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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 NOVEMBER 8, 2006

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14

DATE: November 8, 2006

15
16

TIME: 10:07 a.m.

17
18

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

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22

REPORTER: M. Joshua Osbun

23
24
25

0002

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

6

- John McGauley Allen County Public
7 Information Office
- 8 Mary Hitchens Allen County Public
Information Office
- 9
- G. William Fishering Allen County Counsel
- 10
- Bill Hartman Allen County Highway
11 Department Director
- 12 Michelle Wood Allen County Department of
Planning Services
- 13
- David Fuller Allen County Building
14 Commissioner
- 15 Beth Garber Allen County Legislative
Liaison
- 16
- Dick Conklin Tobacco Free Allen County
- 17
- Kurt Gutman Allen County Resident
- 18
- Joe Sablic Allen County Resident
- 19
- M. Joshua Osbun Rolf Reporting, Inc.
- 20
- Ben Lanka Journal Gazette
- 21
- Kathleen Quilligen News Sentinel
- 22
- 23
- 24
- 25

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1. Approval of Minutes of 11/01/06
Legislative Session 6

2. Approve Right of Way Services Agreement
between A & Z Engineering and Allen
County for the realignment of Oak Fall
Road (Oak Grove Villas) Entrance @
Tonkel Road, Project #1200206 -- Total
Agreement = \$6,800.00 6

3. Approve preliminary engineering contract
between Allen County and Indiana Department
of Transportation required for the use of
federal aid funds on the widening and
resurfacing of Gump Road, from State Road 3
to Coldwater Road, DES #0400584. The total
amount of this contract is \$382,100.00
(INDOT's share is 80% or
\$305,680.00; Allen County share
is 20% or \$76,420.00) 7

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Based on Interlocal Agreement cost sharing
15 between Allen County and Huntertown, Allen
County share is 75% or \$57,315.00; Huntertown
16 share is 25% or \$19,105.00.

17

4. Approve engineering services agreement
18 between Beam Longest & Neff, LLC and Allen
County to cover the completion of the survey,
19 environmental and preliminary engineering
services for the widening and resurfacing of
20 Gump Road, from State Road 3 to Coldwater
Road, DES #0400584. The total amount of the
21 engineering services agreement is \$382,100.00
(INDOT's share is 80% or
22 \$305,680.00; Allen County share
is 20% or \$76,420.00) 10

23

Based on Interlocal Agreement cost sharing
24 between Allen County and Huntertown, Allen
County share is 75% or \$57,315.00; Huntertown
25 share is 25% or \$19,105.00.

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10 8. Approval to waive the 2nd Reading on
any matter approved today and for
11 which it may be deemed necessary for
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1 IRVING: Good morning, and welcome to the weekly
2 Legislative Session of the Commissioners. Today is
3 November 8th, 2006. Before we get started, would we
4 all like to rise and do the Pledge and a moment of
5 silence?

6 (At this time the Pledge of Allegiance is
7 recited, followed by a moment of silence.)

8 IRVING: Thank you very much. Approval of the
9 minutes of the November 1st meeting.

10 PETERS: So moved.

11 BLOOM: Second.

12 IRVING: It's been moved and seconded. All in favor
13 say "aye."

14 PETERS: Aye.

15 BLOOM: Aye.

16 IRVING: Aye. Motion carried. Approve right of way
17 services agreement between A & Z Engineering and
18 Allen County for the realignment of Oak Fall Road
19 (Oak Grove Villas) entrance at Tonkel Road, Project
20 is #1200206, a total agreement of \$6,800.00.

21 HARTMAN: Good morning. Bill Hartman, Allen County
22 Highway Department.

23 PETERS: Good morning.

24 BLOOM: Good morning.

25 IRVING: Good morning, Bill.

0007

1 HARTMAN: I think this is self-explanatory. It's

2 just, you know, writing up the deeds and plats to
3 acquire right of way to do this realignment.
4 PETERS: I make a motion to approve the right of way
5 service agreement between A & Z Engineering and Allen
6 County for the realignment of Oak Fall Road entrance
7 at Tonkel Road.

8 BLOOM: Second.

9 IRVING: It's been moved and seconded. All in favor
10 say "aye."

11 PETERS: Aye.

12 BLOOM: Aye.

13 IRVING: Aye. Motion approved. Approve preliminary
14 engineering contract between Allen County and the
15 Indiana Department of Transportation required for the
16 use of federal aid funds on the widening and
17 resurfacing of Gump Road from State Road 3 to
18 Coldwater Road, DES #0400584. The total amount of
19 this contract is \$382,100.00. INDOT's share, which
20 is 80% or \$305,680.00. Allen County's share is 20%
21 or \$76,420.00.

22 BLOOM: And then also, based on an interlocal
23 agreement cost sharing between Allen County and
24 Huntertown, our share will be 75% of that project, of
25 the 76,420 [\$76,420.00], which is 57,315

0008

1 [\$57,315.00]. Huntertown has 25% of the share, or
2 19,105 [\$19,105.00]. And with that I'll make a
3 motion to approve.

4 PETERS: And I'll second it, but this is also being
5 TIFF-ed, correct? Our portion?

6 HARTMAN: I don't believe it is.

7 IRVING: No, this is a--

8 HARTMAN: I don't--

9 IRVING: --road project.

10 HARTMAN: --believe--

11 BLOOM: This--

12 HARTMAN: --it is. Now, the--

13 BLOOM: --this one's--

14 HARTMAN: --the previous one--

15 BLOOM: --not a TIFF.

16 PETERS: Why did I--I've written my--

17 HARTMAN: Oh, yeah.

18 PETERS: --okay, I've written myself a note, okay.

19 IRVING: No, it's--
20 HARTMAN: Nelson, the--
21 IRVING: --the next one.
22 HARTMAN: --previous one, Oak Fall does have a TIFF
23 involved in it--
24 IRVING: Anything--
25 HARTMAN: --because of--
0009

1 IRVING: --with the--
2 HARTMAN: --the development--
3 PETERS: Okay.
4 IRVING: --Tonkel and--
5 HARTMAN: --directly--
6 IRVING: --Dupont.
7 HARTMAN: --across the--
8 ELSER: Because that--
9 BLOOM: Remember--
10 ELSER: --was the--
11 HARTMAN: --street, right.
12 ELSER: --Tonkel Road.
13 PETERS: Yeah, okay.
14 HARTMAN: Yeah.
15 BLOOM: --remember the road project we're doing and
16 this cross-over are both TIFF-ed on Tonkel, but not
17 this one.
18 HARTMAN: Yeah.
19 PETERS: Okay.
20 HARTMAN: Yeah.
21 IRVING: Okay, it's been moved and seconded. Is
22 there any more discussion? Yes, there is. Just a
23 clarification. I assume that the--the road project,
24 25% of the road is in the Huntertown--
25 HARTMAN: In Huntertown--

0010

1 IRVING: --city limits--
2 HARTMAN: --yes, right.
3 IRVING: --and 75% is in the County, and that's how
4 you came up with the 75/25--
5 HARTMAN: Yes.
6 IRVING: --split?
7 HARTMAN: Yes. And then the agreement goes on to
8 state that if Huntertown chooses to annex further
9 out, that they'll take on that responsibility as

10 well.

11 IRVING: That's what I wanted you to add.

12 HARTMAN: Okay.

13 IRVING: Because I knew--

14 HARTMAN: All right.

15 IRVING: --that was in there. Okay, it's been moved

16 and seconded. Is there any other discussion? (No

17 response.) Hearing none, all in favor say "aye."

18 PETERS: Aye.

19 BLOOM: Aye.

20 IRVING: Aye. Motion carried. Approve engineering

21 services agreement between Beam Longest & Neff, LLC

22 and Allen County to cover their completion of the

23 survey, environmental, and preliminary engineering

24 services for the widening and resurfacing of Gump

25 Road from State Road 3 to Coldwater Road, DES

0011

1 #0400584. The total amount of the engineering

2 services agreement is \$382,100.00. INDOT's share is

3 80% or three hundred--did I just--no--

4 BLOOM: It's--

5 IRVING: --oh, this--

6 BLOOM: --they're the--

7 IRVING: --is the--

8 BLOOM: --same numbers.

9 IRVING: --engineer--

10 BLOOM: Yeah.

11 HARTMAN: Yeah.

12 IRVING: --for \$305,680.00, and Allen County's share

13 is 20% or 76,420 [\$76,420.00.00]. But really because

14 Hantertown gets--

15 HARTMAN: Right.

16 IRVING: --25% of that, Hantertown will be paying the

17 \$19,105.00. Allen County will be paying the 57,315

18 [\$57,315.00].

19 HARTMAN: Right.

20 BLOOM: Right.

21 HARTMAN: Right. Now, the first agreement was

22 between--

23 IRVING: Right.

24 HARTMAN: --us and INDOT, and then--

25 IRVING: Right.

0012

1 HARTMAN: --this one is between--

2 IRVING: Right.

3 HARTMAN: --us and Beam Longest, so it--but it's the
4 same project.

5 IRVING: Right. I thought I was repeating myself. I
6 really was, but in a different form. I'll entertain
7 a motion.

8 BLOOM: So moved.

9 PETERS: I'll second it.

10 IRVING: It's been moved and seconded. All in favor
11 say "aye."

12 PETERS: Aye.

13 BLOOM: Aye.

14 IRVING: Aye. Motion carried. We do have a couple
15 plats for signature. One is Calera Coves, which is
16 Section I; and Azbury Woods, which is Section II.
17 Michelle, we see you here with the plats. Is it okay
18 if we sign them afterwards?

19 WOOD: That's fine.

20 IRVING: Thank you very much, Michelle. Resolution
21 of the Allen County Community Development
22 Corporation, policy regarding purchase of property.

23 BLOOM: Good morning, David.

24 FULLER: Good morning.

25 IRVING: Good morning--

0013

1 PETERS: Good morning.

2 IRVING: --Dave. How are you this morning?

3 FULLER: I am just fine, thanks. This is a
4 resolution for the Community Development Corporation
5 that deals specifically with how the properties will
6 get purchased after the tax sale, how the moneys are
7 paid, and it provides for a cap for which we won't go
8 below in that fund so that we protect operating
9 expenses. We've had conversations with the Auditor's
10 Office, and they understand this, and they're in
11 agreement with the procedure, so it just basically
12 gives us a procedure that everybody is clear on.

13 IRVING: Okay. I'll entertain a motion if anybody
14 would like to make one.

15 PETERS: I'm looking for it again. I couldn't find
16 it on the crazy agenda. I'll make a motion to
17 approve the resolution of the Allen County Community

18 Development Corporation.
19 BLOOM: Second.
20 IRVING: It's been moved and seconded. All in favor
21 say "aye."
22 PETERS: Aye.
23 BLOOM: Aye.
24 IRVING: Aye. Thank you.
25 FULLER: Thank you.

0014

1 IRVING: Motion passed.
2 BLOOM: Thank you very much.
3 IRVING: Thank you. Got a little worried there for a
4 moment. Under other business--
5 BLOOM: Uh-oh.
6 IRVING: What?
7 BLOOM: Well, I don't know. Wait a minute.
8 IRVING: You should have signed there and Nelson
9 should have signed up there it looks like. Just sign
10 your name twice, Linda.
11 PETERS: Or mine.
12 IRVING: Appointment to the Common Wage Committee for
13 Fort Wayne Community Schools.
14 ELSER: The name before you today is Vonn Hoffman.
15 PETERS: And this is a name that they submit?
16 ELSER: This is a name that is suggested to you by
17 the schools for their building projects for the year
18 2007.
19 PETERS: Okay. I'll make a motion on the appointment
20 of Vonn Hoffman to the Wage Committee for Fort Wayne
21 Community Schools.
22 BLOOM: Second.
23 IRVING: It's been moved and seconded. Is there any
24 further discussion on it? Could you clarify that
25 again? What exactly is that for again?

0015

1 FISHERING: You have one appointment--
2 IRVING: Introduce yourself.
3 FISHERING: Hi, I'm Bill Fishering, county attorney.
4 You as the Commissioners have an appointment to the
5 Common Wage Committees for almost of the--
6 IRVING: Right.
7 FISHERING: --units of government that operate within
8 Allen County. Your past practice has been to accept

9 the recommendation from the unit who is conducting
10 the common wage as to who your appointment would be
11 for that particular unit.

12 IRVING: I know that, but what project was this
13 again--

14 ELSER: I can--

15 IRVING: --please?

16 FISHERING: This is--

17 ELSER: --read the--

18 PETERS: All of the--

19 FISHERING: --for the--

20 ELSER: --projects.

21 IRVING: Yes.

22 PETERS: --building--

23 FISHERING: --entire year.

24 PETERS: --projects for '07.

25 ELSER: Those projects--

0016

1 FISHERING: You're doing a single appointment for the
2 entire year.

3 ELSER: --and their projects are the Franke Park
4 building systems replacement project; the north side
5 storage building project; 2007 roof project; 2007
6 A.D.A. project; 2007 general building system project;
7 2007 electrical project; 2007 mechanical project; and
8 2007 traffic and site project.

9 IRVING: The question that I have--could--could I
10 have that for one second, please? And just for
11 information, when it says the "2007 general building
12 systems project," is that part of the \$400,000,000.00
13 that they have not--I mean, that--they haven't gotten
14 the study back--

15 FISHERING: I would doubt that it is.

16 IRVING: --and they haven't gone for a bond or
17 anything. That--I guess that's because it's been so
18 much in the news. Even though I know we do not
19 oversee the school systems, any of the school
20 systems, I'm just a little concerned about--

21 BLOOM: All we're doing--

22 IRVING: --you know, that's got a huge--

23 FISHERING: No.

24 IRVING: --if that's got a huge impact to our
25 community.

0017

1 FISHERING: No. I would doubt that it is only
2 because the general rule at the D.L.G.F. is those
3 wage determines--determinations are only valid for
4 six months, and there's no way they could get--

5 BLOOM: No.

6 FISHERING: --through the bonding process within that
7 time period, because that would be a significant
8 undertaking.

9 IRVING: But when you state a year project such as
10 these are, the 2007 roof projects, 2007 general
11 building systems, the A.D.A., I mean, 2007, isn't
12 that for the entire year of next year?

13 FISHERING: Yes. And I know--the only one of those
14 that I am at all familiar with is the roofing. They
15 do do roofing projects--

16 IRVING: Right.

17 FISHERING: --in the summer. It would be the entire
18 2007 roofing program for them. The rest of them I am
19 not familiar with, but I--I would say that I feel
20 fairly comfortable this is not the bond issue
21 renovation project, yellow ribbon committee.

22 IRVING: So that--

23 BLOOM: Good question.

24 IRVING: --that would be over and above--

25 FISHERING: Yes.

0018

1 IRVING: Okay.

2 FISHERING: Those projects.

3 BLOOM: David's shaking his--with that, did you make
4 a motion, Nelson?

5 PETERS: Uh-huh (affirmative).

6 BLOOM: And I second?

7 IRVING: Yes. It's been moved and--is there any
8 other discussion? (No response.) Hearing none, all
9 in favor say "aye."

10 PETERS: Aye.

11 BLOOM: Aye.

12 IRVING: Aye. Motion carried. I apologize for the
13 question on this, but I just wanted to make sure we
14 weren't getting the cart before the horse on that.

15 Do we have any other business to come before the
16 Commissioners today?

17 ELSER: I have no other business.

18 IRVING: Okay, hearing none, I'll take a motion to
19 waive the second reading.

20 PETERS: I make a motion to approve to waive the
21 second reading on any matter approved today and for
22 which it may be deemed necessary for the Legislative
23 Session of November 8th, 2006.

24 BLOOM: Second.

25 IRVING: It's been moved and seconded. All in favor
0019

1 say "aye."

2 PETERS: Aye.

3 BLOOM: Aye.

4 IRVING: Aye. Motion carried. Do we have any
5 comments from the public today? Come right up.

6 BLOOM: Good morning.

7 CONKLIN: Good morning.

8 IRVING: Good morning. How are you?

9 CONKLIN: Everybody looks wide awake today.

10 BLOOM: Sure.

11 IRVING: Are you saying we usually don't?

12 CONKLIN: No, I'm just saying there was some
13 celebrating last night, I'm sure.

14 IRVING: You're right.

15 CONKLIN: Dick Conklin, Tobacco Free Allen County.

16 Good morning again. I'm sure at this point, now that
17 the Election Day is behind us, we're going to be
18 looking more and more at the ordinance dealing with
19 the smoking ban, and I thought it was an opportune
20 time to bring you up to date with where we are in
21 looking at that and trying to encourage action. I'm
22 sure that you are aware of the newspaper ad that was
23 sponsored--

24 BLOOM: Uh-huh (affirmative).

25 CONKLIN: --by a number of organizations over a two
0020

1 day period. I will report that we had one resident
2 that called me directly and said, "I don't like the
3 idea that government money was being spent to buy an
4 ad," and I assured him that no State, Local, or
5 Federal moneys were used to buy these ads. That was
6 all done by not-for-profit agencies that were listed.

7 IRVING: Okay.

8 CONKLIN: I was also intrigued, as I'm sure you were,
9 with the results of the WANE-TV/News Sentinel survey
10 that asked the question about the smoking ban. I
11 continue to bring to your attention that the citizens
12 of Allen County want the ban. This was a good poll
13 in the sense of it was scientific. It could run
14 anywhere from 65 [65%] to 70% of the population,
15 giving the variation of a standard poll, want the ban
16 to be passed and the ordinance to be passed. The
17 other thing that I would share with you is that my
18 friend and mutual person that you know, Bruce
19 Hedricks, had a wonderful ess--not article, but a
20 letter to the editor talking about the importance of
21 recognizing leafy green agricultural products in the
22 State of Indiana and the whole issue of--gosh, we had
23 a leafy green product that was agriculturally based.
24 Three people died, 102 were sick, and the whole
25 federal government came apart on that issue. And of
0021

1 course we're talking about spinach. And yet we have
2 27 people every day in the State of Indiana who die
3 because of smoke-related diseases, and nobody gets
4 excited about it. You know, we need to look at
5 balance folks in terms of how are we dealing with
6 significant health issues? I also know that you have
7 received a series of e-mail letters from both members
8 of the Tobacco Free Allen County population as well
9 as other agencies. That number should be reaching
10 close to 200. And most of those letters were truly
11 letters, not just, "Pass the ban." And I would refer
12 to a couple of them, if I may. Number one, of
13 course, the article by Bruce Hedricks. I'm not going
14 to read it, but I would ask that you take a good look
15 at the article that was sent to you by Kathleen
16 Gerhardt. Kathleen is a respiratory therapist at
17 Lutheran Hospital. She deals with the end results of
18 this every day. Every day. And she presents an
19 excellent--and I'll give you a copy of this--she
20 presents an excellent presentation of what is the
21 science behind this discussion from the surgeon
22 general and so-forth, and it's a great summary, and
23 it really brings it down to the issue that, ladies
24 and gentlemen, this is a health issue, okay? Another

25 letter that you received and I want to paraphrase is
0022

1 from Dr. Mark O'Shaughnessey, a cardiologist here in
2 town. Mark takes a very strong stance in his letter
3 to you saying, "Folks, this is a health issue. This
4 is something I, too, deal with every day, because
5 clearly the majority of the cardiology issues that
6 our patients bring to us are directly related to the
7 fact that they smoked." And somehow we need to
8 recognize that and we need to deal with it. I had a
9 very interesting letter from Larry Fisher who is the
10 deputy chief of the fire department in town, and
11 Larry's comment was very simple. He said basically
12 to you he never smoked, and yet he deals daily with
13 the fact that there are both members of the fire
14 force who are smoking and are having problems doing
15 their job, as well as dealing with the issues in the
16 community where people are smoking. And, they're--
17 they, too, are dealing with those issues as they go
18 out on calls. Whether it's a fire generated by the--
19 what do I want to say--carelessness of a smoker or if
20 they're dealing with a call that a smoker's had a
21 heart attack or, you know, is under some kind of a
22 medical emergency. Families have sent letters to
23 you. They have sent those to you because they are
24 dealing with the issue of having children that
25 asthmatic or other lung-related diseases, and as a
0023

1 result they are limited on places where they can go
2 and the kinds of things that they can do, and most of
3 all it's directly related to--to smoking. I had a
4 letter from a 23-year old, and I want to share this
5 because she writes that she is a cancer survivor, and
6 even though, you know, at 23 she is a cancer
7 survivor, she's doing everything in her power to
8 avoid those situations that are going to potentially
9 affect her and the possibility of facing another bout
10 with cancer. What was interesting, though, was that
11 she shared that she just spent a year in China. One
12 of her favorite cities to visit was Hong Kong, and
13 the reason she kept going back to Hong Kong was
14 because it's totally smoke-free. Now, she had to get
15 out of China because China, of cour--the mainland

16 China is not smoke-free, and the pollution is
17 terrible, including the smoking, the habits in that--
18 in that country. Chris Vallone is an agent with the
19 Hylant Group. Of course, he refers to the fact that
20 one is--he's personally involved in this because he
21 has an asthmatic child, but he also refers to the
22 fact that insurance-wise, the insurance companies
23 recognize the danger of smoking, and it's affecting,
24 you know, the policies of individuals and companies
25 where there are smokers. I would conclude by sharing
0024

1 with you that we have been very active with Tobacco
2 Free Allen County in working directly with companies
3 where the companies have decided to either go smoke-
4 free or they want to assist their employees in
5 breaking the smoking habit. First of all, we're
6 working with Specialized Transport, S.T.I., which is
7 a former division of Amer--North American Van Lines.
8 We're working with CIRVA, again, another division of
9 what used to be North American Van Lines. They have
10 gone smoke-free. We're working with Terix, both
11 Tobacco Free Allen County and Parkview, and working
12 with their employees because they have gone smoke-
13 free. The County Family and Children Services, I'm
14 not sure if you've had conversations with them, but
15 the State insurance program is definitely coming down
16 on the side of saying to an employee of the State,
17 "Either you stop smoking or you're going to pick up
18 the difference in the cost of the premium. We're not
19 putting up with this anymore." I mean, there's no
20 ands, ifs, or buts about the State's position on this
21 issue. We're working with the Post Office and their
22 employees. McCoy Bolt, a small company in Fort
23 Wayne, but again, a very blue-community--company, and
24 yet they're saying, "For us to afford this insurance
25 premium that we want to provide the health insurance
0025

1 for our employees, we have to go smoke-free." We're
2 working with Under Seas Sensors, not a Fort Wayne
3 company. Whitley County, you know, five--five
4 minutes across the line, but clearly a majority of
5 their people are from both Whitley as well as Allen
6 County. I am--I was sorry for arriving late.

7 Usually I like to be here for the Pledge, but I just
8 finished a meeting with the hospitals because the two
9 hospital systems are looking at how can we provide
10 cessation classes for our employees, and we will be
11 starting those classes right after the first of the
12 year. So what I want to share with you is that there
13 is a huge momentum both within the corporate world as
14 well as within the public world as far as this whole
15 issue of smoking, and come on, let's pass the
16 ordinance as it was proposed. I'd be willing to
17 answer any questions you might have. I have copies
18 of the letters that I would like to give to you. I
19 know there are more than these on your desk, but I--
20 at the same time I only had access to those that were
21 provided by our consortium coalition.

22 IRVING: Do you think by 2008 that there will be a
23 referendum on the ballot on smoking like there was
24 this time with Ohio?

25 CONKLIN: I--do you know what happened? I did not
0026

1 read this morning's paper, so I don't know what
2 happened with that referendum. I will re--report for
3 the public's general purpose, there were two pieces
4 to that referendum. Issue 4, interestingly enough,
5 was--which was funded by and pushed by the tobacco
6 industry, and Issue 5. Now, if one was passed and
7 the other wasn't, that's going to make life
8 interesting. If both were passed, that's going to
9 make life really interesting, because they were each
10 dealt with separately, and if the number 5--I think
11 it was the number 5 portion of the vote--goes and the
12 4 was not, it's a strong comment of the people of
13 Ohio that they want a smoking ban state-wide. Do I
14 think the--

15 IRVING: As of--

16 CONKLIN: --smoking ban is going to go in Indiana? I
17 think it's going to be an uphill battle because we do
18 grow tobacco in the state. You know, I mean, all
19 you've got to do is get down 74 and 65, and it's
20 that--

21 IRVING: I know.

22 CONKLIN: --big green leafy vegetable that Bruce was
23 talking about. It--it's incredible that--and that's

24 part of the reason why we have the smoking problem.

25 IRVING: At midnight last night, 4 had not passed--

0027

1 BLOOM: And 5--

2 IRVING: --and 5--

3 BLOOM: --passed.

4 IRVING: --had passed.

5 CONKLIN: Well, then, 5 was the one that was saying,

6 "We, the citizens of Ohio, want a smoking ban," as a

7 county-wide issue.

8 BLOOM: And that's the way I saw it even later--

9 CONKLIN: Yeah.

10 BLOOM: --was 4 was defeated and 5 passed.

11 IRVING: Yes.

12 CONKLIN: Okay, I didn't--as I said, I got up--

13 BLOOM: But strong--

14 CONKLIN: --at six [6:00] this morning, and they

15 didn't report that on the radio--

16 BLOOM: --the stronger--

17 CONKLIN: --and I didn't--

18 BLOOM: --one was--

19 CONKLIN: --have a chance--

20 BLOOM: --number 5.

21 CONKLIN: Yeah. Well, it was also the one, as I

22 said, that said, "Come one, let's--let's pass a

23 smoking ban." Other questions?

24 IRVING: Okay.

25 CONKLIN: I thank you for your time. I do--

0028

1 IRVING: Thank you very much.

2 CONKLIN: --I do give these to you in case you have

3 not had a chance to read, but these are--

4 BLOOM: Thank you.

5 CONKLIN: --only a representation of the--

6 IRVING: Right.

7 CONKLIN: --letters that you should have.

8 IRVING: We have gotten the e-mails.

9 CONKLIN: Good. Well, that's reassuring.

10 BLOOM: Thank you, yes, we have.

11 IRVING: Do we have any other comments from the

12 public? Come right up and introduce yourself.

13 BLOOM: Good morning, Joe.

14 SABLIC: Joe Sablic. And I--

15 IRVING: Hi, Joe.
16 SABLIC: --am quick.
17 IRVING: How are you?
18 SABLIC: I'm a toastmasters guy. I don't mess
19 around. I don't know if you got the paper from the--
20 from the Building Department on the building that I
21 was wanting to purchase. Okay, I know, it's a low
22 price I give you, but the reason for this building is
23 I have a Croatian doctor friend who would be
24 interested in this building. And I don't know if you
25 know I was working trying to work on the Croatia

0029

1 sister-city for Fort Wayne.
2 IRVING: Uh-huh (affirmative). Yes, yes.
3 SABLIC: And make that the entire Croatiatown. I'm
4 going to Chicago where we have 200,000 Croatians.
5 There's a developer there that would be willing to
6 put a couple million dollars into something out here.
7 So it's mainly on this building, what could be done
8 to purchase this building?
9 BLOOM: Where--where is this--
10 IRVING: Dave--
11 BLOOM: --building, Joe?
12 IRVING: --do you know about--excuse me one minute,
13 Joe. This is a little--
14 SABLIC: Okay.
15 IRVING: --uncommon for this.
16 SABLIC: All right. Okay.
17 IRVING: We do have Dave here from the Building
18 Department. Dave, have you talked to Joe about the
19 purchasing of this building?
20 FULLER: I--it's not ringing a bell.
21 SABLIC: No, Merz.
22 IRVING: Oh, the Wallace Street building which is
23 out--
24 SABLIC: Yeah, 226 Wallace.
25 IRVING: 226, which was our Probation?

0030

1 FULLER: You talked to Fred Merz?
2 BLOOM: You want to--
3 COURT REPORTER: I can't--
4 BLOOM: --come forward--
5 COURT REPORTER: --I can't hear--

6 BLOOM: --please?

7 COURT REPORTER: --you.

8 IRVING: Yeah, Dave--

9 SABLIC: You can't--

10 IRVING: --could you--

11 SABLIC: --hear me?

12 COURT REPORTER: No, him.

13 IRVING: --come in and re-introduce yourself?

14 BLOOM: You can sit up there, David.

15 FULLER: Okay.

16 BLOOM: Right there at the mic.

17 IRVING: Sometimes, Joe, you know that--that our

18 departments--

19 SABLIC: I know.

20 IRVING: --you know, handle, and then they come, and

21 I'm not sure that we're fully aware of this, unless

22 my two partners are, but we'd like to--

23 BLOOM: I'm not.

24 IRVING: --hear from the Building Commissioner.

25 BLOOM: I'm not, but I'm sure you've talked--

0031

1 FULLER: I--I'm vaguely familiar with it. I think

2 it's a--it's a Commissioner-owned property versus a--

3 IRVING: Right.

4 FULLER: --one of the tax-reverted property, and I

5 think you talked to Fred Merz about it--

6 SABLIC: Yes.

7 FULLER: --and Fred was going to get some information

8 together and mention--and talk to you as to whether

9 you wanted to sell the building or not.

10 BLOOM: What building is it?

11 SABLIC: The Criminal Division Service building has

12 been vacated.

13 IRVING: Franny's on Wallace--

14 SABLIC: And where they're at now, I forgot.

15 BLOOM: The house on Wallace.

16 IRVING: And so you--

17 FULLER: Yes.

18 IRVING: --have you put an actual offer in on the

19 building?

20 SABLIC: Yeah. I gave it to the--

21 FULLER: I've not--

22 SABLIC: --Building Department to give--

23 FULLER: --seen it.

24 SABLIC: --to you.

25 FULLER: I've not seen it myself.

0032

1 IRVING: Okay, Joe, this is what I would like to do--

2 SABLIC: Sure.

3 IRVING: --with the cooperation of my two partners.

4 I think this is something that we can look at. I

5 think it's something that maybe is--is caught up in

6 the transition between the Building Department, since

7 Mr. Merz is working on this. Why don't--since our

8 department head is here--

9 SABLIC: Okay.

10 IRVING: --how about if we hand you off to Mr.

11 Fuller--

12 SABLIC: Okay, he knows me.

13 IRVING: --and let him go back to the office, let's

14 pull the file on it, and then, Dave--

15 FULLER: Sure.

16 IRVING: --would you feel free to come back to the

17 Commissioners, possibly on Monday morning?

18 FULLER: Okay.

19 BLOOM: It's a totally different--

20 IRVING: Yeah.

21 BLOOM: --situation.

22 FULLER: Yes--

23 BLOOM: It's a--

24 FULLER: --it is.

25 BLOOM: --County--

0033

1 IRVING: Right.

2 BLOOM: --owned building--

3 IRVING: Right.

4 BLOOM: --not--

5 SABLIC: I know.

6 BLOOM: --like David--

7 FULLER: Correct.

8 BLOOM: --said, a--

9 SABLIC: Okay.

10 BLOOM: --a tax-reverted--

11 FULLER: Right.

12 BLOOM: --property that's come back for lack--lack of

13 taxes.

14 FULLER: Right.
15 IRVING: I'm sure that we can get something--
16 SABLIC: All right.
17 IRVING: --worked out, and we appreciate you bringing
18 it to our attention, but as I said, it's probably
19 more in the transient right now--
20 SABLIC: Okay.
21 IRVING: --and it--
22 BLOOM: Yeah, because--
23 IRVING: --hasn't come--
24 BLOOM: --I don't--
25 IRVING: --to our desk.

0034

1 BLOOM: --know that it's for sale.
2 SABLIC: It's an empty building. I know--all I know
3 is it says the Commissioners own the building.
4 BLOOM: Uh-huh (affirmative).
5 IRVING: Yes.
6 BLOOM: We do. But I don't know that it's--
7 SABLIC: Okay.
8 BLOOM: --for sale.
9 SABLIC: Tony Henry's not here. He had all my papers
10 and stuff.
11 IRVING: Okay, well, the--for the general public out
12 there going, "Huh?" the Wallace Street building was
13 the one that Judge Gull conducted her drug and
14 alcohol--
15 SABLIC: Right.
16 IRVING: --classes in, and then we purchased the
17 building. Just recently she was moved in--I would
18 say, what, within the last two months, probably,
19 right across--
20 BLOOM: Superior and--
21 IRVING: --the street--
22 BLOOM: --Calhoun.
23 IRVING: --I think it was, Superior and Calhoun, and
24 I'm not sure where we're at as far as with the
25 Maintenance Department making sure--

0035

1 SABLIC: Okay.
2 IRVING: --it's all cleaned up and it's ready to go.
3 So for the general public out there, it's not a
4 building that's been sitting empty for months or

5 years. It has recently been vacated--

6 BLOOM: A few months, yeah.

7 IRVING: --yeah, I'd say--

8 SABLIC: It's a--

9 IRVING: --within two months.

10 SABLIC: --solid, decent building.

11 IRVING: Yes, it is.

12 BLOOM: Oh, it's very nice. We kept it up. She
13 just--

14 IRVING: Outgrew it.

15 BLOOM: --co-located--she outgrew it, and she co-
16 located. But Joe, I'm not sure it's for sale. I

17 mean--

18 SABLIC: Okay.

19 BLOOM: --it is a County-owned building, and we may
20 have other usage for it.

21 IRVING: So let us--let us get back--

22 SABLIC: Okay.

23 IRVING: --to you. Dave, you get the information.

24 Let's look at the offer. Linda, since you do the

25 space, you can kind of get an idea of what your

0036

1 idea's on, and someone, probably either Commissioner

2 Bloom or Dave Fuller--

3 SABLIC: Okay.

4 IRVING: --will be getting back with you. And I--

5 SABLIC: All right.

6 IRVING: --appreciate it very much.

7 SABLIC: Sure. Thank you.

8 IRVING: Thank you.

9 BLOOM: Thank you.

10 IRVING: So we have any other comments from the

11 public? (No response.) I'll take a motion for

12 adjournment, then.

13 PETERS: So moved.

14 BLOOM: Second.

15 IRVING: All in favor say "aye."

16 PETERS: Aye.

17 BLOOM: Aye.

18 IRVING: Have a wonderful week.

19

20

21 (Adjourned 10:34 a.m.)

22
23
24
25
0037

* * *

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 November 8, 2006 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 9th day of November, 2006.

18

19

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

20

21

My Commission Expires:

22 May 14, 2010