



## BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

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NELSON PETERS LINDA K. BLOOM THERESE BROWN

### MINUTES

**Commissioners' Legislative Session  
10:00 a.m. Friday, February 27, 2015  
Council Chambers Courtroom – Citizens Square**

Commissioners Present: Therese Brown, Nelson Peters and Linda Bloom

Others Present:	Mike Green	Commissioners Office
	Chris Cloud	Commissioners Office
	Bill Fishing	County Attorney
	Dave Fuller	Building Department
	Dave Estes	IT/GIS
	Mark Royse	DPS
	Dan Allen	Highway Department
	Ken Neumeister	ACRWS
	Michelle Wood	DPS

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. Approval of the minutes of February 20, 2015.** Commissioner Bloom made a motion to approve the minutes of February 20, 2015. Commissioner Brown seconded the motion. Motion carried 3-0.
- 2. Approval of Professional Services Contract between the Board of Commissioners and the Indiana Office of Technology for orthophotography buy ups.** Dave Estes, GIS Coordinator, presented this item. This contract represents the State's proposal to fly our County this year. The technical specifications are the same as what we have had the last several iterations. We fly every 3 years. The summary at the top is a buy up to 6 inch resolution, color photography, 660 square miles. He stated that 6 inch resolution is 4 times more precise than 1 foot resolution. The cost per mile is \$107 for a total of \$70,620. Commissioner Bloom made a motion to approve the Professional Services Contract between the Board of Commissioners and the Indiana Office of Technology for orthophotography buy ups. Commissioner Brown seconded the motion. Motion carried 3-0.
- 3. Approval of addition to the Allen County Code Title 6 (Building Department) – Article 8 (Allen County Property Maintenance/Minimum Housing Code).** Dave Fuller, Building Commissioner, presented this item. The code being proposed today is a new code but it encompasses part of an existing code. The new portion is a property maintenance portion and our current minimum housing code is then incorporated in this new Article 8. If this approved then we will ask for the repeal of the current Article 6 which is strictly a minimum housing code. This code is basically driven by more complaints they are getting regarding property maintenance in unincorporated as well as other jurisdictions like Woodburn and Monroeville and some of the outlying communities relating to the way people are keeping their properties and the affect it is having on property values of adjoining property owners. Dave handed out some pictures to give a graphic or visual idea of the types of things they are dealing with. Commissioner Peters asked if any of this covers tires. Dave said it does but tires are with the Health Departments property maintenance ordinance. They specifically deal with tires particularly related to mosquitos and other things. Dave said if they aren't breeding mosquitos they can deal with them regarding property maintenance value. Dave stated that some of these get way out of hand and there is no real way for any department to deal with these types of things currently, short of taking people to court. The property

maintenance minimum housing ordinance has a fairly straight forward administrative process involved of issuing orders. They have ten (10) days to either comply or appeal. If they appeal, we have 10 days then to set a hearing and hold a hearing in front of an administrative hearing officer. At that point, either side can appeal the decision of that hearing officer to circuit or superior court. It is fairly fast process vs. having to, as the Department of Health has been having to, file legal action and go through the court system. This ordinance complements the other ordinances that have been recently modified or added to the County's through other departments such as the Health Dept. and the Dept. of Planning Services so we are not duplicating services. They have their areas and we have ours. It does allow enough overlap that we can work together if necessary. It is pretty comprehensive in that it complies with all the building codes where there is some overlap so there is no conflict between building codes and this code either. It incorporates our existing minimum housing code which has been in effect for 25 or so years so that we have everything rolled into one fairly concise ordinance now instead of having multiple ordinances to go to for those issues. Commissioner Brown asked if this was enhancing the opportunities that may be out there with the Township Trustees. Dave said it is and it gives us some teeth on the areas that we deal with that might have some overlap that they may not have the authority or the budget to deal with. This will not be enforced inside the City limits because Neighborhood Code does have their own ordinance and New Haven is the same way. There were a number of exemptions built into this particularly with regards to agricultural property such as barns don't have to be kept in the same kind of condition that a house would in a residential area. There are some exemptions that are built in specifically in response to some public comments over the years that they have gotten. Dave stated they went to Council last week to get a new position approved to enforce this. That was approved so he is presenting it to the Commissioners for their approval to adopt. He stated they received 645 complaints in 2014 regarding minimum housing and property maintenance so it is a fairly significant issue in Allen County that needs to be addressed. This will alleviate a lot of those issues. Commissioner Peters asked about penalties for non-compliance. Dave said there is a section at the end of ordinance which states if they do not comply or do not appeal an order by an administrative officer then this gives us the authority to charge up to \$500 per day per violation. Commissioner Peters asked how those fines would be collected. Dave said it depends on how much it escalates and how it goes. But if it goes to administrative order or they don't appeal our initial order, then we will probably have to go through some kind of court process if they don't pay it. Commissioner Brown made a motion to approve the addition to the Allen County Code Title 6 (Building Department) – Article 8 (Allen County Property Maintenance/Minimum Housing Code. Commissioner Bloom seconded the motion. Motion carried 3-0.

4. **Approval of amendment to Allen County Code Title 6 (Building Department) – Article 6 (Minimum Housing Code).** Commissioner Brown made a motion to approve the amendment to Allen County Code Title 6 (Building Department) – Article 6 (Minimum Housing Code). Commissioner Bloom seconded the motion. Motion carried 3-0.
5. **Approval of sign requests - to remove originally requested “Speed Limit 30 MPH “ signs in Bridgewater Subdivision**
  - a. **Ridge Crest Crossing at Lot 265 between Calais Rd and Summit Reserve Dr**
  - b. **Sandstone Drive at Lot 403 between White Coral Ct and Cypress Springs Dr**
  - c. **Calais at Lot 237 between Pendleton Mills Ct and Raynham Rd**

Dan Allen, Highway Dept., appeared for this item. Commissioner Brown made a motion to approve the sign requests - to remove originally requested “Speed Limit 30 MPH “ signs in Bridgewater Subdivision. Commissioner Bloom seconded the motion. Motion carried 3-0.

6. **Approval for Supplemental Agreement # 1 for additional Preliminary Engineering Services between the Board of Commissions and Engineering Resources, Inc. for Tecumseh Street Bridge # 537 over Maumee River, Project # 0302814. Cost - \$9,440 (increase).**

Dan Allen, Highway Dept., stated this supplement is required for additional survey work and design to replace our limestone barrier rail that was damaged due to 3 separate vehicular accidents. We are currently under contract to provide an additional vehicular barrier and we wanted to tie all this work together – the repair and the new work into one contract. Commissioner Brown asked if we ever got any insurance money out of these accidents. Dan stated the nature of this limestone historical bridge is the time period to have those manufactured is 6-12 months. Dan stated they are working with Charity (Risk

Manager) and they intend to pass these additional engineering costs onto the insurance claim also. Commissioner Brown asked if we would potentially break even for the repairs and everything. Dan said that is what they will be submitting as our claim. Commissioner Bloom made a motion to approve the Supplemental Agreement # 1 for additional Preliminary Engineering Services between the Board of Commissioners and Engineering Resources, Inc. for Tecumseh Street Bridge # 537. Commissioner Brown seconded the motion. Motion carried 3-0.

- 7. Approval of Promissory Note for Rainy Day Fund loan on behalf of the Allen County Highway Department.** Chris Cloud, Executive Assistant, stated that 2 weeks ago at their legislative meeting they approved Highway's request to ask County Council for \$1.7 million for trucks out of the Rainy Day Fund. Last Thursday County Council approved that request. Part of that is a Promissory Note that the Commissioners are signing on behalf of Highway that they do intend to pay back \$1.7 million over 5 years for the trucks which they have budgeted and have done before. Commissioner Bloom made a motion to approve the Promissory Note for Rainy Day Fund loan on behalf of the Allen County Highway Department. Commissioner Brown seconded the motion. Motion carried 3-0.
- 8. Approval of amendments to Allen County Code Title 12 (Financial) repealing Articles 140, 145, 146, 147, 166, 180 and 182 as inactive funds on request of the Auditor's Office.** Commissioner Brown made a motion to approve. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 9. Approval of Agreement between the Board of Commissioners and Ibbotson Associates, Inc for 457/401(a) retirement plan advisory services.** Chris Cloud, Executive Assistant, stated these next 3 items are more amendments than new items to our existing plan. Commissioner Brown made a motion to approve Agreement between the Board of Commissioners and Ibbotson Associates, Inc for 457/401(a) retirement plan advisory services. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 10. Approval of Agreement between the Board of Commissioners and Lincoln Retirement Services Company for employer purchase and recordkeeping services for 457/401(1) retirement plans.** Commissioner Brown made a motion to approve Agreement between the Board of Commissioners and Lincoln Retirement Services Company for employer purchase and recordkeeping services for 457/401(1) retirement plans. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 11. Other Business:**

**Approval of Revision of 457 Retirement Documents between Board of Commissioners and Lincoln Retirement Services Company.** Chris Cloud, Executive Assistant, suggested they approve this pending final attorney review to double check that the retirement date in there is as we think it should be and that the document is that we assume it is. Commissioner Brown made a motion to approve subject to legal review. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 12. Approval to waive the 2<sup>nd</sup> Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of February 27, 2015.** Commissioner Bloom made a motion to approve waiving the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of February 27, 2015. Commissioner Brown seconded the motion. Motion carried 2-0.
- 13. Comments from the Public.**
- 14. Motion to Adjourn.** Meeting adjourned at 10:25 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.*