

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2018 for JH Specialty, Inc./Hilltrans, LLC for property at 6030 Huguenard Road Fort Wayne, IN 46802 under Confirming Resolution R-53-09 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 (hereinafter "SB-1") forms, certain property for **JH Specialty, Inc./Hilltrans, 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 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 (hereinafter "CF-1") with the City of Fort Wayne and in some cases either the Allen County Auditor, the Allen County Assessor, or both, showing information on the extent to which there has been compliance with the approved SB-1 form for the project; and

WHEREAS, **JH Specialty, Inc./Hilltrans, LLC** has filed CF-1 forms with the **City of Fort Wayne**, the **Allen County Auditor** and the **Allen County Assessor**; and

WHEREAS, **JH Specialty, Inc./Hilltrans, LLC** approved SB-1 form stated that **19** full-time and **four** part-time jobs would be retained and **30** full-time and 12 part-time jobs would be created by **December 31, 2015**; and

WHEREAS, **JH Specialty, Inc./Hilltrans, LLC's** approved SB-1 form stated **\$1,086,800** in annual payroll for the **19** full-time and **four** part-time retained jobs and **\$1,838,400** in annual payroll would be generated by the **30** full-time and 12 part-time jobs to be created; and

1 **WHEREAS, JH Specialty, Inc./Hilltrans, LLC's 2018** CF-1 form filing
2 stated that **23** jobs were retained and **nine** jobs were created; and

3 **WHEREAS, JH Specialty, Inc./Hilltrans, LLC's 2018** CF-1 form filing
4 stated **\$1,086,800** in annual payroll for the **23** jobs retained and **\$929,409** in annual
5 payroll for the **nine** jobs created; and

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

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

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

18 **WHEREAS,** meeting 75% of the **19** full-time and **four** part-time jobs retained
19 means retaining **14** full-time and **three** part-time jobs; and

20 **WHEREAS,** meeting 75% of the **30** full-time and 12 part-time jobs to be
21 created means creating **22** full-time and **nine** part-time jobs; and

22 **WHEREAS,** meeting 75% of the **1,086,800** in retained annual payroll means
23 **\$929,409** in retained annual payroll; and

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

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

30 **WHEREAS,** Common Council made a determination on **June 26, 2018** that
31 **JH Specialty, Inc./Hilltrans, LLC** was not in substantial compliance as a result of
32 its failure to retain at least **17** jobs with at least **\$815,100** in annual payroll and
33 create at least **31** jobs and at least **\$1,378,800** in annual payroll, and that the failure

1 to substantially comply was not caused by factors beyond the control of **JH Specialty, Inc./Hilltrans, LLC**; and

2
3 **WHEREAS**, the aforementioned notice was properly prepared and served
4 upon **JH Specialty, Inc./Hilltrans, LLC**; and

5 **WHEREAS, JH Specialty, Inc./Hilltrans, LLC [appeared/failed to appear]**
6 before Common Council to provide additional information concerning compliance.

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

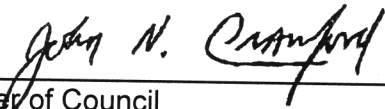
9 **SECTION 1.** That, Common Council finds that the CF-1 form filed by **JH Specialty, Inc./Hilltrans, LLC** with an approved Economic Revitalization Area for
10 **2018** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section
11 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of
12 the **42** jobs or **31** jobs that were stated that would be created and create 75% of the
13 **\$1,838,400** in annual payroll or **\$1,378,800** that was stated that would be generated
14 by the created jobs.

15 ~~**SECTION 2a. JH Specialty, Inc./Hilltrans, LLC failed to appear and**~~
16 ~~**otherwise testify and therefore Council confirms its determination of June 26, 2018**~~
17 ~~**that JH Specialty, Inc./Hilltrans, LLC has failed to substantially comply pursuant to**~~
18 ~~**IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne**~~
19 ~~**as detailed in Section 1 above. Council therefore finds that JH Specialty,**~~
20 ~~**Inc./Hilltrans, LLC has failed to substantially comply and said failure was not**~~
21 ~~**caused by factors outside of JH Specialty, Inc./Hilltrans, LLC's control. As a**~~
22 ~~**result of said failure, JH Specialty, Inc./Hilltrans, LLC's deduction/abatement**~~
23 ~~**under R-53-09 is hereby terminated.**~~

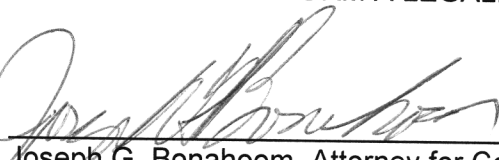
24 **SECTION 2b.** That **JH Specialty, Inc./Hilltrans, LLC** appeared and
25 testified at the hearing and from its testimony it was determined that
26 notwithstanding **JH Specialty, Inc./Hilltrans, LLC's** failure to substantially comply
27 as detailed in Section 1 above that **JH Specialty, Inc./Hilltrans, LLC** did make
28 reasonable efforts to substantially comply with the statement of benefits and **JH Specialty, Inc./Hilltrans, LLC's** failure to substantially comply was caused by
29 factors beyond the control of **JH Specialty, Inc./Hilltrans, LLC**. Therefore, the
30 continuation of **JH Specialty, Inc./Hilltrans, LLC's** deduction/abatement under **R-53-09** is hereby approved.

1 ~~SECTION 2c. That JH Specialty, Inc./Hilltrans, LLC appeared and~~
2 ~~testified at the hearing and from its testimony it was determined in addition to JH~~
3 ~~Specialty, Inc./Hilltrans, LLC's failure to substantially comply as detailed in~~
4 ~~Section 1 above, that JH Specialty, Inc./Hilltrans, LLC did not make reasonable~~
5 ~~efforts to substantially comply with the statement of benefits and JH Specialty,~~
6 ~~Inc./Hilltrans, LLC's failure to substantially comply was not caused by factors~~
7 ~~beyond the control of JH Specialty, Inc./Hilltrans, LLC As a result of said failure,~~
8 ~~JH Specialty, Inc./Hilltrans, LLC's deduction/abatement under R-53-09 is hereby~~
9 ~~terminated.~~

10 SECTION 3. That, this Resolution shall be in full force and effect from and
11 after its passage and any and all necessary approval by the Mayor.

12 
13 _____
14 Member of Council

15 APPROVED AS TO FORM A LEGALITY

16 
17 _____
18 Joseph G. Bonahoom, Attorney for Common Council

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 JH Specialty, Inc./Hilltrans, LLC 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-18-07-16

REPORT OF COMMITTEE ON FINANCE
July 17, 2018

John Crawford Chair

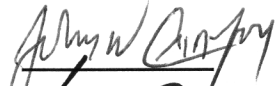





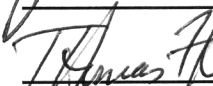

Jason Arp Co-Chair

All Council Members

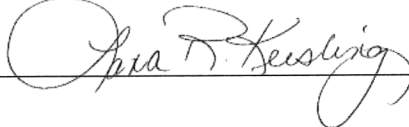
A Resolution determining Substantial Compliance or Non-Compliance with Statement of Benefits (CF-1) form filing for 2018 for JH Specialty, Inc./Hilltrans, LLC for property at 6030 Huguenard Road Fort Wayne, IN 46802 under Confirming Resolution R-53-09 with an "Economic Revitalization Area" approved under 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

2B

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
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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 checked="" type="checkbox"/>	<input 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 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: July 24, 2018




 LANA R. KEESLING, CITY CLERK

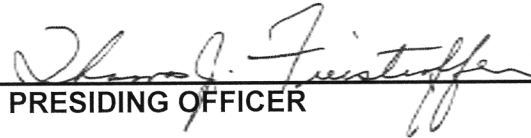
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-18-07-16 on the 24th day of July, 2018

ATTEST:



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

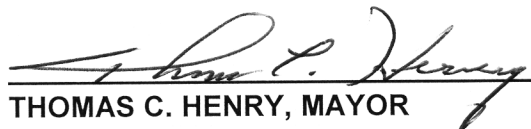
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th of July 2018, at the hour of 3:10 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 26th day of July

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



 THOMAS C. HENRY, MAYOR