

A RESOLUTION determining SUBSTANTIAL COMPLIANCE with Statement of Benefits (CF-1) form filing for 2014 for Anthony Wayne Vending Company, Inc. for property at 530 Wolfe Drive under Confirming Resolution R-11-12 with an “Economic Revitalization Area” approved under I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property for Anthony Wayne Vending Company, Inc. as an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

WHEREAS, property owners whose Statement of Benefits (SB-1) form was approved after July 1, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne, Indiana, must file a Compliance with Statement of Benefits Form (CF-1) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing information on the extent to which there has been compliance with the approved Statement of Benefits for the project; and

WHEREAS, Anthony Wayne Vending Company, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Auditor’s Office and the City of Fort Wayne; and

WHEREAS, Anthony Wayne Vending Company, Inc.’s approved Statement of Benefits (SB-1) form stated that 30 jobs would be retained and three full-time jobs would be created by June 2012; and

WHEREAS, Anthony Wayne Vending Company, Inc.’s approved Statement of Benefits (SB-) form stated that the 30 retained jobs and the three full-time jobs to be created would be paid \$12 per hour; and

WHEREAS, Anthony Wayne Vending Company, Inc.’s 2014 Compliance with Statement of Benefits (CF-1) form filing stated that 30 jobs had been retained; and

WHEREAS, Anthony Wayne Vending Company, Inc.’s 2014 Compliance with Statement of Benefits (CF-1) form stated that the 30 retained jobs were paid \$12.64 per hour; and

WHEREAS, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and

1 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of
2 the City of Fort Wayne; and

3 **WHEREAS**, Common Council has defined substantial compliance under Section
4 153.21 of the Municipal Code of the City of Fort Wayne as:

- 5 1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to
6 be created or retained as delineated in the original Statement of Benefits Form
7 (SB-1) approved by Common Council; and
- 8 2. Meeting 75% or more of the total payroll stated to be created or retained as
9 delineated in the original Statement of Benefits Form (SB-1) approved by
10 Common Council; and

11 **WHEREAS**, meeting 75% of the 30 retained jobs means retaining 22 jobs; and

12 **WHEREAS**, meeting 75% of the three full-time jobs to be created means creating
13 two full-time jobs; and

14 **WHEREAS**, meeting 75% of the retained \$12.00 per hour paid for retained jobs is
15 \$9.00 per hour; and

16 **WHEREAS**, meeting 75% of the \$12.00 per hour to be paid to jobs created means
17 \$9.00 per hour; and

18 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
19 receipt of the Compliance of Statement of Benefits Form (CF-1) that Anthony Wayne
20 Vending Company, Inc. has substantially complied with the original Statement of Benefits
21 Form (SB-1) approved by Common Council; and

22 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
23 CITY OF FORT WAYNE, INDIANA:**

24 **SECTION 1.** That, Common Council finds that Anthony Wayne Vending Company, Inc.'s
25 Compliance with Statement of Benefits information evidenced that Anthony Wayne Vending Company, Inc. failed
26 to comply in that it did not create 75% of the three full time jobs that were stated that would be created and did not
27 create 75% of the \$12.00 per hour wage for the jobs that were stated that would be created.


28 **SECTION 2.** Further, Common Council finds Anthony Wayne Vending Company, Inc.'s failure to
29 substantially comply was caused by factors beyond the control of the applicant for the following reasons:

- 30 1. Static employment numbers are to be attributed due to the closing of a
downtown coffee shop and losses in other sectors of the company.
2. Another full-time position in the service department is expected to be created within the next 90
days, and without the building addition, Anthony Wayne Vending Company, Inc. estimates that
there would be two to three fewer employees.

SECTION 3. In light of the fact that failure to substantially comply was determined to be outside
Anthony Wayne Vending Company, Inc.'s control, Common Council finds that Anthony Wayne Vending Company,
Inc. is in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of
Fort Wayne on their 2014 filing.


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SECTION 4. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



Member of Council

APPROVED AS TO FORM A LEGALITY



Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2014

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution affirms that Compliance with Statement of Benefits (CF-1) Form filings made by Anthony Wayne Vending Company, Inc. in May 2014 with an approved economic revitalization area is in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Will allow property owners with existing economic revitalization area designation to continue to receive their economic revitalization area deduction (property tax abatement/phase-in) benefit

EFFECT OF NON-PASSAGE:

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT):

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Jehl

Read the second time by title and referred to the _____

Committee. Read the third time in full and on motion by Councilman

Jehl, placed on passage by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|--------------------|-------------|-------------|------------------|---------------|
| <u>TOTAL VOTES</u> | <u>8</u> | <u>1</u> | _____ | _____ |
| BENDER | ✓ | _____ | _____ | _____ |
| CRAWFORD | ✓ | _____ | _____ | _____ |
| DIDIER | ✓ | _____ | _____ | _____ |
| HARPER | ✓ | _____ | _____ | _____ |
| HINES | ✓ | _____ | _____ | _____ |
| JEHL | ✓ | _____ | _____ | _____ |
| PADDOCK | _____ | ✓ | _____ | _____ |
| SHOAFF | ✓ | _____ | _____ | _____ |
| SMITH | ✓ | _____ | _____ | _____ |

DATED: 6-27-14 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. R-3674 on the 27th day of June, 2014

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY,
CITY CLERK

Robert A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of June, 2014, at the hour of 2 o'clock PM, E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30TH day of June

2014, at the hour of 11:00 o'clock PM, E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

