

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

February 2, 2015

Vice President Mike Yoder called the meeting to order at 10:05 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 January 20th & 26th, 2015 meetings and placed them on file.

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.

Jackie Meyers, County Treasurer, gave the report of investment activity for 2014 for the county. She reported the county had an increase in interest of \$70,111.00 from 2013. The net interest after service charges to bank accounts totals \$530,410.44, which included interest earned on CD's.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted the 2014 financial report from the county treasurer and placed it on file.

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 appropriation reduction request for \$59,668.79 in the Northeast TIF District fund (CR 6 & CR 17) to close out the Beck Drive project, as requested by Chris Godlewski, Director of Planning.

The appropriation reduction is as follows:

ELKHART COUNTY
APPROPRIATION REDUCTION REQUEST

DATE: 01/20/15

DEPARTMENT

NE TIF CR 6 & CR 17

4511

Name

Number

AMOUNT OF REDUCTION	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$59,668.79	121246	Construction	44600	NE TIF CR 6 & CR 17	4511
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 59,668.79					

ORIGINAL AMOUNT OF APPROPRIATION	DATE OF APPROP.	APPROVED BY COUNCIL	
		Amount	Date
1 \$			
2			
3			
4			
5			
6			
7			
8			
TOTAL \$			

REASON FOR REDUCTION Reduction of project funds and closeout of Beck Drive project

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 request from the Western Gateway TIF District fund for \$64,603 to reimburse the Environmental Special Projects fund for water & sewer, as requested by Chris Godlewski, Director of Planning.

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 request from the North Baugo TIF District fund for \$4,995 for cost reimbursement to the Environmental Special Projects fund for sewer & water, as also requested by Chris Godlewski, Director of Planning.

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 request from the Unsafe Buildings fund for \$520 for legal fees for unsafe building work, as requested by Chris Godlewski, Director of Planning.

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 appropriation reduction for the Millersburg Forest River TIF District fund for \$.11 to close out a project, as again requested by Chris Godlewski, Director of Planning.

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 request from the Millersburg II TIF District fund for \$5,765 for cost reimbursement for the sewer project, as requested by Chris Godlewski, Director of Planning.

The above additional appropriation requests & appropriation reduction request is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 1/20/15

DEPARTMENT

Western Gateway TIF
NAME

4506
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$ 64,603.00		Refunds	43850	Western Gateway TIF	4506	
2						
3						
4						
5						
6						
7						
8						
TOTAL \$ 64,603.00						
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

Cost reimbursement - water and sewer project. Amount is repaid to Environmental Special Projects fund.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 1/20/15

DEPARTMENT

North Baugo TIF
NAME

4512
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO			
1 \$ 4,995.00		Refunds	43850	North Baugo TIF	4512			
2								
3								
4								
5								
6								
7								
8								
TOTAL \$4,995.00								
ORIGINAL AMOUNT	Unspent Request	as of Date	If Prior Add'l Appropriation Was Approved This Year		Can Transfers Be Effected		APPROVED BY COUNCIL	
Approp.			AMOUNT	DATE	YES	NO	Amount	Date
1								
2								
3								
4								
5								
6								
7								
8								
TOTAL \$								

REASON FOR REQUEST

Cost reimbursement - sewer project. Amount is repaid to Environmental Special Projects fund.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 1/20/15

DEPARTMENT

Unsafe Buildings
NAME

1207
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1 \$ 520.00		Refunds	43090	Unsafe Buildings	1207		
2							
3							
4							
5							
6							
7							
8							
TOTAL \$ 520.00							
ORIGINAL AMOUNT	Unspent Request as of Date	If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
Approp.			AMOUNT	DATE	YES	NO	Amount
1							
2							
3							
4							
5							
6							
7							
8							
TOTAL \$							

REASON FOR REQUEST

Legal fees for unsafe building work.

ELKHART COUNTY
APPROPRIATION REDUCTION REQUEST

DATE: 01/20/15

DEPARTMENT

Millersburg Forest River TIF
 Name

4507
 Number

AMOUNT OF REDUCTION	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$0.11	141439	Construction	44600	Millersburg Forest River TIF	4507
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 0.11					

ORIGINAL AMOUNT OF APPROPRIATION		DATE OF APPROP.	APPROVED BY COUNCIL	
1 \$			Amount	Date
2				
3				
4				
5				
6				
7				
8				
TOTAL \$				

REASON FOR REDUCTION Reduction and close out of TIF

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 1/20/15

DEPARTMENT

Millersburg II TIF
NAME

4503
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1 \$ 5,765.00	131331	Construction/Reconstruction	44600	Millersburg II TIF	4503		
2							
3							
4							
5							
6							
7							
8							
TOTAL \$ 5,765.00							
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

Cost reimbursement for sewer project.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an Interlocal Agreement for the Intersection of McKinley Highway and Ash Road (County Line Road) Reconstruction Project, Des. No.1400296 with the County Redevelopment Commission and the Board of Commissioners of St. Joseph County, as requested by Chris Godlewski, Director of Planning. This is a federal aid project and the total cost is approximately \$7,500,000. The total cost the county redevelopment commission will pay is not to exceed \$600,000. Craig Buche from the county attorney's office has reviewed the agreement. A copy of the agreement 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 a traffic control recommendation and adopted a traffic control ordinance for a STOP sign at Winding River Drive for CR 37, as recommended 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:

WINDING RIVER DRIVE AND COUNTY ROAD 37

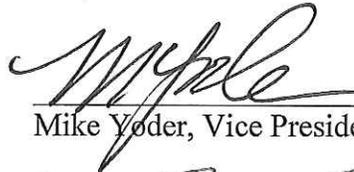
NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to **POST "STOP" SIGNS** at this location:

WINDING RIVER DRIVE AND COUNTY ROAD 37

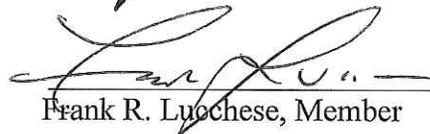
Board of Commissioners
Elkhart County, Indiana

ABSENT

Terry J. Rodino, President



Mike Yoder, Vice President



Frank R. Lucchese, Member

DATE OF ORDINANCE: February 2, 2015

ORDINANCE NUMBER 2015-61

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved initial street acceptance of Winding River Drive-532 feet and Bonito Court-485 feet in Winding River Estates and released First State Bank of Middlebury LOC No. 168718 for \$30,000, as recommended by Jay Grossman, County Highway Engineer.

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 appropriation reduction request for the Cumulative Bridge fund for \$5,611.00 to close out two (2) projects, as requested by Jeff Taylor, Manager of Transportation.

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 request for \$275,000, for two (2) bridge projects, as requested by Jeff Taylor, Manager of Transportation.

The above appropriation reduction request and the additional appropriation request are as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01-26-15

DEPARTMENT

Cumulative Bridge
NAME

1135-980
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	100,000	150011	Misc. Bridge Repairs	44600	Cumulative Bridge	1135		
2	175,000	150012	Bridge # 102 Design	44600	Cumulative Bridge	1135		
3								
4								
5								
6								
7								
8								
TOTAL	275,000							
			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 needed to make various repairs to bridges based on bridge inspections.

2. Funds required to perform the design of Bridge # 102, CR 35 North of CR 8.
The design is Federally Funded (80/20). 80% of the design fee will be reimbursed to the Cumulative Bridge Fund.

Gordon Lord, County Attorney, explained a proposed policy for the county relative to securing partial mortgage releases on partial takes for public improvement projects whether funded by local funds only, per local acquisition standards, or federal or state funds, in conjunction with local funds, per state or federal acquisition standards. He said it is getting more difficult to get banks, etc. to release a partial mortgage for highway projects. INDOT is also considering altering its standards and/or turning over more discretion to the LPA such as the county.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the policy as presented by Gordon Lord. The policy 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 request from the General fund for the Commissioners budget for \$194,044 for the Humane Society for 2015, as requested by Tom Byers, County Administrator.

The additional appropriation is as follows:

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved Interlocal Agreements with Goshen, Middlebury, Bristol and Wakarusa for animal control services for 2015, as requested by Tom Byers, County Administrator. Elkhart has not returned their agreement as of yet. The agreements are 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 accepted the Weights & Measures report for December 16th, 2014-January 15th, 2015 and placed it on file.

Chris Godlewski, Director of Planning, informed the Commissioners that the county redevelopment commission has changed their meetings from the third Thursday to the first Thursday of the month. He said it also works with the schedule for additional appropriation deadlines also.

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

February 9, 2015

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; 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 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 approved and signed a LPA Assurance Letter to INDOT for the Ash Road & Old US 20 project subject to a letter being attached stating this was approved on this date even though the letter is dated October 14, 2013, as requested by Jeff Taylor, Manager of Transportation. Another letter had previously been signed but this letter added an additional Des. No. 1400296 to Des. No. 0902286.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an LPA Agreement with Lawson-Fisher Associates P.C. to provide professional construction engineer services for the CR 8 multi-use path project at a not to exceed \$56,900 cost, 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 Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Interlocal Agreement with the city of Elkhart for animal control services for 2015-2017, 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

MINUTES

ELKHART COUNTY BOARD OF COMMISSOINERS MEETING

February 16, 2015

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 February 2nd & 9th, 2015 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 and two sets of payroll claims, as presented by the county auditor's office.

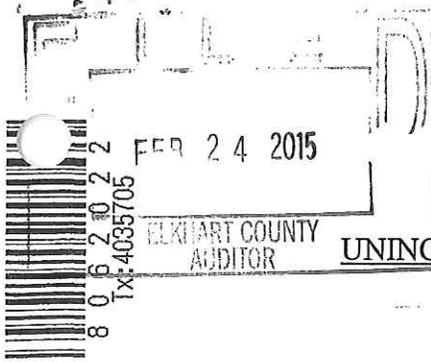
Pauline Graff, County Auditor, opened bids for the 2015 paving program for the highway department and Jeff Taylor, Manager of Transportation, read them. Bids were received from Rieth-Riley Construction Co. - \$888,675.56 for Section 1 & \$494,591.20 for Section 2; Phend & Brown, Inc. - \$972,128.06 for Section 1 & \$509,352.20 for Section 2; Walsh & Kelly, Inc. - \$881,047.56 for Section 1 & \$522,882.20 for Section 2; and Niblock Excavating, Inc. - \$781,113.83 for Section 1 & \$414,696.44 for Section 2.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted all the bids and forwarded them to the highway department for review, tabulation and recommendation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved Secondary approval of a two lot DPUD known as Wave Express DPUD for Outer Limits Enterprises, LLC, represented by Brads-Ko Engineering & Surveying, Inc., located on the east side of US 233, 732 feet north of CR 40 in Elkhart Township, as requested by Brian Mabry from planning and development.

Brian Mabry from planning and development presented a request for Smartt Property, LLC for vacation of a county right of way known as west stub of Reckell Avenue located on the west side of Violet Road, west end of Reckell Avenue in Osolo Township. The Plan Commission has recommended approval of the vacation. Cliff Smartt said he owns the surrounding property and would like to do some fencing and needs to have this property in order to do that. 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 vacation and adopted an ordinance establishing this vacation. The Vacation Ordinance is as follows:



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 1st day of December, 2014, 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 8th day of January, 2015, and the hearing before the Board of Commissioners of Elkhart County having been held on the 16th day of February, 2015; 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 as to said hearings having been published in the Goshen News on the 29th day of December, 2014, 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:

SmartH, LLC

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 would not hinder the growth or orderly development of the 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.
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:

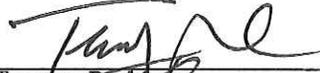
1. That said Petition is hereby, in all respects, approved and confirmed, and the request therein made to vacate a public way is hereby granted.
2. That the following described public way situate in the unincorporated area of Elkhart County, Indiana is hereby vacated, said public way being described as follows:

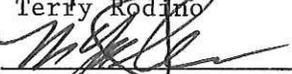
EXIHIBIT A

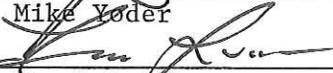
3. That title in fee simple to the above vacated property shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel lines, to be centerline of the public way herein vacated,
4. That these proceedings shall not deprive any public utility of the use of all 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 16th day of February, 2015.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By 
Terry Rodino

By 
Mike Yoder

By 
Frank Lucchese

Attest:


Auditor, Elkhart County, Indiana

EXHIBIT A

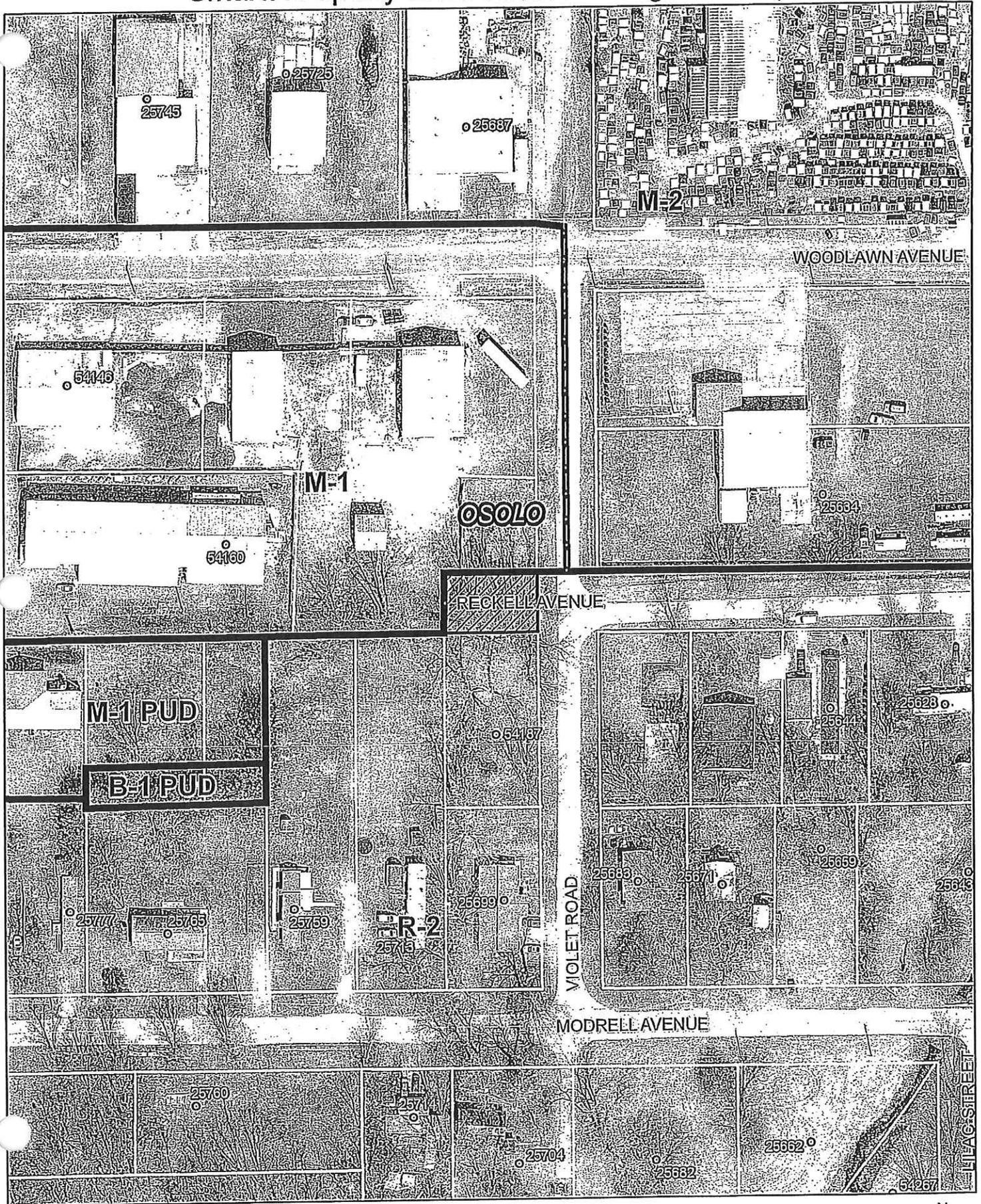
Reckell Avenue Street Vacation Legal Description

A part of Reckell Avenue, as the said street is known and designated on the recorded plat of Reckell's Third Subdivision, recorded in Plat Book 7, Page 40, Elkhart County Recorder, and situated in the Northwest Quarter of Section 33, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, more particularly described as follows:

Beginning at the northeast corner of Lot 1 in said plat of Reckell's Third Subdivision; thence West 76.55 feet to the northwest corner of said Lot 1, being a point on the west line of said plat; thence North 0 degrees 24 minutes West along said west line 50 feet to the northwest corner of said plat; thence along the north line of said plat East 76.44 to the east line extended of said Lot 1; thence along said east line extended South 0 degrees 31 minutes East 50 feet to the point of beginning.

Containing 3,830 square feet.

Smartt Property LLC. Vacation of Right of Way.



Brian Mabry from planning and development presented a request for Amy L. Miller, Mark A. Salee and Stephen C. Salee (owners) & Sand Bar Investment Group, Attn: Tom Roeder (developer), represented by Brads-Ko Engineering & Surveying, Inc., for a zone map change from A-1 to M-2 located on the southwest corner of CR 2 and East County Line Road in York Township. The Plan Commission has recommended approval of the zone map change with eight (8) commitments. Mr. Mabry said the purpose of the rezoning is for a RV storage facility. This is located on the east county line road. Mr. Mabry noted that this is not a planned unit development; it is a rezoning with commitments. The commitments are as follows:

1. Approved in accordance with the site plan that was submitted at the public hearing on January 8, 2015, & as represented in the petitioners' application.

2. Permitted uses on the property are those permitted in the A-1 zoning district and a recreational vehicle storage lot. All other uses are prohibited.

3. The exit must be designed with a right-in / left-out driveway to funnel traffic west on CR 2 when exiting the real estate.

4. A retention area must be placed along East County Line Road, as represented by the petitioners at the public hearing on January 8, 2015.

5. The petitioner must maintain the ditch that traverses the property to allow the free flow of water.

6. Plantings or a mound must be installed along the east side of the Real Estate to buffer neighbors.

7. The mounding must be planted with warm-season high prairie grass as presented by the petitioner.

8. Lighting must be installed as presented by the petitioner with a maximum of 17 sixteen foot poles.

Barry Pharis from Brads-Ko Engineering & Surveying, representing the petitioners, said they have a revised drawing that was submitted to the planning staff last week so they could review it before the hearing today but Mr. Mabry said he had not seen it. Mr. Pharis said the remonstrators at the plan commission's public hearing, most who lived near Stone Lake, raised several issues. The first was traffic and his clients knew they did not want traffic on the roads around Stone Lake so that is why they agreed to right-in/left-out on CR 2 which goes to SR 13. He also covered the issue of the "stream" or ditch that is supposed to help Stone Lake when flooding occurs. He has contacted a consultant and the Army Corps of Engineers and they will be doing an evaluation of the property and the drainage path. The wetland inventory maps do not show any wetlands on the site or any flood risk to the site. Mr. Pharis added that his clients have curtailed all work on this site at this time and will wait for the consultant and the Corps of Engineers to do their study and adhere to their decision. He noted that this does not affect the rezoning issue on this property. Mr. Yoder questioned the retention area that is proposed and Mr. Pharis said they have not designed it because they are waiting on the Army Corps to make their determination. Mr. Yoder said the main concern is to insure drainage of the property. He also questioned Mr. Mabry about how changes could be made to the plan without going back to the Plan Commission and he did not know for sure but is in the process of figuring that out.

Jeff Zavatsky, 11976 W 745 N, Middlebury, who is representing the Stone Lake homeowners and himself, presented a petition from local property owners in this area and a petition from an online petition site that are against rezoning of this property. He said they are not against the development of this land or against RV transportation or storage lots. They are against the rezoning of residential land to M-2 which is the most extreme when there is land zoned correctly in the same area that is available for purchase. He showed some slides of the property and the drainage that runs through the property which could affect the homes near Stone Lake. Another concern is a 24 hour, 7 days a week business within a residential area and the possibility of them using the roads around the lake and those roads are not wide

enough for these trucks hauling RVs. He also talked about the buffers that have been proposed. The grasses will not be a good buffer & feels evergreens would be a better choice to buffer the nearby properties. Mr. Zavatsky stated that the county's planning staff made a recommendation without any knowledge of an intermittent stream flowing through this property and the county's surveyor office didn't file any report of a stream through the property. He did note that the plans for the property that were submitted did not acknowledge a stream on the property. There are also culverts that run through this property and those were not noted on the plan that was submitted to the plan commission. He said the waterway in question is an intermittent stream whose source is Stone Lake and the filling in of a stream is illegal. Alterations to streams require permitting and performance of environmental impact studies and Fish Lake, Pigeon River and St. Joseph River will be impacted by this proposal. Mr. Zavatsky concluded that any plans the developer has for water containment onsite are insufficient to address eventual flow from Stone Lake. He is asking that approval of this proposal be tabled until the developers can come back with permits in hand for the drainage issues.

Steve DeLucenay, 7465 N 1200 W, Middlebury, who is also against the rezoning voiced his concern about the safety of residents on the lake with the increased traffic.

Ken Kronewitter, 11820 W 750 N., Middlebury, who has been around and lives near this lake for many years, told about some of the water issues they have had on the lake through the years & on this property. He also noted how much the traffic has increased in the area with the new manufacturing facilities. Chris Slabach, 7937 N 1200 W, Middlebury, asked about the lights and also has concerns about flooding. Donna West, 7185 N 1150 W, Shipshewana, also voiced concerns about the rezoning because of increased noise, increased traffic & decreased quality of life. Margaret Cook is against the trees being removed on this property. Mike Leasor also spoke against the rezoning. Jackie Trump also voiced her opposition to the proposal.

Blake Doriot, Elkhart County Surveyor, explained that he has visited the site and when he looked at the stream, it looked like a possible intermittent stream but also noted that there were spoil piles which means it was excavated out to assist the flow from the lake. It is clear in the commitments for this proposal that the water has to be allowed to drain onto this property.

Barry Pharis began his response by addressing the concerns about this being in a residential area. He said if this property were to be developed for residential, he would design it with 56 to 84 house sites & that would generate between 280 and 420 vehicle movements per day. There would also have to be two entrances and there would be no way to keep that traffic away from Stone Lake. His clients anticipate 50 vehicles per day and at the peak, 75 per day. Also, he stated from the beginning they are going to comply with the county, state and the Army Corps of Engineers and their regulations. He also commented that the grasses that are proposed for the buffers are perennials. He said nothing has been addressed here that his clients will not do and they understand that whatever the Army Corps of Engineers instructs them to do regarding drainage, they intend to do.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

Mr. Rodino asked Mr. Pharis if he wants to wait until the Corps has completed their investigation to complete the rezoning or wants the rezoning considered today. Mr. Pharis said he would like the decision on the zoning now. Mr. Rodino commented to the audience that whole area is going to turn into development. There is sewer going in this area yet this year. Mr. Yoder questioned the use of grasses versus arborvitae and feels arborvitae would look better & be more stable in the buffers and Mr. Rodino agreed that arborvitae would also be a better noise barrier. Mr. Yoder questioned the process if the Commissioners want to make changes to the commitments. Mr. Mabry answered that he is in communication with the plan commission's attorney and he said if it is considered a major change, it must go back to the plan commission but he is not clear if it has to go to a public hearing again or just to the staff. Gordon Lord, county attorney, reviewed the discussion thus far. He said this is a legislative act

to rezone to an M-2 district with restrictions and the restrictions have come in part from the petitioner, part from the staff & plan commission and then this Board wants to change some items, perhaps the setback in the southeast corner and the trees versus the grass. Mr. Yoder informed everyone that he has talked with the Army Corps of Engineers and after she makes her determination and finds it is not a water of the state, the plan as proposed today will work. Mr. Lord questioned when the Corps would be able to inspect the site & Mr. Yoder answered it will have to be done after the snow is gone. Mr. Yoder questioned what happens if this proposal is tabled & Mr. Lord said if this proposal is not acted on within 90 days, the plan commission's recommendation is the final ruling. Discussion continued on all of the options with this proposal. Mr. Mabry informed the Board that the plan commission's attorney has determined that if the commitment changes for the proposal are "more stringent" they do not have to go back to the plan commission for approval but if they are "less stringent", they must go back to the plan commission for approval. The issue would be who would determine if they are more or less stringent. Mr. Lord suggested this could be tabled and have the planning staff sort out the issues and bring it back in two weeks for final determination. There was a lengthy discussion on whether to approve the rezoning and then make a determination for drainage later. Mr. Yoder said it was time to make a decision.

Mike Yoder made a motion to table this request until the Commissioners meeting on March 2, 2015 and ask the planning staff to come back with a change in the commitment language that allows for the trees along the southern border to be maintained within the existing setback that is on the plan, to change the #4 commitment that will facilitate an Army Corps ruling, the buffer be switched from the grass to the arborvitae and also the public hearing be reopened to address only these three (3) commitments. Frank Lucchese seconded the motion. Discussion among the Board continued regarding approval of the rezoning. Mr. Rodino said that anyone that has seen this area in the last year, it has gone manufacturing and there is no stopping that. With new sewer being extended into this area which is very inviting for companies and it is in a TIF district, so it will only go more quickly. Mr. Lucchese noted this will be a much less invasive plan than a manufacturing facility. The motion was voted on and unanimously carried.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a LPA Consulting Contract with United Consulting for rehabilitation of bridge #102 for a not to exceed cost of \$100,000, as requested by Jeff Taylor, Manager of Transportation. 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 a traffic control recommendation and adopted a traffic control ordinance to rescind a portion of Ordinance 84-710 dated 11/5/84 "2 WAY STOP" CR 28 for CR 7 and adopt an "ALL WAY STOP" at CR 28 and CR 7, as requested by Jeff Taylor, Manager of Transportation.

The traffic control ordinance is as follows:

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TRAFFIC CONTROL ORDINANCE

TYPE OF SIGN: "ALL-WAY 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 "ALL-WAY STOP" SIGNS be posted at the following location:

COUNTY ROAD 28 AND COUNTY ROAD 7

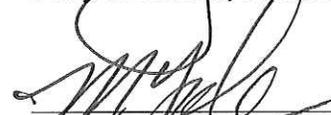
NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to POST "ALL-WAY STOP" SIGNS at this location:

COUNTY ROAD 28 AND COUNTY ROAD 7

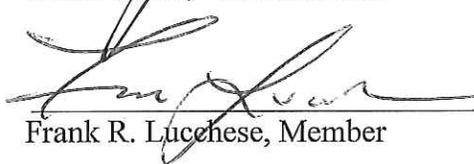
Board of Commissioners
Elkhart County, Indiana



Terry J. Rodino, President



Mike Yoder, Vice President



Frank R. Lucchese, Member

DATE OF ORDINANCE: February 23, 2015

ORDINANCE NUMBER: 2015-77

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an agreement with Grand Design RV for an IDGF grant for \$200,000, as requested by Tom Byers, County Administrator. This is a pass through grant from the state for infrastructure. 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 accepted the Solid Waste-Landfill report for January 2015 and placed it on file.

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

February 23, 2015

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 Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved Amendment #2 for the JDAI grant from the Indiana Department of Correction, as requested by Sam Ludwig, JDAI Director. This grant is extended for 12 months, terminating on June 30, 2016. The grant is increased by \$105,000 and funds two positions. A copy of the amendment 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 signed a General Certificate relating to the remarketing of the Elkhart County, Indiana adjustable rate multifamily housing revenue bonds, Series 200 for Pedcor Investments – 2000 – XLI, L.P. – The Overlook Apartments Development, as requested by Craig Buche from the county attorney's office. This has no type of obligation for the county.

The Commissioners signed another LPA Assurance Letter for the Ash Road to Corwin Street project, as requested by Jeff Taylor, Manager of Transportation. The other one had the wrong date on it.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed a letter to INDOT designating who would be authorized to do construction inspections for the CR 8 multi-use path project, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board signed an easement for fiber outside the city limits, 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 grant agreement for Grand Design RV, LLC from the Indiana Economic Development Corporation (IEDC) for \$250,000, as requested by Tom Byers, County Administrator. There is no cost to the county but the funds will come to the county and be distributed to Grand Design. 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