

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

August 3, 2015

President Terry Rodino called the meeting to order at 9:05 a.m. in Room 104 of 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; Craig Buche from the county attorney's office; 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 July 20th & 27th, 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, 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 a health department employee to go to Madison, WI in September to attend a Mental Health First Aid Adult Instructor's course.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved out of state travel for an employee in court services to go to Santa Cruz, CA in November for a JDAI model site visit.

Graham & Eric, summer interns for the county highway department, made a presentation and slides showing the projects they completed for highway over the summer break. Both said they enjoyed working for the highway department and would recommend it to other students.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an agreement with Rieth-Riley Construction Co., Inc. for the 2015 Paving Program Phase 2, Group 1 & 2 at a cost of \$1,686,073.58 for the highway department subject to legal review regarding the new provisions from the state effective July 1, 2015, as requested by Jeff Taylor, Manager of Transportation. They were the low bidder. A copy of the agreement is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation for \$120,000 from the EDIT fund for surveying, route location, title searches, and other aspects of pre-design costs for the CR 38 design, as requested by Jeff Taylor, Manager of Transportation.

The additional appropriation is as follows:

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation for \$250,000 from the Motor Vehicle Highway fund for road paving and maintenance, as requested by Jeff Taylor, Manager of Transportation.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

7/21/2015

DEPARTMENT

Highway

1176-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	250,000	150028	Road Paving and Maint.	44600	Motor Vehicle Highway	1176		
2								
3								
4								
5								
6								
7								
8								
TOTAL	250,000							
			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 road paving, chip seal and gravel. Funds are from savings from budget cuts.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed a Consent to the assignment to and assumption by New Paris Telephone, Inc. of the Subscription Agreement, the Segment Agreement Goshen Network, the Segment Agreement Elkhart Network and the Segment Agreement Goshen to Elkhart Network, each dated November 2008, between the County and Cincinnati Bell Any Distance, Inc. (as successor to GramTel, Inc.), as requested by Craig Buche from the county attorney's office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the EDIT fund for \$200,000 to be transferred to the General fund for the 2015 county budget, as requested by Tom Byers, County Administrator.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE 7-21-2015

DEPARTMENT _____

Commissioners
NAME _____

1112/980
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	200,000		Transfer between funds	45100	EDIT	1112	
2			to 1000/980				
3							
4							
5							
6							
7							
8							
TOTAL	200,000						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp.	as of Date		YES	NO	Amount	Date

REASON FOR REQUEST _____ Funds to be transferred to the General fund as approved in conjunction with
 _____ 2015 county budget.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted the Weights & Measures report for June 16th-July 15th, 2015 and placed it on file.

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 Dallas, TX next week for the Crimes Against Children Conference.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board re-appointed Mike Yoder to the Wood-Land-Lakes RC&D Board for another three (3) year term.

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

August 10, 2015

President Terry Rodino called the meeting to order at 9:00 a.m. in the meeting room of the Commissioners' Office in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Mike Yoder was present and Frank Lucchese was absent. 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 Terry Rodino after duly vacating the chair and carried, the Board approved the Allowance of Claims & the Payroll 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 an Agreement for the Blight Elimination Project with Pelley Excavating for ten (10) properties in the city of Elkhart, as requested by Tom Byers, County Administrator. Kris Krueger, Grants Procurement Specialist, is the administrator of this project. 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 an Administration Settlement Agreement with Gregory L. & Tammy M. Cripe for \$10,000 for their driveway at 62943 County Road 3, Elkhart, which is located in the area of the CR 3/CR 32 intersection improvement project. The owners are responsible for completing the work and this is the full, final and complete settlement. 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 adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

August 17, 2015

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 of 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 August 3rd & 10th, 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, as presented by the county auditor's office.

Lauren Duesler, Interim Director of Community Corrections, asked for approval of Amendment No. 3 to the Management Operating Agreement with Aramark Correctional Services, LLC for food vending for three (3) years. Mr. Rodino questioned if the county can terminate the agreement before the three years if there was a problem or another vendor would bid lower prices. Ms. Duesler didn't know if there was a termination clause in the original agreement, as this is just an amendment to that agreement. The county attorney's office will check the original agreement and make sure there is a termination clause in the original and if there is one, the Commissioners will approve the Amendment at their meeting on Monday, August 24th.

Bob Kronemyer, a resident of Meadowood Subdivision, said he is once again requesting the Commissioners restrict burning to one time in the spring and one time in the fall. He is urging the Commissioners to adopt an ordinance to restrict burning completely or only at designated times. Mr. Rodino questioned if he would be in favor of leaf pick up but noted that trying to get a system started throughout the county would be very difficult. Mr. Kronemyer would be in favor but the taxpayers may not like having to have taxes increased to pay for it.

Mr. Kronemyer is encouraging the Commissioners to do something with burning if at all possible. He realized enforcement issues would be difficult but over time people will learn the rules and regulation.

Dr. Nafziger commented that primarily we do sense smoke as a quality of life issue for the community. He added that it has been proven that heart attacks, asthma and breathing issues can be created by smoke.

Jason Auvil, Manager of Planning, presented a request for Kevin R. & Rachel F. Martin, represented by Brads-Ko Engineering & Surveying, Inc., for an amendment to the Site Plan/Support Drawing for an existing DPUD known as Martin Animal Bedding D.P.U.D. by specifically allowing 56,700 square feet of storage buildings for product storage located on the east side of CR 29, 1,500 feet northwest of CR 146 & west side of CR 127, 1,200 feet north of CR 146 in Jackson Township. The Plan Commission has sent this to the Board with a favorable

recommendation. Barry Pharis from Brads-Ko Engineering & Surveying said the plans are for construction of two buildings that would store finished products. He said all of the conditions of the original PUD will remain in place. There were no comments from anyone in the audience either in favor or against this amendment. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

Mike Yoder made a motion to approve the amendment as presented and adopt an Ordinance establishing this amendment and Frank Lucchese seconded the motion. Terry Rodino recused himself from voting because his business does business with Martin Animal Bedding. The motion carried 2-0. The Site Plan/Support drawing is part of this Ordinance and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

The Ordinance is as follows:

TO AMEND ORDINANCE NUMBER PC2013-03, A DETAILED PLANNED UNIT DEVELOPMENT ADOPTED THE 4TH DAY OF FEBRUARY 2013, MORE SPECIFICALLY BY INCORPORATING AND AMENDING THE SITE PLAN / SUPPORT DRAWING TO BE KNOWN AS MARTIN ANIMAL BEDDING, DPUD.

WHEREAS, Martin Animal Bedding, LLC, submitted a petition to amend Ordinance Number PC 2013-03 on the 1st day of June, 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 26th day of June 2015 and in **The Goshen News** on the 27th day of June 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 9th day of July 2015 and did take public input at that meeting;

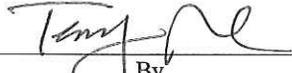
WHEREAS, The Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603 and Specifications I - Planned Unit Development of the Elkhart County Zoning Ordinance;

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

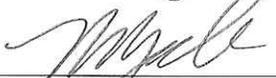
THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA, AS FOLLOWS:

- SECTION 1.** That the real estate described in **EXHIBIT A** of this Ordinance be rezoned from **A-1** to **DPUDA-1** effective immediately and the zone maps adopted by reference in Article 2 of the Elkhart County Zoning Ordinance for Elkhart County, Indiana, be amended and ordered amended and changed to reflect the said rezoning of said real estate.
- SECTION 2.** 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; And that the Site Plan / Support Drawing that was made part of Ordinance **PC 2013-03** Section 5 be superseded by this Ordinance **PC 2013-03a** by specifically allowing an additional 56,700 sq. ft. of storage buildings for product storage.
- SECTION 3.** That all Sections of **PC 2013-03** 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 4.** This Ordinance shall be in full force and effect from and after its passage and approval in accordance with the law.

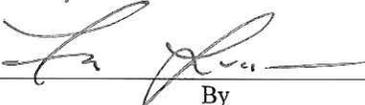
ORDAINED AND ADOPTED THIS 17TH DAY OF AUGUST 2015 BY THE
BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA



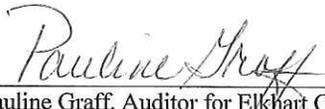
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Auditor for Elkhart County

Jason Auvil, Manager of Planning, presented a request for Larry J. & Linda Sue Yoder, represented by Brads-Ko Engineering & Surveying, Inc., for a zone map change from A-1 to a DPUD M-1 to be known as Yoder Concrete, LLC, D.P.U.D. located on the west side of SR 13, 2,800 feet north of CR 38 in Clinton Township. The Plan Commission has recommended approval of the zone map change. Barry Pharis from Brads-Ko Engineering & Surveying noted there was one remonstrator because he had heard there was going to be a big change to the property. Mr. Pharis said there will not be any changes to the business. Mr. Yoder does plan to install new facilities and a new septic system. The business is off site concrete work & the workers come to the business & then take company trucks to the job site. There is on site storage of concrete forms but plans are to plant trees or bushes to hide that storage. There were no comments from anyone in the audience regarding this zone map change request. 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 request for a zone map change and adopted an ordinance establishing this zone map change.

The Ordinance is as follows:

ORDINANCE NO. PC 2015-13

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2014-20 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREIN DESCRIBED FROM A-1 TO DPUD M-1 TO BE KNOWN AS YODER CONCRETE, LLC, DPUD.

WHEREAS, Larry and Linda Yoder, represented by Brads-Ko Engineering and Surveying, submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from **A-1** to **DPUD-M-1** on the 30th day of March, 2015;

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

WHEREAS, The Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in **The Elkhart Truth** on the 26th day of June, 2015 and in **The Goshen News** on the 27th day of June, 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 give reasonable regard to criteria established by Section 3.4 – General Planned Unit Development of the Elkhart County Zoning Ordinance;

WHEREAS, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 9th day of July, 2015 and did take public input at that meeting; **And**

WHEREAS, The petition was sent to the Board of County Commissioners for Elkhart, Indiana with a Favorable Recommendation and reasonable Conditions as outlined in this Ordinance.

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

SECTION 1. That the legal description 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-1** to **DPUD-M-1** effective immediately and the zone maps adopted by reference in PC 2014-20 known as 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.

SECTION 4. That the Site Plan/Support Drawing adopted by this Ordinance be for the real estate described in Section 1 of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission. Said amendments are subject to the conditions and improvements set forth by the Technical Committee.

SECTION 5. That the Detailed Development Plan 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 Detailed Development or as detailed within this Ordinance.
- 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 as specified.
- SECTION 8.** That the following specified limitation to this Detailed Planned Unit Development has been adopted and imposed:
- a. That the permitted uses be limited to storage and the operation of a concrete finishing business.
- SECTION 9.** List of additional documentation, supporting information, and conditions:
- a. That the septic system be installed in accordance with Health Department requirements.
 - b. That all outside storage of product or equipment be buffered from view with vegetative barriers.
 - c. That the existing drive on SR 13 be authorized for business usage by INDOT.
- SECTION 10.** This Ordinance shall be in full force and effect from and after its passage and approval in according with the law.

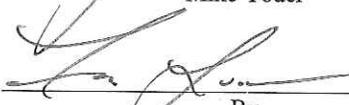
**ORDAINED AND ADOPTED THIS 17TH DAY OF AUGUST, 2015 BY THE BOARD OF
COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA**



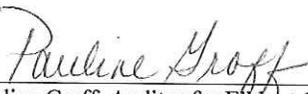
By
Terry Rodjho



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Auditor for Elkhart County

I, Mark Kanney, Planner III for Elkhart County 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.

Prepared by Mark Kanney, Planner III with the Elkhart County Division of Planning.

LEGAL DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 7 EAST, SECOND PRINCIPAL MERIDIAN, CLINTON TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A HARRISON SECTION CORNER MONUMENT AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 22; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (RECORD BEARING AS PER INSTRUMENT NUMBER 2012009651) ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 22, DISTANCE OF 309.86 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 41 SECONDS WEST, A DISTANCE OF 424.89 FEET TO AN IRON REBAR CAPPED (DORIOT); THENCE SOUTH 00 DEGREES 00 MINUTES 25 SECONDS WEST, A DISTANCE OF 306.68 FEET TO AN IRON REBAR CAPPED (DORIOT); THENCE SOUTH 89 DEGREES 31 MINUTES 58 SECONDS EAST, A DISTANCE OF 424.94 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 3.007 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS RESTRICTION AND PUBLIC RIGHT OF WAYS OF RECORD.

Jason Auvil, Manager of Planning, also presented a request for Elm Properties, represented by Jones Petrie Rafinski, for a zone map change from DPUD M-2 to DPUD B-3 and GPUD M-2 to be known as Eco Park Planned Unit Development 1st Amendment located on the north side of CR 26, 1,000 feet east of SR 19 in Concord Township. The Plan Commission has recommended approval of the request.

John Levy, President of American Countryside Farmers Market, LLC, 2510 Sterling Avenue, Elkhart, is the tenant of the building. He explained the history of the building and the said the present owners altered their plans to make it their headquarters. His plans are to renovate the first floor of the building for auctions & there will be 6 restaurants, the second floor will be a department store with 41 departments & other stores, and the third floor will be online computer sales. The hours of operation will be Monday-Saturday, 10:00 a.m. to 8:00 p.m. There will also be teaching stations for cooking classes. The Commissioners all were excited about this building being renovated since it has been sitting empty for several years. There were no other comments from anyone in the audience. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the zone map change and adopted an ordinance establishing this zoning change.

The Ordinance is as follows:

TO AMEND ORDINANCE NUMBER PC2014-10, A DETAILED PLANNED UNIT DEVELOPMENT ADOPTED THE 19TH DAY OF MAY 2014, MORE SPECIFICALLY BY INCORPORATING AND AMENDING THE SITE PLAN / SUPPORT DRAWING TO BE KNOWN AS ECO PARK PLANNED UNIT DEVELOPMENT 1ST AMENDMENT.

WHEREAS, Elm Properties, submitted a petition to amend Ordinance Number PC 2014-10 on the 1st day of June, 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 26th day of June 2015 and in **The Goshen News** on the 27th day of June 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 9th day of July 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 Article 6 – General and 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 real estate described in **EXHIBIT A** of this Ordinance be rezoned from **Detailed Planned Unit Development M-2** to **Detailed Planned Unit Development B-3** and **General Planned Unit Development M-2** 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 2. 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; And that the Site Plan / Support Drawing that was made part of Ordinance **PC2014-10** Section 6 be superseded by this Ordinance **PC2014-10a** by specifically allowing heavy business use.

SECTION 3. That all Sections of **PC2014-10a** 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 4. This Ordinance shall be in full force and effect from and after its passage and approval in accordance with the law.

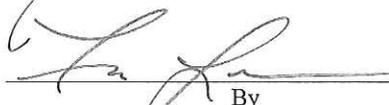
**ORDAINED AND ADOPTED THIS 17TH DAY OF AUGUST 2015 BY THE
BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA**



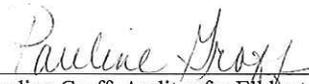
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Auditor for Elkhart County

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved two (2) out of state travel requests for two (2) employees in the prosecutor's office to go to Rehobeth Beach, Delaware for an Annual East Coast Gang Investigators conference in September & one (1) employee to go to Las Vegas, NV in October for NDAA Training Prosecuting Drug Cases class.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved paving the east side of Cheri Lane in Pheasant Ridge subdivision, as requested by Jeff Taylor, Manager of Transportation. The cost will be approximately \$30,000 to \$50,000.

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

August 24, 2015

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

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

Jeff Taylor, Manager of Transportation, explained that two (2) county bridge projects were federally funded and INDOT requires a "Report of Contract Final Inspection & Recommendation for Acceptance" be approved and signed by the commissioners when the projects are complete. The highway department has recommended approval of the forms.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed the acceptance forms for INDOT for Bridge #127 (CR 4 over Christiana Creek) and Bridge #189 (CR 40 east of CR 43 over Stony Creek).

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved two (2) Addendums for the 2015 Paving Part 2, Group 1 & Group 2 with Rieth-Riley Construction Co., Inc., as requested by Jeff Taylor, Manager of Transportation. This is for the new provisions of the Indiana Code that went into effect July 1, 2015. A copy of the Addendums is on file in the Commissioners' office.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

August 31, 2015

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

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a Resolution Establishing a Title VI Nondiscriminatory Policy for the County, as requested by Craig Buche from the county attorney's office. This is in compliance with the Title VI of the Civil Rights Act of 1964.

The Resolution is as follows:

RESOLUTION NO. 2015- 266

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE COUNTY OF ELKHART, INDIANA ESTABLISHING A
TITLE VI NONDISCRIMINATION POLICY

WHEREAS a condition of Federal financial assistance is that a recipient must comply with Title VI of the Civil Rights Act of 1964 and the provisions of the applicable Code of Federal Regulations and Executive Orders related thereto;

WHEREAS Title VI of the Civil Rights Act of 1964, applicable Code of Federal Regulations, and Executive Orders related thereto provide that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability/handicap, nor low income, be excluded from participating in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which a recipient receives Federal financial assistance;

WHEREAS the County of Elkhart, Indiana has been, currently is, and may in the future be a recipient of Federal financial assistance for which these nondiscrimination provisions would be applicable;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the County of Elkhart, Indiana hereby establishes this policy and confirms that its program and activities will be conducted such that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability/handicap, nor low income, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination pursuant to and as provided by applicable State and Federal law.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Commissioners of the County of Elkhart, Indiana will from time to time name a Title VI Coordinator to assist in the implementation of this Nondiscrimination Policy and to assist in addressing any Title VI complaints which will be processed and administered in accordance with the same procedures as those established for Elkhart County's ADA compliance program.

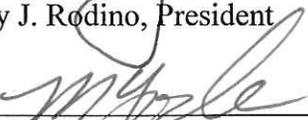
NOW, THEREFORE, BE IT FURTHER RESOLVED that this Nondiscrimination Policy shall be interpreted so as to be consistent with and in compliance with the requirements of applicable State and

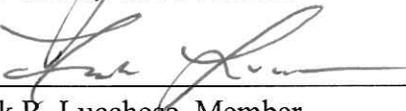
Federal law; that this Nondiscrimination Policy shall be understood and acknowledged to be a policy which prohibits discrimination but does not otherwise grant nor afford any special advantages, privileges, or other benefits to any person in the United States; and that this Nondiscrimination Policy does not exceed the requirements of nor otherwise place any burden upon the County of Elkhart, Indiana beyond the requirements of applicable State and Federal law.

RESOLVED AND ADOPTED this 31st day of August, 2015.

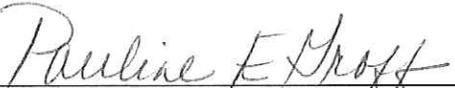
BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: 
Terry J. Rodino, President

By: 
Mike Yoder, Vice President

By: 
Frank R. Lucchese, Member

ATTEST:


Pauline E. Graff, Elkhart County Auditor

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a Resolution Appointing the Title VI Coordinator for the county. They appointed Kirt Hunsberger, Assistant Director of Human Resources, as the Title VI Coordinator for Elkhart County.

The Resolution is as follows:

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE COUNTY OF ELKHART, INDIANA
APPOINTING THE TITLE VI COORDINATOR**

WHEREAS the Federal government enacted Title VI of the Civil Rights Act of 1964 (Title VI) to prevent discrimination under any program or activity receiving Federal financial assistance;

WHEREAS in compliance with Title VI, Elkhart County will name a Title VI Coordinator;

WHEREAS Elkhart County has adopted the same Grievance Procedure used for its ADA compliance program as its Grievance Procedure for Title VI complaints;

WHEREAS Elkhart County will publish notice of its Title VI Nondiscrimination Policy; and

WHEREAS Elkhart County will post the Title VI Coordinator's name, office address, and telephone number along with its Title VI Nondiscrimination Policy on its website;

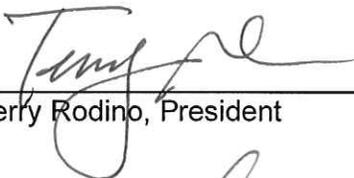
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Elkhart, Indiana as follows:

Kirt Hunsberger, Assistant Director of Human Resources, is designated as the Title VI Coordinator for Elkhart County.

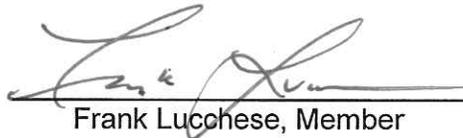
The Elkhart County Grievance Procedure under the Americans with Disabilities Act is adopted as the grievance procedure for addressing complaints alleging discrimination under Title VI in the provision of services, activities, programs or benefits by Elkhart County with complaints to be directed to the Title VI Coordinator.

For notice purposes, Elkhart County will post the contact information regarding the Title VI Coordinator and Elkhart County's Title VI Nondiscrimination Policy on its website and at such other locations as may be determined from time to time.

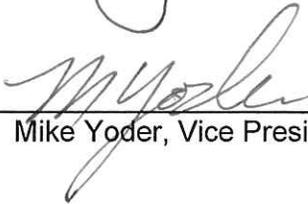
RESOLVED AND ADOPTED this 31st day of August, 2015.



Terry Rodino, President



Frank Lucchese, Member



Mike Yoder, Vice President

ATTEST: 

Pauline Graff, Auditor

The approval of a new grant agreement for the 2015 JABG Grant with the Indiana Criminal Justice Institute was tabled until the 9/8/2015 meeting when someone can be present to answer some questions regarding the grant.

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

Respectfully submitted,
Kathy L. Erschen