

ORDINANCE NO. 104-23

**AN ORDINANCE CONSENTING TO AN ENTERPRISE ZONE TAX
ABATEMENT AGREEMENT BETWEEN THE CITY OF AVON, THE BOARD OF
LORAIN COUNTY COMMISSIONERS, ADVANCED POLYMER COATINGS, INC.,
AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF AVON TO
EXECUTE AN ENTERPRISE ZONE AGREEMENT WITH THIS ENTITY AND
AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO TRANSMIT A
CERTIFIED COPY OF THIS ORDINANCE ALONG WITH THE ENTERPRISE ZONE
AGREEMENT TO THE BOARD OF LORAIN COUNTY COMMISSIONERS
FOR FURTHER CONSIDERATION BY THE BOARD
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Ordinance No. 44-94, the City of Avon requested that the Board of County Commissioners of Lorain County petition the Director of the Department of Development of the State of Ohio to certify a portion of the City of Avon described in the Exhibits to Ordinance No. 44-94 as Urban Jobs and Enterprise Zone (Rural); and

WHEREAS, on April 7, 1994, the Board of Lorain County Commissioners, by Resolution No. 94-260, petitioned the Director of Development of the State of Ohio to certify a portion of the City of Avon described in the Exhibits to Ordinance No. 44-94 of the City of Avon as a Urban Jobs and Enterprise Zone (Rural); and

WHEREAS, effective May 24, 1994, the Director of Development of the State of Ohio approved an amendment of the Urban Jobs and Enterprise Zone (Rural) and certified a portion of the City of Avon as described in the Exhibits to Ordinance No. 44-94 as an Urban Jobs and Enterprise Zone (Rural) under Section 5709.63 of the Ohio Revised Code; and

WHEREAS, Advanced Polymer Coatings, Inc. an Ohio corporation, has submitted an Enterprise Zone Tax Abatement Proposal setting forth the outline of a plan to construct an addition to its existing manufacturing facility of approximately 20,000 square feet on Permanent Parcel Numbers 04-00-021-000-301 (hereinafter referred to as the Project within the Urban Jobs and Enterprise Zone (Rural) in the City of Avon, to hire new employees, and preserve employment opportunities for existing employees of Advanced Polymer Coatings, Inc. in the City of Avon Enterprise Zone, and has requested that the City of Avon grant one or more tax abatement incentives as set forth in Section 5709.62 of the Ohio Revised Code in exchange for implementation of the aforementioned plan; and

WHEREAS, a Public Hearing was duly publicized according to law and was held on October 2, 2023, at 7:30 p.m.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the Mayor is hereby authorized and directed to execute, on behalf of the City of Avon, an Enterprise Zone Agreement with Advanced Polymer Coatings, Inc., in substantially the form as set forth in Exhibit A attached hereto and made a part hereof.

Section 2 - That the Clerk of Council is hereby directed to immediately transmit a certified copy of this Ordinance, along with the Enterprise Zone Agreement to the Board of Lorain County Commissioners for further consideration by the Board.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare of Avon residents, for the purpose of consenting to an enterprise zone agreement with Advanced Polymer Coatings, Inc. to make additional employment available and to preserve employment opportunities at Advanced Polymer Coatings, Inc. located in the City of Avon; therefore, this ordinance is hereby declared to be an emergency and shall take effect and be in full force immediately upon its passage and approval by the Mayor.

PASSED: October 10, 2023 DATE SIGNED: October 10, 2023

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR October 11, 2023

[Signature]
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Ordinance No. 104-23 (Con't.)

Posted: October 12, 2023
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director, City of Avon

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 104-23, passed by the Council of said City on October 10, 2023.

IN WITNESS WHEREOF, I have on this 13th day of October 2023, affixed my signature and official seal.


Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

OHIO ENTERPRISE ZONE AGREEMENT

This agreement made and entered into by and between the City of Avon, Lorain County, Ohio, an Ohio Municipal Corporation, with its main offices located at 36080 Chester Road, Avon, Ohio 44011 (hereinafter referred to as the "City" or as "Avon") and Advanced Polymer Coatings, Inc. an Ohio Corporation, with their main offices located at 951 Jaycox Road, Avon, OH 44011, (hereinafter referred to as "Advanced").

WITNESSETH:

WHEREAS, the City of Avon has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, Advanced Polymer Coatings is desirous of expanding their Corporate Headquarters on their property, (Permanent Parcel Nos. 04-00-021-000-301 & 04-00-021-000-302) to construct a new twenty thousand (20,000) square foot facility to consolidate operations and permit expansion of its product lines (hereinafter referred to as the "PROJECT") within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, completion of the project is necessary for Advanced to invest in expansion of its operations which will result in keeping employed forty (40) current employees while expanding to an additional ten (10) new full-time jobs within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, Avon City Council, by Ordinance No. 44-94, adopted March 28, 1994, designated the area as an "Enterprise Zone" pursuant Chapter 5709 of the Ohio Revised Code and as affirmed by the Board of County Commissioners of Lorain County, Ohio; and

WHEREAS, effective May 24, 1994, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Ordinance No. 44-94 contains the characteristics set forth in Section 5709.61(A) of the Ohio Revised Code and certified said area as an Enterprise Zone under said Chapter 5709; and

WHEREAS, the City of Avon, with the approval of the Lorain County Board of County Commissioners of Lorain County, Ohio has the appropriate authority for the stated type of project, and is desirous of providing Advanced with incentives available for the development of the PROJECT in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Advanced has submitted a proposed agreement application to the City of Avon, Ohio, said application is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, Advanced has remitted the required state application fee of Seven Hundred Fifty Dollars (\$750.00) made payable to the Ohio Department of Development Services Agency with the application to be forwarded with the final agreement; and

WHEREAS, the Mayor and Lorain County Economic Development have investigated the application of Advanced and has recommended the same to the Avon City Council and the Lorain County Board of County Commissioners of Lorain County, Ohio on the basis that Advanced is

qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of the City of Avon and Lorain County; and

WHEREAS, on September 5, 2023, the City Council's Economic Development Committee ("Committee") met and unanimously voted to recommend that an agreement be approved consistent with the terms enumerated below; and

WHEREAS, the project site as proposed by Advanced is located in the Avon Local School District and the Lorain County Joint Vocational School District and such Boards of Education of these school districts have been notified (Exhibits B-1, B-2 and C-1, C-2) in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 5709.62(C), 5709.63(A) or 5709.632 and in conformance with the format required under Section 5709.631 of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Advanced Polymer Coatings, Inc. shall construct a twenty thousand (20,000) square foot expansion of their Corporate Headquarters at 951 Jaycox Road, Avon, Ohio, to house its office, manufacturing, and warehouse operation and to permit consolidation of its operations and expansion of its product lines. Said facility shall be constructed on their property, a portion of which is located on Permanent Parcel No. 04-00-021-000-301 and a portion on Parcel No. 04-00-021-000-302 as the same is known and designated on the Auditor's revised list of lots in the second ward of the City of Avon, Ohio. Legal Description of parcels are attached as Exhibit D.

In addition, Advanced will invest and install new machinery and equipment in the amount of Three Million Three Hundred Thousand Dollars (\$3,300,000), Furniture and Fixtures in the amount of One Hundred Fifty Thousand Dollars (\$150,000), Inventory in the amount of One Million Seven Hundred Eighty-Seven Thousand Six Hundred Forty-Eight Dollars (\$1,787,648) for a total Personal Property Investment of Five Million Two Hundred Sixty-Seven Thousand Six Hundred Forty-Eight Dollars (\$5,267,648).

The PROJECT will begin no earlier than November 1, 2023, and all acquisition, construction and installation will be completed by November 1, 2024.

2. Advanced shall create within a time period not exceeding thirty-six (36) months after the completion of construction of the aforementioned facility, the equivalent of ten (10), new full-time permanent job opportunities, and Advanced will use its best efforts to retain its forty (40) existing full-time equivalent jobs at the 951 Jaycox Road facility.

Advanced schedule for hiring is as follows: create three (3) new jobs in year one; three (3) new jobs in year two; and four (4) new jobs in year three. The job creation period begins January 1, 2025, and all jobs will be in place by December 31, 2028.

This increase in the number of employees will result in approximately Seven Hundred Seventy-Five Thousand Dollars (\$775,000) of additional annual payroll for Advanced Polymer Coatings with ten (10), full-time permanent positions. The retention of the existing jobs will maintain the current annual payroll of Three Million Four Hundred Twenty-Three Thousand Eight Hundred and Sixty-Six Dollars (\$3,423,866).

3. Advanced shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council."

The Ohio Department of Development, (ODOD), suggests enterprises receiving personal property tax incentives be required to supply a copy of the Ohio Department of Taxation State Tax Return Form 913 to the Tax Incentive Review Council for each year the agreement is in effect or required to be reviewed.

4. In the event that Advanced meets its hiring goals, the City of Avon hereby grants to Advanced a tax exemption for real property improvements made to the PROJECT site pursuant to Sections 5709.62, 5709.63 or 5709.632 of the Ohio Revised Code and shall be in the following amounts:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
<u>YR 1</u>	<u>75%</u>
<u>YR 2</u>	<u>75%</u>
<u>YR 3</u>	<u>75%</u>
<u>YR 4</u>	<u>50%</u>
<u>YR 5</u>	<u>50%</u>
<u>YR 6</u>	<u>50%</u>
<u>YR 7</u>	<u>50%</u>
<u>YR 8</u>	<u>50%</u>
<u>YR 9</u>	<u>50%</u>
<u>YR 10</u>	<u>50%</u>

The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. The exemption shall commence in the year in which the improvements become taxable on the Lorain County Auditor's tax list and shall extend for no more than ten (10) years beyond that date.

Advanced must file the appropriate tax forms (DTE 23) with the County Auditor and Form 913 with the State Department of Taxation to effect and maintain the exemptions covered in the agreement. The Form 913 Ohio tax form **must** be filed annually.

5. Advanced shall pay an annual fee equal to the greater of one percent (1%) of the dollar value of incentives offered under the agreement or Five Hundred Dollars (\$500):

provided, however, that if the value of the incentives exceeds Two Hundred Fifty Thousand Dollars (\$250,000), the fee shall not exceed Two Thousand Five Hundred Dollars (\$2,500).

The fee shall be made payable to the Lorain County Commissioners once per year for each year the agreement is effective on the days and in the form of a certified check. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 5709.68 of the ORC and by the tax incentive review council created under section 5709.85 exclusively for the purposes of performing the duties prescribed under that section.

6. Advanced shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If Advanced fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
7. The City of Avon shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.
8. If for any reason the Enterprise Zone designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or the City of Avon revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless Advance materially fails to fulfill their obligations under this Agreement and the City terminates or modifies the exemptions from taxation granted under this Agreement
9. If Advanced materially fails to fulfill its obligations under this agreement, or if the City of Avon determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Avon may terminate or modify the exemptions from taxation granted under this agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.
10. Advanced hereby certifies that at the time this agreement is executed, Advanced does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio and does not owe delinquent taxes for which Advanced is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, Advanced is currently paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against them. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

11. Advanced affirmatively covenants, that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any monies to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other monies to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.
12. Advanced Polymer Coatings, Inc. and the City of Avon acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Avon and the Lorain County Board of Commissioners as a condition for the agreement to take effect. This agreement takes effect upon such approvals.
13. The City of Avon has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this agreement, Advanced Polymer Coatings, Inc. is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
14. Exemptions from taxation granted under this agreement shall be revoked if it is determined that Advanced, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Sections 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or any of those sections.
15. Advanced affirmatively covenants that they have made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of either has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, the offending party shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to ORC Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.13(D)(1), which is punishable by a fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.
16. This agreement is not transferrable or assignable without the express, written approval of the City of Avon.

WITNESS WHEREOF, the City of Avon, Ohio, by Bryan K. Jensen, its Mayor, and pursuant to Ordinance No. 104-23, has caused this instrument to be executed this 10th day of October, 20 23. Advance Polymer Coatings, Inc. through its President, David Keehan, has caused this instrument to be executed on this 11th day of October, 20 23.

FOR: The City of Avon


By: Bryan K. Jensen, Mayor

FOR: Lorain County

By:

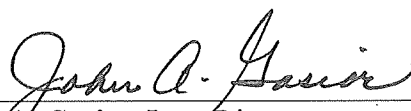
FOR: Advanced Polymer Coatings, Inc.


By: David Keehan

Title: President

(Authorized County Official)

Approved as to form:


John A. Gasior, Law Director
City of Avon, Ohio
36080 Chester Road
Avon, Ohio 44011
(440) 934-7676

NOTE:

A copy of this agreement must be forwarded to the Ohio Departments of Taxation and Development within fifteen (15) days of approval to be finalized.

OHIO DEVELOPMENT SERVICES AGENCY

OHIO ENTERPRISE ZONE PROGRAM APPLICATION -- City of Avon

The project cannot begin until the community and the county approve the agreement.

PROPOSED AGREEMENT for Enterprise Zone Tax Incentives between the City of Avon located in the County of Lorain, Ohio, and Advanced Polymer. (This completed application is to be submitted to the Community)

1a. Name of business, home, or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Real Property Owner Operating Company

Advanced Polymer Coatings

951 Jaycox Road, Avon Ohio

David Keehan

440-714-5300 Mobile

440-937-5747

Email: Dave.Keehan@adv-polymer.com

1b. Project site: 951 Jaycox Road, Avon Ohio 44011

Contact Person Address / Telephone Number David Keehan (440)714-5300

2a. Nature of business (manufacturing, distribution, wholesale or other). Manufacturing

2b. List primary 6 digit NAICS # 325510

Business may list other relevant SIC numbers. 285110203

2c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred) N/A

2d. Form of business of enterprise (corporation, partnership, proprietorship, or other). Corporation

3. Name of principal owner(s) or officers of the business (attach list if necessary).

Arlene Keehan (46%), Denise Keehan (23%), David Keehan (23%) and Darrin Keehan (8%)

4. Is business seasonal in nature? Yes _____ No XX

5a. State the enterprise's current employment level at the proposed project site: 40 Employees

5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions.

Yes _____ No XX

5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located: N/A

5d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees): 39 Full Time Employees

5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: N/A

5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? N/A

6a. Has the Enterprise previously entered into an Enterprise Zone Agreement with the local legislative authorities at any site where the employment or assets will be relocated as a result of this proposal?

Yes _____ No XX

6b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement: N/A

7. Does the Enterprise owe :

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state? Yes _____ No XX

b. Any money to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes _____ No XX

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not. Yes _____ No XX

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary). N/A

8. Project Description and Parcel number: (attach additional pages if necessary): Expansion of manufacturing and storage/shipping facility on property located at 951 Jaycox Road, Avon, OH 44011.

9. Project will begin July 1, 2023 and be completed , March 1, 2024 provided a tax exemption is provided.

10a. **Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and permanent and temporary): 10 New Full Time Permanent Positions

10b. State the time frame of this projected hiring: 3 yrs.

The Ohio Development Services Agency recommends a 3-year job creation period.

10c. The job creation period will begin approximately March 1, 2024 and be completed by March 1, 2027.

10d. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):

Year 1 Three (3) Full Time Permanent Positions

Year 2 Three (3) Full Time Permanent Positions

Year 3 Four (4) Full Time Permanent Positions

11a. Estimate the amount of annual payroll such new employees will add (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

Year 1 \$225,000 based on Three Full Time Permanent Positions

Year 2 \$231,750 based on Three Full Time Permanent Positions

Year 3 \$318,270 based on Four Full Time Permanent Positions

11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project:

Full-Time: \$ -NA- Part-Time: \$ -NA- .

12. Market value of the existing facility as determined for local property taxation. \$ 1,219,380.00

13a. Business's total current investment in the facility as of the proposal's submission.

\$ 1,392,974.00

13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average \$ value per most recent 12-month period) in which the agreement is entered into (baseline inventory): \$ 3,376,299.00

14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate, or occupy a facility:

*A. Land: \$ 1,400,000.00

*B. Acquisition of Buildings: \$ Included in Land

C. Additions/New Construction: \$ \$6,750,000.00

D. Improvements to existing building: \$ 1,000,000.00

Total Real Property Investment \$ 9,150,000.00

**Note: Land and acquisition of building investments are not eligible for tax abatement. You may list the personal property amount to show the community the total amount of the project, however Personal Property is no longer taxable in Ohio.*

E. Machinery & Equipment: \$ 3,330,000.00.

F. Furniture & Fixtures: \$ 150,000.00

G. Inventory: \$ 1,787,648.00

Total Personal Property Investment \$ 5,267,648.00

Project Eligibility Determination: The total investment of an EXPANSION project must be greater than 10% of the market value of the facility assets already owned at the site prior to such expenditures. RENOVATION projects must exceed 50% and OCCUPYING a vacant facility must exceed 20%. Projects establishing a new facility must represent a "significant" new investment.

15a. Business requests the following tax exemption incentives: % for years covering real property, 75% first five years, 50% next five years for a total of ten years, and/or personal property including inventory N/A as described above. Be specific as to type of assets, rate, and term.

15b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

Advanced Polymer Coatings is planning a significant investment in the business to expand facilities and capabilities to accommodate current and future planned growth. As detailed above the investment will be more than \$10 million and enable APC to achieve its growth strategy.

Our goal is to make this investment in conjunction with a municipal partner that is also invested and committed to mutual civic and financial growth.

Based on our plans and forecasts for the business the investment we are considering would provide the following benefits (at 2022 rates) to Avon over the next ten years providing APC invests and continues to operate in its current location:

<i>Additional Corporate Municipal Income Tax</i>	<i>\$1,064,502.00</i>
<i>Additional Municipal Income Tax</i>	<i><u>\$ 120,433.00</u></i>
<i>Total</i>	<i>\$1,184,935.00</i>

This would be in addition to the current annual Municipal Tax Revenues of \$96,018.00 as of tax year 2022 (\$960,180.00 over ten years) which are currently realized by Avon due to APC's location in, and partnership with the city.

The abatement we are proposing would be wholly offset over the 10-year period being considered by the resulting additional Municipal Corporate and Payroll taxes realized. Additionally, once the abatement period is complete the calculated approx. \$172,500.00 annually in the additional taxes associated with the investment being considered would be realized in whole by Avon.

Please read the following carefully and fill in the name of the Enterprise:

16. Advanced Polymer Coatings shall submit the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded with the final agreement.

17. Advanced Polymer Coatings shall pay an annual fee of \$500.00. The fee is to be paid to _____ once per year for each year the agreement is in effect or required to be reviewed. The fee is to be paid by check and made out to the _____.

Invoices will be mailed out by _____ once per year following the annual monitoring which concludes _____. The fee shall be used exclusively for the purpose of complying with section 5709.68 of the Ohio Revised Code and by the Tax Incentive Review council created under section 5709.85 of the revised code exclusively for the purpose of performing the duties prescribed under that section.

18. Submission of this application expressly authorizes the City of Avon and Lorain County to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including Item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request. The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months. Real Property Owner

Operating Company Advanced Polymer Coatings

Name of Enterprise _____

Signature Date DAVID J. KEHAN July 5, 2023

Typed Name and Title DAVID J. KEHAN President

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request. For agreements over 75% for 10 years the affected Board of Education must be given notice of forty-five (45) business days prior to the scheduled meeting. ** Attach to Final Enterprise Zone Agreement as Exhibit A. Please note that copies of this proposal must be included in the finalized Enterprise Zone Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.



CITY OF AVON

36080 Chester Road • Avon, Ohio 44011-1099 • (440) 937-7821 • fax (440) 937-7835

Barbara J Brooks, CMC • Clerk of Council
bbrooks@cityofavon.com

September 22, 2023

Ben Hodge, Superintendent
Avon Local School District
36600 Detroit Road
Avon, OH 44011

Re: Enterprise Zone Agreement Ord. No. 104-23 to be considered by Avon City Council

Dear Mr. Hodge:

Pursuant to Section 5709.83 of the Ohio Revised Code, and the Article IV, Section 16 of the Charter of the City of Avon, please be advised that the Council of the City of Avon (the "City") will consider Ordinance No. 104-23, authorizing an Enterprise Zone Tax Abatement Agreement between 951 Realty, Ltd. and Advanced Polymer Coatings, Inc., the City of Avon, and the Lorain County Board of Commissioners at its Regular Meeting of City Council to be held on Tuesday, October 10, 2023 at 7:30 PM in Council Chambers of the Municipal Building located at 36080 Chester Road, Avon, Ohio, 44011. A copy of the Enterprise Zone Agreement and Ordinance No. 104-23 are enclosed.

Prior to being placed on the agenda for the Regular Meeting on Tuesday, October 10, 2023, and pursuant to Charter Article IV, Section 16 of the Charter of the City of Avon, City Council will announce at its Regular Meeting to be held on Monday, September 25, 2023, a Public Hearing for the above referenced Ordinance No. 104-23. Said Public Hearing will take place during a regularly scheduled Work Session of Council on Monday, October 2, 2023, at 7:30 P.M. in Council Chamber of the City Hall at 36080 Chester Road.

If you require any additional information, please do not hesitate to contact me at (440) 937-7821 or via email at bbrooks@cityofavon.com. In addition, you can also reach out to the Law Director for the City of Avon; John Gasior at (440) 934-7676 or via email at jgasior@ssgavonlaw.com. We believe the Enterprise Zone Agreement (EZA) is in the best interests of the City and will benefit the entire community, including the District.

Sincerely,

Barbara Brooks
Clerk of Council

cc: Bryan Jenson, Mayor
John Gasior, Law Director
Pam Fechter, Planning Coordinator
Steve Presley, Finance Director

Upon receipt, please sign and date one copy of this notice and return the signed copy to the City for its files.

Received: Board of Education
of the Avon Local School District

Date: 9.25, 2023

By: Rauni A. Branca

Title: District Registrar

Enclosures:
Enterprise Zone Agreement



CITY OF AVON

36080 Chester Road • Avon, Ohio 44011-1099 • (440) 937-7821 • fax (440) 937-7835

Barbara J Brooks, CMC • Clerk of Council
bbrooks@cityofavon.com

September 22, 2023

Tara Tatman, President
Board of Education
Avon Local School District
36600 Detroit Road
Avon, OH 44011

Re: Enterprise Zone Agreement Ord. No. 104-23 to be considered by Avon City Council

Dear Ms. Tatman:

Pursuant to Section 5709.83 of the Ohio Revised Code, and the Article IV, Section 16 of the Charter of the City of Avon, please be advised that the Council of the City of Avon (the "City") will consider Ordinance No. 104-23, authorizing an Enterprise Zone Tax Abatement Agreement between 951 Realty, Ltd. and Advanced Polymer Coatings, Inc., the City of Avon, and the Lorain County Board of Commissioners at its Regular Meeting of City Council to be held on Tuesday, October 10, 2023 at 7:30 PM in Council Chambers of the Municipal Building located at 36080 Chester Road, Avon, Ohio, 44011. A copy of the Enterprise Zone Agreement and Ordinance No. 104-23 are enclosed.

Prior to being placed on the agenda for the Regular Meeting on Tuesday, October 10, 2023, and pursuant to Charter Article IV, Section 16 of the Charter of the City of Avon, City Council will announce at its Regular Meeting to be held on Monday, September 25, 2023, a Public Hearing for the above referenced Ordinance No. 104-23. Said Public Hearing will take place during a regularly scheduled Work Session of Council on Monday, October 2, 2023, at 7:30 P.M. in Council Chamber of the City Hall at 36080 Chester Road.

If you require any additional information, please do not hesitate to contact me at (440) 937-7821 or via email at bbrooks@cityofavon.com. In addition, you can also reach out to the Law Director for the City of Avon; John Gasior at (440) 934-7676 or via email at jgasior@ssgavonlaw.com. We believe the Enterprise Zone Agreement (EZA) is in the best interests of the City and will benefit the entire community, including the District.

Sincerely,

Barbara Brooks
Clerk of Council

cc: Bryan Jenson, Mayor
John Gasior, Law Director
Pam Fechter, Planning Coordinator
Steve Presley, Finance Director

Upon receipt, please sign and date one copy of this notice and return the signed copy to the City for its files.

Received: Board of Education
of the Avon Local School District

Date: 9 25, 2023

By: Lauri Rabinca

Title: District Registrar

Enclosures:
Enterprise Zone Agreement



CITY OF AVON

36080 Chester Road • Avon, Ohio 44011-1099 • (440) 937-7821 fax (440) 937-7835

Barbara J Brooks, CMC • Clerk of Council
bbrooks@cityofavon.com

SEP 22 2023 12:58 PM

September 22, 2023

Dr. Glenn Faircloth, Superintendent
Lorain County Joint Vocational School District
15181 State Route 58
Oberlin, OH 44074

Re: Enterprise Zone Agreement Ord. No. 104-23 to be considered by Avon City Council

Dear Dr. Faircloth:

Pursuant to Section 5709.83 of the Ohio Revised Code, and the Article IV, Section 16 of the Charter of the City of Avon, please be advised that the Council of the City of Avon (the "City") will consider Ordinance No. 104-23, authorizing an Enterprise Zone Tax Abatement Agreement between 951 Realty, Ltd. and Advanced Polymer Coatings, Inc., the City of Avon, and the Lorain County Board of Commissioners at its Regular Meeting of City Council to be held on Tuesday, October 10, 2023 at 7:30 PM in Council Chambers of the Municipal Building located at 36080 Chester Road, Avon, Ohio, 44011. A copy of the Enterprise Zone Agreement and Ordinance No. 104-23 are enclosed.

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Sincerely,

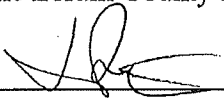
Barbara Brooks
Clerk of Council

cc: Bryan Jenson, Mayor
John Gasior, Law Director
Pam Fechter, Planning Coordinator
Steve Presley, Finance Director

Upon receipt, please sign and date one copy of this notice and return the signed copy to the City for its files.

Received: Board of Education
of the Lorain County Joint Vocational School

Date: 9/22, 2023

By: 

Title: DEPUTY SUPERINTENDENT

Enclosures:
Enterprise Zone Agreement



CITY OF AVON

36080 Chester Road • Avon, Ohio 44011-1099 • (440) 937-7821 • fax (440) 937-7835

Barbara J Brooks, CMC • Clerk of Council
bbrooks@cityofavon.com

2023 SEP 22 12:03 PM

September 22, 2023

Lorain County Joint Vocational School District
Attention Rex Engle, President BOE
15181 State Route 58
Oberlin, OH 44074

Re: Enterprise Zone Agreement Ord. No. 104-23 to be considered by Avon City Council

Dear Mr. Engle:

Pursuant to Section 5709.83 of the Ohio Revised Code, and the Article IV, Section 16 of the Charter of the City of Avon, please be advised that the Council of the City of Avon (the "City") will consider Ordinance No. 104-23, authorizing an Enterprise Zone Tax Abatement Agreement between 951 Realty, Ltd. and Advanced Polymer Coatings, Inc., the City of Avon, and the Lorain County Board of Commissioners at its Regular Meeting of City Council to be held on Tuesday, October 10, 2023 at 7:30 PM in Council Chambers of the Municipal Building located at 36080 Chester Road, Avon, Ohio, 44011. A copy of the Enterprise Zone Agreement and Ordinance No. 104-23 are enclosed.

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Sincerely,

Barbara Brooks
Clerk of Council

cc: Bryan Jenson, Mayor
John Gasior, Law Director
Pam Fechter, Planning Coordinator
Steve Presley, Finance Director

Upon receipt, please sign and date one copy of this notice and return the signed copy to the City for its files.

Received: Board of Education
of the Lorain County Joint Vocational School

Date: 9/22, 2023

By: _____

Title: DEPUTY SUPERINTENDENT

Enclosures:
Enterprise Zone Agreement

EXHIBIT D to Agreement for Ordinance No. 104-23

Legal Description

Parcel 1:

Situated in the City of Avon, County of Lorain and State of Ohio, being part of Original Avon Township Section 21.

Being known as Sublot 2 in Jaycox Commerce Park Subdivision No. 2, recorded in Plat Volume 107, Page 41 of Lorain County Records.

PPN: 04-00-021-000-301

Parcel 2:

Situated in the City of Avon, County of Lorain and State of Ohio, being part of Original Avon Township Section 21.

Being known as Block E in Jaycox Commerce Park Subdivision No. 2, recorded in Plat Volume 107, Page 41 of Lorain County Records.

PPN: 04-00-021-000-302