

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

August 16, 2021

President Suzie Weirick 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 Board members, Frank Lucchese and Brad Rogers were also present. Others present were Craig Buche, County Attorney; Patricia Pickens, County Auditor; Jeff Taylor, County Administrator and Anita Mock, Executive Assistant.

\*\*\*This meeting commenced pursuant to public notice under the Indiana open door law and Governor Holcomb's Executive Orders. This meeting was made available for the public and press to attend in person or engage in remote real-time observation and remote electronic participation.

On a motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved the Minutes of the August 2<sup>nd</sup> & August 9<sup>th</sup>, 2021 meeting and placed them on file.

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

#### **BUSINESS ITEMS:**

Elkhart County Highway Manager of Transportation, Charlie McKenzie, requested approval to award the construction contract for the Prairie Creek Run Water Main Project in the amount of \$347,479 to Niblock Excavating. On motion from Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

Planning & Development Director, Chris Godlewski, requested approval of Tyler (InterGov) Contract Amendment for on-line permitting. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development, Mae Kratzer, requested approval of Grand Design RV LLC (Buyer) Larry Cockburn and Virginia Cockburn, Husband & Wife (Seller) represented by Abonmarche Consultants for a zone map change from A-1 to M-1, north side of County Road 2, 4,190 feet west of State Road 13, common address of 11747 County Road 2, in York Township.

Suzie Weirick opened a public hearing. No audience members wished to speak on this matter. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board closed the public hearing. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development, Mae Kratzer, requested approval of Joseph G. & Shirley A. Bieber for a zone map change from B-1 to B-3, northeast corner of Corwin Street & Karen Avenue, common address of 55658 Corwin Street, in Cleveland Township. Suzie Weirick opened a public hearing. No audience members wished to speak on this matter. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board closed the public hearing. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development Zoning Administrator, Jason Auvil, requested approval of Cleveland Township Fire Department represented by Danch, Harner & Associates for a zone map change from A-1 to DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as **ZIMMER COUNTY ROAD 5 PLANNED UNIT DEVELOPMENT**, west side of County Road 5, 1,500 feet south of County Road 2, common address of 51233 County Road 5, in Cleveland Township. Suzie Weirick opened a public hearing. Danch, Harner & Associates Representative, Greg Sharon, spoke in favor of the request. No other audience members wished to speak on this matter. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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Planning & Development, Danny Dean, requested approval of Syracuse Storage LLC, represented by Garrett Howell for an amendment to an existing DPUD B-3 known as **J & J RENTAL, A DPUD B-3** to allow for off premises signage, southwest corner of US Highway 6 & State Road 13, common address of 15048 US Highway 6, in Benton Township. Suzie Weirick opened a public hearing. No audience members wished to speak on this matter. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board closed the public hearing. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development Zoning Administrator, Jason Auvil, requested approval of Bruce A. Showalter (Rose Ann Showalter Life Estate), Steven G. Showalter & Bruce A. Showalter, Robert D. Moser, Trustee (Living Trust), represented by Jones Petrie Rafinski for a zone map change from A-1/DPUD A-1 to DPUD A-1 and for primary approval of a 16-lot major subdivision to be known as **ELKHART COUNTY SOLAR PROJECT DPUD**, west side of State Road 13 between Long Ditch and County Road 146; south side of County Road 146 between State Road 13 and County Road 43; west side of County Road 43 between County Road 146 and a point 614 feet south of Dry Run Ditch; east side of State Road 13 between County Road 148 and a point 842 feet south of County Road 148; north side of County Road 148 between

State Road 13 and a point 1,258 feet west of State Road 13; south side of County Road 146 between State Road 13 and a point 1,622 feet west of State Road 13; north side of County Road 146 between State Road 13 and County Road 137; south side of County Road 46, 1,402 feet west of State Road 113, common address of 70391 County Road 43, in Benton Township. Savion Representative, Sara Mill, summarized the Solar Project. Attorney for the remonstrators, Jason Kuchmay with Snyder Morgan Federoff & Kuchmay, LLP spoke on behalf of the remonstrators. Suzie Weirick opened a public hearing. The following individuals spoke in favor and against the Solar Project:

- Amanda Bowling                      Against the project
- Charis Yoder                         Against the project
- Kathryn Miller                        Against the project
- Kathy Fry                              Against the project
- Michelle Bontrager                  Against the project
- Adam Young                          Against the project
- Stephanie Young                      Against the project
- James Gardner                        In favor of the project
- Terrah Harmon                        Against the project
- Darby Showalter                      Against the project
- Steve Hershberger                  Against the project
- Lynn Loucks                         Farm Bureau Chair, not for or against but believes further discussion is needed to define issues with the project.
- Brad Hooley                          Representing Moser Family (Seller) and that this project is a land right issue and they should be allowed to do as they wish with their own land. In favor of the project.
- Steven Berkey                         Against the project
- Brett Freund                          Against the project
- Chris Stager                         Economic Development Corporation, in support of the project.
- Michael Leda                         In favor of the project
- Rob Geiger                          Advised he is a 6<sup>th</sup> generation farmer, not in favor or against the project but urged the Commissioners to proceed with caution due to property rights discussion.
- Douglas Kauffman                    In favor of the project

Sara Mill attempted to answer questions raised by remonstrators. MaRous & Company, Michael MaRous spoke on property values and appraisal investment services. There was also discussion on what types of vegetation would be used as buffers and what the buffers would look like. Jones Petrie & Rafinski Representative, Ken Jones Sr., attempted to clarify questions and statements that emerged during the public hearing and asked the Commissioners to consider the advice from the trained staff at Planning & Development and the Plan Commission Board for this project. Remonstrator Attorney, Jason Kuchmay again spoke in opposition of the project. Jim Kuhlenschmidt then asked to speak and advised that this project is not a good use for the property. No other audience members wished to speak on this matter. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board closed the public hearing. County Attorney, Craig Buche, advised for the record three items needed to be reflected in the minutes. Those items are a binder, supplied to each Commissioner from the Remonstrators Attorney, Jason Kuchmay; a petition signed by remonstrators; and, a letter from

Sam Miller against the project. Jason Auvil then described different buffers that could be added to the project. The descriptions reflected what would be Class 3 Buffering. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board tabled the request certain commitments could be outlined for the project.  
(See attached signed petitions & Letter from Sam Miller)

**BOARD ITEMS:**

County Attorney, Craig Buche, requested approval of Warranty Deed & Resolution of the Board of Commissioners of the County of Elkhart, Indiana Concerning the Sale of Surplus Real Estate located at 2604 Salem Drive, Goshen, Indiana. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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**PRIVILEGE OF THE FLOOR:**

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

Respectfully submitted,  
Anita Mock