

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
September 22, 2009**

FINANCE COMMITTEE

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

ACTION

A-09-09-30

AN ORDINANCE appropriating monies for the purpose of defraying the expenses of the several departments of the City Government of the City of Fort Wayne, Indiana, for the fiscal year beginning January 1, 2010, and ending December 31, 2010, including all outstanding claims and obligations and fixing a time when the same shall take effect

BUDGET ORDINANCE FOR YEAR 2010

PUBLIC HEARING 10-6-09

S-09-09-29

AN ORDINANCE fixing the compensation of elected officials for the City of Fort Wayne, Indiana, for the year 2010

**SALARY ORDINANCE FOR ELECTED
OFFICIALS FOR YEAR 2010**

S-09-09-27

AN ORDINANCE fixing the salaries of each and every appointed officer, employee, deputy assistant, departmental and institutional head of the Civil City and City Utilities of the City for the year 2010

SALARY ORDINANCE FOR YEAR 2010

FINANCE COMMITTEE CONTINUED

ACTION

S-09-09-28

AN ORDINANCE fixing the salaries of all members of the Division of Public Safety of the City of Fort Wayne, Indiana for the year 2010

SALARY ORDINANCE FOR PUBLIC SAFETY FOR YEAR 2010

S-09-09-26

**AN ORDINANCE approving the awarding of ITB #2429 – Purchase of Trees by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Shade Trees Unlimited for the Parks and Recreation Department
Total cost of \$164,897**

R-09-09-21

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 6030 Huguenard Road, Fort Wayne, Indiana 46818 (JH Specialty, Inc./Hilltrans, LLC)
Total cost of \$870,000 – 30 full time jobs and 12 part time Will created as a result of this project**

TO BE PASSED THIS EVENING

R-09-09-22

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 6030 Huguenard Road, Fort Wayne, Indiana 46818 (JH Specialty, Inc./Hilltrans, LLC)

PUBLIC HEARING – 10-6-09 – 5:30 P.M.

FINANCE COMMITTEE

CONTINUED

ACTION

R-09-09-23

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9823 Ardmore Avenue, Fort Wayne, Indiana, 46809 (Quoin Enterprises, LLC d/b/a Fort Wayne Metals Research Products Corporation) and approving combined reporting of personal property deductions and transfer of manufacturing equipment

**Total cost of \$2,800,000 – ten full time and ten part time
Will be created**

TO BE PASSED THIS EVENING

R-09-09-24

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9823 Ardmore Avenue, Fort Wayne, Indiana, 46809 (Quoin Enterprises, LLC db/a Fort Wayne Metals Research Products Corporation) and approving combined reporting of personal property deductions and transfer of manufacturing equipment

PUBLIC HEARING 10-6-09 -- 5:30 P.M.

S-09-09-20

AN ORDINANCE of the City of Fort Wayne, Indiana, Common Council approving and authorizing the execution of a lease for the acquisition, Renovation and Equipping of a building located at 200 East Berry Street, pledging certain revenues to the payment of rentals therefor, authorizing the issuance of bonds for such purposes, and regarding certain related matters

S-09-09-25

AN ORDINANCE of the City of Fort Wayne, Indiana, Common Council regarding the designation of the City as a “Recovery Zone” for purposes of sections 1400U-1, 1400U-2, and 1400U-3 of the Internal Revenue Code of 1986, As Amended

REGULATIONS COMMITTEE

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

Action

No Ordinances or Resolutions up for introduction

PUBLIC WORKS COMMITTEE

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

S-09-09-35

AN ORDINANCE approving the contract for Garbage and Recycling Service between Earth First, LLC, and the City of Fort Wayne, in connection with the Board of Public Works

Contract price is:

Garbage Collection

\$77.38/per ton

Recycling Collection

\$ 1.56/per

OCCUPIED UNIT

CITY UTILITIES COMMITTEE

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

ACTION

S-09-09-32

AN ORDINANCE approving construction contract #2235-2009, Woodrow-Vance Partial Sewer Separation between All Star Construction and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$1,758,964.94

S-09-09-33

AN ORDINANCE approving construction contract #2184-2009, Penn Avenue Partial Sewer Separation, W.O. #75384 between All Star Construction and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$155,492.04

S-09-09-31

AN ORDINANCE approving construction contract #2233-2009, General Cipp 2009, Package #2, W.O. #75415 between Miller Pipeline Corporation and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$825,908

BILL NO. A-09-09-30

APPROPRIATION ORDINANCE NO. A-_____

AN ORDINANCE APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE SEVERAL DEPARTMENTS OF THE CITY GOVERNMENT OF THE CITY OF FORT WAYNE, INDIANA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010, INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT.

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

SECTION 1. That for the expenses of the City Government and its institutions for the year ending December 31, 2010, the sums of money shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided by law. In addition, for the purpose of raising revenue to meet the necessary expenses of City Government, tax rates are shown on Budget Form 4-B and included herein. Form 4-A and 4-B for all funds and departments for fiscal 2010 are incorporated herein by reference. Two (2) copies of fiscal 2010 Form 4-A and Form 4-B are on file and available for public inspection in the office of the Clerk of the City of Fort Wayne, as required by I.C. 36-1-5-4.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Common Council, and any and all necessary approval by the Mayor, legal publication thereof, and is subject to the laws of the State of Indiana governing appropriations.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

DIGEST SHEET

TITLE OF ORDINANCE APPROPRIATION _____

DEPARTMENT REQUESTING ORDINANCE CONTROLLER'S OFFICE

SYNOPSIS OF ORDINANCE FIXES RATE OF TAXATION FOR 2010 BUDGET YEAR
AND MAKES APPROPRIATIONS FOR THE ESTIMATED CITY DEPARTMENT
BUDGETS AND OTHER CITY PURPOSES DURING THE 2010 BUDGET YEAR.

EFFECT OF PASSAGE SETS NEW TAX RATE AND MAKES NEW
APPROPRIATIONS FOR 2010. _____

EFFECT OF NON-PASSAGE NO MONEY FOR 2010 CITY BUDGET _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. S-09-09-29

SPECIAL ORDINANCE NO. S-_____

**AN ORDINANCE fixing the compensation of
elected officials for the City of Fort Wayne,
Indiana, for the year 2010.**

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, is required to pass

an ordinance fixing the salaries of elected officials in accordance with I.C. 36-4-7-2;

WHEREAS, this Ordinance applies to all elected officials of the City of Fort Wayne,

Indiana, to wit: The Mayor; all members of the Common Council; and the City

Clerk; and

WHEREAS, this Ordinance has been published in accordance with I.C. 5-3-1-2, et seq.,

with the first publication having been at least thirty (30) days before final passage by

Common Council.

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

SECTION 1. That the following salaries are hereby fixed for the year 2010 with respect to

the City's elected officials:

THE MAYOR	\$127,336.00
COMMON COUNCIL MEMBERS	\$ 22,061.00
CITY CLERK	\$ 75,671.00

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

BILL NO. S-09-09-27

SPECIAL ORDINANCE NO. S-_____

**AN ORDINANCE fixing the salaries of
each and every appointed officer,
employee, deputy assistant, departmental
and institutional head of the Civil
City and City Utilities of the City for the year 2010**

WHEREAS, the Mayor and the Common Council of the City of Fort Wayne, Indiana, have according to the powers outlined in IC 36-4-7-3 and IC 36-8-3-3(d) assigned to each employee of the Civil City of Fort Wayne and of City Utilities of Fort Wayne a Job Class under the City Classification System established by Bill No. R-96-09-04 Resolution No. R-52-96, which Job Class should accurately reflect the duties and responsibilities of said employees, and

WHEREAS, the Mayor of the City of Fort Wayne has recommended a maximum salary level for each Job Class should accurately reflect the duties and responsibilities of said employees, and

WHEREAS, the Clerk of the City of Fort Wayne, the Park Department Board and the Metropolitan Human Relations Commission have recommended Job Class designations for positions within their respective jurisdictions, and

WHEREAS, the Common Council must assure that salaries reflect the duties and responsibilities assigned to each employee, and to be certain that such salaries are fair and equitable and

WHEREAS, the funds of such salaries are to be provided for the 2010 City Budget and from City Utilities

operating funds and other sources as may be specified by Common Council.

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

SECTION 1. That all employees of the Civil City of Fort Wayne and of City Utilities, shall be classified by the departments and titles and Job Class herein designated, and that no changes be made in any Job Class without the specific approval of the Common Council except for those brought about by collective bargaining with authorized representatives of Civil City or City Utilities employees in accordance with the existing collective bargaining agreements.

SECTION 2. That the following Grid is hereby fixed and authorized as a scale for approved Job Class. Consistent with our compensation philosophy, it is the City's objective that no employee shall be paid below the minimum and the maximum should not be exceeded, except for approved shift differentials, approved longevity pay, approved overtime pay, approved technical skill pay, approved clothing allowance, approved previously accrued vacation payoff, sick time, FLSA earned compensatory time, approved car allowance or approved productivity and gain sharing bonuses.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF IN ITS ENTIRETY

This Grid, as reflected on Exhibit "A", is an attempt to maintain an orderly, consistent and competitive pay policy that includes a "bonus" program for superior performance and a "Grid System" that represents the actual market range for the Non-Union positions within City Government and its Utilities. Any general increase to the Grid shall only

occur should the actual market range for a Job Class increase considerably.

SECTION 3. The following is a true and complete listing of all Civil City and City Utilities non-bargaining unit positions by Department, Position Title, and Job Class. It does not include those positions which are specified as part of a bargaining unit having a written economic agreement with the City or Utilities negotiated by the Director of Human Resources and approved by the Common Council.

DIVISION/DEPARTMENT
TITLE

GRID CLASSIFICATION

City Clerk

	COMOT	III	ADMINISTRATIVE ASSISTANT III
	PAT	IV	ASSISTANT DEPUTY
	UC		COUNCIL ATTORNEY
	PAT	V	DEPUTY CLERK
ADMIN		PAT	IV LEGISLATIVE AFFAIR
SPECIALIST		COMOT	IV VIOLATIONS BUREAU
	COMOT	IV	VIOLATIONS COURT ADMIN

HEADCOUNT:

Property Tax Supported

18

Appropriated 18

Parking Administration

	PAT	V	PARKING CONTROL SUPERVISOR
	PAT	V	PARKING CONTROL ASST SUPV

HEADCOUNT:

Parking

Administration Fund 8

Appropriated 8

City Utilities

	EXE	I	ASSOCIATE CITY ATTORNEY
	PAT	VII	ASSOCIATE DIR OF
ENGINEERING	PAT	V	BILLING SYSTEM MANAGER

PAT	IV	CMMS ADMINISTRATOR
LTC	VII	CONSTRUCTION SUPERVISOR
PAT	V	CUSTOMER REL MANAGER
EXE	I	DEPUTY DIRECTOR
EXE	III	DIRECTOR

DIVISION/DEPARTMENT GRID CLASSIFICATION TITLE
City Utilities - Continued

	PAT	VII	DIRECTOR OF FINANCE
	PAT	VII	MANAGER OF ENGINEERING
	PAT	V	MANAGER V
	PAT	V	PROGRAM MANAGER V
	PAT	VI	PROGRAM MANAGER VI
	PAT	IV	PROGRAM MANAGER IV
	PAT	VII	PROGRAM MANAGER VII
	PAT	III	ASST PROGRAM MANAGER III
	PAT	IV	ASST PROGRAM MANAGER IV
	PAT	V	PUBLIC INFORMATION
OFFICER			
	EXE	I	SUPERINTENDANT
	PAT	VI	SUPERVISOR VI
	LTC	VI	SUPERVISOR VI
			LTC
VII			SUPERVISOR VII
	COMOT	VII	SUPERVISOR VII
			LTC
VIII			SUPERVISOR VIII
	PAT	VI	UTILITY SERVICES MGR

Community Development

	PAT	IV	ACCOUNTANT IV
	COMOT	III	ADMINISTRATIVE ASSISTANT
III			
	COMOT	IV	ADMINISTRATIVE ASSISTANT IV
	COMOT	V	ADMINISTRATIVE ASSISTANT
V			
	COMOT	VI	ADMINISTRATIVE ASSISTANT
VI			
	PAT	VI	CD ADMINISTRATOR
	PAT	V	CD MANAGER V
	PAT	VI	CD MANAGER VI
	PAT	III	CD SPECIALIST III
	PAT	IV	CD SPECIALIST IV
	PAT	IV	HISPANIC & IMMIGRANT
LIAISON			
	EXE	I	DEPUTY DIRECTOR
			PAT
VII			DIRECTOR OF FINANCE
	EXE	III	DIRECTOR
	PAT	VII	DIRECTOR OF NCE
	POLE	V	FIELD SUPERVISOR
	PAT	IV	LEGAL ASSISTANT
	PAT	V	OFFICE SUPERVISOR

HEADCOUNT:

Property Tax Supported

47.5

Appropriated 47.5

Grant 18.5

			<u>Redevelopment</u>	
V	COMOT	V		ADMINISTRATIVE ASSISTANT
	PAT	VI		CD ADMINISTRATOR
	PAT	V		CD MANAGER V
	PAT	IV		CD SPECIALIST IV

HEADCOUNT:

Property Tax Supported

7

Appropriated 7

Grant 3

Finance and Administration

	PAT	IV		ACCOUNTANT IV
	PAT	V		ACCOUNTANT V
	COMOT	IV		ACCOUNTING CLERK
IV	COMOT	IV		ADMINISTRATIVE ASSISTANT
	COMOT	VI		ADMINISTRATIVE ASSISTANT
VI	COMOT	III		ADMINISTRATIVE ASSISTANT
III	COMOT	IV		BID SPECIALIST/BUYER

DIVISION/DEPARTMENT GRID CLASSIFICATION TITLE

Finance and Administration - Continued

				EXE
II			CHIEF INFORMATION OFFICER	
	EXE	III	CITY CONTROLLER	
	EXE	I	DEPUTY CONTROLLER	
	PAT	VII	DEPUTY DIRECTOR	
	PAT	VII	DIRECTOR PURCHASING SVCS	
	PAT	VII	DIRECTOR OF HR	
	COMOT	IV	INFORMATION SPEC/SUPPORT	
	PAT	VI	LABOR RELATIONS MANAGER	
	PAT	V	PAYROLL COORDINATOR	
	PAT	VI	PAYROLL MANAGER	
	PAT	IV	PAYROLL PRACTITIONER IV	
	PAT	III	PAYROLL PRACTITIONER III	
	PAT	VI	PDQ MANAGER	
	PAT	IV	PDQ COORDINATOR	
	PAT	VI	PROPERTY MANAGER	
	PAT	V	PURCHASING SUPERVISOR	
	PAT	VI	SENIOR ACCOUNTANT/ANALYST	
	COMOT	VI	SENIOR BUYER	
	PAT	VI	STAFF & RECRUIT MANAGER	
	COMOT	V	STAFF & RECRUIT SPECIALIST	
	PAT	IV	STAFF&RECRUIT COORDINATOR	

PAT	V	WEBMASTER
PAT	V	COMPLIANCE ADMINISTRATOR
PAT	IV	COMPLIANCE OFFICER

HEADCOUNT:

Property Tax Supported

36

Appropriated 36

Benefits

	PAT	VI	BENEFITS & COMM MANAGER
COORDINATOR	PAT	IV	BENEFITS & WELL

HEADCOUNT:

Self

Insurance Fund 2

Appropriated 2

Risk Management

	COMOT	IV	ADMINISTRATIVE ASSISTANT
IV	PAT	VI	RISK MANAGER
	PAT	IV	RISK MANAGEMENT SPECIALIST
	PAT	V	SAFETY CLAIMS/INVESTIGATOR

HEADCOUNT:

Self

Insurance Fund 5

Appropriated 5

Mayor's Office

	COMOT	IV	ADMINISTRATIVE ASSISTANT
IV			
	COMOT	VI	ADMINISTRATIVE ASSISTANT
VI			
	PAT	III	CITY SERVICES SPECIALIST
	EXE	III	DEPUTY MAYOR
			PAT
VII			DIRECTOR OF PUBLIC INFO
	COMOT	VI	EXECUTIVE ASSISTANT
	PAT	V	LEGIS & BUSINESS LIASION
	PAT	IV	MAYORS ADVOCATE
	PAT	V	PUBLIC INFORMATION OFFICER

HEADCOUNT:

Property Tax Supported

19

Appropriated 19

DIVISION/DEPARTMENT GRID CLASSIFICATION TITLE

Internal Audit

PAT VI DIRECTOR
PAT V STAFF AUDITOR

HEADCOUNT:

Property Tax Supported

3

Appropriated 3

Law Department

VI COMOT VI ADMINISTRATIVE ASSISTANT
EXE I ASSOCIATE CITY ATTORNEY
EXE III CITY ATTORNEY

HEADCOUNT:

Property Tax Supported 4

Appropriated 4

Metro Human Relation Commission

IV COMOT IV ADMINISTRATIVE ASSISTANT
III COMOT III ADMINISTRATIVE ASSISTANT
EXE I EXECUTIVE DIRECTOR
COMOT VI INVESTIGATOR
PAT V LEAD INVESTIGATOR
PAT VI LEGAL COUNSEL

HEADCOUNT:

Property Tax Supported

9.05

Appropriated 9.05

Grant 2.95

Parks and Recreation

III COMOT III ADMINISTRATIVE ASSISTANT
IV COMOT IV ADMINISTRATIVE ASSISTANT
COMOT V ADMINISTRATIVE ASSISTANT V
LTC V ASSISTANT GOLF SUPT
PAT VI ASSISTANT SUPERVISOR
EXE I DEPUTY DIRECTOR

EXE	III	DIRECTOR
UC		GOLF COURSE PRO/MANAGER
LTC	VI	GOLF GREEN SUPT
PAT	VI	LANDSCAPE ARCHITECT
PAT	IV	MANAGER IV
PAT	V	MANAGER V
PAT	VI	MANAGER VI
PAT	III	OUTDOOR RECREATION COORD
PAT	III	PROGRAM FACILITY COORD
PAT	IV	PROJECT MGMT TECHNICIAN
EXE	I	SUPERINTENDENT
PAT	IV	SUPERVISOR IV
PAT	V	SUPERVISOR V
PAT	VI	SUPERVISOR VI
LTC	VI	SUPERVISOR VI
PAT	V	PUBLIC INFORMATION OFFICER

HEADCOUNT:
Property Tax Supported 117
Appropriated

117

Other 6

DIVISION/DEPARTMENT GRID CLASSIFICATION TITLE

Public Works

	PAT	IV	ACCOUNTANT IV
	COMOT	IV	ADMINISTRATIVE ASSISTANT
IV			
	COMOT	V	ADMINISTRATIVE ASSISTANT V
	COMOT	VI	ADMINISTRATIVE ASSISTANT
VI			
	COMOT	V	CLERK TO BOARD
	EXE	III	DIRECTOR
	PAT	VII	DIRECTOR TRANS ADMIN SUPP
	PAT	VI	FLOOD CONTROL MANAGER
	PAT	V	FLOOD MAINTENANCE MANAGER
	PAT	VI	GREENWAY MANAGER
	LTC	VI	LIGHTING FOREMAN
	LTC	VII	SUPV STREET LIGHT WHSE

HEADCOUNT:
Property Tax Supported

42

Appropriated 42

Energy & Environmental Services

PAT	VII	MANAGER
PAT	V	PROGRAM MANAGER V

HEADCOUNT:

Energy & Environmental Services Fund 3

Appropriated 3

			<u>Fleet Management</u>
	COMOT	IV	ADMINISTRATIVE ASSISTANT
IV			
	PAT	VI	DIRECTOR
		PAT	
ANALYST	IV		FLEET SYSTEM

HEADCOUNT:

Central Garage Fund 3

Appropriated 3

			<u>Street Project Management</u>
	PAT	VII	ASSISTANT CITY ENGINEER
	EXE	II	CITY ENGINEER
	PAT	VI	MANAGER VI

HEADCOUNT:

Motor Vehicle Highway Fund

(MVH) 12

Appropriated 11

			<u>Street Department</u>
	COMO	IV	ADMINISTRATIVE ASSISTANT
IV			
	LTC	VIII	ASST STREET COMMISSIONER
	EXE	I	DIR TRANSPORTATION OPS
	LTC	VI	GENERAL FOREMAN

HEADCOUNT:

Motor Vehicle Highway Fund

(MVH) 106

Appropriated 95

DIVISION/DEPARTMENT GRID CLASSIFICATION TITLE

			<u>Traffic Engineering</u>
	COMOT	IV	ADMINISTRATIVE ASSISTANT
IV			
	PAT	VI	ASSISTANT TRAFFIC ENGINEER
	PAT	VII	DIRECTOR TRAFFIOPERATIONS
	LTC	VI	SIGN & MARK FOREMAN
	LTC	VII	SIGN & MARKING SUPERVISOR
	LTC	VI	SIGNAL FOREMAN

PAT	VII	TRAFFIC ENGINEER
LTC	VIII	TRAFFIC OPS SUPERVISOR

HEADCOUNT:

Local Road & Street Fund

(LR&S) 31

Appropriated 31

PART-TIME/SEASONAL/TEMPORARY POSITIONS

City Clerk

	COMOT	III	ADMINISTRATIVE ASSISTANT
III			

HEADCOUNT:

Property

Tax Supported .5

Appropriated .5
City Utilities

COMOT	III	CUSTOMER RELATIONS REP
COMOT	I	INTERN/SEASONAL

Community Development

COMOT	I	INTERN/SEASONAL
COMOT	I	WEED PRG INSPECTOR

Finance and Administration

COMOT	I	INTERN/SEASONAL
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Mayor's Office

COMOT	I	I NTERN/SEASONAL
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Metro Human Relation Commission

COMOT	I	INTERN/SEASONAL
COMOT	VI	INVESTIGATOR

Parks and Recreation

COMOT	I	AQUATIC CENTER MGR
COMOT	I	AQUATIC SUPERVISOR
COMOT	I	ASSIST GOLF PRO MGR
COMOT	I	BASKETBALL PRG COORD
COMOT	I	BASKETBALL SITE SUPV
COMOT	I	BASKETBALL STAFF
PAT	I	CAMP ASST SUPERVISOR
		LTC

I

		CAMP BEFORE/AFT CARE
LTC	I	CAMP COUNSELORS
PAT	I	CAMP SUPERVISOR
COMOT	II	CLERICAL II
COMOT	I	CONSERV DAY CAMP AIDE
COMOT	I	CONSERV DAY CAMP COUNS
LTC	I	GOLF ASST GREEN SUPT
COMOT	I	GOLF CASHIER/STARTER
LTC	I	GOLF COURSE MAINT
COMOT	I	HURSHTOWN ATTENDANT
COMOT	I	HURSHTOWN SUPERVISOR

COMOT	II	INTERN
COMOT	I	INTERN/SEASONAL
LTC	I	LIFEGUARD
COMOT	I	LIFETIME SPTS ACD COORD
LTC	I	LINDENWOOD STAFF

PART-TIME/SEASONAL/TEMPORARY POSITIONS - continued

DIVISION/DEPARTMENT GRID CLASSIFICATION TITLE
Parks and Recreation - Continued

	LTC	I	MAINTENANCE-SEASONAL
	PAT	IV	MANAGER IV
	LTC	I	NATURALIST
			PAT I OUTDOOR EDU
COORD			
	COMOT	I	PLAYGROUND LEADER
	COMOT	I	PLAYGROUND STA
	PAT	I	PLAYGROUND SUPV
	COMOT	I	POOL STAFF (NON-CERT)
	COMOT	I	POOL-HEAD LIFEGUARD
	COMOT	I	PRESCH/YTH SPRT COOR
	COMOT	I	PRESCHOOL/YOUTHSTAFF
	COMOT	I	RECREATION CTR LDR
	COMOT	II	RECREATION LDR
	COMOT	I	RECREATION SITE SUPV
	COMOT	II	RECREATIONSPECIALIST
	COMOT	I	SPECIAL EVENTS COORD
	COMOT	I	SALOMON FARM SUPT
	COMOT	I	SALOMON FARM ATTENDT
	PAT	I	SUPV/NATURALIST
	LTC	I	TENNIS INSTRUCTOR
	COMOT	I	TENNIS PROGRAM COORD
	PAT	II	THEATER MANAGER
	LTC	I	THEATRE ASST SUPV
	LTC	I	THEATRE ATTENDANT
	PAT	I	THEATRE SUPERVISOR
	LTC	I	THEATRE TECHNICIAN
	COMOT	II	WEEKEND/EVE RECP

Public Works

	COMOT	IV	ADMINISTRATIVE ASSISTANT
IV	COMOT	I	INTERN/SEASONAL

HEADCOUNT:

Property Tax Supported

.5

Appropriated .5

Energy & Environmental Services

COMOT	I
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INTERN/SEASONAL

Street Department

I
LABORER

LTC
LEAF PICK-UP

Traffic Engineering

I

COMOT

LTC	I	SIGN DIVISION HELPER
LTC	I	SIGNAL DIV HELPER

SECTION. 4. Pursuant to State Statute economic conditions must be approved by the Common Council. Such economic conditions include, but are not limited to, base pay and monetary fringe benefits. These matters will be negotiated by and between the City and the appropriate bargaining unit for the year 2010. Upon conclusion of such negotiations the appropriate Ordinances shall be submitted to the Common Council for approval.

SECTION 5. Moving Expenses for new employees moving into Allen County may be reimbursed up to a maximum of \$5,000 with the approval of the Human Resources Director. The new employee shall pay for all expenses up front and will present receipts for reimbursement.

SECTION 6. In addition to the compensation for positions listed herein the City shall contribute 3% of employees' salary to the Public Employees Retirement Fund (PERF).

SECTION 7. That, in addition to the compensation provided for herein: The City of Fort Wayne Law Department shall receive not more than \$6,500 for services performed in connection with the operations of the municipally owned utilities pursuant to I.C. 36-4-74 which additional compensation shall be paid from the revenues of the appropriate utility or function. The City of Fort Wayne

Law Department shall also receive an additional sum not to exceed \$13,000 for services provided in connection with the City Self-Insurance Program involving matters not in litigation.

That, in addition, the following legal services are recognized as extraordinary services and shall entitle the City of Fort Wayne Law Department performing such services to charge respective departments additional compensation at the rate of 120% of the hourly compensation of the classified City Attorney or Associate City Attorney performing such services, or such other appropriate compensation as determined by the Board of Public Works:

- A.) Bond issues and related financial matters, including Bond issues related to the Economic Development Commission where the fees for said issues is paid by the Bond applicant.
- B.) Annexation litigation following the filing of a remonstrance.
- C.) Condemnation litigation following the filing of exceptions to the appraisers' report.
- D.) All matters relating to defense of claims against the Fort Wayne Police Department following the filing of a complaint.
- E.) All matters involving a challenge to the constitutionality of any act or omission by the City or one of its employees following the filing of a complaint in court.
- F.) All matters relating to intervention in utility rate cases following the filing of a petition of a petition to intervene, or other appearances before the Indiana Utility Regulatory Commission (I.U.R.C).

G.) All matters relating to litigation where the amount in controversy exceeds \$50,000, following the filing of a complaint in court.

H.) All matters relating to litigation where any recovery against the City or its employees would be paid from the City's Self-Insurance Fund.

I.) All matters involving collective bargaining arbitration.

J.) Matters relating to the Fort Wayne Redevelopment Commission covered by a separate contract.

Any and all payments to be made hereunder for extraordinary services shall be subject to the final approval by the City Controller. Nothing in this agreement shall prevent the use of other attorneys or firms to perform extraordinary services, subject, however, to the provisions of I.C. 36-4-9-12.

SECTION 8.

From and after the first day of January, 2010 all appointed officers, employees, deputies, assistants, departmental and institutional heads of the Civil City and City Utilities will be paid according to this, the above and following provisions of this ordinance, subject to budgetary limitations, collective bargaining agreements, future changes or amendments enacted by Common Council.

SECTION 9. Nothing in this Salary Ordinance shall limit the capacity of Utility Management at the Filtration Plant to participate in the Gain Sharing Plan under the Memorandum of Understanding approved by Common Council under Ordinance No. R-26-99.

SECTION 10. That all Departments subject

to this Ordinance will conform to the Official City's Personnel Policies and Procedures relating to hiring, pay, and other related practices, approved by the Mayor and administered by the City's Human Resources Department.

SECTION 11. If any section, clause, sentence, paragraph or part or provisions of this Ordinance be found invalid or void by a Court of competent jurisdiction, it shall be conclusively presumed that this ordinance would have passed by the Common Council without such invalid section, clauses, paragraph, part or provisions, and the remaining parts of the Ordinance will remain in effect.

SECTION 12. The Municipal Code of the City of Fort Wayne references, in codification form, salary ordinances previously adopted by the City Council for past years. Such salary ordinances have a duration of one year and thus, with the exception of the 2009 salary ordinances, have expired. Commencing January 1, 2010, any conflict between the terms and conditions hereof and any previous ordinance shall be resolved in favor of the most recently enacted ordinance.

SECTION 13. Two copies of all attachments and Exhibits referred to in this Ordinance shall be kept on file with the City Clerk of Fort Wayne for the purpose of public inspection.

SECTION 14. 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 Taylor, City Attorney

**AN ORDINANCE fixing the salaries of
all members of the Division of Public Safety
of the City of Fort Wayne, Indiana
for the year 2010.**

WHEREAS, the Mayor and Common Council of the City of Fort Wayne, Indiana have, according to the powers outlined in IC 36-8-3-3-(d), assigned to all members of the Police and Fire Departments of the City of Fort Wayne a Job Category under the City Classification System established by Bill No, R-96-09-04 Resolution No. R-52-96 as subsequently modified and improved, which categories should accurately reflect the duties; and

WHEREAS, the Mayor of the City of Fort Wayne has recommended a maximum salary level for each job category in a systematic way; and

WHEREAS, the Common Council must assure that salaries reflect the duties and responsibilities assigned to each employee, and to be certain that such salaries are fair and equitable; and

WHEREAS, the funds of such salaries are to be provided by the 2010 City Budget operating funds and other sources as may be specified by the Common Council.

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

SECTION 1. That all members of the Police and Fire Departments of the City of Fort Wayne, shall be classified by the letters, job titles and job categories herein designated, and that no changes be made in any job category without the specific approval of the Common Council except for those brought about by collective bargaining with authorized representatives of City employees in accordance

with the existing collective bargaining agreements.

SECTION 2. That the following grid of salaries is fixed and authorized as the grid for approved job categories. Consistent with our compensation philosophy, it is the City's objective that no employee shall be paid below their job category and the maximum should not be exceeded, except for approved shift differentials, approved longevity pay, approved overtime pay, approved technical skill pay, approved educational bonus.

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A
PART HEREOF IN ITS ENTIRETY**

The grid, as reflected on Exhibit "A" is an attempt to maintain an orderly, consistent and competitive pay policy that includes a "bonus" program for superior performance and a "Grid System" that represents the actual market range for the Non-Union positions within City Government and it's Utilities. Any general increase to the Grid shall only occur should the actual market range for a Job Class increase considerably.

A. That the following fringe benefits are hereby approved for the year 2010 for the employees in the Fire Command:

BENEFITS	FIRE COMMAND APPROVED SUPPLEMENTAL FRINGE
	Hazardous Duty/Technical Pay/Specialty Pay \$1,397.35
	Educational Bonus \$ 450/yr (Associate Degree or higher - Fire Science Technology)
	Clothing Allowance \$1,350.00/yr

That all Fire Command, including the Internal Affairs Officer, shall have the same longevity, disability, survivors benefits, retirement health insurance benefits, sick leave, personal leave, holiday leave, bereavement pay and

vacation leave rights and receive the same percentage pay increases as provided to members of the Fire Department covered by a collective bargaining agreement.

B. That the following fringe benefits are hereby approved for the year 2010 for the employees in the Police Command:

BENEFITS POLICE COMMAND APPROVED SUPPLEMENTAL FRINGE

Educational Bonus	FOP	PBA
- Associate Degree	\$ 450/yr	\$ 450/yr
- Bachelor's Degree	\$ 900/yr	\$ 900/yr
- Master's Degree	\$1,300/yr	\$1,400/yr
- Doctorate Degree	N/A \$1,900/yr	
- Clothing Allowance	\$1,700/yr	\$1,700/yr

That all Police Command shall be eligible for any additional benefits afforded the Fraternal Order of Police. That all Police Command, Captains and above, shall receive the same percentage pay increases as afforded the Fraternal Order of Police.

SECTION 3. The following is a true and complete listing of all members of the Police and Fire Departments of the City of Fort Wayne non-bargaining unit positions by Department, Position, Title, and job category. It does not include those positions which are specified as part of a bargaining unit having a written economic agreement with the City negotiated by the City Attorney and approved by Common Council.

DIVISION/DEPARTMENT
TITLE

GRID CLASSIFICATION

Fire Department

<u>Fire Command</u>		
PAT	VII	ASSISTANT CHIEF
EXE	II	DEPUTY CHIEF
EXE	III	FIRE CHIEF
<u>Fire Civilians</u>		
COMOT	V	ADMINISTRATIVE ASSISTANT V

	PAT	VI	BUILDING MAINT MANAGER
	PAT	VII	DIRECTOR FINANCE &
FACILITIES			
	PAT	VI	DIRECTOR OF PUBLIC INFO

DIVISION/DEPARTMENT GRID CLASSIFICATION TITLE

Fire Civilians - Continued

	PAT	VI	EMS DIRECTOR
	POLE	IV	RECRUIT FIREFIGHTER

HEADCOUNT:
Property Tax Supported

385

Appropriated 378

Weights and Measures

	POLE	VI	WGTS & MEASURES INSPECTOR
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HEADCOUNT:
Property Tax Supported

3

Appropriated 3

DIVISION/DEPARTMENT TITLE

GRID CLASSIFICATION

Police Department

Animal Care and Control

	PAT	V	ANIMAL CARE SUPERVISOR
	PAT	V	COMMUNITY REL & ED SPEC
	PAT	VII	DIRECTOR
	POLE	V	ENFORCEMENT SUPERVISOR
	POLE	V	LEAD OFFICER
	PAT	V	OFFICE SUPERVISOR
	COMOT	IV	VOLUNTEER COORDINATOR

HEADCOUNT:
Property Tax Supported

33

Appropriated 33

Grant 1

Communications and Information Services

	COMOT	IV	ADMINISTRATIVE ASSISTANT
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IV

	PAT	VII	DIRECTOR
	POLE	III	DISPATCHER ENTRY LEVEL
	POLE	IV	DISPATCHER I-III
	COMOT	VII	ELECTRONICS/RADIO

INSTALLER

POLE	VI	OPERATIONS SUPERVISOR
COMOT	IV	QUALITY ASSURANCE TECH
POLE	VI	RADIO SHOP SUPERVISOR
POLE	VI	RECORDS SUPERVISOR
COMOT	IV	RECORDS TECHNICIAN
POLE	VI	DISPATCHER SUPERVISOR
POLE	VI	TRAINING SUPERVISOR
COMOT	VII	TWO-WAY RADIO ELEC TECH

HEADCOUNT:

Property Tax Supported

95

Appropriated 95

Police Command

EXE	II	ASSISTANT CHIEF OF POLICE
POLE	VII	CAPTAIN
EXE	III	CHIEF OF POLICE
POLE	VIII	DEPUTY CHIEF

Police Civilians

IV	COMOT	IV	ADMINISTRATIVE ASSISTANT
	COMOT	V	ADMINISTRATIVE ASSISTANT V

DIVISION/DEPARTMENT GRID CLASSIFICATION TITLE

Police Civilians - Continued

ADVOC	POLE	IV	ADMINISTRATIVE VICTIM
	POLE	IV	COORDINATOR CRIME STOPPERS
	POLE	IV	CRIME ANALYST
	PAT	VI	CRIME LAB MANAGER
	COMOT	IV	DETECTIVE BUREAU DESK PER
	PAT	VII	DIRECTOR FINANCE &
FACILITIES	EXE	II	DIRECTOR HOMELAND SECURITY
	EXE	II	DIRECTOR OF PUBL SFTY ACDY
	POLE	VII	DIRECTOR VICTIM ASSISTANCE
	PAT	V	FORENSIC SCIENTIST
	POLE	IV	PAL COORDINATOR
	POLE	IV	PROPERTY/EVIDENCE SPEC
	POLE	IV	RECRUIT PATROL OFFICER
	PAT	V	RESEARCH & GRANTS MANAGER
	PAT	V	ADMINISTRATION & GRANTS
MGR	POLE	V	SENIOR CRIME ANALYST
	POLE	V	SENIOR VICTIM ADVOCATE
	POLE	V	SUPERVISOR PROPERTY ROOM
	POLE	IV	VICTIM ADVOCATE
	POLE	IV	DRUG ORDINANCE COORD
	POLE	IV	PROP CRIME COMMUNITY COORD

HEADCOUNT:

Property Tax Supported

495

Appropriated 489

Grant

2

Other 2

PART-TIME/SEASONAL/TEMPORARY POSITIONS

Fire Department

Fire Civilians

COMOT III SURVIVE ALIVE TEACH ASST

Police Department

Animal Care and Control

COMOT II ADOPTION ASSISTANT
COMOT II ENFORCEMENT ASSISTANT
COMOT II HUMAN EDUCATION ASSISTANT
LTC II KENNEL ATTENDANT

HEADCOUNT:

Property Tax Supported 3

Appropriated 3

Grant

.5

Other

.5

Communications and Information Services

POLE IV DISPATCHER

Police Civilians

COMOT III ADMINISTRATIVE ASSISTANT

III

POLE II ADULT GUARD
COMOT III CIVILIAN PROPERTY MANAGER
COMOT III CSO-RETIRED OFFICER PRG
COMOT III INVEST DIV GEN ASSISTANT
COMOT I VICTIM ASSISTANT INTERN
COMOT VI VOLUNTEER COORDINATOR

HEADCOUNT:

Property Tax Supported

1.5

Appropriated 1.5

Grant

.5

SECTION 4. Police and Fire employees, as indicated herein, may participate in Collective Bargaining

with the City for economic conditions. Pursuant to State Statute such economic conditions must be approved by Common Council. Such economic conditions include, but are not limited to, base pay and monetary fringe benefits. These matters will be negotiated by and between the City and the appropriate bargaining unit for the year 2010. Upon conclusion of such negotiations, the appropriate Ordinances shall be submitted to the Common Council for approval.

Employees covered by recognized bargaining unit representatives (Unions) will receive a salary established by the Collective Bargaining process as long as this pay does not exceed the table of maximum salaries authorized in Section 2, above.

SECTION 5. In addition to the compensation for positions listed herein, the City shall contribute 3% of employees' salary to the Public Employees Retirement Fund (PERF) except for those positions which are commonly referred to as Police and Fire Command.

SECTION 6. From and after the first day of January, 2010, all members of the Police and Fire Departments of the City of Fort Wayne will be paid according to this, the above and following provisions of this ordinance, subject to budgetary limitations, collective bargaining agreements, future changes or amendments enacted by Common Council.

SECTION 7. That civilian employees in the Police and Fire Departments subject to this Ordinance will conform to the Official City Human Resources Policies and Procedures relating to hiring, pay, and other related practices, approved by the Mayor and administered by the City's Human Resources Department.

SECTION 8. If any section, clause, sentence, paragraph or part or provisions of this Ordinance be found

invalid or void by a court of competent jurisdiction, it shall be conclusively presumed that this ordinance would have passed by the Common Council without such invalid section, clauses, paragraph, part or provisions, and the remaining parts of the Ordinance will remain in effect.

SECTION 9. The Municipal Code of the City of Fort Wayne references, in codification form, salary ordinances previously adopted by the City Council for past years. Such salary ordinances have a duration of one year and thus, with the exception of the 2009 salary ordinance, have expired. However, to avoid confusion, it is hereby stated that commencing January 1, 2010, any conflict between the terms and conditions hereof and any previous ordinance shall be resolved in favor of this ordinance.

SECTION 10. Two copies of all attachments and Exhibits referred to in this Ordinance shall be kept on file with the City Clerk of Fort Wayne for the purpose of public inspection.

SECTION 11. 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 Taylor, City Attorney

BILL NO. S-09-09-26

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #2429 - PURCHASE OF TREES by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and SHADE TREES UNLIMITED for the PARKS AND RECREATION DEPARTMENT.

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

SECTION 1. That ITB #2429 - PURCHASE OF TREES between the City of Fort Wayne, by and through its Department of Purchasing and SHADE TREES UNLIMITED for PARKS AND RECREATION DEPARTMENT, respectfully for:

purchase of trees for the City Street Tree Planting Program through 2009; involving a total cost of ONE HUNDRED SIXTY-FOUR THOUSAND, EIGHT HUNDRED NINETY-SEVEN AND 00/100 DOLLARS - (\$164,897.00) all as more particularly set forth in said ITB #2429 - PURCHASE OF TREES 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 6030 Huguenard Road, Fort Wayne, Indiana 46818 (JH Specialty, Inc./Hilltrans, LLC)

WHEREAS, Petitioner has duly filed its petition dated August 31, 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 30 full-time and 12 part-time, permanent jobs for a total new, annual payroll of \$1,838,400, with the average new annual job salary being \$43,771 and retain 19 full-time and four part-time, permanent jobs for a total current annual payroll of \$1,086,800, with the average current, annual job salary being \$47,252; and

WHEREAS, the total estimated project cost is \$870,000; 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 logistical distribution and 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 logistical distribution and 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 logistical distribution and 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 \$2.7298/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7298/\$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 \$2.7298/\$100 (the change would be negligible).

- (d) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.7298/\$100.
- (e) 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 \$2.7298/\$100 (the change would be negligible).
- (f) 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 \$2.7298/\$100 (the change would be negligible).
- (g) If the proposed new information technology distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.7298/\$100.
- (h) 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 \$2.7298/\$100 (the change would be negligible).
- (i) 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 \$2.7298/\$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 ten years, and the deduction from the assessed value of the new logistical distribution and information technology 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 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 6030 Huguenard Road, Fort Wayne, Indiana 46818 (JH Specialty, Inc./Hilltrans, LLC)

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 30 full-time and 12 part-time, permanent jobs for a total additional annual payroll of \$1,838,400, with the average new annual job salary being \$43,771 and retain 19 full-time and four part-time, permanent jobs for a current annual payroll of \$1,086,800, with the average current annual job salary being \$47,252; and

WHEREAS, the total estimated project cost is \$870,000; 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 logistical distribution and 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 logistical distribution and 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 logistical distribution and 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 \$2.7298/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7298/\$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 \$2.7298/\$100 (the change would be negligible).
- (d) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.7298/\$100.
- (e) 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 \$2.7298/\$100 (the change would be negligible).
- (f) 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 \$2.7298/\$100 (the change would be negligible).

- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.7298/\$100.
- (h) 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 \$2.7298/\$100 (the change would be negligible).
- (i) 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 \$2.7298/\$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 ten years, and that the deduction from the assessed value of the new logistical distribution and information technology equipment shall be for a period of ten 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 logistical distribution and 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 logistical distribution and 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-09-09-23

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 9823 Ardmore Avenue, Fort Wayne, Indiana 46809 (Quoin Enterprises, LLC d/b/a Fort Wayne Metals Research Products Corporation) and approving combined reporting of personal property deductions and transfer of manufacturing equipment.

WHEREAS, Petitioner has duly filed its petition dated July 29, 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, Common Council has confirmed economic revitalization areas for Petitioner for property commonly known as 9609 Ardmore Avenue under Confirming Resolution R-43-07, 9733 Ardmore Avenue under Confirming Resolution R-72-05 and R-13-08, and 9307 Avionics Drive under Confirming Resolution R-38-05 and attached hereto as “Exhibit B”; and

WHEREAS, Petitioner has installed new manufacturing, research and development, logistical distribution and information technology equipment at 9609 Ardmore Avenue, 9733 Ardmore Avenue, and 9307 Avionics Drive for which deductions from assessed valuation have been applied; and

WHEREAS, Petitioner requests that personal property, located in previously

designated economic revitalization areas in Pleasant Township and eligible for deduction from assessed valuation, be reported under this economic revitalization area designation request; and

WHEREAS, Petitioner further requests that the new manufacturing equipment at 9609 Ardmore Avenue, 9733 Ardmore Avenue, 9823 Ardmore Avenue, and 9307 Avionics Drive for which deductions from assessed valuation have been applied or will be applied be allowed to relocate to any of the Petitioners facilities in Pleasant Township where an economic revitalization area designation is in place and shall be eligible for the remaining deductions from assessed valuation, under I.C. 6-1.1-12.1-4.6; and

WHEREAS, said project will create ten full-time and ten part-time, permanent jobs for a total new, annual payroll of \$625,000, with the average new annual job salary being \$31,250 and retain 315 full-time and 44 part-time, permanent jobs for a total current annual payroll of \$16,260,000, with the average current, annual job salary being \$45,292; and

WHEREAS, the total estimated project cost is \$2,800,000; and

WHEREAS, the total estimated cost of research and development equipment, logistical distribution equipment and information technology equipment located in previously designated economic revitalization areas in Pleasant Township is \$3,130,000; and

WHEREAS, the total estimated cost for manufacturing equipment eligible for transfer to other Petitioner facilities in Pleasant Township is \$6,500,000; 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, I.C. 6-1.1-12.1-4.6 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.
- (d) Common Council shall notify each taxing unit within the original and the new economic revitalization areas in accordance with I.C. 6-1.1-12.1-4.6.

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 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 redevelopment or rehabilitation 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 redevelopment or rehabilitation and from the 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 development does not occur, the approximate current year tax rates for this site would be \$2.7346/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7346/\$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 \$2.7346/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.7346/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7346/\$100 (the change would be negligible).
- (f) 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 \$2.7346/\$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 ten years, and the deduction from the assessed value of the new manufacturing equipment shall be for a period of ten years.

SECTION 8. That, the personal property located in previously designated economic revitalization areas in Pleasant Township and eligible for deduction from assessed valuation, be reported under this economic revitalization area designation request.

SECTION 9. That, pursuant to I.C. 6-1.1-12.1-4.6, the new manufacturing equipment at 9609 Ardmore Avenue, 9733 Ardmore Avenue, 9823 Ardmore Avenue, and 9307 Avionics Drive for which deductions from assessed valuation have been applied or will be applied be allowed to relocate to any of the Petitioners facilities in Pleasant Township where an economic revitalization area designation is in place. The new manufacturing equipment shall be eligible for the remaining deductions from assessed valuation to which it was previously entitled.

SECTION 10. 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 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 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 9823 Ardmore Avenue, Fort Wayne, Indiana 46809 (Quoin Enterprises, LLC d/b/a Fort Wayne Metals Research Products Corporation) and approving combined reporting of personal property deductions and transfer of manufacturing equipment.

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, Common Council has confirmed economic revitalization areas for Petitioner for property commonly known as 9609 Ardmore Avenue under Confirming Resolution R-43-07, 9733 Ardmore Avenue under Confirming Resolution R-72-05 and R-13-08, and 9307 Avionics Drive under Confirming Resolution R-38-05 and attached hereto as “Exhibit B”; and

WHEREAS, Petitioner has installed new manufacturing equipment at 9609 Ardmore Avenue, 9733 Ardmore Avenue, and 9307 Avionics Drive for which deductions from assessed valuation have been applied; and

WHEREAS, Petitioner requests that personal property, located in previously designated economic revitalization areas in Pleasant Township and eligible for deduction from assessed valuation, be reported under this economic revitalization area designation request; and

WHEREAS, Petitioner further requests that the new manufacturing equipment at 9609 Ardmore Avenue, 9733 Ardmore Avenue, 9823 Ardmore Avenue, and 9307 Avionics Drive for which deductions from assessed valuation have been applied or will be applied be allowed to relocate to any of the Petitioners facilities in Pleasant Township where an

economic revitalization area designation is in place and shall be eligible for the remaining deductions from assessed valuation, under I.C. 6-1.1-12.1-4.6; and

WHEREAS, said project will create ten full-time, permanent jobs for a total additional annual payroll of \$625,000, with the average new annual job salary being \$31,250 and retain 315 full-time, permanent jobs for a current annual payroll of \$16,260,000, with the average current annual job salary being \$45,292; and

WHEREAS, the total estimated project cost is \$2,800,000; and

WHEREAS, the total estimated cost of research and development equipment, logistical distribution equipment and information technology equipment located in previously designated economic revitalization areas in Pleasant Township is \$3,130,000; and

WHEREAS, the total estimated cost for manufacturing equipment eligible for transfer to other Petitioner facilities in Pleasant Township is \$6,500,000; 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, I.C. 6-1.1-12.1-4.6, 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 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 redevelopment or rehabilitation and 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 development does not occur, the approximate current year tax rates for this site would be \$2.7346/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7246/\$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 \$2.7346/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.7346/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7346/\$100 (the change would be negligible).
- (f) 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 \$2.7346/\$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 ten years, and that the deduction from the assessed value of the new manufacturing equipment shall be for a period of five 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. That, the personal property located in previously designated economic revitalization areas in Pleasant Township and eligible for deduction from assessed valuation, be reported under this economic revitalization area designation request.

SECTION 9. That, pursuant to I.C. 6-1.1-12.1-4.6, the new manufacturing equipment at 9609 Ardmore Avenue, 9733 Ardmore Avenue, 9823 Ardmore Avenue, and 9307 Avionics Drive for which deductions from assessed valuation have been applied or will be applied be allowed to relocate to any of the Petitioners facilities in Pleasant Township where an economic revitalization area designation is in place. The new manufacturing equipment shall be eligible for the remaining deductions from assessed valuation to which it was previously entitled.

SECTION 10. 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 11. 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 12. 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 13. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 14. 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 15. 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. S-09-09-20

SPECIAL ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA,
COMMON COUNCIL APPROVING AND AUTHORIZING THE
EXECUTION OF A LEASE FOR THE ACQUISITION,
RENOVATION AND EQUIPPING OF A BUILDING LOCATED AT
200 EAST BERRY STREET, PLEDGING CERTAIN REVENUES TO
THE PAYMENT OF RENTALS THEREFOR, AUTHORIZING THE
ISSUANCE OF BONDS FOR SUCH PURPOSES, AND REGARDING
CERTAIN RELATED MATTERS**

WHEREAS, the City of Fort Wayne, Indiana (the "City"), has previously investigated the necessity for the acquisition, renovation and equipping of the building located at 200 East Berry Street, Fort Wayne, Indiana, to be used by the City as a City Hall (the "Project"); and

WHEREAS, the City has also previously investigated alternative methods for paying for the Project; and

WHEREAS the Common Council desires to enter into a lease pursuant to I.C. 36-1-10 (the "Act") to finance the Project; and

WHEREAS, the Fort Wayne Municipal Building Corp. (the "Building Corporation") has been organized as an Indiana non-profit corporation for the purpose of constructing and leasing public improvements, such as the Project, to the City; and

WHEREAS, a form of lease between the Building Corporation and the City (the "Lease") has been prepared and submitted to the Common Council for its consideration; and

WHEREAS, the Lease, as presented to the Common Council, provides for the lease of the Project for a term not to exceed twenty (20) years (the "Term"), beginning on the date the Project is completed and ready for use or June 15, 2011, whichever is later; and

WHEREAS, the lease rentals payable under the Lease (the "Rentals") by the City with respect to the Project shall not exceed \$1,800,000 per year and shall be payable semiannually on each June 1 and December 1, beginning on the later of: (i) the date that the Project is completed and ready for use; or (ii) June 1, 2011, from revenues expected to be available for such purpose as described herein; and

WHEREAS, the Project does not constitute a "controlled project" as such term is defined by IC 6-1.1-20-1.1 because the Rentals payable by the City to the Building Corporation shall be payable from funds other than property taxes that are exempt from the levy limitations of I.C. 6-1.1-18.5 as described herein; and

WHEREAS, the City anticipates that the Building Corporation will issue its first mortgage bonds in an aggregate principal amount expected not to exceed \$18,290,000 to pay for the costs associated with the Project, which Bonds are to be payable from the Rentals; and

WHEREAS, the Common Council desires to pledge the County Economic Development Income Tax revenues (the "CEDIT Revenues") distributed to the City pursuant to I.C. 6-3.5-7 for the payment of the Rentals as required under the Lease on a parity with other outstanding parity obligations payable from the CEDIT Revenues; and

WHEREAS, the City has received an allocation of the national Recovery Zone Economic Development Bonds limitation in the amount of \$8,844,000 (the "Allocation") pursuant to the American Recovery and Reinvestment Tax Act of 2009 (the "Act") and Notice 2009-50, issued on June 12, 2009, by the Internal Revenue Service; and

WHEREAS, the Common Council desires to utilize said Allocation to designate a portion of the Bonds (in a principal amount equal to the amount of said Allocation received by the City) described herein as "Recovery Zone Economic Development Bonds;"

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

The Common Council hereby determines that a need exists for the completion of the Project and the funds needed therefor exceed the funds presently available to the City.

Having held a public hearing regarding the Lease for which notice was provided in accordance with Indiana Code 5-1-3, the Common Council hereby approves the Lease in the form presented to this meeting. The Lease with the Building Corporation as lessor provides for a fair and reasonable rental, and further, the execution of the proposed lease is necessary and wise. The Mayor and Clerk of the City are hereby authorized to execute and attest, respectively, the Lease in the form presented to this meeting with such changes as may be necessary or appropriate on the advice of counsel with such execution and attestation to evidence approval of such changes; provided, however, that any such changes may not (i) increase the term of the Lease or increase the rentals payable by the City under the Lease with respect to the Project or (ii) alter the scope and nature of the Project described in the Lease.

The Clerk of the City shall cause to be published a notice of execution of the Lease according to law following such execution.

All actions taken to publish the notice of the public hearing regarding the Lease are hereby approved and ratified.

The Common Council hereby approves of the use of the Building Corporation for purposes of financing and leasing the Project to the City.

The Building Corporation is hereby authorized to issue its Bonds in one or more series to provide funds to pay some or all of the costs of the Project. The Bonds will be

payable solely from the Revenues. The Common Council hereby designates an amount of the Bonds as "Recovery Zone Economic Development Bonds" equal to the amount of the Allocation. If in the determination of the Mayor and the Controller, based upon the advice of the financial advisor of the City, market conditions warrant, the Bonds may be issued on a traditional tax-exempt basis.

The Rentals payable under the Lease are payable solely from the Revenues. Neither the full faith and credit nor the taxing power of the City shall be pledged to the payment of the Rentals.

The Common Council hereby irrevocably pledges available CEDIT Revenues for the payment of the Rentals (the "CEDIT Pledge") during the term of the Lease. The CEDIT Pledge shall be on a parity with (a) the CEDIT revenue bonds issued by the City in 2001 (the "2001 Bonds") as set forth in Ordinance No. S02-01 adopted by the Common Council on January 16, 2001 (the "2001 Ordinance"); (b) the pledge of CEDIT Revenues (the "2002 Lease Pledge") by the City pursuant to Ordinance No. S-20-02 adopted by the Common Council on February 26, 2002 (the "2002 Ordinance"), for the payment of lease rentals pursuant to a lease between the City and the Building Corporation dated as of February 1, 2002, as amended; (c) the pledge of CEDIT Revenues (the "2002 Bond Pledge") by the City pursuant to Resolution No. R-11-02 adopted by the Common Council on February 26, 2002 (the "2002 Resolution"), for the payment of principal of and interest on Redevelopment District Bonds, Series 2002, issued for and on behalf of the Redevelopment District in 2002; (d) CEDIT revenue bonds issued by the City in 2005 (the "2005 Bonds") pursuant to Ordinance No. S-97-04 adopted by the Common Council on November 23, 2004 (the "2004 Ordinance"); (e) the pledge of CEDIT Revenues (the "2005 Lease Pledge") by the City pursuant to Ordinance No. S-31-05 adopted by the Common Council on February 22, 2005 (the "2005 Ordinance"), for the payment of lease rentals pursuant to a lease between the City and the Building Corporation dated as of March 1, 2005; (f) the pledge of CEDIT Revenues (the "2005 B Pledge") by the City pursuant to Ordinance No. S-99-04 (the "2005 B Ordinance") adopted by the Common Council on November 23, 2004, for the payment of principal of and interest on Redevelopment District Revenue Bonds, Series 2005 B issued for

and on behalf of the Redevelopment District in 2005; (g) the pledge of CEDIT Revenues by the City pursuant to Ordinance No. 55-04 adopted by the Common Council on July 13, 2004 (the "2005 A Ordinance") for the payment of principal of and interest on the City of Fort Wayne, Indiana, Redevelopment District Revenue Bonds, Series 2005 A-1, issued for and on behalf of the Redevelopment District in 2005, and City of Fort Wayne, Indiana, Redevelopment District Taxable Revenue Bonds, Series 2005 A-2, issued for and on behalf of the Redevelopment District in 2005 (collectively, the "2005 Bond Pledge"); (h) the pledge of CEDIT revenues (the "2006 Lease Pledge") by the City pursuant to Ordinance No. S-20-06 adopted by the Common Council on February 28, 2006 (the "2006 Ordinance"), for the payment of lease rentals pursuant to a lease between the City and the Building Corporation dated as of February 1, 2006, as amended; and (i) the CEDIT Revenue Bonds issued by the City in 2009 (the "2009 Bonds" and with the 2001 Bonds, the 2002 Lease Pledge, the 2002 Bond Pledge, the 2005 Bonds, the 2005 Lease Pledge, the 2005 B Pledge, the 2005 Bond Pledge, the 2006 Lease Pledge, the "Prior Obligations"), pursuant to Ordinance No. S-109-08 adopted by the Common Council on December 9, 2008 (the "2009 Ordinance" and with the 2001 Ordinance, the 2002 Lease Ordinance, the 2002 Resolution, the 2004 Ordinance, the 2005 Ordinance, the 2005 B Ordinance, the 2005 A Ordinance, and the 2006 Ordinance, the "Prior Ordinances") and any other obligations issued or entered into by the City which are on a parity with the Prior Obligations. Prior to the execution of the Lease as set forth herein, the Controller is hereby authorized to certify that the provisions of the Prior Ordinances have been complied with to permit the Pledge to be on parity with the Prior Obligations and any other obligations issued or entered into by the City which are on a parity with the Prior Obligations. The Controller is hereby authorized to employ an independent financial advisor for the purposes described in the Prior Ordinances in conjunction with such certification. The CEDIT Pledge shall continue irrevocably during the period in which the Rentals are payable under the Lease. The City may issue revenue bonds or enter into leases payable solely from CEDIT revenues payable on a parity with the CEDIT Pledge in accordance with the parity provisions set forth in the Prior Ordinances.

The provisions hereof shall be construed to create a trust in the Revenues described herein and this ordinance shall not be repealed or amended in any manner which would serve to adversely affect the application of the Revenues to the payment of the Rentals (including, without limitation, the pledge of the CEDIT Revenues) made herein by the Common Council on behalf of the City. The Mayor, Controller, and the Clerk are hereby authorized to execute such documents as may be necessary in connection with the execution of the Lease to evidence the pledge of such Revenues for the purposes set forth herein.

This Ordinance shall be in full force and effect from and upon compliance with the procedures required by law.

Member of the Common Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

**AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA,
COMMON COUNCIL REGARDING THE DESIGNATION
OF THE CITY AS A "RECOVERY ZONE" FOR
PURPOSES OF SECTIONS 1400U-1, 1400U-2, AND 1400U-3 OF THE
INTERNAL REVENUE CODE OF 1986, AS AMENDED**

WHEREAS, Section 1400U-1 of the Internal Revenue Code of 1986, as amended (the "Code"), authorizes the Common Council of the City of Fort Wayne, Indiana (the "City") to designate a "recovery zone" for the purpose of issuing Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code, and for the purpose of issuing Recovery Zone Facility Bonds under Section 1400U-3 of the Code; and

WHEREAS, the term "recovery zone" as defined in Section 1400U-1(b) of the Code includes any area designated by the City as having significant poverty, unemployment, rate of home foreclosures, or general distress; and

WHEREAS, the City has previously designated areas of particular distress, including two Community Revitalization Enhancement Districts, New Market Tax Credit eligible census tracts, an Urban Enterprise Zone, HUB Zones, Economic and Urban Renewal Areas, Economic Development Target Areas and an Urban Infill Opportunity Area, in order to encourage economic development; and

WHEREAS, the area designated as the "recovery zone" is also intended to meet the "particularly economically distressed" area criteria set forth in Section 3.2 (h)(xv) of

the City's New Market Tax Credit Allocation Agreement dated January 28, 2009;

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

1. The City hereby designates the City (as described in Exhibit A attached hereto) as a "recovery zone" for purposes of Sections 1400U-1, 1400U-2, and 1400U-3 of the Code.

2. The City hereby finds that the "recovery zone" described in Exhibit A satisfies the requirements in that the City has experienced a high rate of unemployment as a result of the economic downturn which has impacted the citizens and businesses in the City and has resulted in general economic distress.

3. The City will give preference to economic development opportunities in the areas described in Exhibit B, as targeted areas within the Recovery Zone.

4. This Ordinance shall be in full force and effect from and upon compliance with the procedures required by law.

Member of the Common Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

EXHIBIT A

RECOVERY ZONE AREA

EXHIBIT B

TARGETED AREAS

BILL NO. S-09-09-35
SPECIAL ORDINANCE NO. S-

**AN ORDINANCE APPROVING THE
CONTRACT FOR GARBAGE AND
RECYCLING SERVICE BETWEEN
EARTH FIRST, LLC, AND THE CITY
OF FORT WAYNE, 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 Contract for Garbage Service and Recycling Service by and between EARTH FIRST, LLC and the CITY OF FORT WAYNE, INDIANA, in connection with the Board of Public Works. The Contract price is:

GARBAGE COLLECTION	-	\$77.38/PER TON
RECYCLING COLLECTION	-	\$ 1.56/PER OCCUPIED UNIT

all as more particularly set forth in said Contract, which is on file in the Office of the Board of Public Works and, is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. One copy of said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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 Taylor, City Attorney

BILL NO. S-09-09-32

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #2235-2009, WOODROW-VANCE PARTIAL SEWER SEPARATION between ALL STAR CONSTRUCTION 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 #2235-2009, WOODROW-VANCE PARTIAL SEWER SEPARATION by and between ALL STAR CONSTRUCTION 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 installation of approximately 6,800 LF of 8" water lines and approximately 7,300 LF of 12" - 42" storm sewers. Also included are curb, sidewalk, street repair, and rain garden installation:

involving a total cost of ONE MILLION, SEVEN HUNDRED FIFTY-EIGHT THOUSAND, NINE HUNDRED SIXTY-FOUR AND 94/100 DOLLARS - (\$1,758,964.94). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

BILL NO. S-09-09-33

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #2184-2009, PENN AVENUE PARTIAL SEWER SEPARATION, W.O. #75384 between ALL STAR CONSTRUCTION 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 #2184-2009, PENN AVENUE PARTIAL SEWER SEPARATION, W.O. #75384 by and between ALL STAR CONSTRUCTION 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
Approximately 457 L.F. of 12 and 15 inch open cut gravit sewer,
approximately 393 L.F. of 12 and 14 inch sewer installed using directionally drilling, and all associated structures and work:

involving a total cost of ONE HUNDRED FIFTY-FIVE THOUSAND, FOUR HUNDRED NINETY-TWO AND 04/100 DOLLARS - (\$155,492.04). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

BILL NO. S-09-09-31

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #2233-2009, GENERAL CIPP 2009, PACKAGE #2, W.O. #75415 between MILLER PIPELINE CORPORATION 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 #2233-2009, GENERAL CIPP 2009, PACKAGE #2, W.O. #75415 by and between MILLER PIPELINE CORPORATION 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 Rehabilitation of approximately 23,081 LF of small diameter (8-inch to 15-inch) and 415 LF of medium diameter (24") sanitary and combination sewer by means of a cured-in-place method:

involving a total cost of EIGHT HUNDRED TWENTY-FIVE THOUSAND, NINE HUNDRED EIGHT AND NO/100 DOLLARS - (\$825, 908.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

