

REQUESTED BY:  
WHITE

LAW DEPARTMENT  
DRAFT NO. 0463

TITLE

AN ORDINANCE FOR THE PURPOSE OF REPEALING AND REPLACING ORDINANCE NO. 13298/2024 IN ITS ENTIRETY, AND CONSENTING TO THE EXECUTION OF AN AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF TRUMBULL COUNTY, OHIO, AND DAWN INCORPORATED PROVIDING FOR TAX INCENTIVES BY A PROGRAM OF ABATEMENT OF REAL PROPERTY TAXES OVER A PERIOD OF TEN YEARS FOR THE ADOPTION OF A PROJECT TO ESTABLISH A NEW FACILITY WITHIN THE ENTERPRISE ZONE LOCATED WITH THE CITY OF WARREN, OHIO AND DECLARING AN EMERGENCY.

ORDINANCE NO. 13322/2024

WHEREAS, the City Council of the City of Warren, Ohio, on October 26, 1994, consented to the establishment of an "Enterprise Zone" (the Zone) by the Board of Commissioners of Trumbull County, Ohio, Pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, on November 22, 1994, the Board of Commissioners of Trumbull County, Ohio, did establish such a zone; and

WHEREAS, on December 22, 1994, the Director of Development of the State of Ohio certified the area designated by the Council of the City of Warren and the Board of Commissioners of Trumbull County, Ohio, as an "Enterprise Zone" Pursuant to Section 5709.61 (A)(1), (2) and (3) of the Ohio Revised Code; and

WHEREAS, the Board of Commissioners of Trumbull County, Ohio, has delegated to the Council of the City of Warren, Ohio, as the governing body of the affected Municipality, the authority to negotiate and administer an agreement providing tax incentives to Dawn Incorporated to induce the establishment of their proposed project; and

WHEREAS, Dawn Incorporated has proposed a project estimated to involve a minimum investment of approximately Nine Hundred Thousand Dollars (\$900,000.00) up to a maximum investment of One Million Two Hundred Ninety-Five Thousand Dollars (\$1,295,000.00) in the Zone; and

WHEREAS, a draft of the proposed Enterprise Zone Agreement attached to this Ordinance as "Exhibit A" is hereby fully incorporated herein, for all purposes, as if fully rewritten herein; and

WHEREAS, this Council of the City of Warren has reviewed the proposed project, and is of the opinion that Dawn Incorporated is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Zone and to improve the economic climate of the City;  
NOW THEREFORE



BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That the City Council of the City of Warren does hereby consent to the approval by the Board of Commissioners of Trumbull County, Ohio to an Enterprise Zone Agreement the same as or substantially similar to the Agreement attached to this Ordinance as "Exhibit A". The Mayor and Director of Public Service and Safety are hereby authorized and directed to approve and execute such an Agreement on behalf of City Council and the City of Warren.

Section 2: That this City Council hereby finds and determines that all formal actions of the City Council relative to the passage of this Ordinance were taken in an open meeting of the City Council, and that all deliberations of the City Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code of Ohio.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare, and safety, and for the benefit to, and protection of, the City and its residents. The further reason that the immediate approval of an Enterprise Zone Agreement as attached to this Ordinance is necessary, at the earliest possible time, is to maximize the investment that will be made by Dawn Incorporated within the City limits and may be more fully insured at the earliest possible time and without undue delay. WHEREFORE, this Ordinance shall go into immediate effect.

Passed in Council this 13<sup>th</sup> day of MARCH, 2024.

SIGNED:  ATTEST:   
PRESIDENT OF COUNCIL CLERK

FILED WITH THE MAYOR: 3-13-2024

DATE APPROVED: 3-13-2024

  
MAYOR, CITY OF WARREN, OHIO

## OHIO ENTERPRISE ZONE AGREEMENT

THIS AGREEMENT ("Agreement") made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2024 by and between the Board of Trumbull County Commissioners of Trumbull County, Ohio, a County government, with its main offices located at 160 High Street N.W., Warren, Ohio 44481 (hereinafter referred to as the "BOARD"); Balance Investment LLC, an Ohio Corporation with its main offices located at 2861 Sferra Avenue NW, Warren, Ohio 44483, and Dawn Incorporated, an Ohio Corporation with its main offices located at 2861 Sferra Avenue NW, Warren, Ohio 44483 (hereinafter referred to as "ENTERPRISE"), WITNESSETH;

### RECITALS

**WHEREAS**, the BOARD has encouraged the development of real property located in the area designated as the Enterprise Zone 111C (herein attached as Exhibit A) pursuant to *Ohio Revised Code* Sections 5709.61 and 5709.63, et seq.;

**WHEREAS**, the ENTERPRISE is desirous of renovating the approximately 4,500 square feet of existing warehouse space at 2861 Sferra Avenue to be office facility and purchase the approximately 8,500 square feet of warehouse at 2961 Sferra Avenue to renovate and retrofit with gas and electrical upgrades, new overhead doors and install a new parking lot to connect the 2 facilities located at parcel numbers 39-569320 and 40-221193 located at 2861 & 2961 Sferra Avenue, Warren, Ohio 44483 (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**, the Council of Warren City, Ohio, by Ordinance No. 10722-94 adopted October 26, 1994, and the BOARD of Trumbull County, Ohio, by Resolution as recorded in Journal Volume 91, Page 2553 on November 22, 1994 (hereinafter referred to as "Petition"), designated Enterprise Zone 111C as an "Enterprise Zone" pursuant Chapter 5709 of the *Ohio Revised Code*; and

**WHEREAS**, effective December 12, 1994, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Petition 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 BOARD having the appropriate authority for the stated type of project is desirous of providing the ENTERPRISE with incentives available for the development of the PROJECT in said Enterprise Zone under Chapter 5709 of the *Ohio Revised Code*; and

**WHEREAS**, the ENTERPRISE has submitted a proposed agreement application (herein attached as Exhibit B) to the BOARD said application (hereinafter referred to as "APPLICATION"); and

**WHEREAS**, the ENTERPRISE has remitted the required state application fee of \$750.00 made payable to the Ohio Department of Development with the application to be forwarded with the final Agreement; and

**WHEREAS**, the Planning Commission of Trumbull County has investigated the application of the ENTERPRISE and has recommended the same to the BOARD and Warren City of Trumbull County, Ohio, on the basis that the ENTERPRISE is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of Trumbull County, Ohio; and

**WHEREAS**, the project site as proposed by the ENTERPRISE is located in the Warren City School District, Labrae Local School District, and the Trumbull Career and Technical Center School District and the Boards of Education of the Warren City School District, Labrae Local School District, and Trumbull Career and Technical Center have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION and a draft of this Agreement; and

**WHEREAS**, pursuant to Section 5709.63(A) 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. DESCRIPTION OF INVESTMENTS**

The ENTERPRISE shall renovate the approximately 4,500 square feet of existing warehouse space at 2861 Sferra Avenue to be office facility and purchase the approximately 8,500 square feet of warehouse at 2961 Sferra Avenue to renovate and retrofit with gas and electrical upgrades, new overhead doors and install a new parking lot to connect the 2 facilities located at parcel numbers 39-569320 and 40-221193 located at 2861 & 2961 Sferra Avenue, Warren, Ohio 44483.

The PROJECT will involve a total investment by the ENTERPRISE a minimum of nine hundred thousand dollars and zero cents (\$900,000.00) at the Warren City site. Included in this investment are a minimum of three hundred fifty thousand dollars and zero cents (\$350,000.00) in acquisition of property, a minimum of seventy-five thousand dollars and zero cents (\$75,000.00) in additions/new construction, a minimum of four hundred fifty thousand dollars and zero cents (\$450,000.00) in improvements to existing buildings, a minimum of zero dollars and zero cents (\$0.00) in machinery and new equipment, a minimum of twenty-five thousand dollars and zero cents (\$25,000.00) in furniture and fixtures, and a minimum of zero dollars and zero cents (\$0.00) in inventory.

The PROJECT will involve a total investment by the ENTERPRISE a maximum of one million two hundred ninety-five thousand dollars and zero cents (\$1,295,000.00) at the Warren City site. Included in this investment are a maximum of three hundred sixty thousand dollars and zero cents (\$360,000.00) in acquisition of property, a maximum of one hundred fifty thousand dollars and zero cents (\$150,000.00) in additions/new construction, a maximum of seven hundred thousand dollars and zero cents (\$700,000.00) in improvements to existing buildings, a maximum of zero dollars and zero cents (\$0.00) in machinery and new equipment, a

maximum of eighty-five thousand dollars and zero cents (\$85,000.00) in furniture and fixtures, and a maximum of zero dollars and zero cents (\$0.00) in inventory.

The PROJECT will begin in February 2024 and all acquisition, construction and installation will be completed by October 2024.

The total investment of this CONSTRUCTION project is greater than 10% of the market value of the facility assets already owned at the site prior to such expenditures as evidenced in Exhibit A.

## **2a. EMPLOYMENT**

The ENTERPRISE shall create within a time period not exceeding twenty-four (24) months after the commencement of construction of the aforesaid facility, the equivalent of four (4) new full-time permanent job opportunities, one (1) part-time permanent job opportunities, zero (0) full-time temporary job opportunities, and zero (0) part-time temporary job opportunities.

The ENTERPRISE'S schedule for hiring is as follows: two (2) new full-time permanent jobs and one (1) part-time permanent job in year one, two (2) new full-time permanent jobs in year two. It is not anticipated that any other jobs will be created during the balance of the Agreement once the above referenced jobs are created within the 24-month job creation period.

The job creation period begins March 2024 and all jobs will be in place by December 2025.

The ENTERPRISE currently has thirty-two (32) full-time permanent employees, one (1) part-time permanent employees, zero (0) full-time temporary employees, and zero (0) part-time permanent employees at the Project site. In total, the ENTERPRISE has thirty-two (32) full-time permanent employees, one (1) part-time permanent employees, zero (0) full-time temporary employees, and zero (0) part-time permanent employees in the State of Ohio.

This increase in the number of employees will result in approximately four hundred twenty-eight thousand dollars (\$428,000) of additional annual payroll for the ENTERPRISE. The following is an itemization by the type of new jobs created: full-time permanent three hundred eighty-eight thousand dollars (\$388,000), and part-time permanent forty thousand dollars (\$40,000).

## **2b. JOB CREATION/RETENTION CLAW BACK PROVISION**

In any three-year period during which this Agreement is in effect if the actual number of employee positions created or retained by the ENTERPRISE is not equal to or greater than seventy-five percent of the number of employee positions estimated to be created or retained under this Agreement during a three-year period, the ENTERPRISE shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this Agreement during the three-year period. Further, in such event, the BOARD may terminate or modify the exemptions from taxation granted under this Agreement.

**3. TAX INCENTIVE REVIEW COUNCIL**

The ENTERPRISE shall provide to the proper tax incentive review council any non-confidential information reasonably required by the council to evaluate the enterprise's compliance with the Agreement, including returns or annual reports filed pursuant to sections 5711.02 or 5727.08 of the *Ohio Revised Code* if requested by the council.

**4. TAX INCENTIVES FOR PERSONAL PROPERTY**

There is no exemption for personal property.

**5. TAX INCENTIVES FOR REAL PROPERTY**

The BOARD hereby grants the ENTERPRISE tax exemption for real property improvements made to the PROJECT site pursuant to Section 5709.63 of the *Ohio Revised Code* and shall be in the following amounts:

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

Each identified project improvement will receive a ten-year exemption period. The exemption commences the first tax year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence later than year 2025 nor extend beyond year 2034. The parties further agree that said exemptions contemplated herein shall not apply to land values or any increase in land values which may result from the project.

Dawn Incorporated, must file the appropriate tax forms (DTE 24 or its respective successor form) with the County Auditor to effect and maintain the exemptions covered in the Agreement.

**6. WAIVER REQUIREMENTS**

No Waiver was required regarding this Agreement with the ENTERPRISE.

**7. ANNUAL FEE**

Pursuant to *Ohio Revised Code* Sections 5709.68 and 5709.85, an annual fee for monitoring the compliance with Enterprise Zone terms and conditions will be assessed in accordance with *Ohio Revised Code* Section 5709.63(F), which provides that,

“except as otherwise provided in this division, an Agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the Agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the board of county commissioners once per year for each year the Agreement is effective on the days and in the form specified in the Agreement. Fees paid shall be deposited in a special fund created for such purpose by the board and shall be used by the board exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The board may waive or reduce the amount of the fee charged against an enterprise, but such waiver or reduction does not affect the obligations of the board or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code, respectively”.

In accordance with *Ohio Revised Code* Section 5709.63(F) the following fee schedule is applicable:

For Annual Abatement Amounts	Annual Fee
under \$74,999	\$ 500.00
\$75,000 – 99,999	\$ 750.00
\$100,000 – 124,999	\$1,000.00
\$125,000 – 149,999	\$1,250.00
\$150,000 – 174,999	\$1,500.00
\$175,000 – 199,999	\$1,750.00
\$200,000 – 224,999	\$2,000.00
\$225,000 – 249,999	\$2,250.00
\$250,000 - and above	\$2,500.00

In accordance with the above-referenced schedule, the ENTERPRISE will pay a maximum annual fee of \$500 if appraised value is equal to projected costs. This fee is due and payable on March 1, 2026, with the annual monitoring report, Section C, Specific Enterprise Zone Agreement/Project Status Report. This annual fee will be due by March 1 of each year this Agreement is effective.

**8. PAYMENT OF TAXES NOT EXEMPTED**

The ENTERPRISE 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 the ENTERPRISE 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.

#### 9. MAINTENANCE OF TAX INCENTIVES

The BOARD 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.

#### 10. TERMINATION OR MODIFICATION

If the ENTERPRISE materially fails to fulfill its obligations under this Agreement, other than with respect to the number of employee positions estimated to be created or retained under this Agreement, or if the BOARD determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the BOARD 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.

If for any reason the Enterprise Zone designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or the BOARD revokes the designation of the zone, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the ENTERPRISE materially fails to fulfill its obligations under this Agreement and the BOARD terminates or modifies the exemptions from taxation granted under this Agreement.

Should the ENTERPRISE's failure to timely provide the annual monitoring report result in the BOARD incurring a penalty fee pursuant to section 5709.68 of the Revised Code, the ENTERPRISE shall make a payment to the BOARD, within thirty (30) days after receipt of written notice thereof from the BOARD, in an amount equal to the penalty fee paid by the BOARD.

#### 11. DELINQUENT TAXES CERTIFICATION

The ENTERPRISE hereby certifies that at the time this Agreement is executed, the ENTERPRISE 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 the ENTERPRISE is liable under Chapters 5727., 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the *Ohio Revised Code*, or, if such delinquent taxes are owed, the ENTERPRISE currently is paying the delinquent taxes pursuant to a delinquent tax contract enforceable by the State of Ohio or an agent or instrumentality thereof, has not filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against the ENTERPRISE. 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.

## **12. DELINQUENCIES**

The ENTERPRISE affirmatively covenants that it does not owe: money, in the following categories, in an amount that would materially and adversely impact Enterprise's ability to comply with the terms of this Agreement (1) delinquent taxes to the State of Ohio or a political subdivision of the State; (2) moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) 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.

## **13. BOARD APPROVAL**

The ENTERPRISE and the BOARD acknowledge that this Agreement must be approved by formal action of the legislative authority of the Board of Trumbull County Commissioners as a condition for the Agreement to take effect. This Agreement takes effect upon such approval.

## **14. NON-DISCRIMINATION**

The BOARD has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this Agreement, the ENTERPRISE 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.

## **15. REVOCATION**

Exemptions from taxation granted under this Agreement shall be revoked if it is determined that the ENTERPRISE, 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 (C) 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 either of those sections.

## **16. FALSE STATEMENTS**

The ENTERPRISE affirmatively covenants that it has 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 the ENTERPRISE has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, the ENTERPRISE shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to *Ohio Revised Code* 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 *Ohio Revised Code* 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 *Ohio Revised Code* 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

**17. TRANSFER OR ASSIGNMENT OF EXEMPTIONS**

This Agreement is not transferrable or assignable without the express, written approval of the BOARD.

**19. TRANSMITTAL OF AGREEMENT**

Trumbull County acknowledges that, pursuant to *Ohio Revised Code* 5709.63(H), a copy of this Agreement must be forwarded to the Ohio Director of Development Services Agency and the Ohio Tax Commissioner within fifteen (15) days after the Agreement is entered into.

**IN WITNESS WHEREOF**, Trumbull County, Ohio, by its Board of County Commissioners, and pursuant to Resolution Journal Volume \_\_\_\_\_, page \_\_\_\_\_ has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, 2024, Balance Investment LLC by Dawn Ochman, its President, executed this \_\_\_\_ day of \_\_\_\_\_, 2024, and Dawn Incorporated. by Dawn Ochman, its President, executed this \_\_\_\_ day of \_\_\_\_\_, 2024.

WITNESS:

BOARD OF COUNTY COMMISSIONERS  
TRUMBULL COUNTY, OHIO:

\_\_\_\_\_  
By: \_\_\_\_\_  
Denny Malloy, President

\_\_\_\_\_  
By: \_\_\_\_\_  
Mauro Cantalamessa, Member

\_\_\_\_\_  
By: \_\_\_\_\_  
Niki Frenchko, Member

\_\_\_\_\_  
APPROVED AS TO FORM:  
By: \_\_\_\_\_  
Trumbull County Assistant  
Prosecuting Attorney

BALANCE INVESTMENT LLC

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Dawn Ochman, President

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

DAWN INCORPORATED

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Dawn Ochman, President

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

APPROVAL BY WARREN CITY

The Council of Warren City, Ohio, hereby approves and consents to the foregoing Agreement pursuant to Section 5709.63 (A) of the *Ohio Revised Code*.

\_\_\_\_\_

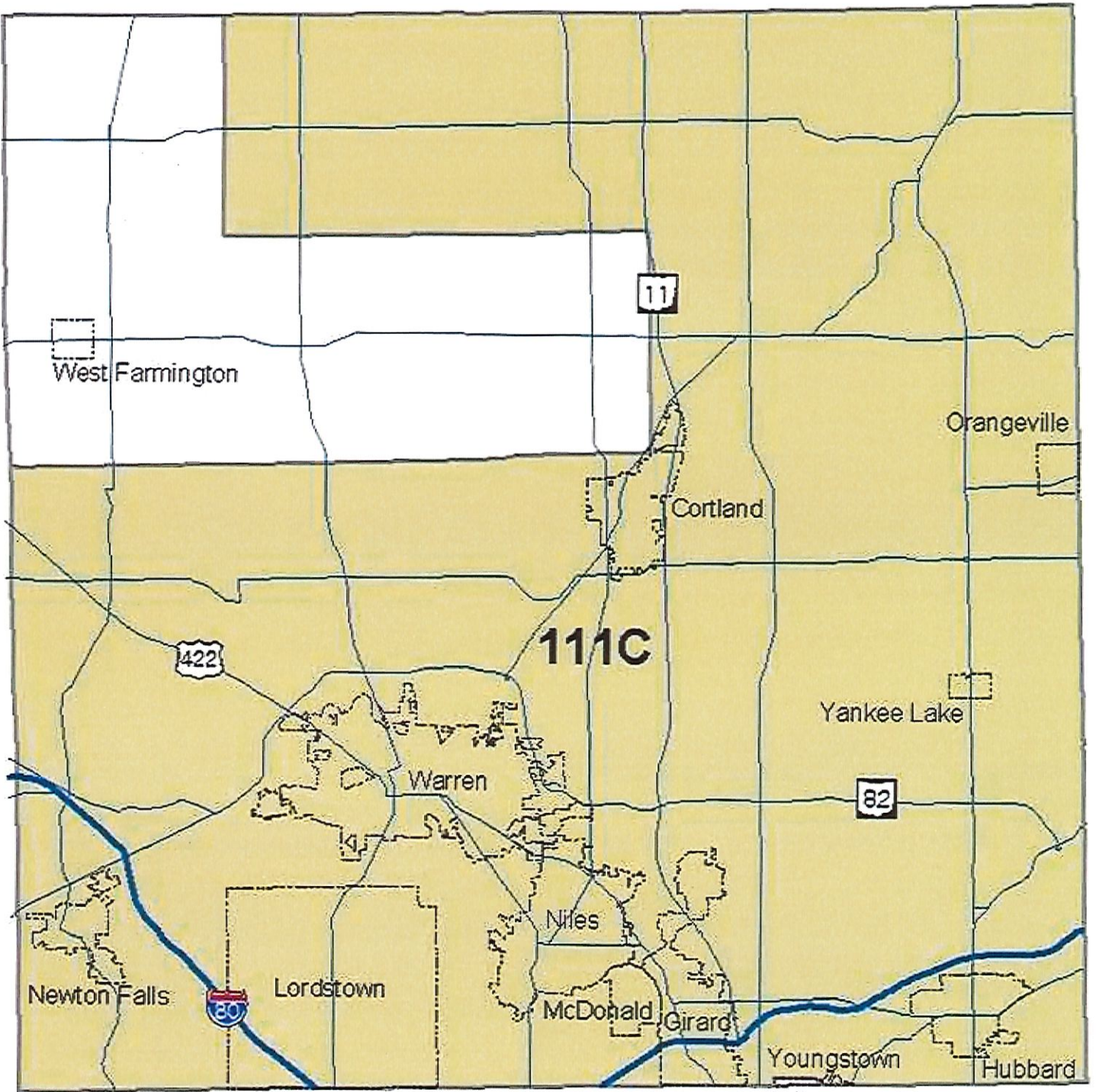
Date

By: \_\_\_\_\_  
Mayor, Warren City

By: \_\_\_\_\_  
Council Clerk, Warren City Council

**EXHIBIT A to ENTERPRISE ZONE AGREEMENT  
ENTERPRISE ZONE MAP**

[attached hereto]



**Trumbull County's Enterprise Zone**



**EXHIBIT B to ENTERPRISE ZONE AGREEMENT  
EZ APPLICATION**

**[attached hereto]**

**OHIO DEVELOPMENT SERVICES AGENCY**  
**OHIO ENTERPRISE ZONE PROGRAM**

**PROPOSED AGREEMENT** for Enterprise Zone Tax Incentives between the  
City of Warren, Ohio located in the County of Trumbull and  
Dawn Incorporated.

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

Dawn Incorporated  
enterprise name

Dawn Ochman  
contact person

330-652-7711 X102  
telephone number

2861 Sferra Ave NW  
Warren, OH 44483  
Address

- 1b. Project site:

Dawn Ochman  
contact person

330-652-7711 X102  
telephone number

2861 and 2961 Sferra Ave  
NW  
Warren, OH 44483  
address

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

- 2b. List primary 6 digit NAICS # 236220.  
Business may list other relevant SIC numbers.

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).

Dawn Ochman, President/CEO and Brendan Solarz, Vice President

4. Is business seasonal in nature? Yes \_\_\_ No X

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

14

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 X

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:

\_\_\_\_\_  
\_\_\_\_\_

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

32 Full-Time Employees, 1 Part-Time Employee, 0 temporary 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 X No \_\_\_

6b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement: Trumbull County Commissioners, Approved 7/26/2017, 75% tax incentive for 10 years.

7. Does the Enterprise owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?  
Yes \_\_\_ No X \_\_\_

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes \_\_\_ No X \_\_\_

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 X \_\_\_

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).

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8. Project Description (attach additional pages if necessary):

Purchase of 2961 Sferra Avenue NW which is next door to our current facility. Retrofit 2961 Sferra Avenue with electrical and gas upgrades, install new overhead door, exterior improvements to include paint and landscape, and install new parking lot to connect the 2 buildings. Primary use will be maintenance garage/warehouse. At existing building at 2861 convert existing maintenance/warehouse area of 4500 sq ft into office space. Buildout will include 13 additional offices, training space, conference room, and employee gym.

9. Project will begin January, 2024 and be completed May, 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): 4 full time, 1 part time, and 0 temporary

10b. State the time frame of this projected hiring: 1.5 years

- 10c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):
- 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). 1 part time hire May 2024, 2 full time hires September 2024, and 2 full time hires July 2025
- 11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$2,400,000
12. Market value of the existing facility as determined for local property taxation. \$396,300 on Trumbull County Auditors website
- 13a. Business's total current investment in the facility as of the proposal's submission. \$850,000
- 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): \$48,753

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

	<u>Minimum</u>	<u>Maximum</u>
A.Acquisition of Buildings:	\$ 350,000	\$360,000
B.Additions/New Construction:	\$ 75,000	\$150,000
C.Improvements to existing buildings:	\$ 450,000	\$700,000
D.Machinery & Equipment:	\$ 0	\$ 0
E.Furniture & Fixtures:	\$ 25,000	\$ 85,000
F.Inventory:	\$ 0	\$ 0
<b>Total New Project Investment:</b>	<b>\$ 900,000</b>	<b>\$1,295,000</b>


15. a. Business requests the following tax exemption incentives: 75 % for 10 years covering real X and/or personal property including inventory \_\_\_\_\_ as described above. Be specific as to type of assets, rate, and term.
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b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)  
The tax incentives are requested because they are needed to make the project possible. We are currently maxed out in our current space. We are unable to hire additional people without more room. To purchase 2961 Sferra and expand our office operations at 2861 Sferra will allow us to retain our current workforce, create new job opportunities, and invest in Trumbull County. We expect additional growth with our expansion and the tax incentives will assist.

Submission of this application expressly authorizes the City of Warren, Ohio and/of Trumbull 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.

Dawn Incorporated	27-Nov-2023
_____ Name of Enterprise	_____ Date
	Dawn Ochman, President/CEO
_____ Signature	_____ Typed Name and Title

\* 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.

\*\* 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.

Total Square Footage: 2961 Sferra Av NW will be purchased for garage/warehouse space. It is approximately 8,500 square feet. At 2861 Sferra Av NW the existing 4,500 square feet garage/warehouse space will be converted to modern office space.

Total Real Property Investment: \$900,000 to \$1,295,000

Type of Structure (e.g. warehouse, office space, retail space, combination, etc.): combination of warehouse and office space

Square footage (broken down to type of structure): Use 1: 8,500 garage/warehouse  
Use 2: 4,500 modern office space  
Use 3: \_\_\_\_\_

Height of Structure walls: 14 ft at 2961 and 16 ft at 2861 Sferra Avenue NW

Material(s) used for structure: Ex: Steel Frame Brick/Masonry Wood Frame etc... If multiple please indicate use of each (5 ft in height masonry, 15 ft steel frame and siding)

Steel frame walls. Exterior will be a combination of Hardee board and EIFS. Design is ongoing.  
\_\_\_\_\_  
\_\_\_\_\_

Total Square footage of Paved surface (e.g. Parking lot, outdoor storage, etc.): 1,500 square feet of parking lot

Additional Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_