

RESOLUTION NUMBER 13-111

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA FINDING THAT PROPERTY OWNERS ARE IN SUBSTANTIAL COMPLIANCE FOR TAX ABATEMENT PURPOSES

WHEREAS, pursuant to Indiana Code 6-1.1-12.1-1, *et. seq.* (the “Act”), the City of Westfield, Indiana (the “City”) by and through its Common Council acting in its capacity as the fiscal body of the City and acting as the designating body identified in the Act (the “Council”) has the right and opportunity to abate the payment of real property taxes for real estate located within an area declared by the Council to be an Economic Revitalization Area and to also abate the payment of personal property taxes within the Economic Revitalization Area;

WHEREAS, pursuant to the Act, not later than forty-five (45) days after receipt of the Compliance with Statement of Benefits forms (“Form CF-1”), attached hereto as Exhibit A, the Council may determine whether the property owners have substantially complied with the Statement of Benefits forms (“Form SB-1”) previously approved by the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA AS FOLLOWS:

- SECTION I.** The Council has reviewed Exhibit A and has found that the property owner, Automatic Pool Covers, Inc. is in substantial compliance with their respective Form SB-1.
- SECTION II.** The President of the Council is hereby authorized to certify compliance with the respective Form SB-1.
- SECTION III.** The City’s administrative staff is hereby directed to file the certified Form CF-1 with the appropriate Hamilton County office on behalf of the Council.
- SECTION IV.** This Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED AND PASSED THIS 13TH DAY OF MAY 2013, BY THE
WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD COMMON COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

John Dippel

John Dippel

John Dippel

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify that RESOLUTION 13-111 was delivered to the Mayor of Westfield
on the _____ day of _____, 2013, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 13-111
this _____ day of _____, 2013.

J. Andrew Cook, Mayor

I hereby VETO Resolution 13-111
this _____ day of _____, 2013.

J. Andrew Cook, Mayor

Prepared by:
Andrew P. Murray
Economic and Community Development
2728 East 171st Street
Westfield, IN 46074

EXHIBIT A

Automatic Pool Covers, Inc.

Personal Property



17397 Oak Ridge Road
Westfield, IN 46074
office: 317.579.2000
toll-free: 800.878.5789
fax: 317.579.2006
www.AutomaticPoolCovers.NET

May 7, 2013

Ms. Robin Eckart
Chief Deputy Assessor
Hamilton County Assessor's Office
33 North 9th Street, Suite 214
Noblesville, IN 46060

**RE: AUTOMATIC POOL COVERS, INC.
REAL AND PERSONAL PROPERTY TAX ABATEMENT**

Dear Robin:

Enclosed please find the 2012 Personal Property abatement forms for Automatic Pool Covers, Inc. Although we have until the end of 2013 to reach our job and investment projections, we are excited about our progress and wanted to explain a few unique elements to our growth thus far.

Automatic Pool Covers, Inc. is very pleased with the job growth to date and believe we continue to be on track for meeting hiring objectives outlined in the original abatement agreement. In addition, we are pleased to have exceeded the real property investment requirement for the abatement. We hope Westfield and Hamilton County share our excitement with regard to our growth and development.

After further review, we have submitted an updated CF-1/Personal Property to the City of Westfield which has a pending abatement approval going through council. As you may recall, we relocated from Fishers to Westfield. Opening the Westfield facility took slightly more time than originally anticipated, and as a result we were forced to make some personal property investment in the Fishers location in advance of moving to Westfield. It is unfortunate that we could not wait until the move to Westfield to make some of this investment, because the investment would have qualified for personal property tax abatement. As you can imagine, in this instance the benefits of meeting the operational needs of our business outweighed the potential benefit of personal property abatement savings. We did fulfill our promises by making appropriate levels of personal property investment, but unfortunately not all of it is subject to abatement.

We imagine that Westfield and Hamilton County will actually be pleased with this turn of events, since government captures a higher degree of tax revenue on our personal property investment than originally anticipated. But we did want to address the situation since, at first glance (and without the benefit of our explanation), it might appear we had failed to meet our personal property investment objectives.

Thank you for your time. Please contact our consultant Amanda Rubadue (317.639.0481) or Katie Culp (317.639.0485) if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Jaensson".

Mike Jaensson
Automatic Pool Covers, Inc.

CC: Charlie Naber
Amanda Rubadue



COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R / 1-06)
Prescribed by the Department of Local Government Finance

FORM CF-1 / PP

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
 2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between March 1, and May 15, of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between March 1, and the extended due date of each year.
 3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).

SECTION 1		TAXPAYER INFORMATION						
Name of taxpayer Automatic Pool Covers, Inc.								
Address of taxpayer (number and street, city, state, and ZIP code) 17397 Oak Ridge Road Westfield In 46074								
Name of contact person Michael Shebek		Telephone number (317) 579-2000						
SECTION 2		LOCATION AND DESCRIPTION OF PROPERTY						
Name of designating body Westfield Redevelopment Commission and Westfield City Council		Resolution number 11-01						
Location of property NE Approx. 8.53 Acres of Custom Commerce Park Westfield	County Hamilton	DLGF taxing district number 015						
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. Manufacturing, logistic distribution and IT equipment for automatic pool cover manufacturing facility		Estimated starting date (month, day, year) 01/01/2011						
		Estimated completion date (month, day, year) 12/31/2013						
SECTION 3		EMPLOYEES AND SALARIES						
EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1	ACTUAL					
Current number of employees		24.00	32					
Salaries		1,397,760.00	1,949,000.00					
Number of employees retained		24.00	24					
Salaries		1,397,760.00	1,397,760.00					
Number of additional employees		22.00	8					
Salaries		885,252.80	551,240.00					
SECTION 4		COST AND VALUES						
AS ESTIMATED ON SB-1	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project								
Plus: Values of proposed project	270,000.00				130,000.00		100,000.00	
Less: Values of any property being replaced								
Net values upon completion of project								
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project								
Plus: Values of proposed project	51,544.00	20,818.00			0.00	0.00	0.00	0.00
Less: Values of any property being replaced								
Net values upon completion of project								
NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (d).								
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER						
WASTE CONVERTED AND OTHER BENEFITS		AS ESTIMATED ON SB-1	ACTUAL					
Amount of solid waste converted								
Amount of hazardous waste converted								
Other benefits:								
SECTION 6		TAXPAYER CERTIFICATION						
I hereby certify that the representations in this statement are true.								
Signature of authorized representative 		Title President	Date signed (month, day, year) 5-7-13					

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)
THAT WAS APPROVED AFTER JUNE 30, 1991.**

INSTRUCTIONS: (IC 6-1.1-12-5.9)

1. This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.
2. Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.
3. If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the Township Assessor and the County Auditor.
4. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.
5. If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the County Auditor; and (3) the Township Assessor.

We have reviewed the CF-1 and find that:			
<input type="checkbox"/> the property owner IS in substantial compliance			
<input type="checkbox"/> the property owner IS NOT in substantial compliance			
<input type="checkbox"/> other (specify) _____			
Reasons for the determination (attach additional sheets if necessary)			
Signature of authorized member			Date signed (month, day, year)
Attested by:		Designating body	
If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.			
Time of hearing	<input type="checkbox"/> AM <input type="checkbox"/> PM	Date of hearing (month, day, year)	Location of hearing
HEARING RESULTS (to be completed after the hearing)			
<input type="checkbox"/> Approved		<input type="checkbox"/> Denied (see instruction 5 above)	
Reasons for the determination (attach additional sheets if necessary)			
Signature of authorized member			Date signed (month, day, year)
Attested by:		Designating body	
APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]			
A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.			