CITY OF CONCORD, NORTH CAROLINA **02-06-2020**
DOWNTOWN MUNICIPAL SERVICE DISTRICT
ECONOMIC DEVELOPMENT GRANT PROGRAM

I. PURPOSE

A. The economic welfare of the City is directly linked to the vitality, diversity and success of its businesses and industries. The purpose of the DOWNTOWN MUNICIPAL SERVICE DISTRICT ECONOMIC DEVELOPMENT GRANT PROGRAM is to stimulate development of new businesses and expansion of existing businesses. It is intended that the City will experience a positive economic benefit associated with each project.

B. Increasing and diversifying the local property tax base are the primary intentions of the DOWNTOWN MUNICIPAL SERVICE DISTRICT ECONOMIC DEVELOPMENT GRANT PROGRAM, however, other factors may be considered in authorizing a grant to any specific project. These may include but are not limited to:
- The type of business for diversification of the City's economic base;
- The size and scope of the project based upon investment in site development, facilities, buildings and other business infrastructure inclusive of technology;
- The diversity, quality and quantity of jobs created by a project and the availability of labor;
- The relationship between workforce development and total project investment;
- The potential for future expansion of investment and employment;
- Site specific issues impacting upon public infrastructure;
- Actions that if pursued, stimulate development in areas of the City deemed beneficial;
- The ratio of investment in real versus personal property assets; and
- The environmental impact of the project.

C. Economic conditions, legal issues or other factors may cause the City Council to modify, amend, suspend or even terminate the DOWNTOWN MUNICIPAL SERVICE DISTRICT ECONOMIC DEVELOPMENT GRANT PROGRAM subject to the continuance of contracted grants previously awarded and in effect at that time.

D. The Downtown Municipal Service District is the most significant mixed-use area within the Center City of Concord (See Downtown MSD Map). Characterized by three key cross streets, Union Street, Church Street and Cabarrus Avenue, the Downtown Municipal Service District is the hub for neighborhoods, commercial centers and government offices for the City and County. While the downtown is an integral part of the City’s sustainability and

economic growth, its future is dependent upon the strength, vitality and growth of businesses and residences within the district.

II. PROJECT CATEGORIES AND ELIGIBILITY

A. Eligible and Ineligible Uses - Consideration will be given to the type of development undertaken. Eligible uses include, but are not limited to office buildings, retail facilities and residential dwellings. Mixed-use projects are eligible. Residential projects are eligible, subject to zoning restrictions, and must include a minimum of two (2) contiguous units. Certain land, or property uses are ineligible for grant consideration. The following uses as defined in the Unified Development Ordinance and the City Code are specifically excluded:

- any 501C non-profit owned building;
- auto body repair/painting shops;
- automotive wrecker services;
- bail bonding, or bonds person's services;
- body piercing establishment;
- car washes;
- cemeteries;
- check cashing services;
- churches;
- drug stores with drive-thru services**;
- flea markets;
- fortune teller (divination and palmistry);
- gas stations;
- mini-warehouses;
- mobile home sales;
- motor vehicle sales or rentals;
- multi-family housing, except when included in a mixed-use development;
- pawn shops;
- pool or billiard hall/parlors;
- private clubs;
- public owned facilities;
- restaurants with drive-thru services**;
- sexually-oriented businesses;
- single-family homes;
- surface parking lots/outdoor storage facilities;
- tattoo parlors;
- telecommunications towers; and
- other uses as defined by the City Council.

**Note – Drug stores and restaurants with a drive-thru may be considered as part of a larger mixed-use project.

B. Grant Categories - In the Downtown Municipal Service District, new or renovated commercial and mixed-use developments are eligible for a Downtown Municipal Service District Economic Development Grant based upon the increase in assessed real property value generated by the project, as determined by the Cabarrus County Tax Assessor. Other provisions allow a one-time infrastructure grant.

1. Downtown MSD Economic Development Grant
   a. minimum capital investment of $100,000
   b. grant equivalent to 85% of real and personal property tax paid
   c. grant award period of three (3) consecutive years
   d. beginning date for grant calculations is the date of useful occupancy and/or production startup
   e. grant amounts calculated based upon the increase in assessed real and personal property value generated by the project, as determined by the County Tax Assessor
   f. grantees may be owners, or lessees, provided that lessees shall have a minimum lease term of five years

2. Level 1 Infrastructure Grant
   a. one-time only
   b. reimbursement for actual infrastructure cost
   c. maximum grant amount of $2,500
   d. minimum capital investment of $100,000 for project in Downtown MSD
   e. project eligible for Downtown ED Grant would be eligible for a Level 1 Infrastructure Grant and may combine the two
   f. projects outside the Center City and Downtown may not combine a Level 1 Infrastructure Grant with an ED Grant
   g. infrastructure grant terms may also be negotiated on a case-by-case basis
   h. eligible infrastructure improvements include, but are not limited to curb & gutter, streets, sidewalks, water lines, sanitary sewer lines, storm drainage facilities, fire hydrants, electric lines (includes transformers, switch gear and related facilities), and traffic signalization.

3. Level 2 Infrastructure Grant
   a. one-time only
   b. actual cost of infrastructure
   c. maximum grant amount negotiated on a case-by-case basis with consideration given to whether the infrastructure will serve other properties and what cost recovery may be associated with them
   d. grantee shall donate easements, or rights-of-way required on its property
   e. minimum capital investment of $1.5 million
   f. Level 2 Infrastructure Grant may not be combined with a Center City Economic Development Grant

g. cost recovery must be demonstrated through ad valorem taxes generated by the project that are to be paid to the City over a period not to exceed seven years from the date of approval
h. infrastructure grant terms may be negotiated on a case-by-case basis
i. eligible infrastructure improvements include, but are not limited to curb & gutter, streets, sidewalks, water lines, sanitary sewer lines, storm drainage facilities, fire hydrants, electric lines (includes transformers, switch gear and related facilities), and traffic signalization.

III. PROGRAM PROVISIONS

A. These criteria serve as guidelines in project evaluations. They may be expanded upon or added to for a specific project and incorporated in the terms of the formalized grant award agreement. All Economic Development Grants are awarded solely at the discretion of City Council.

B. Each project will be considered on an individual basis using these guidelines and other directives established by the City of Concord. These guidelines are subject to change.

C. Projects considered under these guidelines shall be viewed independently of any project previously considered, awarded or rejected by the City.

D. All incentives are offered by the City Council following notice and a public hearing. City Council will determine the length of time each incentive will be offered.

E. Estimated real and personal property tax base created by a project, business spin-offs, as well as other factors will be used in determining whether a project merits consideration.

F. Projects receiving grants shall meet high quality building design standards and incorporate exit strategies so that buildings can accommodate multiple uses without significant structural changes in order to sustain their value to the community when the initial use of the facilities changes.

G. The beginning date of the grant award period shall be flexible in order to accommodate construction and production start-up time, but shall be completed not later than seven years after the date of the City Council vote to approve the grant. An extension to these limits may be granted, based upon specific project related issues, but is not guaranteed or required. Grant agreements shall terminate seven years after the date of the City Council vote to approve the grant, or upon issuance of the final grant payment by the City, whichever occurs first. After such termination, grant agreements will be null and void, and the parties to the Agreement will have no other obligations from one to the other thereafter, except as specifically noted in the Agreement.

H. Prior to approval of a grant request, calculations of the estimated project grant award shall be based upon estimates of anticipated new property tax revenues the City could expect to receive from a specific project, excluding revenues generated by a Municipal Service District or special assessment. Following approval of a grant request and completion of the respective project as evidenced by the issuance of a Certificate of Occupancy by the Cabarrus County Building Inspections office and useful occupancy of the new facilities, the amount of the annual grant award shall be based upon the increase in value determined by the Cabarrus County Tax Assessor. Unreported, or underreported assets discovered after the payment of taxes shall not be eligible for inclusion in the annual grant award for the respective year.

I. The annual grant award due to the grantee shall be requested by the grantee following payment of ad valorem taxes on the approved finished project and will be paid by the City, on or before April 15 each year during the grant period, provided that the requirements of Section H above are met. In no case shall an annual grant payment be issued unless the new, or expanded business is in operation. Failure on the part of the Grantee to request all grant payments from the City prior to the expiration of the grant agreement period shall result in the forfeiture of the remaining grant payments.

J. During the grant award period, the grantee shall remain current with all real and personal property taxes assessed, along with other fees, taxes, utility bills or other assessments levied by the grantors to remain eligible for the grant. The grantee shall be in compliance with all City codes and ordinances. The grantee shall not be in bankruptcy. Failure to meet these requirements will result in termination of the grant award.

K. Grants are not transferable and may not be otherwise conveyed to another party without the specific consent of the grantors.

L. Grantees are required to maintain and provide evidence that the average wages paid meet or exceed the existing average wage rate for positions of similar employment within the local workforce during the grant period.

M. The grantee shall provide detailed reports to the City during the grant period to ensure compliance with the terms, conditions and other specific requirements of the grant award agreement. Such information shall remain confidential. Failure of the grantee to provide required documentation shall cause termination of grant.

N. The grantee shall provide documentation in support of the fact that the City's ECONOMIC DEVELOPMENT GRANT PROGRAM is an important factor in its decision to locate or expand facilities in the City of Concord.

O. It is hereby declared to be the intent of the City of Concord that the provisions of this Program shall be severable. If any provision is declared invalid by a court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and such decision shall not affect, impair, or nullify this Program as a whole or any other part thereof, but the rest of the Program shall continue in full force and effect.

IV. GRANT APPROVAL PROCEDURE

A. Grant Request – Prior to initiating a project for which a grant application is proposed, the grant applicant shall submit a request for a grant to the Director of Business & Neighborhood Services which shall state that the City's ECONOMIC DEVELOPMENT GRANT PROGRAM is an important factor in its decision to locate or expand facilities in the City of Concord.

B. Acceptance – City Council shall consider acceptance of the grant request. If it is accepted, the applicant may proceed to the next step.

C. Public Hearing – City Council shall conduct a public hearing on the Development Grant application to inform the public of the incentive grant request and invite comments. The City shall have a notice published of the public hearing at least 10 days before the hearing is held. The notice shall describe the project, and City Council's intention to consider approval of the Development Grant request.

D. Offer of Contract – The City Council shall approve grants by offering the applicant a contract. Offers not accepted are deemed rejected by the applicant. Unless otherwise adopted and approved by the City Council, incentives are offered for 90 days from the date of approval of the specific offer of an incentive grant by the City Council. Acceptance is the execution of a development grant contract between the City and the applicant.

E. Construction – Construction according to approved plans shall be required.

F. Assessment – The value of the subject property following the completion of construction and issuance of a Certificate of Occupancy by the Cabarrus County Building Inspections office shall be established by the Cabarrus County Tax Assessor. The actual increase in post-construction assessed value over pre-construction assessed value shall equal, or exceed the estimated increase specified in the contract. Failure to meet, or exceed the minimum investment requirement for an Economic Development Grant shall render the grant null and void. In the event that the actual increase meets, or exceeds the minimum investment requirement, but fails to meet the estimated increase specified in the contract, the grant amount shall be reduced in accordance with the actual increase. In the event that the actual increase exceeds the estimated increase

and qualifies for a higher level grant, the grant amount will be adjusted accordingly without further action by the City Council.

G. The pre-construction assessed value for properties owned by tax exempt entities (e.g. City, County, Non-Profits) at the time of a grant award shall be recognized as zero for the purposes of the grant payment calculation. The Project must still meet the minimum capital investment requirement of the Economic Development Agreement calculated based on the increase from the actual pre-construction assessed value.

H. Reduction and Recapture of Incentives – Each economic development agreement entered into between a private enterprise and the City shall clearly state their respective responsibilities under the agreement. Each agreement shall contain provisions regarding remedies for a breach of those responsibilities on the part of the private enterprise. These provisions shall include a provision requiring the recapture of sums appropriated or expended by the City upon the occurrence of events specified in the agreement. Events that would require the City to recapture funds would include a lower capital investment than specified in the agreement, or failing to maintain operations at a specified level for a period of time specified in the agreement.

I. City Council reserves the right to reject any grant application.

J. Any information obtained by the City in connection with an incentive grant request is subject to laws regarding disclosure of public records set forth in NCGS Chapter 132 and subject to laws regarding the protection of trade secrets set forth in Article 24 of NCGS Chapter 66.

APPLICATION

City of Concord
Downtown MSD Economic Development Grant Program

Applicant / Ownership Information

Owner Name		Applicant Name	
Owner Address & Phone		Applicant Address & Phone	
Property Address / Location			
PIN Number			

Pre-construction Tax Value and Post-construction Estimated Value
(Please Attach Appraisal Card from Tax Assessor's Office)

Pre-construction Tax Value	$
Post-construction Estimated Value	$

Proposed Grant and Related Investment
(Please Check Appropriate Box)

	Downtown MSD ED Grant	$100,000 min. increase in value
	Level 1 Infrastructure Grant	$100,000 min. increase in value
	Level 2 Infrastructure Grant	$1,500,000 min. increase in value

Type of Structure
(Please Check Appropriate Box)

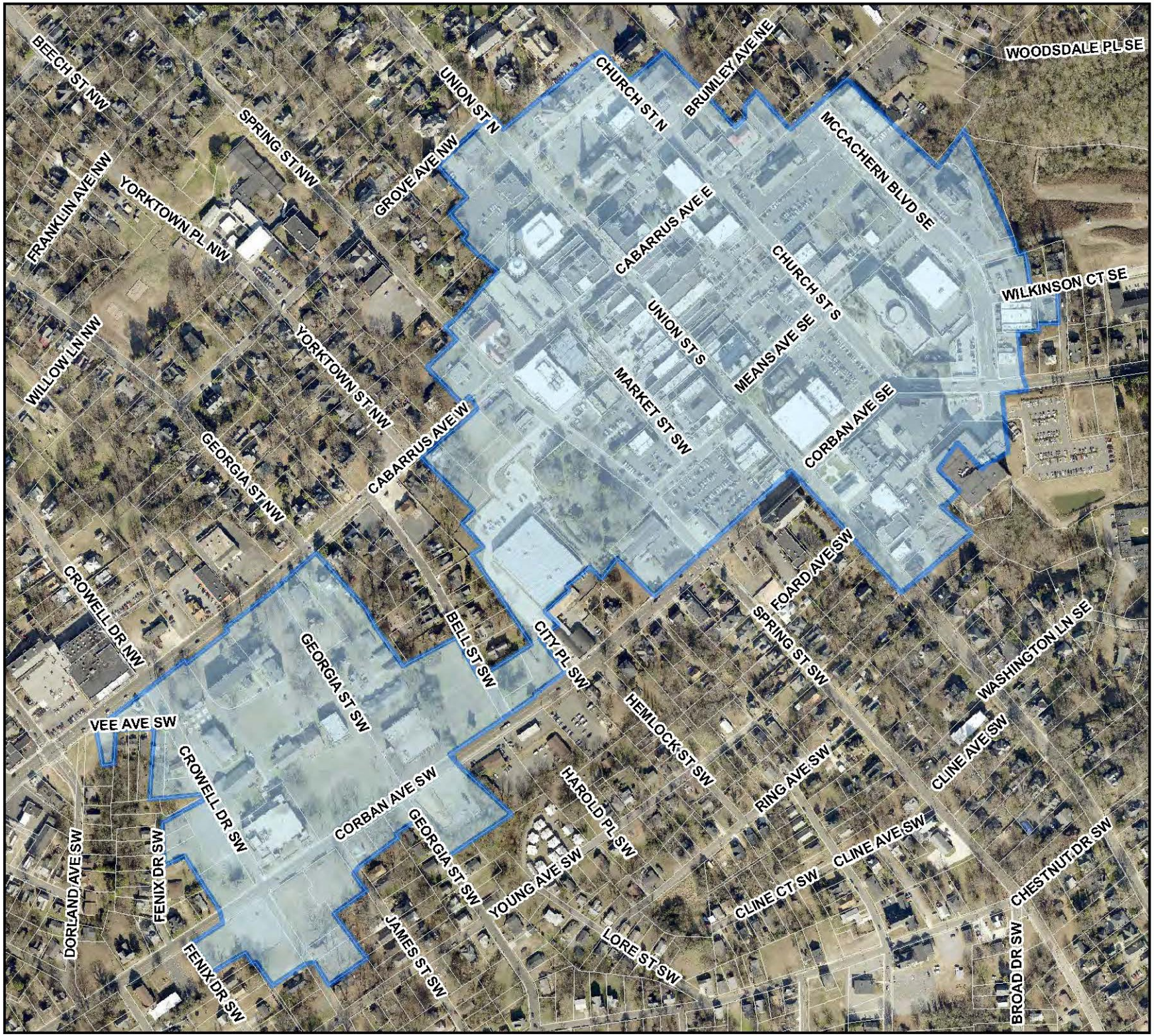
	Retail		Office		Residential		Other (describe)

Type of Construction Activity
(Please Check Appropriate Box and Insert Square Footage)

	Renovation / Reuse		square footage of project
	New Construction		square footage of project
	Dwelling Units		number of units

Below Please Briefly Describe Current Use of the Property and Future Use(s) and Attach Plans and/or Renderings for Project.

Applicant's Signature_____Date_____



Downtown Municipal Service District

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