Call to Order, Pledge, Moment of Silent Meditation, Roll Call

Minutes for Approval
Minutes of July 20, 2021 Ad-Hoc Committee Meeting
Minutes of July 29, 2021 Finance Committee Meeting
Minutes of August 2, 2021 Common Council Meeting

Presentations and Introductions
Elkhart Sister Cities Association’s Virtual Signing Ceremony with Elkhart’s new Sister City, Apan Mexico (presentation by Mayor)

Unfinished Business

a) Reports of Council Committees

b) Ordinances on Second-Third Reading
PROPOSED ORDINANCE 21-O-39, an ordinance appropriating Three Million Six Hundred Thousand and 00\100 dollars ($3,600,000) from the ARP Coronavirus Local Fiscal Recovery Fund to the Utilities & Infrastructure account for the LaSalle, McKinley and Benham water and sewer project
PROPOSED ORDINANCE 21-O-40, an ordinance appropriating Three Million and 00\100 Dollars ($3,000,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Utilities & Infrastructure Account for the W. Lexington Water Main Replacement Project

c) Ordinances and Resolutions Referred to Committees
PROPOSED ORDINANCE 21-O-29, an ordinance establishing the rules by which members of the Common Council may participate by electronic means of communication
PROPOSED ORDINANCE 21-O-37, an ordinance amending § 153.75 of the Code of Ordinances of the City of Elkhart, Indiana to add cigar bars as an exemption to the prohibition of smoking in public places as permitted under Indiana State Law
PROPOSED ORDINANCE 21-O-41, an ordinance appropriating Four Hundred Thousand and 00\100 Dollars ($400,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account for the Small Business Continuity Program

d) Tabled Ordinances and Resolutions
PROPOSED ORDINANCE 21-O-38, an ordinance annexing certain real estate contiguous to the City of Elkhart, Indiana and located in the southeast corner of the intersection of County Road 24 and State Route 19, and declaring the same to be a part of the City of Elkhart, Indiana (Jimtown Corner, LLC, petitioner; public hearing September 13, 2021)

New Business

a) Ordinances on First Reading
PROPOSED ORDINANCE 21-O-42, an ordinance enacting and adopting the Twenty-Second (22nd) supplement to the City of Elkhart, Indiana Code of Ordinances
PROPOSED ORDINANCE 21-O-43, an ordinance appropriating One Million Two Hundred Thousand and 00\100 dollars ($1,200,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Public Health Response Account to upgrade the heating, ventilation, and air conditioning (HVAC) systems of City Hall and the City Annex to reduce the risk of indoor transmission of Coronavirus-19 and other airborne pathogens, to make the facilities safer

PROPOSED ORDINANCE 21-O-44, an ordinance appropriating Four Hundred Forty Thousand and 00\100 dollars ($440,000) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account for the Business Recovery Resiliency and Growth Program

PROPOSED ORDINANCE 21-O-45, an ordinance appropriating One Hundred Seventeen Thousand and 00\100 dollars ($117,000) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account for the Downtown Property Activation and Development Program

PROPOSED ORDINANCE 21-O-46, an ordinance appropriating Five Hundred Thousand and 00\100 dollars ($500,000) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account the Homeowner-Occupied Property Rehabilitation Program

PROPOSED ORDINANCE 21-O-47, an ordinance appropriating Two Million Seven Hundred Ninety Thousand and 00\100 dollars ($2,790,000) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account for the Workforce Housing Initiatives Program

PROPOSED ORDINANCE 21-O-48, an ordinance appropriating Nine Hundred Thousand and 00\100 dollars ($900,000) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account for the Elkhart West Business Park Expansion

PROPOSED ORDINANCE 21-O-49, an ordinance appropriating Three Hundred Twenty-Two Thousand Three Hundred and Fifty Dollars ($322,350.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account for the Elkhart Thrive Neighborhood Opportunity Hub Initiative

PROPOSED ORDINANCE 21-O-50, an ordinance appropriating Seventy-Five Hundred Thousand and 00\100 dollars ($75,000) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account for the creation of a South-Central Neighborhood Master Plan

b) Resolutions

PROPOSED RESOLUTION 21-R-61, a resolution of the Common Council of the City of Elkhart, Indiana, to recognize a Homeless Bill of Rights

c) Vacation Hearings

ALLEY VACATION PETITION 21-V-04, an alley vacation vacating the east west alley and north south roadway of 15th Street and the alley between 14th and 15th Street in the City of Elkhart, Indiana (KBT Limited Inc., petitioner)

d) Other New Business

e) Reports of Mayor, Board of Works, Board of Safety or City Departments

f) Neighborhood Association Reports

g) Privilege of the Floor

h) Scheduling of Committee Meetings
6. **Acceptance of Communications**
   Minutes of July 28, 2021 Board of Aviation Commissioners Meeting
   Minutes of August 10, 2021 Board of Public Safety Meeting
   Minutes of August 3, 2021 Board of Public Works Meeting
   Minutes of August 17, 2021 Board of Public Works Meeting
   Minutes of July 20, 2021 Park Board Meeting
   Minutes of August 3, 2021 Park Board Meeting
   Minutes of June 23, 2021 Stormwater Board Meeting
   Report of Parks Department for August 2021

7. **Adjournment**
MINUTES OF THE AD-HOC COMMITTEE MEETING OF JULY 20, 2021

Present: Ad-Hoc Committee Members: Aaron Mishler, Dwight Fish
Absent: Ad-Hoc Committee Chairman: David Henke

Councilman Fish, Member of the Ad-Hoc Committee, called the meeting to order at 6:30 p.m. in the Council Chambers at City Hall, 229 S. Second Street, Elkhart. This meeting was made available to the public via WebEx and was live-streamed on Facebook. All members of the Ad-Hoc Committee were present in Council Chambers.

The clerk called the roll.

Councilman Fish said this evening the Finance Committee will discuss:

PROPOSED ORDINANCE 21-O-29, AN ORDINANCE ESTABLISHING THE RULES BY WHICH MEMBERS OF THE COMMON COUNCIL MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

The clerk read the proposed ordinance, 21-O-29, by title only. Councilman Fish opened the floor for council discussion. There being no council discussion, Councilman Fish closed the floor and asked for a recommendation.

Councilman Mishler, seconded by Councilman Fish, moved to give a no recommendation for proposed ordinance 21-O-29 to the full council. The motion carried, by voice vote, and the Ad-Hoc Committee gave a no recommendation for proposed ordinance 21-O-29, to full council.

At 6:31 p.m., Councilman Fish, seconded by Councilman Mishler, moved for adjournment, which motion carried, by voice vote, and the meeting was adjourned.

David Henke
Ad-Hoc Committee Chairman
MINUTES OF THE FINANCE COMMITTEE MEETING OF JULY 29, 2021

Present: Finance Committee Chairman Arvis Dawson  
Finance Committee Members Tonda Hines and Brian Thomas *(replaced Mary Olson)*

Other Council Members present: Aaron Mishler, Brent Curry, Dwight Fish

Absent: None.

Councilman Dawson, Chairman of the Finance Committee, called the meeting to order at 5:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, Elkhart. This meeting was made available to the public via WebEx and was live-streamed on Facebook. Councilman Dawson and Councilman Thomas were present in Council Chambers. Councilwoman Hines was present electronically and could be both seen and heard during the meeting. Other council members present were present in Council Chambers.

The clerk called the roll.

Councilman Dawson said this evening the Finance Committee will discuss:

*Proposed Ordinance 21-O-32*

**AN ORDINANCE APPROPRIATING ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS ($1,800,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE UTILITIES & INFRASTRUCTURE ACCOUNT FOR THE N. MAIN STREET WATER REPLACEMENT PROJECT**

The clerk read the proposed ordinance, 21-O-32 by title only. Councilman Dawson opened the floor for discussion and asked Tory Irwin, City Engineer to speak on the proposed ordinance. Mr. Irwin stated this is a water main replacement project on North Main from Jackson to the St. Joe River bridge. We have two parallel water mains in that section of the road that date back to 1927, they are high on our priority list for replacement and water main infrastructure replacement is a qualifying piece of the ARPA money. There are lead service lines that will be eliminated and in addition, while we have everything torn up to get the water mains replaced and combined to one, we will be doing streetscape elements on that road as well. We will be extending the downtown Main Street feel, up north to the river.

Councilman Fish stated so the streetscape will match going north, are we going to do a road drive where we squeeze in a little bit too? Mr. Irwin stated we have not gotten that far in the design phase yet, but we will be looking at the capacity in the road, number of lanes, turn lanes, as we are going through the design. We will be examining that parking situation. There is some on street parking in locations on that part of the road and we will determine whether or not to expand the parking or keep the existing parking or do angled parking, that will all be a part of the
design process. Councilman Fish stated you will work one side and try to complete it and then move to the other side, like you are doing on South Main in 1800 block? Mr. Irwin stated I don’t know; we have not gotten to that part yet. When we reconstructed Main Street from Jackson to the Post Office, we closed sections of at a time. It is faster if we close it, it takes longer and is more convenient to people for a longer period if we do half and half, we will work through all those details when we do the design.

Councilman Thomas stated yes when you do the planning, you will either have to do one half or sections because there are some very viable businesses. Mr. Irwin stated we will make sure we are accommodating any of the existing businesses in that area and we realize that on the other section of Main Street they had access on the back end, but on this section there is businesses on the east end, that don’t have access on the back end because of the river. Councilman Thomas stated do you have a ballpark figure on when this might happen? Mr. Irwin stated if all goes well and the council appropriates the money, I would like to get the design under way immediately and hopefully we will be in construction next summer and be done ideally by next construction season. Right now we are estimating at $1.8 Million, we have not done the design yet so I can’t promise that will be the hard number but that is where we are at right now. If inflation continues the way it is, I may be back up here next year.

Councilman Mishler stated I know this and the Jackson and Johnson street, both of those are pretty major thoroughfares in downtown and I just worry about the impact on our downtown having two major ways into downtown impacted, will they be happening at the same time or will they be staggered at all? Mr. Irwin stated we will be coordinating the projects so they will not be happening at the same time and we are not taking the two main bridges out of service out of the downtown area. So that is certainly something we are cognizant of.

There being no further council discussion, Councilman Dawson asked for a recommendation for the full council. Councilwoman Hines, seconded by Councilman Thomas, moved to give a do pass recommendation for proposed ordinance 21-O-32 to the full council. The vote was as follows: Ayes: Thomas, Hines, Dawson. Nays: None. The motion carried unanimously, 3-0, and a do pass recommendation was given to the full council for proposed ordinance 21-O-32.

PROPOSED ORDINANCE 21-O-33, AN ORDINANCE APPROPRIATING ONE MILLION DOLLARS ($1,000,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE UTILITIES & INFRASTRUCTURE ACCOUNT FOR THE JACKSON & JOHNSON WATER MAIN REPLACEMENT & SIGNAL PROJECT

The clerk read the proposed ordinance, 21-O-32, by title only. Councilman Dawson opened the floor for council discussion and asked Mr. Irwin to speak on the proposed ordinance. Mr. Irwin stated we have a business on Prairie Street, south of Jackson, there is a realtor’s building there, they are kind of on an island to themselves, across the street is Yorkwoods and behind the building is the railroad tracks. Unfortunately, they do not have access to public water and they have been asking us for years to get them water. We attempted to get them water as a part of the River District infrastructure but when you approach the railroad to do a crossing underneath the railroad, it comes with a yearly fee so we were not willing to do that. The ARPA
money has afforded us the opportunity to extend water to this one business on Prairie as a part of the public health need. They don’t have access to the water system within the Yorkwoods complex, that is all private and we do not have access to get water across the street to them. As a part of this project to extend water to them and because we have to get into the intersection, we are going to replace that signal as well. The signal is forty years old or so, we are going to modernize it and it is the busiest intersection that the City of Elkhart has to maintain. We are going to put in the new signals similar to what is on Main Street and Jackson now and that is what this project entails.

Councilman Thomas stated it is only going to that one business on the west side and up to La Esperanza and behind, there is no other developable land? Mr. Irwin stated yes it is the one business on the west side, and no there is not. I don’t know what would develop there, it certainly could redevelop. Councilman Thomas stated it doesn’t affect Martin’s or the apartments? Mr. Irwin stated no. Councilman Thomas stated can Yorkwoods connect if they wanted to? Mr. Irwin stated they already have their own system for water. Councilman Thomas stated so they have no interest? Mr. Irwin stated no, it is a difficult site to get water to and that is why they don’t have water now.

Councilman Dawson asked what is the cost for us to run water to that business? Mr. Irwin stated the majority of this cost is going to be the traffic signal and that portion of this project is about $800,000.00 and the other piece of it is to run the water. The water does provide fire protection for the property as well, they currently don’t have water protection without running a hose across the street or across the tracks to the Martin’s site. Councilman Dawson stated they have been there a long time and they have gone without water a long time and while this may seem like a lot of money, I’m sure they have paid that much in taxes. Mr. Irwin stated yes unfortunately sometimes we provide water because of a public health initiative and not because it’s something that we break even on. Councilman Dawson stated it is the right thing to do.

Councilman Fish stated what will the road end up being, will it be asphalted? Mr. Irwin stated we have not looked at the material yet but it will probably be asphalt. Councilman Fish stated the first one we discussed is $1.8 and this one is $800,000.00 a part, but it looks like they are almost the same type of project, so am I not seeing the whole picture? Mr. Irwin stated no, this one involves a major signal replacement. That is the vast majority of this project. Councilman Fish stated when you are getting water pipe laid down through there, you don’t have to be so extensive in terms of the construction? Mr. Irwin stated Main Street is a much larger project involving the water main and storm sewer and streetscape elements. This project we are just going to remove whatever portion of trenching that we need to do to put the water main in and then we will restore that.

Councilman Curry stated I agree this is a very busy intersection and I think we have it right, right now as far as the timing of the light, so I just want to make sure we keep that timing because if you are heading south on Prairie and making a left to go east on Jackson, you can have 20-25 cars there and everyone can get through on that arrow and it does keep the traffic flowing so you are not backed up across the bridge. Mr. Irwin stated yes, there is no plan to change the timing of the signal.
There being no further discussion, Councilman Dawson asked for a recommendation on proposed ordinance 21-O-33. Councilman Thomas, seconded by Councilwoman Hines, moved to give a do pass recommendation to the full council. The vote was as follows: Ayes: Thomas, Hines and Dawson. Nays: None. The motion carried unanimously, 3-0, and a do pass recommendation was given to the full council for proposed ordinance 21-O-33.

At 5:30 p.m. Councilman Thomas, seconded by Councilwoman Hines, moved for adjournment, which motion carried unanimously by voice vote and the meeting was adjourned.

Arvis Dawson
Finance Committee Chairman
MINUTES OF THE REGULAR COMMON COUNCIL MEETING
OF AUGUST 2, 2021

Present: Council President Brent Curry (arrived late)
Council Members Kevin Bullard, Brian Thomas, Aaron Mishler, Arvis Dawson,
Dwight Fish, Tonda Hines and David Henke

Absent: Council Member Mary Olson

This meeting was made available to the public electronically through WebEx and live-
streamed on Facebook. Council Members Kevin Bullard, Brian Thomas, Aaron Mishler, Arvis
Dawson, Dwight Fish, Tonda Hines, David Henke and Brent Curry were present in Council
Chambers. No council members were present remotely.

Vice President Dawson called the meeting to order at 7:00 p.m. in the Council Chambers
at City Hall, 229 S. Second Street, in Elkhart.

Councilman Mishler led the assembly in the Pledge of Allegiance, and Vice President
Dawson asked for a moment of silent reflection.

The clerk called the roll.

Minutes for Approval

Minutes of the Finance Committee of-the-Whole Meeting of June 14, 2021
Minutes of June 21, 2021 Common Council Meeting
Minutes of June 24, 2021 Special Call Common Council Meeting
Minutes of the Finance Committee of-the-Whole Meeting of July 26, 2021

Councilwoman Hines, seconded by Councilman Fish, moved to approve the minutes of
the June 14, 2021 Finance Committee of-the-Whole meeting, which motion carried by voice
vote and the minutes were approved.

Councilman Mishler, seconded by Councilman Fish, moved to approve the minutes of
the June 21, 2021 Common Council Meeting, which motion carried by voice vote and the
minutes were approved.

Councilman Fish, seconded by Councilman Mishler, moved to approve the minutes of
the June 24th, 2021 Special Call Common Council Meeting, which motion carried by voice
vote and the minutes were approved.

Councilwoman Hines, seconded by Councilman Fish, moved to approve the minutes of
the July 26, 2021 Finance Committee of-the-Whole Meeting, which motion carried by voice
vote and the minutes were approved.

Presentations and Introductions

Dr. Bethany Wait, Elkhart County Health Director, was going to give a presentation
regarding an update about COVID. The council allowed her time to get set-up and moved on to Committee Reports.

There were no other presentations or introductions.

**UNFINISHED BUSINESS**

**Reports of Council Committees**

Vice President Dawson stated the Finance Committee met and we approved proposed ordinance 21-O-32 and it was a given a do-pass recommendation, 21-O-33 was given a do pass recommendation and proposed resolution 21-R-54 was also given a do pass recommendation.

Councilman Mishler reported that the Ad-Hoc Committee met to discuss proposed ordinance 21-O-29 and gave a no recommendation to the full council.

Due to technological issues, Councilman Henke, seconded by Councilman Fish, **moved to amend the agenda to move Dr. Wait’s presentation to the end of the agenda.** The motion carried, by voice vote, and the agenda was amended.

**Ordinances on Second-Third Reading**

**Ordinance # 5857**

**AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE “PARK SIX PUD” (ELKHART COUNTY ORDINANCE NOS. 85-35 AND 88-35) TO AMEND PARK SIX PUD BY CHANGING THE UNDERLYING STANDARDS FROM M-1, LIMITED MANUFACTURING TO B-3, SERVICE BUSINESS DISTRICT**

The clerk read the proposed ordinance, 21-O-34, by title only. Councilman Fish, seconded by Councilwoman Hines, **moved to pass the proposed ordinance on second reading.** Vice President Dawson opened the floor for council discussion and there being none, Vice President Dawson opened the floor for public comment. There being no public comment, Vice President Dawson returned the discussion to the council. Councilman Fish asked for an explanation of the project. Brian Holt, representative for the company, stated the former I.O.I building is going to be used as a suite to build service and we are going to bring in tenants and some primary tenants they are going to bring in off the bat is Serenity Home Medical and they are also going to offer a wellness center there as well.

Councilman Bullard stated that will be on the north side of County Road 6 and traffic from that facility, that will be unloading onto County Road 6? Mr. Holt stated yes it will be. Councilman Bullard stated that is right in the area where we had concerns of the Dollar General being unloaded onto County Road 6. Mr. Holt stated Park Six Drive enters right in front of Walter Piano. The organization will be reducing the traffic that was there with I.O.I. There will be less employees and a lot less traffic coming in and out, somewhere in the neighborhood of 200-250 ins and outs per day.
Councilman Henke stated so it's across from Walter Piano or next door to Walter Piano? Mr. Holt stated at the street that enters the facility, it goes into the industrial park which is the Park Six industrial park. Councilman Henke stated I know that Walter Piano has two entryways. Mr. Holt stated so Walter Piano is on the south side of County Road 6, this is on the north side of County Road 6. Councilman Henke stated so 200-250 entries and no new curb cuts or anything of that nature? Mr. Holt stated no. Our estimates for I.O.I was roughly 470-500 ins and outs per day, so we estimated half of their staff would go to lunch, then number of employees there and their clients. We don't have that specific number because they are no longer in business. Based on our calculations of what our five-year business plan would be, it will take us to roughly 250 ins and outs per day. Councilman Henke stated who is the primary owner of the property? Mr. Holt stated Malik Enterprises. Councilman Henke stated and this will be a home care DME? Mr. Holt stated one of the clients will be homecare DME. Councilman Henke stated I think it is a purposeful use from where we are. M-1 to B-3 is an appropriate use for that area when there is much residential around. Mr. Holt stated and we will be matching the other businesses on Park Court Drive, we have a church on the west side of the church as you enter, there are three businesses coming into the facility.

Councilman Fish stated that is an intersection that, I have called about. A few businesses have called me and I think we will need to do a traffic study there. I had a brief conversation with Tory about it and I sent him an email about the intersection. Without a light there we will have to look at a traffic study and that area is really building up and we want to keep everyone safe and happy. Mr. Holt stated we are about halfway between County Road 11 and County Road 9, equal distance between both and there are traffic lights at those roads.

There being no other council discussion, Vice President Dawson opened the floor for public comment. There being no comments from the public, Vice President Dawson returned the discussion to the council. There being no further discussion from the council, Vice President Dawson called for the vote on the passage of the ordinance on second reading and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, Henke, and Curry. Nays: None. The motion carried, 8-0, and the ordinance was passed on second reading.

Councilman Henke, seconded by Councilwoman Hines, moved to adopt the proposed ordinance on third reading. The clerk read the proposed ordinance, 21-O-34, by title only and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines and Henke. Nays: None. The motion carried, 7-0, and the ordinance was adopted.

Ordinance # 5858

AN ORDINANCE APPROPRIATING THIRTY-FIVE THOUSAND DOLLARS ($35,000.00) FROM ELKHART ENVIRONMENTAL CENTER FUND TO THE REPAIRS AND MAINENTANCE ACCOUNT

The clerk read the proposed ordinance, 21-O-35, by title only. Councilman Fish, seconded by Councilman Mishler, moved to pass the proposed ordinance on second reading. Vice President Dawson opened the floor for council discussion and Councilman Henke stated the
concern I had the last time was the age of the piece of equipment and it was around five years old or so and it was very expensive but inappropriate for that particular use and I am concerned about who made the decisions in that matter and use of taxpayer money. We should have a repair history of record for all of these assets, especially something of $35,000.00, we should know it’s warranty and its ups and downs and special uses. If this was not the right piece of equipment and we are replacing it so early, I would hope we have done a little more investigation of this. Can someone speak to that?

Jeff Zavatsky, supervisor of the Elkhart Environmental Center, stated the age of the main HVAC system is 15 years old and it has been acting up for some time and I do know my predecessor was already exploring a replacement for that unit. We also have as secondary unit there which is a split system to help supplement the main room which is a two-story with large windows and it tends to get hotter. We had been using that smaller system to really function as the main unit and the goal was to put it in the budget for this year and unfortunately it didn’t make it. The secondary system for that unit is six years old. Councilman Henke stated so 15 years not necessary old, so what was it about that unit that failed? Mr. Zavatsky stated the unit is a geo-thermal unit and the type of system was an open system so water was pumped into that system and gravity fed out and at the time, this unit is 15 years old, that was the most economical way of fueling because there are no gas lines that run down that road. Unfortunately, the water quality that we have out here, such as hard water and rust in the water, really created a lot of maintenance for the system, as far as plugging up with rust. Essentially it should have been a closed system on the install and the replacement will not be a geo-thermal unit. The cost to replace that with a geo-thermal and what we would need to do would be around $40,000.00, as far as the unit and the price to just drill for a closed system would be $30-35,000.00 not including the unit. Councilman Henke stated the only thing I would ask is how long has this thing been a repair problem because it sounded, from the report I was given, is that this has been a repair nightmare and has been ongoing for years and at some point the cost-benefit would have said we should have replaced it but somewhere in there it did not make budget and now here we are. Mr. Zavatsky stated at the time, Public Works, their maintenance, they were familiar with it and though retirement and new employees coming in, they did not know how to service it so the maintenance cost did go up.

Councilman Mishler stated I think it is important that we get this fixed because I fear, and the potential liability issues for the city if it were to fail completely, is to have workers as well as visitors who could come down with heat related injuries and this is a much smaller price than the city could potentially face from something like that.

There being no further council discussion, Vice President Dawson called for the vote on the passage of the ordinance on second reading. The vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines and Henke. Nays: None. The motion carried, 7-0, and the ordinance was passed on second reading.

Councilwoman Hines, seconded by Councilman Mishler, moved to adopt the proposed ordinance on third reading. The clerk read the proposed ordinance, 21-O-35, by title only and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines and Henke. Nays: None. The motion carried, 7-0, and the ordinance was adopted.

At 7:19 p.m., President Curry entered council chambers.
Ordinances and Resolutions Referred to Committees:

Proposed Ordinance 21-O-29

AN ORDINANCE ESTABLISHING THE RULES BY WHICH MEMBERS OF THE COMMON COUNCIL MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

The clerk read the proposed ordinance, 21-O-29, by title only. Councilman Henke, seconded by Councilwoman Hines, moved to pass the proposed ordinance on second reading. Vice President Dawson opened the floor for council discussion and Councilman Henke stated we have been back and forth a little bit, but I want to make sure that I understand. What we are attempting here, I believe we said the governor has an emergency order which has allowed electronic means but if he takes away that emergency status, we go back to the original council rules, which does not necessarily include electronic means or virtual. John Espar, Corporation Counsel, stated the governor’s orders does not speak to, any longer, the ability of this council or any other municipal body to hold or participate in a meeting by means of electronic participation. The new statute that was passed in the last legislative session, created the opportunity for this body and other municipal bodies, for members to participate by electronic means. The fact that we are in an emergency declaration, even still, activates a different provision of the statute. Once the emergency ends, the new law has authorized this body to pass a policy or in your case, an ordinance, to authorize its members to participate by electronic means, so that is what your ordinance is doing, is creating a law. Councilman Henke stated electronic means or in person, but it also speaks to attendance, does it not? Mr. Espar stated yes, in multiple different aspects. Councilman Henke stated so the most limiting factoring would be 50%? Mr. Espar stated there must at all times be at least 50% participating in person in a non-emergency setting. Councilman Henke stated so if it is 50% in person, what does that mean overall participation in person and electronically, is there a provision? Mr. Espar stated yes, if we are speaking to a non-emergency time, 50% of the council would have to be present and in person, the minority in the council or the remaining four could elect to participate by electronic means. Further restriction upon individual participation is the limitation that a member may not participate by electronic means, more than twice, consecutively, and no more frequently than half of the meetings of the council. Councilman Henke stated are you also saying that 50% or more of the council must be present, non-virtual or non-electronic, in order for the meeting to be legal? Mr. Espar stated in a non-emergency time. Currently, we are in an emergency and therefore that requirement does not apply. Councilman Henke stated if this does not pass, what does it allow the council to do without this rule in play? What are the rules of attendance do they revert back to the original rule of this council? Mr. Espar stated the council would have to take some form of action in order to embrace the new opportunities that the new state law has given its members to participate by electronic means. You have already done that when, by resolution, you adopted a policy that speaks to the same requirements that follow the state law. Councilman Henke stated I just want to be careful because we have had one or more council people that have had COVID, for example, and were hospitalized for a length of time, greater than three meetings, offline. So if they could not participate, the penalty of not, what happens, what is the sanction in that particular case? Mr. Espar stated in a non-emergency time there is no sanction, ultimately it is left to the democratic process when a member is unable to participate. The statute, the ordinance before
you, the previous policy you adopted, all authorize when a member is under a disabling condition that prevents attendance, that is the exception to the two consecutive meeting rule.

Councilman Bullard stated just to piggy back on this, council might want to look at setting a policy about the public participation. I know we have a couple different means, such as WebEx and Facebook and I know on Facebook we get caught up in answering questions and sometimes on Facebook people get confused that those answers are coming from the council, when they are coming from the administration, but we may want to come up with a policy so there is not confusion.

Vice President Dawson asked is there a timeline for us to pass the ordinance? I was hoping the Ad-Hoc Committee would take time to go through our council rules and adjust them for us, as opposed to the state, since we already passed the resolution. We want to ensure that any elected official cannot be removed unjustly, without cause and we want to ensure that through our council rules. This ordinance actually duplicates the resolution what we passed, do we want this cookie cutter or do we want to make it fit the Elkhart Common Council?

Councilman Henke stated the ruling, this is more of an understanding, more resolution because if it does not have sanctions, it is still up to ⅓ board. We could not really do a whole lot to an elected official because state rules of party would be precedent. I get that what we are trying to use here is a tool and we encourage the participation, we want this active group, but if there are no sanctions, that gets into muddy water and I would not want muddy water one way or another, I do think it gives the tone of what is looked for but it doesn’t have any teeth or sanction.

Vice President Dawson stated I guess what I am looking for is do we want to pass this or do we want to put this back in committee and discuss the things you are talking about and make it to fit us, not just cookie cutter?

Councilman Fish stated these questions at each end of the circle almost make it necessary to revisit and that way we can tie in these questions.

Following discussion, Vice President Dawson placed proposed ordinance 21-O-29 back into committee.

Ordinance # 5859

AN ORDINANCE APPROPRIATING ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS ($1,800,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS TO THE UTILITIES & INFRASTRUCTURE ACCOUNT FOR THE N. MAIN STREET WATER REPLACEMENT PROJECT

The clerk read the proposed ordinance, 21-O-32, by title only. President Curry, seconded by Councilman Henke, moved to pass the proposed ordinance on second reading. Vice President Dawson opened the floor for council discussion and Councilman Henke stated I thought the administration did a good job at explaining this piece and it is a purposeful use of money and reduces our current overlapping budget.

There being no other council discussion, Vice President Dawson opened the floor for
public comment. There being no comments from the public, Vice President Dawson returned the discussion to the council. There being no further council discussion, Vice President Dawson called for the vote on the passage of the ordinance on second reading and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, Henke and Curry. Nays: None. The motion carried, 8-0, and the ordinance was passed on second reading.

Councilman Thomas, seconded by Councilman Fish, moved to adopt the proposed ordinance on third reading. The clerk read the proposed ordinance, 21-O-32, by title only and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, Henke and Curry. Nays: None. The motion carried, 8-0, and the ordinance was adopted.

Ordinance # 5860

AN ORDINANCE APPROPRIATING ONE MILLION DOLLARS ($1,000,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE UTILITES & INFRASTRUCTURE ACCOUNT FOR THE JACKSON & JOHNSON WATER MAIN REPLACEMENT AND SIGNAL PROJECT

The clerk read the proposed ordinance, 21-O-33, by title only. Councilwoman Hines, seconded by President Curry, moved to pass the proposed ordinance on second reading. Vice President Dawson opened the floor for council discussion and there being none, Vice President Dawson opened the floor for public comment and there being none, he returned the discussion to the council. There being no further discussion from the council, Vice President Dawson called for the vote on the passage of the ordinance on second reading and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, Henke and Curry. Nays: None. The motion carried, 8-0, and the ordinance was adopted.

Councilman Henke, seconded by Councilman Fish, moved to adopt the proposed ordinance on third reading. The clerk read the proposed ordinance, 21-O-33, by title only and the vote was as follows: Ayes: Buillard, Thomas, Mishler, Dawson, Fish, Hines, Henke and Curry. Nays: None. The motion carried, 8-0, and the ordinance was adopted.

Resolution # R-53-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA AUTHORIZING A FORGIVABLE LOAN FROM THE CITY OF ELKHART ECONOMIC DEVELOPMENT REVOLVING FUND TO TOLSON CENTER, INC., APPROVING THE TRANSFER OF CERTAIN PROPERTY FROM THE CITY OF ELKHART TO TOLSON CENTER, INC., APPROVING A FORM OF SUBLEASE BETWEEN THE CITY OF ELKHART REDEVELOPMENT COMMISSION AND THE CITY OF ELKHART BUILDING CORPORATION, PLEDGING REVENUES TO THE PAYMENT OF RENTALS THEREUNDER AND CERTAIN RELATED MATTERS

The clerk read the proposed resolution, 21-R-54, by title only. Councilwoman Hines, seconded by Councilman Fish, moved to adopt the proposed resolution. Vice President Dawson opened the floor for council discussion and Vice President Dawson invited the Mayor to speak.
Rod Roberson, Mayor, stated after several years, we have had many people working hard to put a resolution in front of you that does reimagine the Tolson Center from something that it was, to something that many people are going to, not just love seeing, but the participation from the community as well as the City at large, will definitely appreciate. There are many behind me that support this resolution and I know it has been through multiple different layers of committees, park board, Board of Works, Redevelopment Commission and the council. We are now ready for passage and I hope that you will consider it.

Councilwoman Hines stated thank you Mayor Rod and your team, thank you to the community and to the Tolson Board, this is just a long time over due and it has been a marathon and we are entering a new marathon, we don’t know what we don’t know but together this is going to be another huge investment to this community at large and those that currently use the center and those that will use the center and I hope that my fellow councilmen will join me in passage of this resolution.

Councilman Bullard stated this is a lot of money that we are appropriating and that is the main concern I get from people. It is not just for the Tolson Center, it will be for the neighborhood, the businesses around there. Councilman Bullard asked Lavon Johnson, from the Chamber of Commerce, how he thinks this will affect the businesses and what is going on there and to speak on that if he would. Councilman Bullard stated this is going to be exciting for this neighborhood and for all of these people that have put in their time and efforts.

Following council discussion, Vice President Dawson, opened the floor for public comment. Cyneatha Millsaps, Chair of the Tolson Board, stated thank you for all the work you have done in taking a good look at this and working with us, we worked really hard on the matrix and we have what you guys need and we want this to continue. The new Tolson Center for Community Excellence is for the entire city of Elkhart, so if we all stand with this together, this may be one thing that we can all say that this City did, we did well, and we did it together.

Perry Kirkendoll, Oakland Avenue, stated I also want to thank the council, the City, the Mayor, and everybody from Elkhart who participated to get this money for this particular unit out there. This is one of the better things that Elkhart has ever done so I really appreciate this.

There being no other comments from the public, Vice President Dawson returned the discussion to the council. Councilman Fish stated all eyes have been on this for a long time and I have been involved with it for decades as a volunteer and a councilman so I am hoping that we can get this passed and embrace the idea of what we have worked together as an executive committee and the greater community at large. We have answered a lot of questions and covered a lot of ground that contains a lot of passion and this is where we are restarting a Tolson Center that will continue to change lives and we have gotten to a certain point and the people that are on the committee that have expressed the love and the generosity that Tolson has given them, I am hoping that it is unanimous, but I am proud this is in the fourth district and I am proud that this is moving forward.

Councilman Henke stated no it won’t be unanimous, there are 54,000 people in the City of Elkhart that look for services, things of need or want, either way. I look at it from a financial point of view and I think this is very emotionally driven. It was sold emotionally through the
Community Foundation, they put in less than the City’s initial investment and stepped away from operational overhead and left that to the taxpayers of Elkhart. We are getting ready to pass this thing and there is no financial plan. We know it’s costs, we just don’t know operationally what it is going to cost, we don’t know how many people are going to intend, we don’t know any outcomes and frankly we have not seen measures put in place, I have asked for them. The expectation of performance and a plan for transition is not in place and yet this administration and council members are emotionally driven to push this through. Never ever has the City spent this volume of taxpayer money without a substantial performance measures and obligations of performance. Never ever has the city relinquished total control and ownership of a $12 Million Dollar funded taxpayer asset. Never ever has the city pushed a social political agenda that burdens the taxpayer for ten years at $700,000.00 a year without any ownership or control of the asset. I am saying that never ever was purposeful because we are donating dollars beyond and we don’t own it or control it, but we are using taxpayer dollars obligating them for the next ten years and it is concerning when this conversion and that one of vacation days for vaccinations, also questioned by IACT financial and legal team, is now becoming a new normal. We are in waters of internal control and we are pushing the boarders if we have not crossed it. Don’t appreciate that at all. $12 Million Dollars, we are talking about investments in different sectors of the City and $12 Million Dollars and giving away control. $12 Million Dollars, so if we had 1,000 kids attending a year, that’s $3,000.00 a child. If half of that, 500, that’s $6,000.00 a year per child, we can either fund their further education or we can fund Tolson and take all the risks therein. I can’t support this from a financial perspective. I appreciate the emotion in trying to do the right thing for students, kids, community, I got that. I was there and supported the $5 Million Dollar investment, I was even there when we pushed the operational funding, but when we push to give the asset away and take the taxpayer money with it, I am not there at all.

Following discussion, Vice President Dawson called for the vote on the adoption of the resolution. The vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, and Curry. Nays: Henke. The motion carried, 7-1, and the resolution was adopted.

At this point, President Curry took over to chair the meeting.

Tabled Ordinances and Resolutions

Resolution # R-54-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, DETERMINING WHETHER TREDIT TIRE & WHEEL COMPANY, INC. HAS MADE REASONABLE EFFORTS TO SUBSTANTIALLY COMPLY WITH ITS STATEMENT OF BENEFITS

The clerk read the proposed resolution, 21-R-50, by title only. Councilman Dawson, seconded by Councilman Mishler, moved to remove the proposed resolution from the table, which motion carried by voice vote and the proposed resolution was removed from the table. Councilman Dawson, seconded by Councilman Mishler, moved to substitute proposed resolution 21-R-50, with a new proposed resolution 21-R-50, which motion carried by voice vote and the resolution was substituted.
The clerk read the new proposed resolution, 21-R-50, by title only. Councilwoman Hines, seconded by Councilman Fish, **moved to adopt the proposed resolution.** President Curry opened the floor for council discussion and Dayna Bennett, Director of Economic Development, stated when we were doing the CF-1 review process, we learned that Tredit Tire had not met the 95% compliance process of the commitment they made at the time the tax abatement was granted. Jen Sailor, from Tredit, shared with us some challenges the company experienced in receiving the equipment they wanted largely due to supplier challenges related to COVID. At that time, she felt the investment they had committed to, she felt they would be able to complete by 12/31/2021. The council pursued the option of amending the ERA expiration date and that is the timeframe for which the company can expend the dollars related to the tax abatement, so the council opted at that time to consider amending the ERA date and allowing for the completion of that investment, instead of finding them not compliant.

Councilman Henke stated the extension of the ERA date would allow you to fulfill the original obligations of compliance and you would meet the 95% threshold therein? Jen Sailor, Tredit Tire, stated absolutely. Councilman Henke stated the length of extension was? Ms. Sailor stated 12 months. The original abatement was five years and the time frame was 2 months, this would make it a three month within the five years. Councilman Henke stated that sounds appropriate. So this would be compliance in all three categories, real, personal and employment? Ms. Sailor stated correct and we are on target for employment.

Councilman Bullard stated if I remember the last time you were up here, the first thing she did was admitted that they didn’t make it and they knew where they were weak and I appreciate you making the efforts to fix it and I am very confident that you will make it on this extension.

There being no other council discussion, President Curry opened the floor for public comment. Ms. Bennett stated the equipment investment they are committed to; this ERA extends to 12/31/2021 and allows for them to make that investment. There is a technical issue because the MOA and the rules related to the abatement, requires that the equipment is installed by the ERA expiration date. In my conversation with Jen, she shared that while the payments will be done by 12/31/2021, the installation will likely not happen until April.

Councilman Dawson stated I think she shared that with us the last time. Ms. Sailor stated I may have because the conveyors are on back order so we can’t finish the install, it should be here, it just may not be all fully installed. Ms. Bennett stated probably the reason for the rule is you don’t want someone to spend it on equipment but it goes somewhere else so we never see the tax benefit from the equipment being installed here. Typically, you will see that in the legal language to have it installed.

Councilman Fish stated will all respect with the taxpayers here, I want to make sure we are massaging this into a different form or process with time changes, etc. The taxpayers want to make sure we don’t run into any missteps along the way because you are committing to a timeframe, we are accepting a timeframe based on our vote and I want to make sure that if you get to a point where it is not going to happen because we have got a flare up of COVID and it might interfere with that international shipment, be very proactive in this and let us know if something is not going to happen on your end.
Councilman Mishler stated I have a concern that if this is a rule and we extend this for Tredit and set the precedent that says we are okay with bending the rule this time, who is to say we would not do it again and again. If the rule is set that it has to be in and installed at a certain date, then the rule says it has to be in and installed at a certain date and if we bend that, then I just worry that future situations with abatement will say look back at this and say, why did you give them this and not us?

Councilman Henke stated in looking at the rules and to Aaron’s point, and it’s a good point, we need to state this exception by COVID pandemic which is a worldwide pandemic. I think there should be some form of understanding on the record and it should be singular in itself as we have not done this before. I would hope we all agree to that inclusion of verbiage. There is a point of precedence for us that quite often, we have not looked to see if the equipment is functional, we have not looked to see that it was fully installed, but we have asked the question and gone out to see if it is on site, because if you have that level of equipment delivered, the presumption would be that’s its destination. I would hope that a delivery receipt, something could be provided to Dayna to put in the packet that says yes, on this date, this equipment was delivered. I get that it may not be fully installed, but just because it is put together does not mean it is programmed yet, that is a pretty gray area. I would also say on your next year of review, whether we do a tour or have pictures, but that everything was operational or installed on this date, something has to follow up to Aaron’s point.

Ms. Bennett stated I can offer another suggestion, instead of extending the ERA to 12/31/2021, you can extend to April 30, 2022 and that way you don’t have to worry about what you just talked about. Councilman Henke stated are we in a position to extend the ERA in this action? Mr. Espar stated you are in that position and the authority to extend that ERA and in fact, I think the sounder decision would be to extend to April if you are inclined to grant that additional time, that you make it a matter of record. I would be concerned that failing to have it installed and in service by the time the economic revitalization area expires would foreclose the opportunity for the business to claim the deduction. Councilman Henke stated but as a follow-up, we are on resolution 21-R-50 and that is to determine whether Tredit Tire and Wheel Company has made reasonable efforts, so we would not have to go back to the prior resolution to extend the ERA. Where did we extend the ERA originally? Mr. Espar stated you are doing it in this resolution. The clerk clarified that it was in the resolution and that resolution is a combination of the extension and the compliance. Mr. Espar stated you would need to receive an amendment to the resolution as it is currently drafted to substitute April 30, 2022 for December 31, 2021, if you are so inclined.

Councilman Henke, seconded by Councilwoman Hines, moved to amend the resolution on page one to change the date from December 31, 2021 to April 30, 2022. The motion carried, by voice vote, and the resolution was amended.

Councilman Dawson, seconded by Councilman Fish, moved to pass the resolution as amended.

President Curry called for the vote on the adoption of the resolution. The clerk stated for the record, the resolution needs to be amended on page three in the second sentence to change the date to April 30, 2022. Councilman Henke, seconded by Councilman Dawson, moved to
amend the resolution on page three to change the date to April 30, 2022, which motion carried, by voice vote, and the resolution was amended.

Following the amendment, the clerk called for the vote on the adoption of the resolution and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, Henke and Curry. Nays: None. The motion carried, 8-0, and the resolution was adopted as amended.

NEW BUSINESS

Ordinances on First Reading

Proposed Ordinance 21-O-36

AN ORDINANCE APPROPRIATING FIVE HUNDRED THOUSAND AND 00\100 DOLLARS ($500,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE PUBLIC HEALTH RESPONSE ACCOUNT FOR THE PUBLIC INFORMATION CAMPAIGN SURROUNDING THE COVID-19 PANDEMIC

The clerk read the proposed ordinance, 21-O-36, by title only. President Curry passed the ordinance on from first reading to second reading.

Proposed Ordinance 21-O-37

AN ORDINANCE AMENDING § 153.75 OF THE CODE OF ORDINANCES OF THE CITY OF ELKHART, INDIANA TO ADD CIGAR BARS AS AN EXEMPTION TO THE PROHIBITION OF SMOKING IN PUBLIC PLACES AS PERMITTED UNDER INDIANA STATE LAW

The clerk read the proposed ordinance, 21-O-37, by title only. President Curry stated he will place the proposed ordinance in the Public Health & Safety Committee. Councilman Dawson asked if that could be of-the-whole and President Curry stated yes, and placed the ordinance in the Public Health & Safety Committee of-the-Whole.

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Resolutions

Resolution # R-55-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, CONFIRMING RESOLUTION NO. R-52-21, WHICH DECLARED A CERTAIN AREA IN THE CITY OF ELKHART TO BE AN ECONOMIC REVITALIZATION AREA FOR THE PURPOSE OF GRANTING TAX PHASE-IN BENEFITS TO AMERICAN TECHNOLOGY COMPONENTS, INCORPORATED (ATC)\1127 MILES AVE., LLC

The clerk read the proposed resolution, 21-R-55, by title only. Councilman Dawson, seconded by Councilman Fish, moved to adopt the proposed resolution. President Curry opened the floor for council discussion and there being none, President Curry opened the floor for public comment.

There being no comments from the public, President Curry returned the discussion to the council. There being no discussion from the council, President Curry called for the vote on the adoption of the resolution and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, Henke and Curry. Nays: None. The motion carried, 8-0, and the resolution was adopted.

Resolution # R-56-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, TO APPROVE TWO MEMORANDA OF AGREEMENTS BETWEEN THE CITY OF ELKHART AND AMERICAN TECHNOLOGY COMPONENTS, INCORPORATED (ATC)\1127 MILES AVE., LLC

The clerk read the proposed resolution, 21-R-57, by title only. Councilman Thomas, seconded by Councilman Dawson, moved to adopt the proposed resolution. President Curry opened the floor for council discussion and Councilman Thomas stated has anything changed from the announcement at the last meeting. Ms. Bennett stated no, there have been no changes. Councilman Thomas stated I know they are working on the sewer problem in the area so was that addressed in the memorandums or is that over and above? Ms. Bennett stated I believe that is separate. Councilman Thomas stated don’t they have to hook into a new sewer line at the old Miles Property? Tory Irwin, City Engineer, stated there is a lot of old utility lines on the Bayer site that were a part of the Miles property and we are not sure on what is there, but anything new would need to hook into the lines that are clearly public. Councilman Thomas stated and that is an issue over and above their abatement process? Mr. Irwin stated they would hook into that and it will all be processed during the tech review process.

There being no other council discussion, President Curry opened the floor for public discussion. There being no comments from the public, President Curry returned the discussion back to the council. There being no further discussion from the council, President Curry called for the vote on the adoption of the resolution and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, Henke and Curry. Nays: None. The motion carried, 8-0, and the resolution as adopted.
Resolution # R-57-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, CONFIRMING RESOLUTION NO. R-51-21, WHICH DECLARED A CERTAIN AREA IN THE CITY OF ELKHART TO BE AN ECONOMIC REVITALIZATION AREA FOR THE PURPOSE OF GRANTING TAX PHASE-IN BENEFITS TO FLEXIBLE CONCEPTS, INC.

The clerk read the proposed resolution, 21-R-58, by title only. Councilman Dawson, seconded by Councilman Fish, moved to adopt the proposed resolution. President Curry opened the floor for council discussion and there being none, he opened the floor for public comment.

There being no comments from the public, President Curry returned the discussion to the council. There being no further comments from the council, President Curry called for the vote on the adoption of the resolution and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, Henke and Curry. Nays: None. The motion carried, 8-0, and the resolution was adopted.

Resolution # R-58-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, TO APPROVE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF ELKHART AND FLEXIBLE CONCEPTS, INC.

The clerk read the proposed resolution, 21-R-59, by title only. Councilman Dawson, seconded by Councilman Fish, moved to adopt the proposed resolution. President Curry opened the floor for council discussion and there being none, he opened the floor for public comment.

There being no comments from the public, President Curry returned the discussion to the council. There being no further discussion from the council, President Curry called for the vote on the adoption of the resolution. The vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, Henke and Curry. Nays: None. The motion carried, 8-0, and the resolution was adopted.

Vacation Hearings

There were no vacation hearings.

Other New Business

Dr. Bethany Wait, Director of Elkhart County Department, gave a presentation and a county update regarding COVID-19.
Councilman Thomas stated are we receiving any income from the scooters? None, someone is shaking their head no. Signs went up in the downtown area that added the wording, no scooters on the sidewalk, so we paid for the signs but we have received no income from the scooters? So they create a problem and we have to throw money at it to help combat it? Mayor Roberson stated yes, but I may defer to Corrine, she can speak to it. Let me just say this, there are many of our communities in Indiana, and we have about 35 Mayors that meet on a regular basis and when I asked the question about scooters, 25 of them raised their hands. They were cities that were smaller than ours, South Bend, and a few others, that have had the same issue with scooters. It’s more or less, what we continue to hear is that there is a period of about 90-120 days of which people get accustomed to the scooters being in their community. The scooters landed in their areas, just as they landed in ours. In multiple cases, to legislate them into spaces becomes difficult, because someone can go and purchase a scooter and it would be your personal scooter and to legislate you out, as well as this company, it becomes a very thorny issue relative to legislation. The thought is to continue to allow this thing to take care of itself, but it does provide a sense of transportation for some. In areas, what we have tried to do was limit it in the downtown area off of sidewalks but we are hopeful that these scooters will be, you ride them to the back of the alleyway and then you can walk into the storefronts and merchants on Main Street and we won’t get a lot of traffic with the scooters on Main Street at all because it is too narrow to ride them safely. In other areas, we will get accustomed to how they are ridden and there will be reports generated to the scooter company around illegal riding. Councilman Thomas stated did any of the mayors mention if the company in and of itself has made any donation for the betterment of the community? Mayor Roberson stated I asked the question about a month ago in a mayor’s meeting and no, that did not come up.

Councilman Henke stated let’s not make any question about it, the scooters were paid for by tax dollars, so through a grant, tax dollars. It’s no different than the green bikes that ended up in the landfill. Those were tax dollars as well. It comes down the pike and people do grants and they think it is transportation and companies buy up that and they provide the service but they are grant related. Mayor Roberson stated are you talking about federal grant related? Councilman Henke stated state or federal, related by grant. Mayor Roberson stated so their business model is grant related. Councilman Henke stated if they provide that business, there is an inducement to do so, so that is tax dollars. To Mr. Thomas’ point it now requires police action, it requires signage, we will probably end up getting into an ordinance to manage this up. There is a cost.

Jamie Arce, City Controller, stated I was only going to add that the City has not paid BIRD scooter or Lime Bike, to operate in the City, in the past. It is all their own investor money and if there were grants secured through other methods, it wasn’t us.

Mr. Irwin stated I just want to be clear that the signs that went up are in a very strictly designated area, it’s Main Street to Jackson to Second Street to Tyler Street and it was in response to an ordinance that is already on the books restricting bikes from being on the sidewalks and by state law, bikes apply to skateboards and scooters as well. In regards to the signs, we modified the signs, those were old signs in relation to the ordinance that was already passed, they had faded over time, they were not posted at a regular interval and we took action to correct that.

Councilman Dawson stated I think the scooters are just like the skateboards when they
first came out, we had the same problem downtown. People were skateboarding on the water fountain, on the curb, and it is something that we will have to get used to. I think they are a great asset for our city and they provide transportation, and living downtown I know there is a problem with them being on the sidewalks and you do kind of adjust, but I think they are an asset and as we move forward we will have to learn how to deal with them appropriately and as the Mayor said, those who are not using them appropriately are then disallowed from using them. It’s a part of what makes a community vibrant, is having those types of amenities.

Councilman Mishler stated I second what Councilman Dawson says and I also want to remind folks that we are still in summer and as we get towards the colder months of the year I doubt we will see a whole lot of them once we get the first snowfall and I think that will give folks a little more time to get used to them should they come back following winter.

Councilman Bullard stated we received an email from the Bird company, trying to explain the economic benefits of that and wow, I don’t want to give it to David Henke, but you probably could have torn that email up in definition because it was self-serving of that email.

Councilman Thomas stated the second issue and I could have done this by a 311, quick response, but I wanted the council to be aware of this issue. In District Two, they all want to know if they can have a garden in their front yard. Do we have an ordinance that prevents or allows vegetable gardens in front yardage?

Councilman Mishler stated I did get some concerns about the Riverfront High Rise and the state of the landscaping over there, it was growing out of control and I did send an email through the proper lanes and it did seem to get handled but there are still some difficulties that are residents are experiencing such as difficulties with trash and unkempt parking lots as well as maintenance issues, as well as difficulties related to mail. I am hoping that now that it is out there and put through the proper channels and we can get these folks taken care of.

Councilman Henke stated I did send a text to the Mayor a couple of days ago in regards to the amount of trash on certain streets. It just is out there, we have to address this and it says that a certain part of our population does not take ownership or pride and that is where the minimum standards and laws have to come into play. I called in, for example, three weeks ago, the area of Third Street and Sherman and there is the next road south, but the mattresses, weeds, debris on streets and unworkable cars parked in lawns, two blocks from Main Street and it is just simply unacceptable. I called it into code, and I was told they were going to address it and I haven’t seen any action and that is just a big disappointment.

Councilman Henke stated finally, I would like something, and I have been researching the Mayor’s executive orders, the extent and power of a level two city with executive orders, they are not listed in Council Rules nor Roberts Rules of Order, so they have to be to the State level and within the confines of internal controls. If you could provide me with that information or where to search it out, that would be helpful.

Councilman Bullard stated just to piggyback what David was talking about and things looking bad with landscaping, Christiana Creek, boy is that getting overgrown and that is a mess. I know we have an ordinance of tall grass that we make our homeowners abide by and Christiana
Creek is a gateway into the City and also a big disappointment. If we can do something, I know it is split between the City and the county but if we can get that cleaned up, get a letter sent out, I don’t know if they are still living in that home, but we should look at getting that cleaned up.

**Reports of the Mayor, Board of Works, Board of Safety or City Department Heads**

Mayor Roberson stated Councilman Henke, I appreciate your specificity when you send me texts. We do work through those and will work through the ones that you have sent relative to Marion, Franklin and a few other things. Councilman Bullard, specifically the area of Christiana Creek, everybody please continue to use 311, throw it in there, we are following up on those and there are some that take a little longer than others and there are some that we hit and have to come back to in 24 or 48 hours and we will address it, if it gets there, it really does help us, and it helps me be able to get it off of my text and get it to a place that we can get it resolved. Even if you do send something to me, make sure you send it to me with specificity and I can send it on to 311 so we can get it addressed.

Mayor Roberson stated Councilman Thomas, the canopy that you mentioned on Civic Plaza, has been taken down and another is being made and we should be able to get that up as soon as possible. We are also working on the ADA compliant stage piece of that so we can have it for our next event. On August 13th, if you look at your calendars that is a Friday. All of you will be receiving an invite for the Mayor’s Cup Go-kart race. As you may know these Go-karts are actual racing machines as Councilman Dawson made me very aware of. I have invited the Northern Indiana Mayors roundtable participants to come to it as well and I will open it up to a couple of dignitaries, and the council being nine of them. Please RSVP so we can make sure we get this ready. President Curry asked what time on the 13th? Mayor Roberson stated I think we start at noon.

Mayor Roberson stated I would like to make sure that I continue to give a shout out to the Buildings and Grounds department as they continue to work to get up the branches and trees that are around the City and as you well know when we went through our stretch, you still see a few of them there but Mr. Lightner and his crew are continuing to do that work and we are getting around to almost all of the streets. Our paving crew is continuing to be out and trying to get to the end of the season and there are many streets that are paved and I continue to take my hat off to Mr. Szucs. Mayor Roberson stated we had a session with Urban Land Institute and I appreciate the council members that participated with their survey and in giving an assessment of our downtown. I think there was an article written afterwards but there were suggestions and recommendations. We will still take a look as a department and stakeholders and leaders, before we make any specific recommendations looking forward. This is a wonderful opportunity to think about Elkhart in a bigger way so thank you for your participation and we will be back to you with further information as we go through the process.

Kris Seymore, Chief of Elkhart Police Department, stated I would like to remind everyone that tomorrow night is our yearly Night Out Against Crime. We didn’t get to have it last year so this year it will be a little scaled back than normal years but we are going to move forward with it. We will have some partners down there and some vendors down there. It is from 5:00 to 7:00 p.m., at the Police Department on Marion Street in our parking lot.
Councilman Bullard stated I saw you posted on Facebook about some young people that graduated from the police academy. Chief Seymore stated yes, on July 23rd we had four officers graduate from the South Bend Regional Academy and it was a one-time deal. There was a backlog at the State Academy and we also joined a regional academy in the northwest region of the state and due to overflow and backlog, South Bend partnered with the state academy and got a regional academy, so we were able to get all of our folks through in South Bend.

Jamison Czarnecki, Director of the Parks Department, stated this week is national Farmer’s Market Week so we will be highlighting our farmer’s market this Saturday from 8:00 a.m. to 12:00 p.m. We also have got the Meet Me on the Island this Saturday, so that’s a great time to get out downtown and enjoy some music and have a good time.

**Neighborhood Association Reports**

Sharon LeCount, resident of Riverside Terrace, made a complaint about the living conditions but her statement was inaudible and was not picked up by the microphone on the podium. She made complaints about the trash pickup and residents without heat or air conditioning, and other conditions of the building.

Susan Rice, resident of Riverside Terrace, stated I live at Riverside also and there are a lot of us that really care about how the place is inside and out and I’m sorry but housing is doing a lousy job, I’m sorry but it is the truth and I could go on forever. I have had experiences with them, the maintenance gentlemen I am very disappointed in, but so many of us really care and keep our place clean and do our part and it is not fair that we have to be treated this way because we don’t have a lot of income. Things really need to be checked out with housing, they can’t keep workers half the time and we need someone there that really cares and takes cares of things, and to be there and answer questions and things in the building, but we don’t have that.

Councilman Henke stated Dr. Wait is here and I think it is important to recognize that this a federally funded building and there are regulations in regard to the environment, that they are allowed to maintain, so if you don’t have heat or cooling, there are regulations for that and the person that you would call would be the county health department, Dr. Wait’s office. For infestations, for all of those things, there is a regulation by which we are to hold them accountable.

Another resident spoke, but her name was inaudible. She stated you are correct, there are a lot of regulations but we have nobody controlling those regulations, backing them up. At the present time, we don’t have a manager and this happens quite often. We go more times without a manager than we do with one. When we do have one, they only come two or three days a week because they have to be at another apartment building and have other responsibilities, so we are left without a manager. The biggest problem is we have no communication between us and housing and with maintenance it takes forever to get anything fixed.

Sharon LeCount came back up and stated the heat went out in May and the idea was we are not going to fix it because we are getting hot weather now. One of the gals on the 7th floor, her heat went out in February. The rest of her statement was inaudible. She did say the residents are cleaning the outside of the building and the maintenance is so bad that the residents are also
cleaning the elevators and the cafeteria inside the building.

Councilman Mishler stated the Greenleaf Neighborhood Association, they have concerns about speeding around Beardsley school and as we get closer to the beginning of school we have to worry more with the students and their earlier start time and folks getting to work. The East Jackson Neighborhood Association has some concerns about noise on non-street legal vehicles such as golf carts, 4-wheelers, and Go-karts, and dirt bikes that are going through neighborhood. They worry they are putting people at risk and they are not street legal and they would like that addressed as well.

President Curry stated the Pierre Moran Neighborhood Association will be having their annual picnic this year, which is this Saturday at 5:00 p.m. at Dinehart and Hawthorne Drive, the street will be blocked off. We had canceled it last year for the first time in 14 years because of COVID but we will be taking some precautions to make sure everyone is safe and everyone is welcome to come.

Privilege of the Floor

Bob Barnes, Whitmer Ave, stated I would like to know how does a person get involved in the neighborhood association and I don’t believe Riverview is represented here. Councilman Dawson stated if you are really interested, we have a neighborhood coordinator that Dayna can hook you up with, but you pull together a group of concerned citizens or neighbors. We will come out, meet with you and help you get started. It is just a matter of concerned neighbors getting together and saying that we want a Riverview Neighborhood Association and it would not be any problem at all. Mr. Barnes stated secondly, we spend a lot of time as a family throughout Elkhart, and if we are going to put signs up for scooters and everything else, I would like to have something that educates people and encourages people to clean up after themselves. We pick up, when we go for walks, we take a trash bag to pick up everybody’s debris when we are walking. There is a lot of work being done in this City and it is a nice city, so I would like to encourage the council to encourage their community about taking better care of their community.

Nekeisha Alayna Alexis, resident of Elkhart, stated my mom is 70 years old and I can’t imagine her trying to take care of an entire building by herself so my heart goes out to what you all are experiencing and we are all going to get old and nobody deserves to be in the conditions that you are in. To that point, I was sharing with Mr. Mishler at Artwalk, but I don’t know whose job it is to make sure there is affordable housing in this City, I don’t know if it’s the council or the Redevelopment Commission, but we need affordable apartments in the City. I went on my whole spiel about the luxury apartments, but there will be a point in time that someone cannot afford $1,700.00 to live somewhere and when you have to choose between living somewhere and not living somewhere and living in crappy conditions, somebody needs to do something about affordable, rental apartments in the City that are decent to live in.

Kristin Smole, member of the Housing Authority, stated she would love to follow up with the women from Riverside Terrace regarding the building. She stated I will address it and we will call our executive director first thing in the morning.
Scheduling of Committee Meetings

There were no committee meetings to schedule.

Acceptance of Communications

Minutes of May 11, 2021 Aurora Capital Development Corporation
Minutes of June 22, 2021 Board of Public Safety
Minutes of July 6, 2021 Board of Public Works
Minutes of April 8, 2021 Board of Zoning Appeals
Minutes of May 13, 2021 Board of Zoning Appeals
Minutes of June 10, 2021 Board of Zoning Appeals
Minutes of June 9, 2021 Lerner Theatre Board
Minutes of June 29, 2021 Park Board Meeting
Minutes of May 11, 2021 Redevelopment Commission
Minutes of April 15, 2021 Stormwater Board
Report of Parks Department for July 2021

Councilwoman Hines, seconded by Councilman Fish, moved to accept communications, which motion carried, by voice vote, and the communications were accepted.

Adjournment

Upon the motion of Councilman Dawson, seconded by Councilman Fish, which motion carried by voice vote, the meeting was adjourned.

Debra D. Barrett, City Clerk
H. Brent Curry
President of the Elkhart City Council
ORDINANCE NO. ____________________________

AN ORDINANCE APPROPRIATING THREE MILLION SIX HUNDRED THOUSAND AND 00/100 DOLLARS ($3,600,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE UTILITIES & INFRASTRUCTURE ACCOUNT FOR THE LASALLE, MCKINLEY AND BENHAM WATER AND SEWER PROJECT

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart ("City") funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the LaSalle, McKinley & Benham Water and Sewer Project is a project that meets the authorized use under Section 603(c)(1)(D) of the Social Security Act, as amended by Section 9901 of the American Rescue Plan Act of 2021 and is part of the City’s detailed plan for use of ARPA funds; and
WHEREAS, the LaSalle, McKinley & Benham Water and Sewer Project consists of the plan to install new water mains and storm sewers in designated areas of LaSalle Street, McKinley Avenue and Benham Avenue, Benham Court, Dr. King Drive, Park Avenue, St. Joseph Street, and Wagner Avenue; and

WHEREAS, the LaSalle, McKinley & Benham Water & Sewer Project will extend storm sewer to 10th Street and Wagner Avenue and connect it to a direct outlet to the St. Joseph River; and

WHEREAS, this project will extend water service to designated streets where water service does not presently exist, eliminate over-shared private lines, eliminate lead service lines, loop the water mains, terminate mains on abandoned roads, and remedy design deficiencies which are causing flooding at Benham and Dr. King Drive during heavy rains; and

WHEREAS, the cost of the LaSalle, McKinley & Benham Water & Sewer Project is estimated to total Three Million Six Hundred Dollars ($3,600,000.00); and

WHEREAS, the City administration requests that the Common Council of the City of Elkhart appropriate the sum of Three Million Six Hundred Dollars ($3,600,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Utilities & Infrastructure Account for the LaSalle, McKinley & Benham Water & Sewer Project; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:
Section 1. The amount of Three Million Six Hundred Dollars ($3,600,000.00), be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 176-5-000-442.0000  Utilities & Infrastructure  $3,600,000.00

Section 2. The Common Council has fixed the ___ day of _____________, ____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this _____ day of ________________, __________.


____________________________________
H. Brent Curry
President of the Common Council

ATTEST:

____________________________________
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this ___ day of ________________, __________
at __________ a.m./p.m.

____________________________________
Debra D. Barrett, City Clerk

Approved by me this _____ day of __________________, __________.


____________________________________
Rod Roberson, Mayor

ATTEST:

____________________________________
Debra D. Barrett, City Clerk
Date: July 6, 2021
To: Brent Curry, Elkhart City Council President
From: Tory Irwin, City Engineer
RE: Appropriation Request – LaSalle, McKinley & Benham Water & Sewer Project

This appropriation request is for the LaSalle, McKinley & Benham Water & Sewer project. This project will install new water and storm sewer main on various roads in the LaSalle, McKinley, Benham, Benham Ct, Dr. King Dr, Park Ave, St. Joseph St., and Wagner Ave. This complicated network project will extend water service to streets where none exists, eliminate some extensive shared private lines, eliminate lead services, loop the water mains, and remove main where roads have been abandoned.

The project will also extend storm sewer to 10th & Wagner, and connect it to a direct outlet to the St. Joseph River. Some storm sewer was installed in the past as part of a phased installation, and currently dead-ends at Benham & Dr. King Dr. This dead end causes extensive flooding on Benham during heavy rainfall events. This project will address the never completed portion of that past project.

Funding for this project will come from the American Rescue Plan Act, which designated water and sewer projects as qualifying for the funding.

The project is estimated to cost $3,600,000. The Utility has also submitted a matching grant request to the Indiana Finance Authority and hopes to receive 50% of the funding for this project through the State Water Infrastructure Fund.

Total Appropriation Request - $3,600,000

Attachment – LaSalle, McKinley & Benham Project Limits
ORDINANCE NO. __________________________

AN ORDINANCE APPROPRIATING THREE MILLION AND 00/100 DOLLARS ($3,000,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE UTILITIES & INFRASTRUCTURE ACCOUNT FOR THE W. LEXINGTON WATER MAIN REPLACEMENT PROJECT

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart ("City") funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the W. Lexington Water Main Replacement Project is a project that meets the authorized use under Section 603(c)(1)(D) of the Social Security Act, as amended by Section 9901 of the American Rescue Plan Act of 2021 and is part of the City's detailed plan for use of ARPA funds; and
Account No. 176-5-000-442.0000 Utilities & Infrastructure $3,000,000.00

Section 2. The Common Council has fixed the ___ day of ____________, ____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

So ORDAINED this ______ day of ____________, ____.  

H. Brent Curry  
President of the Common council

ATTEST:

________________________
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _________ day of ________________, ____,  
at ________ a.m./p.m.  

________________________
Debra D. Barrett, City Clerk

Approved by me this ______ day of ________________, ____.  

________________________
Rod Roberson, Mayor

ATTEST:

________________________
Debra D. Barrett, City Clerk
ORDINANCE NO.            

AN ORDINANCE APPROPRIATING THREE MILLION AND 00\100 DOLLARS ($3,000,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE UTILITIES & INFRASTRUCTURE ACCOUNT

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart (“City”) funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the W. Lexington Water Main Replacement Project is a project that meets the authorized use under Section 603(c)(1)(D) of the Social Security Act, as amended by Section 9901 of the American Rescue Plan Act of 2021 and is part of the City’s detailed plan for use of ARPA funds; and
WHEREAS, the W. Lexington Water Main Replacement Project consists of the plan to replace the water main from West Boulevard to Riverside Drive; and

WHEREAS, the current water main was installed *circa* 1913, was buried too shallow by current engineering standards, risks freezing in the winter months, and connects to numerous lead service lines, representing a serious health threat to affected utility customers; and

WHEREAS, the W. Lexington Water Main Replacement Project has been a priority project on the Utilities Department’s asset management program, has been designed, but has not been implemented for the past two (2) years due to a lack of funding; and

WHEREAS, all lead service lines will be eliminated as part of the W. Lexington Water Main Replacement Project; and

WHEREAS, the W. Lexington Water Main Replacement Project is estimated to cost Three Million Dollars ($3,000,000.00); and

WHEREAS, the City administration requests that the Common Council of the City of Elkhart appropriate the sum of Three Million and 00/100 Dollars ($3,000,000) from the ARP Coronavirus Local Fiscal Recovery Fund to the Utilities & Infrastructure Account for the W. Lexington Water Main Replacement Project; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The amount of Three Million and 00/100 Dollars ($3,000,000.00), be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:
Account No. 176-5-000-442.0000  Utilities & Infrastructure  $3,000,000.00

Section 2. The Common Council has fixed the ____ day of ________________, ____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

So ORDAINED this ______ day of ____________________, __________.

____________________________________
H. Brent Curry
President of the Common council

ATTEST:

______________________________
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _________ day of ____________________, ____,
at _________ a.m./p.m.

______________________________
Debra D. Barrett, City Clerk

Approved by me this _____ day of ____________________, __________.

______________________________
Rod Roberson, Mayor

ATTEST:

______________________________
Debra D. Barrett, City Clerk
MEMORANDUM

Date: July 6, 2021
To: Brent Curry, Elkhart City Council President
From: Tory Irwin, City Engineer
RE: Appropriation Request – W. Lexington Water Main Replacement

This appropriation request is for the W. Lexington Water Main Replacement from West Blvd to Riverside Dr. The project will replace a water main dating back to 1913, that was buried to shallow and freezes in the winter, and has dozens of lead service lines. This main is high on the Utilities’ asset management program for replacement, and has been designed and shelved for 2 years due to lack of funding. All lead service lines will be eliminated as part of the project.

Funding for this project will come from the American Rescue Plan Act, which designated water projects as qualifying for the funding.

The project is estimated to cost $3,000,000. The Utility has also submitted a matching grant request to the Indiana Finance Authority and hopes to receive 50% of the funding for this project through the State Water Infrastructure Fund.

Total Appropriation Request - $3,000,000

Attachment – W. Lexington Project Limits
DATE: May 13, 2021
TO: Common Council
FROM: Corporation Counsel John M. Espar
RE: Proposed Ordinance No. 21-O-29

AN ORDINANCE ESTABLISHING THE RULES BY WHICH MEMBERS OF THE COMMON COUNCIL MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

Proposed ordinance 21-O-29 has been prepared for the Council's consideration based upon comments of members of the Council during the adoption of the Resolution R-25-21, ADOPTING A POLICY BY WHICH MEMBERS OF THE COMMON COUNCIL MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION.
ORDINANCE NO. _______

AN ORDINANCE ESTABLISHING THE RULES BY WHICH MEMBERS OF THE COMMON COUNCIL MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, P.L. 88-2021 (HEA 1437), SEC. 5, amended Indiana Code 5-14-1.5-1 et seq. (Act), by amending IC 5-14-1.5-3.5 to prescribe new requirements by which members of a governing body of a public agency of a political subdivision may participate in a meeting by electronic means of communication;

WHEREAS, a member of a governing body may participate by any means of communication that:

(a) Allows all participating members of the governing body to simultaneously communicate with each other; and

(b) Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting;

WHEREAS, the Act requires the governing body to adopt a written policy establishing the procedures that apply to a member’s participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by IC 5-14-1.5-3.5(d); and

WHEREAS, the Common Council (Council) is the governing body of the City of Elkhart, Indiana; and

WHEREAS, the Council heretofore has adopted rules and regulations under the §§ 30.01 through 30.17 of Title III of the Code of Ordinances of the city of Elkhart for the governance of
the Council of the city and of its Council members.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
CITY OF ELKHART, INDIANA:

Section 1. Incorporation of State Law. The provisions of Indiana Code 5-14-1.5-1 et seq. (Act), including definitions, apply to this ordinance.

Section 2. Electronic Meetings Ordinance. This ordinance shall be known as the “Electronic Meetings Ordinance” of the Council and applies to the Council and any committee appointed directly by the Council or its presiding officer.

Section 3. Participation by Mean of Electronic Communication. Subject to Sections 6 and 8, any member may participate in a meeting by any electronic means of communication that:

(a) allows all participating members of the governing body to simultaneously communicate with each other; and

(b) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

Section 4. Quorum and Voting. A member who participates by an electronic means of communication:

(a) shall be considered present for purposes of establishing a quorum; and

(b) may participate in final action only if the member can be seen and heard.

Section 5. Application of Policy. All votes taken during a meeting at which at least one (1) member participates by an electronic means of communication must be taken by roll call vote.


(a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication;
(b) Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.

(c) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member’s electronic participation is due to:

(1) military service;
(2) illness or other medical condition;
(3) death of a relative; or
(4) an emergency involving actual or threatened injury to persons or property.

(d) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication.

(e) A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member’s absence is due to:

(1) military service;
(2) illness or other medical condition;
(3) death of a relative; or
(4) an emergency involving actual or threatened injury to persons or property.

Section 7. Minutes of Meeting. The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:

(a) identify each member who:

(1) was physically present at the meeting;
(2) participated in the meeting by electronic means of communication; and
(3) was absent; and

(b) identify the electronic means of communication by which:

(1) members participated in the meeting; and

(2) members of the public attended and observed the meeting, if the meeting was not an executive session.

Section 8. Prohibited Actions. No member of the Council may participate by means of electronic communication in a meeting at which the Council may take final action to:

(a) adopt a budget;

(b) make a reduction in personnel;

(c) initiate a referendum;

(d) impose or increase a fee;

(e) impose or increase a penalty;

(f) exercise the Council's power of eminent domain; or

(g) establish, impose, raise or renew a tax.

Section 9. Emergency Declarations. If an emergency is declared by (1) the governor under IC 10-14-3-12 or (2) the mayor under IC 10-14-3-29:

(a) members are not required to be physically present for a meeting until the emergency is terminated; and

(b) Members may participate in a meeting by any means of communication provided that:

(1) At least a quorum of the members participate in the meeting by means of electronic communication or in person;

(2) The public may simultaneously attend and observe the meeting unless the
meeting is an executive session;

(3) The minutes or memoranda of the meeting must comply with Section 7 of this ordinance; and

(4) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 10. Amendment of Council Rules. This ordinance shall be added as § 30.18 of Title III of the Code of Ordinances of the City of Elkhart.

Section 11. Effective Date. This ordinance shall be effective from and after adoption by this Council and compliance with IC 36-4-6-14.

RESOLVED this ____ day of ______________, ______.

________________________________________________________________________________________

H. Brent Curry
President of the Common Council

ATTEST:

____________________________
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this ______ day of __________, _____, at ________ a.m./p.m.

________________________________________________________________________________________

Debra D. Barrett, City Clerk

APPROVED by me this ______ day of ________________, ______.

________________________________________________________________________________________

Rod Roberson, Mayor

ATTEST:

____________________________
Debra D. Barrett, City Clerk
ORDINANCE NO. ________

AN ORDINANCE AMENDING § 153.75 OF THE CODE OF ORDINANCES OF THE CITY OF ELKHART, INDIANA TO ADD CIGAR BARS AS AN EXEMPTION TO THE PROHIBITION OF SMOKING IN PUBLIC PLACES AS PERMITTED UNDER INDIANA STATE LAW

WHEREAS, Indiana Code § 7.1-5-12-4, generally prohibits smoking in all public places and all places of employment, unless specifically exempted under Indiana Code § 7.1-5-12-5; and

WHEREAS, Indiana Code § 7.1-5-12-5 (a)(6), exempts cigar bars from the general smoking prohibition of Section 4, provided the following criteria is met:

The establishment is owned or leased by a business that meets the following requirements:

(A) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(B) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(C) The business limits smoking in the establishment to cigar smoking.

(D) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from the sale of cigars and the rental of onsite humidors.

(E) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.
WHEREAS, § 153.72 of the Elkhart Code of Ordinances sets forth the general prohibition of smoking in public places and certain places of employment; and

WHEREAS, § 153.75 of the Elkhart Code of Ordinances sets forth certain exemptions to the general prohibition of § 153.72; and

WHEREAS, Indiana Code § 7.1-5-12-13 allows a city to adopt or maintain a local ordinance which is more restrictive than the state statute, but does not permit a city to adopt or maintain a local law which is less restrictive than the state statute; and

WHEREAS, § 153.75 of the Elkhart Code of Ordinances does not provide an exception for cigar bars, as is permitted under state law; and

WHEREAS, the Common Council has determined that an exemption for the operation of cigar bars should be allowed under the local law, as the same is allowed under state law.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. Section 153.75 (A) of the Code of Ordinances of the City of Elkhart, Indiana, be, and hereby is, amended to add subsection (9) as an exception for cigar bars, in the manner and form permitted under state law, as follows:

“Cigar bars. An establishment that is owned or leased by a business that meets the following requirements:

(A) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(B) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(C) The business limits smoking in the establishment to cigar smoking.
(D) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from the sale of cigars and the rental of onsite humidors.

(E) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

(F) The sale of prepared foods for on-premise consumption is prohibited.”

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council.

So ORDAINED this ______ day of __________________, ____________.

________________________________________
H. Brent Curry
President of the Common council

ATTEST:

________________________________________
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _______ day of __________________, ____________
at ________ a.m./p.m.

________________________________________
Debra D. Barrett, City Clerk

Approved by me this ______ day of __________________, ____________.

________________________________________
Rod Roberson, Mayor

ATTEST:

________________________________________
Debra D. Barrett, City Clerk
MEMORANDUM

DATE:    July 29, 2021
TO:      Elkhart Common Council
FROM:    Corporation Counsel John M. Espar
RE:      Proposed Ordinance No. 21-O-37

AN ORDINANCE AMENDING § 153.75 OF THE CODE OF ORDINANCES OF THE CITY OF ELKHART, INDIANA TO ADD CIGAR BARS AS AN EXEMPTION TO THE PROHIBITION OF SMOKING IN PUBLIC PLACES AS PERMITTED UNDER INDIANA STATE LAW

Proposed Ordinance No. 21-O-37 amends the local smoking ordinance to exempt cigar bars from the prohibition of smoking in public places. The amendment generally follows the exception authorized under the Indiana state statute.

The proposed ordinance has been prepared by the Department of Law at the request of the Councilman Dawson.
ORDINANCE NO. ______________

AN ORDINANCE APPROPRIATING FOUR HUNDRED THOUSAND AND 00/100 DOLLARS ($400,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE SMALL BUSINESS CONTINUITY PROGRAM

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart (“City”) funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, there are over 5,000 businesses representing several industrial sectors located in Elkhart with many of these businesses providing critical components of the local and state supply chain, responsible for much of the region’s economic growth; and
WHEREAS, as a result of the Coronavirus-19 Pandemic, many Elkhart small businesses—defined as businesses with less than twenty (20) employees and annual revenue of less than two hundred fifty thousand dollars ($250,000) have experienced detrimental losses due to extended shutdowns, disruption of supply chains, obsolescence in business model, and a tight labor market; and

WHEREAS, Department of Development Services has devised the Small Business Continuity Program to assist small business in the midst of the pandemic and in its aftermath, with financial aid for purposes such as, rental/mortgage assistance; utility assistance; technology upgrades; expenses related to retooling business models; and training; and

WHEREAS, as qualified small businesses work to return their business to vitality and viability, or enter new markets, the Small Business Continuity Program will provide direct payment or reimbursement grants up to twenty-five thousand dollars ($25,000.00) and resource referrals to help stabilize their efforts; and

WHEREAS, the City Administration requests that the Common Council fund the Small Business Continuity Program with Four Hundred Thousand Dollars ($400,000.00) for the stated purposes; and

WHEREAS, the City Administration requests that the Common Council appropriate Four Hundred Thousand Dollars ($400,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account for a program intended to reverse negative economic impacts that have affected small businesses; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:
Section 1. The amount of Four Hundred Thousand Dollars ($400,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 176-5-000-439.0501  Negative Economic Impact

Section 2. The Common Council has fixed the ___ day of _____________, ____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this _____ day of ______________, __________.

H. Brent Curry
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk
PRESENTED to the Mayor by me this _____day of ____________, _________
at _______ a.m./p.m.

__________________________
Debra D. Barrett, City Clerk

Approved by me this ______ day of ____________________, ____________.

__________________________
Rod Roberson, Mayor

ATTEST:

__________________________
Debra D. Barrett, City Clerk
To: City Council  
From: Dayna Bennett  
Date: August 12, 2021  
Re: ARP Appropriation for Small Business Continuity Program

The Department of Development Services is requesting an appropriation from the City of Elkhart’s entitlement of American Rescue Plan Act funds for the implementation of the Small Business Continuity Program.

A permitted use of ARP funds is to reverse the negative economic impact of COVID-19. Many small businesses (defined as business with less than 20 employees and $250,000 in revenue) in Elkhart experienced detrimental losses due to extended shutdowns, disruption of supply chains, obsolescence in business model, and a tight labor market. As these businesses work to return their business to viability or enter new markets, this program will provide direct payment or reimbursement grants up to $25,000* and resource referrals to help stabilize their efforts. Some of the eligible uses would be rental/mortgage assistance, utility assistance, technology upgrades, expenses related to retooling business model, and training.**

Key metrics that could include number of participating small businesses still in existence 1 year, 3 years, and 5 years after funding

The projected total investment for the implementation of the Small Business Continuity Program is $400,000. We are requesting $400,000 of ARP funds.

*Subject to additional restrictions

**Additional uses available
ORDINANCE NO. __________

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE CONTIGUOUS TO THE CITY OF ELKHART, INDIANA AND LOCATED IN THE SOUTHEAST CORNER OF THE INTERSECTION OF COUNTY ROAD 24 AND STATE ROUTE 19, AND DECLARING THE SAME TO BE A PART OF THE CITY OF ELKHART, INDIANA

WHEREAS, all of the owners of that certain real property contiguous to the City of Elkhart, Indiana and located in the southeast corner of the intersection of County Road 24 and State Route 19, have petitioned the City of Elkhart to annex said property into the corporate limits of the City of Elkhart; and

WHEREAS, the Common Council of the City of Elkhart desires to annex said property known into the corporate limits of the City of Elkhart, Indiana (hereinafter referred to as “City”); and

WHEREAS, at least one-eighth (1/8) of the aggregate external boundaries of the real estate, as more fully described herein, are contiguous to the corporate boundaries of the City and thereby satisfy the contiguity requirements of law; and

WHEREAS, the real property currently has an Elkhart County zoning designation of DPUD B-3, Detailed Planned Unit Development and GPUD B-3, General Planned Unit Development.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:
Section 1. The following described real estate in Elkhart County, Indiana is hereby annexed into and declared to be a part of the City of Elkhart, Indiana; to-wit:

BEING TRACTS I AND TRACTS III-VI OF THOSE TRACTS OF LAND CONVEYED TO JIMITOWN CORNER LLC AS DESCRIBED IN INSTRUMENT NUMBER 2014-08531, ELKHART COUNTY RECORDER, AND BEING A PART OF THE NORTHWEST FRACTIONAL QUARTER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT MARKING THE NORTHWEST CORNER OF SAID QUARTER SECTION, SAID NORTHWEST CORNER BEING THE INTERSECTION OF THE CENTERLINE OF STATE HIGHWAY 19 AND THE CENTERLINE OF THAT SECTION OF THE JAMESTOWN ROAD (COUNTY ROAD 24) RUNNING EAST FROM SAID STATE HIGHWAY; THENCE SOUTH 89° 53' 39" EAST, ALONG THE NORTH LINE OF SAID QUARTER SECTION, 410.01 FEET; THENCE SOUTH 00° 21' 09" EAST 25.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF SAID COUNTY ROAD 24 AND BEING THE POINT OF BEGINNING; THENCE SOUTH 00° 21' 09" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY, 15.00 FEET; THENCE SOUTH 89° 53' 39" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY, 60.00 FEET; THENCE SOUTH 00° 21' 09" EAST, ALONG THE WEST LINE OF LOT 1A AND LOT 2A OF SOUTH GATE HILLS II DPUD-B3, PHASE 1A, RECORDED IN PLAT BOOK 34 PAGE 94, ELKHART COUNTY RECORDER, 279.81 FEET; THENCE SOUTH 00° 34' 52" EAST, ALONG THE WEST LINE OF SAID LOT 2A, 234.59 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2A; THENCE SOUTH 00° 35' 47" EAST 413.12 FEET TO THE NORTH LINE OF LOT 1 OF THE OVERLOOK APARTMENTS DPUD, RECORDED IN PLAT BOOK 26, PAGE 31, ELKHART COUNTY RECORDER; THENCE NORTH 89° 54' 36" WEST, ALONG THE NORTH LINE OF SAID LOT 1, 180.58 FEET; THENCE SOUTH 00° 26' 08" EAST, ALONG THE WEST LINE OF SAID LOT 1, 290.77 FEET; THENCE NORTH 89° 54' 36" WEST, ALONG THE SOUTH LINE OF LOT 3 OF SAID THE OVERLOOK APARTMENTS DPUD, 241.29 FEET TO THE EAST RIGHT OF WAY LINE OF STATE HIGHWAY 19; THENCE NORTH 00° 24' 34" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 1183.40 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD 24; THENCE NORTH 44° 51' 28" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 49.26 FEET; THENCE SOUTH 89° 53' 39" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 175.01 FEET; THENCE NORTH 73° 21'
58" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 52.08 FEET; THENCE SOUTH 89° 53' 39" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 99.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.59 ACRES, MORE OR LESS AND SUBJECT TO ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

Section 2. Once annexed into the City, the Zoning Map created pursuant to and incorporated into Ordinance No. 4370 of the City of Elkhart, as amended, ("Zoning Ordinance") shall show the real estate described in Section 1 as zoned B-2, Community Business District. The real estate shall be subject to all applicable requirements of the Zoning Ordinance, as amended, as well as all other applicable ordinances and regulations of the City of Elkhart.

Section 3. The real estate described in Section 1 is assigned to the Six (6) Councilmandic District.

Section 4. Pursuant to I.C. 36-4-3-5.1, a public hearing to consider this proposed annexation will be held at the regular Council meeting set for the _____ day of ____________________, _____, at 7:00 p.m.

Section 4. That this Ordinance shall become effective thirty (30) days after the final publication thereof, in the absence of an appeal, as provided at I.C. 36-4-3-5.1 and I.C 36-4-3-15.5.

[Signature pages follow.]
ORDAINED this ______ day of ______________________, ______.

____________________________________________________

H. Brent Curry
President of the Common Council

ATTEST:

By: ________________________________________________

Debra D. Barrett, City Clerk

STATE OF INDIANA )

) §

COUNTY OF ELKHART )

Before me, Traci L. Adams, Notary Public in and for said County and State, on this ______ day of ______________________, ______, personally appeared H. Brent Curry in his capacity as President of the Elkhart Common Council and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the execution of the foregoing Ordinance No. ______ as the duly authorized act of the Common Council of the City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this ______ day of ______________________, ______.

____________________________________________________

Traci L. Adams, Notary Public
Resident of Elkhart County
My Commission Number: NP0720315
My Commission Expires: May 16, 2027

SEAL
PRESENTED to the Mayor by me this _______ day of _____________, ______, at _____ a.m./p.m.

Debra D. Barrett, City Clerk

APPROVED by me this ___ day of ______________________, ______.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

STATE OF INDIANA  )
COUNTY OF ELKHART  )

Before me, Traci L. Adams, Notary Public in and for said County and State, on this _____ day of ____________, ______, personally appeared Rod Roberson in his capacity as Elkhart City Mayor and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the execution of the foregoing Ordinance No. ______ as the duly authorized act of the Mayor of the City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this ______ day of ______________________, ______.

Traci L. Adams, Notary Public
Resident of Elkhart County
My Commission Number: NP0720315
My Commission Expires: May 16, 2027
EXECUTED AND DELIVERED in my presence:

______________________________
Debra D. Barrett, City Clerk

STATE OF INDIANA   ) §
   COUNTY OF ELKHART   )

Before me, Traci L. Adams, Notary Public in and for said County and State, personally appeared Debra D. Barrett in her capacity as Elkhart City Clerk, who being personally known to me as the Elkhart City Clerk, and whose name is subscribed as a witness to the foregoing instrument, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by H. Brent Curry, as President of the Elkhart Common Council and Rod Roberson, as Mayor of the City of Elkhart, in the above-named subscribing witness's presence, and that the above-named subscribing witness is a disinterested person as defined by law.

Witness my hand and Notarial Seal this __________ day of ________________________.

______________________________
Traci L. Adams, Notary Public
Resident of Elkhart County
My Commission Number: NP0720315
My Commission Expires: May 27, 2027

This document was prepared by John M. Espar, Attorney No. 20758-46, as Corporation Counsel for the City of Elkhart, 229 S. Second Street, Elkhart, Indiana 46516. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. John M. Espar
To: City Council
From: Eric Trotter
Date: August 2, 2021
Re: 21-ANX-02 Southeast Corner of C.R. 24 and S.R. 19

This is a request to annex and rezone approximately 11 acres into the city, located to the south of County Road 24 and to the east of State Road 19. The properties are currently zoned DPUD B-3 and GPUD B-3 under the County’s zoning ordinance. The owner intends to develop the property as a gas station and convenience store and is requesting to rezone the property to B-2. The need to annex is to enable the development to connect to the City’s sewer and water utilities. The proposed annexation would be advantageous to the city by increasing the tax base and is not anticipated to increase costs relating to City services.
Petition: 21-ANX-02
Petition Type: Annexation Request
Date: August 2, 2021
Petitioner: JIMTOWN CORNER LLC
Site Location: CR 24 and SR 19
Request: As prescribed by Section 29.11.B, a request to annex five (5) vacant parcels located at the southeast corner of Nappanee Street and County Road 24, land containing approximately eleven (11) acres.

To also rezone the eleven (11) acres of land contained within the petition from DPUD (Southgate Hills II DPUD B-3 Phase 2 and the Overlook Apartments – DPUD, as approved by the Elkhart County Board of Commissioners) to B-2, Community Business District. This rezoning request is a major amendment to remove the land from the PUDs to rezone the land to B-2, Community Business District.

Existing Zoning: DPUD B-3, Detailed Planned Unit Development to the B-3 Standards
Size: +/- 11 Acres
Thoroughfares: County Road 24 and State Road 19
School District: Concord Community Schools
Utilities: Available and provided to site
Surrounding Land Use & Zoning:
The property is located along a major commercial corridor. Property to the north is commercial zoned PUD. Land to the east is vacant, and commercial zoned in Elkhart County. Land to the south is multifamily residential zoned in Elkhart County. Land to the west is assisted living and undeveloped, zoned in Elkhart County.

Applicable Sections of the Zoning Ordinance:
Section 29: Administration and Enforcement, 29.11 Amendments

Comprehensive Plan:
The Comprehensive Plan does not take this area into account but is anticipated to call for the land to be developed with commercial uses.

Staff Analysis

This staff report is being prepared for annexation 21-ANX-02 to annex land southeast of the intersection of County Road 24 and State Road 19, Elkhart, Indiana 46517, Concord Township.

The land in the petition is undeveloped and zoned commercially under two separate PUDs in Elkhart County’s jurisdiction, the South Gate Hills II and Overlook Apartments PUDs. The current petitioners are seeking annexation in order to develop the land as a Casey’s gas station and convenience store, with connection to city utilities. An application for annexation is required when unincorporated areas wish to connect to utilities.

As a single development comprised of five (5) parcels and governed by two separate PUD ordinances, the property will need to be consolidated and rezoned, with a maintenance agreement for the shared drive with the hotel to the east. The petitioner proposes a rezoning to a B-2 zoning district, which staff approves, allowing for moderate intensity commercial development. Any development would need to be approved through the City’s Technical Review process prior to permitting.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately 11 acres. The territory to be annexed is approximately 17.92% contiguous to the current City limits, being contiguous on its northern boundary. The contiguity requirement stated in the Indiana Code is 12.5%.

Recommendation

Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

1. The area to be annexed meets all applicable requirements of IC 36-4-3;
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as commercial.
3. The current conditions and the character of current structures under construction and future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;
5. The annexation will conserve property values throughout the jurisdiction; and

6. The annexation represents responsible growth and development of the City of Elkhart.

Attachments

Petition, Legal Description, narrative, affidavit, site plan, and Fiscal Plan.

Photos
PETITION to the PLAN COMMISSION

Property Owner(s): TLTA LLC.
Mailing Address: 51258 Enchanted Oak Court, SB IN 46628
Phone: 574-632-9764 email: tomaallen@aol.com

Contact Person: Abonmarche Consultants, Crystal Welsh
Address: 1009 South 9th Street Goshen IN 46526
Phone: 574-314-1027 email: cwelsh@abonmarche.com

Subject Property Address: CR 24 and SR 19 - see legal description
Zoning: GPUD & DPUD Present Use: Vacant Land
Proposed Use: B-2 uses including convenience store

Checklist (v) for submittal of the Petition to the Plan Commission docket: you must include:

- One copy of the required Petition Letter signed in ink by the owner of the property.
- A completed Petition form signed by the legal owner of record.
- If any other person other than the legal owner or the legal owner's attorney files the appeal, written authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, smaller than 11" x 17". If larger than 11" x 17", 12 copies must be submitted.
- Cash or check made payable to the City of Elkhart.
- Any other information listed in the Instructions and Filing Procedure for your type of Petition.

Optional: any supplementary information you wish to include.

NOTE: The petitioners is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) (PRINT) Anastasios "Tom" Allen, Member TLTA LLC.
SIGNATURES (PRINT) (STAMP) Member
RECEIVED BY: DATE: 5-5-2021

Remit To:
CITY OF ELKHART – OFFICE OF PLANNING & DEVELOPMENT – Planning Services Division
Municipal Building, 229 S. Second Street, Elkhart, Indiana 46516

Ordinance Requirement: Sections(s): ________ MAP #: ________ AREA: ________
May 4, 2021

To: Honorable Members of the City of Elkhart Plan Commission and City Council

The undersigned petitioner respectfully shows the Council and the Plan Commission:

1. I, TLTA, LLC., am the owner of the following described real estate located within Concord Township, Elkhart County, State of Indiana, to-wit:

   see attached legal description.

2. The above described real estate presently has a zoning classification of DPUD & GPUD under the Elkhart County Zoning Ordinance.

3. Petitioner proposed to develop the above described property as B-2 Businesses uses.

4. Petitioner desires to annex and rezone the said real estate to B-2 District under the City of Elkhart Zoning Ordinance for that purpose.

5. Petition has presented evidence to the City Engineer that the property to be annexed is contiguous to the City limits and therefore eligible for annexation.

6. Petitioner believes the annexation will be mutually beneficial because it will allow for the development of additional commercial land in the City jurisdiction. This will allow for continued growth and development within the City further supporting the City's economic development efforts. It will also allow for the development of these buildings utilizing City of Elkhart Sanitary Sewer and Water which is preferred to private septic and well systems that could create unwanted environmental concerns in the area.

Wherefore, Petitioner prays and respectfully requests a hearing on this annexation request and that after such hearing, the Plan Commission make a do pass recommendation to the Council, which after hearing, pass on appropriate ordinance annexing the above described parcel of land.

Signature of Property Owner: [Signature]

Printed Name: Anastasios “Tom” Allen, Member TLTA LLC.

Contact Person: Abonmarche Consultants
Name: Crystal Welsh
Address: 1009 South Ninth Street, Goshen, IN 46526
Phone number: 574-314-1027
AFFIDAVIT IN SUPPORT OF ANNEXATION PETITION

I, TLTA, LLC., being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.

2. I make this affidavit in support of my annexation petition filed contemporaneously herewith.

3. I am now and at all times relevant herein have been, the owner of record of the property located at County Rd 24, Elkhart, IN 46517 Elkhart, Indiana.

4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 5th day of MAY 2021.

Printed: Anastasios "Tom" Allen, Member TLTA LLC.

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Printed: Anastasios "Tom" Allen, Member TLTA LLC.

STATE OF INDIANA )
COUNTY OF ELKHART ) SS:

Before me, the undersigned, a Notary Public in and for the State of Indiana, personally appeared Anastasios "Tom" Allen, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 5th day of MAY 2021.

Drue Rachelle Babcock
Notary Public
State of Indiana
Commission No. 675876
My Commission Expires: My Commission Expires November 23, 2023
Notary Public in and for the State of Indiana Resident of St. Joseph-County, Indiana
LEGAL DESCRIPTION:

TRACT I:

THE NORTH 23 ACRES OF LAND OFF THE NORTH END OF THE WEST FRACTIONAL LOT OF SOUTHWEST QUARTER (SW 1/4) OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 5 EAST.

LESS AND EXCEPTING:

A PART OF THE NORTHWEST FRACTIONAL QUARTER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 5 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION, SAID NORTHWEST CORNER BEING THE INTERSECTION OF THE CENTERLINE OF STATE HIGHWAY NUMBER 19 AND THE CENTERLINE OF THAT SECTION OF THE JAMESTOWN ROAD (COUNTY ROAD NUMBER 24) RUNNING EAST FROM SAID STATE HIGHWAY; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION, 967.63 FEET; THENCE SOUTH 89°27' EAST PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION AND ALONG THE SOUTHERLY LINE OF LAND CONVEYED TO SETH A. AND EMMA ROHRER (ELKHART COUNTY DEED RECORD 193, PAGE 611) 1037 FEET TO AN IRON STAKE FOUND ON THE EAST LINE OF THE NORTHEAST FRACTIONAL QUARTER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION AT THE SOUTHEAST CORNER OF SAID ROHRER LAND FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE NORTH 89°27' WEST ALONG THE SOUTHERLY LINE OF SAID ROHRER LAND 564.60 FEET TO AN IRON STAKE; THENCE NORTH 60°30' EAST 133.84 FEET TO AN IRON STAKE; THENCE SOUTH 89°27' EAST 447.89 FEET TO AN IRON STAKE ON THE EAST LINE OF THE NORTHEAST FRACTIONAL QUARTER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION; THENCE SOUTH 00°11' EAST ALONG THE EAST LINE OF THE NORTHEAST FRACTIONAL QUARTER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION, 480.00 FEET TO THE PLACE OF BEGINNING.

ALSO LESS AND EXCEPTING:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 5 EAST; THENCE SOUTH 89°27'30" EAST 40.00 FEET; THENCE SOUTH 00°02'43" EAST 25.00 FEET TO THE INTERSECTION OF THE EXISTING SOUTH RIGHT-OF-WAY OF COUNTY ROAD 24 AND THE EXISTING EAST RIGHT-OF-WAY OF STATE ROAD 19 BEING THE PLACE OF BEGINNING; THENCE SOUTH 89°27'30" EAST ON SAID RIGHT-OF-WAY LINE, 270.01 FEET; THENCE SOUTH 73°48'07" WEST 42.08 FEET; THENCE NORTH 89°27'30" WEST 175.01 FEET; THENCE SOUTH 45°17'37" WEST 63.36 FEET TO SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD 19; THENCE NORTH 00°02'43" WEST ON SAID EAST RIGHT-OF-WAY LINE, 60.00 FEET TO THE PLACE BEGINNING.

ALSO LESS AND EXCEPTING:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 19, THE SOUTH LINE OF ELKHART COUNTY ROAD 24 AND THE CENTERLINE OF STATE HIGHWAY 19 AS SHOWN ON THE RECORD OF PLAT OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 5 EAST; THENCE SOUTH 00°02'27" EAST 294.93 METERS (967.63 FEET) ALONG THE WEST LINE OF SECTION 19; THENCE SOUTH 89°28'44" EAST 12.192 METERS (40.00 FEET) TO THE EAST BORDER OF STATE ROAD 19 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00°02'27" WEST 269.103 METERS (988.28 FEET) TO THE SOUTHWEST CORNER OF THE GRANT OF PERMANENT RIGHT-OF-WAY GRANTED TO THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART AND DESCRIBED AS TRACT A, DEED RECORD 94-018670; THENCE NORTH 44°47'58" EAST 4.323 METERS (14.18 FEET) ALONG THE SOUTHEAST LINE OF SAID TRACT A TO THE POINT DESIGNATED AS "9014" ON SAID PLAT; THENCE SOUTH 00°02'27" EAST 272.198 METERS (893.04 FEET) TO THE SOUTH LINE OF GRANTOR'S LAND AND THE POINT DESIGNATED AS "9014" ON SAID PLAT; THENCE NORTH 89°28'44" WEST 3.048 METERS (10.00 FEET) ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING THE FOLLOWING:

THE ENTIRE PLAT OF SOUTH GATE HILLS II DPUD-B-3, PHASE I, A SUBDIVISION IN CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 31, PAGE 52 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.
ALSO LESS AND EXCEPTING THE FOLLOWING:

THE ENTIRE PLAT OF SOUTH GATE HILLS II DPUD-B-3, PHASE II, A SUBDIVISION IN CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 32, PAGE 16 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

TRACT IV:

OUT LOT B, AS THE SAID OUT LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF SOUTH GATE HILLS II DPUD-B-3, PHASE II, A SUBDIVISION IN CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 32, PAGE 16 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

TRACT V:

OUT LOT A, AS THE SAID OUT LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF SOUTH GATE HILLS II DPUD-B-3, PHASE I, A SUBDIVISION IN CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 31, PAGE 52 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

TRACT VI:

LOT 2, AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF SOUTH GATE HILLS II DPUD-B-3, PHASE II, A SUBDIVISION IN CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 32, PAGE 16 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.
<table>
<thead>
<tr>
<th>CR 24 &amp; SR 19 Annexation Current AV</th>
<th>Acres</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-06-19-301-020.000-009</td>
<td>6.58</td>
<td>$13,200.00</td>
</tr>
<tr>
<td>20-06-19-301-018.000-009</td>
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<td>$2,100.00</td>
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<td>20-06-19-301-015.000-009</td>
<td>0.22</td>
<td>$22,900.00</td>
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<tr>
<td>20-06-19-301-019.000-009</td>
<td>2.31</td>
<td>$4,600.00</td>
</tr>
<tr>
<td>20-06-19-301-009.000-009</td>
<td>1.61</td>
<td>$3,200.00</td>
</tr>
<tr>
<td><strong>Phase I Annexation</strong></td>
<td></td>
<td><strong>$46,000.00</strong></td>
</tr>
<tr>
<td>20-06-19-301-002.000-009</td>
<td>6.13</td>
<td>$12,300.00</td>
</tr>
<tr>
<td><strong>Phase II Annexation</strong></td>
<td></td>
<td><strong>$12,300.00</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Post Development AV Estimates</th>
<th>Acres</th>
<th>2021 AV</th>
<th>AV/Acre</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-06-19-151-006.000-011</td>
<td>2.48</td>
<td>$376,300.00</td>
<td>$151,733.87</td>
<td>3624 S. Nappanee St., Elkhart, In 46517</td>
</tr>
<tr>
<td>20-06-19-151-005.000-011</td>
<td>1.93</td>
<td>$377,900.00</td>
<td>$195,803.11</td>
<td>3618 S. Nappanee St, Elkhart, In 46517</td>
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<td>20-06-19-151-011.000-011</td>
<td>6.39</td>
<td>$3,348,800.00</td>
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<td>3610 S. Nappanee St., Elkhart, In 46517</td>
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<tr>
<td>20-06-19-151-003.000-011</td>
<td>2.62</td>
<td>$994,600.00</td>
<td>$379,618.32</td>
<td>3606 S. Nappanee St., Elkhart, In 46517</td>
</tr>
<tr>
<td>20-06-19-301-016.000-009</td>
<td>3.86</td>
<td>$2,213,400.00</td>
<td>$573,419.69</td>
<td>27838 Cr 24, Elkhart, In 46517</td>
</tr>
</tbody>
</table>

**Average AV of Developed Properties in Immediate area** $364,928.77
July 19, 2021

Mr. Eric Trotter, Assistant Director for Planning and Zoning  
City of Elkhart Planning and Development  
229 South Second Street  
Elkhart, IN 46516

RE: Annexation of property at CR 24 and SR 19

To Whom It May Concern:

This letter is to verify that Jimtown Corner LLC. currently owns the above referenced property in Elkhart.

We authorize TLTA LLC. and Abonmarche Consultants to prepare and submit the request to the Elkhart Plan Commission and Common Council for the annexation and rezoning of that property. They are further authorized to provide representation at any hearings or meetings relating to this request and any other matters relating to this project.

Thank you for your time and assistance with this matter.

Best Regards,

Jimtown Corner LLC.
Memo

To: Ryan Smith; Planner
From: Timothy D. Reecer
Date: June 17, 2021
Re: CR 24 & SR19 - Annexation Contiguity

Ryan,

The parcels identified on “Annexation Exhibit” provided by Abonmarche, more commonly known as, VL at the SE corner of SR 19 and CR 24 respectively have an approximate perimeter of 3,472.68 feet and a contiguous edge of approximately 622.47 feet. Based on these measurements the parcel in question is approximately 17.92% contiguous to the current City limits. This percentage exceeds the minimum requirement of 12.5% and is eligible for annexation.

Please note these measurements and calculations are not based upon the original legal description, but rather, a supplemental submission (attached hereto) as the Engineering Department could not get the polygon to close based upon the original submission.

Please do not hesitate to contact me with any questions or concerns.

Thank you,

Timothy D. Reecer
Public Works & Utilities
574.293.2572 x2202
EXHIBIT A


COMMENCING AT A HARRISON MONUMENT MARKING THE NORTHWEST CORNER OF SAID QUARTER SECTION, SAID NORTHWEST CORNER BEING THE INTERSECTION OF THE CENTERLINE OF STATE HIGHWAY 19 AND THE CENTERLINE OF THAT SECTION OF THE JAMESTOWN ROAD (COUNTY ROAD 24) RUNNING EAST FROM SAID STATE HIGHWAY; THENCE SOUTH 89° 53' 39" EAST, ALONG THE NORTH LINE OF SAID QUARTER SECTION, 410.01 FEET; THENCE SOUTH 00° 21' 09" EAST 25.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF SAID COUNTY ROAD 24 AND BEING THE POINT OF BEGINNING; THENCE SOUTH 00° 21' 09" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY, 15.00 FEET; THENCE SOUTH 89° 53' 39" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY, 60.00 FEET; THENCE SOUTH 00° 21' 09" EAST, ALONG THE WEST LINE OF LOT 1A AND LOT 2A OF SOUTH GATE HILLS II DPUD-B3, PHASE 1A, RECORDED IN PLAT BOOK 34 PAGE 94, ELKHART COUNTY RECORDER, 279.81 FEET; THENCE SOUTH 00° 34' 52" EAST, ALONG THE WEST LINE OF SAID LOT 2A, 234.59 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2A; THENCE SOUTH 00° 35' 47" EAST 413.12 FEET TO THE NORTH LINE OF LOT 1 OF THE OVERLOOK APARTMENTS DPUD, RECORDED IN PLAT BOOK 26, PAGE 31, ELKHART COUNTY RECORDER; THENCE NORTH 89° 54' 36" WEST, ALONG THE NORTH LINE OF SAID LOT 1, 180.58 FEET; THENCE SOUTH 00° 26' 08" EAST, ALONG THE WEST LINE OF SAID LOT 1, 290.77 FEET; THENCE NORTH 89° 54' 36" WEST, ALONG THE SOUTH LINE OF LOT 3 OF SAID THE OVERLOOK APARTMENTS DPUD, 241.29 FEET TO THE EAST RIGHT OF WAY LINE OF STATE HIGHWAY 19; THENCE NORTH 00° 24' 34" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 1183.40 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD 24; THENCE NORTH 44° 51' 28" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 49.26 FEET; THENCE SOUTH 89° 53' 39" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 175.01 FEET; THENCE NORTH 73° 21' 58" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 52.08 FEET; THENCE SOUTH 89° 53' 39" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 99.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.59 ACRES, MORE OR LESS AND SUBJECT TO ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

REFERENCE DOCUMENT: INSTRUMENT NUMBER 2014-08531, ELKHART COUNTY RECORDER

THIS DOCUMENT WAS PREPARED BY HANS P. MUSSER, INDIANA REGISTERED LAND SURVEYOR, LICENSE NUMBER 29700002.

5/19/2021

HANS P. MUSSER, PS

DATE

JOB NO.: 21-0845

C:\Users\smithya\AppData\Local\Microsoft\Windows\{inetcache\Contents\Outlook}\1iva4zr\21-0845 annexation legal description.docx
ORDINANCE NO.______________

AN ORDINANCE ENACTING AND ADOPTING THE TWENTY-SECOND (22ND) SUPPLEMENT TO THE CITY OF ELKHART, INDIANA CODE OF ORDINANCES

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the twenty-second supplement to the Code of Ordinances of the City of Elkhart, Indiana, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Elkhart; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana Code; and

WHEREAS, it is the intent of the Common Council to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operations of the municipality and for the immediate preservation of the public peace, health, safety, and general welfare of the municipality that this Ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, that:

Section 1. That the twenty-second (22nd) supplement to the City of Elkhart, Indiana Code of Ordinances, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Common Council, and the Elkhart City Clerk is hereby authorized and ordered to
insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

So ORDAINED this _______ day of __________________________, ____________.

__________________________________________
H. Brent Curry
President of the Common council

ATTEST:

__________________________________________
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this ________ day of __________________________, ____________
at ________ a.m./p.m.

__________________________________________
Debra D. Barrett, City Clerk

Approved by me this ________ day of __________________________, ____________.

__________________________________________
Rod Roberson, Mayor

ATTEST:

__________________________________________
Debra D. Barrett, City Clerk
ELKHART, INDIANA
Instruction Sheet
2021 S-22 Supplement

REMOVE OLD PAGES

Title Page

INSERT NEW PAGES

Title Page

ADOPTING ORDINANCE

45, 46

TITLE V: PUBLIC WORKS

77, 78

TITLE IX: GENERAL REGULATIONS

57, 58

TABLE OF SPECIAL ORDINANCES

3, 4
20C, 20D
40G, 40H
78A, 78B

PARALLEL REFERENCES

5, 6
77, 78

8/2021
MEMORANDUM

DATE: September 8, 2021

TO: Common Council

FROM: Corporation Counsel John M. Espar

RE: Proposed Ordinance No. 21-O-42
    Enacting and Adopting a Supplement of the Code of Ordinances for the City of Elkhart, Indiana

Proposed Ordinance No. 21-O-42 is an ordinance which seeks to enact and adopt the twenty-second supplement to the Code of Ordinances for the City of Elkhart, Indiana.

This supplement will contain all ordinances of general and permanent nature that have been enacted since the previous supplement to the Code of Ordinances of the City of Elkhart was enacted last year.

American Legal Publishing Corporation has recommended the revisions or additions to the Code of Ordinances referencing related sections of the Indiana Code, as set forth in the attached Elkhart Indiana Instruction Sheet 2021 S-22 Supplement.
ORDINANCE NO. 5826

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF ELKHART, INDIANA

WHERRAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the twenty-first supplement to the Code of Ordinances of the City of Elkhart, Indiana, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Elkhart; and

WHERRAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana Code; and

WHERRAS, it is the intent of the Common Council to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHERRAS, it is necessary to provide for the usual daily operations of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this Ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, that:

Section 1. That the twenty-first supplement to the Code of Ordinances of the City of Elkhart, Indiana, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Common Council, and the Elkhart City Clerk is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

ORDAINBD this 21st day of December, 2020.

H. Brent Curry  /s/
H. Brent Curry
President of the Common Council

ATTEST:

Debra D. Barrett  /s/
Debra D. Barrett, City Clerk

2021-8-22
PRESENTED to the Mayor by me this 22 day of December, 2020, at 8:00 a.m.

Debra D. Barrett /s/ 
Debra D. Barrett, City Clerk

APPROVED by me this 22 day of December, 2020.

Rod Roberson /s/ 
Rod Roberson, Mayor

ATTEST:

Debra D. Barrett /s/ 
Debra D. Barrett, City Clerk
Public sewer construction cost per linear foot | $60.00*
---|---
Connecting fee, each | $160.00
Sewer lateral, each | $160.00

* Maximum linear foot charge of $7,500 for each single-family, owner-occupied residential property.

(B) Interest. During December of each calendar year, the Board shall establish the interest rate for the following year as the prime rate published on the first day of December of the current year plus 1 percentage point (prime rate + 1%). The interest rate set by the Board for that year shall apply to all installment contracts entered into that year by property owners and the city. The initial interest rate shall continue for the life of each contract initiated in that year.
(Ord. 5286, passed 12-19-2011)

§ 52.54 BASIC SEWER CHARGES.

(A) For the use and the service rendered by the POTW, each user shall pay the following basic wastewater rates and charges:

| Sewer only account set-up fee | $25.00
---|---
Sewer deposit | $65.00
Residential sewer insurance monthly premium | $1.00*
Residential sewer insurance annual deductible | $400.00
Residential sewer insurance administrative fee | $20.00**
Trip charge | $25.00

* For each residential sewer lateral
** Applicable if deductible is paid in monthly installments

Minimum Charge per Month | Rates Effective as of:
---|---|---
| 1-1-21 | 1-1-22
---|---|---
For Metered Users | $28.23 | $32.46
For Unmetered Users | $48.21 | $55.44

Charge per 100 Cubic Feet Discharged per Month | Rates Effective as of:
---|---|---
| 1-1-21 | 1-1-22
---|---|---
First 300 cubic feet/2,244 gallons | $9.41 | $10.82
Next 3,000 cubic feet/22,442 gallons | $3.33 | $3.83
Over 30,000 cubic feet/24,686 gallons | $2.90 | $3.34

(B) These rates and charges shall be implemented at the time a parcel of real estate is connected to the POTW.

§ 52.55 METERING REQUIREMENTS.

For the purpose of billing, all industrial and commercial users may be required to use a water meter, discharge meter, or a water meter in combination with a subtract meter to determine the flow of wastewater entering the POTW. For billing purposes, the utility shall approve or disapprove the type of meter to be used at a particular location and its configuration. The user shall pay for any required metering device and it shall remain the property of the user. The meter shall be subject to the same rules and regulations which govern the meters of the utility. All meter testing results must be submitted to the utility. The costs of mandatory testing are the responsibility of the user. All other meters shall be tested and calibrated according to the manufacturer’s specifications. The utility may require that a user’s meter be tested if the utility suspects that the meter is not registering accurately.
(Ord. 5286, passed 12-19-2011)
§ 52.56 PRETREATMENT, SURCHARGE AND SURVEILLANCE CHARGES.

(A) Pretreatment.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Charge per Sample</th>
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<tbody>
<tr>
<td>COD</td>
<td>$30</td>
</tr>
<tr>
<td>BOD₅ (tBOD₅ or eBOD₅)</td>
<td>$25</td>
</tr>
<tr>
<td>TSS and VSS</td>
<td>$24</td>
</tr>
<tr>
<td>pH</td>
<td>$8</td>
</tr>
<tr>
<td>Phosphorus</td>
<td>$28</td>
</tr>
<tr>
<td>Metals, per metal per sample</td>
<td>$15</td>
</tr>
<tr>
<td>Mercury</td>
<td>$30</td>
</tr>
<tr>
<td>Mercury, low level</td>
<td>$65</td>
</tr>
<tr>
<td>Base/neutral and acids</td>
<td>$175</td>
</tr>
<tr>
<td>Cyanide, total</td>
<td>$30</td>
</tr>
<tr>
<td>Volatile organics</td>
<td>$65</td>
</tr>
<tr>
<td>Fats, oil and grease</td>
<td>$30</td>
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<tr>
<td>Oil and grease, petroleum</td>
<td>$60</td>
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<tr>
<td>Ammonia nitrogen</td>
<td>$15</td>
</tr>
<tr>
<td>Kjeldahl nitrogen</td>
<td>$25</td>
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</table>

(B) Surcharges.

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<thead>
<tr>
<th>Rates effective as of:</th>
<th>1-1-21</th>
<th>1-1-22</th>
</tr>
</thead>
<tbody>
<tr>
<td>per pound for cBOD₅ in excess of 250 mg/L</td>
<td>$0.03</td>
<td>$0.04</td>
</tr>
<tr>
<td>per pound for TSS in excess of 250 mg/L</td>
<td>$0.02</td>
<td>$0.03</td>
</tr>
<tr>
<td>per pound for total phosphorus in excess of 11 mg/L</td>
<td>$0.21</td>
<td>$0.25</td>
</tr>
<tr>
<td>per pound for NH₃-N in excess of 25 mg/L</td>
<td>$0.13</td>
<td>0.15</td>
</tr>
</tbody>
</table>

(C) Surveillance charges. Based on cost per sample per parameter.

(D) Under special circumstances the Board may require additional parameters at a unit charge to be based on the utility’s cost of providing the service. Additional monitoring and analytical costs to the utility may be charged to the user.

§ 52.57 SPECIAL OR EXTRAORDINARY CIRCUMSTANCES.

The Board is empowered to determine rates, charges, fees, and payment terms for Wastewater delivered to the POTW under any special or extraordinary circumstances. The Board is also authorized to waive or reduce any charges under any special or extraordinary circumstances.
(Ord. 5286, passed 12-19-2011)
the expiration of 5 calendar days from the date the notice is placed on the vehicle pursuant to division (D)(2), dispose of the vehicle to an automobile impound. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the Bureau. The Police Department shall retain the original records and photographs for at least 2 years.

(3) If, in the opinion of the hearing officer, the market value of the abandoned vehicle or parts is $100 or more, the police officer shall, after the expiration of 5 calendar days from the date the notice is placed on the vehicle pursuant to division (D)(2), require the vehicle or parts to be towed to a storage area.

(1979 Code, § 95.28; Ord. 3488, passed 10-17-1983)

Statutory reference:
Abandoned vehicle removal procedure, see I.C. 9-22-1

§ 95.064 NOTICE OF OWNERSHIP.

(A) After removal of a vehicle to a storage area under § 95.063, the Police Department shall prepare and forward to the Bureau an abandoned vehicle report containing a description of the vehicle including the make, model, readily available vehicle identification number, and the number of the license plate, and request that the Bureau advise the Department of the name and most recent mailing address of the owner and any lienholder.

(B) If a reasonable search discloses the name and address of the owner or lienholder, written notice by first class mail shall be served on the owner, with a copy to any lienholder indicating that the vehicle or parts have been impounded at a certain location and must be removed within 15 days of the date of mailing of the notice and advising that the vehicle or parts will be disposed of after that time, and advising the owner or any lienholder that all costs incurred in removing and storing the vehicle or parts are his or her legal responsibility.

(Ord. 3488, passed 10-17-1983)

§ 95.065 DISPOSAL OF VEHICLES.

(A) Unidentifiable vehicles. If the vehicle or parts are in such condition that vehicle identification numbers or other means of identification are not available to determine the owner or lienholder, the vehicle may be disposed of without notice.

(B) Vehicles valued at less than $500.

(1) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is less than $500, the officer may release the vehicle or parts to the towing service employed to remove the vehicle or parts in lieu of towing and storage charges.

(2) In this event, the Police Department shall prepare and file the abandoned vehicle report and, upon notification by the Bureau of the identity of the vehicle’s owner or lienholder and address, the Department shall forward this information to the towing service.

(3) The towing service shall be solely responsible for giving the 15 days notice to the owner or lienholder required by § 95.064(B) of this chapter. If the owner or lienholder does not appear within 15 days after the mailing of notice, the towing service may dispose of the abandoned vehicle or parts and shall retain the proceeds of the disposition in lieu of towing charges and storage fees. The Department shall execute a bill of sale to the towing service for the vehicle or parts.

(C) Vehicles valued at more than $500. If, in the opinion of the officer, the market value of the abandoned vehicle or parts is greater than $500, the Department shall give notice as provided in § 95.064 of this chapter. If the owner or lienholder does not appear within 15 days after the mailing of the notice, the Department shall sell the vehicle or parts to the highest bidder at a public sale conducted after notice under I.C. 5-3-1-1 through 5-3-1-9, except only 1 newspaper insertion 1 week before the public sale is required. The Department may elect to sell the vehicle or parts as unclaimed property in accordance with I.C. 32-34-1.5, except that the 15-day period for the property to remain unclaimed is sufficient. The
§ 95.066 EXCEPTIONS.

This chapter shall not apply to:

(A) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways;

(B) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment;

(C) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility;

(D) A vehicle located upon property licensed or zoned as an automobile storage or impoundment yard;

(E) An antique vehicle registered and licensed under I.C. 9-18-12 (before its expiration), a historic vehicle licensed under I.C. 9-18.5-34, or a military vehicle registered under I.C. 9-18.1-18;

(F) A golf cart; and

(G) An off-road vehicle.

(1979 Code, § 95.31) (Ord. 3488, passed 10-17-1983)

§ 95.067 TOWING CHARGES.

The charge for the towing and storage of abandoned vehicles shall be the customary charge for towing and storage of other vehicles ordered by the city.

(1979 Code, § 95.32) (Ord. 3488, passed 10-17-1983)

2018 S-17

§ 95.068 TIME COMPUTATION.

In computing any period of time prescribed in this chapter, the day of the act, event, tagging or mailing from which the designated period of time begins to run shall not be included. Time shall begin to run on the next succeeding day and shall conclude on midnight of the last day of the period that is not a Saturday, Sunday or legal holiday.

(1979 Code, § 95.33) (Ord. 3488, passed 10-17-1983)

JUNKYARDS

§ 95.080 FENCE REQUIRED.

(A) There shall be constructed and maintained about the perimeter of every junkyard or similar yard, a fence at least 6 feet in height. This fence shall be constructed of masonry woven wire, or solid wood or corrugated iron may be used provided it is painted every 3 years, and shall be located within the boundary lines of the property concerned. Any and all gates in the fence shall be locked when the property is not in actual use.

(B) Every property owner affected by this section shall have 90 days from December 6, 1960 in which to comply with the provisions hereof.

(1979 Code, § 95.40) (Ord. 1971, passed 12-6-1960) Penalty, see § 95.999

NOISE CONTROL

§ 95.095 GENERAL NOISE REGULATIONS.

(A) Loud noises prohibited. No person shall make, continue, or cause to be made or continued any
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<tr>
<td>3007</td>
<td>6-5-1978</td>
<td>Authorizes sale of east half of lots 19, 20, 21 and 22 of Semonton's Addition except Waterfall Drive.</td>
</tr>
<tr>
<td>3026</td>
<td>7-17-1978</td>
<td>Authorizes sale or exchange of north half of lot 2 of Babcocks's First South Addition.</td>
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<tr>
<td>3074</td>
<td>12-4-1978</td>
<td>Approves by-sell agreement for purchase of real estate between Board of Public Works and Safety and Board of Commissions of Elkhart County.</td>
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<tr>
<td>3075</td>
<td>12-11-1978</td>
<td>Authorizes exchange of east half of lots 19, 20, 21 and 22 of Semonton's addition except Waterfall Drive for realty owned by Elhart Conference, Inc. (alternate procedure to Ord. 3007).</td>
</tr>
<tr>
<td>3080</td>
<td>1-18-1979</td>
<td>Authorizes sale of lot 154 of Chapman's South Elkhart Addition.</td>
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<tr>
<td>3130</td>
<td>8-6-1979</td>
<td>Authority of Board of Aviation Commissioners to enter into long-term lease agreements.</td>
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<tr>
<td>3173</td>
<td>12-17-1979</td>
<td>Authorizes the quit-claim and release to Elkhart Community Schools of lots 127 and 128 of A.F. Wolf's Addition.</td>
</tr>
<tr>
<td>3208</td>
<td>5-15-1980</td>
<td>Approves agreement between the Board of Public Works and Safety and the County Board of Commissions for the purchase of real estate in Elkhart County.</td>
</tr>
<tr>
<td>3209</td>
<td>5-19-1980</td>
<td>Approves agreement between the Board of Public Works and Safety and the County Board of Commissions for the purchase of real estate in Elkhart County.</td>
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<tr>
<td>3268</td>
<td>12-8-1980</td>
<td>Authorizes sale of north-east corner of NH 1/4 of 6-3/T-N-38, commonly known as &quot;Old Fire Station No. 4.&quot;</td>
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<tr>
<td>3361</td>
<td>11-18-1981</td>
<td>Authorizes sale of lot 313, commonly known as former &quot;Civil Defense Building.&quot;</td>
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<td>4835</td>
<td>6-21-2004</td>
<td>Authorizing the sale of park lands.</td>
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<td>4927</td>
<td>11-7-2005</td>
<td>Authorizing purchase of 201 South Second Street.</td>
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<td>R-35-20</td>
<td>9-14-2020</td>
<td>Transfer of vacant lot owned by the Elkhart Department of Redevelopment to Lacasa, Inc.</td>
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<tr>
<td>5803</td>
<td>5-4-2020</td>
<td>Correcting scrivener's error in legal description in Ordinance 5794.</td>
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<td>5812</td>
<td>7-20-2020</td>
<td>Annexing certain real estate commonly known as 2411 County Road 10 W and 28330 County Road 10 W into the city.</td>
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<td>5829</td>
<td>12-21-2020</td>
<td>Annexing certain real estate commonly known as 1333 S. Nappanee Street into the city.</td>
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<tr>
<td>5841</td>
<td>5-17-2021</td>
<td>Annexing certain real estate commonly known as three lots at the northeast corner of W. Hively Avenue and S. 6th Street into the city.</td>
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<tr>
<td>5852</td>
<td>6-7-2021</td>
<td>Annexing certain real estate commonly known as 32.754 acres on the south side of Henke Street between Jeanwood Drive and Lane Street into the city.</td>
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<td>5638</td>
<td>1-8-2018</td>
<td>Rezoning real estate located at 1400 South Nappanee from B-1 to B-2.</td>
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<td>5654</td>
<td>3-19-2018</td>
<td>Rezoning real estate located at the southeast intersection of County Road 6 and Stryker Street from PUD and R-1 to R-2.</td>
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<td>5659</td>
<td>3-19-2018</td>
<td>Amending conditions of the Elkhart General Hospital PUD.</td>
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<td>5664</td>
<td>5-7-2018</td>
<td>Rezoning real estate located at 512 Hallie Road from R-2 to R-4.</td>
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<td>5670</td>
<td>5-21-2018</td>
<td>Amending conditions of the Mennonite Biblical Seminary/Mennonite Board of Education PUD.</td>
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<tr>
<td>5671</td>
<td>6-4-2018</td>
<td>Amending conditions of the Parkway at 17 PUD.</td>
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<td>5672</td>
<td>6-4-2018</td>
<td>Rezoning real estate located at 3500 Cassopolis Street from R-1 to B-2.</td>
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<td>5684</td>
<td>9-10-2018</td>
<td>Rezoning certain real estate located at vacant land on Emerson Drive from B-1 to B-2.</td>
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<td>5707</td>
<td>12-7-2018</td>
<td>Rezoning real estate located at 750 County Road 15 from M-1 to B-2.</td>
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<td>5738</td>
<td>6-3-2019</td>
<td>Amending planned unit development to allow construction of two apartment buildings containing a total of 28 dwelling units and 35 new parking spaces.</td>
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<td>5747</td>
<td>7-1-2019</td>
<td>Rezoning certain real estate located at vacant lot on north side of Jackson Blvd., in the vicinity of vacated Clark Street and Pacific Street from R-2 and R-5 to CBD.</td>
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<tr>
<td>5748</td>
<td>7-1-2019</td>
<td>Rezoning certain real estate located at vacant land on Emerson Drive from B-2 to B-3.</td>
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<td>5759</td>
<td>9-9-2019</td>
<td>Rezoning certain real estate located at 52440 County Road 101 from R-1 to M-1.</td>
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<td>5760</td>
<td>9-9-2019</td>
<td>Rezoning certain real estate located at northwest corner of County Road 17 and Hoffman Street from B-2 to M-1.</td>
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<tr>
<td>5764</td>
<td>10-7-2019</td>
<td>Removing 1600 Osolo Road from the Planned Unit Development District and rezoning 1600 Osolo Road to R-2.</td>
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<tr>
<td>5776</td>
<td>11-4-2019</td>
<td>Removing real estate located at 3542 South Main Street from the Planned Unit Development and rezoning 3542 South Main Street to B-3.</td>
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<td>Ord. No.</td>
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<td>5786</td>
<td>1-13-2020</td>
<td>Rezoning real estate located at 152 State Street and 156 State Street from R-2 to R-3.</td>
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<tr>
<td>5787</td>
<td>1-13-2020</td>
<td>Rezoning real estate located at 160 State Street from R-2 to R-3.</td>
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<td>5788</td>
<td>2-3-2020</td>
<td>Rezoning real estate located at 2743 South Nappanee Street and vacant land southwest of Nappanee Street and Hively Avenue from M-1 to B-3.</td>
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<tr>
<td>5806</td>
<td>6-15-2020</td>
<td>Rezoning real estate located at vacant lot East Bristol Street (adjacent to 818 E. Bristol Street) from R-2 to O.</td>
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<tr>
<td>5828</td>
<td>12-21-2020</td>
<td>Rezoning approximately 28.5 acres south of Arlington Street between Cassopolis Street and Johnson Street from PUD to B-4.</td>
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<td>5830</td>
<td>2-8-2021</td>
<td>Rezoning 1717 Fulton Street from R-2 to O.</td>
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<tr>
<td>5834</td>
<td>4-5-2021</td>
<td>Rezoning 23605 US 20 and 2704 Toledo Road from B-3 and PUD to M-1.</td>
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<tr>
<td>5839</td>
<td>5-3-2021</td>
<td>Rezoning 1313 W. Hubbard Avenue from R-3 to R-2.</td>
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<td>5845</td>
<td>6-7-2021</td>
<td>Rezoning the lot west of 2014 E. Bristol Street from R-2 to B-1.</td>
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<tr>
<td>5846</td>
<td>6-7-2021</td>
<td>Rezoning approximately 16.2 acres at 123 County Road 17 from DPUD, M-1 to M-1.</td>
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<tr>
<td>5847</td>
<td>6-7-2021</td>
<td>Rezoning 1311 West Hubbard Avenue from R-3 to R-2.</td>
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<tr>
<td>5848</td>
<td>6-7-2021</td>
<td>Removing 2.3 acres of vacant land on Haines Drive from within Villas at Lexington Landing PUD and rezoning the same as Villas at Lexington Landing Phase II PUD.</td>
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<tr>
<td>5849</td>
<td>6-7-2021</td>
<td>Rezoning 8.34 acres of vacant land between the 2100 and 2200 blocks of Cassopolis Street from B-3 and M-1 to R-4.</td>
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<td>5524</td>
<td>10-17-2016</td>
<td>Vacating the portion of the alley running east from 18th Street between Fieldhouse Avenue and Markle Avenue.</td>
</tr>
<tr>
<td>5537</td>
<td>12-5-2016</td>
<td>Vacating the portion of the east-west alley running between Washington Street and Jefferson Street, and between North Main Street and the Elkhart River.</td>
</tr>
<tr>
<td>5605</td>
<td>8-7-2017</td>
<td>Vacating North Clark Street and Hannah Court.</td>
</tr>
<tr>
<td>5616</td>
<td>9-11-2017</td>
<td>Vacating the north/south alley west of Lots 437-440 and the east/west alley extending west of Lots 437-438 to Sixth Street in Chapman’s Rosedale Addition.</td>
</tr>
<tr>
<td>5623</td>
<td>10-16-2017</td>
<td>Vacating the north/south alley between Country Club Drive and Modrell Avenue.</td>
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<tr>
<td>5655</td>
<td>3-19-2018</td>
<td>Vacating the eastern portion of Doll Court.</td>
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<tr>
<td>5658</td>
<td>3-19-2018</td>
<td>Vacating a part of Highland Avenue between Massachusetts Avenue and Lawn Avenue.</td>
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<tr>
<td>5662</td>
<td>4-16-2018</td>
<td>Vacating a part of Lawn Avenue between Highland Avenue and Arcade Avenue and a portion of two north-south alleys between Highland Avenue and East Boulevard.</td>
</tr>
<tr>
<td>5679</td>
<td>8-20-2018</td>
<td>Vacating a part of Hudson Boulevard running north and south between York Street and Polsum Street.</td>
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<tr>
<td>5706</td>
<td>12-17-2018</td>
<td>Vacating a part of the remaining alleys in John W. Fieldhouse’s Subdivision and the north-south alley lying between John W. Fieldhouse’s Subdivision and Hannah W. Clark’s addition.</td>
</tr>
<tr>
<td>5724</td>
<td>4-1-2019</td>
<td>Vacating a portion of Clark Street from Elkhart Avenue extending north approximately 124 feet.</td>
</tr>
<tr>
<td>5755</td>
<td>8-19-2019</td>
<td>Vacating a portion of a 16.5-foot wide alley located adjacent to Lot 9 and Lot 10 in the Riverview Addition extending west of the intersection of a 12-foot alley between Lot 9 and Lot 7 of said Addition.</td>
</tr>
<tr>
<td>5813</td>
<td>8-3-2020</td>
<td>Vacating Easy Shopping Place, a public right-of-way situated between the north line of East Jackson Boulevard and the south line of Elkhart Avenue.</td>
</tr>
<tr>
<td>5840</td>
<td>5-17-2021</td>
<td>Vacating an alley adjacent to Lots 25, 26, 27 and 28 of the Spring Fountain Place Addition.</td>
</tr>
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</table>
References to Indiana Code

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Proposed Ordinance No. 21-O-43

ORDINANCE NO. ____________

AN ORDINANCE APPROPRIATING ONE MILLION TWO HUNDRED THOUSAND AND 00/100 DOLLARS ($1,200,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE PUBLIC HEALTH RESPONSE ACCOUNT TO UPGRADE THE HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) SYSTEMS OF CITY HALL AND THE CITY ANNEX TO REDUCE THE RISK OF INDOOR TRANSMISSION OF CORONAVIRUS-19 AND OTHER AIRBORNE PATHOGENS, TO MAKE THE FACILITIES SAFER

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart ("City") funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.
WHEREAS, of the heating, ventilation, and air conditioning (HVAC) system in City Hall and the City Annex are outdated, inefficient, and frequently ineffective with periodic system failures; and

WHEREAS, the passage of the American Rescue Plan Act presents a unique opportunity to replace these systems which are in need of replacement, while upgrading them to reduce the risk of indoor transmission of Coronavirus-19 and other airborne disease-causing pathogens;

WHEREAS, an upgrade of the HVAC systems of City Hall and the City Annex would make the facilities safer for the city employees working in those facilities and the members of the public who visit; and

WHEREAS, the cost to replace the heating, ventilation, and air conditioning (HVAC) system in City Hall and the Annex buildings is estimated to be One Million Two Hundred Thousand Dollars ($1,200,000.00); and

WHEREAS, the City Administration requests that the Common Council of the City of Elkhart appropriate the sum of One Million Two Hundred Thousand Dollars ($1,200,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Public Health Response Account; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The amount of One Million Two Hundred Thousand Dollars ($1,200,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 176-5-000-439.0501  Negative Economic Impact
Section 2. The Common Council has fixed the ____ day of ________________, ____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this ________ day of ____________________, __________.

________________________________________
H. Brent Curry
President of the Common Council

ATTEST:

________________________________________
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this ____day of ________________, __________
at___________ a.m./p.m.

________________________________________
Debra D. Barrett, City Clerk
Approved by me this _____ day of ______________, __________.

________________________________________
Rod Roberson, Mayor

ATTEST:

_____________________________________
Debra D. Barrett, City Clerk
MEMORANDUM

DATE: 09/09/2021
TO: Common Council
FROM: Mayor Rod Roberson
RE: Proposed Ordinance No. 21-O-43

AN ORDINANCE APPROPRIATING ONE MILLION TWO HUNDRED THOUSAND AND 00\100 DOLLARS ($1,200,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE PUBLIC HEALTH RESPONSE ACCOUNT TO UPGRADE THE HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) SYSTEMS OF CITY HALL AND THE CITY ANNEX TO REDUCE THE RISK OF INDOOR TRANSMISSION OF CORONAVIRUS-19 AND OTHER AIRBORNE PATHOGENS, TO MAKE THE FACILITIES SAFER.

Council Members:

For your consideration is Proposed Ordinance No. 21-O-43 which would appropriate $1,200,000 in American Rescue Plan funds for the replacement of the heating, ventilation, and air conditioning (HVAC) system in City Hall and the Annex building.

Presently, the HVAC systems in both buildings are outdated, inefficient, and frequently ineffective with periodic system failures. The passage of the American Rescue Plan Act presents a unique opportunity to replace these systems which are in need of replacement, while upgrading them to reduce the risk of indoor transmission of Coronavirus19 and other airborne pathogens, thereby making the facilities safer.

This appropriation is submitted for your approval, and I or a member of the administrative staff will be available to answer all of your questions.
ORDINANCE NO. ____________

AN ORDINANCE APPROPRIATING FOUR HUNDRED FORTY THOUSAND AND 001/100 DOLLARS ($440,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE BUSINESS RECOVERY RESILIENCY AND GROWTH PROGRAM

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart ("City") funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the use of the ARP funds will be used to reverse negative economic impacts of businesses located in Elkhart County; and

WHEREAS, there are over 5,000 businesses representing several industrial sectors located in Elkhart with many of these businesses providing critical components of the local and state supply chain, responsible for much of the region's economic growth; and
WHEREAS, Elkhart’s business base while historically resilient, surviving the many RV bust-to-boom economic cycles, the Coronavirus-19 Pandemic has nonetheless led to an industry decreased in size, with smaller to medium size businesses in decline; and

WHEREAS, as a result of the Coronavirus-19 Pandemic, the supply chain has been disrupted on a national level, with business closings, downsizing, or demonstrating an inability to adapt to changes in current market demand brought on by the pandemic; and

WHEREAS, the Business Recovery Resiliency and Growth Program (BRR&G) will identify local businesses by sector, engage them to determine their post-pandemic financial health, resiliency and competitiveness; and

WHEREAS, participating businesses will be provided technical assistance on operations and business logistics, technology adoption, and workforce sustainability, with up to 250 businesses receiving on-going technical assistance; and

WHEREAS, key metrics that will demonstrate the program’s effectiveness will include trends in participating small business growth, increases in diversity in customer base, job growth, increases in business revenues, and minority business growth; and

WHEREAS, the BRR&G programs call for the engagement of key partners to provide a variety of funding sources and to create curriculum and provide training; and

WHEREAS, the implementation of BRR&G is estimated to be Six Million Five Hundred Thousand Ninety Dollars ($6,590,000) which will include financial contributions from private partners and public sources; and

WHEREAS, the City Administration requests as the public contribution that the Common Council of the City of Elkhart appropriate the sum of Four Hundred and Forty Thousand Dollars ($440,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic
Impact Account for a program intended to reverse negative economic impacts that have affected small businesses; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The amount of Four Hundred and Forty Thousand Dollars ($440,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 176-5-000-439.0501  Negative Economic Impact  $440,000.00

Section 2. The Common Council has fixed the ____ day of ________________, ____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this _____ day of __________________, ______________.

______________________________________________
H. Brent Curry
President of the Common Council

ATTEST:

______________________________________________
Debra D. Barrett, City Clerk
PRESENTED to the Mayor by me this ___day of ___________, __________
at_________ a.m./p.m.

________________________________________
Debra D. Barrett, City Clerk

Approved by me this _____ day of ______________________, __________.

________________________________________
Rod Roberson, Mayor

ATTEST:

________________________________________
Debra D. Barrett, City Clerk
To: City Council
From: Dayna Bennett
Date: August 12, 2021
Re: ARP Appropriation for Business Recovery Resiliency and Growth Program

The Department of Development Services is requesting an appropriation from the City of Elkhart’s entitlement of American Rescue Plan Act funds for the implementation of the Business Recovery Resiliency and Growth Program (BRR&G)

A permitted use of ARP funds is to reverse negative economic impacts. There are over 5,000 businesses representing several industrial sectors located in Elkhart. These businesses range in size from less than 10 employees to several hundred. Many of the businesses are small (less than 20 employees) to medium (under 100 employees) in size. These businesses are often critical components of the local and state supply chain and responsible for much of the region’s economic growth.

Elkhart’s business base while historically resilient, surviving the many RV bust to boom economic cycles, has nonetheless decreased in size, with smaller to medium size businesses in decline. The recent pandemic is expected to have hastened the demise and/or struggle of many of once viable but now vulnerable businesses. As can be seen nationally, the supply chain has been disrupted due to business closings, downsizing, or inability to adapt to changes in current market demand. The BRR&G program will identify local businesses by sector, engage them to determine their post-pandemic financial health, resiliency and competitiveness. Sector strategies will be developed. Participating businesses will be provided technical assistance on operations and business logistics, technology adoption, and workforce sustainability. Up to 250 businesses will receive on-going technical assistance.

Key metrics that will could include trends in participating small business growth, increased diversity in customer base, job growth, increase in business revenues, and minority business growth.

We will engage key partners to create curriculum and provide training. We are also pursuing a variety of public and private funding sources. The implementation of BRR&G is estimated to be $6,590,000. We are requesting $440,000 of ARP funds to go towards that expense.
Proposed Ordinance No. 21-O-45

ORDINANCE NO. ____________

AN ORDINANCE APPROPRIATING ONE HUNDRED SEVENTEEN THOUSAND AND
001,100 DOLLARS ($117,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL
RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE
DOWNTOWN PROPERTY ACTIVATION AND DEVELOPMENT PROGRAM

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA)
and awarded to the City of Elkhart (“City”) funds which may be used for certain authorized uses
specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the
American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus
Disease 2019 (COVID–19) or its negative economic impacts, including assistance
to households; small businesses, and nonprofits, or aid to impacted industries such
as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public
health emergency by providing premium pay to eligible workers of the metropolitan
city, nonentitlement unit of local government, or county that are performing such
essential work, or by providing grants to eligible employers that have eligible
workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in
revenue of such metropolitan city, nonentitlement unit of local government, or
county due to the COVID–19 public health emergency relative to revenues collected
in the most recent full fiscal year of the metropolitan city, nonentitlement unit of
local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the use of the ARP funds will be used to reverse negative economic impacts
of small businesses located in the core of Elkhart County; and

WHEREAS, the shrinking downtown business activity has led to many vacant buildings
and underutilized lots thereby lacking the density threshold that is key to a vibrant downtown; and
WHEREAS, the key metrics could include trends in participating small business growth and increased diversity in customer base, increased residential activity, a growing tax base, increase in visitor count, increase in business transactions; and

WHEREAS, public and private partners have begun to establish a pre-development strategy with input from the Urban Land Institute the Dean of Notre Dame’s School of Architecture, Stefanos Polyzoides; and

WHEREAS, the close to $200 million in investment in the River District has demonstrated the economic outcomes and returns that can be realized from a well planned development program; and

WHEREAS, the administration intends to engage professional consultants to collaborate in the creation of a downtown master plan and framework for the development of an acquisition fund which combine is estimated to cost Five Hundred Six Thousand dollars ($506,000) with the administration seeking funding from a variety of funding sources, including an appropriation request from the Common Council of One Hundred Seventeen Thousand Dollars ($117,000); and

WHEREAS, the City Administration has requested that the Common Council of the City of Elkhart appropriate the sum of One Hundred Seventeen Thousand Dollars ($117,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account for the Downtown Property Activation and Development Program; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:
Section 1. The amount of One Hundred Seventeen Thousand Dollars ($117,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 176-5-000-439.0501  Negative Economic Impact  $117,000.00

Section 2. The Common Council has fixed the ___ day of ______________, ____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this _____ day of ______________, ____________.

________________________________________
H. Brent Curry  
President of the Common Council

ATTEST:

________________________________________
Debra D. Barrett, City Clerk  

PRESENTED to the Mayor by me this ___ day of ______________, ____________
at__________ a.m./p.m.

________________________________________
Debra D. Barrett, City Clerk  

Approved by me this _______ day of ________________, ____________.

________________________________________
Rod Roberson, Mayor  

ATTEST:

________________________________________
Debra D. Barrett, City Clerk
To: City Council
From: Dayna Bennett
Date: August 12, 2021
Re: ARP Appropriation for Downtown Property Activation and Development Program

The Department of Development Services is requesting an appropriation from the City of Elkhart’s entitlement of American Rescue Plan Act funds for the implementation of the Downtown Property Activation and Development Program.

A permitted use of ARP funds is to reverse negative economic impacts. While Elkhart’s River District fared reasonably well during the pandemic, Elkhart’s core downtown, where many small businesses reside, and its adjacent residential neighborhood has not done as well. The shrinking downtown business activity has led to too many vacant buildings and underutilized lots thereby lacking the density threshold that is key to a vibrant downtown. The close to $200 million in investment in the River District has demonstrated the economic outcomes and returns that can be realized from a well-planned development program.

Public and private partners have begun to establish a pre-development strategy with input from the Urban Land Institute the Dean of Notre Dame’s School of Architecture, Stefanos Polyzoides. This will provide some short-term guidance that will allow us to move forward with facilitating downtown development. However, a downtown master plan is need to take a longer and more comprehensive view of the future of downtown.

Key metrics that will could include trends in participating small business growth, increased diversity in customer base, increased residential activity, a growing tax base, increase in visitor count, increase in business transactions.

We will engage a firm to help create a downtown master plan and acquisition fund. We are also pursuing a variety of funding sources. The creation of the downtown master plan and framework for an acquisition fund is estimated to cost $506,000. We are requesting $117,000 of ARP funds to go towards that expense.
Ordinance No. ____________

An Ordinance Appropriating Five Hundred Thousand and 00/100 Dollars ($500,000) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account the Homeowner-Occupied Property Rehabilitation Program

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart ("City") funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, 603(c)(1)(A) permits use Fiscal Recovery Funds to respond to the negative economic impacts of the public health emergency, including efforts to address an economic harm resulting from or exacerbated by the public health emergency; and
WHEREAS, in assessing whether a household or population experienced economic harm as a result of the pandemic, it is appropriate to presume that a household or population has experienced negative economic impacts resulting from the pandemic if the population or household has experienced unemployment or increased food or housing insecurity or is within the low or moderate-income levels; and

WHEREAS, the Homeowner-Occupied Property Rehabilitation Program would provide assistance for the homeowners of owner-occupied properties to address housing rehabilitation and repair for individuals who have experienced hardships from COVID-19 that have created or exacerbated structural, safety, and access concerns to their home; and

WHEREAS, the Homeowner-Occupied Property Rehabilitation Program would be limited to families with moderate income (up to 120% of AMI); and

WHEREAS, the Homeowner-Occupied Property Rehabilitation Program compliments the CDBG program which provides funding for families at or below 80% of AMI, pending availability of CDBG funding; and

WHEREAS, the City Administration requests that the Common Council of the City of Elkhart appropriate the sum of Five Hundred Thousand Dollars ($500,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account to fund the Homeowner-Occupied Property Rehabilitation Program; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:
Section 1. The amount of Five Hundred Thousand Dollars ($500,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 176-5-000-439.0501   Negative Economic Impact   $500,000.00

Section 2. The Common Council has fixed the ___ day of ________________, _____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this _____ day of ________________, __________.

________________________________________
H. Brent Curry
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this ___ day of ________________, __________
at_________ a.m./p.m.

________________________________________
Debra D. Barrett, City Clerk

Approved by me this ______ day of ________________, __________.

________________________________________
Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk
Memo

To:        City Council
From:      Dayna Bennett, Director of Development Services
Date:      September 9, 2021
Re:        Appropriation of $500,000 of ARPA Funds for Homeowner Occupied Property Rehabilitation

The Department of Development Services is requesting an appropriation of $500,000 from City of Elkhart’s entitlement of American Rescue Plan Act funds for an extension of the department’s current Homeowner Occupied Property Rehabilitation Program.

Sections 602(c)(1)(A) and 603(c)(1)(A) permit use of payments from the Fiscal Recovery Funds to respond to the negative economic impacts of the COVID-19 public health emergency. Eligible uses that respond to the negative economic impacts of the public health emergency must be designed to address an economic harm resulting from or exacerbated by the public health emergency. This includes direct assistance to households.

In assessing whether a household or population experienced economic harm as a result of the pandemic, a recipient may presume that a household or population that experienced unemployment or increased food or housing insecurity or is low- or moderate-income experienced negative economic impacts resulting from the pandemic.

Traditionally, the Department has restricted the use of federal dollars to recipients under or at the low income limit of 80% of area median income, which can be a household of four in 2021 making just $54,000 annually. The department requests to use these funds for moderate income families up to 120% of AMI, for a family of four making no more than $81,000 annually. For reference, the median family income for the area is $64,519.

This fund would address housing rehab and repair for individuals who have experienced hardships from COVID-19 that have created or exacerbated structural, safety, and access concerns to their home. Individuals at or below the threshold of moderate income will be eligible for $35,000 of a forgivable loan depreciating by 20% annually for 5 years. These funds can be partnered with CDBG dollars for families at or below 80% pending availability of CDBG funding.

This allocation will be administered through the Department of Development Services, with the Primary Administrator (Director of Development Services), Secondary (Assistant Director of community and Redevelopment), and Staff Intake and Qualifier as (Community Development Specialist – CDBG). The anticipated date of total expenditure of these funds is December 31, 2024.
American Rescue Plan
Owner-Occupied Housing Rehabilitation Program Guidelines

City of Elkhart
Development Services Department
229 South Second Street
Phone 574-294-5471
TDD Line 574-389-0189
CD Specialist – CDBG
Assistant Director Community & Redevelopment
Director of Development Services
I. ASSISTANCE TYPES

The City of Elkhart’s Owner-Occupied Housing Rehabilitation program is made up of two assistance types, Grants and Forgivable Loans. The type of assistance that is made to an applicant is determined by the type and dollar value of the home repairs as well as the applicant’s income level. The following types of assistance are available for households that have a combined total income of up to 120 percent of the Area Median Income normalized for household size.

Emergency Home Repair Grant—provides funds for eligible emergency home repairs of up to $5,000 for homeowners that earn less than 120% of AMI. This is a grant and no repayment of funds expended is required. Recipients of these loans must live within the municipal boundaries of the City of Elkhart.

Forgivable General Loan—a loan made to persons with income levels at or below 120% of AMI. This program is intended to provide financial assistance to repair items within a home that is in disrepair or obsolete as a result of the COVID-19 Pandemic. Recipients of these loans must live within the City of Elkhart boundaries. No payment of this loan is required if the applicant resides in the home for the term of the affordability period (see chart below).

Extra Consideration for Seniors or individuals with Disabilities—a loan made to residents of the City of Elkhart who are 62 or older or who are individuals with disabilities (as defined by SSA). This program is by nature a general rehabilitation loan but increases the consideration for these designated individuals as the rehabilitation or repair may need to occur more expeditiously.

Extra Consideration for the residents of the following downtown neighborhoods—Should the eligible property reside in either of the designated neighborhood areas (see item 1,2,3), it may be deemed priority.

Item 1, neighborhood areas of interest, Franklin Area and South Main

City of Elkhart APRA Housing Rehabilitation Program Guidelines
Revised 9/9/2021
Item 2. Franklin Neighborhood Areas

Item 3. South Main Neighborhood Areas
II. ELIGIBILITY
For the purpose of clarification, the terms “owner-occupant”, “homeowner,” “applicant” or “borrower” refer to the same person in this program.

A. PROPERTY ELIGIBILITY
- Assistance may be made to owner-occupied residential properties located within the City of Elkhart or as specified within the NRSA. (see exhibit A last page)
- The property should need rehabilitation to meet local building code requirements, as defined in this document.
- The property must maintain insurance coverage adequate to cover the value of all current mortgages on the property including the City Rehabilitation Loan for the term of the loan.
  - The homeowner’s insurance must be current.
  - Deductible must not be more than $1,000
- All property taxes must be paid in full, or proof of an active payment plan must be in place before any loan is to be issued.
- There must not be any judgments or liens on the title.
- The property must not have current Code, Health, or Zoning issues, unless independent City or property owner funds intend to address such issues during or prior to completion of the project.
- If upon inspection the home is found to be in an unsanitary condition or there is an evident issue with hoarding, the home will automatically be postponed assistance from
this program until such time as the issue(s) is (are) resolved.

- All properties must have a termite evaluation before rehabilitation can begin. If evidence of termite activity is found, a full termite inspection will be required.
- No property shall receive less than $100 or in excess of $35,000 in APRA rehabilitation assistance during any 3-year period. The date to determine eligibility is from the date of loan closing. In special circumstances the Redevelopment Commission may approve a waiver of this requirement.
- All health and safety issues identified in the scope of work developed during this program MUST be completed either directly through this program, alternative funding sources, volunteer labor, sweat equity, etc. for any of the project to move forward. The City cannot participate in a project that results in on-going health and safety issues after the project is complete. This includes any identified lead-based paint hazards.
- The Elkhart County Assessor’s records must show adequate value to support the amount of the loan and all other existing debt on the property. Loan-to-value ratio shall not exceed ninety percent (120%) of the value of the property nor exceed the “property subsidy limits” for the City of Elkhart. An independent property appraisal may be required if there is significant doubt about the loan-to-value ratio after rehabilitation.
- The property cannot be located in the federally designated floodway or floodway fringe (or floodplain).
- There should not be any evidence of illegal activities taking place on the premises.
- Mobile homes shall only be permitted if on a permanent foundation.
- Homeowner occupied duplexes are eligible as well as the attached unit. The attached unit is subject to the income limit designated by the program. The leasee, current or future must be income qualified upon renewal of tenancy biannually.

B. APPLICANT ELIGIBILITY

- Applicant must be the owner-occupant of an eligible property to be rehabilitated (see above).
- Owner must be selling an eligible property to be rehabilitated to an individual at or below designated income limits.
- Applicant, lease, or purchaser must meet income eligibility for the program (see below)
- The owner-occupant must have an ownership interest in the property in their name when a title search is run on the property.
- The borrower must have owned and occupied the property for a period of at least three months to be eligible for assistance.
- No applicant shall receive less than $100 or in excess of $35,000 in APRA rehabilitation assistance during any 3-year period. In special circumstances the Redevelopment Commission may approve a waiver of this requirement.
- The City staff shall review the applicant’s total financial status and reserves the right to deny participation in the program if it is determined that the applicant’s status makes participation financially unfeasible.

C. INCOME ELIGIBILITY

All applicants are required to provide proof that they meet income eligibility requirements of this program. Income is computed using the Section 8 definition of income in which the gross income of all adult household members that is anticipated to be received during the coming 12 months is considered. The applicant will be required to update their financial information if income or household makeup changes during the project development phase. Loan closing must be completed within six months of the project approval date. Include in the

City of Elkhart APRA Housing Rehabilitation Program Guidelines
Revised 9/9/2021
determination of the homeowner’s income are:

- All earnings by all adult household members 18 years of age and older;
- All other income regularly received by the applicant or their family from any source;
- Net income from real estate other than the property to be rehabilitated;
- Net business income.
  ➢ Income locked in at time of contract signing.

Applicants with incomes at or below 120% area median income will be provided a forgivable loan for projects up to $35,000.

- **at or under 120% AMI** = Forgivable Loan depreciating by 20% annually for 5 years.
  - No additional income qualification necessary through loan depreciation (affordability period). Homeowner must agree to live on property through the end of the affordability period. Should homeowner sell property prior to the conclusion of the affordability period, the homeowner agrees to return remaining funds to the City, or that the purchasers be at or below 120% of AMI.
  - For example, if you use only $10,000 of APRA funds for your property, and decide to sell 3 years after the completion of the project, your loan has depreciated by 60% and you will ow the remaining 40% back to the City in the amount of $4,000 at sale.
- **Over 120% AMI** = Over income; not eligible for assistance through this program

**Client Intake Process**

**II. FINANCING**

**A. GRANT and FORGIVEABLE LOAN AMOUNTS**

The Grant amount shall include the following costs:

- The actual and approved cost of construction work;
- A contingency fund of 10% of the rehabilitation bid;
- The rehabilitation project cost maximum limit will be $5,000 including contingency funds.

The Loan amount shall include the following costs:

- The actual and approved cost of construction work;
- A contingency fund of 10% of the rehabilitation bid;
- The rehabilitation project cost maximum limit will be $35,000 including contingency funds.*

If the applicant is receiving, or has received another loan from this program within the last 3 years, the amount of assistance shall be deducted from the maximum allowed under this program.

**B. TERMS OF ASSISTANCE**
**Terms that Apply to ALL Assistance Types and Amounts**

The borrower may repay the outstanding balance of the loan at any time without penalty. In the case of property transfer by death of mortgagee a reminder notice will be sent to the contact person on record at three months after notice of death. A second notice will be sent at 6 months, and the case will be referred to the legal department after one year without resolution. If an income-qualified family member or heir can take possession of the home and use it as their place of residence, the note can be assumed by that person. The title must be recorded in the new person(s) name and they must meet all program requirements for the applicant and property for the term of the loan.

**Terms for Grants of $100-$5,000**

Applicants with incomes at 120% or below of AMI that need assistance of up to $5,000 will be given a grant. These grants will not have a note recorded or a affordability period.

**Terms for All Forgivable Loans**

Applicants with incomes at 120% or below of AMI will be provided a forgivable loan if project expenses exceed $5,000. To be eligible for the annual forgivable portion of the loan, the borrower must:
- maintain their home in good condition free of code violations
- maintain homeowner's insurance
- complete necessary maintenance and repair activities to keep the home in good condition
- not be in default of any loan condition
- maintain the home is a safe and sanitary condition
- remain current residents of the home
- sell property to an individual at or below 120% income

**Affordability Period**

Affordability periods for the Forgivable Loan Program (whether emergency or general) are based on the total amount of funds invested into the project. This includes all direct construction costs, construction management fees, and administrative costs.

The forgivability of this loan is determined by the anniversary date of the project. The date the mortgage is signed for the project becomes the anniversary date. On that date for each year the applicant resides in the home for the entire year and completes all program requirements, a percentage of the total debt is forgiven. The percentage of annual forgivability is determined by the amount of funds invested in the project (see chart below).

It is important to note that if the applicant leaves the home during the affordability period, the unforgiven portion of the loan becomes due and payable immediately.

<table>
<thead>
<tr>
<th>Project Investment</th>
<th>$100-$5,000</th>
<th>$5,001 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Years</td>
<td>0 years</td>
<td>5 years</td>
</tr>
<tr>
<td>Annual Forgivable Percentage</td>
<td>n/a</td>
<td>20%</td>
</tr>
</tbody>
</table>

**C. LOAN SECURITY**

- The borrower must provide security for all Loans in the form of a mortgage. A subordinate second lien is acceptable if it provides adequate loan-to-value ratio.
- The borrower must agree to maintain the property according to local building code and property maintenance standards and, upon request, permit the City staff to inspect the property during the term of the loan. Remedial actions will be required if it is determined

City of Elkhart APRA Housing Rehabilitation Program Guidelines
Revised 9/9/2021
that the borrower is not adequately maintaining the property.

- The borrower must maintain adequate insurance coverage in at least the amount of all mortgages, including the City's Rehabilitation Loan, during the term of the loan.
- The borrower will sign a loan agreement incorporating the rules and regulations for participation in the Loan Program.
- **Failure to comply with this provision will result in a default of the loan agreement requiring an immediate repayment of the Loan.**

### IV. REHABILITATION REQUIREMENTS

#### A. DEFINITION OF CODE

Building Codes as required and enforced within the corporate limits of the City of Elkhart and specifically according to the Building Officials and Code Administrators (BOCA) National Property Maintenance Code as enforced by the Elkhart Building Department.

Housing Rehabilitation Standards as administered by the City of Elkhart; these standards include some general property improvements (beyond minimum housing standards) that may be necessary to complete the thorough and proper rehabilitation of the property. Cost effective energy conservation standards as adopted by HUD will also be included in the property improvements. A copy of these standards is provided to each approved contractor prior to working on a home and is available to the homeowner upon request.

Even though this program does not require that the entire property be brought up to local building code, any area of the property that is being repaired must be inspected by local building code inspectors as required by local codes, and permits must be obtained when necessary. The City of Elkhart or its designated construction manager will determine the scope of work that is required to make the property safe and sanitary.

Unsanitary conditions are those that create a living environment that is not consistent with social norms such as:

- Waste or garbage not properly stored in a waste container for removal
- Accumulation of waste or garbage either inside or outside of the home
- Feces of any kind inside the home or accumulated feces outside the home
- Accumulation of soiled clothing, personal effects, furniture, appliances, etc.
- Infestation of rats, insects or other vermin

#### B. INSPECTIONS AND REHABILITATION WORK LIST/ PROPOSAL

After approval of the initial application, a City authorized inspector will inspect the property and list all property deficiencies. This inspector will then prepare a rehabilitation work list, including corrections of all property deficiencies. This will be used to determine a cost estimate for the rehabilitation work to be financed by the Program. Staff will prepare bid packages and provide them to program qualified contractors.

**If at any time during the project selection or construction phase of a project the home is determined to be unsanitary, all work will cease until such time as the issues are resolved. In this instance, a letter clearly identifying the issue(s) will be sent to the homeowner with a deadline for them to respond to staff and resolve all unsanitary condition(s).**

Alternatively, the applicant may submit a bid or bids by contractors of their selection utilizing the rehabilitation work list prepared by City staff. The contractor selected by the homeowner...
must meet minimum requirements for contractors established by the City of Elkhart Building Department and be a qualified contractor under the Community and Redevelopment Department guidelines. The contractor must be authorized by this department via contractors’ application approval, signing contractors’ agreement, SAM and LDP will be checked.

Assistance will be made to cover the cost of rehabilitation as defined by the program and what is necessary to make the property conform to public standards for safe, decent, and sanitary housing. As a result of the rehabilitation work, the property must, at a minimum, conform to current minimum housing standards and HUD’s program requirements. It is the responsibility of the property owner (or agent, such as the general contractor) to obtain initial and final inspections and to meet all code requirements. An inspection report from one of the local building inspectors is needed for all mechanical, electrical, and plumbing repairs that require a building permit. An inspection report from a City-authorized inspector that the entire scope of work has been competed is also required.

Because the City of Elkhart Housing Rehabilitation Program utilizes federal funds to pay for construction activities at the applicant’s home, federal Lead-Based Paint requirements must be followed. If lead-based paint hazards are identified in the home the process outlined in part F of this section will be followed.

C. ELIGIBLE REHABILITATION COSTS
When necessary to meet specific requirements of code or rehabilitation standards, assistance may be used for:

- The rehabilitation or removal of elements of the dwelling structure or site, including basic equipment, trees, shrubs etc., and of other improvements such as foundation repair or replacement, steps, walkways, and driveways.
- The provision of sanitary facilities, including the provision, expansion, and finishing of space necessary to accommodate those facilities.
- Reasonable grading, filling, or landscaping of the property as it applies to the rehabilitation of the property.
- The repair, purchase, and/or installation of heating systems.
- Energy efficient items which lower the homeowner’s utility costs, provided they are reasonable and within the scope of the program and/or budget.
- Elimination of structural defects and health and safety hazards, including Lead-Based Paint hazards.
- Accessibility improvements for applicants who are over 62 or a household member with a disability.
- Elimination of incipient code violations are eligible costs under the Loan program. Incipient code violations exist if, at the time of the inspection, it is determined that the physical condition of an element in the structure will deteriorate into an actual violation in the near future (1-2 years).
- Property surveys and reasonable housing inspections, if approved by the City in advance.
- Detached garages, only when addressing accessibility for individuals with disability who may or may not have zoning violations. Not to exceed $15,000.

This list is not all-inclusive. Any items not referenced in these guidelines will be reviewed on a case-by-case basis for eligibility.

D. INELIGIBLE REHABILITATION COSTS
Except as otherwise provided for in this section, assistance shall not be used to pay for:
• New construction, substantial reconstruction or expansion of the structure.
• Items classified as luxury or portable items by the City of Elkhart, such as: hot tub, pool, dishwasher, spas, and sky-lights (unless necessary under the rehabilitation application), microwave, trash compactor, window air conditioning units, television antenna or dish, privacy fencing, etc.
• Materials, fixtures, equipment, or landscaping of a type or quality which exceeds that customarily used for properties of the same general type as the property to be rehabilitated.
• Appliances/devices that are not required by code or housing rehabilitation standards.
• Acquisition of land.

This list is not all-inclusive. Any items not referenced in these guidelines will be reviewed on a case-by-case basis for eligibility.

E. REHABILITATION PRIORITIES
The following list of priorities has been established to ensure limited funds are used first on the most critical components of a home rehabilitation project. After the home inspection is complete, these priorities will direct the development of a scope of work. If additional eligible items are needed or wanted by the homebuyer in excess of funds available, alternative funding sources, volunteer labor, sweat equity, and other options will be needed to complete the project. All health and safety concerns must be resolved during the project or the City cannot participate in the project at all.

First Priorities – Fire, Health, and Safety issues
➢ Electrical System / Smoke alarms
➢ Heating System, Water Heater, and/or Gas Lines
➢ Lead based paint interim controls
➢ Other urgent items as determined by the Community Development Specialist

Second Priorities – Items that affect the structural integrity of the house
➢ Plumbing Leaks
➢ Roof leaks
➢ Foundation
➢ Roof (if near end of useful life)

The Owner Occupied Rehabilitation program is designed to help homeowners maintain their homes in a safe and sanitary manner. The program scope covers only the cost of the rehabilitation defined by the program and what is necessary to make the property conform to public standards for safe, decent, and sanitary housing. This program does not address cosmetic issues or luxury items and in general, items will only be replaced if they are not serving their intended purpose and cannot be easily repaired. APRA funds for Housing Rehabilitation can be partnered with City of Elkhart CDBG funds that may address the following (in addition to pairing with first and second priorities) Currently the City of Elkharts CDBG Homeowner Occupied rehab Program is excluded to individuals at or below 80% of AMI:

Third Priorities – Protection from the weather and Beautification
➢ Roof (if near end of useful life)
➢ Exterior painting
➢ Gutters & downspouts
➢ Replace missing siding
➢ Wall and attic insulation
Windows and exterior doors
façade upgrades

F. LEAD-BASED PAINT HAZARDS
Because the City of Elkhart Housing Rehabilitation Program utilizes federal funds to pay for construction activities at the applicant's home, federal Lead-Based Paint requirements for homes built before 1978 must be followed. A copy of the pamphlet "Protect Your Family from Lead in Your Home" as well as the pamphlet "Renovate Right" will be given to the homeowner prior to beginning any rehabilitation work, regardless of the type of work performed or age of home. To demonstrate compliance with this notification requirement, the homeowner will be asked to sign a receipt of document form.

At the time of the initial home inspection, a visual assessment of paint conditions will be conducted. This inspector will look for signs of deteriorated paint, paint chips, and visible dust (which may contain lead). The results of this inspection will be incorporated into the home inspection and included in the scope of work if necessary.

Depending on the amount of Federal assistance and/or the scope of work, a lead-based paint risk assessment may be required.

For projects up to $5,000, painted surfaces that will be disturbed or replaced must be tested for the presence of lead-based paint. Lead-safe work practices must be used, any paint that is disturbed must be repaired, and the work area must pass a clearance exam.

For projects between $5,001 and $35,000, a lead-based paint risk assessment will be conducted. The risk assessment will include dust wipes and soil samples to determine if there is lead in the dust or soil as well. A copy of the report will be given to the homeowner within 15 days after it is received from the testing agency.

If, during the home inspection and scope of work development process, lead-based paint hazards are identified, these hazards must be included in the scope of work. Only contractors who are certified by the EPA under the Renovation, Repair and Paint rule (RRP) will be eligible to bid or work on these items.

A clearance examination in areas that were disturbed during the renovation process will be performed. The exam will look for signs of visible dust, paint chips and deteriorated paint. Dust samples will be taken from the home, and must meet federal guidelines for lead safety before occupants are allowed to re-enter the area. The current guidelines will be detailed in the report, as well as a Pass or Fail grading.

A copy of the Clearance Exam and a Notice of Lead Hazard Reduction Activities will be given to the homeowner within 15 days after dust wipe results are received from the lab. The Notice will explain what actions were taken to reduce the hazards of lead-based paint, and any steps required to maintain the home to keep it free of hazards in the future.

For projects above $15,001, or in the case of a child with an elevated blood-lead level (EBLL), or for projects using the Elkhart County Lead Hazard Control Grant, A risk assessment will be performed to identify all lead-based paint hazards as described above. All hazards will be abated according to HUD guidelines. This normally involves replacing the items or permanently covering them. Only licensed lead-based paint contractors will be allowed to bid or perform the
lead abatement scope of work. In addition to the Clearance Report and Notice of Lead Hazard Reduction, an abatement report (from the abatement contractor) will be given to the homeowner within 60 days from the completion of the project.

V. LOAN APPROVAL
Each project application shall be reviewed by The City of Elkharts Community Development Specialist. The Specialist will make a recommendation to the Assistant Director of Community and Redevelopment and the project can be approved for a specific dollar amount. This final amount shall include the direct renovation costs including materials and labor and a project contingency. The contract must be awarded during a public Redevelopment Commission Meeting.

If the applicant’s project is rejected by the City staff, the applicant may appeal the decision to the Redevelopment Commission for review. Appeals must be submitted in writing within 30 days of rejection notification.

For purposes of this program, the value of the applicant’s home will be determined in one of two ways:

1. For all grants and loans of up to $15,000, the County Assessor’s valuation of the property will be used.
2. For any loan of over $15,001 the City may require an appraisal of property as requested by the Redevelopment Commission.

VI. LOAN CONDITIONS

A. CONSTRUCTION
The City shall solicit bids on behalf of the homeowner from a minimum of two City approved home rehabilitation contractors. Staff will provide a recommendation to the homeowner for contractor selection. The final contractor selection will be made by the homeowner from the bids received during the solicitation process.

The City will not be involved in projects that solicit bids from fewer than two contractors. If the homeowner wishes to use a specific contractor, that contractor must participate in the City’s qualification process and submit bids for the project when requested.

The standard contract form provided by the City staff shall be used for all rehabilitation work financed in whole or in part with this assistance.

The borrower and contractor shall ensure that the rehabilitation work is carried out promptly and efficiently through a written contract that is awarded only after prior approval by City staff. Property owners cannot act as their own general contractor. Completion of the project within 90 days of grant agreement or loan closing with a penalty clause for non-completion will be specified in the written contract.

To qualify, contractors must provide proof of insurance coverage in amounts required by the City for this program. Also, financial information, references, and a listing of past projects must be submitted to the City for review and evaluation. Applicants have the following options in the selection of a contractor to perform the work:

A homeowner may suggest a contractor for their project. This contractor will then need to complete the qualification process designed by the Community and Redevelopment Department.
for all contractors participating in this program. If the homeowner does not have a preference, the City will select the contractor whose bid is the lowest, responsive, and responsible. The City reserves the right to reject contractors whom the City believes to be unqualified. The borrower and contractor will be responsible for insuring against loss by fire, windstorm, theft, and other casualty, as well as damage to persons and property on the premises.

The homeowner is responsible for maintaining a safe environment for my contractor to perform the required services, and that includes insuring that no illegal activities are conducted or occurring on my property during the term of the rehabilitation project. I further understand that if I fail to meet this requirement, the Contractor has the right to terminate its services without penalty and has the obligation to report such default to the City, in which event the City shall terminate its funding of the rehabilitation project. In such event, I shall be required to reimburse and pay for all services the contractor performed on my project up to and including the date of termination.

B. INSPECTIONS
An entire home inspection will be conducted by City of Elkhart staff or representative to determine a scope of work for the project. If at any time during the project selection or construction phase of a project the home is determined to be unsanitary, all work will cease until such time as the issues are resolved.

A termite and other wood-destroying insect inspections and remediation, if necessary, must be performed, before commencement of any rehabilitation work.

The borrower shall permit inspections of the property by the City of Elkhart, its acting agent or designee for compliance with the Housing Rehabilitation Standards and all other applicable local housing codes and ordinances. The borrower shall also permit all other inspections deemed necessary by the City staff concerning the property, the rehabilitation work, and all contracts, materials, equipment, payrolls, and conditions of employment pertaining to the work. It is the responsibility of the contractor to obtain all required inspections and meet all code requirements.

Before payment is issued, a rehabilitation specialist from the City or its contractor shall inspect the work to ensure that materials have been installed properly. ALL inspections must be successfully completed before final payment will be issued. Should any problem arise regarding the inspection process, the Head of the Community and Redevelopment Department will provide the final decision regarding release of funds.

C. DISBURSEMENT OF FUNDS
These funds are only to be used to pay for the costs of services and materials necessary to carry out the rehabilitation work for which the financing was approved. The borrower shall agree to permit the City, its agents or designees, to hold the funds and to disburse such funds in the manner set forth in the contract between the borrower, the contractor and the City. (Note that Community Development Block Grant funds cannot be escrowed; rather, they are committed for use but not drawn down to the local public agency until a claim is processed.) The final 10% of all funds held shall not be released until the entire project has been completed and inspected. There are no exceptions to this provision; all contracts are subject to the 10% retainage requirements.

The final rehabilitation contract payment shall not be released until the borrower obtains a certificate of final inspection including the Lead-Based Paint clearance.
report when applicable.

D. TESTING

All children under 12 years of age who reside at the premises are at risk of health-related issues from lead-based paint. Testing for lead in the bloodstream can be done at the Elkhart County Health Department and is free of charge. This test provides the homeowner with information regarding the presence of lead-based paint hazards in their home. **Testing is not a requirement to be eligible for this program and results will not be shared with the City; it is for the homeowner’s personal information.**

E. NON-COLLUSION

**Interest of Public Body**
No member of the governing body, official, or employee of the City of Elkhart who exercises any functions or responsibilities in connection with the administration of the City’s housing rehabilitation programs shall have any interest, direct or indirect, in the proceeds of the grant or loan or in any contract entered into by the borrower for the performance of work financed in whole or in part with this assistance.

**Bonus, Commission, or Fee**
The applicant shall not pay any bonus, commission, or fee for the purpose of obtaining approval of application or any other approval or concurrence required by the Community and Redevelopment Department or Redevelopment Commission to complete the rehabilitation work financed in whole or in part with the Program.

F. NON-DISCRIMINATION

**Civil Rights**
The City of Elkhart shall not discriminate upon the basis of age, sex, race, creed, color, class, national origin, or ancestry in the sale, lease, rental, use or occupancy of the property to be rehabilitated with the assistance of a Loan. Further, the applicant agrees to comply with the provisions of the program as directed by the Community and Redevelopment Department and them Redevelopment Commission on behalf of the City of Elkhart, and the U.S. Department of Housing and Urban Development or its designee.

**Equal Employment Opportunity**
The applicant shall comply with all applicable provisions of Executive Order #11246 concerning equal employment opportunity in respect to this assistance and shall assist and actively cooperate with the City of Elkhart in obtaining the compliance of contractors and subcontractors with such provisions and with the rules and regulations and relevant orders of the Secretary of Labor.

The City of Elkhart is committed to affirmatively furthering fair housing. The Federal Fair Housing Act of 1968 prohibits discrimination in housing because of race/color, national origin, ancestry, religion, disability, sex or familial status. **Call the City of Elkhart Human Relations Commission if you feel you have been a**
victim of discrimination at 294-5471 or TDD (574)389-0189

This document was produced with the City of Elkhart Community Development Program through funds made available by the US Department of Housing and Urban Development of Housing and Community Development Act of 1977.
AN ORDINANCE APPROPRIATING TWO MILLION SEVEN HUNDRED NINETY THOUSAND AND 00/100 DOLLARS ($2,790,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE WORKFORCE HOUSING INITIATIVES PROGRAM

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart ("City") funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, 603(c)(1)(A) permits use Fiscal Recovery Funds to respond to the negative economic impacts of the public health emergency, including efforts to address an economic harm resulting from or exacerbated by the public health emergency; and
WHEREAS, the volatility of available materials and a tight labor market is a by-product of the pandemic that has driven the cost to build housing units to record highs, while the City of Elkhart is experiencing record lows of available existing housing.

WHEREAS, affordable housing is critically low forcing many who work in Elkhart, to live outside of Elkhart.

WHEREAS, recent housing studies have shown that Elkhart has the need for an additional 4,000 units; and

WHEREAS, the Elkhart Thrive Initiative is committed to facilitate the start of projects to bring one thousand (1,000) additional workforce housing units within the next three (3) years; and

WHEREAS, there is underway, substantial public and philanthropic investment in the South Central neighborhood either underway or planned in the immediate future.

WHEREAS the Administration in partnership with the private sector estimates a total investment of Twenty-Three Million Eight Hundred Fifteen Thousand Seven Hundred Dollars ($23,815,700) for 2-3 workforce housing projects with the public contribution being Two Million Seven Hundred Ninety Thousand Dollars ($2,790,000.00); and

WHEREAS, the City Administration requests that the Common Council of the City of Elkhart appropriate the sum of Two Million Seven Hundred Ninety Thousand Dollars ($2,790,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account to fund the Workforce Housing Initiatives Program; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:
Section 1. The amount of Two Million Seven Hundred Ninety Thousand Dollars ($2,790,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 176-5-000-439.0501  Negative Economic Impact  $2,790,000.00

Section 2. The Common Council has fixed the ____ day of ________________, _____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this _____ day of ____________________, ____________.

________________________________________
H. Brent Curry
President of the Common Council

ATTEST:

________________________________________
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this ____ day of ____________, ____________
at__________ a.m./p.m.

________________________________________
Debra D. Barrett, City Clerk

Approved by me this _____ day of ________________, ____________.

________________________________________
Rod Roberson, Mayor

ATTEST:

________________________________________
Debra D. Barrett, City Clerk
To: City Council
From: Dayna Bennett
Date: August 12, 2021
Re: ARP Appropriation for Workforce Housing Initiatives

The Department of Development Services is requesting an appropriation from the City of Elkhart’s entitlement of American Rescue Plan Act funds for the facilitation of 2-3 workforce housing projects.

A permitted use of ARP funds is to provide services to disproportionately impacted communities. The volatility of available materials and a tight labor market is a by-product of the pandemic that has driven the cost to build housing units to record highs. At the same time Elkhart is experiencing record lows of available existing housing. Affordable housing is critically low forcing many who work in Elkhart, to live outside of Elkhart. Recent housing studies have shown that Elkhart has the capacity for an additional 4,000 units.

As a part of the Elkhart Thrive initiative, the City of Elkhart is committed to facilitate the start of projects to bring 1,000 additional workforce housing units within the next 3 years. There is a substantial amount of public and philanthropic investment in the South Central neighborhood either underway or planned in the immediate future. Some examples are the recreation of the Tolson Center for Excellence, the creation of the Neighborhood Opportunity Hub, CDBG investment in home repair, and the expansion of the Elkhart West Business Park. We would like to reinforce that investment with the encouragement of housing development in partnership with the private sector. This creates an opportunity to have a transformative impact on the South Central neighborhoods.

We are requesting ARP funds to complete a feasibility analysis for 2-3 projects, complete some initial design work, prepare some tax credit and other funding applications, and complete some key acquisitions and site prep.

Key metrics that will include number of new housing units qued for development.

The projected total investment for 2-3 workforce housing projects is $23,815,700. We are requesting $2,790,000 of ARP funds for the uses described above.
ORDINANCE NO. ______________

AN ORDINANCE APPROPRIATING NINE HUNDRED THOUSAND AND 00/100 DOLLARS ($900,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE ELKHART WEST BUSINESS PARK EXPANSION

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart ("City") funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, for more than sixty years Elkhart West Business Park has served as a business and employment hub for the recreational vehicle (RV) industry in the greater-Elkhart area; and
WHEREAS, as the area RV industry matured, many businesses serving the industry in the Elkhart West Business Park consolidated with other business serving the industry in other locations, failed to thrive or were eliminated by other economic forces, leaving large portions of Elkhart West Business Park vacant; and

WHEREAS, the negative economic effects of the Coronavirus-19 pandemic, including supply-chain disruptions and market volatility, have served to further entrench loss of businesses located in the Elkhart West Business Park; and

WHEREAS, in the midst of the pandemic, the City of Elkhart had been simultaneously engaged in a five-year business strategy to attract and grow, not only the RV industry supply chain, but to diversify and develop other regionally relevant businesses including electronics, plastics, information technology and transportation and logistics; and

WHEREAS, the negative economic effects of the Coronavirus-19 Pandemic demonstrated a more-urgent need to diversify area industries, upgrade infrastructure, incorporate smart logistics, and a modernized, resilient, regional economy; and

WHEREAS, the initial and critical tasks associated with this effort include an updated capital improvement and redevelopment plan for three hundred (300) of the approximately two thousand (2,000) acres, comprising the Elkhart West Business Park in a public-private initiative; and

WHEREAS, the estimated cost of the first phase of the planned expansion of the Elkhart West Business Park is estimated to be a thirty-five million dollar ($35,000,000) project; and

WHEREAS, the City Administration requests that the Common Council of the City of Elkhart appropriate the sum of Nine Hundred Thousand Dollars ($900,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account as the public contribution to the $35,000,000-project; and
WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The amount of Nine Hundred Thousand Dollars ($900,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 176-5-000-439.0501  Negative Economic Impact  $900,000.00

Section 2. The Common Council has fixed the ___ day of ______________, ____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this _____ day of ______________, __________._

_________________________________
H. Brent Curry
President of the Common Council

ATTEST:

________________________________
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this ___day of ______________, __________
at___________ a.m./p.m.

________________________________
Debra D. Barrett, City Clerk
Approved by me this _____ day of __________________, __________.

______________________________
Rod Roberson, Mayor

ATTEST:

______________________________
Debra D. Barrett, City Clerk
To: City Council
From: Dayna Bennett
Date: August 12, 2021
Re: ARP Appropriation for Expansion of the Elkhart West Business Park: Phase 1

The Department of Development Services is requesting an appropriation from the City of Elkhart’s entitlement of American Rescue Plan Act funds for the expansion of the Elkhart West Business Park: Phase 1.

A permitted use of ARP funds is to reverse negative economic impacts. The Elkhart West Business Park is 60+ years old, approximately 2,000-acre business and employment hub located southwest of the City, bisected by State Road 19 and the 20 Bypass as its southern boundary. As it has matured, and the RV industry has consolidated, many of its smaller businesses have disappeared and large swaths of property are either vacant or serving in a marginal capacity. This trend has been further entrenched by the volatility of the supply chain brought on by COVID. The City of Elkhart has been engaged in a 5-Year business diversification strategy. Its goal is to attract and grow not only its RV supply chain, but other regionally relevant businesses including electronics, plastics, information technology and transportation and logistics.

Elkhart is preparing to transition an aging industrial park into a new chapter, one that includes upgraded infrastructure, property reconfiguration meeting today’s industrial needs, while enhancing the critical elements to 21st century business success — workforce, smart logistics, and a modernized resilient regional supply chain. They are all part of a holistic economic development program designed for sustainable long-term regional business investment impact.

We also want to develop a maker’s district that will encourage and support makers as a part of the critical supply change.

Critical tasks associated with this effort include an updated capital improvement and redevelopment plan, on-going property assembly in concert with private initiatives, and a Phase I development program. Phase I is scheduled as a three to five-year initiative that will transform approximately 300 acres of underutilized industrial land and improvements.

Key metrics that will could include number of new development projects overall, and number of new development projects in identified industries

We will engage key partners to create interest in investing in this area. The planned expansion of the Elkhart West Business Park: Phase 1 is expected to be $35,442,000. We are requesting $900,000 of ARP funds to go towards that expense.
ORDINANCE NO. __________

AN ORDINANCE APPROPRIATING THREE HUNDRED TWENTY-TWO THOUSAND THREE HUNDRED AND FIFTY DOLLARS ($322,350.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE ELKHART THRIVE NEIGHBORHOOD OPPORTUNITY HUB INITIATIVE

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart ("City") funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, among the permitted use of the ARP funds is a use which provides services to communities disproportionately impacted by COVID-19; and
WHEREAS, the Neighborhood Opportunity Hub Initiative is a program to provide, within communities disproportionately impacted by COVID-19, a gathering place where key services and amenities can be accessed by neighborhood residents; and

WHEREAS, some of the programming envisioned under the Department of Development Services’ Neighborhood Opportunity Hub Initiative are the following:

- A Career Crosswalk Program to allow residents to embark on a training program that will provide the employer-defined necessary skills to obtain better paying, in-demand jobs in an existing industry or a better paying, in-demand job in an aspirational industry;
- Life Skill Training Program to provide a variety of training opportunities intended to enhance life skills, including:
  - Job readiness training
  - Personal Finance and Wealth Management training
  - Conflict Resolution Training
- Entrepreneur Development to program help burgeoning entrepreneurs move their ideas from concept to launch, including support to refine ideas, identify funding resources, shape business models and company launch;
- Job Placement Service to lower the barrier to access to jobs by not only exposing neighbors to available jobs but connecting them to neighborhood assets that can remove impediments to work, such as daycare and transportation, etc.

WHEREAS, some of the key metrics that the Department anticipates monitoring through this program will be indicators of wealth attainment, key certifications obtained, career pathways accomplished, and small businesses launched or expanded; and

WHEREAS, the total estimated investment in the the Neighborhood Opportunity Hub Initiative is approximately Ten Million Dollars ($10,000,000.00) drawn from public, private, and philanthropic investors, and grants
WHEREAS, the City Administration requests that the Common Council of the City of Elkhart appropriate the sum of Three Hundred Twenty-Two Thousand Three hundred and fifty Dollars ($322,350.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account for the Neighborhood Opportunity Hub Initiative; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The amount of Three Hundred Twenty-Two Thousand Three Hundred Fifty Dollars ($322,350.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 176-5-000-439.0501   Negative Economic Impact   $ 322,350.00

Section 2. The Common Council has fixed the ___ day of _________________, ___ at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this _____ day of _____________________, _____________.

__________________________
H. Brent Curry
President of the Common Council

ATTEST:

__________________________
Debra D. Barrett, City Clerk
PRESENTED to the Mayor by me this _____ day of ____________, __________
at________ a.m./p.m.

__________________________
Debra D. Barrett, City Clerk

Approved by me this ______ day of _________________, __________.

__________________________
Rod Roberson, Mayor

ATTEST:

__________________________
Debra D. Barrett, City Clerk
To: City Council
From: Dayna Bennett
Date: August 12, 2021
Re: ARP Appropriation for Neighborhood Opportunity Hub

The Department of Development Services is requesting an appropriation from the City of Elkhart's entitlement of American Rescue Plan Act funds for the Elkhart THRIVE Neighborhood Opportunity Hub initiative.

A permitted use of ARP funds is to provide services to communities disproportionately impacted by COVID-19. The Neighborhood Opportunity Hub is a gathering place where key services and amenities can be accessed by neighborhood residents. Some of the programming envisioned is:

- Career Crosswalk Program – residents can embark on a training program that will provide the employer-defined necessary skills to obtain a better paying, in-demand job in their existing industry or a better paying, in-demand job in their aspirational industry
- Life Skill Training Program – This program will provide a variety of training intended to enhance life skills. It is envisioned to include
  - Job readiness training
  - Personal Finance and Wealth Management training
  - Conflict Resolution Training
- Entrepreneur Development – This program will help burgeoning entrepreneurs move their ideas from concept to launch. It will include support in refining ideas, identifying funding resources, shaping their business model, launching their company
- Job Placement Service – This service is envisioned to lower the barrier to access to jobs by not only exposing neighbors to available jobs but connecting them to neighborhood assets that can remove impediments to work like daycare and transportation
- Other services and amenities – While much of the programming mentioned above will be core to all Neighborhood Opportunity Hubs, each neighborhood is unique. For each Hub launched, their will be a community engagement effort to allow each neighborhood to determine what additional services and amenities make sense for their community. This for example could include workforce housing, restaurants, cultural, recreational or health and wellness facilities.

The first Neighborhood Opportunity Hub will be located in the Pierre Moran/Tolson community. This neighborhood was chosen because of its diversity in both age and race, higher unemployment and poverty rates than the City of Elkhart as a whole, and its proximity to job opportunities. Some of the key metrics that will be monitored through this program will be around indicators of wealth attainment, key certifications obtained/career pathways accomplished, and small businesses launched/expanded.
We will engage a host of service providers, employers, and community assets to program and possibly locate in the Neighborhood Opportunity Hub. The project is estimated to require an investment of $10,149,200. We are pursuing a blend of public/private/philanthropic investors, and grants to resource the Hub. We are requesting $322,350 of ARP funds for programming, site prep, and other related expenses.
PROPOSED ORDINANCE NO. 21-O-50

AN ORDINANCE APPROPRIATING SEVENTY-FIVE HUNDRED THOUSAND AND 00/100 DOLLARS ($75,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE CREATION OF A SOUTH-CENTRAL NEIGHBORHOOD MASTER PLAN

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart ("City") funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the south-central neighborhoods of Elkhart contain a higher concentration of families disproportionately impacted by the COVID-19 pandemic and contain a disproportionately larger number of homes with a value less than one hundred thousand dollars ($100,000.00), than any other area the City of Elkhart overall; and
WHEREAS, the South-Central neighborhoods of Elkhart have not fully benefitted from the national trend of rising home values; and

WHEREAS, COVID-19 pandemic has exacerbated the growing gap in wealth between homeowners in the south-central neighborhoods and other parts of the City; and

WHEREAS, the Administration in collaboration with private and philanthropic investment partners, intends to increase home values in the south-central neighborhoods by facilitating the creation of a neighborhood CDC, complete neighborhoods, in-fill development, and workforce housing within that area; and

WHEREAS, the Administration believes that a master plan is necessary to acquire a long-term and more-comprehensive view of the south-central neighborhoods; and

WHEREAS, the creation of the South-Central Neighborhood Master Plan is estimated to cost One Hundred Twenty-Five Thousand Forty Dollars ($125,040.00), to be shared between public and private contributors; and

WHEREAS, the Administration requests an appropriation of Seventy-Five Thousand Dollars ($75,000.00) as the City’s share of the Plan; and

WHEREAS, the City Administration requests that the Common Council of the City of Elkhart appropriate the sum of Seventy-Five Hundred Thousand Dollars ($75,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund for the South-Central Neighborhood Master Plan; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:
Section 1. The amount of Seventy-Five Hundred Thousand Dollars ($75,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 176-5-000-439.0501 Negative Economic Impact $75,000.00

Section 2. The Common Council has fixed the ___ day of _______________, ____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this ______ day of _______________, __________.

________________________________________
H. Brent Curry
President of the Common Council

ATTEST:

________________________________________
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this ___ day of __________, __________
at _______ a.m./p.m.

________________________________________
Debra D. Barrett, City Clerk

Approved by me this ______ day of _________________, __________.

________________________________________
Rod Roberson, Mayor

ATTEST:

________________________________________
Debra D. Barrett, City Clerk
To: City Council  
From: Dayna Bennett  
Date: August 12, 2021  
Re: ARP Appropriation for South Central Neighborhood Master Plan

The Department of Development Services is requesting an appropriation from the City of Elkhart’s entitlement of American Rescue Plan Act funds for the creation of a South Central Neighborhood Master Plan.

A permitted use of ARP funds is to provide services to communities disproportionately impacted by COVID-19. The South Central neighborhoods have a higher concentration of homes valued at less than $100,000 than the City of Elkhart overall. These neighborhoods have not fully benefitted from the national trend of rising home values. This has caused a growing gap in wealth between homeowners in the South Central neighborhoods and other parts of the city. This wealth gap is exacerbated by the impact of COVID on these same neighborhoods. The city looks to leverage its investment with those of private and philanthropic funders to increase home values in the South Central neighborhoods by facilitating the creation of a neighborhood CDC, complete neighborhoods, in-fill development, and workforce housing. The expectation is that by improving the living experience of citizens in this area, and reactivating underutilized spaces, property values will increase leading to increased wealth for families, increased property tax revenue for the city, and increased housing stock.

To begin this process we would like to engage a firm to help create a South Central Neighborhood Master Plan. It will provide the roadmap for accomplishing the development goals previously described.

Key metrics that will be monitored through this initiative are trends in assessed value, number of housing units brought online, and reduction in vacant or underutilized properties.

We will engage a host of partners to facilitate development in the South Central area. The creation of the South Central Neighborhood Master Plan is estimated to be $125,040. We are requesting $75,000 of ARP funds to go towards that expense.
RESOLUTION NO. ______

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, TO RECOGNIZE A HOMELESS BILL OF RIGHTS

WHEREAS, According to the national statistics, reported in the January 2021 State of Homelessness Report, the total population of homeless men, women and children, has increased to 580,4666; and

WHEREAS, the January 2021 State of Homelessness Report approximates that 5,625 people are homeless in the the State of Indiana on any given night; and

WHEREAS, the homeless population of the City of Elkhart is estimated to exceed 200; and

WHEREAS, Elkhart City Homeless Coalition – a collaboration of charitable, philanthropic and religious organizations, serving the homeless population of Elkhart – affirmed a Homeless Bill of Rights to recognize for the homeless population, the same basic rights enjoyed by all residents of the City; and

WHEREAS, the City of Elkhart, through the Common Council and the Mayor, wish to support the work and efforts of the Elkhart City Homeless Coalition with this resolution of public support for the Homeless Bill of Rights, by acknowledging that the rights herein described, are rights, not only assured to the sheltered population of the City of Elkhart, but those who are homeless as well.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, that the following Homeless Bill of Rights are rights assured to all citizens of the City of Elkhart and are equally the right of the homeless and which shall not be
deprived to those persons by reason of the person’s homelessness, including:

1. The right to use and move freely in public spaces, according to their intended use, including, but not limited to public sidewalks, public parks, public transportation systems, and public buildings, in the same manner as any other persons, and without discrimination on the basis of one’s housing status.

2. The right to equal treatment by all state and municipal agencies, without discrimination on the basis of housing status.

3. The right to be free from discrimination while seeking or maintaining employment, and without adverse consideration by reason of one’s lack of permanent mailing address, or the use of a mailing address provided by a shelter or social service provider.

4. The right to emergency medical care, free from discrimination based on one’s housing status.

5. The right to vote, register to vote, and receive documentation necessary to prove one’s identity for voting purposes without discrimination due to one’s housing status.

6. The right to enjoy the protection of confidential records and information against disclosure, when entrusted to homeless shelters and homeless service providers, except when authorized by law.

7. The right to reasonable expectations of privacy in one’s person, property, and effects, and to the same extent as persons and property is enjoyed by persons who are not homeless.

8. The right to seek self-employment in junk removal and recycling in the same manner as non-homeless person and to engage in such self-employment without discrimination on the basis of one’s housing status.

9. The right to occupy a motor vehicle or recreational vehicle, lawfully parked on
public property or lawfully parked on private property with the permission of the property owner.

10. The right to enjoy the benefits and privileges of public services without denial or deprivation solely because of one's homeless status.

SO RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ELKHART this ___ day of ______________, ______.

________________________________________
H. Brent Curry
President of the Common Council

ATTEST:

________________________________________
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this ______ day of ________, ______, at ______ a.m./p.m.

________________________________________
Debra D. Barrett, City Clerk

APPROVED by me this ______ day of ________________, ______.

________________________________________
Rod Roberson, Mayor

ATTEST:

________________________________________
Debra D. Barrett, City Clerk
MEMORANDUM

DATE: 9/8/2021
TO: Elkhart City Common Council
FROM: Mayor Rod Roberson
RE: Proposed Resolution 21-R-61
ENTITLED: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, RECOGNIZING A HOMELESS BILL OF RIGHTS

The Elkhart City Homeless Coalition was established to provide a forum for agencies in Elkhart County and the State of Indiana to gather to discuss services available to/for the homeless of Elkhart City, and to build relationships between institutions so that available services could reach the homeless community.

Elkhart City Police Department, as part of the coalition, stated that its goal was to Educate the homeless to available services; Engage the homeless in seeking services, especially shelter; and when necessary Enforce the laws and ordinances of the city. This collaborative effort between the police and direct providers was meant to facilitate the education and engagement pieces, but not leave the enforcement piece behind.

As direct providers, we see our work with the city as a partnership that must work both ways. There must be respect for the people we serve, while simultaneously holding them accountable for their behavior.

NOTE: This statement was discussed and received broad approval by those in attendance at the Elkhart Coalition
ALLEY/STREET VACATION PETITION

Vacation # 21-v-04

Elkhart, Indiana

TO: THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA

(Please indicate below what is to be vacated and how your property relates to or abuts upon said alley or street.)

The undersigned, owners of real estate commonly known as: 1422 W. Lusher Ave, Elkhart IN

Lot # 19-20-21-22 L #83-54-55-56

(Lot Numbers or Other Identification)

and abutting upon alley or street proposed for vacation, respectfully petition(s) for the passage or an ordinance providing for the vacation of: E/W ALLEY adj. N/S Railroad (15th Street)

ALLEY BETWEEN 14TH AND 15TH STREET

(E/W or N/S) street or alley or public right-of-way/or a more lengthy legal description may be attached)

Reasons for request: ALLEY IS FENCED ON BOTH ENDS NOT USED FOR ANY THROUGH TRAFFIC

Please provide names and addresses of each property owner who owns property abutting upon the alley or street to be vacated. Please Print-and attach separate sheet if necessary.

<table>
<thead>
<tr>
<th>Property Owner's Name</th>
<th>Addresses</th>
<th>Lot Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>* See attached *</td>
<td></td>
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</tbody>
</table>

Please provide names and addresses of any party who would be directly affected by this vacation even though their property might not abut upon the property being vacated-attach separate sheet if necessary.

SEND NOTICE TO:

Jerry Miller
PO Box 590
Elkhart IN 46515

Lydia Miller
14612 C R 12
Middlebury IN 46540

Rivera Luis M. Santiago
62018 Timberline Trace N
Granger IN 46530

KBT Limited LLC
PO Box 335
Bristol IN 46507
574-848-5727

Petitioner's Signature

Mailing Address

Phone:

Attach to Petition Application:
1. Drawing showing area of proposed vacation (including parcel identification numbers)
2. Location of buildings (access to garages and/or off street parking areas)
3. List of names and addresses of property owners whose property abuts this property proposed to be vacated
4. Legal Description of proposed vacation
5. $100.00 Filing Fee for certified mailing and advertising
Alley Vacation Description

A 12 foot wide alley located adjacent to part of Lot 18 and Lots 19 thru 22 and Lots 83 thru 86 and part of Lot 87 as the said Lots are known and designated on the Plat of Elliston's First Addition recorded in Deed Record 111 Page 188 in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 83; thence South 89°02'00" East along the South line of Lots 83, 84, 85, 86 and 87 of said Elliston's First Addition a distance of 203.00 feet to a point that is 4 feet East of the Southwest corner of said Lot 87; thence South 12.00 feet to a point that is 4 feet East of the Northwest corner of Lot 18 in said Elliston's First Addition; thence North 89°02'00" West along the North line of Lots 18, 19, 20, 21 and 22 of said Elliston's First Addition a distance of 203.00 feet to the Northwest corner of said Lot 22 said point being on the East line of Fifteenth Street; thence North along the East line of said Fifteenth Street a distance of 12.00 feet to the point of beginning of this description.

Containing 0.056 of an acre, more or less.

Fifteenth Street Vacation

Part of Fifteenth Street lying between Lot 22 and Lot 23 and between Lot 82 and Lot 83 as shown on the Plat of Elliston Addition to the City of Elkhart, recorded in Deed Record 111, Page 188 in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 22; thence North 82°02'00" West along the North line of Lusher Avenue a distance of 50.00 feet to the Southeast corner of said Lot 23; thence North 0°00'00" East along the East lines of said Lots 23 and 82 a distance of 182.00 feet to the Southwest corner of vacated Fifteenth Street; thence South 89°02'00" East along the South line of said vacated Fifteenth Street a distance of 50.00 feet to a point on the West line of said Lot 83 said point being 50.00 feet North 0°00'00" West of the Southwest corner of said Lot 83; thence South 0°00'00" East along the West line said Lots 22 and 83 a distance of 182.00 feet to the point of beginning of this description.

Containing 0.209 of an acre, more or less.
Jerry and Terry Kindig (1404 W. Lusher)
P.O. Box 590
Elkhart IN 46515

Lynn Miller (1406 W. Lusher)
14612 C.R. 12
Middlebury IN 46540

Rivera Luis M. Santiago (454 Auto Sales) 1408/1410?? W. Lusher
12018 Timberline Trace N.
Granger IN 46530

Carol and Lon Franklin (1500 W. Lusher)
24372 C.R. 18
Elkhart IN 46516

Carol and Lon Franklin
Gobs Properties, LLC
1500 W. Lusher Ave
Elkhart IN 46517

Randall Hesser
Registered Agent for KBT Limited
861 Parkway Ave
Elkhart IN 46516

Rick Sotebeer
Representative for 1500 W. Lusher
4530 Chester Dr.
Elkhart IN 46515

Barb Kulesia
574-848-5195-MAIN
574-848-4749-FAX
info@bristolautomotiveparts.com
City of Elkhart
Board of Aviation Commissioners Meeting
July 28, 2021

The Board of Aviation Commissioners meeting was called to order by Doug Thorne at 4:00pm on Wednesday, July 28, 2021 in the City Council Chambers, 229 South Second Street. The following commissioners were present: Shari Mellin, Bruce Shreiner, and Tom Shoff via Webex. Also present were Andy Jones, Karen Shaw, Paul Shaffer, Dwight Fish, & Corinne Straight-Reed.

Approval of Minutes:
Shreiner made a MOTION to approve the minutes of the June 30, 2021 meeting. The motion was SECONDED by Mellin. There being no further discussion, the motion PASSED unanimously.

Approval of Claims:
Mellin made a MOTION to approve claims as submitted in the amount of $128,270.29. The motion was SECONDED by Shreiner. There being no further discussion, the motion PASSED unanimously.

Manager’s Report:
Andy advised that we have been receiving many phone calls regarding drones, and in order to streamline communications and give our tenants and the public the goal of unparalleled customer service, Karen worked with Vala Communications to update our website so now, in addition to phoning into the airport, we have added the convenience of allowing people to fill out forms on our website for general questions, drone flight submissions, and drone registration with the FAA. We have submitted our 2022 budget to the Controller’s Office. The big item we will ask for is a new airfield broom to keep the airport aircraft movement areas free of snow and ice. As you may recall from last month’s meeting the current broom is over 16 years old and is no longer reliable because of its age resulting in more and more frequent break downs. I sent you all photos depicting the lease violations in T hangar 35. We have evicted that tenant for performing auto maintenance/auto storage. Hangar 35 is already leased to a new tenant who is storing two airworthy aircraft in the hangar. We had a demonstration of an unmanned lawn mower from a company located in Indianapolis. As you are aware, one of our current Z-Turn and 4000 series mowers are constantly breaking down, spending more time it seems at the Central Garage than they do at the airport. We are pondering the purchase of one of these unmanned mowers, not only to have updated equipment, but also for increased safety. Mowing along John Weaver Parkway and the steep ditches along Co. Rd. 6 pose a danger to our maintenance crews because of traffic. The unmanned units are operated by a single person and can do the same job in less time and allow for the reassignment of 80% of our maintenance crew to other duties. We have had one part-time and one full-time airfield maintenance employees resign, so we have job postings currently for these two open positions. We have received several applications and hope to start interviews within the next week or two. We have had 4 school field trips in the month of July for summer camp school children, so we are happy to be opening up again for these types of activities. Lastly, we will have our gates open this Saturday for the Good Year air ship which will be making an overnight stop at our airport. The public will be allowed to come in and take close up pictures and speak with the crew if they wish. Andy will be present to greet visitors and help with crowd control.

New Business:
Thorne advised the first order of New Business is the BMW Partnership Land-Lease. Thorne advised he would like to make a MOTION to postpone this item until the August 25th board meeting, as he is aware there are some further minor negotiations that need to take place before it can be finalized. Mellin SECONDED the motion to postpone. Andy advised he was asked to report that all parties are in agreement on just about everything, and the delay is only due to “wordsmithing”, portions of the agreement. Andy added that the BMW have been extremely cooperative throughout this whole process.
Shreiner made a MOTION to postpone the BMW Land-Lease question until the next BOAC meeting. Mellin SECONDED the motion. There being no further discussion, the motion to postpone the BMW Land-Lease until the August 25th meeting PASSED unanimously.

Thorne advised the next order of New Business is the PBS-TV Seaplane-based advertising. Andy advised he was contacted by PBS about a documentary they are making on the history of the St. Joseph River. Because the Upper St. Joe has been designated as a Seaplane Base they asked Andy if he would arrange a seaplane operation to be filmed for the project. Last Saturday Andy hosted the film crew on his boat and anchored at a location on the river that allowed them to get some great footage of a seaplane landing and takeoff. Andy suggested that the documentary would be a good venue to advertise the fact that water runway 10/28 exists in our airport’s Class “D” airspace and is open to the public. Andy suggested the use of $500 from the airport donation fund for this use. Shreiner also advised the Upper St. Joe River Rats Association is also a sponsor at $1000 level. Shreiner further advised the River Rats (consisting mostly of river property owners) have really come together to sponsor events. Andy added that members of this group are also members of the Upper St. Joseph River Home Owners Association (SJRHA). The SJRHA wrote a letter of support to the DNR that helped to get the water runway application approved. The River Rats have really made the river come to life with numerous family-oriented events, including support for a seaplane fly-in, and he has seen a huge increase in the recreational use of the river because of them. Andy requests a motion to appropriate $500 from the airport donation fund to purchase a sponsor for this PBS St. Joe River documentary program. Mellin made a MOTION to approve investing $500 from the airport donation fund for advertising on PBS. Shreiner SECONDED the motion. Thorne asked how this donation would benefit airport operations? Andy advised that the airport donation fund was established for exactly this purpose and consists of no taxpayer funds. This investment would serve to further promote the existence of the new seaplane base, and would have an educational benefit for the public, which would be an overall positive benefit for aviation in general, and our airport specifically. Thorne advised he would like a special note made that this is not an expenditure of taxpayer dollars, but would come directly from private donations made to our airport. There being no further discussion, the MOTION to invest $500 from the airport donation fund to PBS for seaplane base advertising PASSED unanimously.

Thorne advised the next order of New Business is Progress Estimate #10 for Wildlife Fence Phase 2, in the amount of $94,648.50 to Specialties, LLC which includes the retainage release. Paul Shaffer with Butler, Fairman, & Seufert (BF&S) advised it is good to see everyone in person. Paul further advised it is time to close out Phase 2 of the Wildlife Fence project and that Phase 3 is still progressing forward. This motion is to pay the contractor, Specialties, LLC for Phase 2 of this project. Shreiner made a MOTION to approve. Mellin SECONDED. There being no further discussion, the MOTION to approve the payment to Specialties, LLC in the amount of $94,648.50 PASSED unanimously.

Thorne advised the next item under New Business is Submit AIP-32 Progress Estimate 11 Final to the FAA for reimbursement and grant close-out for Wildlife Fence Phase 2, in the amount of $158,500.13 – of which Federal is $142,651.00, State is $7,925.00, and Local is $7,924.13. Paul advised this is to submit the final pay request to the FAA that will include the $94,648.50 that you just approved for Specialties, LLC plus the professional services fees from BF&S. This is to close out the grant for Phase 2. Shreiner made a MOTION to approve. Shoff SECONDED. There being no further discussion, the MOTION to approve AIP-32 Progress Estimate 11 final pay reimbursement PASSED unanimously.
Privilege of the Floor:
Thorne opened comments. Dwight Fish, 4th district Councilman for the City of Elkhart introduced himself and wanted to take a few moments to address the board about research he has been doing for several weeks in regard to working with a public partnership company that may utilize the open grounds of the Elkhart Airport for initiatives that may help reduce government expenditure for energy and to go carbon free. Mr. Fish explained that this stems from a state legislative action where these public partnerships seek municipal projects to manage and finance construction and other projects in a more expeditious way. Mr. Fish named solar fields as one example of this being done in other areas, and he wanted to talk to the board and welcome them to a meeting with the Mayor, city engineers, the airport manager, and a representative of the company he has been talking with to have a good, honest conversation about how viable something like this might be not only at our airport but other city properties. Mr. Fish advised he will be in touch at a later date about a meeting/presentation time, but wanted to start a conversation and put these ideas before the board. Mr. Fish thanked the board for allowing him to present this information. Doug Thorne thanked Mr. Fish for speaking today and the board will look forward to hearing from him in the future.

Adjournment:
Shreiner made a MOTION to adjourn. The motion was SECONDED by Mellin. There being no further comments, the motion PASSED and the meeting was adjourned.

Next regular BOAC meeting is scheduled for Wednesday, August 25, 2021 at 4pm. Location will be City Council Chambers, 229 South Second St, Elkhart, IN 46516 & via WebEx.

Respectfully Submitted,

[Signature]

Tom Shoff – Aviation Board Secretary

[Signature]

Date
Chairman Robert Woods called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, August 10, 2021. Nancy Wilson called the roll. Robert Woods, Charlie Cross, Carol Loshbough, and Corinne Straight-Reed were present. Anthony Coleman attended on WebEx. Elkhart Council liaison Arvis Dawson was present on WebEx.

1. **APPROVE AGENDA**
   On motion by Carol Loshbough, seconded by Corinne Straight-Reed and carried 5-0 the agenda was adopted as presented.

2. **MINUTES of July 13, 2021**
   On motion by Corinne Straight-Reed, seconded by Charlie Cross and carried 5-0, the minutes from July 13, 2021 were approved as presented.

3. **TABLED ITEMS**
   - **MOU Between IAFF Local #338 and the City of Elkhart**
     No action was taken.

4. **FIRE**
   Chief Edgerton gave a verbal report for July. The EFD responded to 846 calls for service. 68% were EMS related and 32% were Fire related. Carol asked for a written report and he provided it. Chief Edgerton said they have 4 in rookie school and they are extending their training two more weeks. He explained why they are re-evaluating them. Carol Loshbough asked him how the meeting with Osolo Fire Department went since she sits on the Board and had to miss the meeting? The Chief said it went well. On motion by Carol Loshbough, seconded by Corinne Straight-Reed and carried 5-0, the July Month End report was accepted.

5. **COMMUNICATIONS CENTER**
   Michelle Miller presented her July Month End Report. On motion by Carol Loshbough, seconded by Corinne Straight-Reed and carried 5-0, the Elkhart Communications Center July 2021 Month End Report was accepted and placed on file.

6. **BUILDING AND CODE ENFORCEMENT**
   Aimee Lattimer presented the July Month End Report. On motion by Charlie Cross, seconded by Corinne Straight-Reed and carried 5-0 the Building and Code July Month End Report was accepted and placed on file.

7. **OTHER PUBLIC SAFETY MATTERS**
   Anthony Coleman asked Chief Edgerton to send the SOP for the Matrix pertaining to the Grievance. The Chief said he would look into that.
   On motion by Corinne Straight-Reed, seconded by Charlie Cross, the Board of Safety set the grievance hearing for Firefighter Jacob Leighty on August 24, 2021 at 9:00 a.m.
   On motion by Carol Loshbough, seconded by Corinne Straight-Reed and carried 5-0, the Police Merit minutes were accepted and placed on file.
   On motion by Carol Loshbough, seconded by Anthony Coleman and carried 5-0, the Board of Safety set the Towing Complaint Public Hearing for August 24, 2021 at 9:00 a.m.
   On motion by Carol Loshbough, seconded by Corinne Straight-Reed and carried 5-0, the Board of Safety accepted the recommendation from the Towing Committee regarding the complaint and placed it on file.
BOARD OF PUBLIC SAFETY
Tuesday, August 10, 2021

8. **PUBLIC PARTICIPATION**
   Nancy Wilson read a comment from Facebook into the record. James Ballard announced the Ride to Remember Fallen Police, Firefighters, and Veterans is Sunday September 12, 2021. They also honor those who currently serve and inspire those who will serve.

9. **ADJOURNMENT**
   On motion by Carol Loshbough, seconded by Corinne Straight-Reed and carried 5-0, the Board of Public Safety meeting was adjourned at 9:30 a.m.

   Robert Woods, Chairman

   Attest: Nancy Wilson, Clerk of the Board
Vice-President Chad Crabtree called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, August 3, 2021. The Clerk of the Board Nancy Wilson called the roll. Rose Rivera, Chad Crabtree and Ron Davis attended in person. Tim Reecer, proxy, attended in person. Mike Machlan and Jamie Arce were absent. Chad noted it was after 9:00 a.m. and no more bids or quotes would be accepted.

1. Approve Agenda
A motion was made by Ron Davis and seconded by Rose Rivera to approve the agenda. On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the agenda was amended by adding the transfer of City property to the end of New Business. The amended agenda carried 4-0.

2. Open Bids & Quotes

#21-18 DeCamp Avenue Sewer Extension
Proof of publication was presented which appeared in The Elkhart Truth on July 17 and July 24, 2021. The following bids were received:
- Rieth-Riley submitted a signed and certified bid summary form with all items checked. The base bid was $222,877.60.
- John Boettcher Sewer & Excavating submitted a signed and certified bid summary form with all items checked. The base bid was $207,165.80.
- Milestone Contractors submitted a signed and certified bid summary form with all items checked. The base bid was $209,600.00.
- Selge Construction submitted a signed and certified bid summary form with all items checked. The base bid was $221,017.05.
- Niblock Excavating submitted a signed and certified bid summary form with all items checked. The base bid was $157,201.00.
- HRP Construction submitted a signed and certified bid summary form with all items checked. The base bid was $205,000.00.

On motion by Ron Davis, seconded by Rose Rivera and unanimously carried, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the end of the meeting.

#21-22 McPherson Street Water Extension
Proof of publication was presented which appeared in The Elkhart Truth on July 17 and July 24, 2021. The following bids were received:
- John Boettcher Sewer & Excavating submitted a signed and certified bid summary form with all items checked. The base bid was $193,347.08.
- Milestone Contractors submitted a signed and certified bid summary form with all items checked. The base bid was $256,000.00.
- Niblock Excavating submitted a signed and certified bid summary form with all items checked. The base bid was $165,561.75.
- HRP Construction submitted a signed and certified bid summary form with all items checked. The base bid was $198,000.00.

On motion by Rose Rivera, seconded by Ron Davis and unanimously carried, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the end of the meeting.

#21-23 S. 6th Street Sewer Extension
Proof of publication was presented which appeared in The Elkhart Truth on
BOARD OF PUBLIC WORKS
Tuesday, August 3, 2021

July 17 and July 24, 2021. The following bids were received:

   Rieth-Riley submitted a signed and certified bid summary form with all items checked. The base bid was $183,890.60.
   John Boettcher Sewer & Excavating submitted a signed and certified bid summary form with all items checked. The base bid was $188,076.65.
   Milestone Contractors submitted a signed and certified bid summary form with all items checked. The base bid was $189,700.00.
   Selge Construction submitted a signed and certified bid summary form with all items checked. The base bid was $213,719.45.
   Niblock Excavating submitted a signed and certified bid summary form with all items checked. The base bid was $147,143.10.
   HRP Construction submitted a signed and certified bid summary form with all items checked. The base bid was $183,000.00.

   On motion by Ron Davis, seconded by Rose Rivera and unanimously carried, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the end of the meeting.

   #21-28 Demolition of 1101 Taylor Street
   Proof of publication was presented which appeared in The Elkhart Truth on July 10 and July 17, 2021. The following bids were received:

   John Boettcher Sewer & Excavating submitted a signed and certified bid summary form with all items checked. The base bid was $11,869.15.
   AML Services submitted a signed and certified bid summary form with all items checked. The base bid was $9,450.00.
   Cross Excavating & Demolition submitted a signed and certified bid summary form with all items checked. The base bid was $6,854.40.
   Pelley Excavating submitted a signed and certified bid summary form with all items checked. The base bid was $6,993.00.

   On motion by Rose Rivera, seconded by Ron Davis and unanimously carried, the Board referred the bids to the staff of Planning and Development for their review and recommendation at the end of the meeting.

   #21-29 Demolition of 412 North Third Street
   Proof of publication was presented which appeared in The Elkhart Truth on July 10 and July 17, 2021. The following bids were received:

   John Boettcher Sewer & Excavating submitted a signed and certified bid summary form with all items checked. The base bid was $15,572.48.
   AML Services submitted a signed and certified bid summary form with all items checked. The base bid was $16,985.00.
   Cross Excavating & Demolition submitted a signed and certified bid summary form with all items checked. The base bid was $10,400.00.
   Pelley Excavating submitted a signed and certified bid summary form with all items checked. The base bid was $9,740.00.

   On motion by Ron Davis, seconded by Rose Rivera and unanimously carried, the Board referred the bids to the staff of Planning and Development for their review and recommendation at the end of the meeting.
BOARD OF PUBLIC WORKS  
Tuesday, August 3, 2021

3. Claims  
   On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the Claim and Allowance Docket in the amount of $5,179,149.86 consisting of 126 pages as prepared on July 30, 2021 at 12:05 p.m.

4. Minutes Regular Meeting July 20, 2021  
   On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the minutes from July 20, 2021 were adopted.

5. Tabled Item 2109 W. Indiana Sewer Insurance Claim  
   On motion by Rose Rivera, seconded by Ron Davis and carried, the 2109 W. Indiana Sewer Insurance claim was taken off the table. A motion was made by Rose Rivera to approve the replacement of solely the sidewalk that was removed at 2109 W. Indiana Avenue during the sewer insurance. There was no second to the motion and the motion failed. A motion was made by Ron Davis to replace the whole sidewalk at 2109 W. Indiana Avenue. There was no second to the motion and the motion failed.

6. Engineering  
   (A.) Right-of-Way  
   Award Quote #21-10 Wolf Avenue Curb Ramps Project  
   On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded the Wolf Avenue Curb Ramps Project Quote #21-10 to ReiH-Riley Construction Co., Inc. who was the lowest, responsive and responsible bidder with a contract price of $19,379.92.

   (B.) Administration  
   Award Bid #21-13 Wastewater Treatment Plant Capacity Upgrades Phase II  
   On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded Bid #21-13 Wastewater Treatment Plant Capacity Upgrades Phase II to Bowen Engineering Corporation as the lowest, responsive, and responsible bidder for a contract price of $27,356,000.00.

7. Utilities  
   (A.) Administration  
   Wastewater Treatment Plant MRO for June 2021  
   On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board accepted and placed on file the Wastewater Treatment Plant MRO for June 2021.

   Request Quote #21-11 CR 17 Meter Pit Installation  
   On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the request to quote #21-11 CR 17 Meter Pit Installation. Tim Reecer explained the project timeline.

   (B.) Utility Financials  
   Second Quarter Utility Financials  
   On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the second quarter Utility Financials. Nicolette Kershner gave an overview of the report and pointed out some highlights.

   (C.) Environmental Compliance  
   Notice of Violation Failure to Submit Renewal FOG application as Required- 7-Eleven #40508 28054 CR 4 (F2018-034)
BOARD OF PUBLIC WORKS
Tuesday, August 3, 2021

A motion was made by Rose Rivera and seconded by Ron Davis to approve a Notice of Violation Failure to Submit Renewal FOG application as Required 7-Eleven #40508 28054 CR 4 and assess a penalty of $125.00. Megan Kolaczyk explained the violation to the Board. The FSE was not present. They did respond to the violation and the application has been submitted. Chad called for the vote and the motion carried 4-0.

Notice of Violation Failure to Submit Renewal FOG application as Required- 7-Eleven #40505 29561 Moose Trail (F2018-033)

A motion was made by Rose Rivera and seconded by Ron Davis to approve a Notice of Violation Failure to Submit Renewal FOG application as Required 7-Eleven #40505 29561 Moose Trail and assess a penalty of $125.00. Megan Kolaczyk explained the violation to the Board. The FSE was not present. They did respond to the violation and the application has been submitted. Chad called for the vote and the motion carried 4-0.

Notice of Violation with Compliance Order: Permit #2009-01 Earthmovers Landfill, LLC

A motion was made by Rose Rivera and seconded by Ron Davis to approve a Notice of Violation with Compliance Order permit #2009-01 Earthmovers Landfill LLC and assess a penalty of $150.00. Lynn Brabec explained the violation to the Board. The Permit holder was not present. Chad called for the vote and the motion carried 4-0.

8. New Business

BOW Resolution #21-R-15 Accepting the Transfer of Interests in Certain Real Estate and Improvements thereon from the Board of Parks and Recreation and Authorizing the Transfer to the Non-profit Tolson Center Inc.

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Board of Works Resolution 21-R-15, a Resolution of the Board of Works of the City of Elkhart, Indiana accepting the transfer of interests in certain real estate and the improvements located thereon from the Board of Parks and Recreation of the City of Elkhart, Indiana, and all matters related thereto, and authorized the transfer to the non-profit Tolson Center Inc.

Rick Stiffler, one of the consultants that has been supporting the work of this non-profit board spoke to the Board. He thanked the Board, and assured them there are at least three mechanisms of very appropriate control that the City continues to maintain with this project. The Mayor controls the appointment of six of the governing Board members. Built into the understandings are a series of metrics and reporting mechanisms so that the City Council can monitor the performance of the Center to ensure that there is mission alignment and performance alignment over many years. The third is in the very unlikely event that things would go south over many years, there are reversion clauses in the bylaws so that in that event, that asset would revert to the City of Elkhart. On behalf of the Tolson Board, Rick thanked them.

Sarah Nahar, another consultant for the Tolson Board offered packets of information as well as addendums and metrics if the Board wished to see them. She invited the Board to check out recently launched Tolson.org. Rose Rivera added that she has been working with the Tolson Board for a year, and this is one of the more important things the City has engaged in for its residents and she is excited
BOARD OF PUBLIC WORKS
Tuesday, August 3, 2021

about it.

**Interpreter Contracts for Elkhart City Court**
On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved two contracts for interpreters for City Court for Jessica Garcia and Connie Caiceros.

**Transfer of Asset**
On motion by Ron Davis, seconded by Rose Rivera and carried, the Board approved the transfer of a Toyota Prius from Public Works to the Environmental Center.

9. **Use & Event Permits**
On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the following permits:
- Delgado-Mejia Wedding 8/7- Special Exception from Noise
- Trausch Wedding 8/14- Special Exception from Noise

10. **Award Bids**
    **#21-18 DeCamp Ave. Sewer Extension**
    On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded the DeCamp Sewer Extension project, Bid #21-18 to Niblock Excavating who was the lowest, responsive and responsible bidder with a contract price in the amount of $157,201.00.

    **#21-22 McPherson Street Water Extension**
    On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded Bid #21-22 McPherson Street Water Extension to Niblock Excavating, who was the lowest, responsive and bidder with a contract price of $165,561.71. On motion by Ron Davis and carried 4-0, the award was reconsidered. On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the amount was corrected to $165,561.75.

    **#21-23 6th Street Sewer Extension**
    On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded Bid #21-23 6th Street Water Extension to Niblock Excavating, who was the lowest, responsive and bidder with a contract price of $147,143.10.

    **#21-28 Demolition of 1101 Taylor Street**
    On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded Bid #21-28 to Cross Excavating & Demolition LLC who was the lowest responsive and responsible bidder with a contract price in the amount of $6,854.40.

    **#21-29 Demolition of 412 N. Third Street**
    On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded Bid #21-29 to Pelley Excavating who was the lowest responsive and responsible bidder with a contract price in the amount of $9,740.00.

11. **Public Participation**
    Councilman Arvis Dawson brought up the subject of Indiana Avenue. He asked the Board to reconsider instead of not doing anything. The citizen has a pile of dirt in their yard.

    Tory Irwin talked about a veteran inspector Derek Saur who has been with the City for 16 years. Derek is pursuing another path with his career. He thanked Derek for his 16 years of service to the City of Elkhart and the Engineering team.
BOARD OF PUBLIC WORKS
Tuesday, August 3, 2021

12. **Agenda Amended to Reconsider 2109 W. Indiana Sewer Insurance**
   
   On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the agenda was amended to reconsider 2109 W. Indiana Sewer Insurance. On motion by Rose Rivera, seconded by Ron Davis and carried 3-1, the Board approved the replacement of solely the sidewalk that was removed during the sewer insurance repair. Tim Reecer was opposed, and stated that the City and Engineering Department was not at fault. The program does not replace sidewalks or landscaping and the home owners signed the agreement stating that. If we start doing this for every project, the cost will increase substantially, which then in turn would cause the fund to either go bankrupt, or we will have to increase the monthly cost or deductible to sustain it.

13. **Adjournment**

   On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board of Works adjourned at 9:59 a.m.

   Chad Crabtree, Vice-President

   Attest: Nancy Wilson, Clerk of the Board.
President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, August 17, 2021. The Clerk of the Board Nancy Wilson called the roll. Mike Machlan, Jamie Arce, Rose Rivera, Chad Crabtree and Ron Davis attended in person.

1. **Approve Agenda**

A motion was made by Chad Crabtree and seconded by Ron Davis to approve the agenda. On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the agenda was amended by adding the Reyes Birthday Party and Riding to Remember Event Permits. The amended agenda carried 5-0.

2. **Claims**

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved the Claim and Allowance Docket in the amount of $3,230,885.90 consisting of 114 pages as prepared on August 12, 2021 at 1:46 p.m.

3. **Minutes Regular Meeting August 3, 2021**

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0-1 abstention, the minutes from August 3, 2021 were adopted.

4. **Engineering**

   (A.) **Utility**

   **Declare an Emergency- West Lexington & Bypass Road Sinkhole**

   On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board declared an emergency for the August 11, 2021 West Lexington & Bypass Road Sinkhole.

   **Change Order #2 N Main St. Water Replacement Project Bid #21-03**

   On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the Board approved Change Order #2 for the N Main Street Water Replacement Project, Bid #21-03, for an increase of $5,345.00, bringing the Contract price to $1,547,708.00.

   **Request to Quote #21-15 2010 Superior Street Sewer Repair**

   On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board granted permission to quote the 2010 Superior Street Sewer Repair project, Quote #21-15.

   **Award bid #21-15 Elkhart Riverwalk Boardwalk**

   On motion by seconded by and carried 5-0, the Board awarded Bid #21-15 to LaPorte Construction Co., Inc. as they were the lowest, responsible, and responsive bidder in the amount of $322,760.00. Danielle noted they did not acknowledge the addendum, however they agreed to do the additional work for the same price.

   (B.) **Right-of-Way**

   **Request Quote #21-12 Almac Court Drainage**

   On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board granted permission to quote the Almac Court Drainage Project, Quote #21-12.

   **Request Quote #21-13 Central Stage ADA Path Project**

   On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board granted permission to quote the Central Stage ADA Path Project Quote #21-13.
BOARD OF PUBLIC WORKS
Tuesday, August 17, 2021

Request Quote #21-14 CR 17 Guardrail Replacement Project
On motion by Chad Crabtree, seconded by Rose Rivera and carried 5-0, the Board granted permission to quote the CR 17 Guardrail Replacement Project Quote #21-14.

(C.) Summary
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board ratified the following permits:

Revocable Permits:

#6488, Property Owner: Cheryl Wright
Property: 913 Cedar St.
Permit Holder: Cheryl Wright
Extra parking needed for a big picnic

#6489, Property Owner: Robert Henry Corp
Property: Beck Dr. East of CR 17
Permit Holder: Mike Scott
Close eastbound lane to replace utility poles

#6490, Property Owner: Nancy Wilson
Property: 671 Kilbourn St.
Permit Holder: Midwest Waste Solutions
Placing dumpster in the street in front of the house

#6491, Property Owner: RETA, Inc
Property: 116 W. Jackson Blvd.
Permit Holder: DJ Construction
Closing alley to complete work on the building

Water Assessment Application:
Paul Eash
3106 Greenleaf Blvd.
Elkhart, IN 46514
Property: 3106 Greenleaf Blvd.
Paid in full, $717.60

Release of Bond:

#5010, Contractor: Concepcion Urdaniva
Property: 2228 Roys Ave.

Driveway Permit:

#5010, Owner: Concepcion Urdaniva
2228 Roys Ave.
Contractor: Juan Alvarez
$400.00 bond by contractor

5. Utilities
(A.) Administration
Water MRO for July 2021
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the
BOARD OF PUBLIC WORKS  
Tuesday, August 17, 2021

Board accepted and placed on file the Water MRO for July 2021.

(B.) Environmental Compliance  
Notice of Violation 25% Rule Happy North Garden 2900 Cassopolis St.  
(F2019-0033)

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve a Notice of Violation 25% Rule for Happy North Garden 2900 Cassopolis Street and assess a penalty of $500.00. Megan Kolaczyk explained the violation to the Board. Their grease trap was 100% full and not in operational order. The FSE was not present. They installed a 2,000-gallon grease interceptor outside and no longer need the inside traps. They are not completing the tasks needed. This is the third time in one year they have not responded to a Notice of Violation. Chad made a motion to amend his penalty to $1,500.00, and for the purposes of discussion Rose Rivera seconded the motion. Jamie Arce amended the amendment by doubling the fine to $1,000.00 and Chad seconded the amendment. The amendment carried 5-0. The amended motion carried 5-0.

Permit Renewal: Dexstar Wheel Company Permit #85-21
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved the renewal of Permit #85-21 Dexstar Wheel Company. Steve Brown explained the four-year standard permit renewal.

Permit Renewal: Liftco Inc. Permit #2005-01
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved a permit renewal for Liftco Inc. Permit #2005-01. Megan Kolaczyk explained the four-year standard permit renewal.

Permit Renewal: Atlas Chem-Milling Permit #85-16
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved a permit renewal Atlas Chem-Milling Permit #85-16. Lynn Brabec explained the standard four-year renewal and the category update.

FOG Variance Request Don Jose's Mexican Grill and Cantina
A motion was made by Chad Crabtree and seconded by Jamie Arce to approve a FOG Variance for Don Jose's Mexican Grill and Cantina, 655 CR 17, Suite 9. Lynn Brabec explained the request to the Board noting the owners were present. The new facility is required to install a 2,000-gallon grease interceptor outside. Mr. Castillo is requesting a 3-month variance to allow them to open using the current 75gpm grease trap while the interceptor is being installed. Lynn said staff supports the variance. They understand the grease trap needs to be maintained properly. The FSE was present but did not speak. The Board expressed their support and wished them well. The motion carried 5-0.

6. New Business

Interpreter Contract for Elkhart City Court
On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the Board approved a contract with Diana Garcia to be an interpreter in City Court.

Perpetual Easement Bristol Street and Cassopolis Street
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board accepted the granting of the perpetual easement from 322 East Bristol, LLC on behalf of the City of Elkhart.
BOARD OF PUBLIC WORKS  
Tuesday, August 17, 2021  

Contract Agreement with Federated Media  
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved a Contract with Federated Media for $10,560.00 for six months. Mayra Garcia explained the City's COVID vaccination marketing plan to the Board which will begin September 6, 2021 and will run through January 30, 2022. They are reaching out with several different forms of media to get the word out and hopefully increase our vaccination rates as a City.  

Contract Agreement with La Raza Radio Station  
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved a Contract with La Raza radio Station for $9,360.00 for six months.  

Contract Agreement with ABC57/CW  
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved the Contract with ABC57/CW for $5,007.00.  

Contract with Burkhart Advertising  
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved a Contract with Burkhart Advertising for $8,000.00. 

Contract with Urban3  
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board ratified a Contract with Urban3 for $3,000.00. Dayna Bennett explained the assistance Urban3 provided on specific impact questions concerning the removal of the County Courthouse from the downtown location. 

7. Use & Event Permits  
On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved the following permits: 

- Minority Health Coalition Health Fair & Back2School 8/21- Temporary Street Closure, Special Exception from Noise, ESS, EMS, Trash Cans, Tables, Plaza Sign, Public Assembly  
- Grogg Birthday Party 8/28- Special Exception from Noise  
- Salvation Army Neighborhood Fiesta 8/22- Temporary Street Closure, Public Assembly, Special Exception from Noise  
- NYCRR Museum Rockin' on the Rails 9/18- Portable Stage, Trailer, Plaza Sign, Public Assembly, Special Exception from Noise  
- Trivia Night Central Green Park 10/7- Fencing, Public Assembly, Special Exception from Noise  
- Modrell Block Party 9/18- Temporary Street Closure, Special Exception from Noise  
- Yoga on the Green 9/13, 9/20, 9/27, 10/4- Public Assembly, Central Green Stage, Plaza Sign  
- Boneheads Backyard Bash 8/28- Special Exception from Noise  
- Abarca Birthday Party 9/11- Special Exception from Noise  
- Labor Day Parade 9/6- ESS, Platform, Mic, Speakers, Risers, Street Closures, Plaza Sign, Electric, Special Exception from Noise, Parade and Public Assembly  
- DAV Corn & Sausage Roast 9/28- Special Exception from Noise  
- Reyes Birthday Party 9/10- Special Exception from Noise

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve
the 23rd Annual Riding to Remember Fallen Police, Firefighters, and Veterans Charity Motorcycle Ride on September 12, 2021. Mike commented to Jim Ballard who attended on WebEx that it is a great program. The Police Chief expressed concern that some of the details need to be finalized. Mike asked the Board to amend the motion giving the Board President permission to approve and sign the permit after the Police Chief has finalized his approval. On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the motion was amended giving Mike Machlan permission to sign the permit after the Police Chief works out their details. Mike asked Jim Ballard if he had anything to add and assured him they would get the permit approved before the event. Jim Ballard said they would work with the Chief and his office, and anything they can do to assist. The route needs to be discussed due to a road closure on CR 17. The motion carried 5-0.

8. Adjournment

On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the Board of Works adjourned at 9:56 a.m.

[Signatures]

Mike Machlan, President

Attest: Nancy Wilson, Clerk of the Board.
Call to Order at 3:39 PM.

1. Roll Call- Quorum Present
   BOARD MEMBERS PRESENT

<table>
<thead>
<tr>
<th>President</th>
<th>Vice President</th>
<th>Secretary</th>
<th>Treasurer</th>
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<tr>
<td>Sarah Santerre</td>
<td>Nekeisha Alayna</td>
<td>Kim Henke</td>
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<td>Alexis</td>
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2. Approval of Agenda
   Motion to Approve Agenda
   Motion: NAA
   Second: KH
   Motion Passes with unanimous voice vote

3. Approval of Minutes
   June 15, 2021
   Motion: NAA
   Second: KH
   Motion Passes with unanimous voice vote

   June 29, 2021
   Motion: NAA
   Second: KH
   Motion Passes with unanimous voice vote

   July 8, 2021 Memorandum
   Motion: NAA
   Second: KH
   Motion Passes with unanimous voice vote

4. Approval of Financials
   Claims: $32,415.13
   Donations: None
   Grants: $5,000
   Motion to discuss, approve and place on file
   Motion: NAA
   Second: KH
   Motion passes with unanimous voice vote

Ms. Wingard explains that the only unusual item on the docket is security for the Rhapsody Arts & Music Festival.
City of Elkhart Parks & Recreation
Park Board Minutes

5. New Business

a. Proposed Resolution R-2-21, a resolution of the Board of Parks and Recreation of the city of Elkhart, Indiana authorizing the transfer of interests in certain real estate and the improvements located thereon to the Board of Public Works of the City of Elkhart, Indiana and all matters related thereto.

Ms. Dana Bennett states that when the Tolson Center was closed, a community effort began to run the Tolson Center. The Tolson Board has asked for financing from the City to build the new center and provide operational support. The City has agreed and the Council passed $5 million for construction costs. The Tolson Board will have responsibility for maintaining the Center. The Tolson Board is fundraising to create an endowment for those costs. They are challenged because the city is the owner of the facility. They have requested the transfer of the property to the Tolson Board. There are legal agreements that go along with this. The cost of the operation will be transferred to the Tolson Board. Failure to maintain or complete construction will result in the City taking back the property. There will be annual reporting to the Council who can prescribe corrective actions.

Ms. Cyneatha Millsaps explains the diversity and expertise of the Tolson Board as well as the subcommittees that are involved in the creation of the Tolson Center.

Ms. Henke asks why the Tolson Board needs funding from the City for sustaining the Center.

Ms. Sarah Narah states that the funding will assist in creating a Center that the community wants to see and will repair historic harm. The funding will keep the Center in a relationship with the City.

Motion to approve: SS
Second: KH
Roll Call Vote: NAA – yes, KH – yes, SS – yes
Motion Passes

b. Memorandum of Understanding between City of Elkhart, Indiana and ULead regarding the Elkhart Adventure Camp

Mr. Czarnecki explains that this is mostly a formality at this point. The Department partnered with ULead for the Elkhart Adventure Camp. Ms. Santerre has already signed it. Camp has ended already. The camp was for high school students. They did canoeing, biking, hiking, rock wall climbing, and learned leadership and teamwork skills.

Motion to ratify: NAA
Second: SS
Motion passes with unanimous voice vote

c. Subrecipient Agreement for Northern Indiana Regional Development Authority

Mr. Czarnecki explains that this is part of the paperwork for the grant for the improvements to Lundquist-Bicentennial Park. It was overlooked when the Board signed previous paperwork for the grant.

Motion to ratify: NAA
Second: KH
Motion passes with unanimous voice vote

6. Old Business - NONE

7. Use and Event Permit Requests

a. Wednesday Worship & Prayer – August 11, 2021 – Island Park

The Board tabled the permit due to an incomplete permit.

Motion to Table
Motion: NAA
Second: KH
Motion Passes with unanimous voice vote
8. Approval of Department Report
Mr. Czarnecki informs the Board that a lot is going on throughout the city. The Farmers Market, Town Green Social, and Summer Chill Concert Series are all happening this summer. The Forest River softball tournament is scheduled for August. All of the aquatic facilities are open and the Department has heard lots of positive feedback. Public engagement meetings are being held to get feedback about the parks. The Department is hoping to partner with other organizations to offer programming during the Tolson Center construction as well as offering programs in the park pavilions.

9. Approval for Correspondence - None

10. Public Input/Privilege of the Floor
Mrs. Santerre opens privilege of the floor

Ms. Straight-Reed thanks the members of the Park Board for their due diligence regarding the Tolson project. She is excited for the future of the Parks Department and appreciates the Board's vote today.

Mr. Mark Datema asks through Facebook if the Department is installing a pedestrian-activated traffic stop at High Dive Park.
Mr. Czarnecki responds that the Engineering Department is responsible for those upgrades and he will follow up with them.

Mr. David Roby comments through Facebook asking for proper maintenance of the Maple Hart Trail. Mr. Czarnecki will talk to the Buildings & Grounds Department about this, but it does depend on which section of the trail it is as some of the trail is the County's responsibility.

Mrs. Santerre closes privilege of the floor.

11. Approval for Adjournment
Motion to adjourn
Motion: SS
Second: NAA
Motion passes with unanimous voice vote
Adjourn 4:38 pm

PARKS & RECREATION STAFF MEMBERS IN ATTENDANCE
Jamison Czarnecki, Superintendent via Webex
Clayton Brown, Program Coordinator via Webex
Leslie Wingard, Accounting Specialist via Webex
Wendy Terrazas, Recreation Manager

ADDITIONAL CITY EMPLOYEES AND GUESTS IN ATTENDANCE
Ms. Rose Rivera, City Legal
Ms. Corinne Straight-Reed
Ms. Cynaetha Milisaps, Tolson Board
John Espar, City Legal
Dana Bennett, Community Development
Mr. David Hopkins, IT Department
Mr. Ryan Smith via Webex
Ms. Sarah Narah, Tolson Board Consultant
Call to Order at 3:30 PM.

1. Roll Call - Quorum Present
   BOARD MEMBERS PRESENT

   | Sarah Santerre  | Nekeisha Alayna Alexis, Vice President | Kim Henke, Secretary | Treasurer |
   | President       |                                      |                      |           |
   | Absent          | Absent                                | Absent               |           |
   | Mandy Leazenby, Proxy |                                    | Joe Foy, Proxy       |           |

2. Approval of Agenda
   Motion to discuss and place on file: JF
   Second: ML.
   Motion Passes with unanimous voice vote

3. Approval of Claims
   Motion to discuss, approve, and place on file: ML
   Second: JF
   Claims: $27,536.07
   Mr. Foy asks if the claims are typical.
   Ms. Wingard states that the unusual claims are for Day Camp transportation and field trips.
   Motion Passes with unanimous voice vote

4. Burkhart Advertising Contract
   Mr. Czarnecki explains to the Board that this contract is for 2 billboards to advertise the Elkhart Farmers Market and the Town Green Social
   Motion to approve: JF
   Second: ML
   Roll Call Vote: NAA - yes, JF - yes, ML - yes
   Motion Passes

5. Use and Event Permit
   a. Pposes and Pints - Various Dates - NIBCO Water and Ice Park
      Due to questions regarding this event, the Board tabled the permit.
      Motion to table: ML
      Second: JF
      Motion Passes with unanimous voice vote

6. Public Input/Privilege of the Floor - None

7. Approval for Adjournment
   Motion: ML
   Second: JF
   Motion Passes with unanimous voice vote
   Adjourned: 3:38 PM
City of Elkhart Parks & Recreation
Park Board Minutes

PARKS & RECREATION STAFF MEMBERS IN ATTENDANCE
Jamison Czarnecki, Superintendent
Cara Montana, Office Services

Leslie Wingard, Accounting Specialist

ADDITIONAL CITY EMPLOYEES AND GUESTS IN ATTENDANCE
Ms. Rose Rivera, City Legal, via Webex
Ms. Tonda Hines, City Council, via Webex

Minutes Certification:

Respectfully Submitted,

Recording Secretary  Jennifer Kobie

Park Board President  Sarah Santerre

Park Board Secretary  Kim Henke

8/17/21  Date

8/17/21  Date

8/17/21  Date
1. APPROVED MINUTES – April 15, 2021

2. STORMWATER UTILITY

   a. Construction Site Inspections
      Elkhart currently has 35 active construction sites and 7 sites that have completed construction activities and are in the process of stabilizing or waiting for their Notice of Termination (NOT) to be approved. Four sites had their NOTs approved and SWPPP permits closed since the last meeting. There are also 12 projects in the initial planning stages. Joe provided a spreadsheet with this project information and a summary sheet showing the inspections completed in April and May.

   b. Outfall Monitoring
      Outfall monitoring was completed the end of April. 25 more outfalls were visited with two new outfalls added to the inventory. In all, 79 outfalls were visited and assessed in 2021.

   c. Compliance Issues
      Maple Lane Apartments has several large gaps in their weekly inspection schedule. The contractor for this project was contacted and made aware of the lack of inspections. The site remained in a good condition and had been seeded. When the SWCD inspected, they found a fully stabilized site and closed the SWPPP permit which ended the need for weekly inspections.
      The Northland project was completed without connecting many of the new building’s downspouts via pipe to their retention areas. This is causing large amounts of sediment to be washed from unstabilized areas onto neighboring property. Contractor is currently working to install the drainage pipe needed to direct this flow of water directly to the retention basins and then seed and stabilize the site.

   d. Education/Outreach
      Joe will be going to two outreach events this summer. Envirofest on Saturday, August, 7th from 3-9 pm at Island Park in Elkhart and Riverfest on Saturday, August 28th from 9 am – 2 pm at Riverbend Park in Middlebury. He will be using the 3D stormwater model to educate kids and parents about how water flows off of developed areas and what we can do to slow the water down to prevent flooding. Wes asked Joe to check in to the possibility of doing this same program at Taste of the Gardens in August. Wes said he would put in a good word with the Garden’s director to see if this could work and Joe will wait to hear if this is possible.

   e. Partnership
      o SWCD Inspections
         Going well. About 3-4 projects are being inspected by the SWCD in Elkhart each week.
      o Calendar
         Work on the calendar is progressing well. They cut back on the number that will be printed (from 10,000 to 8,000) and they hope to have them out for distribution around Thanksgiving time.
      o Contractor workshops
         SWCD office is sending out a survey to contractors to see what days/times are best and what topics the contractors would like to see. Initial thoughts are late summer/early fall with either three shorter sessions or just one longer open session. All will probably be in an open house format. Jim suggested looking into INDOT certification and if this training could benefit any who need that certification.

3. OTHER BUSINESS/COMMUNICATION

4. PUBLIC PARTICIPATION   None

5. ADJOURNMENT   3:50 p.m.

Next scheduled Stormwater Board meeting is August 19, 2021 at 3:30 pm
This meeting will be in-person at the PWU offices.
MEMO

To: Board of Elkhart Parks and Recreation

From: Jamison Czarnecki, Superintendent

Date: August 17, 2021

Re: Park’s Report

Superintendent’s Update

- COVID-19 numbers are starting to rise and Parks continues to monitor and follow city guidelines to respond accordingly.
- Final Lundquist Park Reimagining Engagement Session will be September 5th from 5pm to 6:30pm at the Elkhart Aquatic Center as well as virtually by Zoom. Residents can also continue to add comments and feedback through the Park’s website.
- Fall Activities Guide will be coming out in September including new events and concerts that are being planned for the fall.
- Construction is happening throughout the Parks to enhance them including new pickleball court being installed at Studebaker Park, new playground that is soon to be completed at High Dive Park, new trash cans and picnic tables are being ordered, and the dog park features expanded parking that is soon to be completed.
- Camp Connection has ended for the season and completes a successful expanded and enhanced summer camp that serviced almost 300 kids at 3 different sites.

Events Report

- Farmers Market – The Elkhart Farmers Market celebrated National Farmers Market week on Saturday, August 7th. Visitors enjoyed bubble demonstrations, live music and could enter to win door prizes that were donated by our vendors. WIC representatives were on site to distribute farmers market vouchers to their clients.
- Town Green Social – TGS continues to grow. A beer and wine garden was introduced on August 4th and was extremely well received by the patrons. On August 11th the decision was made to cancel due to weather damage and power outages.
- Night Out Against Crime – Parks staff participated in EPD’s Night Out Against Crime on Tuesday, August 3rd. The event took place in the parking garage behind the police department. Families were able to gather information and meet staff from several City departments and non-profit organizations. Parks and Rec staff shared information about our programs, recreational activities and events.

Recreation Report

- Ideal Beach, McNaughton Splash Pad, and Pierre Moran pool are now closed after a successful summer.
- Riverview Softball Park remains open and features the largest tournament of the year on August 14th and 21st which is Forest River’s Men’s USA Tournament.
- Pickleball Courts are being installed at Studebaker Park and will be completely ready to go by Spring of 2022.

Programming Report

- Hot girl Fitness aims to begin September 11th and aims to increase overall women’s health
• Youth Hoops Camp begins August 28th. The camp is hosting 17 and under players and will be trained by volunteers Todd Johnson- International Basketball Pro and Jyrron Cooper-Elkhart High JV Basketball Coach.

• Skateboard Lessons aim to begin September 5th at Martin 1 and 2 Skate Parks. The program aims to teach Elkhart youth ages 5 and up how to skate and become great at the sport. This is in partnership with the local skate shop, Urban Streetwear.

• City Lights Volleyball volunteers for Open Gym Volleyball starting August 24. The open gym will take place every Tuesday and Thursday Aug 24-Ocotorber 12.

• Double Dutch Youth Jump Rope Club will continue but change dates to Wednesdays starting September 1.

• Big Bad Bingo looks to continue Tuesday evenings at Tolson.

Ranger Report
July 1 - 31, 2021 – Ranger Stan McCray

Citations

• None written.

Various Park Activities and number of people participating.

• Basketball (103), Biking (163), Fishing (197), Music/Dance (250), Parking/Sitting (1,277), Picnic (82), Pickleball (1), Playground (565), Skateboarding (81), Walking/Jogging (1,418), Walking Dog (539), Soccer (636), Softball (366), Tennis (68).

Events

• July 10, 2021 – Bird Hike at Hayden Park, there were no participants. 

• July 6, 13, 20, 27, 2021 – Elkhart Municipal Band Concert Series - approx., 2,300 patrons total

Damage

• July 3, 2021 – Ranger Keen was dispatched to High Dive Park in reference to a trash barrel having been thrown into Christiana Creek below the waterfall. Ranger Keen could not see the barrel below the surface of the water and placed caution tape along both sides of the water. DNR was contacted by the Police/Fire Dispatch to remove the barrel within the next few days.

• July 4, 2021 – While patrolling, Ranger Coleman discovered damage to one of the lights and wall along the Elkhart River in Kardzhali Park. Damage reported to MyElkhart311.

• July 11, 2021 – Ranger Ryman was advised by a pavilion renter at Willowdale Pavilion that there was an electrical outlet inside the pavilion that was sparking during use. Buildings and Grounds Dept. was contacted to correct the problem.

• July 11, 2021 – Ranger Miller reported that the Booth Dog Park Men’s restroom paper towel dispenser had been smashed. The unit was repaired by Buildings and Grounds Dept.

• July 17, 2021 – While on patrol, Ranger Keen noticed that the retaining wall bricks adjacent from the front of the McNaughton Park Pavilion had been damaged. The damage was reported to MyElkhart311.

• July 18, 2021 – While on patrol, Ranger Keen found a Parking abutment post at Hayden Park that had been removed from the ground along Cedar St. Damage was reported to the Buildings and Grounds Dept.
Other

- July 18, 2021 - While on patrol, Ranger Coleman found much debris near the playground area. Ranger Coleman picked up the larger stuff and disposed of same in a dumpster.
- July 22, 2021 – While on patrol, Ranger Ryman found a Homeless Encampment at Beardsley Park. Ranger Ryman spoke to a man who owned property at the encampment and advised him that he was violation of a city ordinance. The man removed his tent and other property.
- July 28, 2021 - During the day approximately 2:30pm, there was a shooting on Wagner Av. In the street immediately south of the outdoor basketball courts. A male was shot and taken So. Bend Memorial Hospital for treatment. The apparent suspect was arrested a few hours later. Tolson was on lockdown during the incident.

### End of Report ###