



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN
Citizens Square Suite 410 · 200 East Berry Street · Fort Wayne, IN 46802
Phone: 260.449.7555 FAX: 260.449.7568

RICHARD E. BECK THERESE M. BROWN F. NELSON PETERS

MINUTES

**Commissioners' Legislative Session
10:00 AM Friday, April 26, 2019
Council Chambers Courtroom – Citizens Square**

Commissioners Present: Nelson Peters, Therese Brown and Rich Beck

Others Present:	Chris Cloud	Commissioners Office
	Mike Green	Commissioners Office
	Beth Lock	Commissioners Office
	Michelle Wood	DPS
	Tom Fox	ACDEM
	Charity Murphy	HR
	Shinisha Grayson	HR
	Bill Hartman	Highway Director
	Jacque Mann	IES
	John Modezjewski	Resident
	Brian Roemke	AC Farm Bureau
	Robert Schaper	AC Farm Bureau
	Rosa Salter Rodriguez	Journal Gazette

Commissioner Peters called the meeting to order at 10:03 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Consider approval of the minutes of April 19, 2019.** Commissioner Beck made a motion to approve minutes of April 19, 2019. Commissioner Brown seconded the motion. Motion carried 3-0.
- 2. Consideration of ordinance reestablishing a Cumulative Major Bridge Tax Fund.** Beth Lock, Commissioners Office, stated that subsequent to the public comment taken on March 26 and then the public hearing held on April 12th, today would be the day that the Commissioners would want to consider whether or not to reestablish the Major Bridge Tax rate above or below what currently exists. As a reminder this has to be submitted to the Department of Local Government by April 30th. Commissioner Peters stated that two options in particular have been highlighted that they might consider and one of them is taking the bridge fund to the max and the other is what we've referred to as a net neutral tax. He asked Ms. Lock why is the one called and considered net neutral tax. She stated it is a net neutral rate simply because there are two existing debt obligations and tax rates that will be falling off the tax rolls in the next two years. One is the AC Juvenile Center which will fall off at the end of this year and the bond on the AC Jail which falls off next year. The combination of those two rates if added to the existing Major Bridge equals the net neutral rate. Commissioner Peters stated he would be uncomfortable at this point going to the max rate not knowing what some of the future costs might be. If somebody came and presented a number that said exactly what it would cost he could be convinced that that ought to be considered. He personally thinks that something lower, even along the net neutral rate makes sense. But even with the resources we have, that may not get us everything we need. He asked if there was an opportunity if something less than the max were adopted, to come back at a point in time, if other needs were identified, to be able to reconsider this. Ms. Lock stated that we can reestablish this rate every year. It would have to be done in the confines of the statute which says you would have reestablish by May 1 of

next year or the year(s) following. Commissioner Beck asked how this, if at all, affects the agriculture buildings and personal property taxes of farmers. Ms. Lock stated those will be taxed. But if you go the neutral rate, they are already paying that rate. She stated the difference between those buildings and a homestead would be how quickly they hit a circuit breaker cap because they are in a different category as outlined in the statute and the Indiana constitution. There is nothing the Commissioners can do about circuit breaker caps. Commissioner Peters said part of the discussion has been to look at an increase in the surtax wheel tax. He asked if we did that, is there certain farm equipment that would otherwise be taxed. Such as a tractor. Ms. Lock stated she can't confidently answer that. Chris Cloud, Chief of Staff, stated that he thinks in the Council's adopted surtax wheel tax ordinance, in whatever part affects non-cars, he believes there are things related to the weight of certain trailers. There are trailers or trucks, whether it be commercial or farm, that are taxed at a higher rate than a vehicle. It does mention certain classes of trailers but not all. Commissioner Peters said then there is the potential for farmers to incur a cost that way as well. Commissioner Beck asked what the next steps were. Ms. Lock stated whatever is decided today, we have to publish notification in the newspaper within 30 days to let the taxpayers know that a new rate has been adopted. From there we will submit this to the DLGF (Dept of Local Government Finance) by Tuesday and they make a determination. There is also the ability in that 30 day timeframe after we publish that, if there are individuals that want to remonstrate against the tax, they can do that in the Auditor's office. The Auditor would then certify whether or not the threshold for that remonstrance is met and send that to the DLGF which will then look at whether to approve or deny what the Commissioners have approved today. Commissioner Brown stated that from a process standpoint once it is in the hands of DLGF the decision is theirs. It has moved on to the State and they will at some point let us know whether that rate will be established. Ms. Lock stated that is correct. Commissioner Brown asked if the rate is not reestablished at that, does it default back to the current rate. Ms. Lock stated she believes so but that she would check. Commissioner Peters stated that there has been some concern raised in the past about notifications for public meetings. He asked if she was confident that we have met all of the public notice meeting requirements to get us to this point. Ms. Lock said, yes, we definitely have met the statute. She applauded the Commissioners because they also put out press releases that are not required. She said we have gone above and beyond in our office to make sure there was notice that was given. Commissioner Beck made a motion to approve the ordinance reestablishing a Cumulative Major Bridge Tax Fund at the rate of .0224. Commissioner Brown seconded the motion. Commissioner Peters asked for a roll call vote. Commissioner Brown thanked everyone involved in the process and all of the exchange of information and the opportunity to discuss this at length. She stated that being net neutral it's to the benefit of the taxpayer that we stay that course and utilize the funds that hopefully we will be able to have reallocated within our entity to be able to meet that gap. Based on all the information that has been presented to date, she stated she would like to cast a vote of "yes" in approval of a rate of .0224. Commissioner Beck stated that many, many man and women hours have been put into this effort and we take our responsibility very seriously about this. This is one of those have to things that needs to be done. Bridges need to be maintained. He commended Ms. Lock and the team on their efforts putting this together and the many hours of getting to that point. He stated he thinks we made the right decision with the proposal or the recommendation that we made. He stated he is in favor of approval. Commissioner Peters stated there has been a ton of work that has gone into this. He stated we have met with officials from all of the communities in Allen County and we have gotten good input. We've had the opportunity to dive into this to see what it might mean by doing nothing and what it might mean by doing something. He stated that he is not a big fan of going to the max when we don't know at this point if we need to. This has been a countywide effort. Going to the max has been supported by some of the communities at this point but he said he thinks there is a failsafe in knowing that if we have to do more we've got the opportunity to take another bite out of the apple sometime in the future. He said he thinks we've created the understanding that we really are not raising the tax rates by taking the rates from the bonds and moving them into the Major Bridge Fund which is why we have been referring to it as a net neutral rate. By actually making the thing go away and saying gosh we'll reduce the rates by the amount that is falling off of the ACJC and the Jail when they are paid off, that doesn't work that way because everybody with respect to the circuit breakers will still be paying the same rate leaving us in the position of having to find another avenue to raise the funds. If we have to do that, we do in fact end up raising taxes on people. He stated that he thinks that the best of the alternatives that have been looked at is to adopt the .0224 rate and he would vote in favor of doing so. The Commissioners motion passed 3-0.

- 3. Consider approval of amendment to Allen County Code Title 3 (Zoning Ordinance) – Article 4 (Additional General Standards) – Chapter 12 (Floodplain).** Michelle Wood, DPS, presented this item. She stated that in 2014 we had a repeal and replacement amendment of the floodplain ordinance. This is to keep in compliance with IDNR and FEMA and they are our states model ordinance. They approved those changes. There was one last little change and it had to do with a date in one of the definitions in the Floodplain ordinance for the existing manufactured home park or subdivision. There are two definitions and they had different dates. The State has asked us to change that date from Sept. 28, 1990 to May 24, 1974. That will be a full alignment and keep us in compliance. There was a public hearing with no comments or questions. There was a unanimous do pass recommendation. Commissioner Brown made a motion to approve amendment to Allen County Code Title 3 (Zoning Ordinance) – Article 4 (Additional General Standards) – Chapter 12 (Floodplain). Commissioner Beck seconded the motion. Motion carried 3-0.
- 4. Consider approval of exchange of services agreement between the Board of Commissioners and Town of Monroeville on behalf of the Allen County Department of Environmental Management.** Tom Fox, Director of AC Dept. of Environmental Management, presented this item. He explained that the Town of Monroeville maintains a brush pile for their community. It was the tradition of the Solid Waste Mgmt. District to run the districts grinder out there each year and grind the brush pile into mulch which in turn the members of the community could then use the mulch for their landscaping. Last year we were unable to fulfill that obligation so we worked with the Town to try to come up with an alternative. What we were able to do was work with a contractor in Monroeville who ironically had a grinder and was able to do the work. They contracted with him directly and paid him so we are reimbursing the Town for those costs. The agreement tops out at \$8,000 but the actual bill is more like \$6,000. This will take care of their brush pile situation and provide the citizens mulch for the year. Commissioner Brown asked if this was annual. Tom Fox stated no this is a one-time agreement. Commissioner Brown asked if he would potentially be coming back every year. He stated that going forward they are kind of reviewing the whole yard waste program to see how we approach these situations in the future. Commissioner Beck made a motion to approve the exchange of services agreement between the Board of Commissioners and Town of Monroeville on behalf of the Allen County Department of Environmental Management. Commissioner Brown seconded the motion. Motion carried 3-0.
- 5. Consider approval of agreement between the Board of Commissioners and QHG of Fort Wayne for occupational medical services.** Charity Murphy, Director of AC Human Resources, presented this item. She stated this would be a two year agreement with QHG which does business in Fort Wayne as Redi-Med and Business Health Services. We have had a longstanding agreement with QHG for our occupational services which encompasses both pre-employment services such as drug screens and physicals and also for workers compensation injuries. There are only 4 minor changes from our prior agreement with very insignificant rate increases on just a few of the different services they offer us. Other than that the contract remains the same. Commissioner Brown made a motion to approve the agreement between the Board of Commissioners and QHG of Fort Wayne for occupational medical services. Commissioner Beck seconded the motion. Motion carried 3-0.
- 6. Consider approval of Change Order # 19 for Gump Rd from SR 3 to Coldwater Rd, INDOT Contract # R-33252, Allen County Project # 03-296; in the amount of \$53,455.76 (increase).** Bill Hartman, Highway Director, stated this involve 8 items in the final gather up of the project. He reviewed the particular items and what went up and what went down for the net increase of \$53,455.76. This is an 80/20 project so the 20% is \$10,691.15. Of that, Allen County is responsible for 1.3% because of our interlocal agreement with Hometown. Our payment on that is \$138.98. Commissioner Brown made a motion to approve Change Order # 19 for Gump Rd from SR 3 to Coldwater Rd, INDOT Contract # R-33252, Allen County Project # 03-296; in the amount of \$53,455.76 (increase). Commissioner Beck seconded the motion. Motion carried 3-0.

7. **Consider approval of Change Order # 1 Antwerp Rd Bridge # 326 over Hamm Interceptor for bridge replacement, Project # 0400116; in the amount of \$6,111.30 (decrease).** Bill Hartman, Highway Director, stated that as bid this project had epoxy coating on the steel piling which isn't necessary because it is being encased in concrete. We changed this to just standard plain piling and that created this result of a net decrease. Commissioner Beck made a motion to approve Change Order # 1 Antwerp Rd Bridge # 326 over Hamm Interceptor for bridge replacement, Project # 0400116; in the amount of \$6,111.30 (decrease). Commissioner Brown seconded the motion. Motion carried 3-0.
8. **Consider approval of Bid Award for Bid Ref # 03-19 for 2019 Community Crossing Grant for HMA Resurfacing Package #1 to the lowest bidder Brooks Construction Co., Inc. for \$981,406.00.** Bill Hartman, Highway Director, stated they were the lowest of 3 bidders. Our engineers estimate was \$1.1 million. Commissioner Beck made a motion to approve Bid Award for Bid Ref # 03-19 for 2019 Community Crossing Grant for HMA Resurfacing Package #1 to the lowest bidder Brooks Construction Co., Inc. Commissioner Brown seconded the motion. Motion carried 3-0.
9. **Consider approval of Bid Award for Bid Ref # 04-19 for 2019 Community Crossing Grant for HMA Resurfacing Package #2 to the lowest bidder Brooks Construction Co., Inc. for \$905,220.00.** Bill Hartman, Highway Director, stated we had an engineer's estimate of \$1.13 million and they were the lowest of 3 bidders. Commissioner Brown made a motion to approve Bid Award for Bid Ref # 04-19 for 2019 Community Crossing Grant for HMA Resurfacing Package #2 to the lowest bidder Brooks Construction Co., Inc. Commissioner Beck seconded the motion. Motion carried 3-0.
10. **Consider approval of enterprise license agreement between the Board of Commissioners and ArchiveSocial for the archiving of county department created social media content.** Chris Cloud, Chief of Staff, stated this was actually brought to us by Mr. Fox from the AC Environmental Mgmt. department as a good practice. With the Commissioners approval we will engage with ArchiveSocial to have a backup of all social media conducted by the County. Even though it is not considered legally a public record by the State of Indiana, the Public Access Counselor has on more than one occasion mentioned opinions that we should treat it like one. There is not an easy way for us to do this. This is a subscription based service that basically automatically backs up and archives so it can't be deleted anything we post on our social media accounts or direct messages or comments from anybody or videos we post on any of our accounts. It preserves our public record and requires no effort on our part. The cost is \$4,777 a year. Commissioner Beck made a motion to approve enterprise license agreement between the Board of Commissioners and ArchiveSocial for the archiving of county department created social media content. Commissioner Brown seconded the motion. Motion carried 3-0.
11. **Consider approval of documents related to a Community Development Block Grant Owner Occupied Rehabilitation application to the Indiana Housing and Community Development Authority for Stellar Communities.** Chris Cloud, Chief of Staff, stated that as part of Stellar there is up to \$250,000 available for owner occupied rehabilitation grants. Brightpoint, who is the regional group, does OORR grant administration around the region. This allows Brightpoint to submit the grant on the Commissioners behalf and also to administer the program on their behalf. We held our first public meeting on this last week in New Haven and the program will hopefully be able to do some owner occupied rehabilitation for people who need certain income threshold guidelines in east Allen as part of this Stellar program. Brightpoint does this elsewhere so it makes more sense for us to have them take the lead on running and administering it. Commissioner Brown made a motion to approve documents related to a Community Development Block Grant Owner Occupied Rehabilitation application to the Indiana Housing and Community Development Authority for Stellar Communities. Commissioner Beck seconded the motion. Motion carried 3-0.
12. **Consider approval of claims for payment.** Commissioner Beck made a motion to approve the claims as submitted in the amount of \$1,428,984.26. Commissioner Brown seconded the motion. Motion carried 3-0.
13. **Other Business**

Consider approval of Agreement between the Board of Commissioners and Moake Park not to exceed \$3,900 for Courthouse elevator project. Chris Cloud, Chief of Staff, stated this is for an elevator project in the Courthouse. Because of the dollar threshold, it requires an architect sign off on the plans per State law. They will review the design plans and assist in the design with Kone and stamp and submit to the State for approval. Commissioner Beck made a motion to approve Agreement between the Board of Commissioners and Moake Park not to exceed \$3,900 for Courthouse elevator project. Commissioner Brown seconded the motion. Motion carried 3-0.

14. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of April 26, 2019. Commissioner Brown made a motion to approve the waiving of the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of April 26, 2019. Commissioner Beck seconded the motion. Motion carried 3-0.

15. Comments from the Public

16. Motion to Adjourn. Meeting adjourned at 10:48 a.m.

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, 200 East Berry Street, Suite 380, Fort Wayne, IN 46802, or by phone at (260) 449-7217.