



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

City-County Building Room 200 · 1 East Main Street · Fort Wayne, IN 46802

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NELSON PETERS LINDA K. BLOOM THERESE BROWN

MINUTES

**Commissioners' Legislative Session
10:00 a.m. Friday, February 4, 2011
Commissioners' Courtroom - City-County Building**

Commissioners Present: Nelson Peters and Linda Bloom
Commissioners Absent: Therese Brown

Others Present:	Chris Cloud	Commissioners Office
	Mike Green	Commissioners Office
	Rhonda Rice	Commissioners Office
	Bill Fishering	County Attorney
	Bernie Beier	Director Homeland Security
	Michelle Wood	DPS
	Bill Hartman	Highway Director
	Phil Gutman	Financial Advisor
	Janette Jacquay	Human Resources
	Ben Lanka	Journal Gazette

Commissioner Peters called the meeting to order at 10:06 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of January 28th, 2011.** Commissioner Bloom made a motion to approve the minutes. Commissioner Peters seconded the motion. Motion carried 2-0.
- 2. Interim Administrator Assistant Agreement between the Board of Commissioners and Katie Arthur on behalf of Homeland Security.** Bernie Beier, Homeland Security, stated that this is the 3rd and final year that Allen County is fiscal agent for District 3, the 11 counties in Northeast Indiana. This Administrator is the secretary for that group. One of the 11 counties takes turns each year being the fiscal agent. Next year Adams County takes over as fiscal agent. Commissioner Peters asked what sort of liability does this kind of agreement leave with the County if someone should default or walk away? Bernie replied that there is never no risk but he thinks it is minimal with this since it is an administrative position only and not an operational position. Any act or omission in whatever they are handling is not significant enough to impact Allen County. Commissioner Bloom a motion that we accept the agreement between the Board of Commissioners and Katie Arthur on behalf of Homeland Security. Commissioner Peters seconded the motion. Motion carried 2-0.
- 3. Rezoning Petition 1633/11 to rezone 1.4 acres on the south side of the 8800 block of U.S. 24 West from C-1(P)/Planned Limited Commercial to C-3(P)/Planned General Commercial to allow for an automotive service use.** Michelle Wood, DPS, presented this item. This petition is from Shively Holding One, LLC and the property is located on 24W and is the previous site of Southwest Automotive. This is requesting that it be rezoned from C-1(P) to C-3(P). The reason for this is they want to remain an automotive service business but they want to expand the services to more intensive repairs. It is not a full body shop but is actually slated to be a Meineke. It is still an indoor type of automotive service but a little more intensive then what was allowed in the C-1(P) when it was the Southwest Automotive. Because it is more intensive, staff encouraged the applicant to provide a written commitment which restricts certain of the C-3(P) uses. Mostly it restricts the type of uses that you would notice an impact on in this community such as new and used auto sales, trailer sales, boat sales, a feed store, sheet metal or welding shop, bulk storage of petroleum products, etc. Staff feels and recommended to the Commission that this is a good restriction of uses to make sure the proposed use fits within the other uses in the area. There was no

opposition to the proposal and there was a unanimous recommendation for a do pass recommendation. Commissioner Bloom made a motion to accept the Rezoning Petition 1633/11 to rezone 1.4 acres on the south side of the 8800 block of U.S. 24 West from C-1(P)/Planned Limited Commercial to C-3(P)/Planned General Commercial to allow for an automotive service use. Commissioner Peters seconded the motion. Motion carried 2-0.

4. Weight Limit Posting change for the following bridges:

	Bridge	Weight Limit Posting
a.	Notestine Rd Bridge # 13 over Gorrel Ditch from Bull Rapids Rd to Rupert Rd	15 Tons
b.	Van Zile Rd Bridge # 32 over St Joseph River from Hurstown Rd to SR # 1	10 Tons
c.	South County Line Rd Bridge # 236 over Rebecca Knight Drain from Dead End to Aboite Rd	11 Tons
d.	Hamilton Rd Bridge # 242 over Eight Mile Creek from CR 550 East to West County Line Rd	5 Tons
e.	Marion Center Rd Bridge # 290 over St Marys River from Winchester Rd to SR # 27	12 Tons
f.	Ternet Rd Bridge # 298 over Ellison Ditch from Maples Rd to Tillman Rd	12 Tons
g.	Belle Vista Drive Bridge # 502 over Fairfield Ditch from Gates Drive to Kimberly Rd	13 Tons
h.	Main Street Bridge # 601 over Trier Ditch from Hartzell Rd to State Street	10 Tons
i.	State Line Rd Bridge # 610 over H. O. White Drain from Baldwin Rd to Haley Rd	15 Tons

Bill Hartman, Highway Director, stated that these are recommendations as a result of the 2010 bridge inspections. Most all are reductions from previous weight limits. There is more analysis in inspections now than previously. Commissioner Bloom made a motion to approve Weight Limit Posting change for the listed bridges. Commissioner Peters seconded the motion. Motion carried 2-0.

5. Warranty Deeds for Coverdale Rd from Indianapolis Rd to Airport Expressway, Project # 03-294:

Bill Hartman, Highway Director, stated that there are 8 parcels left and they hope to have an October bid letting for this project. Commissioner Bloom made a motion to approve Warranty Deeds for Coverdale Rd from Indianapolis Rd to Airport Expressway, Project # 03-294. Commissioner Peters seconded the motion. Motion carried 2-0.

- a. **Parcel 9 – Reed**
- b. **Parcel 14 – Middleton**

6. Warranty Deeds for Flutter Rd from St. Joe Rd to Schwartz Rd, Project # 05-276:

Bill Hartman, Highway Director, stated that this is the first 5 of 86 parcels needed for this project. They are on a dead run to try to get these resolved because they have a proposed letting date of September of this year. Commissioner Bloom made a motion to approve the Warranty Deeds for Flutter Rd from St. Joe Rd to Schwartz Rd, Project # 05-276. Commissioner Peters seconded the motion. Motion carried 2-0.

- a. **Parcel 12 – RAML, Inc**
- b. **Parcel 14 – Vandre**
- c. **Parcel 22 & 22 A – Lambert**
- d. **Parcel 86 – Buhr**
- e. **Parcel 93 – Stanton**

7. Other Business:

Application and Fee Schedule for Moody’s Investor Service. Bill Fishing, County Attorney, and Phil Gutman, Financial Advisor, stated that the sale that they had hoped to have Wednesday got postponed because of the weather keeping traders from being able to get to their desks. It is now anticipated that the sale will be next Tues., Feb. 8th. He stated they had the Moody’s Agreement.

Moody's rated this bond and this is the document where we agree to employ Moody's. Bill Fishing stated we will be able to pay Moody's with their approval of this. Commissioner Bloom made a motion to approve the latest application and fee schedule for Moody's Investor Service. Commissioner Peters seconded the motion. Motion carried 2-0.

Final Agreement between the Board of Commissioners and the Town of Huntertown Transferring the Water Tower over to Huntertown. Attorney Fishing stated this includes surveys showing exact property involved. He stated this is a little different than was discussed some months ago in that they originally contemplated putting a filtration system adjacent to the wells and the Commissioners asked them to consider moving it to the north and northwest corner of property to leave more property available for future development of the southeast side. They agreed to do that and this document has 2 things that have not actually been discussed before. That is the grant of the small piece property on the northwest side and the ingress and egress easement over Fort Recovery Road which turned out not to be a dedicated strip of property even though it has been called a road for years. This gives the right of ingress and egress to the one acre in the northwest corner across Fort Recovery Road. Other than that, this agreement remains as originally proposed where they are providing water to our facilities for free for as long as Allen County owns the facilities. If they are transferred, Huntertown will charge for water to whoever purchases it. They are taking over the water tower and the cost of the repairs to be done to that. Atty. Fishing stated his understanding is that they will incur about \$300,000 in costs to do that which the County would have incurred this year or next had we not struck this agreement. Commissioner Peters stated that one of the things we had talked to them about was in exchange for that northwest corner they were going to give us some of the acreage back. Atty. Fishing confirmed that they did reduce the size and that is included in this agreement. Commissioner Bloom made a motion to accept the revised Agreement between the Board of Commissioners of the County of Allen, Indiana and the Town Council of Huntertown. Commissioner Peters seconded the motion. Motion carried 2-0.

Approval of Resolution Waiving the Emergency Closing Compensation Policy Provision in the Employee Handbook regarding Full-Time Hourly Employee as it relates to Winter Weather Event of February 2, 2011. Chris Cloud, Executive Assistant, read a resolution waiving the provision from the July 2010 Handbook which states for FT hourly staff who shift starts after the emergency has been declared and are notified not to report to work will not be eligible for emergency closing pay. Employees will be required to use available paid time. In waiving this provision, FT hourly employees have the option of using either available paid time or a "no-pay" day without being subject to disciplinary action or the Benefit Date Adjustment Policy for the closing of Allen County government offices on February 2, 2011. Commissioner Peters stated that our intent here is to clarify the policy between now and next week when payroll goes in to ensure that everybody is treated consistently and that we have a policy that will not be misinterpreted in the future. Commissioner Bloom made a motion to accept the Approval of Resolution Waiving the Emergency Closing Compensation Policy Provision in the Employee Handbook regarding Full-Time Hourly Employee as it relates to Winter Weather Event of February 2, 2011. Commissioner Peters seconded the motion. Motion carried 2-0.

8. **Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of February 4, 2011.** Commissioner Bloom made a motion to approve waiving the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of February 4, 2011. Commissioner Peters seconded the motion. Motion carried 2-0.

9. **Comments from the Public.**

10. **Motion to Adjourn.** There being no further business, the meeting was adjourned at 10:36 a.m.

Allen County does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet the needs of persons with disabilities may be submitted to the ADA coordinator at: Human Resources Department, 1 East Main Street, Room 300, Fort Wayne, IN 46802, or by phone at (260) 449-7217.