

A RESOLUTION Considering a Waiver of Non-Compliance for a Late-Filed Compliance with Statement of Benefits Form CF-1/Personal Property) and Considering a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-17-14 for 5211 Industrial Road, Fort Wayne, Indiana 46808 (Pyromation, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 5211 Industrial Road for (Confirming Resolution R-17-14) 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, The original Statement of Benefits and economic revitalization area designation application submitted by Pyromation, Inc. and approved under Confirming Resolution R-17-14 was for \$780,000 in real property improvements and \$70,000 in personal property improvements; and

WHEREAS, Following the approval of Confirming Resolution R-17-14 Pyromation, Inc. did not initiate or complete the Real Property portion of the project and has thus never filed a Compliance with Statement of Benefits (Form CF-1/Real Property) and;

WHEREAS, Pyromation, Inc.'s Compliance with Statement of Benefits (Form CF-1/Personal Property) was not filed in a timely manner on, or prior to, May 17, 2021 with the City and Allen County Assessor; and

WHEREAS, the City has given Pyromation, Inc. notice to file their Compliance with Statement of Benefits (Form CF-1/Personal Property) and to submit an application for a waiver of non-compliance for their late filed Statement of Benefits Form (CF-1/Personal Property); and

WHEREAS, Pyromation, Inc. has filed their Compliance with Statement of Benefits (Form CF-1/Personal Property) with the Assessor and the City and submitted an application for a waiver of non-compliance for their late filed (CF-1/Personal Property) with the City; and

WHEREAS, the Common Council acknowledges that Pyromation, Inc. has requested a waiver of non-compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5); and

WHEREAS, Pyromation, Inc. has fulfilled its pledge to complete the project to purchase and install new personal property manufacturing and information technology equipment; and

WHEREAS, based on the CF-1 statement of benefits recently submitted, Pyromation, Inc. has established that they have substantially complied with its approved statement of benefits; and

WHEREAS, I.C. 6-1.1-12.1-9.5 permits tax abatement noncompliance events such as the untimely filing of statement of benefits (CF-1) paperwork to be waived; and

1 **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed
2 Compliance with Statement of Benefits (Form CF-1/Personal Property) then Common Council will
3 also determine substantial compliance or non-compliance with statement of benefits; and

4 **WHEREAS**, a public hearing of the Common Council has been held on the waiver.

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

7 ~~**[OPTION 1]**~~

8 ~~**SECTION 1.** That Pyromation, Inc.'s request for a waiver of clerical and technical errors and~~
9 ~~nonconformities with its Statement of Benefits Form CF-1/Personal Property requirements is~~
10 ~~hereby denied and as such the phase-in granted under Confirming Resolution R-17-14 for~~
11 ~~personal property is terminated.~~

12 ~~**SECTION 2.** That this Resolution shall be in full force and effect from and after its passage and~~
13 ~~any and all necessary approved by the Mayor.~~

14 **[OPTION 2]**

15 ~~**SECTION 1.** That all clerical and technical errors and nonconformities of Pyromation, Inc.'s~~
16 ~~Compliance with Statement of Benefits (Form CF-1/Personal Property) requirements that are~~
17 ~~waivable under State and local law, including without limitation those errors and nonconformities~~
18 ~~described in I.C. 6-1.1-12.1-9.5 are hereby waived.~~

19 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 forms filed by
20 Pyromation, Inc. with an approved Economic Revitalization Area for 2021 are in substantial
21 compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of
22 Fort Wayne by virtue of creating 75% of the five full-time jobs or three full-time jobs as were
23 stated to be created and creating \$200,000 in annual payroll or \$150,000 in annual payroll that
24 was stated to be created and retaining the 75% of the 186 full-time or 139 full-time jobs and
25 retaining 75% of the \$10,537,797 or \$7,903,347 in annual payroll to be retained. Therefore, the
26 continuation of Pyromation, Inc.'s tax phase-in is hereby approved. The Allen County Auditor and
27 Allen County Assessor shall be supplied with a copy of this Resolution, upon passage, and is
28 instructed to apply the tax phase-in.

29 ~~**SECTION 2. [OPTION B]** That Common Council finds that the CF-1 forms filed by~~
30 ~~Pyromation, Inc. with an approved Economic Revitalization Area with an approved Economic~~
~~Revitalization Area for 2021 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and~~

1 ~~Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of the~~
2 ~~five full-time jobs or three full-time jobs as were stated to be created and creating \$200,000 in~~
3 ~~annual payroll of \$150,000 in annual payroll that was stated to be created and retaining the 75%~~
4 ~~of the 186 full-time or 130 full-time jobs and retaining 75% of the \$10,527,797 or \$7,393,347 in~~
5 ~~annual payroll to be retained. Pyromation, Inc. did make reasonable efforts to substantially~~
6 ~~comply with the statement of benefits and Pyromation, Inc.'s failure to substantially comply was~~
7 ~~caused by factors beyond the control of Pyromation, Inc. Therefore, the continuation of~~
8 ~~Pyromation, Inc.'s tax phase-in is hereby approved. The Allen County Auditor and Allen County~~
9 ~~Assessor shall be supplied with a copy of this Resolution, upon passage, and is instructed to~~
10 ~~apply the tax phase-in.~~

11 ~~SECTION 2 [OPTION C] That Common Council finds that the OP-1 form filed by Pyromation,~~
12 ~~Inc. with an approved Economic Revitalization Area for 2021 is not in substantial compliance~~
13 ~~pursuant to I.C. 5-11-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne~~
14 ~~for failure to create 75% of the five full-time jobs or three full-time jobs as were stated to be~~
15 ~~created and creating \$200,000 in annual payroll of \$150,000 in annual payroll that was stated to~~
16 ~~be created and retaining the 75% of the 186 full-time or 130 full-time jobs and retaining 75% of~~
17 ~~the \$10,527,797 or \$7,393,347 in annual payroll to be retained. Pyromation, Inc. did not make~~
18 ~~reasonable efforts to substantially comply with the statement of benefits and Pyromation, Inc.'s~~
19 ~~failure to substantially comply was not caused by factors beyond the control of Pyromation, Inc.~~
20 ~~As a result of said failure, the tax phase-in for Pyromation, Inc. is hereby terminated by Common~~
21 ~~Council. The Allen County Auditor shall be supplied with a copy of this Resolution, upon~~
22 ~~passage, and is instructed to terminate the tax phase-in.~~

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

25 
26 Member of Council

27 APPROVED AS TO FORM AND LEGALITY

28 
29 _____
30 Carol Helton, City Attorney

DIGEST SHEET

TITLE OF RESOLUTION: Resolution Considering a Waiver of Non-Compliance for a Late-Filed Compliance with Statement of Benefits (Form CF-1/Personal Property) and Considering a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-17-14 for 5211 Industrial Court, Fort Wayne, IN 46808 (Pyromation, Inc.)

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to consider a waiver of non-compliance for late-filed personal property Statement of Benefits and to determine substantial compliance or non-compliance with Statement of Benefits for 2021 for Pyromation, Inc.

EFFECT OF PASSAGE: Approval of this resolution, granting of a waiver of non-compliance and a determination of substantial compliance will allow Pyromation, Inc. to retain their personal property economic revitalization area tax phase-in.

EFFECT OF NON-PASSAGE: Potential loss of future development by Pyromation, Inc.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (CO-CHAIRS): Jason Arp and Glynn Hines

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-21-07-21)

ON AUGUST 10, 2021 AT 5:30 P.M., IN THE CONFERENCE ROOM 030, CITIZENS SQUARE, FORT WAYNE, INDIANA, A PUBLIC HEARING WILL BE HELD ON THE MATTER OF A WAIVER OF NON-COMPLIANCE WITH THE PROCEDURAL REQUIREMENTS OF I.C. 6-1.1-12.1, RELATING TO THE PERSONAL PROPERTY DEDUCTION OF PROPERTY AT 5211 INDUSTRIAL ROAD AND APPROVED UNDER RESOLUTION R-17-14 FOR PYROMATION, INC.

THE PUBLIC HEARING ON THE WAIVER WILL BE HELD PURSUANT TO I.C. 6-1.1-12.1-9.5 AND I.C. 6-1.1-12.1-11.3.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

“REASONABLE ACCOMMODATIONS” FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A “REASONABLE ACCOMMODATION” SHOULD NOTIFY THE CITY OF FORT WAYNE PUBLIC INFORMATION OFFICE (260) 427-1120 (72) HOURS PRIOR TO THE PUBLIC HEARING.



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **The Journal Gazette**.

Notice ID: 8TG3Hsr8tVLSQ60r8nRg | **Proof Updated: Jul. 28, 2021 at 09:17am EDT**
Notice Name: R-21-07-21

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
Lisa Petretta	Gov: Fort Wayne City
lisa.petretta@cityoffortwayne.org	Clerk's Office

Columns Wide: 1	Ad Class: Legals
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30 Jul 2021 - Custom	19.96
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Subtotal	\$19.96
Tax %	0.00
Total	\$19.96

NOTICE OF PUBLIC HEARING FORT WAYNE COMMON COUNCIL (RESOLUTION NO. R-21-07-21)

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7-30 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: 8TG3Hsr8tVLSQ60r8nRg

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall
total more than four solid lines of the type in which the body of the
advertisement is set) - number of equivalent lines _____

Head - number of lines _____

Body - number of lines _____

Tail - number of lines _____

Total number of lines in notice 40

COMPUTATION OF CHARGES

40 lines, 1 column(s) wide equal:
40 equivalent lines at \$ 0.4990 cents per line \$19.96

Additional charges for notices containing rule or tabular work
(50 percent of above amount) \$

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$19.96

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.
Number of Insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

7/30/21 _____

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

Date: 7/30/2021

Karisa Harin
Legal Clerk

RESOLUTION NO. R-21-07-21)

AUGUST 10, 2021 AT 5:30 P.M.
THE CONFERENCE ROOM 030,
ZENS SQUARE, FORT WAYNE,
IANA. A PUBLIC HEARING WILL
HELD ON THE MATTER OF A
VER OF NON-COMPLIANCE
H THE PROCEDURAL REQUIRE-
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TO THE PERSONAL PROPERTY
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USTRIAL ROAD AND APPROVED
ER RESOLUTION R-17-14 FOR
OMATION, INC.

PUBLIC HEARING ON THE
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I.C. 6-1-1-12.1-9.5 AND I.C.
1-12.1-11.3.

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THE CITY OF FORT WAYNE PUB-
INFORMATION OFFICE (260)
-1120 (72) HOURS PRIOR TO
PUBLIC HEARING.

7-30 hspaxlp

BILL NO. R-21-07-21

REPORT OF COMMITTEE ON FINANCE

August 10, 2021

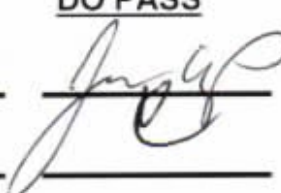

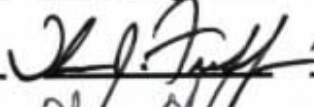
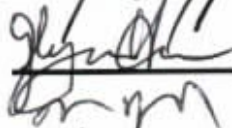
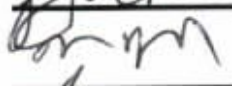
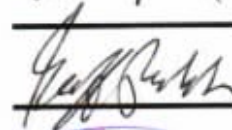

Glynn Hines Chair

Jason Arp Co-Chair

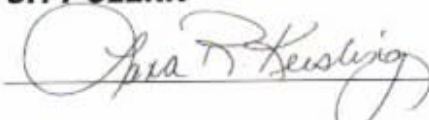
All Council Members

A Resolution considering a Waiver of Non-Compliance for a Late-Filed Compliance with Statement of Benefits Form CF-1(Personal Property) and Considering a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-17-14 for 5211 Industrial Road, Fort Wayne, Indiana 46808 - Pyromation, Inc.

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: August 10, 2021

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

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

Read the third time in full and on motion by Councilperson Hines, 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 type="checkbox"/>	<input checked="" 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 10, 2021



LANA R. KEESLING, CITY CLERK

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


Resolution No. R-21-07-21 on the 10th day of August, 2021

ATTEST:


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th of August 2021, at the hour of 11:35 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13th day of August 2021, at the hour of 10:00 o'clock AM E.S.T.


THOMAS C. HENRY, MAYOR

