

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2022 for Accutech Mold and Machine, Inc. for property at 2817 Goshen Road, Fort Wayne, IN 46808 under Confirming Resolution R-12-17 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 Accutech Mold & Machine, 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, Accutech Mold & Machine, Inc. has filed CF-1 forms with the City of Fort Wayne, Allen County Auditor and the Allen County Assessor; and

WHEREAS, Accutech Mold & Machine, Inc.'s approved SB-1 form stated that 78 full-time jobs would be retained and three full-time jobs created by December 31, 2018; and

WHEREAS, Accutech Mold & Machine, Inc.'s approved SB-1 form stated \$2,811,000 in annual payroll would be retained for the 78 full-time retained jobs and \$66,000 in annual payroll created for the three full-time job to be created; and

WHEREAS, Accutech Mold & Machine, Inc.'s 2022 CF-1 form filing stated that 56 full-time jobs have been retained and zero full-time jobs have been created; and

WHEREAS, Accutech Mold & Machine, Inc.'s 2022 CF-1 form filing stated \$2,540,334 in annual payroll for the 56 full-time jobs retained and \$0 in annual payroll for zero full-time 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 78 full-time jobs to be retained and one full-time
14 job to be created means retaining 58 full-time jobs and creating one full-time job; and

15 **WHEREAS**, meeting 75% of the \$2,811,000 retained annual payroll means
16 \$2,108,250 in retained annual payroll and 75% of the \$66,000 in created annual payroll
17 means \$49,500 in created annual payroll; and

18 **WHEREAS**, Common Council will determine no later than forty-five (45) days after
19 receipt of the CF-1 form that an approved business has either failed to substantially
20 comply or has substantially complied with the original SB-1 form approved by Common
21 Council; and

22 **WHEREAS**, Common Council made a determination on June 28, 2022 that
23 Accutech Mold & Machine, Inc. was not in substantial compliance as a result of its failure
24 to retain at least 58 full-time jobs with a retained annual payroll of at least \$2,108,250 and
25 create at least two new full-time job with at least \$49,500 in created annual payroll; and

26 **WHEREAS**, Council directed the Community Development Division to mail written
27 notice to Accutech Mold & Machine, Inc. explaining the reasons for Council's
28 determination and a date, time, place of a hearing to be conducted by Council for the
29 purpose of further considering Accutech Mold & Machine, Inc.'s compliance with
30 Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon
Accutech Mold & Machine, Inc. to appear before Council on August 9, 2022 at 5:30pm in
Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

WHEREAS, Accutech Mold & Machine, Inc. [appeared/failed to appear] before
Common Council on August 9, 2022 to provide additional information concerning
compliance.

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

3 **SECTION 1.** That, Common Council finds that the CF-1 form filed by Accutech
4 Mold & Machine, Inc. with an approved Economic Revitalization Area for 2022 is not in
5 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal
6 Code of the City of Fort Wayne for failure to retain 75% of the 78 full-time, or 58 full-time
7 jobs, as stated and create 75% of the three full-time job, or two full-time jobs, as stated
8 and retain 75% of the \$2,811,000, or \$2,108,250, in annual payroll or create 75% of the
\$66,000, or \$49,500 in annual payroll that was stated that would be generated by the
created jobs.

9 **SECTION 2a.** Accutech Mold & Machine, Inc. failed to appear and otherwise
10 testify and therefore Council confirms its determination of June 28, 2022 that Accutech
11 Mold & Machine, Inc. has failed to substantially comply pursuant to IC 6-1.1-12.1 and
12 Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1
13 above. Council therefore finds that Accutech Mold & Machine, Inc. has failed to
14 substantially comply and said failure was not caused by factors outside of Accutech Mold
& Machine, Inc.'s control. As a result of said failure, Accutech Mold & Machine, Inc.'s
deduction/abatement under R-12-17 is hereby terminated

15 **SECTION 2b.** That Accutech Mold & Machine, Inc. appeared and testified at the
16 hearing and from its testimony it was determined that notwithstanding Accutech Mold &
17 Machine, Inc.'s failure to substantially comply as detailed in Section 1 above that Accutech
18 Mold & Machine, Inc. did make reasonable efforts to substantially comply with the
19 statement of benefits and Accutech Mold & Machine, Inc.'s failure to substantially comply
20 was caused by factors beyond the control of Accutech Mold & Machine, Inc. Therefore,
the continuation of Accutech Mold & Machine, Inc.'s deduction/abatement under R-12-17
is hereby approved.

21 **SECTION 2c.** That Accutech Mold & Machine, Inc. appeared and testified at the
22 hearing and from its testimony it was determined in addition to Accutech Mold & Machine,
23 Inc.'s failure to substantially comply as detailed in Section 1 above, that Accutech Mold &
24 Machine, Inc. did not make reasonable efforts to substantially comply with the statement
25 of benefits and Accutech Mold & Machine, Inc.'s failure to substantially comply was not
26 caused by factors beyond the control of Accutech Mold & Machine, Inc. As a result of said
27 failure, Accutech Mold & Machine, Inc.'s deduction/abatement under R-12-17 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

Malak Heiny, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2022

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Accutech Mold & Machine, Inc. in May 2022 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): Russ Jehl and Sharon Tucker