

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2014 for WAYNE PIPE & SUPPLY, INC. for property at 6040 Innovation Boulevard under Confirming Resolution R-78-08 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 Wayne Pipe & Supply, 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, Wayne Pipe & Supply, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office, Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, Wayne Pipe & Supply, Inc.'s approved Statement of Benefits (SB-1) forms stated that **52** full-time jobs would be retained and **two** full-time jobs would be created by October 2012; and

WHEREAS, Wayne Pipe & Supply, Inc.'s approved Statement of Benefits (SB-1) form stated **\$2,750,000** in annual payroll for the 52 full-time jobs retained and \$90,000 in annual payroll for the three jobs to be created would be generated; and

WHEREAS, Wayne Pipe & Supply, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form filing stated that **46** jobs had been retained; and

WHEREAS, Wayne Pipe & Supply, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form filings stated **\$2,218,062** in annual payroll for the 46 jobs retained; 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 52 full-time retained jobs means retaining **39** full-
12 time jobs; and

13 **WHEREAS**, meeting 75% of the two full-time jobs to be created means creating **1.5**
14 full-time jobs; and

15 **WHEREAS**, meeting 75% of the \$2,750,000 in retained annual payroll means
16 **\$2,062,500** in annual payroll retained; and

17 **WHEREAS**, meeting 75% of the \$90,000 in annual payroll to be created means
18 **\$67,500** in annual payroll created; and

19 **WHEREAS**, Common Council made a determination on June 10, 2014 that Wayne
20 Pipe & Supply, Inc. was not in substantial compliance as a result of its failure to create 1.5
21 jobs of the two jobs that it stated would be created and create at least \$67,500 in annual
22 payroll created, and that the failure to substantially comply was not caused by factors beyond
23 the control of Wayne Pipe & Supply, Inc.; and

24 **WHEREAS**, Council directed the Community Development Division to mail written
25 notice to Wayne Pipe & Supply, Inc. explaining the reasons for Council's determination and a
26 date, time, place of a hearing to be conducted by Council for the purpose of further
27 considering Wayne Pipe & Supply, Inc.'s compliance with Statement of Benefits; and

28 **WHEREAS**, the aforementioned notice was properly prepared and served upon
29 Wayne Pipe & Supply, Inc. on July 7, 2014; and

30 **WHEREAS**, Council conducted a hearing on August 5, 2014 for the purpose of
further considering Wayne Pipe & Supply, Inc.'s compliance with statement of benefits; and

WHEREAS, Wayne Pipe & Supply, Inc. **appeared** at the hearing.

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

BILL NO. R-14-07-27

REPORT OF COMMITTEE ON FINANCE

AUGUST 5, 2014

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

A RESOLUTION Confirming Substantial Compliance/Non-Compliance with a Statement of Benefits (SB-1) for 2014 for Wayne Pipe & Supply, Inc. for the property at 6040 Innovation Boulevard under Confirming Resolution R-78-08 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

John Crawford

DO NOT PASS

Russ Jehl

ABSTAIN

NO REC

**SANDRA E. KENNEDY
CITY CLERK**

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman John Crawford

Read the second time by title and referred to the Finance Committee

Committee. Read the third time in full and on motion by Councilman John Crawford, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>5</u>	_____	_____	<u>3</u>
BENDER	_____	_____	_____	<u>✓</u>
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	_____	_____	_____	<u>✓</u>
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	_____	<u>✓</u>	_____	_____
SHOAFF	_____	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 8-12-14 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-61-14 on the 12th day of
August, 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 13th day
of August, 2014, at the hour of 3:00 o'clock P.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of August
2014, at the hour of 10:00 o'clock AM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR