

ORDINANCE NO. 2012-03

AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, GEORGIA, OF CHAPTER 79 SECTIONS 79-26, 79-27, 79-28, 79-29- 79-30 and 79-31 OF ARTICLE II ECONOMIC INCENTIVE PROGRAM ORDINANCE BE AMENDED AS FOLLOWS:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA:

That Section 79-26 – Definitions of the Code of Ordinances of the City of Smyrna, Georgia, be removed in its entirety and amended to read as follows:

Sec. 79-26. Definitions.

For the purposes of this article, the following words, terms, and phrases shall have the meanings respectively ascribed to them herein unless the context clearly indicates otherwise:

Comprehensive plan. The city's comprehensive plan.

Economic impact requirement. A target business shall generate sufficient governmental revenues to meet or exceed the financial value of incentives.

Incentives agreement. A written document signed by representatives of the city and incentives recipient which outlines the new jobs and economic impact projected by the recipient and the incentives to be awarded by the city.

Incentive period. A period of time, as determined by the office of economic development with the concurrence of the city administrator and the mayor and council, to represent the period of time when the new jobs and economic impact requirements must be satisfied.

New jobs. Permanent full time or full time equivalent positions created by a target business.

Target business. A preferred business or industry type as identified by standard industrial classification codes under the incentives plan or a special impact project of such magnitude as may be identified by the mayor and council.

Target property. A pre-identified property of special consideration upon which the usual incentives criteria for new jobs and economic impact do not apply.

Target residential development. A residential development consistent with the comprehensive plan of the city as approved by the mayor and council.

That Section 79-27 General of the Code of Ordinances of the City of Smyrna, Georgia, be removed in its entirety and amended to read as follows:

Sec. 79-27. General.

The city's economic development program shall do the following:

- (1) Establish and update every year an incentives plan for the implementation of development incentives to provide for quality controlled growth, retention, redevelopment, and rehabilitation of targeted Smyrna businesses and residential areas within the parameters of the city's comprehensive plan.
- (2) The city shall establish an advisory committee which shall be responsible for review of the incentives plan. Members shall be appointed by the city council with each councilmember having one appointment. The mayor shall appoint two members. Additionally, there shall be one member appointed at large by the Smyrna Business Association, one member appointed at large by the Cobb County Chamber of Commerce, one member appointed at large by the downtown development authority and one member appointed at large by the planning and zoning board. Members shall serve a two-year term.
- (3) The city will develop, in conjunction with the planning and zoning board of the city, for the mayor and council's consideration and adoption, such amendments as may be deemed necessary from time to time.
- (4) The city will coordinate with local, state, and federal agencies and such other businesses and organizations to encourage new business and residential development and the redevelopment and retention of existing businesses.
- (5) The city will develop an inventory of prospective properties subject to redevelopment.
- (6) The city shall prepare an analysis of the economic impact of a targeted business or residential development.
- (7) The city shall be authorized to offer incentives to targeted businesses in accordance with the incentives plan.

That Section 79-28 Incentives plan of the Code of Ordinances of the City of Smyrna, Georgia, be removed in its entirety and amended to read as follows:

Sec. 79-28. Incentives plan.

- (a) The city shall develop an incentives plan which shall be adopted in the method prescribed by the mayor and council for the adoption of amendments to this Code.
- (b) Subject to the restrictions set forth below, areas for incentives which may be offered are as follows:
 - (1) Development impact fees.
 - (2) Plan review fees.
 - (3) Water system development fees.
 - (4) Occupation tax certificate fees.
 - (5) Financing of sewer system development fees.
 - (6) Redevelopment zones pursuant to O.C.G.A. § 36-44-3.
 - (7) Water/sewer user charges.
 - (8) Building permit fees.

That Section 79-29 Eligibility for incentives of the Code of Ordinances of the City of Smyrna, be removed in its entirety and amended to read as follows:

Sec. 79-29. Eligibility for incentives.

At a minimum, a target business or residential development shall meet the following criteria:

(1) Unless otherwise provided, no incentive shall be offered or made available to any target business or residential development which will not meet the specified thresholds for new jobs and economic impact during the incentive period.

Tier	Minimum New Jobs	Economic Impact
1	25-74	\$500,000
2	75-99	\$350,000
3	100-124	\$250,000
4	125+	\$125,000
Small business	10-25	\$250,000
Target property	N/A	N/A

(2) A targeted properties list shall be created by Staff and updated annually, with approval by Mayor and Council. Business locations and expansions within a target property may be considered for incentives regardless of whether or not they satisfy the minimum jobs or economic impact requirements.

(3) A target business shall be required to establish financial solvency.

(4) Residential developments will be consistent with the goals as officially set forth by the comprehensive plan as approved by the mayor and council.

That Section 79-30 Conflict of laws; incentive recapture of the Code of Ordinances of the City of Smyrna, Georgia be removed in its entirety and amended to read as follows:

Sec. 79-30. Conflict of laws; incentive recapture.

Should any incentive offered by the mayor and council hereunder be determined to be illegal, unenforceable, or invalid, then the recipient, his, her or its successors, heirs or assigns, agrees to promptly reimburse the city. Any applicant which receives or participates in any incentive offered hereunder agrees not to relocate or deannex for the period for which the incentive is granted. Should an applicant, his, her or its successors, violate the above provision or any terms of the written incentives agreement, then such applicant shall immediately reimburse the city for the value of any incentive received hereunder.

That Section 79-31 Procedure of the Code of Ordinances of the City of Smyrna, Georgia, be removed in its entirety and amended to read as follows:

Sec. 79-31. Procedure.

In order to establish an orderly procedure for implementation of the economic incentive program while maintaining the confidentiality required of such a program to entice target businesses and target residential developments to locate within the city limits of the city, the following procedures shall be in effect as of the passage of this section:

- (1) A target business or target residential development, which meets the requirements listed in this article, may be offered any combination of the incentives, in whole or in part, listed in section 79-28.
- (2) The specific incentives offered to any candidate shall be approved by mayor and council at a regular meeting.
- (3) No person shall be authorized to divulge the name or specific business of such candidate coming under the economic incentive program prior to their official public announcement of locating within the city limits of the city.
- (4) All incentives offered and accepted hereunder shall become effective on the date that the business is established within the city limits of the city.
- (5) No targeted business or targeted residential development shall be denied participation under the economic incentive program solely on the basis that they are not within the developed and approved inventory of prospective properties subject to redevelopment.
- (6) All incentives offered and accepted shall be filed of record on the date they become effective within the office of the city clerk.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed as of the effective date of this ordinance.

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Approved by Mayor and Council this 5th day of March, 2012

Attest:

Susan D. Hiott, City Clerk
City of Smyrna

A. Max Bacon, Mayor

Approved as to form:

Scott A. Cochran, City Attorney