

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2016 for GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. at 4422 Airport Expressway, Suite 220 under Confirming Resolution R-30-09 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 GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, 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, GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc.'s approved Statement of Benefits (SB-1) form stated that **35** full-time and **one** part-time jobs would be retained and **three** full-time jobs would be created by December 2009; and

WHEREAS, GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc.'s approved Statement of Benefits (SB-1) form stated **\$2,137,361** in annual payroll would be generated from the **35** full-time and **one** part-time jobs retained and **\$180,000** in annual payroll would be generated by the **three** full-time created jobs; and

WHEREAS, GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc.'s 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **31** jobs were retained and **two** jobs were created; and

WHEREAS, GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc.'s 2016 Compliance with Statement of Benefits (CF-1) form filing stated

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\$2,062,519 in annual payroll for the **31** jobs retained and **\$73,200** in annual payroll for the **two** jobs created; 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

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

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

WHEREAS, meeting 75% of the **36** retained jobs means retaining **27** jobs; and

WHEREAS, meeting 75% of the **three** created jobs means creating **two** jobs; and

WHEREAS, meeting 75% of the **\$2,137,361** in annual payroll to be retained means **\$1,603,020** in annual payroll retained; and

WHEREAS, meeting 75% of the **\$180,000** in annual payroll to be created means **\$135,000** in annual payroll created; and

WHEREAS, Common Council shall determine not later than forty-five (45) days after receipt of the Compliance of Statement of Benefits Form (CF-1) that GTA Enterprise, Inc. has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council; and

WHEREAS, GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. **appeared/failed to appear** before council to provide additional information on its compliance with statement of benefits.

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

SECTION 1. That, Common Council finds that the Compliance with Statement of Benefits Forms (CF-1) filed by GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc.. with an approved economic revitalization area for 2016 are not 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 for failure to create 75% of the three jobs or two jobs that were stated that would be created and did not create 75% of the \$180,000 in annual payroll or \$135,000 in annual payroll from the jobs that were stated that would be created.

NOTE

SECTION 2a. GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. appeared before council and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding GTA Enterprise, Inc.'s failure to substantially comply by its failure to create two jobs or more and \$135,000 in annual payroll or more from the jobs created, that GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. did make reasonable efforts to substantially comply with the statement of benefits and GTA Acquisition, LLC dba GT Automation Group failure to substantially comply was caused by factors beyond the control of GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. Therefore, the continuation of GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc.'s deduction/abatement under R-30-09 is hereby approved.

~~**SECTION 2b.** That GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. appeared and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc.'s failure to substantially comply by its failure to create two jobs or more and \$135,000 in annual payroll or more from the jobs created, that GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. did make reasonable efforts to substantially comply with the statement of benefits and GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc.'s failure to substantially comply was not caused by factors beyond the control of GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. Council therefore directs the Community Development Division to mail written notice to GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. explaining the reasons for Council's determination and a date, time, place of a hearing to be conducted by Council for the purpose of further considering GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc.'s 2016 compliance with statement of benefits.~~

~~**SECTION 2c.** That GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. failed to appear and otherwise provide additional information on its compliance with statement of benefits and has caused Council to conclude and find that GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. is not in substantial compliance pursuant to I.C. 8-1-12.1 and Section 150.21 of the Municipal Code of the City of Fort Wayne on their 2016 filing. Council therefore directs the Community Development Division to mail written notice to GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. explaining the reasons for Council's determination and a date, time, place of a hearing to be conducted by Council for the purpose of further considering GTA Enterprise, Inc.'s 2016 compliance with statement of benefits.~~

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2016

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. in May 2016 with an approved economic revitalization area are 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 if determined to be in substantial compliance or provide notice to company if determined to be in substantial non-compliance and a hearing will be scheduled

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

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

ASSIGNED TO COMMITTEE (PRESIDENT): Glynn Hines and John Crawford

**FORT WAYNE COMMON COUNCIL
ROLL CALL (VOTE)
REGULAR SESSION**

Date: 6/28/16
Bill # R-16-06-10

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, MET IN ROOM 030, COUNCIL DISCUSSION ROOM, GARDEN LEVEL - CITIZENS SQUARE, TUESDAY EVENING, IN COMMITTEE SESSION. PRESIDENT RUSS JEHL IN THE CHAIR, COUNCIL ATTORNEY JOSEPH BONAHOOM AND LANA R. KEESLING, CITY CLERK, AT THE DESK, PRESENTS THE FOLLOWING MEMBERS

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ARP	NO	BARRANDA	yes	CRAWFORD	yes
DIDIER	yes	ENSLEY	NO	FREISTROFFER	yes
HINES		JEHL		PADDOCK	NO

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ABSENT: _____

Final Vote Tally		
In Favor	Against	Abstain
4	3	—

REPORT OF COMMITTEE ON FINANCE

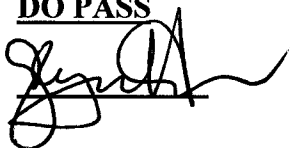
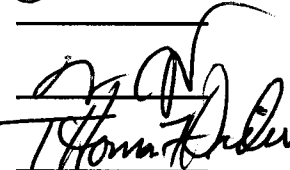
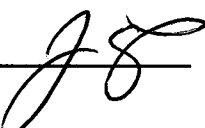
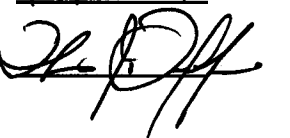
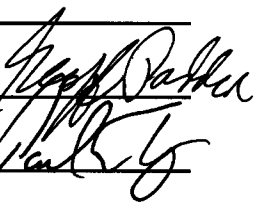
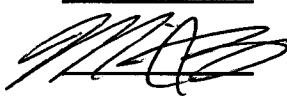
MOTION FOR 2a
- COMPLIANCE -

June 21, 2016

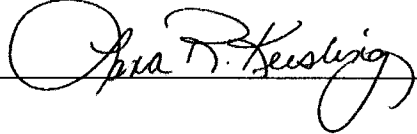
Glynn Hines, Chair
John Crawford, Co-Chair
All Council Members

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2016 for GTA Acquisition, LLC dba GT Automation Group filed under GTA Enterprises, Inc. at 4422 Airport Expressway, Suite 220 under Confirming Resolution R-30-09 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
			
			
			
			
			

LANA R. KEESLING
CITY CLERK





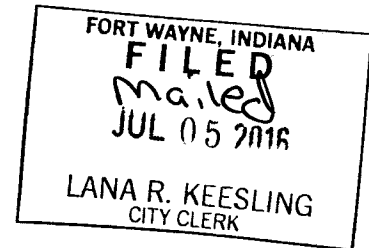
THE CITY OF FORT WAYNE
OFFICE OF CITY CLERK
CITIZENS SQUARE - 200 EAST BERRY STREET - SUITE 110
FORT WAYNE, INDIANA 46802-2733

PHONE: 260-427-1221
FAX: 260-427-1371

Lana R. Keesling, City Clerk

June 30, 2016

Allen County Auditor
1 E. Main St.
Rousseau Centre
Ft. Wayne, IN 46802



RE: Compliance with Statement of Benefits Determinations

Dear Auditor:

Enclosed are 5 Resolutions determining substantial compliance for 2016. Please note that these following 5 Resolutions did not receive 5 votes in favor of compliance or non-compliance:

- R-16-06-03
- R-16-06-06
- R-16-06-10
- R-16-06-12
- R-16-06-18

Ind. Code § 6-1.1-12.1-5.9(b) states, "if the designating body determines that the property owner has not substantially complied with the statement of benefits and that the failure to substantially comply was not caused by factors beyond the control of the property owner, the designating body shall mail written notice to the property owner." This determination must be made within forty-five (45) days, and the abatement can only be terminated after such notice is mailed and a second hearing is held.

Because the Resolutions listed above did not receive 5 votes for compliance or non-compliance, a finding of non-compliance within the meaning of Ind. Code § 6-1.1-12.1-5.9(b) has not been made. Without this finding, the requirement to mail notice to the property owner and conduct a second hearing has not been triggered. Because the abatement cannot be terminated without such notice and hearing, it follows that the abatement must be continued for another year when compliance can be reassessed.

Please feel free to contact me or the attorney for City Council, Joe Bonahoom, if you have any questions about these matters.

Sincerely,

Lana R. Keesling
Lana Keesling, City Clerk

Resolution Number R-16-06-10

This Resolution did not receive 5 votes in favor of substantial compliance or non-compliance. Accordingly, a determination that the applicant failed to substantially comply with its approved Statement of Benefits form under Ind. Code § 6-1.1-12.1-5.9(b) was not made. Under these circumstances, the abatement must be continued for another year, at which time the applicant's compliance with the approved Statement of Benefits form can be reassessed.