

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
JUNE 23, 2009**

FINANCE COMMITTEE

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

ACTION

S-09-06-10

**AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, approving the issuance by the Board of Park Commissioners of the City of Fort Wayne, Indiana, of Special Taxing District Refunding Bonds of the Park and Recreation District of the City of Fort Wayne, Indiana, and authorizing the use of certain revenues for the payment therefore
Total cost not to exceed \$3,500,000**

R-09-06-05

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3405 Meyer Road, Fort Wayne, Indiana 46803 (Essex Group, Inc.)

Total cost of \$845,743

To be passed this evening

R-09-06-06

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3405 Meyer Road, Fort Wayne, Indiana 46803 (Essex Group, Inc.)

PUBLIC HEARING - 7-14-09 - 5:30 P.M.

FINANCE COMMITTEE

CONTINUED

ACTION

R-09-06-07

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9809-9811 Dawson’s Creek Boulevard, Fort Wayne, Indiana 46825 (JJA Investments, LLC/Experienced Office Solutions)

Total cost of \$400,000

To be passed this evening

R-09-06-08

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9809-9811 Dawson’s Creek Boulevard, Fort Wayne, Indiana 46825 (JJA Investments, LLC/Experienced Office Solutions)

Total cost of \$400,000

Public Hearing 7-14-09 – 5:30 P.M.

R-09-06-13

A RESOLUTION approving the sale and purchase agreement for the property located at 200 East Berry Street

It is financially desirable to proceed with the purchase of the property located at 200 East Berry Street to provide the Fort Wayne Police Department and the City of Fort Wayne’s various departments with adequate operational facilities

REGULATIONS COMMITTEE

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

ACTION

R-09-06-11

A RESOLUTION initiating the creation of design standards within the City of Fort Wayne's Zoning Ordinance
This amendment will establish design standards for the CM5A- Central Downtown and CM5B - Downtown Edge Zoning Districts

G-09-06-12

AN ORDINANCE amending Chapter 37, Finance and Revenue of the Wayne Municipal Code of Ordinances that establishes preferences for Indiana Business for the purchases of goods and services by the City of Fort Wayne, Indiana as allowed under I.C. 5-22-15 et seq.

G-09-06-14

AN ORDINANCE amending Chapter 37 "Finance and Revenue" and Chapter 38 "Hiring of Consultants"; of the City of Fort Wayne, Indiana, Code of Ordinances

G-09-06-09

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way Right-of-way of Pearl Street, extending from Webster Street to Ewing Street

Public Hearing 7-14-09 -- 5:30 P.M.

PUBLIC WORKS COMMITTEE

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

ACTION

S-09-06-01

**AN ORDINANCE certifying and approving the expenditure of city funds for the Roadway Reconstruction and Widening of Wayne Trace from Oxford Street to McKee Street
Total cost of \$273,346**

S-09-06-03

**AN ORDINANCE approving construction contract #7229-2009, Resurfacing Package B-2009 between E&B Paving and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$859,660**

CITY UTILITIES COMMITTEE

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

ACTION

No Ordinances or Resolutions up for introduction

BILL NO. S-09-06-10

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVING THE ISSUANCE BY THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE, INDIANA, OF SPECIAL TAXING DISTRICT REFUNDING BONDS OF THE PARK AND RECREATION DISTRICT OF THE CITY OF FORT WAYNE, INDIANA, AND AUTHORIZING THE USE OF CERTAIN REVENUES FOR THE PAYMENT THEREFOR

WHEREAS, on June 25, 2009, the Board of Park Commissioners (the "Board") of the City of Fort Wayne, Indiana (the "City"), adopted a resolution entitled "A Resolution of the Board of Park Commissioners of the City of Fort Wayne, Indiana, to Provide Funds for the Refunding Prior to Maturity of Certain Outstanding Special Taxing District Bonds of the Park and Recreation District of the City of Fort Wayne, Indiana, Together with the Expenses Incidental Thereto, Including the Costs of Issuance of Such Refunding Bonds" (the "Resolution"); and

WHEREAS, the Resolution set forth, among other things, the Board's proposal, pursuant to Indiana Code 36-10-4 and Indiana Code 5-1-5, to issue special taxing district refunding bonds of the Park and Recreation District of the City of Fort Wayne, Indiana (the "District") in an aggregate principal amount not to exceed Three Million Five Hundred Thousand and 00/100 Dollars (\$3,500,000.00) (the "Bonds"), for the purpose of advance refunding outstanding bonds designated "City of Fort Wayne, Indiana, Park District Improvement Bonds of 1999" (the "Prior Bonds"), which are presently outstanding in an aggregate principal amount of Two Million Eight Hundred Seventy Thousand and 00/100 Dollars (\$2,870,000.00), together with expenses incidental thereto, including all expenses incurred in connection with or on account of the issuance of the bonds therefor; and

WHEREAS, the Board, at its meeting on June 25, 2009, adopted a bond resolution (the "Bond Resolution") authorizing the issuance and sale of the Bonds in an aggregate principal amount not to exceed Three Million Five Hundred Thousand and 00/100 Dollars (\$3,500,000.00) for the purpose of currently refunding the Prior Bonds, together with expenses incidental thereto, including all expenses incurred in connection with or on account of the issuance of the Bonds; and

WHEREAS, the Bond Resolution proposes that the Bonds be issued in a principal amount not to exceed Three Million Five Hundred Thousand and 00/100 Dollars (\$3,500,000.00), have a final maturity date of not later than July 1, 2019, and bear interest at a rate or rates not to exceed six percent (6.0%) per annum (the exact rate or rates to be determined by negotiation); and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana (the "Common Council"), now desires to approve the issuance of the Bonds and the maximum principal amount, term and interest rate thereof all pursuant to Indiana Code 36-10-4-35 and Indiana Code 5-1-5;

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

1. The Common Council hereby approves, in all respects, the issuance of the Bonds by the Board on behalf of the District in the maximum principal amount of Three Million Five Hundred Thousand and 00/100 Dollars (\$3,500,000.00), with a final maturity of not later than July 1, 2019, and with a maximum interest rate of six percent (6.0%) for the purpose of advance refunding the Prior Bonds to effect a savings to the District.

2. The Mayor and the Controller of the City are hereby authorized and directed to take all such further action or execute such agreements as are necessary or appropriate to effectuate this Ordinance and issuance of the Bonds.

3. The Common Council hereby authorizes the creation of any funds and accounts set forth in the Bond Resolution.

4. The Ordinance shall be in full force and effect from and after its passage and execution by the Mayor of the City.

Member of the Common Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

DECLARATORY RESOLUTION NO. R-_____

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 3405 Meyer
Road, Fort Wayne, Indiana 46803 (Essex Group,
Inc.)**

WHEREAS, Petitioner has duly filed its petition dated May 26, 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 create 45 full-time, permanent jobs for a total new, annual payroll of \$1,995,890, with the average new annual job salary being \$44,353; and

WHEREAS, the total estimated project cost is \$845,743; 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 logistical distribution 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 logistical distribution 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 logistical distribution equipment.

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

- (a) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.9286/\$100.
- (b) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.9286/\$100 (the change would be negligible).
- (c) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.9286/\$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 logistical distribution 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 3405 Meyer Road,
Fort Wayne, Indiana 46803 (Essex Group, 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 create 45 full-time, permanent jobs for a total new, annual payroll of \$1,995,890, with the average new annual job salary being \$44,353; and

WHEREAS, the total estimated project cost is \$845,743; 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 logistical distribution 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 logistical distribution 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 logistical distribution equipment.

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

- (a) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.9286/\$100.
- (b) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.9286/\$100 (the change would be negligible).
- (c) If the proposed new logistical distribution equipment is installed, and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.9286/\$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 logistical distribution 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 logistical distribution 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 logistical distribution 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-09-06-07

DECLARATORY RESOLUTION NO. R-_____

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9809-9811 Dawson's Creek Boulevard, Fort Wayne, Indiana 46825 (JJJA Investments, LLC/Experienced Office Solutions)

WHEREAS, Petitioner has duly filed its petition dated June 5, 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 create three full-time and one part-time, permanent jobs for a total new, annual payroll of \$145,000, with the average new annual job salary being \$36,250 and retain nine full-time, permanent jobs for a total current annual payroll of \$336,000, with the average current, annual job salary being \$37,333; and

WHEREAS, the total estimated project cost is \$400,000; 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 both a deduction of the assessed value of real estate and personal property for new information technology 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 redevelopment or rehabilitation and the estimate of the value of new information technology 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 redevelopment or rehabilitation and from the installation of new information technology equipment.

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

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.5511/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5511/\$100 (the change would be negligible).
- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.5511/\$100 (the change would be negligible).

- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.
- (e) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (f) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8800/\$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 real property shall be for a period of seven years, and the deduction from the assessed value of the new information technology equipment shall be for a period of seven 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 this 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 9809-9811 Dawson's Creek Boulevard, Fort Wayne, Indiana 46825 (JJJA Investments, LLC/Experienced Office Solutions)

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 create three full-time and one part-time, permanent jobs for a total additional annual payroll of \$145,000, with the average new annual job salary being \$36,250 and retain nine full-time, permanent jobs for a current annual payroll of \$336,000, with the average current annual job salary being \$37,333; and

WHEREAS, the total estimated project cost is \$400,000; and

WHEREAS, a recommendation has been received from the Committee on Finance concerning 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 real estate and personal property for new information technology 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 redevelopment or rehabilitation and estimate of the value of the new information technology 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 information technology equipment.

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

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.5511/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5511/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.5511/\$100 (the change would be negligible).
- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.
- (e) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (f) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).

SECTION 6. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of seven years,

and that the deduction from the assessed value of the new information technology equipment shall be for a period of seven years.

SECTION 7. 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 8. For new information technology 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. For real property, 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 in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 10. The performance report must contain the following information:

- A. The cost and description of real property improvements and/or new information technology 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 11. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 12. 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 this 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 13. 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

Carol Taylor, City Attorney

BILL NO. R-09-06-13

RESOLUTION NO. R-_____

**A RESOLUTION APPROVING THE SALE AND
PURCHASE AGREEMENT FOR THE PROPERTY
LOCATED AT 200 EAST BERRY STREET.**

WHEREAS, the City of Fort Wayne is committed to serving the public effectively and recognizes the need to save taxpayer dollars; and

WHEREAS, the need exists to relocate the City's Police Department to accommodate the department's needs and to better serve the residents of the City; and

WHEREAS, the current building occupied by the Fort Wayne Police Department is located at 1320 E. Creighton and the annual lease payments and annual maintenance costs now exceed \$600,000 annually; and

WHEREAS, the City entered into a lease for the police operations building in 1993 and said lease will expire on September 30, 2009; and

WHEREAS, space needs for the City's operations in the City-County building were also evaluated; and

WHEREAS, the existing lease for the City-County Building expires on December 31, 2010 without an option to renew; and

WHEREAS, it is in the best interests of the City and its citizens and it is deemed financially desirable to proceed with the acquisition, renovation, and improvement of the property located at 200 East Berry Street to provide the Fort Wayne Police Department and the City of Fort Wayne's various departments with adequate operational facilities; and

WHEREAS, the Sale and Purchase Agreement for the property located at 200 East Berry Street is submitted to the Common Council for approval.

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

SECTION 1. The Sale and Purchase Agreement for the property at 200 East Berry Street, attached hereto and marked Exhibit “A,” is hereby approved and ratified.

SECTION 2. That this Resolution shall be in 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

BILL NO. R-09-06-11

RESOLUTION NO. _____

**A RESOLUTION INITIATING THE CREATION
OF DESIGN STANDARDS WITHIN THE CITY
OF FORT WAYNE'S ZONING ORDINANCE.**

WHEREAS, the City of Fort Wayne, through its Common Council, desires the use of design standards within its zoning ordinance for the CM5A - Central Downtown and CM5B - Downtown Edge Districts and to implement the design based recommendations of the Plan-it Allen Comprehensive Plan, the Downtown BluePrint and BluePrint Plus Plans, and the Around the Square Sub Area Plan in order to: preserve and enhance the unique character of Downtown by maintaining the integrity of those areas that have special significance; encourage and protect public and private investments in the Downtown; encourage new development and redevelopment that is compatible with the character and pattern of existing downtown development; and provide design direction to property owners, developers, designers, and decision-makers; and

WHEREAS, the current version of the City of Fort Wayne's Zoning Ordinance does not have design standards within its text.

WHEREAS, I.C. 36-7-4-602(b)(1) allows any participating legislative body to initiate a proposal to amend the text of the zoning ordinance and require the Plan Commission to prepare the text amendment.

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

SECTION 1. To initiate the amending of the City of Fort Wayne's Zoning Ordinance text to include design standards and for the CM5A - Central Downtown and CM5B - Downtown Edge Districts and for the staff to the Plan Commission to prepare the text amendment for consideration by the Plan Commission and the Common Council for passage

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

General Ordinance No. G-_____

AN ORDINANCE AMENDING CHAPTER 37, FINANCE AND REVENUE OF THE FORT WAYNE MUNICIPAL CODE OF ORDINANCES THAT ESTABLISHES PREFERENCES FOR INDIANA BUSINESS FOR THE PURCHASES OF GOODS AND SERVICES BY THE CITY OF FORT WAYNE, INDIANA AS ALLOWED UNDER I.C. 5-22-15 *et seq.*

Whereas, the City of Fort Wayne is responsible to its citizens to do everything within its power to preserve and create jobs within the community; and

Whereas, the City of Fort Wayne is a major purchaser of goods and services in the northeast region of Indiana; and

Whereas, the City of Fort Wayne is geographically situated near certain neighboring states that give preferences to businesses when awarding contracts for good and services; and

Whereas, the City of Fort Wayne realizes significant tax and economic benefits when it purchases goods and services locally; and

Whereas, the Fort Wayne Common Council, as a governmental body, may establish rules for purchasing preferences through IC 5-22-15 *et seq.*; and

Whereas, there are regional economic development reasons as well as legitimate operational reasons for granting preference to Indiana businesses with regard to purchasing of goods and services.

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

SECTION 1. Chapter 37 of the Municipal Code of Ordinances is hereby amended to add Section 37.22 which section shall read as follows:

§ 37.22 PREFERENCE GIVEN TO INDIANA BUSINESSES BY AND THROUGH THE DEPARTMENT OF PURCHASING OF THE CITY OF FORT WAYNE, INDIANA

A. **Definitions.** This Ordinance shall be referred to as the Buy Local Ordinance, and except as specifically modified herein, the definitions as set forth in IC 5-22 *et seq.* shall be applicable hereto.

1. As used in this section an **“Indiana Business”** shall mean a business that is certified as an Indiana Business by the Indiana Department of Administration (IDO) and can provide proof of such certification pursuant to the disclosures required in Section 4(b) of this Ordinance.
2. An **“Out-of-State Business”** refers to a business that is not an Indiana Business.
3. The **“Purchasing Department”** as used in this section shall mean the person or entity which is considered to be the purchasing agent of the City of Fort Wayne.

B. **Buy Local Preference**

1. **Price Preference for Commodities/Supplies to Indiana Businesses.**

There shall be the following price preferences for commodities/supplies purchased by the City of Fort Wayne from an Indiana Business.

- (a) Five percent (5%) for a purchase expected by the City to be at least \$25,000 but less than \$500,000.
- (b) Three percent (3%) for a purchase expected by the City to be at least \$500,000 but less than \$1,000,000.
- (c) One percent (1%) for a purchase expected by the City to be at least \$1,000,000.
- (d) If the expected cost is less than \$25,000 then no preference shall be applicable.

2. **Buy Local Request for Proposals (RFP) Preference.** When the City of Fort Wayne utilizes an RFP method, Indiana Businesses shall be allocated as a preference five percent (5%) of all possible points which may be awarded under the RFP in determining who should receive the contract.

3. **When Preference is not Applicable.** Notwithstanding Item B.1., above, the City shall award a contract to the lowest responsive and responsible offeror regardless of the preference provided herein if;
 - (a) The offeror is an Indiana Business or

 - (b) The offeror is a business from a state bordering Indiana and the business's home state **does not** provide a preference to the home state's businesses more favorable than is provided by Indiana law to Indiana Businesses.

4. **Disclosures Required.** A business that desires to claim a preference provided under this Ordinance must do all of the following:
 - (a) State in the business's bid that the business claims a preference provided by this Ordinance.

 - (b) Provide the following information to the City of Fort Wayne Contract Compliance Office.
 - (i) Proof of Certification through the Indiana Department of Administration as an Indiana Business either by being placed on the IDOA web-published certification list or by obtaining a letter from the IDOA certifying the entity as an Indiana business.

5. **Preference Restrictions on Projects that Include Federal Funding.** Notwithstanding the foregoing provisions requiring preferences as to Indiana Businesses, said preferences shall not be applicable to contracts or projects

unless otherwise authorized under federal law when federal funds are being utilized in the funding of part or all of the contract or project.

- C. **State Law Applies and Controls.** This Buy Local Ordinance shall be construed to adopt preferences as set forth above in compliance with state law as codified in IC 5-22-15 *et seq.*, and it is intended that this Ordinance shall be consistent with all provisions of state law (except as to the definition of Indiana Business as noted herein). All other provisions contained in IC 5-22-15 *et seq.* or otherwise under Indiana Law, including but not limited to IC 5-22-15-10 with respect to computation of the preference in determining a low bidder, IC 5-22-15-12, the award of the contract, IC 5-22-15-20, rules relating to preferences to Indiana Businesses, shall remain applicable, and must be complied with in the enforcement and application of this Ordinance.
- D. **One Preference Limit.** An Indiana Business may not claim more than one preference as provided for herein throughout the course of a single bid or RFP process.
- E. **State/Federal/Purchasing Cooperative Contracts.** This Ordinance will not affect the City's ability to buy off of state, federal or purchasing cooperative contracts. This Ordinance will not affect joint buying with other governmental entities.
- F. **Certain Professional Services Excluded.** Regardless of the bid process utilized, the City of Fort Wayne may but is not required to apply any of the preferences as outlined in this Ordinance to contracts for "Professional Services" as that term is defined in I.C. 5-16-11.1-1.

SECTION 2. That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor, but shall expire, unless action is taken to extend it, three (3) years after it becomes effective.

Karen Goldner, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney

BILL NO. G-09-06-14

General Ordinance No. _____

**AN ORDINANCE AMENDING CHAPTER 37
“FINANCE AND REVENUE” AND CHAPTER 38
“HIRING OF CONSULTANTS”; OF THE CITY
OF FORT WAYNE, INDIANA, CODE OF ORDINANCES**

Whereas, The Fort Wayne Common Council is the determinative fiscal body for the City of Fort Wayne; and,

Whereas, The City of Fort Wayne must budget with a reduced revenue stream due to property tax caps enacted by the state Legislature; and,

Whereas, The Common Council is committed to being scrupulous financial stewards on behalf of the taxpaying citizens,

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

SECTION 1. That Chapter 37 of the Fort Wayne Code of Ordinances: “FINANCE AND REVENUE” SHALL BE AMENDED AS FOLLOWS:

DELETE SECTION §37.17 in its entirety and replace it with the following:

§ 37.17 APPROVAL OR RATIFICATION REQUIRED.

(A) Whenever the city, including any city-owned or -operated utility, makes any purchase, the contract for which purchase is not awarded to the lowest bidder, or is awarded to a single bidder, enters into any lease or executes a contract which exceeds \$100,000 per year for the purpose of providing services to the city or any city-owned or -operated utility, other than contracts for “Professional Services” as defined in subparagraph B of this §37.17 and consultants pursuant to §38.03 of this code, all such purchases and/or leases or such contracts shall be entered into with the prior approval or subsequent ratification by the Common Council of the city by ordinance or resolution duly

passed by the Common Council and approved by the Mayor. All such purchases and/or leases and such contracts entered into without such prior approval or subsequent ratification shall be null and void.

(B) Whenever the city, including any city-owned or -operated utility intends to enter into or otherwise execute a contract for “Professional Services” all such contracts shall receive the prior approval or subsequent ratification by Common Council of the City by ordinance or resolution duly passed by the Common Council and approved by the Mayor. All such “Professional Services” contracts entered into without such prior approval or subsequent ratification shall be null and void.

For the purposes of this Section, “Professional Services” shall mean service provided by any person, firm, or entity as a lobbyist, licensed architect, professional engineer, land surveyor, urban planner, design consultant/engineer, computer/IT consultant/specialist or consultant as defined in §38.03 of the Fort Wayne Code of Ordinances.

SECTION 2. That Chapter 38 of the Fort Wayne Code of Ordinances: “HIRING OF CONSULTANTS” SHALL BE AMENDED AS FOLLOWS:

DELETE SECTION §38.03 in its entirety and replace it with the following:

§38.03 HIRING OF CONSULTANTS.

(A) Pursuant to IC 36-1-3-4 (b) and 36-4-6-18 there is hereby adopted this section prescribing an exclusive manner for exercising power of contracting with employment of consultants by the city, either in the exercise of its civil governmental function or in the exercise of its power over any city-owned and/or operated utilities.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CONSULTANT(S). Any person, firm and entity who executes a contract with the city or any of the city utilities for the purposes of providing professional or expert or technical advice to the city or any of its utilities.

EMERGENCY. An extraordinary situation or condition, whether caused by nature or otherwise, that would require an unusually high provision of governmental services or that would disrupt or interfere or threaten to disrupt or interfere with the prompt and proper provision of governmental services and/or protection of the general public.

(C) (1) All contracts and/or contractual arrangements to employ or utilize the services of a consultant or consultants with the city, either for civil, governmental or utility purposes shall be approved by the Mayor or Board of Works and Safety of the city. Prior to the Mayor's or the board of works and safety's execution of the contracts and/or contractual arrangements, the Common Council shall certify and approve, by ordinance, the need for the services of a consultant or consultants in accord with §37.17(B). (2) All such contracts or agreements with a consultant(s), hereafter entered into without such prior approval by the Common Council, shall be null and void.

(3) In case of emergency only may the city enter into a contract or agreement for the hiring and employment of consultants without the necessity of prior approval by the Common Council.

(D) If any questions arise as to terms of any contracts for the employment of consultants by the city the City Controller or his/her representative or designee shall meet and confer with the Common Council for the purposes of answering any and all such questions.

SECTION 3. That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Liz Brown, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney

#1178

BILL NO. G-09-06-09

Plat Book: 2
Page No.: 40

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:

Part of Ewing's Addition as recorded in Plat Book 2, page 40 as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of Lot 1, Block 19, in Ewing's Addition as recorded in Plat Book 2, page 40 as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, said point being the intersection of the South right-of-way line of Pearl Street and the West right-of-way line of Webster Street; thence South 80 degrees 00 minutes West (assumed bearing and basis for the description) along the South right-of-way line of Pearl Street and the North line of Block 12 and 13, a distance of 430.0 feet to the intersection of the South right-of-way line of Pearl Street and the East right-of-way line of Ewing Street; thence North 39 degrees 30 minutes 49 seconds West along the East right-of-way line of Ewing Street a distance of 68.95 feet to a point on the North right-of-way line of Pearl Street, said point being on the South line of Block 8; thence North 80 degrees 00 minutes East along the North right-of-way of Pearl Street and the South line of Block 8 and 9 a distance of 464.0 feet to the Southeast corner of Lot 1, Block 9; thence South 09 degrees 58 minutes East along the West right-of-way line of Webster Street extended North, a distance of 60.0 feet to the Point of Beginning containing 00.616 acres.

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. S-09-06-01

SPECIAL ORDINANCE NO. _____

**AN ORDINANCE CERTIFYING AND APPROVING
THE EXPENDITURE OF CITY FUNDS FOR THE
ROADWAY RECONSTRUCTION AND WIDENING OF
WAYNE TRACE FROM OXFORD STREET TO
MCKEE STREET**

WHEREAS, The City of Fort Wayne through its Board of Public Works, desires to implement roadway improvements planned for the Wayne Trace Reconstruction and Widening Project; and

WHEREAS, the Indiana Department of Transportation has bid and approved a contract for the construction of roadway improvements for Wayne Trace; and

WHEREAS, the City's 20% share of funding for construction of roadway improvements for Wayne Trace, will be TWO HUNDRED SEVENTY-THREE THOUSAND, THREE HUNDRED FORTY-SIX AND NO/100 DOLLARS – (\$273,346.00).

WHEREAS, Prior Approval has been requested from Common Council on June 9, 2009.

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

SECTION 1. The Common Council of the City of Fort Wayne hereby certified and approves the expenditure of City funds for construction of roadway improvements for Wayne Trace.

SECTION 2. 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

AN ORDINANCE approving CONSTRUCTION CONTRACT #7229-2009, RESURFACING PACKAGE B-2009 between E&B PAVING and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the CONSTRUCTION CONTRACT #7229-2009, RESURFACING PACKAGE B-2009 by and between E&B PAVING and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for RESURFACING PACKAGE B-2009 - RESOLUTION NO. 7229-09 - WORK ORDER 12115:

involving a total cost of EIGHT HUNDRED FIFTY-NINE THOUSAND, SIX HUNDRED SIXTY AND NO/100 DOLLARS - (\$859,660.00).

SECTION 2. Prior Approval has been requested from Common Council on JUNE 9, 2009. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. 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

