

A RESOLUTION determining SUBSTANTIAL COMPLIANCE with Statement of Benefits (CF-1) form filing for 2014 for GCG Industries, Inc. for property at 4636 Newaygo Drive under Confirming Resolution R-18-09 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 GCG Industries, 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, GCG Industries, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, GCG Industries, Inc.'s approved Statement of Benefits (SB-1) form stated that 20 full-time jobs would be retained and two full-time jobs would be created by March 2009; and

WHEREAS, GCG Industries, Inc.'s approved Statement of Benefits (SB-1) form stated \$692,984 in annual payroll for retained jobs and \$41,600 in annual payroll would be generated by the created jobs; and

WHEREAS, GCG Industries, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form filing stated that 14 jobs were retained; and

WHEREAS, GCG Industries, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form filing stated that \$484,692 in annual payroll for the 14 jobs retained; and

WHEREAS, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of the City of Fort Wayne; and

1 **WHEREAS**, Common Council has defined substantial compliance under Section
2 153.21 of the Municipal Code of the City of Fort Wayne as:

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

9 **WHEREAS**, meeting 75% of the 20 retained jobs means retaining 15 jobs; and

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

12 **WHEREAS**, meeting 75% of the \$692,984 in retained annual payroll means
13 \$519,738 in annual payroll retained; and

14 **WHEREAS**, meeting 75% of the \$41,600 in annual payroll to be created means
15 \$31,200 in annual payroll created; and

16 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
17 receipt of the Compliance of Statement of Benefits Form (CF-1) that Ward Corporation has
18 substantially complied with the original Statement of Benefits Form (SB-1) approved by
19 Common Council; and

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

22 **SECTION 1.** That, Common Council finds that GCG Industries, Inc.'s Compliance
23 with Statement of Benefits information evidenced that GCG Industries, Inc. failed to comply
24 in that it did not create 75% of the two full-time jobs that were stated that would be created,
25 did not create 75% of the \$41,600 in annual payroll that was stated that would be created, did
26 not retain 75% of the 20 full-time jobs that were stated that would be retained, and did not
27 retain 75% of the \$692,984 in annual payroll that was stated that would be retained.


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

- 1 1. One employee of GCG Industries, Inc., recently left the business and another employee had to
2 be let go. GCG Industries, Inc. has hired a temporary individual with the plans of hiring another full-time individual
3 by June 16, 2014. Another one to two employees are to be hired in the near future as well.

4 **SECTION 3.** In light of the fact that failure to substantially comply was determined
5 to be outside Ward Corporation's control, Common Council finds that GCG Industries, Inc. is
6 in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal
7 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 GCG Industries, 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 Jeff

Read the second time by title and referred to the Finance

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

Jeff, 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-38-14 on the 27th day of
June, 2014

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

Jeff 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

BILL NO. R-14-06-21 - AS Amended

COMMITTEE ON FINANCE

JUNE 17, 2014

*RUSS JEHL - CHAIR
JOHN CRAWFORD - CO-CHAIR
ALL COUNCIL MEMBERS*

A RESOLUTION determining Substantial Compliance with Statement of Benefits (CF-1) form filing for 2014 for GCG Industries, Inc. for property at 4636 Newaygo Drive under Confirming Resolution R-18-09 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1. **COMMITTEE OF FINANCE** HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**SANDRA E. KENNEDY
CITY CLERK**