

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

RESOLUTION 2020-34

A RESOLUTION TO ENACT THE SMALL BUSINESS EMERGENCY RELIEF GRANT PROGRAM

WHEREAS, small businesses within the community significantly contribute to the character, desirability and economic vitality of the Village; and

WHEREAS, in the wake of the COVID-19 shutdown and recent social, economic, and environmental challenges, the Village is committed to providing recovery assistance for small businesses; and

WHEREAS, SB 310 requires the Council of the Village of Doylestown to adopt an ordinance or resolution to create the small business grant program, which sets forth the form and manner by which qualifying businesses may apply for and receive grants, the standards for evaluating and prioritizing grant applications, the reporting requirements for qualifying businesses that are awarded grants, and the manner in which unspent and/or improperly spent proceeds are to be repaid by a grant recipient; and

WHEREAS, the attached COVID-19 Small Business Emergency Relief Grant Program has been developed to provide temporary relief to offset the operation costs to reopen, reestablish business operations, and return employees to work as a result of the COVID-19 Pandemic; and

WHEREAS, funding in the amount of \$147,292.77 will be provided for the program from the Village's CARES ACT FUND.

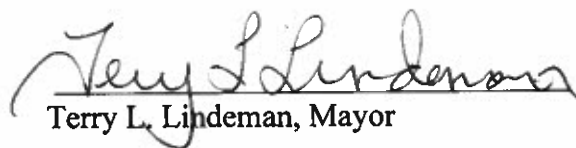
NOW THEREFORE, be it resolved by the Council of the Village of Doylestown, County of Wayne and State of Ohio, that:

SECTION 1. This Council hereby enacts the Small Business Emergency Relief Grant Program, as attached hereto and made a part hereof in Exhibit A.

SECTION 2. This resolution shall take effect at the earliest time permitted by law.

PASSED: November 4, 2020

ATTEST:


Terry L. Lindeman, Mayor


Kristen J. Robison, Clerk

EXHIBIT A

Grant Program Overview

The application process will open Oct.19-Oct.30th. Application that are not fully completed and submitted to the Village by 3pm on Oct.30th will not be accepted.

I. General Description of the Program

Eligible businesses will be able to receive grant funds from the program in order to assist those businesses with operating expenses incurred or paid after March 15, 2020, when the State of Ohio began the process of closing certain businesses within the State, and at which point several businesses were being affected by both mandatory and voluntary closures, cancellations, and postponements of operations, activities, and events, both in and outside of Ohio, and substantial losses in revenue and costs as a result of business interruption and broad economic impact of the pandemic. Generally, the amount of the grant per business will be a maximum of \$8,000 for businesses with eleven to hundred employees; \$5,000 for businesses with less than eleven. Overall, eligibility for the grants will be tied to key criteria linked to supporting businesses that were viable prior to the pandemic, have been impacted by COVID-19, employ Wayne County residents and have the potential to continue to operate following the pandemic.

All grants made under the Program are being made with the intention to provide immediate funding to small businesses to reimburse the costs of business interruption caused by required closures, to assist with the payment of costs where the business faces uncertainty as to its ability to pay due to the pandemic, to keep as many small businesses in the Village of Doylestown operating, ongoing concerns as possible, and to retain as many jobs for Wayne County residents as possible in light of the severe economic hardships brought by the COVID-19 pandemic. All contributions of funds to the Program are made for the purpose of furthering economic development, preserving employment opportunities for Wayne County residents, and preserving the operations of Wayne County's small businesses during a time of need and emergency. The primary objective of the Program is to minimize long-term economic hardship to Wayne County residents that may result from the COVID-19 pandemic.

II. Eligibility Criteria

- To be eligible for grant funds under the Program, Village of Doylestown businesses must meet the following requirements, as of March 15, 2020:
 - The business must operate for profit. Non-profit entities of any type are not eligible. (Business that are for-profit generally file an IRS Form 1040 with a Schedule-C, 1040-SR with a Schedule-C, 1065, 1120 or 1120-S).
 - The business may be a sole proprietorship, partnership, corporation (both S and C), professional association, limited liability company, limited partnership, or limited liability partnership. If a corporation, professional association, limited liability company, limited partnership or limited liability partnership, the business must be registered with the Ohio Secretary of State to do business in the State of Ohio. If a sole proprietorship, the business shall provide documentation of its existence as a business. Acceptable documentation could include but is not limited to evidence of existence of registration with the Ohio Secretary of State; income tax returns for the business; trade name registrations; business banking or credit accounts; or similar documents. If a partnership, the business shall either be registered with the Ohio Secretary of State to do business in the State of Ohio, or, if not registered, shall provide documentation like that required for a sole proprietorship. If the documentation is not available as listed above, the Village as administrator of the program, may decide of legitimacy for the business based on its review and examination of other evidence as it determines is appropriate.
 - The principal place of business, or headquarters, for the business must be located within Village of Doylestown.
 - The business must have been in operation for at least fifteen months prior to March 15, 2020, which, upon request, must be evidenced by a filing on or before that time of documents with the Ohio Secretary of State incorporating or organizing the business. Absent those filings, business bank account documentation, business tax documentation, credit accounts or other

EXHIBIT A

documentation acceptable to the Village in its sole discretion as evidence of operations will be required. In cases where business transitions, ownership changes or other activities disrupt the abilities to provide specific documentations, the Village, as administrator of the program, may make a determination of legitimacy for the business based on its review and examination of other evidence as it determines is appropriate.

- The business must not be permanently closed and must indicate based on answers in its application that it intends to continue its business operations following the COVID-19 pandemic.
 - To be eligible for a grant in an amount of up to \$8000 the business must employ a minimum of eleven employees and a maximum of hundred employees. To be eligible for a grant in an amount of up to \$5000, the business must employ a minimum of one employee and less than eleven employees. For purposes of this criteria, "employee" shall mean an individual who (I) is employed as an employee who regularly works at least 20 hours per week and who is provided an IRS Form W-2 at the end of each calendar year, (ii) is independently contracted with the business, regularly works at least 20 hours per week and who receives an IRS Form 1099 at the end of each calendar year, or (iii) the principal owner(s) of the business, the sole proprietor, or partners, whichever is applicable, provided, however, that the principal owners, sole proprietor or partners need not be included in the number of employees if it would cause the business to exceed thirty individuals employed or result in the ratio of employees that are Wayne County residents compared to the total number of employees be less than 50%. Owners that are excluded for either the calculation for number of employees or percentage of employees must be excluded for both calculations.
 - At least 50% of all individuals employed by the business, as defined herein, must be permanent residents of the Village of Doylestown/Wayne Co.
 - The business must not be in receivership or bankruptcy.
 - The business must be current on all Village of Doylestown municipal and Joint Economic Development District income tax obligations and Wayne County property tax obligations as of October 7, 2020. Those on payment plans will be deemed current if plan payments are up to date as of the application deadline of October 7, 2020. All businesses will be required to provide the businesses' federal employer identification number, or, if the business does not have a federal employer identification number, the social security number under which the business operates.
- The businesses shall not be one of the following, regardless of its general eligibility under subsection (A), above:
 - Any business operating as an entertainment device arcade, as defined in Codified Ordinances of the Village of Doylestown, regardless of the location within Wayne County.
 - Any business operating as a sexually oriented business as that term is defined in Section 2907.40 of the Ohio Revised Code.
 - Any business that primarily sells tobacco products, cigarettes, electronic smoking devices, or vapor products as those terms are defined in Section 2927.02 of the Ohio Revised Code.
 - Any financial institution that makes loans or issues credit to the public, including, but not limited to, banks, credit unions, payday lenders, or any other similar business.
 - Any business that generates revenue that is solely considered as passive activity by the Internal Revenue Service for income purposes and/or that is a sole proprietor without employees that reports business income on a 1040 Schedule C that is less than 25% of the adjusted gross income of the individual filing the 1040 Schedule.

III. Eligible Expenses

- Unless excepted below, all expenses of the business that related to the costs of business interruption caused by required closures or for which the business faces uncertainty as to its ability to pay due to the pandemic and that are deductible as ordinary and necessary business expenses under the U.S. Internal Revenue Code may be paid for with grant

EXHIBIT A

funds from the Program. Expenses must be incurred between March 15, 2020 and December 15, 2020. Examples of eligible expenses include, but are not limited to:

- Mortgage payments for the business's principal place of business or such other business location in Wayne County. Mortgage payments for businesses that are in an owner's primary residence are not eligible.
 - Rent payments for the business's principal place of business or such other business location in Wayne County. Rent payments for businesses that are in an owner's primary residence are not eligible.
 - Utility payments – electric, gas, sewer, water, trash removal – for the business's principal place of business or such other business location in Wayne County. Utility payments for businesses that are in an owner's primary residence are not eligible.
 - Health, property and casualty and liability insurance payments.
 - Vehicle and equipment lease or rental payments for vehicles and equipment leased on or prior to March 15, 2020.
 - Salaries or wages of all employees employed by the business.
 - Such other costs related to interruption of the business caused by required closures, including the closure of the business's suppliers and/or customers.
- Additionally, any sole proprietor may use grant funds from the Program to replace a portion of its lost revenue, as follows:
 - If the sole proprietor filed IRS Form 1040 and Schedule C thereto for tax year 2019, or, if the event the sole proprietor has not filed IRS Form 1040 for tax year 2019, but has filed IRS Form 1040 and Schedule C thereto for tax year 2018, then the sole proprietor can use the grant funds to pay the sole proprietor the equivalent of up to 33% of the net profit reported by the sole proprietor on line 31 of the applicable Schedule C. If the sole proprietor received a prior grant under this program, the total of all grants received shall not exceed 33% of the net profit reported by the sole proprietor on line 31 of the applicable Schedule C.
 - All expenses reported to the Village of Doylestown or reimbursed using Program funds must either be incurred by the business or paid by the business on or after March 15, 2020, and before December 15, 2020. No grant funds may be used to pay for vehicles or equipment leased or purchased after March 15, 2020 (this prohibition is not intended to apply to inventory of the business).
 - The eligible expenses set forth above constitute, to the best of the Village of Doylestown's knowledge and understanding, eligible expenses for which funds can be used under Section 5001 of the CARES Act, and the business cannot use grant funds it receives for purposes other than those set forth above.

IV. Application and Award Process

- Businesses that wish to apply for a grant from the Program shall submit to the Village of Doylestown the following documents along with the application. That application will include basic information regarding the business, as well as the following information:
 - If the business applied for a Paycheck Protection Program Loan or Economic Injury Disaster Loan through the U.S. Small Business Administration, the loan application number(s) for the Economic Injury Disaster Loan and/or the Paycheck Protection Program Loan. Application for these programs is not a requirement and will be used for statistical purposes only.
 - Summary level information on 2019 revenues and expenses, an estimate of 2020 YTD revenues and expenses through September 30, 2020 and an estimate of COVID-19 impact on revenue and expenses through September 30, 2020.
 - An indication of business expenses that the business will pay with grant funds awarded from the Program.
 - For all businesses applying, the first page of its IRS Form 1040, 1040-SR, 1065, 1120 or 1120-S for tax year 2019, or, if the business has not filed IRS Form 1040, 1040-SR, 1065, 1120 or 1120-S for tax year 2019, but has filed one of said forms for tax year 2018, then the first page of the same. Additionally, any business

EXHIBIT A

providing a Form 1040 or 1040-SR must also include the full Schedule C that was filed with the Form 1040 or 1040-SR.

- A completed form W-9 for the business or recipient of grant funds to enable IRS reporting and verification.
- Applications will be taken beginning **open Oct.19-Oct.30th**. All applications must be fully submitted and completed during this time to be considered. Applications will be received via mail in or in person drop off at village Hall. Applications may also be received by U.S. Mail and will be time stamped upon receipt for 5 p.m. on the date of the postmark of the application. To facilitate review, no applications will be accepted by U.S. Mail if received after 5 p.m. on the final date of the application period. Complete submission of accurate information is the responsibility of the applicant. Incomplete applications will result in elimination of the company's application for the grant. Information submitted will be deemed as certified to be accurate and truthful by the applicant and will be relied on for determining eligibility and applicant scoring. False information provided by applicants could result in the requirement to repay grant funds as a result of submitting a false or misleading application.
- All applications that are complete and contain all information required by Section IV(A), above, will receive a sequential grant application number indicating the order that the complete application was received. This number will factor into the review as a way of prioritizing distribution of funds in the event scoring of the application results in equal scores to other applications.
- All complete applications that receive a grant application number will be considered for funding by the Grant Underwriting Team. Grant awards will be made based on competitive application scoring and the availability of funds. It is not likely the Program will be able to provide funds for every eligible applicant.
- If, after review of all applications and award of grant funds for all applications received , there are still funds remaining to be granted and/or subsequent funds are received by the Village of Doylestown for the purpose of making grants hereunder, subsequent rounds of funding, that will function in a similar manner , may be announced and conducted
- Prior to receiving any grant funds, the business shall sign a grant agreement between itself and Village of Doylestown. At a minimum, the grant agreement will (I) require the business to use all grant funds for the purposes set forth in these Guidelines and its application, (ii) require the business to follow and comply with all other provisions of these Guidelines, (iii) be conditioned on the business providing all information on the application, accompanying documents and verification of expenses in a true and accurate manner, (iv) require the business to be subject to audit and reimbursement of funds in the event it fails to comply with items (I) to (iii), and (v) require the business to indemnify and hold harmless the Village of Doylestown and all contributors of grant funds.
- To the extent allowable due to the availability of funds, all businesses will be funded to the maximum for their employee size as noted above provided they are complete, meet all other criteria, and are approved by the Grant Underwriting Team. Businesses requesting less than the maximum funding for their size will be funded in the amount requested in the application, again, provided they are complete, meet all other criteria, and are approved by the Grant Underwriting Team. The Village of Doylestown and the Grant Underwriting Team will not make determinations that grants be funded for an amount different than the amount requested, unless necessary to cap the grant at a maximum amount.
- In general, The Village of Doylestown will manage the Program and administer the distribution of grants in accordance with these Guidelines.
- Nothing contained herein is intended to obligate or bind, nor shall it be construed to obligate or bind, the Village of Doylestown or any grantor of funds to the Program, to make, award, or fund any grant to any entity whatsoever, and no entity shall have any claim, action, or cause of action against the Village of Doylestown or any grantor of funds for failure to make, award, or fund any grant. All determinations will be made with

EXHIBIT A

the best efforts of the Grant Underwriting Team and in the spirit of meeting the objectives of this program. The decisions of the Grant Underwriting Team are final, not subject to appeal and fully within the discretion of the Grant Underwriting Team subject to whatever process modifications they find necessary in the dispatch of their work to meet the guidelines of the program.

EXHIBIT A

Welcome to the Village of Doylestown COVID-19 Small Business Emergency Relief Grant Program Application.

Before you begin your application, you may choose to prepare the following information to provide a smooth application process.

Legal business name and any DBA or trade name

1. Legal business address, and primary place of business if different from legal address
2. Contact information for the primary applicant
3. Number of owners with at least 20% interest in this business
 1. Provide the name and address for each business owner with at least 20% ownership in the company
4. Employer Identification Number (EIN) or Social Security Number (SSN) for sole proprietors
5. First 3 digits of your NAICS industry code
 1. If unknown, This [Census Bureau website](#) can help you find the NAICS code according to your type of business
 2. Or Google "NAICS Code" and a keyword that describes your business (for example "NAICS code daycare")
6. Your type of organization (for example LLC)
7. Number of years the business has been in operation
8. Average number of years of industry experience the business owners have
9. Written description of the nature of your business (max 250 characters)
10. Number of employees in your business, as of March 15, 2020, and as of September 15, 2020
11. Number of employees in your business that are Wayne County residents, as of March 15, 2020, and as of September 15, 2020
12. Annual operating revenue for 2019
13. Annual operating expense for 2019
14. Annual payroll expense for 2019
15. Year-to-date operating revenue for 2020 (estimate through September 30, 2020)
16. Year-to-date operating expense for 2020 (estimate through September 30, 2020)
17. Lost revenue due to COVID-19 (estimate through September 30, 2020)
18. Increased business expense due to COVID-19 (estimate through September 30, 2020)
19. Written description of how the COVID-19 pandemic has impacted your business (max 750 characters)
20. Amount and planned use of requested grant funds
21. Amount already received from other local pandemic-related financial relief programs
22. Prepare yes/no responses to the following questions:
 1. Is the legal address or primary place of business for your company the Village of Doylestown?
 2. Has your business been in operation since before December 16, 2018?
 3. Is your business a non-profit organization?
 4. Is ownership of your business traded on a public stock exchange?
 5. Is this business the main source of income for any of its owners?
 6. As of the time this application is submitted, have you permanently closed your business?
 7. Do you intend to continue your business operations following the COVID-19 pandemic?
 8. Is your business currently in receivership or bankruptcy?
 9. Is your business current on all local income and county property taxes?
 10. Is your business a minority-owned, woman-owned, veteran-owned, LGBTQ-owned, or other disadvantaged business entity?
 11. Is your business an entertainment device arcade?
 12. Is your business a sexually oriented business?
 13. Does your business primarily sell tobacco, tobacco-related, or nicotine-alternative products?
 14. Is your business a financial institution that issues credit or makes loans?
23. You will need to send in the following documents within this application:
 1. An up-to-date copy of your IRS Form W-9.
 2. A copy of your most recent tax return.
 3. If your tax return is an IRS Form 1040 or 1040-SR, then you'll also be asked to for a copy of your Schedule C. If you send in a tax form other than 1040 or 1040-SR, then we will not ask you for a Schedule C.

EXHIBIT A

Application:

1. Please enter the name of your business. If your business is registered with the Ohio Secretary of State, please enter the name as it appears on your registration.

(example: The ABC Company, LLC)

2. Please enter any DBA(s) or trade name(s) of your business.

3. Please enter the legal address of your business.

a. Street, City, State, Zip and County

4. Please provide the following contact information for the person who will serve as the primary contact for the communication about the grant. Name, phone number, email.

5. How many owners of a 20% or more interest in this business are there?

- a. 1
- b. 2
- c. 3
- d. 4
- e. 5

6. Business Owner #1, please list name and address. If a partner, please list name and address as well.

7. Please provide the 9-digit EIN number for your business, or SS if the business is a sole proprietorship.

EXHIBIT A

13. Please list the number of employees employed by this business on **March 15, 2020**. Include all W2@20 hours or more, 1099 @20 hours or more, and principal owners, partners or sole proprietor. Whichever is applicable.

14. Please List the number of employees on **September 15, 2020**.

15. Please List the number of employees on **September 15, 2020** that are Wayne County residents.

16. Please provide your annual operating revenue for the calendar year 2019.

17. Please provide the annual operating expenses for the calendar year 2019.

18. Please provide an estimate of your 2020 year to date operating revenue through September 30, 2020.

19. Please provide an estimate of your 2020 year to date operating expenses through September 30, 2020.

20. Please estimate the business lost revenue due to Covid-19 through September 30, 2020. If none, write 0

21. Please estimate any increased business expense due to Covid-19 through September 15, 2020. If none, write 0

22. Please describe how Covid-19 impacted your business, including an explanation of any lost revenue or increased expenses indicated above.

EXHIBIT A

23. Please explain how the business will use the grant funds. I.e. payroll, rent, mortgage, utilities, equipment leases, insurance.

24. If you are selected to receive a grant under this program, who should the check be made payable to?

Please answer **yes or no** after each question:

25. Is the legal address or primary place of business in the Village of Doylestown?

26. Has your business been in operation since before Dec.16, 2018?

27. Is your business a non-profit organization?

28. Is this business the main source of income for any of its owners?

29. As of the time this application submitted, have you permanently closed your business?

30. Do you intend to continue your business operations following the Covid-19 pandemic?

31. Is your business current on all local tax obligations?

32. Is your business an entertainment device arcade?

33. Is your business a sexually oriented business?

34. Does your business primarily sell tobacco, tobacco-related or nicotine-alternative products?

Please attach with your application a copy of your 2018 or 2019 taxes, ex. IRS form 1040, 1040sr, 1065, 1120 1120s or other. Please go back and review or application and please indicated that everything you have written is true and accurate with your signature below. Thank you for taking the time to fill out the Village of Doylestown grant application.

Signature
