



SANDY SPRINGS

GEORGIA

SANDY SPRINGS DEVELOPMENT AUTHORITY

William "Chip" Collins, Chair
Dan DiLuzio, Secretary/Treasurer
Toshia Battle
Joe Houseman
Sunny Park
John Paulson
Ed Ukaonu

Thursday, December 17, 2020

Agenda

8:30 a.m.

The December 17, 2020 Sandy Springs Development Authority Meeting will be held virtually.

Live-stream: Zoom Webinar: <https://us02web.zoom.us/j/88950986846>

Teleconference: Dial Options (for higher quality, dial a number based on your current location):

- 1 312 626 6799
- 1 646 558 8656
- 1 301 715 8592
- 1 346 248 7799
- 1 669 900 9128
- 1 253 215 8782

Webinar Id: 889 5098 6846

Roll Call

Approval of Meeting Agenda

Approval of Meeting Minutes

SSDA2020-035 May 14, 2020 Sandy Springs Development Authority Meeting

(Presented by Andrea Worthy, Director of Economic Development)

New Business

SSDA2020-036 Welcome New Members

(Presented by Andrea Worthy, Director of Economic Development)

SSDA2020-037 Request for Consideration of Memorandum of Agreement ("Agreement")

Between the City of Sandy Springs and the City of Sandy Springs
Development Authority

(Presented by Dan Lee, City Attorney)

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in a public meeting, or who have questions regarding the accessibility of the meeting or facilities should contact the City Clerk at 770-730-5600 promptly for assistance. The City will make reasonable accommodations for those persons.

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Other Business

SSDA2020-038 Sandy Springs Innovation Center Update

(Presented by Tom Mahaffey, Sandy Springs Perimeter Chamber)

SSDA2020-039 2021 Economic Development Update

(Presented by Andrea Worthy, Director of Economic Development)

Adjournment

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GEORGIA

To: Chip Collins, Chairman

From: Dan Lee

Date: Submission for the December 17th, 2020 Meeting of the City of Sandy Springs Development Authority

Subject: Request for Consideration of Memorandum of Agreement ("Agreement") Between the City of Sandy Springs and the City of Sandy Springs Development Authority

Recommendation:

Staff recommends approval of the attached resolution to approve and authorize the Chairman to execute the above-referenced Agreement with the City of Sandy Springs ("City").

Background:

At its November 17, 2020 meeting, City Council allocated budget funding from the City's general fund in the amount of \$1,200,000 for a Small Business Relief Grant Program ("Program"). The purpose of the Program is to promote continuity of small businesses in the City that have been impacted by the COVID-19 pandemic, to encourage retention of employees, and to otherwise further economic development within the City.

Because the purpose of the Program is to promote and encourage economic development, the City desires to contract with the Authority for administration of the Program and to describe the respective responsibilities and requirements for the awarding of funds to qualifying small businesses meeting the criteria and other requirements of the Program, as previously presented to Council.

Businesses receiving funds under the Program will be required to sign a contract with the Authority to ensure accountability of the use of such funds. Funds will be paid out as a reimbursement after all contract requirements are met by the business receiving funds, including proper documentation of the expenditure of funds.

Attachment:

Attached Agreement.

**MEMORANDUM OF AGREEMENT
BY AND BETWEEN THE CITY OF SANDY SPRINGS AND
THE CITY OF SANDY SPRINGS DEVELOPMENT AUTHORITY
IN FURTHERANCE OF ECONOMIC DEVELOPMENT**

THIS MEMORANDUM OF AGREEMENT ("Agreement") is made and entered into by and between the City of Sandy Springs, Georgia ("City"), and the City of Sandy Springs Development Authority ("Authority"), this _____ day of _____, 2020.

W I T N E S S E T H:

WHEREAS, the City is a municipal corporation created and existing pursuant to the Constitution and laws of the State of Georgia; and

WHEREAS, the Authority was created pursuant to the provisions of Article IX, Section VI, Paragraph III of the Constitution of the State of Georgia of 1983 and the Development Authorities Law of the State of Georgia (O.C.G.A. Section 36-62-1, et seq.), as amended, and an activating resolution adopted by the City Council on October 9, 2007; and

WHEREAS, one of the authorized purposes of the Authority is to promote economic development in and for the City; and

WHEREAS, the City has within its geographic boundaries many small businesses that contribute to the economic development and growth of the City and benefit the public health and general welfare of its residents; and

WHEREAS, the City is currently responding to the outbreak of the novel coronavirus ("COVID-19 Pandemic") that has impacted cities worldwide; and

WHEREAS, in response to the pandemic, the City has issued ordinances and other communications to its citizens to encourage staying at home, wearing of masks and compliance with the guidelines of the Centers for Disease Control and other health authorities ("Public Health Measures"); and

WHEREAS, these Public Health Measures have had and it is anticipated will continue to have a disproportionate adverse impact on small businesses that have experienced a drop in customers and revenue; and

WHEREAS, these Public Health Measures have had a severe adverse impact on the incomes of the employees and hourly wage earners of the small businesses in the City and have therefore affected the ability of small business to retain employees and continue operations; and

WHEREAS, in response to this ongoing crisis, the City and the Authority deem it beneficial and appropriate to develop a program to promote and encourage economic development activity during the COVID-19 Pandemic; and

WHEREAS, at its November 17, 2020 meeting, Mayor and City Council allocated funding in the amount of \$1,200,000 ("Funds") for a Small Business Relief Grant Program ("Program") for the purpose

of promoting continuity of small businesses in the City that have been impacted by the COVID-19 pandemic and thereby encouraging economic development within the City; and

WHEREAS, by complying with the criteria and requirements of the Program, small businesses can receive a portion of the Funds as described herein to promote the prospects of small business continuity in the City, continued job opportunities and retention, and local economic development; and

WHEREAS, the parties deem it beneficial and appropriate to enter into this Agreement to provide the terms and conditions of the award of Funds and administration of the Program and to express their understandings, agreements and expectations with respect to the Program; and

WHEREAS, the Authority desires to assist the City to further the economic development purposes stated herein;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, and such other good and valuable consideration the receipt of which is hereby acknowledged, the parties agree as follows:

1. Obligations of the City

The City hereby makes a financial commitment of up to \$1,200,000 to the Authority, upon the terms and conditions stated herein, for the purpose of awarding such Funds to qualifying small businesses meeting the criteria and other requirements of the Program.

Businesses receiving Funds will be required to sign a contract with the Authority to ensure accountability of the use of such Funds. Funds will be paid out as a reimbursement after all contract requirements are met by the business receiving the Funds, including proper documentation of the expenditure of Funds.

2. Obligations of the Authority

The Authority hereby agrees to work with the City to award Funds to businesses eligible to receive Funds. Such businesses shall have complied with all application requirements and shall otherwise have met the Program criteria, generally as described in Exhibit A attached hereto and incorporated herein by this reference.

4. Term and Termination

This Agreement shall be effective upon execution for a term of one (1) year, or until all Funds have been expended as contemplated by this Agreement.

5. Relationship of Parties

Nothing contained herein shall be deemed to create any relationship other than that of independent contractor between the Authority and the City. This Agreement shall not constitute, create, or otherwise imply an employment, joint venture, partnership, agency or similar arrangement between the Authority and the City.

6. Notices

Any notice required by this Agreement or given in connection with this Agreement shall be in writing and shall be given to the appropriate party by personal delivery or by certified mail, postage prepaid, or recognized overnight delivery services.

If to the Authority: William "Chip" Collins, Chairman
City of Sandy Springs Development Authority
1 Galambos Way
Sandy Springs, Georgia 30328

If to the City: Andrea Surratt, City Manager
City of Sandy Springs
1 Galambos Way
Sandy Springs, Georgia 30328

7. Counterparts

This Agreement may be executed in several counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument.

8. Assignment

The Authority shall not assign this Agreement without the prior express written consent of the City. Any attempted assignment by the Authority without the prior express written approval of the City shall remain without force and effect and, at the City's sole option, shall serve to terminate this Agreement without any notice to the Authority of such termination.

9. Governing Law

This Agreement is entered into with the intent that the laws of the State of Georgia shall govern its construction and enforcement.

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized officers, have caused this MOU to be executed and their seals to be affixed and attested all as of the day and year first above written.

CITY OF SANDY SPRINGS, GEORGIA

By: _____
Andrea Surratt, City Manager

Attest:

Raquel Gonzalez, City Clerk

[Signatures Continued on Following Page]

CITY OF SANDY SPRINGS DEVELOPMENT AUTHORITY

By: _____
William "Chip" Collins, Chairman

Attest:

Name: _____
Title: Secretary

EXHIBIT A

GENERAL REQUIREMENTS FOR THE PROGRAM

Application Process

- Online portal to accept applications will be open from December ____, 2020. Completed applications will be time-stamped when submitted.
- Each application will be certified as complete by an independent volunteer oversight committee to certify that an applicant has met the criteria established by the Authority before funding is released.
- Funds will be made available on a first-come, first-served basis.

Funding Tiers

Funding will be available in three (3) different tiers based upon the total number of employees reported on the business' W3 Summary or IRS Form 941 prior to March 1, 2020. Eligibility will be verified via the submitted W-9 and/ or W-3 tax summary.

The tiers are as follows:

- 1 employee – up to \$5,000
- 2 to 10 employees – up to \$10,000
- 11 to 99 employees – up to \$15,000

Each business owner seeking Funds will be required to complete an application based on the objective requirements approved by the City Council. Completed applications will be time-stamped when submitted. Each application will then be certified by an independent volunteer oversight committee. This independent volunteer oversight committee will consist of three representatives appointed by the City (at least one staff person) and four representatives appointed by the Sandy Springs Perimeter Chamber. The purpose of the committee is to provide a final review of applications to certify that an applicant has met the established criteria established before funds are released. No member of the committee will be eligible to apply for or receive business relief assistance under this Program.

Eligible Businesses

Small businesses that have suffered significant, temporary loss of revenue or job losses directly related to the COVID-19 Pandemic, particularly businesses that have been directly affected by state business closure orders, are eligible. Specifically, small businesses applying for Funds shall demonstrate that the small business:

- Has its principal location inside the City;
- Has been in business and operating in the City a minimum of one (1) year prior to March 1, 2020;
- Has had a reduction in sales/revenue due to COVID-19 through its most recent Year-to-Date Profit and Loss Statement; and
- Has been able to retain its employees through any shutdown or COVID effect.

Disqualified Businesses

The following small businesses are disqualified from applying for Funds under the Program:

- Businesses that are publicly traded, partially owned by a hedge fund, or corporate-owned franchises are not eligible.
- Individuals or organizations who hold real property for passive sale or investment with no active ties to a for-profit business activities at the location.
- Businesses owned or operated by officials or employees of the City, or the Sandy Springs Perimeter Chamber of Commerce are not eligible fund recipients.
- Businesses with unpaid code enforcement liens or violation of any state, federal or local laws.
- Businesses with legal actions against or from the City are not eligible.
- Business in which any owner is presently involved in any bankruptcy or criminal action.
- Businesses in which an owner, officer, partner, or principal actor of the business has a felony conviction for financial mismanagement within the last three years for which he or she is still serving a sentence (including prison, parole, and probation).
- Gambling institutions, multi-level marketing organizations, real estate investment trusts, and adult entertainment operations.

Eligibility Requirements

The following are the basic eligibility requirements for small businesses to be considered for funding through the Program. The independent volunteer oversight committee will review each application to ensure that all eligibility requirements are met. Incomplete applications will not be considered.

The eligibility requirements shall include the following:

- The business must have registered as a business with the City as of March 1, 2019 and have current occupational tax license (business license) for the year 2020;
- The business must demonstrate business interruption as a result of the COVID-19 Pandemic;
- The business must certify on the application that the Funds will only be used for authorized business expenses as described below;
- The business must plan to resume normal operations after emergency guidelines are lifted;
- The business shall cooperate with appropriate officials for auditing purposes;
- The business must demonstrate ongoing business operations a minimum of one (10 year prior to March 1, 2020;
- The business does not have to be a member of the Sandy Springs Perimeter Chamber; and
- The business must commit to complying with COVID-19 Safety Guidelines as recommended by the Centers for Disease Control and other public health authorities.

Eligible Uses

Funds may be used to reimburse the following costs of business interruption due to the COVID-19 Pandemic as a result of required closures, voluntary closures to promote social distancing, or

decreased customer demand and employee retention, subject to proper documentation for reimbursement. The following are approved uses for the Funds:

- Working capital;
- Machinery and equipment;
- Payroll expenses;
- Health care benefits;
- Contract labor;
- Supplier payments;
- Rent, lease, or mortgage payment for real property used for business purposes;
- Rent, lease or purchase payment for business property;
- Utility payments for business properties;
- Cost of critical business operations; and
- Personal protective equipment, sanitation supplies and equipment.