

**A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for Advanced Machine & Tool Corporation for property at 3706 Transportation Drive under Confirming Resolution R-56-13 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 Advanced Machine & Tool 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**, Advanced Machine & Tool Corporation has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

**WHEREAS**, Advanced Machine & Tool Corporation's approved Statement of Benefits (SB-1) form stated that **68** full-time jobs would be retained and **four** full-time jobs would be created by July 2014; and

**WHEREAS**, Advanced Machine & Tool Corporation's approved Statement of Benefits (SB-1) form stated **\$5,216,861** in annual payroll for the **68** full-time retained jobs \$214,000 in annual payroll would be generated by the **four** full-time jobs to be created; and

**WHEREAS**, Advanced Machine & Tool Corporation's; 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **64** jobs were retained and **zero** jobs were created; and

**WHEREAS**, Advanced Machine & Tool Corporation's; 2016 Compliance with Statement of Benefits (CF-1) form filing stated \$5,046,286 in annual payroll for the **64** jobs retained and **\$0** in annual payroll for the **zero** jobs created; and

1                   **WHEREAS**, Common Council designated the City of Fort Wayne Community  
2 Development Division as the entity for the administration, application, processing and  
3 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of  
4 the City of Fort Wayne; and

5                   **WHEREAS**, Common Council has defined substantial compliance under Section  
6 153.21 of the Municipal Code of the City of Fort Wayne as:

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

13                   **WHEREAS**, meeting 75% of the **68** full-time jobs retained means retaining **51** jobs;  
14 and

15                   **WHEREAS**, meeting 75% of the **four** full-time jobs to be created means creating  
16 **three** full-time jobs; and

17                   **WHEREAS**, meeting 75% of the **\$5,216,862** in retained annual payroll means  
18 **\$3,912,646** in annual payroll; and

19                   **WHEREAS**, meeting 75% of the **\$214,000** in annual payroll to be created means  
20 **\$160,500**; and

21                   **WHEREAS**, Common Council made a determination on June 28, 2016 that  
22 Advanced Machine & Tool Corporation was not in substantial compliance as a result of its  
23 failure to generate at least three jobs and at least \$160,500 in annual payroll created, and  
24 that the failure to substantially comply was not caused by factors beyond the control of  
25 Advanced Machine & Tool Corporation; and

26                   **WHEREAS**, Council directed the Community Development Division to mail written  
27 notice to Advanced Machine & Tool Corporation explaining the reasons for Council's  
28 determination and a date, time, place of a hearing to be conducted by Council for the  
29 purpose of further considering Advanced Machine & Tool Corporation's compliance with  
30 Statement of Benefits; and

**WHEREAS**, the aforementioned notice was properly prepared and served upon  
Advanced Machine & Tool Corporation on August 1, 2016; and

**WHEREAS**, Council conducted a hearing on August 23, 2016 for the purpose of  
further considering Advanced Machine & Tool Corporation's compliance with statement of  
benefits; and

1                   WHEREAS, Advanced Machine & Tool Corporation ~~appeared/failed to appear~~ at  
2 the hearing.

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

5                   SECTION 1a. ~~Advanced Machine & Tool Corporation failed to appear and~~  
6 ~~otherwise testify and therefore Council confirms its determination of June 29, 2010 that~~  
7 ~~Advanced Machine & Tool Corporation has failed to substantially comply pursuant to IC 9~~  
8 ~~1-1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for its failure to~~  
9 ~~create 75% of the four full-time jobs or three jobs that were stated that would be created and~~  
10 ~~create 75% of the \$214,000 in annual payroll or \$160,500 that was stated that would be~~  
11 ~~generated by the created jobs. Council therefore finds that Advanced Machine & Tool~~  
12 ~~Corporation has failed to substantially comply and said failure was not caused by factors~~  
13 ~~outside of Advanced Machine & Tool Corporation's control. As a result of said failure,~~  
14 ~~Advanced Machine & Tool Corporation's deduction/abatement under R-56-13 is hereby~~  
15 ~~terminated.~~

16 **NOTE** SECTION 1b. That Advanced Machine & Tool Corporation appeared and testified at  
17 the hearing and from its testimony it was determined that notwithstanding, Advanced  
18 Machine & Tool Corporation's failure to substantially comply by its failure to create 75% of  
19 the four full-time jobs or three jobs that were stated that would be created and create 75% of  
20 the \$214,000 in annual payroll or \$160,500 that was stated that would be generated by the  
21 created jobs, that Advanced Machine & Tool Corporation did make reasonable efforts to  
22 substantially comply with the statement of benefits and Advanced Machine & Tool  
23 Corporation's failure to substantially comply was caused by factors beyond the control of  
24 Advanced Machine & Tool Corporation. Therefore the continuation of Advanced Machine &  
25 Tool Corporation's deduction/abatement under R-56-13 is hereby approved.

26                   SECTION 1c. ~~That Advanced Machine & Tool Corporation's appeared and testified~~  
27 ~~at the hearing and from its testimony it was determined that notwithstanding Advanced~~  
28 ~~Machine & Tool Corporation's failure to substantially comply by its failure to create 75% of~~  
29 ~~the four full-time jobs or three jobs that were stated that would be created and create 75% of~~  
30 ~~the \$214,000 in annual payroll or \$160,500 that was stated that would be generated by the~~  
31 ~~created jobs, that Advanced Machine & Tool Corporation did not make reasonable efforts to~~  
32 ~~substantially comply with the statement of benefits and Advanced Machine & Tool~~  
33 ~~Corporation's failure to substantially comply was not caused by factors beyond the control of~~  
34 ~~Advanced Machine & Tool Corporation. As a result of said failure, Advanced Machine & Tool~~  
35 ~~Corporation's deduction/abatement under R-56-13 is hereby terminated.~~



Admn. Appr. \_\_\_\_\_

DIGEST SHEET

**TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2016**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Advanced Machine & Tool Corporation in May 2016 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): Glynn Hines and John Crawford**

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**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**, Advanced Machine & Tool Corporation has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

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24 that the failure to substantially comply was not caused by factors beyond the control of  
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26                   **WHEREAS**, Council directed the Community Development Division to mail written  
27 notice to Advanced Machine & Tool Corporation explaining the reasons for Council's  
28 determination and a date, time, place of a hearing to be conducted by Council for the  
29 purpose of further considering Advanced Machine & Tool Corporation's compliance with  
30 Statement of Benefits; and

**WHEREAS**, the aforementioned notice was properly prepared and served upon  
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**WHEREAS**, Council conducted a hearing on August 23, 2016 for the purpose of  
further considering Advanced Machine & Tool Corporation's compliance with statement of  
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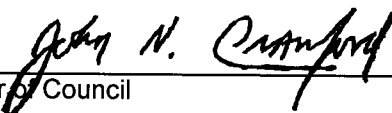
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**WHEREAS**, Advanced Machine & Tool Corporation **appeared** at the hearing.


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

**SECTION 1a.** Advanced Machine & Tool Corporation appeared and testified at the hearing and from its hearing it was determined that Advanced Machine & Tool Corporation was in fact in substantial compliance noting that it provided additional information with regard to jobs created and payroll created which showed that Advanced Machine & Tool Corporation had met the criteria and did substantially comply. As such, Council finds Advanced Machine & Tool Corporation to be in substantial compliance and therefore approves the continuation of Advanced Machine & Tool Corporation's deduction/abatement under R56-13 by 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 AND LEGALITY

  
\_\_\_\_\_  
Carol Helton, City Attorney

Public Hearing Date: N/A

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

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: August 23, 2016

  
LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-16-08-10 on the 23rd day of August, 2016

ATTEST:

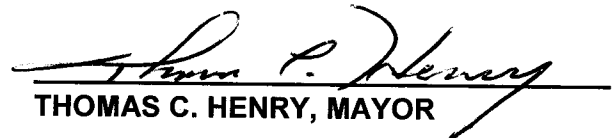
  
LANA R. KEESLING  
CITY CLERK

  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of September 2016, at the hour of 2:30 o'clock P.M. E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 20<sup>TH</sup> day of SEPTEMBER 2016, at the hour of 10:00 O'clock AM E.S.T.

  
THOMAS C. HENRY, MAYOR

**BILL NO. R-16-08-10**

**Move to pass either Section 1a or Section 1b**

**REPORT OF COMMITTEE ON FINANCE**

**August 23, 2016**

**John Crawford Chair**

**Glynn Hines Co-Chair**

**All Council Members**

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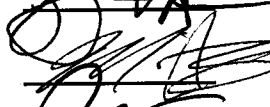
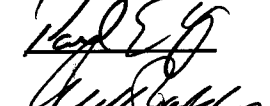

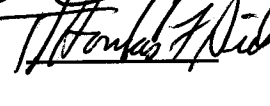
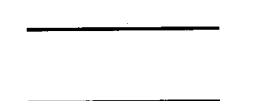
**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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

