

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Transformations by Wieland, Inc. for property at 310 Racquet Drive, Fort Wayne, IN 46825 under Confirming Resolution R-33-15 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 **Transformations by Wieland, 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**, **Transformations by Wieland, Inc.** has filed CF-1 forms with the **City of Fort Wayne and the Allen County Assessor**; and

**WHEREAS**, **Transformations by Wieland, Inc.’s** approved SB-1 form stated that **48** full-time and **five** part-time jobs would be retained and **ten** full-time jobs would be created by April 30, 2018; and

**WHEREAS**, **Transformations by Wieland, Inc.’s** approved SB-1 form stated **\$1,748,000** in annual payroll for the **48** full-time and **five** part-time retained jobs and **\$327,000** in annual payroll would be generated by the **ten** full-time jobs to be created; and

**WHEREAS**, **Transformations by Wieland, Inc.’s 2020** CF-1 form filing stated that **53** jobs were retained and **four** jobs were created; and

**WHEREAS**, **Transformations by Wieland, Inc.’s 2020** CF-1 form filing stated **\$1,748,000** in annual payroll for the **53** jobs retained and **\$702,000** in annual payroll for the **four** jobs created; and

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Transformations by Wieland, Inc. for property at 310 Racquet Drive, Fort Wayne, IN 46825 under Confirming Resolution R-33-15 with an “Economic Revitalization Area” approved under I.C. 6-1.1-12.1**

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**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**, **Transformations by Wieland, Inc.** has filed CF-1 forms with the **City of Fort Wayne and the Allen County Assessor**; and

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

5           **WHEREAS**, Common Council has defined substantial compliance under Section  
6 153.21 of the Municipal Code of the City of Fort Wayne as:

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

13           **WHEREAS**, meeting 75% of the **48** full-time and **five** part-time jobs retained  
14 means retaining **36** full-time and **three** part-time jobs; and

15           **WHEREAS**, meeting 75% of the **ten** full-time jobs to be created means creating  
16 **seven** full-time jobs; and

17           **WHEREAS**, meeting 75% of the **\$1,748,000** in retained annual payroll means  
18 **\$1,311, 000** in retained annual payroll; and

19           **WHEREAS**, meeting 75% of the **\$327,000** in annual payroll to be created means  
20 **\$245,250** in created annual payroll; and

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

25           **WHEREAS**, Common Council made a determination on **July 28, 2020** that  
26 **Transformations by Wieland, Inc.** was not in substantial compliance as a result of its  
27 failure to create at least **seven** jobs, and that the failure to substantially comply was not  
28 caused by factors beyond the control of **Transformations by Wieland, Inc.**; and

29           **WHEREAS**, Council directed the Community Development Division to mail written  
30 notice to **Transformations by Wieland, Inc.** explaining the reasons for Council's  
determination and a date, time, place of a hearing to be conducted by Council for the  
purpose of further considering **Transformations by Wieland, Inc.'s** compliance with  
Statement of Benefits; and

**WHEREAS**, the aforementioned notice was properly prepared and served upon  
**Transformations by Wieland, Inc.**; and

1                   WHEREAS, Transformations by Wieland, Inc. [~~appeared/failed to appear~~]  
2 before Common Council to provide additional information concerning compliance.

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

5                   SECTION 1. That, Common Council finds that the CF-1 forms filed by  
6 **Transformations by Wieland, Inc.** with an approved Economic Revitalization Area for  
7 **2020** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of  
8 the Municipal Code of the City of Fort Wayne for failure to create 75% of the **ten** full-time  
9 jobs or **seven** full-time jobs that were stated that would be created.


10                   ~~SECTION 2a. Transformations by Wieland, Inc. failed to appear and otherwise  
11 testify and therefore Council confirms its determination of July 28, 2020 that  
12 Transformations by Wieland, Inc. has failed to substantially comply pursuant to IC 6-  
13 1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed  
14 in Section 1 above. Council therefore finds that Transformations by Wieland, Inc. has  
15 failed to substantially comply and said failure was not caused by factors outside of  
16 Transformations by Wieland, Inc.'s control. As a result of said failure, Transformations  
17 by Wieland, Inc.'s deduction/abatement under R-33-15 is hereby terminated.~~

18                   SECTION 2b. That **Transformations by Wieland, Inc.** appeared and testified  
19 at the hearing and from its testimony it was determined that notwithstanding  
20 **Transformations by Wieland, Inc.'s** failure to substantially comply as detailed in Section  
21 1 above that **Transformations by Wieland, Inc.** did make reasonable efforts to  
22 substantially comply with the statement of benefits and **Transformations by Wieland,  
23 Inc.'s** failure to substantially comply was caused by factors beyond the control of  
24 **Transformations by Wieland, Inc.** Therefore, the continuation of **Transformations by  
25 Wieland, Inc.'s** deduction/abatement under **R-33-15** is hereby approved.


26                   ~~SECTION 2c. That Transformations by Wieland, Inc. appeared and testified at  
27 the hearing and from its testimony it was determined in addition to Transformations by  
28 Wieland, Inc.'s failure to substantially comply as detailed in Section 1 above, that  
29 Transformations by Wieland, Inc. did not make reasonable efforts to substantially  
30 comply with the statement of benefits and Transformations by Wieland, Inc.'s failure to  
substantially comply was not caused by factors beyond the control of Transformations  
by Wieland, Inc. As a result of said failure, Transformations by Wieland, Inc.'s  
deduction/abatement under R-33-15 is hereby terminated.~~

                  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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

  
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 Transformations by Wieland, Inc. 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 25, 2020**

2B

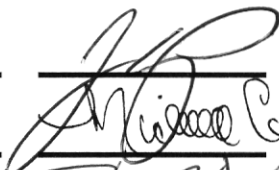
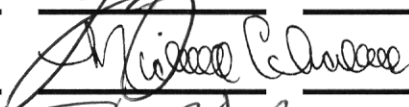
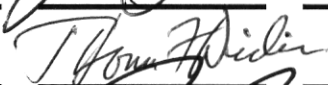
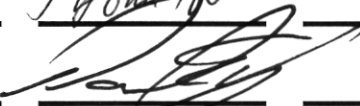
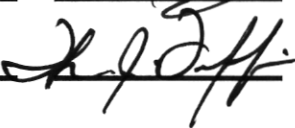

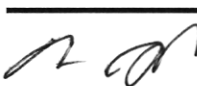
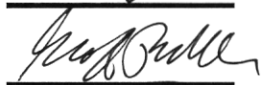
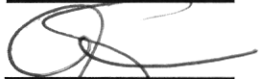
**Jason Arp Chair**

**Sharon Tucker Co-Chair**

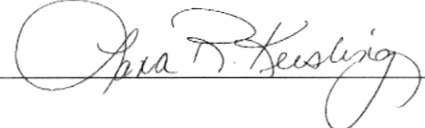
**All Council Members**

A Resolution determining SUBSTANTIAL COMPLIANCE or NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Transformations by Wieland, Inc. for property at 310 Racquet Drive, Fort Wayne, IN 46825 under Confirming Resolution R-20-15 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 type="checkbox"/>	<input checked="" 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-20-08-18 on the 25th day of August, 2020

ATTEST:

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

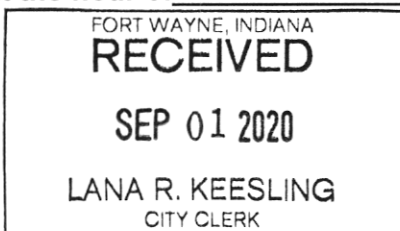
  
 \_\_\_\_\_  
 PRESIDING OFFICER

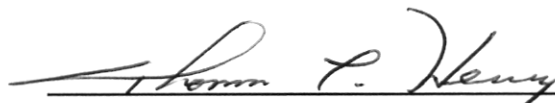
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th of August 2020, at the hour of 11:00 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 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

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

5           **WHEREAS**, Common Council has defined substantial compliance under Section  
6 153.21 of the Municipal Code of the City of Fort Wayne as:

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

13           **WHEREAS**, meeting 75% of the **48** full-time and **five** part-time jobs retained  
14 means retaining **36** full-time and **three** part-time jobs; and

15           **WHEREAS**, meeting 75% of the **ten** full-time jobs to be created means creating  
16 **seven** full-time jobs; and

17           **WHEREAS**, meeting 75% of the **\$1,748,000** in retained annual payroll means  
18 **\$1,311, 000** in retained annual payroll; and

19           **WHEREAS**, meeting 75% of the **\$327,000** in annual payroll to be created means  
20 **\$245,250** in created annual payroll; and

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

25           **WHEREAS**, Common Council made a determination on **July 28, 2020** that  
26 **Transformations by Wieland, Inc.** was not in substantial compliance as a result of its  
27 failure to create at least **seven** jobs, and that the failure to substantially comply was not  
28 caused by factors beyond the control of **Transformations by Wieland, Inc.**; and

29           **WHEREAS**, Council directed the Community Development Division to mail written  
30 notice to **Transformations by Wieland, Inc.** explaining the reasons for Council's  
determination and a date, time, place of a hearing to be conducted by Council for the  
purpose of further considering **Transformations by Wieland, Inc.'s** compliance with  
Statement of Benefits; and

**WHEREAS**, the aforementioned notice was properly prepared and served upon  
**Transformations by Wieland, Inc.**; and

1                   **WHEREAS, Transformations by Wieland, Inc. [appeared/failed to appear]**  
2 before Common Council to provide additional information concerning compliance.

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

5                   **SECTION 1.** That, Common Council finds that the CF-1 forms filed by  
6 **Transformations by Wieland, Inc.** with an approved Economic Revitalization Area for  
7 **2020** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of  
8 the Municipal Code of the City of Fort Wayne for failure to create 75% of the **ten** full-time  
9 jobs or **seven** full-time jobs that were stated that would be created.

10                   **SECTION 2a. Transformations by Wieland, Inc.** failed to appear and otherwise  
11 testify and therefore Council confirms its determination of **July 28, 2020** that  
12 **Transformations by Wieland, Inc.** has failed to substantially comply pursuant to IC 6-  
13 1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed  
14 in Section 1 above. Council therefore finds that **Transformations by Wieland, Inc.** has  
15 failed to substantially comply and said failure was not caused by factors outside of  
16 **Transformations by Wieland, Inc.’s** control. As a result of said failure, **Transformations**  
17 **by Wieland, Inc.’s** deduction/abatement under **R-33-15** is hereby terminated

18                   **SECTION 2b.** That **Transformations by Wieland, Inc.** appeared and testified  
19 at the hearing and from its testimony it was determined that notwithstanding  
20 **Transformations by Wieland, Inc.’s** failure to substantially comply as detailed in Section  
21 1 above that **Transformations by Wieland, Inc.** did make reasonable efforts to  
22 substantially comply with the statement of benefits and **Transformations by Wieland,**  
23 **Inc.’s** failure to substantially comply was caused by factors beyond the control of  
24 **Transformations by Wieland, Inc.** Therefore, the continuation of **Transformations by**  
25 **Wieland, Inc.’s** deduction/abatement under **R-33-15** is hereby approved.

26                   **SECTION 2c.** That **Transformations by Wieland, Inc.** appeared and testified at  
27 the hearing and from its testimony it was determined in addition to **Transformations by**  
28 **Wieland, Inc.’s** failure to substantially comply as detailed in Section 1 above, that  
29 **Transformations by Wieland, Inc.** did not make reasonable efforts to substantially  
30 comply with the statement of benefits and **Transformations by Wieland, Inc.’s** failure to  
substantially comply was not caused by factors beyond the control of **Transformations**  
**by Wieland, Inc.** As a result of said failure, **Transformations by Wieland, Inc.’s**  
deduction/abatement under **R-33-15** is hereby terminated.

**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.

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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 Transformations by Wieland, Inc. 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**