

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC for property at 4041 Parnell Avenue Fort Wayne, IN 46805 under Confirming Resolution R-78-11 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 (hereinafter "SB-1") forms, certain property for **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, 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, **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC** has filed CF-1 forms with **the City of Fort Wayne and the Allen County Assessor**; and

WHEREAS, **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC's** approved SB-1 form stated that **78** full-time and **nine** part-time jobs would be retained and **ten** full-time jobs and two part-time jobs would be created by **October 31, 2013**; and

WHEREAS, **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC's** approved SB-1 form stated **\$3,950,000** in annual payroll for the **78** full-time and **nine** part-time retained jobs and **\$450,000** in annual payroll would be generated by the **65** full-time jobs to be created; and

1 **WHEREAS, David M. Allen D.D.S. and Associates P.C. dba Afdent**
2 **Dental/Affiliated Family Dentists, LLC's 2020 CF-1 form filing stated that 87 jobs were**
3 **retained and four jobs were created; and**

4 **WHEREAS, David M. Allen D.D.S. and Associates P.C. dba Afdent**
5 **Dental/Affiliated Family Dentists, LLC's 2020 CF-1 form filing stated \$3,950,000 in**
6 **annual payroll for the 87 jobs retained and \$1,320,000 in annual payroll for the four jobs**
7 **created; and**

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

12 **WHEREAS,** Common Council has defined substantial compliance under Section
13 153.21 of the Municipal Code of the City of Fort Wayne as:

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

20 **WHEREAS,** meeting 75% of the **78** full-time and **nine** part-time jobs retained
21 means retaining **58** full-time and **seven** part-time jobs; and

22 **WHEREAS,** meeting 75% of the **ten** full-time and two part-time jobs to be created
23 means creating **seven** full-time and **one** part-time job; and

24 **WHEREAS,** meeting 75% of the **\$3,950,000** in retained annual payroll means
25 **\$9,191,250** in retained annual payroll; and

26 **WHEREAS,** meeting 75% of the **\$450,000** in annual payroll to be created means
27 **\$337,500** in created annual payroll; and

28 **WHEREAS,** Common Council may determine not later than forty-five (45) days
29 after receipt of the CF-1 form that **David M. Allen D.D.S. and Associates P.C. dba**
30 **Afdent Dental/Affiliated Family Dentists, LLC** has either failed to substantially comply
or has substantially complied with the original SB-1 form approved by Common Council;
and

WHEREAS, Common Council made a determination on **July 28, 2020** that **David**
M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists,
LLC was not in substantial compliance as a result of its failure create at least **nine** jobs
and that the failure to substantially comply was not caused by factors beyond the control

1 of David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family
2 Dentists, LLC; and

3 WHEREAS, Council directed the Community Development Division to mail written
4 notice to David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated
5 Family Dentists, LLC explaining the reasons for Council's determination and a date,
6 time, place of a hearing to be conducted by Council for the purpose of further considering
7 David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family
8 Dentists, LLC's compliance with Statement of Benefits; and

9 WHEREAS, the aforementioned notice was properly prepared and served upon
10 David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family
11 Dentists, LLC; and

12 WHEREAS, David M. Allen D.D.S. and Associates P.C. dba Afdent
13 Dental/Affiliated Family Dentists, LLC [~~appeared~~/failed to appear] before Common
14 Council to provide additional information concerning compliance.

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

17 SECTION 1. That, Common Council finds that the CF-1 form filed by David M.
18 Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC
19 with an approved Economic Revitalization Area for 2020 are not in substantial compliance
20 pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort
21 Wayne for failure to create 75% of the 12 jobs or nine jobs that were stated that would be
22 created.

23 SECTION 2a. David M. Allen D.D.S. and Associates P.C. dba Afdent
24 Dental/Affiliated Family Dentists, LLC failed to appear and otherwise testify and
25 therefore Council confirms its determination of July 28, 2020 that David M. Allen D.D.S.
26 and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC has failed to
27 substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code
28 of the City of Fort Wayne as detailed in Section 1 above. Council therefore finds that David
29 M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists,
30 LLC has failed to substantially comply and said failure was not caused by factors outside
of David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family
Dentists, LLC's control. As a result of said failure, David M. Allen D.D.S. and
Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC's
deduction/abatement under R-78-11 is hereby terminated


~~SECTION 2b. That David M. Allen D.D.S. and Associates P.C. dba Afdent
Dental/Affiliated Family Dentists, LLC appeared and testified at the hearing and from~~

1 ~~its testimony it was determined that notwithstanding David M. Allen D.D.S. and~~
2 ~~Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC's failure to~~
3 ~~substantially comply as detailed in Section 1 above that David M. Allen D.D.S. and~~
4 ~~Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC did make~~
5 ~~reasonable efforts to substantially comply with the statement of benefits and David M.~~
6 ~~Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists,~~
7 ~~LLC's failure to substantially comply was caused by factors beyond the control of David~~
8 ~~M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists,~~
9 ~~LLC. Therefore, the continuation of David M. Allen D.D.S. and Associates P.C. dba~~
10 ~~Afdent Dental/Affiliated Family Dentists, LLC's deduction/abatement under R-78-11 is~~
11 ~~hereby approved.~~

12 ~~SECTION 2c. That David M. Allen D.D.S. and Associates P.C. dba Afdent~~
13 ~~Dental/Affiliated Family Dentists, LLC appeared and testified at the hearing and from~~
14 ~~its testimony it was determined in addition to David M. Allen D.D.S. and Associates P.C.~~
15 ~~dba Afdent Dental/Affiliated Family Dentists, LLC's failure to substantially comply as~~
16 ~~detailed in Section 1 above, that David M. Allen D.D.S. and Associates P.C. dba Afdent~~
17 ~~Dental/Affiliated Family Dentists, LLC did not make reasonable efforts to substantially~~
18 ~~comply with the statement of benefits and David M. Allen D.D.S. and Associates P.C.~~
19 ~~dba Afdent Dental/Affiliated Family Dentists, LLC's failure to substantially comply was~~
20 ~~not caused by factors beyond the control of David M. Allen D.D.S. and Associates P.C.~~
21 ~~dba Afdent Dental/Affiliated Family Dentists, LLC. As a result of said failure, David M.~~
22 ~~Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists,~~
23 ~~LLC's deduction/abatement under R-78-11 is hereby terminated.~~

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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

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Carol Helton, City Attorney

Bill #	Company	A Didn't appear & failed	B Appeared & continue	C Appeared & failed
R-20-08-01	817 S Calhoun LLC		X	
R-20-08-02	CK Products LLC			X
R-20-08-03	Conestoga LLC		X	
R-20-08-04	Craftline Graphics, Inc		X	
R-20-08-05	David M Allen DDS & Associates dba Afdent	X		
R-20-08-07	Edy's/Dreyers		X	
R-20-08-08	Edy's/Dreyers		X	
R-20-08-09	Edy's/Dreyers		X	
R-20-08-10	EiringKlinger Manufacturing		X	
R-20-08-11	WC Holdings II ,LLC		X	
R-20-08-12	Hightech Signs/Castleton Village Center Inc		X	
R-20-08-13	Indiana Oxygen Company Inc		X	
R-20-08-14	LH Carbide Corporation		X	

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2020

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC in May 2020 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.

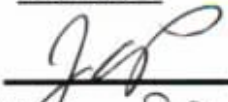
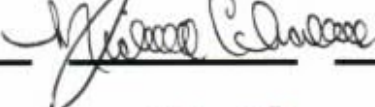
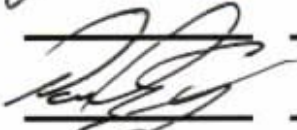

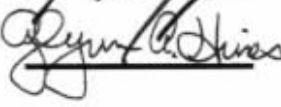


ASSIGNED TO COMMITTEE (PRESIDENT): Jason Arp and Sharon Tucker

REPORT OF COMMITTEE ON FINANCE
August 18, 2020


Jason Arp Chair
Sharon Tucker Co-Chair
All Council Members

A Resolution determining SUBSTANTIAL COMPLIANCE or NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC for property at 4041 Parnell Avenue Fort Wayne, IN 46805 under Confirming Resolution R-78-11 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>ARP</u>			
<u>CHAMBERS</u>			
<u>DIDIER</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HINES</u>			
<u>JEHL</u>			
<u>PADDOCK</u>			
<u>TUCKER</u>			

LANA R. KEESLING
CITY CLERK



Public Hearing Date: N/A

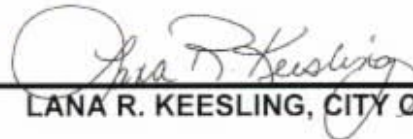
Read the first time in full and on motion by Councilperson Arp.

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

Read the third time in full and on motion by Councilperson Arp, 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"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: August 25, 2020



LANA R. KEESLING, CITY CLERK

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

Resolution No. R-20-08-05 on the 25th day of August, 2020

ATTEST:


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

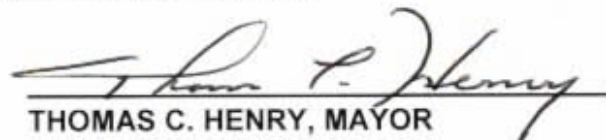
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th
of August 2020, at the hour of 11:00 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 28TH day of AUGUST

2020, at the hour of 7:30 o'clock PM E.S.T.


THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
SEP 01 2020
LANA R. KEESLING
CITY CLERK