

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 3, 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 Jim Bradberry from the sheriff's department; 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 September 19th & 26th, 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 and 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 CR 6 & CR 17 NE TIF District fund for \$35,000 for demolition of three (3) homes in Prairie Creek Run, as requested by Chris Godlewski, Director of Planning. This is the beginning of a project to help clean up this area. There will be more homes demolished in the coming months.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

9/12/2016

DEPARTMENT

CR 6 & 17 NE TIF
NAME

4511-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 35,000.00	162507	Construction/Reconstruction	44600	CR 6 & 17 NE TIF	4511
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 35,000.00					

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

Funding for demolition of 3 homes in Prairie creek Run - homes slated unsafe through unsafe hearing officer

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 Cum Cap Dev fund for \$40,000 for the IT budget for phone expenses for the remainder of 2016, as requested by Tom Byers, County Administrator.

The additional appropriation is as follows:

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a Proclamation of "**Elkhart County Manufacturing Week**" October 3rd – 7th, 2016, as requested by Mike Yoder.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the proposed 2017 Elkhart County Board of Commissioners Meeting Schedule.

The schedule is as follows:

2017

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING SCHEDULE

JANUARY 3 Tuesday - **Regular**
9 Monday - Adm/Claims
17 Tuesday - **Regular**
23 Monday - Adm/Claims
30 Monday - Adm/Claims

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

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

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

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

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

APRIL 3 Monday - **Regular**
10 Monday - Adm/Claims
17 Monday - **Regular**
24 Monday - Adm/Claims

OCTOBER 2 Monday - **Regular**
9 Monday - Adm/Claims
16 Monday - **Regular**
23 Monday - Adm/Claims
30 Monday - Adm/Claims

MAY 1 Monday - **Regular**
8 Monday - Adm/Claims
15 Monday - **Regular**
22 Monday - Adm/Claims
30 Tuesday - Adm/Claims

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

JUNE 5 Monday - **Regular**
12 Monday - Adm/Claims
19 Monday - **Regular**
26 Monday - Adm/Claims

DECEMBER 4 Monday - **Regular**
11 Monday - Adm/Claims
18 Monday - **Regular**
27 Wednesday - Adm/Claims

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

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

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

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Weights & Measures Report for August 16th – September 15th, 2016 and placed it on file.

Kris Krueger, Grants Procurement Specialist, asked the Board to award the bid for eight (8) properties that a part of the "Blight Elimination Program" to Pelley Excavating & Jackson Services.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board awarded the bid to Pelley Excavating & Jackson Services.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board signed a letter requesting the preparation of the "Local Roads and Bridges Matching Grant Agreement" for INDOT, as requested by Jeff Taylor, Manager of Transportation. The County was awarded \$1,000,000 for the CR 38: CR 17 to Island View Drive project.

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

October 10, 2016

Vice President Mike Yoder called the meeting to order at 9:00 a.m. in the meeting room in the Commissioners' office 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 Pauline Graff, County Auditor; Craig Buche from the county attorney's office; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

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

Bids were advertised and submitted for up to four (4) truck chassis and associated dump body, plow and accessories for the county highway department. Pauline Graff, County Auditor, opened the bids. Jeff Taylor, Manager of Transportation, read the bids. Bids were received from Truck City for \$124,851 each chassis; Selking International for \$118,720.25 each chassis J.X. Peterbilt in Fort Wayne for \$132,441.00 each chassis; W. A. Jones Truck Bodies & Equipment for \$122,529.00 for a flat bottom & \$140,632.00 for a web bottom; and Lindco for \$118,490 for a flat bottom and \$137,726.00 for a web bottom.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted the bids and forwarded them to the county highway department for tabulation and recommendation. The bids are on file at the highway department.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and signed a Local Roads and Bridges Matching Grant Agreement with INDOT for \$1,000,000 towards the CR 38 project, as requested by Jeff Taylor, Manager of Transportation. A copy of the grant 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 and signed a Quit Claim Deed and Partial Release of Judgment for the Goshen Inn property in Goshen, as requested by Craig Buche from the county attorney's office. This will clear the interests of the county and the city will reimburse the county \$10,000 when the property is sold. The city has sold the property and will be closing on it in November.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board appointed Donald Aleo to the Nappanee Public Library Board for a four (4) year term. His term will expire October 1, 2020.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and signed an Interlocal Agreement with the city of Goshen for maintenance on county prosecutor's vehicles, as requested by Tom Byers, County

Administrator. The cost is \$70 per hour. 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 Limited Use Septic Line Easement with Sunrise Orchards, Inc. for the CR 38/Kercher Road Improvement Project. A copy 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 adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 17, 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; 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 October 3rd & 10th, 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 and the Payroll Claims, as presented by the county auditor's office.

Pauline Graff, County Auditor, opened bids that were submitted for the Blight Elimination (Hardest Hit) Program. Kris Krueger, Grants Procurement Specialist, advertised the bids and read them. Bids were received from Pelley Excavating for \$109,495 and Jackson Services for \$96,200.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted the bids and forwarded them to Kris Krueger for tabulation and recommendation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an agreement with Pelley Excavating for \$52,012 and an agreement with Jackson Services for \$33,200 for the Blight Elimination Project. Those bids were taken at an earlier meeting. Copies of the agreements are on file in the Commissioners' office.

Jason Auvil from planning and development presented a request for Traco, LLC, represented by Lang Feeney & Associates, for a zone map change from A-1 to R-1 for property located on the south side of CR 20, 1,300 feet west of CR 1 in Baugo Township. This came to the Board with no recommendation from the Plan Commission. Mr. Auvil said some of the concerns from the staff were access to the subdivision as well as lot size. The county's health regulations have changed to include a reserve area for another septic system & with the lot size proposed in this development that would be difficult if a homeowner wanted to have a shed or pool. They also felt there should be access to the development off of CR 20. The sheriff's department and fire department also felt there should be access off of CR 20.

Terry Lang from Lang Feeney & Associates, representing the petitioner, said he developed the subdivision directly to the south of this land and this proposed one is exactly the same. Mr. Lang reported soil scientists have performed soil borings on the site to confirm the type of soil and to make sure the lots are sufficiently sized to handle a reserve septic system in case of failure. Even though there would be an additional cost, they would have an access to CR 20 constructed if that is required.

Mike Yoder asked Mr. Auvil if there would be room for the reserve septic and he said there would be if there were no accessory structures like storage sheds, pools, etc. built on the lot.

William Langford, 57731 Weathered Pine Court, President of Pine Bluff Subdivision Home Owners Association, said they are not against a subdivision being constructed but want it done correctly. He said they definitely need an entrance on CR 20 to keep all the traffic from going through their neighborhood. They also have a concern about the entrance on Dunhill Crossing as it is a straight shot and cars go very fast.

James Carrico, 30520 Pine Bluff Drive, said the lot size is the main concern for him and this could lower the value of the other homes in the area. Randy Clay, 30552 Mary Don Lane, reiterated that the county health department suggested this property stay zoned A-1. The traffic is also a concern for him. Matt Flick, 30547 Pine Bluff Drive, stated there should definitely be an entrance on CR 20. Chad Dover, 30479 Dunhill Crossing, said their subdivision's main concern is safety for their children. They do not have sidewalks and the children use the streets for bikes and going to their friends homes. Virginia McMillen, 30591 Dunhill Crossing, is concerned about all of the traffic that would be coming out on only three streets. 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.

Terry Lang responded stating they have agreed to have an access at CR 20 & the health department has reviewed and approved the location for all the septic systems.

Mr. Yoder said one of the challenges is the county is desperate for housing at this price point. If the county asks for bigger lots, it would increase the cost of the homes and an entrance on CR 20 would also increase the cost. He is suggesting maybe there should be some way to connect these communities with sidewalks or bike paths for emergency purposes. Some discussion followed regarding speeding in subdivisions, etc.

Mike Yoder made a motion to deny the rezoning. Frank Lucchese seconded the motion and the motion carried unanimously and the Resolution establishing this denial was approved. Mr. Yoder noted that the planning staff will be glad to work with the developer to establish lots that will be more conducive to septic system reserves and streets that will make it more difficult to speed on.

The Resolution is as follows:

RESOLUTION NO. PC 2016-23

WHEREAS, Traco, LLC, represented by Lang Feeney & Associates, submitted an application to rezone real estate hereinafter described from A-1 to R-1 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on September 8, 2016, provided no recommendation for the zone change from A-1 to R-1 with the Board of County Commissioners of Elkhart County Indiana.

WHEREAS, the County Commissioners reviewed the testimony and documents available in this petition, did on October 17, 2016, at their regular public meeting, vote to deny this petition.

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

Legal Description

A part of the West Half of the East Half of Section 15, Township 37 North, Range 4 East, Baugo Township, Elkhart County, Indiana and being more particularly described as follows:

Commencing at the Center of said Section 15; thence North 88°58'20" East along the east-west centerline of said Section 15, a distance of 56.59 feet to the point of beginning; thence North 00°33'39" West, a distance of 18.15 feet; thence North 89°02'34" East, a distance of 910.09 feet; thence North 00°42'26" West, a distance of 588.25 feet to a point on the centerline of County Road 20; thence South 81°17'38" East along said centerline, a distance of 410.18 feet to the northwest corner of Baugo Estates Subdivision as shown in the Office of the Recorder of Elkhart County, Indiana in Book Volume 7, Page 86 and as Document No. 20007-00086; said point begin on the east line of the West Half of the East Half of said Section 15; thence South 00°46'10" East along the east line, a distance of 1877.31 feet to the northeast corner of Dunhill Crossing Section Three, as shown in said Recorder's Office in Plat Book 27, Page 93; said point begin on the east-west centerline of the Southeast Quarter of said section 15; thence South 89°51'10" West along said line, a distance of 1323.53 feet to the southeast corner of Pine Bluff Third Subdivision as shown in said Recorder's Office as Instrument No. 98 022705; thence North 00°25'08" West, a distance of 1321.11 feet to the point of beginning containing 45.99 acres more or less.

NOT BE rezoned from A-1 to R-1.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 17th DAY OF OCTOBER, 2016.



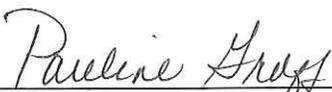
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Elkhart County Auditor

OCTOBER 17, 2016

PAGE 470

Jason Auvil from planning and development presented a request for James & Retha Yoder, represented by Progressive Engineering, Inc., for a zone map change from A-1 to B-1 for property located on the west side of SR 19, 800 feet south of CR 48 in Locke Township. The Plan Commission has recommended denial of the request with a 5-2 vote. Brad Cramer from Progressive Engineering, Inc. said the main issue at the plan commission was having septic instead of sewer. They discovered the nearest sewer location was at Northwood High School and the cost to extend to this property is prohibitive. The developer is planning to purchase a 10 acre parcel with the thought of having the septic system installed with plenty of land for a reserve septic. Chris Davey from Newmark Grubb/Cressy & Everett said they have met with Mayor Jenkins from Nappanee and he supports the project conditioned upon whatever the Commissioners obligate them to do. He said the issue is whether they have septic or city sewer. Water is not a concern, it is the sewer. Mr. Davey said the building will be approximately 11,000 square feet and 10 acres is 432,000 square feet so there is plenty of land for a septic & reserve septic. The cost to extend sewer to the site and the cost is well over \$400,000 and for a project of this size, they cannot support that kind of investment. The hospital wanted to be further north so as not to interfere with the school and the health facility will not be operating during church hours so traffic from there will not be an issue. He noted Beacon is a good corporate citizen and will do what is right & they are willing to sign a document with Nappanee should they ever decide to annex them. They are also willing to hook up to sewer should it ever be extended to this site. He added there will be about 30 jobs that will be created at this health facility.

Cindy Hayes, an employee of Elkhart General, said this is a project that they have looked at numerous sites in the area and their facility in Nappanee is not in a location where they are noticed. They want to be more centrally located between Wakarusa and Nappanee and this location seemed to be the best spot for the new facility.

Mr. Auvil said the health department said the initial septic system will be 7,000 square feet and a 7,000 reserve that will need to be installed. He said that will not be inexpensive. He said the planning staff felt this intensive use does not belong in an agricultural area. Perhaps they can partner with the church on their sewer. Mr. Davey said they have asked Nappanee and the church to participate but at this point they are not willing to help. The hospital doesn't feel they can pay over \$400,000 for sewer. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

Mr. Lucchese said everyone is in favor of the project but it he thinks it does need to be on sewer. Mr. Rodino also commented that with this being a professional building, he doesn't feel it belongs on septic. Mr. Yoder said there is some really nice property in this area that would allow access to another county road that would help the Amish get to the facility.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board denied the rezoning request and adopted a Resolution establishing this denial.

The Resolution is as follows:

RESOLUTION NO. PC2016-24

WHEREAS, James & Retha Yoder, represented by Progressive Engineering Inc., submitted an application to rezone real estate hereinafter described from A-1 to B-1, and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on September 8, 2016, recommend denial of a zone change from A-1 to B-1 and filed their recommendation with the Board of County Commissioners of Elkhart County Indiana.

WHEREAS, the County Commissioners reviewed the testimony and documents available in this petition, did on October 17, 2016, at their regular public meeting, vote to deny this petition.

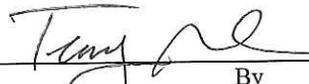
BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:

Legal Description

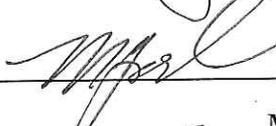
A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 4 EAST, LOCKE TOWNSHIP, ELKHART COUNTY, INDIANA, DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 24; THENCE SOUTH 00 DEGREES 58'00" EAST (ASSUMED BEARING PER THE DEED OF RECORD) ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 611.47 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 00 DEGREES 58'00" EAST, ON SAID EAST LINE, 404.00 FEET; THENCE SOUTH 89 DEGREES 02'00" WEST, 924.08 FEET; THENCE NORTH 16 DEGREES 38'42" WEST 140.82 FEET; THENCE NORTH 46 DEGREES 01' 10" WEST 153.23 FEET; THENCE NORTH 70 DEGREES 05'11" WEST 232.76 FEET; THENCE SOUTH 89 DEGREES 34'48" WEST, ALL ALONG THE CENTERLINE OF SAID BLYLEY DITCH, 18.83 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 24; THENCE NORTH 00 DEGREES 41'47" WEST, ON SAID WEST LINE, 77.03 FEET; THENCE NORTH 89 DEGREES 02'00" EAST 1306.52 FEET TO THE POINT OF BEGINNING, CONTAINING 10.02 ACRES, MORE OR LESS. SUBJECT TO THE PUBLIC HIGHWAY.

NOT BE rezoned from A-1 to B-1.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 17th DAY OF OCTOBER, 2016.



By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Elkhart County Auditor

OCTOBER 17, 2016

PAGE 472

Jason Auvil from planning and development presented a request for Ryan Senseing (buyer), Maplecrest Country Club of Goshen, Inc. (seller), represented by Cardinal Point Surveying, for a zone map change from A-1 to a GPUD A-1 to be known as Little Bluestem Farm for property located on the west side of Zollinger Road (CR 28), 4,000 feet north of CR 22 in Jefferson Township. The Plan Commission sent this to the Board with a recommendation for approval. This development is approximately 20 acres and will include residential uses, land uses and some educational purposes. They have also received approval for a three (3) lot minor subdivision. Phil Barker from Cardinal Point Surveying, representing Mr. Senseing stated this is a GPUD so they will be coming back with a DPUD. 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 as requested 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:

ORDINANCE NO. PC 2016- 25

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2016-03 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM A-1 TO GENERAL PLANNED UNIT DEVELOPMENT A-1, TO BE KNOWN AS LITTLE BLUESTEM FARM; AND BY CHANGING THE ZONE MAPS INCORPORATED BY REFERENCE IN SECTION 4.1.2.A. OF THE ELKHART COUNTY ZONING ORDINANCE

WHEREAS, Ryan Senseig (buyer) and Maplecrest County Club of Goshen, Inc. (seller) submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from A-1 to **GPUD-A-1** on July 29th, 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 August 2016 and in **The Goshen News** on the 27th day of August 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 8th day of September 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 3.4 General Planned Unit Development of the Elkhart County Zoning Ordinance;

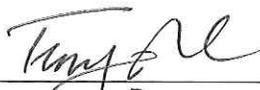
WHEREAS, The petition was sent to the Board of County Commissioners for Elkhart, Indiana with a Favorable Recommendation;

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

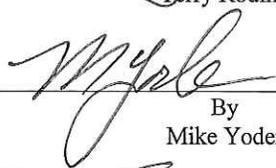
- SECTION 1.** That the legal description of the real estate attached hereto as **Attachment A** is made a part of this ordinance and incorporated herein by this reference.
- SECTION 2.** That the real estate described in **SECTION 1** of this Ordinance be rezoned from **A-1** to **GPUD A-1** effective immediately and the zone maps adopted by reference in the Elkhart County Zoning Ordinance for Elkhart County, Indiana be amended and ordered amended and changed to reflect the said rezoning of said real estate.
- SECTION 3.** That the General Planned Unit Development be granted for the real estate described in **SECTION 1** of this Ordinance. Unless this Ordinance specifies to the contrary, all Development Standards for the A-1 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced and govern the use of the real estate, though the Development Plan and Site Plan/Support Drawing will supersede all otherwise applicable Use Standards, District Developmental Standards, and General Development Standards under the A-1 zoning district.
- SECTION 4.** Except as allowed by the extension provisions in Sec. 3.4.3, within seven years of approval, all adopted General Planned Unit Developments must be followed by an adopted and recorded Detailed Planned Unit Development prior to the issuance of any Improvement Location Permit or Building Permit. The Detailed Planned Unit Development may be for all or a portion of the property covered by the General Planned Unit Development.

- 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 General 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:
- Land uses include residential, research, & educational purposes as detailed in the PUD application
 - Variances for lot frontage, 7:1 depth to width, & accessory dwelling size have been granted
 - Primary approval of a 3 lot minor subdivision has been granted
- SECTION 9.** List of additional documentation, supporting information, and conditions:
- Site development narrative submitted by petitioner
 - An Easement Maintenance Agreement incorporating the three lots will be required
- 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.

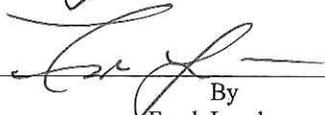
ORDAINED AND ADOPTED THIS 17TH DAY OF OCTOBER 2017 BY THE BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA



 By
 Terry Rodino



 By
 Mike Yoder



 By
 Frank Lucchese

Attest: 
 Pauline Graff, Auditor for Elkhart Count

Attachment A

Parts of the Northwest Quarter of Section 3, Township 36 North, Range 6 East, Elkhart Township, and the Southeast Quarter of the Southwest Quarter of Section 34, Township 37 North, Range 6 East, Jefferson Township, Elkhart County, Indiana, and more particularly described as follows:

Beginning at a Harrison monument marking the North Quarter corner of said Section 3; thence South 00 degrees, 53 minutes, 21 seconds East, 30.00 feet, along the East line of said Northwest Quarter, and Zollinger Road; thence South 89 degrees, 51 minutes, 41 seconds West, 391.50 feet; thence North 00 degrees, 53 minutes, 21 seconds West, 30.00 feet, to a point on the South line of the Southwest Quarter of said Section 34; thence South 89 degrees, 51 minutes, 41 seconds West, 483.84 feet, along the last described line; thence North 00 degrees, 26 minutes, 01 second West, 1330.38 feet, to a point on the North line of the Southeast Quarter of the Southwest Quarter of said Section 34; thence South 89 degrees, 56 minutes, 28 seconds East, 670.04 feet, along the last described line, to the Northeast corner of the Southeast Quarter of said Southwest Quarter; thence South 00 degrees, 25 minutes, 54 seconds East, 1202.75 feet, along the East line of the Southeast Quarter of said Southwest Quarter, to a point on the North line of lands conveyed by Deed Record 2000-13727; thence South 89 degrees, 51 minutes, 41 seconds West, 157.10 feet, along the last described line, to the Northwest corner of said lands; thence South 00 degrees, 53 minutes, 22 seconds East, 120.51 feet, to the Southwest corner of said lands; thence North 89 degrees, 51 minutes, 41 seconds East, 361.50 feet, along the South line of the Southwest Quarter of said Section 34, to the point of beginning containing 20.28 acres and subject to a public highway.

Jason Auvil from planning and development also presented a request for Jayco Corp., represented by Jones Petrie Rafinski, for a zone map change from A-1 & M-2 PUD to M-2 for property located on the east side of CR 17, 800 feet south of Beck Drive, north of CR 14 in Jefferson Township. The Plan Commission has recommended approval of the request. This parcel is near some other properties that have been rezoned. Ken Jones from Jones Petrie Rafinski said he was available for any questions. 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 request and adopted an ordinance establishing this zone map change.

The Ordinance is as follows:

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2016-03 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM A-1 & M-2 PUD to M-2.

WHEREAS, Jayco Corporation, submitted an application to rezone real estate hereinafter described from A-1 & M-2 PUD 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 September 8th, 2016 recommend approval a zone change from A-1 & M-2 PUD to M-2 and filed their recommendation with the Board of County Commissioners of Elkhart County Indiana.

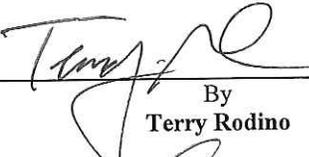
BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:

"A part of the fractional Northwest Quarter of Section 6, Township 37 North, Range 6 East, Jefferson Township, Elkhart County, Indiana, more particularly described as follows:

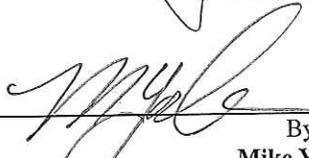
Commencing at the northwest corner of said Northwest Quarter; thence along the west line of said Northwest Quarter South 0°40'52" East 1156.16 feet to the southwest corner of the Replat - Beck Industrial Park Subdivision as recorded in Plat book 16, page 98, Elkhart County Recorder, the place of beginning of this description; thence along the south line of said Replat North 89°43'11" East 990.31 feet to a bar and cap located at the southeast corner of that tract conveyed to Premium Custom Painting Co. by instrument recorded in Deed Record 2014-9504; thence South 0°44'07" East 550.00 feet to a bar and cap; thence South 89°43'10" West 990.83 feet to the said west line of the Northwest Quarter; thence along said west line North 0°40'52" West 550.00 feet to the place of beginning, and containing 12.507 acres."

BE rezoned from A-1 & M-2 PUD 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 17th DAY OF OCTOBER 2016



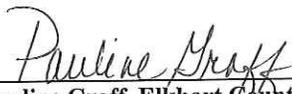
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Elkhart County Auditor

OCTOBER 17, 2016

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board appointed Jeff Troxel to the Elkhart County Regional Sewer Board to replace Frank Lucchese.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste-Landfill report for September 2016 and placed it on file.

Jeff Taylor, Manager of Transportation, addressed the Board regarding the bids that were accepted for trucks for the highway department at last week's meeting. He is recommending the bid for the upfit portion be awarded to Lindco at a cost of \$137,726 each for up to four (4) units

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board awarded the bid for the upfit portion of the highway trucks to Lindco. They guaranteed they would have the trucks completed by April 1, 2017.

Bid specifications for the trucks required that a truck chassis be received by January 15, 2017 because Lindco said if they didn't have the truck by that time, they could not get the remainder of the bed portion of the truck built by April 15, 2017. The only bidder that can guarantee the truck will be delivered by January 15, 2017 is Peterbilt at a cost of \$132,441 for the first unit and following units will be less for deduction of manuals and diagnostic equipment. If the trucks are not received by that date, they have agreed to pay \$50 per day until the trucks are delivered and if the trucks are not correct, they will have them corrected within 30 days. Mr. Taylor is recommending awarding the bid for the trucks to Peterbilt with them being delivered by January 15, 2017. The other two bidders could not guarantee a time of delivery or once the delivery is made, guarantee deficiencies would be corrected within 30 days. Bids from the other two vendors were for a lower price but they could not meet all the specifications in the bid package.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board awarded the bid for the trucks to Peterbilt.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 24, 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 Pauline Graff, County Auditor; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the recommendations for the Hardest Hit bids taken at last week's meeting for demolition of ten (10) homes, as requested by Kris Krueger, Grants Procurement Specialist.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 31, 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; Craig Buche from the county attorney's office; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the 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 and signed *the Elkhart County Equal Employment Opportunity and Affirmative Action Plan for July 2016 – June 2018*, as requested by Vivian Schmucker, a member of the EEO committee for the county. She explained the changes & updates to the plan from the previous one. A copy 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 lease agreement with Gravelton Properties, LLC for Unit 109 at 109 E. Market St., Nappanee, IN for the health department at a cost of \$400.00 per month, as requested by Tom Byers, County Administrator. This is for the use of WIC/MCH and is for one year. A copy of the lease is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted a Grant of Permanent right-of-way for the Grand Design sewer project on CR 2, as requested by Craig Buche from the county attorney's office.

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

Respectfully submitted,
Kathy L. Erschen