

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 7, 2013

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Captain Jim Bradberry from the sheriff's department; Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator and Audie Hostetler from Human Resources filling in for Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes of the September 16<sup>th</sup>, 23<sup>rd</sup> & 30<sup>th</sup>, 2013 meetings and placed them on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Allowance of Claims, as submitted by the county auditor's office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an LPA contract with Lawson-Fisher Associates P.C. for professional construction engineering services for the CR 4 (Bridge #127) over Christiana Creek Bridge replacement for the highway department, as requested by Jeff Taylor, Manager of Transportation. The cost shall not exceed \$149,100. A copy of the contract is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Solid Waste – Landfill report for September 2013 and the Weights & Measures report for August 16<sup>th</sup>-November 15<sup>th</sup>, 2013 and placed them on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board granted permission to a motorcycle club to use the old county landfill next to the old Mt. Wawasee ski lodge for an enduro race on November 2<sup>nd</sup> & 3<sup>rd</sup>, as requested by Todd Mikel from the club.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,  
Kathy L. Erschen

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 14, 2013

President Terry Rodino called the meeting to order at 9:00 a.m. in the Commissioners' meeting room in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Pauline Graff, County Auditor; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Allowance of Claims, as presented by the county auditor's office.

Jeff Taylor, Manager of Transportation, addressed the Board regarding the acceptance of quotes for a barn for the highway department that will be located at CR 17 and CR 38. Bids were submitted at a meeting earlier this year for this project but only one was received & it was rejected. The specs were rewritten so there would possibly be more contractors interested in submitting a quote for the project. There were four (4) quotes received. They were from Timar Construction for \$147,900.50; Ideal Construction for \$120,986.00; Schrock Commercial for \$119,965.00 and IBM Construction for \$113,000.00. Mr. Taylor suggested these quotes be forwarded to their department for review and tabulation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted all of the quotes and forwarded them to the highway department for further review and tabulation. They will come back with a recommendation at a later meeting.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed a LPA Assurance letter to INDOT for the Ash & McKinley road project stating the County will comply with said Act and Regulations for federal funds, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an agreement with Phend & Brown, Inc. for the CR 17 between CR 40 and CR 38 road improvement project at a cost of \$1,516,108.23, as requested by Jeff Taylor, Manager of Transportation. A copy of the agreement is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved out-of-state travel for an employee in the prosecutor's office that went to Richmond, VA in September for a National Family Law Symposium.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,  
Kathy L. Erschen

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 21, 2013

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Sheriff Brad Rogers; Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Minutes of the October 7<sup>th</sup> & October 14<sup>th</sup>, 2013 meetings and placed them on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of Claims and payroll claims as presented by the county auditor's office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted an Ordinance Confirming, Ratifying and Issuing Precinct Establishment Order, as requested by Chad Clingerman from the county clerk's office. This will change two (2) precincts in Elkhart Township and affects 27 voters.

The Ordinance is as follows:

ORDINANCE NO. 2013-462

ORDINANCE CONFIRMING, RATIFYING, AND ISSUING  
PRECINCT ESTABLISHMENT ORDER

WHEREAS Indiana Code Sections 36-1-3-1 et seq. permit any unit in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its governmental or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS Indiana Code Sections 3-11-1.5 et seq. authorize a county executive to establish precincts in the incorporated and unincorporated areas of a county as provided by said statutes;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the County executive body and is by law authorized to adopt ordinances and resolutions concerning the precinct boundaries in Elkhart County, Indiana;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana adopted a proposed Precinct Establishment Order on or about August 12, 2013 consistent with recommendations of the Elkhart County Election Board and the Elkhart County Circuit Court Clerk consistent with Indiana Code Section 3-11-1.5 et seq.;

WHEREAS consistent with Indiana Code Section 3-11-1.5 et seq., the Board of Commissioners of the County of Elkhart, Indiana, the Elkhart County Election Board, and the Elkhart County Circuit Court Clerk have submitted the proposed Precinct Establishment Order to the Indiana Election Division and the Indiana Election Commission for review, revision, and/or approval;

WHEREAS the Indiana Election Division and the Indiana Election Commission approved the proposed Precinct Establishment Order with such approval effective on September 26, 2013;

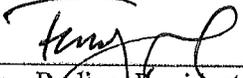
WHEREAS the Board of Commissioners of the County of Elkhart, Indiana desire to confirm, ratify, and formally adopt the proposed Precinct Establishment Order by Ordinance with the effective date of such approval being September 26, 2013;

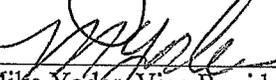
NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND ORDAINED by the Board of Commissioners of the County of Elkhart, Indiana that the Precinct Establishment Order of August 12, 2013 as approved and made effective by the Indiana Election Division and the Indiana

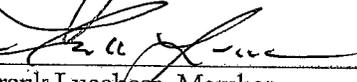
Election Commission on September 26, 2013 is hereby formally issued, confirmed, ratified, and established effective as of September 26, 2013. A copy of the Precinct Establishment Order is attached hereto as Exhibit A and incorporated herein by reference.

ORDAINED this 21<sup>st</sup> day of October, 2013.

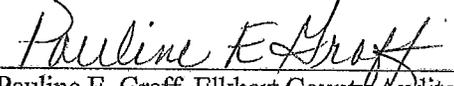
BOARD OF COMMISSIONERS OF THE  
COUNTY OF ELKHART, INDIANA

By:   
Terry Rodino, President

By:   
Mike Yoder, Vice-President

By:   
Frank Lucchese, Member

ATTEST:

  
Pauline E. Graff, Elkhart County Auditor

PRECINCT ESTABLISHMENT  
ORDER REDRAWING CERTAIN PRECINCTS

WHEREAS Indiana Code 3-11-1.5 et seq. requires that precinct boundaries comply with the directives of said law;

WHEREAS pursuant to Indiana Code 3-11-1.5 et seq., the Board of Commissioners of the County of Elkhart, Indiana has previously established the precincts for Elkhart County, Indiana;

WHEREAS the Elkhart County Clerk and Secretary for the Elkhart County Election Board has recommended that the boundaries between precinct Elkhart 01 and precinct Elkhart 07 be redrawn in order to avoid confusion in municipal elections in the City of Goshen, Indiana;

NOW, THEREFORE, BE IT ORDERED by the Board of Commissioners of the County of Elkhart, Indiana as follows:

1. The boundary between precinct Elkhart 01 and Elkhart 07 shall move from the north edge of census block 18390002003009 to the southern edge of census block 180390005012000. The address range 2302-2908 West Wilden Avenue would then be in precinct Elkhart 07. This change is established with the following materials which are on file for inspection and copying at the Indiana Election Division:
  - (a) A map of each precinct affected by this Order.
  - (b) A description of the boundaries of each precinct established by this Order and which identifies any census blocks located entirely within each precinct.
2. The estimated number of voters affected by this Order based on the registration records maintained by the Elkhart County Voter Registration Office would be twenty-seven (27) voters. The estimated number of voters in each precinct after this Order would be issued and adopted based up the registration records maintained by the Elkhart County Voter Registration Office would be as follows:

Elkhart 01      1311

Elkhart 07      1159

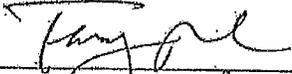
3. The polling places for the precincts redrawn by this proposed Order will comply with the polling place accessibility requirements under Indiana Code Section 3-11-8 and will not be affected by this proposed Order. The polling location for Elkhart 01 would remain Greene Road Church, 518 N. Greene Rd., Goshen, IN 46526, and the polling location for Elkhart 07 would remain First Assembly of God, 1706 Westplains Dr., Goshen, IN 46526.
4. Pursuant to Indiana Code 3-11-1.5 et seq., the Board of Commissioners of the County of Elkhart, Indiana and the Elkhart County Voter Registration Office propose to amend the precincts Elkhart

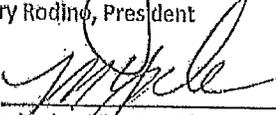
01 and precinct Elkhart 07 upon the approval thereof by the Indiana Election Division or the Indiana Election Commission as required by applicable law.

5. This Order shall become final and shall be deemed issued upon the approval of the precincts as provided herein by either the Indiana Election Division or the Indiana Election Commission as required pursuant to the provisions of Indiana Code 3-11-1.5 et seq, and the subsequent formal adoption thereof by the Board of Commissioners of the County of Elkhart, Indiana.

SO ORDERED this 12<sup>th</sup> day of August, 2013.

BOARD OF COMMISSIONERS OF THE COUNTY  
OF ELKHART, INDIANA

By:   
Terry Rodino, President

By:   
Mike Yoder, Vice President

By:   
Frank Lucchese, Member

ATTEST:

  
Pauline E. Graff, Elkhart County Auditor

Duane Burrow from planning and development presented a request for Elkhart East, LLC, represented by Jones Petrie Rafinsky, for a zone map change from a DPUD-E-3 to a DPUD-E-3 to amend the site plan drawing for an existing DPUD known as Elkhart East Area "D" Phase III located on the west side of CR 17, 2,000 feet south of CR 6 in Osolo Township. This has been sent from the Plan Commission with a recommendation for approval. Mr. Burrow said this is a simple request. There are two (2) portions of Section 9 in the original ordinance that is amended on the proposed ordinance. There were no comments from anyone in the audience. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the zone map change and adopted the ordinance establishing these amendments. The adopted Site Plan/Support Drawing is part of this Ordinance and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

The Ordinance is as follows:

**ORDINANCE NO. PC07-14a**

**TO AMEND ORDINANCE NUMBER PC07-14 A DETAILED PLANNED UNIT DEVELOPMENT ADOPTED THE 16TH DAY OF JULY 2007 MORE SPECIFICALLY BY AMENDING THE SITE PLAN SUPPORT DRAWING.**

**WHEREAS, Elkhart East, LLC** submitted a petition to amend Ordinance number **PC07-14** on 2nd day of August 2013;

**WHEREAS,** The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 9th day of September and did take public input at that meeting;

**WHEREAS,** The Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603 and Specifications I - Planned Unit Development of the Elkhart County Zoning Ordinance;

**WHEREAS,** The petition was sent to the Board of County Commissioners for Elkhart, Indiana with a xxxun/Favorablexxx Recommendation.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA, AS FOLLOWS:**

**SECTION 1.** That the adopted Site Plan Support Drawing be amended as graphically shown on the Site Plan / Support Drawing, dated August 5, 2013, which has been made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

**SECTION 2.** That Section 9 of PC07-14 is amended as follows:

1. That the text of Section 9 be deleted; and the text of Section 9 be replaced with the following text:

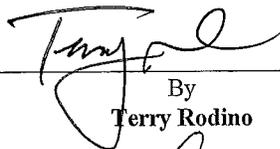
List of additional documentation, supporting information, and conditions:

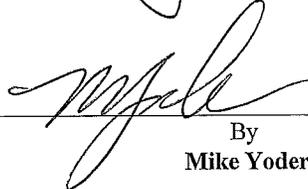
- a. All areas designated as future development shall be submitted as an amendment to the DPUD ordinance and will be required to be considered at a Public Hearing.
- b. No driveways are permitted to CR 6 and CR 17 that are not permitted by the E-3 zone.

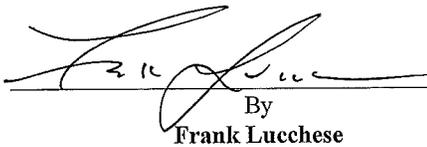
**SECTION 2.** That all Sections of PC07-14 remain in effect and are not intended to be amended by this ordinance unless specifically stated in Section 1 and Section 2 of this ordinance.

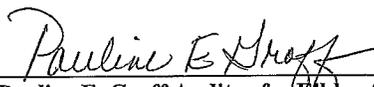
**SECTION 3.** This Ordinance shall be in full force and effect from and after its passage and approval in according with the law.

**ORDAINED AND ADOPTED THIS 21ST DAY OF OCTOBER 2013 BY THE BOARD OF COUNTY COMMISSIONER ELKHART COUNTY, INDIANA.**

  
\_\_\_\_\_  
By  
**Terry Rodino**

  
\_\_\_\_\_  
By  
**Mike Yoder**

  
\_\_\_\_\_  
By  
**Frank Lucchese**

Attest:   
**Pauline E. Graff Auditor for Elkhart County**

Mark Kanney from planning and development presented a request for Hubbard Hill Estates, Inc., represented by Kindig & Sloat, PC for the Vacation of a county right-of-way known as Elkhart East Area "D" Phase III located on the west side of CR 17, 2,000 feet south of CR 6 in Baugo Township. This has been sent to the Commissioners from the Plan Commission with a recommendation for approval. Mr. Kanney said this is a portion of the old CR 24 that was closed when SR 19 construction was done in this area. Loren Sloat, representing the petitioner, said it only makes sense to vacate it as Hubbard Hill now owns all of the surrounding property. They do not know what their future plans are for expansion but it may involve this whole area. There were no other comments from anyone in the audience. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing.

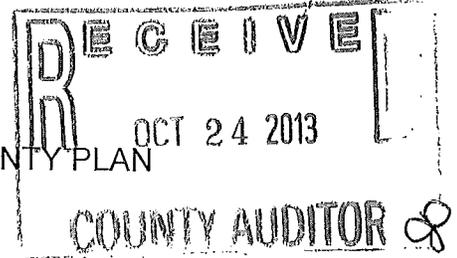
On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the vacation as requested and adopted an Ordinance Vacating Public Way in Unincorporated Area of Elkhart County, Indiana.

The Vacation Ordinance is as follows:



STATE OF INDIANA )  
 ) SS:  
COUNTY OF ELKHART )

ELKHART COUNTY PLAN  
COMMISSION



IN THE MATTER OF THE PETITION FOR  
VACATION OF COUNTY ROAD BY  
HUBBARD HILL ESTATES, INC AND  
HUBBARD HILL HEALTHCARE, LLC

2013-25959

ELKHART COUNTY RECORDER  
JERRY L WEAVER  
FILED FOR RECORD ON  
AS PRESENTED  
10/24/2013 09:59 AM

**ORDINANCE VACATING PUBLIC WAY IN  
UNINCORPORATED AREA OF ELKHART COUNTY, INDIANA**

A Petition having heretofore been filed with the Board of Commissioners of Elkhart County, Indiana on the 5<sup>th</sup> day of August, 2013, requesting the vacation of a certain public way within the unincorporated area of Elkhart County, Indiana, and more particularly described therein, said Petition being in the words and figures following, to-wit: (H.I.); and the public hearing before the Elkhart County Plan Commission and before the Board of Commissioners of Elkhart County having been scheduled as to said Petition, with the Elkhart County Plan Commission hearing having been held on the 12<sup>th</sup> day of September, 2013, and the hearing before the Board of Commissioners of Elkhart County having been held on the 21<sup>st</sup> day of October, 2013; and formal legal notice, by certified mail, return receipt requested, having been mailed to each owner of land that abuts the public way to be vacated, and formal legal publication notice as to said hearings having been published in the Goshen News on the \_\_\_ day of \_\_\_\_\_, 2013, and in The Wakarusa Tribune on the \_\_\_ day of \_\_\_\_\_, 2013 advising all necessary parties of the time, place, and date of said hearings, said legal notice having been so mailed, and having been so published, being in the words and figures following, to-wit: (H.I.); and the Board of Commissioners of Elkhart County, Indiana, pursuant to applicable Indiana law, having received a recommendation from the Elkhart County Plan Commission, and having conducted the public hearing on said Petition on the date set forth in said Notice, and being duly advised in the premises, now finds as follows:

1. That Petition heretofore filed is in proper order, and that proper legal notices of the two (2) public hearings conducted with regard to said Petition have been mailed and published.
2. The vacation of the public way in question will not hinder the growth or orderly development of Elkhart County, Indiana, or the neighborhood in which it is located or to which it is contiguous.
3. The vacation of the public way in question will not make access to the lands of any property owners within Elkhart County, Indiana by means of public way difficult or inconvenient.

*Hubbard Hill*

4. The vacation of the public way in question will not hinder the public's access to a church, school, or other public building or place.

5. The vacation of the public way in question will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW, THEREFORE, Be it Ordered, Adjudged and Decreed by the Board of Commissioners of Elkhart County, Indiana as follows:

1. That said Petition is hereby, in all respects, approved and confirmed, and the request herein made to vacate a public way is hereby granted.

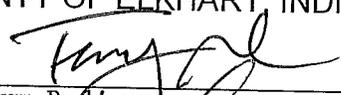
2. That the following described public way situate in the unincorporated area of Elkhart County, Indiana is hereby vacated, said public way being described on the survey which is attached hereto and made a part hereof by reference as Exhibit A.

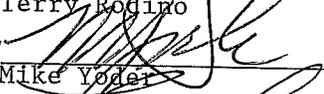
3. That fee simple title to the above vacated property shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel lines, to be centerline of the public way herein vacated.

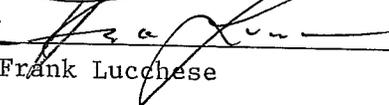
4. That these proceedings shall not deprive any public utility of the use of nil or part of the public way herein granted if at the time these proceedings are instituted the utility is occupying or using all or part of that public way for the location and operation of its facilities.

Dated this 21<sup>st</sup> day of October, 2013.

BOARD OF COMMISSIONERS OF THE  
COUNTY OF ELKHART, INDIANA

By   
Terry Rodino

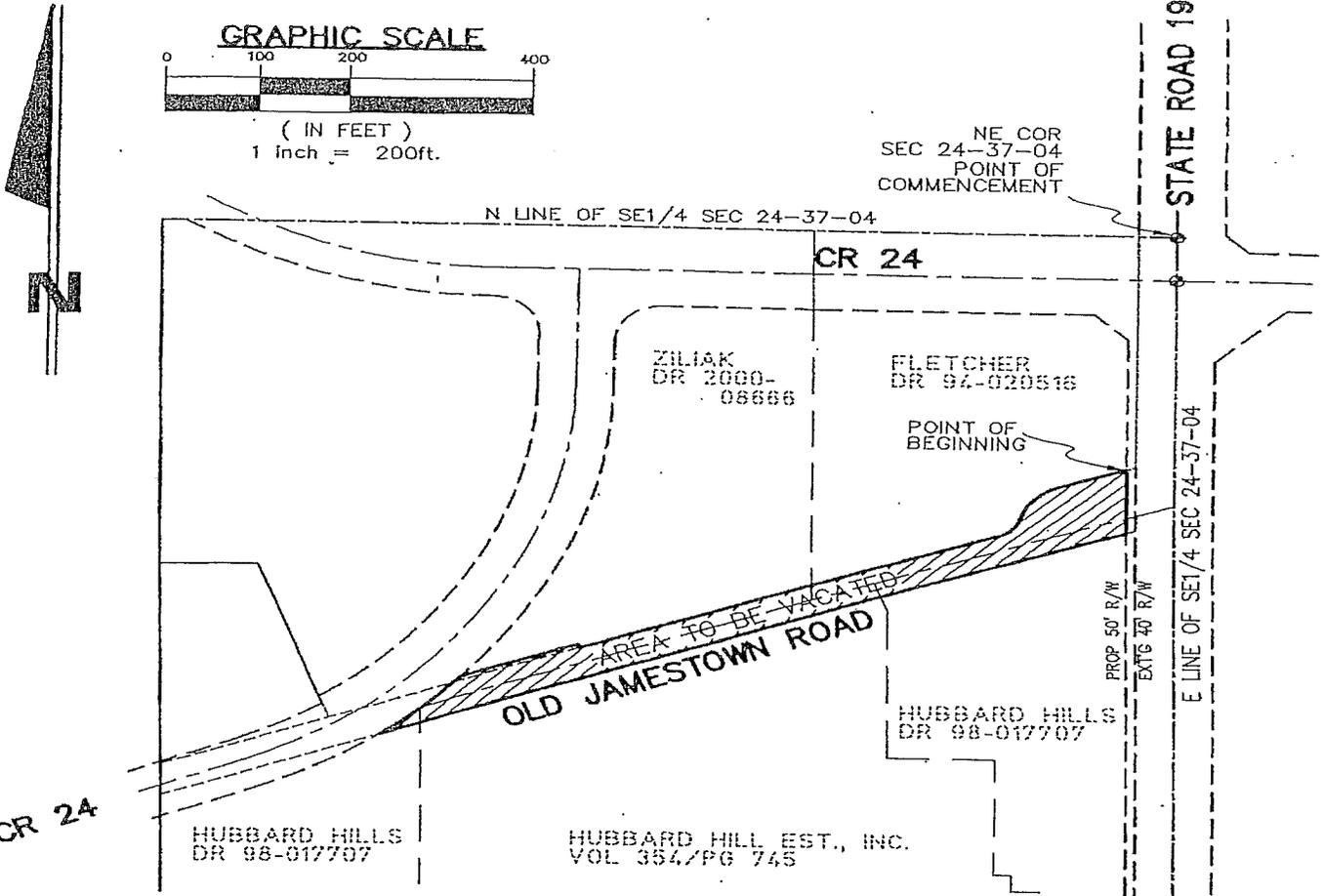
By   
Mike Yoder

By   
Frank Lucchese

Attest:

  
Auditor, Elkhart County, Indiana  
Pauline E. Graff

EXHIBIT "A"



SKETCH & DESCRIPTION FOR ROAD VACATION

A part of the Southeast Quarter of Section 24, Township 37 North, Range 4 East, Baugo Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said quarter section; thence North 89°33'37" West along the north line of said quarter section, and along the north boundary (extended) of County Road Number 24 a distance of 40.00 feet to the west boundary of Indiana State Road Number 19;

Thence South 00°02'43" West along the said west boundary 326.60 feet to the northeast corner of Tract B as described in that "Grant of Permanent Right-of-way" recorded as Deed Record 98-019517 in the records of the Elkhart County Recorder; thence South 69°57'06" West 10.64 feet along the north line of said Tract B to a point lying 50.00 feet west of the east line of said southeast quarter section and the place of beginning of this description;

thence South 0°02'43" West along said 50.00 feet offset line 90.51 feet to the southeast boundary of Old Jamestown Road; thence South 69°57'06" West along said southeast boundary 849.50 feet to a point on the southeast boundary of the realigned County Road 24 at a point on a non-tangent curve; thence 121.16 feet along an arc to the left having a radius of 615.00 feet and subtended by a chord bearing of North 48°06'42" East and a length of 120.96 feet to a point on the northwest boundary of Old Jamestown Road; thence North 69°57'06" East 133.74 feet along said northwest boundary; thence South 20°02'54" East 5.00 feet; thence North 69°57'06" East along said northwest boundary 477.19 feet to the southwest corner of the aforementioned Tract B; thence 34.60 feet along an arc to the left having a radius of 35.00 feet and subtended by a chord bearing of North 41°38'07" East and a length of 33.20 feet; thence 64.25 feet along an arc to the right having a radius of 65.00 feet and subtended by a chord bearing of North 41°38'07" East and a length of 61.66 feet; thence North 69°57'06" East 73.87 feet along the northwest boundary of said Tract B to the point of beginning, and having an area of 0.87 acres.

Subject to survey and to easements and encumbrances of record.

*Peter H. Schnaars*  
PETER H. SCHNAARS RLS #29900028  
PAGE 472

OCTOBER 21, 2013

CLIENT: BRIAN MILLER	DATE: 4/18/01
BUYER:	DEED REC: SEE DRAWING
OWNER: VARIOUS	DRAWN: PHS
ADDRESS: 28070 CR 24	CHECKED: PHS 4/18/2001
ELKHART, IN. 46517	JOB #: 2000-0629
DATE OF FIELD SURVEY: NONE	SCALE: 1" = 200'



WIGHTMAN PETRIE, INC.  
4703 CHESTER DRIVE, ELKHART, IN. 46516  
PH: 219-293-7762 FAX: 219-294-3717

ENGINEERING - SURVEYING  
ARCHITECTURE - TESTING  
ENVIRONMENTAL

SECTION 24, T. 37N, R. 04E  
JOB No. 2000-0629

Brian Mabry from planning and development presented a request to amend the text in the county's ordinance. The amendment requested is for Article 1 IN GENERAL, adopting definitions, and Article 5 ADMINISTRATION, allowing the Plan Director to require an As-Built Drawing for certain Detailed Planned Unit Development projects prior to issuance of a Certificate of Occupancy, on property located in the unincorporated areas of Elkhart County, the Town of Bristol, the Town of Wakarusa, the Town of Millersburg and the Town of Middlebury. This would apply to commercial developments and not residential. This would empower the plan director to empower an as-built drawing if there are any discrepancies in what is happening on the ground and what was approved as part of the DPUD that was approved by the plan commission and the commissioners. Mr. Mabry said there have been several staff meetings about the recurring problem they have been having with DPUDs. There were two surveyors that gave their input for this amendment and have reviewed the proposed ordinance. He explained how the process would work according to the amended ordinance and highlighted some of the changes and additions. Mr. Yoder and Mr. Rodino had some questions and concerns and Mr. Mabry answered their issues. It was determined the plan director will have a lot of discretion with this addition to the zoning ordinance. Mr. Yoder noted there is a way to appeal a decision if a developer is unhappy. A public hearing was opened and there was no one that had any comments. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

There was more discussion among the Board regarding this amendment request and Mr. Yoder wanted to make sure this would coordinate with the MS4 rules & regulations. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the amendment and adopted the ordinance amending the text in the county's zoning ordinance as requested.

The Ordinance is as follows:

**AN ORDINANCE TO AMEND THE TEXT OF THE ELKHART COUNTY ZONING ORDINANCE COUNTY CODE 36-7-4-600 BY AMENDING DEFINITIONS AND ADMINISTRATION AS DETAILED IN THIS ORDINANCE.**

**Whereas**, the Elkhart County Advisory Plan Commission did publish notice of Public Hearing in The Elkhart Truth on the 2<sup>nd</sup> day of September 2013 and in The Goshen News on the 29<sup>th</sup> day of August 2013;

**Whereas**, the Elkhart County Advisory Plan Commission did hold a public hearing on the 12<sup>th</sup> day of September 2013 and at that public hearing did take and consider public input;

**Whereas**, the Elkhart County Advisory Plan Commission did on the 12<sup>th</sup> day of September 2013 review and consider a form of Ordinance written by the Staff for the Plan Commission;

**Whereas**, the Elkhart County Advisory Plan Commission did give reasonable regard as required by Indiana Code 36-7-4-603 to the proposal for a text amendment to the Elkhart County Zoning Ordinance; And did forwarded the proposal with a favorable recommendation for adoption by the Board of Commissioners of Elkhart County.

**NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA AS FOLLOWS:**

**Section 1.** Add the following text as new in "SECTION 2. Definitions" in "ARTICLE 1: IN GENERAL":

**5.50 AS-BUILT DRAWING.** A drawing that shows the actual locations, elevations, dimensions of improvements, and construction deviations, compared to an approved plan, on a property as sealed and certified by a professional engineer or a registered land surveyor in the State of Indiana.

**35.50 DRAINAGE FACILITY.** Any improvement on a property constructed to collect and convey storm water, including, but not limited to, retention and detention areas, swales, tiling or culverts.

**57.50 IMPERVIOUS COVERAGE.** Any material or structure that fully or predominately prevents absorption of storm water into the ground.

**81.50 MIXED USE.** A type of development that has both residential and nonresidential uses in the same building or the same general area.

**Section 2.** Add the following text as a new Section 6 to follow "SECTION 5. Administrative Adjustment" in "ARTICLE 5. ADMINISTRATION":

**SECTION 6. As-Built Drawing Required for Certain Detailed Planned Unit Developments**

**a. Applicability**

The provisions of this Section apply solely to nonresidential and mixed use Detailed Planned Unit Development (DPUD) projects for the purpose of providing the public with assurance that a project has been built according to the approved DPUD documents. The provisions of this Section do not apply to purely residential DPUD projects.

**b. Major and Minor Discrepancies**

1. For the purposes of this subsection, the term "development" means a nonresidential or mixed use DPUD that received final approval on or after March 3, 1997.
2. An As-Built Drawing, at the same scale and on the same paper size as the approved DPUD Site Plan / Support Drawing, that shows drainage facilities and impervious coverage for the zoning lot, is required to be submitted to the Plan Director prior to

issuance of a Certificate of Occupancy if the Plan Director observes or can reasonably conclude the presence of any one or more of the following Major Discrepancies or any two or more of the following Minor Discrepancies related to the subject property.

**(a) Major Discrepancies**

- (i) Drainage facilities required on the approved Site Plan / Support Drawing are not constructed or are in the wrong location;
- (ii) Drainage facilities on the subject property are smaller by volume than required on the approved Site Plan / Support Drawing;
- (iii) A drainage failure occurred in a previous phase of the same development and such failure affected the watershed of the development; or
- (iv) An Illicit discharge, as defined in Ordinance 06-293, Storm Water Regulation Associated With Illicit Discharges, occurred in a previous phase of the same development.

**(b) Minor Discrepancies**

- (i) A drainage failure occurred in a previous phase of the same development that affected only the site itself;
- (ii) Drainage-related stabilization landscaping is missing or inadequate during construction of the project; or
- (iii) Drainage area maintenance is missing or inadequate during construction of the project.

**c. Review Process**

After receipt and review of the As-Built Drawing, the Plan Director may take any of the following actions.

1. The Director may determine that the drainage improvements and impervious surface on the property achieve alternative compliance with the approved DPUD documents and allow the Certificate of Occupancy to be issued. For the purposes of this paragraph, "alternative compliance" means that the improvements on the property do not match what is shown on the approved DPUD documents, but that the As-Built Drawing and supporting materials demonstrate that the improvements meet or exceed local drainage regulations. Supporting materials, including but not limited to drainage calculations, must be sealed and certified by a professional engineer or a registered land surveyor in the State of Indiana, as permitted by State statutes.
2. The Director may require that the site be modified to comply with the approved DPUD documents and allow the Certificate of Occupancy to be issued after compliance is achieved.
3. The Director may accept a petition to amend the DPUD Site Plan / Support Drawing. The amendment must be processed for review, Public Hearing, recommendation and final action as required in Specifications I, Section 3 of this Ordinance.
4. The Director may allow the petitioner to undertake a combination of paragraphs 1., 2. and 3. above.

**d. Seasonal Delays**

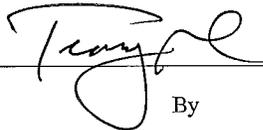
1. The following provisions apply to a project being constructed or completed during the timeframe of November 15<sup>th</sup> to February 28<sup>th</sup>.
  - (a) The Building Commissioner may issue a Temporary Certificate of Occupancy that is valid until the following April 1<sup>st</sup> for projects that are subject to the provisions of this Section. Approved drainage facilities and impervious coverage must be in place and a permanent Certificate of Occupancy must have been

issued on or before the April 1<sup>st</sup> expiration date of the Temporary Certificate of Occupancy.

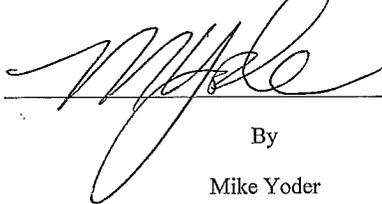
- (b) Installation of stabilization landscaping referenced in paragraph b.2.(b) above may be delayed until April 1<sup>st</sup> without counting as a Minor Discrepancy.
- 2. The Plan Director may expand the timeframe established in subsection 1 above for good cause related to cold weather.

**Section 3.** This ordinance shall be established effective the day of adoptions by the Board of Commissioners.

**ORDAINED AND ADOPTED THIS 22<sup>nd</sup> DAY OF OCTOBER 2013 BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART COUNTY, INDIANA.**

  
\_\_\_\_\_

By  
Terry Rodino

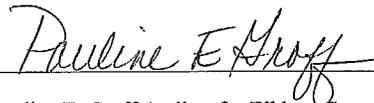
  
\_\_\_\_\_

By  
Mike Yoder

  
\_\_\_\_\_

By  
Frank Lucchese

Attest:

  
\_\_\_\_\_  
Pauline E. Graff Auditor for Elkhart County

Jeff Taylor, Manager of Transportation, presented all of the appropriation reductions as described below for the highway department:

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction from the Major Bridge fund for \$151,490.55 to close out two projects involving right-of-way for the Six Span Bridge project.

On a motion made Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction from the Cumulative Bridge fund for \$24,029.47 to close out a project.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction from the Cumulative Bridge fund for \$15,216.01 to close out the Bridge #400 engineering project.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction from the Cumulative Bridge fund for \$23,250.00 to close out the bridge inspection project for 2010 & 2012.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction for the Major Bridge fund for \$157,215.43 to close out two projects pertaining to the Prairie Street Bridge construction project.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction from the Motor Vehicle Highway fund for \$356,245.00 for truck purchases so the funds can be re-appropriated for equipment purchases.

The six (6) appropriation reductions are as follows:





**ELKHART COUNTY  
APPROPRIATION REDUCTION REQUEST**

DATE: 10-16-13

DEPARTMENT

Cumulative Bridge  
NAME

335-980  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	15,216.01	1111	Bridge 400 Engineering	2005	Cumulative Bridge Fund	335		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>15,216.01</b>							
	<b>ORIGINAL AMOUNT</b>		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date

**REASON FOR REQUEST** 1. Engineering is complete.

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**ELKHART COUNTY  
APPROPRIATION REDUCTION REQUEST**

DATE: 10-16-13

DEPARTMENT

Motor Vehicle Highway  
NAME

112-980  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	356,245.00	1319	Truck Purchases	4730	Motor Vehicle Highway	112		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>356,245.00</b>							
	ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effectuated		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date

**REASON FOR REQUEST** 1. Funds to be (re)appropriated for equipment.

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Jeff Taylor, Manager of Transportation, presented all of the additional appropriations below for the highway department and requested approval:

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Local Road & Street fund for \$50,000 for gas & diesel fuel for the remainder of 2013.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund for \$510,000 to replace three (3) loaders and a grader.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund for \$50,000 for professional services, which is to hire sub-contractors to plow snow in subdivisions.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund \$70,000 for PERF and excess hours.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Major Bridge fund for \$70,000 and an additional appropriation from the Cumulative Bridge fund for \$250,000, both for bridge inspections. 80% of these costs will be reimbursed by federal funds.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the EDIT fund for \$277,080 for the interest and principal payment to the Major Moves fund for the loan for the CR 17 2C project.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Major Bridge fund for \$750,001 for the interest and principal payment for the Major Moves loan for the Six Span Bridge project.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Major Bridge fund for \$100,000 for the Kercher Bridge engineering.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund for \$100,000 for workers' comp.

The above ten (10) additional appropriations are as follows:



**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 10-16-13

DEPARTMENT

Motor Vehicle Highway  
NAME

112-980  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	510,000	1328	Equipment Purchase	4730	Motor Vehicle Highway	112		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>510,000</b>							
	<b>ORIGINAL AMOUNT</b>		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date
						X		

**REASON FOR REQUEST** 1. Funds required to replace 2001 Cat Loader, 2002 Cat Loader, 2005 Case Loader, 1991 Dresser grader

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**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 10-16-13

DEPARTMENT

Local Road and Street  
NAME

114-222  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO			
1	50,000		Other Professional Services	4309	Local Road and Street	114			
2									
3									
4									
5									
6									
7									
8									
<b>TOTAL</b>	<b>50,000</b>								
	<b>ORIGINAL AMOUNT</b>		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL			
	Approp.	as of Date		AMOUNT	DATE	YES	NO	Amount	Date
	50,000	1213	14-Oct				X		

**REASON FOR REQUEST** 1. Funds required to hire contractors for plowing subdivisions.

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**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 10-16-13

DEPARTMENT

EDIT

331-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	47,559		Interest Major Moves Loan	4357	EDIT	331
2	229,521		Principal Major Moves Loan	4352	EDIT	331
3						
4						
5						
6						
7						
8						
<b>TOTAL</b>	<b>277,080</b>					
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL
	ORIGINAL AMOUNT					
	Approp. Unspent as of Request Date			YES	NO	Amount Date
					X	

**REASON FOR REQUEST** Dec 31, 2013 Major Moves principle & interest payment, CR 17 2C

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**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 10-16-13

DEPARTMENT

Major Bridge

338-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	618,392		Principal Major Moves Loan	4352	Major Bridge	338	
2	131,609		Interest Major Moves Loan	4357	Major Bridge	338	
3							
4							
5							
6							
7							
8							
<b>TOTAL</b>	<b>750,001</b>						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effectuated		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp. Unspent as of Reques Date			YES	NO	Amount	Date
					X		

**REASON FOR REQUEST** Major Moves Payment Due for Six Span Bridge

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**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 10-16-13

DEPARTMENT

Major Bridge Fund  
NAME

338-980  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	100,000	1325	Kercher Bridge Engineering	4730	Major Bridge	338		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>100,000</b>							
	<b>ORIGINAL AMOUNT</b>		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date
						X		

**REASON FOR REQUEST** 1. Funds required for the design of the Kercher Bridge. The design will be done by Highway Dept. Engineers. The appropriation is for survey, environmental, soil borings, and all other misc costs related to the design of the bridge.

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**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 10-16-13

DEPARTMENT

Motor Vehicle Highway  
NAME

112-204  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	100,000		<del>PERF</del> Workers Comp.	4156	Motor Vehicle Highway	112		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>100,000</b>							
	<b>ORIGINAL AMOUNT</b>		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date
	200	9-Oct				X		

**REASON FOR REQUEST** 1. Amount needed to pay Workers Comp bill.

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On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a traffic control recommendation and adopted a traffic control ordinance to RESCIND a STOP at 26<sup>th</sup> Street and Old US 33 and 26<sup>th</sup> Street and Larue Street (Ordinance 84-710, dated 11/5/1984), as requested by Jeff Taylor, Manager of Transportation. The traffic control ordinance is as follows:

**TRAFFIC SIGN ORDINANCE**

TYPE OF SIGN: "STOP"

WHEREAS, the Engineer has conducted an engineering and traffic investigation and upon the basis of this engineering and traffic investigation has recommended that the existing signs be removed at the following location:

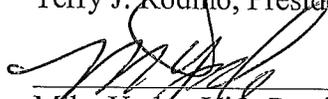
**LOCATION: TWENTY-SIXTH STREET & OLD US 33 AND  
TWENTY-SIXTH STREET & LARUE STREET**

NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to remove the existing signs at this location:

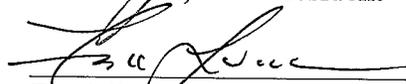
**LOCATION: TWENTY-SIXTH STREET & OLD US 33 AND  
TWENTY-SIXTH STREET & LARUE STREET**



Terry J. Rodino, President



Mike Yoder, Vice President



Frank R. Lucchese, Member

DATE OF ORDINANCE: October 21, 2013

ORDINANCE NUMBER 2013-495

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a traffic control recommendation and adopted a traffic control ordinance for a STOP sign at CR 36 for CR 15 and RESCIND STOP at CR 15 for CR 36 (Ordinance 28-637 passed 11/1/1971), as requested by Jeff Taylor, Manager of Transportation. The traffic control ordinance is as follows:

## TRAFFIC CONTROL ORDINANCE

TYPE OF SIGN: "STOP"

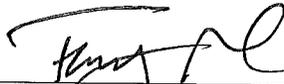
WHEREAS, the Engineer has conducted an engineering and traffic investigation and upon the basis of this engineering and traffic investigation has recommended that a "STOP" SIGNS be posted at the following location:

COUNTY ROAD 15 AND COUNTY ROAD 36

NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to POST "STOP" SIGNS at this location:

COUNTY ROAD 15 AND COUNTY ROAD 36

Board of Commissioners  
Elkhart County, Indiana

  
\_\_\_\_\_  
Terry J. Rodino, President

  
\_\_\_\_\_  
Mike Yoder, Vice President

  
\_\_\_\_\_  
Frank R. Luechese, Member

DATE OF ORDINANCE: October 21, 2013

ORDINANCE NUMBER 2013-497

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a traffic control recommendation and adopted a traffic control ordinance for a YIELD sign at CR 6 and Ash Road and RESCIND STOP (Ordinance 29 COM. REC. 483 dated September 4, 1973), as requested by Jeff Taylor, Manager of Transportation. The traffic control ordinance is as follows:

## TRAFFIC CONTROL ORDINANCE

TYPE OF SIGN: "YIELD"

WHEREAS, the Engineer has conducted an engineering and traffic investigation and upon the basis of this engineering and traffic investigation has recommended that a "YIELD" SIGNS be posted and "STOP" SIGNS BE REMOVED at the following location:

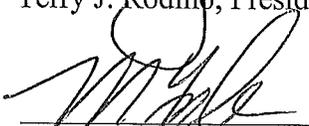
COUNTY ROAD 6 AND ASH ROAD

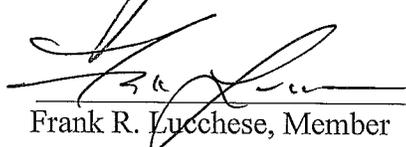
NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to POST "YIELD" SIGNS and REMOVE "STOP" SIGNS at this location:

COUNTY ROAD 6 AND ASH ROAD

Board of Commissioners  
Elkhart County, Indiana

  
\_\_\_\_\_  
Terry J. Rodino, President

  
\_\_\_\_\_  
Mike Yoder, Vice President

  
\_\_\_\_\_  
Frank R. Lucchese, Member

DATE OF ORDINANCE: October 21, 2013

ORDINANCE NUMBER 2013-499

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a contract with CHA Consulting (formerly R.W. Armstrong) for professional consulting and engineering services for traffic signal safety improvements, as requested by Jeff Taylor, Manager of Transportation. MACOG has asked the county to be the coordinator for the project but it does include intersections in the cities also. A copy of the contract is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the quote from IBM Construction, LLC (minus the options for the building) for construction of the truck storage building for the highway department to be located at CR 38 and CR 17 at a cost of \$113,000, as requested by Jeff Taylor, Manager of Transportation. They submitted the lowest quote for the project.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board re-appointed Harold Atkins to the Board of Directors of the Hospital Authority of Elkhart County for another four (4) year term.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction from the Cumulative Capital Development fund for \$28,488 to close out the shelving project at the archives building, as requested by Tom Byers, County Administrator.

The appropriation reduction is as follows:

**ELKHART COUNTY  
APPROPRIATION REDUCTION REQUEST**

DATE 10-16-13

DEPARTMENT \_\_\_\_\_

Commissioners  
NAME \_\_\_\_\_

334/980  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	\$ 28,488	1308	Cons/Recons	4730	Cum Cap Dev	334		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>\$ 28,488</b>							
	<b>ORIGINAL AMOUNT</b>		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp.	as of Date						
			AMOUNT	DATE	YES	NO	Amount	Date

**REASON FOR REQUEST** \_\_\_\_\_ Shelving project complete at archives.

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\_\_\_\_\_

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the 2014 Board of Commissioners Meeting Schedule.  
The meeting schedule is as follows:

# 2014

## ELKHART COUNTY BOARD OF COMMISSIONERS MEETING SCHEDULE

**JANUARY** 6 Monday - **Regular**  
13 Monday - Adm/Claims  
21 Tuesday - **Regular**  
27 Monday - Adm/Claims

**JULY** 7 Monday - **Regular**  
14 Monday - Adm/Claims  
21 Monday - **Regular**  
28 Monday - Adm/Claims

**FEBRUARY** 3 Monday - **Regular**  
10 Monday - Adm/Claims  
17 Monday - **Regular**  
24 Monday - Adm/Claims

**AUGUST** 4 Monday - **Regular**  
11 Monday - Adm/Claims  
18 Monday - **Regular**  
25 Monday - Adm/Claims

**MARCH** 3 Monday - **Regular**  
10 Monday - Adm/Claims  
17 Monday - **Regular**  
24 Monday - Adm/Claims  
31 Monday - Adm/Claims

**SEPTEMBER** 2 Tuesday - **Regular**  
8 Monday - Adm/Claims  
15 Monday - **Regular**  
22 Monday - Adm/Claims  
29 Monday - Adm/Claims

**APRIL** 7 Monday - **Regular**  
14 Monday - Adm/Claims  
21 Monday - **Regular**  
28 Monday - Adm/Claims

**OCTOBER** 6 Monday - **Regular**  
13 Monday - Adm/Claims  
20 Monday - **Regular**  
27 Monday - Adm/Claims

**MAY** 5 Monday - **Regular**  
12 Monday - Adm/Claims  
19 Monday - **Regular**  
27 Tuesday - Adm/Claims

**NOVEMBER** 3 Monday - **Regular**  
10 Monday - Adm/Claims  
17 Monday - **Regular**  
24 Monday - Adm/Claims

**JUNE** 2 Monday - **Regular**  
9 Monday - Adm/Claims  
16 Monday - **Regular**  
23 Monday - Adm/Claims  
30 Monday - Adm/Claims

**DECEMBER** 1 Monday - **Regular**  
8 Monday - Adm/Claims  
15 Monday - **Regular**  
22 Monday - Adm/Claims  
29 Monday - Adm/Claims

All **Regular** meetings will be held on the first and third Mondays of each month except for holidays, at 9:00 a.m. in Room 104 of the County Administration Building, 117 North Second Street, Goshen, Indiana. These meetings are considered public, open door meetings.

All **Administrative/Claims** meetings will be held at 9:00 a.m. in the Commissioners office of the County Administration Building unless otherwise specified. These meetings are to work on administrative items and for approval of claims only. These meetings are also considered public, open door meetings.

All agenda items must be in the Commissioners' Office no later than **noon** on the Wednesday before the meeting.

There were no Board items or audience items.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,  
Kathy L. Erschen

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 28, 2013

Vice President Mike Yoder called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Mike Yoder was present and Terry Rodino was absent. Others present were Pauline Graff, County Auditor; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Allowance of Claims, as presented by the county auditor's office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved a grant renewal application for a Victims of Crime Act (VOCA) grant from the Indiana Criminal Justice Institute for the Victim Assistance department, as requested by Amy Bechtel, Director. This grant is for \$114,779 and pays for salaries. The county has been awarded this grant since 1990.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved a grant renewal application for a STOP Domestic Violence grant for the victim's assistance office from the Indiana Criminal Justice Institute for \$27,205, as requested by Amy Bechtel, Director of Victim Assistance. The county has been awarded this grant since 2001.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved a contract with Purdue University for 2014 for the educators at the county's extension office, as requested by Mary Ann Lienhart-Cross, Director of Extension. A copy of the contract is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation for \$2,700 from the General fund for planning and development, as requested by Chris Godlewski, Director of Planning.

The additional appropriation is as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 10/16/13

DEPARTMENT

Planning

001-132

NAME

NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$ 2,700.00		Supervisor/Other	4104	Planning	1	
2						
3						
4						
5						
6						
7						
8						
TOTAL \$ 2,700.00						
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
Approp.	Unspent Request as of Date		YES	NO	Amount	Date
		AMOUNT	DATE			
1						
2						
3						
4						
5						
6						
7						
8						
TOTAL \$						

**REASON FOR REQUEST**

To pay the Supervisor's salary through the end of 2013.

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On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an Addendum to a contract with Symbiont to provide assistance for preparation and submittal of a grant application to the USEPA for Brownfields Coalition Site assessment grant funds, as requested by Chris Godlewski, Director of Planning. The city of Elkhart will also be a part of this Addendum. This grant application would be submitted as part of the USEPA Brownfields Grant competition for Fiscal Year 2014. A copy of the Addendum and Symbiont's Proposal No. 33191 are on file in the Commissioners' office.

Tom Byers, County Administrator, addressed the Board regarding a recommendation to the County Council to adopt a new ordinance regarding fees and funds for the county's landfill. The proposed ordinance would amend and restate, and/or combine the other three (3) ordinances governing rates, charges, fees and funds for the Elkhart County Landfill. This ordinance will set up an Administrative/Liability Expense fund that may ultimately be transferred, appropriated and used for administrative and liability protection costs of the county, to include such costs associated with the landfill. There will be \$1,000,000 put into this fund from the landfill's operating fund for the 2014 budget and beginning in 2014, the Commissioners shall recommend to the County Council, no less frequently than annually, an amount for additional transfers from the landfill's operating fund not to exceed \$500,000. If adopted by the County Council, the ordinance number will be CC-2013-18.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved recommending to the County Council that they adopt the proposed ordinance for the county's landfill.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board appointed James Rieckhoff to a four (4) year term on the Board of Directors of the Hospital Authority of Elkhart County, Indiana. His term will begin immediately and continue until the annual meeting of the Hospital Authority in 2017 or until his successor is duly appointed.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board adjourned their meeting.

Respectfully submitted,  
Kathy L. Erschen