BILL NO. S-22-01-17 As Amended **Special Ordinance No. S-_______**

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

WHERAS, the following terms when used in this Ordinance are defined as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional Economic Development Allocation, no less than one-third (1/3) of all infrastructure investment shall be directed to, the replacement of troubled or crumbling existing sidewalks, at no cost to the resident, prioritizing **Legacy Neighborhoods** and sidewalks with high amounts of foot traffic, excluding the area defined in this ordinance as **Downtown** or any active TIF area. This section will not otherwise impact the Public Works Cost-Share Program in any way. The Cost-Share Program shall be triggered by a single resident, or a group of residents, who have contacted the city for sidewalk/infrastructure repair. Areas or neighborhoods identified by Community Development or Public Works are eligible either to participate in the Cost-Share program or for sidewalks paid for in their entirety by the City within the approved parameters presented here. Implementation for this ordinance is budget year 2023.

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

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Russ Jehl, Council Member

APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, Attorney for City Council