

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2022 for Tippman Innovation for property at 6340 Innovation Boulevard, Fort Wayne, IN 46818 under Confirming Resolution R-48-18 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 Tippman Innovations 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, Tippman Innovations has filed CF-1 forms with the City of Fort Wayne, the Allen County Auditor and the Allen County Assessor; and

WHEREAS, Tippman Innovations approved SB-1 form stated that 18 full-time jobs would be retained and three full-time jobs would be created by April 30, 2021; and

WHEREAS, Tippman Innovations approved SB-1 form stated \$1,380,000 in annual payroll for the 18 full-time retained jobs would be retained and \$265,000 in annual payroll would be generated by the three full-time jobs to be created; and

WHEREAS, Tippman Innovations 2022 CF-1 form filing stated that 13 jobs were retained and zero jobs were created; and

WHEREAS, Tippman Innovations 2022 CF-1 form filing stated \$1,255,686 in annual payroll for the 13 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 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of the City of Fort Wayne; and

1 **WHEREAS**, Common Council has defined substantial compliance under Section
2 153.21 of the Municipal Code of the City of Fort Wayne as:

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

9 **WHEREAS**, meeting 75% of the 18 full-time jobs retained means retaining 13 jobs;
10 and

11 **WHEREAS**, meeting 75% of the 3 full-time jobs to be created means creating two
12 full-time jobs; and

13 **WHEREAS**, meeting 75% of the \$1,380,000 in retained annual payroll means
14 \$1,035,000 in retained annual payroll; and

15 **WHEREAS**, meeting 75% of the \$265,000 in annual payroll to be created means
16 \$198,000 in created annual payroll; and

17 **WHEREAS**, Common Council shall determine not later than forty-five (45) days
18 after receipt of the CF-1 form that an approved business has either failed to substantially
19 comply or has substantially complied with the original SB-1 form approved by Common
20 Council; and

21 **WHEREAS**, Common Council made a determination on June 28, 2022 that
22 Tippman Innovations was not in substantial compliance as a result of its failure to retain
23 at least 13 full-time jobs and at least \$1,035,000 in retained annual payroll and create at
24 least two full-time jobs and at least \$198,000 in annual payroll created; and

25 **WHEREAS**, Council directed the Community Development Division to mail written
26 notice to Tippman Innovations explaining the reasons for Council's determination and a
27 date, time, place of a hearing to be conducted by Council for the purpose of further
28 considering Tippman Innovations compliance with Statement of Benefits; and

29 **WHEREAS**, the aforementioned notice was properly prepared and served upon
30 Tippman Innovations 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, Tippman Innovations [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 forms filed by Tippman
4 Innovations with an approved Economic Revitalization Area for 2022 are not in substantial
5 compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the
6 City of Fort Wayne for failure create 75% of the three full-time jobs, or two full-time jobs,
7 that were stated that would be created and create 75% of the \$265,000 in annual payroll,
8 or \$198,000, that was stated that would be generated by the created jobs.

9 **SECTION 2a.** Tippman Innovations failed to appear and otherwise testify and
10 therefore Council confirms its determination of June 28, 2022 that Tippman Innovations
11 has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the
12 Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore
13 finds that Tippman Innovations has failed to substantially comply and said failure was not
14 caused by factors outside of Tippman Innovations control. As a result of said failure,
15 Tippman Innovations deduction/abatement under R-48-18 is hereby terminated.

16 **SECTION 2b.** That Tippman Innovations appeared and testified at the hearing
17 and from its testimony it was determined that notwithstanding Tippman Innovations failure
18 to substantially comply as detailed in Section 1 above that Tippman Innovations did make
19 reasonable efforts to substantially comply with the statement of benefits and Tippman
20 Innovations failure to substantially comply was caused by factors beyond the control of
21 LH Carbide Corporation. Therefore, the continuation of Tippman Innovations
22 deduction/abatement under R-48-18 is hereby approved.

23 **SECTION 2c.** That Tippman Innovations appeared and testified at the hearing
24 and from its testimony it was determined in addition to Tippman Innovations failure to
25 substantially comply as detailed in Section 1 above, that Tippman Innovations did not
26 make reasonable efforts to substantially comply with the statement of benefits and
27 Tippman Innovations failure to substantially comply was not caused by factors beyond the
28 control of LH Carbide Corporation. As a result of said failure, Tippman Innovations
29 deduction/abatement under R-48-18 is hereby terminated.
30

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 Tippman Innovations 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