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3 **A SPECIAL ORDINANCE AMENDING Special Ordinance**
4 **No. S-91-17, Bill No. S-17-06-40 (as Amended 3 times) as**
5 **to THE ALLOCATION OF NON-REVERTING LIT FUNDS**
6 **TO SIDEWALKS AND ALLEYS**
7

8 **WHEREAS**, the following terms when used in this Ordinance are defined as follows:

- 9 **1. Downtown:** The area in the central part of Fort Wayne, both residential and
10 commercial, as defined by the boundaries set by the *Downtown Improvement*
11 *District*.
12 **2. Legacy Neighborhoods:** Long-standing neighborhoods in Fort Wayne, with existing
13 infrastructure needs. The boundaries of which are: Coliseum Boulevard/930 to the
14 north, 930/Wayne Trace to the east, Tillman Road to the south, and Winchester
15 Road/Bluffton Road/Brooklyn Avenue and the plane created to meet Coliseum
16 Boulevard/930.

17 **WHEREAS**, on July 11, 2017 the Common Council of the city of Fort Wayne, acting in
18 their role as the Allen County ("County") Local Income Tax Council ("Tax Council")
19 modified the local income tax ("LIT") by increasing the Expenditure Rate to 1.1121%, as
20 defined in IC 6-3.6-6 et seq. in Resolution R-54-17 with the purpose of allocating the
21 revenues from the additional rate to economic development ("Additional Economic
22 Development Allocation"); and

23 **WHEREAS**, the Expenditure Rate is allocated to public safety, economic development,
24 and certified shares; and

25 **WHEREAS**, pursuant to IC 6-3.6-6-2, the Fort Wayne Common Council ("Council") acting
26 as the Tax Council, had the authority to impose a tax rate up to two and five-tenths percent
27 (2.5%) of the adjusted gross income of the local taxpayers of the County; and

1 **WHEREAS**, the authority of Council to cast the majority, or 71.40, of votes for the Tax
2 Council is defined by IC 6-3.6-3-6 and certified by the Allen County Auditor; and

3 **WHEREAS**, in increasing the Expenditure Rate to 1.1121%, Council also passed a
4 Special Ordinance, **S-91-17**, creating the “Economic Development Allocation
5 Nonreverting Fund” (Fund), which consists of the monies collected from the increase
6 attributable to the Additional Economic Development Allocation and investment earnings
7 as passed in **R-54-17**, and shall never revert into the Fort Wayne Civil City General Fund;
8 and

9 **WHEREAS**, **S-91-17** defined that the monies collected from the increase attributable to
10 the Additional Economic Development Allocation and investment earnings as passed in
11 **R-54-17** may only be used for the following: (1) riverfront development, including the
12 payment of debt service on bonds or other obligations or lease rental on leases executed
13 for purposes of riverfront development; and (2) sidewalks and alleys; and

14 **WHEREAS**, **S-91-17** also defined that no less than one-third (1/3) of the Additional
15 Economic Development Allocation shall be utilized for sidewalk and alley expenses over
16 a twenty-five (25) year period beginning with the first collection of the Additional Economic
17 Development Allocation; and

18 **WHEREAS**, within the discussions of the necessity of the investment into sidewalks and
19 alleys, the discussion about sidewalks centered around the cuts in funding to
20 transportation programs at Fort Wayne Community Schools (“FWCS”) and the need for
21 connective sidewalks outside of the legacy neighborhoods; and

22 **WHEREAS**, since 2017, significant improvements have been made to enhance the
23 connectivity for school children and residents outside of legacy neighborhoods, with new
24 sidewalks installed on many major roads; and

25 **WHEREAS**, there are significant needs for sidewalk connectivity in high foot-traffic and
26 in neighborhoods throughout the City, especially within the legacy neighborhoods; and

27 **WHEREAS**, within these neighborhoods, there are needs for new-build sidewalks for
28 connectivity purposes, similar to the outlying areas; and

1 **WHEREAS**, within these neighborhoods there are needs for sidewalk repairs, which are
2 not being funded by the Additional Economic Development Allocation, but instead
3 residents of these areas are being directed to traditional Fort Wayne City cost-share
4 plans; and

5 **WHEREAS**, while the cost-share or “50/50” plan as administered by the Division of Public
6 Works is an excellent program and brings great improvements to the community, there
7 are infrastructure needs that cannot always be satisfied with this program; and

8 **WHEREAS**, many of the residents who need and would significantly benefit from repaired
9 sidewalks cannot afford even the cost-share program or live in rental properties where
10 the property owner does not or will not invest; and

11 **WHEREAS**, a considerable amount of the Invest in Neighborhoods Now (“INN”)
12 neighborhood-directed grant money from 2019 was invested by the neighborhoods and
13 Area Partnerships into matching 50/50 amounts to improve sidewalks in need of repair
14 that have not been repaired by the resident for whatever reason, showing over-reaching
15 need and desire from the community; and

16 **WHEREAS**, all residents should have equal access to walkability, safety, quality of life,
17 and equal access to opportunity to have improvement budgeted by the Civil City.

18
19 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE**
20 **CITY OF FORT WAYNE, INDIANA:**

21 Section 1. Beginning in 2022, the twenty-five (25) year window, as defined in **S-91-**
22 **17**, shall be reset to begin in 2022.

23 Section 2. **Section 4** of S-91-17 is amended and otherwise replaced in its entirety
24 and replaced with the following:

25 Over the twenty-five (25) year period beginning January 1, 2022, no less than one-
26 third (1/3) of the Additional Economic Development Allocation shall be utilized for
27 construction and rehabilitation of alleys and sidewalks. Of that one-third (1/3)

1 Additional Economic Development Allocation, no less than one-third (1/3) of all
2 infrastructure investment shall be directed to, the replacement of troubled or crumbling
3 existing sidewalks, at no cost to the resident, prioritizing **Legacy Neighborhoods** and
4 sidewalks with high amounts of foot traffic, excluding the area defined in this ordinance
5 as **Downtown** or any active TIF area.

6 Section 3. This ordinance shall be in full force and effect from and after passage and
7 any and all necessary approval by the Mayor.

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11
12 _____
13 Russ Jehl, Council Member
14

15 **APPROVED AS TO FORM AND LEGALITY**

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17 _____
18 Joseph G. Bonahoom, Attorney for City Council