

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 21, 2019

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 and Suzie Weirick, were also present. Others present were Patricia Pickens, County Auditor; Craig Buche, County Attorney; Jeff Taylor, County Administrator and Anita Mock Executive Assistant.

On a motion made by Frank Lucchese, seconded by Suzie Weirick and unanimously carried, the Board approved the Minutes of the October 7th & October 14th 2019 meetings and placed them on file.

On a motion made by Suzie Weirick, seconded by Frank Lucchese and unanimously carried, the Board approved the Allowance of Claims as presented by the County Auditor's office.

On motion made by Suzie Weirick, seconded by Frank Lucchese and unanimously carried, the Board approved to add an item to the agenda following the Allowance of Claims.

County Attorney, Craig Buche, advised that an Executive Session was held on this date to take final action on a Personnel Matter. Mike Yoder abstained during the proceeding due to being a member on the Community Corrections Advisory Board. Approval was requested for a Proposed Resolution to remove the Executive Director of Community Corrections due to confirming findings by the Community Corrections Advisory Board. On motion made by Suzie Weirick, seconded by Frank Lucchese and unanimously carried the Board approved to remove the Director of Community Corrections.

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BUSINESS ITEMS:

Elkhart County Highway Manager of Transportation, Charlie McKenzie, requested approval to advertise the bids for the Jail Demolition Project. On motion made by Frank Lucchese, seconded by Suzie Weirick and unanimously carried, the Board approved this request.

Elkhart County Highway Manager of Transportation, Charlie McKenzie, requested approval of Task Order No. 4 for Engineering Services: Waterford Mills Traffic Study. On motion made by Suzie Weirick, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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Drug Free Partnership Director, Jessica Koscher, requested approval of additional appropriation from Drug Free Community for \$159,579 for the annual allocation to area agencies who have submitted qualified applications for programs which will further Elkhart County's Drug Free Partnership goals to negate alcohol and other drug use and/or abuse. On motion made by Suzie Weirick, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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Planning & Development, Kevin Williams received bids for Demolition Projects in Elkhart County. The bids are as follows: B & E Excavating in the amount of \$9,800 for the property located at 25171 California Court, Elkhart IN; B & E Excavating in the amount of \$11,900 for the property located at 24584 County Road 38, Goshen IN; B & E Excavating in the amount of \$6,850 for the property located at 25043 California Court, Elkhart IN; and, B & E Excavating in the amount of \$5,900 for the property located at 25053 California Court, Elkhart IN. On motion made by Frank Lucchese, seconded by Suzie Weirick and unanimously carried, the Board approved to accept and review the bids.

Planning & Development, Mae Kratzer, requested approval for Franklin R. Berkey & Wilmah G. Berkey for a zone map change from R-1 to A-1 East side of County Road 35, 785 feet South of County Road 2, in York Township. Mike Yoder opened a public hearing. No audience members wished to speak on this matter. On motion made by Suzie Weirick, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing. On motion made by Frank Lucchese, seconded by Suzie Weirick and unanimously carried, the Board approved this request.

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Planning & Development, Mae Kratzer, requested approval for Six Span LLC, represented by Progressive Engineering, Inc. for a zone map change from R-1/B-1 to B-1 Southwest corner of State Road 120 and Michael Drive 650 feet East of County Road 17, in Washington Township. Mike Yoder opened a public hearing. No audience members wished to speak on this matter. On motion made by Suzie Weirick, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing. On motion made by Frank Lucchese, seconded by Suzie Weirick and unanimously carried, the Board approved this request.

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Planning & Development, Doug Powers, requested approval for Six Span LLC, represented by Progressive Engineering, Inc. for a zone map change from R-2 to B-1 East side of County Road 17, 500 feet South of State Road 120, in Washington Township. Mike Yoder opened a public hearing. No audience members wished to speak on this matter. On motion made by Frank Lucchese, seconded by Suzie Weirick and unanimously carried, the Board closed the public hearing. On motion made by Frank Lucchese, seconded by Suzie Weirick and unanimously carried, the Board approved this request.

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Planning & Development, Doug Powers, requested approval for Six Span LLC, represented by Progressive Engineering, Inc. for a zone map change from R-1 to B-1 Northeast corner of Suburban Drive & County Road 17, 635 feet South of State Road 120, in Washington Township. Mike Yoder opened a public hearing. No audience members wished to speak on this matter. On motion made by Suzie Weirick, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing. On motion made by Frank Lucchese, seconded by Suzie Weirick and unanimously carried, the Board approved this request.

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Planning & Development, Jason Auvil, requested approval for Hoosier Motorsport & Business Park (Buyer) & Chizum Ruth E. Trustee Ruth E. Chizum Tr (Lf Est Arthur Chizum) (Seller), represented by Jones Petrie Rafinski for a zone map change from R-1 and B-1 to DPUD M-2 and for Primary approval of a 1-lot minor subdivision to be known as **HOOSIER MOTORSPORTS & BUSINESS PARK DPUD** Southeast corner of Ash Road and County Road 16, 4,615 feet South of Old US Highway 20, in Baugo Township. Jones Petrie Refinski Representative, Ken Jones, spoke giving a brief history of the Dragstrip and how it developed over the years. He then discussed what the current request entails and what types of changes they were requesting. Following Mr. Jones presentation Mike Yoder opened a public hearing requesting the audience to not duplicate their concerns. Mr. Yoder further stated that the Commissioners have received in excess of 140 communications with differing testimony in regards to this request and that the legal firms have done a very good job presenting and consolidating all concerns opposing and in support of this request. Dr. Richard Boling from Hickory Lane, Elkhart spoke in opposition to the current request. May Oberfell Lorber Representative, John Rogers, advised he is the attorney for the opposition and presented his case against the request. Frank Nigro from Goshen, IN spoke in support of the request. Jim Krill from Granger, IN spoke in support of the request. Ryan Gorday from County Road 1 area Elkhart, IN spoke in support of the request and said he was speaking on behalf of being an educator at the Elkhart Career Center and felt that the possibility of building a STEM building on the Dragstrip sight was positive step. STEM stands for "Science, Technology, Education & Mathematics." Ashley Fenney from Warsaw, IN spoke in support of the request. Jason Ditto from Elkhart spoke in support of the request. Kevin Masters spoke in favor of the request. Steve Showers from Osceola spoke in opposition of the request. LeRoy Miller from County Road 16, Elkhart spoke in support of the request. Justin Crook from County Road 16, Elkhart was not in support or opposed the request. He felt that there needed to be more communication as to what exactly is being proposed. Peggy Petty from Wyntree Drive, Elkhart advised she is not opposed to the Dragstrip as it stands but is opposed to the expansion of the track. Keith Dukes from County Road 1, Elkhart spoke in opposition of the request. Babette Boling from Hickory Lane, Elkhart spoke in opposition of the request. Kevin Crowder from County Road 16, Elkhart spoke in support of the request. Attorney Scott Doerring spoke advising he represents Ruth Chizm and her son with the EPA issues regarding the Superfund site. The original plan for cleanup was not working. Containment system surrounding the railroad was failing. Currently, EPA is aware of the possible sale and rezoning of this property and understands this will not interfere with the EPA cleanup. Ken Jones then had an opportunity to summarize technical sight review. He also wanted to emphasize that the Osceola Dragstrip has been in operation for 62 years at this particular sight. On motion made by Frank Lucchese, seconded by Suzie Weirick and unanimously carried, the Board closed the public hearing.

Terry McMillen was then asked to clarify which kind of vehicles will be operating on the Dragstrip. The types of cars that are currently racing will not change, just improve the safety by updating the track. Additional items were added after the Plan Commission Meeting. Those changes are as follows: 1) Extra berm on the eastside of the track to add additional buffer. 2) Additional curves at the east end to slow the vehicles down. 3) NO Nitro Funny Car and NO Top Fuel Level, except once a year. On motion made by Frank Lucchese, seconded by Mike Yoder the Board approved this request. Mike Yoder voted Aye. Frank Lucchese voted Aye. Suzie Weirick voted Nay.

*****AUDIO RECORDING OF THIS MEETING IS AVAILABLE IN THE COMMISSIONER'S OFFICE UPON REQUEST.**

On motion made by Suzie Weirick, seconded by Frank Lucchese and unanimously carried the Board approved the request for use of Courthouse Lawn by Courtside Ministries.

BOARD ITEMS:

County Attorney, Craig Buche, requested approval to Release Request for Proposals for Bid Options for Body Cameras. On motion made by Frank Lucchese, seconded by Suzie Weirick and unanimously carried, the Board approved this request.

AUDIENCE ITEMS:

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

Respectfully submitted,
Anita Mock