

**A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2015 for Trelleborg Sealing Solutions, Inc. for property at 5503 Distribution Drive under Confirming Resolution R-32-10 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 Trelleborg Sealing Solutions, 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**, Trelleborg Sealing Solutions, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

**WHEREAS**, Trelleborg Sealing Solutions, Inc.'s approved Statement of Benefits (SB-1) form stated that **320** full-time jobs would be retained and **46** full-time jobs would be created by December 2013; and

**WHEREAS**, Trelleborg Sealing Solutions, Inc.'s approved Statement of Benefits (SB-1) form stated **\$15,089,000** in annual payroll for the retained jobs and **\$1,657,000** in annual payroll would be generated by the created jobs; and

**WHEREAS**, Trelleborg Sealing Solutions, Inc.'s 2015 Compliance with Statement of Benefits (CF-1) form filing stated that **320** jobs were retained and **20** jobs were created; and

**WHEREAS**, Trelleborg Sealing Solutions, Inc.'s 2015 Compliance with Statement of Benefits (CF-1) form filing stated **\$15,089,900** in annual payroll for the **320** jobs retained and **\$2,518,236** in annual payroll for the **20** jobs created; 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 **320** retained jobs means retaining **240** jobs; and

12 **WHEREAS**, meeting 75% of the **46** jobs to be created means creating **35** jobs; and

13 **WHEREAS**, meeting 75% of the **\$15,089,900** in retained annual payroll means  
14 **\$11,317,425** in annual payroll retained; and

15 **WHEREAS**, meeting 75% of the **\$1,657,000** in annual payroll to be created means  
16 **\$1,242,750** in annual payroll created; and

17 **WHEREAS**, Common Council made a determination on June 23, 2015 that  
18 Trelleborg Sealing Solutions, Inc. was not in substantial compliance as a result of its failure to  
19 create at least 35 jobs and that the failure to substantially comply was not caused by factors  
20 beyond the control of Trelleborg Sealing Solutions, Inc.; and

21 **WHEREAS**, Council directed the Community Development Division to mail written  
22 notice to Trelleborg Sealing Solutions, Inc. explaining the reasons for Council's determination  
23 and a date, time, place of a hearing to be conducted by Council for the purpose of further  
24 considering Trelleborg Sealing Solutions, Inc.'s compliance with Statement of Benefits; and

25 **WHEREAS**, the aforementioned notice was properly prepared and served upon  
26 Trelleborg Sealing Solutions, Inc. on July 6, 2015; and

27 **WHEREAS**, Council conducted a hearing on July 21, 2015 for the purpose of further  
28 considering Trelleborg Sealing Solutions, Inc.'s compliance with statement of benefits; and

29 **WHEREAS**, Trelleborg Sealing Solutions, Inc. **appeared/failed to appear** at the  
30 hearing.

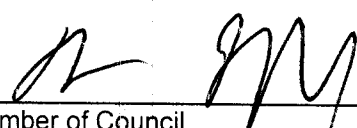
**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA:**

**SECTION 1b.** That Trelleborg Sealing Solutions, Inc. appeared and testified at the  
hearing and from its testimony it was determined that notwithstanding Trelleborg Sealing  
Solutions, Inc.'s failure to substantially comply by its failure to create 75% of the 46 jobs or 35  
jobs that were stated that would be created, that Trelleborg Sealing Solutions, Inc. did make  
reasonable efforts to substantially comply with the statement of benefits and Trelleborg

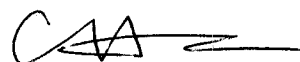
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Sealing Solutions, Inc.'s failure to substantially comply was caused by factors beyond the control of Trelleborg Sealing Solutions, Inc. Therefore the continuation of Trelleborg Sealing Solutions, Inc.'s deduction/abatement under R-32-10 is hereby approved.

**SECTION 2.** 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 Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2015**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Trelleborg Sealing Solutions, Inc. in May 2015 with an approved economic revitalization area are either in substantial compliance or non-compliance pursuant to both Council policy and Indiana law.**

**EFFECT OF PASSAGE: Potential retention or loss of economic revitalization area deduction (property tax abatement/phase-in)**

**EFFECT OF NON-PASSAGE:**

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

**ASSIGNED TO COMMITTEE (PRESIDENT): Tom Didier and Russ Jehl**

Public Hearing Date, if applicable \_\_\_\_\_

Read the first time in full and on motion by Councilman Russ Jehl  
Read the second time by title and referred to the Finance Committee  
Committee. Read the third time in full and on motion by Councilman  
Russ 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>7</u>	<u>2</u>	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	_____	<u>✓</u>	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	_____	<u>✓</u>	_____	_____
SHOAF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 7-28-15 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-66.15 on the 28<sup>th</sup> day of  
July, 2015

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

John N. Crawford  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29<sup>th</sup> day  
of July, 2015, at the hour of 11:30 O'clock PM . E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29<sup>th</sup> day of July  
2015, at the hour of 3:00 O'clock PM . E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. R-15-07-06

## REPORT OF COMMITTEE ON FINANCE

### JULY 21, 2015

*RUSS JEHL – CHAIR  
TOM DIDIER – CO-CHAIR  
ALL COUNCIL MEMBERS*

**A RESOLUTION CONFIRMING** Substantial Compliance or Non-Compliance with Statement of Benefits (SB-1) for 2015 for Trelleborg Sealing Solutions, Inc. for property at 5503 Distribution Drive under Confirming Resolution R-32-10 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**

*[Handwritten signatures under DO PASS: Russ Jehl, Tom Didier, Martin Bender, John W. Campbell, Anthony F. Kelly, John H. Druff]*

*[Handwritten signature under DO NOT PASS: Jeff Padlock]*

**SANDRA E. KENNEDY  
CITY CLERK**