

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

June 6, 2016

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

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Minutes of the May 16th, 23rd & 31st, 2016 meetings and placed them on file.

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

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved Secondary approval of a 19 lot major subdivision known as The Summit Section Nine & Replat of Lot 160 The Summit Section Four located north of CR 14, ¼ mile east of CR 35 in Middlebury Township, as requested by Mark Kanney from planning and development.

Craig Buche from the county attorney's office asked for approval of an Interlocal Agreement with Osolo Township for certain compliance and enforcement efforts in coordination with the planning department. The focus is intended to be on the Prairie Creek Run area. The township has some funds that could be used for code enforcement issues. A committee will be formed with two (2) individuals appointed by the county and one (1) individual appointing by the Osolo Township to review the financial, legal, staff and other needs for Projects and consideration of proposals, questions, issues or other aspects of the Projects.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Interlocal Agreement with Osolo Township as presented. A copy of the Agreement is on file in the Commissioners' office.

Craig Buche from the county attorney's office presented an Interlocal Agreement with the Elkhart County Redevelopment Commission and the Elkhart County Regional Sewer District for approval. This is for a planned sewer project at the SR 13/Toll Road Interchange. After a lot of research, it was determined the most economic and efficient funding and cost effective way to bring sewer service to this area is through White Pigeon, Michigan. The project funds are being contributed by Grand Design They will be able to recover a portion of their funds as other companies hook up to the sewer. The cost is expected to be approximately \$786,000.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Interlocal Agreement as presented. A copy of the Agreement is on file in the Commissioners' office.

Another Interlocal Agreement presented by Craig Buche from the county attorney's office, is with the Town of Middlebury and the Redevelopment Commission for the gateway project on East Warren Street to include sidewalks, curb and gutter, concrete curb ramps and lighting between State Street and the corporate limits on East Warren Street. The Redevelopment Commission agreed to contribute tax increment finance funds (TIF) from the Middlebury East TIF District not to exceed \$230,122. The town will be the lead agency for this project.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Interlocal Agreement as presented. A copy of the Agreement is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved a Tax Levy Certificate confirming no tax replacement levy for the TIF Districts in 2017, as requested by Craig Buche from the county attorney's office. This applies to all TIF Districts of the Elkhart County Redevelopment Commission.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an out of state travel request for M. Watson to go to San Diego, CA in June/July for the annual ESRI Conference.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an out of state travel request for C. Godlewski to go to Boston, MA in October for Transportation for America.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation request for \$277,081 from the EDIT fund for the June 2016 payment to the Major Moves fund, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation request from the Local Road and Street fund for \$200,000 for pavement markings, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation request from the Motor Vehicle Highway fund for \$125,000 for dust control and culvert repairs, as again requested by Jeff Taylor.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation request for \$200,000 from the EDIT fund for signal upgrades, as also requested by Jeff Taylor. The county will be reimbursed 80% of these costs by Federal funds.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation request for \$750,001 from the Major Bridge fund for the June 2016 payment to Major Moves, as again requested by Jeff Taylor.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional

appropriation request for \$300,000 from the Road Construction & Maintenance fund for pavement markings, as requested by Jeff Taylor.

The six (6) above additional appropriations are as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

Date: 5/25/2016

DEPARTMENT

EDIT

1112-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	241,190		Principal Major Moves Loan	46300	EDIT	1112	
2	35,891		Interest Major Moves Loan	46600	EDIT	1112	
3							
4							
5							
6							
7							
8							
TOTAL	277,081						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp. Unspent as of Request Date			YES	NO	Amount	Date
					X		

REASON FOR REQUEST June 2016 Major Moves payment

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 05-25-16

DEPARTMENT

Highway

1169-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	200,000	160029	Pavement Markings	44600	Local Road and Street	1169		
2								
3								
4								
5								
6								
7								
8								
TOTAL	200,000							
			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 1. Funds needed for pavement striping, stop bars, arrows, reflectors, etc.
 Total bid was \$500,000 - split between LRS & Wheel Tax

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 05-25-16

DEPARTMENT

Highway

1176-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	75,000	160024	Dust Control	44600	Motor Vehicle Highway	1176		
2	50,000	160026	Culvert Repairs	44600	Motor Vehicle Highway	1176		
3								
4								
5								
6								
7								
8								
TOTAL	125,000							
			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 1. Funds needed to apply dust control to gravel roads.
 2. Funds requested to replace culverts that have failed.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 05-25-16

DEPARTMENT

Highway
NAME

4901-980
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	300,000	160028	Pavement Markings	44600	Road Const. & Maint.	4901		
2								
3								
4								
5								
6								
7								
8								
TOTAL	300,000							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Funds needed for pavement striping, stop bars, arrows, reflectors, etc.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an appropriation reduction from the EDIT fund for \$14,050.04 to close out the CR 20 at CR 111 project, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an appropriation reduction from the Major Moves fund for \$.01 to close out a project, as requested by Jeff Taylor, Manager of Transportation.

The two (2) appropriation reductions are as follows:

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation request for \$500,000 from the LOIT Special Distribution for paving roads, as requested by Jeff Taylor, Manager of Transportation.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 05-25-16

DEPARTMENT

Highway

1229-981

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	500,000	160025	Paving	44600	LOIT Special Distribution	1229		
2								
3								
4								
5								
6								
7								
8								
TOTAL	500,000							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Funds for paving roads from the 75% portion of the special distribution.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved final street acceptance of Copperfield Lane – 250 feet and Copperfield Forest Lane – 450 feet in Copperfield Tenth and released Liberty Mutual Bond #013-015-112 for \$5,000 and Bond #013-015-113 for \$2,450, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved a right of entry agreement with Jeffery Remus for the CR 38 project, as requested by Jeff Taylor, Manager of Transportation. Gordon Lord, county attorney, said there are three (3) mortgages on the property and until it is determined who gets the money, this agreement will allow the county to continue with the project.

Gordon Lord, county attorney, explained that the county has three (3) pieces of property the county will auction off. There will be a public hearing at the June 20, 2016 meeting and it will be advertised in the local newspapers. The auction will be July 12, 2016. Hahn Auctioneers, Inc. has submitted a contract to handle the auction.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board awarded the contract for the auction to Hahn Auctioneers, Inc. subject to the public hearing being held on June 20th. The purchasers of the properties will pay the auctioneer's fee. A copy of the contract is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an out of state travel request for an employee in the sheriff's department to go to Ashburn, VA in November for HK Armorer MP5 training.

On a motion made by Frank Lucchese, seconded Mike Yoder after duly vacating the chair and carried, the Board adopted An Ordinance Concerning the Adoption of Minimum Control Standards and Procedures, as requested by Tom Byers, County Administrator. This is mandated by a new state law effective July 1, 2016.

The Ordinance is as follows:

AN ORDINANCE CONCERNING THE ADOPTION OF MINIMUM CONTROL STANDARDS AND PROCEDURES

WHEREAS, Indiana Code 36-1-3-1 et seq. permits any unit in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of governmental or internal affairs, which is not prohibited by the Constitution of the United States or the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity.

WHEREAS, the Board of Commissioners is the legislative body authorized to adopt ordinances and resolutions for the administration of county government of the County of Elkhart, Indiana;

WHEREAS, pursuant to House Enrolled Act 1264 of the 2015 Indiana legislature, Indiana Code 5-11-1-27 requires that the legislative body of a political subdivision ensure that the internal control standards and procedures developed by the Indiana State Board of Accounts is adopted by the political subdivision and that personnel receive training concerning the internal control standards and procedures adopted;

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

1. Adoption of Standards and Procedures. Effective July 1, 2016 the County Commissioners do hereby adopt the Uniform Internal Control Standards for Indiana Political Subdivisions of the Indiana State Board of Accounts, as such may be amended or replaced from time to time.
2. Training. The County Commissioners will be responsible for ensuring that personnel who are not otherwise on leave status receive training concerning the internal control standards and procedures as adopted for the County of Elkhart, Indiana. For these purposes, "personnel" means an officer or employee of the County of Elkhart, Indiana whose official duties include receiving, processing, depositing, disbursing or otherwise having access to funds that belong to the federal government, state government, a political subdivision or another governmental entity.
3. Implementation. The Board of Commissioners of Elkhart County, Indiana shall assist with, coordinate and oversee the implementation of the provisions of this Ordinance.

ADOPTED this 6 day of June, 2016.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By ABSENT
Terry Rodino, President

By [Signature]
Mike Yoder, Vice President

By [Signature]
Frank Lucchese, Member

ATTEST: Pauline E. Graff
Pauline E. Graff, Auditor

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an Administrative Services Agreement Addendum B with JWF Specialty Company for three (3) years, as requested by Tom Byers, County Administrator. They are the third party administrator for the county's insurance needs. The cost is \$47,500 for first year; \$49,000 for second year and \$51,500 for third year and will be paid on a quarterly basis. A copy of the Addendum is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted the Weights & Measures report for April 16th – May 15th, 2016 and placed it on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board gave approval for Shane Dyer to do some additional soil borings on the Sunset lot property, as requested by Gordon Lord, County Attorney.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

June 13, 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 Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of Claims and the Payroll Claims, as presented by the county auditor's office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Agreement for Accounting Support Services with H. J. Umbaugh & Associates, LLP for the county auditor's office, as requested by Pauline Graff, County Auditor. This will be billed at time and expenses incurred and paid from the Auditor Ineligible Deduction Fees fund. 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 re-appointed Jacqueline Landaw to another four (4) year term on the Middlebury Community Library Board, as requested by the library director. Her term will expire June 30, 2020.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board re-appointed Randy Myers to another two (2) year term on the county's Redevelopment Commission as a non-voting member. His term will expire June 30, 2018.

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 COMMISSONERS MEETING

June 20, 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, Mike Yoder and Frank Lucchese, 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 June 6th & 13th, 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.

At this time a public hearing was held to consider the sale or disposition of three (3) tracts of surplus real estate owned by the county. These properties will be sold at an auction on July 12, 2016 at the new highway garage at the corner of CR 38 & CR 17. Gordon Lord, county attorney, said there will be a public notice published in the newspaper advertising the date and place of the auction. The bid has to be at least 80% of their value. There were no comments from anyone either against or in favor of the sale of these parcels of land. 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 auction of three (3) parcels of land. Mr. Lord noted that the County Council has also approved the sale of these parcels.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a grant application to the State of Indiana for the Public Health Preparedness and Emergency Response grant for \$20,389.00, as requested by Dr. Nafziger, Health Officer.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a Memorandum of Understanding (MOU) for the Justice Assistance Grant (JAG) with the city of Elkhart and the city of Goshen, as requested by Kris Krueger, Grants Procurement Specialist. All of the law enforcement departments will be purchasing equipment with their grant funds. A copy of the MOU is on file in the Commissioners' office. The Commissioners also approved Ms. Krueger as the delegate for authority of this grant.

Liz Gunden from planning and development presented a request for the Board of Commissioners of the County of Elkhart (seller) & Edgewater Condominiums, LLC (buyer), represented by JPR, for a zone map change from R-1 to DPUD R-3 to be known as Edgewater Condominiums DPUD for property located on the east end of Sunset Lane, north of Lagoon Road & Susquehanna Road, 1,300 feet north of SR 120, 500 feet west of CR 17 in Osolo

Township. The Plan Commission has recommended approval of the request. Ms. Gunden said the petitioner will need a variance for the driveway and a drainage plan and SWPPP submittal. Ken Jones from JPR, representing the buyer, said he will answer any questions from anyone. There were no other comments from anyone in the audience either in favor or against the request. Frank Lucchese recused himself from this zoning request because of a conflict of interest. On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved the zone map change request and adopted an ordinance establishing this zone 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 R-1 TO DETAILED PLANNED UNIT DEVELOPMENT R-3, TO BE KNOWN AS EDGEWATER CONDOMINIUMS DPUD; AND BY CHANGING THE ZONE MAPS INCORPORATED BY REFERENCE IN SECTION 4.1.2.A. OF THE ELKHART COUNTY ZONING ORDINANCE.

WHEREAS, The Board of Commissioners of the County of Elkhart (seller) and Edgewater Condominiums, LLC (buyer) submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this Ordinance from **R-1** to **DPUD-R-3** on **April 4th, 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 29th day of April 2016 and in **The Goshen News** on the 30th day of April 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 12th day of May 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 and Section 3.5 Detailed Planned Unit Development of the Elkhart County Zoning Ordinance;

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

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

SECTION 1. That the legal description of the real estate attached hereto as **Exhibit A** is made a part of this Ordinance and incorporated herein by this reference.

SECTION 2. That the real estate described in **SECTION 1** of this Ordinance be rezoned from **R-1** to **DPUD R-3** 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 R-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 R-3 zoning district.

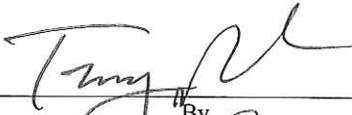
SECTION 4. That all Development Plan(s) must be submitted to the Plat Committee of the Elkhart County Advisory Plan Commission for approval as a Secondary Plat; Secondary approval shall be granted only if the Development Plan(s) comply with the provisions of this Ordinance, the Site Plan / Support Drawing, 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:

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

Elkhart County Highway will require a Variance for driveway width. A Drainage Plan and SWPPP need to be submitted.
- 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 20TH DAY OF JUNE, 2016 BY THE BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA



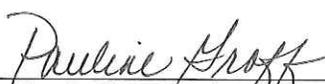
By
Terry Rodino



By
Mike Yoder

ABSTAINED

By
Frank Lucchese

Attest: 

Pauline Graff, Auditor for Elkhart County

Ordinance prepared by Liz Gunden. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

EXHIBIT A

A PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED) AS FOLLOWS:

COMMENCING AT AN IRON PIN IN THE CONCRETE PAVEMENT MARKING THE INTERSECTION TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 36 WITH THE CENTERLINE OF STATE ROAD NUMBER 120 (ELKHART BRISTOL ROAD); THENCE NORTH 00°01' 44" WEST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 36, AND ALONG COUNTY ROAD 17, A DISTANCE OF 933.90, THENCE SOUTH 89°55'00" WEST ALONG THE FORMER NORTH RIGHT OF WAY LINE OF SUNSET LANE AND ALSO THE NORTH LINE OF A 50 FOOT EASEMENT AS

DESCRIBED IN INSTRUMENT NUMBER 2007-06625 AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, A DISTANCE OF 319.91 FEET (MEASURED) TO A 3/4" IRON PIPE MARKING THE SOUTHEAST CORNER OF A PARCEL OF LAND OWNED BY ROBERT J. & NANJI M. WIRT, AS DESCRIBED IN INSTRUMENT NUMBER 95 008321, AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY; THENCE NORTH 17°39'44" WEST ALONG THE EAST LINE OF SAID WIRT PARCEL, A DISTANCE OF 15.73 FEET TO A SET REBAR WITH CAP STAMPED "ABONMARCHE -FIRM 0050", BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 17°39'44" WEST, ALONG THE EAST LINE OF SAID WIRT PARCEL, A DISTANCE OF ±156 FEET TO THE SOUTH BANK OF THE ST. JOSEPH RIVER; THENCE NORTHEASTERLY, MEANDERING UPSTREAM ALONG THE SOUTH BANK OF SAID RIVER, TO A POINT ALONG THE SOUTH BANK OF SAID RIVER THAT IS 100 FEET WEST; BEING MEASURED PERPENDICULAR, FROM THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°01'44" WEST, PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION, A DISTANCE OF ±245 FEET TO A SET REBAR WITH CAP STAMPED "ABONMARCHE-FIRM 0050", THENCE SOUTH 89°55'00" WEST, PARALLEL TO THE FORMER NORTH RIGHT OF WAY LINE OF SUNSET LANE, A DISTANCE OF 53.91 FEET, TO A SET REBAR WITH CAP STAMPED "ABONMARCHE -FIRM 0050", THENCE SOUTH 35°31'13" WEST A DISTANCE OF 78.71 FEET TO A SET REBAR WITH CAP STAMPED "ABONMARCHE -FIRM 0050", SAID POINT BEING 15 FEET NORTH OF THE FORMER NORTH RIGHT OF WAY LINE OF SUNSET LANE, THENCE SOUTH 89°55'00" WEST, PARALLEL WITH THE FORMER NORTH LINE OF SUNSET LANE, A DISTANCE OF 125.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

ABOVE PARCEL CONTAINING ±1.32 ACRES, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD

Jason Auvil from planning and development presented a request for Ludwig Investments, Inc., represented by JPR, for a zone map change from GPUD E-3 to DPUD E-3 and for primary approval of an 8-lot subdivision to be known as Elkhart East Area "F" DPUD located on the southeast corner of CR 6 & CR 17 in Washington Township. The Plan Commission has recommended approval of the request with three specified limitations that are included in the proposed ordinance. Ken Jones from JPR, representing the petitioner, said they are okay with the specifications. There were no other comments from anyone in the audience. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the zone map change and adopted an ordinance establishing this zone change. The Site Plan/Support Drawing in part of the 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 GPUD E-3 TO DETAILED PLANNED UNIT DEVELOPMENT E-3, TO BE KNOWN AS ELKHART EAST AREA "F" DPUD; AND BY CHANGING THE ZONE MAPS INCORPORATED BY REFERENCE IN SECTION 4.1.2.A. OF THE ELKHART COUNTY ZONING ORDINANCE

WHEREAS, Ludwig Investments, Inc represented by Jones Petrie Rafinski submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from **GPUD E-3** to **DPUD E-3** on **April 4th, 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 29th day of April 2016 and in **The Goshen News** on the 30th day of April 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 12th day of May 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 and Section 3.5 Detailed Planned Unit Development of the Elkhart County Zoning Ordinance;

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

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

SECTION 1. That the legal description of the real estate attached hereto as **Exhibit A** is made a part of this ordinance and incorporated herein by this reference.

SECTION 2. That the real estate described in **SECTION 1** of this Ordinance be rezoned from **GPUD E-3** to **DPUD E-3** 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 E-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 E-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:

- The development will be required to connect to public water and sewer.
- Road plans and access to County Road 17 and County Road 6 must be approved by County Highway.
- The buffer (berm and tree plantings) along the eastern property line will need to be maintained, extended, enlarged, and tree density increased where needed. Alternative buffers (i.e. visual & sound barrier fencing) could be an option for the developer.

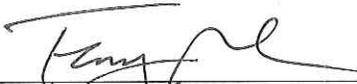
SECTION 9. List of additional documentation, supporting information, and conditions:

- Elkhart East Area "F" Project Narrative (4/4/2016)
- Elkhart East Area "F" Project Letter (4/22/2016)

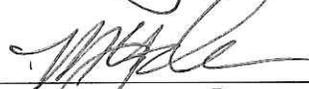
SECTION 10. In the event any covenant, restriction, provision or section of this Ordinance or any portion thereof is declared invalid or void, such declaration shall in no way affect any other covenant, restriction, or section.

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 20TH DAY OF JUNE 2016 BY THE BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA



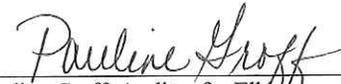
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Auditor for Elkhart

EXHIBIT "A"

A part of the Northwest Quarter of Section 30, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence along the north line of said Northwest Quarter South 89°57'31" East 484.96 feet to a BradsKo bar and cap located at the northwest corner of the Plat of Pine Brook, said Plat being recorded in Plat Book 22, Page 15, Elkhart County Recorder, and the place of beginning of this description; thence along the west line of said plat South 0°14'03" East 1,343.22 feet to a BradsKo bar and cap located at the northwest corner of the Plat of Woodland Meadows, said Plat being recorded in Plat Book 23, Page 34, Elkhart County Recorder; thence along the west line of said plat South 0°14'28" East 1,132.51 feet to a BradKo bar and cap located at the southwest corner of Lot 16 in said Woodland Meadows; thence South 0°12'05" East 179.65 feet to a BradsKo bar and cap located on the north line of that tract conveyed to Borger Pletcher by instrument recorded in DR 2001-6561, Elkhart County Recorder; thence along said north line North 89°43'58" West 484.97 feet to the southwest corner of the said Northwest Quarter of Section 30; thence along the west line of said Northwest Quarter North 0°14'06" West 1,312.15 feet to the northwest corner of that tract conveyed to Ludwig Investments by instrument recorded in DR 93-32074, Elkhart County Recorder; thence along the north line of said tract South 89°43'58" East 75.00 feet to the southeast corner of that Grant of Permanent Right-of-Way Granted to the Board of Commissioners of the County of Elkhart, Indiana, by instrument recorded in Deed Record 99-12106, Elkhart County Recorder; thence along the east line of said Grant, being also the east boundary of County Road 17, North 0°14'06" West 48.15 feet to a point on the south line of that tract conveyed to Ludwig Investments by instrument recorded in DR 95-6166, Elkhart County Recorder; thence along the south line of said tract South 89°45'54" West 75.00 feet to the west line of the Northwest Quarter; thence along said west line North 0°14'06" West 151.00 feet to the northwest corner of said Ludwig Investments tract; thence along the north line of said tract North 89°45'54" East 75.00 feet to the said east boundary of County Road 17 as granted by the said Grant of Permanent Right-of-Way; thence along the said east boundary of County Road 17 North 0°14'06" West 1,067.45 feet to an angle point; thence North 44°53'58" East 70.54 feet to the south boundary of County Road Six as described in said Right-of-Way Grant; thence along the said south boundary South 89°57'31" East 239.00 feet; thence North 0°14'06" West 25.00 feet to the said north line the Northwest Quarter; thence along said north line South 89°57'31" East 120.96 feet to the place of beginning, and containing 27.309 acres.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Agreement for the Design & Construction of a Peninsula Structure to Relocate an Electric Utility Pole with Northern Indiana Public Service Company (NIPSCO) for the Kercher Road Bridge project, as requested by Jay Grossman, County Highway Engineer. NIPSCO will reimburse the construction costs associated with the construction of a peninsula structure near the west end of the existing Kercher Road Bridge over the Elkhart River. The estimated cost is \$214,000. 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 a Communications Agreement with Commercial Broadband Services, Inc. for the use of a county owned tower, as requested by Jay Grossman, County Highway Engineer. 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 gave permission to advertise for bids for the CR 38 Reconstruction project. Bids will be received August 1, 2016.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adopted a Resolution Approving the Issuance of the Elkhart County, Indiana Corrections Complex Refunding Bonds, Series 2016 and also approved an Engagement Letter with Barnes & Thornburg, an Engagement Letter with City Securities and an Engagement Letter with Umbaugh Associates which are all for the Corrections Complex Refunding Bonds, Series, 2016, as requested by Gordon Lord, County Attorney. Copies of all of the Engagement Letters are on file in the Commissioners' office.

The Resolution is as follows:

RESOLUTION NO. 2016-344

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF ELKHART COUNTY, INDIANA APPROVING THE ISSUANCE OF
THE ELKHART COUNTY, INDIANA CORRECTIONS COMPLEX
REFUNDING BONDS, SERIES 2016

WHEREAS, the County Council of Elkhart County, Indiana (the "County") on June 11, 2016, adopted an ordinance (the "Ordinance") authorizing the issuance of Corrections Complex Refunding Bonds, Series 2016, in an aggregate principal amount not to exceed \$26,500,000 (the "2016 Bonds"), for the purpose of refunding all of the outstanding Elkhart County, Indiana Corrections Complex Refunding Bonds, Series 2007 (the "2007 Bonds") and paying the costs of selling and issuing the 2016 Bonds; and

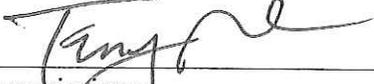
WHEREAS, the Board of Commissioners of the Elkhart County, Indiana now desires to approve the issuance of the 2016 Bonds and the refinancing of the 2007 Bonds.

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

1. The Board of Commissioners hereby approves the issuance of the 2016 Bonds and the completion of the refinancing of the 2007 Bonds pursuant to the terms of the Ordinance.
2. Any officer of the County is hereby authorized and directed to execute and deliver such documents and take such other actions as such officer deems necessary or desirable to effect the provisions of this Resolution and the issuance of the 2016 Bonds, and any such documents heretofore executed and delivered and any such other actions heretofore taken are hereby ratified and approved.
3. This Resolution shall be in full force and effect from and after its adoption.

Adopted this 20 day of June, 2016.

BOARD OF COMMISSIONERS OF
ELKHART COUNTY, INDIANA



Commissioner

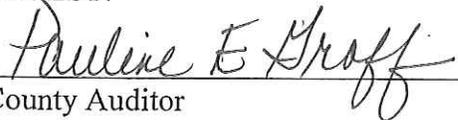


Commissioner



Commissioner

ATTEST:



County Auditor

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste-Landfill report for May 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

June 27, 2016

Vice President Mike Yoder called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese was present and Terry Rodino was absent. Others present were Dawn Truex, first deputy in the auditor's office; Tom Byers, County Administrator and Kathy Erschen, Executive Assistant.

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

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an out of state travel request for two (2) employees in the prosecutor's office to go to Boston, MA in July for the NDAA Summer Conference.

Carolyn Carter, 57198 Phaeton Place, Elkhart, said her neighbor was cited for four (4) code enforcement violations and they are still having their bible study meetings every Thursday. Ms. Carter wants to know when it will stop. Mr. Yoder said it takes a long time for these types of violations to work through the court system and he will check to see where it is in the process. She also asked about having the roads in their subdivision repaved as there are large cracks in them.

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

Respectfully submitted,
Kathy L. Erschen