



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

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NELSON PETERS LINDA K. BLOOM THERESE BROWN

MINUTES

**Commissioners' Legislative Session
10:00 a.m. Friday, August 5, 2011
Council Chambers Courtroom – Citizens Square**

Commissioners Present: Nelson Peters, Linda Bloom and Therese Brown

Others Present:	Chris Cloud	Commissioners Office
	Mike Green	Commissioners Office
	Bill Fishing	County Attorney
	Dan O'Connell	Visit Fort Wayne
	Gary Shearer	Visit Fort Wayne
	Kristen Guthrie	Visit Fort Wayne
	Alex Souder	Visit Fort Wayne
	Ken Fries	Sheriff
	Mindy Waldron	FW-AC Dept. of Health
	John Silcox	FW-AC Dept. of Health
	Joe Steensma	FW-AC Dept. of Health
	Bill Hartman	Highway Dept.
	Michelle Wood	DPS
	Vivian Sade	Journal Gazette

Commissioner Peters called the meeting to order at 10:05 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of July 22nd, 2011.** Commissioner Bloom made a motion to approve the minutes. Commissioner Brown seconded the motion. Motion carried 3-0.
- 2. Update from Visit Fort Wayne.** Gary Shearer, Treasurer, Dan O'Connell, CEO, Kristen Guthrie and Alex Souder of Visit Fort Wayne gave this update.
- 3. School Resource Officer Agreement between the Board of Commissioners and the Metropolitan School District of Southwest Allen County and Northwest Allen County Schools on behalf of the Allen County Sheriff's Department.** Ken Fries, Sheriff, stated this is the annual contract for school resource officers. Nothing has changed. The prices are all the same. They continue to pay the \$45,000 a year with the same stipulations. The only thing that has changed is the dates. Commissioner Brown made a motion to approve the School Resource Officer Agreement between the Board of Commissioners and the Metropolitan School District of Southwest Allen County and Northwest Allen County Schools on behalf of the Allen County Sheriff's Department. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 4. Amendment to Allen County Code Title 10 (Department of Health) – Article 2 (Food & Beverage Ordinance).** Mindy Waldron, Administration – FW/AC Dept. of Health presented two ordinances for approval. Also attending was Dawn McDevitt, Director of Food and Consumer Protection Division, Dr. Joe Steensma, Board Member-Pres. and Rick Regedanz, Board Member. Mindy stated what is being proposed with the food ordinance is an additional permit. They had heard from some vendors, particularly those in the farmer's food market arena who wanted to sell some products that were beyond their exemption or beyond the type of permitting that we could offer which is potentially hazardous but prepackaged foods. Mindy said we proposed this change to add a yearly permit at a \$75 per year cost to

allow them to sell the additional foods. Currently most farmer food markets and the ones you would typically think of with produce and those types of things are exempt so they don't pay fees. This type of permit is something that includes foods that go beyond that state law exemption so we are required to permit them in some fashion. The current ordinance requires \$45 per two days (48hrs.) so you can imagine that would be astronomical and not practical for a whole summer or a season. What this will do is offer a fee of \$75 in total for a year. Commissioner Brown made a motion to approve the Amendment to Allen County Code Title 10 (Department of Health) – Article 2 (Food & Beverage Ordinance) effective September 1, 2011. Commissioner Bloom seconded the motion. Motion carried 3-0.

- 5. Amendment to Allen County Code Title 10 (Department of Health) – Article 7 (Tattoo & Body Piercing Ordinance).** Mindy Waldron stated that this ordinance has been under review for approximately 2 years by the Board, Dr. McMahan and herself. The Board challenged them to look into safe or best practices utilized throughout the United States. She stated they have done that and have tried to incorporate some of those ideas and practices. They also held multiple meetings and invited all of the current proprietors in Allen County that hold licenses. At the first meeting there were 7 or 8 facilities represented and all ideas in the proposed ordinance were gone over line by line for their input. For the most part, any suggestions that they provided, they are experts in their field, those changes were made. We went through half the ordinance at the first meeting. These were all afternoon meetings, going over it line by line and we had good support from them. The first draft was taken to the Board and some proprietors came to that meeting and made comments. We made further changes. We brought it back in the last meeting with some additions but we had previously sent it out to all the proprietors again and received email comments and tried to address those. This has been an extensive review process and discussion on the content of it as well as employing what we think are best practices utilized in other ordinances in the United States. **Joe Steensma**, President of the Board of Health, stated this particular ordinance has been very important to the board. This was a very tricky endeavor because of the nature of the work. We felt as a Board, as most of us are either practitioners of medicine or have our hand in the health field, public health and otherwise, this whole tattoo and body art type stuff is unique. There are practices involved that are very similar to medical practices, i.e. - piercings and tattooing where you are putting needles in the body. This took a long time because we had to parse out what our ability was to regulate. We worked closely with our lawyer and our counsel in trying to draft an appropriate ordinance that the Board wanted. What you see here is really a two year effort to not only get the input of the professionals who are doing the work, but also our own professionals on the board. He stated he is very proud of the fact that we have the kind of buy in from the legitimate proprietors in this field. One of the biggest concerns that we heard was the illegitimate practice of tattooing and body piercing. In the most recent meeting we added to the ordinance to basically give it some teeth so that there are consequences for people who are out there buying a \$300 tattoo kit on Ebay and doing it in their basement or at a party or something like that. He stated he has done research himself and he thinks it is one of the most comprehensive ordinances of its type in Indiana without question and probably in the region and maybe in the nation. He stated our intention is not to hinder the free enterprise of this industry or business at all. It is to make sure that the illegitimate or incorrect practice of this fairly risky if not done correctly practice does not impact the health of community. He stated the board unanimously supports this. Upon approval by the Commissioners, this would be effective November 1, 2011. Commissioner Bloom made a motion to approve Amendment to Allen County Code Title 10 (Department of Health) – Article 7 (Tattoo & Body Piercing Ordinance). Commissioner Brown seconded the motion. Motion carried 3-0.
- 6. Rezoning Petition 1642/11 to rezone 46.18 acres on the south side of the 4200 to 4600 blocks of Crawford Road from A-1/Agricultural to RSP-1/Planned Single Family Residential for a 59-lot single family residential development.** Michelle Wood, DPS, stated this rezoning petition is located on the south side of Crawford Road which is west of Tonkel and north of the existing Hawthorne Park subdivision. This area north of Union Chapel and south of Crawford is a pretty well developed residential area for single family housing with Sorrento and the various Hawthorne Park sections. A petition was in front of the Plan Commission a couple of years ago for a larger section for Hawthorne Park Estates, roughly 94 lots. That petition was withdrawn. This petition has been scaled back to 59 lots as a maximum and it will connect to Hawthorne Park Estates through Laurie Pass. The main entrance would be off of Crawford Road. At the Public Hearing there was discussion about the condition of Crawford Road. It is a chip and sealed road now and it has about a 30 foot right of way. On the north side of Crawford we have A-1 development but it is largely metes and bounds residential so it is more

dense on the north side than the typical agricultural district. There are about 33 homes that access on to Crawford Road. In the studies of this development and its impact in the area the trip generation showed that not many improvements need to be done to Crawford to allow for this section to come in. Throughout the construction phase however, they will be maintaining the road. It will be used for the major construction. There will be a barricade in Hawthorne Park Estates mainly because it is not a direct route. There are lots of twists and turns in the subdivisions and that would be less safe than taking a direct route from Tonkel to Crawford Road into the subdivision. At some point in the future when the major construction is done and a final coat is on the streets within the new subdivision section, then that barricade will be removed. That will be reviewed by staff and the highway department before that happens. At the end of the construction period or when it is deemed appropriate by the highway department, Crawford Road will be repaired or refinished back to its current condition today with a new chip and seal. She stated they did have a unanimous recommendation for do pass. Commissioner Peters asked for confirmation that the big issues at Plan Commission didn't deal with the development itself. Michelle answered that she would say that was correct. Commissioner Peters asked if it was more the roads. Michelle responded the concerns have been more about Crawford Road, the safety with construction traffic and the fact that it is a dead end into the interstate. The neighbors do use this as more or less as a sidewalk but it is a public road and it's been deemed able to handle this new traffic. Commissioner Peters stated he thinks even to that end the issue was more not just the use as much as it was ultimately what condition the road would be left in. He stated we have been assured that that is not going to be an issue. Commissioner Brown stated that as the Commissioner sitting on the Plan Commission, there was a lot of dialogue about the concerns regarding Crawford Road. There were assurances given and she stated that quite honestly she thinks the developer stands to lose if they don't maintain the road to a good level because obviously that would be the "front door" to the new subdivision area. She thinks there has been pretty good assurance that it will be maintained and we will work out whatever needs to happen to make sure that road is maintained after all construction is done. It did get 100% do pass since that is not an implication from the Plan Commissions standpoint. Those that came forward to say no really were not against the proposal. They were just concerned and wanted to make sure their voices were heard regarding their thoroughfare to come and go from their property. Commissioner Bloom made a motion to approve Rezoning Petition 1642/11 to rezone 46.18 acres on the south side of the 4200 to 4600 blocks of Crawford Road from A-1/Agricultural to RSP-1/Planned Single Family Residential for a 59-lot single family residential development. Commissioner Brown seconded the motion. Motion carried 3-0.

7. Sign Requests – Stratford Forest Subdivision

- a. Twelfth Night Cove at King Lear Blvd – post “Stop”**
- b. Cordelia Drive at Mark Anthony Crossing – post “Stop”**
- c. Cedar Ridge Cove at Cleopatra Crossing – post “Stop”**
- d. Rosalind Court at Cleopatra Crossing – post “Stop”**
- e. Shakespeare Blvd at Desdemona Crossing – post “Stop”**

Bill Hartman, Highway Director, stated these are secondary streets stopping for primary streets as homes have been built and more sections have opened up in Stratford Forest. Commissioner Bloom made a motion to accept the Stop Sign Requests for Stratford Forest. Commissioner Brown seconded the motion. Motion carried 3-0.

8. Warranty Deeds – Flutter Rd – SR 3 to Coldwater Rd, Project # 05-276

- a. Parcel 83 – Hart**
- b. Parcel 103 – Fabini**

Commissioner Bloom made a motion to accept the Warranty Deeds for Flutter Road. Commissioner Brown seconded the motion. Motion carried 3-0.

9. Warranty Deeds – Diebold Rd, Phase I – Dupont Rd to Norarrow Dr

- a. Parcel 1 – Parkview Health System, Inc.**
- b. Quit Claim Deed – Parcel 1 – Parkview Health System, Inc.**
- c. Parcel 1A, 1B, 1C, and 1D – Parkview Health System, Inc.**

Commissioner Bloom made a motion to accept the Warranty Deeds for Diebold Road. Commissioner Brown seconded the motion. Motion carried 3-0.

10. Supplemental Agreement # 1 with Engineering Resources, Inc for additional professional engineering services for the Old US 24 Bridge # 142 over Gustin Ditch, Project # 0200109. Cost – \$14,755.00

Bill Hartman, Highway Director, stated when the original scope was put together for this bridge we did it rather quickly in order to justify the relinquishment agreement for the \$4.8 million that we are getting from INDOT to take that part of 24 back. As we studied the project closer we realized we needed to widen the bridge a little more than originally anticipated. We feel that we still have the funds available in the relinquishment agreement to add to the engineering and widen the bridge. Commissioner Bloom made a motion to accept Supplemental Agreement # 1 with Engineering Resources, Inc for additional professional engineering services for the Old US 24 Bridge # 142 over Gustin Ditch, Project # 0200109. Cost – \$14,755.00. Commissioner Brown seconded the motion. Motion carried 3-0.

11. One Year Maintenance Agreement between the Board of Commissioners and CommuniTech Services for maintenance of voicemail system. Chris Cloud, Executive Assistant, stated this is a necessary continuation agreement to get us to the point where we are fully on the voice over IP system. Until that happens, we need to maintain our current system. This covers parts and warranty. It is basically an extended warranty that D & M is recommending we continue. It is for 1 year and is \$8,300. Commissioner Brown made a motion to approve the 1 year Maintenance Agreement between the Board of Commissioners and CommuniTech Services for maintenance of voicemail system. Commissioner Bloom seconded the motion. Motion carried 3-0.

12. Appointment to a Fort Wayne – Allen County Airport Authority Common Wage Committee. Chris Cloud stated the name before them today is Cathy Serrano. Commissioner Brown made a motion to accept Cathy Serrano as the Appointment to a Fort Wayne – Allen County Airport Authority Common Wage Committee. Commissioner Bloom seconded the motion. Motion carried 3-0.

13. Amendment to 2011 Holiday Schedule. Commissioner Brown made a motion to accept the Amendment to 2011 Holiday Schedule. Commissioner Bloom seconded the motion. Motion carried 3-0.

14. Adoption of 2012 Holiday Schedule. Commissioner Brown made a motion to approve the Adoption of the 2012 Holiday Schedule. Commissioner Bloom seconded the motion. Motion carried 3-0.

15. Other Business:

16. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of August 5th, 2011. Commissioner Brown 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 August 5th, 2011. Commissioner Bloom seconded the motion. Motion carried 3-0.

17. Comments from the Public.

18. Motion to Adjourn. There being no further business, the meeting was adjourned at 11:09 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.