



December 16, 2014 5:15 pm

1. Call to Order by Mayor Jan Moore
2. Invocation and Pledge of Allegiance by Councilman Travis Chance
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 12-02-2014 Council Minutes
 - b) 12-02-2014 Executive Session Minutes
 - c) 12-02-2014 Work Session Minutes
 - B) Consideration of a motion for the surplus and disposal of Public Works items as listed
5. Public Hearing and Consideration of a Motion to approve **Resolution 2014-42**: A Resolution to approve a Redevelopment Plan pursuant to Georgia's Redevelopment Powers law.
6. Consideration of a Motion to authorize spending up to \$25,000 with the Law Firm of Tom Peterson for professional services associated with the investigation regarding violations of the Open Meetings Act. Funding for these services to come from Legal Fees budget.
7. First reading and Consideration of a motion to adopt **Ordinance 2015-02**: An Ordinance amending Chapter 82 (Utilities) of the Statesboro Code of Ordinance establishing a Stormwater Utility.
8. Other Business from City Council
9. City Managers Comments
10. Public Comments (General)
11. Consideration of a Motion to enter into Executive Session to discuss "Potential Litigation" in accordance with **O.C.G.A. §50-14-3 (2012)**
12. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
Council Minutes
December 02, 2014**

A regular meeting of the Statesboro City Council was held on December 2nd, 2014 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Jan J. Moore, Council Members: Will Britt, John Riggs, Gary Lewis and Travis Chance. Also present were Interim City Manager Robert Cheshire, City Clerk Sue Starling, City Attorney Alvin Leaphart, Assistant City Engineer Jason Boyles and Director of Community Development Mandi Cody. Councilman Phil Boyum was absent.

The meeting was called to order by Mayor Jan Moore

The Invocation and Pledge of Allegiance was led by Councilman Gary Lewis

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 11-18-2014 Council Work Session Minutes

b) 11-18-2014 Council Minutes

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve the consent agenda in its entirety. Councilman Britt, Riggs and Lewis voted in favor of the motion. The motion carried by a 3-0 vote.

Councilman Travis Chance joined the meeting.

Public Hearing for the purpose of hearing input regarding a redevelopment plan pursuant to the Redevelopment Powers Law as provided for in Chapter 44 of Title 36 of the Official Code of Georgia to establish the “City of Statesboro Tax Allocation District #1: Downtown TAD.”

Allen Muldrew, Director of the DSDA, updated Council on the plans for the Redevelopment Powers Law along with Jonathan of the Bleakly Advisory Group. This was a public hearing but there were no comments from the audience.

Consideration of a Motion to approve Resolution 2014-39: A Resolution pursuant to the City of Statesboro Grant Policy allowing the City of Statesboro and the Averitt Art Center to act as co-applicants and submit application to the National Endowment for the Arts Our Town Arts Engagement and Place Making Grant Award Program for the development of the city owned alleyway located between 58 and 62 East Main Street as part of the Georgia Southern University / City of Statesboro Fabrication Laboratory and Business Innovation Center for the purpose of development of the alleyway as a covered pedestrian and outdoor

programming space, especially as that space relates to City events, and the Arts and Business Innovation Center.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve **Resolution 2014-39**: A Resolution pursuant to the City of Statesboro Grant Policy allowing the City of Statesboro and the Averitt Art Center to act as co-applicants and submit application to the National Endowment for the Arts Our Town Arts Engagement and Place Making Grant Award Program for the development of the city owned alleyway located between 58 and 62 East Main Street as part of the Georgia Southern University / City of Statesboro Fabrication Laboratory and Business Innovation Center for the purpose of development of the alleyway as a covered pedestrian and outdoor programming space, especially as that space relates to City events, and the Arts and Business Innovation Center. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve/deny a 90 day temporary alcohol license to Steven Alan Reid of the Wal- Mart Stores East, LP in accordance with Chapter 6 (Alcohol) Sec.6-34 (a) of the City of Statesboro Code of Ordinance

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve a 90 day temporary alcohol license to Steven Alan Reid of the Wal- Mart Stores East, LP in accordance with Chapter 6 (Alcohol) Sec.6-34 (a) of the City of Statesboro Code of Ordinance. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve Resolution 2014-41: A Resolution appointing David McLendon for appointment to the vacant seat on the Statesboro Planning Commission.

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve **Resolution 2014-41**: A Resolution appointing David McLendon for appointment to the vacant seat on the Statesboro Planning Commission. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to award a purchase contract to Roberts Truck center for a low boy trailer in the amount of \$54,239.00. If approved, it will be funded out of the 2013 SPLOST.

Councilman Riggs made a motion, seconded by Councilman Lewis to award a purchase contract to Roberts Truck center for a low boy trailer in the amount of \$54,239.00. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to award a contract to purchase a road tractor to Savannah Freightliner in the amount of \$112,051. If approved, this would be paid for out of the GMA lease pool.

Councilman Lewis made a motion, seconded by Councilman Riggs to award a contract to purchase a road tractor to Savannah Freightliner in the amount of \$112,051. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve Resolution 2014-40: A Resolution appointing Carol Knight to the Tree Board of the City of Statesboro.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve Resolution 2014-40: A Resolution appointing Carol Knight to the Tree Board of the City of Statesboro. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to award a purchase contract to the Finn Corporation via the Houston--Galveston Area Council Buyers Contract to purchase a straw blower in the amount of \$23,586.50.

Councilman Lewis made a motion, seconded by Councilman Riggs to award a purchase contract to the Finn Corporation via the Houston--Galveston Area Council Buyers Contract to purchase a straw blower in the amount of \$23,586.50. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Other Business from City Council

A) Mayor Moore will update Council on Tom Peterson's Open Meetings Investigation

Mayor Moore stated the Open Meetings Investigation report would be available to the public on Thursday December 4th, 2014.

City Managers Comments

Interim City Manager Robert Cheshire asked Council's opinion regarding the continued use of the 1st floor office for Congressman Rick Allen. There was no opposition.

Mandi Cody, Director of Community Development updated Council on the Capital Cost Recovery District meeting with the County. She stated she would be bringing recommendations back to Council as soon as possible.

Cindy West, Director of Finance, gave an update on the Arts Council activities.

There will be a work session on December 16th, 2014 for the DSDA, Arts Council and SCVB.

Public Comments (General): None

Consideration of a Motion to enter into Executive Session to discuss "Potential Litigation" in accordance with **O.C.G.A. §50-14-3 (2012)**

At 10:00 am, Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to enter into Executive Session with a 10 minute break. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

At 10:55 am, the regular session was called back to order by Mayor Moore with no action being taken and a motion to close Executive Session. Councilman Chance made the motion to close the Executive Session, seconded by Councilman Lewis. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to Adjourn

Councilman Chance made a motion, seconded by Councilman Riggs to adjourn. . Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote. The meeting was adjourned at 10:56 am.



**CITY OF STATESBORO
CITY COUNCIL WORK SESSION MINUTES
December 02, 2014**

A work session of the Statesboro City Council was held on December 02, 2014 at 11:00 a.m. in the Council Chambers at City Hall. Present were Mayor Jan Moore; Council Members: Will Britt, John Riggs and Travis Chance. Also present was City Clerk Sue Starling, City Attorney Alvin Leaphart. Councilman Phil Boyum was absent.

Also present were members of City staff, news media and citizens.

The meeting was called to order by Mayor Jan Moore.

The following topic was discussed.

1. Discussion of the proposed changes to Chapter 6 (Alcohol Ordinance) for the Code of Ordinances of the City of Statesboro

City Attorney Alvin Leaphart led the discussion with these specific topics.

- A) Do we want to require the service of food as a requirement for having an alcohol license?
- B) Do we want to continue the 50/50 requirement?
- C) If so, do we need to review how compliance with that requirement is verified?
- D) Do we want to consider having an over 21 year old requirement for certain kinds of establishments?

Although the discussion was lengthy, there were no decisions made as everyone voiced their opinion or ideas on how the language for the new ordinance should read. Patrice Jackson, Dean of GSU Students stated it should be the Council's responsibility to help change the culture for underage drinking and everyone should work together for the same goal.

The meeting was adjourned at 12:35 pm.



City of Statesboro
Engineering Department – Public Works

P.O. Box 348
Statesboro, Georgia 30459

912.764.0681 (Voice)
912.764.7680 (Fax)

MEMORANDUM

To: Robert Cheshire, PE, Interim City Manager

From: Jason Boyles, Interim City Engineer

Cc: Sue Starling, City Clerk
Cindy West, Finance Director
Darren Prather, Purchasing Director

Date: December 9, 2014

Re: Surplus and Disposal Request

Attached is a list of Public Works items that are long overdue for surplus. These items have exceeded their useful life and are no longer of use to the City of Statesboro. I respectfully request that this list be placed on the next City Council agenda for consideration of approval for surplus and disposal.

Should you need any additional information from me please do not hesitate to let me know.

Attachment

Public Works Surplus List

December 2014

Vehicles

| <u>Item</u> | <u>Year</u> | <u>Condition</u> | <u>ID</u> |
|------------------------|-------------|------------------|-----------|
| White/GMC road tractor | 1993 | Poor | 1209 |

Equipment

| <u>Item</u> | <u>Year</u> | <u>Condition</u> | <u>ID</u> |
|-------------------------------|-------------|------------------|-----------|
| CAT 112F motor grader | 1973 | Poor | 0507 |
| CAT wheel loader root rake | 2001? | Fair | n/a |
| John Deere 4045 diesel engine | 1999 | Fair | 9042 |
| Hunter alignment machine | 1998 | Poor | 9077 |
| Sun engine analyzer | unknown | Poor | 0309 |

Trailers

| <u>Item</u> | <u>Year</u> | <u>Condition</u> | <u>ID</u> |
|---------------------------------|-------------|------------------|-----------|
| Rogers Phelan equipment trailer | 1986 | Poor | 4177 |

Damaged items

| <u>Quantity</u> | <u>Item</u> | <u>Year</u> | <u>Condition</u> | <u>ID</u> |
|-----------------|------------------------------------|-------------|------------------------|-----------|
| 6 | Desk (particle board construction) | unknown | water damaged & broken | n/a |
| 1 | Wooden cabinet | unknown | broken | n/a |
| 1 | Homemade wood shelf unit | unknown | broken | n/a |
| 6 | Glass sheets (for desktop?) | unknown | broken | n/a |
| 1 | Office chair (burgundy in color) | unknown | broken | n/a |

Scrap

Concrete Pipe – damaged, used concrete pipe (various sizes)

CITY OF STATESBORO , GEORGIA

RESOLUTION 2014-42

A RESOLUTION ADOPTING THE CITY OF STATESBORO TAX ALLOCATION DISTRICT NO. 1: DOWNTOWN TAD REDEVELOPMENT PLAN; TO CREATE THE CITY OF STATESBORO TAX ALLOCATION DISTRICT NO. 1: DOWNTOWN TAD; TO DESIGNATE THE BOUNDARIES AND ESTABLISH THE TAX INCREMENT BASE OF THIS TAX ALLOCATION DISTRICT; TO ESTABLISH THE INTENT TO ISSUE AND SELL TAX ALLOCATION BONDS AND SUCH REDEVELOPMENT BONDS NECESSARY TO EFFECTUATE THE REDEVELOPMENT OF THE AREAS LOCATED WITHIN THE REDEVELOPMENT PLAN; TO AUTHORIZE THE CITY OF STATESBORO, GEORGIA CITY COUNCIL TO ACT AS THE REDEVELOPMENT AGENCY TO IMPLEMENT THE REDEVELOPMENT PLAN PURSUANT TO THE REDEVELOPMENT POWERS LAW; TO AUTHORIZE THE MAYOR TO EXECUTE ANY DOCUMENTS RELATED THERETO AND TO OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION AND FOR ALL OTHER PURPOSES.

WHEREAS, O.C.G.A. §36-44-1, *et seq.*, is known and may be cited as the Redevelopment Powers Law; and

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 municipalities in the State of Georgia; and

WHEREAS, the City of Statesboro has developed the City of Statesboro Tax Allocation District No. 1: Downtown TAD Redevelopment Plan; and

WHEREAS, the City has determined that it is in the best interest of the City of Statesboro and that its citizens will best be served by the adoption of the City of Statesboro Tax Allocation District No.1: Downtown TAD Redevelopment Plan; and

WHEREAS, the City Council held a public hearing at its regularly scheduled meeting on December 2, 2014, which public hearing was duly noticed as prescribed by law and published in the Statesboro Herald. The purpose of the public hearing was to receive suggestions and comments on the proposed Redevelopment Plan; and

WHEREAS, the City of Statesboro desires to adopt and approve the City of Statesboro Tax Allocation District No. 1: Downtown TAD Redevelopment Plan; and

WHEREAS, the City of Statesboro desires to create the City of Statesboro Tax Allocation District No. 1: Downtown TAD.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STATESBORO, GEORGIA AND IT IS HEREBY RESOLVED AS FOLLOWS:

Section 1. The City of Statesboro finds and declares that the City of Statesboro Tax Allocation District No. 1: Downtown TAD 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 a Redevelopment Plan;

Section 2. The City of Statesboro finds and declares that the improvement of the TAD Redevelopment area is likely to enhance the value of a substantial portion of real property in the district.

Section 3. The City of Statesboro Tax Allocation District No. 1: Downtown TAD Redevelopment Plan which is attached hereto as Exhibit "A," and incorporated herein by reference is hereby adopted and approved as the Redevelopment Plan for the City of Statesboro Tax Allocation District No. 1: Downtown TAD area pursuant to the Redevelopment Powers Law, OCGA §36-44-1.

Section 4. The City of Statesboro hereby creates Tax Allocation District No. 1: Downtown TAD pursuant to the City of Statesboro Tax Allocation District No. 1: Downtown TAD Redevelopment Plan and the Redevelopment Powers Law.

Section 5. The City of Statesboro Tax Allocation District No. 1: Downtown TAD is hereby created as of December 31, 2014, and it shall continue in existence for thirty years thereafter, or until all redevelopment costs, including financing costs and debt service on tax allocation bonds, are paid in full.

Section 6. The City of Statesboro hereby establishes the estimated Tax Allocation Increment Base of \$_____ for the Tax Allocation District No. 1: Downtown TAD. The property taxes to be used for computing tax allocation increments are specified in the attached Redevelopment Plan and incorporated herein by reference.

Section 7. The City Council will act as the Redevelopment Agency to implement the provisions of the Redevelopment Plan and to effectuate the redevelopment of the redevelopment area pursuant to the Redevelopment Plan and the Redevelopment Powers law.

Section 9. The City Council intends to authorize the issuance of Tax Allocation Bonds and/or to obtain commercial bank financing and/or to make available our future revenues, and to use the proceeds of any Tax Allocation Bonds or financing the revenue for any and all uses including, without limitation, cost of issuance of the Tax Allocation bonds or commercial financing, capital cost 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 service costs, including fees for architectural, engineering and environmental services; real estate assembly; and such other uses deemed necessary pursuant to the provisions

of the Redevelopment Plan and the Redevelopment Powers law as it has been and may hereafter be amended.

Section 10. The property proposed to be pledged for payment or as security for payment of Tax Allocation bonds will include the positive equitable and tax allocation increments from an ad valorem taxes levy on all taxable real property within the boundaries of the City of Statesboro Tax Allocation District No. 1: Downtown TAD.

Section 11. All resolutions and parts of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

This Resolution is adopted and approved by the Council of the City of Statesboro, Georgia on this _____ day of December, 2014.

CITY OF STATESBORO NO. 1 CITY COUNCIL

By: _____
Jan J. Moore, Mayor

Attest:

By: _____
Sue Starling, City Clerk

(SEAL)



Memorandum

To: Robert Cheshire, City Manager
From: Courtney Reich
CC: Alvin Leaphart, City Attorney
Date: 11/24/2014
Re: Stormwater Utility Ordinance and Rate Adoption

1. Stormwater Management Program (SWMP) Needs, Priorities and Issues

- The City has completed a SWMP Assessment and Funding Analysis that has identified the SWMP issues, priorities and needs as well as the funding considerations associated with current and future SWMP implementation.
- The primary issues that the City SWMP must address at this time and in the future include the following:
 - Recurring flooding
 - Drainage CIP and maintenance project backlog
 - Drainage system operations and maintenance
 - Citywide drainage masterplanning and regional detention concept
 - Floodplain Management
 - Land development regulation via enhanced ordinances, standards and criteria

2. Summary of SWMP Services

- The City covers 13.86 square miles of land and has approximately 5,500 drainage system components, 70 miles of storm pipe, and 156.5 miles of ditches, and 33.5 miles of drainage canals and streams. All of these systems need to be maintained by the City SWMP on a regular schedule to ensure they function/operate as planned when larger rainfall events occur.
- The City currently has a list of approximately 53 capital and O&M projects that are in need of varying degrees of attention by the City. Several of these projects include regional detention areas associated with City park and greenspace opportunities. The estimated cost to address and remedy the current project list is approximately \$3.9 million. The City's past and current funding levels via General Fund allocations and SPLOST are not adequate to complete this project list in a timely

manner. Furthermore, additional capital projects and O&M activities will likely be added to the current list as the drainage system continues to expand, age and deteriorate over time.

- SWMP services are provided by the City primarily through the Engineering and Public Works with support from other City departments. The Engineering Department Director, will be designated as the Stormwater Utility Director, and will receive support from Public Works as it relates to operation and maintenance of the stormwater drainage system.

3. *Future Plan to Enhance the SWMP Service Delivery Program to Address the Identified Needs*

- The City has determined that additional resources are needed to better address the City's overall SWMP needs, meet customer demands, and comply with the unfunded federal and state regulatory compliance mandates. The City has identified an initial budget of approximately \$1.0 million for SWMP operations in FY 2016, which may increase over time as the stormwater management program matures. Additional revenue will be provided from SPLOST to support the Drainage Capital Improvement Program (CIP).
- The City has identified a Stormwater Utility and Stormwater User Fee as the long term funding strategy that apportions the future SWMP costs to parcels within the City in the most fair, equitable and stable manner.
- A fee-based system to fund the SWMP ensures that all developed properties, regardless of their tax status, pay their fair share towards the cost of managing their parcel-specific stormwater runoff impacts.

4. *Proposal to Implement Stormwater Utility and User Fee System*

- The City has proposed implementation of a stormwater user fee charge being assigned to developed parcels within the City that: (1) generate stormwater runoff; (2) impose a demand on the City's drainage system; and (3) receive SWMP services from the City.
 - The proposed billing unit for the City is approximately 3,200 square feet of impervious area. This measurement is approximately equal to the average amount of impervious area (i.e. roof, driveway, patio) associated with a typical single family residential (SFR) parcel.
 - Under a future stormwater user fee charge system, the average SFR customer would pay a flat rate equal to one (1.0) billing unit.
 - Non-single family residential (NSFR) customers would pay a stormwater user fee amount based on each 3,200 square feet increment of impervious area associated with their parcel/account. In general, the greater the amount of impervious area on a parcel, the greater the amount of runoff generated and the larger the user fee amount paid.
 - Partially impervious area (surface areas consisting of compacted dirt and gravel) is charged a fractional rate of 0.85 billing units per 3,200 square feet of partially impervious area to account for the minor amount of stormwater infiltration provided by these surfaces.

- A Stormwater Utility with a monthly stormwater user fee rate of \$3.95 per billing unit should enable the City to more adequately fund the SMWP at the recommended level of service of \$1.0 million in FY 2016.
- Stormwater Utility customers will be eligible for credits on their monthly fee if they are able to reduce the impact their parcel places upon the City's drainage system and SWMP. There is a Stormwater Utility and User Fee Credit Manual with specific credit information and procedures that will be made available at City Hall and on the City website. Activities that can be afforded credits include: detention ponds, implementation of green stormwater technologies, education programs, and watershed stewardship.
- The proposed rate of \$3.95 per billing unit is lower than the rate originally recommended in the Stormwater Management Program Assessment and Financial Analysis Report and is consistent with average stormwater user fee billing rates in Georgia. Other local utilities in coastal Georgia have higher billing rates including Garden City at \$4.75 per month per billing unit and Hinesville at \$6.42 per month per billing unit.

5. Stormwater Utility and User Fee System Next Steps

- The following steps are required to implement the Stormwater Utility and User Fee as proposed herein:
 - Adopt the Stormwater Utility Ordinance
 - Adopt the Resolution to set the Stormwater User Fee rate of \$3.95 per billing unit per month
 - Notify and educate future customers on the stormwater program, stormwater user fees and credit opportunities
 - Review and award stormwater user fee credits as appropriate
 - Issue first stormwater user fee billing in July 2015
 - Provide customer service to stormwater utility customers
 - Implement the SWMP at the recommended LOS

ORDINANCE 2015-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF STATESBORO AT CHAPTER 82, UTILITIES; TO PROVIDE FOR A NEW ARTICLE VII “STORMWATER UTILITY”; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR A STORMWATER UTILITY SERVICE AREA; TO PROVIDE A STATEMENT OF PURPOSES AND FINDINGS OF FACT; TO PROVIDE FOR SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES; TO PROVIDE FOR THE ESTABLISHMENT OF STORMWATER USER FEE CHARGES; TO PROVIDE FOR STORMWATER UTILITY CUSTOMER CLASSES; TO PROVIDE THE METHOD FOR ESTABLISHMENT OF STORMWATER USER FEE CHARGE RATES; TO PROVIDE FOR STORMWATER USER FEE CHARGE EXEMPTIONS; TO PROVIDE FOR STORMWATER USER FEE CHARGE CREDITS; TO PROVIDE FOR INSPECTIONS AND ENFORCEMENT; TO PROVIDE FOR STORMWATER USER FEE BILLING, DELINQUENCIES, COLLECTIONS, AND ADJUSTMENTS; TO PROVIDE FOR APPEALS; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE CODE OF ORDINANCES, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and City Council have determined there is sufficient need to amend Chapter 82 of the Code of Ordinance, City of Statesboro, Georgia to promote the general welfare of the citizens of Statesboro;

NOW THEREFORE BE IT ORDAINED BY The Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

Section 1: Chapter 82, UTILITIES, of the City of Statesboro Code of Ordinances, is hereby amended by adding the following pertaining to the establishment of the Stormwater Utility, the Stormwater User Fee Rate Structure and the procedure in which to establish the Stormwater User Fee Billing Rate:

“ARTICLE VII. STORMWATER UTILITIES”

Section 82-260. Purpose

This Chapter is enacted for the purpose of establishing the Stormwater Utility and Stormwater User Fee System and other provisions relating thereto.

Section 82-261. Findings of Fact

The Mayor and City Council make the following findings of fact:

- (a) The City of Statesboro is authorized by the Georgia Constitution of 1983, including, without limitation, Article IX, Section II, Paragraph III, and O.C.G.A. §36-82-62 to provide stormwater management service systems and facilities throughout the corporate boundaries of the City of Statesboro (hereinafter "the City" or "Statesboro") and to collect fees for provision of those services.
- (b) In promulgating the regulations contained in this section, the City is acting pursuant to authority granted by the Constitution and laws of the State of Georgia and its City Charter to provide for stormwater collection and disposal. A system for the collection, conveyance, storage, treatment and disposal of stormwater provides services to all properties within the City limits.
- (c) Failure to effectively manage stormwater runoff can result in:
 - (1) Erosion of lands, which could threaten businesses, residences, and other structures with water damage and may environmentally impair the rivers, streams and other bodies of water within, and downstream of, the City;
 - (2) Adverse affects to the City's sanitary sewer system operations thereby increasing the potential for infiltration and inflow into the sanitary sewer system;
 - (3) Potential degradation of the quality of both surface water and ground water resources.
- (d) The City presently owns and operates stormwater management systems and facilities, which have been developed over many years. The future usefulness and operational function of the existing stormwater management systems and facilities owned and operated by the City, and the additions and improvements thereto, rests on the ability of the City to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities within the City in concert with the management of other water resources within the City. In order to do so, the City must have both a stormwater management program as well as an adequate and stable funding strategy for its stormwater management program operation and drainage-related capital improvement needs.
- (e) The City desires to implement a storm water management program to address storm water runoff quality and quantity and to mitigate the impacts of pollution and flooding which may impact the public municipal separate storm

sewer system (MS4), private property and downstream receiving waters of the State of Georgia and/or United States.

- (f) Compliance with applicable regulatory obligations, including but not limited to, the City's National Pollution Discharge Elimination System (NPDES) Wastewater Discharge Permit; the National Flood Insurance Program (NFIP); the Georgia Comprehensive Statewide Water Management Plan; the City's Watershed Assessment and Watershed Protection Plan; and other applicable State and Federal water resources related regulations as well as other identified stormwater management program needs will affect the cost of providing stormwater management services, systems and facilities above what is currently being spent for stormwater quality management, drainage system maintenance, flood plain management, capital drainage projects and other stormwater management program activities.
- (g) The cost of operating and maintaining the City's stormwater management system and the funding of necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services provided by the City's stormwater management program and the demand imposed by improved property on the City's drainage system and stormwater management program.
- (h) The stormwater management program assessment and financial analysis performed by the City's consultant properly assesses and defines the City's stormwater management program problems, needs, goals, priorities as well as the stormwater management program funding strategy.
- (i) Given the stormwater management program problems, needs, goals, priorities and funding strategy identified in the aforementioned stormwater program assessment and financial analysis, it is appropriate that the City authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of storm water management services, systems, and facilities within the City in concert with other water resources management programs. Therefore, it is appropriate for the City to establish a Stormwater Utility and impose a stormwater user fee charge upon all improved/developed properties that may discharge, directly or indirectly, into the public MS4 and stormwater conveyance system, whether the property is private or public in nature.
- (j) Stormwater management is applicable and needed throughout the incorporated areas of the City. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management system and service area encompassing all lands and water

bodies within the incorporated areas of the City is appropriate given the present and future needs of the City.

- (k) The stormwater management services rendered may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater management systems and programs, and risk exposure. It is practical and equitable to allocate the cost of stormwater management among the owners and/or tenants of improved properties in proportion to the demands the properties impose on the City's stormwater management systems and facilities which result in services to such properties and the owners and/or tenants thereof. The fair and equitable apportionment of costs via the stormwater user fee charge correlates to the stormwater management services provided to that property and the runoff demand that the property imposes on the public drainage system and the City stormwater management program.
- (l) Stormwater management needs in the City include, but are not limited to, protection of the public health, safety, and welfare of the community. Provision of stormwater management services renders and/or results in both a service to customers and benefit to all properties, property owners, citizens, and residents of the City in a variety of ways although the benefits may be indirect or immeasurable.
- (m) A stormwater management program provides the most practical and appropriate means of properly delivering stormwater management services throughout the City. The imposition of a stormwater user fee charge is the most equitable means to allocate the costs to users of the stormwater management services and to generate revenue to implement the defined level of service for the City's stormwater management program.
- (n) The presence and amount of impervious surfaces on each improved property is the most important factor influencing the stormwater runoff contribution of that property; the corresponding demand the property imposes on the stormwater management program; and the cost of providing stormwater management services to that property by the City. Therefore, the amount of impervious surface on each property is the most significant parameter for calculating a periodic stormwater user fee charge; and the City deems it appropriate to impose a stormwater user fee charge upon all improved properties that may discharge, directly or indirectly, into the public drainage system whether the property is private or public in nature.
- (o) A schedule of Stormwater Utility user fee charges based primarily on the amount of impervious surface located on each improved property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the City. Stormwater Utility user fee

charges may be designed with specific modifiers to further enhance customer equity, as well as customer understanding of the user fee charge rate structure, while at the same time minimizing the City's customer account management and maintenance efforts.

- (p) Stormwater Utility user fee charges may be supplemented by other funding which addresses specific needs, including, but not limited to, special district service fees, General Fund allocations, revenue bonds, use of proceeds from special purpose local option sales taxes (SPLOST) and other forms of revenue, as deemed appropriate by the Mayor and City Council.
- (q) The existence of privately owned and maintained on-site stormwater control facilities, activities or assets which reduce, or otherwise mitigate, the impact of a particular property on the City's stormwater management program, and the Stormwater Utility's cost of providing stormwater management services and/or stormwater management systems and facilities, should be taken into account to reduce the user fee charge on that property in the form of a credit, and such credit should be conditioned upon continuing provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the Stormwater Utility. Credits for privately owned and maintained stormwater management systems, facilities, activities or assets shall be generally proportional to the affect that such systems have on the reduction and mitigation of the stormwater runoff impacts from the property.
- (r) It is required that the revenue proceeds from all user fee charges for stormwater management services, systems or facilities, together with any other supplemental revenues raised or otherwise allocated specifically to stormwater management services, systems or facilities, be dedicated solely to those purposes. Such user fee revenue proceeds, and other supplemental revenues, shall be deposited into the City of Statesboro Stormwater Utility Enterprise Fund. The user fee proceeds and other supplemental revenues shall remain in the enterprise fund, and be dispersed only for stormwater management capital improvements, facilities, equipment, operating and non-operating costs, lease payments, debt service payments, or other indebtedness related to the stormwater management program.
- (s) In order to protect the health, safety and welfare of the public, the governing authority of Statesboro hereby exercises its authority to establish a Stormwater Utility, as the best available means of addressing the foregoing stormwater management program needs and priorities. By means of this Ordinance, the City will enact a stormwater user fee rate structure and a procedure for the establishment of a user fee charge billing rate related to the provision of stormwater management services.

Section 82-262. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Act* means and refers to the Clean Water Act codified at 33 U.S.C. § 1251, *et seq.*, and the rules and regulations promulgated by the United States Environmental Protection Agency pursuant thereto.
- (b) *Credit* means a reduction in the amount of a customer's stormwater user fee charge in recognition of a customer's efforts to mitigate the stormwater runoff impact that developed property has on the City stormwater management services and systems, and/or the efforts of a customer to offset the City's cost for implementation of stormwater management program related activities.
- (c) *Customers of the Stormwater Utility* shall include all persons, properties, and entities serviced by and/or benefitting from the services provided by the City's stormwater management program and the Stormwater Utility. These services include, but are not necessarily limited to, the Stormwater Utility's administration, management, maintenance, expansion, and improvement of the stormwater management systems for the handling and disposal of stormwater runoff from private and public properties, and the regulation of the public and private stormwater management systems, controls, facilities, and activities.
- (d) *Dwelling Unit* shall mean a structure, regardless of the type or method of construction, which contains one (1) or more bedrooms, a bathroom, and cooking facilities, designed for occupancy by a one or more person(s) regardless of relationship, living as a single-family unit.
- (e) *Enterprise fund* means a fund used to account for operations that are financed and operated in a manner similar to private business enterprises where the intent of the governing authority is that the cost of providing services to the public on a continuing basis be financed or recovered primarily through user charges.
- (f) *Equivalent Residential Unit (ERU)* means the stormwater user fee charge billing unit increment related to the median horizontal impervious surface area footprint of 3,200 square feet for a typical single family dwelling unit within the City.

- (g) *Fiduciary Fund* means a trust or agency fund used to account for assets held by a local government in a trustee capacity.
- (h) *Hydrologic Response* defines the manner and means whereby stormwater runoff collects, remains, diverts, infiltrates, and is conveyed from a property. Hydrologic Response is dependent on several factors including, but not limited to, the presence of impervious surface, the parcel's size, the parcel's shape, the parcel's topography, the parcel's vegetative canopy, the parcel's groundwater characteristics, the parcel's on-site operations, the parcel's stormwater controls, the parcel's antecedent moisture as well as the parcel's geologic and hydro-geologic characteristics.
- (i) *Impervious area* shall mean and have the same definition as impervious surface.
- (j) *Impervious surface* means those areas which prevent or impede the infiltration of stormwater into the soil in the manner in which it entered the soil, in natural conditions, prior to development and causes stormwater runoff to collect, concentrate or flow in a manner materially different from what would occur if the land were in an unaltered/undeveloped natural condition. Common impervious surfaces include, but are not limited to, rooftops, buildings or structures, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, awnings and other fabric or plastic coverings, and other surfaces such as compacted soil and gravel, which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.
- (k) *Improved property (or developed property)* means property altered from its natural state by construction or installation of more than five hundred (500) square feet of impervious surfaces.
- (l) *Manufactured Home Park* means a common development (with a single property owner or entity) of more than one factory-built or pre-fabricated housing structures that have been partially or entirely assembled at another location and moved into the development.
- (m) *Multi-Family Residential (MFR) Property* means developed property containing more than two dwelling units in or attached thereto, situated upon a single lot of record. MFR properties shall not include improved property containing structures used primarily for non-residential purposes and as defined herein or vacant/undeveloped property.
- (n) *Non-Single Family Residential (NSFR) Property* shall mean a developed parcel of land that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial (including mixed commercial & residential), office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private

schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a single family residential property (SFR).

- (o) *Non-Single Family Residential (NSFR) Customer* shall mean a utility customer whose property meets the definition of NSFR whether such customer is the owner of the parcel or a tenant of the owner.
- (p) *Parcel* shall mean a designated parcel or tract, established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.
- (q) *Partial impervious surface* shall mean those areas which allow for limited infiltration of rainfall and surface water runoff into the soil in the manner that is more similar to natural conditions than “impervious surface” as defined above. Partial impervious surfaces influence and affect stormwater runoff such that the runoff is collected, concentrated and/or flows in a manner that is materially different from what would occur if the land were in an unaltered natural condition. Common partial impervious surfaces include, but are not limited to, compacted gravel and/or compacted soils.
- (r) *Private stormwater management systems and facilities* shall mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff or water quality, for which operation and maintenance is the responsibility of the owner or successor or assignee thereof, and which have not been conveyed or dedicated to the City for future maintenance.
- (s) *Public stormwater management systems and facilities (or the City’s Municipal Separate Storm Sewer System)* shall mean that portion of the drainage system consisting of natural and/or man-made structures, within the political boundaries of the city which channel or convey storm water from its point of collection to a point of discharge, owned by the City, over which the City has a legal right of access, have been formally dedicated to and accepted by the City for maintenance, or over which the City exercises dominion and control.
- (t) *Service area* means the entire land area within the corporate limits of the City.
- (u) *Single-Family Residential (SFR) Property* means developed property containing one residential structure with no more than two dwelling units in or attached thereto, situated upon a single lot of record. Improved property may be classified as SFR even if supplemental accessory structures are present such as garages, carports, storage buildings, guesthouses, servants or

caretakers quarters, cottages or barns, or the presence of a commercial use within the residence, as long as such use does not result in significant additional amounts of impervious surfaces, as determined by the governing body or its designee. SFR properties shall not include improved property containing structures used primarily for non-residential purposes and as defined herein; manufactured homes located within manufactured home parks where the land is owned by someone other than the owners of the manufactured homes; residential condominium developments with more than two units; or vacant/undeveloped property.

- (v) *Single-family Residential (SFR) Customer* means a utility customer of the City residing in a dwelling unit whether such customer is the owner of the dwelling unit or a tenant of the owner of the dwelling unit.
- (w) *Stormwater management services* mean all water quality and water quantity related services provided by the City which relate to the following:
 - (1) Transfer, control, conveyance or movement of stormwater runoff through the incorporated portions of the City;
 - (2) Maintenance, repair and replacement of existing stormwater management systems and facilities;
 - (3) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
 - (4) Regulation of the use of stormwater management services, systems and facilities; and
 - (5) Compliance with applicable State and Federal stormwater management regulations and permit requirements;
 - (6) Other services as deemed appropriate by the City.
- (x) *Stormwater management systems and facilities* mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, headwalls, storm sewers, public streets, curbs and gutters, lakes and other physical works, properties and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.
- (y) *Stormwater Utility Manager* means the person appointed by the City Manager to administer the provisions of this article.
- (z) *Stormwater user fee charge* means the periodic user fee charge for the provision of stormwater management services imposed pursuant to this Article of the Statesboro Stormwater Utility Ordinance. This term shall exclude special charges to the owners and/or tenants of particular properties for

services, systems or facilities related to stormwater management, including, but not limited to, charges for development plan review, inspection of development projects, post-construction maintenance and inspection of existing facilities, on-site stormwater control systems and other stormwater management related services provided by Statesboro for which a corresponding fee is collected for the service rendered.

- (aa) *Undeveloped Land* means land in its unaltered natural condition or which is modified to such a minimal degree as to have a Hydrologic Response comparable to land in an unaltered natural condition shall be deemed undeveloped. For purposes of this Article, Undeveloped Land includes property altered from its natural condition by the existence and/or installation of five hundred (500) square feet or less of Impervious Surface.
- (bb) *User* is defined as any person who uses property, which maintains connection to, discharges to, or otherwise receives stormwater management services from the City.

**Section 82-263. Stormwater Utility and Enterprise Fund
Established**

- (a) There is hereby established a Stormwater Utility to be known as the City of Statesboro Stormwater Utility, which shall be responsible for stormwater management services throughout the incorporated area of the City, and which shall provide for the management, protection, control, regulation, use and enhancement of the City's stormwater management systems and facilities and stormwater management program services.
- (b) There is hereby established a Stormwater Utility Enterprise Fund in the City accounting systems for the purpose of dedicating and protecting all funding generated by the Stormwater Utility user fee charge to the operation of the stormwater management program and Stormwater Utility, including, but not limited to, rates, charges, and fees as may be established by the Mayor and City Council from time to time, and other funds that may be allocated to the Stormwater Utility. Such Fund shall be both an Enterprise fund and a Fiduciary fund, consistent with the definitions within this article.
- (c) All revenues and receipts generated from the storm water user fee charges shall be segregated and placed into the Stormwater Utility Enterprise Fund in trust, and be expended solely for stormwater management purposes; provided, however, such fund may also pay a reasonable allocation of costs provided to the Stormwater Utility by the City's General Fund, or other utilities of the City, in order to account for application overhead costs. Stormwater Utility user fee charge revenue shall be used only for the operating expenses and/or capital investments of the Stormwater Utility. However, other forms of revenue and/or financial resources, not accounted for in the Stormwater Utility

user fee revenue, may be allocated as deemed appropriate by the City, to provide supplemental funding to the stormwater management program and stormwater management services.

- (d) Under the supervision and oversight of the City Manager, the City shall place responsibility with the Stormwater Utility Manager for operation, maintenance and regulation of the Stormwater Utility and stormwater management systems and facilities owned and operated, or maintained by the City, and other related assets, including, but not limited to, properties, other than road rights-of-way, upon which such stormwater management systems and facilities are located, easements, rights-of-entry and access and certain equipment used solely for stormwater management.

Section 82-264. Stormwater Utility Service Area

- (a) There shall be one Stormwater Utility service area in the City which shall encompass the municipal boundaries of Statesboro. The City has established that all developed parcels within the municipal boundaries receive stormwater management program services from the City. Improved/developed properties within the defined service area will receive a stormwater user fee charge bill because they contribute stormwater runoff to the public drainage system, are directly or indirectly connected to the City's drainage system, and/or receive stormwater management services from the City to varying degrees.

Section 82-265. Scope of Responsibility for Stormwater Management Systems and Facilities

- (a) The Stormwater Utility shall provide stormwater management services for existing and proposed public stormwater management systems and facilities as defined in this article, subject to funding availability and policy considerations made in the best interest of the public health, safety and general welfare, and of the environment. Additionally, the Stormwater Utility may accept the responsibility for providing stormwater management services to private stormwater management systems and facilities, acceptance of which conforms to policies established by the Mayor and City Council.
- (b) The City owns in fee simple, or has legal rights established by written agreements, which allow it to operate, maintain, improve, and access those stormwater management systems and facilities which are located:
 - (1) On property owned by, or within the possession and control of, the City
 - (2) Within public rights-of-way of the municipal street system and, where the City has by agreement with the County or State agreed to maintain public roads and highways on the County Road System and/or State Highway System;

- (3) On private property but within legally dedicated easements granted to, and accepted by, the City;
 - (4) On private property where the City has been granted, by written agreements, rights-of-entry, rights-of-access, rights-of-use or other provisions for operation, maintenance, improvement and access to the stormwater management system facilities located thereon; or
 - (5) On public land which is owned by another governmental entity with whom the City has a written agreement providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.
- (c) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the City, and for which there has been no written agreement granting easements, rights-of-entry, rights-of-access, rights-of-use or other form of dedication thereof to the City for operation, maintenance, improvement and access of such stormwater management systems and facilities shall be and remain the legal responsibility of the property owner and/or tenant, except as otherwise provided for by state and federal laws and regulations.
- (d) The Stormwater Utility may provide periodic inspection, testing, or engineering assessment of privately owned stormwater management systems and facilities to ascertain that said facilities are functioning as designed and approved. After notice to the property owner, the Stormwater Utility may provide for remedial maintenance of said private facilities based upon the severity of stormwater problems and potential hazard to the public health, safety, and welfare and the environment., In cases where such remedial maintenance is required to be performed by the City, the City shall have the right to bill the owner of said private facility for the costs of such maintenance, and impose a lien against the property to enforce collection.
- (e) It is the express intent of this article to protect the public health, safety and welfare of people and property in general, but not to create any special duty or relationship with any person or entity, or to any specific property within or outside the municipal boundaries of the City. The City expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the City, its elected officials, officers, employees, and agents arising out of any alleged failure or breach of duty or relationship.
- (f) If any permit, plan approval, inspection, or similar act is required by the City as a condition precedent to any land disturbance or construction activity upon property not owned by the City pursuant to this or any other regulatory code, ordinance, regulation or rule of the City, or under federal or state law, the

issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit, negligent issuance of a permit, negligent plan approval, negligent construction of permitted system or facility, or negligent maintenance of any permitted stormwater management system or facility not expressly dedicated to and accepted by the City for further maintenance in an action seeking the imposition of money damages or equitable remedies against the City, its Mayor and City Council members, officers, employees or agents.

Section 82.266. Stormwater Utility Customer Classes.

- (a) The Stormwater Utility shall establish specified customer classes within the service area to reflect differences in impervious surface and stormwater runoff characteristics; stormwater management program services provided by the City to the Stormwater Utility customers; and the respective demand that those customers' properties place on the City stormwater management program and drainage system components. All publicly owned developed properties, other than streets or roads, are subject to the user fee charges on the same basis as private properties. The Stormwater Utility classes will encompass all developed and undeveloped properties within the City and are defined as follows:
 - (1) The Single Family Residential (SFR) Class shall consist of all developed properties classified as SFR customers per the applicable definition.
 - (2) The Non-Single Family Residential (NSFR) Class shall consist of all developed properties classified as NSFR customers per the applicable definition.
 - (3) The Undeveloped Class shall consist of properties classified as undeveloped per the applicable definition.
- (b) Documentation pertaining to the Stormwater Utility customer classes shall be kept on file in the office of the Stormwater Utility Manager for public inspection.

Section 82-267. Stormwater User Fee Charges.

- (a) It shall be the policy of the City that user fee charges for stormwater management services to be provided by the Stormwater Utility in the designated service area shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater management services by individual properties and/or the level of service rendered by, or resulting from, the provision of stormwater management services by the City.

- (b) The basis for calculation of the stormwater user fee charge for developed properties within the City is established in this Ordinance. The City shall assign or determine the customer class, amount of impervious area and other pertinent factors as may be needed for the fair, reasonable and equitable allocation of the costs to deliver stormwater management services and to calculate the stormwater user fee charges for developed properties in the City.
- (c) Stormwater user fee charge rates shall be structured so as to be uniform within the customer class, and the resultant user fee charges shall bear a reasonable connection, or rational nexus, to the cost of providing stormwater management services. User fee charge rates shall be in addition to other rates, charges, or fees employed for stormwater management within the incorporated areas of the City as defined herein.
- (d) To the extent practicable, credits against stormwater user fee charges shall be provided for on-site stormwater control systems and activities constructed, operated, maintained and performed to the City's standards by public and private property owners and/or tenants which eliminate, mitigate or compensate for the impact that the property or person may have upon stormwater runoff discharged to public stormwater management systems and facilities, or to private stormwater management systems and facilities which impact the proper function of public stormwater management systems and facilities.
- (e) The stormwater user fee charges shall accrue beginning June 1, 2015 and be billed in arrears each month to customers.

Section 82-268. Stormwater User Fee Charge Billing Rates

- (a) The Stormwater Utility shall impose a stormwater user fee charge on all developed properties within the service area in accordance with the provisions of this Ordinance. The Stormwater Utility shall apportion the cost of delivering stormwater services to all developed properties based on the demand the property places on the City's stormwater management program, the stormwater services provided by the City and the benefits derived by the property as a result of the provision of services.
- (b) The Mayor and City Council shall establish by resolution the stormwater user fee charge rates, and the billing rates may be modified by the Mayor and City Council from time to time to meet the financial and operational needs of the Statesboro Stormwater Utility. A current schedule of said rates shall be on file in the office of the City Clerk of Statesboro. In setting or modifying such rates, it shall be the goal of the City to establish rates that are fair, equitable and reasonable, and which, together with other funding sources available to

the Statesboro Stormwater Utility for services, systems, and/or facilities related to stormwater management are sufficient to support the cost of the stormwater management program, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other Stormwater Utility related costs as deemed appropriate by the City.

- (c) Stormwater user fee charges shall be based upon the total number of Equivalent Residential Units (ERUs) associated with developed properties within the City. Each ERU shall correspond to 3,200 square feet of impervious surface.
- (d) Gravel and compacted soil driveways, parking areas, and roads on private property will be considered partial impervious surface and included in the customer's ERU calculation because of the Hydrologic Response characteristics of these materials. However, the total surface area associated with these materials will be calculated at 85% of the total ERUs to reflect the hydrologic response characteristics of these materials.
- (e) Calculation of User Fee Charges. The periodic stormwater user fee charges imposed on all developed properties shall be calculated by multiplying the stormwater user fee billing rate (per ERU) times the number of ERUs for each customer account. The number of ERUs that will be utilized to calculate the user fee charge for each customer account shall be in general accordance with the following:
 - (1) SFR Customer Class: Each SFR customer account shall be charged 1.0 ERU per month unless the conditions outlined below applies.
 - i. If two customer accounts are assigned to a SFR property (i.e. a duplex) then each customer account on that parcel will be charged 0.5 ERU per month for billing purposes.
 - (2) NSFR Customer Class: Each NSFR customer shall be charged 1.0 ERU for each 3,200 square feet, or increment thereof, of impervious surface located on the property to establish the total number of ERUs for billing. Fractional ERUs will be rounded to one decimal place to establish the number of ERUs for billing each month.
 - (3) Undeveloped Land Customer Class: Undeveloped land shall be assigned 0 ERUs and will not receive a stormwater user fee bill.

Section 82.269. Stormwater User Fee Charge Exemptions.

- (a) Except as provided in this section or otherwise provided by law, no developed public or private property located in the incorporated area of the City, containing more than 500 square feet of impervious surface, shall be exempt from the stormwater user fee charges. The Stormwater Utility user fee charge is not a tax and no exception, credit, offset, or other reduction in stormwater user fee charges shall be granted based on age, tax status, economic status, race, religion, disability, or other condition unrelated to the Stormwater Utility's cost of providing stormwater management program services and facilities.

- (b) Exemptions to the stormwater user fee charges are as follows:
 - (1) Parcels which contain 500 square feet, or less, of impervious surfaces or partial impervious surfaces shall be exempt from stormwater user fee charges.
 - (2) Linear railroad rights-of-way (i.e. tracks, rails, rail bed) outside of the defined rail yard limits shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction activities undertaken by the rail road company associated with rights-of-way and drainage conveyance systems. However, railroad stations, rail yards, maintenance buildings, and/or other improved property used for railroad operations shall not be exempt from stormwater user fee charges.
 - (3) City of Statesboro streets and rights-of-way shall be exempt from stormwater user fee charges. The Stormwater Utility shall not charge the City a user fee charge for the impervious surface associated with City's streets and other impervious surfaces within the rights-of-way of the City's municipal street system. This exemption is granted in consideration of the City allowing the Stormwater Utility to utilize the City's existing streets, curbs, gutters, drainage ways and ditches, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural and man-made, within and owned by the City which controls, diverts, and conveys surface water for the purposes of collecting, diverting, transporting and controlling surface runoff and storm waters. All other developed property owned by the City shall be subject to the imposition of stormwater user fee charges in accordance with this article.
 - (4) Bulloch County roads and rights-of-way on the County Road System located within the City limits shall be exempt from stormwater user fee charges inasmuch as Bulloch County has legal responsibility to perform all drainage system maintenance and capital construction activities with respect to such roads and rights-of-way. This exemption is in recognition of the drainage system maintenance and capital construction responsibilities undertaken by Bulloch County. All other

developed property owned by Bulloch County that is within the service area shall be subject to the imposition of stormwater user fee charges in accordance with this Ordinance.

- (5) Georgia Department of Transportation (GDOT) highways, Federal Interstates, and rights-of-way on the State Highway System within the City limits shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance, NPDES regulatory compliance, and capital construction activities undertaken by GDOT in association with GDOT rights-of-way road and drainage conveyance systems. However, offices, maintenance buildings, and/or other developed property used for GDOT purposes shall not be exempt from stormwater user fee charges.
- (6) Publicly owned developed property of the Federal and State governments, their departments, agencies, boards, commissions, and authorities, shall not be exempt from stormwater user fee charges under this article.

Section 82.270. Stormwater User Fee Charge Credits.

- (a) The Stormwater Utility Manager may grant credits or adjustments based on the technical and procedural criteria set forth in the City of Statesboro Stormwater Utility Credit Manual (Credit Manual), which is incorporated into this Ordinance by reference and made a part hereof. Copies of the Credit Manual will be maintained by and made available from the Stormwater Utility Manager.
 - (1) Customers may apply for credits and/or adjustments in accordance with the Credit Manual.
 - (2) A stormwater user fee charge credit shall be determined based upon meeting all technical requirements, standards and criteria contained in the Credit Manual. The amount of credit, or reduction of the stormwater user fee charge, shall be in accordance with the criteria contained in the Credit Manual.
 - (3) Any credit allowed against the stormwater user fee charge is conditioned on continuing compliance, including proper future maintenance of the stormwater management systems and facilities with design and performance standards as stated in the Credit Manual and upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the customer. The Stormwater Utility Manager may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Manual or this Article.

- (4) In order to obtain a credit, the customer must make application to the City on forms provided by the Stormwater Utility Manager for such purpose, and in accordance with the procedures outlined in the Credit Manual.
 - (5) The application for any credit or adjustment must be in writing and must include the information necessary to establish eligibility for the credit or adjustment, and be in the format described in the Credit Manual. The customer's public utility account must be paid and current prior to review and approval of a Stormwater Utility credit application by the City. Incomplete applications will not be accepted for consideration and processing.
- (b) When an application for a credit is deemed complete by the Stormwater Utility Manager, he shall have 30 days from the date the complete application is received to approve the credit in whole, approve the credit in part, or deny the credit. The Stormwater Utility Manager's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing. Credits applied for by the customer and approved in whole or in part, shall apply to all stormwater user fee charges in accordance with the terms defined in the Credit Manual.

Section 82-271. Stormwater User Fee Charge Billing; Delinquencies and Collections; and Adjustments.

- (a) Billing. The property owner or utility customer account holder, as identified from City public utility billing database information, Tax Digest and other public records of Bulloch County, shall be obligated to pay the applicable stormwater user fee charge.
- (1) Stormwater user fee charges shall begin to accrue June 1, 2015, and shall be billed in arrears on the customer's monthly public utility bill thereafter beginning in the July 2015 billing cycle.
 - (2) The stormwater user fee charge will be billed and collected on a combined utility bill and collected along with other City utility services from the person in whose name such services have been placed on account with the City. If and when the account is closed or becomes delinquent, the bills for unpaid previous service as well as for current and future service shall be reverted to the property owner.
 - (3) Customers that do not have another utility service shall receive a utility bill with stormwater user fees only or shall be billed via another method and frequency established by the City.
 - (4) The City reserves the right to bill the stormwater user fee charge to either the property owner or the utility customer account holder (i.e. the tenant) as described herein.

- i. The City shall have the authority to bill the property owner's tenant for the stormwater user fee charge in situations where the tenant has opened an account with the City for public utility services; provided, however, the property owner shall remain ultimately liable for payment of the stormwater user fee charge imposed on the property.
 - ii. The City shall be authorized to bill the landlord or property owner for stormwater services where accurate and equitable apportionment of the user fee charges to multiple accounts on a parcel is not practical as determined by the City, and/or to facilitate efficient billing and collection of customer stormwater user fee charges. For example, the user fee charge for multi-family properties, i.e. properties with more than two (2) units, may be billed to the property owner, landlord or property management company.
- (5) Frequency of the billing of stormwater user fee charges shall be specified by the Mayor and City Council.
- (6) Failure of the customer to receive a utility bill or a stormwater user fee charge shall not be justification for nonpayment. Regardless of the party to whom the bill is initially directed, the property owner of each developed property subject to stormwater user fee charges shall be ultimately obligated to pay stormwater user fee charges and any interest on delinquent stormwater user fee charge payments.
- (7) If a property is unbilled, or if no bill is sent for a particular tract of developed property, the Stormwater Utility may back bill for a period of up to three (3) years, but shall not be entitled to any interest or any delinquency charges during the back billed period.

(b) Delinquencies and Collections.

- (1) The Stormwater Utility user fee charge shall be billed and collected as an integral part of the City's billing for other utility services and the customer may not elect to separate such fee from the remainder of the utility bill for nonpayment. If the customer fails to include payment of the Stormwater Utility user fee charge portion of the utility bill when the utility bill is paid, or otherwise separates the Stormwater Utility user fee charge from the remainder of the bill for nonpayment, the entire billing will be in default notwithstanding any other payment made towards the bill, and, in addition to all other remedies which the City may have for nonpayment, any or all other utility services, including water service, may be terminated on the date printed on the bill in accordance with the procedures established in the City Code of Ordinances for such

termination. Acceptance and retention by the City of any portion of the utility bill shall not constitute a waiver of the foregoing provisions.

- (2) A late charge will accrue on the unpaid balance of any stormwater user fee charge which has been due and payable for 30 days or more as set forth in O.C.G.A. § 7-4-16 and in accordance with City policy for other utilities. In addition, all costs of collection, including attorney's fees and court costs, will be added.
 - (3) Unpaid stormwater service fees may also be collected by filing suit to collect on an unpaid account and by using all methods allowed by Georgia law to collect on any civil judgment obtained thereby, including enforcement of any lien resulting from any such judgment. Unless reduced to a judgment and a *writ of fieri facias* issued, the unpaid user fee charge shall not constitute a direct lien against the owner or the property.
 - (4) In the event of non-payment and service cut-off, the customer must pay the bill in full, the late payment charge, a cut-off charge if applicable, and pay a deposit if it was either waived, previously refunded, or was used to make the payment, late payment charge, and/or the cut-off charge. The City Manager is authorized to work out a payment plan for customers that demonstrate the ability to pay. Such a payment plan can only be entered into once in a 12-month period. Failure to meet any payment date of a payment plan shall terminate the payment plan, and the services shall be discontinued.
- (c) Adjustments. The Stormwater Utility Manager shall administer the procedures and standards for the adjustment of the stormwater user fee charge.
- (1) If a customer believes his stormwater user fee charge amount is incorrect, the customer may seek an adjustment of the stormwater user fee charge for the account at any time by submitting the request in writing to the Stormwater Utility Manager and setting forth in detail the grounds upon which relief is sought. The customer's public utility account must be paid and current prior to consideration of an adjustment request by the City.
 - (2) Customers requesting the adjustment shall be required, at their own expense, to provide accurate impervious area and other supplemental information to the Stormwater Utility Manager, including, but not limited to, a survey certified by a registered land surveyor or a professional engineer or as otherwise allowed by the Stormwater Utility Manager. Submittal of this information will be required if the City staff cannot make a determination based on field inspection and/or review of existing City aerial photography. Failure to provide the required information within the time limits established by the Stormwater Utility

Manager, as may be reasonably extended, may result in denial of the customer's adjustment request.

- (3) Once a completed adjustment request and all required information are received by the Stormwater Utility Manager, the Stormwater Utility Manager shall within 30 calendar days render a written decision.
- (4) In considering an adjustment request, the Stormwater Utility Manager shall consider whether the calculation of the stormwater user fee charge for the account is correct.
- (5) The Stormwater Utility Manager's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.
- (6) If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater user fee charge bill.

Section 82-272. Appeals and Hearings

- (a) Appeals. An appeal to the City Manager may be taken by any customer aggrieved by any decision of the Stormwater Utility Manager. The appeal shall be taken within 30 calendar days of the decision of the Stormwater Utility Manager by filing with the City Manager a notice of appeal in writing specifying the grounds thereof. Upon the filing of the notice of appeal, the Stormwater Utility Manager shall forthwith transmit to the City Manager all documentation constituting the record upon which the decision appealed from was taken.
- (b) Hearings. The City Manager shall fix a reasonable time for hearing the appeal and give written notice to the appellant at least ten (10) calendar days prior to the hearing date. The notice shall indicate the place, date and time of the hearing. The City Manager shall affirm, reverse, affirm in part, or reverse in part the decision of the Stormwater Utility Manager after hearing the evidence. If the decision of the Stormwater Utility Manager is reversed in whole or in part, resulting in a refund or credit due to the property owner or customer, then such refund or credit shall be calculated retroactive to the date of the initial appeal. The decision of the City Manager shall be final, and there shall be no further administrative appeal. Any person aggrieved or dissatisfied with the decision of the City Manager may petition the Superior Court of Bulloch County for *Writ of Certiorari*. "

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or

repealed by action of the municipal governing authority.

Section 4. Except as modified herein, City of Statesboro Code of Ordinances, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

First Reading _____

Second Reading _____

The Mayor and City Council of the City of Statesboro, Georgia

By: Jan J. Moore, Mayor

Attest: Sue Starling, City Clerk

City of Statesboro Stormwater Utility

Stormwater Utility User Fee Credit Manual

JANUARY 2015

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SECTION 1 – GENERAL INFORMATION

Stormwater Utility (SW Utility) user fee credits are made available to private and public entities that undertake specific stormwater management activities to reduce their impact/demand on the City of Statesboro (City) Stormwater Management Program (SWMP) and the associated costs that would otherwise be expended by the City SWMP. If a customer enacts a specific credit activity that is approved by the City, then the customer will receive a credit on their monthly stormwater user fee bill. Credits will be periodically reviewed by the City for compliance with the applicable standards in the City of Statesboro SW Utility Credit Manual (the Manual). Credits are given for both structural and non-structural stormwater management activities and include, but are not limited to, the following: detention ponds, stormwater controls, best management practices (BMPs), education programs, storm water runoff infiltration, watershed stewardship and other approved activities as determined/defined by the City.

The Manual outlines the criteria and procedures for the City of Statesboro SW Utility customers to secure and maintain a stormwater user fee credit(s) for their property/customer account. An approved SW Utility user fee credit will result in a reduction of the customer's monthly stormwater user fee charge. Implementation of the credit activities by the customer should reduce the impact of stormwater runoff from the subject property on the City's stormwater management system, and corresponding cost to the City to provide SWMP services to that customer. The credit is only applicable for City approved stormwater BMPs, activities and/or programs that are properly designed, constructed (or implemented) and maintained in accordance with this Manual.

Definitions

The definitions included in the SW Utility Ordinances will be adopted herein by reference.

Coastal Stormwater Supplement (CSS) to the Georgia Stormwater Management Manual (GSMM): shall refer to the technical guidance document governing stormwater management design for the southeastern area of the State of Georgia. The CSS to the GSMM can be found by using the following link: <http://www.georgiastormwater.org/>.

Georgia Stormwater Management Manual (GSMM): shall refer to the technical guidance document governing stormwater management design, construction and long-term maintenance activities in Georgia. The GSMM can be found by using the following link: <http://www.georgiastormwater.org/>.

Green Infrastructure (GI): shall refer to the concept whereby sustainable water resources management practices are implemented for land development (and re-development) projects in an effort to protect, restore, or mimic the natural water cycle. GI typically involves the use of landscape features to store, infiltrate and/or evaporate stormwater runoff. GI works in concert with Low Impact Development (LID) and the concept is commonly referred to as GI/LID.

Low Impact Development (LID): shall refer to an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible to preserve, maintain and/or restore a watershed's hydrologic and ecological functions. LID can be characterized as a sustainable storm water practice that employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that manages stormwater as a resource. Typical GI/LID practices include bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

Non-Single Family Residential (NSFR) Property shall mean a developed parcel of land that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial (including mixed commercial & residential), office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a detached single family residential property (DSFR).

Single-Family Residential (SFR) Property shall mean a developed property containing one residential structure with no more than two dwelling units in or attached thereto, situated upon a single lot of record. Improved property may be classified as SFR even if supplemental accessory structures are present such as garages, carports, storage buildings, guesthouses, servants or caretakers quarters, cottages or barns, or the presence of a commercial use within the residence, as long as such use does not result in significant additional amounts of impervious surfaces. SFR properties shall not include improved property containing structures used primarily for non-residential purposes; manufactured homes located within manufactured home parks where the land is owned by someone other than the owners of the manufactured homes; residential condominium developments with more than two units; or vacant/undeveloped property.

Summary of Stormwater User Fee Credits

Table 1 summarizes the user fee credits available to the SW Utility customers. Please refer to the ensuing sections of this document for further details on the various credits, policies, procedures, etc. Per City policy, the maximum user fee credit that a customer account can receive is **50%**.

| Table 1: Stormwater User Fee Credit Summary | | | | |
|--|--------------------|---|---|-----------------------------------|
| Credit Description | Credit Term | Potential Stormwater User Fee Credit Customer Types and Amount | | |
| | | Single Family Residential (SFR) | Non Single Family Residential (NSFR) | Stormwater User Fee Credit |
| User Fee Credits | | | | |
| Residential GI/LID | 3 years | x | | 20% |
| Low-Impact Parcel | 3 years | x | x | 25% |
| Reduced SFR Footprint | 3 years | x | | 50% |
| No Direct Discharge | 3 years | x | x | (Up to) 50% |
| Watershed Stewardship | 3 years | | x | 5% |
| Septic Tank Maintenance | 3 years | x | x | 10% |
| Non-Residential GI/LID | 3 years | | x | (Up to) 50% |
| Natural Area Preservation | 3 years | x | x | (Up to) 20% |
| Water Resources Education Program | 3 years | | x | 50% |
| NPDES Industrial Stormwater General Permit | 3 years | | x | 30% |
| Reduced Impervious Area | 1 Time Only | | x | 100% |
| <i>Stormwater Facility (i.e. Detention Pond, Retention Pond)^{1,2}</i> | | | | |
| Pre-CSS/GSMM Stormwater Facility/Detention Pond | 3 years | | x | 30% |
| CSS/GSMM ³ Stormwater Facility/Detention Pond | 3 years | | x | 50% |

¹ Residential customers that are part of a larger common development (or subdivision) can collectively apply for credits related to the detention pond credit with approval from the SW Utility Manager.

² Stormwater facilities must be properly maintained and operating in accordance with their original design for a facility to be eligible for credit.

³NOTE: The CSS to the GSMM has not been adopted by the City of Statesboro as of January 2015.

Stormwater User Fee Credit Policies

The City has established the following general policies regarding consideration and approval of stormwater user fee credits. Please refer to applicable sections of the City SW Utility Ordinances for additional guidance and requirements pertaining to the stormwater user fee credits.

- Applications for a stormwater user fee credit for existing facilities may be submitted to the City at any time. Approved credits will be applied to the customer's next stormwater user fee bill following approval.
- Customers who submit their applications and have their credit approved between the dates of January 1, 2015 and May 31, 2015, will have their approved credit(s) back to the initial user fee bill scheduled for mailing in July 2015. Credit applications submitted and approved after June 1, 2015 will be processed as outlined above.
- Applications for a stormwater user fee credit associated with new development (or redevelopment) sites may be submitted once the BMP is constructed, the BMP has been inspected by representatives of the City and the stormwater user fee charge is scheduled for billing.
- Credits are only approved for (and applied to) eligible customers that meet applicable criteria as set forth in the Manual. The stormwater user fee is being assessed on an individual customer account basis as outlined in the City SW Utility Ordinances. Therefore, credit applications must be made by the entity that is responsible for payment of the utility account. If the responsible entity for payment of SW Utility user fee changes, the new customer must re-apply for the credit with the City regardless if the term has expired or is still active. The new customer may be able to rely on some (or all) of the information from a previous credit application package, but it will be the responsibility of the applicant to verify the information within the submitted credit application package.
- A group of customers cannot apply for a credit except as stipulated below. An eligible customer is defined as a property or site that contributes stormwater runoff to the qualifying stormwater control and/or BMP located on the same property/site via natural and/or manmade conveyance systems. If a group of properties/sites are served by a single BMP or systems of BMPs, then the credit can be applied to the customer on whose property/site which the BMP resides. This applicant will be referred to as the primary applicant. If the primary applicant provides a memorandum of agreement (MOA) between the primary applicant and another customer(s) for which the BMP(s) provides adequate treatment for the applicable credit, the City will consider application of the credit to all customers named in the MOA. The credit shall be applied to all applicants until such time as the primary applicant notifies the City that the MOA is no longer in effect or the term of the credit expires, whichever occurs sooner. If the MOA is revoked by the primary applicant, the credit shall only apply to the primary applicant.
- A residential homeowner's association (HOA), or a common development such as a multi-family apartment complex, which has its own properly designed, constructed,

and maintained stormwater BMP(s) should contact the City SW Utility Manager to determine if the HOA members, or common development customers, are eligible for a credit. For the purposes of the credit, the BMP(s) must be located on a parcel that is platted within the common development and owned by the HOA (or a single property owner within the subdivision or common development). BMPs located on City owned property are not eligible. Additionally, BMPs that the City maintains through a dedicated maintenance easement or other legal agreement though lying within private property cannot be used by the customer for credit purposes. Please refer to the City's SW Utility Ordinances for further clarification regarding the City's extent of service policy and its scope of responsibility.

- For the purposes of awarding the credit, the credit being applied for must be met for the entire common development and must meet the Manual criteria.
- Any resulting credit awarded will be divided among eligible customers within the HOA or the common development.
- The City may, at its discretion, undertake periodic visual inspections of the BMPs and/or programs being utilized for stormwater user fee credits by customers to ensure compliance with the Manual. If the BMP facility is found to be functional and being properly maintained, the credit will remain in effect. Likewise, if the BMP facility is not functional or is not being maintained, the City has the authority to void the credit on the next billing cycle. Before a credit is re-instated, the customer will have to reapply for the credit as outlined in this manual.
- The term of the credit is three years. Credits will expire at the end of the third fiscal year of the cycle, or June 30, 2018, regardless of which date during the first fiscal year they were approved.
- The City will utilize a certification process for customer accounts that have received a credit to certify that the existing credit is still in place at the end of its three year term. This certification process will require the customer to demonstrate that their property is still eligible for a credit and continues to meet the criteria outlined in the Credit Manual. Failure of the customer to certify his/her credit as required by the City policy could result in credit revocation. The City will develop the annual certification procedure and make it available to customers via the City website and other methods as deemed appropriate. However, it will be the responsibility of the customer to ensure compliance with the annual certification requirement.

Stormwater Utility User Fee Credit Application Procedures

The following is an overview of the stormwater user fee credit application procedures that a customer should follow to obtain and maintain credits. All of the credits in this Manual require an application, and some of the credit applications require engineering analysis to demonstrate and verify credit eligibility. The credits associated with engineering analysis are identified in the Manual along with the credit application forms. The City requires that these calculations be performed, signed, and sealed in accordance with the appropriate Georgia professional certification provisions outlined herein (i.e.

engineer, surveyor, landscape architect, etc). The procedure for submitting a credit application generally includes the following tasks:

1. Obtain a copy of the Credit Manual from the City and determine what (if any) credits the customer may be eligible to apply for and fill out the required application materials.
2. The customer should consult the City's current fee schedule to determine if payment of a credit application review fee is required. Please contact the City of Statesboro Engineering Department at (912) 764-0655 for more information on credit application fees.
3. If required by the credit, retain a Georgia Professional Engineer, Landscape Architect, and/or Land Surveyor to perform the required technical analysis.
4. Submit the completed credit application with all sections appropriately filled out and attach all the required supporting documentation.
5. The City will review complete application packages and notify the customer if the request is approved or denied within 30 days of receipt of the application. Incomplete application packages will not be considered by the City and will be returned to the customer for completion and/or revision.
6. The City may elect to perform an inspection of the customer's site and proposed activity, or to review the non-structural practice being implemented, to ensure conformance to the Manual criteria. As such, the customer must grant the City a Right-of-Entry or access easement as part of the application and approval process. The City may elect to conduct follow up or periodic inspections of the site and credit activities to ensure continued compliance with applicable requirements.
7. If the credit application is approved, the City will apply the stormwater user fee credit to the next customer billing cycle.
8. During the credit term outlined in the Manual, the City has the right to conduct inspections and/or inquiries to the applicant to ensure conformance to the Manual criteria.
9. Stormwater user fee credits expire automatically at the end of third fiscal year after the credit is approved. It will be the responsibility of the customer to renew the credit at the appropriate time by resubmitting the application package for review and approval by the City.
10. Stormwater user fee credits are issued to individual customer accounts per the policy outlined herein.

SECTION 2 – CREDIT POLICY AND PROCEDURES

This section explains the procedures involved in applying for a stormwater user fee credit. The procedures include step-by-step instructions and eligibility requirements for obtaining the SW Utility user fee credit.

Listed below are the stormwater user fee credits that SW Utility customers are eligible to apply for and secure. Customers should follow the credit application procedures outlined herein for each credit they desire to secure.

- Residential GI/LID Practices
- Low-Impact Parcel
- Reduced Single Family Residential (SFR) Footprint
- No Direct Discharge
- Watershed Stewardship
- Septic Tank Maintenance
- Non-Residential GI/LID Practices
- Natural Area Preservation
- Water Resources Education Programs
- NPDES Industrial Stormwater General Permit Compliance
- Reduced Impervious Area
- Pre-CSS/GSMM Stormwater Facility Detention Pond
- CSS/GSMM Stormwater Facility/Detention Pond

Residential GI/LID Practices

Eligible Customer Classes: Residential

Credit Description

Residential SW Utility customers are eligible for a stormwater user fee credit if the customer implements an eligible, City approved Residential GI/LID practice in a single residential lot. These GI/LID practices may include, but are not necessarily limited to, practices such as rain barrels, cisterns, rain gardens, bio-retention cells, pervious pavements, etc. The City wishes to encourage the installation of these types of stormwater management GI/LID practices to promote and encourage more environmentally responsible and sustainable residential development within the City. The City believes that the customer should first consider which practices are the most appropriate to their parcel and then work with the City SW Utility Manager to select and install the most appropriate Residential GI/LID practice(s) for their site. In each case, the City will be using the CSS to the GSMM standards and criteria to evaluate the proposed BMP and its eligibility for securing a user fee credit.

A credit shall apply to those customers who can prove that their property has successfully installed an appropriate Residential GI/LID practice. Each customer that wishes to apply for this credit shall work with the City to establish the effectiveness of the Residential GI/LID practice and the customer will be responsible for providing the necessary information in support of the user fee credit application. Each customer shall utilize the following procedures:

- Determine the type of Residential GI/LID practice to be installed and submit the necessary supporting information for review and approval by the City.
- If the parcel meets all the requirements above, the customer would be eligible for a credit of 20% off their stormwater user fee for a period of three years.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for a Residential GI/LID practice:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall identify the GI/LID practice or BMP to be utilized and ensure it is designed, maintained, and operated in accordance with general stormwater management requirements outlined in the CSS to the GSMM and this Manual.

STEP 3: The customer shall submit the user fee credit application, an executed Right of Entry Agreement and a maintenance plan for the Residential GI/LID practice to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's

application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer shall continue to maintain the Residential GI/LID practice during the full credit term of three (3) years. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

Low-Impact Parcel

Eligible Customer Classes: SFR and NSFR

Credit Description

There are some properties/sites in the City where the total impervious area footprint is relatively small as compared to the gross parcel area. The ratio of impervious surface to gross parcel area can result in reduced stormwater runoff impacts since a majority of the parcel is undeveloped.

A credit shall apply to customers who can prove that their parcel meets the “low-impact” development criteria presented herein. The low impact parcel credit criteria are summarized in Table 2:

| Table 2: Stormwater User Fee Credit Criteria for Low-Impact Parcels | |
|--|--|
| Parameter | Requirements* |
| Total Impervious Area (%) | Must be less than 15% of total site area |
| Total Site Area (Acres) | Must be greater than 2 acres |

** The requirements were derived from applicable research materials including The Watershed Vulnerability Analysis Report, Center for Watershed Protection, January 2002 and the Georgia Stormwater Management Manual (GSMM), August 2001.*

Each customer that wishes to apply for this credit shall be responsible for calculating the total site area and impervious surface area. Each customer shall utilize the following procedures:

- Determine the total gross area of the parcel. The gross area must be a minimum of two (2) acres.
- Determine the total impervious area for the parcel. This can be determined through a site survey or by using aerial imagery. Upon request, the City can provide this information for existing SW Utility customers. The impervious area shall include the structure, driveway, loading dock, sidewalk (do not include the sidewalk in the City right of way), pool deck, patio, shed, or any other accessory impervious area. The total amount of impervious surface must be less than 15% of the total gross area of the parcel. Total gross area includes both pervious and impervious areas.
 - total parcel area (TPA)

- impervious area (IA)
- Calculation: $IA / TPA = 0.15$ (or less)
- If the parcel meets all the requirements above, the customer would be eligible for a credit of 25% off their total stormwater user fee charge.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for a Low-Impact Parcel:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide the City the necessary information pertaining to the total gross parcel area and the total impervious surface area. Total impervious surface area shall be detailed to include which portion pertains to the structure, driveway, sidewalk, and other accessory areas that do not allow for infiltration of rainfall and runoff. This information should be documented in the form of a sketch that will allow City personnel to verify the measurements, calculations and other pertinent information.

STEP 3: The customer shall submit the user fee credit application and the Right of Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

Reduced Single-Family Residential (SFR) Footprint

Eligible Customer Class: SFR

Credit Description

The City SW Utility has established the Equivalent Residential Unit (ERU) at 3,500 square feet, and the City has assigned most SFR customers a flat rate user fee charge of 1.0 ERU for stormwater services. In recognition of the fact that some SFR parcels within City of Statesboro have a proportionally smaller impervious surface area than the 1.0 ERU area of 3,500 square feet, a credit is available to those SFR customers with less than 1,750 square feet of impervious surface area on their parcel. If the customer is able to demonstrate that the total impervious surface area on the SFR parcel is 1,750 square feet or less, then the customer will receive the maximum allowable credit of 50% off the flat rate user fee charge amount for SFR customers. If a customer secures a Reduced SFR Footprint credit, he/she will have met the maximum allowable credit of 50% and not be eligible for any additional credits.

Each customer that wishes to apply for this credit shall be responsible for determining the total amount of impervious surface area on the property using the following approach and procedures:

- Determine the total impervious area for the parcel. The impervious area shall include the structure, driveway (concrete, asphalt, gravel, compacted soil), sidewalk (not including the sidewalk in the City street right of way), pool deck, patio, shed, or any other accessory impervious area.
- If the SFR property is part of a larger, private, common development, that property may be responsible for their proportional share of the common facilities and private streets. It is recommended that any such customers contact the City Engineering Department to determine their eligibility for this credit.
- The total impervious area determination for the parcel must be documented using one of the following methods unless otherwise approved by the SW Utility Manager: (1) aerial photography with a pixel resolution of one foot or (2) a survey plat prepared by a Georgia Registered Land Surveyor. The impervious area of the residential structure must be measured to the edge of the roof eaves, as opposed to the ground footprint.
- If the total impervious area of the parcel is 1,750 square feet or less, the customer will be eligible for a 50% credit off the SFR flat rate user fee charge for a period of three years.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for a Reduced SFR Footprint:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide the City the necessary information pertaining to the parcel's total impervious surface area as required herein.

STEP 3: The customer shall submit a user fee credit application and a Right of Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

No Direct Discharge

Eligible Customer Classes: SFR and NSFR

Credit Description

A property or site that does not contribute a discernable amount of stormwater runoff to the City's public drainage system either directly or indirectly shall be eligible for a No Direct Discharge stormwater user fee credit, if it meets the criteria outlined in this Manual.

The No Direct Discharge credit is typically available to those residential and non-residential property owners (or customers) who can demonstrate that the following condition exists with regard to their property/site:

- Stormwater runoff, after leaving the property, does not drain/discharge to a City-owned drainage facility and/or system and ultimately drains/discharges to the drainage system of another local government, or a waterway that is not considered part of the City's public drainage system, such that the site discharge never flows through the City of Statesboro public drainage system at any point downstream. This type of condition would most likely exist for properties that abut the City limits and stormwater runoff discharges into Bulloch County.
- A credit of up to 50% off the stormwater user fee charge is available for No Direct Discharge for a period of three years. The total credit may be reduced if only a portion of the site drains to the City's public drainage system. For example, if half the customer's property drained to City of Statesboro's system and half drained to the Bulloch County system, that customer would be eligible for a 25% (or half of 50%) credit off their stormwater user fee charge.

Stormwater Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for No Direct Discharge:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide the City the necessary information pertaining to the drainage conveyance from their property to the appropriate downstream points. This information should be documented in the form of a topographical based drainage map prepared by a Georgia Professional Engineer, Land Surveyor, or Landscape Architect, unless otherwise approved by the SW Utility Manager.

STEP 3: The customer shall submit the user fee credit application, complete with the relevant documentation, and a Right of Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.

Watershed Stewardship

Eligible Customer Classes: NSFR

Credit Description

SW Utility customers are eligible for a stormwater user fee credit if the customer participates in a City approved local watershed stewardship event. Eligible events are set up, organized, and executed through a partnership with the City. There shall only be one stormwater user fee credit certificate issued per property/customer account regardless of the number of participants. NSFR customers seeking this credit will have to demonstrate that at least 10 individuals or 10% of their staff or attendees (whichever is less) participated in this event to receive a credit.

In general, eligible watershed stewardship activities may include community programs such as Adopt-A-Stream, City approved Rivers Alive or Great American Cleanup Day (or other City approved stream clean up events), City-approved Storm Drain Marking, etc. Other eligible credit programs may be added in the future, but customers should verify activity eligibility with the City SW Utility Manager in advance.

- A 5% credit off the stormwater user fee charge is available for the Watershed Stewardship Credit for a period of three years.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for Watershed Stewardship:

STEP 1: The customer shall secure the appropriate certificate for the Watershed Stewardship Program event. Attendance at events not sponsored by the City may can be transferable to the City's stormwater user fee credit program, if approved by the City SW Utility Manager.

STEP 2: The customer shall submit the credit application, complete with the relevant supporting information, to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer will need to participate in at least one watershed stewardship events during each credit term to receive a certificate. Renewal of the stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.

Septic Tank Maintenance

Eligible Customer Classes: SFR and NSFR

Credit Description

Residential and non-residential customers are eligible for a stormwater user fee credit if the customer conducts approved maintenance activities on existing septic systems located on the customer's property. SW Utility customers with septic systems can receive a credit by having their septic tanks pumped out on a regular basis (minimum of every six years). Customers would be eligible to receive the credit for the period of six years after the septic tank was pumped out. The customer must submit documentation to the City in the form of a receipt from a properly licensed hauler of septic wastes. It is the customer's responsibility to confirm that the hauler has secured the required State and/or Local permits and license to haul and dispose of septic wastes. Customers may re-apply for this credit at the end of every three-year term. The septic system maintenance credit will be applied to the customer applying for the stormwater user fee credit.

There shall only be one stormwater user fee credit issued per customer account in which regular maintenance is conducted on the septic system and it shall only be good for a period of three years. It is the customer's responsibility to contact a licensed hauler of septic wastes and submit the necessary documentation that the septic system maintenance has been conducted.

- A maximum credit of 10% off the stormwater user fee charge is available for three years for approved septic tank maintenance activities.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for septic system maintenance:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall secure the pertinent documentation from a licensed hauler of septic waste. For the purposes of securing a credit, a receipt from the hauler will be sufficient if the receipt contains the date the maintenance was performed (provided it is within 12 months of the date of the application for a credit unless otherwise approved by the City), the address of the property matching the address on the stormwater user fee credit bill and the name of the company performing the work.

STEP 3: The customer shall submit the credit application, complete with the necessary documentation, to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer shall continue to conduct maintenance on the septic system at a minimum of every six years in order to qualify and receive the stormwater user fee credit on a continual basis. Renewal of the stormwater user fee credit shall be in accordance with the criteria outlined in this Manual.

Non-Residential GI/LID Practices

Eligible Customer Classes: NSFR

Credit Description

NSFR customers are eligible for the GI/LID stormwater user fee credit, if the NSFR customer can demonstrate that through on-site GI/LID stormwater management practices that the runoff impacts of developed property have been successfully mitigated in accordance with acceptable GI/LID standards. For the purposes of this credit, the pre-development condition is considered naturally wooded.

The GI/LID credit is essentially a stormwater runoff infiltration credit that is available to those NSFR customers that can demonstrate through implementation of GI/LID practices, that can be appropriately documented through technical analysis by a qualified professional (i.e. engineer, surveyor, landscape architect), that the post construction stormwater runoff peak flow discharge rate and volume leaving the site mimics the pre-developed condition as defined herein. This analysis should be shown for the 1, 2, 5, 10, 25, 50 and 100-year, 24-hour storm events per the applicable sections and criteria in the CSS and GSMM. In order to qualify for this credit, the customer will need to provide the following information as a minimum:

- Pre-Development runoff rates and volumes leaving the property prior to development in a naturally wooded condition.
- Post-Development runoff rates and volumes leaving their property in its current, developed condition.
- Documentation regarding site groundwater table conditions and the impacts (if any) those conditions have on surface water infiltration.
- Description of the methods and calculations utilized to develop the predictions of pre-development and post-development flow rates and volumes.
- Description of the stormwater controls and other site improvements that have been implemented to reduce the post-development runoff rates and volumes to mimic pre-development conditions or less.
- Description of the stormwater controls and GI/LID practices utilized along with supporting data demonstrating that the site conforms to the infiltration and water quality standards for an individual site development as outlined in the CSS/GSMM.
- Maintenance plan for those site features necessary to maintain the reduction in stormwater runoff discharge rates and volumes to pre-development runoff conditions or less.
- A credit of up to 50% off the stormwater user fee charge is available for stormwater infiltration for a period of three years. The total credit may be reduced

if part of the site does not infiltrate stormwater to the standards outlined above. For example, if half the customer's property is infiltrated at the rate described above then that customer would be eligible for a 25% (or half of 50%) credit off the stormwater user fee charge.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a Stormwater Runoff Infiltration user fee credit:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide a hydrology report prepared by and sealed by a Georgia Professional Engineer or Registered Land Surveyor or Registered Landscape Architect demonstrating compliance with the requirements and criteria outlined herein.

STEP 3: The customer shall submit the user fee credit application, an executed Right of Entry Agreement and a maintenance plan for the site stormwater BMPs/controls to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. The customer may reapply for the credit every three years. If a customer is reapplying for a Stormwater Runoff Infiltration credit and site conditions have not changed since the original application, the application only needs to include a copy of the original hydrological study and certification that all maintenance been performed per the maintenance plan for re-issuance of the credit. If site improvements or changes have been made to the property then the hydrology study will need to be updated to document compliance with the Manual criteria.

Natural Area Preservation

Eligible Customer Classes: SFR and NSFR

Credit Description

The City will grant a stormwater user fee credit for those customers that provide for Natural Area Preservation in accordance with the criteria outlined in this Manual. In order for a customer to be eligible for this credit, the customer must demonstrate that at least one acre of contiguous green space will be preserved. In general, lands that would likely qualify for natural area preservation credit meet the following criteria:

- Undeveloped land in its natural state.

- Environmentally sensitive lands including: (1) Federally recognized wetlands; (2) State of Georgia designated Groundwater Recharge Areas; (3) Lands containing Federally Endangered Species; (4) Undeveloped lands within stream buffers and/or floodplains;(5) other approved site conditions as set forth by the City.

In order for a SW Utility customer to qualify for this credit, the natural area must be permanently protected through a conservation easement or other deed restriction, or the land set aside and permanently protected as part of a conservation subdivision development.

The customer would be eligible to receive a 1% credit for every 1% of the total area of the property that is permanently protected. The customer could receive a maximum of up to a 20% credit for Natural Area Preservation for an unlimited period of time.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for Natural Area Preservation:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide the City the necessary information which documents that the site conditions meet the applicable criteria for this credit. This information should be documented in the form of a site plan and map, which is prepared and sealed by a Georgia Professional Engineer or Land Surveyor, unless otherwise approved by the SW Utility Manager. A copy of the conservation easement agreement or deed restriction that creates the permanent protection must also be included. The necessary paperwork documenting that a properly prepared and executed conservation easement exists on the property/site must also be included.

STEP 3: The customer shall submit the credit application, complete with the relevant documentation and calculations, and a Right of Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.

Water Resources Education Program

Eligible Customer Classes: NSFR (Public & Private Education Institutions)

Credit Description

The City encourages and supports the efforts of both public and private organizations to educate and inform the public on the importance of water resources management issues. In an effort to further encourage this type of educational activity, the City shall offer a

stormwater user fee credit to eligible customers that meet the criteria outlined in this Manual.

The Water Resources Education Program credit shall be made available to all public or private educational institutions that meet the criteria set forth herein and that conduct approved educational activities as part of their day-to-day curriculum. Eligible institutions would include, but not necessarily be limited to, Bulloch County Public Schools (inside the City) and other comparable private schools as well as public and private universities located inside the City limits. Approved credit applications will result in the award of a 50% credit to the customer's stormwater user fee. The "per customer account" credit may not total more than 50% and credit may only be applied to the property where the educational activities are taught. Credits cannot be applied to administrative facilities, bus lots, parking lots that are not associated with the educational facility, or warehouse/facility operations related parcels.

In order to be eligible for this credit, the education program taught must be consistent with the City's stormwater management program and must also be pre-approved by the City SW Utility Manager.

- The credit shall be available to eligible customers that teach at least 500 students in an approved Water Resources Education Program, unless otherwise approved by the SW Utility Director.
- The program should address the following elements: stormwater runoff/pollution prevention, water quality, water conservation, and/or recycling.
- A 50% credit off the stormwater user fee charge is available for the Water Resources Education credit for a period of three years.

Stormwater User Fee Credit Application Procedures

The following information shall be provided to the City in order to receive approval of the Water Resources Education Program credit:

- The person responsible for the customer account shall certify to the City SW Utility Manager that a water resources based curriculum is being taught at the facility and the details regarding the program.
- Name of the customer applying for the credit.
- Address of site (property) and the point of contact.
- Approximate number of participants that have been taught the approved curriculum.

Upon receipt of the user fee credit application, the City shall review the documentation. If the credit is approved, it will be applied, starting with the next customer billing cycle. If the City representative does not approve of the application, the City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

NPDES Industrial Stormwater General Permit Compliance

Eligible Customer Classes: NSFR

Credit Description

Customers can receive a stormwater user fee credit by complying with applicable NPDES Industrial Stormwater General Permit requirements for industrial facilities. Implementation of the applicable compliance requirements assists the City in addressing water quality impairment issues at the source prior to discharge into the City's publicly-owned drainage system and/or State Waters. If the customer has properly secured coverage under the NPDES Industrial Stormwater General Permit, and is in compliance with all applicable requirements, i.e. development and implementation of a Stormwater Pollution Prevention Plan (SWP3), a credit application may be filed with the City to secure a credit.

- The credit amount available for NPDES Industrial Stormwater General Permit compliance is 30% off the stormwater user fee charge for a period of three year.

Stormwater User Fee Credit Application Procedures

The following requirements will apply for customers who qualify for an NPDES Industrial Stormwater General Permit stormwater user fee credit:

STEP 1: Properties that operate a facility that must secure coverage per its Standard Industry Code (SIC) under the NPDES Industrial Stormwater General Permit are eligible for a stormwater user fee credit. For information regarding NPDES Industrial Stormwater Permit compliance requirements, please go to the Georgia Environmental Protection Division website.

STEP 2: It is the customer's responsibility to obtain a Manual and credit application package from the City. The customer shall complete the application and include the required documents that verify compliance with the NPDES Industrial Stormwater General Permit. At a minimum, the documentation attached to the credit application shall include the following items below:

- Customer address and facility point of contact
- Copy of the current NPDES Industrial Stormwater Permit Notice of Intent (NOI)
- Copy of the annual report of compliance
- Copy of the SWP3
- Certification by the responsible party/permit holder that the NOI is current and the SWP3 is being implemented
- An executed Right of Entry Agreement.

STEP 3: Once the application package is complete, the customer shall submit the application to the City for review.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next

customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

In order to maintain the credit, the customer shall send a copy of an annual report of compliance to the City SW Utility Manager each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit.

Reduced Impervious Surface

Eligible Customer Classes: NSFR

Credit Description

The City desires to promote GI/LID practices in land development and re-development projects that are undertaken within the City limits including those design concepts that reduce and/or minimize the existence of impervious surfaces. To that end, the City encourages property owners to minimize or reduce where possible impervious cover in the various drainage basins that encompass the City. The City has developed this credit to incentivize property owners to remove existing impervious cover (especially as it relates to redevelopment projects) and thereby lessen the impacts of stormwater runoff.

A credit shall apply to those NSFR customers who can document that they have successfully removed impervious surface from their property and replaced the areas with pervious cover. Customers who have shown that they have removed 25% of the existing impervious cover from their property shall qualify for this credit for the year in which the activity occurred. The ongoing benefit to the customer will be that his/her monthly stormwater user fee charge will be lower based on the calculation method used for NSFR parcels.

- Removal of impervious surface must be equal to (or greater than) 25% of the existing impervious surface for the property.

Stormwater User Fee Credit Application Procedures

The following requirements will apply for customers who qualify for this stormwater user fee credit:

- STEP 1: Determine the gross impervious surface for the NSFR parcel using the definition of impervious surface contained in the SW Utility Ordinance.
- STEP 2: Develop a plan to illustrate which impervious surfaces will be removed as part of the credit application.
- STEP 3: Review the proposed plan with the City staff and SW Utility Manager to ensure that all applicable City Codes are adhered to and secure the required approvals as well as any variances (where necessary) prior to submittal of the credit application to the City.
- STEP 4: Submit the credit application to the City for official review and approval.

STEP 5: After securing the required City approvals, perform the field work activities as specified in the approved plan.

STEP 6: At the conclusion of the field work, prepare a post construction as-built survey of the work performed and ensure that it is consistent with the approved credit application. Submit to the City a post construction as-built certification that the activities completed adhered to the approved plan.

After receipt of the post construction as-built certification from Step 5, the City shall review the documentation for compliance. If the credit is approved, the stormwater user fee credit will be applied, starting with the next month's customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

If the customer is deemed to have fully complied with the requirements of this credit, the customer's monthly stormwater user fee charge will be reduced to \$0 for the next 12 months in consideration of the reduced impervious surface actions undertaken and completed. After 12 months, the customer's monthly user fee charge will be imposed going forward based on the revised calculated impervious surface for the account.

Pre-CSS/GSMM Stormwater Facility/Detention Pond Credit

Eligible Customer Classes: NSFR*

** SFR customers that are part of a larger common development (or subdivision) that has a privately maintained storm water control that was designed and constructed under the then current storm water design regulations can collectively apply for the credits related to the Pre-CSS/GSMM Stormwater Facility/Detention Pond Credit, after consultation with the SW Utility Manager to establish eligibility.*

The Pre-CSS/GSMM Stormwater Facility/Detention Pond Credit has been designed for older detention ponds that were approved and constructed under the then current design standards and regulations that existed prior to the adoption of the CSS/GSMM.

The overall goal of City is to give a credit to eligible customers that are reducing the impact of stormwater generated by their property. By reducing the peak discharge of stormwater from their property, the property owners/customer reduces the burden they impose on the City drainage system and the downstream receiving waterway. The credit shall only be applied to that portion of the property served by the detention basin.

Credits are available under the following general conditions and criteria:

- A minimum of 20% credit is available to customers that can demonstrate that the peak stormwater discharge rate for the 10-year storm from their stormwater retention/detention facility for a post developed site condition (Q_{post}) is no more than the peak stormwater discharge rate before development (Q_{pre}) (i.e. $Q_{post} = Q_{pre}$).
- A maximum of 30% credit is available to customers that can demonstrate that the peak stormwater discharge rate for the 10-year storm from their stormwater retention/detention facility for a post developed site condition (Q_{post}) is at least 10% less than the peak stormwater discharge rate before development (Q_{pre}) (i.e. a Q_{post} is 10% less than Q_{pre}).

- The City reserves the right to establish the applicable credit for situations that may fall between the various criteria outlined above (e.g. a 25% credit for Qpost being 7% less than Qpre).
- The facility must be in good working order and the customer must demonstrate that routine maintenance of the facility has been and will continue to be conducted in accordance with professional standards.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for the detention pond user fee credit:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide a hydrology report (or comparable document) prepared by and sealed by a Georgia Professional Engineer or Georgia Registered Land Surveyor or Registered Landscape Architect demonstrating compliance with the requirements and criteria outlined herein.

STEP 3: The customer shall submit the user fee credit application, an executed Right of Entry Agreement, an ongoing maintenance plan, and documentation that the facility/detention pond has been properly maintained to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. The customer may reapply for the credit every three years. If a customer is reapplying for the unified stormwater sizing criteria user fee credit and site conditions have not changed since the original application, the application only needs to include a copy of the original design information and certification that all the necessary maintenance has been performed per the maintenance plan for re-issuance of the credit. If significant changes to the site layout and/or site stormwater controls has occurred then the City may request that the design information be updated to document compliance with the Manual criteria.

In order to maintain eligibility for the credit, the customer must properly maintain the onsite stormwater controls that were documented in the user fee credit application for the term specified in the Manual. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the City's current ordinances and design standards related to stormwater management.

CSS/GSMM Stormwater Facility/Detention Pond

Eligible Customer Classes: NSFR*

**SFR customers that are part of a larger common development (or subdivision) that has a privately maintained storm water control that was designed and constructed in accordance with the CSS/GSMM can collectively apply for the credits related to the CSS/GSMM Stormwater Facility/Detention Pond Credit, after consultation with the SW Utility Manager to establish eligibility.*

Credit Description

The Unified Stormwater Sizing Criteria as defined in the CSS and GSMM is an integrated approach to addressing stormwater runoff impacts associated with both water quality and quantity issues. Each of the unified stormwater sizing criteria are intended to be used in conjunction with the others to address overall stormwater runoff impacts site. When used as an overall set of criteria, the unified stormwater sizing criteria control and manage the entire range of stormwater runoff events from the smallest storm events to the largest storm events (i.e. the 100 year storm). The four stormwater runoff treatment levels described in the GSMM unified stormwater sizing criteria include water quality, channel protection, overbank flood protection and extreme flood protection. The CSS to the GSMM basically includes those four criteria but also incorporates a fifth criteria defined as runoff reduction. The Table 3 presents each treatment level/criteria with a description of each, as provided in the CSS and the GSMM.

| Treatment Level/ Criteria | Maximum Available Credit | Criteria Description |
|--|---|---|
| 1. Runoff Reduction | 10% | Attempt to infiltrate up to the first 1.2 inches of rainfall for the site. Per the CSS/GSMM, the purpose of this criteria treatment level is to reduce the volume of stormwater runoff by infiltrating it prior to collection, treatment, detention, and discharge. In most cases, this criteria and criteria 2. below are accomplished in conjunction with each other. |
| 2. Water Quality | 10% | Capture and treat the first 1.2 inches of runoff, or the remaining amount of runoff that is not infiltrated under criteria 1. Per the GSMM, this equates to providing water quality treatment for the runoff associated with 85% of annual storm events with a goal reducing average annual post-development TSS loadings by 80%. |
| 3. Channel Protection/Aquatic Resources Protection | 10% | Provide extended detention of the 1-year storm event released over a period of 24 hours to reduce bankfull flows and protect downstream channels and aquatic resources from erosive velocities and unstable flow conditions. |
| 4. Overbank Flood Protection | 10% | Provide peak discharge control of the 25-year storm event such that the post-development peak rate does not exceed the predevelopment rate to reduce overbank flooding. |
| 5. Extreme Flood Protection | 10% | Evaluate the effects of the 100-year storm on the stormwater management system, adjacent property, and downstream facilities and property. Manage the impacts of the extreme storm event through detention controls and/or floodplain management. |

Note: The criteria description for each stormwater runoff treatment level is in general accordance with information

published in the GSMM.

Credits are available under the following general conditions and criteria:

- A maximum credit of up to 50% off the stormwater user fee charge is available if a customer can achieve compliance with all five of the unified stormwater sizing criteria described herein.
- This credit is not available for any portion of a parcel where a No Direct Discharge credit was secured unless otherwise approved by the SW Utility Manager.
- The stormwater facility must be in good working order and the customer must demonstrate that routine maintenance of the facility has been and will continue to be conducted in accordance with professional standards.
- The credit shall only be applied to that portion of the property served by the storm water facility.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a Unified Stormwater Sizing Criteria user fee credit:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide a hydrology report (or comparable document) prepared by and sealed by a Georgia Professional Engineer or Georgia Registered Land Surveyor or Registered Landscape Architect demonstrating compliance with the requirements and criteria outlined herein.

STEP 3: The customer shall submit the user fee credit application, an executed Right of Entry Agreement, an ongoing maintenance plan, and documentation that the facility/detention pond has been properly maintained to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. The customer may reapply for the credit every three years. If a customer is reapplying for the unified stormwater sizing criteria user fee credit and site conditions have not changed since the original application, the application only needs to include a copy of the original design information and certification that all the necessary maintenance has been performed per the maintenance plan for re-issuance of the credit. If significant changes to the site layout and/or site stormwater controls has occurred then the City may request that the design information be updated to document compliance with the Manual criteria.

In order to maintain eligibility for the credit, the customer must properly maintain the onsite stormwater controls that were documented in the user fee credit application for the term specified in the Manual. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the City's current ordinances and design standards related to stormwater management.

Stormwater User Fee Credit Application Forms & Other Miscellaneous Forms

Stormwater user fee credit applications are required to secure approval of all credits offered in this Manual. The forms and documents attached to the appendices are summarized below.

- Appendix A includes the credit application forms for the residential stormwater user fee credits described in this Manual.
- Appendix B includes the credit application forms for the non-residential stormwater user fee credits described in this Manual.
- Appendix C includes miscellaneous forms required as part of the stormwater user fee credit application process, including a Right-of-Entry Agreement.

APPENDIX A

- **SFR Stormwater User Fee Credit Application Forms**

APPENDIX A

City of Statesboro SW Utility SFR Customer Stormwater User Fee Credit Application Form

Instructions:

Fill out this form completely. One application must be submitted for each customer account. Follow the steps outlined in the applicable section of this Manual. Attach all appropriate documentation to support this request, as outlined herein.

Fill out and attach appropriate documentation. Mail completed form (with attachments) to:

City of Statesboro Engineering Department
Attn: SW Utility Manager
50 East Main Street
Statesboro, GA 30458

I hereby request City of Statesboro to review this application for a stormwater user fee credit(s). I further authorize the City to investigate the site characteristics of the above identified parcel for the purpose of evaluation for a stormwater user fee credit(s). I certify that I have authority to make such a request and grant such authority for the City staff (or their designee) to evaluate this property for the purposes of approval or denial of the user fee credit. The attached information is true and correct to the best of my knowledge and belief. I agree to provide corrected information should there be any change in the information provided herein.

Type or print name

Property Owner

SW Utility Account No.

Signature

Date

This form must be signed by an individual person who is responsible for the site operations and/or payment of the monthly utility bill. If the responsible person is not an individual person then the form must be signed by an officer, director, partner, or registered agent with authority to execute instruments for the customer account.

Approval:

SW Utility Manager

Date

SW Utility Account No.

APPENDIX A

Residential Customer Stormwater User Fee Credit Application/Renewal Form

Place a check next to the credit being applied for with this application:

| | Credit Description | Applicability/Requirements |
|--|--------------------------------|----------------------------|
| | Residential GI/LID Practices | Residential |
| | Low Impact Parcel | Residential |
| | Reduced SFR Footprint | Residential |
| | No Direct Discharge | Residential |
| | Septic Tank Maintenance | Residential |
| | Stormwater Runoff Infiltration | Residential |
| | Natural Area Preservation | Residential |

General Customer Information:

| | |
|------------------------------------|--|
| Customer Name: | |
| Stormwater Utility Account Number: | |
| Mailing Address: | |
| Mailing City/Zip: | |
| Contact Phone/Fax Number: | |
| Contact E-mail Address: | |

Property Information:

| | |
|---|--|
| Parcel/Property Address (number and street): | |
| Parcel/Property Address (city and state and zip): | |
| Parcel Identification Number: | |
| Parcel/Property Location/Development: | |
| Authorized Contact, if different than Customer: | |

APPENDIX B

- **NSFR Stormwater User Fee Credit Application Forms**

APPENDIX B

City of Statesboro SW Utility NSFR Customer Stormwater User Fee Credit Application Form

Instructions:

Fill out this form completely. One application must be submitted for each separate customer account. Multiple stormwater controls/credit requests may be included in the application for a single customer location/account. Please ensure all stormwater management facilities have properly designed and constructed, and continue to be properly maintained. Attach all the necessary documentation to support the user fee credit request. Documentation shall include, but not necessarily limited to, the following:

1. Facility site plan with stormwater facilities/controls with delineated drainage areas.
2. Description of stormwater control facilities.
3. Appropriate pages from Volume 2 of the GSMM (latest version) identifying design requirements for each on-site stormwater control.
4. Documentation that the stormwater control facilities meet one or more criteria for the stormwater user fee credit(s).
5. Appropriate professional certification(s), if required per this Manual.
6. Pertinent regulatory compliance documentation, if applicable.
7. Completed Right-of-Entry Agreement (if applicable) and/or a maintenance plan (if applicable) per the requirements of this Manual.
8. Other pertinent information to support the user fee credit request.

Mail completed the completed form as well as the necessary attachments and supporting documentation to:

City of Statesboro Engineering Department
Attn: SW Utility Manager
50 East Main Street
Statesboro, GA 30458

I hereby request City of Statesboro to review this application for a stormwater user fee credit(s). I further authorize the City to investigate the site characteristics of the above identified parcel for the purpose of evaluation for a stormwater user fee credit(s). I certify that I have authority to make such a request and grant such authority for the City staff (or their designee) to evaluate this property for the purposes of approval or denial of the user fee credit. The attached information is true and correct to the best of my knowledge and belief. I agree to provide corrected information should there be any change in the information provided herein.

Type or print name

Owner

SW Utility Account No.

Signature

Date

APPENDIX B

City of Statesboro SW Utility Non-residential Stormwater User Fee Credit Application Form (continued)

This form must be signed by an individual person who is responsible for the site operations and/or payment of the monthly utility bill. If the responsible person is not an individual person then the form must be signed by an officer, director, partner, or registered agent with authority to execute instruments for the customer account.

Approval:

SW Utility Manager

Date

SW Utility Account No.

APPENDIX B

Non-residential Customer Stormwater User Fee Credit Application/Renewal Form

Place a check next to the credit being applied for with this application:

| | Type Credit | Applicability/Requirements |
|--|---|----------------------------|
| | Low Impact Parcel | Non-residential |
| | No Direct Discharge | Non-residential |
| | Watershed Stewardship | Non-residential |
| | Septic Tank Maintenance | Non-residential |
| | Non-Residential GI/LID Practices | Non-residential |
| | Natural Area Preservation | Non-residential |
| | Water Resources Education Program | Non-residential |
| | NPDES Industrial Stormwater Permit | Non-residential |
| | Reduced Impervious Area | Non-residential |
| | CSS/GSMM Stormwater Facility/Detention Pond | Non-residential |
| | Pre-CSS/GSMM Stormwater Facility/Detention | Non-residential |

General Customer Information:

| | |
|----------------------------|--|
| Customer Name: | |
| SW Utility Account Number: | |
| Mailing Address: | |
| Mailing City/Zip: | |
| Contact Phone/Fax Number: | |
| Contact E-mail Address: | |

Property Information:

| | |
|---|--|
| Parcel Address (number and street): | |
| Parcel Address (City, State and Zip): | |
| Parcel Identification Number: | |
| Parcel Location/Name of Development: | |
| Authorized Property Owner Contact (if different than Customer Name above): | |

APPENDIX C

- **Right of Entry Form**

APPENDIX C

Right of Entry Agreement – Stormwater User Fee Credit(s) Evaluation

STATE OF GEORGIA, BULLOCH COUNTY

I/We _____, the owner and/or tenant (circle which one or both) of the property commonly identified as _____, City of Statesboro, Bulloch County, State of Georgia, do hereby grant and give freely and without coercion, the right of access and entry to said property to City of Statesboro, its agents, contractors, and subcontractors thereof, for the purpose of performing necessary evaluations of onsite stormwater facilities, controls and site activities related to stormwater runoff management on the _____ (hereinafter “facility”) located on Land Lot _____ in City of Statesboro, Georgia.

The undersigned agrees and warrants to waive and hold harmless City of Statesboro, its agents, employees, contractors, and subcontractors, for damage of any type, or any claim or action, either legal or equitable that might arise out of any activities on the above described property that are conducted by City of Statesboro, its agents, employees, contractors and subcontractors, pursuant to this Agreement.

In consideration of this Right of Entry Agreement and the rights granted to City of Statesboro herein, the receipt and sufficiency of which is hereby acknowledged, City of Statesboro agrees, to perform only visual evaluations, and review pertinent facility records and information, necessary to verify stormwater user fee credit eligibility. I/We, will not/have not receive(d) any compensation for this Right of Entry Agreement.

For the considerations and purposes set forth herein, I set my hand this _____ day of _____ 20__.

Operator or Owner (identify which one)

Witness

Address

Notary

Address

My Commission Expires

City Acknowledgement:

City SW Utility Manager

Date