

**A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) for property at 4429 Allen Martin Drive under Confirming Resolution R-41-13 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 EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) 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**, EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

**WHEREAS**, EFTT Equities, LLC's dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) approved Statement of Benefits (SB-1) form stated that **27** full-time jobs would be retained and **14** full-time jobs would be created by April 2013; and

**WHEREAS**, EFTT Equities, LLC's dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) approved Statement of Benefits (SB-1) form stated **\$1,135,000** in annual payroll for the **27** full-time retained jobs and **\$517,813** in annual payroll would be generated by the **14** full-time jobs to be created; and

**WHEREAS**, EFTT Equities, LLC's dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC); 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **31** jobs were retained and **three** jobs were created; and

1                   **WHEREAS**, EFTT Equities, LLC's dba Earth First (now under Advanced Disposal  
2 Services Solid Waste Midwest, LLC); 2016 Compliance with Statement of Benefits (CF-1)  
3 form filing stated **\$1,426,398** in annual payroll for the **31** jobs retained and **\$138,039** in  
4 annual payroll for the **three** jobs created; and

5                   **WHEREAS**, Common Council designated the City of Fort Wayne Community  
6 Development Division as the entity for the administration, application, processing and  
7 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of  
8 the City of Fort Wayne; and

9                   **WHEREAS**, Common Council has defined substantial compliance under Section  
10 153.21 of the Municipal Code of the City of Fort Wayne as:

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

17                   **WHEREAS**, meeting 75% of the **27** full-time jobs retained means retaining **20** jobs;  
18 and

19                   **WHEREAS**, meeting 75% of the **14** full-time jobs to be created means creating **10**  
20 full-time jobs; and

21                   **WHEREAS**, meeting 75% of the **\$1,135,000** in retained annual payroll means  
22 **\$851,250** in annual payroll; and

23                   **WHEREAS**, meeting 75% of the **\$517,813** in annual payroll to be created means  
24 **\$388,360**; and

25                   **WHEREAS**, Common Council made a determination on June 28, 2016 that EFTT  
26 Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest,  
27 LLC) was not in substantial compliance as a result of its failure to generate at least 10 jobs  
28 and at least \$388,360 in annual payroll created, and that the failure to substantially comply  
29 was not caused by factors beyond the control of EFTT Equities, LLC dba Earth First (now  
30 under Advanced Disposal Services Solid Waste Midwest, LLC); and

**WHEREAS**, Council directed the Community Development Division to mail written  
notice to EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid  
Waste Midwest, LLC) 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 EFTT

Equities, LLC's dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) compliance with Statement of Benefits; and

**WHEREAS**, the aforementioned notice was properly prepared and served upon EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) on August 1, 2016; and

**WHEREAS**, Council conducted a hearing on August 23, 2016 for the purpose of further considering EFTT Equities, LLC's dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) compliance with statement of benefits; and

**WHEREAS**, EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) **appeared/failed to appear** at the hearing.

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

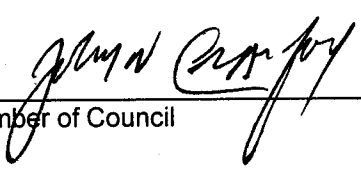
~~**SECTION 1a.** EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) failed to appear and otherwise testify and therefore Council confirms its determination of June 20, 2016 that EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) has failed to substantially comply pursuant to IC 6-1-1-42.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for its failure to create 75% of the 14 full-time jobs or 10 jobs that were stated that would be created and create 75% of the \$517,813 in annual payroll or \$388,000 that was stated that would be generated by the created jobs. Council therefore finds that EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) has failed to substantially comply and said failure was not caused by factors outside of EFTT Equities, LLC's dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) control. As a result of said failure, EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) deduction/abatement under R-41-13 is hereby terminated.~~

**NOTE** **SECTION 1b.** That EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) appeared and testified at the hearing and from its testimony it was determined that notwithstanding EFTT Equities, LLC's dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) failure to substantially comply by its failure to create 75% of the 14 full-time jobs or 10 jobs that were stated that would be created and create 75% of the \$517,813 in annual payroll or \$388,360 that was stated that would be generated by the created jobs, that EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) did make reasonable efforts to substantially comply with the statement of benefits and EFTT Equities, LLC's dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) failure to substantially comply was caused by factors beyond the control of EFTT Equities, LLC dba


1 Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC). Therefore  
2 the continuation of EFTT Equities, LLC's dba Earth First (now under Advanced Disposal  
3 Services Solid Waste Midwest, LLC) deduction/abatement under R-41-13 is hereby  
4 approved.

5 ~~SECTION 1C. That EFTT Equities, LLC dba Earth First (now under Advanced~~  
6 ~~Disposal Services Solid Waste Midwest, LLC) appeared and testified at the hearing and from~~  
7 ~~its testimony it was determined that notwithstanding EFTT Equities, LLC's dba Earth First~~  
8 ~~(now under Advanced Disposal Services Solid Waste Midwest, LLC) failure to substantially~~  
9 ~~comply by its failure to create 75% of the 14 full-time jobs or 10 jobs that were stated that~~  
10 ~~would be created and create 75% of the \$517,840 in annual payroll or \$388,260 that was~~  
11 ~~stated that would be generated by the created jobs, that EFTT Equities, LLC dba Earth First~~  
12 ~~(now under Advanced Disposal Services Solid Waste Midwest, LLC) did not make~~  
13 ~~reasonable efforts to substantially comply with the statement of benefits and EFTT Equities,~~  
14 ~~LLC's dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC)~~  
15 ~~failure to substantially comply was not caused by factors beyond the control of EFTT~~  
16 ~~Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest,~~  
17 ~~LLC). As a result of said failure, EFTT Equities, LLC's dba Earth First (now under Advanced~~  
18 ~~Disposal Services Solid Waste Midwest, LLC) deduction/abatement under R-41-13 is hereby~~  
19 ~~terminated.~~

20 SECTION 2. That, this Resolution shall be in full force and effect from and after  
21 its passage and any and all necessary approval by the Mayor.

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\_\_\_\_\_  
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 EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) 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**

**BILL NO. R-16-08-13**

**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 EFTT Equities, LLC dba Earth First (now under Advanced Disposal Services Solid Waste Midwest, LLC) for property at 4429 Allen Martin Drive under Confirming Resolution R-41-13 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

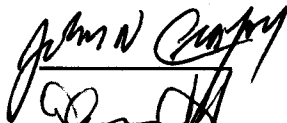
**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

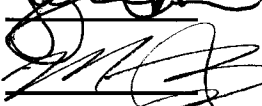
DO PASS

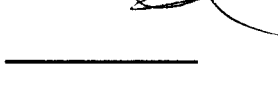
DO NOT PASS

ABSTAIN

NO REC

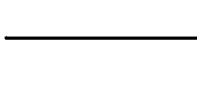




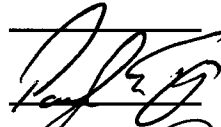




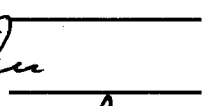


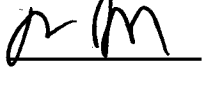


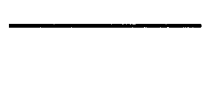












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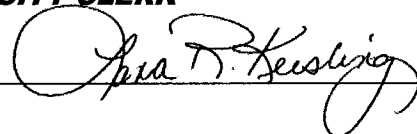
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**LANA R. KEESLING  
CITY CLERK**



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

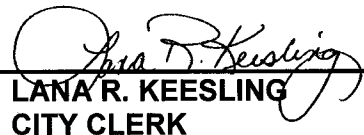
DATED: August 23, 2016

  
LANA R. KEESLING, CITY CLERK

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

Resolution No. R-16-08-13 on the 23rd day of August, 2016

ATTEST:

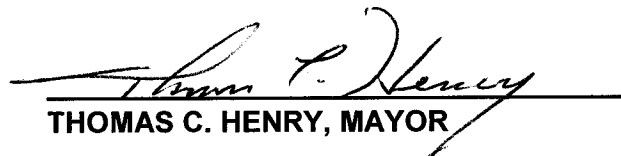
  
LANA R. KEESLING  
CITY CLERK

  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th of August 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 24<sup>TH</sup> day of August 2016, at the hour of 5:00 O'clock Pm E.S.T.

  
THOMAS C. HENRY, MAYOR