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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 APRIL 2, 2003
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15 DATE: April 2, 2003

16 TIME: 10:08 a.m.

17 LOCATION: Room 200
Commissioners Courtroom
City-County Building
18 1 East Main Street
Fort Wayne, Indiana 46802

19 REPORTER: Rhonda M. Mullholand
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23
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25

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1 PRESENT:
2 Linda K. Bloom Allen County Commissioner
3 Edwin J. Rousseau Allen County Commissioner
4
5 Mary Hitchens Allen County Public
Information Department
6 John McGauley Allen County Public
Information Department
7
8 Don Reitz Allen County Department
of Planning Services
9 Loren Robertson Allen County Department
of Health
10
11 John B. McNaughton Allen County Department
of Community Corrections
12 Ken Scheele Allen County Department
of Community Corrections
13
14 Michael Pranger Allen County Highway
Department
15 Robert Thiele Allen County Department
of Information Systems
16
17 Ed LaRocque Allen County Department
of Emergency Management

18 Mindy Waldron Allen County Department
of Health
19
20 Lin Wilson Allen County Auditor's
Office
21 Ruth Ann Wiegman Allen County Resident
22 David P. Wiegman Allen County Resident
23
24
25

0003
1 Carol L. Henke Allen County Resident
2 Mitch Henke Allen County Resident
3 Barry Becker
4 E. Gerald McArdle
5 David Augenstein
6 Norberto B. Gonzales
7 Rhonda M. Mullholand Rolf Reporting, Inc.
8 Larry Banks Allen County Public Library
9 Andy Gammill Journal-Gazette
10 Kevin Leininger News-Sentinel
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| I N D E X | | Page |
|---|--|------|
| Presentations by: | | |
| Don Reitz | | 9 |
| Loren Robertson | | 23 |
| Brian McNaughton and Ken Scheele | | 29 |
| Michael Pranger | | 31 |

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Agenda:

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- 2
- 3 1. Approval of minutes of 3/26/03
Legislative Session 9
- 4
- 5 2. Rezoning Petition 1477/03: Request
to rezone property and approve a
6 primary plat and development plan
to allow the development of a
7 21-lot single family residential
subdivision. The approximately
8 17.6 acre site is located on the
west side of the 11600 through
9 11800 blocks of Auburn Road. Access
to this subdivision is from an
10 existing entrance drive off Auburn
Road. Present zoning is RS-1/
11 Suburban Residential. Proposed
zoning is RSP-1/Planned Single
12 Family 9
- 13
- 14 3. Rezoning Petition 1478/03: Request
to rezone property and approve a
primary development plan to allow
15 the construction of a one-story
3700 square feet office building.
16 The 0.64-acre site is located on
the northeast corner of Old St. Joe
17 Road and St. Joe Road between the
8600 and 8700 block of St. Joe Road.
18 Present zoning is RS-Suburban
Residential. Proposed zoning is
19 C-1A(P)/Planned Professional and
Personal Services 10

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- 1 4. Rezoning Petition 1479/03: Request
to rezone property and approve a
2 primary development plan to allow
the development of a 327,000 square
3 foot shopping center. The approximately
44.8 acre site is located at the
4 northwest corner of Dupont and Tonkel
Roads, on the north side of the 4900
5 and 5500 blocks of Dupont Road and on
the west side of 10400 and 10700 blocks
6 of Tonkel Road. The Oaks and Oak Crossing
subdivisions are north of this site.
7 Present zoning is C-3/General Commercial

and A-1/Agricultural. Proposed zoning is
 C-2C/Metropolitan Shopping Center
 13

9
 10 5. Rezoning Petition 1480/03: Petition to
 11 rezone property and approve a primary
 12 development plan to allow the development
 13 of a 15 building mini-warehouse facility
 14 and two additional commercial sites for
 15 a total of 44,800 square feet. The
 16 rezoning petition is approximately 10.8
 17 acres. The primary development plan is
 18 approximately 6.9 acres. Site is located
 19 on the south side of the 4200 through
 20 4700 blocks of Dupont Road approximately
 21 600 feet east of Diebold Road. The site
 22 has approximately 1,075 feet of frontage
 23 on Dupont Road. Present zoning is A-3/
 24 Estates, and MN/Manufactured Housing.
 25 Proposed zoning is C-3(P)/Planned General
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19 6. Rezoning Petition 1481/03: Petition to
 20 rezone property and approve a primary
 21 development plan to allow the development
 22 of a 5,200 square foot gas station and
 23 convenience store and a 2,000 square foot
 24 detached retail building. The approximate
 25 2.2 acre site is located at the southwest
 0007 corner of Coldwater and Gump Roads, on the
 south side of the 600 and 700 blocks of
 Gump Road and on the west side of the
 15200 and 15300 blocks of Coldwater Road.
 Present zoning is A-1/Agricultural and
 C-1/Limited Commercial. Proposed rezoning
 is C-1(P)/Planned Limited Commercial 19

1 7. Rezoning Petition 1482/03: Petition to
 2 rezone property and amend a primary
 3 development plan to allow the development
 4 of a 13,116 square foot retail addition
 5 to the existing Scott's Grocery Store.
 6 The approximate 8.4-acre site is located
 7 on the west side of the 600 through 900
 8 blocks of Scott Road, approximately 600
 9 feet north of its intersection with State
 Road 14/Illinois Road. This site has 600
 feet of frontage on Scott Road and is
 located to the south and east of Chestnut
 Hills subdivision. Present zoning is
 C-1(P)/Planned Limited Commercial.
 Proposed zoning is C-2C/Metropolitan
 Shopping Center 21

10 8. Amendment to the Allen County Code,
 11 Title 12/Article 26 (Supplemental
 12 Health Maintenance Fund) 22

12 9. Appointment to the Allen County Local
 Emergency Planning Committee 29

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|------|-----|--|----|
| 13 | 10. | Approval of an Extended Warranty and Support Services Agreement with BI Incorporated for Allen County Community Corrections. Total cost: \$20,796.00 | |
| 14 | | | |
| 15 | | | 29 |
| 16 | 11. | Change Orders | |
| 17 | | Allen County Justice Center | 30 |
| 18 | | CO#041 Weigand Construction | |
| 19 | | Contract Unchanged | |
| 20 | | \$ 0.00 | |
| 21 | | CO#015 Williams Painting Company | |
| 22 | | Contract Addition | |
| 23 | | \$2,388.00 | |
| 24 | 12. | Approve engineering and surveying services provided by D.A. Brown to Allen County for Bass Road, from I-69 to Kroemer Road improvements. Total lump sum price of \$7,000.00 | 31 |
| 25 | | | |
| 0008 | | | |
| 1 | 13. | Approve Warranty Deed for additional right-of-way on Falls Drive from J & J Properties, Inc. to Allen County required for the construction of Coventry Lane/Falls Drive/Liberty Mills Road project | 33 |
| 2 | | | |
| 3 | | | |
| 4 | 14. | Approve Warranty Deed for additional right-of-way on Covington Road from Southwest Development at Covington Road 1 required for the construction of The Parke at Covington | 33 |
| 5 | | | |
| 6 | | | |
| 7 | 15. | Approve Change Order #16 on Project RC1993, Coldwater Road, from Cook Road to Dupont Road (County/State Project - State Share 80%; County Share 20%). Total Change Order #16 = \$25,088.38 Increase (State 80% share = \$20,070.70; County share 20% = \$5,017.68) | 34 |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | 16. | Approve traffic posting change on Coldwater Road, from 1500' north of Cedar Canyons Road to Gump Road -- Remove 55 MPH; Post 50 MPH speed limit. Reason: Based on traffic study, only 5 mph reduction warranted | 34 |
| 12 | | | |
| 13 | | | |
| 14 | 17. | Approval to waive the 2nd reading on any matter approved today for which it may be deemed necessary for the Legislative Session of April 2, 2003 | 35 |
| 15 | | | |
| 16 | | | |
| 17 | 18. | Comments from the Public | |
| 18 | | * Carol L. Henke | 35 |
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0009

1 ROUSSEAU: Good morning everyone. This is April 2nd,
2 of the year 2003, and we will--have a little ritual
3 here, where we will stand and say the Pledge of
4 Allegiance to our flag, and have a moment of silence.

5 (Recitation of the Pledge of Allegiance)

6 ROUSSEAU: Now, we'll remember our armed forces,
7 please.

8 (Moment of Silence)

9 ROUSSEAU: Amen.

10 BLOOM: Amen. Thank you, Ed.

11 ROUSSEAU: We've got the approval of the minutes of
12 the March 26th Legislative Session.

13 BLOOM: So moved.

14 ROUSSEAU: I second that. All in favor signify by
15 saying "aye."

16 BLOOM: Aye.

17 ROUSSEAU: Aye. We have a Rezoning Petition,
18 1477/03.

19 BLOOM: Good morning, Don.

20 ROUSSEAU: It's a primary plat. Mr. Don Reitz will
21 do the honors for us.

22 REITZ: The applicant proposes to develop this site
23 with a 21-lot residential subdivision--single family
24 subdivision, at a density of 1.2 units per acre. The
25 site is really surrounded by either sub-planned

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1 subdivisions or metes and bounds residential
2 development. It's a classic infill development, a
3 relatively small parcel surrounded by other planned
4 development.

5 At the public hearing there was absolutely no
6 remonstrance for this--for this petition. And, the
7 Plan Commission finds that the precedent for single
8 family development in the area has already been well
9 established, compatibility with land uses is--should
10 not be a problem, given that the--the type and
11 density of development is the same as that
12 surrounding it, and is, consequently, recommending
13 "do pass" on this proposal.

14 BLOOM: I'll make a motion that we pass Rezoning
15 Petition 1477.

16 ROUSSEAU: I second. All in favor signify by saying
17 "aye."

18 BLOOM: Aye.

19 ROUSSEAU: Aye. We now have Rezoning Petition 1478,
20 and it's to rezone a property and primary development
21 plan for the construction of a one-story, 3700 square
22 feet, office building.

23 REITZ: The project site is bounded by Old St. Joe on
24 the west and on the north, and St. Joe Road--the
25 realignment of St. Joe on the south, and the

0011

1 Maplecrest extension on the east. The nearest
2 approved professional service, or commercial
3 development, is Leo Crossing, approximately one mile
4 from this site.

5 As you can see from the--the zoning map, this
6 is a rather difficult parcel to develop. Clearly,
7 the conditions in the area have changed so that this
8 residentially zoned parcel is really no longer
9 appropriate for residential development. The
10 proposal is for a single, profess--single user-single
11 tenant professional service type use.

12 At the public hearing, remonstrances tended
13 to concentrate on drainage and flood plain issues.

14 BLOOM: Absolutely.

15 REITZ: This thing is near the Tiernan Ditch, and
16 with floodway possibly extending on to the site. The
17 Maplecrest Road extension relocated some of that
18 ditch, and modified some of the floodway. As a
19 result, this was--a decision on this item was put off
20 for a month, until the surveyor had a good chance to
21 --to study the situation. Mr. Frisinger is
22 comfortable that underdrainage--stormwater drainage
23 can be taken care of in a reasonable manner, and, as
24 a consequence, the Plan Commission is recommending
25 "do pass" on this proposal.

0012

1 BLOOM: And, I see here that the sewer is the
2 original water and sewer district?

3 REITZ: Yes.

4 BLOOM: How much area--how much of this area is going
5 to be covered by that, is there an existing regional
6 sewer district in there, or is that just going to be
7 this project.

8 REITZ: They have--they have sort of the Mayhew area,
9 the regional sewer district does, and it will be an
10 extension of that, that existing system.

11 BLOOM: And, they're able to accommodate this, huh?

12 REITZ: Yes, they are.

13 BLOOM: And how much more is to be developed in this
14 area, how much can be? I see agricultural to the
15 north and the east.

16 REITZ: Well, there's--there's established
17 residential in the area. Clearly, the--the
18 conditions have changed, so more than likely over
19 time there will be a request for additional rezoning,
20 I suspect, as sewer becomes available. There isn't--

21 BLOOM: Okay.

22 REITZ: --there certainly isn't unlimited capacity--

23 BLOOM: That's what I thought.

24 REITZ: --with the regional sewer district.

25 BLOOM: That's what I thought. So, we're going to

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1 have to watch that really close.

2 REITZ: Well, it will be a function of--of capacity,
3 for one thing--

4 BLOOM: Uh-huh (affirmative), that's what I meant.

5 REITZ: --and as capacity changes, then development--

6 BLOOM: But, there's adequate amount here. And, so--

7 REITZ: The sewer district has determined that they
8 have the ability to serve this.

9 BLOOM: --I will make a motion to rezone the Petition
10 1478.

11 ROUSSEAU: I second. All in favor signify by saying
12 "aye." :

13 BLOOM: Aye.

14 ROUSSEAU: Aye. I declared it passed. Rezoning
15 Petition 1479, request to rezone property and approve
16 primary development plan to allow development of
17 327,000 square foot shopping center.

18 REITZ: As I understand it, the Commissioners would
19 prefer deferring decision at this time, pending
20 further review of this proposal.

21 BLOOM: My problem with this is, Don just reminded me
22 that we are simply rezoning this property as
23 Commissioners. We are not "the Plan Commission."
24 The petition has been voted upon by the Plan
25 Commission, but we are simply rezoning. So, any

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1 changes that we would like to see wouldn't happen
2 because of us.

3 REITZ: There's two statutory acts that the Plan
4 Commission takes on any development, generally
5 speaking, one is the rezoning, and the other is the
6 development plan or plat approval.

7 The plat approval or development plan
8 approval stays with the Plan Commission. Under State
9 law, you have the authority to approve or disapprove
10 the--the rezoning.

11 BLOOM: The zoning. The zoning only.

12 REITZ: The rezoning deals with the use, the
13 development plan deals with the design. But,
14 clearly, they're link--they're statutorily separate,
15 but, in a practical sense, they're--they're linked.

16 ROUSSEAU: I've been here long enough to have made at
17 least one mistake on every item you could possibly
18 think of, and one of them was that I suggested--made
19 some suggestions on a zoning, the subject to, and we
20 did it, and then we found out later on that I
21 couldn't do that. Of course, that was a long time
22 ago. And, so, what we're going to do then--I assume
23 you're making a decision--your decision to defer
24 this, which I will second.

25 BLOOM: I am going to make a motion to defer Rezoning

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1 Petition 1479. I would like more information. Our
2 Commissioner that sits on the Plan Commission is out
3 of town this week. I don't feel that I'm properly
4 informed. And, I do have some concerns about that
5 area, mine, primarily because I'm the bridge and road
6 Commissioner, is a safety issue. And, the corner
7 there, it's a deplorable corner, and until we can
8 figure out the traffic situation at that corner, I
9 really don't want to rezone this area. I need to
10 talk to the Plan Commission, and--I've talked to a
11 lot of the residents, and their concerns are also the
12 concerns I have. A lot of safety issue, and traffic
13 issue.

14 REITZ: It's a generally complex situation, that's--
15 that's certain.

16 BLOOM: And, I would feel much more comfortable
17 deferring this, indefinitely.

18 ROUSSEAU: Yeah, what it is we're--

19 REITZ: You--under statute, you have 90 days to make
20 a--

21 BLOOM: I know.

22 ROUSSEAU: Yeah.
23 BLOOM: I know.
24 ROUSSEAU: Yeah. We will--
25 BLOOM: Thank you.

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1 ROUSSEAU: --that's another thing I remember, of all
2 the mistakes that I've made. So, I--
3 BLOOM: That we have 90 days?
4 ROUSSEAU: Yeah. I'll second--
5 BLOOM: And, after 90 days it goes back to the
6 decision of the Plan Commission.
7 ROUSSEAU: So, I will--no, it--no, it--no, if you
8 don't--in 90 days, and then go back to Plan
9 Commission, it's automatically passed, unless you--
10 BLOOM: That's what I'm saying.
11 ROUSSEAU: Yeah.
12 REITZ: The recommendation of the Plan Commission
13 stands.
14 BLOOM: It goes with the--what the Plan Commission
15 sent to us.
16 ROUSSEAU: Oh, yeah. Okay. All right. Yeah. Okay.
17 I second that, and all in favor signify by saying
18 "aye."
19 BLOOM: Aye.
20 ROUSSEAU: Aye. So, we'll defer that--that matter
21 for--to get further--
22 BLOOM: Information.
23 ROUSSEAU: --since our--
24 BLOOM: Yes.
25 ROUSSEAU: --our representative to the Plan

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1 Commission is not here.
2 BLOOM: We--we don't need to say that one more time.
3 ROUSSEAU: No. Did you say it?
4 BLOOM: We miss her badly, I know.
5 ROUSSEAU: Sparky.
6 BLOOM: Sparky.
7 ROUSSEAU: Okay, we'll move on here then, and--
8 Rezoning 1480/03, a petition to rezone property and
9 approve primary development plan to allow development
10 of 15 building mini-warehouse facility, and two--and
11 two additional commercial sites, for 44,800 square
12 feet.
13 REITZ: You've already seen something similar to this
14 out--out there, just immediately to the east of this
15 site, is--is a Dupont self-storage facility, that the
16 applicant developed several years ago. He's
17 proposing to do essentially the same thing now, at a
18 somewhat--somewhat larger scale, to the west--to the
19 west of the existing site.

20 At the public hearing there was no
21 remonstrance related to this petition, and the Plan
22 commission feels that the proposed storage and
23 commercial land use is contiguous to existing
24 commercial development and would be compatible with
25 the--with the existing uses in the area. As a

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1 consequence, the Plan Commission is recommending "do
2 pass" on this proposal.
3 BLOOM: Is this the area, when I was on Plan
4 Commission several years ago, that we did approve

5 some development in there, and then nothing ever
6 happened?

7 REITZ: No, this is--this is Mr. Wilhelm's, Dupont
8 storage. Recall--remember, that this was really a
9 two-step process that required both the Board of
10 Zoning Appeals, and the Plan Commission?

11 BLOOM: Okay. Usage, yeah.

12 REITZ: The Plan Commission rezones to a commercial
13 designation, then it goes to the Board of Zoning
14 Appeals for a special exception in that zoning
15 district. This use is permitted in industrial
16 districts, but it makes no--no land use sense to have
17 rezoned it to industrial. But--

18 BLOOM: I got it.

19 REITZ: --this is essentially the same procedure you
20 went--you went through when you were on the Plan
21 Commission maybe three years ago or so.

22 BLOOM: I'll make a motion that we accept Rezoning
23 Petition 1480.

24 ROUSSEAU: I second it. All in favor signify by
25 saying "aye."

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1 BLOOM: Aye.

2 ROUSSEAU: Aye.

3 BLOOM: Rezoning Petition 1481.

4 REITZ: The applicant is proposing to rezone the
5 property to construct a 5200 square foot gas station
6 and convenience store, and a 2,000 square foot free-
7 standing retail building. It's located at the corner
8 of Coldwater and Gump Road. This is the--the
9 southwest quadrant of that intersection.

10 Approximately one acre of this site is zoned C-
11 1/Limited Commercial at this point, and that appears
12 to be the original zoning of the site.

13 The nearest commercial development is at
14 Union Chapel and Coldwater Roads, approximately one
15 and three-quarter miles to the south of this site.
16 Now, this site would be served by--by septic and
17 well.

18 At the public hearing there was a certain
19 amount of remonstrance. The Town of Huntertown, Town
20 Council, submitted a letter to--to the Plan
21 Commission remonstrating against the proposal.
22 They're particularly concerned about having a service
23 station and convenience store at this location, when
24 similar businesses are within approximately a mile or
25 two from--from this site. They have concerns about

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1 the impacts of the development on traffic, and
2 --and the service level of the intersection.

3 Huntertown sees Gump Road as--as the eastern
4 gateway into the town, and is concerned about how
5 that development--they're looking largely at
6 residential development in that site. And, they--
7 generally, they're concerned about the compatibility
8 of that development in a largely rural residential
9 area, the lights, the noise, 24 hour, perhaps,
10 service, that kind of thing. In addition, some of
11 the neighbors remonstrated against the proposal,
12 particularly for noise, and lights, and increased

13 traffic, and that kind of thing.

14 The Plan Commission was quite concerned about
15 this proposal in that it doesn't appear to meet the--
16 the conditions for rezoning the site. They found
17 that it was not compatible with surrounding land
18 uses, that community facilities are not available to
19 support the site, that the proposed rezoning will not
20 establish a desirable precedent in the area, and that
21 the proposed rezoning is not consistent with the land
22 use policies of the comprehensive plan. And, as a
23 consequence, the Plan Commission is recommending "do
24 not pass" on this proposal.

25 ROUSSEAU: So, the motion would be to concur with the
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1 Plan Commission, which is a "do not pass"?

2 BLOOM: Correct. I would like to make a motion on
3 Rezoning Petition 1481, to comply with the Plan
4 Commission, and vote "do not pass."

5 ROUSSEAU: You put the Plan Commission's "do not
6 pass," you're concurring with that. We have to vote
7 "yes," to concur with the Plan Commission.

8 BLOOM: I'm just saying--

9 ROUSSEAU: Yeah, I just want to--

10 BLOOM: --I'm voting "do not pass."

11 ROUSSEAU: --yeah. Okay. I second that. All in
12 favor signify by saying "aye."

13 BLOOM: Aye.

14 ROUSSEAU: Aye. We are concurring with the Plan
15 Commission's "do not pass."

16 BLOOM: You're just gonna do it, aren't you?
17 Rezoning Petition 1482.

18 REITZ: The applicant is proposing to rezone the
19 Scott's site to allow for the addition of a 13,116
20 square foot multi-tenant addition, in it's retail
21 space, on the existing Scott's store. This is the
22 Chestnut Plaza Scott's. The proposal is to put the--
23 the additional retail between the existing Scott's
24 and--and the road, so it's not abutting Chest--
25 abutting Chestnut Hills.

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1 BLOOM: Right. Right.

2 REITZ: The proposal, as--as we understand it, the
3 tenants are likely to be uses related to shopping
4 center type uses, maybe dry cleaners, or a beauty
5 salon, or barber shop, that kind of thing. In the
6 long term, it--that space may become expansion space
7 for the Scott's, if they desire to expand.

8 At the public hearing there was absolutely no
9 remonstrance for this rezoning, or the proposed
10 development, and as a consequence the Plan Commission
11 finds that the precedent for this kind of
12 metropolitan shopping center development has been
13 set, with the shops at Scott's, and is likely to
14 continue--or, is compatible--this proposal is
15 compatible with that existing development, and is
16 recommending "do pass."

17 BLOOM: I'll make a motion for the Rezoning Petition
18 1482 to "do pass".

19 ROUSSEAU: I second. All in favor signify by saying
20 "aye."

21 BLOOM: Aye.

22 ROUSSEAU: Aye. I declare it passed. I've got an
23 Amendment to the Allen County Code, Title 12/Article
24 26--

25 BLOOM: Thank you.

0023

1 ROUSSEAU: --supplemental health insurance--health
2 maintenance, I'm sorry.

3 BLOOM: Thanks.

4 REITZ: Bye bye.

5 BLOOM: Good morning, Loren.

6 ROBERTSON: Good morning, Commissioners. Loren
7 Robertson, Administrator of the Allen County
8 Department of Health. Part of our ongoing
9 housekeeping is to look at all ordinances that
10 Commissioners created, and funds created, such, in
11 looking at ways to utilize our funds the best way
12 possible.

13 I found an ordinance that the Commissioners
14 passed in 1994, that was originally adopted by the
15 Commissioners to supplement State Department of
16 Health health maintenance funds, which were at that
17 time dedicated to support two food inspectors. Over
18 the years, those health maintenance funds have
19 changed in the amounts given by the State Department
20 of Health, and how the State has asked us to use
21 those funds.

22 In reviewing the ordinance passed in 1994,
23 our attorney, Craig Finlayson, and I, decided that we
24 were use--we would divert 15% of the restaurant
25 inspection fees, for the permits, which totals,

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1 today, about \$60,000.00 a year, to this fund to
2 supplement then the salaries and benefits of the food
3 inspector. The fund originally was--the ordinance
4 originally would allow for us to supplement two
5 inspectors, but there was some housekeeping needed,
6 in Craig's opinion, that we needed to modify.

7 What I intend to do, if the Commissioners
8 agree, the fund currently has about \$230,000.00 in it
9 from the 15% that is taken off the top of the fees
10 generated from the restaurant permits, dedicate that
11 to this supplemental fund. I will move another
12 inspector off of the health maintenance--or, off of
13 the health fund, which is actually part of the health
14 general fund, into this fund, and then will ask
15 Council then to unappropriate that position in the
16 health fund, freeing up that money, and allowing us
17 now to use the money that's been dedicated to the--to
18 supplement the restaurant inspectors, from those
19 restaurant permit fees. Complicated sort of process.
20 This is a--

21 BLOOM: Yeah, it is. Now, you--I--I was following
22 you--

23 ROBERTSON: --this is a--

24 BLOOM: --you're taking a person out of--out of the
25 health general--

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1 ROBERTSON: Right.

2 BLOOM: --putting it into this fund, with Council
3 approval--

4 ROBERTSON: With Council approval.
5 BLOOM: --but then what did you say?
6 ROBERTSON: Then that would allow us then to have two
7 full-time inspectors being paid--all of their
8 benefits being paid directly as a--from that 15%
9 diversion from the fees generated by the--the
10 restaurant inspection fees.
11 BLOOM: So, not only their salaries, but their--
12 ROBERTSON: All benefits.
13 BLOOM: --benefits too.
14 ROBERTSON: Uh-huh (affirmative). The fund approx--
15 has approximately, today, about \$235,000.00 in it.
16 BLOOM: How much does that generate a year?
17 ROBERTSON: About 60 [\$60,000.00].
18 BLOOM: Okay.
19 ROBERTSON: So--
20 BLOOM: So, it--it--
21 ROBERTSON: --ultimately, we will use the money that
22 is--that is annually generated, and then we will use
23 the money that is in the fund currently, and in about
24 three years, to four years, that will cover those
25 positions for three to four years. Hopefully, we'll

0026
1 be over some of the financial crunch that we have.
2 BLOOM: And then it would have to be moved back--
3 ROBERTSON: And then--
4 BLOOM: --into--
5 ROBERTSON: Exactly.
6 BLOOM: --your health general.
7 ROBERTSON: A certain amount of that money is still
8 being supplemented by the State Department of Health
9 and the health maintenance funds. They--they
10 currently give us \$50,000.00 a year. In ninety--in
11 1994, that 50,000 [\$50,000.00] funded both of those
12 restaurant inspectors.
13 BLOOM: Right. Right.
14 ROBERTSON: Over the years, that, of course, has
15 changed, and we've had changes in the direction from
16 the State. When the State gives you money, they
17 often tell you how they'd like for you to spend it.
18 BLOOM: So, the 50,000 [\$50,000.00] is no longer, or
19 it's designated?
20 ROBERTSON: We still have the 50,000, but it does not
21 solely now support the restaurant inspectors.
22 BLOOM: No, I understand, but it may be that if
23 you're collecting 60,000 [\$60,000.00] in that account
24 every year, approximately--
25 ROBERTSON: Uh-huh (affirmative). Uh-huh

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1 (affirmative).
2 BLOOM: --and the State is still sending 50,000
3 [\$50,000.00] every year--
4 ROBERTSON: Uh-huh (affirmative).
5 BLOOM: --it sounds like you could always fund two
6 people out of that account.
7 ROBERTSON: What the State has--
8 BLOOM: I mean, even though it's depleting, you're
9 still covering--
10 ROBERTSON: We should be able to, with the exception
11 of the State--right now, the State has told us that
12 they wanted us to provide a diff--a different service

13 with a portion of that 50,000 [\$50,000.00]. So--
14 BLOOM: Still, though, it sounds very clearly--
15 ROBERTSON: --it still generates--right.
16 BLOOM: --to me that it wouldn't have to be three or
17 four years, it could permanently be in that account.
18 ROBERTSON: We will use that as long as we can. And,
19 of course, our Council liaison, Councilman
20 Ankenbruck, also--
21 BLOOM: Okay.
22 ROBERTSON: --was in agreement with this, as well as
23 our discussions with the Auditor's office. What we
24 are--what we're wanting to do is utilize that money
25 that's there, generated from restaurant inspection

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1 permit fees, to supplement that service, of directly
2 inspecting that.
3 BLOOM: Fabulous. Fabulous. More people out of--
4 ROBERTSON: Out of this--
5 BLOOM: --health--the general--
6 ROBERTSON: --right.
7 BLOOM: --exactly.
8 ROBERTSON: And then--in doing that, then our
9 attorney felt that the ordinance that the
10 Commissioners passed in '94 wasn't--wasn't current,
11 and that's the amendments--
12 BLOOM: Okay.
13 ROBERTSON: --that we present today.
14 BLOOM: So, it's now adding to--okay, it just is more
15 clear.
16 ROBERTSON: Uh-huh (affirmative).
17 BLOOM: All right. I'm going to make a motion to
18 amend Title 12/Article 26, for the health department.
19 ROUSSEAU: I second that. All in favor signify by
20 saying "aye."
21 BLOOM: Aye.
22 ROUSSEAU: Aye. I declare it passed.
23 ROBERTSON: Thank you.
24 ROUSSEAU: Thank you.
25 BLOOM: Thank you. You're terrific. If we can just

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1 get some other--
2 ROUSSEAU: Appointment to the Allen County Local
3 Emergency Planning Committee.
4 HITCHENS: Commissioners, the name before you for
5 consideration is Mr. Jay Castleman.
6 ROUSSEAU: All right. All right.
7 BLOOM: So moved.
8 ROUSSEAU: Second. All in favor signify by saying
9 "aye."
10 BLOOM: Aye.
11 ROUSSEAU: Aye. Approval of an Extended Warranty and
12 Support Services Agreement with BI Incorporated for
13 Allen County Community Corrections, \$20,796.00.
14 BLOOM: Good morning.
15 McNAUGHTON: Good morning, Commissioners.
16 SCHEELE: Good morning.
17 McNAUGHTON: Brian McNaughton, Controller for
18 Community Corrections. Ken Scheele. Ms. Hudson was
19 called to an emergency meeting, down in Indianapolis,
20 for a hearing, and asked us--asked us to represent

21 her today.
22 ROUSSEAU: We've got the two smartest ones here
23 anyhow, so--
24 McNAUGHTON: Well, thank you.
25 BLOOM: Oh, brother.

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1 ROUSSEAU: Don't tell them I said that.
2 McNAUGHTON: No, of course.
3 BLOOM: Is this--this is an existing--oh, this is
4 just your existing--you're just renewing?
5 McNAUGHTON: That is correct. We--
6 BLOOM: I'm going to make a motion that we approve
7 the BI Incorporated for the Community Corrections.
8 ROUSSEAU: I second it. All in favor signify by
9 saying "aye."
10 BLOOM: Aye.
11 ROUSSEAU: Aye. I declare it passed.
12 BLOOM: Thank you.
13 McNAUGHTON: Thank you very much.
14 SCHEELE: Thank you.
15 ROUSSEAU: You guys really swayed us with your
16 information.
17 McNAUGHTON: Good looks, and all that.
18 BLOOM: Well, it's just--all of the above.
19 McNAUGHTON: Thank you very much.
20 ROUSSEAU: We have changes orders, the Allen County
21 Justice Center.
22 BLOOM: What's so funny?
23 ROUSSEAU: Well, that--what's new?
24 BLOOM: The first change order is--we're doing some
25 additional brick and stone capping in the sallyport.

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1 There is no dollar attached to that change. Williams
2 Painting, there's an additional \$2,388.00, and that
3 is additional sealer on all the surfaces. I'd like
4 to make a motion that we approve \$2,388.00 for the
5 Justice Center.
6 ROUSSEAU: This isn't done.
7 HITCHENS: Well, Linda--
8 BLOOM: No, I just--already did it.
9 ROUSSEAU: Did I sign it?
10 BLOOM: No.
11 ROUSSEAU: Thank you. Okay. I'll second. All in
12 favor signify by saying "aye."
13 BLOOM: Aye.
14 ROUSSEAU: Aye. All right, approve engineering and
15 surveying services provided by D.A. Brown to Allen
16 County for Bass Road, I-69, and Kroemer Road
17 improvements.
18 BLOOM: Hi, Pranger.
19 ROUSSEAU: 7,000 bucks [\$7,000.00].
20 BLOOM: How are you?
21 PRANGER: Good morning. Mike Pranger, Allen County
22 Highway Department. This is an agreement with D.A.
23 Brown for a portion of the Bass Road, between I-69
24 and Kroemer. It's tied in with the Hickory Point--
25 BLOOM: Uh-huh (affirmative). Just extending?

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1 PRANGER: --addition. Apparently, there's--I looked
2 on the plans, and there's a hill cut involved, and
3 some entrance improvements that need to be done on

4 Bass Road, at the Hickory Point--

5 BLOOM: Whose expense is this, the 7,000 [\$7,000.00]
6 for the engineering is ours, and then what are they
7 thinking the cost of the job will be?

8 PRANGER: Right now--right now the proposal that we
9 received was--there was \$2,000.00 was the topol
10 surv--survey for the existing right-of-way, and--and
11 the road improvement plans was \$5,000.00. This is
12 just for the engineering services to complete the
13 road improvement phase. As far as the--

14 BLOOM: Cost of the project, for cutting, and all
15 this, we don't have anything yet, huh?

16 PRANGER: We don't--we don't have any costs on what
17 this is gonna run us at this time, until the--

18 BLOOM: That's completed?

19 PRANGER: --this--this portion is completed.

20 BLOOM: What--who is paying for this, is the County
21 totally in charge of this expenditure, or is it also
22 developer--

23 PRANGER: I believe this is joint, developer and--

24 BLOOM: That's what I thought.

25 PRANGER: --County.

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1 BLOOM: This is good. Because of all the new
2 development out there.

3 PRANGER: That's correct.

4 BLOOM: I'll make a motion that we accept the
5 engineering from I-69 to Kroemer Road, \$7,000.00.

6 ROUSSEAU: I second it. All in favor signify by
7 saying "aye."

8 BLOOM: Aye.

9 ROUSSEAU: Aye. I declare it passed. We've got a
10 Warranty Deed for additional right-of-way on Falls
11 Drive, from J & J Properties, Inc., to Allen County,
12 required for the construction of Coventry Lane/Falls
13 Drive/Liberty Mills Road project.

14 BLOOM: So moved.

15 ROUSSEAU: Second. All in favor signify by saying
16 "aye."

17 BLOOM: Aye.

18 ROUSSEAU: Aye. We have, approve Warranty Deed for
19 additional right-of-way on Covington Road, from
20 Southwest Development, at Covington Road, required
21 for the construction of The Parke at Covington.

22 BLOOM: So moved.

23 ROUSSEAU: Second. All in favor signify by saying
24 "aye."

25 BLOOM: Aye.

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1 ROUSSEAU: Aye. Approve Change Order #16, on Project
2 RC1993, Coldwater Road from Cook Road to Dupont Road,
3 County/State project, State share 80%, County share
4 20%, total Change Order #16, \$25,088.38 increase,
5 State share 80% equalling \$20,070.70; County share
6 20%, \$5,017.68.

7 BLOOM: So moved.

8 ROUSSEAU: Second. All in favor signify by saying
9 "aye."

10 BLOOM: Aye.

11 ROUSSEAU: Aye. Approve traffic posting change on

12 Coldwater Road, from 1500 foot north of Cedar Canyons
13 Road, to Gump Road, remove 55 mile an hour, and post
14 50 mile an hour speed limit. Reason, based on
15 traffic study, only 5 mile per hour reduction
16 warranted.

17 BLOOM: We had a lot of concern in that area for the
18 speed limit, and because of the traffic study we're
19 only reducing that 5 miles an hour. I'll make a
20 motion to do this.

21 ROUSSEAU: Second. All in favor signify by saying
22 "aye."

23 BLOOM: Aye.

24 ROUSSEAU: Aye. And, do you have any other business
25 for us there?

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1 PRANGER: No, not this morning, Commissioners. Thank
2 you.

3 BLOOM: Thank you very much.

4 ROUSSEAU: Do we have any other new business?

5 HITCHENS: We have no other business.

6 ROUSSEAU: No new business to come before us?

7 BLOOM: I'd like to make the approval to waive the
8 second reading on any matter approved today for which
9 it may be deemed necessary.

10 ROUSSEAU: I second that. All in favor signify by
11 saying "aye."

12 BLOOM: Aye.

13 ROUSSEAU: Aye. Okay, are there any comments from
14 the public? If you could come up here, and sit at
15 the desk, and you'll be on television.

16 HENKE: Oh, no--well, that's not good--

17 BLOOM: Good morning, Carol.

18 HENKE: --I didn't prepare for that.

19 ROUSSEAU: And, if you'll give your name and address?

20 HENKE: Okay. Carol Henke, 5208 Oak Chase Run. And,
21 good morning to Commissioners.

22 BLOOM: Good morning.

23 HENKE: I just want to say to you that--I want to
24 thank your receptionist. She has been very, very
25 polite and courteous to people who have called

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1 concerning the development that has been proposed
2 near our addition, which I want to make sure you
3 understand that we are not necess--not opposed to the
4 development, as such. As, I understand you can't--
5 you can't--and have any--you have nothing to do with
6 modifications, is what I understand, that that would
7 --

8 BLOOM: Right.

9 HENKE: --that that would have to come from the
10 Planning Commission itself. But, I appreciate the
11 fact that there is a second look chance given at
12 this, because I know that my primary concern is
13 safety. I was here eight years ago, we could not
14 find a way, at that time, to deal with the traffic
15 problems, which has continued, and exists in a--where
16 I guess our concern was to make sure that it not be
17 exacerbated. I would say one final thing, we're a
18 typical family community, where the women are strong,
19 the men are good looking, and the children are above
20 average, as Garrison Keillor would say. So, I--and

21 nothing that you do for children is ever wasted, so--
22 BLOOM: Exactly.
23 HENKE: And the other thing is, when we talked about
24 the buffer, I like Robert Frost's poem, I shared this
25 with Commissioner Rousseau yesterday, "Good fences

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1 make good neighbors," so--thank you very much for
2 your consideration. We appreciate your accessibility
3 to your constituents that you serve.
4 ROUSSEAU: You're welcome. Anyone else? (No
5 response.) All right, there being no one else,
6 meeting adjourned.

(Adjourned 10:40 a.m.)

* * *

0038

1 1 STATE OF INDIANA)
) SS:
2 2 COUNTY OF ALLEN)
3 3 REPORTER'S CERTIFICATE
4 4 I, Rhonda M. Mullholand, a Notary Public in
5 5 and for the State of Indiana, County of Allen, do
6 6 hereby certify that the above and foregoing is a true
7 7 and accurate transcript of the Board of
8 8 Commissioners' of the County of Allen, Legislative
9 9 Session, held before me on April 2, 2003, in the
10 10 Allen County Commissioners' Courtroom, Room 200,
11 11 City-County Building, 1 East Main Street, Fort Wayne,
12 12 Allen County, Indiana; that I am not related to,
13 13 employed by or interested in any of the parties to
14 14 this cause of action.

15 15 IN WITNESS WHEREOF, I have hereto affixed my
16 16 hand and seal this 4th day of April, 2003.

18 18 _____
Rhonda M. Mullholand, Notary Public
19 19 Residing in Allen County, Indiana
20 20

My Commission Expires:

21 21 June 21, 2009
22
23
24
25