

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

September 21, 2020

President Mike Yoder called the meeting to order at 9:00am in the County Administration Building, 117 North Second Street, and Goshen, Indiana. Board member Frank Lucchese & Suzie Weirick were present. Others present were Patricia Pickens, County Auditor, Jeff Taylor, County Administrator, Craig Buche, and County Attorney.

On a motion made by Suzie Weirick and seconded by Frank Lucchese, and unanimously carried and the Board approved the Minutes of the September 8th & September 14th, 2020 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 County Auditor's office.

BUSINESS ITEMS:

Planning & Development Zoning Administrator, Jason Auvil, requested approval of Mark A. & Jill D. Dewitt represented by B. Doriot & Associates, Inc. for Secondary approval of a 5-lot major subdivision to be known as SUNSET SPRINGS DPUD, east side of County Road 21, 2,600 feet north of County Road 50, in Jackson Township. Commissioner Mike Yoder explained it's a secondary approval for a simple subdivision. No Audience members wished to speak on this matter. On motion made by Frank Lucchese and seconded by Suzie Weirick and unanimously carried, the Board approved the request.

Planning & Development Zoning Administrator, Jason Auvil, requested a denial of Brenda S. & Lena F. Banks represented by Pam Banks for the vacation of a portion of a north/south unnamed county right-of-way, north/south alley between Shore Avenue and Best Avenue, 1245 ft. north of Old US Highway 33. in Baugo Township. Jason Auvil explained to the Commissioners, Jason Auvil explained that this request received a favorable request of denial from a vote of 7 to 1 by the Planning Commission, due to the request was for a ½ of the right-of-way versus the whole right-of-way. He explains under normal circumstances planning doesn't like to do that. However Jason Auvil states they are working with the petitioners and surrounding neighbors to resubmit to vacate the whole stretch instead of just ½. Mike Yoder makes motion to open Public Hearing.

Pam Banks, speaking on behalf of petitioners, they submitted a petition and she states most neighbors had signed in favor of vacating, one neighbor was against it.

Suzie Weirick asks her if she understood the recommendation of the denial for today's meeting, she states she does.

Mike Yoder asks if anyone else wishes to speak either in favor of or in opposition, a neighbor (didn't give name) spoke in favor of the vacation.

On motion made by Frank Lucchese and seconded by Suzie Weirick to close the Public Hearing.

On motion made by Suzie Weirick and seconded by Frank Lucchese to approve the resolution to deny, and unanimously carried, the Board approved the resolution to deny request.

(Page 369)

Planning & Development Zoning Administrator, Jason Auvil, requested approval of Schrock Investments represented by Marbach, Brady & Weaver, Inc. for a zone map change from A-1 to GPUD B-3 to be known as PROJECT CARDINAL GROUP GPUD B-3, northeast corner of County Road 9 and the Indiana Toll Road in Osolo Township. Chris Marbach representative for Schrock Investments, and Lazy Days RV's. Marbach explains specific details of the project and they will be asking at a later date for the following items:

1. They would want the requirement of a Class 2 Buffer be changed to a Class1 Buffer.
2. Request to put in 2 -40 ft. Pylon signs and one 40 ft. digital sign, these will replace the 6 billboard signs that currently are there.

Jason Auvil states they are here today to get the general concept to be approved and will come back at a later date with details.

Mike Yoder opens a Public Hearing and asks if anyone would like to speak in favor of or in opposition. Mary Olsen of Elkhart City Plan Commission speaks in favor of the project.

On motion made by Suzie Weirick and seconded by Frank Lucchese, to close the Public Meeting.

On motion made by Suzie Weirick to approve the GPUD, seconded by Frank Lucchese, and unanimously carried, the Board approved the request.

(Page 370)

Planning & Development Zoning Administrator, Jason Auvil, requested approval of Hochstetler Concrete, LLC (Buyer) & Rock Run Real Estate, LLC (Seller) Represented by Marbach, Brady & Weaver, Inc. requested a zone map change from A-1 to DPUD M-1 and for Primary approval of a one-lot minor subdivision to be known as HOCHSTETLER COUNTY ROAD 38 DPUD M-1, south side of County Road 38, 1,150 feet west of County Road 43 in Clinton Township.

Chris Marbach of Marbach, Brady & Weaver, Inc. explains the project in details, talks about the water issues on this 4 acre property.

Mike Yoder opens a Public Hearing. He asks if anyone wishes to speak in favor of or in opposition. No audience member wished to speak.

On motion made by Suzie Weirick, seconded by Frank Lucchese, and unanimously carried, the Board approved the request.

(Page 371)

Planning & development Zoning Administrator Jason Auvil, requested approval of Kado Alan L. Trustee of Alan L. Kado ½ int. & Diana M. Kado Trustee Diana M. Kado Trust 1.2 Int. represented by B. Doriot & Associates, Inc. for a zone map change from A-1 to DPUD A-1 and for Primary approval of a 3-lot minor subdivision to be known as **KADO COUNTY ROAD 26 A-1 DPUD**, north side of County Road 26, 1,520 feet east of County Road 11, in Concord Township.

Doriot gave a brief over view of the project. He discussed the perimeter drain and have a plan in place prior to pulling the building permit. Suzie asks about access.

Mike Yoder opens a Public Hearing. Asks if anyone wishes to speak in favor of or in opposition of request.

On motion made by Frank Lucchese to close the Public Hearing, seconded by Suzie Weirick, and unanimously carried, the Board approved the request.

On motion made by Suzie Weirick and seconded by Frank Lucchese, and unanimously carried, the Board approved the request.

(Page 372)

County Highway Manger of Transportation, Charlie McKenzie, requested Approval of INDOT LPA Project Coordination Contract for the Replacement Bridge 145 on County Road 26 over Baugo Creek.

On motion made by Frank Lucchese and seconded by Suzie Weirick, and unanimously carried, the Board approved this request.

(Page 373)

Nappanee Public Library Board requested approval to re-appoint Brad Newcomer to the Nappanee Public Library Board, term expiring October 1, 2024.

On motion made by Suzie Weirick and seconded by Frank Lucchese, and unanimously carried, the Board approved the re-appointment of Brad Newcomer to the Nappanee Public Library Board.

BOARD ITEMS:

Prosecuting Attorney requested approval from County Commissioners to travel outside Indiana and the Four Contiguous States, for 2 people to pick up witness for Murder Trial.

On motion to approve made by Suzie Weirick and seconded by Frank Lucchese, and unanimously carried, the Board approved this request.

County Attorney Craig Buche, requested approval of Resolution of the Board of Commissioners of Elkhart County, Indiana approving the issuance of the Elkhart County, Indiana Criminal Justice Facility Bonds. Series 2020.

On motion to approve made by Suzie Weirick and seconded by Frank Lucchese, and unanimously carried, the Board approved the Resolution.

(Page 374)

County Attorney Craig Buche, follow up from last week, requested approval of formal Resolution of Fiber project with the City of Elkhart.

On motion to approve made by Frank Lucchese, seconded by Suzie Weirick and unanimously carried, the Board approved this request.

(Page 375)

Retired Elkhart County Health Officer Dr. Dan Nofziger commended the Commissioners for their work during the COVID-19. He discusses masks issues, vaccines. Offers his support with masks usage and social distancing. Health Department is going to need commissioner's help going forward. He asks if he can be of any assistance he is more than happy to help.

Recess until 10:30

Mike Yoder states we will reconvene at 10:30.

Elkhart City Mayor Rod Roberson presents a proposed project for the Consolidated Courthouse Project in Downtown Elkhart (See Attached). The proposal for a Multi-Story County Courthouse & City Public Safety Building & Multi-Story Parking Garage. Discusses the advantages of combining both buildings into one. Mayor Rod Roberson talks about the saving the County and the City about 17 million if they join forces.

Elkhart County Council Member Douglas Graham questioned the Mayor about the saving of 17 million, as the Mayor discussed taking the proposed 80 million the county has earmarked and the proposed 40 million Elkhart City has earmarked, Graham doesn't see where the savings are coming from.

Tory Irwin City of Elkhart Engineer presents the proposed plan. Talks about the benefits of building in the heart of downtown Elkhart. He gives a rendering of the complex and a concept of the site perspective.

Bill McKuen from Structure Point quick overview of the proposed building complex. Talks about the rest of the building could possible house some retail, administration offices, among other possibilities. Discusses the Economic impact of moving the Courthouse from the downtown area. Discusses other small communities that have moved the Courthouses away from the downtown area and the impact that is had. He also talks about transportation for the people who use the court system.

Lavon Johnson discusses his perspective of the project and the impact of downtown Elkhart and using taxable properties. Need time to have an economic study done to see the economic impact.

Suzie Weirick reminded everyone that the Commissioners are looking at 2 other possible sites for the Proposed Consolidated Courthouse.

Taxpayer Tanzie Nielsen asks the Commissioners to think about the people that will be effected, who will be hurt and who will benefit.

Denny Thompson Service Center owner in City of Elkhart. Expresses his concern the impact of taking the Courthouse out of the hub of the population. He is in favor of keeping the Courthouse in the downtown City of Elkhart.

Elkhart City First District Councilman concerned about the economic impact of Elkhart City, expresses concern over transportation among other concerns.

Dwight Fish expresses his views on the proposed project.

Taxpayer Joe Lehman of Goshen speaks on benefit of keeping Goshen's Historic Courthouse with some minor modifications and the ability to maintain some courts in Goshen.

Mike Yoder asks for a motion to adjourn at 11:25 am. On motion made by Suzie Weirick and seconded by Frank Lucchese, and unanimously carried, the Board approved this request.

Respectfully Submitted,

Cindy Chadwell

