

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for Pyromation, Inc. for property at 5211 Industrial Road under Confirming Resolution R-39-11 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 Pyromation, 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, Pyromation, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office, the Allen County Auditor's Office and the City of Fort Wayne; and

WHEREAS, Pyromation, Inc.'s approved Statement of Benefits (SB-1) form stated that **172** full-time and **two** part-time jobs would be retained and **39** full-time jobs would be created by December 2015; and

WHEREAS, Pyromation, Inc.'s approved Statement of Benefits (SB-1) form stated **\$8,504,868** in annual payroll for the **172** full-time and **two** part-time retained jobs and **\$1,118,000** in annual payroll would be generated by the **39** full-time jobs to be created; and

WHEREAS, Pyromation, Inc.'s 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **174** jobs were retained and **21** jobs were created; and

WHEREAS, Pyromation, Inc.'s 2016 Compliance with Statement of Benefits (CF-1) form filing stated **\$8,504,868** in annual payroll for the **174** jobs retained and **\$2,746,802** in annual payroll for the **21** 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 172 full-time and two part-time jobs retained means
12 retaining 130 jobs; and

13 **WHEREAS**, meeting 75% of the 39 full-time jobs to be created means creating 29
14 full-time jobs; and

15 **WHEREAS**, meeting 75% of the \$8,504,868 in retained annual payroll means
16 \$6,378,651 in annual payroll; and

17 **WHEREAS**, meeting 75% of the \$1,118,000 in annual payroll to be created means
18 \$838,500; and

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

23 **WHEREAS**, Pyromation, Inc. **appeared/failed to appear** before council to provide
24 additional information on its compliance with statement of benefits.

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

27 **SECTION 1.** That, Common Council finds that the Compliance with Statement of
28 Benefits Form (CF-1) filed by Pyromation, Inc. with an approved economic revitalization area
29 for 2016 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of
30 the Municipal Code of the City of Fort Wayne for failure to create 75% of the 39 full-time jobs
or 29 jobs that were stated that would be created.

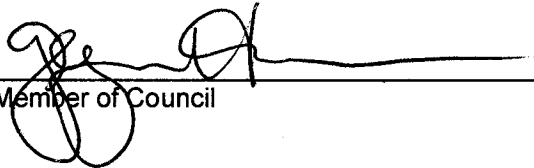
VOTE SECTION 2a. Pyromation, Inc. appeared before council and provided additional
information on its compliance with statement of benefits and from this information it was
determined that notwithstanding, Pyromation, Inc.'s failure to substantially comply by its
failure to create 29 jobs or more, that Pyromation, Inc. did make reasonable efforts to
substantially comply with the statement of benefits and Pyromation, Inc.'s failure to
substantially comply was caused by factors beyond the control of Pyromation, Inc.

Therefore, the continuation of Pyromation, Inc.'s deduction/abatement under R-39-11 is hereby approved.

~~SECTION 2b. That Pyromation, Inc., appeared and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding, Pyromation, Inc.'s failure to substantially comply by its failure to create 20 jobs or more, that Pyromation, Inc. did not make reasonable efforts to substantially comply with the statement of benefits and Pyromation, Inc.'s failure to substantially comply was not caused by factors beyond the control of Pyromation, Inc. Council therefore directs the Community Development Division to mail written notice to Pyromation, 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 Pyromation, Inc.'s 2016 compliance with statement of benefits.~~

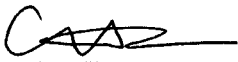
~~SECTION 2c. That Pyromation, Inc. failed to appear and otherwise provide additional information on its compliance with statement of benefits and has caused Council to conclude and find that Pyromation, Inc. is not in substantial compliance pursuant to I.C. 8-14-42.1 and Section 155.21 of the Municipal Code of the City of Fort Wayne on their 2016 filing. Council therefore directs the Community Development Division to mail written notice to Pyromation, 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 Pyromation, Inc.'s 2016 compliance with statement of benefits.~~

SECTION 3. 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

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 Pyromation, 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

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 Statement of Benefits (CF-1) form filing for 2016 for Pyromation, Inc. for property at 5211 Industrial Road under Confirming Resolution R-39-11 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

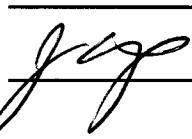
DO PASS

DO NOT PASS

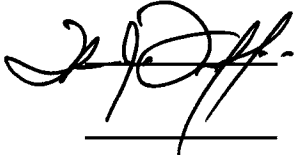
ABSTAIN

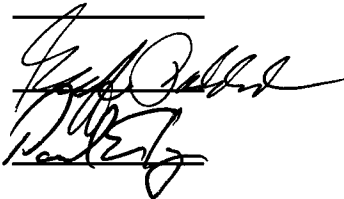
NO REC





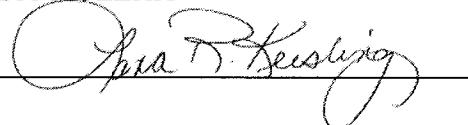

Thomas Hines







**LANA R. KEESLING
CITY CLERK**



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

Date: 6/28/16
Bill # R-16-06-13

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

.....

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

.....

ABSENT: _____

Final Vote Tally		
In Favor	Against	Abstain
4	3	

Public Hearing Date, if applicable N/A

Read the first time in full and on motion by Councilman Hines.

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

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

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JEHL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: June 28, 2016


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
Resolution No. R-16-06-13 on the 28th day of June, 2016

ATTEST:

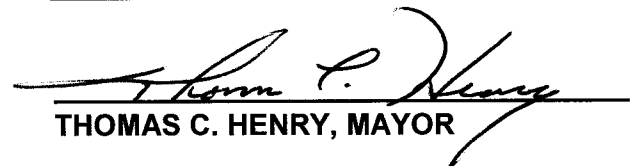

LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th
of June 2016, at the hour of 11:30 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 29TH day of June
2016, at the hour of 2:00 O'clock Pm E.S.T.


THOMAS C. HENRY, MAYOR