

# MINUTES

## ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

May 16, 2022

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, Administrative Manager.

\*\*\*This meeting commenced pursuant to public notice under the Indiana open door law. 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 Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved the Minutes of the May 2<sup>nd</sup> & May 9<sup>th</sup>, 2022 meeting and placed them on file.

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

### **BUSINESS ITEMS:**

Planning & Development, Mae Kratzer, presented the recommendation for approval for Millers Services Inc. represented by Freedom Builders for a zone map change from A-1 to B-1, north side of US Highway 20, 1,700 feet west of County Road 35, common address of 14589 US Highway 20, in Middlebury Township. Suzie Weirick opened a public hearing. Freedom Builders Representative, Paul Hostetler, briefly discussed the project. 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. 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, advised a petition was filed to withdraw the request for HC LLC represented by Abonmarche Consultants, Inc. for a zone map change from A-1 to M-1, southeast corner of County Road 4 and County Road 131, in York Township. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board accepted to withdraw the request.

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County Administrator, Jeff Taylor, requested approval of 2021 Elkhart County Highway Annual Operational Report for Commissioners. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Attorney, Craig Buche, requested approval of Ordinance of the Elkhart County Commissioners Authorizing the Issuance and Use of Credit Cards for the Elkhart County Sheriff's Office. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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Health Department requested appointment of new Board of Health Member to fill term ending December 31, 2025. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, this item was tabled.

Elkhart Public Library Board of Trustees requested the reappointment of Laura Steffan for a second term to the Elkhart Public Library Board, term from July 1, 2022, expiring on June 30, 2022. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, presented the request from Grace Community Church, located at 20076 County Road 36, Goshen requesting a noise variance for Saturday, June 18<sup>th</sup>, 2022 from 10:00 am to 2:00 pm and Sunday, June 19<sup>th</sup>, 2022 from 10:00 am to 12:00 pm. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

County Administrator, Jeff Taylor, presented the request from Yesenia Hernandez for a loud noise permit on August 6, 2022 located at 28876 Melody Lane, Elkhart, for her Father's 60<sup>th</sup> Birthday Party where they plan to have live music from 8:00 pm to 1:00 am. The Commissioners were in agreement that 1:00 pm was too late and revised the request to 8:00 pm ending no later than 11:00 pm. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

Landfill Director, John Bowers, requested approval of additional appropriation from Solid Waste User Fees Fund in the amount of \$8,931,498 for funds for Closure Fund, Capital Reserve and Solid Waste. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development Director, Chris Godlewski, presented the recommendation for approval from Elkhart County Plan Commission for multiple amendments to the text of the Elkhart County Zoning Ordinance. The geographic area to which the amendments to the text of the Elkhart County Zoning Ordinance applies is all lands with Elkhart County, including all the Townships: Cleveland, Osolo, Washington, York, Baugo, Concord, Jefferson, Middlebury, Olive, Harrison, Elkhart, Clinton, Locke, Union, Jackson and Benton, but excluding the jurisdictions of the City of Goshen, the City of Elkhart and the Town of Nappanee. Suzie Weirick opened a public hearing. The following individuals spoke on this topic:

- Kathleen Jones, Goshen, supports the Ordinance.
- James Kuhlenschmidt, Goshen, had concerns about the Ordinance.
- Sara Mills, Savion Representative, supports the Ordinance.
- Sarah Moser, Savion Representative, supports the Ordinance.
- Steve Eberly, Hoosiers for Renewables, supports the Ordinance.
- Reed Davis, Indiana Land Coalition, concerns over Government overreach.
- Brad Hooley, Goshen, believed the Ordinance was well written.
- Adam Young, Millersburg, concerns over language in Ordinance.
- Chris Stager, Economic Development, believed Ordinance is middle ground.
- James Gardner, Goshen, in favor of Ordinance.
- Jim Weiber, Goshen, has issues with Solar Energy.
- Alex McIntyre, Goshen, in favor of Solar Ordinance.
- Glenn Null, Goshen, has issues with Solar Energy.
- Kenneth Jones Jr., Bristol, spoke on the Solar Ordinance.

No other audience members wished to speak on the matter. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board closed the public hearing. Chris Godlewski clarified several concerns that were raised during the public hearing. Brad Rogers made the following comments on the Solar Ordinance: State did not pass a law as we anticipated. I believe we need more time to ferret out the details of the plans and agreements. This is why we originally pushed for a ordinance by June 1.

- I do not have any issues with the under 10 acres parameters.
- Other plans and agreements (C): MAY; should be Shall.
  - Disappointed in the plan commission that didn't ferret out the plans with minimum requirements.
    - Minimum requirements; I realize there will be variables. But we should have a guide for us and the developers. Not a whole lot has changed as a result of this proposed ordinance. We should put more into it.
    - We have no basis and standards on how to approve or deny these projects with this ordinance (plans)
      - I would support committees with public and professionals.
      - Operating and maintenance plan
        - ▶ Herbicides and invasive species
      - Emergency Services and response plan
        - ▶ Requirement for an emergency response plan and what that plan must include
        - ▶ Residential and business; fire departments.
      - Decommissioning and Restoration plan
        - ▶ The minimum requirements needed for the plans
        - ▶ Adequate provisions for a bond to assure the county and its resident are not left with large unfounded issues related to waste or pollution remediation. Review of the bond to ensure it's adequate.

- ▶ When is “abandonment” triggered?
- ▶ What is restoration? Who pays? To what standard?
- ▶ Hazardous materials
- ▶ Recycling requirement
- ▶ Landfill opt out
- Road impact and maintenance agreement
  - ▶ Groundwater/well testing
  - ▶ Road damage
- Review Criteria: Nothing here on the many issues and plans needed. Many of the issues we dealt with on the last development have not been answered.

Frank Lucchese commented that he thought it was a great start with the Ordinance and was in support of the Ordinance. Suzie commented that the staff did a great job with the Ordinance and that this is a good baseline. On motion made by Frank Lucchese, seconded by Brad Rogers the Commissioner’s roll call vote followed: Brad Rogers; NAY, Frank Lucchese; AYE, Suzie Weirick; AYE.

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**BOARD ITEMS:**

**PRIVILEGE OF THE FLOOR:**

Glenn Null spoke on several issues.  
Heidi Eash spoke on several issues.  
Brad Hooley spoke on several issues.

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

Respectfully submitted,  
Anita Mock