

COMMITTEE SESSION

AGENDA

FORT WAYNE COMMON COUNCIL

APRIL 22, 2008

5:30 P.M. **COMMITTEE SESSION**
COMMON COUNCIL
CONFERENCE ROOM 128

PRESIDING OVER THE STANDING
COMMITTEE OF THE COMMON COUNCIL

THOMAS F. DIDIER
PRESIDENT

SECRETARY OF THE COMMITTEE
SESSION OF THE COMMON COUNCIL

SANDRA E. KENNEDY
CITY CLERK

LEGAL ADVISOR TO MEMBERS
OF THE COMMON COUNCIL

JOSEPH G. BONAHOOM
COUNCIL ATTORNEY

BENDER_____ , BROWN_____ , DIDIER_____ ,
GOLDNER_____ , HARPER_____ , HINES_____ ,
PAPE_____ , SHOAFF_____ , SMITH_____ ,

ORDER OF THE AGENDA

1. ROLL CALL

2. PRIOR APPROVAL REQUESTS - PAGE 3

**3. DISCUSSION OF PENDING
ORDINANCES AND RESOLUTIONS - PAGES 4 THRU 6**

PRIOR APPROVAL REQUEST

CITY UTILITIES COMMITTEE

*John Shoaff - Chair
Karen Goldner - Co-Chair
All Council Members*

“PRIOR APPROVAL REQUEST” WMS & WPCM Water Utility Cuts – contract was awarded to Robbco, Inc. in the amount of \$821,289.74

“PRIOR APPROVAL REQUEST” General CIPP 2008 – contract was awarded to Reynold’s Inliner, LLC in the amount of \$1,656,833.35

ORDINANCES AND RESOLUTIONS UP FOR DISCUSSION

FINANCE COMMITTEE

*Mitch Harper - Chair
Thomas E. Smith - Co-Chair
All Council Members*

ACTION

R-08-04-09

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 102 West Superior Street, Fort Wayne, Indiana 46802 (Altivity Packaging, LLC)

Total cost of \$190,500

This Resolution is to be introduced and voted upon for passage tonight at the Regular Session

REGULATIONS COMMITTEE

*Tim Pape - Chair
Marty Bender - Co-Chair
All Council Members*

G-08-03-25

AN ORDINANCE amending Chapter 38 City Policies, of the City of Fort Wayne Code of Ordinances

Provide electronic access so such notice is made available on the Internet

REGULATIONS COMMITTEE CONTINUED

ACTION

Z-08-03-04

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 1-31 (Sec. 33 of Wayne Township) – Councilmanic District #4 7500 Bluffton Road (West side of the Road) – to allow an entrance drive to serve a new apartment complex on an existing RP parcel

G-07-10-02

**AN ORDINANCE amending the Thoroughfare Plan of the City of Comprehensive (“Master”) Plan by vacating public right-of-way – Councilmanic District #5
A north/south alley bounded by Broadway/Taylor/Lindley and Parkview Avenue**

PUBLIC WORKS COMMITTEE

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

S-08-03-24

AN ORDINANCE approving work order #11840 Maplecrest Road Extension State Route 930 to Lake Avenue, the utility relocation and reimbursement agreement between Indiana Michigan Power and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$124,457 – improvements will be made

PRIOR APPROVAL WAS RECEIVED 3-25-08

CITY UTILITIES COMMITTEE

*John Shoaff - Chair
Karen Goldner - Co-Chair
All Council Members*

ACTION

No Ordinances or Resolutions up for discussion

REGULAR SESSION

AGENDA

FORT WAYNE COMMON COUNCIL

APRIL 22, 2008

REGULAR SESSION
IMMEDIATELY FOLLOWING COMMITTEE SESSION
COMMON COUNCIL CHAMBERS ROOM 126

PRESIDING OVER THE STANDING
COMMITTEE OF THE COMMON COUNCIL

THOMAS F. DIDIER
PRESIDENT

SECRETARY OF THE REGULAR
SESSION OF THE COMMON COUNCIL

SANDRA E. KENNEDY
CITY CLERK

LEGAL ADVISOR TO MEMBERS
OF THE COMMON COUNCIL

JOSEPH H. BONAHOOM
COUNCIL ATTORNEY

BENDER_____, BROWN_____, DIDIER_____,
GOLDNER_____, HARPER_____, HINES_____,
PAPE_____, SHOAFF_____, SMITH_____

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ORDER OF THE AGENDA

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PRESENTATION OF NATIONAL COLORS

SERGEANT-AT-ARMS

ROLL CALL

SANDRA E. KENNEDY
CITY CLERK

PRESIDENT'S REPORT AND COMMENTS

THOMAS F. DIDIER
PRESIDENT

COMMUNICATIONS:

- 1. BOARD OF PUBLIC SAFETY – REGULATORY RESOLUTIONS - 3**

INTRODUCTION OF ORDINANCES AND RESOLUTIONS – PAGES 3 THRU 5

PASSAGE OF ORDINANCES AND RESOLUTIONS – PAGES 6 THRU 8

MISCELLANEOUS BUSINESS

CHAIR OPEN FOR COMMENTS – FROM CITIZENS AND COUNCIL MEMBERS

RETIREMENT OF COLORS

ADJOURNMENT

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION**

FINANCE COMMITTEE

*Mitch Harper - Chair
Thomas E. Smith - Co-Chair
All Council Members*

ACTION

S-08-04-11

**AN ORDINANCE approving the awarding of the Contract for Professional Economic Development Services by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Fort Wayne -Downtown Improvement District for the Division of Community Development
Total cost of \$150,000**

R-08-04-09

**A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 102 West Superior Street, Fort Wayne, Indiana 46802 (Altivity Packaging, LLC)
Total cost of \$190,500**

TO BE PASSED THIS EVENING

R-08-04-10

**A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 102 West Superior Street, Fort Wayne, Indiana 46802 (Altivity Packaging, LLC)
Total cost of \$190,500**

PUBLIC HEARING 5-13-08 - 5:30 P.M.

REGULATIONS COMMITTEE

Tim Pape - Chair
Marty Bender - Co-Chair
All Council Members

R-08-04-14

A RESOLUTION approving credit for past service with another Indiana Political Subdivision for Bradley Fisher and Ezra Bowman

G-08-04-15

AN ORDINANCE enacting and adopting a Merit System for the City of Fort Wayne Fire Department

PUBLIC WORKS COMMITTEE

Glynn A. Hines - Chair
Liz Brown - Co-Chair
All Council Members

No Ordinances or Resolutions up for introduction

CITY UTILITIES COMMITTEE

*John Shoaff - Chair
Karen Goldner - Co-Chair
All Council Members*

ACTION

S-08-04-13

AN ORDINANCE approving construction contract for Resolution #08-01: Work Order #12075 - Water Utility Cuts between Robbco, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$821,289.74

**ORDINANCES AND RESOLUTIONS
UP FOR PASSAGE**

FINANCE COMMITTEE

*Mitch Harper - Chair
Thomas E. Smith - Co-Chair
All Council Members*

ACTION

DO PASS S-08-04-06

**AN ORDINANCE approving ITB #2803 between National Ser-All
and the City of Fort Wayne, Indiana
Total cost of \$25.66/ton**

R-08-04-09

**A DECLARATORY RESOLUTION designating an “Economic
Revitalization Area” property 102 West Superior Street (Altivity
Packaging, LLC)
Total cost of \$190,000**

REGULATIONS COMMITTEE

*Tim Pape - Chair
Marty Bender - Co-Chair
All Council Members*

G-08-03-25

**AN ORDINANCE amending Chapter 38 City Policies, of the City
of Fort Wayne Code of Ordinances
Provide electronic access so notice is made available on
The internet**

**REGULATIONS COMMITTEE
CONTINUED**

ACTION

DO PASS S-08-04-01

**AN ORDINANCE designating a Historic Preservation District
The John and Dorothy Haynes House
3901 North Washington Road**

Z-08-03-04

**AN ORDINANCE amending the City of Fort Wayne Zoning Map
No. 1-31 (Sec. 33 of Wayne Township) – Councilmanic District #4
7500 Bluffton Road (West side of the Road)**

G-07-10-02

**AN ORDINANCE amending the Thoroughfare Plan of the City
Comprehensive (“Master”) Plan by vacating public right-of-way –
Councilmanic District #5
A north/south alley bounded by Broadway/Taylor/Lindley
And Parkview Avenue**

PUBLIC WORKS COMMITTEE

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

S-08-03-24

**AN ORDINANCE approving work order #11849, Maplecrest
Road Extension; State Route 930 to Lake Avenue, The Utility
Relocation and Reimbursement Agreement between Indiana
Michigan Power
Total cost of \$124,457**

PUBLIC WORKS COMMITTEE CONTINUED

ACTION

DO PASS S-08-04-05

**AN ORDINANCE approving construction contract – Renaissance
Pointe Hardscape Package Phase 1A
Total cost of \$2,030,284.6 5**

DO PASS S-08-04-08

**AN ORDINANCE approving purchase of bituminous material for
the Street Department
Total cost of \$700,000**

CITY UTILITIES COMMITTEE

*John Shoaff - Chair
Karen Goldner - Co-Chair
All Council Members*

No Ordinances or Resolutions up for passage

**PREPARED BY THE OFFICE
OF THE CITY CLERK**

**SANDRA E. KENNEDY
CITY CLERK**

BILL NO. G-08-04-15

GENERAL ORDINANCE NO. _____

**AN ORDINANCE ENACTING AND ADOPTING
A MERIT SYSTEM FOR THE CITY OF
FORT WAYNE FIRE DEPARTMENT**

WHEREAS, the Common Council of the City of Fort Wayne believes that it would be in the best interest of the City, the Fort Wayne Fire Department, and the Fort Wayne Firefighters to adopt a merit system for the hiring, promotion, evaluation and discipline of the firefighters in the City of Fort Wayne Fire Department; and,

WHEREAS, currently no merit system has been adopted by the City of Fort Wayne, the Common Council, or the Fort Wayne Fire Department pursuant to any Indiana statute or otherwise; and

WHEREAS, IC §36-8-3.5-1 et seq. permits the Common Council to adopt a merit system in accordance with the provisions of that statute, subject to such amendments as Common Council deems appropriate in accordance with IC §36-8-3.5-1(f); and

WHEREAS, pursuant to I.C. Sections 36-8-3.5-3 and 36-8-3.5-4, City Council recognizes that the adoption of the merit system to the City of Fort Wayne is subject to the approval of at least a majority of the active members of the Fort Wayne Fire Department which approval must be obtained by secret written ballot and which notice of said meeting to vote on said approval must be given to the active members within 60 days after the adoption of the ordinance; and

WHEREAS, Fort Wayne City Council also recognizes that all of the provisions of 36-8-3.5-4 with regard to approval or rejection of the proposed ordinance must be complied with and that if said ordinance is subsequently approved by a majority of the active members of the Fort Wayne Fire Department, then the merit system will take affect on January 1st following the vote.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Fort Wayne, State of Indiana:

Section 1. Pursuant to I.C. § 3-6-8-3.5-3, a merit system is hereby established for the Fort Wayne Fire Department (Department) in the State of Indiana, to govern the selection and appointment of persons to be employed as members of the Department and to govern the promotion, demotion, discipline and dismissal of members of the Department all in accord with the terms and provisions of I.C. 36-8-3.5-1 *et seq.* The Council further hereby specifies that it adopts and constitutes as a basis for the merit system all of 36-8-3.5 *et seq* as currently written and applicable subject, however, per I.C. 36-8-3.5-3(b) to the following amendments:

(a) The provisions of IC 36-8-3.5-4(a)(b)(c) shall be deleted in their entirety and replaced with the following:

Sec. 4. (a) Within sixty (60) days after the adoption of an ordinance or resolution establishing a merit system, the safety board shall give at least three (3) weeks' notice to all active members of the department that a vote will be held to approve or reject the merit system. The notice shall be given by posting it in prominent places in all stations of the department. The notice must designate the times, places, and purpose of the vote.

(b) A copy of the ordinance or resolution shall be distributed to each active member of the department at least one (1) week before the first date of the vote.

(c) Only active members of the department may vote. All voting must be by secured written ballot. The other procedures for holding the vote may be determined by the safety board and shall be posted in accordance with subsection (a).

The remaining provision of I.C. 36-8-3.5-4 shall remain unchanged, however, it is hereby expressed that the foregoing changes and the existing statutory provisions shall be interpreted to allow for a fair secret ballot vote by the active members of the department to take place on all three shifts in order to get the highest level of participation in the vote.

(b) The provisions of IC 36-8-3.5-11(a) are deleted in their entirety and replaced with the following:

Section 11.(a) The commission may appoint and remove members of the department, except for a member in an upper level policymaking position. The executive of the unit shall appoint and may remove a member in an upper level policymaking position. For the purposes of this subsection, the term "upper level policymaking positions" shall mean the fire chief and the two ranks below the fire chief. To the extent this in conflict with any other definition contained herein, this definition shall be controlling.

(c) The provisions of IC 36-8-3.5-12(g) shall be deleted in their entirety and replaced with the following:

(g) When a vacancy occurs in the department, the commission, upon a written request of the chief of the department, shall administer the physical agility test under IC 36-8-3.2-3 or IC 36-8-3.2-3.5 to the applicant having the highest score on the eligibility list. After the first four (4) applicants with the highest test scores have been administered the physical agility test, the Chief may choose an applicant for agility testing that he or she feels is particularly worthy. However, at no time may the Chief's choices exceed twenty percent (20%) of applicants selected to take the physical agility test. If the appointed applicant successfully completes the physical agility test, the applicant shall then be enrolled as a member of the department to fill the vacancy if:

(1) the applicant is still of good character; and

(2) the applicant passes the required examinations identified in IC 36-8-3.2-6 and IC 36-8-8—19.

(d) The provisions of IC 36-8-3.5-12(h) shall be deleted in their entirety and replaced with the following:

(h) All appointments are probationary for a period not to exceed one (1) year from being sworn in. If the commission finds, upon the recommendation of the department during the probationary period, that the conduct or capacity of the probationary member is not satisfactory, the commission shall notify the probationary member in writing that the member is being reprimanded, that the member is being suspended, or that the member will not receive a permanent appointment. If the probationary member is notified that the member will not receive a permanent appointment, the member's employment immediately ceases.

Otherwise, at the expiration of the probationary period the member is considered regularly employed.

- (e) The provisions of IC 36-8-3.5-15(a) shall be deleted in their entirety and replaced with the following:

Section 15.(a) The commission shall adopt rules for determining a performance rating. The rules must require that a performance rating be made at least once every twelve (12) months for each member of the department, including probationary members. The rating shall be made by one (1) or more of the member's superiors, as defined in the commission's rules. Probationary members shall be rated in the same manner as other members of the department. The ratings shall be submitted to the chief of the department and kept on file in his office under his supervision. The chief shall notify each member in writing of the rating that the member received.

Section 2. That members of the Department who hold the rank of firefighter (or private), lieutenant, captain and battalion chief as of the date of the adoption of this Ordinance shall retain that rank and be considered merit firefighters or fire officers. Years of service in the rank of firefighter shall accrue from date the firefighter's date of hire. The years of service as an officer will accrue from the officer's date(s) of promotion.

Section 3. That the order of merit ranks will be as follows: probationary firefighter, firefighter (or private), lieutenant, captain, and battalion chief. Firefighters or firefighter/engineers with sufficient years of service as determined by the merit commission are eligible to test for a lieutenant position. Only lieutenants with sufficient years of service as lieutenants as determined by the merit commission are eligible to test for captain. Only

captains with sufficient years of service as captains as determined by the merit commission are eligible to test for battalion chief.

Section 4. That hiring and promotional lists in effect as of the date of adoption of this Ordinance shall remain in effect for two (2) years from the date on which it/they were first accepted; and,

Section 5. Effective Date. Upon its passage, all necessary approval by the Mayor, any and all publications necessary, then the establishment of a merit system by this Ordinance is subject to the approval of the merit system by a majority of the active members of the Department by secret ballot vote pursuant to notice as prescribed in IC §36-8-3.5-4 as amended by this ordinance. The notice of the date(s), time(s) and place(s) of the vote must be given to the members of the fire department at least three weeks prior to the vote as required by IC §36-8-3.5-4-(a). If a majority of the active members of the Department vote to approve the merit system, the merit system shall take effect on January 1st following the vote.

Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Attorney for City Council

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 102 West Superior
Street, Fort Wayne, Indiana 46802
(Altivity Packaging, LLC)**

WHEREAS, Petitioner has duly filed its petition dated April 9, 2008 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

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

and

WHEREAS, said project will retain 120 full-time, permanent jobs for a total current annual payroll of \$5,078,246, with the average current, annual job salary being \$42,319; and

WHEREAS, the total estimated project cost is \$190,500; 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;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an “Economic Revitalization Area” shall not be finally approved unless said Commission adopts a Resolution approving the petition.

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 \$2.9183/\$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 \$2.9183/\$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 \$2.9183/\$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 five 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 102 West Superior
Street, Fort Wayne, Indiana 46802
(Altivity Packaging, 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 retain 120 full-time, permanent jobs for a current annual payroll of \$5,078,246, with the average current annual job salary being \$42,319; and

WHEREAS, the total estimated project cost is \$190,500; 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; and

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, The Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

**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 \$2.9183/\$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 \$2.9183/\$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 \$2.9183/\$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 five years.

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

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

SECTION 9. The performance report must contain the following information

(a) The cost and description of real property improvements and/or new manufacturing equipment acquired.

(b) The number of employees hired through the end of the preceding calendar year as a result of the deduction.

(c) The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.

(d) The total number of employees employed at the facility receiving the deduction.

(e) The total assessed value of the real and/or personal property deductions.

(f) The tax savings resulting from the real and/or personal property being abated.

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

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

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

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. R-08-04-14

RESOLUTION NO. R-_____

**A RESOLUTION APPROVING CREDIT FOR PAST SERVICE
WITH ANOTHER INDIANA POLITICAL SUBDIVISION
FOR BRADLEY FISHER AND EZRA BOWMAN**

WHEREAS, Ordinance G-15-92 and City of Fort Wayne Policy and Procedure Number 203 provides employees hired on or after April 2, 1992, may be granted credit for past service with another Indiana political subdivision for the purposes of determining eligibility for vacation leave upon the approval of the Mayor and the Common Council; and

WHEREAS, the City of Fort Wayne currently employs Bradley Fisher and Ezra Broman in the Transportation Engineering Services Department and desires to grant them credit for past service with:

Bradley Fisher from: 5/14/2001 to: 10/19/2007, Allen County
Highway Department;

Ezra Broman from: 5/14/2001 to: 10/19/2007, Allen County
Highway Department

for the purpose of determining eligibility for vacation leave; and

WHEREAS, approval of the Common Council is necessary to allow Bradley Fisher and Ezra Broman credit for their past service with the Allen County Highway Department.

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

SECTION 1. The Common Council of the City of Fort Wayne, Indiana, pursuant to Ordinance G-15-92 and City of Fort Wayne Policy and Procedure Number 203, approves credit for past service with the Allen County Highway Department to:

Bradley Fisher from: 5/14/2001 to: 10/19/2007; and

Ezra Broman from: 5/14/2001 to: 10/19/2007

for the purpose of determining eligibility for vacation leave

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-08-04-11

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of the Contract for Professional Economic Development Services by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and FORT WAYNE - DOWNTOWN IMPROVEMENT DISTRICT for the DIVISION OF COMMUNITY DEVELOPMENT.

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

SECTION 1. That the Contract for Professional Economic Development Services between the City of Fort Wayne, by and through its Department of Purchasing and FORT WAYNE - DOWNTOWN IMPROVEMENT DISTRICT for the DIVISION OF COMMUNITY DEVELOPMENT, respectfully for:

professional management, communications, marketing, and business real estate development services regarding economic development activities for Downtown Fort Wayne, Indiana;:

involving a total cost of ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS - (\$150,000.00) all as more particularly set forth in said the Contract for Professional Economic Development Services, 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

BILL NO. S-08-04-12

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of RFQ NO. 2820-DEMOLITIONS AND LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and OXENDINE, PALERMO, LEININGER EXCAVATING AND FEUSER CONTRACTING for the DEPARTMENT OF NEIGHBORHOOD CODE DEVELOPMENT.

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

SECTION 1. That RFQ NO. 2820-DEMOLITIONS AND LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE between the City of Fort Wayne, by and through its Department of Purchasing and OXENDINE, PALERMO, LEININGER EXCAVATING AND FEUSER CONTRACTING for the DEPARTMENT OF NEIGHBORHOOD CODE DEVELOPMENT, respectfully for:

demolitions and lot restorations for Neighborhood Code Enforcement:

involving a total cost of ONE HUNDRED FIFTEEN THOUSAND, EIGHT HUNDRED SIXTY-FIVE AND NO/100 DOLLARS - (\$115,865.00) - (OXENDINE - \$76,720.00; PALERMO - \$17,151.00; LEININGER - \$13,000.00; FEUSER - \$8,994.00) all as more particularly set forth in said RFQ NO. 2820-DEMOLITIONS AND LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE, 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

BILL NO. S-08-04-13

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT FOR RESOLUTION #08-01: WORK ORDER #12075 - WATER UTILITY CUTS between ROBBCO, 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 CONSTRUCTION CONTRACT FOR RESOLUTION #08-01: WORK ORDER #12075 - WATER UTILITY CUTS by and between ROBBCO, 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 water utility cuts for Water Maintenance & Service and Water Pollution Control Maintenance;

involving a total cost of EIGHT HUNDRED TWENTY-ONE THOUSAND, TWO HUNDRED EIGHTY-NINE THOUSAND AND 74/100 DOLLARS - (\$821,289.74).

SECTION 2. Prior Approval has been requested from Common Council on APRIL 22, 2008. 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