



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN
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RICHARD E. BECK THERESE M. BROWN F. NELSON PETERS

MINUTES

Commissioners' Legislative Session
10:00 AM Friday, July 12, 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
Bill Fishing	County Attorney
John McGauley	Superior Court
Sherry Hartzler	Superior Court
Nichole Schulert	Superior Court
Charles F. Pratt	Superior Court
Michelle Wood	DPS
Bill Hartman	Highway Director
Bill Brown	Downtown Improvement District

Commissioner Peters called the meeting to order at 10:04 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Consider approval of the minutes of June 28, 2019.** Commissioner Beck made a motion to approve minutes of June 28, 2019. Commissioner Brown seconded the motion. Motion carried 3-0.
- 2. Consider approval of addition to the Allen County Code Title 12 (Financial) – Article 235 (Family Recovery Court Fund).** John McGauley, Court Executive of Allen County Superior Court, presented this item. He stated the creation of this new fund would be to specifically receive grant monies in support of their new Family Recovery Court. This program was launched back in February by their Family Relations Division to deal with cases that come into Family that involve very complex drug addiction substance abuse issues. The program has become a tremendous asset to them. Magistrate Sherry Hartzler gave a brief update on what the Family Recovery Court is doing. Commissioner Peters asked how much is the grant funding for and how far will it go towards the sustainability of what it is they are trying to accomplish. Magistrate Hartzler stated it was for \$25,000 and it is to create additional programs that will sustain beyond just a year or just the initial startup of the program. Specifically, their providers, Phoenix & Associates, will then be able to develop a parent/child counseling program. She stated we have a program called Seeking Safety that we are bringing as well. Train the trainers is included within this program as well so the program can continue and the certifications for these particular programs can continue even beyond the initial startup. Commissioner Brown made a motion to approve addition to the Allen County Code Title 12 (Financial) – Article 235 (Family Recovery Court Fund). Commissioner Beck seconded the motion. Motion carried 3-0.
- 3. Consideration of Rezoning Petition #REZ-2019-0022 to rezone .7 acres on the east side of the 5300 block of North State Road 101 from R1/Single Family Residential to I2/General Industrial for a 2,400 square foot storage building.** Michelle Wood, DPS, stated this item is for Brian Hoepfner who lives on the west side of 101 or Falsing Road and is purchasing a parcel on the east side from a property

owner there to build a personal storage building. There is room on the west side but they have a shared recreational pond there that he shares with 3 other residences. There is already industrial zoning on the east side so this would be adjacent to existing industrial and that is why he would need a standalone storage unit. He could not do that as a residential use. Because of its proximity to the industrial park and a great amount of industrial ground this was not seen as an impact on the surrounding uses. He did have support from his neighbor to the south. The Plan Commission did ask for a written commitment to restrict some of the outdoor uses in I2 so it doesn't end up looking like an industrial site like some can which he agreed to and also to put in some landscaping between his driveway to the barn and the neighbor to the south. There was no opposition and there was a unanimous do pass recommendation. Commissioner Brown made a motion to approve Rezoning Petition #REZ-2019-0022 to rezone .7 acres on the east side of the 5300 block of North State Road 101 from R1/Single Family Residential to I2/General Industrial for a 2,400 square foot storage building. Commissioner Beck seconded the motion. Motion carried 3-0

- 4. Consideration of Rezoning Petition #REZ-2019-0031 to rezone 1.6 acres at the northwest corner of the intersection of Lincoln Highway East and East Paulding Road from C3/General Commercial to A1/Agricultural to permit the existing use on site.** Michelle Wood, DPS, explained that this area is a little odd. It's an old commercial intersection that really doesn't have commercial uses on it now. Even last year someone came in and downzoned on the opposite corner. Basically there is a single family home and they want to add on a garage but because of this old C3 zoning that is not permitted by the ordinance. They are non-conforming so they can stay there as a house but once they want to get financing it is much better to have the appropriate zoning. There were no speakers at the hearing other than the applicant and there was a unanimous do pass recommendation. Commissioner Beck made a motion to approve Rezoning Petition #REZ-2019-0031 to rezone 1.6 acres at the northwest corner of the intersection of Lincoln Highway East and East Paulding Road from C3/General Commercial to A1/Agricultural to permit the existing use on site. Commissioner Brown seconded the motion. Motion carried 3-0.
- 5. Consideration of Rezoning Petition #REZ-2019-0033 to rezone 19.6 acres on the west side of the 7700 block of Wheelock Road from A1/Agricultural to R3/Multiple Family Residential for a 150-unit multiple family residential complex.** Michelle Wood, DPS, stated that surrounding use is metes & bounds residential development immediately surrounding the site but it is in very close proximity to the Foxwood development to the northeast, Waterford to the east and Cherry Hill to the south. They are surrounded by a lot more dense single family development. What we don't have in this immediate area now is the senior housing or the multiple family housing. This would bring this option into this area. This is proposed to be a senior development, one story, 16 buildings and 150 units. Each one would have a single car garage with a space out front to park plus additional parking for guests. No one spoke in opposition at the hearing and the applicant did talk to each of the neighbors to kind of design a buffering plan that they would desire. The ordinance requires fencing which in some cases that is a good thing and in other cases it is not really appropriate. These are long boundaries and a lot of times people would rather have an open view but just with landscaping and that is what they did with their alternate plan. There is one house that access through this property and that will continue. It will now come through the development so there will be an access easement to that house that looks like it is landlocked. There was no opposition and there was a unanimous do pass recommendation. Commissioner Brown made a motion to approve Rezoning Petition #REZ-2019-0033 to rezone 19.6 acres on the west side of the 7700 block of Wheelock Road from A1/Agricultural to R3/Multiple Family Residential for a 150-unit multiple family residential complex. Commissioner Beck seconded the motion. Motion carried 3-0.
- 6. Consideration of Rezoning Petition #REZ-2019-0034 to rezone 70.5 acres on the north side of the 300 to 400 blocks of West Cedar Canyons Road and on the west side of the 16400 to 17000 blocks of Kell Road from A1/Agricultural to R1/Single Family Residential for a 77-lot single family residential subdivision.** Michelle Wood, DPS, stated this is just east of Hunteertown and in County jurisdiction. It is Hunteertown utilities. Recently the Commissioners approve The Quarry on the NE corner of Cedar Canyons and Kell and last year we had the Willow Ridge community come in on the south side of Shoaff and just west of this property on the north side of Cedar Canyons. That is the golf

course that is transitioning into single family. This is also single family. It will have a single entrance off of Kell Road. They meet the ordinance requirements. There was one request to not connect to an existing Flint Drive in Willow Ridge to the west. There are 3 lots on this stub street and it is not built all the way to the line. We've seen this situation in the past and there are times when the Plan Commission did require them to connect. In this case the Kell drain comes through there and it's a very natural area. The Kell drain runs into the Cedar Creek watershed and they would rather not go through all that to connect because there is actually a stub street to the north that they can connect to to the developing subdivision. They will still have connectivity. There were 2 speakers. One a neighbor and another gentleman, Dave VanGilder, who does a lot of representation for Cedar Creek. Both spoke, not in opposition to the project, but with concern about water quality and the amount of development on the drain. The engineer did say that they are actually trying to stay away from it and leave as much as possible. There are wetlands on site that they will definitely avoid. Staff suggested for their detention ponds they could use natural border treatments so that they are not mowing and fertilizing right down to the water. They also had a concern about geese and with a natural border they are less likely to come into the common areas. Beyond those concerns there was no opposition. There was a 6-1 do pass motion. James Wolf voted no and David Baily had to recuse himself. Commissioner Beck made a motion to approve Rezoning Petition #REZ-2019-0034 to rezone 70.5 acres on the north side of the 300 to 400 blocks of West Cedar Canyons Road and on the west side of the 16400 to 17000 blocks of Kell Road from A1/Agricultural to R1/Single Family Residential for a 77-lot single family residential subdivision. Commissioner Brown seconded the motion. Motion carried 3-0.

7. **Consider approval of Change Order # 4 for Ryan/Bruick Rd from Dawkins Rd to US 24, Project # 1300313; in the amount of \$76,709.91 increase.** Bill Hartman, Highway Director, stated standard procedure with INDOT for bidding for subgrade treatment which is what this item is about is that they start out with the least amount and then you analyze the soil after you get the subgrade exposed and then determine what should take place. Originally this is a 5% treatment of kiln lime which is disked in for 18 inches to 2 feet into the earthen subgrade underneath the stone and then rolled in place and cured. It was determined that an additional strength of material was needed other than just the standard and we chose to use type Portland cement. This area has had some subgrade problems in the past and we felt that was the best way to go so it resulted in this increase in the contract. Commissioner Beck made a motion to approve Change Order # 4 for Ryan/Bruick Rd from Dawkins Rd to US 24, Project # 1300313; in the amount of \$76,709.91 increase. Commissioner Brown seconded the motion. Motion carried 3-0.
8. **Consider approval of Change Order # 5 for Ryan/Bruick Rd from Dawkins Rd to US 24, Project # 1300313; in the amount of \$12,582.48 increase.** Bill Hartman, Highway Director, stated that as originally bid the driveways for SDI LaFarge and the Speedway Concrete Plant were asphalt and this changes that to plain concrete. Due to the size and weight and volume of the trucks that come in and out of those driveways we felt that this was an expedient way to make them last quite a bit longer. Commissioner Beck made a motion to approve Change Order # 5 for Ryan/Bruick Rd from Dawkins Rd to US 24, Project # 1300313; in the amount of \$12,582.48 increase. Commissioner Brown seconded the motion. Motion carried 3-0.
9. **Consider approval of Change Order # 7 for Ryan/Bruick Rd from Dawkins Rd to US 24, Project # 1300313; in the amount of \$870.10 increase.** Bill Hartman, Highway Director, stated that in order to make the City of New Haven whole in their lift station for their sewage treatment handling sanitary sewers in Ryan portion of this project, an additional 100 amp main power breaker was needed to be added to the project as more or less as a back-up. Somehow that got missed in shop drawings with City of New Haven's approval and when they brought that to light they requested this and we felt this was standard procedure for lift stations. Commissioner Brown made a motion to approve Change Order # 7 for Ryan/Bruick Rd from Dawkins Rd to US 24, Project # 1300313; in the amount of \$870.10 increase. Commissioner Beck seconded the motion. Motion carried 3-0.
10. **Consider approval of Bid Award for Bid Ref # 08-19, for 2019 HMA Resurface Package # 2 for Auburn Rd from Pion Rd to Griffin Rd, Project # 0702819 and Hursh Rd from Auburn Rd to Tonkel Rd, Project # 0702919, to the lowest bidder, API Construction Corp.; in the amount of \$429,490.00.**

Bill Hartman, Highway Director, stated we had 4 bidders for this project and this was the lowest bid. The engineers estimate was \$435,996.50. Commissioner Beck made a motion to approve Bid Award for Bid Ref # 08-19, for 2019 HMA Resurface Package # 2 for Auburn Rd from Pion Rd to Griffin Rd, Project # 0702819 and Hursh Rd from Auburn Rd to Tonkel Rd, Project # 0702919, to the lowest bidder, API Construction Corp.; in the amount of \$429,490.00. Commissioner Brown seconded the motion. Motion carried 3-0.

- 11. Consider approval for Bid Award for Bid Ref # 07-19, for O'Day Rd Bridge # 359 over Seegar Ditch, Project # 0100616, to the lowest bidder, Primco, Inc.; in the amount of \$578,748.96.** Bill Hartman, Highway Director, stated we had 3 bidders and this was the lowest bid. It was \$254,660 under the engineers estimate. The contractor says it fits perfectly within their schedule and they were \$44,000 under the next bidder. Commissioner Brown made a motion to approve Bid Award for Bid Ref # 07-19, for O'Day Rd Bridge # 359 over Seegar Ditch, Project # 0100616, to the lowest bidder, Primco, Inc.; in the amount of \$578,748.96. Commissioner Beck seconded the motion. Motion carried 3-0.
- 12. Annual update from the Downtown Improvement District.** Bill Brown, Executive Director of Downtown Improvement District, presented this annual update.
- 13. Consider approval of agreement between the Board of Commissioners and Evergreene Architectural Arts for encaustic tile survey on behalf of the Courthouse Preservation Trust.** Chris Cloud, Chief of Staff, stated that the Courthouse's very beautiful historic tile on the floor is difficult to find. This contract with Evergreene will do an encaustic tile survey that will literally survey every tile of the floor, its condition and what needs to be repaired and what doesn't need repair. It will also find who could replace or replicate the tile and budget pricing. It will give the Preservation Trust and the Commissioners a road map for the preservation of the tile. This survey will give them a status update on the floor and a plan for the future for what might need repaired and improved. Commissioner Brown made a motion to approve agreement between the Board of Commissioners and Evergreene Architectural Arts for encaustic tile survey on behalf of the Courthouse Preservation Trust. Commissioner Beck seconded the motion. Motion carried 3-0.
- 14. Consider approval of claims for payment.** Commissioner Beck made a motion to approve the claims as submitted in the amount of \$1,179,201.40. Commissioner Brown seconded the motion. Motion carried 3-0.
- 15. Other Business:**
- 16. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of July 12, 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 July 12, 2019. Commissioner Beck seconded the motion. Motion carried 3-0.
- 17. Comments from the Public**
- 18. Motion to Adjourn.** Meeting adjourned at 11:10 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.