

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Transformations by Wieland, Inc. for property at 310 Racquet Drive, Fort Wayne, IN 46825 under Confirming Resolution R-33-15 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 **Transformations by Wieland, 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, **Transformations by Wieland, Inc.** has filed CF-1 forms with the **City of Fort Wayne and the Allen County Assessor**; and

WHEREAS, **Transformations by Wieland, Inc.'s** approved SB-1 form stated that **48** full-time and **five** part-time jobs would be retained and **ten** full-time jobs would be created by April 30, 2018; and

WHEREAS, **Transformations by Wieland, Inc.'s** approved SB-1 form stated **\$1,748,000** in annual payroll for the **48** full-time and **five** part-time retained jobs and **\$327,000** in annual payroll would be generated by the **ten** full-time jobs to be created; and

WHEREAS, **Transformations by Wieland, Inc.'s 2020** CF-1 form filing stated that **53** jobs were retained and **four** jobs were created; and

WHEREAS, **Transformations by Wieland, Inc.'s 2020** CF-1 form filing stated **\$1,748,000** in annual payroll for the **53** jobs retained and **\$702,000** in annual payroll for the **four** 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 **48** full-time and **five** part-time jobs retained
14 means retaining **36** full-time and **three** part-time jobs; and

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

17 **WHEREAS**, meeting 75% of the **\$1,748,000** in retained annual payroll means
18 **\$1,311, 000** in retained annual payroll; and

19 **WHEREAS**, meeting 75% of the **\$327,000** in annual payroll to be created means
20 **\$245,250** 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 **Transformations by Wieland, 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 **Transformations by Wieland, Inc.** was not in substantial compliance as a result of its
27 failure to create at least **seven** jobs, and that the failure to substantially comply was not
28 caused by factors beyond the control of **Transformations by Wieland, Inc.**; and

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

WHEREAS, the aforementioned notice was properly prepared and served upon
Transformations by Wieland, Inc.; and

1 **WHEREAS, Transformations by Wieland, Inc. [appeared/failed to appear]**
2 before 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 forms filed by
6 **Transformations by Wieland, Inc.** with an approved Economic Revitalization Area for
7 **2020** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of
8 the Municipal Code of the City of Fort Wayne for failure to create 75% of the **ten** full-time
9 jobs or **seven** full-time jobs that were stated that would be created.

10 **SECTION 2a. Transformations by Wieland, Inc.** failed to appear and otherwise
11 testify and therefore Council confirms its determination of **July 28, 2020** that
12 **Transformations by Wieland, Inc.** has failed to substantially comply pursuant to IC 6-
13 1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed
14 in Section 1 above. Council therefore finds that **Transformations by Wieland, Inc.** has
15 failed to substantially comply and said failure was not caused by factors outside of
16 **Transformations by Wieland, Inc.’s** control. As a result of said failure, **Transformations**
17 **by Wieland, Inc.’s** deduction/abatement under **R-33-15** is hereby terminated

18 **SECTION 2b.** That **Transformations by Wieland, Inc.** appeared and testified
19 at the hearing and from its testimony it was determined that notwithstanding
20 **Transformations by Wieland, Inc.’s** failure to substantially comply as detailed in Section
21 1 above that **Transformations by Wieland, Inc.** did make reasonable efforts to
22 substantially comply with the statement of benefits and **Transformations by Wieland,**
23 **Inc.’s** failure to substantially comply was caused by factors beyond the control of
24 **Transformations by Wieland, Inc.** Therefore, the continuation of **Transformations by**
25 **Wieland, Inc.’s** deduction/abatement under **R-33-15** is hereby approved.

26 **SECTION 2c.** That **Transformations by Wieland, Inc.** appeared and testified at
27 the hearing and from its testimony it was determined in addition to **Transformations by**
28 **Wieland, Inc.’s** failure to substantially comply as detailed in Section 1 above, that
29 **Transformations by Wieland, Inc.** did not make reasonable efforts to substantially
30 comply with the statement of benefits and **Transformations by Wieland, Inc.’s** failure to
substantially comply was not caused by factors beyond the control of **Transformations**
by Wieland, Inc. As a result of said failure, **Transformations by Wieland, Inc.’s**
deduction/abatement under **R-33-15** 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
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 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 Transformations by Wieland, Inc. in May 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**