



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. Thursday, December 22, 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 Fishing	County Attorney
	Mark Royse	Deputy Director Economic Development
	Beth Lock	Commissioners Office
	Michelle Wood	DPS
	Mike Landram	Fort Wayne Chamber
	Bill Hartman	Highway Director
	Vivian Sade	Journal Gazette

Commissioner Peters called the meeting to order at 8:38 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of December 16th, 2011.** Commissioner Bloom made a motion to approve the minutes. Commissioner Brown seconded the motion. Motion carried 3-0.
- 2. Ordinance assigning jurisdiction of a certain tract of real estate to the Monroeville Redevelopment Commission.** Mark Royse, Economic Development, stated that this item came out at the Commissioners night out meeting in Monroeville. The town would like to basically expand one TIF district and establish another one. They have their own redevelopment commission. Once the jurisdiction is ceded for redevelopment purposes, they will annex that property. Again, when we met in Monroeville at the Commissioners night out, Kim Bowman, Executive Director of DPS, noted that the plan commission would be willing to rezone that property as a plan commission initiated rezoning and then we can go from there. This ordinance just confirms that the redevelopment commission passed basically ceding that jurisdiction for redevelopment purposes at its last meeting on December 13. Commissioner Bloom made a motion to accept the Ordinance assigning jurisdiction of a certain tract of real estate to the Monroeville Redevelopment Commission. Commissioner Brown seconded the motion. Motion carried 3-0.
- 3. Contract Addendum #7 between the Board of Commissioners and Diamond Detective Agency for after-hours security and alarm monitoring at the City-County Building.** Chris Cloud, Executive Assistant, stated that we had asked our Safety Director, Tony Burrus, to go back and amend our after-hours security contract with Diamond to just cover the first 3 months of 2012. They have done that and it reflects a 1.5% increase which is what they had requested to cover increased costs for unemployment insurance and various things. They held their price flat last year for us but because of the shortened contract they requested an increase. This covers Jan. 1, 2012 to March 31, 2012. Commissioner Peters asked if he recalled what the plan was after March 3. Does this give us an opportunity to see what's happening with the City/County building over the next 3-4 months? Chris responded that it would allow us more time to figure out how best to proceed. It may be that we extend this on April 1st but this at least doesn't tie us for the whole year. Commissioner Bloom made a motion to extend the Contract Addendum #7 between the Board of Commissioners and Diamond Detective Agency for after-hours security and

alarm monitoring at the City-County Building for a 3 month period at which time we will review and determine future needs. Commissioner Brown seconded the motion. Motion carried 3-0.

4. **Rezoning petition 1644/11 to rezone land on the north side of the 4400 to 4500 blocks of Bass Road from RS-1/Suburban Residential to RSP-1/Planned Single Family Residential (24.7 acres) and RSP-2/Planned Two-family Residential (9.3 acres) for a residential subdivision of 18 duplex lots and 75 single family homes.** Michelle Wood, DPS, stated this is for the primary plat development plan for Wellington Reserve and the applicant is Fall Creek Development. The plat is for 18 duplex lots and 75 single family lots. This is located on Bass Road just east of Morgan Creek. This was once approved as a plat in 1995 and called Bassleton Ridge and that did not move forward and was never recorded. The new proposal is to do single family in the northern part of the property and duplexes in the front. The duplexes will be attached single family so each one will be on a lot. There were a couple of waivers requested for the duplex units to have smaller side yards which will be 5 feet between each lot for a total of 10 feet between units and to also have shortened front yards. They are trying to create a buffer between the duplex lots and the adjacent property so shortening the front yard allows them to move the house up a little more and they can create that buffer. They are planning sidewalks through the subdivision but they have asked for a waiver for sidewalks on one side closer to the entrance because they have a lot of common area and they want to do the sidewalk on just the one side there. There was a little remonstrance about this mostly due to the duplex units. She pointed out that this is very similar to what Morgan Creek has done, a mixture of single family and also the duplex units. This is very consistent with what has been seen in the area. There was a unanimous do pass recommendation. Commissioner Brown made a motion to approve the Rezoning petition 1644/11 to rezone land on the north side of the 4400 to 4500 blocks of Bass Road from RS-1/Suburban Residential to RSP-1/Planned Single Family Residential (24.7 acres) and RSP-2/Planned Two-family Residential (9.3 acres) for a residential subdivision of 18 duplex lots and 75 single family homes. Commissioner Bloom seconded the motion. Motion carried 3-0.

5. **Rezoning petition 1645/11 to rezone 9.5 acres south of the current terminus of Sawmill Road from A-1/Agricultural to I-2/General Industrial to expand the existing industrial park.** Michelle Wood, DPS, stated this rezoning petition is brought before the Commissioners by the Grabill Development Corporation. This rezoning request is to expand the existing industrial area in Grabill. There is existing industrial in the area now. Recently, within the past few years, additional ground has been rezoned to I-2 to the south of the industrial park. That has not developed yet but they have the opportunity to add to that ground which would give them even more flexibility to bring in a larger development. This area is 9.5 acres and it does not extend out to Roth Road but there is Grabill owned ground that will be able to extend a road from Roth to this property and eventually connect up to Sawmill Road. The current owners are just selling off the back portion of their property. They will retain the front portion that fronts Roth Road. That eventually may be purchased but that's not part of the proposal right now. Commissioner Brown asked if there were any issues or remonstrance. Michelle responded no. Commissioner Brown made a motion to approve the Rezoning petition 1645/11 to rezone 9.5 acres south of the current terminus of Sawmill Road from A-1/Agricultural to I-2/General Industrial to expand the existing industrial park. Commissioner Bloom seconded the motion. Motion carried 3-0.

6. **Change Order # 7, 8, and 9 for the Towpath Trail, Phase IV, Project # 0005007**
 - a. **Change Order # 7 – Cost - \$743.86 (Increase) Reason for change: Director of Aboite New Trails the trailhead sign was modified to be double faced.**
 - b. **Change Order # 8 – Cost - \$275.00 (Increase) Reason for change: Request of City of Fort Wayne – a tree was transplanted from under existing power lines.**
 - c. **Change Order # 9 – Cost – 3,900.00 (Increase) Reason for change: Unsuitable soils were encountered at the trailhead parking lot. Remove material and put in suitable sub grade material.**

Total Cost - \$4,918.86 (Increase)

Bill Hartman, Highway Director, presented this item and stated that these increases will be borne by the Trails group for this project. We are administrator of a grant that the Trails group received. Commissioner Peters asked if we were actually doing the work there. Bill Hartman replied that we only inspected the work. Commissioner Brown made a motion to approve the Change Order # 7, 8, and 9 for the Towpath Trail, Phase IV. Commissioner Bloom seconded the motion. Motion carried 3-0.

7. **Change Order # 4 for Diebold Rd, Phase I & II, from Dupont Rd to Union Chapel Rd, Project #'s 1200209 and 1200108.**
 - a. **Change Order # 4 – Phase I - Cost - \$27,966.32 (Increase) Reason for change: Changed conditions**
 - b. **Change Order # 4 – Phase II – Cost \$270.00 (Increase) Reason for change: Changed conditions**

Total Cost - \$28,236.32 (Increase)

Bill Hartman, Highway Director, stated that change order #4 – Phase I was due to additional hot asphalt material needed in the amount \$20,300, additional tree removal @ \$2,210, new concrete curb placement @ \$1,680, additional grading @ \$2,350, concrete pavement removal @ \$360, additional 18” pipe in section was required @ \$770 and temporary traffic markings @ \$166.32. In Phase II there was \$270 worth of additional concrete pavement removal. Phase I is paid for by Parkview and Phase II by us. Commissioner Bloom made a motion to accept Change Order # 4 for Diebold Rd, Phase I & II. Commissioner Brown seconded the motion. Motion carried 3-0.

8. **Extension of Supplemental Agreement Personnel and Benefits Policy for Highway Maintenance Employees.** Bill Hartman, Highway Director, stated there were two minor changes made to this agreement from the last one. There is a boot allowance for those employees who work out in inclement weather. They are allowed to buy boots and/or weather related clothing at \$150 worth per year. It used to be that a new employee had to wait 6 months to qualify for that allowance. We changed that to 90 days. There was a discrepancy between the regular employees handbook on reporting an incident to a supervisor for the purposes of grievance. In our agreement previously it was 3 days and the handbook it is 5 so we changed that to 5 to correspond with the handbook for everybody else. Those are the two changes. Commissioner Bloom made a motion to extend the Supplemental Agreement Personnel and Benefits Policy for Highway Maintenance Employees. Commissioner Brown seconded the motion. Motion carried 3-0.

9. **Warranty Deeds – Flutter Rd, SR 3 to Coldwater Rd, Project # 05-276**
 - a. **Parcel 17 – R. Tippmann**
 - b. **Parcel 25 – Hamm**
 - c. **Parcel 49 - McDaniel**

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

10. **Appointments to various boards and commissions.** Chris Cloud stated that these are not all of their appointments but so far the names before them today are below. The rest of the appointments will be made at the January 6th meeting.

Alcohol Beverage Commission – Mark Joseph
 Capital Improvement Board – Mike Packnett, Ben Eisbart
 Building Department Board – Dan Gagen , Greg Copeland, Floyd Lancia, Matt Momper
 Child Care Facilities Board – Courtney Veith, Garnett Mills, Amy Hesting
 Community Corrections Advisory Board - Paul Wilson
 Plan Commission – Ken Neumeister
 Public Defender Board - Donna Shook
 Redevelopment Commission - Rich Beck, Steve Bercot, Kurt Gutman
 Redevelopment Commission Advisory Member from School Board - Stephen Terry
 Regional Water & Sewer District – Ric Zehr
 Arts United Board - Molly McCray
 Property Tax Assessment Board of Appeals - Todd Jordan, Matthew Griffin
 Wabash River Heritage Corridor Commission - Ron Zartman, Ron James, Alternate
 War Memorial Coliseum Board of Trustees - Laura Rhoades, Mac Parker

Commissioner Bloom made a motion to accept the Appointments to various boards and commissions for 2012 as read. Commissioner Brown seconded the motion. Motion carried 3-0.

- 11. Adoption of ordinance establishing districts for County Council and the Board of Commissioners of the County of Allen.** Chris Cloud, Executive Assistant, stated that Indiana Code 36-2-2-4 gives the Board of Commissioners the sole authority to approve redistricted maps due to census changes. County Council has worked through theirs and has submitted it for approval. The Commissioners maps have been worked through as well. They are being submitted today to the Commissioners for adoption as the approved County Council and County Commissioner districts for at least the next 10 years. Commissioner Brown asked if we had sufficient time for public comment. Chris responded that we did not receive any official public comment. Commissioner Brown made a motion to approve the Adoption of ordinance establishing districts for County Council and the Board of Commissioners of the County of Allen. Commissioner Bloom seconded the motion. Motion carried 3-0.

12. Other Business:

Mike Landram, President/CEO of the Greater Fort Wayne Chamber of Commerce, came to ask the Commissioners for their support and to sign the Chambers resolution in support of Right to Work. On November 22 the Chamber board of directors had unanimously adopted to develop its own resolution regarding Right to Work. Mr. Landram stated he also knows that the Allen County Commissioners have also adopted a position of support as well. He stated he was here to ask them to sign the Chambers resolution or one that they develop to exemplify the unity here in Allen County. Commissioner Peters stated that we have the Chamber, the Alliance and the Regional Partnership who have all adopted positions on this and he thinks it's important that we support that position. He stated he thinks it is important to qualify that position with we are not trying to eliminate unions in this community. He doesn't think that anybody is suggesting that. There have been a few phone calls he has taken from folks who have suggested that that is the intent. He thinks empirically you can make the data say whatever it is you want the data to say. You can adopt a pro-union position and look at their numbers and they seem reasonable. You can look at the other side of the equation and look at their numbers and their numbers seem reasonable. But, Commissioner Peters stated he has personally had site selectors come and say to him that they are not going to look into moving to this community because it's not a right to work place, it tells him that we are indeed missing opportunities. If indeed what the site selectors are saying is true, he thinks it's important to support legislation like the Right to Work legislation being proposed. Commissioner Brown made a motion to support the position of the Chamber of Commerce and create a document that exemplifies that support. Commissioner Bloom seconded the motion. Motion carried 3-0.

- 13. 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 22nd, 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 22nd, 2011. Commissioner Bloom seconded the motion. Motion carried 2-0.

14. Comments from the Public.

- 15. Motion to Adjourn.** There being no further business, the meeting was adjourned at 9:05 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.