

TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
SPECIAL MEETING
THURSDAY, APRIL 17, 2008

ATTENDANCE: John Clendenen – Council President, Paul Steffens – Vice President, John Eastes, Michael Young, Gordon Liechty, Jr.
Pamela Spannuth – Clerk-Treasurer, Patrick Proctor – Town Attorney

7:00 – Mr. Clendenen called the meeting to order. Meeting was advertised and is being held as a joint meeting between the Town Council Leo-Cedarville and the Cedar Creek Township Advisory Board.

EAST ALLEN COMMUNITIES – Mr. Clendenen read in full the draft version of Resolution #41706, Plan for Reorganization of East Allen Communities. Input from residents was sought. A comment was made that the proposed plan for reorganization is honorable but unworkable; resident further asked how would large companies like BF Goodrich feel about this. Another comment was made that no matter what the intentions are, the reorganization would essentially create another county. Bridges addressed this statement by pointing out that East Allen Communities would remain under Allen County Government and would not be equal to Allen County. He stated that the benefit of East Allen Communities would be that the funds that are currently going into the common pot of Allen County would be spent strictly in East Allen County. Currently a small percentage of funds are being spent in east Allen County. Mr. Bridges further pointed out the problem with the County's Bridge Fund, he stated that 5 million was spent out of the bridge fund to balance the county budget and the entities in this area had no control over that decision. Mr. Witt, Grabill Town Councilman, intends for all member municipalities to maintain their individual identities, tax base, park systems, and other responsibilities within the proposed plan for reorganization. He expects that EAC would begin operations with the formation of a highway department. He also referenced the Allen County Highway Budget of 8.5 million stating that only 1.1 million was spent within the communities of east Allen County. It was further stated that a majority of the money has historically been spent in the areas that Fort Wayne is annexing. East Allen County's share of the Allen County Highway budget is approximately \$4,063,000.00. Mr. Witt again stressed that the town would maintain their existing funds.

Mr. Proctor addressed that some things may be legally inaccurate. He feels that the resolution is not accurate for the incorporated areas within the proposed plan. HB1362 allows for the reorganization of governments such as the shifting of powers, responsibilities and consolidating, however, when there is reorganization under this chapter the statute states that the original organizations cease to exist. He feels that the municipalities cannot merge yet keep their existing tax base, elected officials, or other governmental functions distinct from other member municipalities; there would ultimately be one entity formed. Possible scenarios mentioned as a result of the passage of this resolution

could be that the resolution be deemed to be invalid, or the consolidating organizations cease to exist. The plan as provided in HB1362 does not provide for the continuation of the individual communities. He cited the origin of Leo-Cedarville's zoning department and that it would no longer exist and the Allen County zoning code will again be in place. He further expressed concerns that the only representation the town would have on the EAC board would be one representative from Cedar Creek Township.

Gary Washington, a previous Cedar Creek Township advisory board member, addressed the subject. He expressed his concern about the threat of annexation from Fort Wayne. He stated that if the town is concerned about giving up its identity though the EAC plan, Leo-Cedarville would ultimately lose its identity if Fort Wayne aggressively annexes or consolidates with Allen County.

A question stated was "do you want to be run by Ft Wayne or New Haven? The New Haven City Council passed resolution #41706.

Mike Baker, from Leo-Cedarville, spoke regarding keeping Ft. Wayne at bay. Leo use to have a "country" atmosphere. He cited the previous annexation law regarding a 3 mile buffer (within a three mile radius of a 1st class city, that city could veto an annexation). Leo-Cedarville was originally incorporated right outside that limit. Under current law, Fort Wayne could legally annex right up to the Leo-Cedarville border. He feels that Fort Wayne has no current plans for annexation, but acknowledged that a Fort Wayne/Allen County consolidation is like a pseudo annexation.

Mr. Proctor stated that should a court challenge the resolution, the resolution could be thrown out, but not changed.

Mr. Witt stressed that if the town were to adopt the resolution, they could amend it later. Mr. Clendenen expressed his opinion that it is not wise to pass this resolution since there are so many unanswered questions and so many changes are needed.

Jean Yoder, Cedar Creek Township Advisory Board member, stated that it is too involved to get into with so many unanswered questions. She feels that if all of these communities pass the resolution and have this topic go to a referendum, a message is being sent to people that this may be a good thing. Leaving the ultimate decision to a referendum could be dangerous.

Mr. Proctor, felt that the timeline for the passage of this resolution was inaccurate. EAC is a volunteer organization and not a legal entity and feels that the timeline for adoption is not under a deadline. The EAC committee states that this meeting is the deadline for whether the town and township can accept, reject, or modify. Mr. Proctor feels that the town is not currently under a statutory deadline.

Mr. Young feels that too much government is never a good idea. He recommended delaying this decision to allow more time for further research and consideration.

A Cedar Creek Township resident asked about a preliminary budget for the services that EAC is to provide. There is no suggested budget available at this time.

Jacob Miller, stated that the member organizations could be used for their strengths citing the Leo-Cedarville Zoning Code as a possible model for the entire EAC.

Mr. Proctor suggested that Leo-Cedarville could enter into inter-local agreements with other entities for the exchange of goods and services vs. consolidating. He further suggested that smaller consolidations may be manageable.

Mr. John Eastes, stated that although he joined the council in January he has thoroughly researched this topic including seeking information from London Witte Group, a CPA firm. He requested information regarding the impact of HB1001 as well as requesting a pro forma budget. He stated that Town of Leo-Cedarville is fortunately not going to feel any immediate effects of HB1001. He further stated that a pro forma budget has not been provided. Mr. Eastes feels that we are in the period of 'within 30 days of receiving the final plan' and tonight there must be a vote to either adopt or reject. He feels that the plan was admirably formed but feels that the Town of Leo-Cedarville should have never been part of this original plan. He stated that there are issues that the council deals with within Leo-Cedarville's incorporated boundaries that do not have much to do with anything going on several townships away. Concern was expressed relating to both the contingent potential liability of bridges as well as how the town does not already have enough money in its budget to handle all of the needs of the town; a consolidation would dilute the funds of the town.

Mr. Proctor agreed that it may be possible that the EAC could delegate some responsibilities back to the town council.

Mr. Young stated that this should be on the ballot of the 2010 general election following further research.

Mr. Liechty stated there is merit in the plan but does not feel that the plan is "there yet". If there was a process that the resolution could be modified within 30 days he would be open to additional consideration.

Mr. Steffens feels that the plan proposes too large of a consolidation at once. He recommends that smaller consolidations should take place over time.

Mr. Proctor discussed the process that the council must take to proceed with this proposal.

Mr. Clendenen called for a motion to adopt EAC Resolution #41706.

Mr. Eastes moved to reject proposed resolution #41706 and have the town attorney draft a resolution affirming the rejection. The motion to reject resolution #41706 passed by a unanimous vote. All elected council members were present and all voted in favor of said motion.

APPROVE:

ATTEST:

John Clendenen
Council President

Pamela Spanuth
Clerk-Treasurer

Pat Creek called for the question. – Yoder – reject, Steve 2nd. Bridges – against.