RESOLUTION NO. 2013-09-49

STATE OF GEORGIA
COUNTY FULTON

A RESOLUTION TO CLARIFY CERTAIN PROVISIONS OF THE CITY OF SANDY SPRINGS, GEORGIA ECONOMIC DEVELOPMENT INCENTIVE POLICY RELATING TO THE APPLICATION DEADLINE

WHEREAS, on October 4, 2011, City Council of the City of Sandy Springs ("City") adopted a resolution to approve an Economic Development Incentive Policy ("Policy"); and

WHEREAS, the Policy is currently silent on when an application must be received in order to obtain economic development incentives, which has resulted in some confusion in interpretation; and

WHEREAS, the City wishes to clarify the deadline for applications to accurately reflect the City's intention in that regard;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy Springs that the City of Sandy Springs, Georgia Economic Development Incentive Policy is hereby amended as follows:

A. Paragraph numbered 3 (Waiver of Business and Occupation Taxes) of the section of the Policy entitled "AVAILABLE INCENTIVES" is hereby deleted in its entirety and in lieu thereof is inserted the following language:

"3. Waiver of Business and Occupation Taxes. The City may waive applicable business license taxes assessed pursuant to Chapter 54, Article V of the Sandy Springs Code of Ordinances (Business and Occupation Taxes) up to the sum of seventy five thousand dollars ($75,000) on an annual basis. This waiver may be for a period of up to three (3) years depending upon the total capital investment, length of location commitment, and jobs created. (See table below.)

	Tier I	**Tier II**	**Tier III**
Number of New Jobs Created	15 – 26	26 – 99	100+
Amount of Capital Investment	$1 million	$1.01 million to $5 million	$5.01 million+
Number of Years Commitment	4	7	10
Business Occupant Tax Waiver	1 year	2 years	3 years

B. Language in the section of the Policy entitled "SUBMITTAL REQUIREMENTS" is hereby deleted in its entirety and in lieu thereof is inserted the following language:

"All submittals requesting economic development incentives shall be submitted to the City prior to the issuance of any building or land disturbance permit related to the project. All submittals requesting incentives shall provide the following information:

1. Documentation indicating how the request meets the criteria set forth in this policy.

SANDY SPRINGS
GEORGIA

CITY OF SANDY SPRINGS, GEORGIA
ECONOMIC DEVELOPMENT INCENTIVE POLICY

PURPOSE

The City of Sandy Springs Economic Development Incentive Policy has been adopted by the City Council to provide incentives for the retention and/or expansion of existing businesses located within the City of Sandy Springs and to encourage the establishment of new targeted businesses within the City. This policy does not commit the City to provide economic incentives in any instance, nor does it restrict the City from providing additional economic incentives in a specific instance as determined by the City in the exercise of its sole discretion. This policy contains specific criteria, guidelines and procedures necessary to administer the economic development incentives effectively and fairly.

ELIGIBILITY REQUIREMENTS AND CRITERIA

The City of Sandy Springs, at its sole discretion, may provide certain economic development assistance or incentives to attract, retain, or expand businesses located or to be located within the corporate limits of the City that are consistent with the following requirements and criteria:

1. Achieve City goals, described below, as may be established and revised by the City of Sandy Springs from time to time;
2. Result in the location, expansion or retention of a business within the City;

3. Demonstrate the financial and management capability to implement and sustain the business;
4. Create fifteen (15) or more full-time positions working at a business located within the City which meet or exceed the average wage level within the City of Sandy Springs; and
5. Provide new capital investment equal to or in excess of $1.0 million for a business relocating or expanding in the City. Note: Capital investment must be in new construction, an addition to an existing facility or capital improvements. For purposes of this policy, "capital improvements" means property improvements that either will enhance the property value or will increase the useful life of the property.

In addition, the City Council may determine by resolution that a specific business will bring extraordinary benefit to the City consistent with this policy due to its magnitude, significance to the community or aesthetic quality.

CITY GOALS

The City of Sandy Springs is committed to targeting new opportunities that diversify its economic base and continue to provide for the fiscal health of the community while respecting the environment and unique small city feel. The following economic goals and strategies are considered City goals as a part of this policy:

1. Attract and retain a variety of employment opportunities for Sandy Springs residents.
2. Encourage and support a high level of diverse, quality retail business and services, with an emphasis on local businesses that contribute to the City's

sales and property tax base so that needed infrastructure, physical amenities, services and expansion of such services are provided.

3. Create a vibrant, unique downtown as a "destination" for Sandy Springs.
4. Encourage and support tourism, entertainment, arts and culture as an important contributor to the City's overall economic health.
5. Sustain the long-term economic well-being of the City and its citizens through redevelopment and revitalization efforts.

AVAILABLE INCENTIVES

The City offers a variety of incentives and assistance options for qualifying businesses. The specific type of incentive or assistance will depend upon the needs of the business as well as the benefits created by the proposed business. Incentives available for qualifying businesses are:

1. Expedited Permitting Process. The City may expedite the permitting process required for business location or expansion. The City's Community Development Department is experienced with fast-tracking permit approvals to insure conservation of time and expense for a prospective business.
2. Waiver of Permit/Impact Fees. The City may waive all building permit fees associated with the business relocation/expansion including all fees associated with new construction, plan review and tenant finishes. Additionally, businesses relocating to the City that meet the criteria defined in this policy may be exempt from impact fees assessed pursuant to Chapter 107 of the Sandy Springs Code of Ordinances (Impact Fee Ordinance).

3. Waiver of Business and Occupation Taxes. The City may waive applicable business license taxes assessed pursuant to Chapter 54, Article V of the Sandy Springs Code of Ordinances (Business and Occupation Taxes) up to the sum of seventy five thousand dollars ($75,000) on an annual basis. This waiver may be for a period of up to three (3) years depending upon the total capital investment, length of location commitment, and jobs created. (See table below.)

	Tier I	**Tier II**	**Tier III**
Number of New Jobs Created	15 – 26	26 – 99	100+
Amount of Capital Investment	$1 million	$1.01 million to $5 million	$5.01 million+
Number of Years Commitment	4	7	10
Business Occupant Tax Waiver	1 year	2 years	3 years

SUBMITTAL REQUIREMENTS

All submittals requesting economic development incentives shall be submitted to the City prior to the issuance of any building or land disturbance permit related to the project. All submittals requesting incentives shall provide the following information:

1. Documentation indicating how the request meets the criteria set forth in this policy.
2. Amount of applicant's investment in the project.
3. Level of incentive requested.

4. Detailed business or development pro forma.
5. Proof of applicant's financial stability or business plan.

EVALUATION

Each request for incentives will be evaluated by City staff on an individual basis taking into consideration the following factors:

1. Revenue benefit to the City.
2. Level of circumstances with the property characteristics that create challenges to development.
3. Number and quality of jobs created.
4. Strength of public benefit to the City.
5. Ability of the project to spur additional economic development in the City.
6. Impact of the proposed development on existing businesses within the City.
7. Level of applicant's creditworthiness and financial strength.
8. Level of compliance with any design guidelines as described in the City's comprehensive plan.

City staff will provide a written recommendation of full, partial, or no incentive to the City Council based upon their review of the application and the applicant's consistency with the criteria described in this policy. Prior to action by the City Council on the application, the City shall conduct a public hearing at a meeting of City Council.

WRITTEN AGREEMENT REQUIRED

All economic development incentives approved by City Council will be formalized in a written agreement between the City of Sandy Springs and the recipient business,

approved by City Council. The written agreement will include, without limitation, the following:

1. A timetable and list of the kinds of improvements or development that the project will include and conditions to assure that the project meets or exceeds the City's requirements.
2. A complete description of the location of the proposed project.
3. A list of the kinds and amounts of property values, revenues, incomes or other public benefits that the proposed project will provide.
4. A provision establishing the duration of the agreement.
5. A provision identifying the incentives to be given and the method for calculating such incentives.
6. A provision providing a tangible means for measuring whether the applicant and other responsible parties have met their obligations under the agreement.
7. A provision providing for access to and authorizing inspection of the property and applicant's pertinent business records by City representatives in order to determine compliance with the agreement.
8. A provision for cancellation of the agreement and incentives if the project is determined not to be in compliance with the agreement.
9. A provision for recapturing the value of City incentives if the applicant does not comply with its duties and obligations under the terms of the agreement.
10. Provisions relating to administration, delinquent taxes, reporting requirements and indemnification.

11. A provision that the agreement may be amended by the parties to the agreement by using the same procedure for approval as is required for entering into the agreement; and
12. Such other provisions as the City Council shall deem appropriate.

COMPLIANCE

In accordance with provisions of the written agreement, the recipient business will be required to meet the following performance criteria:

1. Create jobs as agreed.
2. Comply with wage requirements.
3. Make capital investment in real property as agreed.
4. Comply with all applicable governmental laws, rules and regulations.
5. Comply with any other terms and conditions imposed by the written agreement.

The City reserves the right to audit a business to assure compliance with the written agreement. If the performance criteria is not met or is altered significantly, the City may require the incentive to be repaid in full or in part, as provided in the written agreement.

DISCONTINUANCE OF INCENTIVES

Changing economic conditions and availability of funds may cause the City Council to modify, amend, or discontinue the economic development incentives at any time. Should the incentives be discontinued, the City Council will honor any incentive to which it committed before the discontinuance of the incentives. Economic development

incentives may not be transferred or otherwise conveyed to any other party, unless agreed to by the City Council.

2. Amount of applicant's investment in the project.
3. Level of incentive requested.
4. Detailed business or development pro forma.
5. Proof of applicant's financial stability or business plan."

All other provisions of the Policy shall remain unchanged.

RESOLVED this 3rd day of September, 2013.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk

(Seal)