

COMMITTEE SESSION
ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
JUNE 8, 2010

CITY UTILITIES COMMITTEE

Thomas F. Didier - Chair
Glynn A. Hines - Co-Chair
All Council Members

ACTION

S-10-06-01

**AN ORDINANCE approving Construction Contract - CS Pond No 1 Improvements - Interim Grit Facility - Red. #2208-2009, W.O. #75399 between Prolime Corporation and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$ \$3,309,977.79**

S-10-06-12

AN ORDINANCE approving Exhibit A to be reaffixed to General Ordinance G-12-09 approving Wastewater rates and fees for the five year period starting July 1, 2009

FINANCE COMMITTEE

Tim Pape - Chair
Thomas E. Smith - Co-Chair
All Council Members

R-10-06-02

**A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 2711 Banks Avenue, Fort Wayne, Indiana 46804 (Brooks Construction, Inc.)
Total cost of \$2,500,000 - 6 full-time permanent jobs will be**

created as result of this project

To be passed this evening

FINANCE COMMITTEE

CONTINUED

ACTION

R-10-06-03

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 2711 Banks Avenue, Fort Wayne, Indiana 46804 (Brooks Construction Company, Inc.)

Total cost of \$2,500,000

PUBLIC HEARING – 6-22-10 – 5:30 P.M.

R-10-06-04

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1.12-1 for property commonly known as 927 So. Harrison Street, Fort Wayne, Indiana, 46802 (Midtowne Real Estate, LLC)

Total cost of \$300,000 - 9 full time and 1 part time, permanent jobs will be created as a result of this project

To be passed this evening

R-10-06-05

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 927 So. Harrison Street, Fort Wayne, Indiana 46802 (Midtowne Real Estate, LLC)

Total cost of \$300,000

PUBLIC HEARING – 6-22-10 – 5:30 P.M.

FINANCE COMMITTEE CONTINUED

ACTION

R-10-06-06

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7950 West Jefferson Blvd., Fort Wayne, Indiana 46804 (IOM Health System, LP)

**Total cost of \$34,500,000 - 60 full time jobs will be created
As a result of this job**

To be passed this evening

R-10-06-07

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7950 West Jefferson Blvd, Fort Wayne, Indiana 46804 (IOM Health System, LP)

Total cost of \$34,500,000

PUBLIC HEARING - 6-22-10 - 5:30P.M.

S-10-06-11

AN ORDINANCE certifying and approving the need for the services of a consultant, Schenkel Schultz Architecture, for architectural services related to the renovation of the building located at 200 East Berry Street

Total cost of \$491,500

REGLATIONS COMMITTEE

*Karen E. Goldner - Chair
Mitch Harper - Co-Chair
All Council Members*

ACTION

G-10-06-09

**AN ORDINANCE amending Chapter 72: Stopping, Standing and Parking of the Fort Wayne Code of Ordinances
72.60 Parking of Taxicabs**

G-10-06-10

AN ORDINANCE of the Common Council amending Chapter 116: Taxicabs of the Fort Wayne Code of Ordinances

PUBLIC WORKS COMMITTEE

*Elizabeth M. Brown - Chair
John Shoaff - Co-Chair
All Council Members*

S-10-06-08

**AN ORDINANCE approving Ardmore Ave.: Taylor St. to Jefferson Blvd. Landscape Planting: Resolution #7275-2010 Between Harlow Enterprises, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$224,293.17**

BILL NO. S-10-06-01

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT - CS POND NO 1 IMPROVEMENTS - INTERIM GRIT FACILITY - RES. #2208-2009, W.O. #75399 between PROLIME 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 - CS POND NO 1 IMPROVEMENTS - INTERIM GRIT FACILITY - RES. #2208-2009, W.O. #75399 by and between PROLIME 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: project will increase the storage capacity of Combined Sewage Pond #1 by means of removing solids that have accumulated on the pond bottom. It will also involve construction of a grit capture facility that will minimize distribution of future solids throughout the 38 acre pond and allow the City to quantify and manage the grit loading to the settling ponds;

involving a total cost of THREE MILLION, THREE HUNDRED NINE THOUSAND, NINE HUNDRED SEVENTY-SEVEN AND 79/100 DOLLARS - (\$3,309,977.79).

SECTION 2. Prior Approval has been requested from Common Council on MAY 25, 2010. 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

BILL NO. S-10-06-12

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving Exhibit A to be reaffixed to General Ordinance G-12-09 approving Wastewater rates and fees for the five year period starting July 1, 2009.

WHEREAS, The Fort Wayne Board of Public Works adopted Resolution 96-5-6-0901 on May 6, 2009, wherein Wastewater rates and fees were approved for the five year period starting July 1, 2009; and

WHEREAS, The Common Council of the City of Fort Wayne, Indiana, adopted General Ordinance G-12-09, establishing Wastewater rates and fees for the five year period starting July 1, 2009, as designated by the same Exhibit A affixed to Fort Wayne Board of Works' Resolution 96-5-6-09-1; and

WHEREAS, the official repository of General Ordinances, the Office of the City Clerk, does not have Exhibit A attached to General Ordinance G-12-09; and

WHEREAS, it is unclear from a review of the Common Council of the City of Fort Wayne's proceedings of May 26, 2009, as to whether Exhibit A was affixed to Ordinance G-09-05-08 or in any other way was distributed at that meeting;

WHEREAS, Ordinance G-12-09 was adopted unanimously and without exception, an oversight has occurred requiring that Exhibit A be restored as an attachment to G-12-09.

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

SECTION 1. That Exhibit A, as originally approved by the Fort Wayne Board of Works and subsequently adopted by the Common Council of the

City of Fort Wayne, Indiana, as referred to in G-12-09, be reaffixed to General Ordinance G-12-09.

SECTION 2. That this Ordinance 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

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 2711 Banks
Avenue, Fort Wayne, Indiana 46804 (Brooks
Construction Company, Inc.)**

WHEREAS, Petitioner has duly filed its petition dated May 14, 2010 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 six full-time, permanent jobs for a total new, annual payroll of \$390,000, with the average new annual job salary being \$65,000; and

WHEREAS, the total estimated project cost is \$2,500,000; 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 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing.

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

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

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

- (a) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.9703/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.9703/\$100 (the change would be negligible).
- (c) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.9703/\$100 (the change would be negligible).

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

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

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

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

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

SECTION 11. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 2711 Banks
Avenue, Fort Wayne, Indiana 46804 (Brooks
Construction Company, 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 six full-time, permanent jobs for a total new, annual payroll of \$390,000, with the average new annual job salary being \$65,000; and

WHEREAS, the total estimated project cost is \$2,500,000; and

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

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

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

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

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

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

personal property for new manufacturing equipment.

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

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

- (a) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.9703/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.9703/\$100 (the change would be negligible).
- (c) If the proposed new manufacturing equipment is installed, and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.9703/\$100 (the change would be negligible).

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

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

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

SECTION 9. The performance report must contain the following information

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

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

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

SECTION 12. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

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 927 South Harrison Street,
Fort Wayne, Indiana 46802 (Midtowne Real Estate, LLC)**

WHEREAS, Petitioner has duly filed its petition dated May 28, 2010 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 nine full-time and one part-time, permanent jobs for a total new, annual payroll of \$450,000, with the average new annual job salary being \$45,000; and

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

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

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

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

SECTION 2. That, upon adoption of the Resolution:

(a) Said Resolution shall be filed with the Allen County Assessor;

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

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate.

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, 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.

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 \$2.9703/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.9703/\$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 \$2.9703/\$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.

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 927 South Harrison Street,
Fort Wayne, Indiana 46802 (Midtowne Real Estate, 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 nine full-time and one part-time, permanent jobs for a total additional payroll of \$450,000, with the average new annual job salary being \$45,000; and

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

WHEREAS, a recommendation has been received from the Committee on Finance; 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.

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, 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.

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 \$2.9703/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$2.9703/\$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 \$2.9703/\$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 real property 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 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 with 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 9. The performance report must contain the following information

- A. The cost and description of real property improvements.
- 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 property deductions.
- F. The tax savings resulting from the real 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 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 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 A LEGALITY

Carol Taylor, City Attorney

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7950 West Jefferson Boulevard, Fort Wayne, Indiana 46804 (IOM Health System, LP)

WHEREAS, Petitioner has duly filed its petition dated May 27, 2010 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 60 full-time, permanent jobs for a total new, annual payroll of \$2,745,600, with the average new annual job salary being \$45,760 and retain 1,865 full-time and 1,193 part-time, permanent jobs for a total current annual payroll of \$105,784,281, with the average current, annual job salary being \$34,593; and

WHEREAS, the total estimated project cost is \$34,500,000; 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 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 \$3.0545/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.0545/\$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 \$3.0545/\$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 \$3.0545/\$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 \$3.0545/\$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 \$3.0545/\$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 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.

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 7950 West Jefferson Boulevard, Fort Wayne, Indiana 46804 (IOM Health System, LP)

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 60 full-time, permanent jobs for a total additional annual payroll of \$2,745,600, with the average new annual job salary being \$45,760 and retain 1,865 full-time and 1,193 part-time, permanent jobs for a current annual payroll of \$105,784,281, with the average current annual job salary being \$34,593; and

WHEREAS, the total estimated project cost is \$34,500,000; 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 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 \$3.0545/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.0545/\$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 \$3.0545/\$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 \$3.0545/\$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 \$3.0545/\$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 \$3.0545/\$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 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 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

An Ordinance amending Chapter 72: Stopping, Standing and Parking of the Fort Wayne Code of Ordinances

WHEREAS, The City of Fort Wayne Stopping, Standing and Parking Code allows private vehicles to park at meters and in publically designated parking lots and/or areas; and,

WHEREAS, Public passenger vehicles, other than taxicabs, are allowed the same parking privileges as private vehicles,

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

That most public passenger vehicles have rights and privileges to park under provision of a section of chapter 72 and no single entity shall be excluded.

SECTION 1. DELETE in it entirety

§ 72.60 PARKING OF TAXICABS.

No taxicab shall be stopped, standing or parked upon any street in any business district at any place other than at a duly designated taxicab stand; except, that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaging in loading or unloading passengers.

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

Elizabeth M Brown, Councilwoman

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Council Attorney

**An ORDINANCE of the Common Council amending
Chapter 116: Taxicabs of the Fort Wayne Code of Ordinances**

WHEREAS, Public transportation must be provided to citizens and visitors who are dependent upon such conveyances in general and taxicabs in particular; and,

WHEREAS, It is in the City's best interest for users of taxi's as a mode of transportation to have a safe and enjoyable experience; and,

WHEREAS, Taxi company's and their employees can be the first "ambassadors" for visitors to our community; and,

WHEREAS, The City of Fort Wayne, and its designees, is the sole authority for licensing and permitting for taxis, therefore it is in the City's best interest to enforce the ticketing and suspension of any illegal transportation operations;

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

That it is in the best interest of the City, its hospitality and business communities to have quality taxi service throughout the city by amending Chapter 116 as follows:

SECTION 1. Under §116.01 Definitions, the definition of Taxicab is deleted in its entirety and replaced with:

Taxicab. A public passenger vehicle for hire only at lawful rates of fare which, when it is being operated between a point of origin and a destination, are recorded and indicated by a taximeter or at rates as set forth in this chapter.

SECTION 2. Delete in its entirety Subparagraph (B) under §116.21 Issuance of Permits and replace with the following:

(B) A minimum of two permitted four-door vehicles shall be required. No permits shall be issued to any individual or taxicab company who, upon initial application for permit, fails to qualify at least two vehicles for receipt of permits. Any person engaged in the taxicab business in the city under a permit(s) first issued by the Board of Safety is prohibited from reducing the number of permits he holds to under two vehicles.

SECTION 3. Add §116.74 Advertisement

- (A) It is unlawful for any public passenger vehicles licensed pursuant to this chapter to display any advertising sign or device, except as permitted by this section.
- (B) Taxicab licensees may apply for permits to display advertising on the exterior only of the vehicle. The Board of Safety shall designate its Taxi Inspector to enforce and promulgate regulations specifying the locations on the taxicab where advertising may be displayed, as well as describing the permissible design, construction and method of affixing the display to the vehicle and also may include additional guidelines for such displays and the permit process. In establishing such criteria, considerations shall include:
1. visual clutter and aesthetics on the public way;
 2. the safety and comfort of passengers, drivers, pedestrians and other motorists;
 3. the visibility of all information required by this chapter to be displayed on the exterior of taxicabs, including but not limited to vehicle numbers, ownership indicia, dome light and availability signal.
- (C) The Taxi Inspector shall inform applicants for an advertising display permit under this section whether the application is

approved or disapproved within thirty (30) business days after its receipt of the completed application, unless it gives the applicant written notice that it needs an additional thirty (30) days and the reasons therefore. If the application is approved, the Taxi Inspector shall issue an advertising display permit. If the Taxi Inspector denies the permit application, it shall provide written notice of its decision within such time period, stating the specific grounds and regulations that form the basis for such denial. If the Taxi Inspector fails to act within thirty (30) business days after receipt of the application, or sixty (60) business days if it has given advance notice of the need for an additional review period, the application shall be deemed granted and the permit shall be issued. The Taxi Inspector has the final authority to determine the type, scope and content of the submitted advertising.

- (D) Where the Taxi Inspector has by rule approved any type of advertising display device that involves the installation of a physical apparatus on the public passenger vehicle, an inspection of the initial installation of such device is required.
- (E) An exterior advertising permit issued under this section shall expire one year after the date of issue, unless sooner surrendered, revoked or terminated.
- (F) No permit for exterior advertising issued pursuant to this section shall be transferred or assigned.
- (G) The suspension or revocation of a public passenger vehicle license issued pursuant to this chapter shall act as the suspension or revocation of any advertising permit issued hereunder to the affected public passenger vehicles.

SECTION 4. Add §116.75 Sunset Provision: Advertising

The provisions §116.74 will Sunset one year following adoption of this amendment unless re-ratified by the Common Council.

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Elizabeth M. Brown, Councilwoman

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Council Attorney

BILL NO. S-10-06-08

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving ARDMORE AVE.: TAYLOR ST. TO JEFFERSON BLVD. LANDSCAPE PLANTING: RESOLUTION #7275-2010 between HARLOW ENTERPRISES, INC. 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 ARDMORE AVE.: TAYLOR ST. TO JEFFERSON BLVD. LANDSCAPE PLANTING: RESOLUTION #7275-2010 by and between HARLOW ENTERPRISES, INC. 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 Landscape Planting for Ardmore Ave.: Taylor St. to Jefferson Blvd: Landscape planting trees (284), shrubs (1031), vines (1906), grassy ground cover and other related landscape work;

involving a total cost of TWO HUNDRED TWENTY-FOUR THOUSAND, TWO HUNDRED NINETY-THREE AND 17/100 DOLLARS - (\$224,293.17).

A copy said Contract is on file in 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-10-06-11

SPECIAL ORDINANCE NO. _____

AN ORDINANCE certifying and approving the need for the services of a consultant, Schenkel Schultz Architecture, for architectural services related to the renovation of the building located at 200 East Berry Street.

WHEREAS, the City of Fort Wayne desires to have professional architectural services for the design, documentation, bidding and construction services related to the renovation of the building located at 200 East Berry Street; and

WHEREAS, the City of Fort Wayne does not have the capability of performing this work with in-house forces; and

WHEREAS, the City of Fort Wayne believes that there is a need to employ a consultant to perform this service; and

WHEREAS, it is anticipated that the amount to be paid to said consultant, Schenkel Schultz Architecture, will be FOUR HUNDRED NINETY-ONE THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS – (\$491,500.00).

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 certifies and approves the need for the services of a consultant to provide professional architectural services for the design, documentation, bidding and construction services related to the renovation of the building located at 200 East Berry Street.

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

