TOWN OF TAZEWELL ENTERPRISE ZONE GRANT APPLICATION

The Industrial/Economic Development Authority of the Town of Tazewell, Virginia ("I/EDA") ***rev. 02-03-2026***

Virginia Code §59.1-279, et seq.; §59.1-538; Town Code Sec. 10-100, et seq.

Applicant Company Name:		Applicant Contact:
Applicant Contact Address (physical and mailing):		
City/Town :	State:	Zip Code:
Telephone #:	Fax #:	
Cell Phone #:	Email:	

Consideration and award of any Town of Tazewell Enterprise Zone ("TTEZ") Grant may occur following review of the submitted application by the I/EDA and determination of eligibility by the TTEZ Administrator for the Town of Tazewell. Only those businesses located within the areas specifically designated as approved for the Tazewell County Enterprise Zone by the Virginia Department of Housing and Community Development may be considered for award eligibility by the I/EDA.

Grant consideration for any applicant is based upon Minimum Qualifications criteria as established by the I/EDA under the TTEZ Ordinance, which criteria include the requirements for the Applicant to:

1. be a "Qualified Company." A Qualified Company must be a company that:

    (1) Has applied for a grant pursuant to Town Code Ch. 10, Article VII; and

    (2) Meets EITHER of the following EMPLOYMENT CRITERIA:

    a. Is a NEW COMPANY that employs five (5) new equivalent jobs more than the company employed at the time the company applied for TTEZ grant(s); OR

    b. Is an EXISTING COMPANY that expands its existing operations at a location within the TTEZ and maintains its employment levels equal to the number of equivalent jobs employed by the company at the time the company applied for the grant(s); AND

    (3) Meets either of the following INVESTMENT CRITERIA:

    a. Company has invested at least twenty-five thousand dollars ($25,000.00) in improvements to real property located in the TTEZ, including but not limited to new construction, renovation, rehabilitation, or expansion of a taxable structure, which serve to facilitate the company's business operations; OR

    b. Company has invested at least twenty-five thousand dollars ($25,000.00) in purchasing machinery and tools, not previously assessed by the Town of Tazewell, which will be located in the TTEZ and serve to facilitate the company's business operations located in the TTEZ.

AND

2. fulfill the qualification, time frame and document submission requirements necessary for the type of Grant (i.e., Real Property Tax Grant; Tangible Personal Property Grant; Rehabilitated Real Estate Tax Exemption; Lodging Tax Refund Incentive; Meals Tax Refund Incentive; and Business License Fee Abatement) for which your Company is applying.

Applicant is required to present the Company's business plan at an I/EDA scheduled meeting. Please communicate with the Town Manager or the current I/EDA Chairperson to be placed on the I/EDA agenda for a presentation and consideration.

Signature of Applicant ______________________________________ Date________________

Print Name and Title ______________________________________

TOWN OF TAZEWELL ENTERPRISE ZONE GRANT APPLICATION

The Industrial/Economic Development Authority of the Town of Tazewell, Virginia (“I/EDA”) ***rev. 02-03-2026***

Owner/Applicant Name:

Doing Business As:

Company Address (or intended address) in the Town of Tazewell:

Is this location currently leased, owned or under contract by the applicant? □ Owned □ Lease □ Under Contract
(*NOTE* Applicant must provide copy of deed, lease, or contract)

Business Telephone #:	Business Fax #:
Business Email:	Business Website:

Type of Business:

Is this an existing business? □ Yes □ No	If Yes, at same address? □ Yes □ No

Existing Business Tax Map No. -

If No, provide current address, below:

Street address:

City/Town :	State:	Zip Code:

New Address Tax Map No. -

If an existing business, will there be a new product, service or type of business? □ Yes □ No

If Yes, describe:

Type of Grant sought: (please check all that apply)
□ Real Property Tax Grant (RPTG) □ Tangible Personal Property Grant (TPPG)
□ Rehabilitated Real Estate Tax Exemption (RRETE)
□ Lodging Tax Refund Incentive (LTRI) □ Meals Tax Refund Incentive (MTRI)
□ Business License Fee Abatement (BLFA)

Number of Jobs to be Created: (…in addition to **5 FTE job minimum** application requirement)	Target Date for Creating Additional Jobs:

Amount you anticipate investing in real estate improvements and/or equipment: $
(REQUIRED **$25,000 minimum investment** in real estate improvements OR in new purchase of machinery/tools to be assessed by Town)
Please Describe (attach additional pages if necessary):

Do you have a business plan? □ Yes □ No (*Must submit business plan w/ application*)	Did you receive assistance in creating the business plan? □ Yes □ No If Yes, Name of agency/company:

Do you have financing in place? □ Yes □ No
If Yes, Name of bank(s) or other financial institution(s):

Have you owned a business previously? □ Yes □ No If Yes, please identify (attach additional pages if necessary):
Do you or a senior member of your staff have experience managing a business similar to the one you want to open? □ Yes □ No
How did you hear about the Town of Tazewell Enterprise Zone Grant? □ Advertisement □ Website □ Newspaper article □ Another business □ State or regional economic development official □ County economic development official □ Other (please explain):

Depending on the type of Grant being sought, Applicant is required to submit all necessary documents with the application to the I/EDA. Such documents should include, *but not necessarily be limited to*, the following:

Company business plan; real property deed; real property lease; paid receipts for Town and County real estate taxes and personal property taxes; Commissioner of Revenue disclosure release; business license (w/ paid receipt); building permit; certificate of occupancy; building materials receipts; or any other documents reasonably required by the I/EDA and/or the zone administrator necessary to determine eligibility and qualification for a particular Grant application.

It is recommended that Applicant thoroughly review the Town of Tazewell Enterprise Zone Ordinance and become familiar with all TTEZ reporting requirements before submitting an application. It is also recommended that Applicant become familiar with any ongoing reporting requirements tied to the award of any specific Grant that are necessary to maintain Grant award eligibility.

The Town of Tazewell Enterprise Zone Ordinance, Chapter 10, Article VII of the Code of the Town of Tazewell, is attached hereto for your review and consideration prior to the submission of your application.

TOWN OF TAZEWELL, VIRGINIA

Town of Tazewell Enterprise Zone – Application Criteria

Rev. 06/18/2025

PART II - CODE OF ORDINANCES
CHAPTER 10 - FINANCE AND TAXATION ARTICLE
VII. ENTERPRISE ZONE

ARTICLE VII. ENTERPRISE ZONE (Ord. of 8-9-16)

Sec. 10-100. Short title.

This article shall be known and may be cited as "Town of Tazewell Enterprise Zone Ordinance." References herein to "this ordinance" shall mean "this article."

Sec. 10-101. Statement of purpose.

This enterprise zone is established pursuant to the Virginia Enterprise Zone Act ("the Act"), § 59.1-279 et seq., § 59.1538 et seq., and Code of Virginia, §§ 58.1-3220 and 58.1-3221, as amended. The purpose of the Enterprise Zone Act and this article is to stimulate business and industrial growth within the area so designated as the Town of Tazewell Enterprise Zone, by means of certain tax credits, tax exemptions, and local incentives as more particularly hereinafter set forth.

Sec. 10-102. Boundaries of the Town of Tazewell Enterprise Zone.

The boundaries of the Town of Tazewell Enterprise Zone are as set forth on the map entitled, "Map of the Tazewell Enterprise Zone" which hereby is incorporated into this article and is on file in the office of the town manager at Central Avenue, Tazewell, Virginia, and the Tazewell County Circuit Court Clerk's Office, together with copies of this article. The acreage shown on said map as "enterprise zone" hereby is declared an enterprise zone pursuant to the aforesaid statutes for a period of ten (10) years, in accordance with the Act.

Sec. 10-103. Definitions.

As used in this article, the following definitions shall apply:

Act or *the Act* shall mean the Virginia Enterprise Zone Act, being § 59.1-279, et seq. and Code of Virginia, § 59.1-538 et seq., as amended.

Company shall mean any corporation, or corporations electing small business (subchapter S) corporation designation by the Internal Revenue Service, partnership, limited liability company, or sole proprietorship, authorized to do business in the Commonwealth of Virginia and subject to state and local taxation as permitted by the Code of Virginia. However, company does not include organizations which are exempt from state income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, §§ 512 or 501(c); nor does it include homeowners associations as defined in Federal Internal Revenue Code, § 528.

County shall mean the County of Tazewell, Virginia.

Enterprise zone or *VEZ* shall mean an area declared by the governor of the Commonwealth of Virginia to be eligible for the benefits accruing under Code of Virginia, § 59.1-538 et seq., and shown on the Town of Tazewell Enterprise Zone Map.

Equivalent employment or *equivalent job* shall mean a person or persons employed by company for at least forty (40) hours per week at an hourly wage or salaried equivalent as may be required by the council for the Town of Tazewell as provided in this article. A single equivalent job may mean one (1) employed individual, or multiple employed individuals, whose aggregate hours of employment, at the required wage or salaried equivalent, equals at least forty (40) hours per week. The Tazewell Town Council may modify the meaning of equivalent employment or equivalent job by requiring a minimum hourly wage or salaried equivalent. Until such designation is made the required hourly wage shall be the federal minimum wage.

Existing company shall mean any company operating or located within the town on January 1, 2016 or more than twelve (12) months prior to applying for any grants pursuant to this article. A company which retains substantially the same ownership and which operated or was located within the town on January 1, 2016 shall be considered an existing company, even if the name of the company or the organization of the business entity (corporate or otherwise) has changed.

I/EDA shall mean the Town of Tazewell Industrial/Economic Development Authority.

Mixed use shall mean a building used for both commercial/office/industrial use and residential use and in which the first floor is dedicated to commercial use and the upper floor(s) is dedicated in whole or in part to residential use.

New company shall mean a business operating within the enterprise zone only after January 1, 2016, having had no prior business location within the town.

***Qualified company* shall mean a company that:**

(1) Has applied for a grant pursuant to this article; and

(2) Meets either of the following employment criteria:

a. Is a new company that employs five (5) new equivalent jobs more than the company employed at the time the company applied for VEZ grant(s); or
b. An existing company that expands its existing operations at a location within the VEZ and maintains its employment levels equal to the number of equivalent jobs employed by the company at the time the company applied for the grant(s); and

(3) Meets either of the following investment criteria:

a. Company has invested at least twenty-five thousand dollars ($25,000.00) in improvements to real property located in the enterprise zone, including but not limited to new construction, renovation, rehabilitation, or expansion of a taxable structure, which serve to facilitate the company's business operations; or
b. Company has invested at least twenty-five thousand dollars ($25,000.00) in purchasing machinery and tools, not previously assessed by the Town of Tazewell, which will be located in the enterprise zone and serve to facilitate the company's business operations located in the VEZ.

Qualifying improvement(s) shall mean the improvements to real property made by company which constitute the basis of company qualifying for grants pursuant to this article. For purposes of calculating the real property grant such improvements shall be funds expended by company externally for labor or materials to construct, demolish, renovate or add to real property. No more than fifty (50) percent of expenditures considered a qualifying improvement may be payments to persons or companies affiliated with or a subsidiary of applicant company; expenditures made to such affiliated persons or subsidiary companies must be reasonable.

Qualified investment means the investment in improvements to real property or in machines, tools, or other taxable personal business property reported by the applicant company to qualify for grant(s) pursuant to this article. No more than fifty (50) percent of expenditures considered a qualifying investment may be payments to persons or companies affiliated with or a subsidiary of applicant company; expenditures made to such affiliated persons or subsidiary companies must be reasonable.

Town shall mean the Town of Tazewell, Virginia.

VEC shall mean Virginia Employment Commission.

VEZ or *enterprise zone* shall mean the Virginia Enterprise Zone located in the Town of Tazewell, Virginia.

Zone administrator shall mean the administrator of this article and the grants and benefits hereby created who has been duly appointed by the Tazewell Town Council by resolution. In the event the person so appointed is unable to perform such duties, is no longer employed by the Town of Tazewell, or is otherwise unavailable, the town manager or his designee, may act as the zone administrator until the position has been filled by council appointment. The zone administrator shall be the treasurer for the town.

Sec. 10-104. Local property tax grant incentives.

(a) ***Real property tax grant ("RPTG").*** A qualified company shall receive a grant from the Town of Tazewell Industrial/Economic Development Authority (I/EDA) equal to twenty-five (25) percent of the increase in local real property tax paid by the qualified company by reason of an increase in tax liability resulting from the qualified improvements made to real property located in the enterprise zone and owned by the qualified company. The qualified company shall by entitled to the grant for three (3) separate tax years. Property leased to the qualified company for a period of at least five (5) years shall be deemed owned by the qualified company for purposes of this article.

(b) ***Tangible personal property grant ("TPPG").*** A qualified company shall receive a tangible personal property grant, hereinafter referred to as "TPPG", from the Town of Tazewell Industrial Development Authority (I/EDA) equal to twenty-five (25) percent of the increase in local machinery and tool tax and business personal property tax liability assessed on their qualifying investment in machinery and tools and business personal property. The qualified company shall be entitled to the grant for three (3) separate tax years. The value of the qualifying investment shall be the amount reflected on the company's machine and tools personal property tax return filed with the Tazewell County Commissioner of Revenue's office.

(c) ***Property tax grant enhancements.***

(1) The amount of either or both property tax grants may be enhanced to fifty (50) percent of the above defined tax liability increase if any one (1) of the following circumstances exists:

a. The qualifying company's qualifying investment or improvement is being undertaken for the qualifying company to diversify its product or customer base, as determined at the sole discretion of the I/EDA. Diversification shall mean at least fifty (50) percent of the qualifying investment or improvement expands the company's capacity to produce a product for an industry sector which constitutes less than twenty-five (25) percent of the company's current customer base or to serve customers in an industry sector which constitutes less than twenty-five (25) percent of company's current customer base.

b. The qualifying company is a technology-driven company, as determined at the sole discretion of the I/EDA. A technology-driven company develops advanced technology or employs advanced technology integral to the production of process, whether of information or physical goods. Technology-driven companies include, but are not limited to companies in: advanced manufacturing, agro-tech, clean energy and clean energy equipment research and production, computer and computer device manufacturing, data centers, information processing, information technology, medical device manufacturing, research and development, pharmaceutical manufacturing, scientific instrument manufacturing, software development and telemarketing/teleservice centers. Technology-driven companies do not include companies using computers or office or medical equipment in the normal course of business or companies distributing, retailing, installing or servicing technology equipment, unless a majority of customers are national or international, cannot receive more than fifty thousand dollars ($50,000.00) in grant proceeds unless the company also signs a performance agreement with the IDA, whereby the qualifying company agrees to return all or a portion of the amount of TPPG proceeds if the machinery or tools constituting the qualifying tangible personal property investment are removed from the VEZ within five (5) years after the company receives its final TPPG proceeds payment. Said performance agreement shall only require that the amount to be repaid would be pro-rated for the number of years after the final TPPG payment that the qualifying investment remained in the

VEZ, such that the total amount to be repaid is diminished by twenty (20) percent for each tax year in which such machinery and tools were taxed by the county.

(d) ***Property tax grant distributions.*** A qualified company receiving either the real property tax grant or personal property tax grant may receive such grant for any three (3) tax years, during the five (5) tax years immediately following a determination of eligibility. The qualified company may select which three (3) of the five (5) possible tax years for which the qualified company desires to receive the grant; the three (3) years so selected need not be consecutive. The qualified company must apply for a grant distribution on or before April 15 of the year following the tax year for which the company desires to grant distribution.

Sec. 10-105. Rehabilitated real estate tax exemption (RRETE).

(a) ***Definition.*** The rehabilitated real estate tax exemption incentive, hereinafter referred to as "RRETE", is a three-year partial exemption from taxation of the increase in assessed value of rehabilitated real estate, as authorized by Code of Virginia, § 58.1-3221, as amended and, for the residential portion of any mixed-use building, pursuant to Code of Virginia, § 58.1-3220, as amended.

(b) ***Amount of incentive.*** Eighty (80) percent of the increase in the assessed value of the property resulting from the qualifying investment will be exempted from taxation in the first tax year following completion of the qualifying investment, sixty (60) percent in the second tax year; and forty (40) percent in the third tax year. The exemption shall expire after three (3) tax years.

(c) ***<u>Qualification requirements for RRETE:</u>***

(1) The property being improved must be a structure at least fifteen (15) years old, located within the VEZ, and dedicated to commercial, industrial, or mixed use which includes either commercial or industrial; and

(2) The assessed value of the property improvements after the completion of the rehabilitation must equal or exceed one hundred twenty-five (125) percent of the assessed value of the property improvements prior to the commencement of the rehabilitation or addition; and

(3) The applicant for the RRETE must be a qualified company that the zone administrator has determined is otherwise qualified for the real property tax grant as herein defined; and

(4) The applicant for the RRETE cannot receive the RRETE if applicant, or a legal entity under the control of the applicant, or an immediate family member of the applicant, as defined in Code of Virginia, § 2.2-3101, as amended, or a tenant of applicant is receiving, has received, or has applied for a real property tax grant pursuant to this article for the same improvements to the same property; and

(5) The applicant cannot receive the RRETE if the applicant is delinquent on any tax or fee levied by the town against any property of applicant or delinquent on any tax levied against subject by any other incorporated town in the county.

(d) ***Repairs do not qualify.*** Increased assessments resulting from rebuilding or repair after a flood, fire, or other natural disaster do not qualify as improvements for the RRETE.

(e) ***<u>Qualification process for the RRETE:</u>***

(1) To qualify for the RRETE applicant company must apply for the RRETE, prior to conducting any demolition, rehabilitation or addition to the qualifying property;

(2) Applicant, in order to receive consideration and incentives from both Tazewell County and the town, shall submit a separate application to the Tazewell County Economic Development Director, and also to the town treasurer in order to be considered for incentive qualification from the county as well as from the town;

(3) Applicant must present its plan for improvement to the zone administrator together with an application for a real property tax grant and state in writing its election to choose the RRETE rather than the real property tax grant;

(4) The zone administrator shall evaluate the application pursuant to the procedures set forth herein. Upon a finding by the zone administrator that (a) the company is a qualified company, (b) that the company's proposed investment would be a qualifying investment for purposes of the real property tax grant, and (c) that the company has elected to receive the RRETE instead of the real property tax grant, the zone administrator shall issue a notice of qualification for the RRETE to the applicant;

(5) Within twelve (12) months of completion of the qualifying improvement the applicant then must present the notice of qualification to the commissioner of revenue for Tazewell County. If the commissioner is satisfied that the applicant has complied with the requirements of this article and has been qualified by the zone administrator, the

commissioner, pursuant to Code of Virginia, §§ 58.1-3220 and 58.1-3221, shall adjust the qualified company's assessment in accordance with this article, beginning with the first tax year after an exemption has been approved by the commissioner.

Sec. 10-106. Building permit and development fee refund incentive.

Where a qualifying company has been awarded a real property tax grant or a RRETE, building permit fees an erosion and sediment control permit fees paid by the qualifying company to the town will be refunded to the qualifying company by the I/EDA, after completion of the qualifying improvement has been made and the last real property tax grant payment is received by the qualifying company. For applicants receiving a real property tax grant the building permit and development fee refund shall be made as part of the final grant payment. For applicants receiving an RRETE, the refund shall be made upon determination by the building inspector that rehabilitation construction has been completed. A qualifying company cannot receive the building permit and development fee refund if the qualifying company is delinquent on any tax or fee levied by the town.

Sec. 10-107. Lodging tax refund incentive (LTRI).

(a) ***Definition.*** The lodging tax refund incentive ("LTRI") is the amount equal to that portion of the lodging tax collected by the town from a qualifying business that shall be refunded for a three-year incentive period.

(b) ***Schedule of refunds.***

(1) **<u>The three-year incentive period shall be subject to the following schedule:</u>**

a. Year 1—Eighty (80) percent refund;
b. Year 2—Sixty (60) percent refund;
c. Year 3—Forty (40) percent refund.

(2) For a qualifying new business, the entire tax shall be subject to the refund schedule set forth herein.

(3) For a qualifying existing business, only the tax paid on the increase in lodging tax calculated from the base year plus five (5) percent will be subject to the refund schedule set forth herein, with the base year being defined as the year prior to the first incentive year.

(c) ***Qualification requirements.***

<u>In order [to] qualify for receipt of the incentive, a qualifying business must:</u>

(1) Be located in the Town of Tazewell Enterprise Zone as described and depicted on the map of the Tazewell Enterprise Zone;

(2) Create at least three (3) new full-time employment jobs;

(3) Expand the area occupied by the business by at least twenty (20) percent (for existing businesses only);

(4) Be and/or remain current in all taxes or fees paid to the town and/or to Tazewell County; and

(5) Sign, by a principal owner or officer designated for such purpose, a release permitting the commissioner of revenue to disclose the amount of qualifying lodging taxes paid by the qualifying business to town officials administering the LTRI.

(d) ***Time frame for qualification.***

(1) The LTRI shall be paid out to a qualifying business semi-annually, on or about February 1, calculated on lodging taxes collected by or for the town from July 1 through December 31 of the previous year, and/or about August 1 on lodging taxes collected by or for the town from January 1 to June 30 of the current year (the "payment dates");

(2) Payments shall begin to a qualifying business on the first payment date after a business receives a certification of qualification for the LTRI, unless a qualifying business chooses, at its option noted in writing to the town, to begin its LTRI payments on the second payment date after the qualifying business receives its certification of qualification for the LTRI;

(3) The refund year shall be calculated from the date of the first payment received by a qualifying business;

(4) A qualifying new business must apply for the LTRI within twelve (12) months of creating the qualifying number of jobs;

(5) A qualifying existing business must apply for the LTRI within twenty-four (24) months of the first qualifying event.

Sec. 10-108. Meals tax refund incentive (MTRI).

(a) ***Definition.*** The meals tax refund incentive ("MTRI") is the amount equal to that portion of the meals tax collected by the town from a qualifying business that shall be refunded for a three-year incentive period.

(b) ***Schedule of refunds.***

(1) **The three-year incentive period shall be subject to the following schedule:**

a. Year 1—Eighty (80) percent refund;
b. Year 2—Sixty (60) percent refund;
c. Year 3—Forty (40) percent refund.

(2) For a qualifying new business, the entire tax shall be subject to the refund schedule set forth herein.

(3) For a qualifying existing business, only the tax paid on the increase in meals tax calculated from the base year plus five (5) percent will be subject to the refund schedule set forth herein, with the base year being defined as the year prior to the first incentive year.

(c) ***Qualification requirements.***

In order [to] qualify for receipt of the incentive, a qualifying business must:

(1) Be located in the Town of Tazewell Enterprise Zone as described and depicted on the map of the Tazewell Enterprise Zone;
(2) Create at least five (5) new full-time employment jobs;
(3) Expand the area occupied by the business by at least twenty (20) percent (for existing businesses only);
(4) Be and/or remain current in all taxes or fees paid to the town and/or to Tazewell County; and
(5) Sign, by a principal owner or officer designated for such purpose, a release permitting the town treasurer to disclose the amount of qualifying meals taxes paid by the qualifying business to town officials administering the MTRI.

(d) ***Time frame for qualification.***

(1) The MTRI shall be paid out to a qualifying business semi-annually, on or about February 1, calculated on lodging taxes collected by or for the town from July 1 through December 31 of the previous year, and/or about August 1 on meals taxes collected by or for the town from January 1 to June 30 of the current year (the "payment dates");
(2) Payments shall begin to a qualifying business on the first payment date after a business receives a certification of qualification for the MTRI, unless a qualifying business chooses, at its option noted in writing to the town, to begin its MTRI payments on the second payment date after the qualifying business receives its certification of qualification for the MTRI;
(3) The refund year shall be calculated from the date of the first payment received by a qualifying business;
(4) A new business must apply for the MTRI within twelve (12) months of creating the qualifying number of jobs;
(5) An existing business must apply for the MTRI within twenty-four (24) months of the first qualifying event.

Sec. 10-109. Business license fee abatement (BLFA).

(a) ***Definition.*** The business license fee abatement ("BLFA") is the amount equal to that portion of the business license fee collected by the town from a qualifying business that shall be abated (or refunded if already paid) for a three-year incentive period.

(b) ***Schedule of refunds.***

(1) **The three-year incentive period shall be subject to the following schedule:**

a. Year 1—Eighty (80) percent abatement;
b. Year 2—Sixty (60) percent abatement;
c. Year 3—Forty (40) percent abatement.

(2) For a qualifying new business, the entire fee shall be subject to the abatement schedule;

(3) For a qualifying existing business, only the fee levied on the increase in gross receipts calculated from the base year plus five (5) percent will be subject to the abatement schedule set forth herein, with the base year being defined as the year prior to the first incentive year.

(c) ***Qualification requirements.***

<u>In order [to] qualify for receipt of the incentive, a qualifying business must:</u>

(1) Be located in the Town of Tazewell Enterprise Zone as described and depicted on the map of the Tazewell Enterprise Zone;

(2) Create at least three (3) new full-time employment jobs;

(3) Expand the area occupied by the business by at least twenty (20) percent (for existing businesses only);

(4) Be a bed and breakfast, restaurant, retail establishment, or a hotel;

(5) Be and remain current in all taxes or fees paid to the town and to Tazewell County;

(6) Sign, by a principal owner or officer designated for such purpose, a release permitting the town treasurer to disclose the amount of qualifying business license fees paid by the qualifying business to town officials administering the BLFA.

(d) ***Time frame for qualification.***

(1) The BLFA shall be paid out to a qualifying business semi-annually, on or about February 1, calculated on lodging taxes collected by or for the town from July 1 through December 31 of the previous year, and/or about August 1 on lodging taxes collected by or for the town from January 1 to June 30 of the current year (the "payment dates");

(2) Payments shall begin to a qualifying business on the first payment date after a business receives a certification of qualification for the BLFA, unless a qualifying business chooses, at its option noted in writing to the town, to begin its BLFA payments on the second payment date after the qualifying business receives its certification of qualification for the BLFA;

(3) The refund year shall be calculated from the date of the first payment received by a qualifying business;

(4) A new business must apply for the BLFA within twelve (12) months of creating the qualifying number of jobs;

(5) An existing business must apply for the BLFA within twenty-four (24) months of the first qualifying event.

Sec. 10-110. Procedures.

<u>The following procedures shall determine a company's eligibility for grants and incentives provided for in this article:</u>

(1) ***Initial qualification.*** To qualify for any grant or incentive set forth in this article a company must apply to the Town of Tazewell I/EDA Department ("the department") by completing forms prepared by said department. The application shall include a description of the qualifying improvements or investments the company intends to make, or has made not less than nine (9) months prior to the application date. The application may include such other pertinent data as the department may find necessary to evaluate the application and verify the statements made on such application. The department shall, within sixty (60) days of receiving the application make a determination of eligibility. If the zone administrator determines the company is eligible the company shall be considered a qualified company.

(2) ***Continuing qualification.*** The qualified company must continue to meet the definition of a qualified company, comply with the additional requirements herein set forth at the time of each request for a grant distribution, and must comply with additional requirements specific to each grant or incentive requested by the qualified company. **<u>Once a previously qualified company has completed its qualifying investment or improvement and, where applicable, has achieved its equivalent jobs requirement, the company must demonstrate to the zone administrator the following:</u>**

a. The qualified company has paid all taxes company owed to the town.

b. The qualified company must also present copies of their filings with the VEC demonstrating the qualified company continues to meet its employment qualifications.

c. That the qualifying company or any principal, partner, or member thereof has not failed to pay any other tax due to the Commonwealth of Virginia nor failed to meet the performance obligations of any grant agreement, whether pertaining to this article or not, to which the I/EDA is a party.

Where a particular grant provides for additional requirements, or upon occasion of multiple distributions of grant proceeds, the zone administrator may require verification of continued qualification.

(3) ***Grants awards and distributions.*** Upon completion of the qualifying investments or improvements, or as soon thereafter as the company has qualified, the qualified company shall provide proof of the expenditures made to perform the qualifying improvements or investments. If the zone administrator determines that the qualified company is entitled to the specific grant requested pursuant to this article the zone administrator shall distribute the applicable proceeds to the qualified company within thirty (30) days of the company (1) making its application, (2) completing the qualifying investment or improvement, and (3) meeting the employment requirements.

(4) ***Calculating grant amounts.***

a. For purposes of calculating the real property tax grant, the increase in tax liability for the qualified company resulting from the qualifying improvements shall be established by subtracting the assessed value of the real property for the tax year during which the qualifying improvements commenced from the assessed value upon conclusion of construction of the qualifying improvements. If for any reason the real property is reassessed during the term of the grant, any increase in the land value resulting from such reassessment shall not affect the amount of the grant.

b. For purposes of calculating the real property tax grant, the value of the qualifying improvement shall be the value for which such improvements are assessed by the Tazewell County Commissioner of Revenue for the tax year for which the grant is awarded. Where company fails to file a return and the commissioner imposes a statutory assessment, such assessment shall not be the basis of calculating the amount of the grant.

c. The zone administrator shall determine the amount of grant proceeds due the qualified company, shall make disbursement of such proceeds, and shall notify the qualified company in writing the reasons for any deduction, reduction, or withholding of such funds.

(5) ***Appeals of decisions by the zone administrator.*** The zone administrator shall provide written notice to the affected company by dated mailing to the address provided on the company's application.

a. Any applicant company denied eligibility or qualified company denied a distribution of grant proceeds, or any portion thereof, may appeal the zone administrator's decision to the I/EDA by filing a written notice of appeal with the town manager within sixty (60) days of the date of the zone administrator's notice. The I/EDA shall provide the appellant company notice of the meeting at which the appeal will be considered.

   1. If the I/EDA overturns the zone administrator's decision the company's application and/or distribution shall recommence, in accordance with the I/EDA's decision, relative to the date of the zone administrator's decision.
   2. The I/EDA shall notify the company of its decision in writing.
   3. If the I/EDA does not act on the appeal within sixty (60) days of the appeal being filed the appeal shall be deemed denied.

b. If the I/EDA denies the company's appeal, or is deemed to have denied the company's appeal, or the company feels the I/EDA's decision is arbitrary, the company may then appeal the decision to the Tazewell County Circuit Court by certiorari.

(6) **[Headings.]** The headings in this article are not intended to be material to interpretation of the article.