



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

Citizens Square Building Suite 410 · 200 E. Berry Street · Fort Wayne, IN 46802

Phone: 260.449.7555 FAX: 260.449.7568

NELSON PETERS LINDA K. BLOOM THERESE BROWN

MINUTES

**Commissioners' Legislative Session
10:00 a.m. Friday, October 7, 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
	Beth Dlug	Election Board
	Amy Scrogam	Election Board
	Chris Beebe	DPS
	Cathy Serrano	HR Director
	Casey Booher	Purchasing
	Robert Bolenbaugh	Purchasing
	Dan Freck	Maintenance
	Dave Estes	DPS – iMap
	Bill Hartman	Highway Director
	Rick Eubank	Highway
	Ken Fries	Sheriff
	Kevin Woodward	Wells County Commissioner
	Vivian Sade	Journal Gazette
	Kevin Leininger	News Sentinel

Commissioner Peters called the meeting to order at 10:04 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of September 23rd, 2011.** Commissioner Brown made a motion to approve the minutes. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 2. Order establishing precincts on behalf of the Allen County Election Board.** Beth Dlug, Election Board, stated they were here continuing the re-precincting and redistricting process because of the 2010 census. They have completed the first steps in redrawing the new precincts based on the census and the new district lines that came back from the state. Changes were submitted to the state about 3 weeks ago and we have been going back and forth. There are a few tweaks that need to be taken care of but essentially we will have about 30 changes to precincts. We will be going from 313 precincts to 327. Today the Commissioners are being asked to execute an order establishing those precincts. This tells the state that the Commissioners are establishing these 327 precincts and delegates the responsibility of any amendments that need to be done to those to the Allen County Election Board. Once this order gets down and we get the final approval from the state, we will publish a notice of those precincts. If there are no objections, they will become final precincts starting 1-1-2012. Commissioner Brown asked how long the objection period was. Beth answered 10 days. Commissioner Peters asked if the increase in number of precincts was because of population or because they no longer go through somebody's bathroom? Beth responded it was a little bit of both. When precincts are established we can only have up to 1200 registered voters. We look at population but really start looking at registered voters when we put precincts together. This is a little different. When you go to redistrict you'll have two maps. One of the maps will show all 327 precincts with the 2010 census population numbers in those precincts. The other map has the current districts on top of the 327 precincts. You will be able to see what kind of population numbers you have for

those 3 districts and the start making any kind of changes that need to be made to make sure the population numbers are equal. Commissioner Peters asked if the expectation for that to be done was January 1. Beth stated they need to have it done by December 31 so they can go into effect. It is hoped that the Commissioners can get this done earlier so that all changes the Election Board needs to make in the system can be done. Commissioner Brown made a motion to approve the Order establishing precincts on behalf of the Allen County Election Board. Commissioner Bloom seconded the motion. Motion carried 3-0.

- 3. Rezoning 1643/11 to rezone 14.57 acres on the north side of Dupont Road on the western half of The Village of Oak Crossing from C-2C/Metropolitan Shopping Center to RSP-3/Planned Multiple Family Residential for a 234-unit apartment complex.** Chris Beebe, DPS, presented this item. He stated that at the August 18 Allen County Plan Commission Business meeting the Plan Commission did give unanimous do pass recommendation to this request and did give unanimous conditional approval to the development plan for a 234 unit upscale apartment complex. Commissioner Brown asked what some of the concerns of the individuals in the Oaks were. She stated she knew that the barriers along the back and the type of building that would be at the back were concerns. Chris stated there were 3 property owners that did voice some concerns at the public hearing. Most concerns were with the screening and buffering to the north of the site. The applicant has submitted the secondary development plans which includes landscape plan and they are proposing a mix of using existing vegetation, significant mound and then a 8 to 10 foot fence on top of that mound. There are 3 buildings on the north side of this property, which step back to where there are 3 stories on this side to 2 stories. With the grade difference of the site, this apartment complex is much lower, 10+ feet difference in grade with the subdivision, there should not be a large impact to the single family residences to the north. Commissioner Peters asked if there were any other objections. Chris answered that traffic was also a concern along Dupont Road where Oak Crossing comes out to Dupont. INDOT is currently monitoring that situation and according to the AC Highway Dept. when the necessary threshold is met traffic wise, there will be a signal there someday. Commissioner Brown made a motion to approve Rezoning 1643/11 to rezone 14.57 acres on the north side of Dupont Road on the western half of The Village of Oak Crossing from C-2C/Metropolitan Shopping Center to RSP-3/Planned Multiple Family Residential for a 234-unit apartment complex. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 4. GIS Membership Agreement between the Board of Commissioners and Southwest Allen County Schools.** Dave Estes, DPS, stated that Dave Rarich, the Transportation Director of SWACS requested this membership agreement so that they can utilize our GIS data with their contractor to create bus routing systems and website applications for SWACS. This is the exact same type of agreement that we have with the East Allen County School District. Commissioner Peters stated that he didn't want to put him (Dave Estes) on the spot and he realizes that Dave didn't create this, but he (Peters) does not like these agreements for other tax supported entities. It just seems to him that they have stuff which could help us build out our data base and we should help them. Having said that he stated he is not necessarily in favor of having for profit entities get stuff without some sort of fee. When you look at the total amount of money that we are actually getting for these agreements he just wishes that the City Council and the County Council would agree to split the cost and be done with it. He feels it would be easier and that we are probably wasting a lot of Dave's time administratively and the lawyer's time administratively to put these agreements together. He stated that to him it doesn't make a lot of sense and he just wanted to register that concern. Dave Estes stated that Commissioner Peters comment is well noted and so that he knows, these discussions are ongoing at the iMap Board currently. The county has the ordinances which dictate fees for this data. We are working to address those issues. He would hope that in the future we can come to some agreement whereby there is sufficient funding provided and that that covers all government units within the county where data sharing is concerned and he looks forward to that day. Commissioner Peters said that he appreciates that and stated that some of the comments he gets back, just for the record is, "you're double taxing me" and "we've already paid for the system once and now you're trying to charge". He stated he is all for making money, but by the same token, he doesn't think you want to make money twice. Commissioner Bloom said that at the time we did it, this was another means of financing the system because we didn't have the money to do it. Commissioner Brown said that time wise it's probably right to have those discussions now and think more creatively how we can meet everybody's needs and partnering. Commissioner Peter stated he appreciates what Dave is doing in terms of pushing those discussions because he thinks they need to be had. Commissioner Brown made a motion to approve the GIS

Membership Agreement between the Board of Commissioners and Southwest Allen County Schools. Commissioner Brown seconded the motion. Motion carried 3-0.

- 5. Agreement between the Board of the Commissioners and the Indiana Office of Technology for orthophotography and related services.** Dave Estes, DPS, presented this item. In 2008 there was a request made from the state for four core layers that happen to be our four core layers that we have ordinances on for inclusion in the Indiana map. We have chosen not to participate in the Indiana map. His negotiations if you will, along with several other county and city GIS coordinators, with the state has been to have the state actually have a program which puts money back in the counties pockets. Without having them actually write us a check, what the current program does is to fly the entire state of Indiana every 3 years and provide that photography back to the counties essentially at no charge. The specifications for that photography is 1 foot resolution imagery and Allen County has had for a number of years much higher resolution, 6” resolution imagery, so unlike in the 2005 aerial the State of Indiana experimented with this and in the summer time they flew the entire state and provided that photography to the all the counties and cities at no charge. Their calculation is about a \$1.2 billion return on that investment which was several million dollars to accomplish. Through the negotiations of the county and city GIS coordinators this program, which is new, has been set up and this is a state contract with the Woolpert Corporation to fly a third of the state and they started last year in the center of the state. This year happens to coincide with our regular cycle we fly every 3 years and they are going to be flying. In 2005 they offered a buy up and the buy up was not advantageous to the county and Allen County pursued photography on their own outside the state and did not participate. This year with Woolpert there is a significant reduction in cost in terms of the buy up. Dave stated what he is proposing to the Commissioners is a buy up option that the State of Indiana will fly this photography and provide back to us to our specifications for 6” resolution orthophotography and our cost would \$63,967.20. Compare that to our 2009 cost of approximately \$155,000 and you can see that there is a significant savings. The efforts of the county and city GIS coordinators are paying off and we are then able to realize in the neighborhood of a \$90,000 savings. There are some strings to this though. This photography will belong to the state. So our ordinance which specifically covers aerial photography will not apply to this product simply. We will be paying for this product at a significantly reduced cost but we will not have the same rights to the product as we have had in the past. Therefore, Dave Estes stated that he didn’t believe we wouldn’t be able to sell it. In his tenure of 4.5 years here he has not sold a countywide aerial photography layer at all. We have sold several of our other data layers that are covered under Ordinance but not photography. Because of the folks like Google and Microsoft who have now gone out and essentially photographed the world and provided it on the internet for free, the perception of the public is that this doesn’t cost anything so they are not willing to pay our \$15,000 fee. He stated he doesn’t believe this will impact any funds in regards to the county and in fact he believes it will save us in the neighborhood of \$90,000. Commissioner Peters stated that that is the kind of deal he is talking about. There is a quid pro quo there. They are doing something for us at a lot less level so he thinks they can reasonably not to... Dave stated that this is the kind of relationship that Jim Sparks, who is the States GIO, and the city and county GIS Coordinator’s have worked for the last several years to accomplish. There is legislation being proposed at the state level for a funding mechanism on the state level which will bring dollars back down to the local level. That is currently in negotiations. Commissioner Brown asked if we lose any local autonomy in this other than the sale? Dave answered not that he knows of. Commissioner Brown made a motion to Agreement between the Board of the Commissioners and the Indiana Office of Technology for orthophotography and related services. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 6. Agreement between the Board of Commissioners and Van Daele & Associates for training services on behalf of Human Resources.** Cathy Serrano, HR Director, stated the 2 contracts in front of the Commissioners today are part of the ongoing customer service training being done countywide. These 2 contracts are for a smaller fee amount than the first 3 contracts One of these contracts, the phase 4 group, is actually the group of Commissioners and Council members that are going to go through this training and participate in the leadership role and the second group is what we are calling the core groups which would comprise the Coroner, HR, Maintenance, the Purdue Extension Coop, IT, Environmental & Safety, Parks and Rec, NIRCC, Service Center, Purchasing Dept. and possibly the VA. The reason there is not as much expense in these groups is that we are able to forego the observation phase. It’s more of a normal routine customer service orientated type of groups and we also will not have to do the extensive follow-up on either one of these groups. We were able to negotiate a smaller fee for these two contracts for that

reason. Commissioner Brown made a motion to approve the Agreement between the Board of Commissioners and Van Daele & Associates for training services on behalf of Human Resources. Commissioner Bloom seconded the motion. Motion carried 3-0.

- 7. Agreement between the Board of Commissioners and Harvey Auctions to conduct a public auction on behalf of the Allen County Purchasing Department.** Robert Bolenbaugh, Purchasing Director, presented this item. This is our standard agreement and has been run past our legal counsel, Mr. Fishing, and he approved it. Harvey hopes to earn for the County \$37,000 in the sale of assets. He charges a 10% commission and around a \$3,700 advertising fee. Commissioner Bloom made a motion to accept the Agreement between the Board of Commissioners and Harvey Auctions to conduct a public auction on behalf of the Allen County Purchasing Department. Commissioner Brown seconded the motion. Motion carried 3-0.
- 8. Adoption of Contract Conditions for Allen County purchase orders.** Robert Bolenbaugh, Purchasing Director, presented this item. He stated we have terms and conditions that were posted by his predecessor and he thought it would be a good to get the Commissioners to review. He stated he didn't know if they were previously reviewed by the Commissioners and approved. He added a few more things to it such as payment terms of 30 days. Since the Auditor has now gone to weekly payable processing, he thinks we can reach the 30 days pretty reasonably. Since he came aboard 3 years ago, he has always refused to pay fuel surcharges and suppliers typically fold to that directive so he has added that. Also added is the inaccurate invoice credit. He thinks we should charge a supplier if they can't get the invoice right which creates a cost for us because we then have to go through the whole process of correcting it. Maybe they will be a little more accurate if there is a penalty involved. Commissioner Peters asked if that was typical. Bob responded that it is kind of a new thing. Commissioner Brown made a motion to approve the Adoption of Contract Conditions for Allen County purchase orders. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 9. Agreement between the Board of Commissioners and Executive Management Services for cleaning services of certain county-owned buildings.** Dan Freck, Director of Buildings & Grounds, stated that this is an extension contract agreement with EMS for our cleaning services for our downtown buildings. During our budget process for this year and 2012 they had come in and offered to help us with our budgets. With this you will see roughly a savings of approximately \$48,000 per year for the next 3 years. With that there is a cut in services but as of right now we have not had any feedback as to any disagreement with services. Commissioner Bloom made a motion to accept the Agreement between the Board of Commissioners and Executive Management Services for cleaning services of certain county-owned buildings. Commissioner Brown seconded the motion. Motion carried 3-0.
- 10. Street Acceptance – Various Subdivision**
 - a. Rothman Pointe – Section II & II**
 - i. Evansbrook Drive – Boxwood Court to Sweet Spire Drive – 1,110'**
 - ii. Sweet Spire Drive – South Plat line to Evansbrook Drive – 64' and Evansbrook Drive to North Plat line – 480'**
 - iii. Idlebrook Drive – Southwest plat line to Hennefield Drive – 214' and Hennefield Drive to Northeast plat line – 483'**
 - iv. Hennefield Drive – Idlebrook Drive to East plat line – 143'**
 - v. Boxwood Drive – East plat line to Boxwood Court – 469'**
 - vi. Boxwood Court – Boxwood Dr/Evansbrook Dr to cul-de-sac – 124'**

Total Footage – 3,087' Total Mileage – 0.58 mi

Commissioner Bloom made a motion to accept the Street Acceptances as read for Rothman Pointe. Commissioner Brown seconded the motion. Motion carried 3-0.

- b. Johnathon's Landing – Section VI & VII**
 - i. Pirate Cove – Cypress Springs Drive to cul-de-sac – 188'**
 - ii. Cypress Springs Drive – South plat line to Sandstone Drive – 152' and Sandstone Drive to Olympic Way – 411' and Olympic Way to Pirate Cove – 415' and Pirate Cove to Blue Reef Drive – 531'**

- iii. **Olympic Way – Cypress Springs Drive to West Plat line – 175’**
 - iv. **Sandstone Drive – Cypress Springs Drive to East plat line – 433’**
 - v. **Blue Reef Drive – Cul-d-sac to Cypress Springs Drive – 314’ and Cypress Springs Drive to cul-de-sac – 635’**
- Total Footage – 3,254’ Total Mileage – 0.62 mi**

Commissioner Bloom made a motion to accept the Street Acceptances as read for Johnathon’s Landing. Commissioner Brown seconded the motion. Motion carried 3-0.

- c. **Twin Eagles Estuary – Section I**
 - i. **Ballantyne Trail – Twin Eagles Blvd to Cul-de-sac – 568’**
- Total Footage – 568’ Total Mileage – 0.11 mi**

Commissioner Bloom made a motion to accept the Street Acceptance as read for Twin Eagles Estuary. Commissioner Brown seconded the motion. Motion carried 3-0.

- d. **Chestnut Hills – Section XVI**
 - i. **Chestnut Passway – West Hamilton Rd to Hawkins Way – 651’**
 - ii. **Hawkins Way – Chestnut Passway to East plat line – 282’**
- Total Footage – 933’ Total Mileage – 0.18 mi**

Commissioner Bloom made a motion to accept the Street Acceptances as read for Chestnut Hills-Section XVI. Commissioner Brown seconded the motion. Motion carried 3-0.

- e. **Chestnut Hills – Section XIII**
 - i. **Cokebury Cove – Fairway Winds Court to South plat line – 165’**
 - ii. **Fairway Winds Court – Cokebury Cove to west cul-de-sac – 781’ and Cokebury Cove to east cul-de-sac – 384’**
- Total Footage – 1,330’ Total Mileage – 0.25 mi**

Commissioner Bloom made a motion to accept the Street Acceptances as read for Chestnut Hills-Section XIII. Commissioner Brown seconded the motion. Motion carried 3-0.

- f. **Hampton of Woodburn**
 - i. **Hamptons Parkway – Webster Rd to North curb of eyebrow – 749’ and West Curb of eyebrow to east cul-de-sac – 685’**
- Total Footage – 1,434’ Total Mileage – 0.27 mi**

Commissioner Bloom made a motion to accept the Street Acceptance as read for Hampton of Woodburn. Commissioner Brown seconded the motion. Motion carried 3-0.

- 11. **Warranty Deeds – Flutter Rd – St. Joe Rd to Schwartz Rd – Project # 05-276**
 - a. **Parcel 47 – Silvers**
 - b. **Parcel 96 - Kapocius**

Commissioner Bloom made a motion to approve Warranty Deeds as read. Commissioner Brown seconded the motion. Motion carried 3-0.

- 12. **Memorandum of Agreement regarding the Bass Road Reconstruction.** Bill Hartman, Highway Director, stated that this MOA is actually between the Federal Highway Administration and the Indiana State Historic Preservation Officer. There have been 3 properties identified on the Bass Road project that require some special consideration during the construction. This agreement assures that their Highway Administration that we will indeed take those into consideration in the design of the project. Commissioner Bloom made a motion to accept the Memorandum of Agreement regarding the Bass Road Reconstruction. Commissioner Brown seconded the motion. Motion carried 3-0.

13. Vacation Bank request on behalf of the Allen County Sheriff's Department. Sheriff Ken Fries presented this vacation bank request on behalf of Mike Smith and his family. Both he and his wife have some very serious medical conditions. Commissioner Bloom made a motion to accept the Vacation Bank request on behalf of the Allen County Sheriff's Department. Commissioner Brown seconded the motion. Motion carried 3-0.

14. Amendment to Allen County Code Title 8 (Public Safety) – Article 27 (Winter Weather Event Uniform Declaration Policy). Chris Cloud, Executive Assistant, stated that this past session of the general assembly, the State formalized a Winter Weather Declaration Policy so that they are uniform for all counties so they are uniform. As such, our current policy is no longer valid and is superseded by the State. He requested that the Commissioners repeal Allen County Code Title 8 – Article 27 and that we allow the State law be the State law. Commissioner Bloom made a motion to approve repealing Allen County Code Title 8 – Article 27. Commissioner Brown 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 October 7th, 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 October 7th, 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 10:43 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.