

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

**May 5, 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; 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 and unanimously carried, the Board approved the Minutes of the April 21<sup>st</sup> & 28<sup>th</sup>, 2014 meetings and placed them on file.

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

Chris Godlewski, Director of Planning, asked the Board for approval of an amendment and change order for the Tyler-EnerGov agreement for new software for the planning department. The maintenance cost will not be paid until the software project is completed. The change order is to establish a third party to help integrate the Laserfiche into the new software. There is not an increase to the cost.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the amendment. A copy of the amendment 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 change order establishing a third party to help integrate the Laserfiche. A copy of the change order is on file in the Commissioners' office.

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 for \$275,000 from the Middlebury Southeast TIF District fund for water line extension and an additional appropriation from the Northeast TIF District fund for \$270,000 for road repair and resurfacing projects in the TIF District, as requested by Chris Godlewski, Director of Planning.

The two (2) additional appropriations are as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 4/23/14

DEPARTMENT

Middlebury Southeast TIF  
NAME

327  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME		FUND NO
1 \$275,000.000	1401	Construction & Maintenance	4730	Middlebury	SE TIF	327
2						
3						
4						
5						
6						
7						
8						
TOTAL \$ 275,000.00						
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
Approp.	Unspent Request as of Date		AMOUNT	DATE	YES	NO
1						
2						
3						
4						
5						
6						
7						
8						
TOTAL \$						

**REASON FOR REQUEST**

For a water line extension for the Town of Middlebury. The county's portion, per Interlocal Agreement, is \$275,000.00.

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 4/23/14

DEPARTMENT

Northeast TIF  
NAME

332  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME		FUND NO
1 \$270,000.000	1401	Construction & Maintenance	4730	Northeast TIF		332
2						
3						
4						
5						
6						
7						
8						
TOTAL \$ 270,000.00						
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**

For road repair and resurfacing projects in the NE TIF to be completed by the Elkhart County Highway Department. The amount requests is \$270,000.00.

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 a STOP sign on CR 56 (also known as South County Line Road) and CR 23, as requested by Jeff Taylor, Manager of Transportation.

The traffic control recommendation is as follows:

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## TRAFFIC SIGN ORDINANCE

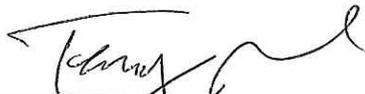
TYPE OF SIGN: "STOP"

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:

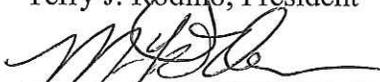
**LOCATION: COUNTY ROAD 56 (also known as South County Line Road) AND COUNTY ROAD 23**

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

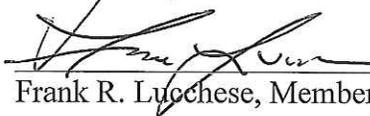
**LOCATION: COUNTY ROAD 56 (also known as South County Line Road) AND COUNTY ROAD 23**



Terry J. Rodino, President



Mike Yoder, Vice President



Frank R. Lucchese, Member

DATE OF ORDINANCE: May 5, 2014

ORDINANCE NUMBER 2014-230

MAY 5, 2014

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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 for \$56,000 from the Motor Vehicle Highway fund to clean storm sewer catch basins and street sweeping, 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 for \$1,300,000 from the Wheel Tax fund for the 2014 road paving and maintenance program, as requested by Jeff Taylor, Manager of Transportation.

The two (2) above additional appropriations are as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 04-23-14

DEPARTMENT

Highway  
NAME

112-980  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	56,000	1415	Sweeping/Vactor Work	4730	Motor Vehicle Highway	112		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>56,000</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. Proceeds from the sale of a street sweeper. Funds requested to vactor debris from storm sewer catch basins and street sweeping as required by MS4 rules (Good Housekeeping)

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On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board tabled an additional appropriation request from the Storm Water fund for \$84,000 to clean storm sewer catch basins and street sweeping until the department number has been changed from 980 to 112.

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 Moves-Construction fund for \$700,000 for the 2014 road paving program, as requested by Tom Byers, County Administrator. This is excess money above what the fund was expected to earn in interest income.

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 for \$1,000,000 from the Solid Waste Disposal Fees fund per the discussions at the 2014 budget hearings, as requested by Tom Byers, County Administrator.

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 Capital Development fund for \$200,000 to upgrade the SAN system and replace the current backup system for the IT department, as requested by Tom Byers, County Administrator.

The three (3) above additional appropriations are as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE 4-22-2014

DEPARTMENT

Commissioners  
NAME

342/980  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	700,000	1401	Cons/Recons	4730	Major Moves-Construction	342		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>700,000</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** \_\_\_\_\_ Dollars will be used to help fund the 2014 road paving program. As of the end of 2014, the balance in the Major Moves fund will exceed the targeted growth threshold by approximately \$2.6 million. As set forth in the ordinance creating the Major Moves fund, any dollars in excess of the targeted growth threshold may be used for road maintenance.





On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board appointed Mary Davis to another four (4) year term on the Elkhart Public Library Board. Her term will expire June 30, 2018.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Weights & Measures report for March 16<sup>th</sup>-April 15<sup>th</sup>, 2014 and placed it on file.

Mary Ann Lienhart-Cross, Extension Director, asked the Board to sign a Proclamation honoring the 100 year anniversary of the Smith Lever Act which created land grant universities throughout the country. There is at least one in each state.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed the proclamation honoring 100 years of the Smith Lever Act.

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

May 12, 2014

President Terry Rodino called the meeting to order at 9:00 a.m. in the meeting room in the Commissioners office 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 an out-of-state travel request for an employee in court services to go to Philadelphia, PA in June for the JDAI National Inter-site Conference.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a proposal/contract with McCollough Scholten Construction, Inc., for \$195,000 and upgrades to cameras and storage for the work release facility, as requested by Tara Booher-Whaley, Director of Community Corrections. All of this will be paid from Program Income and Community Transition Program funds. A copy of the contracts are on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed a Settlement Agreement with the Raber family for property needed for the CR 8 bike path. The cost is \$41,280.00. A copy of the agreement is on file in the Commissioners' office.

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

May 19, 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; 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 and unanimously carried, the Board approved the Minutes of the May 5<sup>th</sup> & 12<sup>th</sup>, 2014 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 presented by the county auditor's office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board gave approval to restrict access to CR 131 starting at the intersection of SR 120 and ending at the intersection of CR 8 from 9:00 a.m. to 5:00 p.m. on Saturday, September 13, 2014 for the 2<sup>nd</sup> Annual Bonneyville Mill Heritage Day, as requested in a letter from the parks department.

Brian Mabry from the planning department presented a request for Sabris, Inc., represented by Progressive Engineering, Inc., for a zone map change from R-1 to B-1 located on the southeast corner of Page Avenue & Mishawaka Road (CR 20) in Concord Township. The Plan Commission has sent this to the Commissioners with a recommendation for approval. Mr. Mabry said a laundromat is planned for the property but any B-1 use is allowed. He also stated there is not sewer available for this property so whatever use this property has will have to be a septic system. There was no one in the audience to speak in favor or against the rezoning. On a motion made by Frank Lucchese, seconded by Mike Yoder 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 zone map change from R-1 to B-1 with the stipulations and adopted an ordinance establishing this zone map change.

The Ordinance is as follows:

**AN ORDINANCE TO AMEND THE COUNTY CODE 36-7-4-600 KNOWN AS THE ZONING ORDINANCE FOR ELKHART COUNTY INDIANA BY REZONING THE AREA OF REAL ESTATE HEREIN AFTER DESCRIBED FROM R-1 TO B-1**

WHEREAS, Bradley S. Cramer, representing Progressive Engineering, on behalf of Raj Sabnis, submitted an application to rezone real estate hereinafter described from R-1 to B-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 10<sup>th</sup> day of April, 2014, recommend a zone change from R-1 to B-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 COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:**

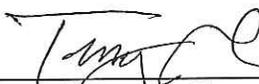
Legal Description

A parcel of land in the Southwest Quarter (SW ¼) of Section Seventeen (17), Township Thirty-seven (37) North, Range Five (5) East, Elkhart County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Section Seventeen (17); thence East Four Hundred thirteen (413) feet to the East line of a Fifty (50) foot Street; thence North along the East line of said Street Two Hundred Sixty-four (264) feet for the beginning point of this description; thence from said beginning point East One Hundred Thirty-two (132) feet; thence North parallel with the aforesaid Street Three Hundred Two and Seventeen hundredths (302.17) feet to the South line of said Mishawaka Road; thence Northwestwardly along the South line of said Mishawaka Road, One Hundred Thirty-three and Seventeen hundredths (133.17) feet to the East line of said Fifty (50) foot Street; thence South along the East line of said street Three Hundred Seventeen and Thirty-six hundredths (317.36) feet to the beginning point of this description; commonly known as Lot Number Twelve (12) on the unrecorded Plat of Grangeland Subdivision in said Quarter Section.

BE rezoned from R-1 to B-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.

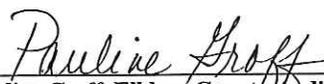
**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 19<sup>th</sup> DAY OF MAY, 2014**

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

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

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

MAY 19, 2014

Attest:   
\_\_\_\_\_  
Pauline Graff, Elkhart County Auditor

Brian Mabry from planning presented a request for Marvin H. & Ruth A. Schmucker, represented by B. Doriot & Associates, for a zone map change from R-3 & B-3 to B-1 located on the west side of CR 13, 275 feet south of CR 142 in Union Township. The Plan Commission has recommended approval of the request. Mr. Mabry noted the all of the zones for adjacent properties. Marv Schmucker said he would answer any questions from anyone. 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 Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the zone map change from R-3 & B-3 to B-1 and adopted an ordinance establishing this zone map change. There are no plans for the property at this time.

The Ordinance is as follows:

ORDINANCE NO. PC 2014-08

**AN ORDINANCE TO AMEND THE COUNTY CODE 36-7-4-600 KNOWN AS THE ZONING ORDINANCE FOR ELKHART COUNTY INDIANA BY REZONING THE AREA OF REAL ESTATE HEREIN AFTER DESCRIBED FROM R-3 AND B-3 TO B-1**

WHEREAS, Blake Doriot, on behalf of Marvin H. and Ruth A. Schmucker, submitted an application to rezone real estate hereinafter described from R-3 and B-3 to B-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 10<sup>th</sup> day of April, 2014, recommend a zone change from R-3 and B-3 to B-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 COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:**

Legal Description

B-3 TO B-1

Lot Numbered 1 and South 15 feet of Lot Numbered 2 along with the east Half of the Alley adjoining West and the Alley adjoining South as said are known and designated on the Original Plat of the Town of Foraker in the records of the Office of the Recorder of Elkhart County, Indiana.

R-3 TO B-1

Lot Numbered 25 as the said Lot is known and designated on the Original Plat of the Town of Foraker in the records of the Office of the Recorder of Elkhart County, Indiana. Along with all that portion of the former Wabash Railway South of said Lot Numbered 25 laying East of the West line of said Lot Numbered 25 extended South to the South line of said Former Wabash Railway East to the West line of the Rezoning known as Ordinance 2000-05 Also including all of the Alley between Lot 25 and the former Wabash Railway.

**BE** rezoned from R-3 and B-3 to B-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.

MAY 19, 2014

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PC 2014-08  
PC13-\_\_\_

Page 1 of 2

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART  
COUNTY, INDIANA THIS 19<sup>th</sup> DAY OF MAY, 2014



By  
Terry Rodino



By  
Mike Yoder



By  
Frank Lucchese

Attest:   
Pauline Graff, Elkhart County Auditor

MAY 19, 2014

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PC 2014-08  
PEE3-\_\_\_

Page 2 of 2

Duane Burrow from planning and development presented a request for Waste Away Group, Ltd., represented by Jones Petrie Rafinski, for a Conditional Industrial Unit Development for use as a waste handling/recycling facility located on the west side of CR 7, 1,900 feet north of CR 26 in Concord Township. The Plan Commission has recommended approval of the request. There were no comments from anyone in the audience. Matt Schuster from Jones Petrie Rafinski, representing the petitioner, said this will be a waste transfer station. There won't be any grinding and no Styrofoam. On a motion made by Frank Lucchese, seconded by Mike Yoder 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 Conditional Industrial Use request and adopted an ordinance establishing this use.

The Ordinance is as follows:

ORDINANCE NO. PC 2014-09

AN ORDINANCE AUTHORIZING A CONDITIONAL INDUSTRIAL UNIT DEVELOPMENT FOR THE REAL ESTATE DESCRIBED HEREIN AS PERMITTED BY THE COUNTY ZONING ORDINANCE FOR ELKHART COUNTY, INDIANA.

**WHEREAS,** Waste Away Group, Ltd submitted a petition for a Conditional Industrial Use Development for the real estate described in **SECTION 1** of this ordinance.

**WHEREAS,** The Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in **The Elkhart Truth** on the 29th day of March 2014 and in **The Goshen News** on the 29th day of March 2014 and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record with in 300 feet;

**WHEREAS,** The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 10th day of April 2014 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

**WHEREAS,** The petition was sent to the Board of County Commissioners for Elkhart County with a Favorable Recommendation for granting of said Conditional Industrial Use Development, for the real estate described in **SECTION 1**, and with reasonable Conditions as detailed in this Ordinance.

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

**SECTION 1.** That the legal description for the Conditional Industrial Unit Development:

**LEGAL DESCRIPTION**

A PART THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

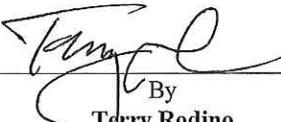
COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, SOUTH 0°07'41" EAST, SAID BEARING BEING THE BASIS OF BEARING OF THIS DESCRIPTION, WITH ALL OTHER BEARINGS HEREIN RELATIVE THERETO, 342.00 FEET; THENCE NORTH 89°55'57" WEST 40.00 FEET TO A BAR AND CAP ON THE WEST BOUNDARY OF COUNTY ROAD 7, AND THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE ALONG SAID WEST BOUNDARY SOUTH 0°07'41" EAST 1,041.04 FEET TO A BAR AND CAP; THENCE NORTH 89°28'48" WEST 2,600.26 FEET TO A BAR AND CAP ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE ALONG SAID WEST LINE NORTH 0°09'50" WEST 1,020.50 FEET TO A BAR AND CAP; THENCE SOUTH 89°55'57" EAST 2,600.75 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 61.534 ACRES.

**SECTION 2.** The following condition has been required by the Elkhart County Advisory Plan Commission: Any drainage tiles going through the property shall be rerouted and/or maintained.

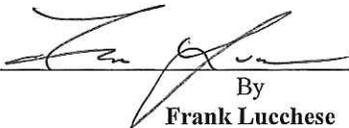
**SECTION 3.** In the event any covenant, restriction, provision or section of this Ordinance or any portion thereof is declared invalid or void, such declaration shall in no way affect any other covenant, restriction, or section.

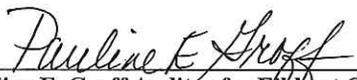
**SECTION 3.** This Ordinance shall be in full force and effect from and after its passage and approval in according with the law.

**ORDAINED AND ADOPTED THIS 19TH DAY OF MAY 2014 BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA.**

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

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

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

Attest:   
Pauline E. Graff Auditor for Elkhart County

Duane Burrow from planning and development presented a request for Waste Away Group, Ltd. for a zone map change from GPUD-M-2 to a DPUD-M-2 to be known as Recycling Works Industrial DPUD located on the west side of CR 7, 1,900 feet north of CR 26 in Concord Township. The Plan Commission has recommended approval of this request also. 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 an ordinance establishing this zone map change. The 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. PC 2014-10

AN ORDINANCE TO AMEND THE ELKHART COUNTY CODE 36-7-4-600 MORE SPECIFICALLY ARTICLE 2. DISTRICTS AND ZONE MAPS FOR REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM GPUD-M-2 TO DPUD-M-2, TO BE KNOWN AS RECYCLING WORKS INDUSTRIAL DPUD; AND BY CHANGING THE ZONE MAPS INCORPORATED BY REFERENCE IN ARTICLE 2. DISTRICTS AND ZONE MAPS OF THE ELKHART COUNTY ZONING ORDINANCE

**WHEREAS**, Waste Away Group, Ltd submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from **GPUD-M-2 TO DPUD-M-2**;

**WHEREAS**, The Site Plan Review Committee did critique the petition as submitted and made those comments part of the file for consideration by the Elkhart County Plan Commission;

**WHEREAS**, The Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in **The Elkhart Truth** on the 29th day of March 2014 and in **The Goshen News** on the 29th day of March 2014 and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record within 300 feet;

**WHEREAS**, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 10th day of April 2014 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; **And**

**WHEREAS**, The petition was sent to the Board of County Commissioners for Elkhart County with a Favorable Recommendation.

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

**SECTION 1.** That the legal description of the real estate attached hereto as **Exhibit A** is made a part of this ordinance and incorporated herein by this reference.

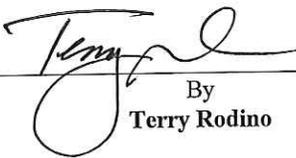
**SECTION 2.** That the real estate described in **SECTION 1** of this Ordinance be rezoned from **GPUD-M-2 TO DPUD-M-2**, effective immediately and the zone maps adopted by reference in Article 2 of the Elkhart County Zoning Ordinance for Elkhart County, Indiana be amended and ordered amended and changed to reflect the said rezoning of said real estate.

- SECTION 3.** That the Detailed Planned Unit Development be granted for the real estate described in **SECTION 1** of this Ordinance. Unless this Ordinance specifies to the contrary, all Development Standards for the M-2 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced and govern the use of the real estate, though the Development Plan and Site Plan/Support Drawing will supersede all otherwise applicable **Permitted Uses, Special Uses, and Development Standards** under the M-2 zoning district.
- SECTION 4.** That all Development Plan(s) must be submitted to the Plat Committee of the Elkhart County Advisory Plan Commission for approval as a Secondary Plat; Secondary approval shall be granted only if the Development Plan(s) comply with the provisions of this Ordinance, the Site Plan/ Support Drawing, and the Subdivision Control Ordinance. The Development Plan(s) shall be incorporated into this Ordinance by this reference. All Secondary Plats will reference this Ordinance and if the intent of this Ordinance or the Site Plan/ Support drawing is not clear the Secondary Plan may be considered by the County Advisory Plan Commission at a Public meeting.
- SECTION 5.** That the Site Plan / Support Drawing is made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.
- SECTION 6.** This Detailed Planned Unit Development Ordinance will limit the use of this real estate to what has been shown on the Site Plan / Support Drawing.
- SECTION 7.** Reserved
- SECTION 8.** Reserved
- SECTION 9.** Reserved

**SECTION 10.** In the event any covenant, restriction, provision or section of this Ordinance or any portion thereof is declared invalid or void, such declaration shall in no way affect any other covenant, restriction, or section.

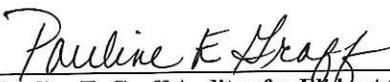
**SECTION 11.** This Ordinance shall be in full force and effect from and after its passage and approval in according with the law.

**ORDAINED AND ADOPTED THIS 19TH DAY OF MAY 2014 BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA.**

  
By  
**Terry Rodino**

  
By  
**Mike Yoder**

  
By  
**Frank Lucchese**

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

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**EXHIBIT A**  
**Legal Description**

**LEGAL DESCRIPTION**

A PART THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, SOUTH 0°07'41" EAST, SAID BEARING BEING THE BASIS OF BEARING OF THIS DESCRIPTION, WITH ALL OTHER BEARINGS HEREIN RELATIVE THERETO, 342.00 FEET; THENCE NORTH 89°55'57" WEST 40.00 FEET TO A BAR AND CAP ON THE WEST BOUNDARY OF COUNTY ROAD 7, AND THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE ALONG SAID WEST BOUNDARY SOUTH 0°07'41" EAST 1,041.04 FEET TO A BAR AND CAP; THENCE NORTH 89°28'48" WEST 2,600.26 FEET TO A BAR AND CAP ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE ALONG SAID WEST LINE NORTH 0°09'50" WEST 1,020.50 FEET TO A BAR AND CAP; THENCE SOUTH 89°55'57" EAST 2,600.75 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 61.534 ACRES.

I Duane Burrow Senior Planner with the Elkhart County Division of Planning did prepare this document and do affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board gave permission to advertise for bids for up to four tandem axle dump trucks for the highway department, as requested by Jeff Taylor, Manager of Transportation. The bids will be taken at the June 16<sup>th</sup> meeting.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board gave permission to advertise for bids for the 2014 paving program for the highway department, as also requested by Jeff Taylor, Manager of Transportation. Bids will be taken at the July 7<sup>th</sup> meeting.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed the 2013 Annual Highway Report, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste-Landfill report for April 2014 and placed it on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Addendum with Bolt Document Management for computer software integration and maintenance services for the planning department, as requested by Chris Godlewski, Director of Planning. This has been reviewed by the county attorney's office. A copy of the addendum is on file in the Commissioners' office.

Tom Byers, County Administrator, informed the Board that the bids for refinancing the corrections complex bonds came in at 2.14% from Huntington Public Capital Corporation. The savings for the county will be approximately \$1,324,000 over the term of the bond. There are some minor changes needed on the agreement. Gordon Lord, county attorney, said he is comfortable with the Commissioners approving the agreement with the minor changes.

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

Respectfully submitted,  
Kathy L. Erschen

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

May 27, 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 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 out-of-state travel for Dr. Nafziger to go to Pennsylvania in June for some educational training. There will be not be any cost to the county.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the plans for the bridge #189 over Stony Creek project, 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 a LPA Consulting Agreement with Lawson-Fisher Associates, P.C. for construction engineering for the CR 40 Bridge #189 over Stony Creek rehabilitation project at a not to exceed cost of \$77,900, as requested by Tom Byers, County Administrator. A copy of the agreement is on file in the Commissioners Office.

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

Respectfully submitted,  
Kathy L. Erschen