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4 **A RESOLUTION determining SUBSTANTIAL COMPLIANCE**  
5 **OR NON-COMPLIANCE with Statement of Benefits (CF-1)**  
6 **form filing for 2020 for Edy's Grand Ice Cream, Inc./Dreyer's**  
7 **Grand Ice Cream, Inc. for property at 3426 North Wells Street,**  
8 **Fort Wayne, IN 46808 under Confirming Resolution R-53-07**  
9 **with an "Economic Revitalization Area" approved under I.C.**  
10 **6-1.1-12.1**  
11

12 **WHEREAS**, Common Council has previously designated and declared by Declaratory  
13 Resolution and Confirming Resolution with approved Statement of Benefits (hereinafter "SB-1")  
14 forms, certain property for **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** as  
15 an "Economic Revitalization Area" under Sections 153.13-153.24 of the Municipal Code of the  
16 City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and  
17

18 **WHEREAS**, property owners whose SB-1 form was approved after July 1, 1991 who file  
19 a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and Section 153.21 of the  
20 Municipal Code of the City of Fort Wayne, Indiana, must file a Compliance with Statement of  
21 Benefits Form (hereinafter "CF-1") with the City of Fort Wayne and in some cases either the  
22 Allen County Auditor, the Allen County Assessor, or both, showing information on the extent to  
23 which there has been compliance with the approved SB-1 form for the project; and  
24

25 **WHEREAS**, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** has filed  
26 CF-1 forms with the **City of Fort Wayne and the Allen County Assessor**; and  
27

28 **WHEREAS**, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** approved  
29 SB-1 form stated that **330** jobs would be retained and **65** full-time jobs would be created by July  
30 31, 2008; and  
31

32 **WHEREAS**, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** approved  
33 SB-1 form stated **\$12,360,590** in annual payroll for the **330** retained jobs and **\$2,032,613** in  
34 annual payroll would be generated by the **65** full-time jobs to be created; and  
35

36 **WHEREAS**, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s 2020 CF-**  
37 **1** form filing stated that **330** jobs were retained and **71** jobs were created; and  
38

39 **WHEREAS**, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s 2020 CF-**  
40 **1** form filing stated **\$12,360,590** in annual payroll for the **330** jobs retained and **\$7,416,747** in  
41 annual payroll for the **71** jobs created; and  
42

43 **WHEREAS**, Common Council designated the City of Fort Wayne Community  
44 Development Division as the entity for the administration, application, processing and  
45 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of the  
46 City of Fort Wayne; and  
47  
48

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

- 3           1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to be  
4           created or retained as delineated in the original Statement of Benefits Form (SB-1)  
5           approved by Common Council; and
- 6           2. Meeting 75% or more of the total payroll stated to be created or retained as  
7           delineated in the original Statement of Benefits Form (SB-1) approved by Common  
8           Council; and

9  
10           **WHEREAS**, meeting 75% of the **330** jobs retained means retaining **247** jobs; and

11  
12           **WHEREAS**, meeting 75% of the **65** full-time jobs to be created means creating **48** full-  
13 time jobs; and

14  
15           **WHEREAS**, meeting 75% of the **\$12,360,590** in retained annual payroll means  
16 **\$9,270,442** in retained annual payroll; and

17  
18           **WHEREAS**, meeting 75% of the **\$2,032,613** in annual payroll to be created means  
19 **\$1,524,459** in created annual payroll; and

20  
21           **WHEREAS**, Common Council may determine not later than forty-five (45) days after  
22 receipt of the CF-1 form that **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.**  
23 has either failed to substantially comply or has substantially complied with the original SB-1  
24 form approved by Common Council; and

25  
26           **WHEREAS**, Common Council made a determination on **July 28, 2020** that **Edy's**  
27 **Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** was not in substantial compliance as  
28 a result of its failure to retain at least **247** jobs and create at least **247** jobs and retain at least  
29 **\$9,270,442** in retained annual payroll at least **\$1,524,459** in annual payroll created, and that the  
30 failure to substantially comply was not caused by factors beyond the control of **Edy's Grand Ice**  
31 **Cream, Inc./Dreyer's Grand Ice Cream, Inc.**; and

32  
33           **WHEREAS**, the July 28<sup>th</sup>, 2020 detemination of noncompliance was made in error  
34 as **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.**, per the information  
35 submitted in their timely filed CF-1 in fact, is in substantial compliance.

36  
37           **WHEREAS**, Council directed the Community Development Division to mail written notice  
38 to **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** explaining the reasons for  
39 Council's determination and a date, time, place of a hearing to be conducted by Council for the  
40 purpose of further considering **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream,**  
41 **Inc.'s** compliance with Statement of Benefits; and

42  
43           **WHEREAS**, the aforementioned notice was properly prepared and served upon **Edy's**  
44 **Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.**; and

45  
46           **WHEREAS**, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.**  
47 **[appeared/failed to appear]** before Common Council to provide additional information  
48 concerning compliance.



<b>Bill #</b>	<b>Company</b>	<b>A Didn't appear &amp; failed</b>	<b>B Appeared &amp; continue</b>	<b>C Appeared &amp; failed</b>
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	ElringKlinger 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	

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc. for property at 3426 North Wells Street, Fort Wayne, IN 46808 under Confirming Resolution R-53-07 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 **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, 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 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**, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** has filed CF-1 forms with the **City of Fort Wayne and the Allen County Assessor**; and

**WHEREAS**, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** approved SB-1 form stated that **330** jobs would be retained and **65** full-time jobs would be created by July 31, 2008; and

**WHEREAS**, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** approved SB-1 form stated **\$12,360,590** in annual payroll for the **330** retained jobs and **\$2,032,613** in annual payroll would be generated by the **65** full-time jobs to be created; and

**WHEREAS**, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** **2020** CF-1 form filing stated that **330** jobs were retained and **71** jobs were created; and

1                   **WHEREAS, Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s**  
2 **2020 CF-1 form filing stated \$12,360,590 in annual payroll for the 330 jobs retained and**  
3 **\$7,416,747 in annual payroll for the 71 jobs created; and**

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

8                   **WHEREAS, Common Council has defined substantial compliance under Section**  
9 **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 stated  
11                   to be created or retained as delineated in the original Statement of Benefits  
12                   Form (SB-1) approved by Common Council; and
- 13                   2. Meeting 75% or more of the total payroll stated to be created or retained as  
14                   delineated in the original Statement of Benefits Form (SB-1) approved by  
15                   Common Council; and

16                   **WHEREAS, meeting 75% of the 330 jobs retained means retaining 247 jobs; and**

17                   **WHEREAS, meeting 75% of the 65 full-time jobs to be created means creating 48**  
18 **full-time jobs; and**

19                   **WHEREAS, meeting 75% of the \$12,360,590 in retained annual payroll means**  
20 **\$9,270,442 in retained annual payroll; and**

21                   **WHEREAS, meeting 75% of the \$2,032,613 in annual payroll to be created means**  
22 **\$1,524,459 in created annual payroll; and**

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

27                   **WHEREAS, Common Council made a determination on July 28, 2020 that Edy's**  
28 **Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc. was not in substantial**  
29 **compliance as a result of its failure to retain at least 247 jobs and create at least 247 jobs**  
30 **and retain at least \$9,270,442 in retained annual payroll at least \$1,524,459 in annual**  
**payroll created, and that the failure to substantially comply was not caused by factors**  
**beyond the control of Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.;**  
**and**

**WHEREAS, Council directed the Community Development Division to mail written**  
**notice to Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc. explaining the**  
**reasons for Council's determination and a date, time, place of a hearing to be conducted**

1 by Council for the purpose of further considering **Edy's Grand Ice Cream, Inc./Dreyer's**  
2 **Grand Ice Cream, Inc.'s** compliance with Statement of Benefits; and

3 **WHEREAS**, the aforementioned notice was properly prepared and served upon  
4 **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.**; and

5 **WHEREAS**, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.**  
6 **[appeared/failed to appear]** before Common Council to provide additional information  
7 concerning compliance.

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

10 **SECTION 1.** That, Common Council finds that the CF-1 form filed by **Edy's**  
11 **Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** with an approved Economic  
12 Revitalization Area for **2020** are in substantial compliance pursuant to I.C. 6-1.1-12.1 and  
13 Section 153.21 of the Municipal Code of the City of Fort Wayne and did retain **330** jobs or  
14 **247** jobs stated and retain 75% of the **\$12,360,590** in retained annual payroll or  
15 **\$49,270,442** in retained annual payroll state and create 75% of the **65** full-time jobs or **48**  
16 jobs that were stated that would be created and create 75% of the **\$2,032,613** in annual  
17 payroll or **\$1,524,459** that was stated that would be generated by the created jobs.

18 **SECTION 2a.** **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.**  
19 failed to appear and otherwise testify and therefore Council confirms its determination of  
20 **July 28, 2020** that **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** has  
21 failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the  
22 Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore  
23 finds that **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** has failed to  
24 substantially comply and said failure was not caused by factors outside of **Edy's Grand**  
25 **Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** control. As a result of said failure,  
26 **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** deduction/abatement  
27 under **R-53-07** is hereby terminated

28 **SECTION 2b.** That **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream,**  
29 **Inc.** appeared and testified at the hearing and from its testimony it was determined that  
30 notwithstanding **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** failure  
to substantially comply as detailed in Section 1 above that **Edy's Grand Ice Cream,**  
**Inc./Dreyer's Grand Ice Cream, Inc.** did make reasonable efforts to substantially comply  
with the statement of benefits and **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice**  
**Cream, Inc.'s** failure to substantially comply was caused by factors beyond the control of  
**Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** Therefore, the


1 continuation of **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s**  
2 deduction/abatement under **R-53-07** is hereby approved.

3 **SECTION 2c.** That **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream,**  
4 **Inc.** appeared and testified at the hearing and from its testimony it was determined in  
5 addition to **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** failure to  
6 substantially comply as detailed in Section 1 above, that **Edy's Grand Ice Cream,**  
7 **Inc./Dreyer's Grand Ice Cream, Inc.** did not make reasonable efforts to substantially  
8 comply with the statement of benefits and **Edy's Grand Ice Cream, Inc./Dreyer's Grand**  
9 **Ice Cream, Inc.'s** failure to substantially comply was not caused by factors beyond the  
10 control of **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** As a result of  
11 said failure, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s**  
12 deduction/abatement under **R-53-07** is hereby terminated.

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

15 \_\_\_\_\_  
16 Member of Council

17 APPROVED AS TO FORM A LEGALITY

18   
19 \_\_\_\_\_  
20 Carol Helton, City Attorney

21  
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23  
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30

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 for R-53-07 made by Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc. in June 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.**

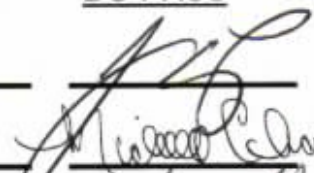
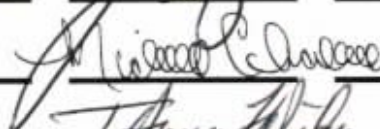
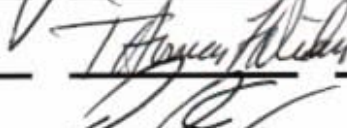
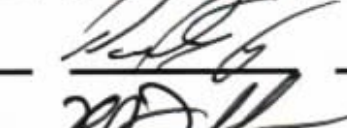

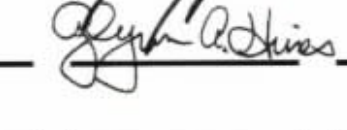


**ASSIGNED TO COMMITTEE (PRESIDENT): Jason Arp and Sharon Tucker**

**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 Edy's Grand Ice Cream, Inc. /Dreyer's Grand Ice Cream, Inc. for property at 3426 North Wells Street, Fort Wayne, IN 46808 under Confirming Resolution R-53-07 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>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING**  
**CITY CLERK**



Public Hearing Date: N/A

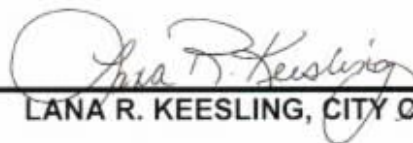
Read the first time in full and on motion by Councilperson Arp.

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 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"/>
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-20-08-06 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 28<sup>TH</sup> day of AUGUST 2020, at the hour of 3:30 o'clock PM E.S.T.

  
THOMAS C. HENRY, MAYOR

