

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for CNC Industries, Inc. for property at 3810 Fourier Drive, Fort Wayne, IN 46818 under Confirming Resolution R-19-12 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 CNC Industries, Inc. 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, CNC Industries, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, CNC Industries, Inc.' approved Statement of Benefits (SB-1) form stated that **45** full-time jobs would be retained and **three** full-time jobs would be created by September 2012; and

WHEREAS, CNC Industries, Inc.'s approved Statement of Benefits (SB-1) form stated **\$1,646,020** in annual payroll for the **45** full-time retained jobs and **\$102,960** in annual payroll would be generated by the **three** full-time jobs to be created; and

WHEREAS, CNC Industries, Inc.'s; 2017 Compliance with Statement of Benefits (CF-1) form filing stated that **45** jobs were retained and **one** job was created; and

WHEREAS, CNC Industries, Inc.'s; 2017 Compliance with Statement of Benefits (CF-1) form filing stated **\$1,646,020** in annual payroll for the **45** jobs retained and **\$43,808** in annual payroll for the **one** job 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. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to be created or retained as delineated in the original Statement of Benefits Form (SB-1) approved by Common Council; and
2. Meeting 75% or more of the total payroll stated to be created or retained as delineated in the original Statement of Benefits Form (SB-1) approved by Common Council; and

1 **WHEREAS**, meeting 75% of the **45** full-time jobs retained means retaining **33** jobs; and

2 **WHEREAS**, meeting 75% of the **three** full-time jobs to be created means creating **two**
3 full-time jobs; and

4 **WHEREAS**, meeting 75% of the **\$1,646,020** in retained annual payroll means **\$1,234,151**
5 in annual payroll; and

6 **WHEREAS**, meeting 75% of the **\$102,960** in annual payroll to be created means **\$77,220**;
7 and

8 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
9 receipt of the Compliance of Statement of Benefits Form (CF-1) that CNC Industries, Inc. has
10 substantially complied with the original Statement of Benefits Form (SB-1) approved by Common
11 Council; and

12 **WHEREAS**, CNC Industries, Inc. **failed to appear** before council to provide additional
13 information on its compliance with statement of benefits.

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

16 **SECTION 1.** That, Common Council finds that the Compliance with Statement of
17 Benefits Form (CF-1) filed by CNC Industries, Inc. with an approved economic revitalization area
18 for 2017 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
19 Municipal Code of the City of Fort Wayne for failure to create 75% of the three full-time jobs or two
20 jobs that were stated that would be created and create 75% of the \$102,960 in annual payroll or
21 \$77,220 that was stated that would be generated by the created jobs.

22 ~~**SECTION 2a.** CNC Industries, Inc. appeared before council and provided additional~~
23 ~~information on its compliance with statement of benefits and from this information it was~~
24 ~~determined that notwithstanding, CNC Industries, Inc.'s failure to substantially comply by its failure~~
25 ~~to create two jobs or more and \$77,220 in annual payroll or more from the jobs created, that CNC~~
26 ~~Industries, Inc. did make reasonable efforts to substantially comply with the statement of benefits~~
27 ~~and CNC Industries, Inc.'s failure to substantially comply was caused by factors beyond the~~
28 ~~control of CNC Industries, Inc. Therefore, the continuation of CNC Industries, Inc.'s~~
29 ~~deduction/abatement under R-19-12 is hereby approved.~~

30 ~~**SECTION 2b.** That CNC Industries, Inc., appeared and provided additional information~~
on its compliance with statement of benefits and from this information it was determined that
notwithstanding CNC Industries, Inc.'s failure to substantially comply by its failure to create two
jobs or more and \$77,220 or more in annual payroll from the jobs created, that CNC Industries,
Inc. did not make reasonable efforts to substantially comply with the statement of benefits and
CNC Industries, Inc.'s failure to substantially comply was not caused by factors beyond the control
of CNC Industries, Inc. Council therefore directs the Community Development Division to mail
written notice to CNC Industries, Inc. 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
CNC Industries, Inc.'s 2017 compliance with statement of benefits.

SECTION 2c. That CNC Industries, Inc. failed to appear and otherwise provide
additional information on its compliance with statement of benefits and has caused Council to
conclude and find that CNC Industries, Inc. 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 of Fort Wayne on their 20167 filing.
Council therefore directs the Community Development Division to mail written notice to CNC
Industries, Inc. 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 CNC Industries, Inc.'s
2017 compliance with statement of benefits.

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 CNC Industries, Inc. 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-17-06-20

REPORT OF COMMITTEE ON FINANCE

June 20, 2017

Geoff Paddock Chair

Jason Arp Co-Chair

All Council Members

2c

A Resolution determining **substantial compliance or non-compliance** with Statement of Benefits (CF-1) form filing for 2017 for **CNC Industries, Inc.** for property at 3810 Fourier Drive, Fort Wayne, IN 46818 under Confirming Resolution R-19-12 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

[Handwritten signatures in the DO PASS column]

[Handwritten signatures in the DO NOT PASS column]

**LANA R. KEESLING
CITY CLERK**

[Handwritten signature of Lana R. Keesling]

Public Hearing Date: N/A

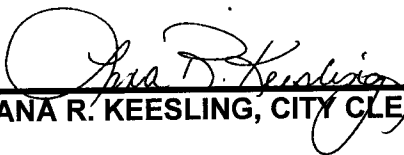
Read the first time in full and on motion by Councilman Paddock.

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-17-06-20 AA on the 27th day of June, 2017
Voted Motion 2c – Failure to Appear/Non-Compliance

ATTEST:



 LANA R. KEESLING
 CITY CLERK




 THOMAS G. DIDIER
 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