

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Craftline Graphics, Inc. for property at 3522 W. Ferguson Road, Fort Wayne, IN 46809 under Confirming Resolution R-4-11 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 (hereinafter "SB-1") forms, certain property for **Craftline Graphics, 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, **Craftline Graphics, Inc.** has filed CF-1 forms with the **City of Fort Wayne and the Allen County Assessor**; and

WHEREAS, **Craftline Graphics, Inc.'s** approved SB-1 form stated that **137** full-time and **250** part-time jobs would be retained and **32** full-time jobs would be created by September 30, 2011; and

WHEREAS, **Craftline Graphics, Inc.'s** approved SB-1 form stated **\$5,349,063** in annual payroll for the **137** full-time and **250** part-time retained jobs and **\$960,000** in annual payroll would be generated by the **32** full-time jobs to be created; and

WHEREAS, **Craftline Graphics, Inc.'s 2020** CF-1 form filing stated that **189** jobs were retained and **zero** jobs were created; and

WHEREAS, **Craftline Graphics Inc.'s 2020** CF-1 form filing stated **\$7,671,249** in annual payroll for the **189** jobs retained and **\$0.00** in annual payroll for the **zero** 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 **137** full-time and **250** part-time jobs retained
14 means retaining **102** full-time and **187** part-time jobs; and

15 **WHEREAS**, meeting 75% of the **32** full-time jobs to be created means creating **24**
16 full-time jobs; and

17 **WHEREAS**, meeting 75% of the **\$5,349,063** in retained annual payroll means
18 **\$4,011,797** in retained annual payroll; and

19 **WHEREAS**, meeting 75% of the **\$960,000** in annual payroll to be created means
20 **\$720,000** 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 **Craftline Graphics, 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 **Craftline Graphics, Inc.** was not in substantial compliance as a result of its failure to
27 create at least **24** jobs and at least **\$720,00** in annual payroll created, and that the failure
28 to substantially comply was not caused by factors beyond the control of **Craftline**
29 **Graphics, Inc.**; and

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

WHEREAS, the aforementioned notice was properly prepared and served upon
Craftline Graphics, Inc.; and

1 **WHEREAS, Craftline Graphics, 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 **Craftline**
6 **Graphics, 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 retain **137** full-time and **250** part-time jobs or
9 **102** full-time and **187** part-time jobs stated and retain 75% of the **\$5,349,063** in retained
10 annual payroll or **\$4,011,797** in retained annual payroll state and create 75% of the **32**
11 full-time jobs or **24** jobs that were stated that would be created and create 75% of the
12 **\$960,000** in annual payroll or **\$720,000** that was stated that would be generated by the
13 created jobs.

14 **SECTION 2a. Craftline Graphics, Inc.** failed to appear and otherwise testify and
15 therefore Council confirms its determination of **July 28, 2020** that **Craftline Graphics,**
16 **Inc.** has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of
17 the Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council
18 therefore finds that **Craftline Graphics, Inc.** has failed to substantially comply and said
19 failure was not caused by factors outside of **Craftline Graphics, Inc.'s** control. As a result
20 of said failure, **Craftline Graphics, Inc.'s** deduction/abatement under **R-4-11** is hereby
21 terminated

22 **SECTION 2b.** That **Craftline Graphics, Inc.** appeared and testified at the
23 hearing and from its testimony it was determined that notwithstanding **Craftline Graphics,**
24 **Inc.'s** failure to substantially comply as detailed in Section 1 above that **Craftline**
25 **Graphics, Inc.** did make reasonable efforts to substantially comply with the statement of
26 benefits and **Craftline Graphics, Inc.'s** failure to substantially comply was caused by
27 factors beyond the control of **Craftline Graphics, Inc.** Therefore, the continuation of
28 **Craftline Graphics, Inc.'s** deduction/abatement under **R-4-11** is hereby approved.

29 **SECTION 2c.** That **Craftline Graphics, Inc.** appeared and testified at the hearing
30 and from its testimony it was determined in addition to **Craftline Graphics, Inc.'s** failure
to substantially comply as detailed in Section 1 above, that **Craftline Graphics, Inc.** did
not make reasonable efforts to substantially comply with the statement of benefits and
Craftline Graphics, Inc.'s failure to substantially comply was not caused by factors
beyond the control of **Craftline Graphics, Inc.** As a result of said failure, **Craftline**
Graphics, Inc.'s deduction/abatement under **R-4-11** 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.

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 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 Craftline Graphics, 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