



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, December 2, 2011
Council Chambers Courtroom – Citizens Square**

Commissioners Present: Nelson Peters, Linda Bloom and Therese Brown

Others Present:	Mike Green	Commissioners Office
	Chris Cloud	Commissioners Office
	Bill Fishering	County Attorney
	John Gerni	AC Public Library-Bd. Of Trustees
	Mindy Waldran	Administrator – AC Health Dept.
	Ed Steenman	Allen County IT
	Bill Hartman	Highway Director
	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 November 18th, 2011.** Commissioner Brown made a motion to approve the minutes. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 2. Update from the Allen County Public Library Board.** John Gerni, President of AC Public Library Board of Trustees, presented this update.
- 3. Repeal of Allen County Code Title 10 (Department of Health) – Article 4 (Allen County Private Sewage Disposal) and replace with Article 4.5 (Allen County Private Sewage Disposal).** Mindy Waldron, Health Department Administrator, presented this item and stated there were 3 ordinances on the agenda today and the first is the repeal of our current pollution control or onsite sewage disposal ordinance which was Article 4 to be replaced by Article 4.5. It seemed more appropriate to replace it because it would be very hard to navigate the changes. It is a complete rewrite in terms of the organization of it. The main concepts have been shared with the Commissioners over the last couple of years in preparation for this. Mindy recapped them briefly and stated there are some slight fee increases with this ordinance as with the other two ordinances as well but there have not been any fee increases in over three years. These were done based on fee justifications that they did complete. The main changes in the content relate to the concept of inspection at point of sale for homes that utilize septic systems for sewer. Initially they had looked at a mandatory requirement for that, again hoping to inform the buyer, but what we are moving forward with with this particular ordinance is a voluntary program to start to see how well that is received and how well we can implement that. She stated that they have worked with the Realtor folks and she thinks the ordinance has been pretty well vetted as far as how we would implement that and striving towards some educational programs to make it even better and to educate our installers how they might be able to become certified to inspect systems. At the point of sale buyers are often not knowledgeable on what a septic system is and how it functions and what they need to look for prior to purchasing a property. Oftentimes we are already involved in enforcement action with them and to lessen the likelihood that a buyer wouldn't be knowledgeable ahead of the purchase, we want to hopefully implement a voluntary inspection program. To do that will take some education and certification of the installers. Very similar to the other inspection process that takes place with a home itself, this could just be an add-on option should you be on a septic system. That is one of the major changes with this. A

couple other changes have to do with ensuring again that homeowners do know by recording on the deed that this is a property served by a septic for a variety of reasons and also requiring a portion of set aside on a property so that should an initial system be installed and go into failure that there would be enough property to put in a repair or a second system so that the property doesn't need to be vacated. Commissioner Brown asked how far and how well is this going to affect current individuals that are in the hopper with failing systems. Mindy stated that this really doesn't address that at all. Those types of things are pure enforcement issues that as you know over this last year we revamped the entire system. So hopefully, we have created options in terms of funding for some of these homeowners where sewer is not available and they are not eligible for other loans or a personal loan so we have looked into state revolving funds to allow for that for those folks that are in that hopper where we have enforcement actions already underway. We have increased some of the timelines to make those more practical and doable and we have accounted for weather issues and tried to be just a bit more understanding of the gravity of putting in a new system or connecting with sewer. This particular ordinance is more of a going forward where hopefully during point of sale for properties buyers become a bit more knowledgeable about what they are buying. In order to allow us to get inspectors educated and certified so they are ready to go they are requesting a March 1, 2012 effective date for this ordinance. January 1st would be rushing this. Commissioner Brown made a motion to approve the Repeal of Allen County Code Title 10 (Department of Health) – Article 4 (Allen County Private Sewage Disposal) and replace with Article 4.5 (Allen County Private Sewage Disposal). Commissioner Bloom seconded the motion. Motion carried 3-0.

- 4. Amendment to fees in Allen County Code Title 10 (Department of Health) – Article 2 (Food and Beverage Ordinance).** Mindy Waldron, Health Department, stated that there are no changes in the Ordinance. This is simply the looking at the fees every 3 years. Most fees went up just a bit but some of the fees actually went down. Commissioner Peters asked how these fees are determined. Mindy explained that they look at the time it takes to do the specific duties involved with the permit. This was done for every permit they have. This year they looked at not just the staff time but also the fuel and mileage costs and some of the general administrative duties. They did not go across the board and do all infrastructure costs which they could but some of those fees would become a bit astronomical. She stated they are nearly a third funded by these fees so what they do is try to figure out what the time is involved with all steps of a process to issue and then enforce or inspect whatever type of entity we are talking about throughout that year or quarter, however the timeline is. She equates the salary and benefit information to that. The last thing added this year was a technology fee which will account for our part of the maintenance for Accela. That was the only real way to come up with the fee for that and it is very nominal - \$5.00 per year. It is a bit of a user fee and has really increased our efficiency and you can see where some of the fees went down. This is how we do the justifications every 3 years. Commissioner Brown asked if the amendment to fees also pertained to the next agenda item, Tattoo and Body Piercing Ordinance. Mindy stated yes except for effective dates. They are asking for a February 1, 2012 date for the Food and beverage Ordinance fee Amendment. Commissioner Brown made a motion to approve Amendment to fees in Allen County Code Title 10 (Department of Health) – Article 2 (Food and Beverage Ordinance). Commissioner Bloom seconded the motion. Motion carried 3-0.
- 5. Amendment to fees in Allen County Code Title 10 (Department of Health) – Article 7 (Tattoo and Body Piercing Ordinance).** Mindy asked if it was possible to make the Tattoo ordinance effective two weeks from today and what is the exact amount of time we have to go out? Attorney Fishing asked if there were criminal penalties involved. Mindy responded, no, there are civil penalties and fines. Attorney Fishing stated that this would have to be published before it could become effective and generally could take 4 weeks. There was some discussion about how to get the Amendment to fees for the Tattoo ordinance effective so that we could gain these fees for 2012. The permits are due at the end of this year. It was decided to attempt to get this change published ASAP and shoot for a December 31, 2011 effective date. Commissioner Brown made a motion to approve Amendment to fees in Allen County Code Title 10 (Department of Health) – Article 7 (Tattoo and Body Piercing Ordinance). Commissioner Bloom seconded the motion. Motion carried 3-0.
- 6. Memorandum of Understanding between the City of Fort Wayne and County of Allen for Accela system maintenance cost-sharing.** Ed Steenman, County IT Director, presented this item. He stated that several weeks ago he brought to the Commissioners a new maintenance agreement with Accela which reduces the annual increase over the 5 year period. Part of the cost reduction in that agreement

comes from the City and County sharing in that cost. Before them today is a Memorandum of Understanding with the City to document that we are sharing the cost on four of the modules that the City and County use within Accela. This has already been signed by the City. It's always been the agreement when we entered into the site license for Accela that the City and County would share the cost 50/50 and this is just putting that on paper. Commissioner Bloom made a motion to approve the Memorandum of Understanding between the City of Fort Wayne and County of Allen for Accela system maintenance cost-sharing. Commissioner Brown seconded the motion. Motion carried 3-0.

- 7. Amendment to Master Services Agreement between the Board of Commissioners and Atos for GIS support services.** Ed Steenman, County IT Director, stated that for the 2012 budget, the County Council moved funding for GIS support and part of that funding changed was to have ATOS begin to support the GIS servers, GIS software along with the other servers that we have. This amendment reflects that change to the Master Services Agreement. Commissioner Brown made a motion to approve the Amendment to Master Services Agreement between the Board of Commissioners and Atos for GIS support services. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 8. Supplemental Agreement # 4 between the Board of Commissioners and Clark Dietz, Inc for additional preliminary engineering for utility conduits on the bridge and approaches. Cost - \$7,100.00** Bill Hartman, Highway Director, stated that there were 6 conduits under the bridge previously and the utilities had vacated them and when we had our preconstruction conference they expressed an interest in being in the bridge again so that is why the conduits were not part of the original design. Commissioner Bloom made a motion to approve Supplemental Agreement # 4 between the Board of Commissioners and Clark Dietz, Inc for additional preliminary engineering for utility conduits on the bridge and approaches. Cost - \$7,100.00. Commissioner Brown seconded the motion. Motion carried 3-0.
- 9. Supplemental Agreement # 1 between the Board of Commissioners and Indiana Department of Transportation for right-of- way funding agreement, increasing the federal aid to \$1,680,000.00.** Bill Hartman, Highway Director, stated that originally based on our original appraisal for project right-of-way, \$1.2 million was approved for right-of-way acquisition and this raises that amount to \$1.6 million. This is for Flutter Road project. Commissioner Peters asked how much of that was our share? Bill Hartman responded \$420,000 or 20%. Commissioner Bloom made a motion to accept Supplemental Agreement # 1 between the Board of Commissioners and Indiana Department of Transportation for right-of- way funding agreement, increasing the federal aid to \$1,680,000.00. Commissioner Brown seconded the motion. Motion carried 3-0.
- 10. Interlocal Agreement between the Board of Commissioners and the Town of Grabill for miscellaneous services and materials on behalf of the Highway Department.** Bill Hartman, Highway Director, stated that this is a two year agreement between Grabill and the County and there is a 30% mark up instead of the past 20% markup for administrative services. The materials include various services, sand and salt mixture, dust control application, cold mix asphalt, traffic signs and pavement markings and other equipment or services as required. Commissioner Brown made a motion to approve the Interlocal Agreement between the Board of Commissioners and the Town of Grabill for miscellaneous services and materials on behalf of the Highway Department. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 11. Warranty Deed – Coverdale Rd from Indianapolis Rd to Airport Expressway – Project # 03-294**

 - a. Parcel 7 - Carbaugh**

Commissioner Bloom made a motion to approve Warranty Deed as read. Commissioner Brown seconded the motion. Motion carried 3-0.
- 12. Promissory Note on behalf of the Allen County Highway Department.** Bill Hartman, Highway Director stated that this is their agreement to borrow from the Rainy Day Fund \$1.6 million for 10 trucks. They are set up to bid those trucks on the 28th of this month. This is a 0% loan. Commissioner Bloom made a motion to approve the Promissory Note on behalf of the Allen County Highway Department for \$1.6 million. Commissioner Brown seconded the motion. Motion carried 3-0.

13. Other Business:

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

15. Comments from the Public.

16. Motion to Adjourn. There being no further business, the meeting was adjourned at 11:00 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.