

1 BILL NO. R-18-07-13

2  
3 RESOLUTION NO. R- 63-18

4  
5 **A RESOLUTION determining SUBSTANTIAL**  
6 **COMPLIANCE OR NON-COMPLIANCE with**  
7 **Statement of Benefits (CF-1) form filing for 2018**  
8 **for Pyromation, Inc. for property at 5211 Industrial**  
9 **Road Fort Wayne, IN 46802 under Confirming**  
10 **Resolution R-39-11 with an “Economic**  
11 **Revitalization Area” approved under I.C. 6-1.1-12.1**

12 **WHEREAS**, Common Council has previously designated and declared by  
13 Declaratory Resolution and Confirming Resolution with approved Statement of  
14 Benefits (hereinafter “SB-1”) forms, certain property for **Pyromation, Inc.** as an  
15 “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal  
16 Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

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

24 **WHEREAS**, **Pyromation, Inc.** has filed CF-1 forms with **the City of Fort**  
25 **Wayne, the Allen County Auditor, and the Allen County Assessor**; and

26 **WHEREAS**, **Pyromation, Inc.** approved SB-1 form stated that **174** full-time  
27 jobs would be retained and **39** full-time jobs would be created by **December 31,**  
28 **2015**; and

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

**WHEREAS**, **Pyromation, Inc.** **2018** CF-1 form filing stated that **174** jobs  
were retained and **four** jobs were created; and

1                   **WHEREAS, Pyromation, Inc. 2018** CF-1 form filing stated **\$8,504,686** in  
2 annual payroll for the **174** jobs retained and **\$3,363,130** in annual payroll for the  
3 **four** jobs created; and

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

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

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

16                   **WHEREAS,** meeting 75% of the **174** full-time jobs retained means retaining  
17 **130** jobs; and

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

20                   **WHEREAS,** meeting 75% of the **\$8,504,868** in retained annual payroll  
21 means **\$6,378,647** in retained annual payroll; and

22                   **WHEREAS,** meeting 75% of the **\$1,118,000** in annual payroll to be created  
23 means **\$838,500** in created annual payroll; and

24                   **WHEREAS,** Common Council may determine not later than forty-five (45)  
25 days after receipt of the CF-1 form that **Pyromation, Inc.** has either failed to  
26 substantially comply or has substantially complied with the original SB-1 form  
27 approved by Common Council; and

28                   **WHEREAS,** Common Council made a determination on **June 26, 2018** that  
29 **Pyromation, Inc.** was not in substantial compliance as a result of its failure to retain  
30 at least **130** jobs with at least **\$6,378,647** in annual payroll and create at least **29**  
jobs and at least **\$838,500** in annual payroll, and that the failure to substantially  
comply was not caused by factors beyond the control of **Pyromation, Inc.**; and

1           **WHEREAS**, Council directed the Community Development Division to mail  
2 written notice to **Pyromation, Inc.** explaining the reasons for Council's  
3 determination and a date, time, place of a hearing to be conducted by Council for  
4 the purpose of further considering **Pyromation, Inc.**'s compliance with Statement of  
5 Benefits; and

6           **WHEREAS**, the aforementioned notice was properly prepared and served  
7 upon **Pyromation, Inc.**; and

8           **WHEREAS**, **Pyromation, Inc.** [**appeared/failed to appear**] before  
9 Common Council to provide additional information concerning compliance.

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

12           **SECTION 1.** That, Common Council finds that the CF-1 form filed by  
13 **Pyromation, Inc.** with an approved Economic Revitalization Area for **2018** are not  
14 in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the  
15 Municipal Code of the City of Fort Wayne for failure to create 75% of the **39** full-  
16 time jobs or **29** jobs that were stated that would be created and create 75% of the  
17 **\$1,118,000** in annual payroll or **\$838,500** that was stated that would be generated  
18 by the created jobs.

19           ~~**SECTION 2a.** **Pyromation, Inc.** failed to appear and otherwise testify and  
20 therefore Council confirms its determination of June 26, 2018 that **Pyromation,  
21 Inc.** has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21  
22 of the Municipal Code of the City of Fort Wayne as detailed in Section 1 above.  
23 Council therefore finds that **Pyromation, Inc.** has failed to substantially comply and  
24 said failure was not caused by factors outside of **Pyromation, Inc.**'s control. As a  
25 result of said failure, **Pyromation, Inc.**'s deduction/abatement under **R-39-11** is  
26 hereby terminated.~~

27           **SECTION 2b.** That **Pyromation, Inc.** appeared and testified at the hearing  
28 and from its testimony it was determined that notwithstanding **Pyromation, Inc.**'s  
29 failure to substantially comply as detailed in Section 1 above that **Pyromation, Inc.**  
30 did make reasonable efforts to substantially comply with the statement of benefits  
and **Pyromation, Inc.**'s failure to substantially comply was caused by factors  
beyond the control of **Pyromation, Inc.**. Therefore, the continuation of  
**Pyromation, Inc.**'s deduction/abatement under **R-39-11** is hereby approved.



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 Pyromation, Inc. in May 2018 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): **Geoff Paddock and Jason Arp**

**BILL NO. R-18-07-13**

**REPORT OF COMMITTEE ON FINANCE**

**July 17, 2018**

**John Crawford Chair**

**Jason Arp Co-Chair**

**All Council Members**

A Resolution determining Substantial Compliance or Non-Compliance with Statement of Benefits (CF-1) form filing for 2018 for Pyromation, Inc. for property at 5211 Industrial Road Fort Wayne, IN 46802 under Confirming Resolution R-39-11 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

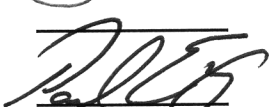
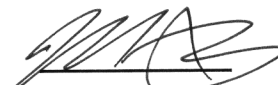

**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

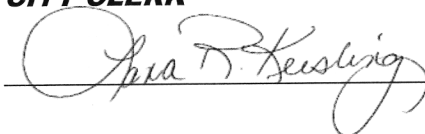
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
		_____	_____
	_____	_____	_____
		_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: N/A

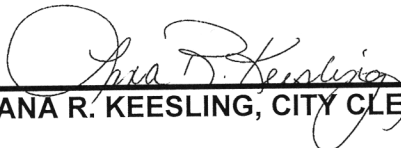
Read the first time in full and on motion by Councilman Crawford.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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: July 24, 2018

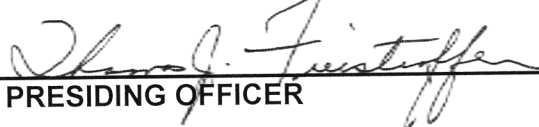
  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-18-07-13 on the 24th day of July, 2018

ATTEST:

  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

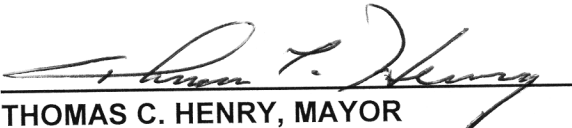
  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th of July 2018, at the hour of 3:10 o'clock P.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 26<sup>th</sup> day of JULY

2018, at the hour of 9:30 O'clock Am E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR