

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for LH Medical Corporation for property at 6932 Gettysburg Pike under Confirming Resolution R-02-11 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 LH Medical Corporation 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**, LH Medical Corporation has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's office, the Allen County Assessor's office and the City of Fort Wayne; and

**WHEREAS**, LH Medical Corporation's approved Statement of Benefits (SB-1) form stated that **54** full-time and **one** part-time jobs would be retained and **65** full-time jobs would be created by December 2015; and

**WHEREAS**, LH Medical Corporation's approved Statement of Benefits (SB-1) form stated **\$3,534,000** in annual payroll for the **54** full-time and **one** part-time retained jobs and **\$4,176,000** in annual payroll would be generated by the **65** full-time jobs to be created; and

**WHEREAS**, LH Medical Corporation's 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **55** jobs were retained and **six** jobs were created; and

**WHEREAS**, LH Medical Corporation's 2016 Compliance with Statement of Benefits (CF-1) form filing stated **\$3,339,121** in annual payroll for the **55** jobs retained and **\$0** in annual payroll for the **six** 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 **54** full-time and **one** part-time jobs retained means  
12 retaining **41** jobs; and

13 **WHEREAS**, meeting 75% of the **65** full-time jobs to be created means creating **48**  
14 full-time jobs; and

15 **WHEREAS**, meeting 75% of the **\$3,534,000** in retained annual payroll means  
16 **\$2,650,500** in annual payroll; and

17 **WHEREAS**, meeting 75% of the **\$4,176,000** in annual payroll to be created means  
18 **\$3,132,000**; 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 LH Medical Corporation  
21 has substantially complied with the original Statement of Benefits Form (SB-1) approved by  
22 Common Council; and

23 **WHEREAS**, LH Medical Corporation **appeared/failed to appear** before council to  
24 provide 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 LH Medical Corporation with an approved economic  
29 revitalization area for 2016 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and  
30 Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of  
the 65 full-time jobs or 48 jobs that were stated that would be created and create 75% of the  
\$4,176,000 in annual payroll or \$3,132,000 that was stated that would be generated by the  
created jobs.

~~**SECTION 2.** LH Medical Corporation appeared before council and provided  
additional information on its compliance with statement of benefits and from this information  
it was determined that notwithstanding, LH Medical Corporation's failure to substantially  
comply by its failure to create 48 jobs or more and \$3,132,000 in annual payroll or more from~~

1 ~~the jobs created, that LH Medical Corporation did make reasonable efforts to substantially~~  
2 ~~comply with the statement of benefits and LH Medical Corporation's failure to substantially~~  
3 ~~comply was caused by factors beyond the control of LH Medical Corporation. Therefore, the~~  
4 ~~continuation of LH Medical Corporation's deduction/abatement under R 92-14 is hereby~~  
5 ~~approved.~~

6 **VOTE SECTION 2b.** That LH Medical Corporation, appeared and provided additional  
7 information on its compliance with statement of benefits and from this information it was  
8 determined that notwithstanding LH Medical Corporation 's failure to substantially comply by  
9 its failure to create 48 jobs or more and \$3,132,000 in annual payroll or more from the jobs  
10 created, that LH Medical Corporation did not make reasonable efforts to substantially comply  
11 with the statement of benefits and LH Medical Corporation's failure to substantially comply  
12 was not caused by factors beyond the control of LH Medical Corporation. Council therefore  
13 directs the Community Development Division to mail written notice to LH Medical Corporation  
14 explaining the reasons for Council's determination and a date, time, place of a hearing to be  
15 conducted by Council for the purpose of further considering LH Medical Corporation 's 2016  
16 compliance with statement of benefits.

17 ~~SECTION 2c.~~ That LH Medical Corporation failed to appear and otherwise provide  
18 ~~additional information on its compliance with statement of benefits and has caused Council to~~  
19 ~~conclude and find that LH Medical Corporation is not in substantial compliance pursuant to~~  
20 ~~I.C. 6-1-1-12.1 and Section 155.21 of the Municipal Code of the City of Fort Wayne on their~~  
21 ~~2016 filing. Council therefore directs the Community Development Division to mail written~~  
22 ~~notice to LH Medical Corporation explaining the reasons for Council's determination and a~~  
23 ~~date, time, place of a hearing to be conducted by Council for the purpose of further~~  
24 ~~considering LH Medical Corporation's 2016 compliance with statement of benefits.~~

25 **SECTION 3.** That, this Resolution shall be in full force and effect from and after  
26 its passage and any and all necessary approval by the Mayor.

27 \_\_\_\_\_  
28 Member of Council

29 APPROVED AS TO FORM A LEGALITY

30 \_\_\_\_\_  
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 LH Medical Corporation 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**

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

Read the first time in full and on motion by Councilman \_\_\_\_\_

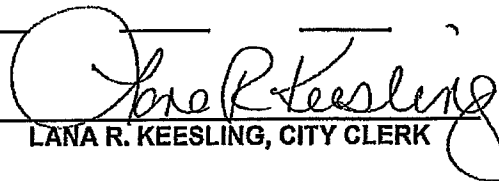
Read the second time by title and referred to the \_\_\_\_\_

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


\_\_\_\_\_ placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
ARP	_____	_____	_____	_____
BARRANDA	_____	_____	_____	_____
CRAWFORD	_____	_____	_____	_____
DIDIER	_____	_____	_____	_____
ENSLEY	_____	_____	_____	_____
FREISTOFFER	_____	_____	_____	_____
HINES	_____	_____	_____	_____
JEHL	_____	_____	_____	_____
PADDOCK	_____	_____	_____	_____

DATED: \_\_\_\_\_

  
LANA R. KEESLING, 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. \_\_\_\_\_ on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2016

  
ATTEST:  
LANA R. KEESLING,  
CITY CLERK

  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2016, at the hour of \_\_\_\_\_ O'clock \_\_\_\_\_ E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
2016, at the hour of \_\_\_\_\_ O'clock \_\_\_\_\_ E.S.T.

\_\_\_\_\_  
THOMAS C. HENRY, MAYOR

**BILL NO. R-16-06-17**

**REPORT OF COMMITTEE ON FINANCE**

MOTION FOR 2a  
- COMPLIANCE -

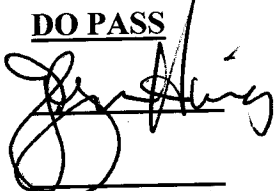

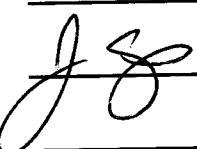
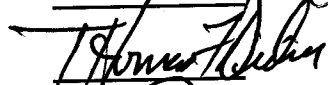
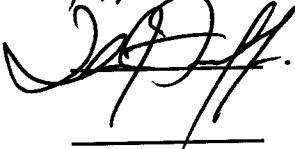
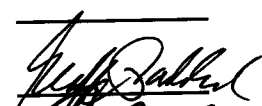

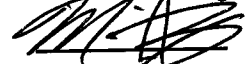
**June 21, 2016**

- NO REC -

*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 LH Medical Corporation for property at 6932 Gettysburg Pike under Confirming Resolution R-02-11 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**

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

**LANA R. KEESLING**  
**CITY CLERK**



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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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-16-06-17 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 29<sup>th</sup> day of June 2016, at the hour of 2:00 O'clock Pm E.S.T.

  
THOMAS C. HENRY, MAYOR