

COMMITTEE SESSION

AGENDA

FORT WAYNE COMMON COUNCIL

JUNE 24, 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 REQUEST – PAGE 3

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

PRIOR APPROVAL REQUEST

PUBLIC WORKS COMMITTEE

Glynn A. Hines - Chair

Liz Brown - Co-Chair

All Council Members

**“PRIOR APPROVAL REQUEST “ Turf Lane-Magnolia Drive Concrete Street
Repairs – contract was awarded to Garcia Concrete in the amount of \$100,829.50**

**ORDINANCES AND RESOLUTIONS UP FOR
DISCUSSION**

FINANCE COMMITTEE

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

ACTION

No Ordinances or Resolutions up for discussion

REGULATIONS COMMITTEE

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

Z-08-04-02

**AN ORDINANCE amending the City of Fort Wayne Zoning Map
No. X-22 (Sec. 26 of St. Joseph Township) – Councilmanic District
No. 01**

**Southeast corner of the intersection of Trier and Goeglein
Roads – A change from R1 to CM1 to allow for a childcare
center**

REGULATIONS COMMITTEE CONTINUED

ACTION

Z-08-05-06

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-02 (Sec. 11 of Wayne Township) – Councilmanic District No. 05

9409 Illinois Road – A change of zone from R3 to IN1 to allow for the bullpen storage area for an existing business

G-08-05-20

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive (“Master”) Plan by vacating public right-of-way – Councilmanic District No. 05

The south 55.2 feet of the north-south alley located west of Calhoun Street bounded by Woodland Street and Pontiac Street, between Lot 1 and Lot 4 – to utilize vacated right of way for access to parking for the Rialto Theatre

FOR DISCUSSION ONLY

PUBLIC WORKS COMMITTEE

Glynn A. Hines - Chair

Liz Brown - Co-Chair

All Council Members

No Ordinances or Resolutions up for discussion

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

JUNE 24, 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 ADVISORS TO MEMBERS
OF THE COMMON COUNCIL

JOSEPH H. BONAHOOM
COUNCIL ATTORNEY

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

.....

ORDER OF THE AGENDA

.....

PRESENTATION OF NATIONAL COLORS

SERGEANT-AT-ARMS

ROLL CALL

SANDRA E. KENNEDY
CITY CLERK

PRESIDENT'S REPORT AND COMMENTS

THOMAS F. DIDIER
PRESIDENT

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-08-06-17

AN ORDINANCE certifying and approving the professional service agreement and amendments No. 1 for Black & Veatch to provide professional design, bidding and construction services for the CSO 017 and CSO 021 Floatables Control Pilot Project on the St. Joe River

Total cost of \$138,360

R-08-06-14

A RESOLUTION finding, determining, and approving an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of Economic Development Revenue Bonds of the City of Fort Wayne in an amount not to exceed \$5,400,000 for the purpose of inducing the applicant, University of Saint Francis of Fort Wayne, Indiana, Inc. to proceed with the construction and equipping of the project

Total cost of \$5,400,000

REGULATIONS COMMITTEE

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

ACTION

S-08-06-13

A SPECIAL ORDINANCE establishing new Economic Development Target Areas

G-08-06-19

AN ORDINANCE amending Chapter 35: Fire Department of the City of Fort Wayne, Indiana, Code of Ordinances to establish the Fort Wayne Fire Department Merit Commission

G-08-06-12

AN ORDINANCE amending Section 153.11 of Chapter 153, Planning and Development of the Code of the City of Fort Wayne Indiana Memorial Park Neighborhood Plan

Z-08-06-10

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-11 (Sec. 14 of Wayne Township) – Councilmanic District No. 5
4039 South Wayne Avenue – allow for a school lunch Preparation business**

Z-08-06-11

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-30 (Sec. 20 of St. Joseph Township) – Councilmanic No. 2
4500 block of Stellhorn Road, - future Certified Technology Park uses and an expansion of the Innovation Center**

PUBLIC WORKS COMMITTEE

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

ACTION

S-08-06-15

**AN ORDINANCE approving construction contract #7185-2008, Ardmore Avenue and Taylor Avenue intersection between Brooks Construction and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$1,255,337.50**

S-08-06-16

**AN ORDINANCE approving construction contract #7171-2008, Caribe Boulevard between Key Concrete and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$108,245**

CITY UTILITIES COMMITTEE

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

No Ordinances or Resolutions up for introduction

**ORDINANCES AND RESOLUTIONS
UP FOR PASSAGE**

FINANCE COMMITTEE

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

ACTION

DO PASS S-08-06-06
AN ORDINANCE certifying and approving the need for the services of a consultant to provide professional surveying, geotechnical, design, bidding and construction services for the CSO Floatable Control Screening Facility – St. Joe River Outfall 052 Project
Total cost in excess of \$100,000

DO PASS R-08-06-01
A RESOLUTION confirming Declaratory Resolution 2008-43 of the Fort Wayne Redevelopment Commission concerning Amendment I, Washington Center Coldwater Road Economic Development Area

DO PASS R-08-06-02
A RESOLUTION confirming Declaratory Resolution 2008-42 of the Fort Wayne Redevelopment Commission concerning Amendment III, Jefferson Illinois Road Economic Development Area

REGULATIONS COMMITTEE

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

ACTION

DO PASS R-08-06-05

A RESOLUTION approving credit for past service with another Indiana Political Subdivision for Rebecca Karcher

Z-08-04-02

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. X-22 (Sec. 26 of St. Joseph Township) – Councilmanic District No. 1

Southeast corner of the intersection of Trier and Goeglein Road - to allow for a childcare center

Z-08-05-06

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-02 (Sec. 11 of Wayne Township) – Councilmanic District No. 5

9409 Illinois Road – to allow for a bullpen storage area for An existing business

PUBLIC WORKS COMMITTEE

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

DO PASS S-08-06-08

**AN ORDINANCE approving construction contract Bellefield Cipp – Board of Public Works
Total cost of \$375,230**

PUBLIC WORKS COMMITTEE CONTINUED

ACTION

DO PASS S-08-06-09

**AN ORDINANCE approving Change Order – Plant 3 Southwest Clarifier Drive Rehabilitation – Board of Public Works
Total cost contract price with Change Order
\$122,187.50**

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**

#1139

BILL NO. G-08-06-12

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE AMENDING THE CODE OF
THE CITY OF FORT WAYNE, INDIANA

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

WHEREAS, Common Council of the City of Fort Wayne adopted a Comprehensive Plan for the City of Fort Wayne (Plan-it Allen), in accordance with the statutes of the State of Indiana; and,

WHEREAS, this ordinance is to establish an amendment to the Comprehensive Plan to include the goals and polices of the Memorial Park Community Development Area Plan to be adopted.

WHEREAS, the City Plan Commission in accordance with the Planning Statutes of the State of Indiana will hold a public hearing on the Amendment to the Comprehensive Plan; and,

WHEREAS, Common Council agrees that it is in the best interests of the City of Fort Wayne that this amendment be adopted;

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

SECTION 1. Section 153.11 of Chapter 153 (Planning & Development) of the Code of the City of Fort Wayne is amended by adding the following subsection (L):

- (L) Memorial Park Community Development Area Plan. The Comprehensive Plan (Plan-it Allen) is amended by adding the goals and policies of the "Memorial Park Neighborhood Plan" as set forth in that plan.

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol A. Taylor, City Attorney

AN ORDINANCE AMENDING CHAPTER 35: FIRE DEPARTMENT OF THE CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES TO ESTABLISH THE FORT WAYNE FIRE DEPARTMENT MERIT COMMISSION.

WHEREAS, Indiana Code 36-1-4-14 authorizes a City to establish a system of employment for employees based on merit and qualification; and

WHEREAS, the Common Council believes it to be in the best interest of the City of Fort Wayne to create a merit plan for members of the Fort Wayne Fire Department; and

WHEREAS, said merit plan would govern the promotion and evaluation of members of the Fire Department and encourage further education in management and fire sciences.

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

SECTION 1. That Chapter 35: FIRE DEPARTMENT is hereby amended as follows:

FORT WAYNE FIRE DEPARTMENT MERIT COMMISSION

Pursuant to Indiana Code 36-1-4-14, a merit system is hereby established for the Fort Wayne Fire Department to govern the promotion and evaluation of members of the Fire Department.

§35.02 DEFINITIONS

- COMMISSION.** Shall refer to the Fort Wayne Merit Commission.
- DEPARTMENT.** Shall refer to the Fort Wayne Fire Department.
- CITY.** Shall refer to the City of Fort Wayne, Indiana.
- SAFETY BOARD.** Shall refer to the Board of Public Safety.
- RANKS.** Shall refer to the Fire Department ranks of Lieutenant, Captain and Battalion Chief.

§35.03 ESTABLISHMENT OF MERIT COMMISSION

(A) The Commission shall consist of five (5) members to be appointed as follows:

- (1) two (2) persons, who must of different political parties, appointed by the City's executive;
- (2) one (1) person appointed by Common Council; and
- (3) two (2) persons, who must of different political parties, elected by active members of the Department.

For purposes of this chapter, political affiliation shall be determined through the voter registration records of the most recent primary election in which the appointee voted.

- (B) Each Commissioner must have been a legal resident of the City for three (3) consecutive years immediately proceeding the Commissioner's term and must be a person of good moral character.
- (C) Common Council may determine a per diem to be paid to each Commissioner for each day of actual service to the Commission.
- (D) A Commissioner may not be an active member of a fire department or agency and not more than two (2) of the Commissioners may be past members of a fire department or agency. In addition, a person may not serve on the commission if the person receives any remuneration as salary from the City.

- (E) Each Commissioner shall take an oath of office to conscientiously discharge the Commissioner's duties. A signed copy of the oath shall be filed with the Safety Board.

§35.04 COMMISSIONERS; TERMS AND TENURE

- (A) The term of a Commissioner is four (4) years. However, one (1) of the executive's initial elections and one (1) of the Department's initial selections are for terms of two (2) years.
- (B) A vacancy on the Commission shall be filled within thirty (30) days by the appointing or electing authority. The selection is for the remainder of the unexpired term.
- (C) A Commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time. In the case of a Commissioner elected by the Department, the Safety Board shall call a meeting of the active members of the Department under the procedures specified in §35.05 of this Chapter if a recall petition signed by a majority of the active members is submitted to the board.

§35.05 ELECTIONS; MEETINGS; NOTICE

- (A) An election to be made by active members of the Department shall be made at a meeting called specifically for that purpose by the Safety Board. The Safety Board shall give at least three (3) weeks notice of the meeting to all active members of the Department by posting the notice on the intranet system. The notice must designate the time, place and purpose of the meeting.
- (B) Only active members of the Department may attend the meeting, and at the meeting one (1) of them shall be selected as chairman. All voting must be by secret written ballot. The other procedures for holding the meeting may be determined by the safety board and shall be posted in accordance with subsection (A).

§35.06 RULES GOVERNING COMMISSION

- (A) Within thirty (30) days after the Commission is selected, the Commission shall adopt rules to govern the Commission, including the time and place of regular monthly meetings and special meetings that are necessary to transact the business of the Commission. A majority of the Commissioners constitutes a quorum, and a majority vote of all the Commissioners is necessary to transact the business of the Commission. Each year the Commissioners shall select from among their number a president, a vice-president, and secretary. The Commission shall keep a permanent record of its proceedings.
- (B) The Commission shall submit a proposed annual budget to the City as other budgets of the City are submitted. Common Council shall include in its budget an amount sufficient for the necessary expenses of the Commission.

§35.07 RULES; ADOPTION; NOTICE AND HEARING

- (A) Within one hundred and twenty (120) days after the Commission is selected, the Commission shall adopt rules governing:
 - (1) the promotion of members of the Department; and
 - (2) determining a performance rating for members of the Department.
- (B) Before the rules required by the chapter are adopted by the Commission, the Commission must hold a public hearing to consider the adoption of the proposed rules. At least ten (10) days before the public hearing, the Commission must have a notice of the hearing published in accordance with I.C. 5-3-1. The notice must state the time and place of the hearing and give briefly the subject matter of the proposed rules.
- (C) At least ten (10) days before the hearing, one (1) copy of the proposed rules must be placed on file in the office of the City Clerk for inspection by residents of the City.
- (D) At least ten (10) days before the hearing, three (3) copies of the proposed rules must be forwarded to the chief of the Department and retained on file in the chief's office for inspection at all times by members of the Department.

(E) At the hearing, any interested City resident and any member of the Department must be afforded an opportunity to present both oral and written evidence on any matter relating to the adoption of the proposed rules. The Commission shall give due consideration to this evidence in making its final decision concerning the adoption of the proposed rules.

§35.08 PROMOTIONS; RULES, REQUISITES; ELIGIBILITY LIST

(A) Rules governing promotions must provide that the following factors be considered in rating a member of the Department for a promotion:

- (1) The score received by the member on a written competitive examination.
- (2) The score received by the member on an oral competitive interview.
- (3) The performance record of the member in the Department.
The member's length of service.

(B) The Commission shall determine the weight to be given to each of the factors. However, neither a member's length of service nor the score received on the oral interview may comprise more than twenty percent (20%) each of the rating.

- (1) Only members who are qualified in rank and length of service may be given the competitive examination and placed on an eligibility list. The eligibility list for a position consists of members who have been placed on the list in order of their cumulative score on all rating factors. The eligibility list shall be maintained for two (2) years from the date of certification, after which time the list shall be retired and a new list established. The retired list shall be kept for five (5) years and then destroyed.

**§35.09 PROMOTIONS; COMPETITIVE EXAMINATIONS;
PROCEDURES**

(A) Before a written competitive examination may be held to fill a current or expected vacancy in the ranks, the members eligible to take the examination must be notified of the written materials from which the questions will be taken. The Commission

may employ instructors, purchase materials, and make other expenditures to provide information for applicants for promotion examinations.

- (B) The identity of a member taking the written examination shall be withheld from the person or persons grading the examination, and all written examinations are confidential. The Commission shall notify each member in writing of the score that the member received on the examination. The score received by the member on the written examination becomes a part of the permanent file of the member, and the member is entitled to access to this file for examination at any time.
- (C) The examination papers shall be kept under the Commission's supervision. A member who is aggrieved with the score received on the written examination may appeal to the Commission for review of the score. The appeal must be filed within ten (10) days after notice of the score has been sent to him or her. He or she may review the questions incorrectly answered by him or her and challenge the answer considered correct by the examiner. The Commission shall either affirm the score or correct the score according to the findings of a review. The examination papers shall be retired after the two (2) year period during which the eligibility list is valid. The retired papers shall be kept for five (5) years and then destroyed.

§35.10 PERFORMANCE RATINGS; RULES; APPEAL

- (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. A separate rating system shall be established for Probationary members and Journeyman apprentice members. 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.
- (B) A member who is aggrieved with the performance rating given to him by his superior may appeal to the Commission for a review of the rating. The appeal must be filed

within ten (10) days after notice of the rating has been sent to him. The Commission shall either affirm or amend the rating.

**§35.11 PROMOTIONS; CERTIFICATION OF ELIGIBLE MEMBERS;
PROBATION; PROCEDURES**

- (A) When a vacancy in rank occurs, the Commission shall certify to the chief of the Department the three (3) members with the highest scores on the eligibility list for that particular rank. Within six months the Commission, upon the recommendation of the chief, shall promote one (1) of those members to fill the vacant position.
- (B) All promotions are probationary for a period not to exceed one (1) year. At the end of the period, a probationary member's supervisor shall review the member's performance and recommend to the Commission that: (1) the promotion be made permanent; or (2) the promotion be revoked.
- (C) The Commission shall prepare a rating chart for the superior's use in making the report. The Commission shall review the report and decide what action should be taken. The probationary member is entitled to appear before the Commission and be heard on any matter detrimental to him in his superior's report. He is also entitled to be represented by counsel or another representative of his choice. If the promotion is finally revoked the member may not be returned to a rank lower than that he held before the probationary promotion.
- (D) Actions by the Commission other than making the promotion permanent may be appealed within thirty (30) days to the circuit or superior court of the county, with the City being named as the sole defendant.
- (E) All ranks above Lieutenant, Captain and Battalion Chief must have held a minimum of a Lieutenant's rank and have at least 5 years of service before holding that rank.

§35.12. SAFETY BOARD

The Safety Board shall, retain all of its statutory authority over the Department granted to it under I.C. 36-8-3-1, et seq. unless such authority has been specifically delegated to the

Commission by virtue of this chapter.

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 FORM AND LEGALITY

Carol Taylor, City Attorney

RESOLUTION NO. R-_____

A RESOLUTION FINDING, DETERMINING, AND APPROVING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF ECONOMIC DEVELOPMENT REVENUE BONDS OF THE CITY OF FORT WAYNE IN AN AMOUNT NOT TO EXCEED \$5,400,000 FOR THE PURPOSE OF INDUCING THE APPLICANT, UNIVERSITY OF SAINT FRANCIS OF FORT WAYNE, INDIANA, INC., TO PROCEED WITH THE CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana (the “Issuer”), is authorized by IC 36-7-11.9 and 12, as supplemented and amended (the “Act”) to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used either directly or by loan to a company for the acquisition, construction and equipping of said facilities to be either owned by a company or leased to a company or sold to a company; and

WHEREAS, University of Saint Francis of Fort Wayne, Indiana, Inc. (the “Applicant”), an Indiana non-profit corporation and a 501(c)(3) organization (as that term is used in Section 145 of the Internal Revenue Code of 1986, as amended (the “Code”)), has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer loan the proceeds of an economic development financing to the Applicant for (i) the current refunding of the Issuer’s Variable Rate Demand Economic Development Revenue Bonds, Series 2004 (University of Saint Francis Project) which has an outstanding principal balance of approximately \$2,600,000, and (ii) assistance to the Applicant with the financing of such economic development facility, said economic development facility to include the construction and equipping of a 3-story 40,700 square foot student residence hall to accommodate approximately 150 students, comprised of 38 suite style units (including three (3) handicapped accessible units) plus living space for a residence hall director and approximately 135 parking spaces located on the western edge of the Applicant’s campus at 2701 Spring Street, Fort Wayne, Indiana 46808 (the

“Project”); and

WHEREAS, the construction and equipping of the Project resulting in the creation of approximately four (4) full-time and five (5) part-time jobs over a three year period will be a public benefit to the health, safety, and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be a public benefit to the health, safety, and general welfare of the Issuer and its citizens.

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

SECTION 1. The Common Council finds and confirms that the promotion and diversification of the economic development and job opportunities in Fort Wayne, Indiana is desirable to improve the health, safety, and general welfare of the citizens of the Issuer; and that it is in the public interest that the Fort Wayne Economic Development Commission and said Issuer take such action as they lawfully may to encourage such activity opportunities in and near the said Issuer.

SECTION 2. The Common Council further finds and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$5,400,000 of the Issuer under the Act and the loan of the proceeds thereof to the Applicant for (i) the refunding of the Issuer’s Variable Rate Demand Economic Development Revenue Bonds, Series 2004 (University of Saint Francis Project) in the approximate amount of \$2,600,000, and (ii) the construction and equipping of the Project, will serve the public purpose referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, and equipping of the Project, the Common Council hereby finds, determines, ratifies, and confirms that: (i) it will take or cause to be taken such action pursuant to the

Act as may be required to implement the aforesaid financing or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance, and sale of said economic development bonds.

SECTION 4. The Issuer intends this inducement resolution to satisfy the requirements of the Internal Revenue Code of 1986, as amended and the regulations promulgated thereunder (the "Code"), and specifically Reg. §1.150-2(e), regarding the declaration by the Issuer of its official intent to issue its revenue bonds for the purpose of reimbursing original expenditures (as that term is defined in Reg. §1.150-2(c)) incurred with respect to the Project within 60 days preceding the adoption of this resolution.

SECTION 5. All original expenditures of the Project incurred within 60 days preceding the adoption of this inducement resolution, including the disbursement and/or repayment of monies expended by the Applicant for the planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, construction and equipping of the Project, will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will thereafter loan the proceeds of such financing to the Applicant for the same purposes.

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Adopted and effective this ____ day of July, 2008

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

**A SPECIAL ORDINANCE ESTABLISHING NEW
ECONOMIC DEVELOPMENT TARGET AREAS**

WHEREAS, the General Assembly of the State of Indiana has enacted certain legislation now codified as IC 6-1.1-12.1-7 regarding the establishment of economic development target areas; and

WHEREAS, according to IC 6-1.1-12.1-7 (a)(1) economic development target areas are specific geographic territories that have become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property or have been designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a preservation commission organized under IC 36-7-11, IC 36-7-11.1, IC 36-7-11.2, IC 36-7-11.3 or IC 14-3-3.2, or encompass buildings, structures, sites, or other facilities that are listed on the National Register of Historic Places pursuant to 16 U.S.C. 470 et seq., the Indiana Historic Sites and Historic Structures Register established under IC 14-21-1, or are determined to be eligible for listing on the Indiana register by the Indiana state historic preservation officer; and

WHEREAS, per Indiana law the designation of economic development target areas is made by ordinance of the fiscal body of a city after a favorable recommendation by an economic development commission; and

WHEREAS, the Fort Wayne Economic Development Commission is the economic development commission with jurisdiction in the City of Fort Wayne; and

WHEREAS, the Fort Wayne Common Council is the fiscal body of the City of Fort Wayne; and

WHEREAS, the Fort Wayne Economic Development Commission has made such favorable recommendation to the Fort Wayne Common Council; and

WHEREAS, the Fort Wayne Common Council may designate a maximum of fifteen percent (15%) of the total geographic territory of the city to be in economic development target areas; and

WHEREAS, economic development target areas established by the city before July 1, 1987 continue in effect until modified or abolished by ordinance of the Fort Wayne Common Council; and

WHEREAS, the current economic development target areas were defined by Fort Wayne Common Council Resolution Numbers S-102-01, S-226-91 (as amended); S-81-85; S-115-83, S-37-03, S-19-05 and S-113-05; and

WHEREAS, it is the intention of both the Fort Wayne Economic Development Commission and the Fort Wayne Common Council to induce private recapitalization in certain areas of the City of Fort Wayne; and

WHEREAS, the Commission, with the assistance of the Community Development Division of the City of Fort Wayne has completed research on the geographic areas within the City of Fort Wayne which would qualify as economic development target areas, and within which economic development target area status might serve as an inducement for recapitalization by private interests; and

WHEREAS, due to changed economic and demographic patterns it is now deemed appropriate to designate new economic development target areas; and

WHEREAS, it has been determined through mapping that the recommended economic

development target area comprises an area less than 15% of the total geographic area of the City of Fort Wayne,

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

SECTION 1. Based on the favorable recommendation of the Fort Wayne Economic Development Commission, the Fort Wayne Common Council finds that certain areas of the City meet the definition of economic development target area and are areas within which economic development target area status can serve as an inducement for recapitalization by private interests.

SECTION 2. Fort Wayne Common Council herein formally adopts an ordinance designating as economic development target areas the following new areas with the boundaries shown as exhibit A that includes previously designated economic development target areas:

- A. Tillman Road – Those properties fronting Tillman Road from Calhoun Street to South Anthony Boulevard.
- B. Creighton Avenue – Those properties fronting Hanna Street to South Anthony Boulevard.**
- C. US 27/Hanna Street – Those properties fronting U.S. 27 and/or Hanna Street at the intersection of U.S. 27 and Hanna Street.**
- D. Decatur Road/Paulding Road/Southgate Plaza – Those properties roughly bounded by Pettit Avenue on the north, Hanna Street and Decatur Road on the east, East Paulding Road on the south and U.S. 27/South Lafayette Street on the west.**

E. Former Diplomat Plaza – Those properties on the northeast corner of Hessencassel Road and McKinnie Avenue.

SECTION 4. Common Council shall designate additional qualifying areas as economic development target areas on a case-by-case basis.

SECTION 5. 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

AN ORDINANCE approving CONSTRUCTION CONTRACT #7185-2008, ARDMORE AVENUE AND TAYLOR AVENUE INTERSECTION between BROOKS 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 #7185-2008, ARDMORE AVENUE AND TAYLOR AVENUE INTERSECTION by and between BROOKS 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
PRIOR APPROVAL - PRIOR APPROVAL - CONSTRUCTION CONTRACT
#7185-2008, ARDMORE AVENUE AND TAYLOR AVENUE
INTERSECTION;

involving a total cost of ONE MILLION, TWO HUNDRED FIFTY-FIVE THOUSAND, THREE HUNDRED THIRTY-SEVEN AND 50/100 DOLLARS - (\$1,255,337.50).

SECTION 2. Prior Approval has been requested from Common Council on MAY 27, 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

BILL NO. S-08-06-16

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7171-2008, CARIBE BOULEVARD between KEY CONCRETE 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 #7171-2008, CARIBE BOULEVARD by and between KEY CONCRETE 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
CARIBE BOULEVARD: all provisions of Resolution No. 7171-08 and Construction Contract #7171-2008, Caribe Boulevard:

involving a total cost of ONE HUNDRED EIGHT THOUSAND, TWO HUNDRED FORTY-FIVE AND NO/100 DOLLARS - (\$108,245.00). 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

AN ORDINANCE CERTIFYING AND APPROVING THE PROFESSIONAL SERVICE AGREEMENT AND AMENDMENTS NO. 1 FOR BLACK & VEATCH TO PROVIDE PROFESSIONAL DESIGN, BIDDING AND CONSTRUCTION SERVICES FOR THE CSO 017 AND CSO 021 FLOATABLES CONTROL PILOT PROJECT ON THE ST. JOE RIVER.

WHEREAS, the Board of Public Works desires to hire Black and Veatch for professional design, bidding and construction services for the CSO 017 and CSO 021 floatables control pilot project on the St. Joe River; and

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

WHEREAS, it is anticipated that the amount to be paid to Black and Veatch will not exceed ONE HUNDRED THIRTY-EIGHT THOUSAND, THREE HUNDRED SIXTY AND NO/100 DOLLARS – (\$138,360.00).

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 Black and Veatch for professional design, bidding and construction services for the CSO 017 and CSO 021 floatables control pilot project on the St. Joe River,

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

AN ORDINANCE CERTIFYING AND APPROVING THE SUPPLEMENTAL AGREEMENT NO. 1 FOR DLZ INDIANA, LLC. TO PROVIDE ADDITIONAL PROFESSIONAL SURVEY, DRAFTING, AND DESIGN FOR TOWPATH TRAIL PHASE II-B.

WHEREAS, the Board of Public Works to hired DLZ INDIANA, LLC to provide additional professional survey, drafting, and design for Towpath Trail Phase II-B, **PARKING LOT IMPROVEMENTS ALONG GLENDALE ROAD; RIGHT OF WAY ENGINEERING; AND COORDINATION EFFORT WITH PARCEL OWNERS THAT ARE NEEDED BEYOND THE CONTRACTED SCOPE OF WORK;** and

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

WHEREAS, it is anticipated that the amount to be paid to Black and Veatch will not exceed ONE HUNDRED FIFTY-NINE THOUSAND, EIGHT HUNDRED EIGHTY AND NO/100 DOLLARS – (\$159,880.00).

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 DLZ INDIANA, LLC to provide additional professional survey, drafting, and design for Towpath Trail Phase II-B,

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

#1136

BILL NO. Z-08-06-10

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. L-11 (Sec. 14 of Wayne Township)

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

SECTION 1. That the area described as follows is hereby designated a CM2
(Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code
of the City of Fort Wayne, Indiana:

Lot 130 of Fairfield Heights addition to the City of Fort Wayne, as recorded in the Allen
County Recorder's Office, Plat Book 4, Page 71.

**and the symbols of the City of Fort Wayne Zoning Map No. L-11 (Sec. 14 of Wayne
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.**

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1137

BILL NO. Z-08-06-11

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. R-30 (Sec. 20 of St. Joseph Township)

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

SECTION 1. That the area described as follows is hereby designated an IN2

(General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City

of Fort Wayne, Indiana:

A portion of the Lands of the Indiana Purdue Foundation at Fort Wayne, as recorded in Document Number 202079841, in the Office of the Recorder, Allen County, Indiana, being a portion of the Southwest Quarter of Section 20, Township 31 North, Range 13 East, Second Principal Meridian, St. Joseph Civil Township, Allen County, Indiana and being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of Section 20, Township 31 North, Range 13 East as marked by a brass pin found; thence North 90 degrees 00 minutes 00 seconds West (basis of bearing for this description and all subsequent bearings herein), along the South line of the Southwest Quarter, a distance of 1392.43 feet to the Southwest Corner of Parcel "B" of the Lands of the Indiana Purdue Foundation at Fort Wayne, as recorded in Document Number 202079841, in the Office of the Allen County, Indiana Recorder; thence North 00 degrees 00 minutes 00 seconds East a distance of 65.19 feet to a point of the North Right of Way line of Stellhorn Road; thence North 89 degrees 34 minutes 58 seconds West, along the North right of Way line of Stellhorn Road, a distance of 293.65 feet to the Point of Beginning of the real estate herein described;

Thence continuing North 89 degrees 34 minutes 58 seconds West, along the North Right of Way line of Stellhorn Road, a distance of 310.79 feet;

Thence North 88 degrees 40 minutes 40 seconds West along the North Right of Way line of Stellhorn Road, a distance of 350.46 feet;

Thence North 87 degrees 29 minutes 05 seconds West, along the North Right of Way line of Stellhorn Road, a distance of 209.50 feet;

Thence North 43 degrees 12 minutes 19 seconds West, along the Northerly Right of Way line of Stellhorn Road, a distance of 42.07 feet to a point of the East Right of Way line of St. Joe Road;

Thence North 00 degrees 27 minutes 22 seconds East, along the East Right of Way line of St. Joe Road, a distance of 760.92 feet;

Thence North 45 degrees 32 minutes 52 seconds East, along the Easterly Right of Way line of St. Joe Road, a distance of 20.62 feet to a point of the North line of the Lands of the Indiana Purdue Foundation at Fort Wayne, as recorded in Document Number 202079841, in the Office of the Allen County, Indiana Recorder;

Thence North 89 degrees 34 minutes 19 seconds West, along the North line of the Lands of Indiana Purdue Foundation at Fort Wayne, a distance of 191.28 feet to a point of curvature for a curve to the left having a radius of 700.00 feet;

Thence Northeasterly, along the aforementioned curve to the left having a radius of 700.00 feet, an arc length of 131.84 feet being subtended by a chord bearing North 85 degrees 01 minutes 57 seconds East a distance of 131.65 feet to a point;

Thence South 00 degrees 00 minutes 00 seconds East a distance of 234.46 feet to a point;

Thence North 90 degrees 00 minutes 00 seconds East a distance of 556.05 feet to a point;

Thence South 00 degrees 00 minutes 00 seconds East a distance of 582.67 feet to the Point of Beginning,

containing 13.656 acres (594,434.65 square feet) of land, more or less, subject to all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. R-30 (Sec. 20 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

