

BILL NO. R-18-07-19

RESOLUTION NO. R-_____

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2018 for Dirig Sheet Metal/S W Watkins Limited for property at 918 W. Cook Road Fort Wayne, IN 46825 under Confirming Resolution R-105-14 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 **Dirig Sheet Metal/S W Watkins Limited** 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, **Dirig Sheet Metal/S W Watkins Limited** has filed CF-1 forms with the City of Fort Wayne, the Allen County Auditor and the Allen County Assessor; and

WHEREAS, **Dirig Sheet Metal/S W Watkins Limited's** approved SB-1 form stated that **76** full-time and **four** part-time jobs would be retained and **six** full-time jobs would be created by **December 31, 2015**; and

WHEREAS, **Dirig Sheet Metal/S W Watkins Limited's** approved SB-1 form stated **\$3,677,456** in annual payroll for the **76** full-time and **four** part-time retained jobs and **\$343,928** in annual payroll would be generated by the **six** full-time jobs to be created; and

1 **WHEREAS, Dirig Sheet Metal/S W Watkins Limited's 2018 CF-1 form**
2 filing stated that **80** jobs were retained and **39** jobs were created; and

3 **WHEREAS, Dirig Sheet Metal/S W Watkins Limited's 2018 CF-1 form**
4 filing stated **\$3,677,456** in annual payroll for the **80** jobs retained and **\$191,519** in
5 annual payroll for the **39** jobs created; and

6 **WHEREAS, Common Council designated the City of Fort Wayne**
7 **Community Development Division as the entity for the administration, application,**
8 **processing and monitoring of Economic Revitalization Areas under Section 153.13**
9 **of the Municipal Code of the City of Fort Wayne; and**

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

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

18 **WHEREAS, meeting 75% of the 76 full-time and four part-time jobs retained**
19 **means retaining 56 full-time jobs and three part-time jobs; and**

20 **WHEREAS, meeting 75% of the six full-time jobs to be created means**
21 **creating four full-time jobs; and**

22 **WHEREAS, meeting 75% of the \$3,677,456 in retained annual payroll**
23 **means \$2,758,092 in retained annual payroll; and**

24 **WHEREAS, meeting 75% of the \$343,928 in annual payroll to be created**
25 **means \$257,946 in created annual payroll; and**

26 **WHEREAS, Common Council may determine not later than forty-five (45)**
27 **days after receipt of the CF-1 form that Dirig Sheet Metal/S W Watkins Limited**
28 **has either failed to substantially comply or has substantially complied with the**
29 **original SB-1 form approved by Common Council; and**

30 **WHEREAS, Common Council made a determination on June 26, 2018 that**
Dirig Sheet Metal/S W Watkins Limited was not in substantial compliance as a
result of its failure to retain at least 60 jobs with at least \$2,758,092 in annual payroll
retained and create at least four jobs with at least \$257,946 in annual payroll, and

1 that the failure to substantially comply was not caused by factors beyond the control
2 of **Dirig Sheet Metal/S W Watkins Limited**; and

3 **WHEREAS**, Council directed the Community Development Division to mail
4 written notice to **Dirig Sheet Metal/S W Watkins Limited** explaining the reasons
5 for Council's determination and a date, time, place of a hearing to be conducted by
6 Council for the purpose of further considering **Dirig Sheet Metal/S W Watkins**
7 **Limited's** compliance with Statement of Benefits; and

8 **WHEREAS**, the aforementioned notice was properly prepared and served
9 upon **Dirig Sheet Metal/S W Watkins Limited**; and

10 **WHEREAS**, **Dirig Sheet Metal/S W Watkins Limited** [appeared/failed to
11 appear] before Common Council to provide additional information concerning
12 compliance.

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

15 **SECTION 1.** That, Common Council finds that the CF-1 form filed by **Dirig**
16 **Sheet Metal/S W Watkins Limited** with an approved Economic Revitalization Area
17 for **2018** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section
18 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of
19 the **six** jobs or **four** jobs that were stated that would be created and create 75% of
20 the **\$343,928** in annual payroll or **\$257,946** that was stated that would be generated
21 by the created jobs.

22 **SECTION 2a.** **Dirig Sheet Metal/S W Watkins Limited** failed to appear
23 and otherwise testify and therefore Council confirms its determination of **June 26,**
24 **2018** that **Dirig Sheet Metal/S W Watkins Limited** has failed to substantially
25 comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the
26 City of Fort Wayne as detailed in Section 1 above. Council therefore finds that **Dirig**
27 **Sheet Metal/S W Watkins Limited** has failed to substantially comply and said
28 failure was not caused by factors outside of **Dirig Sheet Metal/S W Watkins**
29 **Limited's** control. As a result of said failure, **Dirig Sheet Metal/S W Watkins**
30 **Limited's** deduction/abatement under **R-105-14** is hereby terminated

SECTION 2b. That **Dirig Sheet Metal/S W Watkins Limited** appeared and
testified at the hearing and from its testimony it was determined that
notwithstanding **Dirig Sheet Metal/S W Watkins Limited's** failure to substantially

1 comply as detailed in Section 1 above that **Dirig Sheet Metal/S W Watkins**
2 **Limited** did make reasonable efforts to substantially comply with the statement of
3 benefits and **Dirig Sheet Metal/S W Watkins Limited's** failure to substantially
4 comply was caused by factors beyond the control of **Dirig Sheet Metal/S W**
5 **Watkins Limited**. Therefore, the continuation of **Dirig Sheet Metal/S W Watkins**
6 **Limited's** deduction/abatement under **R-105-14** is hereby approved.

7 **SECTION 2c.** That **Dirig Sheet Metal/S W Watkins Limited** appeared and
8 testified at the hearing and from its testimony it was determined in addition to **Dirig**
9 **Sheet Metal/S W Watkins Limited's** failure to substantially comply as detailed in
10 Section 1 above, that **Dirig Sheet Metal/S W Watkins Limited** did not make
11 reasonable efforts to substantially comply with the statement of benefits and **Dirig**
12 **Sheet Metal/S W Watkins Limited's** failure to substantially comply was not caused
13 by factors beyond the control of **Dirig Sheet Metal/S W Watkins Limited** As a
14 result of said failure, **Dirig Sheet Metal/S W Watkins Limited's**
15 deduction/abatement under **R-105-14** is hereby terminated.

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

18 _____
19 Member of Council

20 APPROVED AS TO FORM A LEGALITY

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22 Joseph G. Bonahoom, Attorney for Common Council
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Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2016

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Dirig Sheet Metal/S W Watkins Limited in May 2018 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): Geoff Paddock and Jason Arp