

**A RESOLUTION CONFIRMING SUBSTANTIAL
COMPLIANCE OR NON-COMPLIANCE with a Statement
of Benefits (SB-1) for 2015 for Peg Perego USA, Inc. at
3625 Independence Drive under Confirming Resolution
R-41-11 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 (SB-1) forms property for Peg Perego USA, 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 Statement of Benefits (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 (CF-1) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing information on the extent to which there has been compliance with the approved Statement of Benefits for the project; and

WHEREAS, Peg Perego USA, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, Peg Perego USA, Inc.'s approved Statement of Benefits (SB-1) form stated that **67** full-time jobs would be retained and **13** full-time jobs would be created by March 2015; and

WHEREAS, Peg Perego USA, Inc.'s approved Statement of Benefits (SB-1) form stated **\$2,990,249** in annual payroll would be generated from the **67** full-time jobs retained and **\$405,000** in annual payroll would be generated by the **13** full-time created jobs; and

WHEREAS, Peg Perego USA, Inc.'s 2015 Compliance with Statement of Benefits (CF-1) form filing stated that **65** jobs were retained and **zero** jobs were created; and

WHEREAS, Peg Perego USA, Inc.'s 2015 Compliance with Statement of Benefits (CF-1) form filing stated **\$3,002,621** in annual payroll for the **65** jobs retained and **\$0** in annual payroll for the **zero** jobs created; and

WHEREAS, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and

1 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of
2 the City of Fort Wayne; and

3 **WHEREAS**, Common Council has defined substantial compliance under Section
4 153.21 of the Municipal Code of the City of Fort Wayne as:

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

11 **WHEREAS**, meeting 75% of the 67 retained jobs means retaining 50 jobs; and

12 **WHEREAS**, meeting 75% of the 13 created jobs means creating nine jobs; and

13 **WHEREAS**, meeting 75% of the \$2,990,249 in annual payroll to be retained means
14 \$2,242,686 in annual payroll retained; and

15 **WHEREAS**, meeting 75% of the \$405,000 in annual payroll to be created means
16 \$303,750 in annual payroll created; and

17 **WHEREAS**, Common Council made a determination on June 23, 2015 that Peg
18 Perego USA, Inc. was not in substantial compliance as a result of its failure to create at least
19 71 jobs and that the failure to substantially comply was not caused by factors beyond the
20 control of Peg Perego USA, Inc.; and

21 **WHEREAS**, Council directed the Community Development Division to mail written
22 notice to Peg Perego USA, Inc. explaining the reasons for Council's determination and a
23 date, time, place of a hearing to be conducted by Council for the purpose of further
24 considering Peg Perego USA, Inc.'s compliance with Statement of Benefits; and

25 **WHEREAS**, the aforementioned notice was properly prepared and served upon Peg
26 Perego USA, Inc. on July 6, 2015; and

27 **WHEREAS**, Council conducted a hearing on July 21, 2015 for the purpose of further
28 considering Peg Perego USA, Inc.'s compliance with statement of benefits; and

29 **WHEREAS**, Peg Perego USA, Inc. **appeared/failed to appear** at the hearing.

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

SECTION 1a. Peg Perego USA, Inc. failed to appear and otherwise testify and
therefore Council confirms its determination of June 23, 2015 that Peg Perego USA, Inc. has
failed to substantially comply pursuant to IC 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 13 jobs or nine jobs that were
stated that would be created and did not create 75% of the \$405,000 in annual payroll or
\$303,750 in annual payroll from the jobs that were stated that would be created. Council

1 therefore finds that Peg Perego USA, Inc. has failed to substantially comply and said failure
2 was not caused by factors outside of Peg Perego USA, Inc.'s control. As a result of said
3 failure, Peg Perego USA, Inc.'s deduction/abatement under R-41-11 is hereby terminated.

4 **SECTION 1b.** That Peg Perego USA, Inc. appeared and testified at the hearing and
5 from its testimony it was determined that notwithstanding Peg Perego USA, Inc.'s failure to
6 substantially comply by its failure to create 75% of the 13 jobs or nine jobs that were stated
7 that would be created and did not create 75% of the \$405,000 in annual payroll or \$303,750
8 in annual payroll from the jobs that were stated that would be created, that Peg Perego USA,
9 Inc. did make reasonable efforts to substantially comply with the statement of benefits and
10 Peg Perego USA, Inc.'s failure to substantially comply was caused by factors beyond the
11 control of Peg Perego USA, Inc. Therefore the continuation of Peg Perego USA, Inc.'s
12 deduction/abatement under R-41-11 is hereby approved.

13 **SECTION 1c.** That Peg Perego USA, Inc. appeared and testified at the hearing
14 and from its testimony it was determined that notwithstanding Peg Perego USA, Inc.'s failure
15 to substantially comply by its failure to create 75% of the 13 jobs or nine jobs that were stated
16 that would be created and did not create 75% of the \$405,000 in annual payroll or \$303,750
17 in annual payroll from the jobs that were stated that would be created, that Peg Perego USA,
18 Inc. did not make reasonable efforts to substantially comply with the statement of benefits
19 and Peg Perego USA, Inc.'s failure to substantially comply was not caused by factors beyond
20 the control of Peg Perego USA, Inc. As a result of said failure, Peg Perego USA, Inc.'s
21 deduction/abatement under R-41-11 is hereby terminated.

22 **SECTION 2.** That, this Resolution shall be in full force and effect from and after
23 its passage and any and all necessary approval by the Mayor.

24
25
26
27
28
29
30

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2015

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Peg Perego USA, Inc. in May 2015 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): Tom Didier and Russ Jehl