



*** PUBLIC NOTICE ***

**NOTICE OF A CITY COUNCIL REGULAR SESSION IMMEDIATELY FOLLOWING
A WORKSHOP SESSION
OF THE CITY OF CORINTH**

**Thursday, December 15, 2016, 5:30 P.M.
CITY HALL - 3300 CORINTH PARKWAY**

CALL TO ORDER:

WORKSHOP BUSINESS AGENDA

1. Receive a report, hold a discussion, and give staff direction on the Joint Public Safety Facility and Fire Station.
2. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.
3. Receive a presentation, hold a discussion and provide staff direction on the Parks, Recreation, and Open Space Master Plan.

ADJOURN WORKSHOP SESSION

***NOTICE IS HEREBY GIVEN** of a Regular Session of the Corinth City Council to be held at Corinth City Hall located at 3300 Corinth Parkway, Corinth, Texas. The agenda is as follows:

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE:

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

1. Consider and act on minutes from the November 15, 2016 Workshop Session.
2. Consider and act on minutes from the November 15, 2016 Regular Session.
3. Consider and act on minutes from the November 21, 2016 Special Session.

CITIZENS COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof.* Section 30.041B Code of Ordinance of the City of Corinth.

BUSINESS AGENDA

- 4. Consider and act on the Site Plan for Sonic drive-in restaurant on property legally described as 1.237 acres out of Lot 2, Block A, CVS Corinth Addition, City of Corinth, Denton County, Texas. (This property is located on the north side of F.M. 2181, west of F.M. 2499).
- 5. Discuss and consider setting a public hearing date for February 2, 2017 to receive public comments on Land Use Assumptions, Roadway, Wastewater and Water Impact Fees, Capital Improvement Plan; to consider adoption of the Impact Fee Update Study and, to consider a Maximum Roadway, Wastewater and Water Impact Fee.
- 6. Consider and act on the proposed City of Corinth Policy Statement for Tax Abatement.

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above listed agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

a. Deliberations of the employment, reassignment, or duties of the City Manager.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

ADJOURN:

Posted this 9th day of December, 2016 at 11:00 A.M. on the bulletin board at Corinth City Hall.

Kimberly Pence
Kimberly Pence, City Secretary
City of Corinth, Texas

City Council Regular and Workshop Session

Meeting Date: 12/15/2016

Title: Joint public safety building

Submitted For: Lee Ann Bunselmeyer, Acting City Manager

Submitted By: Lee Ann Bunselmeyer, Acting City Manager

Approval: Lee Ann Bunselmeyer, Acting City Manager

AGENDA ITEM

Receive a report, hold a discussion, and give staff direction on the Joint Public Safety Facility and Fire Station.

AGENDA ITEM SUMMARY/BACKGROUND

On June 16, 2016 the City Council contracted EIKON Consulting Group, LLC for Architectural and Engineering design services of a combined Public Safety Facility and Fire House. Since approval, the Building Design Committee comprised of two Council members, Acting City Manager, Police Chief, Fire Chief and Technology Services Manger have been meeting with representatives from EIKON in developing the site plans for both facilities. This agenda item is to update Council on the progress of the project.

RECOMMENDATION

City Council Regular and Workshop Session

Meeting Date: 12/15/2016

Title: Parks, Recreation and Open Space Master Plan Discussion

Submitted For: Fred Gibbs, Director **Submitted By:** Fred Gibbs, Director

Approval: Lee Ann Bunselmeyer, Acting City Manager

AGENDA ITEM

Receive a presentation, hold a discussion and provide staff direction on the Parks, Recreation, and Open Space Master Plan.

AGENDA ITEM SUMMARY/BACKGROUND

In 2014, City Council authorized the expenditure to enter into an agreement with the University of Texas in Arlington Urban Studies Department to facilitate a Parks, Recreation and Open Space Master Plan. City Council appointed the Keep Corinth Beautiful Board and two Council representatives to help facilitate the process. The intention of the Parks, Recreation, and Open Space Master (PROS) Plan was to inspire and communicate a visionary, yet achievable blueprint for the future of Corinth.

It recognizes the critical role that parks, open spaces, and trails play in creating a vibrant, thriving community in the interest of public health and economic strength. This Plan emphasizes the needs of citizens to have opportunities to walk, bike, and explore the natural world; and work, plan, and play together in public spaces to create community.

The result of these efforts is a collaboration of Citizens, City Council, City Staff and Consultants to create a plan that incorporates local knowledge and institutional history for the betterment of Corinth. It includes an inventory of assets, a demographic profile, the needs and desires of its citizens, as well as an analysis of deficiencies, constraints, and opportunity's. From this, a vision and a set of goals and recommendations were established, along with a list of potential funding sources to implement this Plan.

The vision for the City of Corinth's Parks, Recreation, and Open Space's is "Promoting Healthy Families". To achieve that vision; goals and strategies were developed that are outlined in the Plan. The Plan also includes an implementation section that contains suggestions and timelines. Implementation of specific items will vary depending on economic conditions, and opportunities for funding and organization of citizens.

The Corinth's Parks, Recreation, and Open Space Plan is designed to be informative yet flexible enough to help the City make important decisions for its future. The conceptual plans are meant to inspire, as is the information in this document. Through continued collaboration and energy of its citizens, Corinth can achieve its vision of having "Quality of a Lifetime".

On November 19, 2015 UTA representatives made a presentation to the City Council regarding the plan and received positive feedback. With the positive feedback, the next step was to adopt it into our City's Comprehensive Plan to ensure that all plans are cohesive and accounted for when expressing our community's vision to the residents and development community.

On July 25, 2016, the Planning and Zoning Commission recommended to approve the Comprehensive Plan Amendment which adopted the Parks, Recreation and Open Space Master Plan into our City's 2010 Comprehensive Plan.

The agenda item was slated to go before City Council on August 8, 2016, however, staff received a request from council members to postpone the item for further discussion.

RECOMMENDATION

Staff seeks direction regarding the adoption of the Parks, Recreation and Open Space Master Plan.

Attachments

Nov. 19 Presentation

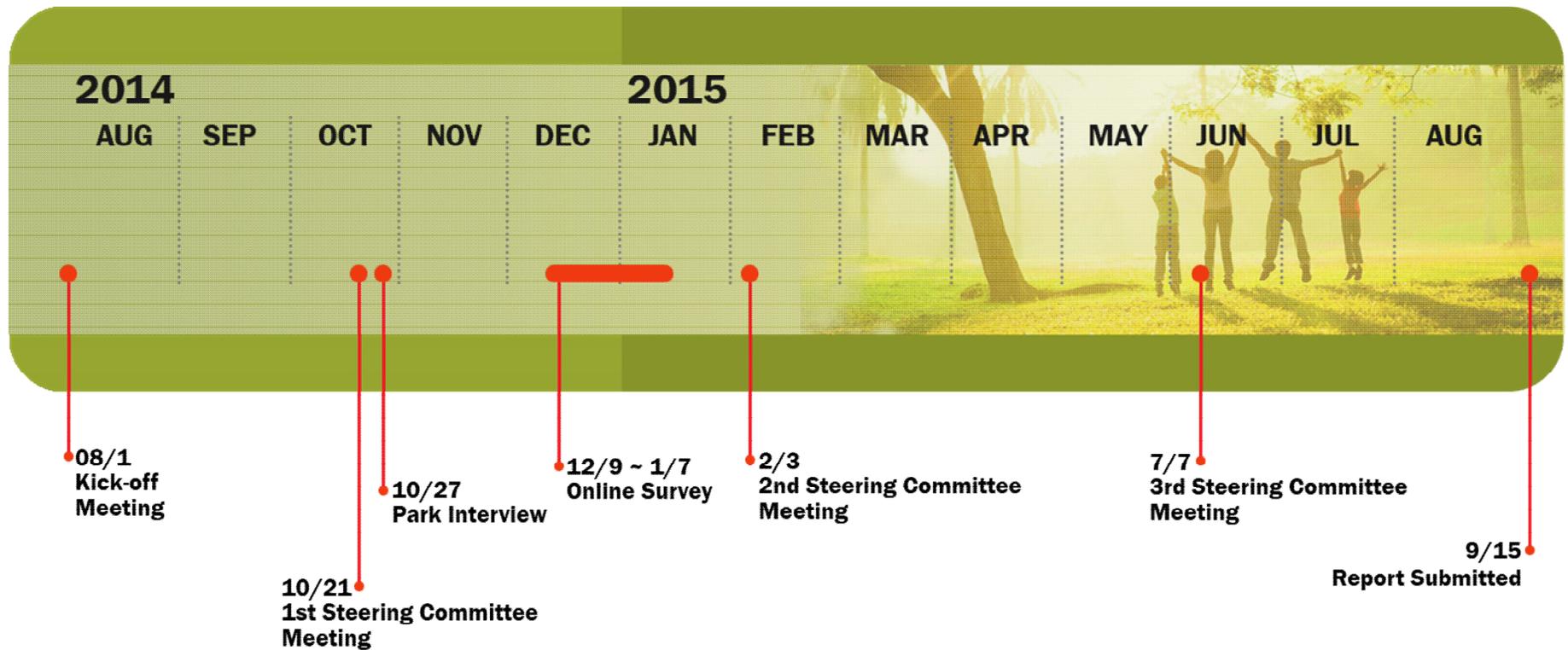


Promoting Healthy Families

City of Corinth 2015
Master Park, Recreation, and Open Space Plan



Plan Process Timeline



Vision and Goals

VISION



Enhancing the quality of life of families by creating opportunities for life-long health, leisure and recreation for all ages through Corinth's parks, open space, and recreational programs

GOALS



Goal 1

Provide a Parks, Recreation, and Open Space system that contributes to Corinth being a city with sustainable, inclusive, and livable communities



Goal 2

Provide parkland and a variety of recreational facilities and programs to meet the changing recreational needs and desires of the City of Corinth as it grows



Goal 3

Create a system of Attractive and Resilient Park, Recreation and Open Space Facilities



Goal 4

Preserve and protect for future generations open space, cultural landscapes, and natural resources, especially in areas with indigenous tree cover and land prone to flooding



Goal 5

Continue to maintain all of the City of Corinth's parks and recreational facilities



Goal 6

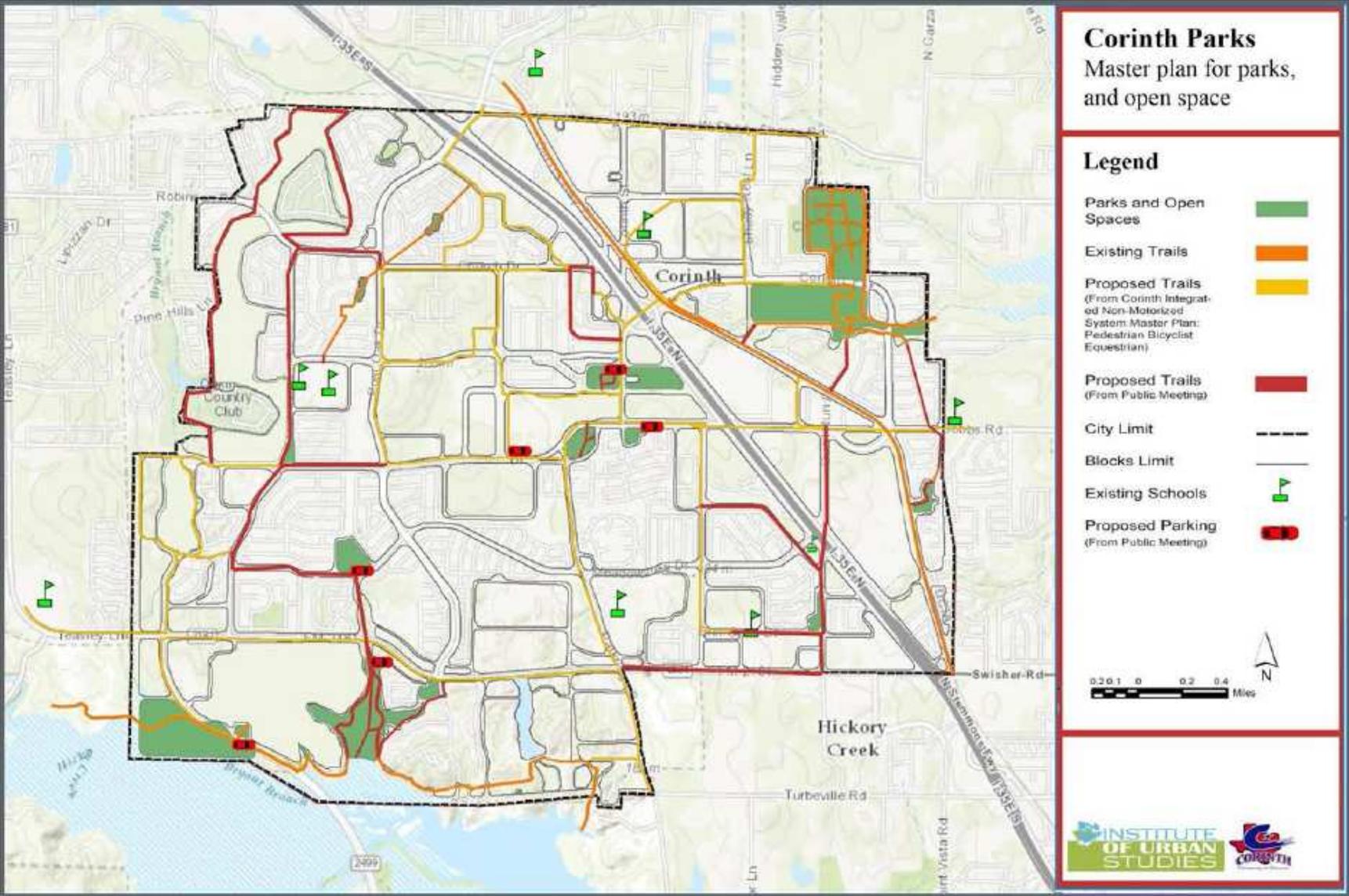
Develop other funding mechanisms to help supplement the City's limited funding resources



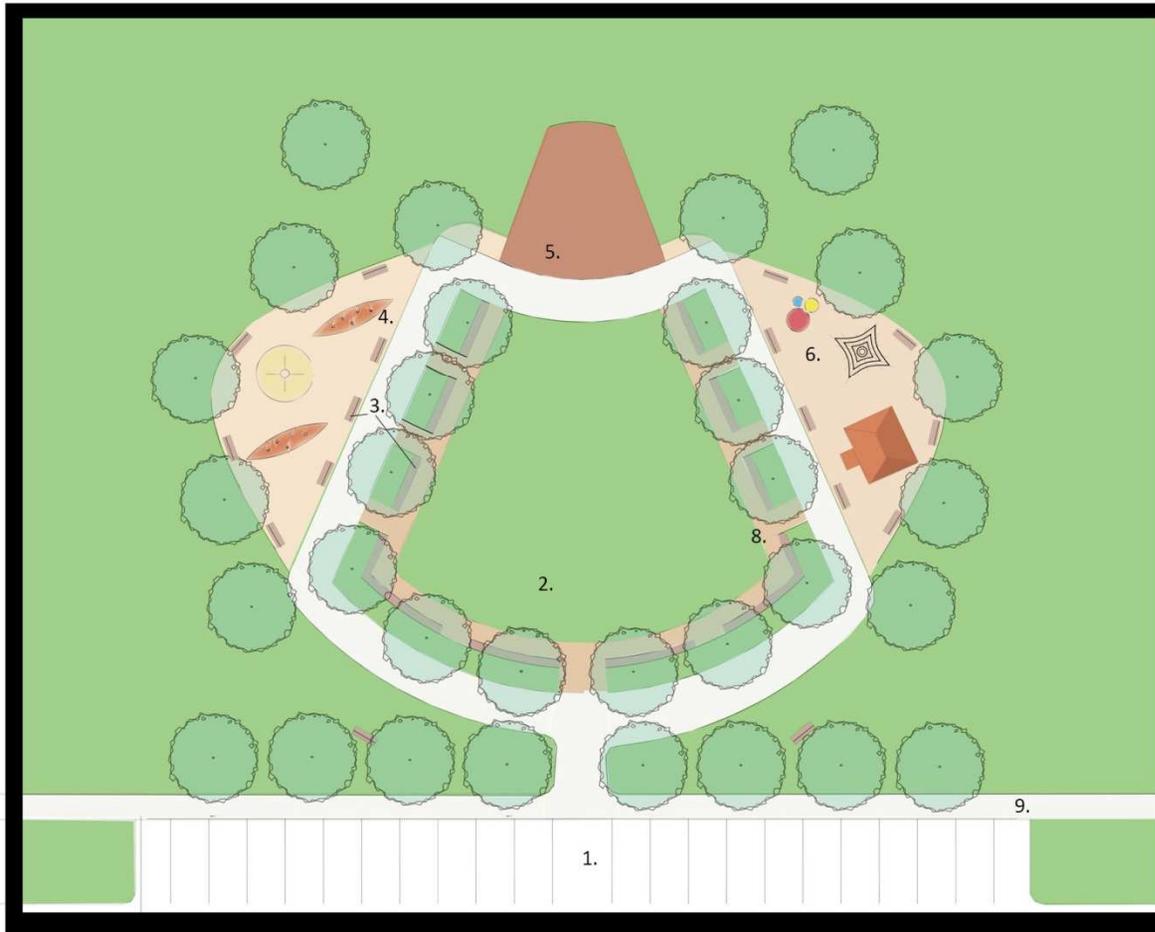
Overall Parks Plan



Overall Trail Plan



Key Plan Component



City Center CONCEPT PLAN



Amplithatre Concept: Amplithatre with water and playground features (one acre)

- | | |
|--------------------|--------------------------|
| 1. Parking | 7. Vegetation |
| 2. Open space | 8. Specialty pavement |
| 3. Seating benches | 9. Paved connector trail |
| 4. Covered stage | |
| 5. Splash pad | |
| 6. Playground | |



Key Plan Component _Cont.



PASSIVE AREA



DRINKING FOUNTAIN



ACTIVE AREA



FENCE AND GATE



DOG PARK

CONCEPT PLAN



Key Plan Component Cont.



Elm Fork Trailhead
CONCEPT PLAN

Implementation

ACTION PLAN 2016-2026			
Time Frame	Action	Purpose	Responsible Entity
1-3 Years	Improvements to trail surfaces and safety amenities in Community Center and Meadowview Parks	Increase safety and accessibility of trails to users of all ages and abilities	City Council, Public Works, Citizens
1-3 Years	Park dedication and subdivision policy modifications implemented	Ensure continued expansion of park system to meet growing population	City Council, Citizens
1-3 Years	Increase in amenities such as benches, picnic tables and pavilions, etc. within existing parks	Foster additional park activity and use throughout the park system	City Council, Private Organizations, Public Works, Recreation Dept
1-3 Years	Additional or new lighting in park spaces that are lacking these amenities	Enable longer park hours and improve safety	City Council, Private Organizations, Public Works, Recreation Dept
1-5 Years	Splash park amenities in Community Center Park	Provide popular amenity for families and children	City Council, Project Dreamplay Organization, Public Works, Recreation Dept
1-5 Years	Dog Park Facilities in new park location	Provide recreational space for dog owners and pets	Public Works
Ongoing	Trees planting program in all parks	Provide much needed shade and aesthetics. Opportunity for community involvement	City Council, Private Organizations, Public Works, Recreation Dept
1-7 Years	Addition of trailheads and parking for access to Elm Fork Trail from SB2499	Connect city trail system to broader regional Veloweb and to other communities	City Council, Private Organizations, Public Works, Recreation Dept

Implementation Cont.

Time Frame	Action	Purpose	Responsible Entity
1-10 Years	Finish development of pedestrian and bike trail system	Increase ability for children to practice in Corinth for organized leagues	Public/ Private Partnerships, Public Works, Schools, Recreation Department
1-7 Years	Develop park and outdoor amenities as part of the Town Center redevelopment, including outdoor event space	Provide a central gathering place for events, entertainment, and community celebrations	City Council, Public Works, Private developer
1-7 Years	Create gateways into City and to Town Center	Create a sense of arrival and beautification for Corinth	City Council, Private Organizations, Public Works, Recreation Dept
3-7 Years	Undertake study for replacement of recreational facility	Provide much needed place for swimming competitions and practice, senior programs and indoor recreation	City Council, Public/Private Schools, Public Works

Questions?



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CONSENT ITEM 1.

City Council Regular and Workshop Session

Meeting Date: 12/15/2016

Title: November 15, 2016 Workshop Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

Approval: Lee Ann Bunselmeyer, Acting City Manager

AGENDA ITEM

Consider and act on minutes from the November 15, 2016 Workshop Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the November 15, 2016 Workshop Session. The minutes are in draft form and not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the November 15, 2016 Workshop Session minutes.

Attachments

Minutes

**STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH**

On this the 15th day of November 2016 the City Council of the City of Corinth, Texas met in a Workshop Session at 5:30 pm at the Corinth City Hall, located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

Bill Heidemann, Mayor
Joe Harrison, Mayor Pro-Tem
Scott Garber
Sam Burke
Don Glockel
Lowell Johnson

Members Absent:

None

Staff Members Present:

Kimberly Pence, City Secretary
Fred Gibbs, Planning & Development Director
Jason Alexander, Economic Development Director
Brenton Copeland, Technology Services Assistant Manager
Mike Brownlee, City Engineer
Mack Reinwand, City Attorney

CALL TO ORDER FOR WORKSHOP:

Mayor Heidemann called the meeting to order at 5:30 pm.

- 1. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.**

BUSINESS AGENDA ITEMS #4-6

4. Consider and act on a Site Plan for Panda Express Chinese Kitchen on property legally described as Lot 5, Block A, Swisher 35E Addition zoned C-2, Commercial in the City of Corinth, Denton County, Texas.
5. Consider and act the Site Plan for Arby's on property legally described as Lot 1R, Block A, Swisher 35E Addition zoned C-2, Commercial in the City of Corinth, Denton County, Texas.
6. Consider and act on the Site Plan for Popeye's Restaurant on property legally described as Lot 1R, Block A, Swisher 35E Addition zoned C-2, Commercial in the City of Corinth, Denton County, Texas.

Councilmember Glockel – All three had a glitch about what the recommendation was from P & Z.

Fred Gibbs, Planning & Development Director – Yesterday we had the Commission meeting, P & Z recommended approval of all of them, all the agenda items for tonight, as presented.

Councilmember Glockel – Regarding the utility easements and the fire lane, some of them were 20' & 24', is that going to be all concrete?

Fred Gibbs, Planning & Development Director - I believe they are all concrete in that area.

Councilmember Glockel – Is there going to be room on either side of them? How wide is the concrete?

Fred Gibbs, Planning & Development Director – It would have to be at least 24' for the fire lane.

Mike Brownlee, City Engineer – There is a spine road already out there, there is already water underneath that road.

Councilmember Glockel – The water looked like it was to the west of this new easement they were talking about.

Mike Brownlee, City Engineer – Everything is inside of the easement.

Councilmember Glockel – but there are two easements.

Mike Brownlee, City Engineer – There is a master developer for this project that is providing the infrastructure for all the pad site developments.

Discussion was held regarding the utility, drainage, fire lane and access easement and reference was made to a site plan that was included in the materials.

Mike Brownlee, City Engineer – The driveway configuration, they abandoned part of that easement and rewrote a new easement. Part of that is going to be outside of the fire lane. Part of it will be under green grass.

Councilmember Harrison – In the UDC it talks about the alternative compliances being requested to use a masonry material call nichiha, is that approved by the City?

Fred Gibbs, Planning and Development Director – Yes, all three of these had a request for alternative compliance. Panda Express had a request for nichiha, it is a fiber masonry product. Council approved a similar material for the Oxford Apartments. It's a type of look Panda Express is looking for. We don't have an issue with it, neither did P & Z.

BUSINESS AGENDA ITEM #7

7. Consider and act on the revised site plan for North Texas Storage on property legally described as Lot 2R, Block A, Rogers-O'Brien Business Park Addition being 4.98 acres zoned Planned Development (PD) in the City of Corinth, Denton County, Texas.

Councilmember Glockel – I need to excuse myself from that because I own the property right across from his driveway. It's close enough to where I received the letter for the variance.

Councilmember Harrison – Looking at the elevation, we've already approved the elevations for the two stories. On the third story, which is located directly behind Chicken Express, is it building A or building B?

Fred Gibbs, Planning and Development Director – It's both building A and building B will be the 2 (two) three story buildings and they are both directly behind Chicken Express. Building B is adjacent to the existing storage facility that is there already.

Councilmember Harrison – So they will be facing other, than the north wall, an A and B will be facing Cliff Oaks Drive? Is it just a solid wall or is there windows there?

Fred Gibbs, Planning and Development Director – Correct. They have accent windows, a false window, to add some architectural elements.

Councilmember Harrison – On the third story is there any windows looking at the housing addition to the north?

Fred Gibbs, Planning and Development Director – No Sir. This elevation gives a nice view point. Basically what you are looking at is solid. They are there for accents to break up that wall.

Mayor Heidemann – And that third level is within the fire regulations and everything else?

Fred Gibbs, Planning and Development Director – Yes Sir. The Fire Department has looked at it and are good with it. They will have to meet all the building codes and what is associated with a three story building in this area.

2. Receive a presentation, hold a discussion and provide staff direction on the proposed Chapter 380 Economic Development Agreement Policies and Procedures.

Fred Gibbs, Planning and Development Director – Jason Alexander is here to make a presentation on tonight's agenda.

Jason Alexander, Economic Development Director – Tonight is the first of two rewrites to the existing incentives policy. The existing policy entailed regulations and guidelines for tax abatements as well as other economic development incentives that could be offered by the City pursuant to Chapter 380, 501, and 505 of the Texas Local Government Code. That would be the development corporation act for 501 and 505 and tonight we are going to discuss the 380 and receive direction from the Council on the proposed rewrite to that policy.

Alexander presented a brief overview of Chapter 380 economic development programs to compare the existing policy with the proposed policy. He separated the Chapter 380 policy from the Tax Abatement Policy which is under Chapter 312 of the Texas Tax Code.

The provisions of Chapter 380 of the Texas Local Government Code do not limit the types of incentives that may be provided, nor the funding source (e.g., the Economic Development Fund, General Fund, et cetera); and a city may be creative in negotiating and considering incentives for a project, so long as a public purpose is served.

Incentives offered under Chapter 380 Economic Development Programs may be used for a variety of economic development projects, including:–Funding the renovation of shopping centers or other business facilities–Offering grants equivalent to the rebate of property taxes or sales taxes–Developing infrastructure or funding the same.

Although the existing incentives policy contains language that the City may enter into an incentives agreement pursuant to Chapter 380 of the Texas Local Government Code, it does not, however, provide minimum requirements that a project must meet to be considered eligible for such incentives.

The proposed policy is reflecting the flexibility conveyed both directly and indirectly in Chapter 380 of the Chapter 380 of the Texas Local Government Code, the policy establishes a framework for negotiating and considering incentives for a variety of projects, while also establishing minimum requirements for project eligibility.

Jason explained key points of the rewritten policy. These modifications include but are not limited to the following:

Section 2: Definitions, lines 101-130, This section provides definitions for terms used throughout the proposed policy. Target Industry: a business, structure or other project deemed vital to the City's current, anticipated or ongoing growth and development needs and goals. The City has discretion to determine its "needs" from time to time as the City's circumstances warrant, or as the City determines appropriate to meet or further its development or economic goals.

Section 3: Program Requirements, lines 132-177, This section establishes the minimum requirements that a project must meet in order to be considered eligible for incentives under a Chapter 380 Economic Development Program ---and a project must meet minimum requirements set forth in both Paragraphs A.1. ~Result in a minimum increased taxable value of \$250,000 (i.e., real property and/or business personal property, excluding inventory and supplies) - Is a mixed-use development intended to develop or revitalize key areas - Is specifically determined by resolution of City Council to bring public benefit~ and A.2. ~Will make a unique or unequaled contribution to development/redevelopment, will enhance the City's fiscal ability to provide high quality municipal services, will enhance the City's public infrastructure, will result in an additional increase of full-time jobs in Corinth, Is defined as a target industry (at the sole discretion of City Council) Projects will be considered on a case-by-case basis, and are not eligible for any incentives if a building permit has been issued, or if construction commenced, incentives will be provided to the extent that the revenue realized by the City equals or exceeds the minimum amount established by the agreement.

Alexander requested that the City Council, along with any other revisions that City Council seems appropriate to the proposed policy, is to strike through that language as proposed. Page 7, lines 167-171, to allow the actual agreement to take precedence to determine whether the project would be eligible for incentives.

Councilmember Harrison – Why?

Jason Alexander, Economic Development Director – It is to make it a level playing field for all of the business's.

Councilmember Harrison – It seems like you are going back and specifically addressing somebody else that does not have an application in and you are soliciting them to come back, is that what you are saying?

Jason Alexander, Economic Development Director – Not necessarily soliciting them coming back.

Councilmember Harrison – Anyone from this point forward would be explained the process before they get to that point, right? And they would know. So what we are doing is going back and picking up anybody else that's done something before this date. Is that what we are doing?

Jason Alexander, Economic Development Director – No Sir, not necessarily. Let's say you have a shopping center, the building permit has already been issued for the development, but there is a particular business and there hasn't been any incentives offered to that shopping center, there's a particular business that the community really wants and the City would really like to have, in order to land that business there might be a situation where Chapter 380 Agreement could help sway their move here.

Councilmember Harrison – We don't have any shopping center. If they come in now, if they do an application and get their building permit then that would all be explained to them, to apply for your 380 Agreement before you have to do it? What shopping center are you talking about?

Jason Alexander, Economic Development Director – I'm just speaking hypothetically, just as an example.

Councilmember Burke – So I understand, if the Millennium development had already had building permits issued, but we wanted to get a particular restaurant chain in there, if that language is in there they would not be eligible. But if that language is out then we could offer incentives to that specific tenant even though a building permit had already been issued for that space? Is that the difference you are worried about?

Jason Alexander, Economic Development Director – Yes and absolutely. It's also to make sure the policy is clear. I understand Councilmember Harrison's point.

Councilmember Burke – his hypothetical is also possible, but you're not concerned about that as much as you are concerned about the ability to track the new people after a development has had building permits issued.

Jason Alexander, Economic Development Director – Right.

Councilmember Glockel – I thought I understood it until you clarified it.

Councilmember Burke – Joe's concern is real, but I think Jason's concern is too. I think he is trying to address the latter and the question is what are you more worried about?

Councilmember Glockel – The Millennium is a large project but if we wanted to have a restaurant come in on a pad site, they have a project approved, if I come in as a restaurant that is already approved with this verbiage are you saying that if it's a restaurant that isn't named, on that square, that I would not be eligible under this verbiage?

Jason Alexander, Economic Development Director – Right, because essentially the building permit has already been issued as Councilmember Burke said. So you've already had the construction take place.

Councilmember Glockel – I'm talking about bare land.

Jason Alexander, Economic Development Director – If it's under bare land that provision wouldn't even apply. It would be a completely different situation. If the construction has already commenced, the building permit has been issued and there's that vacant space, if we want to target that particular restaurant say for the Millennium site, then that verbiage right there that would be it.

Councilmember Harrison – How many building permits would this apply to?

Fred Gibbs, Planning and Development Director – They are currently under construction right now? If you have a building permit or construction commence then you would have to define what construction commence means. Is grading the property considered construction, I would consider that a construction activity. Building permits and construction, there are other projects that are currently under construction that do not necessarily have a building permit that may qualify.

Councilmember Burke – It almost sounds like we need to separate the developments from businesses and how we are going to phrase eligibility. If we are trying to use it to attract development we shouldn't use it after they are already here. Millennium would not necessarily, we wouldn't want to offer them incentives because they already said they are coming. In that case, if they've been issued a building

permit or they commence construction then they are out. It's the developer. In regards to particular end users, that might occupy it, we might want to still be able to offer them incentives. Maybe we ought to deal with their eligibility and distinct clauses.

Jason Alexander, Economic Development Director – That was part of saying to take that language out and allow the agreement to dictate that. The agreement will still have to come before City Council for approval. If City Council so desired that the project wasn't deemed worthy of incentives, then the project wouldn't receive incentives. That was the sole rationale for requesting that revision.

Councilmember Burke – I'm suggesting instead of taking it out that we add something so the public has some guidance that we are not soliciting them to come to us to apply, if they are already here.

Jason Alexander, Economic Development Director – So if I am hearing you correctly, is there a time limit or a time frame that maybe should be included as language in there? I don't know if that's 60 days, 90 days?

Councilmember Burke – I don't think so. The logistics of how that process occurs would dictate, for end users, you would say if a CO has been issued, something so we're sure that we are using to attract people that might not otherwise come as opposed to offering something to people that are already here or would have come anyway.

Councilmember Garber – Can we make an intense statement like that? With the intent of this and section C is to attract folks that would not normally have come, not to incentivize people that are already under development.

Jason Alexander, Economic Development Director – I'll get with the City Attorney and work on that language and it will be included in the revised policy that will come back before City Council for that section.

Fred Gibbs, Planning and Development Director – I assume, Jason, that you want to be able to have it to where you can still do the 380's for lots.

Jason Alexander, Economic Development Director – Ok, we'll make that revision.

Section 4: Additional Considerations, lines 179-188, The number and types of jobs to be created, The market conditions and growth potential for the business activity, The financial capacity of the applicant to undertake and complete the project, Other incentive programs for which the applicant is qualified, or has applied, Any other factors that CEDC finds beneficial and/or relevant.

Councilmember Harrison – Going back to the addition, does the applicant have any responsibilities under these additional considerations? For example, Huffines, there was some restrictions that we established and he agreed to when we dealt with Huffines that he would do a Grandfather in developing an automobile related instant on there and there was some other things he agreed to advertise as his responsibility as being in the city. Is that unreasonable?

Jason Alexander, Economic Development Director – No Sir. That could be considered under the terms and conditions. With the agreement, for example, if there are certain things that EDC might fail to include in the proposed agreement, City Council could come back in and modify that agreement to include language such as that.

Councilmember Harrison – Would we be unreasonable to expect the businesses within the city to advertise as in the city?

Jason Alexander, Economic Development Director – That is part of the policy, is we want our businesses to grow and thrive in Corinth and make sure they represent Corinth regionally. If that is something that City Council would want in the agreement, then it would be included.

Councilmember Harrison - The way I look at it, if I'm going to give them a dime of my citizen's money, then they have a responsibility to advertise that's it's within the City of Corinth. We are here because that's the only way we're going to get a return on our money is for people to come back to his facility as part of the City of Corinth.

Mayor Heidemann – So if they applied for a 380 provision, that could be something we put in?

Jason Alexander, Economic Development Director – Absolutely.

Section 5: Incentives, lines 190-194, this section is deliberately vague because the City can negotiate and consider a wide range of incentive packages pursuant to the provisions of Chapter 380 of the Texas Local Government Code depending on the scope of the project and needs of Corinth.

Councilmember Harrison – Going back to the old one, tied to the tax abatement. I understand being vague and I agree with that. It seems to me that they are dealing with our funds and our tax dollars that there should be some evaluation on how long it's going to take you to get the return over the money that you gave, cost benefit analysis, something that's going to give you, in black and white, that you can present to the citizens and say we gave them this for 15 years if you will come here and then we turn it down. That still needs to be given to the citizens. In some place in this there should be some data.

Jason Alexander, Economic Development Director – That is with the agreement to what you are saying, that is where that information would be contained in there because it would have to reach those performance standards, if they don't then they would be in default of the agreement. That is where you also see the differences between Chapter 380 and Chapter 312. In Chapter 312 that wouldn't be possible, the type of performance standards we are discussing.

Councilmember Harrison – I already asked these questions. On a cost benefit analysis, there has to be some software someplace that is going to identify that. I assume that somebody is going to incur some cost for that cost benefit analysis software to give the Economic Development Corporation and the City of Corinth some data that's going to collect and there is going to be a point where subjective or not you're going to say you are going to go here.

Jason Alexander, Economic Development Director – With the policy, it's not the intention of the Economic Development Corporation or staff to present incomplete information or data to City Council. We will ensure that City Council is equipped with all the information to make the decision in the best interest of Corinth.

Section 6: Application Process, lines 196-213, The application process is as follows: Application submitted to CEDC; however if a target industry, City Council may elect to consider incentives prior to project approval, CEDC reviews application to determine if the minimum requirements are met, If met, the applicant and CEDC Executive Director will have at least 30 working days to propose an agreement, CEDC Board of Directors considers proposed agreement and makes a recommendation to City Council, City Council may elect to consider and take action on the proposed incentives agreement. Prior to City Council taking action on any incentives is that the EDC through staff and the City Manager will present that to City Council in Executive Session first. This way Council is aware of the incentives and can make any modifications to that agreement and staff can go back and discuss with the applicant as need be.

Application Process, lines 214-229, City Council has sole discretion to approve or deny proposed incentives, City Council may modify the terms and conditions of proposed incentives, to the extent

allowed by state law (Chapter 552 of the Texas Government Code), the City will keep certain information requested by the applicant confidential.

Section 7: Agreement Terms, lines 231-268, This section establishes the minimum provisions that an agreement between the City and an applicant must contain, including:—A timetable and list of property values, revenues, incomes and other public benefits—Access to and authorizing inspection of the property to determine compliance—Recapturing municipal funds if the applicant does not meet agreement terms.

Key Takeaways, As one of the more popular incentive policies available, agreements crafted pursuant to the provisions of Chapter 380 of the Texas Local Government Code allows cities to provide grants, loans, city personnel and city services for the promotion and encouragement of economic development. By separating the policy for incentives offered under Chapter 312 of the Texas Tax Code (property abatement) and Chapter 380 Economic Development Programs, the City will establish a framework for negotiating and considering project incentives for a wider range of projects. Under the proposed Chapter 380 Economic Development Program Policies and Procedures, the City: (i) may competitively negotiate and consider incentives; (ii) may consider incentives prior to project approval (should City Council determine the project is a target industry); and (iii) expedite the process for negotiating and considering incentives.

Councilmember Harrison – I want to point out that the 380 Agreement for Valencia, we turned that down because it could have either been a targeted industry being a residential development and that is going to come up. We turned it down because he wanted a tax relief from buying all materials.

Councilmember Burke – I would not consider residential construction a target industry.

Councilmember Harrison – We are going to have to make a decision on that.

Mayor Heidemann – You have a building to make that decision.

Councilmember Johnson - Every project stands on its own. There is nothing codified in here that says we have to or we don't have to.

Mayor Heidemann – If I understand, you said you take the funds out of the general fund?

Jason Alexander, Economic Development Director – No Sir, it would affect the general fund. If the city so desires, there could be funds that come out of the general fund. Some communities have taken some of the funds out of the general fund under Chapter 380 economic development agreements.

Mayor Heidemann – I would be concerned about our Capital Projects, we're going to have in January, a list for Capital Projects for the next 5 to 10 years that we're going to have to be looking at. I would think we would have to be cautious when you get into these things so that we don't overcommit to something we can't deliver.

Councilmember Johnson – The 380 Agreement sales tax rebates for construction materials are things we probably would have never seen sales tax recovery to begin with, it's the use side we are recovering not the sales side. Even if they bring their 2% to us and we give them 1 ¾%, we still gain ¼% of that use tax. A big project could add up to some serious money.

Jason Alexander, Economic Development Director – Some cities have actually used a 380 Agreement and only rebated a portion of the sales tax for the use tax that would have gone to the EDC. That way the sales tax would go to the other departments in the city that it will stay the same.

Fred Gibbs, Planning and Development Director – You could use it to help with some CIP partnership projects with a developer. You could have a CIP project in the area that’s going to grow and you can use this for them to bridge the gap.

Mike Brownlee, City Engineer – In certain areas too. It would be hard for a single lot developer to pull off where the city could be able to use that funding.

Councilmember Harrison – That goes back to the original question I asked about tax abatements, is it expired two years ago?

Jason Alexander, Economic Development Director – Yes Sir it has.

Councilmember Harrison – It was a two year ordinance that controlled that tax abatement. I don’t know if this has a time factor.

Jason Alexander, Economic Development Director – That’s the beauty with the Chapter 380, it does not. The statute with the tax code expires September 1, 2019 unless it is extended in effect.

Mayor Heidemann recessed the Workshop meeting at 6:22 pm. *See Closed Session.

CLOSED SESSION

The City Council will convene in executive (closed session) to consider any matters regarding any of the above listed agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code:

Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

Council met in closed session under Section 551.071 and Section 551.072 from 6:23 P.M. until 7:05 P.M.

a. Planned development zoning districts.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

a. Lot 18R, Block One, Pinnell Subdivision.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

a. Deliberation of the employment, reassignment, or duties of the City Manager.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

There was no action taken from closed session.

ADJOURN:

Mayor Heidemann adjourned the meeting at 7:06 pm.

Approved by Council on the ____ day of _____, 2016

Kimberly Pence, City Secretary
City of Corinth, Texas

City Council Regular and Workshop Session

Meeting Date: 12/15/2016

Title: November 15, 2016 Regular Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

Approval: Lee Ann Bunselmeyer, Acting City Manager

AGENDA ITEM

Consider and act on minutes from the November 15, 2016 Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the November 15, 2016 Regular Session. The minutes are in draft form and not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the September 8, 2016 Regular Session minutes.

Attachments

Minutes

**STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH**

On this the 15th day of November, 2016 the City Council of the City of Corinth, Texas met in a Regular Session at the Corinth City Hall at 7:05 PM, located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Present: Bill Heidemann, Mayor
Joe Harrison, Mayor Pro-Tem
Sam Burke, Council Member
Scott Garber, Council Member
Lowell Johnson, Council Member
Don Glockel, Council Member

Staff Members Present: Fred Gibbs, Planning and Development Director
Guadalupe Ruiz, Human Resources Director
Kim Pence, City Secretary
Brenton Copeland, Technology Services Asst. Manager
Mack Reinwand, City Attorney

***NOTICE IS HEREBY GIVEN** of a Regular Session of the Corinth City Council to be held at Corinth City Hall located at 3300 Corinth Parkway, Corinth, Texas. The agenda is as follows:

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE:

Mayor Heidemann called the meeting to order at 7:10 p.m., Councilmember Garber delivered the invocation and led in the Pledge of Allegiance.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

1. Consider and act on minutes from the September 8, 2016 Workshop Session.
2. Consider and act on minutes from the October 20, 2016 Regular Session.
3. Consider and act on minutes from the October 20, 2016 Workshop Session.

MOTION made by Council Member Scott Garber Motion to approve the Consent Agenda as presented. Seconded by Council Member Sam Burke

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

CITIZENS COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof.* Section 30.041B Code of Ordinance of the City of Corinth.

There was no Citizen Comments made.

BUSINESS AGENDA

- 4. Consider and act on a Site Plan for Panda Express Chinese Kitchen on property legally described as Lot 5, Block A, Swisher 35E Addition zoned C-2, Commercial in the City of Corinth, Denton County, Texas.

Fred Gibbs, Planning and Development Director - Originally this site was the home of Executive Mobile Home Park. Development of the Swisher-35 Addition began with a conveyance plat approved in October 2005 to allow for the sale of a portion of the property. The final plat with construction plans was approved by City Council in June 2007 allowing for the development of the Comfort Inn located on Lot 3.

An approved site plan is required prior to construction for all commercial projects. Panda Restaurant Group, Inc, authorized representative of the property owner, Swisher @ 35E Corinth LP, has proposed a Panda Express Chinese Kitchen Restaurant on Lot 5, Swisher 35E Addition. A final replat was approved by the Planning and Zoning Commission in August 2016. The developer / property owner, Swisher @ 35E Corinth LP, has submitted an amended plat to be approved by the Director of Planning. The approved plat allows for the reconfiguration of the lots.

At this time, the development team for Panda Express is seeking approval of their site plan for construction / development. The applicant has proposed alternative requests to the non-residential development regulations required in the Unified Development Code. The alternatives they have proposed are shown below in the comparison chart:

	Current Development Regulations	Proposed Regulations
UDC Section 2.0.07 Accessory Buildings	Shall Apply	Shall Apply
UDC Section 2.09.02 Tree Preservation	Shall Apply	Shall Apply
UDC Section 2.09.01 Landscape Regulations	Shall Apply	Shall Apply
UDC Section 2.09.03 Vehicle Parking Regulations	Shall Apply	Shall Apply
UDC Section 2.09.04 Building Façade Material Standards	Class 1 Masonry but no more than 80% one material	Shall Apply Except: Alternative compliance is being requested to use a masonry material called Nichiha.

UDC Section 2.09.05 Residential Adjacency Standards	Pitched roof for structures having a footprint of 6,000 sf or less.	Shall Apply Except: A parapet roof is proposed.
UDC Section 2.09.05 Residential Adjacency Standards	Class 1 Masonry	Shall Apply Except: Alternative compliance is being requested to use a masonry material called Nichiha.
UDC Section 2.09.06 Nonresidential Architectural Standards	Shall Apply	Shall Apply
UDC Section 2.07.07 Lighting and Glare Regulations	Shall Apply	Shall Apply
UDC Section 4.01 Sign Regulations	Shall Apply	Shall Apply
UDC Section 4.02 Fence and Screening Regulations	Shall Apply	Shall Apply

Planning and Zoning Commission and the Staff recommends approval of the Panda Express Chinese Kitchen Restaurant site plan subject to filing the Amended Plat.

Eric Abeln, Heights Venture Architecture – our site is at the Swisher/ I-35 development. The building is situated to the north. We have heavy landscaping, about ten times more than the ordinances require and the back of the building is screened as best as possible. The Nichiha panels is the material requested and only comprises 26% of the overall material and it is a cement product.

MOTION made by Mayor Pro-Tem Joe Harrison to approve the site plan for Panda Express Chinese Kitchen Restaurant subject to filing the amended plat. Seconded by Council Member Scott Garber.

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

5. Consider and act the Site Plan for Arby’s on property legally described as Lot 1R, Block A, Swisher 35E Addition zoned C-2, Commercial in the City of Corinth, Denton County, Texas.

Fred Gibbs, Planning and Development Director - An approved site plan is required prior to construction for all commercial projects. Sun Holdings, authorized representative of the property owner, Swisher @ 35E Corinth LP, has proposed an Arby’s Restaurant on Lot 5, Swisher 35E Addition. A final replat was approved by the Planning and Zoning Commission in August 2016. The developer / property owner, Swisher @ 35E Corinth LP, has submitted an amended plat to be approved by the Director of Planning. The approved plat allows for the reconfiguration of the lots.

At this time Arby’s is ready to begin the construction / development process. The applicant has proposed alternative requests to the zoning and development regulations required. Those changes are shown below in the comparison chart:

	Current Development Requirements	Proposed Standards
UDC Section 2.07.07 Accessory Buildings	Shall Apply	Shall Apply

UDC Section 2.09.02 Tree Preservation	Shall Apply	Shall Apply
UDC Section 2.09.01 Landscape Regulations	Shall Apply	Shall Apply
UDC Section 2.09.03 Vehicle Parking Regulations	Shall Apply	Shall Apply
UDC Section 2.09.04 Building Façade Material Standards	Class 1 Masonry but no more than 80% one material	Shall Apply Except: Class 1 Masonry is being used however Alternative Compliance has been requested to allow 100% brick with color variation.
UDC Section 2.09.05 Residential Adjacency Standards	Pitched roof for structures having a footprint of 6,000 sf or less.	Shall Apply Except: A parapet roof is proposed.
UDC Section 2.09.05 Residential Adjacency Standards	Class 1 Masonry	Shall Apply Except: Class 1 Masonry is being used however Alternative Compliance has been requested to allow 100% brick with color variation.
UDC Section 2.09.06 Nonresidential Standards	Shall Apply	Shall Apply
UDC Section 2.07.07 Lighting and Glare Regulations	Shall Apply	Shall Apply
UDC Section 4.01 Sign Regulations	Shall Apply	Shall Apply
UDC Section 4.02 Fence and Screening Regulations	Shall Apply	Shall Apply

Planning and Zoning staff recommends approval of the Arby's site plan subject to filing the amended plat.

Clinton Coultas, Holtman Designworks – we put our presentation together for Popeye’s and Arby’s, we had to replat for one lot. Initially our lots were separate but they did not meet the minimum lot requirement for 30,000 square feet per Corinth’s zoning Ordinance so we had both of them listed as the same lot.

The masonry chosen for this is to comply is brick and we do know it is not to exceed 80% of one material per façade and we are proposing dark brown smooth textured brick and the artic white brick- velour textured as the different bricks.

Councilmember Garber – are we opposed to going with the Nichiha?

Clinton Coultas, Holtman Designworks – we are not opposed to that.

Fred Gibbs, Planning and Development Director – I think it just comes down to when you are looking at different materials you dot want one material to overpower this other. If the Nichiha is something that is part of the elevations it could be worked in but concerned about how much is worked in and I don’t know the percentage of the façade that would have this other product.

Councilmember Garber – I understand.

MOTION made by Council Member Don Glockel to approve the Arby’s site plan subject to

filing the amended plat. Seconded by Council Member Sam Burke

A YE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

- 6. Consider and act on the Site Plan for Popeye’s Restaurant on property legally described as Lot 1R, Block A, Swisher 35E Addition zoned C-2, Commercial in the City of Corinth, Denton County, Texas.

Fred Gibbs, Planning and Development Director – you saw the presentation in the previous item for this tonight.

At this time Popeye’s is ready to begin the construction / development process. The applicant has proposed alternative requests to the non-residential development regulations required. Those changes are shown below in the comparison chart:

	Current Development Regulations	Proposed Regulations
UDC Section 2.07.07 Accessory Buildings	Shall Apply	Shall Apply
UDC Section 2.09.02 Tree Preservation	Shall Apply	Shall Apply
UDC Section 2.09.01 Landscape Regulations	Shall Apply	Shall Apply
UDC Section 2.09.03 Vehicle Parking Regulations	Pitch roof for structures having a footprint of 6,000 sf or less	Shall Apply Except: A parapet roof is proposed
UDC Section 2.09.04 Building Façade Material Standards	Shall Apply	Shall Apply
UDC Section 2.09.05 Residential Adjacency Standards	Shall Apply	Shall Apply
UDC Section 2.09.06 Nonresidential Standards	Shall Apply	Shall Apply
UDC Section 2.07.07 Lighting and Glare Regulations	Shall Apply	Shall Apply
UDC Section 4.01 Sign Regulations	Shall Apply	Shall Apply
UDC Section 4.02 Fence and Screening Regulations	Shall Apply	Shall Apply

Staff and the Planning and Zoning Commission recommends approval of the Popeye’s site plan subject to the filing of the Swisher 35E amended plat.

MOTION made by Council Member Lowell Johnson to approve the site plan for Popeye’s Restaurant

subject to the filing of the Swisher 35E amended plat. Seconded by Council Member Don Glockel

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

7. Consider and act on the revised site plan for North Texas Storage on property legally described as Lot 2R, Block A, Rogers-O'Brien Business Park Addition being 4.98 acres zoned Planned Development (PD) in the City of Corinth, Denton County, Texas.

Councilmember Glockel recused himself from any discussion on item #7.

Fred Gibbs, Planning and Development Director - City Council approved the detailed site plan for North Texas Storage in June 2016 which included site details for Mini-Warehouse and Office/Warehouse Facility. The Applicant provided detailed site plan documents with site layout, landscape plans and building elevations. The development will utilize the existing driveways on FM 2181 as well as the driveway / fire lane off of Cliff Oaks Drive.

At this time; the applicant and developer O'Neal Gray with Charco Properties L.P. has proposed revisions to the elevations associated with the site plan. The footprint of the site is not changing however Mr. Gray has proposed in the submitted revisions to add a third story to buildings A and B.

Additional changes include increasing architectural features to buildings A & B as well as the addition of accent niches to break up the extension walls. The applicant intends to replace the CMU block (originally approved) with brick veneer and Austin stone. The modifications to the project regarding the building materials meet or exceed the regulations of the Planned Development Ordinance in affect.

The original site renderings approved as part of the Site Plan process by City Council in June for North Texas Storage are attached as well as revised site plan documents providing the revised elevations and the proposed three story height requested. The proposed height is allowed by the planned development ordinance.

The retention/detention pond area is slated for the long anticipated fountain and security fencing with the construction of the first phase of this development.

Staff recommends approval of the Revised Site Plan.

Councilmember Harrison – is there a masonry wall along Cliff Oaks?

Fred Gibbs, Planning and Development Director – I don't think the applicant is proposing a masonry wall there. I believe it has some additional landscaping and it does have some wrought iron fencing and I believe it will be gate controlled on the two entrance ways. The intent is to have this as a free access through the site from FM 2181 to Cliff Oak.

Councilmember Garber – what is the height difference from what is currently there to this new 3-story is there a huge elevation difference?

Fred Gibbs, Planning and Development Director – 10 feet.

MOTION made by Council Member Scott Garber to approve the revised site plan for North Texas Storage. Seconded by Mayor Pro-Tem Joe Harrison

A YE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison

Other: Council Member Don Glockel (ABSTAIN)

Passed

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

Councilmember Johnson – bring back pay proposal analysis for review.

Mayor Heidemann – the City is having their annual Thanksgiving luncheon tomorrow and Council is invited to attend.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above listed agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer, and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

a. Planned development zoning districts.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

a. Lot 18R, Block One, Pinnell Subdivision.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Council met in Executive Session from 7:46 p.m. until 8:04 p.m.

a. Deliberations of the employment, reassignment, or duties of the City Manager.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic

development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

There was no action taken from Executive Session.

ADJOURN:

Mayor Heidemann adjourned the meeting at 8:05 p.m.

AYES: All

Meeting adjourned.

Approved by Corinth City Council on the _____ day of _____, 2016.

Kimberly Pence, City Secretary
City of Corinth, Texas

City Council Regular and Workshop Session

Meeting Date: 12/15/2016

Title: November 21, 2016 Special Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

Approval: Lee Ann Bunselmeyer, Acting City Manager

AGENDA ITEM

Consider and act on minutes from the November 21, 2016 Special Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the November 21, 2016 Special Session. The minutes are in draft form and not considered official until formally approval by the City Council.

RECOMMENDATION

Staff recommends approval of the November 21, 2016 Special Session minutes.

Attachments

Minutes

**STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH**

On this the 21st day of November, 2016 the City Council of the City of Corinth, Texas met in a Special Session at the Corinth City Hall at 5:30 PM, located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Present: Bill Heidemann, Mayor
Joe Harrison, Mayor Pro-Tem Sam
Burke, Council Member Lowell
Johnson, Council Member

Absent: Don Glockel, Council Member
Scott Garber, Council Member

Staff Members Present: Fred Gibbs, Planning and Development Director
Guadalupe Ruiz, Human Resources Director
Kim Pence, City Secretary
Brenton Copeland, Technology Services Asst. Manager

***NOTICE IS HEREBY GIVEN** of a Regular Session of the Corinth City Council to be held at Corinth City Hall located at 3300 Corinth Parkway, Corinth, Texas. The agenda is as follows:

CALL TO ORDER:

Mayor Heidemann called the meeting to order at 5:30 p.m.

CITIZENS COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof.* Section 30.041B Code of Ordinance of the City of Corinth.

There was no Citizen Comments made.

BUSINESS AGENDA

1. Consider and act on a Resolution canvassing votes for the Special Election held on Tuesday, November 8, 2016.

Mayor Heidemann – a Special Election was held on Tuesday, November 8, 2016, the following proposition was submitted to the voters and approved.

THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN CORINTH AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR

MAINTENANCE AND REPAIRS OF MUNICIPAL STREETS. THE TAX EXPIRES ON THE FOURTH ANNIVERSARY OF THE DATE OF THIS ELECTION UNLESS THE IMPOSITION OF THE TAX IS REAUTHORIZED.

Votes were cast as follows:

The number of votes cast FOR:	6,061
The number of votes cast AGAINST:	1,621
The number of votes by which the proposition was approved:	6,061
Total votes cast:	7,682

The City Council finds that the election results are favorable for the proposition and therefore orders that the ¼ cent sales tax is hereby reauthorized.

MOTION made by Councilmember Johnson to approve the Resolution canvassing votes for the Special Election held on Tuesday, November 8, 2016. Seconded by Councilmember Burke.

AYES: Councilmember Burke, Councilmember Johnson, Councilmember Harrison
NOES: None
ABSENT: Councilmember Garber, Councilmember Glockel

MOTION CARRIED

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

There were no Council Comments made.

ADJOURN

Mayor Heidemann adjourned the Special Session at 5:45 p.m.

AYES: All

Meeting adjourned.

Approved by Corinth City Council on the _____ day of _____, 2016.

Kimberly Pence, City Secretary
City of Corinth, Texas

City Council Regular and Workshop Session

Meeting Date: 12/15/2016

Title: Site Plan for Sonic drive-in Restaurant

Submitted For: Fred Gibbs, Director

Submitted By: Lori Levy, Senior Planner

Approval: Lee Ann Bunselmeyer, Acting City Manager

AGENDA ITEM

Consider and act on the Site Plan for Sonic drive-in restaurant on property legally described as 1.237 acres out of Lot 2, Block A, CVS Corinth Addition, City of Corinth, Denton County, Texas. (This property is located on the north side of F.M. 2181, west of F.M. 2499).

AGENDA ITEM SUMMARY/BACKGROUND

APPROVAL PROCESS

A Replat for this property and the Site Plan for Sonic is on the December 12, 2016 Planning and Zoning Commission agenda.

Once the Planning and Zoning Commission takes final action on the replat, and the Commission makes a recommendation on the site plan, the Commission’s recommendation will be forwarded to the City Council.

The proposed Sonic drive-in restaurant is located immediately adjacent to CVS on the west, on the north side of F.M. 2181, west of F.M. 2499.

The proposed Sonic drive-in restaurant will have outdoor seating, 32 drive-up parking stalls and 14 regular parking spaces. The proposed restaurant will **not** have drive-through window service. Restaurant uses with outdoor seating and with drive-in service is an allowed use in the (C-2) Commercial zoning district. The applicant intends to build the 1,702 square foot restaurant building on the 1.237-acre proposed Lot 3, Block A.

The applicant is seeking approval of the site plan on proposed Lot 3, Block A, CVS Corinth Addition for the Sonic drive-in restaurant at this time, and is meeting all development requirements.

FINANCIAL SUMMARY

Source of Funding: No funding is required.

RECOMMENDATION

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The site plan is scheduled for the December 12, 2016 Planning and Zoning Commission meeting. Therefore, the Commission's recommendation will be forwarded to the City Council at the Council's December 15, 2016 meeting.

STAFF RECOMMENDATION:

Staff recommends **Approval** of the site plan as presented.

Attachments

Locator Map

Color Perspective

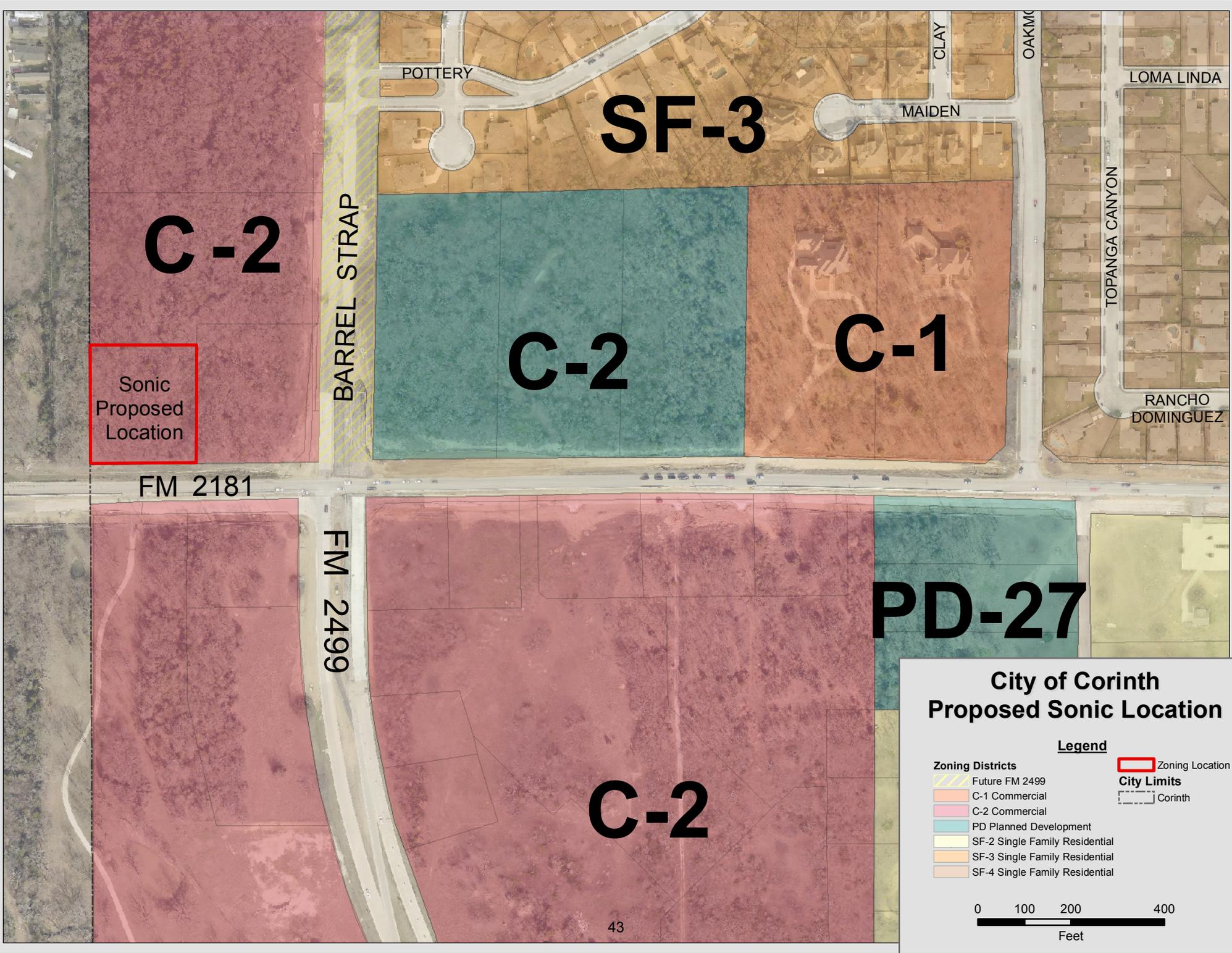
Color Facade

Site Plan

Landscape Plan

Architectural Elevations

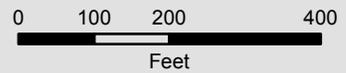
Lighting Plan



Sonic
Proposed
Location

City of Corinth Proposed Sonic Location

- Legend**
- Zoning Location
 - City Limits
 - Future FM 2499
 - C-1 Commercial
 - C-2 Commercial
 - PD Planned Development
 - SF-2 Single Family Residential
 - SF-3 Single Family Residential
 - SF-4 Single Family Residential





SONIC DRIVE-IN

Corinth, TX

LEGEND

- 180 SHUMARD OAK
Quercus shumardi
- 100 LIVE OAK
Quercus virginiana
- 100 CEDAR ELM
Ulmus crassifolia
- 100 CRAPMYRTLE
Loganostroma indica
- 170 YALPOU HOLLY
Ilex verticillata
- 180 BAR HARBOR JUNIPER
Juniperus horizontalis 'Bar Harbor'
- 1000 CLUMP CRAPMYRTLE
Loganostroma indica
- 1000 CLUMP BURFORD HOLLY
Ilex cornuta 'Dwarf Burford'
- 1000 GREEN VELET BOWWOOD
Diospyros virginiana
- SEASONAL COLOR
- ERTHICA SOIL
- DECOMPOSED CRANED GRAVITE



LANDSCAPE REGULATIONS
CORNHILL, TX

LANDSCAPE BUFFERS

REQUIRED: (FM 2181) Landscape buffer width adjacent to collector street = 20'. Within the landscape buffer (1) shade tree (2" caliper minimum) shall be planted per 30 feet of landscape edge. (2) 2' or = 185 sq. ft. / 50 = 7 trees. (3) 20" = 2800 sq. ft. landscape buffer. (4) 20" Landscape buffer and 7 (2" cal.) trees. 3,000 sq. ft. of landscape buffer.

REQUIRED: Where parking lots, drive, and access easements abut the landscaped edge, shrubs (8 gallon minimum) shall be planted to form a contiguous buffer along the common boundary line.

REQUIRED: Screening buffer with 4' (5 gallon) shrubs.

INTERIOR PARKING LANDSCAPE

REQUIRED: There shall be ten (10) square feet of interior parking lot landscaping for each required parking space or a fraction thereof.

42 x 10 = 420 sq. ft. required landscaping.

There shall be one (1) shade tree (2" caliper minimum) or an ornamental tree for every ten (10) parking spaces or a fraction thereof.

42 / 10 = 5 required trees.

REQUIRED: 11,000 sq. ft. interior landscaping.
11 (2" cal.) trees and 25 ornamental trees.

PLANT LIST

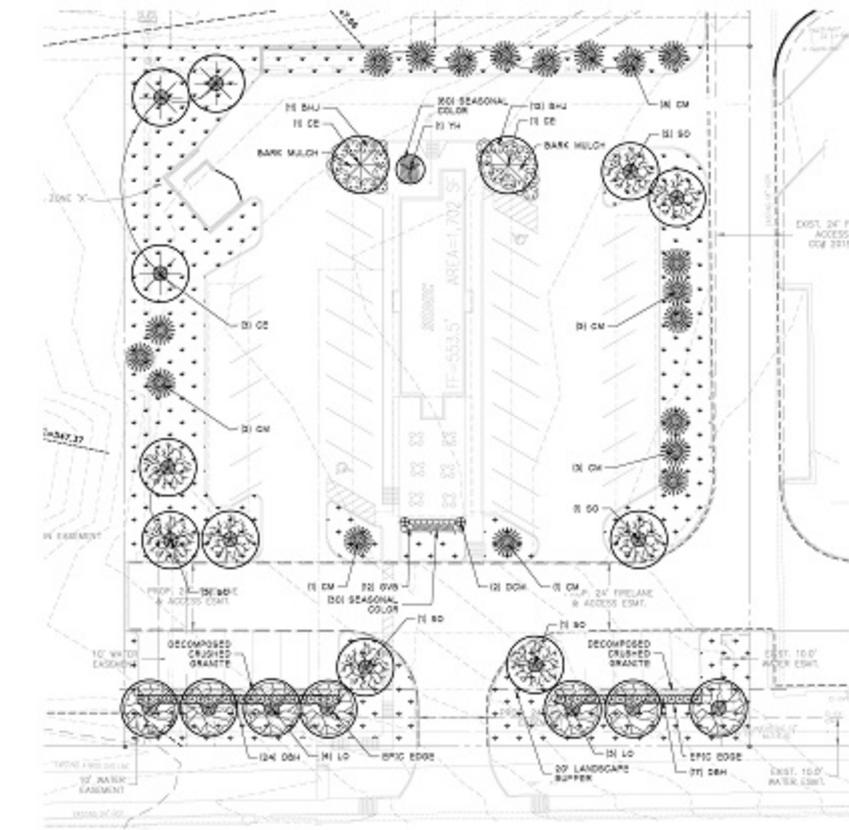
QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	MIN. HT.	SPACE	REMARKS
7	LIVE OAK	<i>Quercus virginiana</i>	3" cal.	10'-12'	6'x6' plan	Single trunk
8	SHUMARD OAK	<i>Quercus shumardi</i>	3" cal.	10'-12'	6'x6' plan	Single trunk
8	CEDAR ELM	<i>Ulmus crassifolia</i>	3" cal.	10'-12'	6'x6' plan	Single trunk
19	YALPOU HOLLY	<i>Ilex verticillata</i>	1 1/2 gal.	5-6'	6'x6' plan	Full
5	CRAPMYRTLE	<i>Loganostroma indica</i>	18 gal.	4-5'	6'x6' plan	Red
2	DWARF CRAPMYRTLE	<i>Loganostroma indica</i>	5 gal.	18"	6'x6' plan	Overl. Red
13	GREEN VELET BOWWOOD	<i>Diospyros virginiana</i>	6 gal.	2'-0"	6'x6' plan	Full
41	DWARF BURFORD HOLLY	<i>Ilex cornuta 'Dwarf Burford'</i>	6 gal.	18"	2'-0" o.c.	Full
23	BAR HARBOR JUNIPER	<i>Juniperus horizontalis 'Bar Harbor'</i>	5 gal.	6"	6'x6' plan	Full
578	SEASONAL COLOR		4" pot	12" o.c.		

LANDSCAPE NOTES

- Contractor shall stake out tree locations and bed configuration for approval by owner prior to installation.
- Contractor is responsible for verifying location of all underground utilities prior to construction.
- It is the responsibility of the contractor to advise the owner of any conditions found at site which preclude installation as shown on these plans.
- All stock and groundcover beds shall have a minimum of 2" of hardwood bark mulch.
- Landscaping shall be located as noted on plan.
- Trees overtopping walls and parking areas shall have a clear trunk height of seven feet.
- Both trunk and ornamental trees will be staked in the right of way with stakings placed only. Must be outside any utility trenches.
- A readily tangible must be provided of all interventions as required by the throughfare standards code. Trees will have a minimum clear trunk branching height of seven feet.
- All plant material shall be monitored in a healthy and growing condition and must be replaced with plant material of similar variety and size if damaged, diseased, or removed.
- Landscaping areas shall be kept free of trash, litter and weeds.
- An automatic irrigation system shall be provided to irrigate all landscape areas. Over spray on streets and walls is prohibited. A permit from the building inspection department is required for each irrigation system. Impact fees must be paid to the development services department for separate irrigation meters prior to any permit release.
- Irrigation Controller to have a rain and freeze shut.
- All landscape to be greater than 6 feet from all underground utilities.
- All areas of grading disturbance are to have grass establishment at 75% coverage prior to later of completion from the city. Mow and seed methods or grass establishment and application of water for grass establishment are at the discretion of the owner and contractor.
- An irrigation system will be designed, installed, and functional prior to the approval of the Certificate of Occupancy.
- The owner shall be responsible for the maintenance, establishment, and performance of plant materials.

SPECIAL NOTES

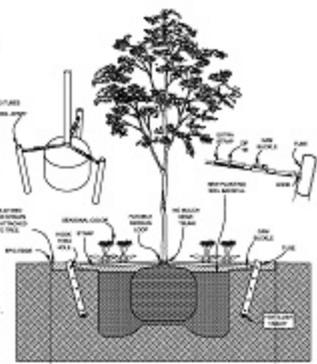
- Provide a 5 ft. diameter tree ring for all canopy trees and 3 ft. diameter ring for specimen trees for interior parking beds.



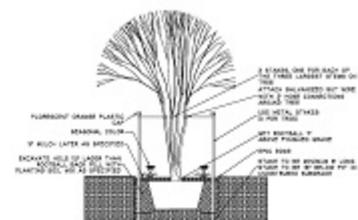
FM 2181
VARIABLE WIDTH ROWS

SPECIFICATIONS

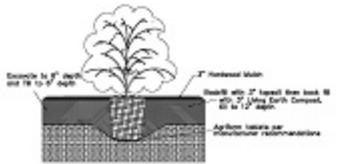
- ITEM 23**
- 3-20" PERFORATED SCA. 40 PVC TUBES
 - 8" IMBEDDED WITH 18MM-R LOOP
 - CM RIGIDULE BY HOKU
- ITEM 24**
- 2-20" PVC
 - 30-100-5, 2 YEAR TIME RELEASE FERTILIZER TABLETS
- ITEM 25**
- 3-20" PERFORATED SCA. 40 PVC TUBES
 - 8" IMBEDDED WITH 18MM-R LOOP
 - CM RIGIDULE BY HOKU
- ITEM 26**
- 2-20" PVC
 - 30-100-5, 2 YEAR TIME RELEASE FERTILIZER TABLETS



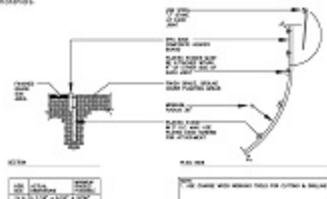
1. TREE STAKING
NOT TO SCALE



2. MULTI TRUNK TREE STAKING
NOT TO SCALE



3. SHRUB DETAIL
NOT TO SCALE



4. EPIC EDGE COMPOSITE HEADER BOARD DETAIL #210
NOT TO SCALE



ENVIRONS GROUP
LANDSCAPE ARCHITECTURE
11111 W. HIGHTWAY 100, SUITE 100
DALLAS, TEXAS 75241
P: 972.961.1111

Ego

SONIC DRIVE-IN
Lot 3, Block A
CIVIC CORPORTH ADDITION
"L30" Area
MC GLOTTLIN, GW SURVEY, ABSTRACT NO. A-488
COURTNEY
DENTON COUNTY, TEXAS

LANDSCAPE PLAN

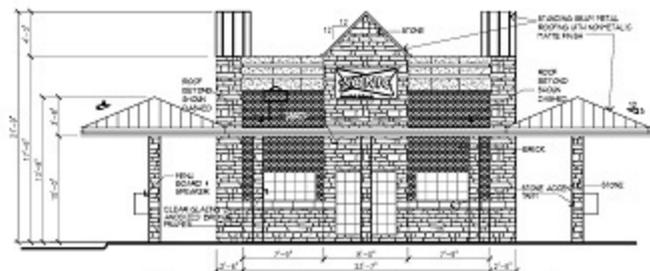
DATE	11/23/2018
BY	JAY HOLMAN
CHECKED BY	JAY HOLMAN
SCALE	AS SHOWN
TITLE	LANDSCAPE PLAN
PROJECT	SONIC DRIVE-IN
CLIENT	SONIC DRIVE-IN
LOCATION	LOT 3, BLOCK A
DATE	11/23/2018

16178W

L1.0

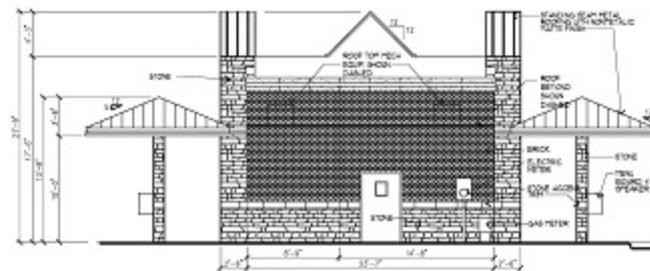
OWNER
CORPORTH RETAIL, DALLAS, LLC
1800 QUORAM DR. #100
DALLAS, TX
P: 972.444.4700
CONTACT: JAY HOLMAN

DEVELOPER
THE ENCORE COMPANIES
706 W. NEW HWY. SUITE 200
GRAPEVINE, TX
P: 817.524-7048
CONTACT: EDWIN CLARK

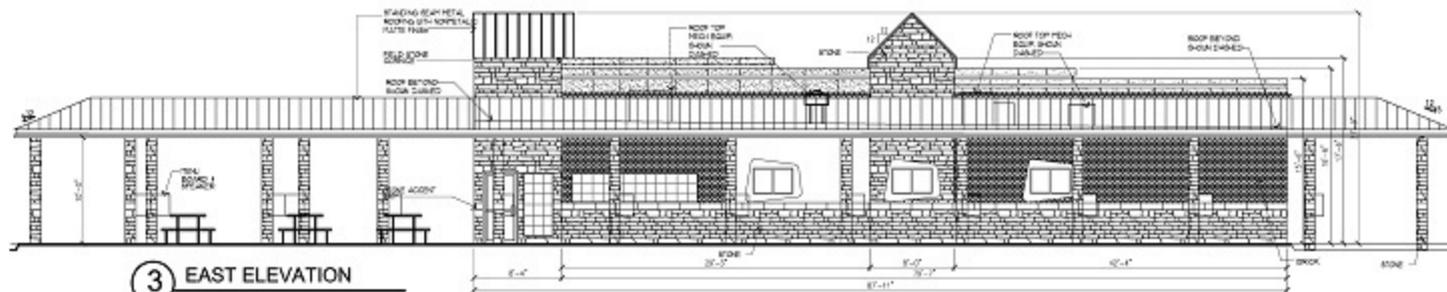


1 SOUTH ELEVATION
Wall 3/4" = 1'-0"

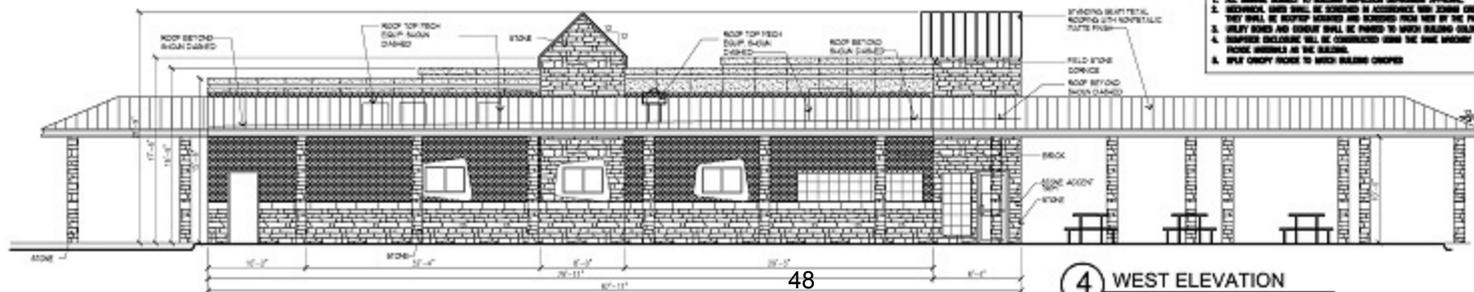
NO. 12. 1/2" DIA. (20") NAILS
NO. 10. 1/2" DIA. (16") NAILS



2 NORTH ELEVATION
Wall 3/4" = 1'-0"



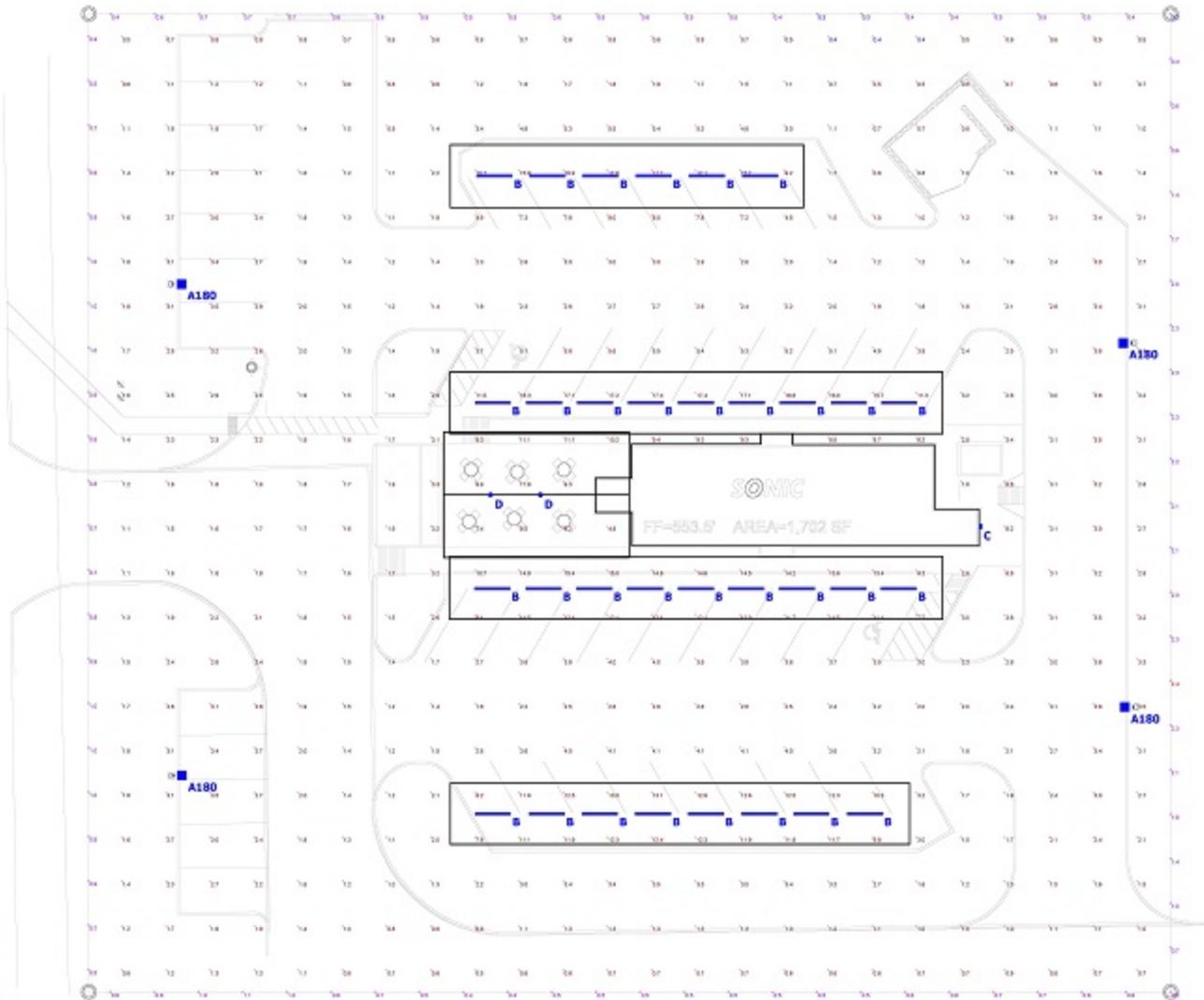
3 EAST ELEVATION
Wall 3/4" = 1'-0"



4 WEST ELEVATION
Wall 3/4" = 1'-0"

- FINISH SPECIFICATIONS**
1. FIELD STONE - JACK STONE - BRICK SHALL BECOME TO MATCH STONE
 2. STONE ACCENT AND - BRICKWORK SHALL BE COMPLETED IN ACCORDANCE WITH STONE CONTRACT
 3. WALLS - JACK BRICK / BRICKWORK SHALL BECOME TO MATCH BRICK
 4. ROOF TOP PEAK - SHALL BE COMPLETED WITH - SLATE SHINGLES

- NOTES**
1. ALL FINISHES SUBJECT TO BUILDING INSPECTION DEPARTMENT APPROVAL.
 2. MATERIAL QUANTITIES SHALL BE DETERMINED IN ACCORDANCE WITH STONE CONTRACT. THEY SHALL BE NOTIFIED IMMEDIATELY AND RECORDED FROM VIEW OF THE PROPERTY WALL.
 3. BRICKWORK AND SHINGLES SHALL BE FINISHED TO MATCH EXISTING WALLS.
 4. SHINGLES INCLUDING SHALL BE COMPLETED WITH THE SAME MANUFACTURER SHINGLES AS THE EXISTING.
 5. SPLY CHIMNEY SHALL TO MATCH EXISTING CHIMNEY



Symbol	Label	Quantity	Manufacturer	Inventory Number	Description	Mounting Height	Light Color	Beam Angle
	A180	4	OSPLC	OSPLC-200ALP1A110A-180-90	180° FIXTURE HEAD MOUNTED 12' HIGH	3000	5.0	30°
	B	44	LUMINA	1000000000	4' x 8' RECESSED 150W (15' LAMP 18 LAMP) MOUNTED TO 4" CANOPY	4000	5.0	40°
	C	1	OSPLC	OSPLC-200ALP1A110A-180-90	WALL-MOUNTED 12' HIGH	3000	5.0	30°
	D	2	4-INCH	4-INCH-200ALP1A110A-180-90	RECESSED 4" x 4" APC	4000	5.0	30°

Statistics	Normal	Avg	Peak	Min	Max	Min/Max	Avg/Min
POWERFUL (W @ 0.7' AMP)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
POWERFUL (W @ 0.7' AMP) (MAXIMUM)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
POWERFUL (W @ 0.7' AMP) (MAXIMUM)	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Plan View
Scale - 1" = 12ft

City Council Regular and Workshop Session

Meeting Date: 12/15/2016

Title: Impact Fee Update Study - Set Future Public Hearing Date

Submitted For: Mike Brownlee, City Engineer

Submitted By: Mike Brownlee, City Engineer

Approval: Lee Ann Bunselmeyer, Acting City Manager

AGENDA ITEM

Discuss and consider setting a public hearing date for February 2, 2017 to receive public comments on Land Use Assumptions, Roadway, Wastewater and Water Impact Fees, Capital Improvement Plan; to consider adoption of the Impact Fee Update Study and, to consider a Maximum Roadway, Wastewater and Water Impact Fee.

AGENDA ITEM SUMMARY/BACKGROUND

Section 395.052 of the Texas Local Government Code mandates periodic updates to the land use assumptions and capital improvements plan for a political subdivision imposing an impact fee. The City of Corinth is working with Kimley-Horn Associates to prepare an updated study for the City of Corinth’s Roadway, Wastewater and Water Impact Fees.

Impact fees are a one-time fee assessed to recover infrastructure costs required to serve new development. The City of Corinth currently assesses impact fees for roadways, wastewater and water. The purpose of this impact fee study is, per the Texas Local Government Code, to provide an analysis which formulates land use assumptions from which to base any needed impact fee changes, and to recommend a maximum water, wastewater and roadway impact fee to the Capital Improvements Advisory Committee (CIAC) and the City Council.

Chapter 395 of the Texas Local Government Code requires a Capital Improvements Advisory Committee (CIAC) be appointed to provide comments on proposed amendments to the impact fees, land use assumptions and capital improvements plan upon which calculation of the impact fee is based. Per the project schedule, the CIAC (Planning and Zoning Commission) will have the opportunity to review, and offer possible comments and recommendations to the City Council regarding the proposed land use assumptions and roadway and water impact fees.

State law requires that cities who have adopted impact fees to periodically study and update the fees. Normally, the impact fees are updated every five years. Corinth last updated our impact fees in December of 2011. A workshop session will be scheduled prior to adoption of the report to brief the Council on the report's findings and provide a discussion forum.

The CIAC (Planning and Zoning Commission) will also have the opportunity to review, and offer possible comments and recommendations to the City Council prior to the Council’s public hearing regarding the proposed land use assumptions and roadway, wastewater and water impact fees.

The proposed project schedule suggests February 2, 2017 as the public hearing date:

- 12/02/2016 Kimley-Horn to Submit Draft Reports for staff review
- 12/02/2016 Kimley-Horn to Provide 5-year CIP for Rate Study Purposes
- 12/15/2016 Set Public Hearing Date at Council
- 12/31/2017 Finalize Reports
- 01/03/2017 Advertise for Public Hearing
- 01/12/2017 Impact Fee Study Update Council Workshop
- 01/23/2017 Present Impact Fees to CIAC
- 02/02/2017 Public Hearing at Council, Consider Adoption of Report, Consider Setting Maximum Fee Levels

At this time, the Council is not requested to take action on any fees. This item is simply to consider scheduling a

public hearing at a future meeting to then consider such approvals. If the City Council chooses to set a future public hearing per the attached project schedule, staff will advertise for the public hearing accordingly, and make available to the public the proposed fees and land use assumptions.

RECOMMENDATION

Staff recommends setting a public hearing date for February 2, 2017 to receive public comments on Land Use Assumptions, Roadway, Wastewater and Water Impact Fees, Capital Improvement Plan; to consider adoption of the Impact Fee Update Study and, consider a Maximum Roadway, Wastewater and Water Impact Fee.

City Council Regular and Workshop Session

Meeting Date: 12/15/2016

Title: Proposed City of Corinth Policy Statement for Tax Abatement

Submitted For: Jason Alexander, Director

Submitted By: Jason Alexander, Director

Approval: Lee Ann Bunselmeyer, Acting City Manager

AGENDA ITEM

Consider and act on the proposed City of Corinth Policy Statement for Tax Abatement.

AGENDA ITEM SUMMARY/BACKGROUND

Chapter 312 of the *Texas Tax Code*, the Property Redevelopment and Tax Abatement Act ("the Act"), authorizes cities, counties and special districts to provide tax abatement benefits to contribute to the expansion of primary employment and to attract major investment. The City adopted an incentives policy (the Tax Abatement and Incentives Policy) on September 5, 2013. Originally conceived to encourage the expansion of industry and manufacturing with tax abatement benefits, there have been more than 1,000 tax abatement agreements executed since the 1980s according to the Texas Municipal League. Tax abatement policies crafted, and implemented pursuant to the Act, allow eligible governing bodies to exempt from taxation all, or a portion of real property and/or tangible personal property (business personal property). However, (i) the eligible governing body may only grant tax abatement to property located within a designated reinvestment zone; (ii) the length of the tax abatement agreement cannot exceed ten (10) years; and (iii) all tax abatement policies must be renewed by the governing body every two (2) years.

The City's tax abatement policy was designed and implemented in accordance with the provisions of the Act, and is contained within the Tax Abatement and Incentives Policy. The City's tax abatement policy, however, is combined with economic development incentives that may be offered pursuant to Chapters 380, 501 and 505 of the *Texas Local Government Code*, which encompasses both Chapter 380 Economic Development Programs and the Development Corporation Act of 1979, as amended. Based on direction received from City Council and the Corinth Economic Development Corporation Board of Directors, the proposed Policy Statement for Tax Abatement is the second half of a rewrite of the existing Tax Abatement and Incentives Policy, and is purposefully designed to distinguish the tax abatement benefits that may be extended to projects pursuant to the Act, from other economic development incentives. The Policy Statement for Tax Abatement, as crafted:

- Reduces the economic qualification for projects from as much as \$2 million to \$250,000;
- Increases the number of projects that may be eligible to receive tax abatement benefits by eliminating facility types;
- Fine-tunes the process for negotiating and considering tax abatement benefits for eligible projects;
- Caps the maximum tax abatement percentage at 60 percent (including a bonus tax abatement of ten percent), however City Council is not limited nor restricted with respect to the terms and percentage; and
- Introduces a flexible time schedule to recapture abated taxes on projects found to be in default of the tax abatement agreement from 60 days to: (i) taxes abated during the same calendar year as the termination are due by January 31st of the following year; (ii) taxes abated for years prior to the year of termination are due within 180 days; and (iii) City Council may elect to extend either deadline and provide a formula to recapture abated taxes.

The proposed Policy Statement for Tax Abatement was crafted pursuant to Chapter 312 of the *Texas Tax Code*, and reflects City Council's vision for achieving and sustaining development of the highest quality and a continuous improvement in the quality of life for Corinth's citizens without impairing the City's financial capabilities.

RECOMMENDATION

Staff recommends City Council approve the proposed City of Corinth Policy Statement for Tax Abatement.

Attachments

Proposed Policy Statement for Tax Abatement
Application Form

20 **WHEREAS**, any economic development incentives granted must be strictly limited in application
21 to those new and existing businesses that bring new wealth to the community in order to avoid reducing the
22 needed tax revenues of area taxing jurisdictions; and

23 **WHEREAS**, the Property Redevelopment and Tax Abatement Act, as codified in Chapter 312 of
24 the *Texas Tax Code* as amended, authorizes municipalities to adopt guidelines and criteria for granting tax
25 abatements; and

26 **WHEREAS**, the City Council of the City of Corinth desires to establish guidelines and criteria for
27 tax abatements;

28

29 **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORINTH,**

30 **TEXAS:**

31

32

I.

33 THAT the facts and recitations contained in the preamble of this Resolution are hereby found and declared
34 to be true and correct, and are incorporated herein in their entirety.

35

II.

36 THAT the City of Corinth elects to become eligible to participate in tax abatement and the Policy Statement
37 for Tax Abatement attached hereto as Exhibit “A” and incorporated herein, is hereby adopted as the
38 guidelines and criteria for the City of Corinth to grant tax abatement as a means to promote sustainable
39 economic development and stimulate business and commercial activity within the City, pursuant to Chapter
40 312 of the *Texas Tax Code*.

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III.

THAT the City of Corinth may elect to make use of the guidelines and criteria in the Statement Policy for Tax Abatement, as set forth in Exhibit “A”, to consider and negotiate tax abatements as incentive to enable and to encourage and sustain meaningful economic growth while also implementing sufficient control over public funds, and that said policy may be leveraged with other incentives provided by the City.

IV.

THAT this Resolution shall be effective immediately upon its approval.

PASSED, APPROVED AND EFFECTIVE this ____ day of _____, 2016.

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

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EXHIBIT “A”

CITY OF CORINTH
POLICY STATEMENT FOR TAX ABATEMENT

SECTION 1.

GENERAL PURPOSE AND OBJECTIVES

The City of Corinth is dedicated to achieving and sustaining the highest quality of development in all areas of the City; and to a continuous improvement in the quality of life for its citizens. These objectives are met, in part, by the enhancement and expansion of the local economy. Towards this end, the City of Corinth may elect, on a case-by-case basis, to give consideration to granting tax abatement as an economic development incentive in accordance with the Property Redevelopment and Tax Abatement Act, as codified in Chapter 312 of the *Texas Tax Code*, as amended (the “Act”).

It shall be the policy of the City of Corinth to make tax abatement available for both new facilities, and for the expansion or modernization of existing facilities. It shall also be the policy of the City of Corinth that said consideration will only be provided in accordance with the procedures and criteria outlined in this Policy Statement for Tax Abatement (“Policy Statement”). Nothing herein shall imply, nor suggest that the City of Corinth is under any obligation or duty to grant tax abatement to any eligible applicant. The City of Corinth may elect to only grant a tax abatement on the increment in value added to a particular property by a specific development proposal meeting the economic development objectives and goals of the City.

83 All applicants shall be considered on a case-by-case basis, and the decision to approve or deny tax
84 abatement shall be at the sole discretion of the City Council. Tax abatement agreements are made with the
85 owners of real property (and/or lessees if required) to exempt from taxation all or a portion of the value of
86 the real property, business personal property or both. The duration of a tax abatement may be for a period
87 of time deemed appropriate by the City Council, based on the economic life of the improvements, and
88 consistent with the provisions of this Policy Statement, but in no case for more than ten (10) years in
89 accordance with state law. Additionally, the City Council may impose terms and conditions in the tax
90 abatement agreement to govern the provision of each specific tax abatement. The City Council shall review
91 and evaluate this Policy Statement every two (2) years to ensure that the economic needs of the City of
92 Corinth are being met in order to promote a strong and balanced local economy.

93

94

SECTION 2.

95

DEFINITIONS

96 Wherever used in this Policy Statement, the following terms shall have these meanings ascribed to them:

97 A. AGREEMENT: shall mean a contractual agreement between a property owner and taxing authority
98 for the purpose of tax abatement.

99 1. In no event shall the duration of a tax abatement term exceed ten (10) years.

100 B. BASE YEAR VALUE: shall mean the taxable value of eligible property at the time of the execution
101 of the tax abatement agreement, plus the agreed upon value of eligible property made after January
102 1st but before the execution of the tax abatement agreement.

- 103 C. BUSINESS PERSONAL PROPERTY: shall mean tangible personal property other than inventory
104 and supplies:
- 105 1. that is subject to ad valorem taxation by the City;
 - 106 2. that is located on the property subject to a tax abatement agreement;
 - 107 3. that is owned or leased by the party or parties to the tax abatement agreement; **and**
 - 108 4. that was not located in the City prior to the effective date of the tax abatement agreement.
- 109 D. DEFERRED MAINTENANCE: shall mean any improvements necessary for continued operations,
110 which do not improve productivity or alter the process technology.
- 111 E. ECONOMIC LIFE: shall mean the number of years a property improvement is expected to be in
112 service in a facility.
- 113 F. EXPANSION: shall mean the addition of buildings, structures, fixed machinery or equipment for
114 the purposes of increasing production capacity or revenues.
- 115 G. FACILITY: shall mean property improvements completed, or in the process of construction, which
116 together comprise an integral whole.
- 117 H. FULL-TIME JOB: shall mean
- 118 1. employment of at least 35 hours per week with full benefits, including at a minimum, health
119 and disability insurance and retirement plan options;
 - 120 2. employment with an average (mean) hourly wage equal to, or above that calculated by the
121 United States Bureau of Labor for the Dallas-Fort Worth-Arlington Metropolitan Statistical
122 Area; and
 - 123 3. does not include seasonal employment.

124 I. INVESTMENT: for the purposes of this Policy Statement, shall be defined as capital expenditures
125 on property and/or equipment as provided in the Act.

126 J. MODERNIZATION: shall mean the replacement and upgrading of existing facilities that increases
127 the productive input or output; updates the technology; and/or substantially lowers the unit cost of
128 operation, thereby extending the economic life of the facility. Modernization may result from the
129 construction, alteration or installation of buildings, structures, fixed machinery or equipment.

130 1. Modernization shall not be for the purpose of reconditioning, refurbishing, repairing or the
131 completion of deferred maintenance.

132 K. NEW FACILITY: shall mean any property previously undeveloped which is placed into service by
133 means other than expansion or modernization.

134 L. REINVESTMENT ZONE: shall mean any area designated as such for the purpose of tax abatement
135 as authorized by the Act.

136 M. TAX ABATEMENT: shall mean the full, or the partial exemption of ad valorem taxes for eligible
137 properties in a reinvestment zone designated as such for economic development purposes.

138 1. Tax abatement may be granted for the real property improvements and/or business personal
139 property.

140 N. VALUE: wherever used in this Policy Statement, shall mean value as determined by an appraisal
141 prepared by the Denton County Appraisal District, unless otherwise specified.

142

143 SECTION 3.

144 **MINIMUM STANDARDS FOR TAX ABATEMENT**

- 145 To be considered for tax abatement, the proposed project must be located within a designated reinvestment
146 zone and meet Paragraphs A and B, and one or more of the following criteria as provided in below:
- 147 A. The proposed project involves a minimum capital investment of Two Hundred and Fifty Thousand
148 Dollars (\$250,000.00) as shown in Section 4; **and**
- 149 B. The proposed project, pursuant to the Act, is located within a designated reinvestment zone; **and**
- 150 C. The proposed project makes a substantial contribution to the City’s redevelopment efforts or special
151 area plans by enhancing functional or visual characteristics (e.g., architecture, landscape, parking,
152 signage, streetscapes, et cetera); **or**
- 153 D. The proposed project will have high visibility or image impact, or is of a significantly higher level
154 of development quality; **or**
- 155 E. The proposed project will serve as a catalyst or magnet to attract other high quality businesses or
156 development; **or**
- 157 F. The proposed project will not solely and primarily have the effect of transferring employment from
158 one part of the City to another; **or**
- 159 G. The cost of City services required to serve the proposed project will not exceed the amount of taxes
160 generated if tax abatement is granted; **or**
- 161 H. The proposed project is located within in an area which might not otherwise be developed because
162 of constraints of topography, ownership patterns or site configuration; **or**
- 163 I. The proposed project stimulates concentrations of employment and/or commercial activity; **or**
- 164 J. The proposed project will be a benefit to existing business and not compete with existing businesses
165 to the extent of being a detriment to the local economy as a whole.

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SECTION 4.

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TAX ABATEMENT AUTHORIZED

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A. CREATION OF NEW VALUE. A tax abatement may only be granted to the added value of eligible

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property improvements made subsequent to, and specified in a tax abatement agreement between

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the City and the property owner and lessee (if required) subject to any such terms and conditions

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as the City Council may require.

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B. ELIGIBLE FACILITIES. A tax abatement may be granted for new facilities, and for expansion or

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modernization of existing facilities.

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1. The economic life of a facility or improvements shall exceed the life of the tax abatement

176

agreement.

177

C. LEASED FACILITIES. If a leased facility is granted a tax abatement, the tax abatement agreement

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shall be executed with the lessor and the lessee.

179

D. ELIGIBLE PROPERTY. A tax abatement may be applied to improvements to real property **and/or**

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business personal property, excluding inventory and supplies, to the extent allowed by state law.

181

E. INELIGIBLE PROPERTY. The following types of property shall generally be fully taxable, and

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ineligible for tax abatement:

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1. deferred maintenance investments;

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2. furnishings and other forms of movable personal property;

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3. housing;

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4. inventory;

- 187 5. land;
- 188 6. supplies;
- 189 7. vehicles;
- 190 8. vessels;
- 191 9. improvements to real property which have an economic life of less than fifteen (15) years;
- 192 10. improvements for the generation or transmission of electrical energy not wholly consumed
- 193 by a new facility or expansion;
- 194 11. any improvements including those to manufacture, store or distribute natural gas, fluids or
- 195 gases, which are not integral to the operation of the facility; **and**
- 196 12. any property owned or used by the State of Texas or any political subdivision of the State
- 197 of Texas.

198 F. MINIMUM CAPITAL INVESTMENT. In order to be considered eligible for a tax abatement, the

199 minimum capital investment for any proposed project shall not be less than Two Hundred and Fifty

200 Thousand Dollars (\$250,000.00).

201 G. TAX ABATEMENT TERM. A tax abatement term shall be granted effective with the January 1st

202 valuation date immediately following the date of execution of the tax abatement agreement.

203 H. TAX ABATEMENT VALUE. The subjective criteria outlined in Section 3 of this Policy Statement

204 will be used by the Board of Directors of the Corinth Economic Development Corporation in order

205 to provide the City Council with a recommendation; and will be used by City Council to determine

206 whether a tax abatement is in the best interests of the City. Specific considerations shall include the

207 (i) degree to which a proposed project will further the City's economic development objectives and

208 goals **and** (ii) the relative economic, physical and social impact of the proposed project on the City.
209 Tax abatement may be granted for new facilities and for the expansion or modernization of existing
210 facilities per Tables 4-A and 4-B. Once a determination has been made that a tax abatement should
211 be granted, the eligible property and term of the tax abatement shall be guided by referencing Tables
212 4-A and 4-B; provided, however, that the aforesaid two tables **are not** controlling. The City Council
213 shall have full power to determine the eligibility, the percentage and the length of tax abatements
214 on a **case-by-case basis**, depending on the full circumstances. In addition:

- 215 1. a proposed project may be eligible for a bonus tax abatement of ten (10) percent providing
216 that the proposed project will create and maintain a minimum of five (5) new full-time
217 jobs; **and**
- 218 2. the maximum percentage of a tax abatement granted under this Policy Statement shall not
219 exceed sixty (60) percent, including a bonus tax abatement, except as specifically provided
220 for in Paragraph I. below.

221 I. **SPECIAL NOTE.** Nothing contained in this Policy Statement shall be construed to limit, or restrict
222 the City Council in the exercise of its sole and absolute discretion in setting terms for tax abatement,
223 or the percentage of tax abatement in any particular application for tax abatement. The City Council
224 may grant a tax abatement if the City Council deems that the tax abatement is in the best interests
225 of the City because:

- 226 1. it will increase or preserve the City's tax base;
- 227 2. it will finance or improve the City's infrastructure;
- 228 3. it will provide, or help acquire or construct public facilities;

- 229 4. it will contribute to the redevelopment or renewal of distressed corridors;
- 230 5. it will contribute to the diversity and quality of the City's business community; **and/or**
- 231 6. it will provide quality employment opportunities within the City, and enhance the skills of
- 232 existing employees so as to support their advancement into higher-paying positions.

233 TABLE 4-A.

234 **CONSTRUCTION OF A NEW FACILITY**

<u>MINIMUM CAPITAL INVESTMENT</u>	<u>PERCENTAGE OF ABATED TAXES</u>	<u>TAX ABATEMENT TERM</u>
\$250,000 - \$499,000	25%	1 year
\$500,000 - \$999,999	25%	3 years
\$1,000,000 - \$4,999,999	25%	5 years
\$5,000,000 - \$9,999,999	50%	7 years
\$10,000,000 or greater	50%	10 years

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237 TABLE 4-B.

238 **EXPANSION OR MODERNIZATION OF AN EXISTING FACILITY**

<u>MINIMUM CAPITAL INVESTMENT</u>	<u>PERCENTAGE OF ABATED TAXES</u>	<u>TAX ABATEMENT TERM</u>
\$250,000 - \$499,000	25%	3 years
\$500,000 - \$999,999	50%	3 years
\$1,000,000 - \$4,999,999	50%	5 years
\$5,000,000 - \$9,999,999	50%	7 years
\$10,000,000 or greater	50%	10 years

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SECTION 5.

PROCEDURAL GUIDELINES

Any individual or corporation desiring for the City to consider granting tax abatement to encourage location or expansion or modernization of operations within Corinth shall be required to comply with the following procedural guidelines:

A. PRELIMINARY APPLICATION STEPS.

1. the applicant shall complete the “Application for Tax Abatement Form” (said application form shall require such financial information and other information as deemed appropriate for evaluating the financial capacity and other factors of the applicant);
2. the applicant shall address all of the criteria outlined in Section 3 in letter format; and
3. the applicant shall prepare a plat or survey showing the precise location of the property and all of the roadways within five hundred (500) feet of the site;
4. the applicant shall prepare a time schedule for undertaking and completing all the planned improvements;
5. the applicant shall provide a tax certificate verifying that there are no past due taxes on the applicant’s property located within the proposed reinvestment zone;
6. the applicant shall provide a study of feasibility, prepared by a certified public accountant, that shall include, but certainly shall not be limited to, (i) an estimate of the economic effect of the abatement of taxes and (ii) the benefit to the City and the property to be covered by such tax abatement;
7. if metes and bounds describe the property, a complete a legal description shall be provided;

- 261 8. in the case of an expansion or a modernization, the applicant shall also include a statement
262 of the facility's current property value, stated separately for the real property and business
263 personal property; **and**
- 264 9. the applicant shall complete all of the forms and information detailed in items 1 through 8
265 above, and shall submit them along with a non-refundable filing fee in the amount of One
266 Thousand Dollars (\$1,000.00) for new businesses; and in the amount of Two Hundred and
267 Fifty Dollars (\$250.00) for existing businesses, for associated administrative costs to the
268 Executive Director of the Corinth Economic Development Corporation.

269 B. APPLICATION REVIEW STEPS.

- 270 1. the Executive Director of the Corinth Economic Development Corporation shall review all
271 the information in the application package detailed in Paragraph A. above for completeness
272 and accuracy within ten (10) working days (additional information may also be requested
273 as needed);
- 274 2. the application package shall be distributed to the appropriate City departments for internal
275 review and comments; **and**
- 276 3. the copies of the complete application package along with staff comments shall be provided
277 to the Board of Directors of the Corinth Economic Development Corporation.

278 C. CONSIDERATION OF THE APPLICATION.

- 279 1. the Board of Directors of the Corinth Economic Development Corporation will then review
280 and consider the application package along with all relevant materials at a regular or special

281 session and provide a recommendation to the City Council (additional information may be
282 requested as needed); **and**

283 2. the recommendation, with all relevant materials, from the Board of Directors of the Corinth
284 Economic Development Corporation will be forwarded to the City Council for their review
285 and consideration at a regular or special session.

286 D. PUBLIC HEARING AND APPROVAL.

287 1. no later than the seventh day before the date of the public hearing, the City shall give and
288 publish notice of the public hearing in accordance with the Act;

289 2. the City Council may hold the public hearing and determine whether the proposed project
290 is feasible and practical and would be of benefit to the land included in the reinvestment
291 zone and to the municipality after the expiration of a tax abatement agreement;

292 3. the City Council may consider adopting an ordinance designating the area described in the
293 legal description of the proposed project as a commercial or industrial reinvestment zone;

294 4. the City Council may consider adopting a resolution approving a tax abatement agreement
295 between the City and the applicant governing the provision of the tax abatement within the
296 reinvestment zone;

297 5. no later than the seventh day before the date on which the City enters into a tax abatement
298 agreement, the City shall deliver written notice in accordance with the Act, to the presiding
299 officer of the governing body of each of the other taxing authorities in which the property
300 subject to the tax abatement agreement is located; **and**

301 6. the governing bodies of the appropriate taxing authorities may consider the ratification of,
302 and participation in the tax abatement agreement between the City and the applicant.

303 E. Information provided by applicants in the application package may be subject to release to the
304 public pursuant to the Texas Public Information Act as codified in Chapter 552 of the *Texas*
305 *Government Code*. However, certain information provided to the City in connection with an
306 application under these Policies and Procedures may be confidential and not subject to public
307 disclosure until the incentives agreement is executed. The City will respond to requests for
308 disclosure as required by law, and will assert exceptions to disclosure as it deems relevant. The
309 City will make reasonable attempts to notify applicants of the request so it may assert its own
310 objections to the Attorney General.

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SECTION 6.

313

MODIFICATION OF TAX ABATEMENT AGREEMENTS

314 Any requests by the applicant to modify the terms and conditions of a tax abatement agreement subsequent
315 to City Council action shall be accompanied by the payment of a non-refundable, modification processing
316 fee in the amount of Five Hundred Dollars (\$500.00) for associated administrative costs.

317

318

SECTION 7.

319

TAX ABATEMENT AGREEMENT

320 A. A tax abatement agreement with the owner of the facility, and the lessee (if required), shall include,
321 but shall not be limited to:

- 322 1. a general description of the project;
- 323 2. a legal description of the property;
- 324 3. the amount of the tax abatement and the percent of value to be abated each year;
- 325 4. the duration of the tax abatement;
- 326 5. the type, number, location and timetable of the planned improvements;
- 327 6. the proposed use of the facility and nature of construction;
- 328 7. any specific terms and conditions to be met by the applicant;
- 329 8. all the contractual obligations in the event of default, delinquent taxes, recapture, violation
330 of terms and conditions and administration and assignment;
- 331 9. a provision that the tax abatement agreement shall include a "buy local" provision in which
332 the recipient of tax abatement shall agree to give preference and priority to local suppliers,
333 manufacturers and labor and contractors, except in situations where not reasonably possible
334 to do so without accruing additional expenses, substantial inconvenience **and/or** sacrifice
335 in operating efficiency (for the purpose of this provision, local shall be construed to be the
336 City of Corinth);
- 337 10. a provision that allows for assignment of the tax abatement agreement with the prior written
338 approval of the City Council (adoption by resolution) provided that: (i) all duties, liabilities,
339 obligations and rights under the tax abatement agreement are assigned from the assignor to
340 the assignee and (ii) the assignment document is in a form and contains content acceptable
341 to the City Attorney; **and**

342 11. a provision that stipulates that the employees and/or designated representatives of the City
343 shall have access to all of the improvements during the term of the tax abatement to inspect
344 the facilities and improvements to determine whether the terms and conditions of the tax
345 abatement agreement are being met (all such inspections shall be conducted in a manner as
346 to not unreasonably interfere with the construction and/or operation of the facility, and all
347 such inspections shall be made with one or more representatives of the property owner in
348 accordance with his/her/its safety standards).

349 B. The City Council shall have full power to impose any other terms and conditions in a tax abatement
350 agreement that the City Council deems necessary to promote the purpose of this Policy Statement.

351 C. The governing body of Denton County and other authorized taxing jurisdictions may also consider
352 participation in the tax abatement agreement between the City and the applicant.

353

354

SECTION 8.

355

DENIAL OF TAX ABATEMENT

356 Neither a reinvestment zone nor a tax abatement agreement shall be authorized if it is determined:

357 A. That there would be a substantial adverse impact on the provision of municipal service or to the tax
358 base;

359 B. That any construction has commenced with regard to a proposed project prior to the execution of a
360 City Council authorized tax abatement agreement;

361 C. That the planned or potential use of the property would constitute a hazard to public safety, morals
362 or health;

- 363 D. That the applicant has insufficient financial capacity;
- 364 E. That violation of other codes, ordinances or regulations exists; **and/or**
- 365 F. For any other reason deemed appropriate by the City Council.

366

367 SECTION 9.

368 **TAXABILITY**

369 From the execution of the tax abatement agreement until the end of the tax abatement period, taxes shall be
370 payable as follows:

- 371 A. The value of ineligible property provided in Section 3 above shall be fully taxable;
- 372 B. The base year value of existing eligible property shall be fully taxable;
- 373 C. The added value of new eligible property shall be taxed in the manner, and for the period provided
374 for in the tax abatement agreement; **and**
- 375 D. The added value of new eligible property shall be fully taxable at the end of the tax abatement term.

376

377 SECTION 10.

378 **RECAPTURE**

379 Should a project granted tax abatement cease to operate for any reason, except for a temporary basis due to
380 fire, explosion, or other accident, casualty or natural disaster; **or** should any terms and conditions of the tax
381 abatement agreement not be satisfied, including projected added value or the creation and retention of the
382 number of new full-time jobs; **or** should the ad valorem taxes on any property owed to the City become
383 delinquent, then in any such event, then the tax abatement agreement may be subject to termination, if the

384 owner fails to cure the default after the City has sent written notice of said default. If the default is not cured
385 in a timely fashion, then all the abated taxes shall be recaptured with accrued interest to the extent allowed
386 by state law, and paid to the City in accordance with the following schedule:

387 A. Taxes abated during the calendar year in which the termination occurs shall be payable to the City
388 by January 31st of the following year; **or**

389 B. Taxes abated for years prior to the year of termination shall be payable to the City within one
390 hundred and eighty (180) calendar days from the date of termination; **and**

391 C. City Council, at their absolute and sole discretion only, may elect to extend either deadline for the
392 repayment of abated taxes. Furthermore, the City Council may also elect at their absolute and sole
393 discretion only, to provide a formula for recapturing abated taxes.

394

395

SECTION 11.

396

ADMINISTRATION

397 A. The owner of property subject to tax abatement shall certify annually to the Executive Director of
398 the Corinth Economic Development Corporation by January 31st that said owner is compliant with
399 each applicable term and condition of the tax abatement agreement. At a minimum, the certification
400 shall include a statement that (i) the property improvements have been completed and (ii) the initial
401 value of the property meets the requirement of the tax abatement agreement. Additionally, each tax
402 abatement agreement shall define any further applicable terms subject to certification.

403 B. The City shall have the right of entry to verify the annual certification. The individual or corporation
404 for which the tax abatement was issued shall provide access to records, files and other information

405 for such an inspection during normal business hours. Failure to allow the City entry will forfeit the
406 tax abatement agreement, and cause repayment of all abated taxes and accrued interest to become
407 due. If the City requests, the individual or corporation shall, at their own cost, audit the equipment
408 or approved replacement equipment to assure the City that the equipment is still in good working
409 order and that all equipment originally made part of the tax abatement is in good working condition.

410

411

SECTION 12.

412

SUNSET PROVISION

413 This Policy Statement shall be effective upon the date of its adoption, and shall remain in full force for two
414 (2) years, at which time its provisions shall be evaluated and reviewed by City Council to determine whether
415 the City's economic development objectives have been achieved. Based on that evaluation and review, this
416 Policy Statement will be modified, renewed or eliminated. Provided, however, that nothing set forth herein
417 shall affect the terms and conditions of tax abatement agreements that are entered into before, or during the
418 applicable term of this Policy Statement.

419

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SECTION 13.

421

RESERVATION OF RIGHTS

422 Nothing in this Policy Statement shall limit the authority of the City to examine each application for tax
423 abatement before it on a **case-by-case basis** and to determine in its sole and absolute discretion whether or
424 not a proposed project should be granted a tax abatement; **and** whether or not it complies with this Policy

425 Statement; **and** whether or not the proposed abatement of taxes will inure to the long-term benefit of such
426 taxing authority.

427

428 SECTION 14.

429 **SEVERABILITY**

430 Should any section, subsection, paragraph, sentence, phrase or word in this Policy Statement is held to be
431 invalid, illegal or unconstitutional by a court of competent jurisdiction, the balance of this Policy Statement
432 shall stand and shall remain enforceable.



APPLICATION FOR TAX ABATEMENT FORM

The City of Corinth is dedicated to achieving and sustaining the highest quality of development in all areas of the City; and to a continuous improvement in the quality of life for its citizens. To this end, the City may elect, on a case-by-case basis, to give consideration to providing tax abatement benefits pursuant to the City of Corinth Policy Statement for Tax Abatement (“Policy Statement for Tax Abatement”) as authorized by Chapter 312, the Property Redevelopment and Tax Abatement Act, of the *Texas Tax Code*. It is the policy of the City that said consideration will be provided in accordance with the guidelines and criteria set forth therein. Nothing contained in the Policy Statement for Tax Abatement shall imply or suggest that the City is under any obligation to provide tax abatement benefits to any applicant. All applications for tax abatement benefits shall be considered on a case-by-case basis; and should be filed with the **Executive Director of the Corinth Economic Development Corporation, 3300 Corinth Parkway, Corinth, Texas, 76208.**

A. APPLICANT INFORMATION:

1. COMPANY NAME: _____
2. COMPANY REPRESENTATIVE: _____
3. COMPANY TITLE: _____
4. WEBSITE ADDRESS: _____
5. MAILING ADDRESS: _____
6. CITY, STATE, ZIP: _____
7. TELEPHONE NUMBER: _____
8. E-MAIL ADDRESS: _____

B. PROPERTY OWNER (IF NOT THE SAME AS ITEM A):

- 1. NAME: _____
- 2. MAILING ADDRESS: _____
- 3. CITY, STATE, ZIP: _____
- 4. TELEPHONE NUMBER: _____
- 5. E-MAIL ADDRESS: _____

C. WILL THE APPLICANT:

- 1. OWN THE BUILDING: ___ YES ___ NO
- 2. LEASE THE BUILDING: ___ YES ___ NO
- 3. IF LEASING, WHAT IS THE LENGTH OF THE LEASE?

D. DESCRIBE THE COMPANY'S PRODUCTS AND/OR SERVICES.

E. PROJECT THE NUMBER OF NEW FULL-TIME JOBS THIS PROJECT WILL CREATE WITHIN TEN (10) YEARS FROM THE ESTIMATED DATE OF OCCUPANCY, OR THE INITIATION OF OPERATIONS. FOR THE PURPOSE OF THIS APPLICATION, "FULL-

TIME JOB” SHALL BE DEFINED AS ASCRIBED IN THE POLICY STATEMENT FOR TAX ABATEMENT.

F. PROJECT THE NUMBER OF FULL-TIME JOBS THIS PROJECT WILL RETAIN, TEN (10) YEARS FROM THE ESTIMATED DATE OF OCCUPANCY, OR THE INITIATION OF OPERATIONS.

G. PROJECT THE NUMBER OF FULL-TIME JOBS THIS PROJECT WILL CREATE AND RETAIN IN EACH CATEGORY, AND AT THE ESTIMATED DATE OF OCCUPANCY, OR THE INITIATION OF OPERATIONS:

1. EXECUTIVE. _____
2. PROFESSIONAL. _____
3. MANAGERIAL. _____
4. TECHNICAL. _____
5. GENERAL STAFF. _____
6. PRODUCTION STAFF. _____
7. TOTAL: _____

H. ATTACH A ROSTER OF ALL CREATED AND RETAINED POSITIONS, ALONG WITH THE AVERAGE ANNUAL SALARIES AND WAGES PER POSITION.

I. THE PROJECTED PAYROLL AT:

1. THE ESTIMATED DATE OF OCCUPANCY, OR INITIATION OF OPERATIONS.
-

2. THE END OF TEN (10) YEARS.

J. PROJECT THE NUMBER OF FULL-TIME JOBS, CREATED AND RETAINED, TO BE FILLED BY CURRENT AND FUTURE RESIDENTS OF THE CITY OF CORINTH TEN (10) YEARS FROM THE ESTIMATED DATE OF OCCUPANCY, OR THE INITIATION OF OPERATIONS.

K. INDICATE THE NUMBER OF ACRES OF REAL PROPERTY TO BE DEVELOPED OR IMPROVED.

L. FOR THE REAL PROPERTY TO BE DEVELOPED OR IMPROVED, PLEASE ATTACH THE FOLLOWING AS REQUIRED IN SECTION 5 OF THE POLICY STATEMENT FOR TAX ABATEMENT:

1. A WRITTEN RESPONSE TO ALL OF THE CRITERIA OUTLINED IN SECTION 3.
2. A TIME SCHEDULE TO UNDERTAKE AND COMPLETE THE PROJECT.
3. A PLAT OR SURVEY OF THE PROPERTY, WITH METES AND BOUNDS, AND ALL OF THE ROADWAYS WITHIN 500 FEET OF THE SITE.
4. A TAX CERTIFICATE TO VERIFY THAT THERE ARE NO PAST DUE TAXES ON THE PROPERTY.
5. A STUDY OF FEASIBILITY PREPARED BY A CERTIFIED PUBLIC ACCOUNTANT THAT (I) ESTIMATES THE ECONOMIC EFFECT OF THE ABATEMENT OF TAXES AND (II) THE BENEFIT TO THE CITY AND THE PROPERTY TO BE COVERED BY

SUCH TAX ABATEMENT. THE STUDY OF FEASIBILITY MAY CONTAIN OTHER SUPPORTING INFORMATION ON THE PROJECT.

M. DESCRIBE THE PROPOSED REAL PROPERTY IMPROVEMENTS.

N. THE EXISTING VALUE OF REAL PROPERTY TO BE DEVELOPED OR IMPROVED (PLEASE ATTACH A COPY OF THE MOST RECENT PROPERTY TAX STATEMENT FROM THE DENTON COUNTY APPRAISAL DISTRICT).

O. THE EXISTING VALUE OF BUSINESS PERSONAL PROPERTY (PLEASE ATTACH A COPY OF THE MOST RECENT PROPERTY TAX STATEMENT FROM THE DENTON COUNTY APPRAISAL DISTRICT).

P. THE ESTIMATED VALUE OF REAL PROPERTY IMPROVEMENTS.

Q. THE ESTIMATED VALUE OF BUSINESS PERSONAL PROPERTY TO BE ADDED.

R. THE TOTAL ESTIMATED VALUE OF REAL PROPERTY IMPROVEMENTS AND/OR BUSINESS PERSONAL PROPERTY TO BE ADDED (TOTAL OF ITEMS P AND Q).

S. WHAT IS THE EXPECTED ECONOMIC LIFE OF ALL PROPERTY IMPROVEMENTS (ECONOMIC LIFE, FOR THE PURPOSES OF THIS APPLICATION, SHALL BE AS DEFINED IN THE POLICY STATEMENT FOR TAX ABATEMENT)?

T. PROVIDE A BRIEF NARRATIVE OF THE PUBLIC INFRASTRUCTURES AND PUBLIC SERVICES REQUIRED FOR THE PROJECT:

1. ELECTRICITY.

2. NATURAL GAS.

3. ROADWAYS.

4. TELECOMMUNICATIONS.

5. WASTEWATER.

6. WATER.

U. HOW WILL THIS PROJECT ATTRACT OTHER NEW BUSINESSES TO CORINTH?

V. WHAT IS THE EXPECTED BENEFIT TO THE LOCAL ECONOMY (I.E., PROJECTED LOCAL ANNUAL PROPERTY AND SALES TAX GENERATED DIRECTLY FROM THE PROJECT)? ATTACH A BUSINESS PRO FORMA OR OTHER DOCUMENTATION TO PROJECT THE EXPECTED BENEFITS BY EACH YEAR, FOR TEN (10) YEARS AFTER PROJECT COMPLETION.

W. IS THE PROPERTY APPROPRIATELY ZONED FOR THIS PROJECT?

___ YES ___ NO

X. WILL THE PROJECT REQUIRE ANY VARIANCES FROM THE CITY OF CORINTH'S CODES, ORDINANCES OR REGULATIONS (E.G., BUILDING CODES, ELECTRICAL CODES, PLUMBING CODES, ZONING ORDINANCES, ET CETERA)?

___ YES ___ NO

Y. IS THE PROPERTY PLATTED?

___ YES ___ NO

Z. IF YES, WILL RE-PLATTING BE NECESSARY?

___ YES ___ NO

APPLICATIONS FOR TAX ABATEMENT BENEFITS SHALL BE ACCOMPANIED BY A NON-REFUNDABLE FILING FEE, ACCORDING TO SCHEDULE PROVIDED IN BELOW.

TAX ABATEMENT REQUEST

A NEW BUSINESS: \$1,000.00

AN EXISTING BUSINESS: \$250.00

MODIFICATION OF A TAX ABATEMENT AGREEMENT

ALL BUSINESSES: \$500.00

UPON RECEIPT OF THIS APPLICATION, AND THE ACCOMPANYING NON-REFUNDABLE FILING FEE, THE CITY OF CORINTH SHALL REQUIRE SUCH FINANCIAL AND OTHER INFORMATION AS MAY BE DEEMED APPROPRIATE FOR EVALUATING THE FINANCIAL CAPACITY AND OTHER RELEVANT FACTORS OF THE APPLICANT.

I certify that the information contained in this application (including all attachments) to be true and accurate to the best of my knowledge. I further certify that I have read the “City of Corinth Policy Statement for Tax Abatement,” and that I agree to comply with the guidelines and criteria stated therein, and that participation in such tax abatement benefits does not eliminate any obligation on my part to satisfy all codes, ordinances and regulations of the City of Corinth, Texas, or any other governmental entity that has jurisdiction regarding this project. The undersigned is authorized in all respects to submit this application on behalf of the named company:

PRINT NAME: _____

SIGNATURE: _____

COMPANY: _____

TITLE: _____

DATE: _____