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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

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9 **RE: LEGISLATIVE SESSION OF**
10 **NOVEMBER 22, 2006**

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DATE: November 22, 2006

15
16

TIME: 10:06 a.m.

17
18

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

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REPORTER: M. Joshua Osbun

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1 PRESENT:
2 Linda K. Bloom Allen County Commissioner
3 Nelson Peters Allen County Commissioner
4 Susan Elser Allen County Commissioners'
Office
5
John McGauley Allen County Public

6 Information Office

7 Mary Hitchens Allen County Public
Information Office

8

Randy Brown Allen County War Memorial
9 Coliseum General Director

10 Bill Hartman Allen County Highway
Department Director

11

Beth Garver Allen County Legislative

12 Liaison

13 Kathie Fleck American Cancer Society

14 Dick Conklin Tobacco Free Allen County

15 Pam Dawkins Allen County Resident

16 Kathleen Gerhart Allen County Resident

17 Warren Zwick Allen County Resident

18 Dennis P. Shields Allen County Resident

19 W. Douglas Samyer Allen County Resident

20 Elaine Dodds Allen County Resident

21 Gail Kenneke Allen County Resident

22 Sheri Phillips Allen County Resident

23 David Christman Allen County Resident

24 Teresa Irmischer Allen County Resident

25 Sarah Quillot Allen County Resident

0003

1 Linda Kerr Allen County Resident

2 Kurt Gutman Allen County Resident

3 Rosa Gerra Allen County Resident

4 Carla Castro Allen County Resident

5 Raquel Aragon Allen County Resident

6 Gordon Anthony Allen County Resident

7 Mindy Waldron Allen County Resident

8 John Silcox Allen County Resident

9 Carmen Parker Allen County Resident

10 Brett Aschliman Allen County Resident

11 H. Thomas Clayton Allen County Resident

12 M. Joshua Osbun Rolf Reporting, Inc.

13 Ben Lanka Journal Gazette

14 Kathleen Quilligen News Sentinel

15 Jeff Neumeyer WPTA-TV

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- 1 BLOOM: Good morning, and welcome to the
2 Commissioners Legislative Session on November 22nd.
3 We'll say the Pledge and a silent moment, please.
4 (At this time the Pledge of Allegiance is
5 recited, followed by a moment of silence.)
6 BLOOM: Thank you. Approval of the Minutes of
7 November 15th.
8 PETERS: I make a motion to approve the Minutes of
9 November 15th, 2006.

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

12 PETERS: Aye.

13 BLOOM: Aye. Consideration of the State Road
14 930/Coliseum entrance intersection agreement. Good
15 morning.

16 BROWN: Good morning. Complete with graphics this
17 morning.

18 BLOOM: Okay.

19 BROWN: I'm Randy Brown, General Manager of the
20 Memorial Coliseum. It's good to be here this
21 morning.

22 PETERS: Good morning.

23 BLOOM: We're glad to see you.

24 BROWN: Well, thank you. This project has been in
25 the works for 10 years, and I'm happy to say today
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1 we're finally ready to, well, step closer to actually
2 constructing the roadway and the improvement. Taking
3 you back, this is something that we had hoped to have
4 had completed prior to the opening the renovated
5 arena, so we're maybe a little off our timeline, but
6 we're here today. And I'm going to work backwards
7 with this. First, the funding and then the actual
8 award of the construction document. The funding is
9 rather interesting. This project is approximately a
10 \$2.1 million construction project, and we put
11 together a unique partnership for the funding of the
12 project.

13 BLOOM: Yes, we have.

14 BROWN: And coming from--\$1,699,000.00 coming from
15 the Coliseum, from the Professional Sports and
16 Convention Development area; a commitment of
17 \$100,000.00 from County Highway; the City of Fort
18 Wayne has committed \$100,000.00 to the project; and
19 our partners across the street at IPFW have committed
20 \$220,000.00 for the project. And then if we end up
21 with any change orders, the Coliseum is committed
22 to--through Professional Sports to cover anything up
23 to \$200,000.00, so--

24 BLOOM: Thank you.

25 BROWN: --we're pleased that we've been able to--with
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1 our partners, with IPFW, the City, County Highway--to
2 put funding together.

3 PETERS: I think this is a real boon for Allen
4 County--

5 BLOOM: Yeah.

6 PETERS: --and for the City of Fort Wayne, not just
7 from a Coliseum standpoint, but from an economic
8 development standpoint, from what it means to the
9 areas to the north--I can't ever get my directions
10 right out there--but the IPFW side, what it means in
11 terms of the thoroughfare going through, and it's
12 going to be great for traffic as well.

13 BROWN: That's our understanding with the
14 contractors, with our consultants, that this is going
15 to dramatically improve traffic, and again, to remind
16 you, this is a two-phase project. The first phase
17 is, in terms of covering the tunnel and creating a
18 new intersection and going to California Road. The
19 second phase, which we've been working with the City
20 of Fort Wayne on, which we don't have a timeline on
21 yet, but continues from California Road and connects
22 up to Medical Parkway, which will be the true
23 reliever that will help traffic flow more than
24 anything else. Can you imagine if you're coming from
25 the north to be going south on Clinton, turn left on

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1 Medical Parkway, and essentially access the Coliseum
2 parking lot without ever getting on Coliseum
3 Boulevard. So that will do a lot towards smoothing
4 traffic in our area.

5 BLOOM: I've been on that trail before. Missed a
6 performance.

7 BROWN: I'm sorry to hear that.

8 BLOOM: It was--yeah. The traffic--it took me 24
9 lights to get onto Coliseum. This--this is a good
10 thing for all of us.

11 BROWN: And then the--another project that will
12 further help traffic flow is--and it'll happen this
13 summer, and that is we'll be adding a new stop light
14 on the Parnell Avenue entrance. So again, our hope
15 in the long run is to get personnel off the roadway.
16 I mean, our police officers do a great job, but if we
17 can do that through automation, we just think it'll

18 be a safer and more efficient means of getting our
19 guests in and out from the parking lot. And as you
20 said, Commissioner Peters, it's all economic
21 development. The more we can attract more people
22 and--in parking--anything that's an impediment to
23 getting people in and out is a reason to stay home.
24 You've heard me say before our biggest competitor is
25 a La-Z-Boy and a remote control. We have to give
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1 people reasons to come out to the Coliseum to see
2 events, and this will certainly help do that.

3 PETERS: That is a great project.

4 BLOOM: It certainly is.

5 PETERS: And I'd make a motion to--

6 BLOOM: Approve--

7 PETERS: --approve the State Road 930/Coliseum
8 entrance intersection agreement.

9 BLOOM: And the total cost on this is 2,219,392
10 [\$2,219,392.00]--

11 PETERS: Well, that's actually--now, if you want to
12 make a motion on that, I can--I can do that, too.

13 I'll just make a motion on that. Let me--let me
14 amend--

15 BLOOM: I was just doing them all--

16 PETERS: --that motion--okay, let me amend that
17 motion to include awarding the bid to E & B Paving,
18 Inc. for that project at a cost of \$2,219,392.00.

19 BLOOM: And I'll second that motion. All in favor
20 signify by saying "aye."

21 PETERS: Aye.

22 BLOOM: Aye.

23 BROWN: Thank you very much. Have a--

24 BLOOM: Thank you.

25 BROWN: --great Thanksgiving--
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1 PETERS: Thank you.

2 BROWN: --holiday.

3 BLOOM: Happy Thanksgiving. Next on the agenda with
4 lots of interest this morning is further discussion
5 of the Allen County smoking ordinance.

6 PETERS: That's on the agenda today?

7 BLOOM: That's--it's here.

8 PETERS: Since late August we've been deliberating a

9 smoking ordinance for--for Allen County. I'm just
10 making myself a note here.

11 BLOOM: Well, I'm trying to find my paper.

12 PETERS: During that time we have received input from
13 a number of polls. We've received input from our
14 website to the tune of about 2,000 hits. We've
15 received input from a number of you in the audience,
16 both pro and con. We received numerous e-mails,
17 numerous telephone calls, visits from interested
18 individuals. Oh, my guess would be--probably the
19 total input of 3,000 different people throughout this
20 community. I think it's time to bring the discussion
21 to an end. I think we need to move forward on an
22 ordinance. I don't think it's fair, necessarily, to
23 govern always by virtue of the majority, but I think
24 in this case the proponents of smoking restrictions
25 throughout this county have been heard loud and
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1 clear. The Channel 15/News Sentinel poll showed, as
2 I recall, 53% of individuals in favor of smoking
3 restrictions as they were proposed back in August.
4 Our website showed almost three to one in favor of
5 smoking restrictions. Now, again, I will supply a
6 caveat that says we fully recognize that that is not
7 and was not a scientific poll, but I do think that it
8 speaks volumes for the people in this community and
9 what they were after. The majority of the input that
10 we received via e-mail, telephone call, and visits to
11 the front door indicated a majority interest in some
12 smoking restrictions throughout the community. And
13 so I think it's really hard to ignore that type of
14 sentiment, that type of passion in moving forward
15 with this particular proposal. Now, as typically
16 conservative political politicians, we aren't--and
17 I'll speak for me, but I think to some degree I could
18 speak for my colleague up here--we aren't normally
19 prone to want to put our hands into private
20 interests, and the concerns of the business owners
21 have likewise come to full force loud and clear, and
22 that is that they don't want us running their
23 businesses through edicts regarding smoking issues.
24 But I'm also very concerned that this thing is being
25 looked at only as a private interest as opposed to

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1 the health issue that it truly is in this community.
2 I'm also concerned that truly minority interests are
3 actually dictating the desires of the majority. Just
4 an example, I am prone on occasion to want to watch
5 an I.U. football game. Don't ask me why. But you
6 won't typically, because of their win/loss record, be
7 able to turn it on with the same regularity that you
8 might find Notre Dame on the television set. So
9 consequently I will be invited into one of these
10 establishments that may have a satellite feed to the
11 Indiana University football game. And so there's
12 about 10 of us who walk in, much to our chagrin, with
13 maybe two smokers sitting in the corner. And it puts
14 us in a position where we've got to ingest those
15 toxins and come away with not a particularly good
16 feeling. Now, the bar owners, a lot of the
17 restaurant owners have said, "Well, if you don't like
18 it you can leave." Now, the fact of the matter is I
19 want to be there. I want to watch that game every
20 bit as much as the two people who are sitting in the
21 corner blowing smoke in my face. So that's where I
22 say I think that minority interests truly begin to
23 control that of the majority if, in fact, my friends
24 and I represent the--the majority. I think a couple
25 of other things need to be added to this discussion,

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1 wherever we end up today, and that is ultimately I
2 think that we need to look to our State Legislature
3 for help in this area; not only in the City of Fort
4 Wayne, not only in Allen County, but in the State of
5 Indiana. And the governor in the last couple of days
6 has begun to move in that direction in terms of some
7 of the issues that he's pursuing. Additionally,
8 because I think it is in part a minority/majority
9 debate, I would be interested, given what happened in
10 Ohio over the recent elections, to see what would
11 happen if this were indeed placed on a referendum in
12 the State of Indiana. So regardless of how we come
13 out this morning, I will pursue those avenues in
14 terms of creating--helping to create--requesting
15 legislation throughout the State of Indiana. Now,
16 I'm going to make a motion here in just a second with

17 a couple of additions, a couple of subtractions. And
18 I am going to make a motion that the ordinance as
19 proposed initially be adopted. Now, let me qualify
20 that, because there are some technical issues in
21 there regarding enforcement, regarding some other
22 issues that I think still need to be taken care of,
23 and maybe after a vote today, depending on how we
24 come out, we may still have to deal with some of
25 those enforcement issues. But let me--under Chapter
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1 5 there was an ordinance--I've got it in the yellow
2 copy, and I know it was passed out to many people in
3 the audience, to the news media, and I want to just
4 read a section into the record after the conclusion
5 of Chapter 5 in the initially proposed ordinance.
6 And it would read as follows: "An alleged violator
7 may be issued a citation on either the uniform
8 Indiana traffic ticket form or the Allen County
9 parking ticket form, or such other form as may be
10 designated from time to time by the Board of
11 Commissioners, indicating the time and place before
12 which the alleged violator must appear to admit or
13 deny violation of the ordinance, and, if admitting,
14 pay the civil fine set forth here and after." It
15 goes on to say, "For the purpose of this ordinance
16 the Board of Commissioners designed the Ordinance
17 Violations Bureau (Bureau), and shall handle the
18 processing of all citations for violations of this
19 ordinance. The Bureau shall accept written
20 appearances, waivers of trial, admissions of
21 violation, and payments of penalties as set forth
22 here and after, all in accordance with IC 33-36-3-1.
23 If a person or business (1) denies violation of this
24 ordinance; (2) fails to pay the civil penalty after
25 admission of a violation; or (3) fails to appear

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1 within the time designated, which results in an
2 enforcement action being brought against said person
3 or business, and said enforcement action results in
4 an unfavorable decision against said per or business,
5 said business or person shall be liable in addition
6 to the penalties set forth here and after for the
7 assessment of reasonable attorney fees and cost for

8 bringing said action." One other caveat would come
9 at the top of Chapter 6, and it would correct a
10 couple of the dollar violations that have been
11 spelled out in the initial ordinance. And that
12 would, "A business entity which allows a violation of
13 this ordinance or otherwise fails to comply with same
14 shall be subject to a civil fine of up to \$250.00 per
15 day per violation. A person who violates this
16 ordinance shall be subject to a civil of up to \$25.00
17 for a first violation, 100 [\$100.00] for a second
18 violation, and \$250.00 for each additional
19 violation." So those are the amendments that I would
20 offer at this point to the originally proposed
21 ordinance, and with that I would move passage of that
22 ordinance.

23 BLOOM: And it will die for a second, and so it is
24 not on the table now. We need to have a discussion
25 about what we can without doing the full ordinance

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1 that we had come forward with, and the proposal that
2 I would like to place on the table would be less, but
3 still enforced. I would like to have the exceptions
4 being: private residences, except when used as a
5 licensed child care, health care, or adult care
6 facility; hotel and motel rooms that are rented to
7 guests and are designated as smoking rooms, provided,
8 however, that not more than 20% of rooms rented to
9 guests in a hotel or motel may so be designated;
10 retail tobacco stores; and private clubs. "Private
11 clubs" meaning--give me a minute here.

12 PETERS: That's the Indiana code. I don't know that
13 you're going to have that.

14 BLOOM: I won't have it as such.

15 BLOOM: "Private club" as found Indiana code 7-1-3-20
16 and one [7-1-3-21]. I'm looking for something that
17 would--the posting requirements were definitely in
18 the original one?

19 PETERS: Uh-huh (affirmative).

20 BLOOM: The posting requirements--more exceptions:
21 businesses where admission is prohibitive to anyone
22 under the age of 21; bowling alleys between the hours
23 of nine [9:00 p.m.] and three [3:00 a.m.] Sunday
24 through Thursday. These are the exceptions. And so

25 what it boils down to is the exceptions would be,
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1 except bars, where admission is prohibited to anyone
2 under the age of 21. That would still be acceptable.
3 PETERS: It would actually--it would actually be
4 businesses. Because part of that--you know, what
5 that would be intended to do is--how would that work
6 in, say, an Applebees?

7 BLOOM: Bars, where admission is prohibited--
8 PETERS: Because I think if you say "businesses"--

9 BLOOM: To anyone--

10 PETERS: --at least it--

11 BLOOM: --after the--

12 PETERS: --gets us--

13 BLOOM: --age of--

14 PETERS: --if you get--yeah, businesses--

15 BLOOM: --21.

16 PETERS: --establishments--establishments I think is
17 an appropriate terminology. You said establishments,
18 what that does is it take a place like Applebees who
19 may have a separate bar room right now, but actually
20 puts them in a position where they have to be
21 completely smoke free.

22 BLOOM: Uh-huh (affirmative). So you would--

23 PETERS: I mean--

24 BLOOM: --prefer--

25 PETERS: --their requirement is not the over 21

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1 requirement.

2 BLOOM: --so you would prefer having businesses
3 and/or bars and put--

4 PETERS: Well, I think--

5 BLOOM: --"establishments"?

6 PETERS: --it eliminates--yeah, I think you eliminate
7 in that case to get to where I think you want to go.

8 Say "establishments" and eliminate "bars," eliminate
9 "businesses."

10 BLOOM: Okay. Also under Chapter 5 with violations
11 and enforcement, we have determined that even though
12 Nelson has read the terminology that we would like to
13 use as far as the ticketing and this sort of thing,
14 that we are adding, too, employees of the Fort
15 Wayne/Allen County Board of Health, sworn police

16 officers, also, and then members of paid of municipal
17 fire departments are hereby authorized, all of those
18 people, to enforce the ordinances.

19 PETERS: You know, I--I think it's important to note,
20 since this hasn't moved to a motion stage yet, just
21 an interesting fact for anyone out there, this
22 ordinance has generated a whole lot of interest as
23 far as the Commissioners are concerned. And I know
24 there's been some discussion regarding the opt-out
25 provision. If, indeed, the City of Woodburn and the
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1 Town of Monroeville and Fort Wayne and so on and so
2 forth all chose to do their own thing, there actually
3 leaves about 10 to 12 establishments under the County
4 Commissioners' jurisdiction for oversight, so while
5 this has generated a lot of enthusiasm, a lot of
6 interest out there, the bottom line, when we are
7 dealing with this ordinance, and I am inclined to
8 continue to provide that opt-out provision, is that
9 there isn't a whole lot in the County Commissioners'
10 actual jurisdiction. Just a fact for the day.

11 BLOOM: It's a big fact for the day. With that, do
12 you want to try again and amend your other--

13 PETERS: Well, I'd be interested in seeing the thing
14 go as originally proposed, but clearly we're not
15 going to get there at this point, and I think that it
16 is important at least to continue the momentum in a
17 direction that might ultimately get us to where I'd
18 like to be, and I certainly don't say that with any
19 malice, because I think that clearly with the--with
20 what you proposed today, that still takes us a step
21 ahead of where Fort Wayne currently is and provides
22 the impetus and the momentum to keep moving in that
23 direction. So with the amendments that you've
24 proposed, I would move passage of this ordinance.

25 BLOOM: I'll second that motion. All in favor
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1 signify by saying "aye."

2 PETERS: Aye.

3 BLOOM: Aye.

4 PETERS: Now, there happens to be one other key that
5 I just happened to think of while we were saying
6 "aye," and that is there is no date for--

7 BLOOM: Effective date?

8 PETERS: --there is no effective date.

9 BLOOM: How about January 1st of '07?

10 PETERS: Okay, I would move that the effective date
11 be January 1st, 2007.

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

14 PETERS: Aye.

15 BLOOM: Aye.

16 PETERS: Now, there's a lot of cleaning up to do on
17 this particular ordinance to get it into an
18 understandable form. We will endeavor to have that
19 done very soon after the lunch hour for anybody who's
20 interested in picking up a copy and find out exactly
21 what--what happened today. As I said, I think it--it
22 doesn't--it's not as restrictive as first proposed,
23 but I think that it does go a long way. It certainly
24 surpasses what the City of Fort Wayne is doing at
25 this point, and as I said, I think it at least

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1 provides the momentum to allow the discussion to
2 continue with the State Legislature, perhaps on a
3 referendum basis.

4 BLOOM: I know there are a lot of people that have a
5 passion for what we just did. It's been very very
6 difficult for us. It's one of the hardest decisions
7 that I've had to deal with since I've been in office,
8 and this is my 12th year. I feel very strong about
9 it. I feel very strong about the issue with the
10 children. But I don't see until it's a state law,
11 like other states have done, that we can go totally
12 smoke-free. And hey, you've come to us before. This
13 is better and it is going in the right direction as
14 far as you're all concerned, as I see heads shaking
15 "no." We could have not done anything at all, and
16 felt that we needed to do more, but not--like Nelson
17 said, we are only Allen County, and all these
18 municipalities and these cities and towns can opt
19 out. And they have their own government. Sorry I
20 couldn't make everybody happy. Sorry Nelson couldn't
21 make everybody happy. But right now it's this or we
22 wouldn't have done anything. It's a start. Moving
23 right along. Approve and award the following 2007

24 Highway Department Annual Bid contracts. Good
25 morning.

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1 HARTMAN: Good morning.

2 PETERS: Good morning.

3 HARTMAN: Bill Hartman, Allen County Highway
4 Department.

5 BLOOM: Bid Reference 36-06 for the traffic control
6 materials; Bid Reference 37-06 for hydroseeding
7 materials; Bid Reference 38-06 for liquid bituminous
8 materials; and Bid Reference 39-06 for bituminous
9 patching materials. This is just our annual bid,
10 right?

11 HARTMAN: Yes. Yes, these are--

12 BLOOM: How have the costs differed?

13 HARTMAN: --materials--yeah, these are materials that
14 we used on a regular basis, you know, to do our
15 maintenance work throughout the year for traffic
16 control, seeding, chip and seal work, and patching.

17 PETERS: I make a motion to approve and award 2007
18 Highway Department Annual Bid contracts 36-06, 37-06,
19 38-06, and 39-06.

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

22 PETERS: Aye.

23 BLOOM: Aye. Approve and accept the following street
24 located in Fiddlers Creek Addition, Section IIB for
25 maintenance: Fremont Way, from the centerline of

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1 Bowlander Way to east plat line, 150 feet.

2 PETERS: I make a motion to accept and approve
3 Section IIB in Fiddlers Creek for maintenance.

4 BLOOM: Second. All in favor signify by saying
5 "aye."

6 PETERS: Aye.

7 BLOOM: Aye. Warranty deed for additional right of
8 way on Amber Road for Parcel 7.

9 PETERS: I make a motion to approve the warranty deed
10 on Parcel 7.

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

13 PETERS: Aye.

14 BLOOM: Aye. A warranty deed for additional right of

15 way on Leesburg Road Bridge over Seegar Ditch from
16 Parcel 2.

17 PETERS: I make a motion to approve a warranty deed
18 for additional right of way on Leesburg Road Bridge
19 over Seegar ditch, Parcel 2.

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

22 PETERS: Aye.

23 BLOOM: Aye. Warranty deed approval for additional
24 right of way on the Carroll Road Bridge over Martin
25 Johnson Ditch, Parcel 3.

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1 PETERS: I make a motion to approve warranty deed
2 required for additional right of way on the Carroll
3 Road Bridge over Martin Johnson Ditch, Parcel 3.

4 BLOOM: Second. All in favor signify by saying
5 "aye."

6 PETERS: Aye.

7 BLOOM: Aye. Approval of the letter of understanding
8 and unofficial detour for State Road 37 over Grice
9 Ditch and Bottern Ditch bridge construction between
10 INDOT and Allen County. Could you explain that a
11 little, please?

12 HARTMAN: Sure. Next summer--well, starting in the
13 spring, INDOT's got two structures on State Road 37,
14 two culverts that they want to replace, and this
15 will--they're really only legally allowed to make
16 detour routes on state routes, but this will make an
17 unofficial detour route for local traffic. And it
18 should go from spring until late summer next year.

19 BLOOM: Okay.

20 PETERS: I make a motion to approve the letter of
21 understanding for the unofficial detour of State Road
22 37 over Grice Ditch and Bottern Ditch bridge
23 construction.

24 BLOOM: Second. All in favor signify by saying
25 "aye."

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1 PETERS: Aye.

2 BLOOM: Aye. Anything else this morning?

3 HARTMAN: That's it from the Highway Department.

4 BLOOM: Thank you very much.

5 HARTMAN: Thank you.

6 BLOOM: Any plats this morning?

7 PETERS: Nope--

8 BLOOM: I don't believe--

9 PETERS: --no plat--

10 BLOOM: --we have any.

11 PETERS: --people.

12 BLOOM: No plat people, right. Any other business

13 this morning?

14 ELSER: We do have one item, Commissioners. We have

15 a corporate apartment request agreement for our

16 legislative liaison with the Gardens of Canal Court

17 in Indianapolis. This will be for a four-month

18 period. And Beth is here.

19 BLOOM: Good morning.

20 GARVER: Good morning.

21 PETERS: Good morning.

22 GARVER: Beth Garver, Allen County Commissioners'

23 Office. Before you is a lease for a--a four-month

24 lease, Gardens of Canal Court in Indianapolis to

25 start January 5th lasting through the 31st, which is

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1 proposed to be the end of session.

2 BLOOM: What month?

3 GARVER: Of April, the 31st of April. And I looked

4 at several other places. This was the best one that

5 I could find. A couple of the other places, the rent

6 was around 150 [\$150.00] to \$200.00 more, so this is

7 what I felt was the best for the County, and

8 everything is included in that including utilities,

9 electric.

10 PETERS: You mean, you're not going to drive back and

11 forth every day?

12 GARVER: I can. That's up to you guys.

13 BLOOM: I don't think so.

14 PETERS: I make a motion to approve the corporate

15 apartment lease agreement.

16 BLOOM: Second, with Sexton Companies.

17 PETERS: Yeah, with those guys.

18 BLOOM: Second. All in favor signify by saying

19 "aye."

20 PETERS: Aye.

21 BLOOM: Aye. Thank you.

22 GARVER: Thanks.

23 BLOOM: I need an approval, please.

24 PETERS: Approval?

25 BLOOM: To waive the--

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1 PETERS: Oh, that? I make a motion to approve to
2 waive the second reading on any matter approved today
3 and for which it may be deemed necessary for the
4 Legislative Session of November 22nd, 2006.

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

7 PETERS: Aye.

8 BLOOM: Aye. Any comments this morning? Please come
9 forward and state your name. Good morning.

10 FLECK: Good morning.

11 PETERS: Good morning.

12 FLECK: My name is Kathie Fleck, and I'm the area
13 executive director for the American Cancer Society.
14 On behalf of my organization and many of the public
15 health organizations in this community, I wanted to
16 be on record as--and thank you for your actions today
17 with respect to the smoking ordinance. I believe if
18 you saw looks in the audience, it was more of
19 confusion over process than it was really over
20 content. It is clear to me that you all have taken a
21 leadership role, have moved this community many steps
22 forward. We'll be a leader in the state and a leader
23 in the country if we are able to be successful
24 throughout the localities offered in Allen County.
25 And while I understand that your jurisdiction only

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1 involves 10 or 12 establishments, your leadership
2 involves everyone, and so I really want to thank both
3 of you for your time and your attention and for
4 sticking your political necks out and your personal--
5 all of your personal good will behind this effort,
6 because I do believe it will result in a healthier
7 Allen County, and for that I wanted to thank you
8 publicly, so.

9 BLOOM: Thank you--

10 PETERS: Thank you--

11 BLOOM: --very--

12 PETERS: --we appreciate--

13 BLOOM: --very--

14 PETERS: --you saying it.
15 BLOOM: --much. Any other comments this morning?
16 (No response.) Hearing none, motion to adjourn.
17 Happy Thanksgiving.

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20 (Adjourned 10:40 a.m.)

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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 22, 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 22nd 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