

RESOLUTION NUMBER 16-113

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA REGARDING CERTAIN TAX ABATEMENT DEDUCTIONS FOR AUTOMATIC POOL COVERS, INC.

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, *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, the Council may find that a particular area within the jurisdiction of the City is an Economic Revitalization Area and may by adoption of a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;

WHEREAS, the Council adopted its Resolution Number 03-08 (the “Declaratory Resolution”) on September 8, 2003 pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City more particularly described in Exhibit A attached hereto and made a part hereof which is also shown on the map attached hereto as Exhibit B (the “Area”) and made a part hereof as an Economic Revitalization Area in which property owners making application to the City pursuant to the Act subsequently approved by this Council pursuant to the Act may receive real property tax abatement and/or personal property tax abatement pursuant to the applicable procedures of the Act;

WHEREAS, the Council, after following all applicable procedures of the Act, took final action adopting Resolution Number 03-09 (the “Confirmatory Resolution”) on October 18, 2003 confirming the Declaratory Resolution, thereby establishing an Economic Revitalization Area.

WHEREAS, the Council, after following all applicable procedures of the Act, amended the Confirmatory Resolution by adopting Resolution Number 07-19 (the “Amended Confirmatory Resolution”) on November 12, 2007.

WHEREAS, Automatic Pool Covers, Inc. (the “Applicant”) has filed with this Council a Statement of Benefits, Personal Property (Form SB-1/PP) (“Form SB-1”) which describes the proposed project (the “Project”) to be installed by the Applicant, in order to receive personal property tax abatement for the Project;

WHEREAS, the Project includes the installation of new manufacturing machinery and equipment for automatic pool cover manufacturing in the Applicant’s facility addition to be constructed and located in the Area which will be utilized by the Applicant in its operations located in the Area;

WHEREAS, this Council has reviewed the Form SB-1;

WHEREAS, the improvement of the Area will be of public utility and will be to the benefit and welfare of the citizens and taxpayers of the City.

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

SECTION I. The proposed Project will be located in the Area which has been confirmed as an economic revitalization area pursuant to the Act.

SECTION II. Based upon the information in the Form SB-1, this Council makes the following findings:

- (1) The estimate of Six Hundred Seven Thousand Five Hundred Dollars (\$607,500) as the value of the new manufacturing machinery and equipment to be installed is reasonable for projects of that nature.
- (2) The estimate of Forty-Nine (49) individuals whose employment will be retained can be reasonably expected to result from the proposed Project.
- (3) The estimate of Three Million One-Hundred Eighty-Five Thousand Dollars (\$3,185,000) for the aggregate annual salaries of those individuals whose employment will be retained can be reasonably expected to result from the proposed Project.
- (4) The estimate of hiring Forty-Seven (47) new individuals who will be employed through term of the abatement period can be reasonably expected to result from the proposed Project.
- (5) The estimate of Two Million Four-Hundred Eighteen Thousand Five Hundred Eighty-Two Dollars and Forty Cents (\$2,418,582.40) for the aggregate annual salaries without

benefits of those individuals who will be employed can be reasonably expected to result from the proposed Project.

- (7) The other benefits about which information has been presented to this Council are benefits that can be reasonably expected to result from the proposed Project.
- (8) The totality of benefits is sufficient to justify the granting of personal property tax abatement to the Applicant through the deduction provided by the Act.

SECTION III. The Form SB-1 submitted by the Applicant is approved.

SECTION IV. Personal property tax deductions for the Project are hereby approved. The period for personal property tax deductions under the Act (IC 6-1.1-12.1-4 Version b (d) (5)) for the Project shall be five (5) years utilizing such schedule provided in the Act provided, however, the effectiveness of the designation may be terminated by this Council in accordance with the Act.

SECTION V. Pursuant to the Act, the Council shall cause to be filed a certified copy of this Resolution with the Hamilton County Auditor.

SECTION VI. This Resolution shall be in full force and effect immediately upon its adoption.

THE REMAINDER OF THIS PAGE IS BLANK INTENTIONALLY

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS ____ DAY OF _____, 2016.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

James J. Edwards

James J. Edwards

James J. Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Kevin M. Todd

I hereby certify that RESOLUTION 16-113 was delivered to the Mayor of

Westfield on the _____ day of _____, 2016, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 16-113

this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO Resolution 16-113

this _____ day of _____, 2016.

J. Andrew Cook, Mayor

Prepared By:
Kevin M. Todd, AICP, Senior Planner
Economic and Community Development Department
City of Westfield, Indiana

LEGAL DESCRIPTION

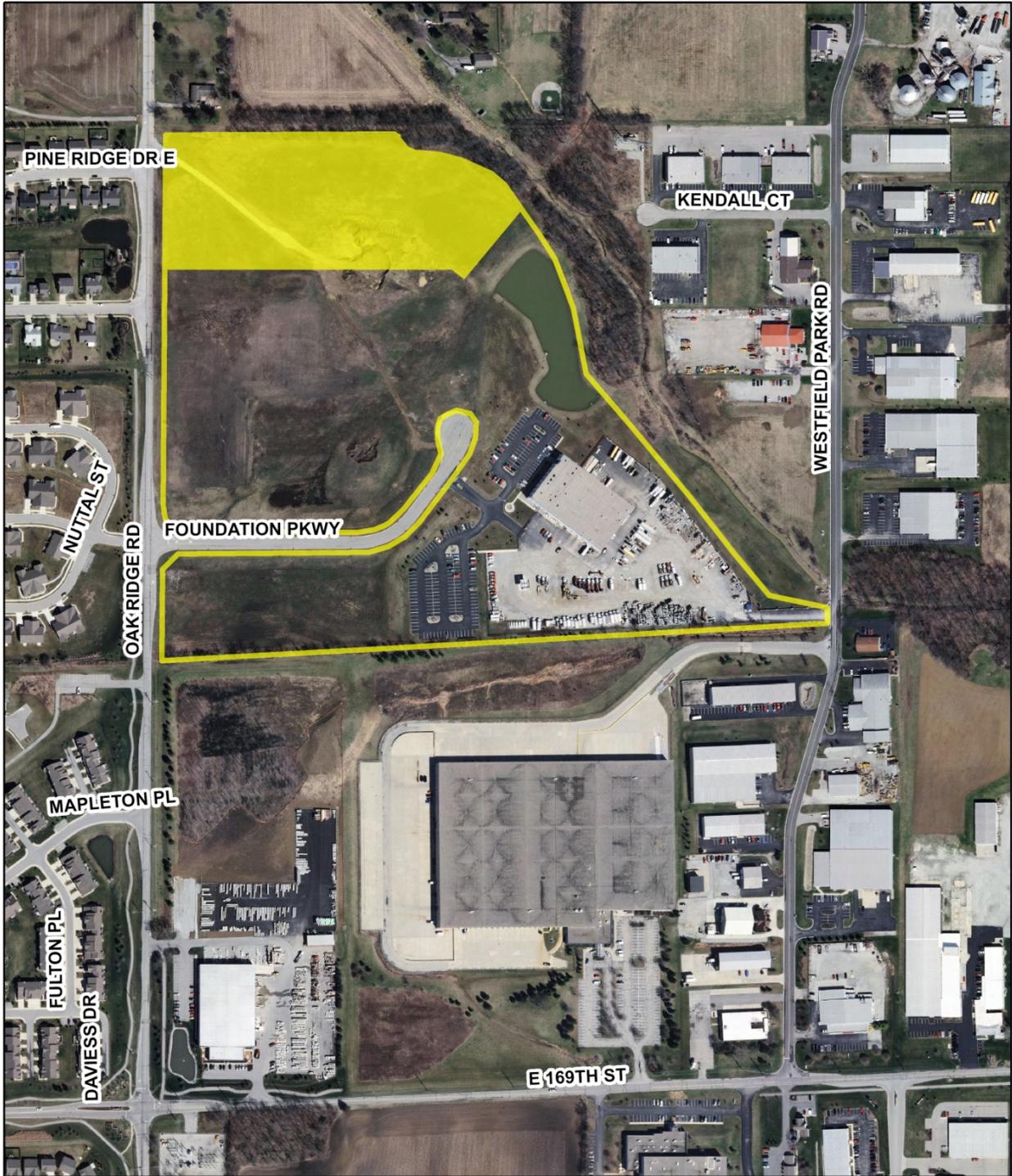
LOT 3 IN CUSTOM COMMERCE PARK, A SUBDIVISION IN HAMILTON COUNTY, INDIANA, AS PER FIRST AMENDMENT TO THE SECONDARY PLAT OF CUSTOM COMMERCE PARK, RECORDED MARCH 24, 2011, AS INSTRUMENT 2011015213, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT:

A PART OF LOT 3 IN THE FIRST AMENDMENT TO THE SECONDARY PLAT OF CUSTOM COMMERCE PARK RECORDED AS INSTRUMENT NUMBER 2011015213 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LOT 3, SOUTH 89 DEGREES 54 MINUTES 18 SECONDS EAST 610.13 FEET FROM THE NORTHWEST CORNER OF SAID LOT 3; THENCE CONTINUE SOUTH 89 DEGREES 54 MINUTES 18 SECONDS EAST 75.00 FEET ALONG SAID NORTH LINE TO A NORTHEASTERN CORNER OF SAID LOT 3, THE NEXT TWO (2) COURSES ARE ALONG A NORTHEASTERN LINE OF SAID LOT 3; (ONE) THENCE SOUTH 00 DEGREES 05 MINUTES 15 SECONDS WEST 6.76 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET, THE RADIUS POINT WHICH BEARS SOUTH 89 DEGREES 54 MINUTES 45 SECONDS EAST; (TWO) THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 67.07 FEET TO A POINT WHICH BEARS SOUTH 04 DEGREES 41 MINUTES 30 SECONDS WEST FROM SAID RADIUS POINT; THENCE SOUTH 00 DEGREES 05 MINUTES 42 SECONDS WEST 1.71 FEET; THENCE NORTH 80 DEGREES 00 MINUTES 00 SECONDS WEST 118.16 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 42 SECONDS EAST 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.076 ACRES, MORE OR LESS.

EXHIBIT B



Legend

-  Economic Revitalization Area (the "Area")
-  Ego Enterprises LLC (the "Project")



EXHIBIT C

Statement of Benefits Form



**STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION								
Name of taxpayer Automatic Pool Covers, Inc.			Name of contact person Michael Shebek					
Address of taxpayer (number and street, city, state, and ZIP code) 17397 Oak Ridge Road, Westfield, IN 46074				Telephone number (317) 804-2800				
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT								
Name of designating body Westfield Redevelopment Commission and Westfield City Council				Resolution number (s)				
Location of property Approx. 8.48 acres, Section 1, Township 18, Range 3, Lot 3 of Custom Commerce Park		County Hamilton		DLGF taxing district number 29015				
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) Manufacturing machinery and equipment for automatic pool cover manufacturing facility addition.			ESTIMATED					
			START DATE		COMPLETION DATE			
			Manufacturing Equipment		09/01/2016	12/31/2019		
			R & D Equipment					
			Logist Dist Equipment					
IT Equipment								
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT								
Current number 49	Salaries \$3,185,000.00	Number retained 49	Salaries \$3,185,000.00	Number additional 47	Salaries \$2,418,582.40			
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT								
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
	Current values							
	Plus estimated values of proposed project	607,500						
	Less values of any property being replaced							
Net estimated values upon completion of project								
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____					
Other benefits:								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.								
Signature of authorized representative <i>Michael Shebek</i>				Date signed (month, day, year) 5-19-2016				
Printed name of authorized representative Michael Shebek			Title President					

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____ . *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

- | | | | |
|--|------------------------------|-----------------------------|--|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18 |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <i>Check box if an enhanced abatement was approved for one or more of these types.</i> |
| 3. Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

G. Other limitations or conditions *(specify)* _____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

- | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|--|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5 | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18 |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 | Number of years approved: _____ |
| | | | | | <i>(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)</i> |

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: <i>(signature and title of authorized member of designating body)</i>	Telephone number ()	Date signed <i>(month, day, year)</i>
Printed name of authorized member of designating body	Name of designating body	
Attested by: <i>(signature and title of attester)</i>	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

Attachment to SB-1/PP
 Automatic Pool Covers, Inc.
 5/18/16

Personal Property Investment

Project anticipates \$607,500.00 of personal property investment by 12/31/2019. Schedule of investment is:

Machinery and Equipment to be Purchased
Additional fabric table and automation
Forklift
Additional webbing welder
Delta radial arm saw (X2)
Fabric puller/cutter
Fabric carousel
Racking/cantilever
Narrow-aisle forklift
Big Fan/radiant heat
Grayco epoxy dispense
Vertical machining center
Waterjet
Piranha iron worker
Pallet wrapper

YEAR	INVESTMENT AMOUNT
2016	\$63,500.00
2017	\$234,000.00
2018	\$75,000.00
2019	\$235,000.00
TOTAL	\$607,500.00

Job Creation

Project anticipates the creation of 47 new job positions in Hamilton County at an average wage of \$24.74/hour by 12/31/2025. Schedule of anticipated job creation is:

YEAR	NEW JOBS
2016	5
2017	5
2018	4
2019	1
2020	7
2021	5
2022	5
2023	5
2024	5
2025	5
TOTAL	47