

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Tuthill Corporation, Inc. for property at 8825 Aviation Drive Fort Wayne, IN 46809 under Confirming Resolution R-44-12 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 **Tuthill Corporation, 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**, **Tuthill Corporation, Inc.** has filed CF-1 forms with **the City of Fort Wayne and the Allen County Assessor**; and

**WHEREAS**, **Tuthill Corporation, Inc.'s** approved SB-1 form stated that **248** full-time and **12** part-time jobs would be retained and **65** full-time jobs would be created by **June 30, 2017**; and

**WHEREAS**, **Tuthill Corporation, Inc.'s** approved SB-1 form stated **\$12,356,400** in annual payroll for the **248** full-time and **12** part-time retained jobs and **\$2,462,000** in annual payroll would be generated by the **65** full-time jobs to be created; and

**WHEREAS**, **Tuthill Corporation, Inc.'s 2020** CF-1 form filing stated that **137** jobs were retained and **58** jobs were created; and

**WHEREAS**, **Tuthill Corporation, Inc.'s 2020** CF-1 form filing stated **\$8,373,462** in annual payroll for the **137** jobs retained and **\$3,154,472** in annual payroll for the **58** jobs created; and

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 **248** full-time and **12** part-time jobs retained  
14 means retaining **186** full-time and **nine** part-time jobs; and

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

17           **WHEREAS**, meeting 75% of the **\$12,255,000** in retained annual payroll means  
18 **\$9,191,250** in retained annual payroll; and

19           **WHEREAS**, meeting 75% of the **\$2,462,000** in annual payroll to be created means  
20 **\$1,846,500** 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 **Tuthill Corporation, 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 **Tuthill**  
26 **Corporation, Inc.** was not in substantial compliance as a result of its failure to retain at  
27 least **186** jobs with at least **\$9,191,250** in annual payroll and create at least **48** jobs and  
28 at least **\$1,846,500** in annual payroll, and that the failure to substantially comply was not  
29 caused by factors beyond the control of **Tuthill Corporation, Inc.**; and

30           **WHEREAS**, Council directed the Community Development Division to mail written  
notice to **Tuthill Corporation, 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 **Tuthill Corporation, Inc.**'s compliance with Statement of Benefits; and

**WHEREAS**, the aforementioned notice was properly prepared and served upon  
**Tuthill Corporation, Inc.**; and

1           WHEREAS, Tuthill Corporation, Inc. [~~appeared/failed to appear~~], before  
2 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 form filed by Tuthill  
6 Corporation, Inc. with an approved Economic Revitalization Area for 2020 are not in  
7 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal  
8 Code of the City of Fort Wayne for failure to create 75% of the 65 full-time jobs or 48 jobs  
9 that were stated that would be created and create 75% of the \$2,462,000 in annual payroll  
10 or \$1,846,500 that was stated that would be generated by the created jobs.

11           ~~SECTION 2a. Tuthill Corporation, Inc. failed to appear and otherwise testify and  
12 therefore Council confirms its determination of July 20, 2020 that Tuthill Corporation,  
13 Inc. has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the  
14 Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore  
15 finds that Tuthill Corporation, Inc. has failed to substantially comply and said failure was  
16 not caused by factors outside of Tuthill Corporation, Inc.'s control. As a result of said  
17 failure, Tuthill Corporation, Inc.'s deduction/abatement under R-41-12 is hereby  
18 terminated~~

19           SECTION 2b. That Tuthill Corporation, Inc. appeared and testified at the  
20 hearing and from its testimony it was determined that notwithstanding Tuthill  
21 Corporation, Inc.'s failure to substantially comply as detailed in Section 1 above that  
22 Tuthill Corporation, Inc. did make reasonable efforts to substantially comply with the  
23 statement of benefits and Tuthill Corporation, Inc.'s failure to substantially comply was  
24 caused by factors beyond the control of Tuthill Corporation, Inc. Therefore, the  
25 continuation of Tuthill Corporation, Inc.'s deduction/abatement under R-41-12 is hereby  
26 approved.

27           ~~SECTION 2c. That Tuthill Corporation, Inc. appeared and testified at the  
28 hearing and from its testimony it was determined in addition to Tuthill Corporation, Inc.'s  
29 failure to substantially comply as detailed in Section 1 above, that Tuthill Corporation,  
30 Inc. did not make reasonable efforts to substantially comply with the statement of benefits  
and Tuthill Corporation, Inc.'s failure to substantially comply was not caused by factors  
beyond the control of Tuthill Corporation, Inc. As a result of said failure, Tuthill  
Corporation, Inc.'s deduction/abatement under R-41-12 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 Tuthill Corporation, 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 25, 2020**

2B

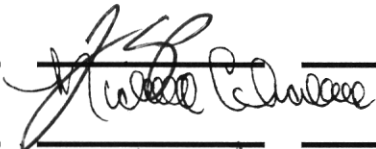


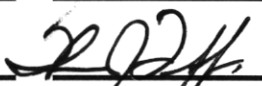
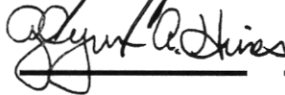
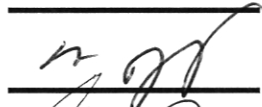
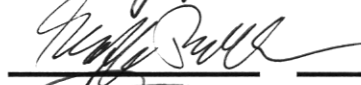

**Jason Arp Chair**

**Sharon Tucker Co-Chair**

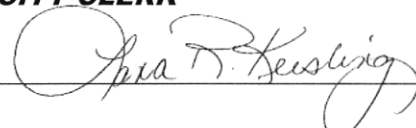
**All Council Members**

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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

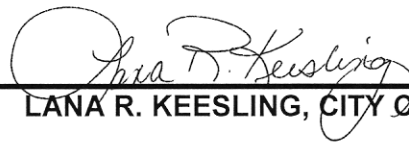
Read the first time in full and on motion by Councilperson Arp.

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input type="checkbox"/>	<input checked="" 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-20-08-19 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

