COUNTY AGENDA REQUEST

Department:	Administration	Presenter(s):	County Manager Steve Rapson
Meeting Date:	Thursday, November 14, 2013	Type of Request:	New Business

Wording for the Agenda:

Consideration of a resolution from the City of Fayetteville consenting to the inclusion of Certain Fayette County Ad Valorem Taxes in the computation of the Tax Allocation Increment for the City of Fayetteville Tax Allocation District Number One- Highway Corridor.

Background/History/Details:

On November 7, 2013, the Fayetteville City Council passed Resolution R-8-13, and in doing so the Council adopted the Fayetteville Highway Corridor Redevelopment Plan and established Tax Allocation District Number One- Highway Corridor (the "Highway Corridor TAD") within the incorporated portion of Fayetteville, Fayette County, Georgia in the areas of the City.

This resolution, if adopted by the Fayette County Board of Commissioners, consents to the inclusion of Fayette County ad valorem taxes on real property, specifically the M&O millage, but not including the EMS and 911 millages, within the City of Fayetteville Tax Allocation District Number One- Highway Corridor, in the computation of the tax allocation for the TAD, effective as of December 31, 2013. The City of Fayetteville will create a TAD Advisory Committee which which will consider and review each potential TAD project, prior to their consideration for adoption by the City Council. The TAD Advisory Committee will include the County Administrator of Fayette County, or that official's designee as a voting member of said Committee.

The Resolution is effective upon adoption.

What action are you seeking from the Board of Commissioners?

Approval of a resolution from the City of Fayetteville consenting to the inclusion of Certain Fayette County Ad Valorem Taxes in the computation of the Tax Allocation Increment for the City of Fayetteville Tax Allocation District Number One- Highway Corridor.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

This is an example of cooperation between the City of Fayetteville and Fayette County in an effort to provide incentive for business to come to Fayetteville, providing additional jobs and opportunities to the citizens.

DRAFT
11/01/2013

FAYETTE COUNTY BOARD OF COMMISSIONERS

A RESOLUTION CONSENTING TO THE INCLUSION OF CERTAIN FAYETTE COUNTY AD VALOREM TAXES IN THE COMPUTATION OF THE TAX ALLOCATION INCREMENT FOR THE CITY OF FAYETTEVILLE TAX ALLOCATION DISTRICT NUMBER ONE — HIGHWAY CORRIDOR; AND FOR OTHER PURPOSES.

WHEREAS, the Council of the City of Fayetteville (the "City"), by Resolution R-8-13 adopted on November 7, 2013, (the "City Resolution"), adopted the Fayetteville Highway Corridor Redevelopment Plan (the "Redevelopment Plan") and established Tax Allocation District Number One — Highway Corridor (the "Highway Corridor TAD") within the incorporated portion of Fayetteville, Fayette County, Georgia (the "County") in the area of the City (the "Redevelopment Area") as shown in the City Resolution, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the City Resolution provides that the Fayetteville Highway Corridor TAD was created pursuant to the City's redevelopment powers as authorized by the Redevelopment Powers Law, O.C.G.A. §36-44-1, *et seq.*, and became effective on December 31, 2013; and

WHEREAS, copies of the City Resolution and the Redevelopment Plan for the TAD have been furnished to the Board of Commissioners of Fayette County; and

WHEREAS, the City made certain findings in the Redevelopment Plan with respect to the Redevelopment Area, including the following:

(a) the Redevelopment Area has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of the Redevelopment Plan;

(b) the improvement of the Redevelopment Area is likely to enhance the value of a substantial portion of the real property in the district; and

WHEREAS, the City Resolution provides that the City intends to authorize the issuance of tax allocation bonds and other obligations as may be necessary to implement provisions of the Redevelopment Plan; and

WHEREAS, the Redevelopment Powers Law provides that county ad valorem property taxes derived from a municipal tax allocation district may be included in the computation of tax allocation increments of the tax allocation district if the governing body of the county consents to such inclusion by resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Fayette County, Georgia, and it is hereby resolved by the authority of the same as follows:

Section 1. The Board of Commissioners of Fayette County, as permitted by the Redevelopment Powers Law, does hereby consent to inclusion of Fayette County ad valorem taxes on real property, specifically the M&O millage, but not including the EMS and 911 millages, within the City of Fayetteville Tax Allocation District Number One – Highway Corridor, in the computation of the tax allocation increment for the TAD, effective as of December 31, 2013.

Section 2 The City of Fayetteville agrees to create a TAD Advisory Committee, which body will consider and review each potential TAD project, prior to their consideration for adoption by the City Council. Members of the TAD Advisory Committee shall include the County Administrator of Fayette County, or that official's designee as a voting member of such Committee, with the same powers and voting rights as all other members of said Committee. Prior to the financing of any Project for construction or rehabilitation in whole or in part from Tax Allocation Increment or with TAD financing, such Projects will be reviewed by the TAD Advisory Committee for feasibility and consistency with the objectives of the Redevelopment Plan. Information to be reviewed by the TAD Advisory Committee for each proposed Project may include, but not be limited to experience of the Development Team, proposed capital improvements to the site, disclosure of non-TAD financing commitments and resources of the Project, and projected Tax Allocation Increment expected to be generated by such Project. The TAD Advisory Committee will make recommendations to the City regarding each project requesting TAD funding and the City will consider the recommendations of the TAD Advisory Committee in its approval of projects for TAD funding.

Section 3. This Resolution shall be effective immediately upon adoption. All resolutions and parts of resolutions in conflict with this resolution are hereby rescinded to the extent of such conflict.

PASSED AND ADOPTED by the Fayette County Board of Commissioners this _____ day of _____, 2013.

Fayette County Board of Commissioners:

ATTEST: [SEAL]

By _____
Chairman Steve Brown

_____
Floyd Jones, County Clerk

_____
Commissioner Charles Oddo

_____
Commissioner David Barlow

_____
Commissioner Randy Ognio

_____
Commissioner Allen McCarty

EXHIBIT A

CITY RESOLUTION AND REDEVELOPMENT PLAN

CITY OF FAYETTEVILLE
GEORGIA

RESOLUTION CREATING THE HIGHWAY CORRIDOR TAX ALLOCATION DISTRICT NUMBER ONE; DESIGNATING THE BOUNDARIES OF THE REDEVELOPMENT AREA AND TAX ALLOCATION DISTRICT; ESTABLISHING THE TAX ALLOCATION INCREMENT BASE FOR THE TAX ALLOCATION DISTRICT; ADOPTING A REDEVELOPMENT PLAN FOR THE AREA; ESTABLISHING THE INTENT TO ISSUE AND SELL TAX ALLOCATION BONDS OR OBTAIN OTHER FINANCING NECESSARY TO EFFECTUATE THE REDEVELOPMENT OF THE AREA; AUTHORIZING THE MAYOR AND CITY COUNCIL TO ACT AS THE REDEVELOPMENT AGENCY TO IMPLEMENT THE REDEVELOPMENT PLAN PURSUANT TO THE REDEVELOPMENT POWERS LAW; AND FOR OTHER PURPOSES.

R-8-13

WHEREAS, the Redevelopment Powers Law (O.C.G.A. §36-44-1, *et seq.*) provides for the exercise of redevelopment powers, the adoption of redevelopment plans, and the creation of tax allocation districts by counties and municipalities in the State of Georgia; and

WHEREAS, pursuant to House Bill 495 (April 2011) and approved by a majority of the voters in a referendum held on November 6, 2012, the City of Fayetteville (the "City") is authorized to exercise the redevelopment powers as delineated by the Redevelopment Powers Law; and

WHEREAS, the purpose of the Redevelopment Powers Law is to improve economic and social conditions within substantially underutilized and economically and socially depressed areas that contribute to or cause unemployment, limit the tax resources of counties and municipalities while creating a greater demand for governmental services, have a deleterious effect upon the public health, safety, morals and welfare, and impair or arrest the sound growth of the community; and

WHEREAS, the City recognizes that new public infrastructure, wastewater treatment facilities, traffic improvements, streets, streetscapes and sidewalks, commercial spaces and retail are needed to revitalize this defined area and create an attractive historic town center and commercial corridor in Fayetteville; and

WHEREAS, it is in the public interest of the City that the Redevelopment Powers Law be exercised to improve the economic and social conditions of the areas identified within the City in order to remedy the detrimental effects of its current depressed and underutilized state; and

WHEREAS, the Fayetteville Highway Corridor TAD can provide incentives and funding to catalyze redevelopment of the area; and

WHEREAS, adoption of the Fayetteville Highway Corridor Redevelopment Plan and creation of Tax Allocation District Number One—Highway Corridor is necessary to redevelop and revitalize this defined area through a public/private partnership; and

WHEREAS, the Council has held a public hearing on the Redevelopment Plan and TAD Resolution as required by the Redevelopment Powers Law; and

WHEREAS, the Council now desires to adopt the Redevelopment Plan and create Tax Allocation District Number One: Highway Corridor.

NOW THEREFORE, it is hereby RESOLVED by the Mayor and Council of the City of Fayetteville:

1. The City of Fayetteville declares that the defined Redevelopment Area has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of the Highway Corridor Redevelopment Plan (hereinafter "Redevelopment Plan").

2. The City of Fayetteville declares that improvement of the Highway Corridor, as defined in the Redevelopment Plan, is likely to enhance the value of a substantial portion of other real property in the district.

3. The City of Fayetteville adopts the Redevelopment Plan, attached as Exhibit "A", as the Redevelopment Plan for the aforesaid area pursuant to the Redevelopment Powers Law, and incorporates the same by reference as though it were set forth in its entirety herein.

4. City of Fayetteville Tax Allocation District Number One—Highway Corridor is hereby created effective December 31, 2013, pursuant to the Redevelopment Plan and the Redevelopment Powers Law, and shall continue in existence until all redevelopment costs, including financing costs and debt service on tax allocation bonds, are paid in full.

5. The City of Fayetteville hereby establishes the estimated Tax Allocation Increment Base of $25,943,882. The real property taxes to be used for computing tax allocation increments are specified in the attached Redevelopment Plan and incorporated herein by reference.

6. The City Council will act as the redevelopment agency and will exercise redevelopment powers as necessary to implement the provisions of the Redevelopment Plan.

7. The City of Fayetteville agrees to create a TAD Advisory Committee, which body will consider and review each potential TAD project, prior to their consideration for adoption by the City Council. Members of the TAD Advisory Committee shall include the City Manager of the City of Fayetteville, or that official's designee, the Superintendent of Fayette County Schools, or that official's designee, and the County Administrator of Fayette County, or that official's designee each as a voting member of such Committee, with the same

powers and voting rights as all other members of said Committee. Prior to the financing of any Project for construction or rehabilitation in whole or in part from Tax Allocation Increment or with TAD financing, such Projects will be reviewed by the TAD Advisory Committee for feasibility and consistency with the objectives of the Redevelopment Plan. Information to be reviewed by the TAD Advisory Committee for each proposed Project may include, but not be limited to experience of the Development Team, proposed capital improvements to the site, disclosure of non-TAD financing commitments and resources of the Project, and projected Tax Allocation Increment expected to be generated by such Project. The TAD Advisory Committee will make recommendations to the City regarding each project requesting TAD funding and the City will consider the recommendations of the TAD Advisory Committee in its approval of projects for TAD funding.

8. The City Council intends to authorize issuance of tax allocation bonds and/or obtain commercial bank financing and to use the proceeds of any tax allocation bonds or financing for any and all eligible uses including, without limitation, costs of issuance of the tax allocation bonds or commercial financing; capital costs of public and private improvements, including but not limited to streets, bridges, utilities, storm and sanitary sewers, sidewalks and streetscapes, parking facilities and parks; professional services costs, including fees for architectural, engineering and environmental services; real estate assembly; and such other uses deemed necessary pursuant to provisions of the Redevelopment Plan and the Redevelopment Powers Law, as it has been and may hereafter be amended.

9. The property proposed to be pledged for payment or as security for payment of tax allocation bonds will include the positive ad valorem tax allocation increments from ad valorem taxes levied on all taxable real property within the boundaries of City of Fayetteville Tax Allocation District Number One—Highway Corridor.

Adopted and approved by the City Council of the City of Fayetteville, Georgia this 7th day of November, 2013.

CITY OF FAYETTEVILLE, GEORGIA

(SEAL)

By:_____
Gregory C. Clifton, Mayor

Attest:

_____
Anne Barksdale, Clerk
Council of the City of Fayetteville, Georgia