

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

August 1, 2016

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Minutes of the July 18th & 25th, 2016 meetings and placed them on file.

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.

Pauline Graff, county auditor, presented the bids submitted for the County Road 38 Reconstruction project for the county highway department. Jeff Taylor, Manager of Transportation, read the bids. Bids were received from Walsh & Kelly for \$13,999,181.29; Rieth-Riley Construction Co., Inc. for \$12,536,525.00; Phend & Brown, Inc. for \$13,197,968.06; and Niblock Excavating Co., Inc. for \$13,209,816.95.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted all of the bids and forwarded them to the highway engineering for tabulation and recommendation. They will have a recommendation for awarding the bid at the meeting on August 15, 2016.

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 the EDIT fund for \$85,456.75 to close out five (5) various projects, as requested by Jeff Taylor, Manager of Transportation.

The appropriation reduction 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 from the EDIT fund for \$50,000 to purchase the remaining parcel of right-of-way for the CR 38 reconstruction project, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Cumulative Bridge fund for \$200,000 for replacement of Henke Street Bridge #121, as requested by Jeff Taylor, Manager of Transportation. This is now a triple culvert bridge & will be replaced with a bridge structure which will prevent beavers from building dams in the culverts

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 EDIT fund for \$500,000 to be transferred into the Rainy Day fund to account for the Special CAGIT distribution, as also 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 from the Road Construction & Maintenance fund for \$25,000 for road signs, as requested by Jeff Taylor.

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 Storm Water fund for \$60,000 to perform required MS4 good housekeeping components for catch basins/sweeping, as requested by Jeff Taylor, Manager of Transportation. This was also approved by the Storm Water Board at their last meeting.

The five (5) above additional appropriations are as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 07-27-16

DEPARTMENT

Highway

1112-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	50,000	160035	CR 38 ROW	44600	EDIT	1112		
2								
3								
4								
5								
6								
7								
8								
TOTAL	50,000							
	ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Funds required to acquire 1 remaining parcel for the project.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 07-27-16

DEPARTMENT

Highway

1135-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	200,000	160034	Henke Street Bridge 121	44600	Cumulative Bridge Fund	1135	
2							
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
			AMOUNT	DATE			

REASON FOR REQUEST 1. Funds requested for the replacement of bridge #121 (Triple culvert on Henke St)

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 07-27-16

DEPARTMENT

Highway
NAME

1112-980
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	500,000		Transfer to Rainy Day fund	45100	EDIT	1112	
2							
3							
4							
5							
6							
7							
8							
TOTAL	500,000						
	ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effectuated		APPROVED BY COUNCIL	
	Approp. as of Date						
		AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Transfer to rainy day fund.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 07-27-16

DEPARTMENT

Highway

4901-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	25,000		Road signs	42230	Road Const. & Maint.	4901		
2								
3								
4								
5								
6								
7								
8								
TOTAL	25,000							
	ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Funds needed for signs, hardware, and related items.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 07-27-16

DEPARTMENT

Highway

1197-202

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	60,000	160036	Catch Basin/Sweeping	44600	Storm Water	1197		
2								
3								
4								
5								
6								
7								
8								
TOTAL	60,000							
			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 to perform required MS 4 good housekeeping components. \$60,000 vector work

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 Storm Water fund for \$100,000 for three (3) storm drain improvement projects, as requested by Tom Byers, County Administrator. This has been approved by the Storm Water Board.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE 7-25-2016

DEPARTMENT

Commissioners
NAME

1197/130
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	100,000		Other prof services	43090	Storm Water Mgt. Operating	1197		
2								
3								
4								
5								
6								
7								
8								
TOTAL	100,000							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effectuated		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST The Stormwater Utility Board has approved three (3) projects for storm drain
improvements. The 3 projects are located in the following subdivisions: Pheasant Ridge, Green Valley &
OxBow. Design is completed and funds are needed for construction.

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, 2016 and placed it on file.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

August 8, 2016

President Terry Rodino called the meeting to order at 9:00 a.m. in the meeting room in the Commissioners' office at 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; Craig Buche from the county attorney's office; 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 and the Payroll Claims, as presented by the county auditor's office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the Millersburg II TIF District fund for \$16,943 for a long term repayment for sewer plant improvements, 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 from the Middlebury East TIF District fund for \$318,679 for a long term debt payment to the town of Middlebury for sewer plant expansion and additional funding for the Warren Street improvement project, as requested by Chris Godlewski, Director of Planning. The bids were higher than anticipated for the Warren Street project.

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 Western Gateway TIF District fund for \$40,384 for long term repayment to the Environmental/Special Projects fund for the water and sewer project for American Countryside, as also requested by Chris Godlewski.

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 Environmental/Special Projects fund for \$8,000 weed/grass mowing on blighted properties, as again requested by Chris Godlewski.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council and additional appropriation request from the North Baugo TIF District fund for \$4,966 for long term repayment to the Environmental/Special Projects fund for the water and sewer project for Charlotte Avenue, as also requested by Chris Godlewski.

The five (5) above additional appropriations are as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

7/19/2016

DEPARTMENT

Millersburg II

4503-980

NAME

NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$ 16,943.00		Administrative Fees	43890	Millersburg II	4503	
2						
3						
4						
5						
6						
7						
8						
TOTAL \$ 16,943.00						
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

Long term repayment for Millersburg II TIF for sewer plant improvements

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

7/19/2016

DEPARTMENT

Middlebury East
NAME

4510-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$ 268,679.00		Administrative Fees	43890	Middlebury East	4510	
2 \$ 50,000.00		Professional Services	43090	Middlebury East	4510	
3						
4						
5						
6						
7						
8						
TOTAL \$ 318,679.00						
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

Long term debt payment to the town of Middlebury for sewer plant expansion
Additional funding needed for Warren Street improvement project

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

7/19/2016

DEPARTMENT

Western Gateway
NAME

4506-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO.
1 \$ 40,384.00		Administrative Fees	43890	Western Gateway	4506
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 40,384.00					

ORIGINAL AMOUNT	Unspent Request	as of Date	If Prior Add'l Appropriation Was Approved This Year		Can Transfers Be Effected		APPROVED BY COUNCIL	
			AMOUNT	DATE	YES	NO	Amount	Date
1								
2								
3								
4								
5								
6								
7								
8								
TOTAL \$								

REASON FOR REQUEST

Long term repayment to the county environmental special projects fund for water and sewer project for American Countryside

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

7/19/2016

DEPARTMENT

Environmental/Special Projects
NAME

4803-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$ 8,000.00	162505	Construction/Reconstruction	44600	Environmental/Special Project	4803	
2						
3						
4						
5						
6						
7						
8						
TOTAL \$ 8,000.00						
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
		AMOUNT	DATE			
1						
2						
3						
4						
5						
6						
7						
8						
TOTAL \$						

REASON FOR REQUEST

Funding for weed/grass mowing on blighted properties

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

7/19/2016

DEPARTMENT

North Baugo

4512-980

NAME

NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$ 4,966.00		Administrative Fees	43890	North Baugo	4506	
2						
3						
4						
5						
6						
7						
8						
TOTAL \$ 4,966.00						
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

Long term repayment to the county environmental special projects fund for water and sewer project for charlotte avenue

The additional appropriation request from the CR 6 & CR 17 NE TIF District for \$270,000 that was on the agenda was withdrawn by Chris Godlewski.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board appointed Scott Smith to a four (4) year term on the Bristol Library Board. His term will expire June 30, 2020.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Addendum to a Triple Net Lease Agreement with ShowMyers, LLC for the archives building located on Wilden Avenue in Goshen, as requested by Craig Buche from the county attorney's office. This is for six (6) months with the renewal term commencing on December 1, 2016 and expiring on May 31, 2016. After that time, the county has the option to lease on a month to month basis. 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 a Grant Agreement with IDOC for Community Corrections for \$11,346.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an Amendment to an Interlocal Agreement with the Town of Middlebury and the RDC for the Warren Street improvement project, as requested by Craig Buche from the county attorney's office. The bids for the project were more than estimated and the funds contributed by the County needed to be increased for the project. A copy of the Amendment is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an out of state travel request for an employee in the prosecutor's office to go to Savannah, GA in September for NDAA Prosecuting Sexual Assault & Relating Crimes.

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 15, 2016

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

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes of the August 1st & 8th, 2016 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.

Paula Turk addressed the Board regarding closing several roads for two hours for the Turkey Stampede race being held on Thursday, November 24th, 2016. The race begins at Concord Mall and they would like to close down three roads from 8:00 a.m. to 10:00 a.m. They would be CR 11 & CR 24 and a portion of Mishawaka Road. Elkhart Emergency Management handles traffic control on Mishawaka Road and they will have barricades on the other roads. The Sheriff said there is not a lot of traffic on Thanksgiving morning and he doesn't see any problems with the request.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved closing the roads as requested for the Turkey Stampede.

Mark Kanney from planning and development presented a request for Perry W. Yoder & Marla R. Yoder, represented by Kindig & Sloat, PC, for a zone map change from M-1 to A-1 for property located 500 feet south of E. Market Street (US 6), 2,300 feet west of CR 9 in Union Township. The Plan Commission has recommended approval of the request. Mr. Kanney said this property is completely surrounded by M-1 but has always been used for residential and agricultural. The new owners want to make sure this property stays residential. Mr. Zercher from Kindig & Sloat, representing the petitioner, said the new owners have already started to update the property and intend to replace one of the structures. They will install a new septic system also. 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 Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the rezoning from M-1 to A-1 and adopted an ordinance establishing this zoning change.

The Ordinance is as follows:

ORDINANCE NO. PC 2016-21

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

WHEREAS, Perry and Marla Yoder, represented by Kindig & Sloat, PC, submitted an application to rezone real estate hereinafter described from M-1 to A-1 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on July 14, 2016, recommend approval of a zone change from M-1 to A-1 and filed their recommendation with the Board of County Commissioners of Elkhart County Indiana.

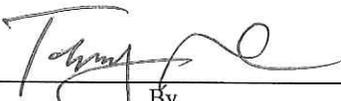
BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:

Legal Description

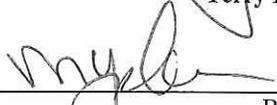
See "Attachment A"

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

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 15TH DAY OF AUGUST, 2016.



 By
 Terry Rodino



 By
 Mike Yoder



 By
 Frank Lucchese

Attest: Pauline Graff
Pauline Graff, Elkhart County Auditor

AUGUST 15, 2016

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Ordinance prepared by Mark Kanney. 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.

ATTACHMENT A

WARRANTY DEED



THIS INDENTURE WITNESSETH, that **John D. Moore** ("Grantor"), of Elkhart County, in the State of Indiana, CONVEYS AND WARRANTS to **Perry W. Yoder and Marla R. Yoder, husband and wife** ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Elkhart County, in the State of Indiana, to-wit:

A part of the West Half (W 1/2) of the Southeast Quarter (SE 1/4) of Section Thirty-two (32), Township Thirty-five (35) North, Range Five (5) East, more fully described as follows: Commencing at the Northwest corner of the Southeast Quarter (SE 1/4) of said Section Thirty-two (32) and running thence East along the North line of said Quarter, (1/4) Section Three Hundred (300) feet; thence South Zero (0) degrees Seven (7) minutes West parallel with the West line of said Quarter (1/4) Section Five Hundred (500) feet to the Point of Beginning; thence continuing South Zero (0) degrees Nine (9) minutes West, a distance of Four Hundred Sixteen and Twenty-six Hundredths (416.26) feet; thence East a distance of Three Hundred Fifty-five (355) feet; thence North Zero (0) degrees Seven (7) minutes East parallel with the West line of the said Southeast Quarter (SE 1/4) Four Hundred Sixteen and Twenty-six Hundredths (416.26) feet to an iron stake; thence West parallel with the North line of the said Southeast Quarter (SE 1/4) Three Hundred Fifty-five (355) feet to the Point of Beginning.

Together with an easement for ingress and egress along, over and across the following described real estate, to-wit: Commencing at a point on the North line of the said Southeast Quarter (SE 1/4) that is Six Hundred Thirty-five (635) feet East of the Northwest corner of the said Southeast Quarter (SE 1/4) and running thence South parallel with the West line of the said Southeast Quarter (SE 1/4) Five Hundred (500) feet; thence East Forty (40) feet; thence North Five Hundred (500) feet; thence West Forty (40) feet to the Point of Beginning.

Commonly known as: 2637 E. Market St., Nappanee, IN 46550

Key #20-14-32-400-035.000-028

Subject to (i) all easements, highways, rights-of-way, covenants, conditions, restrictions and other matters of record; (ii) all current, non-delinquent real estate taxes and assessments; and (iii) all matters that would be disclosed by an accurate survey or physical inspection of said real estate.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed this 10th day of Nov, 2014.

MCF
11/13/14

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER
11 19 20 14
Pauline F. Booth AUDITOR
5280
TRANSFER FEE 5
PARCEL NO. ✓

John D. Moore

DISCLOSURE FEE PAID

ELKHART COUNTY INDIANA 2014-22669 PAGE 1 OF 2

Jason Auvil from planning and development presented a request for Greenfield Corp. (seller) and Love's Travel Stops & Country Stores, Inc. (buyer), represented by Cesco, Inc. for a zone map change from a GPUD B-3 to a DPUD B-3 and a GPUD M-1 to be known as Love's Elkhart –DPUD for property located on the west side of CR 17, 1,800 feet north of CR 18 in Concord Township. The Plan Commission sent this to the Board with a recommendation of approval with two commitments for the request. A representative from Love's said this development is approximately 46 acres and their plan is to use about 13 acres for the truck stop and the remaining property will be developed for small industrial businesses, etc. Jeff Taylor, Manager of Transportation for the county, commented that the traffic impact study for this development was done very well and probably the best his department has ever seen. There were no other comments from anyone in the audience either in favor or against the 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 rezoning request with the two (2) commitments and adopted an ordinance establishing this zone map change. The Site Plan/Support Drawing is part of this Ordinance and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

The Ordinance is as follows:

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

WHEREAS, Greenfield Corp. (seller) and Love's Travel Shops & Country Stores, Inc represented by CESO, INC submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from **GPUD B-3** to **DPUD B-3** and **GPUD M-1** on **June 6th, 2016**;

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 2th day of July 2016 and in **The Goshen News** on the 4th day of July 2016 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 14th day of July 2016 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, Section 3.4 General Planned Unit Development, and Section 3.5 Detailed Planned Unit Development of the Elkhart County Zoning Ordinance;

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

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

SECTION 1. That the legal description of the real estate included in the Love's Elkhart DPUD Development Plan (6/3/2016 Revised) is made a part of this Ordinance and incorporated herein by this reference.

SECTION 2. That the real estate described in **SECTION 1** of this Ordinance be rezoned from **GPUD B-3** to **DPUD B-3** and **GPUD M-1** effective immediately and the zone maps adopted by reference in the Elkhart County Zoning Ordinance for Elkhart County, Indiana be amended and ordered amended and changed to reflect the said rezoning of said real estate.

SECTION 3. That the Detailed Planned Unit Development be granted for the real estate described in **SECTION 1** of this Ordinance. Unless this Ordinance specifies to the contrary, all Development Standards for the B-3 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced and govern the use of the real estate, though the Development Plan and Site Plan/Support Drawing will supersede all otherwise applicable Use Standards, District Developmental Standards, and General Development Standards under the B-3 zoning district.

SECTION 4. That all Development Plan(s) must be submitted to the Plat Committee of the Elkhart County Advisory Plan Commission for approval as a Secondary Plat; Secondary approval shall be granted only if the Development Plan(s) comply with the provisions of this Ordinance, the Site Plan / Support Drawing, and the Subdivision Control Ordinance. The Development Plan(s) shall be incorporated into this Ordinance by this reference. All Secondary Plats will reference this Ordinance and if the intent of this Ordinance or the

Site Plan / Support Drawing is not clear the Secondary Plan may be considered by the County Advisory Plan Commission at a Public meeting.

SECTION 5. That the Site Plan / Support Drawing is made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

SECTION 6. This Detailed Planned Unit Development Ordinance will limit the use of this real estate to what has been shown on the Site Plan / Support Drawing.

SECTION 7. That the additional documentation and supporting information listed in Section 9 of this Ordinance must be supplied and the conditions specified in Section 9 of this Ordinance must be satisfied prior to any permits for construction being issued.

SECTION 8. That the following specified limitations to this Planned Unit Development have been adopted and imposed:

- Access to County Road 17 is limited to the intersection with the US 20 interchange; Provide a 5 ft non-access easement along the eastern GPUD property lines (long CR 17) prior to secondary approval.
- A 50 ft buffer (tree plantings) along the southern GPUD property line will need to be extended, enlarged, and maintained when and where needed.

SECTION 9. List of additional documentation, supporting information, and conditions:

- Love's Elkhart DPUD Project Narrative (6/24/2016)
- Love's Elkhart GPUD & DPUD Overall Site Plan (7/14/2016 Revised)

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

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

ORDAINED AND ADOPTED THIS 15TH DAY OF AUGUST 2016 BY THE BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA



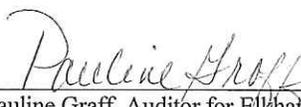
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Auditor for Elkhart

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Final Inspection & Recommendation for Acceptance of the CR 8 Bike Path for INDOT, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board awarded the bid for the CR 38 Reconstruction & Kercher Bridge Project to Rieth-Riley Construction Co., Inc. for \$12,536,525.00 and approved the Agreement with them, 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 Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste-Landfill report for July 2016 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

August 22, 2016

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese was present and Mike Yoder was absent. 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 Terry Rodino after duly vacating the chair and carried, the Board approved the Allowance of Claims and the Payroll Claims, as presented by the county auditor's office.

Craig Buche from the county attorney's office explained the planning & public involvement guidelines for the county highway department that need to be approved. They were developed with the highway department to move forward with the implementation of the ADA and Title VI compliance plan for federal aid funding.

On a motion made by Frank Lucchese, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved the Elkhart County Highway Department Planning and Public Involvement Guidelines. The guidelines are on file in the Commissioners' office.

On a motion made by Frank Lucchese, 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 29, 2016

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

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

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a new grant application for the Zika Preparedness grant for \$3,000, as requested by the health department.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Educational Funding Agreement for Melanie Sizemore, a health department employee, as requested by Dr. Nafziger, Health Officer. A copy of the agreement is on file in the Commissioners' office.

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

Respectfully submitted,
Kathy L. Erschen