

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Live Wire-Fort Wayne, LLC for property at 7601 South Anthony Blvd., Fort Wayne, IN 46816 under Confirming Resolution R-34-16 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 **Live Wire- Fort Wayne, 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, **Live Wire- Fort Wayne, LLC** has filed CF-1 forms with the **City of Fort Wayne and the Allen County Auditor**; and

WHEREAS, **Live Wire- Fort Wayne, LLC’s** approved SB-1 form stated that **eight** full-time jobs would be created by September 30, 2017; and

WHEREAS, **Live Wire- Fort Wayne, LLC’s** approved SB-1 form stated **\$282,304** in annual payroll for the **eight** full-time jobs to be created; and

WHEREAS, **Live Wire- Fort Wayne, LLC’s 2020** CF-1 form filing stated that **one** job was created; and

WHEREAS, **Live Wire- Fort Wayne, LLC’s 2020** CF-1 form filing stated **\$120,000** in annual payroll for the **one** job 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

1 **WHEREAS**, Common Council has defined substantial compliance under Section
2 153.21 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
4 to be created or retained as delineated in the original Statement of Benefits
5 Form (SB-1) 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
8 Common Council; and

9 **WHEREAS**, meeting 75% of the **eight** full-time created means creating **six** full-
10 time jobs; and

11 **WHEREAS**, meeting 75% of the **\$282,304** in annual payroll to be created means
12 **\$211,728** in created annual payroll; and

13 **WHEREAS**, Common Council may determine not later than forty-five (45) days
14 after receipt of the CF-1 form that **Live Wire- Fort Wayne, LLC** has either failed to
15 substantially comply or has substantially complied with the original SB-1 form approved
16 by Common Council; and

17 **WHEREAS**, Common Council made a determination on **July 28, 2020** that **Live**
18 **Wire- Fort Wayne, LLC** was not in substantial compliance as a result of its failure to
19 create at least **six** full-time jobs and at least **\$211,728** in annual payroll for the jobs
20 created, and that the failure to substantially comply was not caused by factors beyond the
21 control of **Live Wire- Fort Wayne, LLC**; and

22 **WHEREAS**, Council directed the Community Development Division to mail written
23 notice to **Live Wire- Fort Wayne, LLC** explaining the reasons for Council's determination
24 and a date, time, place of a hearing to be conducted by Council for the purpose of further
25 considering **Live Wire- Fort Wayne, LLC's** compliance with Statement of Benefits; and

26 **WHEREAS**, the aforementioned notice was properly prepared and served upon
27 **Live Wire- Fort Wayne, LLC**; and

28 **WHEREAS**, **Live Wire- Fort Wayne, LLC** [~~appeared/failed to appear~~] before
29 Common Council to provide additional information concerning compliance.

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

SECTION 1. That, Common Council finds that the CF-1 form filed by **Live Wire-**
Fort Wayne, LLC with an approved Economic Revitalization Area for **2020** are 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 for failure to create 75% of the **eight** full-time jobs or **six**


1 jobs that were stated that would be created and create 75% of the \$282,304 in annual
2 payroll or \$211,728 that was stated that would be generated by the created jobs.

3 ~~SECTION 2a. Live Wire- Fort Wayne, LLC failed to appear and otherwise testify
4 and therefore Council confirms its determination of July 28, 2020 that Live Wire- Fort
5 Wayne, LLC has failed to substantially comply pursuant to IO 6 1.1 12.1 and Section
6 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1 above.
7 Council therefore finds that Live Wire- Fort Wayne, LLC has failed to substantially
8 comply and said failure was not caused by factors outside of Live Wire- Fort Wayne,
9 LLC's control. As a result of said failure, Live Wire- Fort Wayne, LLC's
10 deduction/abatement under R-34-16 is hereby terminated.~~

11 ~~SECTION 2b. That Live Wire- Fort Wayne, LLC appeared and testified at the
12 hearing and from its testimony it was determined that notwithstanding Live Wire- Fort
13 Wayne, LLC's failure to substantially comply as detailed in Section 1 above that Live
14 Wire- Fort Wayne, LLC did make reasonable efforts to substantially comply with the
15 statement of benefits and Live Wire- Fort Wayne, LLC's failure to substantially comply
16 was caused by factors beyond the control of Live Wire- Fort Wayne, LLC. Therefore,
17 the continuation of Live Wire- Fort Wayne, LLC's deduction/abatement under R-34-16
18 is hereby approved.~~

19 SECTION 2c. That Live Wire- Fort Wayne, LLC appeared and testified at the
20 hearing and from its testimony it was determined in addition to Live Wire- Fort Wayne,
21 LLC's failure to substantially comply as detailed in Section 1 above, that Live Wire- Fort
22 Wayne, LLC did not make reasonable efforts to substantially comply with the statement
23 of benefits and Live Wire- Fort Wayne, LLC's failure to substantially comply was not
24 caused by factors beyond the control of Live Wire- Fort Wayne, LLC. As a result of said
25 failure, Live Wire- Fort Wayne, LLC's deduction/abatement under R-34-16 is hereby
26 terminated.

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Helton, City Attorney

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 Live Wire- Fort Wayne, LLC in April 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 25, 2020

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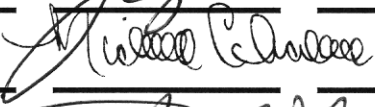
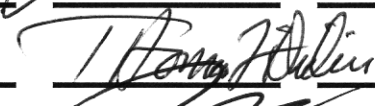

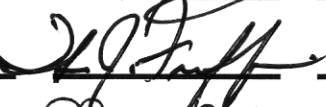

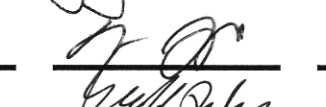


Jason Arp Chair

Sharon Tucker Co-Chair

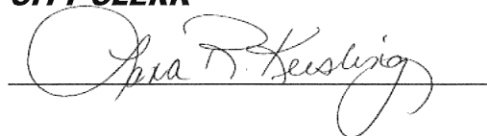
All Council Members

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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-20-08-15 on the 25th day of August, 2020

ATTEST:



LANA R. KEESLING
CITY CLERK



PRESIDING OFFICER

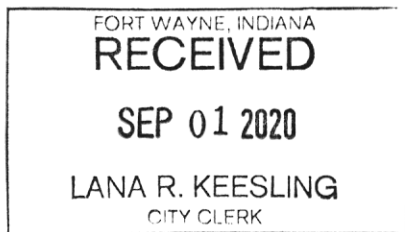
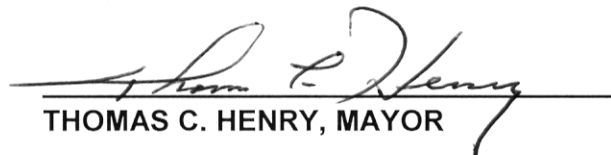
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th of August 2020, at the hour of 11:00 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 28th day of AUGUST

2020, at the hour of 3:30 o'clock PM E.S.T.

THOMAS C. HENRY, MAYOR