

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
APRIL 28, 2009**

FINANCE COMMITTEE

*Glynn A. Hines - Chair
Elizabeth M. Brown - Co-Chair
All Council Members*

ACTION

S-09-04-25

**AN ORDINANCE approving the awarding of ITB #3009 – contract for Treatment of Emerald Ash Borer by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Landscape Concepts Management for the Parks and Recreations Department
Total cost of \$136,182.15**

R-09-04-26

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3426 North Wells Street, Fort Wayne, Indiana 46808 (Dreyer’s Grand Ice Cream, Inc.)
Total cost of \$4,300,000 – 502 full-time jobs will be retained
As a result of the project**

TO BE PASSED THIS EVENING

R-09-04-27

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3426 North Wells Street, Fort Wayne, Indiana 46808 (Dreyer’s Grand Ice Cream, Inc.)
Total cost of \$4,300,000 – 502 full-time jobs will be retained
as a result of the project**

REGULATIONS COMMITTEE

*John Shoaff - Chair
Thomas F. Didier - Co-Chair
All Council Members*

ACTION

R-09-04-21

A RESOLUTION approving credit for past service with another Indiana Political Subdivision for Kumar G. Menon

TO BE PASSED THIS EVENING

Z-09-04-22

**AN ORDINANCE amending the City of Fort Wayne Zoning Map Nos. H-34 and I-34 (Sec. 21 of Washington Township)
3000 to 3100 block of W. Washington Center Road and
Within the 5700 to 5800 block of Hatfield Road**

G-09-04-24

**AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way
Vacation of alley will allow for a church expansion and
Parking lot improvements**

PUBLIC HEARING 5-12-09 - 5:30 P.M.

R-09-04-29

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, approving an Interlocal Agreement between the City of Fort Wayne, the Mayor, and the Allen County, Indiana, Board of Commissioners for the conveyance of Wheel Tax and Surtax Revenue

PUBLIC WORKS COMMITTEE

*Karen E. Goldner- Chair
Marty Bender - Co-Chair
All Council Members*

ACTION

No Ordinances or Resolutions up for introduction

CITY UTILITIES COMMITTEE

*Mitch Harper - Chair
Tim Pape- Co-Chair
All Council Members*

S-09-04-23

**AN ORDINANCE approving the awarding of the Purchase and Installations of a Computerized Maintenance Management System, (Infor EAM Business Edition v8.3) by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Global Solutions (Michigan), Inc. for City Utilities
Total cost of \$124,086**

BILL NO. S-09-04-25

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #3009 - CONTRACT FOR TREATMENT OF EMERALD ASH BORER by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and LANDSCAPE CONCEPTS MANAGEMENT for the PARKS AND RECREATION.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That ITB #3009 - CONTRACT FOR TREATMENT OF EMERALD ASH BORER between the City of Fort Wayne, by and through its Department of Purchasing and LANDSCAPE CONCEPTS MANAGEMENT for PARKS AND RECREATION, respectfully for:

materials and labor to treat 10,636 Ash Street Trees for Emerald Ash Borer in various areas of the City by the Parks and Recreations Department

involving a total cost of ONE HUNDRED THIRTY-SIX THOUSAND, ONE HUNDRED EIGHTY-TWO AND 15/100 DOLLARS - (\$136,182.15) all as more particularly set forth in said ITB #3009 - CONTRACT FOR TREATMENT OF EMERALD ASH BORER which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 3426 North Wells
Street, Fort Wayne, Indiana 46808 (Dreyer's Grand
Ice Cream, Inc.)**

WHEREAS, Petitioner has duly filed its petition dated April 15, 2009 to have the following described property designated and declared 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, to wit:

Attached hereto as “Exhibit A” as if a part herein;

and

WHEREAS, said project will retain 502 full-time, permanent jobs for a total current annual payroll of \$23,235,395, with the average current, annual job salary being \$46,286; and

WHEREAS, the total estimated project cost is \$4,300,000; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

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

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing;

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of personal property for new manufacturing equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of new manufacturing equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of new manufacturing equipment.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.0035/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).
- (c) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the new manufacturing equipment shall be for a

period of ten years.

SECTION 8. That, the benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of said chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner’s plans to continue operation at the facility.

SECTION 11. 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 AND LEGALITY

Carol Taylor, City Attorney

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 3426 North Wells
Street, Fort Wayne, Indiana 46808 (Dreyer's Grand
Ice Cream, Inc.)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property 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, to wit:

Attached hereto as “Exhibit A” as if a part herein; and

WHEREAS, said project will retain 502 full-time, permanent jobs for a current annual payroll of \$23,235,395, with the average current annual job salary being \$46286; and

WHEREAS, the total estimated project cost is \$4,300,000; and

WHEREAS, a recommendation has been received from the Committee on Finance on said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution.

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

SECTION 1. That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless

otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of personal property for new manufacturing equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of the new manufacturing equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing equipment.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.0035/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).
- (c) If the proposed new manufacturing equipment is installed, and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).

SECTION 6. Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the new manufacturing equipment shall be for a period of ten years.

SECTION 7. The benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 8. For new manufacturing equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor’s Office, and the City of Fort Wayne’s Community Development Division and must be included with the deduction

application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

SECTION 9. The performance report must contain the following information

- (a) The cost and description of real property improvements and/or new manufacturing equipment acquired.
- (b) The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- (c) The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- (d) The total number of employees employed at the facility receiving the deduction.
- (e) The total assessed value of the real and/or personal property deductions.
- (f) The tax savings resulting from the real and/or personal property being abated.

SECTION 10. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 11. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of said chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 12. 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 AND LEGALITY

Carol Taylor, City Attorney

BILL NO. R-09-04-21

RESOLUTION NO. R-_____

**A RESOLUTION APPROVING CREDIT FOR PAST SERVICE
WITH ANOTHER INDIANA POLITICAL SUBDIVISION
FOR KUMAR G. MENON**

WHEREAS, Ordinance G15-92 and City of Fort Wayne Policy and Procedure Numbers 203 and 704 provides employees hired on or after April 2, 1992, may be granted credit for past service with another Indiana political subdivision for the purposes of determining eligibility for vacation leave upon the approval of the Mayor and the Common Council; and

WHEREAS, the City of Fort Wayne currently employs KUMAR G. MENON and desires to grant him credit for past service with:

The City of Indianapolis, Indiana

From: 10/09/2000 To: 12/31/2007; and

Health and Hospital Corporation, Marion County, Indiana

From: 05/24/1993 To: 08/02/2000

for the purpose of determining eligibility for vacation leave; and

WHEREAS, approval of the Common Council is necessary to allow KUMAR G. MENON credit for past service with another Indiana political subdivision.

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

SECTION 1. The Common Council of the City of Fort Wayne, Indiana, pursuant to

Ordinance G-15-92 and City of Fort Wayne Policy and Procedure Numbers 203 and 204, approves KUMAR G. MENON's credit for past service with another Indiana political subdivision:

The City of Indianapolis, Indiana

From: 10/09/2000 To: 12/31/2007; and

Health and Hospital Corporation, Marion County, Indiana

From: 05/24/1993 To: 08/02/2000

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

#1169

BILL NO. Z-09-04-22

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map Nos. H-34 and I-34 (Sec. 21 of Washington Township)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a CM2

(Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code

of the City of Fort Wayne, Indiana:

Part of the Northeast Quarter and the Northwest Quarter of Section 21, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter of said Section 21, thence North 90 degrees 00 minutes 00 seconds East (assumed bearing for the North line of said Northeast Quarter and is the basis of bearing in this description) along the North line of said Northeast Quarter, being within the right-of-way of Washington Center Road, 391.90 feet to Northeast corner of a 68.66 acres parcel (John H. Dehner, Inc.) Deed Book 686, page 433-34; thence South 00 degrees 21 minutes 17 seconds West along the East line of said Deed Book 686, page 433-34, 271.80 feet to a point; thence South 90 degrees 00 minutes 00 seconds West, 216.49 feet to a point; thence North 00 degrees 09 minutes 32 seconds East, 65.63 feet to a point; thence South 90 degrees 00 minutes 00 seconds West, 174.03 feet to a point on the West line of said Northeast Quarter; thence South 00 degrees 02 minutes 04 seconds West along said West line, 383.86 feet to a point; thence North 88 degrees 35 minutes 45 seconds West, 290.94 feet to a point; thence North 00 degrees 08 minutes 27 seconds East, 582.45 feet to a point on the North line of the Northwest Quarter of said Section 21; thence North 89 degrees 54 minutes 36 seconds East along said North line, being within the right-of-way of Washington Center Road, 289.78 feet to the Point of Beginning, containing 6.086 acres of land, more or less, subject to the legal right-of-way for Washington Center Road and Hatfield Road, subject to all Legal Drainage Easements for any legal open and/or drain tiles, being on or within 75 feet of the above described parcel, to all other easements, restrictions and rights affecting the above-describes parcel.

and the symbols of the City of Fort Wayne Zoning Map Nos. H-34 and I-34 (Sec. 21 of Washington Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1170

BILL NO. G-09-04-24

Plat Book: B
Page No: 73

GENERAL ORDINANCE NO. G-_____

**AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating public right-of-way.**

WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne, Indiana; and

WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing and approved said petition, as provided in I.C. 36-7-3-12.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

The 14 foot wide alley located north and adjacent to Lot 273 and south and adjacent to Lot 236 in Lewis Addition to the City of Fort Wayne, as recorded in Plat Book B, page 73 in the Office of the Recorder, Allen County, Indiana.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

BILL NO. R-09-04-29

RESOLUTION NO. R-

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FORT WAYNE, THE MAYOR, AND THE ALLEN COUNTY, INDIANA, BOARD OF COMMISSIONERS FOR THE CONVEYANCE OF WHEEL TAX AND SURTAX REVENUE.

WHEREAS, Indiana Code 36-1-7-9 provides for the City of Fort Wayne to enter into an Interlocal Cooperation Agreement with the executive of the county; and

WHEREAS, the County and City require additional revenue to construct, reconstruct, repair and maintain streets, roads, and bridges in their jurisdiction; and

WHEREAS, the agreement is contingent upon the County Council adopting an ordinance doubling the current Wheel Tax and Surtax rates for Allen County per Indiana Code 6-3.5-5-2(c) and Indiana Code 6-3.5-4-2(a); and

WHEREAS, commencing on or about January 10, 2010, City and County shall share the additional funds generated by the increase in the Wheel Tax and Surtax; and

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

SECTION 1. The Common Council of the City of Fort Wayne, Indiana, hereby ratifies and approves the Interlocal Cooperation Agreement between the City of Fort Wayne, and the Allen County, Indiana, Board of Commissioners for the conveyance of Wheel Tax and Surtax revenues. Said Interlocal Cooperation Agreement, is attached hereto and marked Exhibit "A" and made a part hereof.

SECTION 2. That this Resolution shall remain in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

AN ORDINANCE approving the awarding of the Purchase and Installations of a Computerized Maintenance Management System, (Infor EAM Business Edition v8.3) by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and GLOBAL SOLUTIONS (MICHIGAN), INC. for CITY UTILITIES.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That the Purchase and Installations of a Computerized Maintenance Management System, (Infor EAM Business Edition v8.3) between the City of Fort Wayne, by and through its Department of Purchasing and GLOBAL SOLUTIONS (MICHIGAN), INC. for CITY UTILITIES, respectfully for:

purchase and installation of a Computerized Maintenance Management System, (specifically, Infor EAM business Edition v8.3) for City Utilities Filtration Plant and Water Pollution Control Plant to track the maintenance history of plant equipment, along with the costs for associated maintenance;

involving a total cost of ONE HUNDRED TWENTY-FOUR THOUSAND, EIGHTY-SIX AND NO/100 DOLLARS - (\$124,086.00) all as more particularly set forth in the Contract for Purchase and Installations of a Computerized Maintenance Management System, (Infor EAM Business Edition v8.3) which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

