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1 STATE OF INDIANA)
)SS:

2 COUNTY OF ALLEN)

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7 BOARD OF COMMISSIONERS
 OF THE COUNTY OF ALLEN

8

9 RE: LEGISLATIVE SESSION OF
10 JUNE 29, 2005

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14

DATE: June 29, 2005

15

16

TIME: 10:05 a.m.

17

18

LOCATION: Room 200
 Commissioners Courtroom
 City-County Building
20 1 East Main Street
 Fort Wayne, Indiana 46802

21

22

REPORTER: M. Joshua Osbun

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1 PRESENT:
2 Linda K. Bloom Allen County Commissioner
3 Marla J. Irving Allen County Commissioner
4 Nelson Peters Allen County Commissioner
5 Susan Elser Allen County Commissioners'
 Office

6

- John McGauley Public Information Office
- 7
- Mary Hitchens Public Information Office
- 8
- G. William Fishering Allen County Counsel
- 9
- Mike Fitch Director, Allen County
Highway Department
- 10
- Brian Dumford Director, Allen County Human
Resources
- 11
- Michelle Wood Department of Planning
Services
- 12
- Ben Adams Schnelker Engineering, Inc.
- 13
- Tracy May Floyd Burroughs & Associates
- 14
- Dee Adams County Resident
- 15
- M. Joshua Osbun Rolf Reporting, Inc.
- 16
- Dan Stockman News Sentinel
- 17
- Cindy Larson Journal Gazette
- 18
- Kevin Leininger News Sentinel
- 19
- James Hoffman Aboite Independent
- 20
- 21
- 22
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Presentations by:

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Mike Fitch	28, 52, 56
Ben Adams	50
G. William Fishering	44, 57

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Dee Adams 65

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Agenda:

- 2
- 3 1. Approval of Minutes of 06/22/05
Legislative Session 8
- 4
- 5 2. Settlement Agreement between the United
States of America and Allen County,
6 Indiana under the Americans with
Disabilities Act 8
- 7
- 8 3. Rezoning Petition #1550/05: Petition
to rezone property to bring existing
9 industrial facilities into conformance
with the Allen County Zoning Ordinance.
10 The 1.79 acre site is located on the east
side between the 9000 and 9100 blocks of
11 the vacated Center Street and between
the 2500 and 2600 blocks of the vacated
12 North Street. Present zoning is I-1/Light
Industrial and A-1/Agricultural. Proposed
13 zoning is I-2/General Industrial 11
- 14
- 15 4. Rezoning Petition 1552/05: Petition
to rezone property to allow for the
development of a 210-lot single-family
16 residential subdivision. The site is
located on the south side between the

- 17 12900 and 14000 blocks of Covington Road
and on the west side between the 2700
18 and 3100 blocks of West Hamilton Road.
Approximately 34.0 acres is to be
19 considered for rezoning as part of the
approximate 158.0 acre development site 14
20
- 21 5. Rezoning Petition 1553/05: Petition to
rezone property to allow for the
22 development of a 184-lot single-family
residential subdivision. The approximately
23 76.30 acre site is located on the west
side between the 11300 and 12000 blocks
24 of Tonkel Road. Present zoning is
A-1/Agricultural. Proposed zoning is
25 RSP-1/Planned Single Family Residential 20
0005
- 1
2 6. Signature required by State for continued
reporting for the Hessen Cassel Sewer
Project Grant 50
3
- 4 7. Approve Change Order #1 for Project
#03-288, Maumee River Greenway Trail
5 Repair, Bid Ref #29-04 between Allen
County & Bercot, Inc. - Total Change
6 Order #1 = \$20,377.33 (DECREASE) 52
7
- 8 8. Approve Warranty Deeds for right of way
dedications for Project B09-04, Carrol
Middle School on Bethel Road and Hathaway
9 Road to Allen County from: 55
10 a) Parcel A - Northwest Allen County Schools
11 b) Parcels B and C - Northwest Allen County
Middle School Building Corporation
12
- 13 9. Approve traffic posting change in the
Liberty Mills Addition for: 56
14
- 15 a) West Hills Road, from Liberty Mills Road
to Crown Point Drive -- Post 30 MPH speed
limit
16

17 10. Approve and award Bid Reference #20-05,
18 Construction of the 2005 HMA Resurface
19 Package #1 to E & B Paving, Inc. -- total
20 award \$464,750.00 (Engineer's estimate was
21 \$481,608.75.) The Streets and roads in
22 this package include the following: 56

- 23 A) Project #05-098, Yoder Road from
24 Coverdale Road to Branstrator Road
- 25 B) Project #05-099, Spencerville Road
0006 from SR37 to Harlan Elementary School
- 26 C) Project #05-100, Auburn Road, from Ft.
27 Wayne City Limits to Union Chapel Road

1 D) Project #05-101, Gump Road, Allen County
2 School to Huntertown Corp. Limits

3 E) Sycamore Hills Addition

- 4 a) Project #05-085, Wildcat Cove from
5 Sycamore Hills Drive to End
- 6 b) Project #05-086, Carnouste Lane, from
7 Sycamore Hills Drive to End
- 8 c) Project #05-087, Prestwick Lane from
9 Carnouste Lane to End
- 10 d) Project #05-088, Turnberry Lane from
11 W. Sycamore Hills Drive to End
- 12 e) Project #05-089, Turnberry Place from
13 Turnberry to End
- 14 f) Project #05-090, Turnberry Court from
15 Turnberry Place to End
- 16 g) Project #05-091, Braemer Drive from
17 Sycamore Hills Pkwy to Covington Road
- 18 h) Project #05-092, Rothbury Court from
19 Braemer Drive to End
- 20 i) Project #05-093, Blairmore Court from
21 Braemer Drive to End

17 j) Project #05-094, Sunningdale Court
from Braemer Drive to End

18
19 k) Project #05-095, Haddington Court
from Braemer Drive to End

20 l) Project #05-097, Sycamore Lakes Court
from Braemer Drive to End

21
22 F) Oak Borough Addition

23 a) Project #05-079, Oak Borough Run from
Covington Road to End

24 b) Project #05-080, Smugglers Cove from
Oak Borough Run to End

25
0007
1 c) Project #05-081, Hialeah Lane from
Oak Borough Run to End

2
3 d) Project #05-082, Oak glen Trail from
Oak Borough Run to Castle Creek Drive

4 e) Project #05-083, Kings Mill Place
from Oak Glen Trail to End

5
6 f) Project #05-084, Castle Creek Drive
from Copper Hill Run to End

7

11. Approve Warranty Deed for additional
8 right of way acquisition required for the
Homestead Road/Ernst Road Intersection,
9 Project #03-189 to Allen County from: 57

10 a) Parcel 2 - Norman R. Dennis a/k/a Norman
Dennis and Arlene E. Dennis

11
12 12. Other business
13 - Approve Moody's Customer Agreement 57
14 - Report on close of IJ Recycling Sale 60
15 - Bond Purchase Agreement for
GM Financing 63

16
17 13. Approval to waive the 2nd Reading on any
matter approved today and for which it may
18 be deemed necessary for the Legislative

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14. Comments from the Public
- Dee Adams

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1 BLOOM: Good morning, and welcome to the
2 Commissioners Legislative Session, June 29th. First
3 I'd like to stand and honor our country and a silent
4 moment, please.
5 (At this time the Pledge of Allegiance is
6 recited, followed by a moment of silence.)
7 BLOOM: Amen. Approval of the minutes of June 22nd.
8 PETERS: I make a motion to approve the minutes of
9 June 22nd.
10 IRVING: I'll second it.
11 BLOOM: All in favor signify by saying "aye."
12 PETERS: Aye.
13 IRVING: Aye.
14 BLOOM: Aye. Settlement Agreement between The United
15 States of America and Allen County, Indiana under the
16 Americans with Disabilities Act. Good morning,
17 Brian.
18 IRVING: Good morning, Brian.
19 DUMFORD: Good morning, Commissioners. How are you?
20 BLOOM: Good.
21 DUMFORD: I am Brian Dumford, Director of Human
22 Resources and the ADA Coordinator for Allen County.
23 You have before you a Settlement Agreement between
24 the Department of Justice and the Board of
25 Commissioners and the Sheriff's Department for the

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1 Project Civic Access which is a Department of Justice
2 project where they go across the country doing
3 evaluations of local governments, cities, counties,
4 towns for compliance with the Americans with
5 Disabilities Act. This has been a several month
6 process. It has turned out to be a win-win for
7 everybody involved. The County learned an awful lot
8 about accessibility, and found out where we needed to

9 do some work so that County government can be more
10 accessible to people with disabilities, and so what
11 you have before you is a four-year agreement with the
12 Department of Justice.

13 There are several attachments as well which
14 we have that outline specific areas that we need to
15 work on for our buildings and our program access, so,
16 as I said, it's a four-year agreement. We have a
17 good partnership going with the Department of
18 Justice, and I recommend that you sign the agreement.

19 PETERS: Mr. Dumford, one quick question.

20 DUMFORD: Yes, sir.

21 PETERS: What happens at the end of four years?

22 DUMFORD: At the end of four years the Department of
23 Justice will again do a review to make sure we have
24 complied with everything we've agreed to do in terms
25 of our accessibility standards, and at that time

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1 their direct oversight of Allen County will cease.

2 But we, of course, as a government entity will be
3 continuing our efforts to make sure we're as
4 accessible as we can be.

5 PETERS: Okay.

6 DUMFORD: This agreement does require quarterly
7 reporting and annual reporting of our progress
8 towards the various fixes that we have to do. I will
9 be undertaking that. Those reports, of course, will
10 cease after that and, as I said, direct oversight as
11 well.

12 PETERS: Okay, great. Thanks.

13 IRVING: Any other questions? Well, I--I do want to
14 echo that this has been positive for communities. I
15 know one of the questions that we were asked
16 yesterday is, "When you got the letter in October how
17 did you feel?" Well, I think just like any other
18 community, but what I would say is that through the
19 process I think we've learned a lot, and it was not a
20 group that came in because there were any complaints,
21 and I think that is a plus for our community that we
22 had not had any lawsuits or complaints. It was just
23 basically the luck of the draw that they were brought
24 in.

25 The second thing I would like to say is that

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1 they did not try to figure out, you know, how can we
2 get County government--how can we be more expensive?
3 They were very cognizant of the idea that, you know,
4 we don't have a lot of extra money. How can we do
5 things at--and make it accessible without having to
6 expend more money than we needed to, and in some
7 cases no money. It was just a matter of moving
8 things around.

9 I also wanted to say that all of our
10 department heads, Dan Freck, our Maintenance
11 Department, they've been Johnny-on-the-spot, and they
12 have already been working very hard, and this has
13 been a positive long project, but we're excited about
14 it, so I'd like to make a motion that we agree with
15 the settlement for the Americans with Disabilities
16 Act as so written.

17 PETERS: I'll second that.

18 BLOOM: All in favor signify by saying "aye."

19 PETERS: Aye.

20 IRVING: Aye.

21 BLOOM: Aye. Rezoning Petition--thank you, Brian.

22 IRVING: Thank you, Brian.

23 DUMFORD: Thank you.

24 BLOOM: Rezoning Petition 1550/05.

25 IRVING: Good morning, Michelle.

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1 WOOD: Good morning, Commissioners.

2 PETERS: Good morning.

3 WOOD: Michelle Wood with the Department of Planning
4 Services.

5 BLOOM: Good morning.

6 WOOD: Our first rezoning petition is 1550/05. The
7 applicant's Melvin Graber. This is a pretty simple
8 rezoning. There's no development plan attached.

9 It's 1.79 acres. The proposal is to go to I-

10 2/General Industrial. This is in an area off of

11 Wallen Road, and there's a variety of industrial

12 uses, industrial zonings. This is some leftover A-1

13 ground. The proposal is to just clean it up, bring

14 it all into industrial zoning. There's no new

15 development proposed for this site. It's currently

16 used as a concrete service. And there was a

17 unanimous do-pass recommendation.

18 BLOOM: I think--I know we do this, but I think I
19 have problems with this. I really don't like the
20 rezoning without plans.

21 WOOD: Oh, well, they're not doing any new
22 development. They are already using the site now, so
23 this is bringing them into conformance.

24 BLOOM: Okay, but you know what I'm saying with--

25 WOOD: Right, right.

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1 BLOOM: --with areas that ask for new zoning--

2 WOOD: Right.

3 BLOOM: --that have no plans for the property, I am
4 pretty uncomfortable with that. I understand this.

5 They're already--

6 WOOD: Right.

7 BLOOM: --using the property, but--

8 WOOD: We did receive a plan showing what they--what

9 they're doing now, and they're not proposing anything

10 different from that, so this is actually bringing

11 them into conformance. They were out of--they

12 actually came in for a permit, and we found that they

13 could not--there was a trailer on the property that

14 shouldn't have been there in the zoning that it's in,

15 so we asked them to rezone to allow that.

16 BLOOM: So now they can have a trailer?

17 WOOD: Right. They can use the trailer that they've

18 been using for their business.

19 BLOOM: See what I mean?

20 IRVING: Uh-huh (affirmative).

21 WOOD: So without them coming in we wouldn't have

22 known it was the wrong zoning, so we're basically

23 cleaning up. They are petitioning to clean it up so

24 that they are in conformance with our ordinance

25 because as it stands now they are not. So we do have

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1 a development plan of their--

2 BLOOM: Existing--

3 WOOD: --existing uses.

4 BLOOM: I gotcha.

5 WOOD: That's correct.

6 BLOOM: Any questions?

7 PETERS: I make a motion on Rezoning Petition

8 1550/05.

9 IRVING: Second that motion.

10 BLOOM: All in favor signify by saying "aye."

11 PETERS: Aye.

12 IRVING: Aye.

13 BLOOM: Aye. Rezoning 1552/05 for a 210-lot single-
14 family residential subdivision.

15 WOOD: This is for the primary plat and development
16 plan of Gray Oaks in the Villas of Gray Oaks. The
17 applicant is Oakmont Development. The total number
18 of lots is 219. It is all single-family. The
19 rezoning petition in front of you is for 34 of the
20 158 acres. It's all already zoned RSP-1, so they can
21 develop the site as it is now, but they wanted to
22 reduce the--excuse me, increase the density for the
23 villas from 1.3 units to 2.0 units per acre for the
24 villas, so you're only hearing the 34 acres for the
25 rezoning.

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1 There is--there obviously was a development
2 plan, and a hundred and--excuse me, 152 of the lots
3 will be the single-family traditional lots. They
4 will be the larger acreage lots. And then 67 of
5 those will be the villaminium lots, still single-
6 family, but at 2.0 per acre. And there's entrances
7 off of Covington Road and West Hamilton Road, and the
8 two do not connect, and the applicant has agreed to
9 add sidewalks along Covington Road.

10 IRVING: Great.

11 WOOD: There are sidewalks throughout the development
12 on both sides of all streets.

13 BLOOM: Both sides?

14 WOOD: But because of the lack of interconnectivity
15 vehicular and we have a school across the street and
16 they are planning to develop to the west, they did
17 agree to put sidewalks across--

18 IRVING: Great.

19 WOOD: --the south side of Covington Road and on West
20 Hamilton from the entrance north, so there will be
21 pedestrian interconnectivity.

22 PETERS: Michelle, just for the record--

23 BLOOM: I didn't hear that.

24 PETERS: --to address the letter that I received, and

25 you did just touch on a couple of those things, as
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1 far as the stub streets--

2 WOOD: Uh-huh (affirmative).

3 PETERS: --that were expressed as a concern, why is
4 there a lack thereof?

5 WOOD: Between the development and to the west the
6 applicant asked at the public hearing--requested that
7 there were no stub streets required because of the
8 larger lot--

9 PETERS: Okay.

10 WOOD: --part of the development. He was trying to
11 do a more exclusive--

12 PETERS: Okay.

13 WOOD: --type of development, not gated--

14 PETERS: Right.

15 WOOD: --but a more exclusive feel to that
16 development. His plans to the west are to do a
17 development that's more in line with what's to the
18 north at Bridge Water and Vera Cruz.

19 PETERS: Right, sure.

20 WOOD: This will be even larger, more expensive
21 homes, just his--his desire for exclusive
22 development. The villa lots, he explained that the
23 market for that type of development is generally
24 empty-nesters who are--want their own exclusive
25 development as well, and so not have the connection

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1 between either vehicular or pedestrian within the
2 development.

3 PETERS: Okay.

4 WOOD: But then to supplement that having the
5 sidewalks on the outside. As far as our requirements
6 or our numbers that we look at or that the Highway
7 Department looks at--

8 PETERS: Uh-huh (affirmative).

9 WOOD: --there's no hard and fast rule. It's
10 generally between 150 to the absolute max 200 lots
11 on--

12 PETERS: Okay.

13 WOOD: --on a single entrance.

14 PETERS: So we're within--

15 WOOD: We're within what has typically been approved

16 for one entrance, definitely.

17 PETERS: Okay.

18 WOOD: So, yes, we like interconnectivity. This
19 would be kind of an exception, but it does fit within
20 what we've approved--

21 PETERS: Uh-huh (affirmative).

22 WOOD: --in the past for one entrance.

23 PETERS: Now, how about the seven--the seven-foot
24 side yards on the villa lots?

25 WOOD: The reduction from seven to five?

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1 BLOOM: It doesn't say five in here. It just says,

2 "Seven feet"--

3 WOOD: Oh, it doesn't?

4 PETERS: Okay, no, we're--we're missing part of the
5 key.

6 WOOD: Okay, I apologize.

7 PETERS: So it was--

8 WOOD: Right, it's the typical request for on the
9 villa lots to go down to a five-foot side yard. It
10 does have a common maintenance, so all of the lots
11 would be maintained by a separate entity, and that--

12 BLOOM: For the villa section?

13 WOOD: On the villas only.

14 PETERS: Okay.

15 IRVING: Michelle?

16 WOOD: Uh-huh (affirmative).

17 IRVING: I'm just a little curious, does the
18 homeowners association, then, are they going to
19 maintain and take responsibility for the sidewalks in
20 front of the addition?

21 WOOD: The--as far as responsibility, I don't know if
22 I can answer that. As far as maintenance, yes, it
23 would be like--

24 BLOOM: Villa project, yeah.

25 WOOD: --any other villa, any other common area walk

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1 or right of way walk, they would be responsible for
2 keeping that--

3 IRVING: Out in the front?

4 WOOD: Out in the front, right.

5 BLOOM: Yeah.

6 WOOD: That would not be a Highway Department

7 responsibility.

8 IRVING: Okay.

9 WOOD: Liability, I don't know the answer to that.

10 PETERS: How about drainage? I know some concerns
11 have been expressed regarding drainage, too.

12 WOOD: Right, the subdivision to the east, Covington
13 Manor Farms--

14 PETERS: Right.

15 WOOD: --also a very large lot, low density
16 development. They have concerns about traffic and
17 about drainage. There--there is an outlet that goes
18 towards Covington Manor Farms. At the hearing the
19 applicant did state that they were going to try and
20 take the water a different direction, and they will
21 have to work with the Surveyor's Office. Even if the
22 water did end up--if they use the outfall of going to
23 the east rather than to the west--

24 PETERS: Uh-huh (affirmative).

25 WOOD: --it would still have to meet--

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1 IRVING: In the villas.

2 WOOD: --all the guidelines of the Surveyor's Office
3 and not increase any drainage problems to those to
4 the east. But it sounded like their plan was to try
5 and take it to the west.

6 PETERS: Right, okay.

7 WOOD: And there are five lakes on the property, so
8 they will be detaining.

9 PETERS: Five you said?

10 WOOD: I believe it's five, at least five. They have
11 water features and several lakes, but that will be--
12 those will all be used as their detention basin.

13 PETERS: Okay, thank you. I make a motion of
14 Rezoning Petition 1552/05.

15 WOOD: And that is at a density of 1.3--excuse me,
16 2.0 units per acre.

17 IRVING: You make a motion to do what, approve or
18 deny?

19 PETERS: Approve.

20 IRVING: I second the motion.

21 BLOOM: All in favor signify by saying "aye."

22 PETERS: Aye.

23 IRVING: Aye.

24 BLOOM: Aye. Rezoning 1553/05 to rezone property for
25 a 184-lot single family on Tonkel.

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1 WOOD: This is for the primary plat and development
2 plan of Cedar Springs. The applicant is Matt
3 Schambaugh. This is just to the north of Oak
4 Crossing and the Oaks, and it is proposed for 184
5 lots at a density of 2.4 units per acre, which is
6 lower or equal to the subdivisions to the south.
7 They will be bringing utilities up which might help
8 the subdivision to the east that are not currently on
9 utilities, so it will be extending it further north.

10 This is kind of an unusual site. It's carved
11 out of Mr. Shambaugh's property. His home will
12 remain in the center of the site, but you see the
13 largest lake to the north, that is not part of the
14 subdivision at this time. He will remain there. The
15 two other lakes you see are part of the subdivision.

16 There--like I said, it's a little bit lower
17 density than what's to the south, but very
18 compatible. They are proposing stub streets to--
19 quite a few, actually. The one on the south property
20 line will hook into Oak Crossing, then there's
21 another to the north. And then on the far north side
22 you'll see a long road there that doesn't quite reach
23 out to Tonkel Road.

24 That land is currently in a family trust with
25 his family. If that were to develop he might be able

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1 to go out to Tonkel Road, but Highway's requested
2 that they end that in a cul-de-sac so that is not
3 just a dead end there. There will be a cul-de-sac,
4 even if it's temporary, at the end of that so you
5 don't have that long straightaway there with no
6 outlet. Other than that it's compatible with the
7 area. They provided the recreation space and
8 sidewalks.

9 BLOOM: On one side?

10 WOOD: On all the--the sidewalks on both sides of the
11 through streets and one side of the cul-de-sac, which
12 is, at least as of late, has been pretty typical.
13 They're relatively short cul-de-sacs from what we see
14 a lot of the time, but other than that it did receive

15 a unanimous do-pass recommendation.
16 IRVING: Nelson, what is--what is three D [3-D]?
17 BLOOM: 3-D? I'm not--
18 PETERS: It beats the heck out of me.
19 WOOD: 3-D?
20 PETERS: What are you asking?
21 BLOOM: The shoulder bike path.
22 IRVING: What is that?
23 BLOOM: Per the bike path plan. Are they talking
24 about bike paths on Tonkel?
25 IRVING: Is it on Tonkel or is it within the
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1 addition?
2 PETERS: I don't recall that, frankly.
3 BLOOM: You don't?
4 PETERS: No, I'd have to defer to Michelle.
5 IRVING: What is it?
6 WOOD: Is that from a letter or--
7 BLOOM: 3-D. No, it's--
8 IRVING: No, under--
9 BLOOM: --in your--
10 IRVING: --your findings.
11 BLOOM: --findings.
12 WOOD: Oh, I'm sorry.
13 BLOOM: 3-D, to allow for a shoulder bike path--
14 WOOD: Oh.
15 BLOOM: --for the bike path plan.
16 WOOD: Okay, that is--right. NIRCC has put together
17 a bicycle pedestrian trail master plan.
18 BLOOM: Got it.
19 WOOD: It is not yet adopted by the Plan Commission
20 and I don't believe by the Commissioners either. It
21 has been adopted by their board, and we've been
22 looking at that in hopes that it will be adopted.
23 We've been looking at that with each project.
24 Similar with Gray Oaks that you just heard getting
25 that--
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1 IRVING: So Mister--
2 WOOD: --trail in there.
3 IRVING: --so Max has--I can't think. Whose is this?
4 BLOOM: Shambaugh.
5 IRVING: Max Shambaugh, he has to pay for--

6 BLOOM: Extra right of way or something?

7 IRVING: --he has to pay for this bike path plan, and

8 then--plus he will do the--this association will do

9 the maintenance, will accept the liability and

10 everything, is that right?

11 WOOD: I--I--again, I--

12 BLOOM: No.

13 WOOD: --can't answer on the liability, but this--

14 BLOOM: I don't think that's right.

15 WOOD: --the recommendation from the Highway

16 Department is that when they design the frontage that

17 they have, which is basically just their accel/decel.

18 It's a relatively short--

19 IRVING: Well, the--

20 WOOD: --frontage, but that they would--

21 BLOOM: This isn't internal.

22 WOOD: --include in their design the wider shoulder.

23 IRVING: Yeah, but--look at this. That's all there

24 is.

25 BLOOM: That's all they're talking about.

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1 IRVING: I agree with you Commissioner Bloom, but

2 what I'm saying is by the time you get your accel and

3 decel lanes, then, and you're coming back and doing a

4 bike path, I mean, who's liable when you've got bikes

5 that are running right along your path of your major

6 intersection to come in and out of here.

7 BLOOM: Well, those are really good questions.

8 WOOD: And I would have to defer--

9 BLOOM: I'm serious.

10 WOOD: --to the Highway Department--

11 BLOOM: They are really--

12 WOOD: --on that because--

13 BLOOM: --good questions.

14 WOOD: --it's in the right of way.

15 IRVING: I'm sorry?

16 WOOD: I'm sorry. I would have to defer to the

17 Highway Department on that question because I'm

18 really not--

19 BLOOM: Well, NIRCC has come up with this bike path

20 plan of which we haven't adopted, and I know that the

21 Plan Commission has been very anxious to get this

22 going, and additional right of way is being purchased

23 and all of the above, but we're still down to the
24 paths and the walking areas. Who is going to be
25 liable for this? I mean, according to the papers
0026

1 I've seen the County is going to maintain and have
2 the liability, and--

3 WOOD: I guess not being part of that plan and it
4 being in the right of way, I--it's--

5 BLOOM: I'm putting you on the spot.

6 WOOD: That's okay.

7 BLOOM: I don't mean to.

8 WOOD: It's all right. But it is--

9 BLOOM: No, I don't mean--

10 WOOD: --a good question.

11 BLOOM: --to. I'm just--

12 WOOD: Right.

13 BLOOM: --making--

14 WOOD: Uh-huh (affirmative).

15 BLOOM: --statements.

16 IRVING: But your findings of facts approve that, and
17 obviously Plan Commission approved that. So if

18 you're approving things like that are these just
19 questions that aren't coming up, or they're just
20 stuck in there and hope that it works itself out?

21 WOOD: That's a good question. It's a recommendation
22 of the Highway Department, and it was approved the
23 way it was recommended so--I mean, I think our goal
24 is definitely to--

25 BLOOM: Yeah, I know.

0027

1 IRVING: Well, we--

2 WOOD: --to follow--

3 IRVING: --all agree with the--

4 WOOD: --the plan, but--

5 IRVING: --bike plan--

6 WOOD: --those are--

7 IRVING: --but when we approve these things, are we
8 approving apples and apples or are we approving
9 apples and oranges?

10 BLOOM: She's--she's not sure. Because--

11 PETERS: Commissioner Irving--

12 BLOOM: --she's not--

13 PETERS: --if you'd like--

14 BLOOM: --been involved.
15 PETERS: --I'd be happy to recommend a motion to
16 defer until the next time so we can get that question
17 answer.
18 BLOOM: No, no, that's not necessary. I mean, this
19 is a very small area.
20 IRVING: Uh-huh (affirmative).
21 BLOOM: The Highway Depart--we've signed nothing,
22 which means this won't even happen unless it--
23 IRVING: Right.
24 BLOOM: --happens--
25 IRVING: Well, I--

0028

1 BLOOM: --as a plan.
2 IRVING: --I think I would entertain a motion--
3 BLOOM: You know what I mean?
4 IRVING: --that would say that we will approve this
5 subject to a clarification when the northwest bike
6 plan is approved.
7 BLOOM: Well--
8 IRVING: I don't know--
9 BLOOM: --the whole--
10 IRVING: --if we can do--
11 BLOOM: --bike plan's--
12 IRVING: --we can't do that?
13 BLOOM: --we have a--
14 IRVING: Look at Bill shaking his head.
15 BLOOM: --a bike plan--
16 IRVING: What do we do on this?
17 FISHERING: Well--
18 BLOOM: Mike, can you put anything toward this? I
19 know you've been involved with the bike and walking
20 paths and we're trying to get developers to
21 participate in this for our community, but nothing
22 has been signed, nothing's been accepted, and I know
23 maintenance and liability, I've read the paperwork,
24 and that's a big issue for the three of us.
25 FITCH: Right.

0029

1 BLOOM: Are we capable? How much money is this going
2 to take? What kind of liability?
3 FITCH: The bicycle-pedestrian forum put a group
4 together a couple years ago to develop--

5 IRVING: We know all that.

6 BLOOM: Yeah.

7 FITCH: --a county-wide bike--

8 BLOOM: Right.

9 FITCH: --pedestrian pathway plan. That has been
10 accepted and adopted, and it's part of the current
11 transportation--20-30 transportation plan. The
12 funding--the reason it's adopted as part of the plan
13 is because there's federal highway funding available
14 for the funding of these projects.

15 IRVING: For all of the--

16 FITCH: The assumption--

17 IRVING: --projects that--

18 FITCH: --the assumption has been all along--

19 IRVING: --cost our whole--

20 FITCH: --that once these--

21 IRVING: --community, Mike?

22 FITCH: --trails are completed they will become the
23 responsibility of the agency who--within the
24 jurisdiction of the City of Fort Wayne and Allen
25 County, Hometown, whatever, would have the

0030

1 responsibility to maintain these systems. This--

2 BLOOM: But nothing's--

3 IRVING: Who--

4 BLOOM: --been signed. The approval was made by

5 UTAB, right?

6 FITCH: Right.

7 BLOOM: Okay, but the Commissioners, the City of Fort
8 Wayne, we have not committed to the maintenance and
9 the liability?

10 FITCH: Not officially, no.

11 BLOOM: Well, not officially--

12 FITCH: These would be considered public works
13 projects, transportation corridors. So, if--

14 IRVING: So--

15 FITCH: --they're transportation--

16 IRVING: --answer your--

17 FITCH: --public works projects--

18 IRVING: --answer your funding problem, the grant
19 funding first, Mike. So I understand this, because
20 when I have talked to the Aboite trails people, they
21 think that this money--

22 BLOOM: Uh-huh (affirmative).
23 IRVING: --that is coming in--
24 BLOOM: Uh-huh (affirmative).
25 IRVING: --is all going to them. So what you're
0031

1 saying is, because this is a master plan, that
2 Northeast Allen, Northwest Allen, Southwest, East--
3 BLOOM: South, East, right.
4 IRVING: --everybody is going to get the same amount
5 of money, that it's going to be divided up throughout
6 our whole community?
7 FITCH: Each project--
8 BLOOM: Each project on its own.
9 FITCH: --is submitted to INDOT.
10 IRVING: But--
11 FITCH: If they approve three projects they approve
12 one from Allen County, Fort Wayne, whoever. Those
13 projects are independent projects. The agency that
14 applies for the project is responsible--
15 BLOOM: Would be responsible.
16 FITCH: --for the funding and making sure the project
17 is built according to federal standards.
18 BLOOM: And maintaining and--
19 FITCH: And maintained.
20 BLOOM: --and the liability?
21 FITCH: Now, the maintenance is--let's see, the
22 maintenance is I think--in most cases I've seen the
23 local agency pays for most of the major maintenance
24 as far as the day to day, litter clean up, and all
25 the other minor items. They have volunteer groups

0032

1 that go out and, you know, there's flower beds or
2 whatever they want to plant, they maintain all those
3 type of facilities.
4 BLOOM: We hope.
5 FITCH: Yes, I mean that's something that I think has
6 to be negotiated with each of these non-profit groups
7 that support the project, but the non-profits do not
8 have the authority to initiate a project and go after
9 the funding--
10 BLOOM: No, no.
11 FITCH: --unless a local--
12 BLOOM: No, no.

13 FITCH: --agency signs off.
14 BLOOM: Of course.
15 FITCH: So when you sign off and say--
16 BLOOM: Of course.
17 FITCH: --"Yes, we sign this grant," to go after
18 money, you're basically saying you are accepting that
19 project.
20 BLOOM: And that responsibility.
21 FITCH: That responsibility goes with that funding.
22 IRVING: How wide are these?
23 FITCH: This--in this situation here Tonkel Road has
24 wide shoulders, and the plan says that's only for
25 bicycle use, and that's all we're asking here is that
0033

1 when they do the decel lanes that they add the
2 additional eight feet for the--
3 BLOOM: Okay.
4 FITCH: --shoulder.
5 BLOOM: Okay.
6 IRVING: So it's--
7 FITCH: Instead of--
8 IRVING: --a separate--
9 FITCH: --just adding--
10 IRVING: --eight foot--
11 FITCH: Right.
12 IRVING: --or it's besides the decel lane?
13 FITCH: It would be in addition to the decel lane--
14 IRVING: But it's--
15 FITCH: --because right now--
16 IRVING: --adjacent to--
17 FITCH: --there's eight feet.
18 IRVING: --to it.
19 FITCH: If they added a decel they'd add four feet so
20 they would gobble up the shoulder. We're asking them
21 to--it'd be 12 feet in addition to the existing
22 shoulder.
23 IRVING: But it will be one slab. It won't be,
24 like, it had grass in between--
25 FITCH: Right.

0034

1 IRVING: --and this is for bikes and this is for--
2 FITCH: There'll be an edge line--
3 BLOOM: It'll be marked.

4 FITCH: --to separate the pavement from the shoulder
5 like there is now.

6 IRVING: So this is different than the project before
7 that we had that we have sidewalks running in front.
8 How wide--

9 FITCH: Right.

10 IRVING: --are those sidewalks?

11 WOOD: And those are five feet, and actually what--

12 IRVING: So these are--

13 WOOD: --Gray Oak--

14 IRVING: --five feet and the--

15 PETERS: You're going to have--

16 WOOD: There's--

17 PETERS: --13 feet of sidewalk.

18 WOOD: --there are different, there are different
19 types of walks on the plan. There's sidewalk,
20 there's trail, there's wide shoulders. Actually, on
21 the Thomas' property, they's just willing to do extra
22 sidewalks to get across to the trail. That's not
23 specifically on the trail plan. He's just willing to
24 do extra sidewalks so that they can get to the trail.

25 FITCH: Yeah, the--the development there on
0035

1 Covington, the sidewalk--or, excuse me, the trail--
2 the proposed trail is on the north side of Covington,
3 an eight-foot wide trail. The school has already
4 constructed a portion of it from West Hamilton going
5 west.

6 BLOOM: Uh-huh (affirmative).

7 IRVING: I thought you just said it was five foot.

8 FITCH: This development being right across the
9 street, we felt that if--if people come out of their
10 entrance and try to cross that busy street, we felt
11 that they needed to get from their entrance and go
12 east to the West Hamilton intersection which will
13 currently or in the near future be a signalized
14 intersection where they have a safe crossing, and the
15 developer agreed to do that. It only requires a
16 five-foot walk.

17 IRVING: So, It's safe to say, then, that the way
18 this is worded that there will be no pedestrian
19 travel on this sidewalk? It's only bikes allowed
20 only?

21 WOOD: For--for the Cedar Springs on Tonkel?
22 IRVING: Right.
23 WOOD: That is designed for just--
24 IRVING: There will be--
25 WOOD: --a widened shoulder for bikes, not pedestrian
0036

1 use.
2 FITCH: Right. That's on the--
3 IRVING: And how--
4 BLOOM: So what--
5 IRVING: --do you--
6 BLOOM: --we're going to have--
7 IRVING: --forbid--
8 BLOOM: --signs that say--
9 IRVING: --so how do you forbid--
10 FISHERING: You don't.
11 IRVING: --how do you prevent people walking, people
12 with shoulders when this extension is adjacent to the
13 apron going into this, and how do you prevent cars
14 and baby buggies and bicycles--oh, I'm sorry. We're
15 not going to have people on this, so it's just bikes,
16 right? That doesn't make sense.
17 FITCH: Okay, when the bicycle/pedestrian plan was
18 put together, it was put together by advocates of
19 cyclists and joggers--
20 IRVING: Right.
21 FITCH: --walkers, whatever. Tonkel Road was
22 identified as a bike route, so it was intended and
23 will be marked as a bike route. When--like I say,
24 you can't prohibit joggers or walkers from using that
25 shoulder. I mean, they're--

0037

1 BLOOM: Well, I--
2 FITCH: --going to use--
3 BLOOM: --would hope not.
4 FITCH: --that sho--they use that shoulder now. I've
5 seen people walking out there--
6 BLOOM: I would hope--
7 FITCH: --and jogging--
8 BLOOM: --we wouldn't be--
9 FITCH: --out there--
10 BLOOM: --prohibiting anyone, would?
11 FITCH: --so, we're--

12 IRVING: Oh, I agree, but I think that there--
13 BLOOM: Would you?
14 IRVING: --should be some separation because--
15 BLOOM: Prohibiting walkers.
16 IRVING: --if we're going to be accepting the
17 liability, and according to what you're telling us it
18 looks like the County's going to--if we let them do
19 the grants then we're accepting all liability, I'm
20 not sure that I like these aprons being attached to
21 bike and walking trails, and you're not going to
22 keep--just because you designate it as being a
23 bicycle lane it doesn't mean you're not going to have
24 motorcycles on it because you will have motorcycles
25 on it. We have--

0038

1 PETERS: Did you--
2 IRVING: --motorcycles--
3 PETERS: --not say, though--
4 IRVING: --we have mopeds in Autumn Ridge on the
5 sidewalks, and, you know, you've got kids that are
6 playing out there and you've got people with mopeds.
7 FITCH: Well, the intent here is that, I mean, people
8 are walking and jogging along our County roads every
9 day. I pass three or four every morning. We feel
10 it's better to at least provide a wider shoulder for
11 them to use than have them walk on the pavement. Can
12 you prevent it? No. I mean, I--for liability, I
13 don't think the liability's any greater with the
14 path--
15 PETERS: Mike--
16 FITCH: --than without--
17 PETERS: --Mike, didn't you say--
18 FITCH: --the path.
19 PETERS: --that there was a distinction between the
20 ingress and egress and the bike path? So--
21 FITCH: Yeah.
22 PETERS: --are they connected or not? Is the bike
23 path part of the ingress and egress to that--
24 FITCH: Yes.
25 PETERS: It is?

0039

1 FITCH: There is a separate lane. All we're doing is
2 widening the entire pavement so that there's an

3 eight-foot shoulder along Tonkel Road.
4 PETERS: Okay, I'm just trying to picture it now.
5 Bes--
6 FITCH: If you don't have that then people are going
7 to--bikes are going to be using that accel/decel
8 lane--
9 PETERS: Right.
10 FISHERING: Similar to--
11 FITCH: --and then you're--
12 FISHERING: --putting in--
13 FITCH: --putting in--
14 FISHERING: --a buggy lane--
15 FITCH: --you're putting them in--
16 FISHERING: --for the Amish. It's the same.
17 FITCH: --danger because you got cars using that same
18 lane.
19 PETERS: Okay.
20 FITCH: This'll be separated by a white edge line.
21 PETERS: Okay.
22 BLOOM: Right. Yeah, they do--
23 PETERS: I'm just--I'm just trying to picture it.
24 Now, on top of that, what I heard you say there's
25 also a five-foot sidewalk?

0040

1 FISHERING: No.
2 FITCH: No.
3 IRVING: No. No.
4 PETERS: There is not a five-foot sidewalk?
5 FISHERING: That's the other area.
6 FITCH: Not on Tonkel.
7 WOOD: That's the other--
8 IRVING: No, the other--
9 FITCH: No.
10 IRVING: --the previous home we just voted on had--
11 PETERS: On--
12 IRVING: --the five-foot sidewalk.
13 PETERS: Okay.
14 IRVING: This is--
15 FITCH: There is no--
16 IRVING: --something that--
17 FITCH: --there are no--
18 IRVING: --runs right along--
19 FITCH: --pedestrian pathways--

20 IRVING: --the decel/accel lane.
21 FITCH: --proposed for Tonkel Road.
22 PETERS: For Tonkel Road, okay.
23 FITCH: At this time.
24 PETERS: I gotcha.
25 FITCH: Okay. Yeah, there's a lot of--

0041

1 BLOOM: I think we need to get together with Dan
2 Avery and you--
3 FITCH: Right.
4 BLOOM: --the Commissioners and--
5 IRVING: Well, what about Plan--
6 BLOOM: --look into--well, Plan Commission obviously
7 is going forward with this with the assumption that
8 we're okay with it?
9 WOOD: Well, it--no, it should be--
10 BLOOM: Because--
11 WOOD: --it does need to be brought up in front Plan
12 Commission. I have had conversations with Dan Avery
13 about getting that on the agenda so that they can
14 see--they've seen the plan through the stages, but
15 not as a final document, and whether or not they want
16 to formally adopt it--we're trying--I think the Plan
17 Commission's more just trying to keep in mind that if
18 this is adopted, let's start moving towards that.
19 BLOOM: Course.
20 WOOD: So, but yes--
21 BLOOM: But--
22 WOOD: --it should be officially--well--
23 BLOOM: --the plan hasn't--Commissioners haven't seen
24 it.
25 IRVING: No, I haven't--

0042

1 BLOOM: I mean, I've--
2 IRVING: --seen a--
3 BLOOM: --seen it--
4 IRVING: --final plan.
5 BLOOM: --I've seen it. I've read it. But I didn't
6 know that everything was going forward with it
7 without someone's approval. And so we're kind of
8 assuming again that it's happening?
9 WOOD: Then I think Dan Avery should arrange with the
10 Plan Commission, and if that's their wish to get it

11 on their agenda and have it looked at, and yours as
12 well. But I don't want to--I don't want to speak for
13 his department. It's a separate department.

14 BLOOM: No, I've--

15 IRVING: Mister--

16 BLOOM: --seen the paperwork.

17 IRVING: --Mr. Fishing? Since you are our county
18 attorney, I assume that you look at all the grants,
19 which you normally look at the grants, and I assume
20 by what Mr. Fitch is saying, that in the grants it
21 states that the County or governmental body--

22 BLOOM: Ownership, yeah.

23 IRVING: --will take ownership of these and be liable
24 and have to do the maintenance. Is that what your
25 understanding is, too?

0043

1 FISHERING: I have not seen the grants for the
2 roadway--or for the pathways. Have we gotten any in?

3 FITCH: Right. The applications by federal highway
4 transportation.

5 BLOOM: Yeah, they're not grants by specific areas.
6 It's additional monies--

7 FISHERING: It's by project--

8 BLOOM: --in our projects.

9 FITCH: They have to be built according to current
10 A.D.A. standards and--

11 BLOOM: And that's--

12 FITCH: --design--design--

13 BLOOM: --in the federal--

14 FITCH: --standards. As--

15 BLOOM: --on the state--

16 FITCH: --far as--

17 BLOOM: --money--

18 FITCH: --the requirement--

19 IRVING: Mr. Fishing--

20 FITCH: --of maintenance--

21 IRVING: --can you work--

22 FITCH: --I think this is--

23 IRVING: --with the Highway Department and get a
24 clarification from the Commissioners so we understand
25 exactly when the master plan comes to us and we start

0044

1 applying for this money so we have a clarification on

2 exactly, you know, whose responsibility everything is
3 so we can then talk to Plan Commission?

4 FISHERING: Yeah, we've actually been working on
5 going through what Indianapolis is doing--

6 IRVING: Right.

7 FISHERING: --for about a month and a half to try and
8 get their exact system worked out. I know they're
9 slightly different in that they have a more uniform
10 city-county control over it and a couple of railroads
11 that--

12 IRVING: Right.

13 FISHERING: --didn't get eaten up quite like ours
14 did, which makes it somewhat easier, but we're trying
15 to follow that. See, my understanding, though, is
16 that most of that trailway is in the park system, and
17 our park system isn't set up like--

18 IRVING: Right.

19 FISHERING: --their park--

20 BLOOM: No--

21 FISHERING: --system is.

22 BLOOM: --certainly not.

23 FISHERING: But we have for a month and a half or so,
24 and Shawn is specifically working on that project.

25 FITCH: Yeah.

0045

1 IRVING: Well, make sure before we sign anything and
2 it comes--

3 FITCH: Right.

4 IRVING: --before us--

5 BLOOM: Well--

6 IRVING: --that--

7 BLOOM: --it--we wouldn't--

8 IRVING: --we get a chance--

9 BLOOM: --sign anything.

10 IRVING: --well, I haven't even seen a master plan
11 and--

12 FITCH: I think the thing that--

13 BLOOM: I've seen the maps.

14 FITCH: --that Allen County--

15 BLOOM: I've got all that.

16 FITCH: --and some of the non-profit groups are
17 proposing in the trail master plan is proposing that
18 Fort Wayne, like I say, start a River Greenway

19 project, and a lot of the River Greenway projects or
20 Greenway-type projects are cross-country type
21 projects along rivers and corridors that are not part
22 of a transportation system. They may cross at street
23 intersections, but other than that I think they
24 thought of it as more recreational. Now that the way
25 the funding and the attitude is they're becoming more
0046

1 of a transportation corridor, and actually our plan,
2 we have many trails that parallel or are part of the
3 transportation corridor, so it--it does add a lot of
4 questions to the liability and how much liability is
5 added when you build these corridors, so, yes, we do
6 need to get, you know, some of these answers to--
7 questions answered so that we can move forward.

8 PETERS: Let me ask, and, Bill, maybe this is a
9 question for you, and maybe it can or can't be
10 answered right now, but a little birdie kind of left
11 me with this, and that would be, if you're just
12 lengthening or widening the accel/decel lanes would
13 we actually incur additional liability for widening
14 the lanes?

15 FISHERING: Well, you know, the general thought would
16 be no and that at the current time--and we started
17 this discussion three years ago. Bicycles have the
18 same right to be on the highways as cars do, and so
19 technically they can be out riding in the existing
20 streets and--

21 PETERS: Right.

22 FISHERING: --in our current--

23 PETERS: Which was kind of my point.

24 FISHERING: --and--yeah, and so adding a lane to
25 specifically allow them to ride in, if anything,

0047

1 probably helps us some more than hurts us, and that's
2 where you get into the discussion of are we better
3 off having them adjacent to our existing road ways
4 with a white line, and, of course, white line means
5 cars aren't supposed to cross it.

6 PETERS: Right.

7 FISHERING: Do they cross it? Yes. I'm sure that--

8 BLOOM: Oh, they--

9 FISHERING: --well, you--

10 BLOOM: --pass on it.

11 FISHERING: --have to anticipate every once in a
12 while they'll do that, but the flip of that is, well,
13 if you don't have that side to be on there the bike
14 guys are out in the middle of the regular road, so
15 I'm not sure that's by any means safer. In my
16 opinion the tougher area is when you get off of the
17 roads and who's going to control them and watch over
18 them--

19 PETERS: Right.

20 FISHERING: --in the cross-country mode or, like, the
21 River Greenway because at least on the highways you
22 have police patrolling occasionally and so on and so
23 forth. You have the standard safety things you're
24 used to where you're inviting people to be--you don't
25 necessarily have that on the River Greenway. If

0048

1 somebody gets off at the bypass and goes east on our
2 River Greenway they may not see a person for an hour.
3 That's a whole lot different than what goes on on
4 Tonkel Road.

5 PETERS: Right.

6 FISHERING: So in all honesty amongst the two I
7 actually kind of like the ones next to the road
8 better. It's very similar to what's done--I think
9 we've done it once or twice here, but very common in
10 LaGrange where they widen roads out for buggies--

11 IRVING: Buggies.

12 FISHERING: --and put the buggies on the right side
13 of the road--

14 PETERS: Right.

15 BLOOM: We're got--

16 FISHERING: --just to--

17 BLOOM: --a few of those.

18 FISHERING: --avoid the--yeah, we have a few of them,
19 but LaGrange has them on almost all of the major
20 roads, and that's very similar to the bicycle problem
21 or problems along--

22 PETERS: Well--

23 FISHERING: --bicycle problem caused by the
24 intermingling of traffic.

25 PETERS: --well, I guess part of the reason for the

0049

1 question is, I think it's a good discussion and I
2 think we need to sit down and get answers to a lot of
3 those questions pretty soon with NIRCC, with the
4 Highway Department, and so on and so forth, but I
5 think that that is a discussion that really is
6 independent of what's being asked for right here.

7 FISHERING: Yeah, and, you know, we always run into
8 the problem, and Commissioner Bloom said she likes to
9 see the developments plans before she votes on a
10 zoning. Technically they're not required.

11 BLOOM: Well, I know.

12 PETERS: Right.

13 FISHERING: And technically they can be changed--

14 BLOOM: I know.

15 FISHERING: --after you approve the zoning--

16 BLOOM: I know.

17 FISHERING: --anyway--

18 BLOOM: I know.

19 FISHERING: --which is always an underlying problem
20 with development plans or suggesting that it's the
21 know-all and end-all in your zoning decisions, and
22 this is a recommendation of the Highway Department.
23 Well, luckily for you that comes right back to you
24 one way or the other, so you'll get another look at
25 that through the Highway Department.

0050

1 PETERS: Uh-huh (affirmative).

2 FISHERING: But technically it's not a zoning
3 consideration.

4 PETERS: Right. Okay.

5 BLOOM: I know.

6 FISHERING: I know.

7 PETERS: Well, having heard and said all that, I'd
8 make a motion on--to approve Rezoning Petition
9 1553/05.

10 IRVING: Second it.

11 BLOOM: All in favor signify by saying "aye."

12 PETERS: Aye.

13 IRVING: Aye.

14 BLOOM: Aye.

15 WOOD: Thank you.

16 BLOOM: Thank you ever so.

17 WOOD: Thank you.

18 BLOOM: Signature for continued reporting for the
19 Hessen Cassel Sewer Project Grant. Good morning,
20 Ben.
21 BEN ADAMS: Good morning, Linda. Good morning,
22 Commissioners.
23 IRVING: Good morning.
24 BEN ADAMS: Ben Adams with Schnelker Engineering.
25 I'm here as the engineering consultant for the Allen
0051

1 County Regional Sewer District, and I ask you to sign
2 the continuing reporting requirements set forth by
3 the Department of Commerce for the grant that we
4 received several years back. Since our last session
5 I got myself a calendar. I'll be here every six
6 months for the next couple of years--

7 IRVING: Great.

8 BLOOM: Good.

9 BEN ADAMS: --and we'll go from there.

10 IRVING: I make a motion we approve.

11 PETERS: I'll second it.

12 BLOOM: All in favor signify by saying "aye."

13 PETERS: Aye.

14 IRVING: Aye.

15 BLOOM: Aye.

16 BEN ADAMS: It should be noted, one other thing, that
17 you're own county grant administrator talked to me
18 yesterday--it might have been the day before--
19 regarding--they didn't think they had received the
20 last set of reports from December.

21 BLOOM: Copies, you mean?

22 BEN ADAMS: Yeah, that's correct.

23 BLOOM: Okay.

24 BEN ADAMS: But I faxed--re-faxed them down, and I
25 will continue to copy the commissioners and Glen

0052

1 Wilson--

2 IRVING: Great.

3 BEN ADAMS: --so we shouldn't have those problems.

4 BLOOM: Thank you.

5 PETERS: Thanks.

6 IRVING: Thanks, Ben.

7 BEN ADAMS: Thank you.

8 IRVING: You have a wonderful day.

9 BLOOM: Approve Change Order #1 for Project #03-288.

10 Good morning again, Mike.

11 FITCH: Good morning.

12 BLOOM: Maumee River Greenway Trail repair with Allen

13 County and Bercot, a decrease of 20,377.33

14 [\$20,377.33].

15 FITCH: Good morning. Mike Fitch, Allen County

16 Highway Department. This is a first and final change

17 order for this project. The project is complete.

18 The barriers have been removed from the trailway, and

19 that was opened this last week to pedestrians and

20 bicycles.

21 IRVING: Have you been out there?

22 FITCH: No, I haven't. I intend to go out there this

23 afternoon.

24 BLOOM: But, I mean, it's okay.

25 FITCH: Yes.

0053

1 BLOOM: It's safe.

2 FITCH: It looks--yeah, it looks great. I've already
3 received probably half a dozen emails from various--

4 BLOOM: Great.

5 FITCH: --users that have complimented it the County
6 in completing this project. It's something that's
7 been, I guess, needed to be completed for several
8 years now.

9 BLOOM: Well, I don't think people understood,
10 though, that we were putting money and work into that
11 project.

12 FITCH: Yeah. This--we received a \$64,000.00 grant
13 from the Department of Natural Resources towards the
14 cost of the project.

15 BLOOM: How much was the cost of that project?

16 FITCH: The project was a hundred and--\$259,465.00
17 was the original contract price, and the final price
18 was \$239,087.67, so about \$20,000.00 below the--

19 BLOOM: Decrease.

20 FITCH: --bid amount, so the project went very well.

21 Bercot Gibson did an excellent job.

22 BLOOM: Good.

23 FITCH: We actually had some funds to put some
24 additional railing up which was not in the project.

25 There were some concerns about the slope and the

0054

1 nearness of the trail to the water. This was phase
2 one of a two-phase project. The Surveyor's Office is
3 in charge of that project. The larger project is to
4 look at the--investigate how to solve the erosion
5 along the riverbank as a permanent fix.
6 BLOOM: Which could mean acquiring additional land,
7 going more inland with the path instead of right on
8 the riverbank--
9 FITCH: Yeah.
10 BLOOM: --and--
11 FITCH: There's several options--
12 BLOOM: --how the--
13 FITCH: --being considered.
14 BLOOM: --Army Corps of Engineers ever accepted the
15 riverbank as where our path was going--
16 FITCH: Yes.
17 BLOOM: --I'll never know.
18 FITCH: Yes.
19 BLOOM: I'll never understand that.
20 FITCH: The main thing is the trail users are very
21 happy with this--
22 BLOOM: Oh, I'm sure they are.
23 FITCH: --project completed.
24 BLOOM: And I'm glad.
25 PETERS: Where is this specifically, Mike? In what

0055

1 area? It's over in the Lakeside--
2 FITCH: This--
3 BLOOM: Lakeside.
4 PETERS: --area, but--
5 FITCH: --this runs from the State Route 930 bridge
6 east about 1,000 feet. It's right there beside
7 Lakeside Golf Course.
8 PETERS: Right.
9 IRVING: I make a motion that we approve the
10 decrease.
11 BLOOM: Yeah.
12 PETERS: I'll second that.
13 BLOOM: All in favor signify by saying "aye."
14 PETERS: Aye.
15 IRVING: Aye.
16 BLOOM: Aye. Approve Warranty Deeds for right of way

17 dedications for Project B09-04, Carroll Middle School
18 on Bethel Road and Hathaway Road to Allen County from
19 parcels A, B, and C.

20 IRVING: Commissioner Bloom, I'd like to abstain on
21 this.

22 BLOOM: All right.

23 PETERS: I make a motion on parcel A, parcel B and C,
24 to approve the warranty deed.

25 BLOOM: Second. All in favor signify by saying
0056

1 "aye."

2 PETERS: Aye.

3 BLOOM: Aye. Approve traffic posting change in the
4 Liberty Mills addition for West Hills Road from
5 Liberty Mills Road to Crown Point Drive, post 30 mile
6 an hour.

7 IRVING: So moved.

8 PETERS: I'll second it.

9 BLOOM: All in favor signify by saying "aye."

10 PETERS: Aye.

11 IRVING: Aye.

12 BLOOM: Aye. Approve and award Bid Reference #20-05
13 for Resurface Package #1 to E & B Paving. Do you
14 want--do you want us to read all of this?

15 FITCH: Yeah, okay. We received bids from four
16 contractors. E & B Paving was the low bid at
17 \$464,750.00. The engineer's estimate was \$481.00--

18 BLOOM: Thousand.

19 FITCH: --\$481,608.75, so it was--the bids were below
20 the engineer's estimate.

21 BLOOM: Right.

22 FITCH: The Highway Department recommends awarding it
23 to E & B Paving.

24 IRVING: So moved.

25 BLOOM: Second. Oh. Second.

0057

1 PETERS: That's okay. You can--

2 BLOOM: Second. All in favor signify by saying
3 "aye."

4 PETERS: Aye.

5 IRVING: Aye.

6 BLOOM: Aye. Approve a Warranty Deed for additional
7 right of way acquisition required for the Homestead

8 Road/Ernst Road intersection, Project #03-189, parcel
9 number two.

10 PETERS: This is the--

11 IRVING: So moved.

12 PETERS: --warranty deed--I'll second it.

13 BLOOM: All in favor signify by saying "aye."

14 PETERS: Aye.

15 IRVING: Aye.

16 BLOOM: Aye.

17 FITCH: That's all I have today. Thank you, very
18 much. Have a good day.

19 BLOOM: Thank you. Other business to approve Moody's
20 Customer Agreement. Come on, Moody.

21 FISHERING: I've got a lot of Moody's, other
22 business. Moody's is the investment rating service
23 that we typically use. They have agreed if we'll
24 agree to use them exclusively to give us a discount.
25 We only--there are only two--

0058

1 BLOOM: I know, but--

2 FISHERING: --and do away--

3 BLOOM: --isn't this--

4 FISHERING: --do away with their rating charge, and
5 that is the rating, as you know, we're 2A3, and
6 that's a rating they give you every time, and that
7 will result in about a 25% savings on our cost for
8 ratings.

9 BLOOM: No kidding.

10 FISHERING: I have run that past Mr. Gutman who is
11 our financial advisor, and he strongly recommends
12 that we do it, so I would recommend that you approve
13 us entering into an agreement with Moody's.

14 PETERS: Real quick, you said 25% savings, 25--

15 BLOOM: Of what?

16 PETERS: --yeah, thank you.

17 FISHERING: Oh, we--our ratings are done on the size
18 of the bond, and they typically will run somewhere
19 between five [\$5,000] to \$10,000 per bond issue to
20 have them review and rate the bonds. The ratings
21 are--the higher your rating the lower your interest
22 rate, so we--it's always worthwhile for us to have
23 our bonds rated, and it's a standard expense--

24 PETERS: Right.

25 FISHERING: --of issuance.

0059

- 1 BLOOM: Are we a good credit risk here, or--
- 2 FISHERING: No, we're--
- 3 BLOOM: --is Moody desperate?
- 4 FISHERING: --in--no, Indianap--
- 5 BLOOM: I just want to know.
- 6 FISHERING: --Indianapolis is the only better credit
- 7 risk in the State of Indiana than us.
- 8 BLOOM: Is that right?
- 9 IRVING: That's wonderful. I make a motion we
- 10 approve.
- 11 PETERS: I will second that.
- 12 BLOOM: All in favor signify by saying "aye."
- 13 PETERS: Aye.
- 14 IRVING: Aye.
- 15 BLOOM: Aye. Of course I enjoy the savings, to the
- 16 County.
- 17 FISHERING: Yes.
- 18 IRVING: That's right.
- 19 BLOOM: Yes. What else do you--
- 20 FISHERING: I have--
- 21 BLOOM: --have this--
- 22 FISHERING: --all kinds--
- 23 BLOOM: --morning?
- 24 FISHERING: --of other miscellaneous business.
- 25 BLOOM: All right.

0060

- 1 FISHERING: First of all I want to report to you that
- 2 we did close the IJ Recycling sale this morning.
- 3 IRVING: That's great.
- 4 FISHERING: The net amount, it was a 600,000
- 5 [\$600,000.00], \$605,000.00 sale number. The net
- 6 amount is 561,826.50 [\$561,826.50] after paying the
- 7 realtor's fees and the title insurance and the
- 8 surveyor. Those funds will be deposited in the
- 9 Hazardous Waste Fund.
- 10 IRVING: Okay.
- 11 FISHERING: For those of you that haven't been here
- 12 as long as I, all of the costs of addressing the IJ
- 13 property problems and cleaning it up for future use--
- 14 BLOOM: Was paid--
- 15 FISHERING: --was paid for out of the Hazardous Waste

16 Tax Fund.

17 IRVING: That's great.

18 FISHERING: And I know that Commissioner Bloom in
19 particular, since it was often referred to as Bloom
20 Park, is particular happy to have this piece sold and
21 it back in the taxable stream--

22 BLOOM: Absolutely.

23 IRVING: That's right.

24 FISHERING: --here in Allen County, and so we're all
25 very happy about that.

0061

1 PETERS: Bill, did the sale price cover the clean-up
2 costs?

3 FISHERING: No.

4 BLOOM: Oh, certainly not.

5 FISHERING: We spent almost \$2,000,000.00 in the
6 clean-up.

7 BLOOM: But it was a super clean-up and the State put
8 in--

9 FISHERING: Oh, they spent--the State--

10 BLOOM: --8,000,000 [\$8,000,000.00] or something--

11 FISHERING: --yeah, eight [\$8,000,000.00] to
12 10,000,000 [\$10,000,000.00] the feds put in initially
13 when the place was closed down, so it's--there's
14 probably been a total of almost 15,000,000
15 [\$15,000,000.00] if you've got everybody together of
16 what was required to clean up that particular spot.

17 BLOOM: You did, however, try to recoup some of that
18 money from prior users on the property.

19 FISHERING: The feds have in particular, yes.

20 BLOOM: Uh-huh (affirmative).

21 PETERS: So 2,000,000 [\$2,000,000.00] of that was our
22 money--

23 FISHERING: Yes.

24 PETERS: --is what you're saying?

25 FISHERING: Hazardous Waste Tax Fund money.

0062

1 BLOOM: Well, the Hazardous Waste money, yeah.

2 IRVING: And may I say that there are now ducks and
3 they have babies that they have there, and there are
4 all kinds of wild flowers--

5 PETERS: Yeah, but--

6 IRVING: --for Bloom Park.

7 PETERS: --they're all green.
8 FISHERING: It's much--
9 BLOOM: --I don't--
10 FISHERING: --better than--
11 BLOOM: --have to--
12 FISHERING: --it was.
13 IRVING: And nobody--
14 BLOOM: --I don't have--
15 IRVING: --have I--
16 BLOOM: --to plant?
17 IRVING: --seen that, you know, luminesces at night--
18 PETERS: Florescent green.
19 IRVING: --coming out of there anymore.
20 FISHERING: Lately.
21 BLOOM: Thank you.
22 IRVING: Yeah, lately.
23 BLOOM: Thank you.
24 IRVING: The wildlife has returned, though.
25 FISHERING: The final thing I've got for you, and
0063

1 I'll bring you a draft of it in a minute. It's being
2 faxed over. But we had a call that Bond Council
3 would like your approval of the Bond Purchase
4 Agreement for the GM financing. As you know, we have
5 that GM financing going on. That is actually selling
6 as we speak.
7 IRVING: Great.
8 FISHERING: It will generate enough money to refund
9 the existing bond, and now the final number on the
10 available money for GM is 2,100,000 [\$2,100,000.00],
11 so if you remember we got--went through all that fuss
12 to get that bond rated and making the moral
13 obligations, and that's proved quite successful--
14 PETERS: Right.
15 FISHERING: --with both a reduction in the interest
16 rate and the ability to generate another \$100,000.00
17 on the bond issue.
18 PETERS: Was that done through an increased rating?
19 FISHERING: Yes, it was a result of Moody's giving
20 us--
21 BLOOM: Moody.
22 PETERS: Right.
23 FISHERING: --a junk bo--moving from the junk bond

24 rating--

25 PETERS: Right.

0064

1 FISHERING: --that we were originally talking about

2 into a 2A3 as I recall--

3 PETERS: Okay, and that's--

4 FISHERING: --which is, like--

5 PETERS: --the moral--

6 FISHERING: --two above us.

7 PETERS: --obligation did and--

8 BLOOM: Oh, a 2A3?

9 FISHERING: The moral obligation and the increase--

10 BLOOM: Wow.

11 FISHERING: --in the CEDIT pledge--you'll remember

12 the CEDIT pledge was increased from 1.1 million

13 [\$1,100,000.00] to 1.5 million [\$1,500,000.00]. So

14 the Bond Purchase Agreement is with Hilliard Lyons &

15 Company. It's a private placement. It is the

16 standard form that we use on all our leases. I've

17 seen a draft of it. I didn't know they wanted it

18 approved today or I'd have brought my draft. That

19 draft will be faxed over here. That should be being

20 faxed as we speak to be placed in your records, but I

21 have seen it--

22 BLOOM: So do you want us to--

23 FISHERING: I would like--

24 BLOOM: --vote for this?

25 FISHERING: --you to approve the--

0065

1 BLOOM: Okay.

2 FISHERING: --signature of the Bond Purchase

3 Agreement.

4 PETERS: I make a motion that we do just that.

5 IRVING: I'll second it.

6 BLOOM: All in favor signify by saying "aye."

7 PETERS: Aye.

8 IRVING: Aye.

9 BLOOM: Aye.

10 FISHERING: I think that's all I have.

11 BLOOM: Well thank you so much.

12 IRVING: Thank you.

13 BLOOM: Okay, who wants to waive?

14 IRVING: I make a motion that we waive the second

15 reading on any matters that have been approved today.
16 PETERS: I'll second it.
17 BLOOM: All in favor signify by saying "aye."
18 PETERS: Aye.
19 IRVING: Aye.
20 BLOOM: Aye. Any comments from the public this
21 morning? Any comments from the public? Good
22 morning.
23 IRVING: Good morning.
24 DEE ADAMS: Good morning, Commissioners.
25 PETERS: Hi.

0066

1 DEE ADAMS: Dee Adams, county resident. I have some
2 handouts here that I would like to know if you could
3 accept from us.
4 BLOOM: Certainly.
5 DEE ADAMS: Okay, what I have is the rezoning
6 petition questionnaire that was filled out by the
7 applicant. Can I--
8 IRVING: You can hand--
9 BLOOM: Certainly.
10 IRVING: --them out to us.
11 DEE ADAMS: Okay, and--
12 BLOOM: We're not--
13 IRVING: Would you give him one, too, please?
14 DEE ADAMS: Sure.
15 IRVING: Do you have enough copies?
16 DEE ADAMS: I think so, yes. And then I have a
17 questionnaire that my group has also filled out.
18 BLOOM: Okay. Thank you.
19 DEE ADAMS: A little bit more reading for you guys.
20 PETERS: Thanks.
21 IRVING: Well, I'm shocked.
22 DEE ADAMS: I just want to state that I have--we have
23 gone through some of those questions and we've
24 answered those to the best of the ability of the
25 residents in that area that are opposing the rezoning

0067

1 for the applicant of Wal-Mart to come in. I also
2 want to state on record again that we are ju--we are
3 only opposed to the rezoning. We are not opposed to
4 Wal-Mart. If Wal-Mart would like to come in under
5 metropolitan zoning at the 124--roughly--thousand

6 square feet. I think people would be absolutely
7 willing to accept that because that is currently how
8 it's zoned. I also want to state that I've come here
9 today and I've given you this out of somewhat of
10 frustration of hearing rumors that something has
11 already been decided on, and it's very frustrating
12 amongst the group of people that I'm working with to
13 hear and overhear people stating that somebody knows
14 somebody who works somewhere that's saying that this
15 is a done deal, and I feel very passionate about
16 this. I tend to be the spokesperson for this, but
17 I've committed my time to this because this is my
18 neighborhood. I've lived there seven years, and it's
19 a great school system, and I want to stay there, and
20 I--I just feel that the setting that we have right
21 now fits, and I think bringing any large big box
22 store will not stay conducive with the neighborhood.
23 PETERS: Ms. Adams, let me just say that if it were a
24 done deal I would be able to sit here and tell you
25 how my colleagues were going to vote, and frankly I
0068

1 don't have the foggiest idea.
2 DEE ADAMS: Okay, it--
3 BLOOM: And also--
4 IRVING: How are you--
5 BLOOM: --we would--
6 IRVING: --going to vote?
7 BLOOM: --have voted. Yeah. We haven't even--we
8 would have voted today had we had a definite
9 decision.
10 PETERS: If it were--
11 BLOOM: I think--
12 PETERS: --done deal.
13 BLOOM: --yes. And I think with the additional--
14 there can't possibly be any more information for us
15 to decipher because we've received it from a lot of
16 different directions--
17 DEE ADAMS: Absolutely.
18 BLOOM: --and hope to soon vote on this matter--
19 DEE ADAMS: Right.
20 BLOOM: --because I know you're losing sleep over
21 this and--
22 DEE ADAMS: I'm trying not to. I just--I really want

23 to work for the residents and all the people that I
24 and my other group members have gone out and received
25 petition signatures from. And we specifically state
0069

1 in our petition that it's not against Wal-Mart. It's
2 against the rezoning. Wal-Mart is more than welcome
3 to come in, like I said, where it is. But I--I'm
4 fighting--I'm fighting for the people because I feel
5 very passionate about it, and I'm willing to step up
6 and put my name out there even if I don't always get
7 the best reception on it.

8 IRVING: Mrs. Adams, it's distressing not only to you
9 but it is to us to hear the rumors that are going
10 around. Some of them we addressed last Friday.

11 Fortunately, I live out in that area, and I've been
12 receiving a steady amount of calls from the additions
13 that are anywhere from 69 all the way to Huntertown--

14 DEE ADAMS: Absolutely.

15 IRVING: --which I--that's why my name and number's
16 in the phone book, because I do take those phone
17 calls.

18 DEE ADAMS: Right.

19 IRVING: It is absolutely untrue, and I want to state
20 that for public record again. Number one, I'm not
21 even sure how I'm going to vote, so I don't know who
22 has a crystal ball out there that says that we know
23 how we're going to vote. Second of all, deals that
24 have been made under the table, as we addressed, to
25 give Wal-Mart other locations, you know, it is--it

0070

1 saddens me that this project cannot be fought on its
2 merits one way or the other, that there has to
3 continually be this rumor mill that we spend more
4 time trying to figure out how do we dispel that rumor
5 than we are actually being able to study the project,
6 and I wish you would go home--you just had a birthday
7 last week--

8 DEE ADAMS: Yeah.

9 IRVING: --when you were here on Friday. I hope that
10 you have a wonderful long weekend, and remember that
11 these rumors are nothing but rumors, and I will go on
12 record, and I think probably my two partners will
13 also agree to go on record, that the decision has not

14 been made.

15 DEE ADAMS: Right, and that's just that all we ask is
16 we just ask that things and the votes slow down, get
17 all the information from both sides, and please
18 continue to listen to us because I think there's
19 still some more details that are out there that are
20 still concerns for people.

21 BLOOM: But we can't vote on this if we keep getting
22 new information. You hear what I'm saying? We're
23 hoping that we have all our ducks in a row before we
24 vote on this.

25 DEE ADAMS: Well, I think sometimes it's hard when I
0071

1 give a handout in writing, maybe, if you don't have a
2 plan in front of you to know exactly what we're
3 saying on entrances and exits, and the size of--

4 IRVING: Oh, we have that.

5 DEE ADAMS: --the size of the building versus the--

6 BLOOM: Oh, no. We have--

7 DEE ADAMS: --the original size--

8 BLOOM: --maps and--

9 DEE ADAMS: --and what the bigger size brings, and
10 what it then takes away from the original plan. And
11 that's just--we just want you to look at the original
12 versus the new and see what it really has taken away
13 from us.

14 BLOOM: Remember what the--you were sitting through
15 the whole meeting--what Bill Fishering our county
16 attorney said, that Linda Bloom hates to rezone
17 unless she knows what's on it. Well, in this
18 particular case the other zoning you did not
19 remonstrate.

20 DEE ADAMS: Absolutely not.

21 BLOOM: This rezoning you are remonstrating.

22 DEE ADAMS: Yes.

23 BLOOM: So in this particular case--a lot of this,
24 all we're supposed to do as a board here is determine
25 if that is compatible zoning for the area.

0072

1 DEE ADAMS: Right.

2 BLOOM: This should have all been settled before it
3 came to us. Your fight is not with--or your
4 disagreement is not with us. All we're doing is

5 compatible zoning with the surrounding area. The
6 decision for the project in the neighborhood--we've
7 gone through this before with vacations and drainage
8 and, I mean, so many things. We only have the
9 capability of determining if this zoning is
10 compatible. Period.

11 DEE ADAMS: Right, and that's amongst, you know, some
12 of the information in the handout, to tell you that
13 to us it is not. It is not compatible, and we want
14 you--and that's all we ask is you just take on a
15 reasonable, rational look at it, drive that
16 neighborhood, come out to my house. Let's go sit on
17 the corner. Let's go shop in some of that and see
18 exactly what, you know, what is compatible--

19 BLOOM: You know what--

20 DEE ADAMS: --for that corner.

21 BLOOM: --you know what? When I first started--this
22 has been a long time ago--a PUD is a Planned Unit
23 Development, and a lot of big cities use them, and it
24 gives you the dry cleaners and the grocery store and
25 the drug store and everything right there in your

0073

1 neighborhood, and our community went crazy and said,
2 "We want to go back to main roads, to main
3 intersections. We don't want that in our
4 neighborhood. We don't want our children to be able
5 to walk or ride bicycles over there like they do in
6 suburbs in Chicago and Detroit." I mean, I know it
7 happens. I have children in those areas. But they
8 didn't want anything in their neighborhood. And I
9 live southwest, and I go Jefferson, which is 24, 14.
10 Main arterials are where we want these projects.

11 DEE ADAMS: Right, well--

12 BLOOM: Well--

13 DEE ADAMS: --the precedent--

14 BLOOM: --Dupont--

15 DEE ADAMS: --is set on those.

16 BLOOM: --Lima Road, Coldwater Road, Clinton, those
17 are arterials. Those are main arterials.

18 DEE ADAMS: Absolutely, but there's--

19 BLOOM: And--

20 DEE ADAMS: --no precedent on that specific corner
21 that warrants a C2-D zoning. There's nothing in that

22 vicinity other than when you go down to the larger
23 intersections either way that--and so what we're
24 saying is don't set the precedent that we have to
25 completely expand these large retail shoppings out
0074

1 into our rural area. We all moved out there knowing
2 that--

3 BLOOM: It's--

4 DEE ADAMS: --we drive--

5 BLOOM: --it's not rural, really.

6 DEE ADAMS: --well, you know, there is, and if you
7 look in, there's a way more residential and
8 agricultural than there is commercial.

9 BLOOM: I know.

10 DEE ADAMS: And what commercial it is, it is your
11 small zoning of your C2-As and whatever. We're happy
12 with something slightly larger--

13 BLOOM: I know that.

14 DEE ADAMS: --but--

15 BLOOM: You were knowing that it was going to
16 develop.

17 DEE ADAMS: --but what--

18 BLOOM: You're just hoping it doesn't develop to
19 that--

20 DEE ADAMS: What it will be--

21 BLOOM: --magnitude.

22 DEE ADAMS: --taking away is what we're concerned
23 about. It will definitely have a large adverse
24 impact on many things that make that area what it is,
25 and that includes, you know, small shopping, White
0075

1 Swan. And whatever economic development that you
2 believe that will come to that neighborhood, just
3 consider without rezoning that economic development
4 will still come. It doesn't have to necessarily be
5 rezoned to have economic development. That' all we
6 ask, just take a look at it.

7 BLOOM: You're terrific.

8 DEE ADAMS: Thank you.

9 BLOOM: Thank you very much. Anyone else to speak
10 this morning? Any more comments? (No response.)
11 hearing none, meeting adjourned. Thank you.

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(Adjourned 11:07 a.m.)

* * *

0076

1 STATE OF INDIANA)
) SS:
2 COUNTY OF ALLEN)

3

4 REPORTER'S CERTIFICATE

5 I, M. Joshua Osbun, a Notary Public in and
6 for the State of Indiana, County of Allen, do hereby
7 certify that the above and foregoing is a true and
8 accurate transcript of the Board of Commissioners of
9 the County of Allen, Legislative Session, held before
10 me on June 29, 2005 in the Allen County
11 Commissioners' Courtroom, Room 200, City-County
12 Building, 1 East Main Street, Fort Wayne, Allen
13 County, Indiana; that I am not related to, employed
14 by or interested in any of the parties to this cause
15 of action.

16 IN WITNESS WHEREOF, I have hereto affixed my
17 hand and seal this 6th day of July, 2005.

18
19

M. Joshua Osbun, Notary Public
Residing in Allen County, Indiana

20
21

My Commission Expires:
22 May 14, 2010