



**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, September 6, 2019  
Council Chambers Courtroom – Citizens Square**

Commissioners Present: Nelson Peters, Therese Brown, and Rich Beck

Others Present:	Mike Green	Commissioners Office
	Chris Cloud	Commissioners Office
	Robin Minniear	Commissioners Office
	Bill Fishing	County Attorney
	Deb Hudson	Human Resources
	Kim Bowman	Planning Services
	Paul Blisk	Planning Services
	Glenn Conkling	NEDC
	Larry Weber	Surveyor's Office
	Warren Zwick	A&Z Engineering
	Michelle Wood	DPS
	Bill Hartman	Highway Director
	Danielle Biberstine	Keller Dev.
	Jacque Mann	IES
	Amanda Lawrence	SJCA Engineers
	Robert Eherenman	Planning Services
	Chris Beebe	Planning Services
	Rosa Salter	Journal-Gazette
	Robert Bastion	Resident
	Taryn Willis	Resident

Commissioner Peters called the meeting to order at 10:05 AM, and led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Consider approval of August 30, 2019 minutes.** Commissioner Brown made a motion to approve minutes of August 30, 2019. Commissioner Beck seconded the motion, which passed 3-0.
- 2. Consider approval of agreement between the Board of Commissioners and Nyhart for Section 105(h) and 125 testing of the 2019 Health Insurance Plan.** Ms. Hudson explained that Nyhart would serve as an actuarial group and for the first time would perform a test on the higher wage earners for the Section 105(h) and 125 programs. Commissioner Brown made a motion in favor of the proposal, was seconded by Commissioner Beck, and the motion passed with a 3-0 vote.

3. **Consider approval of agreement between the Board of Commissioners and Benefits Science Technologies for health insurance data transfer, employee portal, and analytics.** Commissioner Brown made a motion in favor of the agreement as presented, was seconded by Commissioner Brown, and the motion carried with a 3-0 vote.
4. **Consideration of Rezoning Petition #REZ-2019-0050 to rezone 49.1 acres at the southwest corner of the intersection of Flutter and Young Road from A1/Agricultural to R1/Single Family Residential for a 94-lot single family residential subdivision.** Ms. Wood was present to answer any questions regarding the numerous rezoning petitions brought before the commissioners at the meeting. REZ-2019-0050 was presented with a “do-pass recommendation” with the planning commission passing it with a 5-3 vote. Commissioner Peters asked if the subdivision had passed the five tests required to approve zoning, which including growth, housing density, preservation of property values, and responsible development growth, and was assured that it did. Commissioner Brown made a motion to approve the petition as presented and was seconded by Commissioner Beck. The motion passed with a 3-0 vote.
5. **Consideration of Rezoning Petition #REZ-2019-0045 to rezone 14.7 acres on the south side of the 2400 to 2600 blocks of West Till Road from A1/Agricultural to I2/General Industrial for an offices headquarters with accessory structures and infrastructure.** This project is by Keller Development for a new office headquarters and residential development and was approved with a 3-0 vote after a motion by Commissioner Brown, seconded by Commissioner Beck.
6. **Consideration of Rezoning Petition #REZ-2019-0046 to rezone 16.8 acres on the south side of the 2400 to 2600 blocks of West Till Road from A1/Agricultural to R3/Multiple Family Residential for a 58-unit duplex development.** This project is by Keller Development for a new office headquarters and residential development and was approved with a 3-0 vote after a motion by Commissioner Brown, seconded by Commissioner Beck.
7. **Consideration of Rezoning Petition #REZ-2019-0047 to rezone 96.9 acres on the west side of the 100 to 200 blocks of North Hadley Road and the 100 block of South Hadley Road from A1/Agricultural, A3/Estates, BTI/Business, Technology, and Industrial Park to R1/Single Family Residential for a 115-lot single family residential subdivision.** The Haven, off Hadley Road, had some public objection due to bordering on wetlands, but was approved with a 3-0 vote after a motion by Commissioner Beck, seconded by Commissioner Brown.
8. **Consideration of Rezoning Petition #REZ-2019-0048 to rezone 4.6 acres on the west side of the 14100 to 14300 blocks of Coldwater Road from A1/Agricultural to R1/Single Family Residential as part of a 66-lot single family residential subdivision.** The petition to rezone a small parcel of existing Whispering Rock subdivision was approved following a motion by Commissioner Beck, seconded by Commissioner Brown, and a 3-0 vote.
9. **Consideration of amendment to the Zoning Ordinance #ZORD-2019-005 to amend Allen County Code Title 3 (Zoning Ordinance) as it pertains to Sexually Oriented Businesses.** Robert Eherenman noted that the zoning for sexually oriented businesses will have restrictive setbacks from churches, schools, etc., following a motion by Commissioner Beck, seconded by Commissioner Brown, and a 3-0 vote. The Commissioners had previously initiated the amendment process. The Board of Zoning Appeals voted to recommend the change to the Board of Commissioners.
10. **Consider approval of Agreement between the Board of Commissioners and A&Z Engineering for Preliminary Engineering services for replacement of Foote Rd Small Structure # 116006 over**

**Hamm Interceptor, Project # 1500419; in the amount of \$91,250.00.** Mr. Hartman explained that the 3-span bridge is at a place where three percent of all water in Allen County drains. Initial estimates place replacement of the bridge structure at \$750,000. Commissioner Brown made a motion to approve the agreement for a preliminary replacement study with A&Z Engineering for \$91,250, and was seconded by Commissioner Beck. The motion passed with a 3-0 vote.

- 11. Consider approval of Agreement between the Board of Commissioners and GAI Consultants, Inc. for a Sidewalk Study on Winchester Rd, Dunkelberg Rd, and West Wallen Rd for connections to schools, Project # 0004819.** Due to Fort Wayne Community Schools' no transportation zones policy, the highway department is undertaking a study for improving sidewalk accessibility to Wayne High School, Miami Middle School and Washington Elementary School, at a cost of \$62,000. Commissioner Brown made a motion of approval for the study, was seconded by Commissioner Beck, and the motion passed with a 3-0 vote.
- 12. Consider approval of Bid Award for Bid Ref # 12-19 for HMA Package # 4 to the lowest bidder, API Construction Corp.; in the amount of \$ 1,160,126.00.** Three resurfacing projects were approved following a motion by Commissioner Brown, seconded by Commissioner Beck, and a 3-0 vote.
  - a. Doty Rd – SR 37 to Thimlar Rd**
  - b. Grabill Rd – Leo-Cedarville Town Limits to Grabill Town Limits**
  - c. Notestine Rd – Bull Rapids Rd to State Line Rd**
- 13. Public hearing on the proposed transfer by deed of real estate at 10209 Coverdale Road.** A public hearing was held and with no public comment received, Commissioner Beck made a motion to close the public hearing. Commissioner Brown seconded the motion and a vote of 3-0 vote was held. The commissioners then received a recommendation from chief of staff Chris Cloud to begin the process of putting the house up for sale at a price of not less than \$225,000, which is the average of two appraisals received. Commissioner Brown made a motion in favor of the sale, was seconded by Commissioner Beck, and the motion passed with a 3-0 vote.
- 14. Consider approval of Change Order #19 on the Allen County Work Release Project in the amount of \$10,475.17 (increase).** Commissioner Beck made a motion of approval of five separate items to be changed and was seconded by Commissioner Brown. The motion passed with a 3-0 vote.
- 15. Ratification of approval of change order #1 of the agreement between the Board of Commissioners and Evergreene Architectural Arts on the Allen County Courthouse Tile project in the amount of \$3,296.00 (increase).** Commissioner Beck made a motion in favor of the recommendation. Commissioner Brown seconded the motion. The vote held was 3-0 in favor of the motion.
- 16. Consider approval of agreement between the Board of Commissioners and Fort Wayne Community Schools for food service delivery at the new work release facility.** The meals may be reheated on site at the work release facility as necessary, and at as many different times and shifts. The FWCS food service program is operational and will be able to provide needs for facilities residents all year round. Commissioner Beck made a motion of approval for the proposal, was seconded by Commissioner Brown, and the motion passed with a 3-0 vote.
- 17. Consider approval of claims for payment.** Commissioner Beck made a motion to approve claims as presented in the amount of \$1,051,732.34, and was seconded by Commissioner Brown. The motion passed with a 3-0 vote.

**18. Other Business:** Robert Bastion and Taryn Willis both spoke in objection to rezoning decisions which had been made. They felt that existing homeowners had not been heard even though they attended and spoke at public meetings and at plan commission meetings. Commissioner Peters noted that the subdivision plans met all of the tests required.

**19. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of September 6, 2019.** Commissioner Brown made the motion to dispense with the 2<sup>nd</sup> Reading, was seconded by Commissioner Beck, and the motion passed with a 3-0 vote.

**20. Comments from the Public**

**21. Motion to Adjourn.** Commissioner Peters adjourned the meeting at 11:05 AM.

*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.*