

**IN THE MATTER OF SETTING DATE AND TIME TO HOLD A PUBLIC HEARING TO REVIEW THE COUNTY'S PROPOSED COMPREHENSIVE SOCIAL SERVICES PLANS FOR FISCAL YEARS 2017 AND 2018 FOR THE AUGLAIZE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 28th day of March, 2017.

Commissioner Regula moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Board of County Commissioners has been informed that a public hearing to review the County's proposed Comprehensive Social Services Plan for fiscal years 2017 and 2018 is mandated by the Ohio Department of Job & Family Services; and,

**WHEREAS**, Julie Gossard, Business Administrator for the Auglaize County Department of Job and Family Services, requested that the Board of County Commissioners set a date and time to hold this public hearing.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio does hereby set Wednesday, April 12, 2017 from 1:00 p.m. to 3:00 p.m., in the Conference Room at the Auglaize County Department of Job and Family Services located at 12 N. Wood Street as the date, time and place to hold a public hearing for the review of the County's proposed Comprehensive Social Services Plan for fiscal years 2017 & 2018.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this  
28th day of  
March, 2017

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman  
John N. Bergman yes

Douglas A. Spencer  
Douglas A. Spencer yes

Don Regula  
Don Regula yes

✓cc: County Department of Job & Family Services –  
Michael Morrow

**IN THE MATTER OF ENTERING INTO A TAX INCENTIVE AGREEMENT WITH THE DANNON COMPANY, INC.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 28th day of March, 2017.

Commissioner Regula moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on November 21, 1990, the Director of the Ohio Department of Development, did certify the Village of New Bremen and German Township as a Rural Enterprise Zone. On December 13, 1991, the Director of the Ohio Department of Development, did amend and certify the Villages of Minster and New Bremen; German and Jackson Townships as a Rural Enterprise Zone; and,

**WHEREAS**, the Board of County Commissioners did grant to the Village of Minster the authority to negotiate and administer the tax incentives available pursuant to the law; and,

**WHEREAS**, on this date, March 28, 2017, Village of Minster provided the Board with an agreement which has been negotiated with The Dannon Company, Inc.; and,

**WHEREAS**, said agreement was authorized by the Council of the Village of Minster on March 21, 2017; and,

**WHEREAS**, the Board, having reviewed the agreement, finds same to be in compliance with the County's Enterprise Zone Policy as adopted on February 11, 1988, amended April 14, 1988, September 13, 1994, February 24, 1998, and December 14, 2004; and,

**WHEREAS**, the Board finds that this project will have a positive impact on economic growth within the County as said project will involve a total investment of \$24,987,760.00 in construction and shall create twenty-three (23) new job opportunities which will result in approximately \$714,869.00 in additional annual payroll in the time period not exceeding twenty-four (24) months after the commencement of construction of the aforesaid facility.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the President of the Board, John N. Bergman, to enter into the tax incentive agreement with The Dannon Company, Inc.; and,

**BE IT FURTHER RESOLVED** that a copy of the agreement be made a part of this Resolution; and,

**BE IT FURTHER RESOLVED** that the Clerk of the Board be instructed to forward a certified copy of this Resolution to The Dannon Company, Inc.; Village of Minster; County Auditor; Superintendent of Minster School System; Ohio Department of Development and the State of Ohio Tax Commissioner.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:  
Adopted this \_\_\_\_\_  
28th day of \_\_\_\_\_  
March, 2017

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes  
John N. Bergman  
Douglas A. Spencer, yes  
Douglas A. Spencer  
Don Regula, yes  
Don Regula

attachment  
cc: as noted above

**CERTIFICATION**

I, as Clerk of the Board of County Commissioners, Auglaize County, Ohio, do hereby certify that the attached is a true and correct copy of Resolution No. \_\_\_\_\_ passed by the Board of County Commissioners of Auglaize County, Ohio, on March 28, 2017.

\_\_\_\_\_  
Esther Leffel, Clerk  
Board of County Commissioners  
Auglaize County, Ohio

Dated: \_\_\_\_\_

## ENTERPRISE ZONE AGREEMENT THE DANNON COMPANY, INC.

This agreement made and entered into by and between the Village of Minster/Jackson Township Rural Enterprise Zone, the Township of Jackson, the Village of Minster and the County of Auglaize, Ohio (hereinafter referred to as the "Governmental Entities" and the Dannon Company Inc., an Ohio Corporation with its main offices located at 100 Hillsdale Avenue, White Plains, New York 10603 (hereinafter referred to as the "Corporation").

WITNESSETH:

WHEREAS, the GOVERNMENTAL ENTITIES have encouraged the development of real property located in the area designated as an Enterprise Zone; and

WHEREAS, the CORPORATION is desirous of constructing a new building (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 variability of said "PROJECT"; and

WHEREAS, the Township of Jackson, the Village of Minster and the County of Auglaize, did by resolutions adopted designate the area as a rural enterprise zone pursuant to Section 5709 of the Ohio Revised Code; and

WHEREAS, the Director of Administrative Services of the State of Ohio determined that the aforementioned area designated in said Resolution contains the characteristics set forth in Section 5709 of the Ohio Revised Code and certified said area as a Rural Enterprise Zone under said Section 5709 of the Ohio Revised Code; and

WHEREAS, the GOVERNMENTAL ENTITIES are desirous of providing the CORPORATION with incentives available for the development of the PROJECT in said rural enterprise zone under section 5709 of the Ohio Revised Code; and

WHEREAS, the CORPORATION has submitted a proposed agreement application (herein attached as "EXHIBIT A") pursuant to Section 5709.63 of the Ohio Revised Code, (said, application hereinafter referred to as "APPLICATION"); and

WHEREAS, the GOVERNMENTAL ENTITIES have investigated the application of the CORPORATION and has recommended the approval of same on the basis that the CORPORATION 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 Enterprise Zone; and

WHEREAS, pursuant to Section 5709 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 agree as follows:

1. The Dannon Company Inc. shall construct the proposed project. The PROJECT will involve a total investment by the Dannon Company Inc. of twenty-four million, nine hundred eighty-seven thousand, seven hundred and sixty dollars (\$24,987,760.00) at the site. The PROJECT will begin April 2017, and all acquisition, construction and installation will be completed by April 2018.
2. The Dannon Company Inc. shall use its best efforts to create or cause to be created within a time period not exceeding twenty-four (24) months after the commencement of construction of the aforesaid facility, the equivalent of twenty-three (23) new full time permanent jobs. The increase in the number of employees will result in seven hundred fourteen thousand, eight hundred and sixty-nine dollars (\$714,869.00) additional annual payroll for the Dannon Company Inc. with the terms of this agreement.
3. The Dannon Company shall cooperate with and provide necessary information to the designated Tax Incentive Review Council to enable the council to review and determine annually, during the period this agreement is in effect, the compliance of The Dannon Company, Inc. with the terms of this agreement.
4. The GOVERNMENTAL ENTITIES hereby grant a seventh-five percent (75%) exemption for a ten (10) year period for real property additions made to the project site pursuant to Section 5709 of the Ohio Revised Code.
5. The Dannon Company Inc. shall, during the exemption period and thereafter, continue to pay the taxes due on the land portion of the real estate bill for the PROJECT, and all other applicable taxes.
6. The GOVERNMENTAL ENTITIES shall perform all such acts and deeds as may be necessary or appropriate to effect, claim, reserve, and maintain the real property tax exemption provided in number four (4) herein above, including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with said tax exemption.
7. If for any reason said Enterprise Zone designation expires or the Board of County Commissioners revokes the designation of the Enterprise Zone, or if the Director of the Development for the State of Ohio revokes certification of the Enterprise Zone, any entitlement to tax exemptions as set forth in item four (4) above, shall continue to be enjoyed by the Dannon Company Inc., for the number of years specified in said item four (4) above, provided The Dannon Company fulfills the terms of this agreement.
8. If The Dannon Company fails to fulfill the terms of this agreement, the GOVERNMENTAL ENTITIES of Auglaize County shall have the right to terminate or modify the tax exemptions set forth in item four (4) above.

9. The Dannon Company and the GOVERNMENTAL ENTITIES acknowledge that this Enterprise Zone Agreement must receive legislative approval by the Board of Commissioners of Auglaize County and the Council of the Village of Minster, and be forwarded on to the Ohio Department of Taxation and Development within fifteen (15) days of approval to be finalized.

IN WITNESS WHEREOF, the Village of Minster by its Mayor and the County of Auglaize, Ohio, by its President of the Board of County Commissioners have caused this instrument to be executed this 28<sup>th</sup> day of March, 2017 and The Dannon Company, Inc., by its President, has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Auglaize County, Ohio

BY: John N Bergman  
President

Village of Minster, Ohio

BY: Annis Kitzmiller  
Mayor

The Dannon Company, Inc.

BY: \_\_\_\_\_  
President

# COMPENSATION AGREEMENT

## EXHIBIT B

Pursuant to Ohio Revised Code 5709, this Compensation Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the Village of Minster-Jackson Township Rural Enterprise Zone, the Village of Minster, the County of Auglaize, Ohio (hereinafter referred to as the "GOVERNMENTAL ENTITIES") and The Dannon Company, a Delaware Corporation with its main office located at 100 Hillside Avenue, White Plains, New York, 10603 (hereinafter referred to as "CORPORATION"),

1. In consideration of the real property tax exemptions granted in that certain Enterprise Zone Agreement between the CORPORATION and the GOVERNMENTAL ENTITIES and incorporated herein by reference to as the "ENTERPRISE ZONE AGREEMENT", and because the CORPORATION recognizes the difficult financial conditions facing many school districts, the CORPORATION shall compensate Minster Local Schools in accordance with the terms of this Compensation Agreement.
2. The CORPORATION shall donate to the general fund of the Minster Local Schools, an amount equal to one million, seven hundred and thirty-three thousand, nine hundred and forty-seven dollars (\$1,733,947.00), payable as follows:

March 1, 2018	\$173,394.70
March 1, 2019	\$173,394.70
March 1, 2020	\$173,394.70
March 1, 2021	\$173,394.70
March 1, 2022	\$173,394.70
March 1, 2023	\$173,394.70
March 1, 2024	\$173,394.70
March 1, 2025	\$173,394.70
March 1, 2026	\$173,394.70
March 1, 2027	\$173,394.70
3. (A) Payment of amounts specified below shall be made by the CORPORATION to the Minster Local Schools on or before March 1<sup>st</sup> as follows:

March 1, 2018	\$173,394.70
March 1, 2019	\$173,394.70
March 1, 2020	\$173,394.70
March 1, 2021	\$173,394.70
March 1, 2022	\$173,394.70
March 1, 2023	\$173,394.70
March 1, 2024	\$173,394.70
March 1, 2025	\$173,394.70
March 1, 2026	\$173,394.70
March 1, 2027	\$173,394.70
3. If the CORPORATION fails to make payments due hereunder on time and in the proper amounts, then any such failure may be declared to be a material failure to abide by this Compensation Agreement and the ENTERPRISE ZONE AGREEMENT, and may result in revocation of this Compensation Agreement and the ENTERPRISE ZONE AGREEMENT upon written notice to the CORPORATION provided such deficiency is not corrected within forty-five (45) days after receipt of written notice addressed to the President of the CORPORATION. Any termination of the ENTERPRISE ZONE AGREEMENT shall operate as a termination of this Compensation Agreement and any termination of this Compensation Agreement shall operate as a termination of the ENTERPRISE ZONE AGREEMENT. In the event of termination, then thereafter all tax exemptions under the ENTERPRISE ZONE AGREEMENT shall cease, and all real property taxes otherwise due under applicable law

relating back to January 1 of the year in which the Termination date occurs, minus any payments previously made under this Compensation Agreement during the year of the Termination Date, shall be due and payable in the amounts and as such time as generally required by applicable law. Such amounts may be certified and placed on the tax duplicate of Auglaize County and be deemed to have the full force and effect of a tax lien upon the CORPORATION's real property under the laws of the State of Ohio.

4. In addition to the above, in the event this Compensation Agreement and the ENTERPRIZE ZONE AGREEMENT are terminated either as a result of the CORPORATION's failure to make the payments due hereunder (after any applicable grace period), then the CORPORATION shall be liable to pay the Minster Local Schools the following:
  - (A) All amounts which would have been paid pursuant to this Compensation Agreement from its inception through December 31 of the year immediately preceding the year in which the Termination Date occurs, in the event and only in the event such amounts were not previously paid.
5. This Compensation Agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.
6. This Compensation Agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussion, agreements, and undertakings of every kind and nature between the parties with respect to the subject matter of this agreement.
7. All payment, certificates or reports and notices which are required to or may be given pursuant to the provisions of this Compensation Agreement shall be sent regular mail, postage paid, and shall be deemed to have been given or delivered when so mailed.
8. The invalidity of any provision of this Compensation Agreement shall not effect the other provisions of this agreement, and this agreement shall be construed on all respects as if any invalid portions were omitted

IN WITNESS WHEREOF: The Village of Minster by its Mayor and the County of Auglaize, Ohio by its

President of the Board of County Commissioners have caused this instrument to be executed effective the  
29<sup>th</sup> day of March, 2017, and the Dannon Company Inc., by its President, has

caused this instrument to be executed effective the \_\_\_\_\_ day of \_\_\_\_\_  
2017.

Auglaize County, Ohio

BY: John W. Burgman  
President

Village of Minster, Ohio

BY: Dennis Kitzmiller  
Mayor

The Dannon Company, Inc.

BY: \_\_\_\_\_  
President



## VILLAGE OF MINSTER ENTERPRISE ZONE APPLICATION

PROPOSAL for Enterprise Zone Agreement between the Village of Minster / Jackson Township / Auglaize County Commissioners located in the County of Auglaize and The Dannon Company, Inc.

1. Name of business, home or main office address, contact person, telephone and e-mail address:

The Dannon Company, Inc. Eric Stephens Contact Person  
Business Name  
100 Hillside Avenue 203-903-7435 Telephone Number  
White Plains, NY 10603 Eric.Stephens@Dannon.com  
Address E-Mail

- A. Nature of business (manufacturing, warehousing, wholesale, retail stores or other): **warehousing**
- B. If a consolidation, what are the components of the consolidation: **Consolidation of multiple warehouses**
- C. Form of business (corporation, partnership, proprietorship or other): **corporation**
2. Name of principal owner(s) or officers of the business:
- **Mariano Lozano; John Fidanza; Jose Alcantara; Danielle White**
3. Is business seasonal in nature? **No**
4. Current number of employees at site? **0** In Ohio? **90**
5. Is business relocating from another community in Ohio? **NO**

A. If so what is the Communities' name: **N/A**

6. Project Description:

- **The company wishes to establish a new consolidated distribution center. Evaluated real estate options in Indiana, Kentucky, and Ohio. The 250,000 square-foot facility's capabilities will include: cooler, finished goods, raw & pack, and fruit totes storage.**

7. Project, which is located within the Enterprise Zone, will begin approximately November 2016 and will be completed by November 2017, provided a tax exemption is provided.
8. Estimate the number of new employees the business intends to hire at the facility that is the project site. (Full time equivalent of permanent new jobs):
- **23 new full-time equivalent positions**
9. Estimate the amount of annual payroll such new employees will add (indicate separately the amount of existing annual payroll related to any job retention claim resulting from the project):
- **\$714,869**
10. Market value of the existing facility as determined for local property taxation (<http://auglaizeauditor.ddfi.net/Data.aspx?ParcelID=E1403500202>):

- Parcel 1:
  - Lot # SD SW 2 W ½ / Lot 1
  - Parcel ID # E15-352-011-00
  - Acres: 22.723
  - Location: SR 66
  - Appraised Value: \$303,440
  - Assessed Value: \$106,200 (35%)
- Parcel 2
  - Lot # SD SW PT Lot 2
  - Parcel ID # E14-035-002-02
  - Acres: 7.000
  - Location: SR 66
  - Appraised Value: \$35,000
  - Assessed Value: \$12,250 (35%)

11. Businesses' total current investment in the facility as of the proposal's submission:

- \$25MM

12. An estimate of the amount to be invested by the enterprise to establish, expand, remove or occupy a Facility:

- A. Acquisition of Land: \$742,500
- B. Additions/New Construction \$20,757,500
- C. Improvements to Existing Buildings: \$3,487,760

TOTAL NEW PROJECT INVESTMENT: \$24,987,760

13. Businesses' reasons for requesting tax incentives (Be specific as possible):

- The property tax incentives are needed to make this site competitive with competing locations. With a build-to-suit construction project at a new location, the business is making a large investment in assets and employment. Factoring in the tax benefits is essential to making the business case for a new facility in Minster. Other competing locations included existing facilities, which would have saved the company significant facility related expenses on its P&L. The company envisions a long-term partnership with the community, whereby new investment in employment and facilities is offset by a portion of the new tax revenue generated.

Applicant agrees to supply additional information upon request. The applicant believes that the information contained in and submitted with this application is complete and correct.

Submitted by: JOSE ALCANTARA  
Type or Print Name and Title

Signature JOSE ALCANTARA

Date 11/23/16

COUNCIL MEMBER	YES	NO	ABSTAIN
Rick Schwartz	X		
Tom Herkenhoff	X		
Paul Enneking	X		
Curt Albers			
Craig Oldiges	X		
Nicole Clure	X		
Mayor Dennis Kitzmiller			

**ORDINANCE 17-03-03**

**AN ORDINANCE APPROVING AN ENTERPRISE ZONE AGREEMENT WITH THE DANNON COMPANY INC. PURSUANT TO THE ENTERPRISE ZONE REGULATIONS AND TO DECLARE AN EMERGENCY**

**WHEREAS**, in an effort to spur the industrial and commercial growth of the area the Village of Minster and the Auglaize County Board of County Commissioners have established and the Ohio Department of Development has certified a Rural Enterprise Zone Area that includes the Village of Minster and Jackson Township in Auglaize County; and

**WHEREAS**, an enterprise zone is an area within which special tax incentives may be offered by contract to businesses who agree to invest in capital improvements and/or create and/or retain jobs; and

**WHEREAS**, only those businesses that are qualified by financial responsibility and business experience to create and preserve employee opportunities in the Zone and to improve the economic climate of the Village and Township may apply for the tax incentives available in an Enterprise Zone; and

**WHEREAS**, The Dannon Company Inc. is an existing business in the community who is making a substantial capital investment at their facility and are creating new employment opportunities in the village; and

**WHEREAS**, The Dannon Company has applied for a special tax incentive that would assist them in the construction of their 250,000 square foot, \$25,000,000.00 distribution center.

**NOW THEREFORE BE IT ORDAINED BY THE Council of the Village of Minster, Auglaize County, Ohio, to wit:**

**SECTION 1:** The enterprise zone agreement and related compensation agreement with The Dannon Company, Inc. attached hereto, is hereby approved.

**SECTION 2** This Ordinance shall be and it hereby is deemed to be an emergency measure for the immediate preservation of the public property, health, or safety by enabling economic growth to take place and this Ordinance shall take effect and be in force from and after its passage.

**ADOPTED:** March 21, 2017

Attest:

  
John Stechschulte, Fiscal Officer

  
Dennis Kitzmiller, Mayor