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A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for North American Van Lines, Inc. for property at 5001 US Highway 30 West under Confirming Resolution R-08-09 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 North American Van Lines 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, North American Van Lines, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, North American Van Lines, Inc.'s approved Statement of Benefits (SB-1) form stated that **437** full-time jobs would be retained and **240** full-time jobs would be created by December 2011; and

WHEREAS, North American Van Lines, Inc.'s approved Statement of Benefits (SB-1) form stated **\$18,866,000** in annual payroll for the **437** full-time retained jobs and **\$8,640,000** in annual payroll would be generated by the **240** full-time jobs to be created; and

WHEREAS, North American Van Lines, Inc.'s; 2015 Compliance with Statement of Benefits (CF-1) form filing stated that **417** jobs were retained and **zero** jobs were created; and

WHEREAS, North American Van Lines, Inc.'s; 2016 Compliance with Statement of Benefits (CF-1) form filing stated **\$20,303,713** in annual payroll for the **417** 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 **437** full-time jobs retained means retaining **327**
14 jobs; and

15 **WHEREAS**, meeting 75% of the **240** full-time jobs to be created means creating **180**
16 full-time jobs; and

17 **WHEREAS**, meeting 75% of the **\$18,866,000** in retained annual payroll means
18 **\$14,149,500** in annual payroll; and

19 **WHEREAS**, meeting 75% of the **\$8,640,000** in annual payroll to be created means
20 **\$6,480,000**; and

21 **WHEREAS**, Common Council made a determination on June 28, 2016 that North
22 American Van Lines, Inc. was not in substantial compliance as a result of its failure to
23 generate at least 180 jobs and at least \$6,480,000 in annual payroll created, and that the
24 failure to substantially comply was not caused by factors beyond the control of North
25 American Van Lines, Inc.; and

26 **WHEREAS**, Council directed the Community Development Division to mail written
27 notice to North American Van Lines, Inc. explaining the reasons for Council's determination
28 and a date, time, place of a hearing to be conducted by Council for the purpose of further
29 considering North American Van Lines, Inc.'s compliance with Statement of Benefits; and

30 **WHEREAS**, the aforementioned notice was properly prepared and served upon
North American Van Lines, Inc. on August 1, 2016; and

WHEREAS, Council conducted a hearing on August 23, 2016 for the purpose of
further considering North American Van Lines, Inc.'s compliance with statement of benefits;
and

WHEREAS, North American Van Lines **appeared/failed to appear** at the hearing.

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

3 ~~SECTION 1a. North American Van Lines, Inc. failed to appear and otherwise testify~~
4 ~~and therefore Council confirms its determination of June 23, 2016 that North American Van~~
5 ~~Lines, Inc. has failed to substantially comply pursuant to IC 3-1-12.1 and Section 153.21 of~~
6 ~~the Municipal Code of the City of Fort Wayne for its failure to create 75% of the 240 full-time~~
7 ~~jobs or 180 jobs that were stated that would be created and create 75% of the \$8,640,000 in~~
8 ~~annual payroll or \$8,640,000.00 that was stated that would be generated by the created jobs. Council~~
9 ~~therefore finds that North American Van Lines, Inc. has failed to substantially comply and~~
10 ~~said failure was not caused by factors outside of North American Van Lines, Inc.'s control.~~
11 ~~As a result of said failure, North American Van Lines, Inc.'s deduction/abatement under R-~~
12 ~~08-09 is hereby terminated.~~

13 ~~SECTION 1b. That North American Van Lines, Inc. appeared and testified at the~~
14 ~~hearing and from its testimony it was determined that notwithstanding North American Van~~
15 ~~Lines, Inc.'s failure to substantially comply by its failure to create 75% of the 240 full-time~~
16 ~~jobs or 180 jobs that were stated that would be created and create 75% of the \$8,640,000 in~~
17 ~~annual payroll or \$8,640,000.00 that was stated that would be generated by the created~~
18 ~~jobs, that North American Van Lines, Inc. did make reasonable efforts to substantially~~
19 ~~comply with the statement of benefits and North American Van Lines, Inc.'s failure to~~
20 ~~substantially comply was caused by factors beyond the control of North American Van Lines,~~
21 ~~Inc. Therefore the continuation of North American Van Lines, Inc.'s deduction/abatement~~
22 ~~under R-08-09 is hereby approved.~~

23 **SECTION 1c.** That North American Van Lines, Inc. appeared and testified at the
24 hearing and from its testimony it was determined that North American Van Lines, Inc.'s
25 failure to substantially comply by its failure to create 75% of the 240 full-time jobs or 180
26 jobs that were stated that would be created and create 75% of the \$8,640,000 in annual
27 payroll or \$6,480,000.00 that was stated that would be generated by the created jobs, and
28 that North American Van Lines, Inc. did not make reasonable efforts to substantially comply
29 with the statement of benefits and North American Van Lines, Inc.'s failure to substantially
30 comply was not caused by factors beyond the control of North American Van Lines, Inc. As a
result of said failure, North American Van Lines, Inc.'s deduction/abatement under R-08-09
is hereby terminated.

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for North American Van Lines, Inc. for property at 5001 US Highway 30 West under Confirming Resolution R-08-09 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 North American Van Lines 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, North American Van Lines, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, North American Van Lines, Inc.'s approved Statement of Benefits (SB-1) form stated that **437** full-time jobs would be retained and **240** full-time jobs would be created by December 2011; and

WHEREAS, North American Van Lines, Inc.'s approved Statement of Benefits (SB-1) form stated **\$18,866,000** in annual payroll for the **437** full-time retained jobs and **\$8,640,000** in annual payroll would be generated by the **240** full-time jobs to be created; and

WHEREAS, North American Van Lines, Inc.'s; 2015 Compliance with Statement of Benefits (CF-1) form filing stated that **417** jobs were retained and **zero** jobs were created; and

WHEREAS, North American Van Lines, Inc.'s; 2016 Compliance with Statement of Benefits (CF-1) form filing stated **\$20,303713** in annual payroll for the **417** 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 **437** full-time jobs retained means retaining **327**
14 jobs; and

15 **WHEREAS**, meeting 75% of the **240** full-time jobs to be created means creating **180**
16 full-time jobs; and

17 **WHEREAS**, meeting 75% of the **\$18,866,000** in retained annual payroll means
18 **\$14,149,500** in annual payroll; and

19 **WHEREAS**, meeting 75% of the **\$8,640,000** in annual payroll to be created means
20 **\$6,480,000**; and

21 **WHEREAS**, Common Council made a determination on June 28, 2016 that North
22 American Van Lines, Inc. was not in substantial compliance as a result of its failure to
23 generate at least 180 jobs and at least \$6,480,000 in annual payroll created, and that the
24 failure to substantially comply was not caused by factors beyond the control of North
25 American Van Lines, Inc.; and

26 **WHEREAS**, Council directed the Community Development Division to mail written
27 notice to North American Van Lines, Inc. explaining the reasons for Council's determination
28 and a date, time, place of a hearing to be conducted by Council for the purpose of further
29 considering North American Van Lines, Inc.'s compliance with Statement of Benefits; and

30 **WHEREAS**, the aforementioned notice was properly prepared and served upon
North American Van Lines, Inc. on August 1, 2016; and

WHEREAS, Council conducted a hearing on August 23, 2016 for the purpose of
further considering North American Van Lines, Inc.'s compliance with statement of benefits;
and

WHEREAS, North American Van Lines **appeared/failed to appear** at the hearing.

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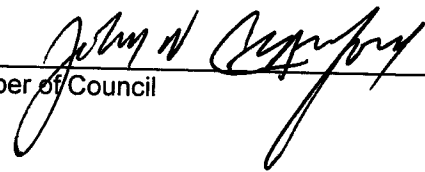
**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:**

SECTION 1a. North American Van Lines, Inc. failed to appear and otherwise testify and therefore Council confirms its determination of June 28, 2016 that North American Van Lines, Inc. has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for its failure to create 75% of the 240 full-time jobs or 180 jobs that were stated that would be created and create 75% of the \$8,640,000 in annual payroll or \$0 that was stated that would be generated by the created jobs. Council therefore finds that North American Van Lines, Inc. has failed to substantially comply and said failure was not caused by factors outside of North American Van Lines, Inc.'s control. As a result of said failure, North American Van Lines, Inc.'s deduction/abatement under R-08-09 is hereby terminated.

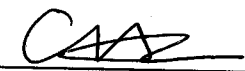
SECTION 1b. That North American Van Lines, Inc. appeared and testified at the hearing and from its testimony it was determined that notwithstanding North American Van Lines, Inc.'s failure to substantially comply by its failure to create 75% of the 240 full-time jobs or 180 jobs that were stated that would be created and create 75% of the \$8,640,000 in annual payroll or \$0 that was stated that would be generated by the created jobs, that North American Van Lines, Inc. did make reasonable efforts to substantially comply with the statement of benefits and North American Van Lines, Inc.'s failure to substantially comply was caused by factors beyond the control of North American Van Lines, Inc.. Therefore the continuation of North American Van Lines, Inc.'s deduction/abatement under R-08-09 is hereby approved.

SECTION 1c. That North American Van Lines, Inc. appeared and testified at the hearing and from its testimony it was determined that notwithstanding North American Van Lines, Inc.'s failure to substantially comply by its failure to create 75% of the 240 full-time jobs or 180 jobs that were stated that would be created and create 75% of the \$8,640,000 in annual payroll or \$0 that was stated that would be generated by the created jobs, that North American Van Lines, Inc. did not make reasonable efforts to substantially comply with the statement of benefits and North American Van Lines, Inc.'s failure to substantially comply was not caused by factors beyond the control of North American Van Lines, Inc. As a result of said failure, North American Van Lines, Inc.'s deduction/abatement under R-08-09 is hereby terminated.

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 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 North American Van Lines, Inc. 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



September 6, 2016

Fort Wayne City Council
Citizens Square
200 East Berry St.
Fort Wayne, Indiana 46802

RE: North American Van Lines – 2009 Project.

Dear City Council,

Thank you for the opportunity to provide details about North American Van Lines employment activity and goals related to our 2009 LEDGE Project, in preparation of the Fort Wayne Common Council meeting on September 13th when you will consider extending our property tax abatement.

While the employment retention and new employment head count goals for this project is below the threshold for substantial compliance for this project, the total head count for our Fort Wayne campus is growing. We estimate full time permanent positions of 425 by year end 2016. This is an increase from 417 headcount in 2015 and 391 headcount in 2014.

Also please note the total payroll dollars exceed the 75% minimum compliance standard of \$20,629,500. We estimate the total payroll of Indiana employees for 2016 will exceed \$23,000,000 which is the largest payroll since this project started in 2009.

In addition to the strong payroll dollars, there is also positive impact of North American Van Lines fixed asset spending with substantial investment in the Fort Wayne facility. In 2016 new office equipment, computers, software, communication equipment and building improvements totaled over \$4,475,000 year to date invested in the moving headquarters campus at US Highway 30 West. And we project the total asset investment to exceed \$5,000,000 by year end 2016.

While the growth of employment at our Fort Wayne moving services headquarters has not been at a pace we expected and stipulated in our project agreement, it is important to recognize the economic impact of the total payroll and fixed asset investments in our facility. The moving and relocation business is directly related to USA corporate metrics, which had a slow start in 2016 and modest recovery this summer. But even with these headwinds, North American Van Lines made increased investments in our associates and fixed assets for 2016 in Fort Wayne.

North American Van Lines is grateful to Fort Wayne and surrounding communities who have always supported this company and its impact on domestic and international moving markets.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Wyall', written over a white background.

Peter Wyall
Sr. Tax Manager

BILL NO. R-16-08-11

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

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for **North American Van Lines, Inc. for property at 5001 US Highway 30 West** under Confirming Resolution R-08-09 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

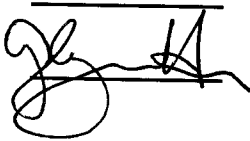
COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

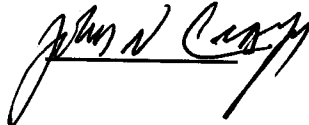
DO PASS

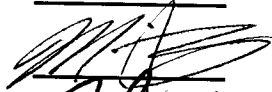
DO NOT PASS

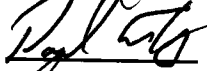
ABSTAIN

NO REC

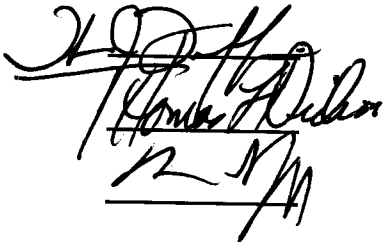




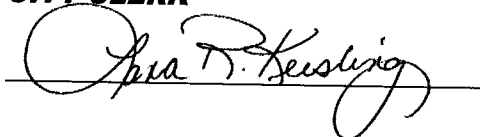








**LANA R. KEESLING
CITY CLERK**



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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: September 13, 2016




LANA R. KEESLING, CITY CLERK

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

Resolution No. R-16-08-11 on the 13th day of September, 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 10:30 o'clock P.M. E.S.T.



LANA R. KEESLING, CITY CLERK

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



THOMAS C. HENRY, MAYOR