusive objectives.

Public Sector:
New public facilities
New public infrastructure
Jobs
Particular type of development

Private Sector:
Looking for –
New location
New development opportunities
Chance to increase reward or decrease risk

The parties don't need identical objectives, but mutually inclusive objectives.

Public Sector:
Reduce expenses (tax abatement)
Reduce costs (free land, grants, forgivable loans)
Reduce risks (loan guarantees, reduced loan rates)
Increase returns (lease space)

Private Sector:
Looking for –
New location
New development opportunities
Chance to increase reward or decrease risk

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Reduce expenses (tax abatement)
Reduce costs (free land, grants, forgivable loans)
Reduce risks (loan guarantees, reduced loan rates)
Increase returns (lease space)

Private Sector:
Looking for –
New location
New development opportunities
Chance to increase reward or decrease risk

Questions?

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Ten-Minute Break

COUNCIL OPEN DIALOGUE

City Council

CLOSING REMARKS & ACTION STEPS

Heath Lloyd

EXECUTIVE SESSION

Craig Call

ADJOURNMENT

Karen Williams

CITY of POOLER

GEORGIA

Thank you for attending.