

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for Pyromation, Inc. for property at 5211 Industrial Road, Fort Wayne, IN 46825 under Confirming Resolution R-39-11 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 Pyromation, 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, Pyromation, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, Pyromation, Inc.'s approved Statement of Benefits (SB-1) form stated that **174** full-time jobs would be retained and **39** full-time jobs would be created by December 2015; and

WHEREAS, Pyromation, Inc.'s approved Statement of Benefits (SB-1) form stated **\$8,504,868** in annual payroll for the **174** full-time retained jobs and **\$1,118,000** in annual payroll would be generated by the **39** full-time jobs to be created; and

WHEREAS, Pyromation, Inc.'s 2017 Compliance with Statement of Benefits (CF-1) form filing stated that **174** jobs were retained and **eight** jobs were created; and

WHEREAS, Pyromation, Inc.'s 2017 Compliance with Statement of Benefits (CF-1) form filing stated **\$8,504,868** in annual payroll for the **174** jobs retained and **\$2,752,433** in annual payroll for the **eight** 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. 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

WHEREAS, meeting 75% of the **174** full-time jobs retained means retaining **130** jobs; and

WHEREAS, meeting 75% of the **39** full-time jobs to be created means creating **29** full-time jobs; and

WHEREAS, meeting 75% of the **\$8,504,868** in retained annual payroll means **\$6,378,651** in annual payroll; and

1 **WHEREAS**, meeting 75% of the **\$1,118,00** in annual payroll to be created means
2 **\$838,500**; and

3 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
4 receipt of the Compliance of Statement of Benefits Form (CF-1) that Pyromation, Inc. has
5 substantially complied with the original Statement of Benefits Form (SB-1) approved by Common
6 Council; and

7 **WHEREAS**, Pyromation, Inc. **failed to appear** before council to provide additional
8 information on its compliance with statement of benefits.

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

11 **SECTION 1.** That, Common Council finds that the Compliance with Statement of
12 Benefits Form (CF-1) filed by Pyromation, Inc. with an approved economic revitalization area for
13 2017 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
14 Municipal Code of the City of Fort Wayne for failure to create 75% of the 39 full-time jobs or 29
15 jobs that were stated that would be created and create 75% of the \$8,504,868 in annual payroll or
16 \$838,500 that was stated that would be generated by the eight created jobs.

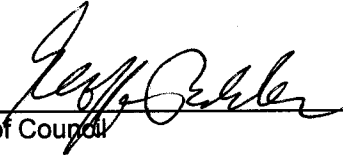
17 ~~**SECTION 2a.** That Pyromation, Inc. appeared before council and provided additional
18 information on its compliance with statement of benefits and from this information it was
19 determined that notwithstanding, Pyromation, Inc.'s failure to substantially comply by its failure to
20 create 29 jobs or more and \$838,500 in annual payroll or more from the jobs created and, that
21 Pyromation, Inc. did make reasonable efforts to substantially comply with the statement of
22 benefits and Pyromation, Inc.'s failure to substantially comply was caused by factors beyond the
23 control of Pyromation, Inc. Therefore, the continuation of Pyromation, Inc.'s deduction/abatement
24 under R-39-11 is hereby approved.~~

25 ~~**SECTION 2b.** That Pyromation, Inc., appeared and provided additional information on
26 its compliance with statement of benefits and from this information it was determined that
27 notwithstanding, Pyromation, Inc.'s failure to substantially comply by its failure to create 29 jobs or
28 more and \$838,500 in annual payroll or more from the jobs created, that Pyromation, Inc. did not
29 make reasonable efforts to substantially comply with the statement of benefits and Pyromation,
30 Inc.'s failure to substantially comply was not caused by factors beyond the control of Pyromation,
Inc. Council therefore directs the Community Development Division to mail written notice to
Pyromation, 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 Pyromation, Inc.'s 2017
compliance with statement of benefits.~~

SECTION 2c. That Pyromation, 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 Pyromation, 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 Pyromation, 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 Pyromation, Inc.'s 2017 compliance with statement
of benefits.

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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

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 Pyromation, Inc. in May 2017 for R-17-14 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-17-06-28

REPORT OF COMMITTEE ON FINANCE

June 20, 2017

Geoff Paddock Chair

2C

Jason Arp Co-Chair

All Council Members

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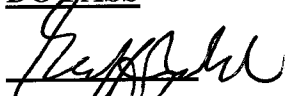


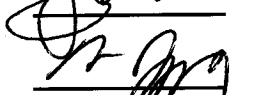

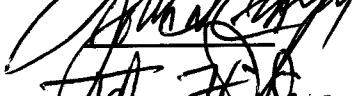
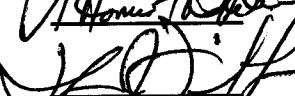

COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

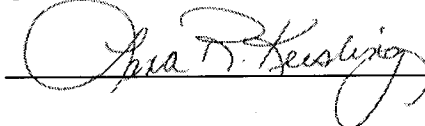
DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

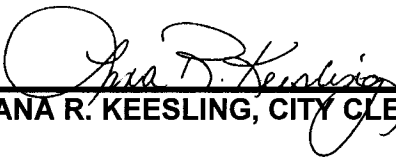
Read the first time in full and on motion by Councilman Paddock.

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-17-06-38 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