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4 **A RESOLUTION determining SUBSTANTIAL COMPLIANCE**
5 **OR NON-COMPLIANCE with a Statement of Benefits (SB-1)**
6 **for 2017 for JH Specialty, Inc./Hilltrans, LLC at 6030**
7 **Huguenard Road under Confirming Resolution R-53-09 with**
8 **an "Economic Revitalization Area" approved under I.C. 6-**
9 **1.1-12.1**

10 **WHEREAS**, Common Council has previously designated and declared by Declaratory
11 Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property
12 for JH Specialty, Inc./Hilltrans, LLC as an "Economic Revitalization Area" under Sections 153.13-
13 153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

14 **WHEREAS**, property owners whose Statement of Benefits (SB-1) form was approved
15 after July 1, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and
16 Section 153.21 of the Municipal Code of the City of Fort Wayne, Indiana, must file a Compliance
17 with Statement of Benefits Form (CF-1) with the Allen County Auditor, the Allen County Assessor
18 and the City of Fort Wayne showing information on the extent to which there has been compliance
19 with the approved Statement of Benefits for the project; and

20 **WHEREAS**, JH Specialty, Inc./Hilltrans, LLC has filed Compliance with Statement of
21 Benefit Forms with the Allen County Assessor's Office, Allen County Auditor's Office and the City
22 of Fort Wayne; and

23 **WHEREAS**, JH Specialty, Inc./Hilltrans, LLC's approved Statement of Benefits (SB-1)
24 form stated that **19** full-time and **four** part-time jobs would be retained and **30** full-time and **12**
25 part-time jobs would be created; and

26 **WHEREAS**, JH Specialty, Inc./Hilltrans, LLC's approved Statement of Benefits (SB-1)
27 form stated **\$1,838,400** in annual payroll would be generated from the **30** full-time and **12** part-
28 time created jobs; and

29 **WHEREAS**, JH Specialty, Inc./Hilltrans, LLC's approved Statement of Benefits (SB-1)
30 form stated **\$1,086,800** in annual payroll would be generated from the **19** full-time and **four** part-
time retained jobs; and

WHEREAS, JH Specialty, Inc./Hilltrans, LLC's 2017 Compliance with Statement of
Benefits (CF-1) form filing stated that **23** jobs were retained and **12** jobs were created; and

WHEREAS, JH Specialty, Inc./Hilltrans, LLC's 2017 Compliance with Statement of
Benefits (CF-1) form filing stated **\$1,086,800** in annual payroll for the **23** jobs retained and
\$973,585 in annual payroll for the **nine** jobs created; and

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

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

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

7 **WHEREAS**, meeting 75% of the **42** created jobs means creating **31** jobs; and

8 **WHEREAS**, meeting 75% of the **23** retained jobs means retaining **17** jobs; and

9 **WHEREAS**, meeting 75% of the **\$1,838,400**, in annual payroll to be created means
10 **\$1,378,800** in annual payroll created; and

11 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
12 receipt of the Compliance of Statement of Benefits Form (CF-1) that JH Specialty, Inc./Hilltrans,
13 LLC has substantially complied with the original Statement of Benefits Form (SB-1) approved by
14 Common Council; and

15 **WHEREAS**, JH Specialty, Inc./Hilltrans, LLC **failed to appear** before council to provide
16 additional information on its compliance with statement of benefits.

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

19 **SECTION 1.** That, Common Council finds that the Compliance with Statement of
20 Benefits Form (CF-1) filed by JH Specialty, Inc./Hilltrans, LLC with an approved economic
21 revitalization area for 2017 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section
22 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of the \$1,838,400
23 or \$1,378,800 in annual payroll from the 42 jobs or 31 jobs that were stated that would be created.

24 ~~**SECTION 2a.** JH Specialty, Inc./Hilltrans, LLC appeared before council and provided
25 additional information on its compliance with statement of benefits and from this information it was
26 determined that notwithstanding JH Specialty, Inc./Hilltrans, LLC's failure to substantially comply
27 by its failure to create \$1,378,800 or more in annual payroll from 31 jobs or more created, that JH
28 Specialty, Inc./Hilltrans, LLC did make reasonable efforts to substantially comply with the
29 statement of benefits and JH Specialty, Inc./Hilltrans, LLC's failure to substantially comply was
30 caused by factors beyond the control of JH Specialty, Inc./Hilltrans, LLC. Therefore, the
continuation of JH Specialty, Inc./Hilltrans, LLC's deduction/abatement under R-53-09 is hereby
approved.~~

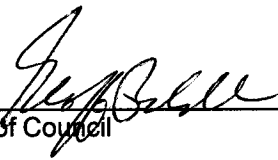
~~**SECTION 2b.** That JH Specialty, Inc./Hilltrans, LLC appeared and provided additional
information on its compliance with statement of benefits and from this information it was
determined that notwithstanding JH Specialty, Inc./Hilltrans, LLC's failure to substantially comply
by its failure to create \$1,378,800 or more in annual payroll from the 31 or more jobs created, that
JH Specialty, Inc./Hilltrans, LLC did not make reasonable efforts to substantially comply with the
statement of benefits and JH Specialty, Inc./Hilltrans, LLC's failure to substantially comply was not
caused by factors beyond the control of JH Specialty, Inc./Hilltrans, LLC. Council therefore directs
the Community Development Division to mail written notice to JH Specialty, Inc./Hilltrans, 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 JH Specialty, Inc./Hilltrans, LLC's
2017 compliance with statement of benefits.~~

SECTION 2c. That JH Specialty, Inc./Hilltrans, LLC failed to appear and otherwise
provide additional information on its compliance with statement of benefits and has caused
Council to conclude and find that JH Specialty, Inc./Hilltrans, LLC is not in substantial compliance
pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City

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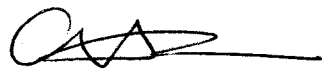
of Fort Wayne on their 2017 filing. Council therefore directs the Community Development Division to mail written notice to JH Specialty, Inc./Hilltrans, LLC explaining the reasons for Council's determination and a date, time, place of a hearing to be conducted by Council for the purpose of further considering JH Specialty, Inc./Hilltrans, LLC's 2017 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

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2017

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by JH Specialty, Inc./Hilltrans, LLC in May 2017 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): Geoff Paddock and Jason Arp

BILL NO. R-17-06-13

REPORT OF COMMITTEE ON FINANCE

June 20, 2017

Geoff Paddock Chair

Jason Arp Co-Chair

All Council Members

*VOTED 2c
Failure to appear,
NON-Compliance*

A Resolution determining **substantial compliance or non-compliance** with Statement of Benefits (CF-1) form filing for 2017 for **JH Specialty, Inc./Hilltrans, LLC** for property at 6030 Huguenard Road, Fort Wayne, IN 46818 under Confirming Resolution R-53-09 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

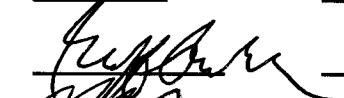



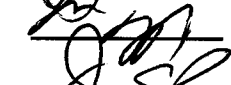
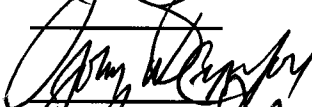


COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
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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 Paddock.

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

Read the third time in full and on motion by Councilman Paddock, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: June 27, 2017




 LANA R. KEESLING, CITY CLERK

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

Ordinance No. R-17-06-13 AA on the 27th day of June, 2017
Voted Motion 2c – Failure to Appear/Non-Compliance

ATTEST:



 LANA R. KEESLING
 CITY CLERK



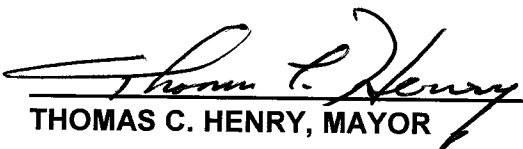
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th
of June 2017, at the hour of 11:45 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 30TH day of June
2017, at the hour of 10:00 O'clock AM . E.S.T.



 THOMAS C. HENRY, MAYOR