



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN
City-County Building Room 200 · 1 East Main Street · Fort Wayne, IN 46802
Phone: 260.449.7555 TDD: 260.449.7881 FAX: 260.449.7568

LINDA K. BLOOM BILL BROWN NELSON PETERS

AGENDA

**Commissioners' Legislative Session
9:30 a.m. Friday, January 22nd, 2010
Commissioners' Courtroom - City-County Building**

- 1. Approval of the minutes of January 15th, 2010.**
- 2. Update from Well's Fargo on health insurance.**
- 3. Computer System and Software License Sales Agreement between the Board of Commissioners and eRecording Partners Networks, LLC on behalf of the Recorder, Auditor, and Assessor.**
- 4. Confidentiality Agreement between the Board of Commissioners and General Motors LLC.**
- 5. Authorization for the Department of Planning Services Deputy Director for Economic Development to execute shovel ready site agreements on behalf of the Board of Commissioners.**
- 6. Agreement between the Board of Commissioners and Barnes & Thornburg for Federal lobbying.**
- 7. Agreement between the Board of Commissioners and Indianapolis Marriot Downtown for meeting room rental for Allen County Day at the Statehouse.**
- 8. Other Business:**
- 9. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of January 22nd, 2010.**
- 10. Comments from the Public.**
- 11. Motion to Adjourn.**

Allen County does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet the needs of persons with disabilities may be submitted to the ADA coordinator at: Human Resources Department, 1 East Main Street, Room 300, Fort Wayne, IN 46802, or by phone at (260) 449-7217.



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LINDA K. BLOOM BILL BROWN NELSON PETERS

MINUTES

Commissioners' Legislative Session
9:30 a.m. Friday, January 15, 2010
Commissioners' Courtroom - City-County Building

Commissioners Present: Linda Bloom, Bill Brown and Nelson Peters

Others Present:	Chris Cloud	Executive Assistant
	Rhonda Rice	Commissioners' Office
	Mike Green	Commissioners' Office
	Bill Fishing	County Attorney
	Bill Hartman	Highway Department
	Deb Hudson	Insurance Department
	Kim Bowman	Department of Planning Services (DPS)
	Pat Fahey	Department of Planning Services (DPS)
	Sue Ort	Treasurer
	Cam Parody	Citizen
	Dennis Baker	Citizen
	Paul Morrison	Kid's Law
	Kevin Woodward	Wells County Commissioner
	Amanda Iacone	Journal Gazette

Commissioner Bloom called the meeting to order at 9:30AM. Commissioner Bloom led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Board of Finance Annual Meeting.** Sue Ort, Allen County Treasurer, stated that a President needed to be elected for 2010. Commissioner Peters made a motion to elect Linda Bloom President. Commissioner Brown seconded the motion. Motion carried 3-0.

Sue Ort then reviewed the investment activities throughout the year. She stated that we can only put money into accounts that are state approved depositories. She said that we did several bids for CD's but the bids were lower than what we were getting leaving them in the bank. Bank account rates are terrible this year. All of 2009 was .25%. She stated she did talk to different bankers and they gave us special rates so that we made more than nothing. Commissioner Peters asked what they do with the securities that matured. She stated that as they mature, money goes back into the bank and then she puts it back out if she can. She basically runs it through the same system it has just been through. She said when you put it out for 2 years you want to make sure you are going to make something and not be behind in two years. She went over a list of the agencies that have matured, how much was out in those and the interest that was earned. She said that the interest earned was not a full 2 years worth because these were all called. If the rate is too high, they will call them and you won't get as much. She explained the interest income earned in 2009 and compared it to what was earned in 2006, 2007 and 2008. In 2006 we earned \$7.8 million, in 2007 - \$8.4, in 2008 - \$4.6 and now in 2009 it is down to \$1 million. This reflects the rate. In 2008 we were getting 3.5% at the beginning of the year and at the end of the year it was .25%. All of 2009 it was .25%. She stated that a bigger part of her job this year was safety. She stated she has always focused on the safety but the yield was always big. In the past she always wanted to make as much as possible and she looked for highest rates and didn't worry about the safety. She said you didn't have to worry about banks in the past but now you do. Commissioner Peters asked what she foresaw for 2010. She stated that she sees 2010 the same as 2009. She does not see rates changing at all and she is hoping our banks survive another year of this. As of today everything looks good and they all look fine but you just have to watch. She stated that we had 72 funds that received their own interest. Commissioner

Peters stated he thought it was interesting that the Rainy Day Fund received the 2nd most interest of anything we have and it is probably one of our biggest funds. He stated he wondered if the question should be asked if some of this should go back to the taxpayers and then said that is a discussion for another day. Commissioner Peters made a motion to accept the Financial Report. Commissioner Brown seconded the motion. Motion carried 3-0.

2. **Approval of the minutes of January 8, 2010.** Commissioner Peters moved to approve the minutes of December 18th, 2009. Commissioner Brown seconded the motion. Motion carried 3-0.
3. **Appointments to boards and commissions.** Chris Cloud, Executive Asst., read the following appointments – Ron Kohart-AC board of Zoning Appeals, Patricia Hays-FW/AC Board of Health, Rick Regedanz-FW/AC Board of Health, Mike Packnett-AC/FW Capital Improvement Board, Ben Eisbart-AC/FW Capital Improvement Board, Mayor Tom Henry-AC Emergency Management Advisory Council, Commissioner Bill Brown- AC Emergency Management Advisory Council, Mayor Terry McDonald- AC Emergency Management Advisory Council, Councilman Larry Brown- AC Emergency Management Advisory Council, Kyle Carpenter- AC Emergency Management Advisory Council, James Reid- AC Emergency Management Advisory Council, Don Gerardot- AC Emergency Management Advisory Council, Paul Steffens- AC Emergency Management Advisory Council, 1st Lieutenant Kurt Salomon- AC Emergency Management Advisory Council, Wilmer Delagrange- AC Emergency Management Advisory Council, Captain Marty Bender- AC Emergency Management Advisory Council, Deputy Chief Eric Lahey- AC Emergency Management Advisory Council, Tony Burrus- AC Emergency Management Advisory Council, Chief Don Patnoudé- AC Emergency Management Advisory Council, Sheriff Kenneth Fries- AC Emergency Management Advisory Council, Gary Booher- AC Emergency Management Advisory Council, Chief John Bennett- AC Emergency Management Advisory Council, Lt. Dean Jenkins- AC Emergency Management Advisory Council, Katherine MacAuley- AC Emergency Management Advisory Council, Michael Burris- AC Emergency Management Advisory Council, Dr. Deborah McMahan- AC Emergency Management Advisory Council, and Joel Kowalczyk- AC Emergency Management Advisory Council. Commissioner Peters made a motion to approve the aforementioned appointments. Commissioner Brown seconded the motion. Motion carried 3-0.
4. **Amendment No. 7 to the Board of Commissioners of the County of Allen Retiree Benefit Plan.** Deb Hudson, County Insurance Department, stated that we amended the Retiree Benefit Plan in November in preparation for the certificates of coverage required and in the haste to get things ready some details were overlooked. This is an amendment to correct the prescription coverage listed in the schedule. Under the high deductible health plan with the retiree plan there is no longer a co-pay possible because to qualify as an HSA co-pays are not permitted. Commissioner Bloom asked if participants were aware this was happening and Deb Hudson replied yes. Commissioner Peters made a motion to accept Amendment No. 7 to the Board of Commissioners of the County of Allen Retiree Benefit Plan. Commissioner Brown seconded the motion. Motion carried 3-0.
5. **Interagency Agreement between the Board of Commissioners and Allen County Solid Waste District.** Tony Burrus, representing both the Solid Waste District and Allen County stated this is an Interagency Agreement between the Board of Commissioners and the Solid Waste District allowing the employees to participate in benefits of the County and it enables the salary of the district director will be funded. Commissioner Brown made a motion to approve the Interagency Agreement between the Board of Commissioners and Allen County Solid Waste District. Commissioner Peters seconded the motion. Motion carried 3-0.
6. **Discussion of Economic Development District Proposal for Allen County.** Dan Avery, Executive Director of NIRCC, presented a proposal and stated that hopefully in a couple of weeks he would return and seek the Commissioners approval. He had a draft resolution and gave some background. He said that NIRCC and Region 3A which is based out of Kendallville serves 5 counties that surround the district that NIRCC serves. These include Steuben, LaGrange, Noble, Whitley and Huntington Counties and may actually start to serve Wabash County in the very near future. He stated they have been collaborating for several years in the development of a comprehensive economic development strategy which is required to

obtain funding through the Economic Development Administration (EDA). He stated that a couple of things have to be in place before they can seek these funds and there is also some criteria that have to be met in terms of being at a certain unemployment level and at a certain household income level below the national average. Typically we have not met those criteria so we have not been real interested in being in an economic development district. However, under the current conditions, 3 of the 4 counties in NIRCC's region fall under those criteria. Happily, Allen County is not one of them. Regardless, in order to get the Region eligible for those funds, it would still be eligible to Allen county for certain types of activities within Allen county, we are seeking to combine or join with Region 3A's economic development district. It's only the District that would be joining a separate board in order to make all four counties in NIRCC's regions eligible for EDA assistance. They have been working for the past 2 years or so developing a comprehensive economic development strategy. This boils down to a capital improvement program, a listing of projects for the whole region with some sifting through those projects and assigning some priorities to those projects. This would assist the economic development folks in attracting or retaining business within the region. They work closely with the regional partnership, they endorse this initiative and they also work with the local economic development organizations. He has been making rounds to his counties and he has met with Wells County Commissioner's and they agreed to join this effort. He has met with the Adams County Economic Development folks and received a favorable response from them and will be meeting with Commissioner's in Adams County. He has met with DeKalb County Commissioner's, as he is meeting with Allen County Commissioner's today for the first time today, got a favorable response and he will return to one of their meetings to get their enforcement. He provided some information on a breakdown on what the board would look like. It would be a hybrid essentially of the two boards and they would just cover the economic development district and the membership is essentially one county commissioner or their designee, a county council member or their designee and the mayor or their designee of any of the cities over 5000 population. Towns are also credited a town council member or representative for towns over 5000 population and in the event a particular county does not have a city or town that exceeds that population threshold, the commissioners would get an additional appointment and then the governor has an appointment to the board as well. Allen County would have four representatives – one from the Commissioners, one from the county council, one from the City of New Haven and one from the City of Fort Wayne. Wabash has just recently expressed an interest in being part of this so the board composition just presented does not reflect their participation but it would be under the same guidelines with just a few extra folks. Commissioner Peters asked if there was any recent history regarding the receipt of EDA funds. In the mid to late 1990's, Whitley County used EDA assistance to extend water and sewage out along US 30. Recently the Innovation Center is a recipient of EDA assistance and up in Fremont they have used EDA dollars to build a road to an industrial site and to provide water and sewer. Albion is currently seeking EDA assistance for a small incubator business. Commissioner Peters asked if the \$10,000 membership fee was per entity total or do we split it. Dan Avery answered that it is a total per county. Because Allen County is already a sponsor of NIRCC for its activities, he is just essentially using some of the budget that is already provided by Allen County to cover its \$10,000 contribution. Commissioner Peters made a motion to approve the Economic Development District proposal for Allen County. Commissioner Brown seconded the motion. Motion carried 3-0.

7. **Amendment to Allen County Code Title 4 (Subdivision Control Ordinance) – Article 1(Application of Ordinance; Construction and Definitions) commonly known as the Minor Plat Ordinance.** Kim Bowman, DPS and Pat Fahey, DPS appeared to present a proposed text amendment to the subdivision control ordinance. Kim Bowman stated the Minor Plat Ordinance goes back to 2005 when the Plan Commission initially asked staff to take a look at it. That effort died because of a lack of action by the Plan Commission to move it forward. As part of the comprehensive plan data collection process of around 2007 the Plan Commission asked staff to take another look at it. The Comprehensive Plan identifies some land development patterns which the Plan Commission had some concerns about how the land was developing in the community. This effort in 2007 resulted in a text amendment to both the zoning and the Subdivision Control Ordinance. So today the Plan Commission has requested staff in 2008, after there were a couple of minor plats approved and developed, to consider some additional changes to that ordinance that was adopted in 2007. The Plan Commission asked staff to look at forming issues, the Minor Plat review by the full Plan Commission, the timing of Minor Plat submittals, plats on adjacent and contiguous parcels, and incorporating the purpose statement into the ordinance. In November of 2008, Plan Commission asked staff to reconvene our study group that we used in developing our 2007 proposal with some additional members. In 2009 they started meeting monthly with this group to look at different proposals. They met

six times and they incorporated their recommendations into a proposal that was given to the Plan Commission in October 2009. It was at the October 22 meeting where they took action on the proposal. Pat Fahey summarized the Amendments before the Commissioners for their consideration. The amendments include changes to several of the definitions in the ordinance. The purpose statement was revised for clarification. There was certain criteria added to the applicability section that are related to timing and interconnections between plats were among the amendments. The design standards were revised relative to floodway and septic systems and wells. One additional provision was added in terms of review standards for a third minor plat in a given area relative to traffic, storm drainage, septic and wells impacts. The Plan Commission has recommended approval of these amendments. Commissioner Peters asked if it allows for high density residential development in an A1-A3 area. Kim Bowman stated the zoning ordinance sets minimum lot size standards depending on the zoning district. A-1 is about a half acre, A-3 is about an acre. The provision of sewer can change the minimum lot size. If you have sewer you can meet those standards. If you have to provide a septic, the health code requires a 2 acre minimum. Commissioner Peters asked if there was any difference between the way we zone now in an A-1/A-3 area and what Minor Platting would allow for in an A-1/A-3 area and then asked could we do all the things she just suggested under the current zoning regulations. Kim Bowman stated that the difference is that in 2007 the minor plat, when the subdivision control ordinance was amended, it did allow the procedure of a minor plat which is 6 lots. Before that you could not plat like that. Commissioner Peters asked if the density, if and of itself, is changed under this Ordinance. Kim Bowman stated no. That is a function of minimum lot size and sewer and septic. Commissioner Peters asked her if she thought Minor Platting precludes some of the input and transparency that has been a part of zoning in the past. Does it preclude the community or the Plan Commission or the Commissioners from input into a proposed project? Kim Bowman responded that the state law stills require a public hearing where anybody is invited to come to the hearing to speak either for or against a proposal. All of the plats have to be reviewed and approved in a public hearing except for the secondary minor plat. The current ordinance, which is not changing in respect to this, allows for an administrative approval which would be through the zoning administrator which is herself at this time. When all improvements are made in a minor plat and all the agencies have signed off on the minor plat, it allows her to sign off as zoning administrator on that plat instead of going through the traditional secondary platting process. It would still require the Commissioners signatures at a public meeting. That is one of the differences that's already in the ordinance that's not being proposed to change. Commissioner Bloom asked why that is being put in there. Kim Bowman stated that the traditional platting process when you think of a subdivision like Bridgewater or Cherry Hill goes through a different process because of the scope of the project. Often there are 50 or 100 different lots with roads, extensive storm water, water and sewer extensions. Because Minor Plats are limited to 6 lots and there is no bonding allowed, no commitments of improvements, you have your primary approval, do your improvements, and when you get it all done that is when the secondary minor plat is signed off on. Commissioner Peters stated that he doesn't think the Realtor's Association was necessarily looking for a waiver as much as they were the ability to present an exception to the Board of Zoning Appeals. He stated that it is his understanding that the language that had been proposed was simply not legal. He asked if that was correct. Kim Bowman stated that that was the guidance received by the Plan Commission legal counsel. She added that the study group did discuss a waiver type provision but did not forward that recommendation to the Plan Commission. Kim Bowman stated that this proposal does limit the number of minor plats you can put together. On a private street you can only have two minor plats together and that is part of this proposal. This proposed amendment does establish criteria after two minor plats have been approved in an area there is an additional review criteria. This gives the Plan Commission the legal opportunity to say there is too much traffic or it is causing adverse an impact on the existing wells or septic systems or Mr. Frisinger, the surveyor, can provide other criteria. So in a way this proposed amendment does address that by stepping up the review after two minor plats in an area. These would go to executive committee with a minimum of 5 people at the executive committee level. There was some question as to whether a majority vote was required or if it had to be unanimous. Kim Bowman thought it was a majority, but didn't have her rules with her and Commissioner Brown thought it had to be unanimous. Commissioner Peters and Commissioner Bloom stated they would be more comfortable with this if a unanimous decision were required. As far as slowing down the development in certain areas Kim Bowman stated that you can only do 1 minor plat in an 18 month period but you would be able to sell all six lots instead of 1 per year or 2 per year the way it was. Commissioner Brown made a motion to pass the Amendment to Allen County Code Title 4 (Subdivision Control Ordinance) – Article 1(Application of Ordinance; Construction and Definitions) commonly known as the Minor Plat Ordinance. Commissioner Peters seconded the motion. Motion carried 3-0.

8. **Agreement between the Board of Commissioners and Norfolk Southern Railway Company for flagging services as required for the ARRA resurface project on North River Rd, Des # 0901995.** Total estimated cost to Allen County for this service is \$400.00. Bill Hartman, Highway Director, stated that overall costs for this is \$2,000 with an 80/20 split so the cost to the county is \$400. Commissioner Bill Brown to approve the Agreement between the Board of Commissioners and Norfolk Southern Railway Company for flagging services as required for the ARRA resurface project on North River Rd. Commissioner Peters seconded the motion. Motion carried 3-0.

9. **Project Coordination Contract between the Board of Commissioners and Indiana Department of Transportation (INDOT) for the Bostick Rd Bridge # 268 over the St. Mary's River, Des No. 0901914, Project # 0307209.** Bill Hartman, Highway Director, stated this is for rehabilitation of iron trusses. This will be bid January 26 or 27th. Commissioner Brown made a motion to approve the Project Coordination Contract between the Board of Commissioners and Indiana Department of Transportation (INDOT) for the Bostick Rd Bridge # 268 over the St. Mary's River. Commissioner Peters seconded the motion. Motion carried 3-0.

10. **Consider approval of the following signs to be installed in Allen County, requested by Mike Eckert and the Associations:**
 - a. **Worthington Dr - Auburn Rd to Bristol Trail – Perry lake Subdivision – post 30 mph Speed Limit**
 - b. **Perry Lake Dr – Coldwater Rd to Cul-de-sac – Perry Lake Subdivision – post 30 mph Speed Limit**
 - c. **Willow Creek Dr – SR 1 to Tree Top Trail – Cedar Glens Subdivision – post 30 mph Speed Limit**
 - d. **Hamilton Bay Court at Hamilton Forest Cove – Villas of Chestnut Cove – post Stop**
 - e. **Woodland Pass at Abbington Trail – Sycamore Lakes – post Stop**
 - f. **Chadwick Court at Almdale Drive/Chadwick Lane – Sycamore Lakes – Post Stop**
 - g. **Henlock Drive at Chadwick Lane – Sycamore Lakes – post Stop**
 - h. **Jackemeyer Lane at Seiler Rd – Greenwood Lakes – post Stop**
 - i. **Windsail Cove at Heathermoor Lane – Greenwood Lakes – post Stop**
 - j. **Runabay Cove at Heathermoor Lane – Greenwood Lakes – post Stop**
 - k. **Jackemeyer Lane at Greenwood Lakes Dr – Greenwood Lakes – post Stop**
 - l. **Chesterhills Court at Jackemeyer Lane – Greenwood Lakes – post Stop**
 - m. **Tuscon Trail at Ruffner Rd – Veracruz – post Stop**
 - n. **Buckner's Boulevard at Flaugh Rd – Buckner's Crossing – post Stop**
 - o. **Buckner's Boulevard at Buckner's Pass – Buckner's Crossing – post Stop**
 - p. **Weslow Court at Buckner's Lane – Buckner's Crossing – post Stop**
 - q. **Foxfire Lane at Buckner's Pass/Buckner's Crossing – Buckner's Crossing – post Stop**
 - r. **Arden Cove at Crimson Leaf Drive – Villas of Grey Oaks – post Stop**
 - s. **Woodwind Drive at Emanuel Rd – post Stop**
 - t. **Eagle River Run and Cliffside Pass in Eagle River Subdivision – post Stop**

Commissioner Peters made a motion to approve the above signs to be installed in Allen County. Commissioner Brown seconded the motion. Motion carried 3-0.

11. **Applications for a Primary Development Plan and Rezoning for the proposed IPFW Alumni Center located on Commissioner-owned property.** Michelle Woods, DPS, appeared on behalf of the IPFW Foundation requesting the Commissioners signatures on a rezoning petition and a development plan petition that will go in front of the Fort Wayne Plan Commission but since this is ground owned by the Commissioners, they do need the signatures of the Commissioners. Commissioner Brown made a motion to approve the application for Primary Development Plan and Rezoning for the proposed IPFW Alumni Center located on Commissioner-owned property. Commissioner Peters seconded the motion. Motion 3-0.

