

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 5, 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 was absent and Mike Yoder was present. Others present were Sheriff Brad Rogers; Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator and Kathy Erschen, Executive Assistant.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved the Minutes of the September 21st & 28th, 2015 meetings and placed them on file.

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

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved a traffic control recommendation and adopted a traffic control ordinance for a 20 MPH speed limit on East County Line Road from CR 4 to 3,020 feet north of CR 4, as requested by Jeff Taylor, Manager of Transportation.

The traffic control ordinance is as follows:

TRAFFIC CONTROL ORDINANCE

TYPE OF SIGN: **"20 MPH SPEED LIMIT"**

WHEREAS, the Engineer has conducted an engineering and traffic investigation and upon the basis of this engineering and traffic investigation has recommended that a **"20 MPH SPEED LIMIT" SIGNS be posted** at the following location:

EAST COUNTY LINE ROAD FROM COUNTY ROAD 4 TO 3,020 FEET NORTH OF COUNTY ROAD 4

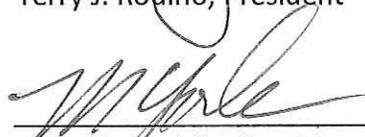
NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to **POST "20 MPH SPEED LIMIT" SIGNS** at this location:

EAST COUNTY LINE ROAD FROM COUNTY ROAD 4 TO 3,020 FEET NORTH OF COUNTY ROAD 4

**Board of Commissioners
Elkhart County, Indiana**



Terry J. Rodino, President



Mike Yoder, Vice President

ABSENT

Frank R. Lucchese, Member

DATE OF ORDINANCE: October 5, 2015

ORDINANCE NUMBER 2015-300

OCTOBER 5, 2015

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On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved a traffic control recommendation and adopted a traffic control ordinance to rescind the 30 MPH speed limit on County Line Road from CR 2 to CR 4, included in Ordinance 88-1202 dated 10/31/1988, 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 the **existing signs be removed** at the following location:

EAST COUNTY LINE ROAD FROM COUNTY ROAD 2 TO COUNTY ROAD 4

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

EAST COUNTY LINE ROAD FROM COUNTY ROAD 2 TO COUNTY ROAD 4

**Board of Commissioners
Elkhart County, Indiana**



Terry J. Rodino, President



Mike Yoder, Vice President

ABSENT

Frank R. Lucchese, Member

DATE OF ORDINANCE: October 5, 2015

ORDINANCE NUMBER 2015-302

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved a traffic control recommendation and adopted a traffic control ordinance for NO PARKING on CR 133 from CR 4 to 2,270 feet north of CR 4 and approved a traffic control recommendation and adopted a traffic control ordinance for NO THRU TRUCKS on CR 133 from the Michigan State Line to 4,735 feet south of the Michigan State Line, as requested by Jeff Taylor, Manager of Transportation.

The two (2) traffic control ordinances are as follows:

TRAFFIC CONTROL ORDINANCE

TYPE OF SIGN: **"NO PARKING"**

WHEREAS, the Engineer has conducted an engineering and traffic investigation and upon the basis of this engineering and traffic investigation has recommended that **"NO PARKING"** signs be posted at the following location:

COUNTY ROAD 133 FROM COUNTY ROAD 4 TO 2,270 FEET NORTH OF COUNTY ROAD 4

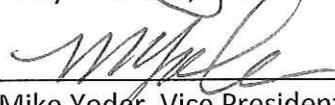
NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to POST **"NO PARKING"** SIGNS at this location:

COUNTY ROAD 133 FROM COUNTY ROAD 4 TO 2,270 FEET NORTH OF COUNTY ROAD 4

Board of Commissioners
Elkhart County, Indiana



Terry J. Rodino, President



Mike Yoder, Vice President

ABSENT

Frank R. Lucchese, Member

DATE OF ORDINANCE: October 5, 2015

ORDINANCE NUMBER 2015-304

TRAFFIC CONTROL ORDINANCE

TYPE OF SIGN: "No Thru Trucks"

WHEREAS, the Engineer has conducted an engineering and traffic investigation and upon the basis of this engineering and traffic investigation has recommended that "No Thru Trucks" signs be posted at the following location:

COUNTY ROAD 133 FROM THE MICHIGAN STATE LINE TO 4,735 FEET SOUTH OF THE MICHIGAN STATE LINE

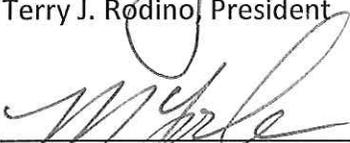
NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to post "No Thru Trucks" signs at the following location:

COUNTY ROAD 133 FROM THE MICHIGAN STATE LINE TO 4,735 FEET SOUTH OF THE MICHIGAN STATE LINE

**Board of Commissioners
Elkhart County, Indiana**



Terry J. Rodino, President



Mike Yoder, Vice President



Frank R. Lucchese, Member

DATE OF ORDINANCE: October 5, 2015

ORDINANCE NUMBER 2015-305

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved and forwarded to the County Council an appropriation reduction request from the EDIT fund for \$119,805.99 to close out five (5) projects for the highway department, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the EDIT fund for \$100,000 for paving and road maintenance, as also requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation for \$10,000 from the Local Road & Street fund for operating supplies, as again requested by Jeff Taylor.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation for \$100,000 from the Wheel Tax fund for road maintenance and paving, as also requested by Jeff Taylor.

The reduction & three (3) additional appropriations are as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 09-23-15

DEPARTMENT

Highway
NAME

1112-980
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	100,000	150035	Road Maint & Paving	44600	E.D.I.T.	1112	
2							
3							
4							
5							
6							
7							
8							
TOTAL	100,000						
	ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	Approp. as of Date						
		AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Funds requested for paving and road maintenance. Source of funds is from savings from other projects. There is a reduction submitted for \$100,000 consistent with this appropriation request.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 09-22-15

DEPARTMENT

Highway
NAME

1169-222
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	10,000		Operating supplies	42195	Local Road and Street	1169		
2								
3								
4								
5								
6								
7								
8								
TOTAL	10,000							
			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 for various operating supplies for the Department including items like anitfreeze, oil dry, oxygen and acetylene, washer fluid, paper towels, cleaner, gloves, etc.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 09-23-15

DEPARTMENT

Highway

4901-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	100,000	150036	Road Maint & Paving	44600	Wheel Tax	4901	
2							
3							
4							
5							
6							
7							
8							
TOTAL	100,000						
	ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	Approp. as of Date						
		AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Funds requested for road maintenance and paving.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved an agreement with DLZ Indiana, LLC for engineering services for the CR 17 and CR 6 intersection improvements for a not to exceed cost of \$165,000, 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 Terry Rodino after duly vacating the chair and carried, the Board approved awarding a quote for construction of a salt shed to IBM Construction for \$137,500, as requested by Jeff Taylor, Manager of Transportation. There were three (3) quotes requested and two (2) submitted quotes. This was the lowest quote submitted.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board accepted the Weights & Measures report for August 16th – September 15th, 2015 and placed it on file.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved an out of state travel request for an employee in the health department to go to Savannah, GA in October for the Advancing STD Prevention in the 21st Century Conference.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 12, 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; 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 granted permission to the highway department to purchase a 2016 Ford Escape from Harold Ziegler Ford at a cost of \$24,887, as requested by Jeff Taylor, Manager of Transportation. They submitted the lowest quote for the specifications requested.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an out of state travel request for an employee in the prosecutor's office to go to Savannah, GA in December for Forensic Prosecution Training.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 19, 2015

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 October 5th & 12th, 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 and the Payroll Claims, as presented by the county auditor's office.

Proposals for the County Planning Department for demolition of two (2) properties were opened and accepted. The first proposal is from Niblock Excavating, Inc. for 56588 Sapphire Boulevard, Elkhart, Indiana for \$15,800. The second proposal for the same address is from Jerry Reed Excavating for \$7,000. A proposal for demolition of 22477 CR 30, Goshen, Indiana was received from Jerry Reed Excavating for \$4,900. Kevin Williams, Building Commissioner, said the demolition for the 22477 CR 30 property will be re-advertised and new proposals taken at another date due to an error in publishing.

Franklin Breckenridge, who is representing the property owner at 56588 Sapphire Boulevard, Richard McFarley, is requesting the demolition of this property be delayed for at least 60 days to give him the opportunity to repair the roof and do the necessary repair work inside the house. Mr. Breckenridge has prepared a time line for all of the work to be completed. He has a report from a construction engineer that says once the roof is replaced; it will be structurally sound and meet all the requirements of the code for safety and habitation purposes. He added that there has been cleanup done to this property in the last three (3) months and it looks great. He states that Mr. McFarley has the finances in place to have all of this work done to the house.

Michael Griggs said he disagrees with the condition of the property. The building is not habitable, the sheeting on the roof has been rotted out for several years, the ceilings have all fallen in and there is major structural damage to the wood in the building. He said this property has been properly evaluated by the county and everything has been done in order to rid the neighbors of this eyesore. He added that this house is not anywhere near being able to live in and the amount of money required to fix it up would be extremely great. It would be easier to demolish the house and build a new one. Mr. Griggs does not want this demolition to be stalled. Mr. Yoder asked if he was a neighbor & he said he lives in Goshen but knows of the problem.

Lori Weaver, who lives next door to the property, said this house has been trashed. She has had to put a mask on her face to be able to mow her yard due to the mold.

Gordon Lord, county attorney, noted that this property has gone through the process to be demolished. It sometimes takes several years to be legally proper to demolish a house.

Mr. Breckenridge said there is a binding contract for the roof repairs and the drywall repair inside the home. He is once again requesting this demolition be delayed so Mr. McFarley can repair this house.

Mr. Yoder said to be clear, the County is not awarding the proposal today but only accepting them and will forward them to the planning department. Mr. Breckenridge said Mr. McFarley has items in the house that he intended to use to establish a business. Mr. Williams stated that he has been working with Mr. McFarley for over a year, asked for a plan of action for the last 6 months and have had several conversations with him. He said this is a decent neighborhood and they have the neighbors have a right to have a viable house there. He is not willing to let this go on for another 5 years. Mr. Williams also wants a plan with dollar amounts and engineer reports that are stamped with repairs. Mr. Yoder said since we are not taking an official action today to award a bid, he suggests Mr. Breckenridge & Mr. McFarley take a copy of the materials and sit down with the county's building staff and convince them that another 60 days is warranted and if they are willing to wait another 60 days, so will the Commissioners. This will be the last opportunity to save the house. Mr. Williams is planning to bring back a recommendation for awarding the bid to the meeting next week so they will need to convince the county's staff this week that 60 more days is warranted. Mr. Yoder added this looks like an uphill battle but the county is willing to cooperate if necessary.

Jason Auvil, planning director, presented a request for the Elkhart County Advisory Plan Commission for multiple corrective amendments to the text of the Elkhart County Subdivision Control Ordinance to change bonding requirements for subdivision improvements from prior to secondary approval to prior to recording of the plat; listed as follows: Section 3.17 PROVISIONS FOR COMPLETION OF IMPROVEMENTS, amending Subsection A – COMPLETION OF IMPROVEMENTS; Section 3.18 ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE GUARANTEES, amending Subsection D – Release; Section 3.23 RECORDING OF SECONDARY PLAT by amending Subsection A – SIGNATURES REQUIRED; by adding Subsection B – Acceptance Required and C – Legal Effect; and amending APPENDIX B SECONDARY PLAT CHECKLIST – Subsection U for property located in the Unincorporated areas of Elkhart County, the Town of Bristol, the Town of Wakarusa, the Town of Millersburg and the Town of Middlebury. These revisions were needed due to a change in the state law. There were no 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 amendments and adopted an ordinance establishing these changes.

The Ordinance is as follows:

Ordinance No. PC 2015- 14

AN ORDINANCE TO AMEND THE TEXT OF THE ELKHART COUNTY SUBDIVISION CONTROL ORDINANCE #2009-67 BY AMENDING THE PROCESS OF BONDING SUBDIVISIONS AS DETAILED IN THIS ORDINANCE.

Whereas, the Elkhart County Advisory Plan Commission did publish notice of Public Hearing in The (Elkhart) Truth on the 31st day of July, 2015 and in The Goshen News on the 1st day of August, 2015;

Whereas, the Elkhart County Advisory Plan Commission did hold a public hearing on the 13th day of August, 2015 and at that public hearing did take and consider public input and review and consider a form of Ordinance written by the Staff of the Plan Commission; The contents of the form of Ordinance which was the result of the public debate by the Members of the Elkhart County Advisory Plan Commission on the 13th day of August, 2015;

Whereas, the Elkhart County Advisory Plan Commission did on the 13th day of August, 2015 review, modify and confirm that this proposed form of Ordinance reflects the discussion and intent established by the Elkhart County Advisory Plan Commission at the Public Hearing on the 13th day of August, 2015;

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

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

Section 1. Delete the following text from CHAPTER 3 – MAJOR AND MINOR SUBDIVISION PROCEDURES:

3.17 PROVISIONS FOR COMPLETION OF IMPROVEMENTS

A. Completion of Improvements - Before a secondary plat is approved by the Plan Commission or Plat Committee, the owner shall be required to complete, in accordance with the secondary approval for major subdivision or for minor plats, and to the satisfaction of the Street Standards all improvements as required by these regulations. If the improvements and installments have not been completed as required by these regulations, the owner shall provide a bond, or other proof of financial responsibility, as prescribed in the Street Standards before a secondary plat is approved by the Plan Commission or Plat Committee.

Section 2. Add the following text to CHAPTER 3 – MAJOR AND MINOR SUBDIVISION PROCEDURES:

3.17 PROVISIONS FOR COMPLETION OF IMPROVEMENTS

A. Completion of Improvements - Before a secondary plat is approved by the Plan Commission or Plat Committee, the owner shall be required to complete, in accordance with the secondary approval for major subdivision or for minor plats, and to the satisfaction of the Street Standards all improvements as required by these regulations. If the improvements and installments have not been completed as required by these regulations, the owner shall provide a bond, or other proof of financial responsibility, as prescribed in the Street Standards before a secondary plat can be recorded.

Section 3. Delete the following text from CHAPTER 3 – MAJOR AND MINOR SUBDIVISION PROCEDURES:

3.18 ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE GUARANTEES

D. Release – Upon completion of the improvements for which a performance guarantee has been provided, the owner shall request a release of the performance guarantee per Street Standards.

Section 4. Add the following text to CHAPTER 3 – MAJOR AND MINOR SUBDIVISION PROCEDURES:

3.18 ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE GUARANTEES

D. Release – Upon completion of the improvements for which a performance guarantee has been provided, the owner shall request a release or partial release, as the case may be, of the performance guarantee per Street Standards.

Section 5. Delete the following text from CHAPTER 3 – MAJOR AND MINOR SUBDIVISION PROCEDURES:

3.23 RECORDING OF SECONDARY PLAT

A. Signatures Required - The secondary plat shall bear the signatures of the land surveyor, and either the President or the Secretary of the Plan Commissioner or the

Director, as appropriate, and seals of the land surveyor, and such other signatures and seals as set forth in Appendix B – SECONDARY PLAT CHECKLIST. The final plat shall also indicate the number of pages, i.e. 1 of 2, 2 of 2, etc.

Section 6. Add the following text to CHAPTER 3 – MAJOR AND MINOR SUBDIVISION PROCEDURES:

3.23 RECORDING OF SECONDARY PLAT

- A. **Signatures Required** - The secondary plat shall bear the signatures of the land surveyor, and either the President or the Secretary of the Plan Commissioner or the Director, as appropriate, and seals of the land surveyor, and such other signatures and seals as set forth in Appendix B – SECONDARY PLAT CHECKLIST, and in 3.23 B. below. The final plat shall also indicate the number of pages, i.e. 1 of 2, 2 of 2, etc.
- B. **Acceptance Required** - The secondary plat shall not be recorded until acceptance by the Elkhart County Board of County Commissions of all dedicated areas and improvements (major subdivisions); or acceptance by the Elkhart County Plan Commission, the Plat Committee, or the Director, as appropriate, of all dedicated areas and improvements (minor subdivisions).
- C. **Legal Effect** - The filing and recording of a secondary plat is without legal effect unless it is in compliance with all provisions of this Ordinance.

Section 7. Delete the following text from APPENDIX B – SECONDARY PLAT CHECKLIST MAJOR AND MINOR SUBDIVISIONS:

- U. Acceptance by the Elkhart County Board of County Commissions of all dedicated areas and improvements (major subdivisions); or acceptance by the Elkhart County Plan Commission, the Plat Committee, or the Director, as appropriate, of all dedicated areas and improvements (minor subdivisions).

Section 8. Add the following text to APPENDIX B – SECONDARY PLAT CHECKLIST MAJOR AND MINOR SUBDIVISIONS:

- U. For those subdivisions where the improvements and installments have been completed to the satisfaction of the Street Standards, or a bond, or other proof of financial responsibility, as prescribed in the Street Standards has been provided, acceptance by the Elkhart County Board of County Commissions of all dedicated areas and improvements (major subdivisions); or acceptance by the Elkhart County Plan Commission, the Plat Committee, or the Director, as appropriate, of all dedicated

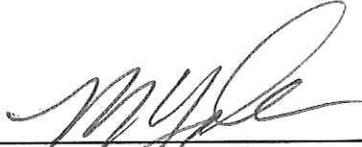
areas and improvements (minor subdivisions).

Section 9. This Ordinance shall be effective retroactively to July 1, 2015.

**ORDAINED AND ADOPTED THIS 19th DAY OF OCTOBER, 2015 BY THE BOARD
OF COMMISSIONERS OF ELKHART COUNTY, INDIANA.**

ABSENT

By
Terry Rodino

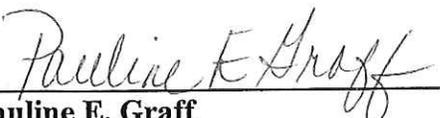


By
Mike Yoder



By
Frank Lucchese

Attest:



Pauline E. Graff
Auditor for Elkhart County

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved Secondary approval of a four (4) lot major subdivision to be known as Heritage Trails, represented by Progressive Engineering, Inc., located on the east side of CR 43, 4,000 feet south of SR 120, common address of 53810 CR 43 in York Township, zoned A-1 and R-2, as requested by Mark Kanney from planning and development.

Jason Auvil from planning and development presented a request for SLM Management, LLC, an Indiana Limited Liability Company, represented by Marbach, Brady & Weaver, Inc., for a zone map change from M-2 to B-3 located on the southwest corner of Lusher Avenue and SR 19 (Nappanee Street) in Baugo Township. The Plan Commission has recommended approval of the request. Deborah Hughes from Marbach, Brady & Weaver, Inc., representing SLM Management, LLC, said this request is to expand a car sales lot and have an additional display area and they were advised to have the proper zoning for the property. 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 zoning map change and adopted an ordinance establishing this zoning change.

The Ordinance is as follows:

ORDINANCE NO. PC 2015-15

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2014-20 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM M-2 TO B-3.

WHEREAS, SLM Management, LLC, an Indiana Limited Liability Company, represented by Marbach, Brady & Weaver, Inc., submitted an application to rezone real estate hereinafter described from M-2 to B-3 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 September 10, 2015, recommend approval of a zone change from M-2 to B-3 and filed their recommendation 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

See 'EXHIBIT A'

BE rezoned from M-2 to B-3 effective immediately, and the zone maps dated November 18, 2014, and made a part of Section 4.1.2 of the Elkhart County Zoning Ordinance as amended and 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 19th DAY OF OCTOBER, 2015.

ABSENT

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

Attest: Pauline Graff
Pauline Graff, Elkhart County Auditor

Ordinance prepared by Liz Gunden. I 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.

OCTOBER 19, 2015

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Ord. # 2015-15

EXHIBIT A

A parcel of land in the Northeast Quarter of Section 13, Township 37 North, Range 4 East, in Baugo Township, County of Elkhart, State of Indiana, more particularly described as follows:

Beginning at a point on the West line of 21st Street (Nappanee Street), which is 35 feet West of the East line of Section 13, aforesaid, and the South line of a parcel of land conveyed to the Lake Shore and Michigan Southern Railway Company of George A. Garretson, Trustee, on June 10, 1904, and recorded on August 26, 1904 in Book 111, page 234 in the records of Elkhart County, said parcel being described in numbered paragraph 11 of aforesaid document; thence Northerly on the aforesaid West line of 21st Street, a distance of 205.7 feet to a point; thence South 90 degrees 27 minutes West from the last described course a distance of 60.73 feet to a point; thence Southwesterly along a curve convex to the Northwest with a radius of 202.88 feet a distance of 165.21 feet (said curve being tangent to the last described curve) to a point; thence South along a line a distance of 47.84 feet, said line intersecting the aforementioned South line of the parcel of land conveyed by George A. Garretson, Trustee, as right angles, to a point; thence Easterly along the aforesaid South line of the parcel of land conveyed by George A. Garretson, Trustee, a distance of 390 feet to the point of beginning.

LESS AND EXCEPTING THAT PART CONVEYED TO THE STATE FOR ROADWAY PURPOSES:

A part of the Northeast Quarter of Section 13, Township 37 North, Range 4 East, Baugo Township, Elkhart County, Indiana, and being that part of the grantor's land lying within the right-of-way lines, described as follows:

Beginning at a point on the West boundary of 21st Street (Nappanee Street) which is 10.668 meters (35 feet) West of the East line of Section 13, which point is also on South line of a parcel of land conveyed to the Lake Shore and Michigan Southern Railway Company by George A. Garretson, Trustee, on June 10, 1904 and recorded on August 26, 1904 in Book 111, page 234, in the records of Elkhart County, said parcel being described in numbered paragraph 11 of aforesaid document, said point also lying 6.096 meters (20 feet) North of the North line of Ref's Addition to Elkhart, Indiana, the plat of which is recorded in Plat Book 1, page 45 in the Office of the Recorder of Elkhart County, Indiana; thence North 89 degrees 28 minutes 59 seconds West along the said South line a distance of 4.572 meters (15.00 feet) to a point "9184" designated on said plat; thence North 0 degrees 10 minutes 14 seconds East 49.510 meters (162.76 feet) to point "9186" designated on said plat; thence North 45 degrees 46 minutes 13 seconds West 6.087 meters (19.97 feet) to point "9187" designated on said plat; thence North 89 degrees 49 minutes 46 seconds West 9.342 meters (30.85 feet) to point "9227" designated on said plat; thence Southwesterly 40.626 meters (133.29 feet) along an arc to the left having a radius of 63.771 meters (209.22 feet) and subtended by a long chord having a bearing of South 71 degrees 55 minutes 12 seconds West and a length of 39.943 meters (131.05 feet) to point "9229" designated on said Plat; thence South 53 degrees 40 minutes 14 seconds West 28.304 meters (92.86 feet) to point "9230" designated on said plat; thence Southwesterly 13.996 meters (45.82 feet) along an arc to the right having a radius of 106.877 meters (349.99 feet) and subtended by a long chord having a bearing of South 57 degrees 25 minutes 16 seconds West and a length of 13.956 meters (45.79 feet) to point "9231" designated on said plat; thence North 28 degrees 49 minutes 42 seconds West a distance of 9.144 meters (30.00 feet) to point "9232" designated on said plat; thence Northeasterly 12.769 meters (41.894 feet) along an arc to the left having a radius of 97.533 meters (319.99 feet) and subtended by a long chord having a bearing of North 57 degrees 25 minutes 16 seconds East and a

length of 12.760 meters (41.86 feet) to a point "9234" designated on said plat; thence North 53 degrees 40 minutes 14 seconds East 28.304 meters (92.86 feet) to point "9235" designated on said plat; thence Northeasterly 46.451 meters (152.40 feet) along an arc to the right having a radius of 72.915 meters (239.22 feet) and subtended by a long chord having a bearing of North 71 degrees 55 minutes 12 seconds East and a length of 45.67 meters (149.84 feet) to point "9236" designated on said plat; thence South 89 degrees 49 minutes 46 seconds East 18.288 meters (60.00 feet) to a line which is 10.668 meters (35.00 feet) West of the East line of Section 13; thence South 0 degrees 10 minutes 14 seconds West a distance of 63.014 meters (206.7 feet) along said line to the point of beginning.

Mark Kanney from planning and development presented a request for Finis Terra, Inc. (owner) and Furrion, Ltd. (developer), represented by Jones Petrie Rafinski, for an amendment of an existing DPUD to be known as Furrion DPUD (formerly known as Replat Lot 8 Elkhart East Area 'E' Phase I) located on the north side of Independence Court, 1,100 feet north of Executive Parkway, common address of 52567 Independence Court in Washington Township zoned DPUD E-3. The Plan Commission has recommended approval of the amendment. Matt Schuster from Jones Petrie Rafinski, represented the petitioner, said he will answer any questions. He explained there will be a helipad if approved by the FAA and there will be approximately 30 helicopter landings per year. 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 amendment and adopted an ordinance establishing this amendment. The Site Plan Support Drawing is part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

The Ordinance is as follows:

ORDINANCE NO. PC03-06c

TO AMEND ORDINANCE NO. PC03-06 and PC03-06b A DETAILED PLANNED UNIT DEVELOPMENT ADOPTED THE 17TH DAY OF MARCH 2003 MORE SPECIFICALLY BY AN AMENDMENT TO THE SITE PLAN SUPPORT DRAWING TO ALLOW FOR AN 8 LOT SUBDIVISION TO BE KNOWN AS REPLAT OF LOT 8 ELKHART EAST – AREA E PHASE 1; AND AN AMENDMENT TO ALLOW FOR A DEVIATION FROM THE DEVELOPMENTAL STANDARDS OF A 6 PERCENT LIMITATION ON COMMERCIAL RETAIL TO 8.8 PERCENT FOR ELKHART EAST AREA E – PHASE ONE.

WHEREAS, Finis Terra Inc. and Furrion Ltd., submitted a petition to amend Ordinance number PC03-06 on 3rd day of August, 2015,

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 August, 2015 and in **The Goshen News** on the 29th day of August, 2015 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 September, 2015 and did take public input at that meeting;

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

WHEREAS, The petition was sent to the Board of County Commissioners for Elkhart, Indiana with a Favorable Recommendation after the conditions imposed by the Advisory Plan Commission were met.

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

- SECTION 1.** That the adopted Site Plan Support Drawing be only amended for Lot 8 of the Elkhart East Area E Phase 1. And that the amended Site Plan Support Drawing, to be known as “Elkhart East – Area E – Lot 8 – Furrion Ltd.” has been made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.
- SECTION 2.** That all Sections of PC03-06 remain in effect and are not intended to be amended by this ordinance unless specifically stated in Section 1 and Section 2 of this ordinance.
- SECTION 3.** Petition is to amend PC03-06b text and site plan / support drawing, which would permit an office, warehouse, showroom, and helipad, replacing previously approved (PC03-06b) plans for restaurant/hotel for site (April 2007).
- SECTION 4.** In addition, the petition requests the following deviations from the E-3 zoning standards;
- a. The applicant be granted relief from Plan Commission approvals for the build-out of the future buildings as shown. The developer would then seek staff approval for this minor change.
 - b. The applicant requests a deviation from the standards to allow for a helicopter landing pad to be constructed as shown.

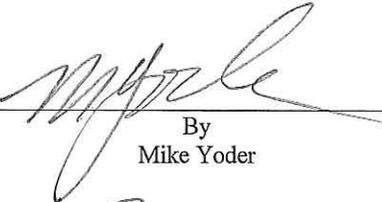
- c. The applicant requests a reduction of the rear yard setback from 80 ft. to 50 ft. as shown.
- d. The applicant requests reduction of the parking requirement from 118 spaces to 56 spaces as shown. Fifty spaces will be for employees, and then six spaces are designated for visitor spaces, as this has proven to be sufficient for the owner's other facilities.
- e. Request waiver of landscaping/buffer requirements along north and west boundaries.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and approval in according with the law.

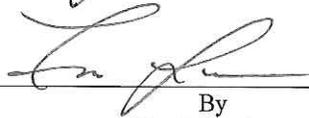
ORDAINED AND ADOPTED THIS 9TH DAY OF OCTOBER, 2015 BY THE BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA

ABSENT

By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Auditor for Elkhart County

Jason Auvil from planning and development presented a request for Glen D. & Orpha Fae Bontrager (owners) and Clayton Schrock (developer), represented by Cardinal Point Surveying, for a zone map change from A-3 to a DPUD A-1 to be known as Schrock Furniture DPUD located on the southwest corner of CR 37 and CR 34 in Clinton Township. The Plan Commission has sent this to the Board with a favorable recommendation. Mr. Auvil noted that the county highway department will require a road impact agreement for the access point. Phil Barker from Cardinal Point Surveying, Inc., representing the owners & developers, said the highway department granted a variance so they didn't have to install tapers. 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 zone map change and adopted an ordinance establishing this zone map change. The Site Plan/Support Drawing is part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

The Ordinance is as follows:

AN ORDINANCE TO AMEND THE ELKHART COUNTY CODE § 158.01 FOR REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM A-3 TO DETAILED PLANNED UNIT DEVELOPMENT A-1, TO BE KNOWN AS SCHROCK FURNITURE DPUD; AND BY CHANGING THE ZONE MAPS INCORPORATED BY REFERENCE IN SECTION 4.1.2.A. OF THE ELKHART COUNTY ZONING ORDINANCE

WHEREAS, The Glen D. Orpha Fae Bontrager (owner) and Clayton Schrock (developer) submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from **A-3** to **DPUD-A-1** on **July 30th, 2015**;

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 August 2015 and in **The Goshen News** on the 29th day of August 2015 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 September 2015 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 Section 3.5 Detailed Planned Unit Development of the Elkhart County Zoning Ordinance;

WHEREAS, The petition was sent to the Board of County Commissioners for Elkhart, Indiana with a 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 **A-3** to **DPUD A-1** effective immediately and the zone maps adopted by reference in 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 A-1 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 Use Standards, District Developmental Standards, and General Development Standards under the A-1 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.

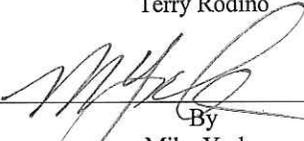
- SECTION 5.** That the Site Plan / Support Drawing is made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.
- SECTION 6.** This Detailed Planned Unit Development Ordinance will limit the use of this real estate to what has been shown on the Site Plan / Support Drawing.
- SECTION 7.** That the additional documentation and supporting information listed in Section 9 of this Ordinance must be supplied and the conditions specified in Section 9 of this Ordinance must be satisfied prior to any permits for construction being issued.
- SECTION 8.** That the following specified limitations to this Planned Unit Development have been adopted and imposed:

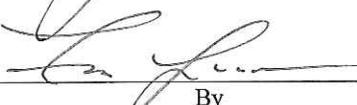
NONE
- SECTION 9.** List of additional documentation, supporting information, and conditions:

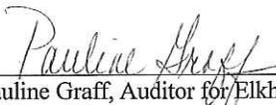
Elkhart County Highway will require a Road Impact Agreement for the access point.
- SECTION 10.** In the event any covenant, restriction, provision or section of this Ordinance or any portion thereof is declared invalid or void, such declaration shall in no way affect any other covenant, restriction, 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 OCTOBER 2015 BY THE BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA

ABSENT
By
Terry Rodino


By
Mike Yoder


By
Frank Lucchese

Attest: 
Pauline Graff, Auditor for Elkhart County

OCTOBER 19, 2015

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Jason Auvil from planning and development presented a request for Candi L. Chupp (seller) & Thomas E. Miller (buyer) for a zone map change from R-1 to B-1 located on the southeast corner of CR 17 and Suburban Drive, west side of Christopher Drive, 800 feet south of SR 120, common address of 54628 CR 17 in Washington Township. The Plan Commission has sent this to the Board with a 5-4 vote. Thomas Miller, the buyer of the property, said there were a lot of people from the residential area that spoke against this request. Mr. Auvil said there are five (5) conditions that are part of the ordinance. There will not be any outside storage. The conditions will be part of the commitments and will have to be recorded. Mr. Lucchese voted against this petition at the Plan Commission because of the traffic on CR 17 but has since determined this business won't create that much traffic. It is an appliance repair business. 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 approved the zone map change and adopted an ordinance establishing this zone map change.

The Ordinance is as follows:

ORDINANCE NO. PC 2015-17

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2014-20 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM R-1 TO B-1.

WHEREAS, Thomas E. Miller, 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 September 10, 2015, recommend approval of a zone change from R-1 to B-1 and filed their recommendation 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 part of the West Half of Section 31, Township 38 North, Range 6 East, more particularly described as follows:

Commencing at the intersection of the centerline of the Elkhart-Bristol Road (also known as the Vistula Road) with the West line of said section; thence due South along the West line of said section 785.68 feet for the beginning point of this description; *thence due East 231.55 feet; thence due North 100 feet; thence due West 231.55 feet to the place of beginning.

*thence due South along the West line of said Section 100 feet;

BE rezoned from R-1 to B-1 effective immediately, and the zone maps dated November 18, 2014, and made a part of Section 4.1.2 of the Elkhart County Zoning Ordinance as amended and hereby ordered amended and changed to reflect the said rezoning of said real estate.

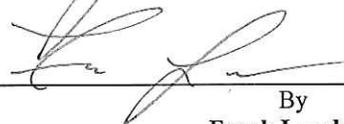
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 19th DAY OF OCTOBER, 2015.

ABSENT

By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: Pauline Graff
Pauline Graff, Elkhart County Auditor

Ordinance prepared by Liz Gunden. I 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.

Ord. # PC 2015-17

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 STOP signs at Discovery Drive for CR 6 and Endeavour Drive for CR 17, as requested by Tom Byers, County Administrator.

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 locations:

**DISCOVERY DRIVE AND COUNTY ROAD 6
AND
ENDEAVOUR DRIVE AND COUNTY ROAD 17**

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

**DISCOVERY DRIVE AND COUNTY ROAD 6
AND
ENDEAVOUR DRIVE 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: October 19, 2015

ORDINANCE NUMBER 2015-331

OCTOBER 19, 2015

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board adopted a Joint Resolution with the City of Goshen for the transfer of four (4) tax sale certificates, as requested by Tom Byers, County Administrator. These were properties that were not sold at the tax sale.

The Resolution is as follows:

COUNTY OF ELKHART RESOLUTION NO. 2015- 333

CITY OF GOSHEN RESOLUTION NO. 2015- W

**Joint Resolution of the County of Elkhart, Indiana and the City of Goshen, Indiana
for the Transfer of Tax Sale Certificates**

WHEREAS the County of Elkhart, Indiana ("County") recently conducted and completed its 2015 tax sale pursuant to Indiana Code § 6-1.1-24 et seq.;

WHEREAS certain real estate in Elkhart County, Indiana was offered for sale in the 2015 tax sale and an amount was not received nor bid equal to or in excess of the minimum sales price prescribed by Indiana Code § 6-1.1-24-5;

WHEREAS County has acquired a lien in the amount of the minimum sales price with respect to the tax sale real estate identified by the parcel numbers shown in Exhibit A ("Tax Sale Real Estate");

WHEREAS the Elkhart County Auditor has issued tax sale certificates to the County for the Tax Sale Real Estate pursuant to Indiana Code § 6-1.1-24-6 and Indiana Code § 6-1.1-24-9;

WHEREAS the City of Goshen, Indiana ("City"), for and on behalf of the City of Goshen Redevelopment Commission, has expressed an interest in acquiring the Tax Sale Real Estate in order to facilitate reuse and redevelopment of the Tax Sale Real Estate for the betterment of the County and City; and

WHEREAS Indiana Code § 6-1.1-24-9(d) and 36-1-11-8 contemplates the transfer of tax sale certificate interests in real estate between governmental entities upon terms and conditions agreed upon by the entities as evidenced by the adoption of a substantially identical resolution by each entity.

NOW, THEREFORE, BE IT RESOLVED jointly by the County of Elkhart, Indiana by and through the Board of Commissioners of the County of Elkhart, Indiana, and the City of Goshen, Indiana by and through the Board of Public Works and Safety of the City of Goshen, Indiana, as follows:

1. Following the approval and execution of this resolution by the County and the City, the County agrees to assign and the City agrees to accept assignment of the original tax sale certificates for the Tax Sale Real Estate.

2. The City agrees to follow and comply with the required statutory procedures for the issuance of a tax deed for the Tax Sale Real Estate pursuant to Indiana Code § 6-1.1-25 et seq. Pursuant to Indiana Code § 6-1.1-24-9(d), the period of redemption is one hundred twenty (120) days after the date of assignment. The City agrees to indemnify, defend, and hold harmless the County from any and all claims, demands, actions, causes of action, and liabilities of any nature whatsoever arising from City's actions and/or omissions with respect to the City obtaining and attempting to obtain a tax deed to the Tax Sale Real Estate and from all judgments therefore, and for all expenses in defending or appealing said matters, including without limitation court costs, attorney fees, and other expenses.

3. In the event City is unsuccessful in obtaining a tax deed to all or any part of the Tax Sale Real Estate and/or all or any part of the Tax Sale Real Estate is redeemed prior to the issuance of a tax deed pursuant to Indiana Code § 6-1.1-25 et seq., City shall return the tax sale certificate to the County for any of the Tax Sale Real Estate parcels for which the City does not obtain a tax deed. City shall have no right nor remedy against the County for any reason whatsoever in the event City is unsuccessful in obtaining a tax deed for all or any part of the Tax Sale Real Estate. In the event that all or any part of the Tax Sale Real Estate is redeemed prior to the issuance of a tax deed pursuant to Indiana Code § 6-1.1-25 et seq., the proceeds of the redemption received by the County shall be applied as required by law irrespective of and as if this resolution did not exist.

PASSED and ADOPTED on October 19, 2015 by the Board of Commissioners of the County of Elkhart, Indiana.

ABSENT

Terry Rodino, President

[Signature]

Mike Yoder, Vice President

[Signature]

Frank Lucchese, Member

Attest:

Pauline E. Graff
Pauline E. Graff, Auditor

PASSED and ADOPTED on November 2, 2015 by the Board of Public Works and Safety of the City of Goshen, Indiana.

Allan Kauffman
Allan Kauffman, Mayor

[Signature]
Mitchell Day, Member

Michael A. Landis
Michael A. Landis, Member

Attest:

Tina M. Bontrager
Tina M. Bontrager, Clerk-Treasurer

OCTOBER 19, 2015

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EXHIBIT A

2015 Tax Sale Real Estate

1. Parcel No. 20-11-08-226-007.000-015, 1301 Cosmo Street, Goshen, Indiana 46526
2. Parcel No. 20-11-08-430-006.000-015, Hickory Street, Goshen, Indiana 46526
3. Parcel No. 20-11-09-435-009.000-015, 403 East Jefferson Street, Goshen, Indiana 46528
4. Parcel No. 20-11-09-477-013.000-015, South Seventh Street, Goshen, Indiana 46528

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board adopted a Resolution Authorizing Certain County Employees to Electronically Sign Contracts, as requested by Tom Byers, County Administrator. This was needed due to State agencies requiring electronic signatures. This allows the county auditor, county administrator and the department head of the county agency administering the contract to electronically sign the contracts after they have been approved by the County Commissioners.

The Resolution is as follows:

RESOLUTION NO. 2015-337

AUTHORIZING CERTAIN COUNTY EMPLOYEES TO ELECTRONICALLY SIGN CONTRACTS

WHEREAS various State agencies are implementing procedures whereby contracts must be electronically signed;

WHEREAS the State agencies may require separate resolutions by the Board of County Commissioners setting forth who is authorized to electronically sign such contracts on behalf of the Board of County Commissioners;

WHEREAS the Board of County Commissioners believes it is in the best interest of the County to specify in advance who is authorized to electronically sign contracts on behalf of the County;

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Elkhart County Auditor, the Elkhart County Administrator and the department head of the county agency administering the contract are hereby authorized to electronically sign contracts on behalf of the Board of Commissioners of Elkhart County.
2. Said authorization for electronically signing contracts on behalf of the Board of Commissioners is limited to those contracts and contract amendments that have been approved in advance by the Board of Commissioners at a duly called meeting of the Board of Commissioners.
3. The authorization to electronically sign contracts does not eliminate or alter any county financial reporting procedures currently, or as amended in the future, that are in place.

Adopted this 19 day of October, 2015.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: ABSENT
Terry Rodino, President

By: [Signature]
Mike Yoder

By: [Signature]
Frank Lucchese

OCTOBER 19, 2015
Attest: Pauline E. Graff
Pauline E. Graff, County Auditor

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board adopted a Resolution Authorizing Certain County Employees Sign to Receive State and Federal Grants from the Indiana Department of Homeland Security and the Indiana Homeland Security Foundation, as requested by Tom Byers, County Administrator.

The Resolution is as follows:

**RESOLUTION AUTHORIZING CERTAIN COUNTY EMPLOYEES SIGN
TO RECEIVE STATE AND FEDERAL GRANTS FROM THE INDIANA DEPARTMENT OF
HOMELAND SECURITY AND THE INDIANA HOMELAND SECURITY FOUNDATION**

WHEREAS, the Indiana Department of Homeland Security and the Indiana Homeland Security Foundation require the Board of Commissioners to appoint authorized agents to receive state and federal grants and sub-grant funds;

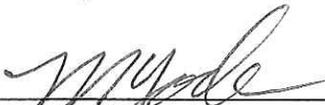
NOW THEREFORE BE IT RESOLVED the Board of Commissioners of the County of Elkhart, Indiana hereby authorizes the County Auditor and Director of Emergency Management to execute for and on behalf of the Board, any actions or documents, including grant and sub-grant or sub-recipient applications and agreements, necessary for the purpose of obtaining federal or state financial assistance from the Indiana Department of Homeland Security or the Indiana Homeland Security Foundation.

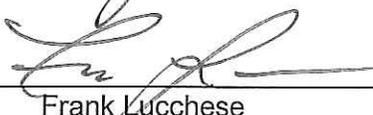
BE IT FURTHER RESOLVED the Board may revoke the authorization set forth above at any time by notifying the Indiana Department of Homeland Security and the Indiana Homeland Security Foundation.

Dated this 19 day of October, 2015.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: ABSENT
Terry Rodino

By: 
Mike Yoder

By: 
Frank Lucchese

ATTEST: 
Pauline E. Graff, County Auditor

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the 2016 Elkhart County Commissioners Meeting Schedule.

The schedule is as follows:

2016

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING SCHEDULE

JANUARY 4 Monday - **Regular**
11 Monday - Adm/Claims
19 Tuesday - **Regular**
25 Monday - Adm/Claims

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

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

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

MAY 2 Monday - **Regular**
9 Monday - Adm/Claims
16 Monday - **Regular**
23 Monday - Adm/Claims
31 Tuesday - Adm/Claims

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

JULY 5 Tuesday - **Regular**
11 Monday - Adm/Claims
18 Monday - **Regular**
25 Monday - Adm/Claims

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

SEPTEMBER 6 Tuesday - **Regular**
12 Monday - Adm/Claims
19 Monday - **Regular**
26 Monday - Adm/Claims

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

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

DECEMBER 5 Monday - **Regular**
12 Monday - Adm/Claims
19 Monday - **Regular**
27 Monday - Adm/Claims

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

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

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

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted the Solid Waste-Landfill report for September 2015 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 a Warranty Deed transferring some property from the County to the County for the Kercher Bridge project, as requested by Gordon Lord, County Attorney.

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

October 26, 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; 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 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 three (3) Community Corrections employees to go to Atlanta, GA in January 2016 for the APPA Conference/Intensive EBP Session Training.

Vivian Schmucker, EEO Committee Chairperson, explained the changes to the county's EEO bylaws they are requesting to be approved. Those changes are the number of committee members from 15 members to 10-15 members; changing the position of EEO Officer from the Assistant Director of Personnel to an appointed person by Human Resources; changing meeting time from the 1st Thursday to the 2nd Thursday of the 3rd month of each quarter; changing Personnel Department to Human Resources and a few other minor changes.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved all of the changes requested for the EEO bylaws.

Kris Krueger, Grants Procurement Specialist, asked for approval of the recommendations from the Drug Free Partnership Committee for the 2016 Drug Free Community Funds. There were 8 applicants and they are recommending funding six (6) of them for a total of \$210,000.00. The funds are governed by Indiana Code and must be divided between three categories: Criminal Justice, Prevention and Treatment.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the recommendations for the Drug Free Community Funds as requested.

Kevin Williams, Building Commissioner, recommended the bid for the demolition of 56588 Sapphire Boulevard, Elkhart taken at the October 19, 2015 be awarded to Jerry Reed Excavating for \$7,000. They submitted the lower of the two (2) quotes received. Mr. Williams explained the complete legal process that has to be done in order to obtain bids for the demolition of a building or house. There are many letters, communications, etc. along with a hearing in front of a hearing officer. The owner was given 60 days to make improvements to the property.

Franklin Breckenridge, an attorney representing the owner of the house, once again asked for a 60 day extension for the owner to make repairs and clean up the house before the bid is awarded for demolition of the house. Mr. McFarley, owner, said he had a structural

engineer inspect the house and said it is structural sound & can be repaired but he needs more time. Chris Godlewski, Director of Planning, said it has been at least three (3) years that complaints have been received and the process to get a demolition order has taken that amount of time.

Gordon Lord, County Attorney, commented that the Commissioners role in this process is only to receive the bid and award it. He noted that the bids are good for 60 days according to the bid specs so the Commissioners can delay awarding the bid if they should desire. More discussion continued regarding whether the house can be repaired & cleaned up in 60 days and if the homeowner has the finances to be able to make all of the repairs needed.

Mike Yoder made a motion to table the decision for awarding the bid for two (2) weeks and in that 2 week time period, the landowner will have to present a plan for the remodeling or repairs along with the proven financial wherewithal to pay for the repairs. We want the entire plan, what's going to happen, when it's going to happen, and how it is going to be paid for. That needs to go to Kevin Williams and his staff and they will evaluate it. The plan has to meet the county planning department's approval. The planning department will come back to the meeting on November 9, 2015 with the final determination and then the Commissioners will make the decision to award the bid for the demolition. Frank Lucchese seconded the motion and it was unanimously carried.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the First Amendment to the Industrial Development Grant Fund Agreement with IDGF for Grand Design to extend the agreement to December 31, 2015, as requested by Tom Byers, County Administrator. A copy of the Amended 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 some spot paving in nine (9) areas in the county to Phend & Brown for \$107,247.00, as requested by Jeff Taylor, Manager of Transportation. They submitted the lowest quote.

Pauline Graff, County Auditor, presented the new Indiana Bicentennial flag and a proclamation that is supposed to be read by the president of the commissioners on December 11, 2015.

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

Respectfully submitted,
Kathy L. Erschen