



**BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN
Council Chambers Courtroom - Citizens Square
200 East Berry Street, Room 035
Fort Wayne IN 46802**

MINUTES

**Board of Commissioners' Legislative Session
August 11, 2023**

Commissioners Present: Therese Brown, Richard E Beck, F. Nelson Peters

Others Present:

Call to Order: Commissioner Therese M. Brown called the legislative session to order at 10:01 AM.

Pledge of Allegiance and Moment of Silence

1. Items for Consideration:

1.a Consideration of minutes from the August 4, 2023, legislative session.

F. Nelson Peters made a motion to Approve. Richard E Beck seconded the motion. Motion Passed: 3 - 0

1.b Consideration of claims submitted for payment for the period of July 25 to August 8, 2023, in the amount of \$7,601,917.68.

Richard E Beck made a motion to Approve. F. Nelson Peters seconded the motion. Motion Passed: 3 - 0

1.c REQUEST: Rezoning Petition REZ-2023-0029 to rezone 0.46 acre from R1/Single Family Residential to C3/General Commercial to permit existing commercial buildings.

LOCATION: 1016 and 1018 Sutton Avenue, 400 feet north of its intersection with Illinois Road (Section 6 of Wayne Township)

APPLICANT: JRM Realty LLC

Allen County Department of Planning Services Senior Planner Michelle Wood presented a request from JRM Realty for rezoning of the former Mutton Power Equipment site on Sutton Avenue. The property is being leased to a new business proprietor and it was discovered that the northern portion of the property had never been rezoned appropriately as a commercial area. For the new lessee to receive approval for licensing from the State of Indiana, the property needs to be zoned correctly, Wood explained.

Richard E Beck made a motion to Approve. F. Nelson Peters seconded the motion. Motion Passed: 3 - 0

1.d REQUEST: Rezoning Petition REZ-2023-0028 to rezone 43.1 acres from R1/Single Family Residential to A1/Agriculture to allow a five -lot primary minor plat

LOCATION: 13800 block of Spring Hollow Road, 1200 feet east of its intersection with Devils Hollow Road (Section 30 of Aboite Township)

APPLICANT: Devils Hollow Corp – John F. Popp - President

Allen County Department of Planning Services Senior Planner Michelle Wood explained that Devils Hollow has been developing slowly over several years and this 43.1 acres is the last undeveloped area of the plat. The acreage is interior to the addition and has only one access point and a wetland as complications to building. The developer is requesting a minor plat of only five lots, but that can only be granted under a A1 zone.

Richard E Beck made a motion to Approve. F. Nelson Peters seconded the motion. Motion Passed: 3 - 0

1.e Consideration of service agreement with Witwer Construction Inc. as owner representative/project manager to assist as directed by the Commissioners on the proposed Jail project.

Allen County attorney Bill Fishing recommended approval of an agreement extension with Witwer Construction to cover the construction portion of the project. He noted that although there is a new stipulated maximum not to exceed amount, hourly rates have not changed. It was also restated that any activity by Witwer would take place at the request and direction of the Commissioners.

F. Nelson Peters made a motion to Approve. Richard E Beck seconded the motion. Motion Passed: 3 - 0

1.f Consideration of acceptance of Quitclaim Deed from the Allen County Juvenile Justice Center Bldg. Corp.

Allen County attorney Bill Fishing explained that as a part of the construction process, land at the ACJC was transferred to a building corporation. Now that the bonds have been paid off, the deed to the land can be transferred back to the county. He further explained that this small parcel was originally purchased when the county was contemplating building on both sides of Wallywood, but that did not develop as all the ground required for the planned project could not be obtained.

Richard E Beck made a motion to Approve. F. Nelson Peters seconded the motion. Motion Passed: 3 - 0

2. Other Business: None.

3. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for today's Legislative Session.

F. Nelson Peters made a motion to Approve. Richard E Beck seconded the motion. Motion Passed: 3 - 0

4. Comments from the Public: None.

5. Motion to Adjourn: The legislative session was adjourned at 10:13 AM by Commissioner Brown.

These Minutes were approved as distributed at the Board of Commissioners meeting on _____.

_____, Therese M. Brown, President

_____, Richard E. Beck Jr, Vice President

_____, F. Nelson Peters, Secretary

Any individual with a disability who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Allen County, should contact the Allen County ADA and Title VI Coordinator Laura Maser, (260) 449-7555, laura.maser@allencounty.us, as soon as possible but no later than seventy-two (72) hours before the scheduled event. Individuals requiring special language services should contact the Allen County ADA and Title VI Coordinator as soon as possible but no later than at least seventy-two (72) hours prior to the date on which the services will be needed.