

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

March 2, 2015

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

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes of the February 16<sup>th</sup> & 23<sup>rd</sup>, 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.

Brian Mabry from planning and development addressed the continuation of a hearing for a rezoning from A-1 to M-2 for Sand Bar Investment Group, represented by Brads-Ko Engineering & Surveying, Inc., for property located on the southwest corner of CR 2 and East County Line Road in York Township. Between that hearing date and today, Mr. Mabry has revised the commitments to make the changes the Commissioners approved at the meeting on February 16, 2015. He said changes to the commitments can be approved by the Commissioners without the Plan Commission hearing them again if the revised commitments are more stringent than the original commitments that were approved by the Plan Commission. Mr. Mabry read the revised commitments. Barry Pharis from Brads-Ko Engineering & Surveying, Inc., representing the petitioners, showed the revised plan for the property with the revisions requested by the Commissioners. One person from the audience questioned if this is for the rezoning and Mr. Rodino said the rezoning was approved on February 16, 2015 and only comments allowed today would be regarding the commitments. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing. Mr. Lord suggested the date on the commitments be changed to March 2, 2015 and the legal description be included as part of the commitments.

Mike Yoder made a motion to approve and sign the new commitments upon receiving a copy that is properly dated March 2, 2015 and the legal description is updated to describe the current property. 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 rezoning and adopted an ordinance establishing the rezoning from A-1 to M-2 with the new commitments for the property.

The Ordinance is s follows:

ORDINANCE NO. PC 2015-03

**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 A-1 TO M-2**

**WHEREAS**, Amy L. Miller, Mark A. Salee & Stephen C. Salee and Sand Bar Investment Group, Attn. Tim Roeder, represented by Brads-Ko Engineering and Surveying, Inc. submitted an application to rezone real estate hereinafter described from A-1 to M-2 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 January 8, 2015, recommend approval of a zone change from A-1 to M-2 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 A-1 to M-2 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 2nd DAY OF MARCH, 2015**

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

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

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

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

Ordinance prepared by Brian Mabry. 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.

Exhibit A

LEGAL DESCRIPTION

AS DESCRIBED IN QUIT-CLAIM DEED INSTRUMENT #2010-16716 FROM STEPHEN C. SALEE TO AMY L. MILLER AND A PERSONAL REPRESENTATIVE'S DEED INSTRUMENT #2010-16715 FROM AMY L. MILLER, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CHARLOTTE L. SALEE TO AMY L. MILLER, MARK A. SALEE AND STEPHEN C. SALEE

THE NORTHEAST QUARTER (NE-1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTEEN (13) IN TOWNSHIP THIRTY-EIGHT (38) NORTH AND OF RANGE SEVEN (7) EAST OF THE SECOND PRINCIPAL MERIDIAN, CONTAINING FORTY (40) ACRES, MORE OR LESS.

EXCEPTING THEREFROM:

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 7 EAST, AND BEING ALL THAT PART OF LAND BOUNDED AND DESCRIBED AS FOLLOWS: NORTHERLY BY THE NORTHERLY SECTION LINE OF SECTION 13, WESTERLY BY THE WESTERLY PROPERTY LINE OF HARRY N. AND FLORENCE B. SCHROCK, DESCRIBED IN DEED DATED MAY 11, 1920 AND RECORDED IN DEED BOOK NUMBER 135, PAGE 213. SOUTHERLY BY THE SOUTHERLY PROPERTY LINE OF AFORESAID HARRY N. SCHROCK AND FLORENCE B. SCHROCK. EASTERLY BY A LINE DRAWN PARALLEL TO AND DISTANT 60 FEET EASTERLY, MEASURED AT RIGHT ANGLES TO, THE AFORESAID WESTERLY PROPERTY LINE. CONTAINING 3 ACRES MORE OR LESS.

SUBJECT TO THE FOLLOWING PERMANENT RIGHT-OF-WAY EASEMENTS:

BEGINNING ON THE EASTERLY LINE OF SAID SECTION NUMBER 13 AT THE SOUTHEASTERLY CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION NUMBER 13; THENCE NORTHERLY ALONG THE SAID SECTION LINE TO A POINT DISTANCE 820 FEET NORTHERLY, MEASURED ALONG SAID SECTION LINE, FROM ITS INTERSECTION WITH THE CENTERLINE OF THE INDIANA EAST-WEST TOLL ROAD AS SHOWN BY PLAT RECORD IN ELKHART COUNTY MAP RECORDS; THENCE WESTERLY AT RIGHT ANGLES TO SAID SECTION LINE 30 FEET; THENCE SOUTHWESTERLY IN A DIRECT LINE TO A POINT DISTANCE 80 FEET WESTERLY OF, MEASURED AT RIGHT ANGLES TO, SAID SECTION LINE FROM A POINT THEREIN DISTANCE 500 FEET NORTHERLY FROM ITS INTERSECTION WITH SAID TOLL ROAD CENTER LINE; THENCE SOUTHERLY PARALLEL WITH SAID SECTION LINE TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION NUMBER 13; THENCE EASTERLY ALONG SAID SOUTHERLY LINE TO THE PLACE OF BEGINNING. CONTAINING .75 ACRES, MORE OR LESS.

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 7 EAST, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING THE EAST LINE OF SAID QUARTER QUARTER SECTION AT A POINT WHICH IS 820 FEET NORTHERLY, MEASURED ALONG SAID EAST LINE, FROM THE CENTER LINE OF THE INDIANA EAST-WEST TOLL ROAD AT STATION 5926/38.8 (WHICH POINT OF BEGINNING IS ABOUT 418 FEET NORTHERLY MEASURED

MARCH 2, 2015

Ord. # Pe2015-03

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Exhibit A (cont.)

ALONG SAID EAST LINE, FROM THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION); THENCE NORTHERLY ALONG THE EAST LINE OF SAID QUARTER QUARTER SECTION 330 FEET; THENCE WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID EAST LINE 19 FEET; THENCE SOUTHWESTERLY 522.03 FEET TO A POINT WHICH IS 65 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM AFORESAID EAST LINE; THENCE IN A SOUTHERLY DIRECTION (TOWARD A POINT WHICH IS 78 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID EAST LINE AT A POINT WHICH IS 131.37 FEET NORTH OF TOLL ROAD CENTER LINE STATION 5926/38.8) A DISTANCE OF 45 FEET, MORE OR LESS, TO THE WESTERLY BOUNDARY OF PARCEL NO. 91-D-1P; THENCE NORTHEASTERLY ALONG SAID WESTERLY BOUNDARY 237 FEET, MORE OR LESS, TO A POINT WHICH IS 30 FEET WESTERLY OF THE POINT OF BEGINNING, AS MEASURED AT RIGHT ANGLES FROM AFORESAID EAST LINE; THENCE EASTERLY 30 FEET TO THE POINT OF BEGINNING, CONTAINING 0.32 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM:

A PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 7 EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 7 EAST; THENCE EAST ON THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF 1402.83 FEET; THENCE CONTINUING EAST ON SAID NORTH LINE, A DISTANCE OF 148.71 FEET; THENCE SOUTH 1 DEGREE 28 MINUTES EAST A DISTANCE OF 626.13 FEET; THENCE WEST A DISTANCE OF 148.71 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE NORTHERN INDIANA TOLL ROAD ACCESS ROAD; THENCE NORTH 1 DEGREE 28 MINUTES WEST ALONG THE SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 626.13 FEET TO THE AFOREMENTIONED POINT OF BEGINNING, CONTAINING 2.14 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM:

A PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 7 EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 7 EAST; THENCE EAST ON THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1551.54 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING EAST ON SAID NORTH LINE A DISTANCE OF 208.71 FEET; THENCE SOUTH 1° 28' EAST A DISTANCE OF 626.13 FEET; THENCE WEST A DISTANCE OF 208.71 FEET; THENCE NORTH 1° 28' WEST A DISTANCE OF 626.13 FEET TO THE AFOREMENTIONED POINT OF BEGINNING, CONTAINING 3.0 ACRES, MORE OR LESS.

SUBJECT TO ALL ASSESSMENTS AND RESTRICTIONS RECORDED PRIOR TO THIS SURVEY.

ALSO EXCEPTING THEREFROM:

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Exhibit A (cont.)

A PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 7 EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 7 EAST; THENCE EAST ON THE NORTH LINE OF SAID NORTH-EAST QUARTER A DISTANCE OF APPROXIMATELY 1,759.25 FEET (N.E. CORNER OF SHELTON GRABER LOT) TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING EAST ON SAID NORTH LINE A DISTANCE OF APPROXIMATELY 208.71 FEET; THENCE SOUTH 1°28' EAST A DISTANCE OF APPROXIMATELY 626.13 FEET; THENCE WEST A DISTANCE OF APPROXIMATELY 208.71 FEET; THENCE NORTH 1°28' WEST A DISTANCE OF APPROXIMATELY 626.13 FEET TO THE AFOREMENTIONED POINT OF BEGINNING, CONTAINING 3.0 ACRES MORE OR LESS.

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

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On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the CR 6 and CR 17 TIF District fund for \$17,108 for sewer reimbursement to the developer who installed the infrastructure in 2006/2007, as requested by Chris Godlewski, Director of Planning.

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 Northwest Gateway TIF District fund for \$300,000 for the purchase of right of way for the Ash Road and Old US 20 project, as also requested by Chris Godlewski, Director of Planning. St. Joseph County is the lead agency for this project and it is a federal aid project.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction request for Code Enforcement for \$6,000 for part-time technicians, as also requested by Chris Godlewski, Director of Planning.

The above two additional appropriations and the appropriation reduction are as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 2/17/15

DEPARTMENT \_\_\_\_\_

CR 6 & CR 17 TIF  
NAME

4511-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1 \$ 17,108.00		Improvements Other	44310	CR 6 & CR 17 TIF	4511		
2		Than Building					
3							
4							
5							
6							
7							
8							
TOTAL \$ 17,108.00							
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
Approp.	Unspent Request						as of Date
		AMOUNT	DATE	YES	NO	Amount	Date
1							
2							
3							
4							
5							
6							
7							
8							
TOTAL \$							

**REASON FOR REQUEST** \_\_\_\_\_

For sewer reimbursement of developer who installed infrastructure in 2006/2007. Agreement was to pay back developer as increment from construction of new buildings.

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 2/17/15

DEPARTMENT \_\_\_\_\_

Northwest Gateway  
NAME

4504-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1 \$ 300,000.00	152502	Land	44100	Northwest Gateway	4504		
2							
3							
4							
5							
6							
7							
8							
TOTAL \$ 300,000.00							
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
Approp.	Unspent as of Request Date						
		AMOUNT	DATE	YES	NO	Amount	Date
1							
2							
3							
4							
5							
6							
7							
8							
TOTAL \$							

**REASON FOR REQUEST** \_\_\_\_\_

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For the purchase of right-of-way in conjunction with the expansion of Ash Road and Old US 20.

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\_\_\_\_\_

**ELKHART COUNTY**  
**APPROPRIATION REDUCTION REQUEST**

DATE: 2/16/15

DEPARTMENT

Code Enforcement  
 Name

1000-131  
 Number

AMOUNT OF REDUCTION	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 6,000.00		Technicians - Part-time	41205	General	1000
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 6,000.00					

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

**REASON FOR REDUCTION** \_\_\_\_\_

The reduction of \$6000 is to help offset costs for new technology utilized by the building department. In addition, the part-time spot this money was supposed to pay for will be absorbed in the building department along with other staff.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction for 27 cents in the EDIT fund to close out a project, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction for \$82,415.26 for the Cumulative Bridge fund to close out two projects, as requested by Jeff Taylor, Manager of Transportation.

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 Motor Vehicle Highway fund for \$470,000 for three (3) projects, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the Motor Vehicle Highway fund for \$200,000 for contract snow plowing, as again requested by Jeff Taylor, Manager of Transportation.

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 Motor Vehicle Highway fund for \$500,000 for right of way purchases for the Kercher Bridge/CR 38 project, as also requested by Jeff Taylor, Manager of Transportation.

The above two reductions and three additional appropriations are as follows:

**ELKHART COUNTY  
APPROPRIATION REDUCTION REQUEST**

DATE: 02-24-15

DEPARTMENT

EDIT

1112-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	0.27	150001	American Structurepoint	44600	EDIT	1112		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>0.27</b>							
	<b>ORIGINAL AMOUNT</b>		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST Project completed

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**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 02-24-15

DEPARTMENT

Highway

1176-202

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	200,000		Other Professional Services	43090	Motor Vehicle Highway	1176		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>200,000</b>							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

**REASON FOR REQUEST** 1. Funds needed for contract snow plowing on numbered county roads and subdivisions

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Jeff Taylor, Manager of Transportation, presented a request for a major variance request from the "Street Standards" for a fourth driveway access for Smart DPUD. Blake Doriot from B. Doriot and Associates, representing SMART, said this was placed as a gravel drive at the request of their insurance for emergency vehicles. Since it was placed, they have found to service the dust collectors on the south of the building, it has been almost impossible not to use this drive. It will be used for EXIT only, which allows them to pull in for their dust collectors, unload them and not have to back up into their employee parking. They do understand four driveways are a lot but this helps the company operate better and safer. Mr. Doriot said this is a good company who employs 160+ people and pays \$25+ per hour. They have invested \$7,000,000 in their building. They are asking for this variance to use for emergency purposes and serving of the dust collectors. There will be a gate on it.

Terry Sauer from SMART Cabinetry said at the present time, trucks have to park or wait on CR 50 to load or unload. This will allow the trucks to get off of CR 50 and they will not be backing into the employee parking lot. He also noted this will be an EXIT only. Mr. Rodino questioned if this needs to go back to the Plan Commission for an amendment to the DPUD and Chris Godlewski, Director of Planning, said this will go to the Plan Commission in March for an amendment and they would like to have this approved by the Commissioners prior to the Plan Commission. Mr. Sauer said there will be approximately 12 trucks per day exiting this gate and that is on the high side. Mr. Doriot also added this will be a "right out" only.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved this major variance to the "Street Standards" with a "right out" only.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted the Weights & Measures report for January 16<sup>th</sup>-February 15<sup>th</sup>, 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 the prosecutor's office for an employee to go to Dallas, Texas in March for the 2015 Conference on Crimes Against Women.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Engagement Letter with Barnes & Thornburg for the Elkhart County Corrections Complex Building Corporation First Mortgage Refunding Bonds, Series 2005, as requested by Gordon Lord, County Attorney. A copy of the letter is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted a Resolution approving an addendum to lease and the refunding of the Elkhart County Corrections Complex Building Corporation First Mortgage Bonds, Series 2005, as requested by Gordon Lord, County Attorney.

The Resolution is as follows:

RESOLUTION NO. 2015-96

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF ELKHART COUNTY, INDIANA APPROVING AN ADDENDUM TO LEASE AND THE REFUNDING OF THE ELKHART COUNTY CORRECTIONS COMPLEX BUILDING CORPORATION FIRST MORTGAGE BONDS, SERIES 2005**

WHEREAS, the Elkhart County Corrections Complex Building Corporation (the "Corporation") has been established as an Indiana nonprofit corporation operating pursuant to the provisions of the Indiana Nonprofit Act of 1991, as amended, Indiana Code 23-17; and

WHEREAS, the Building Corporation issued its First Mortgage Bonds, Series 2005 in the aggregate principal amount of \$9,415,000 (the "2005 Bonds"); and

WHEREAS, the Building Corporation and the County entered into the Lease, dated as of October 1, 2004, as amended and supplemented (collectively, the "Lease"), in connection with the issuance of the 2005 Bonds; and

WHEREAS, Indiana Code 5-1-5, as amended, authorizes the refunding of all or a portion of the 2005 Bonds prior to such time as such 2005 Bonds are subject to redemption in order to effect a savings; and

WHEREAS, in accordance with Indiana Code 5-1-5, this Board of Commissioners (the "Board") desires to approve the issuance of bonds by the Corporation to refund all of the 2005 Bonds which are currently outstanding (the "Refunded Bonds") to effect a savings to the Corporation and, by reason of the corresponding reduction in the lease rental payments under the Lease, provide a savings to the County; and

WHEREAS, the Board desires to approve a Fourth Addendum to Lease, between the County and the Corporation (the "Fourth Addendum to Lease") pursuant to which the fixed annual rentals payable under Lease are reduced to reflect the annual amount of principal and interest due on the 2015 Bonds (as defined below).

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

SECTION 1. The Board hereby approves the issuance by the Corporation of its lease rental refunding bonds, payable from rentals paid under the Lease (the "2015 Bonds") to refund the Refunded Bonds, including the payment of any and all redemption premiums on the Refunded Bonds, and the payment of any and all expenses in connection with such refunding and the issuance of the 2015 Bonds.

SECTION 2. The Board and the Auditor are hereby authorized to execute and deliver the Fourth Addendum to Lease, in the form presented at this meeting, with such changes in the form or substance as the Board shall approve, such approval to be conclusively evidenced by the execution thereof.

SECTION 3. The Board hereby approves the engagement of H.J. Umbaugh & Associates Certified Public Accountants, LLP to serve as financial advisor with respect to the issuance of the 2015 Bonds.

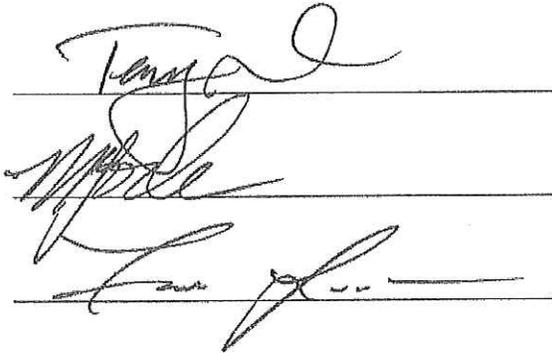
SECTION 4. The 2015 Bonds shall be sold through a private negotiated sale to City Securities Corporation (the "Underwriter") or through a private placement, with the assistance of City Securities Corporation, as placement agent (the "Placement Agent"). The Board and the Auditor of the County are authorized to execute and deliver, and to perform the obligations of the County thereunder, a bond purchase agreement among the County, the Corporation and the Underwriter, or placement agreement among the County, the Corporation and the Placement Agent, in the form the Board and the Auditor of the County, with the advice of counsel, determine to be necessary or appropriate, such determination to be conclusively evidenced by the Board's and the Auditor's execution thereof.

SECTION 5. The Board hereby approves the engagement of Barnes & Thornburg LLP to serve as bond counsel with respect to the issuance of the 2015 Bonds.

SECTION 6. Any officer of the County is hereby authorized and directed to execute and deliver such documents, including, if necessary, a continuing disclosure agreement related to the 2015 Bonds, and take such other actions as such officer deems necessary or desirable to effect the provisions of this Resolution, and any such documents heretofore executed and delivered and any such other actions heretofore taken are hereby ratified and approved.

Passed and adopted by the Board of Commissioners of Elkhart County, Indiana on the 2nd day of March, 2015.

BOARD OF COMMISSIONERS OF  
ELKHART COUNTY, INDIANA



ATTEST:

  
County Auditor

**FOURTH ADDENDUM TO LEASE**

**by and between**

**ELKHART COUNTY CORRECTIONS COMPLEX BUILDING CORPORATION**

**and**

**ELKHART COUNTY, INDIANA**

**Dated \_\_\_\_\_, 2015**

Cross Reference: This instrument amends and supplements the Lease, dated as of October 1, 2004, recorded in the Office of the Recorder of Elkhart County, Indiana, on December 29, 2005, as Instrument Number 2005 41081, the Addendum to Lease, dated December 29, 2005, recorded in the Office of the Recorder of Elkhart County, Indiana, on December 29, 2005, as Instrument Number 2005 41082, the Second Addendum to Lease, dated September 6, 2006, recorded in the Office of the Recorder of Elkhart County, Indiana, on September 6, 2006, as Instrument Number 2006 26388, the Third Addendum to Lease, dated January 25, 2007, recorded in the Office of the Recorder of Elkhart County, Indiana, on January 25, 2007, as Instrument Number 2007 02272, and the Amended and Restated Third Addendum to Lease, dated January 25, 2007, recorded in the Office of the Recorder of Elkhart County, Indiana, on January 25, 2007, as Instrument Number 2007 30301.

**FOURTH ADDENDUM TO LEASE BETWEEN  
ELKHART COUNTY CORRECTIONS COMPLEX BUILDING CORPORATION,  
LESSOR, AND ELKHART COUNTY, INDIANA, LESSEE**

This FOURTH ADDENDUM TO LEASE (this "Fourth Addendum"), entered into as of this \_\_\_ day of \_\_\_\_\_, 2015, by and between the Elkhart County Corrections Complex Building Corporation, an Indiana nonprofit corporation (the "Lessor"), and Elkhart County, Indiana, a municipal corporation existing under the laws of the State of Indiana (the "Lessee");

WITNESSETH:

WHEREAS, the Lessor entered into the Lease with the Lessee, dated as of October 1, 2004 (the "Original Lease") as amended and supplemented by the Addendum to Lease with the Lessee, dated December 29, 2005 (the "Addendum to Lease"), the Second Addendum to Lease with the Lessee, dated September 6, 2006 (the "Second Addendum to Lease"), the Third Addendum to Lease with the Lessee, dated January 25, 2006 (the "Third Addendum to Lease"), and the Amended and Restated Third Addendum to Lease with the Lessee, dated January 25, 2006 (the "Restated Third Addendum to Lease") (the Original Lease, as amended and supplemented by the Addendum to Lease, the Second Addendum to Lease, the Third Addendum to Lease, and the Restated Third Addendum to Lease, the "Lease");

WHEREAS, the Lessor issued its First Mortgage Bonds, Series 2005, dated as of December 29, 2005, in the original principal amount of Nine Million Four Hundred Fifteen Thousand Dollars (\$9,415,000) (the "2005 Bonds"), pursuant to a Trust Indenture, between the Lessor and Regions Bank (as successor to Lake City Bank), as trustee, dated as of December 1, 2005 (the "2005 Indenture").

WHEREAS, the 2005 Bonds are currently outstanding in the aggregate principal amount of Nine Million Four Hundred Fifteen Thousand Dollars (\$9,415,000) (the "Refunded Bonds");

WHEREAS, Indiana Code 5-1-5 authorizes the refunding of bonds issued by the Lessor and the Lessor desires to refund the Refunded Bonds at a lower interest cost in order to effect a savings;

WHEREAS, to accomplish such refinancing, the Lessor authorized the issuance of refunding bonds designated as "Elkhart County Corrections Complex Building Corporation First Mortgage Bonds, Series 2015", in the aggregate principal of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) (the "2015 Bonds"), pursuant to the 2005 Indenture, as previously supplemented and as supplement by a Third Supplemental Trust Indenture, dated as of \_\_\_\_\_, 2015, between the Issuer and Regions Bank (as successor to Lake City Bank), for the purpose of providing funds for the payment of: (i) the principal and interest payable on the Refunded Bonds, as the same becomes due on June 1, 2015 and December 1, 2015, (ii) the redemption price of the Refunded Bonds due on December 1, 2015, and (iii) the costs of the refunding, including the costs of issuance of the 2015 Bonds;

WHEREAS, pursuant to the Lease, the Lessee has agreed to pay to the Lessor adjusted annual rentals, which shall be endorsed thereon, and the Lessor and Lessee desire to reduce such adjusted annual rentals; and

WHEREAS, the Lessor and Lessee desire to make certain other amendments to the Lease.

NOW, THEREFORE, IT IS HEREBY AGREED, CERTIFIED AND STIPULATED by the undersigned as follows:

Section 1. The Annual Rental. The adjusted rental shall be as set forth in Exhibit A attached hereto, and the adjusted rental set forth in Exhibit A to the Restated Third Addendum to Lease is hereby repealed.

Section 2. Source of Payment. Section 4 of the Original Lease is hereby deleted and replaced in its entirety with the following:

4. SOURCE OF PAYMENT OF RENTALS; PLEDGE OF ADDITIONAL CAGIT RENTALS. Pursuant to Ordinance No. 2015-\_\_, adopted by the County Council of the Lessee on February 14, 2015 (the "2015 Ordinance") and the Prior Ordinances (as defined in the 2015 Ordinance), the Lessee pledged, and under this Lease, the Lessee hereby pledges, the revenues derived from the imposition by the Lessee of the additional county adjusted gross income tax authorized pursuant to Indiana Code 6-3.5-1.1-2.8 (the "Additional CAGIT Revenues") to the extent necessary to pay when due all principal and interest on the Parity Bonds (as defined in the 2015 Ordinance), including this Lease, as long as such obligations are outstanding. The rentals under this Lease shall be payable out of the Sinking Fund continued by the 2015 Ordinance.

Section 2. Reaffirmation of Lease. Except as otherwise provided herein, all terms, conditions and provisions of the Lease are hereby ratified and affirmed.

Section 3. Effective Date. The provisions of this Fourth Addendum to Lease are only effective upon the issuance of the 2015 Bonds.

IN WITNESS WHEREOF, the parties hereto have caused this Fourth Addendum to Lease to be executed for and on their behalf as of the day and year first hereinabove written.

**LESSEE**

ELKHART COUNTY, INDIANA

By: Board of Commissioners of the County of  
Elkhart, Indiana

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

ATTEST:

\_\_\_\_\_  
County Auditor

**LESSOR**

ELKHART COUNTY CORRECTIONS  
COMPLEX BUILDING CORPORATION

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

MARCH 2, 2015

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STATE OF INDIANA                    )  
  ) SS:  
COUNTY OF ELKHART                )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Frank Lucchese, Terry Rodino, and Mike Yoder, and Pauline Graff, personally known to me as the members of the Board of Commissioners and the County Auditor, respectively, of Elkhart County, Indiana (the "County"), and acknowledged the execution of the foregoing fourth addendum to lease for and on behalf of the County.

WITNESS my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
A resident of \_\_\_\_\_ County, IN

My Commission Expires:

\_\_\_\_\_

STATE OF INDIANA                    )  
  ) SS:  
COUNTY OF ELKHART                )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ and \_\_\_\_\_, personally known to me to be the President and the Secretary, respectively, of Elkhart County Corrections Complex Building Corporation (the "Corporation"), and acknowledged the execution of the foregoing fourth addendum to lease for and on behalf of the Corporation.

WITNESS my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_, Notary Public  
A resident of \_\_\_\_\_ County, IN

My Commission Expires:  
\_\_\_\_\_

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. /s/ *Richard J. Hall*

MARCH 2, 2015

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This instrument prepared by Richard J. Hall, Attorney-at-Law, 11 South Meridian Street, Indianapolis, Indiana 46204.

EXHIBIT A  
RENTAL SCHEDULE

Payment Date

Amount

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board gave approval to advertise for bids for the Summit Street Bridge over the Berlin Ditch Superstructure Replacement project for the city of Nappanee, as requested by Jeff Taylor, Manager of Transportation. Bids will be taken in April.

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

**March 9, 2015**

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Allowance of Claims including the payroll claims, as presented by Pauline Graff, County Auditor.

Approval of an agreement with JPR for the Northwest Gateway TIF District was tabled until the March 16, 2015 meeting.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed an agreement with Niblock Excavating, Inc. for the 2015 Paving Program Group 2 for the highway department for \$414,896.44, as requested by Jeff Taylor, Manager of Transportation. They were the low bidder for the project. A copy of the agreement is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed a Letter of Understanding/Unofficial Detour for the SR 19 at SR 119 intersection improvement project for INDOT, as requested by Jeff Taylor, Manager of Transportation. A copy of the letter 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 request for \$250,000 for an IEDC grant for Grand Design RV, LLC, as requested by Tom Byers, County Administrator.

The additional appropriation is as follows:



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

**March 16, 2015**

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Mike Yoder and Frank Lucchese, were also present. Others present were Undersheriff Sean Holmes; 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 from the March 2<sup>nd</sup> & 9<sup>th</sup>, 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.

Mark Kanney from planning and development presented a request for Ann Connolly for a zone map change from GPUD-E-3 to R-4 located on the east side of CR 17, ¼ mile north of CR 8 in Washington Township. This is an existing single family home and she is requesting the zone map change for a real estate office. The Plan Commission has sent this to the Board with a recommendation for approval with two commitments. Those being a limited number of employees to only five and the signage be in accordance with regulations. Ann Connolly, 1060 Parkwood Drive, Nappanee, Indiana, said this for a TEAM franchise under Remax. The franchise has to operate under a broker/owner. The only people that will be at this location is any TEAM members under her. She does not want to put the sign on the house itself but will have to determine how far back the county's right of way is towards the house. The TEAM franchise requires the zoning and signage are correct before you can purchase the franchise. There were no other comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

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

The Ordinance is as follows:

ORDINANCE NO. PC 2015-04

**AN ORDINANCE TO AMEND THE COUNTY CODE 36-7-4-600 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR ELKHART COUNTY INDIANA BY REZONING THE AREA OF REAL ESTATE HEREIN AFTER DESCRIBED FROM GPUD-E-3 to R-4:**

WHEREAS, Ann Connolly submitted an application to rezone real estate hereinafter described from GPUD-E-3 to R-4 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on the 12th day of February, 2015, recommend a zone change from GPUD-E-3 to R-4 and filed their recommendation for adoption of this Ordinance with the Board of County Commissioners of Elkhart County Indiana.

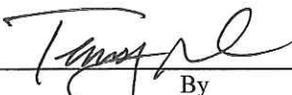
**BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS OF ELKHART COUNTY, INDIANA THAT:**

Legal Description

See Attachment "A"

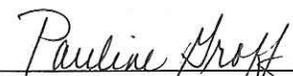
**BE** rezoned from GPUD-E-3 to R-4 effective immediately, and the zone maps dated November 18, 2014, and made a part of Section 4.1.2 of the Elkhart County Zoning Ordinance as amended are hereby ordered amended and changed to reflect the said rezoning of said real estate.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 16<sup>th</sup> DAY OF MARCH, 2015**

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

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

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

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

## ATTACHMENT A

### Legal Description

The following described real estate located in Elkhart County, state of Indiana, to-wit:

PARCEL A: A part of the Fractional Southwest Quarter (SW1/4) of Section Thirty (30), Township Thirty-eight (38) North, Range Six (6) East, more particularly described as follows:

Commencing at a county plug found at the Northwest corner of said Fractional Quarter Section; thence due South along the West line of said Fractional Quarter Section Nine Hundred Forty-five and Fifty-seven Hundredths (945.57) feet to a railroad spike for the beginning point of this description; thence due South along the West line of said Fractional Quarter Section Two Hundred (200) feet to a railroad spike found at the Southwesterly corner of land conveyed to Jay A. and Lorri D. Krull and Jerry and Elizabeth Jane Krull (Elkhart County Deed Record 377, page 665); thence North Eighty-nine (89) degrees Fifty (50) minutes East along the Southerly line of said Krull land Two Hundred Fifteen (215) feet to an iron stake; thence due North Two Hundred feet to an iron stake; thence South Eighty-nine (89) degrees Fifty (50) minutes West Two Hundred Fifteen (215) feet to the place of beginning.

#### LESS AND EXCEPTING THE FOLLOWING:

Commencing at a point on the West line of said Quarter Section, said point being 945.57 feet South of the Northwest corner of Southwest Quarter of said Section 30, measured along the West line of said Quarter Section, the point of beginning of this exception description; thence North 89° 50' East, 75 feet; thence South 00° 23' 45" West, assumed to be parallel with the West line of said Quarter Section, 200 feet to the South line of the property described in Deed Record 423, page 434; thence North 89° 50' West, 75 feet along the South Line of said property; thence North 00° 23' 45" East, 200 feet to the North line of said property, being the point of beginning.

Said "Exception Parcel" represents the 75 feet strip, East and West, taken off and from the Western side of the real estate aforescribed, and retained by the Board of Commissioners of the County of Elkhart, Indiana, as part and parcel of what is commonly known as "County Road Number 17", and the right-of-way thereof for all highway, utility, and other public purposes.

Chris Godlewski, Director of Planning, asked the Board for approval of an Independent Contractor Agreement for services with Jones Petrie Rafinski Corp. (JPR). This is for general services to address needs and opportunities as they arise for the economic development of the Northwest Gateway TIF District which may include assistance in administering proposed incentives, contacts with landowners and prospective developers, providing technical services within their areas of practice and procuring sub-consultant services. Mr. Godlewski said they will also need to have pre-approval before they do the work. Mr. Rodino questioned a "conflict of interest" since JPR is representing some of the firms interested in purchasing property in this district. Mr. Godlewski that would be a legal question, but the attorney has not questioned that at this point. He also asked about the other firm working in this district and Mr. Godlewski said they are only doing a traffic study to determine if a roundabout will work for the intersection and not doing any of the same work JPR is and will be doing. The maximum cost will be \$50,000 because that is the amount that is presently appropriated. This contract also covers 2014.

On a motion made by Mike Yoder, seconded by Frank Lucchese and carried, the Board approved the agreement for services as presented. Terry Rodino abstained from voting. A copy of the agreement is on file in the Commissioners office.

Gordon Lord, County Attorney, asked for approval of an Easement Within and Adjacent to Public Road Right-of-Way for Fiber Optic Lines and Related Facilities/Installations. He said this is intended to create the fiber optic lines easement arrangements desired along Wilden Avenue and CR 17 and running between US 33 and CR 17 on the south side of the railroad tracks and US 33. The engineering work has been done and already approved at an earlier meeting. This document and sketches will create the permanent easements owned by the county.

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Engagement Letter with Umbaugh & Associates for accounting services for the county, as requested by Gordon Lord, County Attorney. A copy of the Engagement Letter is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste-Landfill report for February 2015 and placed it on file.

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

Respectfully submitted,  
Kathy L. Erschen

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

March 23, 2015

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

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of Claims which also includes payroll, 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 Kris Krueger and Melanie Sizemore to go to Orlando, FL in April for a Lead Hazard/Healthy Home Conference.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed two (2) Level Two Design Exceptions for the multi-use path along CR 8/CR 10 from CR 10E and Echo Lane for INDOT, as requested by Jeff Taylor, Manager of Transportation. One is for minimum horizontal radius and the other is for clearance between the path and existing strain pole.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a Grant of Easement for Ingress, Egress and Access with Earthmovers Landfill, LLC, as requested by Tom Byers, County Administrator. They will build a haul road from their landfill to property owned by the county landfill to obtain dirt to transport back to their landfill. There will be no expense to the county. A copy of the Grant of Easement 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

**March 30, 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, and Tom Byers, County Administrator.

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.

Mark Kanney from planning and development presented a request for CR 4 Properties, LLC (Timothy A. Miller), owner & Schrock Real Estate, LLC (Robert Schrock), owner, represented by Brads-Ko Engineering & Surveying, Inc., for an amendment to the Site Plan/Support Drawing of an existing DPUD known as Fireside Center, R-4 P.U.D. located on the southwest corner of CR 45 & access road to CR 17 (across from Missouri Avenue) in Concord Township. The Plan Commission has recommended approval of the request. There were no comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the request and adopted an ordinance amending the DPUD as presented.

The Ordinance is as follows:

**ORDINANCE NO. PC05-13d**

**TO AMEND ORDINANCE PC05-13 A DETAILED PLANNED UNIT DEVELOPMENT ADOPTED THE 16TH DAY OF MAY 2005 MORE SPECIFICALLY BY AMENDING SECTION 9 AND SECTION 5 ALL PERTAINING TO THE SITE PLAN SUPPORT DRAWING.**

**WHEREAS**, CR 4 Properties, LLC and Schrock Real Estate, LLC submitted a petition to amend Ordinance number PC05-13 on the 30th day of January 2015;

**WHEREAS**, After 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 7th day of March 2015 and in **The Goshen News** on the 287th day of February 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 12th day of March 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 Section 5 from PC05-13 which incorporates the Site Plan Support Drawing to the DPUD ordinance is superseded by the Site Plan Support Drawing that has been incorporated in this Amended Ordinance PC05-13d which is 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 Section 9 from PC05-13 which is the "List of additional documentation, supporting information, and conditions" is amended by this list of additional documentation, supporting information, and conditions:
- A. The petitioner's presentation, as detailed in the adopted minutes of the Elkhart County Advisory Plan Commission minutes of March 12, 2015.
  - B. That the attached document "Declaration of Cross Easements, Covenants and Restrictions of Fireside Center a Planned Unit Development" be enforced as a condition of approval of this P.U.D.
- SECTION 3.** That primary approval of this subdivision of the Fireside Center be granted for 6 lots and equal interest in certain common facilities i.e. to include parking, CR 45 entrances drainage of stormwater, potable water supply.

**SECTION 4.**

That all Sections of PC05-13 as well as previous amendments to this ordinance remain in effect and are not intended to be amended by this ordinance unless specifically stated and superseded in Section 1, Section 2, Section 3 and Section 4 of this ordinance.

**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 30TH DAY OF MARCH 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

MARCH 30, 2015

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On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved Secondary approval of a DPUD known as Fireside Center R-4 P.U.D. described above.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction for \$8,000 for Planning from the General fund due to a reduction in the zoning administrator/planning manager's salary, as requested by Chris Godlewski, Director of Planning.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request for \$7,000 from the General fund for Code Enforcement for an increase in salary for the building commissioner, as requested by Chris Godlewski, Director of Planning.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the CR 6 & CR 17 TIF District fund for \$525,000 for five (5) various items, as also requested by Chris Godlewski, Director of Planning.

The appropriation reduction and two (2) additional appropriations are as follows:

**ELKHART COUNTY**  
**APPROPRIATION REDUCTION REQUEST**

DATE: 3/25/15

DEPARTMENT

Planning and Development  
Name

1000-132  
Number

AMOUNT OF REDUCTION	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 8,000.00		Supervisor	41115	General	1000
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 8,000.00					

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

**REASON FOR REDUCTION**

Reduction in the Zoning Administrator / Planning Manager's salary.

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 3/25/15

DEPARTMENT

Code Enforcement  
NAME

1000-131  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAM	ACCT. NO.	FUND NAME	FUND NO		
1 \$ 7,000.00		Supervisor	41115	General	1000		
2							
3							
4							
5							
6							
7							
8							
TOTAL \$ 7,000.00							
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
Approp.	Unspent Request		as of Date	YES	NO	Amount	Date
		AMOUNT	DATE				
1							
2							
3							
4							
5							
6							
7							
8							
TOTAL \$							

**REASON FOR REQUEST**

To pay for an increase in salary for the Building Commissioner who has had Code Enforcement manager added to his duties.

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 3/25/15

DEPARTMENT

CR 6 & CR 17 Improvement TIF

4511-980

NAME

NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$ 525,000.00	152503	Construction / Reconstruction	44600	CR 6 & CR 17 TIF	4511	
2						
3						
4						
5						
6						
7						
8						
TOTAL \$ 525,000.00						
ORIGINAL AMOUNT	If Prior Add'l Appropriation Was Approved This Year		Can Transfers Be Effected		APPROVED BY COUNCIL	
Approp.	Unspent Request	as of Date	AMOUNT	DATE	YES	NO
1						
2						
3						
4						
5						
6						
7						
8						
TOTAL \$						

**REASON FOR REQUEST**

\$160,000.00 is for the federal aid match to construct the CR 8 bike trail in the Pheasant Ridge area. \$100,000.00 is for professional services to engineer and design the CR 8 trail extending from Pheasant Ridge to Bristol. \$170,000.00 is for highway resurfacing. \$75,000.00 is for highway maintenance, which is for signals and reflectors. \$20,000.00 is for the CR 17 boat launch area, specifically for one time maintenance, and provide Highway with financial assistant for construction of the pier.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Interlocal Agreement with the Redevelopment Commission and the Town of Middlebury for the Wayfinding Signage Project at a not to exceed cost of \$7,600, as requested by Craig Buche from the county attorney's office. 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 Ordinance No. 2015-01 for the Storm Water Board to amend the Storm Water User Fee Ordinance for the County of Elkhart, Indiana, as requested by Craig Buche from the county attorney's office. It will be adopted by the Storm Water Board in April and will be on the County Council meeting at their meeting on April 11, 2015.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved two (2) Supplemental Agreements for the 2014/2016 federal aid bridge inspection contract, as requested by Tom Rushlow, Highway Engineer. The agreements are needed as the result of INDOT changing the scope of work. The cost impact of these changes is an increase in the contract amount from \$311,880 to \$317,480, a net increase of \$5,600. Elkhart County will be responsible for 20% of this amount. The agreements are with INDOT and United Consulting. A copy is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the INDOT's purchase of right of way for the US 33 project from the county, as requested by Tom Byers, County Administrator.

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

Respectfully submitted,  
Kathy L. Erschen