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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 MAY 28, 2003  
11  
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14

15 DATE: May 28, 2003

16 TIME: 10:05 a.m.

17 LOCATION: Room 200  
Commissioners Courtroom  
City-County Building  
18 1 East Main Street  
Fort Wayne, Indiana 46802  
19

20 REPORTER: M. Joshua Osbun  
21  
22  
23  
24  
25

0002

1 PRESENT:  
2 Marla J. Irving Allen County Commissioner  
3 Linda K. Bloom Allen County Commissioner  
4 Edwin J. Rousseau Allen County Commissioner  
5 Michelle Woods Department of Planning  
Services  
6  
7 Michael Fitch Director, Allen County  
Highway Department  
8 Kim Bowman Director, Department of  
Planning Services  
9  
10 Loren Robertson Allen County Department of  
Health  
11 Captain Kathryn Stevens Allen County Police  
Department  
12  
13 Mike Trevino DLZ, Inc.  
14  
15 G. William Fishing Allen County Counsel  
16  
17 Susan Elser Allen County Board of  
Commissioner's Office  
Mary Hitchens Allen County Public  
Information Department

18 M. Joshua Osbun Rolf Reporting, Inc.  
 19 Andy Gammill Journal-Gazette  
 20 Kevin Leininger News Sentinel  
 21 Jeff Neumeyer WPTA-TV  
 22 Jeff Bowman WPTA-TV

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I N D E X

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3	Presentations by:	
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5	Michelle Woods	6
6	Michael Fitch	19

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2	Agenda:	
3	1. Approval of Minutes of 05/21/03 Legislative Session	6
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5	2. Rezoning Petition 1489/03: Petition to rezone property and approve a primary plat and development plan for the development of an 117-lot single family residential subdivision. The approximate 44.63-acre site is located on the south side of the 8400 through 8800 blocks of Bass Road. Present zoning is A-1/Agricultural. Proposed zoning is RSP-1/Planned Single Family.	6
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10		
11	3. Rezoning Petition 1490: Petition to rezone property and approve a primary plat and	

12	development plan for the development of	
13	an 83-unit one-story senior housing	
14	development. The approximate 20.82-acre	
15	site is on the northwest side of the 6100	
16	through 6400 blocks of South Bend Drive/	
17	Upper Huntington Road, and is located to	
18	the north and west of Country Club Gardens	
19	residential subdivision.	9
20	4. Approval of contracts with the Indiana	
21	State Board of Animal Health for Bovine	
22	Brucellosis and Tuberculosis Eradication	
23	Programs with Allen County	14
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2	7. Agreement between Allen County and	
3	PlanGraphics, Inc. for a GIS Market	
4	Analysis and Business Plan for Allen	
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6	8. Change Orders	18
7	Allen County Justice Center	
8	C.O. #017 William Painting Co.	
9	Contract Addition	
10	(\$1,100.00)	
11	9. Approve Contract Modification #1 between	
12	Newell Construction Company and Allen County	
13	for 2003 Concrete Repair Package #1,	
14	Project #03-087 -- \$2624.90 Increase	19
15	10. Approve traffic posting changes for	
16	the following:	19
17	- Tuscany Way @ Union Chapel Road	
18	- Post STOP	
19	- Firethorne Path @ West County Line	
20	- Post STOP	
21	11. Other Business	20
22	12. Approval to waive the 2nd Reading on	
23	any matter approved today and for which	
24	it may be deemed necessary for the	
25	Legislative Session of May 28, 2003	20
	13. Comments from the Public	--

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1 IRVING: Good morning, and thank you for joining us  
2 for the May 28th Commissioner's Legislative Meeting.  
3 Commissioner Rousseau, would you like to lead us in  
4 the Pledge and a moment of silence?

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

7 ROUSSEAU: Thank you.

8 IRVING: And thank you, Commissioners. Maybe next  
9 week you could sing for us.

10 ROUSSEAU: I'll do that.

11 IRVING: And add a little variety to our opening.

12 ROUSSEAU: It would be variety if I sing, I'll tell  
13 you that.

14 IRVING: First on our agenda--agenda is approval of  
15 the minutes for the May 21st meeting.

16 BLOOM: So moved.

17 ROUSSEAU: Second.

18 IRVING: All in favor say "aye."

19 BLOOM: Aye.

20 ROUSSEAU: Aye.

21 IRVING: Aye. Second and third on the agenda are two  
22 rezoning petitions. I think we have a visitor today,  
23 Michelle.

24 BLOOM: Good morning.

25 WOODS: Good morning.

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1 IRVING: Petition 1489 for the rezoning of 44.63  
2 acres located on the south side of the 8400 through  
3 8800 blocks of Bass Road for a family residential  
4 subdivision.

5 WOODS: Good morning. I'm Michelle Woods with the  
6 Allen County Planning Department. In front of you I  
7 laid the notebook for this project for Westcott Ridge  
8 and rezoning 1489. The proposal is to go from A-1/  
9 Agricultural to RSP-1/Planned Single Family. It is  
10 proposed for 117 lots which comes to 2.6 units per  
11 acre. The staff did review the plan, and it was  
12 recommended by the Plan Commission--or a do-pass  
13 recommendation for this rezoning petition. The  
14 adjacent zoning to the north is predominantly  
15 agricultural. To the south there is RSP-1 that shows  
16 on your zoning map. There's extensive RSP-1 further  
17 south of this project, and there's also I-2P/  
18 Industrial to the east which is the Lincoln  
19 Industrial Park. At this time it doesn't extend all  
20 the way to this project, but it has been rezoned  
21 within 200 feet of this project. The last page in  
22 your notebook is the plan--the proposed plan. There  
23 are two stub streets that were originally proposed  
24 out of this project, one to the east and one to the  
25 west. There is a change from this plan. The stub

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1 street--excuse me--the stub street to the east which  
2 goes into the--the narrow property between this and  
3 the industrial park, that was removed and is proposed  
4 to be a cul-de-sac now, so that's the only real  
5 change from this plan. Staff did receive a letter of  
6 remonstrance from a neighbor--the neighbor to the  
7 east. Her primary concerns were trespassing upon her

8 property, that anyone hunted or basically used her  
9 property, and there's an existing farm fence there  
10 now. There were discussions about putting an  
11 additional fence up towards the road where her house  
12 is. The--the--in the end, the conditions were that a  
13 screening plan would be submitted, and staff would  
14 review that and work that out with the developer and  
15 the neighbor.

16 BLOOM: On the secondary?

17 WOODS: Well--right. Right, and that can be done  
18 before the secondary is submitted or at the  
19 secondary--at the time of the first secondary.

20 IRVING: The reason there was a little discussion on  
21 that, Michelle, if I remember correctly, was that she  
22 did send us a letter basically in very strong  
23 language said that she did not want her farm fence  
24 removed, but then in another part of the  
25 correspondence, then she talked about putting up a

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1 wood fence, so basically it was just a clarification  
2 in which ever the lady would like, we are willing to  
3 accommodate. Is that true?

4 WOODS: Correct.

5 IRVING: Okay.

6 WOODS: And it could be a combination of a--a taller  
7 solid fence towards the home, and then leaving the  
8 farm fence as you go further south, but that can be  
9 worked out, and usually that works out. So with  
10 that, there is a do-pass recommendation from the Plan  
11 Commission. Can I answer any questions?

12 IRVING: And if I remember correct, this was  
13 unanimous from the Plan Commission.

14 WOODS: That's correct.

15 ROUSSEAU: So moved.

16 BLOOM: Second.

17 IRVING: All in favor say "aye."

18 BLOOM: Aye.

19 ROUSSEAU: Aye.

20 IRVING: Aye. Motion carried. The next rezoning  
21 petition is 1490, and it's rezoning of property and  
22 approval of a primary plan for a 83-unit one story  
23 senior housing development which is on the 6100  
24 through the 6400 blocks of South Bend Drive and the  
25 Upper Huntington Road.

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1 WOODS: Okay, again I have a notebook in front of you  
2 for this project, 1490/03 and Southwest Seniors  
3 Community. This is on South Bend Drive. It is just  
4 west of the intersection with Getz Road. It is on  
5 the south side of the Flaugh Ditch, and just north of  
6 the Flaugh Ditch is the Village at Times Corners and  
7 Westland Center which has Richard's Restaurant--I'm  
8 sorry. Do you have a question?

9 BLOOM: Nuh-uh (negative).

10 IRVING: Commissioner Bloom just asked me whose  
11 project this was, and I can't remember.

12 WOODS: Oh, it's Cam Construction, and the engineer  
13 was Tazian.

14 IRVING: That's right.

15 BLOOM: Had this property changed hands had we not  
16 done something with this property in the past?

17 WOODS: There was--I believe there was a project many  
18 years ago that was denied. It was a regular  
19 apartment complex--not--not exactly like this  
20 proposal.

21 BLOOM: Okay.

22 WOODS: And I can jump right into that. This is for  
23 a one story apartment complex proposed to be for  
24 senior use. It is not government subsidized, it's  
25 not--there's no kind of subsidy program or HUD

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1 program associated, so there is no guarantee that it  
2 would be a senior living complex, but that is the  
3 intent and the design of the project. So there are  
4 one--one story units, 141 total units, 84 of those  
5 units have garages, so this would fit into the  
6 RSP-3/Planned Multi-Family. The--if you turn to the  
7 second page in your notebook--actually it would be  
8 the third page--you'll see that it's currently RS-1.  
9 To the north there is commercial--a variety of  
10 commercial--both shopping center and limited  
11 commercial. Of course you have the Walgreens and the  
12 CVS to the north and all the shopping centers.  
13 Predominantly to the south is RS-1/Suburban  
14 Residential. Turning to the next page is the layout  
15 plan--the development plan--

16 IRVING: Did you mention--

17 WOODS: --the access--

18 IRVING: --did you mention--

19 WOODS: I'm sorry. Go ahead.

20 IRVING: --about the street going all the way to the  
21 church? Did you--or the sidewalk?

22 WOODS: Oh, not yet.

23 IRVING: Okay. I'm sorry.

24 WOODS: That's okay. The access is off of South  
25 Bend, and there is a sidewalk proposed to go along

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1 that entire front--frontage of South Bend Drive,  
2 which would connect with a church parking lot. It  
3 would not go north on Getz because they don't have  
4 Getz frontage. That was one of the things that came  
5 out of the--the business meeting with Sidewalk  
6 Location. They would provide sidewalks on one side  
7 of all the streets in the--in the complex, and then  
8 on the north side of South Bend Drive. A few other  
9 changes were made to the plan including shifting one  
10 of the buildings in the southwest corner further from  
11 the--from the neighbors, and also adding additional  
12 buffer along that western edge. There's--this is a  
13 pretty wooded property in the western corner, and  
14 there is a hou--a homestead in that corner, so the  
15 conditions would read that a 25-foot buffer would be  
16 left on that western side, add some screening for  
17 headlights, and a fence. In addition, there would be  
18 screening on the northeast side where there are also  
19 existing residences. We did receive several letters  
20 of remonstrance. The--the main issues or points were  
21 ad--additional traffic on South Bend Drive, the--the  
22 layout of South Bend and the blind curve, and  
23 basically the change in use. The residents are used  
24 to seeing a wooded lot and--and very quiet, and their

25 concern was that this proposal is obviously going to  
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1 bring more neighbors, more noise, crime, traffic, all  
2 the things that they felt would come along with this.  
3 The Plan Commission did recommend a do-pass, and did  
4 approve the plan with the changes and the conditions,  
5 and I did bring those with me if you have any  
6 questions about those conditions.  
7 ROUSSEAU: Well, I--the only--I don't really have a  
8 question. I just know that Linda and I are quite  
9 interested in senior accommodations, and I'm looking  
10 upon this at this moment very favorably.  
11 IRVING: I--I would just like to add one thing. I  
12 really appreciate not only the developer on this, but  
13 our Department of Planning Services that the--the  
14 woman that lived to the east--  
15 WOODS: West.  
16 IRVING: --west--  
17 WOODS: West.  
18 IRVING: --west--had some--some viable concerns, and  
19 Kim and I were out there as long--and we ran into a  
20 couple other commission members that were out there  
21 viewing at the same time--and I feel with this odd-  
22 shaped property that this is probably the best usage  
23 that we could come up with, and I'm really impressed  
24 with the ability of the staff to--to work with the  
25 few people that did come and have concerns.

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1 BLOOM: Right.  
2 ROUSSEAU: I don't think they're going to have a lot  
3 of big, wild parties around there.  
4 IRVING: Well, I've always heard that after 65 things  
5 in--  
6 ROUSSEAU: Yeah, but anything that goes on there is  
7 before 8:00 at night.  
8 IRVING: And she's not home from work by then, right?  
9 I'm open to a motion.  
10 ROUSSEAU: So--  
11 BLOOM: I'll--  
12 ROUSSEAU: --moved.  
13 BLOOM: --make a motion that we accept petition  
14 number 1490.  
15 ROUSSEAU: I'll second that.  
16 IRVING: All in favor say "aye."  
17 BLOOM: Aye.  
18 ROUSSEAU: Aye.  
19 IRVING: Aye. I'm so glad the two of you can look  
20 for retirement communities and keep me up on all of  
21 that. Okay, agenda item number four, approval of  
22 contracts--  
23 BLOOM: Thank you.  
24 IRVING: --with the Indiana State Board of Animal  
25 Health for Bovine Brucellosis and Tuberculosis

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1 Eradication Programs in Allen County.  
2 ELSER: This is an annual contract. Loren, were you  
3 going to say anything about this? Okay. This is an  
4 annual contract for the Bovine Brucellosis that we  
5 look at each year and review.  
6 ROUSSEAU: What? How do you say that again?  
7 ELSER: Bovine Brucellosis.

8 BLOOM: Good job.  
9 IRVING: Why don't you make the motion, then?  
10 BLOOM: I'll--  
11 ROUSSEAU: I'll--  
12 BLOOM: --make an--go on.  
13 ROUSSEAU: I'll make a motion that we pass the bill  
14 here for Bovine--  
15 ELSER: Brucellosis.  
16 ROUSSEAU: --Brucellosis/Tuberculosis Eradication  
17 Programs for Allen County.  
18 BLOOM: Second.  
19 IRVING: All in favor say "aye."  
20 BLOOM: Aye.  
21 ROUSSEAU: Aye.  
22 IRVING: Aye. Susan, we're glad that, you know, you  
23 know all these medical terms.  
24 BLOOM: She knows how to spell them and everything.  
25 IRVING: Agenda item number five--

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1 BLOOM: So there.  
2 IRVING: I'm sorry?  
3 BLOOM: She knows how to spell them and everything.  
4 IRVING: I know.  
5 BLOOM: So there.  
6 IRVING: I'm impressed. Okay, agenda item number  
7 five has been withdrawn, and it was the--  
8 BLOOM: No, not number five.  
9 IRVING: Well, I'm sorry. Susan?  
10 BLOOM: What, the appointment to the--  
11 ELSER: Did I hit the wrong line? I'm sorry.  
12 BLOOM: --MACP?  
13 ELSER: It's number seven that's withdrawn.  
14 BLOOM: Right.  
15 ELSER: I apologize.  
16 IRVING: Okay, I--she had it marked--okay. Agenda  
17 item number five, appointment to the Multi-Agency  
18 Communications Partnership.  
19 ELSER: We have two appointments that will serve as  
20 reappointments. We are amending the appointment of  
21 Commission Bloom. We had made it for one year, and  
22 in actuality it should have been for three, so this  
23 current appointment will run through June 1st, and  
24 then through May 31 of 2005, and the reappointment of  
25 Commissioner Rousseau. This appointment will be June

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1 1st, 2003 through May 31st, 2006.  
2 BLOOM: I'll make the motion that we accept these two  
3 appointments.  
4 ROUSSEAU: Second it.  
5 IRVING: All in favor say "aye."  
6 BLOOM: Aye.  
7 ROUSSEAU: Aye.  
8 IRVING: Aye. Motion carried. Next on the agenda is  
9 the appoint--appointment to the Fort Wayne/Allen  
10 County Board of Health.  
11 ELSER: The name placed before the Commissioners for  
12 consideration is that of Janet Paunwar, and this  
13 appointment would be effective immediately, and run  
14 through December 31st of 2003.  
15 BLOOM: I'll make a motion that we accept this name



16 presented to us.  
17 ROUSSEAU: Second.  
18 IRVING: All in favor say "aye."  
19 BLOOM: Aye.  
20 ROUSSEAU: Aye.  
21 IRVING: Aye. Motion carried. I do have a couple  
22 things we might add about Mrs. Paunwar.  
23 BLOOM: Okay.  
24 IRVING: Would you like that?  
25 BLOOM: Sure.

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1 IRVING: She is the President and owner of Lincoln  
2 Pedic Clinic, Incorporated. She had a service  
3 provided to I think it was somewhere around 45  
4 nursing homes and assisted living facilities. She  
5 manages the schedules, the education, the training,  
6 she files the claims with Medicare and Medicaid, and  
7 she's very involved not only in the medical industry,  
8 but she also is very involved with health causes, so  
9 we congratulate her for wanting to accept this  
10 position.  
11 BLOOM: Terrific.  
12 IRVING: Agenda item number seven, an agreement  
13 between Allen County and PlanGraphics, Incorporated  
14 for the GIS Market Analysis and Business plan for  
15 Allen County, and that has been withdrawn, correct?  
16 ELSER: That has been withdrawn.  
17 IRVING: Okay, change orders for the Allen County  
18 Justice Center. Williams Painting Company, change  
19 order number 17 for \$1100.00.  
20 BLOOM: I have approved this claim. It's for  
21 painting the steel dome structure, and the cost is  
22 \$1100.00. I'll make a motion.  
23 ROUSSEAU: Second.  
24 IRVING: All in favor say "aye."  
25 BLOOM: Aye.

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1 ROUSSEAU: Aye.  
2 IRVING: Aye. Motion carried. Agenda item number  
3 nine, approve contract modification number one  
4 between Newell Contract--Construct--Construction  
5 Company and Allen County for the 2003 Concrete Repair  
6 Package #1, Project 03-087 for \$2,624.90 increase.  
7 Good morning, Mike.  
8 FITCH: Good morning.  
9 BLOOM: Good morning.  
10 FITCH: Mike Fitch, Allen County Highway Department.  
11 There--this change order consists of adding  
12 additional pavement repair to the package. When they  
13 got out on the site, they found additional areas that  
14 needed to be patched.  
15 BLOOM: I'll make a motion that we accept this  
16 increase of \$2,624.90.  
17 ROUSSEAU: Second.  
18 IRVING: All in favor say "aye."  
19 BLOOM: Aye.  
20 ROUSSEAU: Aye.  
21 IRVING: Aye. Motion carries. Approval of some  
22 traffic postings. The first one is Tuscany Way at  
23 Union Chapel Road, post a stop; and the second one is  
24 Firethorne Path at West County Line, post a stop.

25 BLOOM: So moved.

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1 ROUSSEAU: Second.

2 IRVING: All in favor say "aye."

3 BLOOM: Aye.

4 ROUSSEAU: Aye.

5 IRVING: Aye. Mike, do you have anything else?

6 FITCH: That's all I have.

7 IRVING: Okay.

8 BLOOM: Thank you.

9 FITCH: Short agenda. Thank you. Have a good day.

10 IRVING: Susan, do we have any other business?

11 ELSER: No, we do not have any other business.

12 IRVING: May I have a motion to waive the second  
13 reading?

14 BLOOM: So moved.

15 ROUSSEAU: Second.

16 IRVING: All in favor say "aye."

17 BLOOM: Aye.

18 ROUSSEAU: Aye.

19 IRVING: Aye. Motion carried. Do we have any  
20 comments from the public today? Any comments from  
21 the public? (No response.) Seeing none, have a nice  
22 week, and join us next week. Thank you.

23

24 (Adjourned 10:22 a.m.)

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

3 REPORTER'S CERTIFICATE

4 I, M. Joshua Osbun, a Notary Public in and  
5 for the State of Indiana, County of Allen, do hereby  
6 certify that the above and foregoing is a true and  
7 accurate transcript of the Board of Commissioners of  
8 the County of Allen, Legislative Session, held before  
9 me on May 28, 2003 in the Allen County Commissioners  
10 Courtroom, Room 200, City-County Building, 1 East  
11 Main Street, Fort Wayne, Allen County, Indiana; that  
12 I am not related to, employed by or interested in any  
13 of the parties to this cause of action.

14 IN WITNESS WHEREOF, I have hereto affixed my  
15 hand and seal this 29th day of May, 2003.

16

17

18 \_\_\_\_\_  
M. Joshua Osbun, Notary Public  
19 Residing in Allen County, Indiana

19

20 My Commission Expires:  
May 14, 2010