

AN ORDINANCE TO CREATE A SHORT-TERM RELIEF PROGRAM ENTITLED "DOWNTOWN STREETSCAPE PROJECT TO PROVIDE SMALL RETAIL BUSINESS B&O TAX CREDITS AND MONETARY RELIEF FOR LOST REVENUE OF SMALL RETAIL BUSINESSES"

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHEELING:

Section 1. An Ordinance to create a short-term relief program entitled "Downtown Streetscape Project to provide small retail business B&O tax credits and monetary relief of up to \$10,000 for lost revenue of Small Retail Businesses" to be read as follows:

DOWNTOWN STREETSCAPE PROJECT SMALL RETAIL BUSINESS B&O TAX CREDIT AND MONETARY RELIEF PROGRAM

- (a) The purpose of this Section is to provide short term, being a onetime, relief program in the form of a tax credit and monetary relief for lost revenue for limited periods of time to downtown small retail businesses within the Downtown Streetscape Project as particularly identified herein which persevered and continue to do so during the Project, remained in business, continue to remain in business and filed all tax returns for the applicable time periods.
- (b) The tax credits discussed herein are applicable to the Downtown Small Retail Businesses that are particularly identified herein lie within the Downtown Streetscape Project Area, which have been identified by the office of the City Manager and the Finance Department and are described as follows:
Both sides of Main Street from 16th Street to 9th Street;
Both sides of Market Street from 16th Street to 10th Street;
Including the Cross Streets of 10th, 12th 14th, and 16th Streets. Between Main and Market Streets.
- (c) When used in this Section, "Small Retail Business" taxpayer means for purposes of this program a taxpayer with under 1 million dollars of annual sales and not classified as a wholesaler or jobber (See generally Section 787.02 (c)). Such taxpayer must have filed all tax returns and remitted all taxes and fees during the applicable time frames detailed herein; and must be able to provide confirmation of business continuation during the applicable time frame. Video lottery terminals and the proceeds made thereon are not subject to the tax credit as a form of "amusement or entertainment" and are taxed in accord and permitted by state law.
- (d) Amount of Credit Allowed: The amount of the credit set forth in this Section is limited to an eligible Downtown Small Retail Business Taxpayer's Business and Occupation Tax liability for the periods, from July 1st, 2023 (retroactively) through July 1, 2025 in which any street abutting and or in front of said Downtown Small Retail Business is or was closed to through traffic. Eligible Downtown Small Retail Business Taxpayers

shall make application, for the credit for each quarter for said credit, to the City of Wheeling Finance Department to obtain the benefit of the credit set forth herein. The Department of Finance in conjunction with the Office of the City Manager shall have full authority and discretion to approve or deny applications made pursuant to the provisions of this section. Approved Downtown Small Retail Business Taxpayers under this section shall be entitled to a one hundred percent (100%) credit against Business and Occupation Tax normally due for the applicable periods.

(e) Amount of Credit Allowed: The amount of the credit set forth in this Section is limited to an eligible Downtown Small Retail Business Taxpayer's Business and Occupation Tax liability for the periods from July 1st, 2023 (retroactively) through July 1, 2025. Eligible Downtown Small Retail Business Taxpayers shall make application, for the credit for each quarter for said credit to the City of Wheeling Department of Finance to obtain the benefit of the credit set forth herein. The Finance Department in conjunction with the Office of the City Manager shall have full authority and discretion to approve or deny applications made pursuant to the provisions of this section. Approved Downtown Small Retail Business Taxpayers under this section shall be entitled to fifty percent (50%) credit against Business and Occupation Tax normally due for the applicable time periods.

(f) Small Retail Streetscape Monetary Relief Assistance Section of The Program: This part of the program has a maximum pool, for funding purposes of \$300,000. The Lost sales must be a minimum of \$10,000 to be eligible, the eligible Small Retail Businesses as defined herein, can apply for up to \$10,000 lost revenue allocation utilizing the small retail sales comparison years for the base can be either of the higher year revenues of 2019 or 2022. The look back for either year will begin on January 1, 2024 and run through July 1, 2025 prorated by months. For EXAMPLE: $\$10,000 \div 18 \text{ months} = \$555.55/ \text{ mo.}$ (retroactive for calendar year 2023) The Office of the City Manager and Finance Department have estimated that 21 existing businesses would qualify. For purposes of this section, an eligible Small Retail Business that does not have historical statistics to support the lost revenue allocation request may be evaluated upon other criteria as developed by the City Manager, within the City Managers' sole discretion, and assistance by the Finance Department so as to include such newer businesses in this section of the Program.

Scope Area, small retail businesses under \$1,000,000 (one million) annual sales. Market Street and Main Street between 10th and 16th streets, as well as 16th, 14th, 12th, and 10th streets between Main and Market Streets.

(g) Affected Downtown Small Retail Businesses can apply for the applicable B&O tax credit as a retroactive rebate form July 1, 2023 through July 1, 2025.

(h) Administration of Tax Credit Program and Monetary Relief Program

(1) The administration of this program– Downtown Small Retail Business B&O Tax Credit and Monetary Relief Program is vested in, and shall be exercised by, the City Manager with the Department of Finance, in connection therewith, shall prescribe all necessary forms.

(2) The Finance Department may prescribe necessary rules, regulations and procedures that are in conformity with the Program for administration of the Downtown Small Retail Business B&O Tax Credit and Monetary Relief provisions.

(3) Applications for this Tax credit and the Monetary Relief shall be reviewed as needed by the Department of Finance with consultation with the Office of the City Manager to determine eligibility of the business for the credit. The procedure for verification of information will be developed as needed by the Department of Finance.

(4) The Finance Department may conduct an audit of any business making application for this Tax credit and the Monetary Relief Program to determine the eligibility of the business and the amount of the Tax credit and Monetary Relief Program in accordance with the provisions specified in this ordinance.

(5) Businesses applying for a Tax credit and the Monetary Relief Program hereunder shall agree to make all their financial records, audited financial statements, and / or tax returns available upon request for inspection and audit by the City.

(6) Businesses approved for a Tax credit and Monetary Relief Program hereunder must still file a quarterly B&O Tax return and report gross income to the city and abide by all local, state and federal laws pertaining to such business and licensure.

(i) Restrictions Upon the Tax Credit and the Monetary Relief Program. It is the intent of the present Small Downtown Retail Business and Occupation Tax credit and the Monetary Relief Program that any taxpayer eligible for this Tax credit shall only be allowed to utilize this Small Downtown Retail Business and Occupation Tax Incentive once.

(j) Sunset Provision. The Downtown Small Retail Business Credit created and enacted by this Section shall sunset after initial implementation of such tax credit and be applicable only to the period retroactively from July 1, 2023 through July 1st, 2025. The Monetary Relief Program is applicable only to the period retroactively from January 1, 2024 thru July 1, 2025.

Section 2. This Program shall be effective from and after the date of its adoption.

By the Administration.