

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

July 7, 2014

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; Dawn Truex from the county auditor's office; 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 June 16<sup>th</sup>, 23<sup>rd</sup>, & 30<sup>th</sup>, 2014 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, as presented by the county auditor's office.

Proofs of publication from the *Goshen News* and the *Elkhart Truth* were presented for the acceptance of bids for the CR 46 over Dausman Ditch Bridge #298 rehabilitation project for the county highway department. Bids were received from Northern Indiana Construction Co. for \$323,147.79 and LaPorte Construction Co. for \$313,461.00.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted both bids and forwarded them to Jeff Taylor, Manager of Transportation, for tabulation and recommendation for awarding the bid. Bids will be on file at the highway department.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved out-of-state travel for two employees in the health department to go to Atlanta, Georgia in September to receive current information in the areas of breastfeeding and nutrition to help WIC participants.

Bob Girard, Director of Court Services, asked the Board for approval of the 2014-15 Juvenile Alternative to Detention Initiatives (JDAI) Grant Amendment from the Indiana Department of Corrections (IDOC). This will fund the JDAI coordinator and well as a case manager position. He is asking for approval to continue this grant which will expire on June 30, 2015.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved grant amendment as presented.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved out-of-state travel for Marc Watson, GIS Director, to go to San Diego, CA July 14<sup>th</sup>-18<sup>th</sup> for the ESRI Conference.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved Secondary approval for Timberstone Third located on CR 15, as requested by Mark Kanney from planning and development.

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 to rescind Ordinance 84-710 dated 11/5/1984 for a 2 WAY STOP at CR 45 for CR 13 and adopted an ordinance for a 4 WAY STOP at CR 45 and CR 13, as requested by Jeff Taylor, Manager of Transportation. After review of this intersection there is enough stacking room for vehicles on CR 13 and there have also been numerous crashes at this intersection.

The traffic control ordinance is as follows:

**NOTICE OF ADOPTION OF ORDINANCES**

**IMPOSING PENALTY OR FORFEITURE**

Notice is hereby given that the Board of Commissioners of Elkhart County, Indiana has passed the following ordinances, the violation of which are subject to the penalties as provided by Indiana Code and Statute. These Ordinances are effective upon publication once each week for two (2) consecutive weeks, as provided under IC 1971, S-3-1-4.

Said Ordinances are as follows:

**TRAFFIC CONTROL**

**RESCIND ORDINANCE 84-710 DATED 11/5/1984 "2-WAY STOP" COUNTY ROAD 45 FOR COUNTY ROAD 13 AND ADOPT "4-WAY STOP" AT COUNTY ROAD 45 AND COUNTY ROAD 13**

Ordinance No. 2014-297

Dated this: July 7, 2014  
BOARD OF COMMISSIONERS  
ELKHART COUNTY, INDIANA

Terry J. Rodino  
Mike Yoder  
Frank R. Lucchese

ATTEST: Pauline E. Graff, Auditor  
Elkhart County, Indiana

**NEWSPAPERS:** Advertise Wednesdays  
Advertise in The Goshen News and The Elkhart Truth

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 Cumulative Bridge fund for \$200,000 for design, construction and inspection for Summit Bridge rehabilitation project over Berlin Court Ditch in Nappanee, as requested by Jeff Taylor, Manager of Transportation. The city of Nappanee will be paying up to ½ of the cost of the project. There will be an interlocal agreement with Nappanee to cover this project. This is not a county bridge at this time but does connect a public road to a park. It will be determined whether the county should add this bridge to the county's bridge inventory.

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 request for the Motor Vehicle Highway fund for \$100,000 due to unneeded vehicle parts, 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 and forwarded to the County Council an additional appropriation request from the Local Road & Street fund for \$50,000 for repairs for vehicles, 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 and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund for \$10,000 for the purchase of buggy plates, as also requested by Jeff Taylor, Manager of Transportation. Interra Credit Union sells the plates and charges \$1.00 per plate to sell them for the county.

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 Local Road & Street fund for \$100,000 for paving, as again requested by Jeff Taylor, Manager of Transportation.

The four (4) additional appropriations and the one (1) reduction are as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE 6-24-2014

DEPARTMENT

Highway  
NAME

1135/980  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	200,000	141446	Cons/Recons	44600	Cumulative Bridge	1135		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>200,000</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

**REASON FOR REQUEST** Design, construction and inspection for Summit Street Bridge (rehabilitation project) over Berlin Court Ditch in Nappanee.

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**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-25-14

DEPARTMENT

Highway  
NAME

1176-980  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	10,000	141424	Buggy Plates	44600	Motor Vehicle Highway	1176	
2							
3							
4							
5							
6							
7							
8							
<b>TOTAL</b>	<b>10,000</b>						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp.	as of Date		YES	NO	Amount	Date

**REASON FOR REQUEST** 1. Funds required for various expenses for buggy plates, stickers, Interra CU, etc.

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**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-25-14

DEPARTMENT

Highway

1169-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	100,000	141423	Road Paving & Maint	44600	Local Road & Street	1169		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>100,000</b>							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

**REASON FOR REQUEST** 1. Funds for paving as a result of savings in the fleet operations.

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On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board awarded the bid for the 2014 paving program Groups 1, 2, 3 & 4 for the highway department to Niblock Excavating, Inc. and also approved the agreement for the bids, as requested by Jeff Taylor, Manager of Transportation. They were the low bidder for all of the groups. 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 awarded a quote for paving at CR 3 & CR 36 to Niblock Excavating, Inc. for \$10,745.00, as recommended by Jeff Taylor. They requested quotes from four (4) companies and Niblock submitted the lowest quote for the project.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board awarded a quote for spot paving on CR 38 to Niblock Excavating, Inc. for \$9,527.00, as also recommended by Jeff Taylor. They asked for quotes from four (4) companies and Niblock submitted the lowest quote. This is on CR 38 from SR 119 and Kercher Bridge in Goshen.

Tom Byers, County Administrator, addressed the Board regarding a proposed 2015 tax levy certification to again not impose a tax increment replacement levy. The tax increment replacement levy has never been imposed and has never been controversial as it would be an additional tax levy that was never contemplated when the original TIF Districts were created.

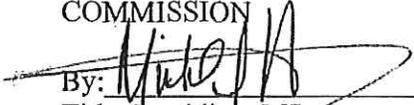
On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a Certification Regarding Tax Increment Replacement Amount. The Certification is as follows:

**CERTIFICATION REGARDING  
TAX INCREMENT REPLACEMENT AMOUNT**

The Elkhart County Redevelopment Commission hereby certifies that it will not seek a tax increment replacement levy in 2015 and hereby estimates a tax increment replacement amount pursuant to Indiana Code §6-1.1-21.2 et seq. for 2014 real estate taxes due and payable in 2015 in the amount of Zero Dollars (\$0.00) for each TIF District. This certification applies to all TIF Districts of the Elkhart County Redevelopment Commission including the Northeast Corridor TIF District, the Middlebury East TIF District, the Middlebury Southeast TIF District, the Middlebury South Agricultural TIF District, the North Baugo TIF District, the Western Gateway TIF District, the Northwest Gateway TIF District, the South Benton TIF District, and the Millersburg II TIF District.

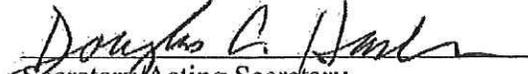
Dated the 26<sup>th</sup> day of June, 2014.

ELKHART COUNTY REDEVELOPMENT  
COMMISSION

By:   
Title: Presiding Officer

*Michael Huber*

ATTEST:

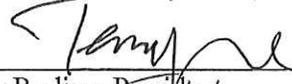
  
Secretary/Acting Secretary  
*Douglas A. Hasler*

**CONSENT**

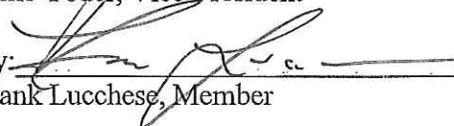
The Board of Commissioners of the County of Elkhart, Indiana does hereby acknowledge and consent to the above and foregoing Certification of the Elkhart County Redevelopment Commission and agrees that there shall be no tax increment replacement levy for the TIF Districts in 2015 for the Elkhart County Redevelopment Commission.

Dated this 7 day of July, 2014.

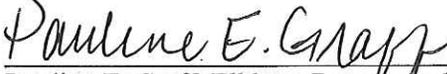
BOARD OF COMMISSIONERS OF THE  
COUNTY OF ELKHART, INDIANA

By:   
Terry Rodino, President

By:   
Mike Yoder, Vice-President

By:   
Frank Lucchese, Member

ATTEST:

  
Pauline E. Graff, Elkhart County Auditor

JULY 7, 2014

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council four (4) appropriation reductions from various funds to close out old projects, as requested by Tom Byers, County Administrator.

The four (4) reductions are as follows:

**ELKHART COUNTY  
APPROPRIATION REDUCTION REQUEST**

DATE 6-24-2014

DEPARTMENT \_\_\_\_\_

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

1136  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	\$ 280.22	111105	Cons/Recon	44600	Cumulative Building	1136	
2							
3							
4							
5							
6							
7							
8							
<b>TOTAL</b>	<b>\$ 280.22</b>						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp.	as of Date		YES	NO	Amount	Date

**REASON FOR REQUEST** \_\_\_\_\_ To close out old project \_\_\_\_\_  
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**ELKHART COUNTY  
APPROPRIATION REDUCTION REQUEST**

DATE 6-24-2014

DEPARTMENT

Commissioners  
NAME

1197/980  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	\$ 7,616.02	102010	Cons/Recon	44600	Storm Water	1197		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>\$ 7,616.02</b>							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST Close out old project

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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 General fund for the Commissioners' budget for \$25,200 for other professional services, as requested by Tom Byers, County Administrator. This is for lobbying services and financial services.

The additional appropriation is as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE 6-24-2014

DEPARTMENT

Commissioners  
NAME

1000/130  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	25,200		Other professional svcs.	43090	General	1000	
2							
3							
4							
5							
6							
7							
8							
<b>TOTAL</b>	<b>25,200</b>						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp.	as of Date		YES	NO	Amount	Date

**REASON FOR REQUEST** To pay lobbying expense (\$15,200) by Barnes & Thornburg & additional financial work on LOIT (\$10,000) by Umbaugh.

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On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Weights & Measures Annual report for June 16<sup>th</sup>, 2013-June 15<sup>th</sup>, 2014, the monthly report for May 16<sup>th</sup> – June 15<sup>th</sup>, 2014 and the Solid Waste-Landfill report for June 2014 and placed all of them on file.

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

July 14, 2014

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 Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of Claims and the 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 awarded the bid for the Bridge #297 on CR 46 over Dausman Ditch rehabilitation project to LaPorte Construction Co., Inc. in the amount of \$313,461, as requested by Jeff Taylor, Manager of Transportation. They submitted the lowest bid. Mr. Taylor said they are ready to start & he will have the contract ready for approval and signing at the next meeting.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved out-of-state travel for Wendy Hudson and Christopher Anderson to go to San Francisco, CA in August for the Election Center National Election Conference.

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

July 21, 2014

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, Frank Lucchese was present and Terry Rodino was absent. 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 Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Minutes of the July 7<sup>th</sup> & 14<sup>th</sup>, 2014 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, as presented by the county auditors' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved out-of-state travel for Dr. Nafziger, Health Officer, to go to Philadelphia, PA in October for the infectious disease annual meetings.

Duane Burrow from planning and development presented a request for Amanda E. Hatton for a zone map change from M-1 and R-1 to A-1 for property located on the northwest side of CR 8, 1,620feet south of CR 6 in Washington Township. The Plan Commission has sent this to the Board with a recommendation for approval. Ms. Hatton noted that they have made one change in that they plan to build the new home before the other house is destructed. Mr. Burrow said they would have to get approval from the Board of Zoning Appeals before they can have a permit for two homes but didn't think that would be an issue. There were no other comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the rezoning and adopted an ordinance establishing this rezoning.

The Ordinance is as follows:

ORDINANCE NO. PC 2014-12

**AN ORDINANCE TO AMEND COUNTY CODE 36-7-4-600 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR ELKHART COUNTY, INDIANA BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM M-1 AND R-1 TO A-1.**

WHEREAS, Amanda E. Hatton submitted an application to rezone real estate hereinafter described from M-1 and R-1 to A-1 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on the 12th day of June 2014 recommend a zone change from M-1 and R-1 to A-1 and filed their recommendation for adoption of this Ordinance with the Board of County Commissioners of Elkhart County, Indiana.

**BE IT THEREFORE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELKHART COUNTY, INDIANA THAT:**

Legal Description

See Attachment "A"

BE rezoned from M-1 and R-1 to A-1 effective immediately, and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Master Plan of Zoning for Elkhart County, Indiana as amended are hereby ordered amended and changed to reflect the said rezoning of said real estate.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS THE 21ST DAY OF JULY 2014**

ABSENT

By

Terry Rodino



By

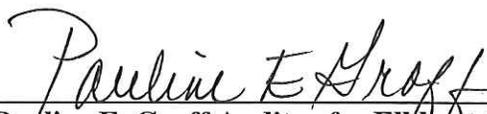
Mike Yoder



By

Frank Lucchese

Attest:

  
Pauline E. Graff Auditor for Elkhart County

## Attachment "A"

A part of the Northwest Quarter (NW 1/4) of Section Twenty-eight (28) Township Thirty-eight (38) North, Range Six (6) East, Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a 2"x3" county monument marking the northeast corner of said Northwest ¼; thence South 00 degrees, 00 minutes 00 seconds west (assumed bearing) along the east line of said Northwest ¼ and the centerline of County Road 21, a distance of 622.83 feet to the intersection with the centerline of County Road 8 (North River Road); thence South 66 degrees 32 minutes West along the centerline of County Road 8, a distance of 212.99 feet; thence South 58 degrees 32 minutes West along said centerline a distance of 170.77 feet; thence South 54 degrees 20 minutes West along said centerline, a distance of 440.15 feet to a mag nail and the beginning of this description; thence

- 1) continuing South 54 degrees 20 minutes 00 seconds West along said centerline, a distance of 110.00 feet to a mag nail; thence
- 2) South 35 degrees 40 minutes 00 seconds East, a distance of 71.32 feet to the northerly waterline of the St. Joseph River; thence
- 3) South 50 degrees 13 minutes 52 seconds West along said waterline, a distance of 40.10 feet; thence
- 4) North 35 degrees 40 minutes 00 seconds West, a distance of 74.19 feet to a mag nail in the centerline of County Road 8; thence
- 5) South 54 degrees 20 minutes 00 seconds West along said centerline, a distance of 9.74 feet to a mag nail; thence
- 6) South 43 degrees 41 minutes 00 seconds West along the centerline of said County Road 8, a distance of 158.60 feet to a mag nail; thence
- 7) South 35 degrees 02 minutes 30 seconds West along said centerline, a distance of 90.00 feet to a mag nail; thence
- 8) South 54 degrees 56 minutes 00 seconds East, a distance of 52.09 feet to the northerly waterline of the St. Joseph River; thence
- 9) South 32 degrees 47 minutes 22 seconds West along said waterline, a distance of 50.04 feet; thence
- 10) North 54 degrees 56 minutes 00 seconds West, a distance of 54.05 feet to a mag nail in the centerline of County Road 8; thence
- 11) South 35 degrees 02 minutes 30 seconds West along said centerline, a distance of 27.97 feet to a mag nail; thence
- 12) North 40 degrees 18 minutes 24 seconds West, a distance of 292.24 feet to a rebar with cap marked Brads-Ko 0041; thence
- 13) North 01 degree 47 minutes 01 seconds West, a distance of 537.75 feet to a rebar with cap marked Brads-Ko 0041; thence
- 14) North 89 degrees 09 minutes 47 seconds East, a distance of 478.65 feet to a rebar with cap marked Brads-Ko 0041 in the west line of land once owned by Sheldon E. and Joann Lee (Instr. #93-032991); thence
- 15) South 08 degrees 31 minutes 00 seconds East along said Lee line, a distance of 426.70 feet to the beginning.

Containing 7.11 acres, more or less.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and signed a contract with LaPorte Construction Co., Inc. for the construction project for bridge #297 over Dausman Ditch at a cost of \$313,461.00, as requested by Jeff Taylor, Manager of Transportation.

Tom Byers, County Administrator, addressed the Board regarding an amended ordinance regarding registration of precious metal dealers with the county sheriff. This is a part of the state law.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board adopted an ordinance amending the county code regarding precious metal dealers.

The Ordinance is as follows:

COMMISSIONER ORDINANCE NO. 2014-319

COUNCIL ORDINANCE NO. CC-2014-11

AN ORDINANCE AMENDING THE ELKHART COUNTY CODE ADDING  
CHAPTER 115: PRECIOUS METAL DEALERS TO THE  
TITLE XI BUSINESS REGULATIONS

WHEREAS Indiana Code Sections 36-1-3-1 et seq. permit any county in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its county 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 the Board of Commissioners of the County of Elkhart, Indiana is the county legislative body and is by law authorized to adopt ordinances and resolutions with respect to public health, safety, and welfare;

WHEREAS the Elkhart County Council is the County fiscal body and is by law authorized to adopt ordinances and resolutions with respect to the administration of Elkhart County's fiscal matters:

WHEREAS the Elkhart County Sheriff's Department has recommended that an ordinance be adopted concerning the registration of precious metal dealers in Elkhart County, Indiana;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, RESOLVED, AND ORDAINED by the Board of Commissioners of the County of Elkhart, Indiana and the Elkhart County Council as follows:

1. Amendment of Elkhart County Code.

Chapter 115: Precious Metal Dealers for the Title XI Business Regulations of the Elkhart County Code is hereby added as follows:

§115.01 REGISTRATION OF PRECIOUS METAL DEALERS.

A precious metal dealer located in the unincorporated area of the County must submit a registration to the County Sheriff one (1) time every twelve (12) months for each permanent place of business owned or leased by the precious metal dealer. A registration submitted to the County Sheriff must include the name of the precious metal dealer, the address of the permanent place of business, any other information required by the County Sheriff, and a registration fee of Fifty Dollars (\$50.00). However, if a precious

metal dealer registers more than one (1) permanent place of business with the County Sheriff, the precious metal dealer must pay a registration fee of Fifty Dollars (\$50.00) to register all of its permanent places of business in the County.

§115.02 AUTHORITY OF SHERIFF.

The County Sheriff is authorized to establish the registration form required under this Chapter and to determine any other information required for the registration of precious metal dealers in the County.

§115.03 REGISTRATION FEES.

The registration fees received by the County Sheriff under this Chapter from precious metal dealers will be periodically transferred by the County Sheriff to the County Treasurer for deposit in the General Fund.

§115.04 REPORTS AND INFORMATION.

Reports and information submitted by a precious metal dealer to the County Sheriff pursuant to Indiana Code 24-4-19-16 must be submitted in an electronic format reasonably specified by the County Sheriff.

§115.05 INTERPRETATION.

This Chapter is to be interpreted pursuant to and in accordance with the provisions of Indiana Code 24-4-19 concerning precious metal dealers. Any terms used in this Chapter which are defined by Indiana Code 24-4-19 will carry with them the same definition in this Chapter as provided in Indiana Code 24-4-19.

2. Effective Date. This Ordinance will be effective upon the later date of its date of adoption by the Board of Commissioners of the County of Elkhart, Indiana or the Elkhart County Council.

ORDAINED this 21<sup>st</sup> day of July, 2014.

BOARD OF COMMISSIONERS OF THE  
COUNTY OF ELKHART, INDIANA

By: ABSENT  
Terry J. Rodino, President

By: Mike  
Mike Yoder, Vice President

By: [Signature]  
Frank R. Lucchese, Member

ATTEST:

Pauline E. Graff  
Pauline E. Graff, Elkhart County Auditor

ORDAINED this 9<sup>th</sup> day of August, 2014.

COUNTY COUNCIL OF THE COUNTY OF  
ELKHART, INDIANA

By: [Signature]  
John K. Letherman

By: David L. Hess  
David L. Hess

By: David M. Ashe  
David M. Ashe

By: David E. Foutz  
David E. Foutz

By: Randall D. Yohn  
Randall D. Yohn

By: Darryl J. Riegsecker  
Darryl J. Riegsecker

By: Thomas W. Stump  
Thomas W. Stump

ATTEST:

Pauline E. Graff  
Pauline E. Graff, Elkhart County Auditor  
JULY 21, 2014

Tom Byers, County Administrator, also addressed the Board regarding an amendment to the county's noise ordinance. This will establish a fund for receipt of any civil penalties collected to be used for equipment and training for the sheriff's department and also establish increasing penalties for repeat violations.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board adopted an ordinance amending the county's noise ordinance.

The Ordinance is as follows:

COMMISSIONER ORDINANCE NO. 2014-323

COUNCIL ORDINANCE NO. CC-2014-12

AN ORDINANCE AMENDING THE ELKHART COUNTY CODE REGARDING  
CHAPTER 94: NOISE OF THE TITLE IX: GENERAL REGULATIONS

WHEREAS Indiana Code Sections 36-1-3-1 et seq. permit any county in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its county 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 the Board of Commissioners of the County of Elkhart, Indiana is the county legislative body and is by law authorized to adopt ordinances and resolutions with respect to public health, safety, and welfare;

WHEREAS the Elkhart County Council is the County fiscal body and is by law authorized to adopt ordinances and resolutions with respect to the administration of Elkhart County's fiscal matters:

WHEREAS the Elkhart County Sheriff's Department has recommended that the Elkhart County Noise Control Ordinance be amended;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, RESOLVED, AND ORDAINED by the Board of Commissioners of the County of Elkhart, Indiana and the Elkhart County Council as follows:

1. Amendment of Elkhart County Code.

A. Chapter 94: Noise of the Title IX: General Regulations of the Elkhart County Code is hereby amended by adding Section 94.06 as follows:

§94.06 NOISE ORDINANCE FUND.

- (A) There is hereby established and created a separate and distinct fund which shall be known as the "County Noise Ordinance Fund."
- (B) The County Noise Ordinance Fund will be administered by the County Treasurer and audited by the County Auditor.

- (C) All fines collected under the County Noise Control Ordinance will be placed in the County Noise Ordinance Fund for use by the County Sheriff's Department for equipment and training.
- (D) All monies in the County Noise Ordinance Fund will be subject to appropriation in accordance with the regular appropriation process and may be expended only after an appropriation is approved by the County Council.

B. Section 94.99 Penalty contained in Chapter 94: Noise of the Title IX: General Regulations of the Elkhart County Code is hereby amended to read as follows:

§94.99 PENALTY.

- (A) Violations of this chapter shall be enforced under proceedings brought pursuant to I.C. 34-28-5, as amended, in a manner similar to that of infractions with complaint and summons described in I.C. 9-30-3-6, as amended, issued by the County Sheriff's Department or other police agency. Prior to issuing a citation under this section, the County Sheriff's Department may issue a warning in an effort to achieve compliance without the necessity of legal action.
- (B) Any person adjudged to have violated Section 94.03 shall be fined as follows:
  - (1) No less than \$250 but no more than \$2,500 for the first violation;
  - (2) No less than \$500 but no more than \$2,500 for a second violation within two (2) years of a first violation;
  - (3) No less than \$1,000 but no more than \$2,500 for a third violation within two (2) years of the second violation; and
  - (4) No less than \$1,500 but no more than \$2,500 for each additional violation occurring within two (2) years of the previous violations.
- (C) A person adjudged to have violated Section 94.03 shall also be responsible for all applicable court costs.

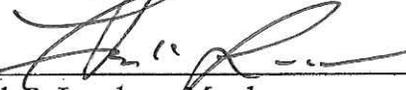
2. Effective Date. This Ordinance will be effective the 1<sup>st</sup> day of September, 2014 subject to publication in accordance with the applicable legal requirements.

ORDAINED this 21<sup>st</sup> day of July, 2014.

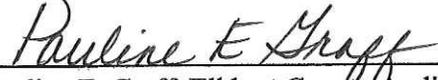
BOARD OF COMMISSIONERS OF THE  
COUNTY OF ELKHART, INDIANA

By: ABSENT  
Terry J. Rodino, President

By:   
Mike Yoder, Vice President

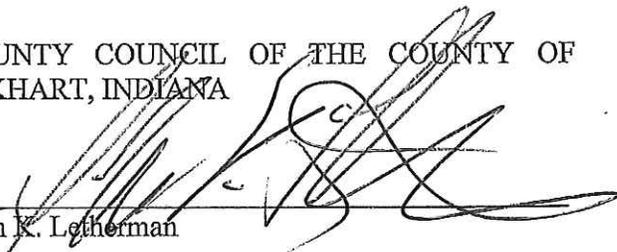
By:   
Frank R. Lucchese, Member

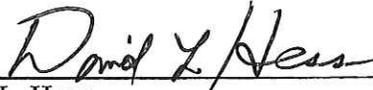
ATTEST:

  
Pauline E. Graff, Elkhart County Auditor

ORDAINED this 9<sup>th</sup> day of August, 2014.

COUNTY COUNCIL OF THE COUNTY OF  
ELKHART, INDIANA

By:   
John K. Letherman

By:   
David L. Hess

By:   
David M. Ashe

By:   
David E. Foutz

By: Randall D. Yohn  
Randall D. Yohn

By: \_\_\_\_\_  
Darryl J. Riegsecker

By: \_\_\_\_\_  
Thomas W. Stump

ATTEST:

Pauline E. Graff  
Pauline E. Graff, Elkhart County Auditor

Vote Rec

Paul Neer

Darryl Riegsecker

Thomas W. Stump

THOMAS W. STUMP

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

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

July 28, 2014

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 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 Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of 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 approved a traffic control recommendation and adopted a traffic control ordinance for a STOP Sign on CR 40 for CR 17, as requested by Jeff Taylor, Manager of Transportation.

The traffic control ordinance is as follows:

**TRAFFIC CONTROL ORDINANCE**

TYPE OF SIGN: "STOP"

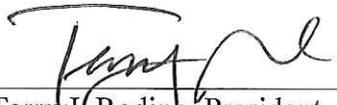
WHEREAS, the Engineer has conducted an engineering and traffic investigation and upon the basis of this engineering and traffic investigation has recommended that "STOP" SIGNS be posted and the existing signs be removed at the following location:

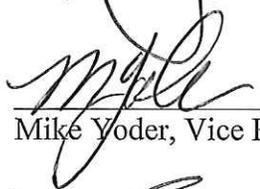
COUNTY ROAD 40 AND COUNTY ROAD 17

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

COUNTY ROAD 40 AND COUNTY ROAD 17

Board of Commissioners  
Elkhart County, Indiana

  
Terry J. Rodino, President

  
Mike Yoder, Vice President

  
Frank R. Lucchese, Member

DATE OF ORDINANCE: July 28, 2014

ORDINANCE NUMBER 2014-329

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

Respectfully submitted,  
Kathy L. Erschen