

****PERSONAL AUDIO ENHANCERS ARE AVAILABLE FROM THE COUNCIL SECRETARY****

AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING

LOCATION: CITY HALL, 2ND FLOOR, COUNCIL CHAMBERS

August 16, 2021

7:00 P.M.

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

2. Minutes for Approval

Minutes of July 8, 2021 Finance Committee Meeting

Minutes of July 12, 2021 Common Council Meeting

Minutes of July 19, 2021 Common Council Meeting

3. Presentations and Introductions

4. Unfinished Business

a) Reports of Council Committees

b) Ordinances on Second-Third 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

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

d) Tabled Ordinances and Resolutions

None

5. New Business

a) Ordinances on First Reading

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*)

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

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

b) Resolutions

PROPOSED RESOLUTION 21-R-60, a resolution of the Common Council of the City of Elkhart, Indiana, adopting a written fiscal plan to define a policy for the provision of services to that area contiguous to the City of Elkhart, Indiana and generally described as Ten and 59\100 acres located in the southeast corner of the intersection of CR 24 and SR 19, a proposed annexation area

c) Vacation Hearings

None

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 June 30, 2021 Board of Aviation Commissioners Meeting

Minutes of July 13, 2021 Board of Public Safety Meeting

Minutes of July 20, 2021 Board of Public Works Meeting

Minutes of July 14, 2021 Lerner Board Meeting

Minutes of June 15, 2021 Park Board Meeting

Minutes of July 8, 2021 Executive Meeting of the Park Board

Minutes of July 6, 2021 Plan Commission Meeting

7. Adjournment

MINUTES OF THE FINANCE COMMITTEE MEETING OF JULY 8, 2021

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

Other Council Members present: Kevin Bullard

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. All members of the Finance Committee were present in Council Chambers.

The clerk called the roll.

Councilman Dawson said this evening the Finance Committee will discuss:

Proposed Ordinance 21-O-30

AN ORDINANCE AMENDING SALARY ORDINANCE NO. 5816 TO ESTABLISH THE POSITION OF PUBLIC INFORMATION/DATA ANALYSIS MANAGER AND THE POSITION CRIME SCENE TECHNICIAN

The clerk read the proposed ordinance, 21-O-30, by title only. Councilman Dawson opened the floor for council discussion and asked Elkhart Police Chief, Kris Seymore, to speak on the proposed ordinance. Chief Seymore stated the request before you is for two civilian positions in the police department. One of those being a public information, media person, data analysis manager and a crime scene technician. The public information data analysis manager, is a combination of two fields that we are desperately lacking in at the police department. It is modeled after South Bend's version of doing this. They have two positions for this over there and I made the decision to combine the two, mainly because as we become more transparent and we focus on analyzing data to employ our resources and how we are more efficient, the second part of that is having somebody that reports that and gives it to not only internal stakeholders, but to the community at large. I thought it would be best suited to have the person that is actually reporting this information and giving it to our officers and the public, be the person that actually pulls those numbers. The second part of that is we just have not done a good job of branding and marketing the police department, but mainly that focuses on our messaging. Whether that is something that is ongoing in the City and we are putting that out to the community, much like a twitter feed or on Facebook. That is what our society has become, that instant feedback of information. Traditionally the police department has had a sworn officer do that job, part of the issue with that is you are taking a sworn officer out of traditional policing roles. We want somebody that is more suited in the field of media and data and already has that training and

where we have some personnel challenges, we are not taking that person and putting them back on the street and then having to fill that with an officer again. We will just solidify this as a civilian role that is not going to be removed if we have a manpower crunch.

The same thing can be said about the crime scene technician. Those folks that work in our crime scene wing are the hardest working people in our department. These folks are in on the weekends on their own time just to keep up. These are the folks that process our crime scene, collect and log our evidence, process our evidence, send it to the State Police Lab. We do some of the evidence processing ourselves when it comes to firearms. Fingerprints, DNA, and they just need some help. Again, I cannot spare to take another officer off of normal patrol duties or detective duties to fill that role. The modeling I have seen in other departments across the country is the move is to having civilian crime scene techs, but they are non-sworn officers. They may have previous experience doing this or an educational background in forensic science which is what this job description details. This is the police department understanding where we are at and that we have to do things differently so we can still do the basics of police work which are the things that we have to do. We have to answer calls, we have to patrol, and we have to investigate cases and everything after that is pretty much a luxury. That is the reasoning and my rationale behind both of these positions and that it solidifies both of them and gives us help in more areas where we are not taking more officers off of the street and addressing various things that will help us in the long run and help the community.

Councilwoman Hines asked so this will be to the end of the year, will you come back and put this in the budget? Chief Seymore stated yes, this will be additional personnel in the budget, yes.

Councilman Thomas stated part of our packet, we got this bi-weekly salary, so just doing the gross math, The P.I.O or Data Analysis, would be \$57,600.00? Chief Seymore stated I think it would be \$62,500.00 for the year. Councilman Thomas stated what would be the Crime Scene Technician? Chief Seymore stated that one is \$52,500.00. Councilman Thomas stated is that a mid-range, high range, low range, for other departments? Chief Seymore stated I was unable to use the WIS for this, so for the Crime Scene Technician I used the national median which is \$50,000.00 and I gave it a little bump so we can attract proper applicants, it is not out of the range whatsoever. What is used for the P.I.O/Data Analysis Manager, South Bend has those jobs at \$55,000.00 apiece and in combining the two I thought that \$55,000.00 would not be appropriate, I added some one there to make that an attractive position for somebody to do both of those jobs. Councilman Thomas stated so the \$52,500.00 for the crime scene technician is pretty close to the median? Chief Seymore stated yes. Councilman Thomas stated and the P.I.O is kind of on the high side? Chief Seymore stated if it was just the P.I.O., South Bend's is \$55,000.00 for the P.I.O and \$55,000.00 for the data analysis person, I combined the two at \$62,500.00 If we were to do two positions like that it would \$110,000.00. Councilman Thomas stated have you done any prior searching for a person or are you going to start from scratch? Chief Seymore stated if this gets approved, the job would be posted from the City's website and our website and social media, so it would be a fresh start. Councilman Thomas stated are you looking for two new people, what happens if an officer resigns and applies for the job? Chief Seymore stated I would hope they wouldn't resign until they had the job, but that is a possibility, that an officer could put in for that and if they got it, then they would retire from the police

department.

Councilman Dawson stated Chief who put together the job description, did you do that? Chief Seymore stated I got both job descriptions from South Bend and there were a lot of hands that worked on this and molded it together to make it sound how we wanted. For the crime scene tech, I had the supervisor in the Crime Scene Unit put that together as to what they do, the sworn officers, as a matter of their job function now. Councilman Dawson stated we are adding two people with benefits and that is a couple of hundred thousand dollars after you calculate everything extra for the 2022 EPD budget. As we talked about earlier, if you could work out some way to make this revenue neutral, I am supportive of these positions based on the conversations we have had. If you could work towards that as you develop your 2022 budget that would be appreciated.

Following discussion, Councilwoman Hines, seconded by Councilman Thomas, **moved to send proposed ordinance 21-O-30 to the full council with a do pass recommendation.** There being no discussion on the motion, Councilman Dawson called for the vote and the vote was as follows: Ayes: Thomas, Hines, Dawson. Nays: None. The **motion carried unanimously**, by voice vote, and **proposed ordinance 21-O-30 was sent to the full council with a do pass recommendation.**

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 JULY 12, 2021

Present: Council President Brent Curry
Council Members Kevin Bullard, Brian Thomas, Aaron Mishler, Arvis Dawson,
Dwight Fish (*joined late*), Tonda Hines

Absent: Council Members Mary Olson and David Henke

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, Tonda Hines and Brent Curry were present in Council Chambers. Council Member Dwight Fish was present via WebEx and was both seen and heard throughout the meeting.

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

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

The clerk called the roll.

Minutes for Approval

Minutes of May 27, 2021 Ad-Hoc Committee Meeting

Minutes of Planning & Development Committee of June 3, 2021

Minutes of June 7, 2021 Common Council Meeting

Councilman Dawson, seconded by Councilwoman Hines, **moved to approve the minutes of the May 17, 2021 Ad-Hoc Committee Meeting**, which **motion carried** by voice vote and **the minutes were approved**.

Councilman Dawson, seconded by Councilman Mishler, **moved to approve the minutes of the June 3, 2021 Planning & Development Committee meeting**, which **motion carried by voice vote** and **the minutes were approved**.

Councilman Dawson, seconded by Councilwoman Hines, **moved to approve the minutes of June 7, 2021 Common Council meeting**, which **motion carried by voice vote** and the minutes were approved.

Presentations and Introductions

There were no presentations or introductions.

UNFINISHED BUSINESS

Reports of Council Committees

Councilman Dawson stated the Finance Committee **met on July 8th to discuss proposed ordinance 21-O-30**, which amends the salary ordinance and establishes two new positions in the Elkhart Police Department. **The committee gave a do-pass recommendation to the council.**

At 7:05 p.m. Council Member Dwight Fish joined the meeting via Web-Ex.

Ordinances on Second-Third Reading

Ordinance # 5854

AN ORDINANCE AMENDING THE ZONING MAP CREATED PURSUANT TO ORDINANCE NO. 4370, THE “ZONING ORDINANCE OF THE CITY OF ELKHART, INDIANA” AS AMENDED, TO REZONE VACANT LAND AT THE SOUTHWEST CORNER OF COUNTY ROAD 6 EAST AND ELKHART EAST BOULEVARD IN ELKHART FROM R-1, ONE-FAMILY DWELLING DISTRICT TO M-1 LIMITED MANUFACTURING DISTRICT

The clerk read the proposed ordinance, 21-O-28, by title only. Councilman Dawson, seconded by Councilman Mishler, **moved to pass the proposed ordinance on second reading.** President Curry opened the floor for council discussion and there being none, President Curry opened the floor for public discussion.

Chris Marbach, from Marbach, Brady and Weaver, representing the property owner, Hope Lucas, stated it is about eight acres of current ground that is all woods and not productive at this time. She has a buyer that would like to purchase this piece and move in. This buyer is from out of state and they would like to move closer to some of their clients in Elkhart. They would like to construct at 43,000 to 50,000 square foot building to get started with a possibly future expansion of up to 90,000 square feet if everything goes well. This buyer would require the M-1 zoning here and coincidentally there is M-1 to the east of this and M-1 to the west of this, so it is a nice fill in project for M-1, right along County Road 6. It is important to note that the buyer intends to keep all the woods surrounding the property as well as putting their driveway off of the Elkhart East Boulevard to avoid putting another driveway on County Road 6. You won't be able to see this building, the way the driveway curves back in there and it will all be surrounded by trees and won't be visible to the public. This particular buyer was established in 2003 and they are a designer, engineer and manufacturer of automation products, like slide-out mechanisms for RV's, they manufacture electromagnetic and hydraulic levers and assemblies that push things up and down and out. They have 22 patents so far with several more coming on and their manufacturing process is mostly down with robotics and with CNC machines. It is a higher class of employees that typically would work there. They will have about 20 employees to get started and it may grow up to 40 if they expand. This is an opportunity to bring some engineering and more diverse jobs into the area and we would hope that you agree with the staff and make a positive recommendation on this.

President Curry asked if there were any council questions and Councilman Dawson stated will you be asking for any type of abatement? Mr. Marbach stated not to my knowledge. Councilman Dawson asked what are the wages for those employees? Mr. Marbach stated I can't answer that right now.

Councilman Bullard stated on that cut out right along County Road 6, is that owned by the tire and wheel company or is that saved back for something else. Mr. Marbach stated that is owned by a separate person and there is a house on that piece. Our guy would love to buy that if the opportunity presents itself but so far they have not been able to come to an agreement. Councilman Bullard stated they are pretty much landlocked unless they have a driveway going out to County Road 6. Mr. Marbach stated they have driveway already going out to County Road 6, in the northwest corner you will see that little driveway that goes back to their house. Councilman Bullard stated the tire and wheel division, they are good with this development? Mr. Marbach stated we have not heard any remonstrations from anybody at the meetings so far. Councilman Bullard asked who owns the woods to the south? Mr. Marbach stated I believe it is the person up there on County Road 15.

There being no other council questions, President Curry asked if there were any other public comments. There being none President Curry returned the discussion back to the council. Councilman Mishler stated it is good to see some advanced manufacturing of this level and quality continue to come to Elkhart. I like that and I would like to see more of that continue in the future. There being no further council discussion, President Curry called for the vote on the passage of the proposed ordinance on second reading. The vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, and Curry. Nays: None. **The motion carried, 7-0, and the ordinance was passed on second reading.**

Councilman Dawson, seconded by Councilwoman Hines, **moved to adopt the proposed ordinance on third reading.** The clerk read the proposed ordinance, 21-O-28, by title only. The vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines and Curry. Nays: None. **The motion carried, 7-0, and the ordinance was adopted.**

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

President Curry stated **proposed ordinance 21-O-29 remains in committee.**

Ordinance #5855

AN ORDINANCE AMENDING SALARY ORDINANCE NO. 5816 TO ESTABLISH THE POSITION OF PUBLIC INFORMATION/DATA ANALYSIS MANAGER AND THE POSITION CRIME SCENE TECHNICIAN

The clerk read the proposed ordinance, 21-O-30, by title only. Councilman Thomas, seconded by Councilman Mishler, **moved to pass the proposed ordinance on second reading.** President Curry opened the floor for council discussion and President Curry asked the Chief of Police to give a presentation to the council on this proposed ordinance. Kris Seymore, Police Chief for Elkhart Police Department, stated these two positions are added civilian positions to the Elkhart Police Department's staff. The Public Information and Data Analysis is essentially a media specialist or a public information officer. It was modeled after the City of South Bend's. They have a position for the public information officer and a separate position for data analysis. I combined the two into one position feeling that the person who is mining our data and reporting that internally and externally should also be the person that reports on it. I think the two go hand in hand. The goal of the department moving forward is to be as transparent as possible without numbers as well we how we deploy our resources and manpower and how we work on our messaging and branding with the police department. We have not done a great job at that just because of some of our personnel challenges. The second position is a crime scene technician. This has traditionally been a sworn police officer position and right now I cannot give those folks the help that they need. They are coming in on the weekends on their time just to keep up with the workload in terms of processing evidence, collection of evidence, crime scenes, DNA analysis, ballistics analysis and just plain processing and inventory of plain evidence. This will significantly help those folks out as well as make sure we are crossing our T's and dotting our I's as it comes to processing property and investigations.

Councilman Dawson stated during the Finance Committee I had spoken to the Chief about how we could make this revenue neutral because we are adding two civilian employees which is probably about \$200,000.00 worth of salaries and benefits and we always budget for the maximum number of police officers that we say we want which is 143 and we are never there, so as we move forward I just want him to be cognizant of the fact that money is just sitting there and we had an appropriation for the body cams to come out of there. I do support what the police officers do and if you were to come back for an additional appropriation to hire what you need I am in support of that, but I am just trying to look at it from a revenue neutral stance.

Councilman Bullard stated you are going to be adding two new positions, what are the base salaries or median salaries for these positions? Chief Seymore stated the salary for the Crime Scene Technician is at \$52,500.00, the median across the nation is \$50,000.00. I started with the median across the country for crime scene technician and gave that a little bit of a bump due to some of the labor challenges across the nation, I wanted it to be a draw to get the best applicants. As far as the public information/data analysis, I based it off of South Bend's pay for both positions. The PIO in South Bend makes \$55,000.00 and the data analysis person makes \$55,000.00 so combining the two I added a little bit to that to make it a draw with the labor challenges. That position is very important to me, as we move forward, how police are viewed across the nation, I think it is important that we have a good messaging system and that person needs to be adept with mining our data as well. Councilman Bullard stated have you considered

outsourcing in filling this position, do you think that could be an option? Chief Seymore stated it could be sure, I would not be opposed to that and including up to other open police officer positions too. I think this position will help with recruiting across the board, if we have good recruiting and that relationship and a good reputation in the community, that is going to spread and we need to be able to spread the story. Councilman Bullard stated I agree, in my first couple of months on the council I saw the police needs to have better public relations and a PR person. I am all about public relations and getting the word out to the job you guys are really doing.

Councilwoman Hines stated I do just want to reiterate what we talked about at the finance meeting regarding the revenue neutral piece and the PR piece, and what are we currently doing in trying to recruit, recognizing that it's not an Elkhart thing but nationally. Then I think it is important for us to keep in mind that whoever fills that PR piece is familiar with this community and I think that is huge in regards to knowing what the community needs.

Councilman Fish stated is this a sworn position and will the person you hire have the training at that salary or will we have to send them out for that training? Chief Seymore stated neither one of these positions are sworn officer positions. Traditionally they have been but the issue that we face now is that we have pulled our resources from these positions to put them back into traditional policing roles. As they move into more of a civilian role, once the pendulum swings back and we are fully staffed, if we go back to this type of scenario, I would not be able to pull them from that civilian position and move them to policing role, so these bases will be covered. As far training goes, the Crime Scene Technician, they either have to have a previous crime scene technician experience with another police department or a degree in forensic science.

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

Councilman Dawson, seconded by Councilwoman Hines, **moved to adopt the proposed ordinance on third reading.** The clerk read the proposed ordinance, 21-O-30, by title only and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines and Curry. Nays: None. **The motion carried, 7-0, and the ordinance was adopted.**

Tabled Ordinances and Resolutions

Proposed Resolution 21-R-50

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

President Curry stated **this resolution will remain tabled** until the next meeting where a resolution amending the ERA date will be presented.

NEW BUSINESS

Ordinances on First Reading

Proposed Ordinance 21-O-31

AN ORDINANCE AMENDING § 32.035(D) OF THE CODE OF ORDINANCES OF THE CITY OF ELKHART, INDIANA TO DECLARE JUNETEENTH AN ANNUAL PAID HOLIDAY UNDER THE ELKHART CODE

The clerk read the proposed ordinance, 21-O-31, by title only. President Curry **passed the proposed ordinance onto second reading.**

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 FUUND 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 asked that the proposed ordinance be placed in the Finance Committee. President Curry **placed the proposed ordinance in the Finance Committee.**

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 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. Councilman Dawson requested this proposed ordinance be placed in the Finance Committee. President Curry **placed the proposed ordinance in the Finance Committee.**

Resolutions

Resolution # R-50-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA APPROVING THE ORDER OF THE ELKHART CITY PLAN COMMISSION WITH REGARD TO AMENDMENT NO. 1 TO THE DEVELOPMENT PLAN FOR THE CONSOLIDATED SOUTH ELKHART ECONOMIC DEVELOPMENT/REDVELOPMENT AREA

The clerk read the proposed resolution, 21-R-52, by title only. Councilman Dawson,

seconded by Councilwoman Hines, **moved to adopt the proposed resolution.** President Curry opened the floor for council discussion and Councilman Bullard stated we are declaring this a TIF and these are all the properties in the TIF, or what is the summary of what this is all about? Dayna Bennet, Director of Development Services, stated back in 2013 the economic revitalization area was created in that community and at that time a list of properties to acquire and help facilitate development in that area was created. We have a property to add to the property acquisition list because it is going to be up for sale. This does not mean there is an eminent purchase that will be done by the City, but it allows us the flexibility to participate in those discussions and to perhaps offer extensions to the developer. Councilman Bullard stated all of these property owners will then receive a letter saying they have fallen into this economic zone? Ms. Bennett stated the zone was established in 2013 so a new letter will not go out, we are only adding Woodland Crossing to that list. Councilman Bullard stated I remember in redevelopment when this happened before and we ended up with 70 people in a redevelopment committee meeting, so I think we need to make sure that we publicize that our intention is not to take their property, it is just to create a zone. Ms. Bennett stated yes and just to be clear that list was created in 2013.

There being no other council discussion, President Curry opened the floor for public comment. 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 adoption of the proposed resolution. The vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines and Curry. Nays: None. The **motion carried, 7-0, and the resolution was adopted.**

Resolution # R-51-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, DECLARING A CERTAIN AREA 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-53, by title only. Councilman Dawson, seconded by Councilman Fish, **moved to adopt the proposed resolution.** President Curry opened the floor for council discussion and Councilman Mishler stated I see a page has been added to the tax phase-in packet which has some percentages regarding health insurance, dental insurance, vision, and some more details. Is this information self-reported from the company or do we have documentation from them saying that 85-90% of their employees have health insurance? Ms. Bennett stated that information is self-reported.

President Curry asked if a representative for the company was present for council questions. Mark Brown, Controller for Flexible Concepts, was present. Councilman Thomas stated are you currently under a tax abatement or are just coming out of one? Mr. Brown stated we are currently under one right now. Councilman Thomas stated and this would be another one, a secondary? Mr. Brown stated yes, we are adding on and trying to expand our business, we are one of the Elkhart companies that are not heavy into the RV and we are trying to get in the RV sector. Councilman Thomas stated Dayna, is this a complete separate issue or is this an addition to the current phase-in? Ms. Bennett stated it is separate from the original phase-in. This is an

investment on top of the phase-in that was requested two years ago.

Councilman Bullard stated I remember doing Flexible Concepts, you have Caterpillar, John Deere, Lippert, and I know you guys have some defense contracts so the stability and the long-term of you being a good corporate citizen here in Elkhart has been noted.

There being no other council discussion, President Curry opened the floor for public comment. There being none, President Curry returned the discussion back to the council. There being no further council discussion, President Curry called for the vote on the adoption of the proposed resolution. The vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines and Curry. Nays: None. The **motion carried**, 7-0, and **the resolution was adopted**.

Vacation Hearings

There were no vacation hearings.

Other New Business

Councilman Thomas stated the last month and half, you all know we have had some terrific storms, which did a lot of tree damage, not only to City property but also private property. I want to commend the department of buildings and grounds and the forestry division on the yeoman's job and almost 24/7 in picking up brush. My father had a huge trunk cover his driveway, the alley, knocked out power and phone service. AEP showed up, the City showed up, the forestry department showed up. Chip Tallman, from the Forestry department, showed up and in talking with him, we started on the discussion of private tree companies, going in and contracting with trees on private property and telling the people we will take a couple of hundred bucks off if you just let us pile it up on the tree lawn and the City will come pick it up and it's a problem. On Garfield there is two huge piles, there is one further up on Cleveland, I have a huge pile blocking one lane of Strong Avenue before the City had to come out and pick up the leavings of a tree company. Councilman Dawson stated the problem being if it is in front of your property, they are going to pick it up, they don't know it's a tree company that cut it down, that's how they are getting us. Councilman Thomas stated in talking with Chip, he and Mike Lightner are working on language to tighten up the brush and tree removal ordinance.

Councilman Thomas stated Chip has also been carrying around this sheet that lays out when the weekly brush pickup is. This needs to be sent out in the water bill or on the 311 or sent out more than just Chip having a pile of them in front of his truck and catching people after the fact. We need to be a little more proactive especially when we have a seen the results of mother nature.

Councilman Dawson stated the Elkhart Black Expo and the Tolson Board are having a picnic on July 24th, there is also a parade. Debra Barrett is coordinating the parade and she would like all of us to be in the parade together. The parade starts at two and the picnic is right after at four. The parade starts at Hawthorne School and goes down all the way down to Sixth Street and then we will go to the Tolson Center for the picnic. Also, the budget hearing is tentatively scheduled for October 2nd at the Lerner if we do not get bumped for a wedding.

Councilman Bullard stated I got some phone calls on complaints. A gentleman was walking around Walker Park and stated it could possibly need to be resurfaced. I have not been out there or seen it. I keep on getting complaints about these scooters and there are plenty of businesses that do not like them, people who have been downtown do not like them. I was surprised at listening to the Board of Works meeting, they even acknowledged at their meeting that they are dangerous, it is not a matter of if we get sued but it's when. I know they passed a language giving liability away from the City, we've got big pockets and I think with the public record of us acknowledging they are dangerous, we have talked it about here, we had our director of Economic Development, brought them here to Elkhart, we have got a footprint of us accepting them. I would personally like for us to tell them to take them home. I don't see any real economic benefit that these are giving to the City. It does have costs to the City, when the police are called because of them, there is cost, we put some signs out and there is a cost there as well.

Councilman Bullard stated also another thing, David is not here, but we have talked a little bit about this executive order that Rod has put out on giving the two days of pay for getting the vaccine. I don't know, John, if this is totally legal because there are costs to this benefit. I mean totally legal to not go through the City Council. Police and fire you are involved, if you get two days off, you are talking overtime, so there are costs there, and I don't know how many hours this represents but there are quite a few hours, so I am wondering if this should go through the City Council to have some type of discussion and it may not have been the right course to go through as an executive order.

John Espar, Corporation Counsel, stated a lot of thought and examination went into the question whether this was an appropriate action by the executive as opposed to the legislative body and the way the incentive plan was designed was with those very concerns in mind. Efforts were made to assure that these days were not compensable, but that they were directly related to incentivizing and to encourage our workers to secure the vaccination. Once those days were awarded they could not be sold back or carried over beyond the expiration date and they had to be awarded for taking the vaccination. Not to create a benefit but to create an incentive and to create a safer workplace. Councilman Bullard stated I agree, we have to get beyond this and create some type of incentive but was there any type of numbers crunched at all as far as the cost of this? Mr. Espar stated yes, this is budget neutral. No one will be paid for those days. If to take one of the vaccination days will create an overtime demand on one department, the day will not be approved, it cannot be approved. It would violate the executive order itself. Councilman Bullard stated that is fine, I agree with the incentive but it is our obligation as the City Council to ask the question.

Councilman Mishler stated I just want to comment that I think this incentive is a good idea as well and in the end I think it could be revenue positive for the City, as a hospitalized City employee could lead to additional premium hikes for other employees due to ICU stays and hospitalization. More city employees that get vaccinated could lead to fiscal benefits for the city as far as health insurance goes.

Councilman Dawson stated I agree with what Aaron just said in regards to the incentives and I want to applaud the administration for the forward thinking. Also to the scooters, I live downtown so I see them all the time. They are good when they are good and bad when they are bad, I don't know how we balance that because I know people from the apartments use them all

the time to come downtown. I have seen police officers pull people over with them. I don't know how we monitor the 18 years or older, I want it to be a positive experience, but I also want it to be a safe one. We just have to figure out where that is.

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

There were no reports of the Mayor, Board of Works, Board of Safety of City Department heads.

Councilman Bullard stated if I could back up, there was a Police Merit meeting this morning, I think on this meeting this morning, you gave out some commendations to some officers. Chief Seymore stated yes, we gave out seven commendations to various officers this morning at Police Merit Board. Some of them were from 2020 where we could not meet in person and I held onto those until we could so they could invite their families and other officers to be a part of that. Some of those are actual department awards that will result in a pinning ceremony for some of the live saving awards and I will be sending out invitations to boards and City Council as well.

Neighborhood Association Reports

President Curry stated the Pierre Moran Neighborhood association met yesterday and we met outside again. We are planning for our annual picnic and it will be on August 7th and start at 5:00 p.m. The picnic will be in that green space that year and we will invite the police and fire department and other friends of the association. We are also planning a neighborhood garage sale and that is August 28th.

Privilege of the Floor

Don Welker, Thornton Street, stated I am here to discover why the reoccurring mobs of the parking lot in the abandoned Martin's are allowed to continue. Facebook is used by a street gang to rally a bunch of cars of loud noise, burning tires, speeding through the streets, reckless driving. President Curry asked can you give us the times and days these are happening? Mr. Welker stated they actually post the times and days on Facebook. Councilman Dawson asked what is the name of the Facebook page? Mr. Welker stated 574 Street Scene. I have taken pictures of the tire marks; I have taken pictures of the vehicles involved. These are high performance cars. This activity would not be allowed in any of your neighborhoods and yet I can't put a stop to it and something needs to be done. I have seen young people sitting in the moon roof and the cars doing 30-35mph through the parking lot, swerving around. Certainly somebody is going to get hurt. It goes typically from 8:00 p.m. to midnight. The police have come a couple of times, but these people are defiant and something needs to be done. I don't know what action needs to be taken, but this is why I am letting the City know. These guys are very savvy and I think they know the police are watching them.

Councilman Thomas stated we have discussed this at several meetings, the police are well aware of it. Mr. Welker great job as a neighborhood watch in passing the information, but like a lot of things this is getting out of hand.

Scheduling of Committee Meetings

There were no committee meetings to schedule.

Acceptance of Communications

Minutes of May 26, 2021 Board of Aviation Commissioners Meeting

Minutes of June 8, 2021 Board of Public Safety Meeting

Minutes of June 15, 2021 Board of Public Works Meeting

Minutes of June 7, 2021 Plan Commission Meeting

Councilman Dawson, seconded by Councilman Mishler, **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 Thomas., which **motion carried** by voice vote, the **meeting was adjourned**.

Debra D. Barrett, City Clerk

H. Brent Curry
President of the Elkhart City Council

**MINUTES OF THE REGULAR COMMON COUNCIL MEETING
OF JULY 19, 2021**

Present: Council President Brent Curry
Council Members Kevin Bullard, Brian Thomas, Aaron Mishler, Dwight Fish,
Tonda Hines and David Henke

Absent: Council Members Arvis Dawson and 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, Tonda Hines, David Henke and Brent Curry were present in Council Chambers. No council members were present remotely.

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

The Boy Scout Troop #750 led the assembly in the Pledge of Allegiance, and President Curry asked for a moment of silent reflection.

The clerk called the roll.

Minutes for Approval

Minutes of June 8th, 2021 Special Call Meeting of the Common Council

Councilman Fish, seconded by Councilman Mishler, **moved to approve the minutes of the June 8th, 2021 Special Meeting of the Common Council**, which **motion carried** by voice vote and **the minutes were approved**.

Presentations and Introductions

There were no presentations or introductions.

UNFINISHED BUSINESS

Reports of Council Committees

There were no reports from council committees.

Ordinances on Second-Third Reading

Ordinance # 5856

AN ORDINANCE AMENDING § 32.035(D) OF THE CODE OF ORDINANCES OF THE CITY OF ELKHART, INDIANA TO DECLARE JUNETEENTH AN ANNUAL PAID HOLIDAY UNDER THE ELKHART CODE

The clerk read the proposed ordinance, 21-O-31, by title only. Councilwoman Hines, seconded by Councilman Fish, **moved to adopt the proposed ordinance on second reading.** President Curry opened the floor for council discussion. There being no council discussion President Curry opened the floor for public comment. There being no comments from the public, President Curry returned the discussion to the council.

Councilman Bullard stated just a reminder that this was passed as a federal holiday. There being no further discussion from the council, President Curry called for the vote on the passage of the proposed ordinance on second reading. The vote was as follows: Ayes: Bullard, Thomas, Mishler, Fish, Hines, Henke and Curry. Nays: None. The **motion carried, 7-0, 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-31, by title only. President Curry called for the vote on the adoption of the proposed ordinance and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Fish, Hines, Henke and Curry. Nays: None. The **motion carried, 7-0, and the ordinance was adopted.**

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

President Curry stated **proposed ordinance 21-O-29 remains in committee.** The Ad-Hoc Committee will meet tomorrow at 6:30 p.m. to discuss this proposed ordinance.

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 FUUND TO THE UTILITIES & INFRASTRUCTURE ACCOUNT FOR THE N. MAIN STREET WATER REPLACEMENT PROJECT

President Curry stated **proposed ordinance 21-O-32 remains in committee.**

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 AND SIGNAL PROJECT

President Curry stated **proposed ordinance 21-O-33 remains in committee.**

Tabled Ordinances and Resolutions

Proposed Resolution 21-R-50

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

President Curry stated **this resolution will remain tabled** until the next meeting where a resolution amending the ERA date will be presented.

NEW BUSINESS

Ordinances on First Reading

Proposed Ordinance 21-O-34

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. President Curry **passed the proposed ordinance on from first reading to second reading.**

Proposed Ordinance 21-O-35

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

The clerk read the proposed ordinance, 21-O-35, by title only. President Curry **passed the proposed ordinance on from first reading to second reading.**

Resolutions

Proposed Resolution 21-R-54

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 requested that this resolution be placed in the Finance Committee of-the-Whole. Councilman Henke stated this is a resolution, you may at your discretion Mr. President, but it has no financial impact, so I think it leads to the discussion, but it is a resolution. President Curry stated or would just the committee like to consider this? Councilman Henke stated no, if you're going to do that, Finance of the Whole, I would appreciate.

President Curry **placed the proposed resolution 21-R-54 into the Finance Committee of-the-Whole.**

Resolution # R-52-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, DECLARING A CERTAIN AREA 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-54 by title only. Councilman Thomas, seconded by Councilwoman Hines, **moved to adopt the proposed resolution.** President Curry opened the floor for council discussion and Councilman Thomas stated I look forward to the passage of this resolution and the completion of their project. It is going to be on a parcel in District 2 as a part of the old Miles property. They have gone through a lot of hoops and hurdles to get to this point and it will make a major difference in that area so I would hope for passage of this resolution by this council.

Councilman Henke stated to back that up Mr. Thomas, I also believe this had a 5-0 vote for do-pass through redevelopment.

There being no other council discussion, President Curry opened the floor for public comment. There being no comments from the public, President Curry returned the discussion back to the council. Councilman Thomas stated in looking over the paperwork on this and discussing it with several council members, we might want to take a look at the point system, it seems like some of the questions, it's like you get ten points for writing your name correctly and

they scored very high on both personal and real property in both sections but I think maybe the form needs to be looked at, reviewed, revised, updated perhaps. Dayna Bennett, Director of Development Services, stated I am right now working on engaging with someone to relook at incentives. I hope to have that resolved by the end of the year. Again this is a county wide form so we are going to make recommendations to the county based on that engagement.

Councilman Henke asked are you using an outside firm for this purpose? Ms. Bennett stated yes, not just tax abatement, but incentives all across the board. Councilman Henke stated I do think through the county and ourselves, there is a certain amount of expertise in house and we need it to work for us and our local economy. I am not sure that we take into consideration all of the incentives that are available at the state level, I don't think we have adopted them all, but to the point, this has drawn significant concern and dollars because maybe what should not have been abated by total project was abated three years and we were looking at the five, seven and ten years and if we would have taken one point away it would have dropped significantly. In fairness to all investors, we have to make a believable, fair and consistent system so I would hope that the council would be involved in a work session when all of these possibilities are uncovered. Ms. Bennett stated I would have no objection to that.

Councilman Mishler stated I know the minimum required wage has been set the same for a couple of administrations as wages continue to grow around us, and I feel that we should take an opportunity, if we are already going through the scorecard, to address that as well. Councilman Henke stated I believe that minimum wage, \$15.50, is under council control by ordinance. Ms. Bennett stated that is correct. What I had suggested to Mr. Mishler, as we are doing our research, we might be able to tap into some wage statistics that will help inform the council's decision.

Councilman Fish stated we are the only ones that see the form directly, we are the ones that are charged with making sure the numbers are on there, the county will actually approve and send that down state, so we are just the action step. Ms. Bennett stated are you talking about the scorecard? Mr. Fish stated yes. Ms. Bennett stated the scorecard, at one point across the county, we decided to normalize the process so that everyone was taking the same things into consideration when determining whether a company would get a tax abatement or not and how much of a tax abatement. That is not state statute, that is the county not wanting to create a situation where one city in the county is competing against another city in the county. If we are all using the same method, then no matter what city you would go to, you would get the same result as it relates to the tax abatement. If we want to continue that, that is why I am saying to make a recommendation to the county. Councilman Fish stated so the county businesses and city businesses have the same scoring mechanism but can the City by statute or without, have higher demands or a more stringent set of rules if we wish to adopt that? Ms. Bennett stated I don't see why not, unless John has a reason. There are cities that don't use the same information in the State of Indiana right now.

Councilman Henke stated legally yes, the City can do that. The question would be to the fairness to the rest of the County.

Mayor Roberson stated Steven Haines is here if you have not been introduced to him. This is a big investment for the City. President Curry asked Mr. Haines to introduce himself to

the council.

Steve Haines, CEO of American Technology Components, stated the City of Elkhart and Miles have a long history and relationship and at one point this was the cornerstone and manufacturing hub of Elkhart and I'm a lifelong resident of Elkhart. We are really looking forward to putting this investment in that kind of area. We could have gone elsewhere in the County but we really are looking forward to getting back in the hub of Elkhart.

Councilman Thomas stated if you would, can you give us a thumbnail sketch of your company? Mr. Haines stated our company is called American Technology Components and we are a supplier to the RV industry and automotive and transportation industries. We primarily make components and lighting products so it is all designed in house and assembled in house. We either service directly to the RV industry or we go to suppliers that sell our products. Councilman Thomas asked do you currently have a facility in Elkhart? Mr. Haines stated yes, we currently have a facility by the airport at Lavanture Place.

Councilman Henke stated we are glad you have invested here and we would like to keep you here as well. Mr. Haines stated one of our objectives in putting this new manufacturing facility and corporate offices is to enhance the work environment for our team members. Anyone can find a job in Elkhart so you really have to set yourself a part on the facilities that you offer your employees.

There being no further council discussion, President Curry called for the vote on the adoption of the resolution and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Fish, Hines, Henke and Curry. Nays: None. The **motion carried**, 7-0, and **the resolution was adopted**.

Vacation Hearings

There were no vacation hearings.

Other New Business

Councilman Henke stated in consideration of the park requesting \$35,000.00, they talk about an old and working system and my question would be, what has the work flow been on that documented piece of equipment, do we have old work orders so we can see how much money has been tracked and the frequency of breakdown. I wish we could see or have more of those pieces so we can say this was predictable and now we are in summer with a non-working air conditioner. We could have accrued it and furnished that, so I want to make sure that we have something of that nature.

Councilman Henke stated the second thing, I commonly agree with Mayor Roberson, but on some things I do not and this in my opinion is something that still needs to be brought up. The cost of the executive order which has provided employees two days off as an incentive to be vaccinated and there is a certain amount of cost to that, based on the number of employees. We are looking at somewhere around 10,400 hours of lost time of costs and services and the cost is born by the taxpayer and a loss of service goes to the taxpayer as well. In doing so, there is a cost

of coverage that is not trackable and that is what makes it a concern for internal controls, which is both a state and local law. If we can't track that law or lost hours, or the overtime attributed right to those extra days off, which are pretty considerable, then it is a breach of internal controls. This creates legal challenges as well, by contract, for our four unions. We have a critical shortage of police officers, we have shortages in other departments, including fire right now and we have minimum staffing by contract. We don't need the legal problem with those unions. I don't necessarily with how we got here, I disagree with how it was done. An executive order cannot have a cost, that is not permissible and if we say there is not cost, it is already budgeted, we have no way to track that, so we are touched on both sides. What I am saying is there was a right way to do this and that was to bring it to the council, let the council vote, and if it has cost and gets the votes, that is legal. Just tonight we went through Juneteenth as a council vote, why? It had a cost. It's no different. It's a federal holiday but it still has a cost locally so we voted. I find that the vaccination incentive is one of those things, and I can tell you that local hospitals are going to a mandate of vaccines, my company is going to a mandated vaccine and they are not getting an extra day. If we feel as though we can cover that 10,400 hours without overtime, the suggestion is how do we have that much labor that we can take out 10,400 hours and not have a service failure. The right thing to do would be to send this back through the council, get a vote, it would most likely pass, at least then we are legal and whatever happens, at least we don't breach internal controls.

Councilman Mishler stated I just want to give some appreciation to Heart City Health and the Northern Indiana vaccine outreach. They vaccinated 151 folks this past Saturday and I believe they have more events planned and with the rise of the delta variant effecting so many folks, I encourage everyone to go get vaccinated or if you have questions, to go speak with your primary care regarding that.

Councilman Thomas stated I have been getting some calls asking about brush or limb pick up. I told several people I would bring it up. Have we got all our equipment working, are they all on the street, are we catching up? Mayor Roberson stated the last read out that we have is that those arms, we had two of three working and that was a week and a half ago and I know Josh has rotated at least one out since then. They do take a beating, especially with these types of storms and I know Central Garage has been trying to keep up and for the most they have. This is just an extraordinary amount of branches out there and we have some dumping going on as well that we are trying to address. Councilman Thomas asked, are we making any traction to tighten up the ordinance? Bradley Tracy, Chief of Staff, stated yes Chip will be calling you this week and asking you to participate in that group and we do have some draft language prepared.

Councilman Fish stated I would like to address Councilman Henke's concerns about the heating and cooling unit at the Environmental Center. I don't have the information with me, but I do have 30 years of witnessing a facility that has floundered from time to time. I hope everyone looks at that ordinance clearly and cleanly. I am a volunteer there and I have seen the iterations of heating and cooling systems, some good and some not so good. What they are planning to install is similar to what I am installing in my own wood shop, it's what they call a mini split and it will be a hybrid type of thing. We have to get those folks cooled down and all of the people that are going in and out of there. It is a busy place so we have to do our due diligence and make sure we are working on that facility that needs that assistance.

Councilman Bullard stated I agree with David on the executive order regarding the days off. I think whatever we do for an incentive, I think it will be difficult to make it consistent and fair to all the employees. There might be a cleaner way of doing some type of incentive. On the last note, if you saw on the news, the county courts building, it is costing them \$5 Million Dollars to build out there in Dunlap on 33 and it is beyond their exit clause and I think there is talk of moving away from that site. I don't know that County Road 17 is city limits, I don't know if there is anything we can do but we might get a real draw on the City limits on the east side.

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

Mayor Roberson stated at EEC, we have had a geothermal unit for a few years and it has just been a problem and I think we have tried to get it up and running but it has been in and out in the winters and summers and apparently it had an issue and we couldn't get it fixed. We have gotten to the point now to some heating and cooling in that, that is forced air and make sure that we have it. Councilman Henke stated can I ask the age of the current unit? Mayor Roberson stated I will get that for you, we will make sure we put it in the next packet, I know it has been at least ten years.

Councilman Fish stated there are at least two units, but the one unit, the mini split is out of warranty and I think it is five years. The other unit is in failure.

Mayor Roberson stated relative to the executive order regarding the days off, this administration is going to do as much as it can to get staff vaccinated. It's important we get those rates up and the variants are coming. We will be managing this particular incentive if you will and we believe there are not any legalities in the way we did it. You right we could have chosen two different ways, I wanted to do it quickly and also I wanted to make sure that we gave enough time for those two days to be taken off so it did not impact over time. John has been working with HR to make sure we have the appropriate mechanism in place and I think that we were up to 15, I'm not sure if Trina Harris is on, but I think we had an additional 15 vaccinations that occurred last week and we will continue to provide vaccinations as we move forward. With that said, I don't think we have any legal concerns with how we did it, I think there is a difference of opinion about which way we could have done it, but I am pretty confident that we will get as many people vaccinated with this. Quite frankly I believe we need to continue to encourage our public. Incentives are just that, they are not bullying, we have not mandated as we speak, although there are those that are headed towards mandating vaccines. We would like to encourage our staff to get these as quickly as possible but we would also like to encourage the rest of our community to get there as quickly as possible. The variants have taken hold in communities that have had the kind of vaccination rates that we have had in Elkhart, so we want to make sure we get to a level that we can provide a layer of protection for our entire community. Hopefully it starts with our staff first, which is why we gave the incentive.

John Espar, Corporation Counsel, stated Councilman Henke raises a logical concern based upon a historical relationship between the legislative body and financial matters of the City. The Mayor was very careful and he was counseled by his legal department and other members of the administrative staff to frame and to be very clear in the creation of the vaccination incentive program that the Mayor is not creating a new benefit for the employees of the City of Elkhart. The Mayor is creating a mechanism through which he can create a safer,

healthy workspace for his staff and employees as well as members of the public that come within the buildings and structures of the City and for that reason, while we may have reasonable disagreements over the legislative body's control over all matters with costs to the city, the statute that speaks to this is one of benefits and that is clearly the bailiwick of this council. What the Mayor has done was not to create a new benefit, what the Mayor created was an effort to secure a safer workplace for his staff and employees and all of us, and the public that comes within our space.

Councilman Henke stated are we in agreement though that if there is a cost born, it would have to come through ordinance? So if you identify a cost, that you couldn't get out of the police department, fire department, by a union contract, do we agree that you would have to come before the council and say there is a cost, we do have this overtime allocation that we can't do anything with? Mr. Espar stated the statute that speaks to this issue and the historical province of the council to control days off, vacation, sick leave, and the like, speaks to just that. It doesn't speak in terms of costs. I think we, in our experience, with the authority of the council, to establish and pass the budget as the financial arm of local government, I think as we think about these actions, we think about in terms of costs, but that is not the framework of the statute itself, at least as I have interpreted it. There are times where the executive can take executive action and it has a cost and that cost may even differ in some ways from the salary ordinance, that this legislative body passes, but so long as he stays within a certain budgetary framework, his action may have a cost, but it is not illegal.

Mayor Roberson stated as we were deliberating this, we wanted to stay as far away from compensation as we could, that these days are not days they are receiving in compensation. If anyone departs from the City, you can't roll it over, you can't take it out, this is not compensation, we did not want it to fall into the cost framework. Councilman Henke stated the state also has other statutes that says for every cost there will be a service, for every service there will be a cost. There are a few loopholes here and what I am suggesting to you, there was a clean way to go, and you may have done it this way for expediency, but in order to stay away from internal controls, which supersedes us because it is state level, we could have gone to the council and said here is the real and then it would not matter how you did it and the cost born by it, you are covered. I find that you went really close and over that line and we did not have to go there. We will put more time in tracking than the cost of service and that makes no sense at all.

Councilman Mishler stated I just want to point out that if someone does come down with COVID, they are generally out of work for eight to ten days and during that time, other employees may have to work overtime to make up for that absence. I understand where you are coming from there, but we also have to consider the possible benefit of having our workers vaccinated and not having folks out of work and the additional time of overtime we would face.

Neighborhood Association Reports

President Curry stated the Pierre Moran Neighborhood Association is preparing for our August 7th Annual Picnic. We will be having that on the 7th and our rain date is August the 8th. As always it will be right there on Hawthorne Drive between Lusher and Dinehart Street and Lusher will be blocked off.

Privilege of the Floor

Perry Kirkendoll, 1815 Oakland Ave, stated I am here again tonight, but I am upset when I am at my house for over fifty years, cutting it and cleaning it and all of these things, and then you get guys that come in that buy homes in the neighborhood and they could care less. We got our field guys that don't cut the grass but once a month. I don't like to get on them because there is only so much they can do, so I have three houses, two in back of me and one in front of me. I'm not satisfied with what they do, the City says they process, but it's easy for a guy who owns the house to get out there and cut the lawn. It doesn't take but an hour to cut it or get somebody to cut it. I get upset when I see the City lets him get away with so much. I think the City needs to do more and I know they try to do what they can.

Scheduling of Committee Meetings

There were no committee meetings to schedule.

Acceptance of Communications

- Minutes** of April 20, 2021 Park Board Meeting
- Minutes** of May 4, 2021 Park Board Meeting
- Minutes** of May 18, 2021 Park Board Meeting
- Minutes** of June 1, 2021 Park Board Meeting
- Report** of Parks Department for April 2021
- Report** of Parks Department for June 2021
- Report** of Public Works & Utilities for July 2021

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

Adjournment

Upon the motion of Councilwoman Hines, 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 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

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, Elkhart County has experienced a rapid increase in positive tests, and under the Governor’s color-coded advisory system has declined to Level Yellow, reflecting moderate community spread of the coronavirus; and

WHEREAS, the City Administration intend to pursue a public information campaign to promote the benefits of vaccination, negate the spread of misinformation surrounding COVID-19 vaccines, the continuing need for personal protective measures and the like.

WHEREAS, the estimated cost of the public information campaign is not expected to exceed Five Hundred Thousand Dollars (\$500,000.00); 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 Public Health Response Account for the public information campaign; 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. 176-5-000-439.0500 Public Health Response \$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



MEMORANDUM

DATE: 7/29/2021
TO: Common Council
FROM: Mayor Rod Roberson
RE: Proposed Ordinance No. 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

Council Members,

For your consideration is ordinance 21-O-36 which would appropriate \$500,000 of the federal American Relief Plan (ARP) funds towards a public information and outreach campaign. This resource is a tool in our ongoing fight against the spread of the COVID-19 virus. Since March of 2020, the spread of this virus has taken lives, closed schools and businesses, isolated people from their families. Although we have experienced a sense of normalcy during this summer thanks to vaccinations, this is no time to let our guard down and allow COVID-19 to take hold and overwhelm our healthcare system once again.

Elkhart County has recently returned to the “yellow” category as defined by the Indiana State Department of Health which means spread of the COVID-19 virus is increasing. As we head into another school year and another winter where spread will be more likely, we must continue to encourage mitigation measures and vaccinations in our eligible residents. Keeping vaccinations top-of-mind and easily accessible is the best tool we have to keep the spread of this virus at bay.

This appropriation is submitted for your approval, and I will be available to answer any and all of your questions.



MEMORANDUM

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.

Section 6. Limitations on Participation by Electronic Means of Communication.

- (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



City of Elkhart, Indiana
the city with a heart

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 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 JIMTOWN 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) Councilmanic District.

Section 3. 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:

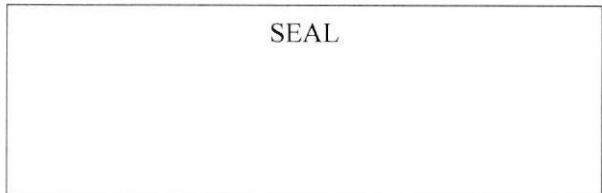
By: _____
Debra D. Barrett, City Clerk

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



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:

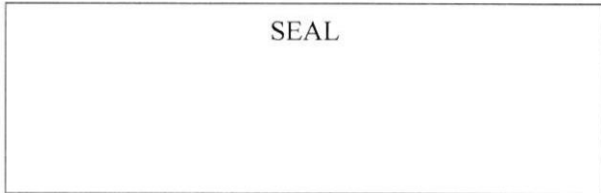
Debra D. Barrett, City Clerk

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:

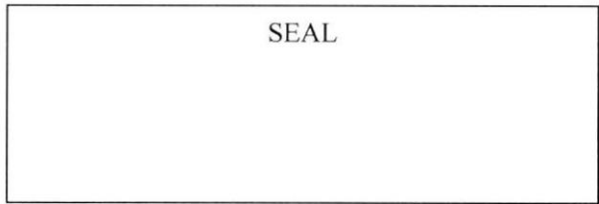
Debra D. Barrett, City Clerk

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

Rod Roberson
Mayor



Planning & Development
Community Development
Economic Development
Planning Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.295.7501

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.



Staff Report

Planning & Zoning

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 petitioner is 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 NUMBER: 21-ANP-02

Date Filed: 5.7.21

PETITION to the PLAN COMMISSION

Petition Type:

<input type="checkbox"/> Rezoning*	<input type="checkbox"/> PUD*	<input type="checkbox"/> PUD Amendment*
<input checked="" type="checkbox"/> Annexation*	<input type="checkbox"/> Final Site Plan	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Wireless Communications Facility		

* denotes that this action requires final approval from the Common Council

Property Owner(s): TLTA LLC.
 Mailing Address: 51258 Enchanted Oak Court, SB IN 46628
 Phone: 574-532-9764 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 (✓) 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 petitioner 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 Anastasios (Tom) Allen MEMBER

RECEIVED BY: [Signature] 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

(staff to complete)

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: Anastasio (Tom) Allen - MEMBER TLTA LLC

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

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 NORTHWEST 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 00°11' WEST, PARALLEL WITH THE EAST LINE OF THE NORTHWEST FRACTIONAL QUARTER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION, 412.97 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 NORTHWEST FRACTIONAL QUARTER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION; THENCE SOUTH 00°11' EAST ALONG THE EAST LINE OF THE NORTHWEST 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 40.0 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 52.08 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; 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 BOUNDARY OF STATE ROAD 19 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00°02'27" WEST 269.103 METERS (9882.88 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 "9020" 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.

CR 24 & SR 19 Annexation Current AV		
Parcel ID	Acres	Value
20-06-19-301-020.000-009	6.58	\$13,200.00
20-06-19-301-018.000-009	1.05	\$2,100.00
20-06-19-301-015.000-009	0.22	\$22,900.00
20-06-19-301-019.000-009	2.31	\$4,600.00
20-06-19-301-009.000-009	1.61	\$3,200.00
Phase I Annexation		\$46,000.00
20-06-19-301-002.000-009	6.13	\$12,300.00
Phase II Annexation		\$12,300.00

Post Development AV Estimates				
Parcel ID	Acres	2021 AV	AV/Acre	Location
20-06-19-151-006.000-011	2.48	\$376,300.00	\$151,733.87	3624 S. Nappanee St., Elkhart, In 46517
20-06-19-151-005.000-011	1.93	\$377,900.00	\$195,803.11	3618 S. Nappanee St, Elkhart, In 46517
20-06-19-151-011.000-011	6.39	\$3,348,800.00	\$524,068.86	3610 S. Nappanee St., Elkhart, In 46517
20-06-19-151-003.000-011	2.62	\$994,600.00	\$379,618.32	3606 S. Nappanee St., Elkhart, In 46517
20-06-19-301-016.000-009	3.86	\$2,213,400.00	\$573,419.69	27838 Cr 24, Elkhart, In 46517
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

BEING TRACTS I AND TRACTS III – VI OF THOSE TRACTS OF LAND CONVEYED TO JIMTOWN 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.

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

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



HANS P. MUSSER, PS

5/19/2021

DATE

JOB NO.: 21-0845



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



M E M O R A N D U M

Date: July 6, 2021

To: Brent Curry, Elkhart City Council President

From: Tory Irwin, City Engineer *TI*

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



M E M O R A N D U M

Date: July 6, 2021

To: Brent Curry, Elkhart City Council President

From: Tory Irwin, City Engineer *TI*

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

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 business 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

Rod Roberson
Mayor



Dept of Development Services
Planning & Development
Community Development
Economic Development
Planning Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.295.7501

Proposed Ordinance 21-O-41

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

RESOLUTION NO. R-_____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, ADOPTING A WRITTEN FISCAL PLAN TO DEFINE A POLICY FOR THE PROVISION OF SERVICES TO THAT AREA CONTIGUOUS TO THE CITY OF ELKHART, INDIANA AND GENERALLY DESCRIBED AS TEN AND 59\100 ACRES LOCATED IN THE SOUTHEAST CORNER OF THE INTERSECTION OF CR 24 AND SR 19, A PROPOSED ANNEXATION AREA

WHEREAS, the City of Elkhart, Indiana, desires to annex certain real estate contiguous to the City of Elkhart, Indiana and generally described as ten and 59\100 acres located in the southeast corner of the intersection of County Road 24 and State Route 19, and more specifically described in Proposed Ordinance No. 21-O-38; and

WHEREAS, responsible planning and state law require adoption of a fiscal plan and definite policy for the provision of services to annexed areas; and

WHEREAS, such a plan and policy has been developed and presented to the Common Council, entitled “ANNEXATION FISCAL PLAN FOR THE CITY OF ELKHART TLTA, LLC” (the “Plan”).

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

1. The Common Council of the City of Elkhart, Indiana, hereby approves and adopts the Plan, which plan is attached hereto and made a part hereof, and hereby approves and adopts the specific policies for implementation of the Plan as set out therein.

2. Any monies necessary for the provision of services as described and itemized in the attached Plan shall be budgeted and appropriated from the applicable fund, pursuant to state law and the City's budget procedure.

3. The services of a non-capital nature described in the Plan are equivalent in standard and scope to such non-capital services provided to areas within the corporate boundaries of the City of Elkhart that have similar topographies, patterns of land use, and population density.

4. Services of a capital improvement nature that are described in the Plan will be provided to the annexed area within three (3) years after the effective date of this annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of Elkhart that have similar topography, patterns of land use, and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

5. It is anticipated that this annexation will not result in the elimination of jobs for employees of other governmental entities. In the event that it does, however, then the Human Resources Department of the City of Elkhart, Indiana, is hereby directed to assist such employees in obtaining new employment; but nothing herein shall require the City to hire any such employees.

6. This Resolution shall become effective as of the date of passage of Proposed Ordinance No. 21-O-38 entitled, "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 ROAD 19, AND DECLARING THE SAME TO BE A PART OF THE CITY OF ELKHART, INDIANA."

[BALANCE OF PAGE INTENTIONALLY BLANK]

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



MEMORANDUM

DATE: 8/10/2021
TO: Common Council
FROM: Corporation Counsel John Espar
RE: Proposed Resolution No. 21-R-60

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA,
ADOPTING A WRITTEN FISCAL PLAN TO DEFINE A POLICY FOR THE PROVISION OF
SERVICES TO THE AREA COMMONLY KNOWN AS TEN AND 59\100 ACRES OF LAND
LOCATED AT THE SOUTHEAST INTERSECTION OF CR 24 AND SR 19, A PROPOSED
ANNEXATION AREA

This Proposed Resolution relates to the request for annexation of the property referenced above which is presently before this Council under Proposed Ordinance No. 21-O-38.

This Proposed Resolution 21-R-60 would adopt the attached, Annexation Fiscal Plan for the City of Elkhart TLTA, LLC as the fiscal plan and defined policy for the provision of services to the annexed areas which is a requirement under state law as part of annexation.

**ANNEXATION FISCAL PLAN
FOR THE
CITY OF ELKHART**

TLTA, LLC

June 24, 2021

Prepared by:



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INTRODUCTION

The following fiscal plan (the "Fiscal Plan") is for the proposed annexation of parcels to the south of the existing corporate limits on the southwest side of Elkhart (the "Annexation Area"). The Annexation Area is adjacent to the City of Elkhart (the "City"). The requirements of the Indiana Code mandate the development and adoption of a written fiscal plan and the establishment of a definite policy by resolution of the City Council. The Indiana Code 36-4-3-13(d) states that this fiscal plan must include and provide:

- 1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency;
- 2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used;
- 3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin;
- 4) That planned services of a non-capital nature, including police protection, fire protection, street and road maintenance and other non-capital services normally provided within the corporate boundaries will be provided within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those non-capital services provided in areas within the corporate boundaries regardless of similar topography, patterns of land use and population density;
- 5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria;
- 6) The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation;
- 7) The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation;

INTRODUCTION

- 8) Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation; and
- 9) A list of all parcels of property in the annexation territory and the following information regarding each parcel:
 - (A) The name of the owner of the parcel.
 - (B) The parcel identification number.
 - (C) The most recent assessed value of the parcel.
 - (D) The existence of a known waiver of the right to remonstrate on the parcel.

This Fiscal Plan may include additional materials in connection with the foregoing. It was developed through the cooperative efforts of the City's various administrative offices and the City's financial advisors, Baker Tilly. This Fiscal Plan is the result of an analysis of the proposed Annexation Area.

The Annexation Area is contiguous to the City for the purposes of Indiana Code 36-4-3-1.5, and there is a written Fiscal Plan, herein provided, that has been approved by the City Council.

SECTION I

AREA DESCRIPTION

A. Location, Area Size and Contiguity

The proposed Annexation Area is located on the south side of the existing corporate boundaries on the southwest side of the City. A map and legal description of the area to be annexed has been included in attached Appendix II.

The Annexation Area is approximately 12 acres. The perimeter boundary of the Annexation Area is more than 12.5% contiguous to the existing corporate boundaries of the City.

B. Current Land Use

The Annexation Area consists of vacant land.

C. Zoning

Existing Zoning: GPUD & DPUD

Proposed Zoning: B-2 District

D. Current Population

The current population of the Annexation Area is estimated at 0, as there are no occupied homes within the Annexation Area.

E. Real Property Assessed Valuation

The estimated net assessed valuation for land and improvements in the Annexation Area is \$23,500. This represents the net assessed value as of January 1, 2020 for taxes payable 2021.

SECTION II

NON-CAPITAL SERVICES

A. Cost of Services

The current standard and scope of non-capital services being delivered within the City and the Annexation Area were evaluated by each municipal department to determine the personnel and equipment necessary to provide such non-capital services in a manner equivalent in standard and scope to services that are currently provided within the existing City's municipal boundary.

The City will provide all non-capital services to the Annexation Area within one (1) year after the effective date of the annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the City regardless of topography, patterns of land use, and population density.

B. Police Protection

The Elkhart County Sheriff's Department currently provides police protection and law enforcement services to the Annexation Area. However, all non-capital services of the Elkhart Police Department will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

The City of Elkhart Police Department's primary purpose is the prevention of crime. The department is manned 24 hours per day, and it consists of over 100 officers. The Police Department consists of several divisions with many specialty units. For example, the patrol division includes a special response team, an explosive ordinance disposal unit, a dive team and a canine unit. The Police Department patrols within the boundaries of the City on a daily basis and responds to all alarm calls. In addition, the Police Department provides other services such as detection and apprehension of offenders, traffic control and preservation of civil order. The Police Department does not distinguish between different areas of the City. The same services are provided throughout the City. Due to the location and character of the Annexation Area, the City does not anticipate additional costs as a result of the annexation.

C. Fire Protection and Emergency Medical Services

The Annexation Area is currently served by the Concord Township Fire Department. However, all non-capital services of the Elkhart Fire Department ("E.F.D.") will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

C. Fire Protection and Emergency Medical Services (Cont'd)

The E.F.D. serves within the corporate boundaries of the City and provides mutual aid to surrounding communities and townships, including the Annexation Area. The department consists of 1 chief, 1 assistant chief, 2 division chiefs, 2 chief inspectors, 3 battalion chiefs, 3 assistant battalion chiefs and over 100 additional firefighters, which includes 47 who are state certified paramedics. The firefighters staff 7 fire stations 24 hours per day, 365 days per year. Located within these stations, the department's active fleet of apparatus is comprised of 6 engines companies, 2 truck companies and 3 paramedic ambulances. The E.F.D. also has 3 reserve engines and 2 reserve ambulances for use in times of extreme emergency or when mechanical issues occur. The E.F.D. provides fire and emergency medical response services to citizens within the City limits. Due to the location and character of the Annexation Area, the E.F.D. does not anticipate needing to hire additional employees as a result of the annexation. Increases in the E.F.D.'s budget are not anticipated as a result of the annexation.

D. Communications Center

Any dispatch calls within the Annexation Area are currently handled by Elkhart County 9-1-1 Communications Center. Within the City, Elkhart Communications Center dispatches all Police, Fire and EMS calls within the City limits. The Center has at least three dispatchers on duty at all times. Dispatchers answer all incoming 9-1-1 calls within the City, all non-emergency and business lines, as well as several direct dial private lines. The Elkhart Communications Center does not anticipate any additional costs as a result of the annexation.

E. Street Maintenance

There are no streets within the Annexation Area for which the City will be responsible for maintenance; therefore, there will be no additional costs for the provision of street maintenance services upon annexation. However, all non-capital services of the Elkhart Street Department will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

F. Trash Collection and Recycling

Elkhart County does not provide solid waste disposal to the Annexation Area. This service is provided to residents outside of the City by private firms. A comprehensive survey was not undertaken, but based on available information it appears as if private firms charge approximately \$60 or more per quarter for residential trash pick-up.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

F. Trash Collection and Recycling (Cont'd)

Within 1 year of the effective date of this annexation, all non-capital services of the Elkhart Street and Public Works Departments, including trash collection, recycling, yard refuse and limb pick up, will be made available in the Annexation Area and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City. The City is currently charged approximately \$11.35 per month per household for these services, which includes disposal of large and heavy trash items. Due to the character of the Annexation Area, there will be no additional revenue or costs to the City as a result of the annexation.

G. Storm Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the City's current storm water and drainage system throughout the City. The City and County have maintained their drainage areas very similarly, as the City is a part of the Greater Elkhart County Storm Water Partnership for which the Elkhart County Soil and Water Conservation District acts as supervisor. The City currently charges \$50 annually per ERU, which is collected through property taxes. Any future development in the area will have to have its storm water plan approved by the City engineer or the City's Department of Storm Water Management, and any associated storm water and drainage costs will be borne by the developers. All non-capital services of the Department of Storm Water Management will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

H. Parks

There are currently nineteen community parks, ten neighborhood parks, one water park and one swimming pool within City limits. High Dive Park and McNaughton Park are both located along the river front and have amenities for tennis, hiking and fishing, as well as pavilions with full kitchens. Studebaker Park features a soccer field, tennis courts, a basketball court, a baseball diamond, a large multi-purpose field, playgrounds and trails for hiking. Ideal Beach is also part of the City's park system. It is a large, water park that contains a wading pool, water slide, swimming beach, sand volleyball court, miniature golf, a public boat ramp and concessions. The NIBCO Ice & Water Park is another featured destination of the Parks Department, with skate rentals, an outdoor ice path, picnic areas and concessions. It is anticipated that no additional parks will be added as a result of annexation, therefore there will be no additional costs to the City.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

H. Parks (Cont'd)

Nevertheless, all non-capital services of the Parks Department will be made available in the Annexation Area on the date the annexation becomes effective and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

I. Street Lighting

Elkhart County does not provide street lights in the Annexation Area. After annexation, the City may approve street lighting on a case-by-case basis. If approved, the City pays all costs for installation and maintenance of streetlights. At this time, the City does not anticipate adding any streetlights within the Annexation Area. Therefore, there will be no additional costs to the City related to street lighting.

J. Building and Code Enforcement

The Building and Code Enforcement Department of the City of Elkhart is responsible for conducting building, electrical, plumbing, HVAC and structural inspections. It is anticipated that any additional costs associated with inspections in the Annexation Area will be offset by revenues from the associated building permits.

K. Governmental Administrative Services

The City does not anticipate that the addition of the Annexation Area will result in a demand for Governmental Administrative Services that cannot be met by the existing staffing of the City's offices, agencies and departments. All non-capital services of the administration of the City will be made available in the Annexation Area on the date the annexation becomes effective and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

The Governmental Administrative Services of the City include, but are not limited to, the services provided by the following:

- Mayor's Office
- City Council
- Redevelopment Commission
- Elkhart Environmental Center
- Economic Development Commission
- Finance Department
- Human Resources
- Planning and Zoning Department
- Emergency Management Department
- Information Technology Department

SECTION III

CAPITAL IMPROVEMENTS

A. Cost of Services

The Annexation Area was evaluated to determine the services and facilities required to provide the same type of services in the same manner as services that are currently provided within the existing City's corporate limits.

The City will provide the following capital services to the Annexation Area no later than three (3) years after the effective date of the annexation in the same manner as those capital services provided to areas within the City regardless of topography, patterns of land use and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria. It is currently assumed that the annexation will be effective as soon as practically possible, but not later than December 31, 2021.

B. Water Service

The Elkhart Municipal Water Utility provides water service in the immediately surrounding area and has the capacity and capability to serve the Annexation Area if and when connection is desired. It is anticipated that new customers will pay the applicable tap fee and water assessment charges. It is important to note that the Water Utility is a separate proprietary fund of the City that maintains separate books and records, and extensions in service are typically borne by the respective property owner or developer. Regardless, all capital services of the Water Department will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

C. Wastewater Service

The Elkhart Municipal Sewage Works provides wastewater service in the immediately surrounding area and has the capacity and capability to serve the Annexation Area if and when connection is desired. It is anticipated that new customers will pay the applicable tap fee and sewer assessment charges. It is important to note that the Sewage Works is a separate proprietary fund of the City that maintains separate books and records, and extensions in service are typically borne by the respective property owner or developer. Regardless, all capital services of the Wastewater Department will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION III

(Cont'd)

CAPITAL IMPROVEMENTS

D. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the City's current storm water and drainage system throughout the City. The City and County have maintained their drainage areas very similarly, as the City is a part of the Greater Elkhart County Storm Water Partnership for which the Elkhart County Soil and Water Conservation District acts as supervisor. The City currently charges \$50 annually per ERU, which is collected through property taxes. Any future development in the area will have to have its storm water plan approved by the City Engineer or the City's Department of Storm Water Management, and any associated storm water and drainage costs will be borne by the developers. Regardless, all capital services of the Department of Storm Water Management will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

E. Street Construction

Construction of any new streets within the developments in the Annexation Area will be the responsibility of the appropriate developer in accordance with the applicable City Code. There are currently no existing streets within the Annexation Area for which the City will be responsible. Regardless, all capital services of the Street Department, including evaluation and construction services, will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION IV

FISCAL IMPACT

As a result of this annexation, based on assessed values as of January 1, 2020, the net assessed value for the City is anticipated to increase by \$23,500 to \$2,942,262,087. This represents an increase of approximately 0.0008%. The net impact of increasing the City's net assessed value will result in additional property tax revenues to the City, which may be used to offset the cost of providing services to the Annexation Area.

It is assumed that the effective date of this annexation will be as soon as practically possible, but no later than December 31, 2021. Based on the assumed effective date, Annexation Area property owners will not pay property taxes to the City until 2022 payable 2023. However, the City will begin providing non-capital municipal services to the property owners within one (1) year after the effective date of the annexation, and it will begin providing capital municipal services to the property owners within three (3) years after the effective date of the annexation.

It is anticipated that there will be no additional costs to the Town as a result of the annexation.

It is anticipated that the City will realize an increase in its levy of approximately \$458 (\$390 net of circuit breaker) as a result of the annexation. However, the percentage increase in the levy will not exceed the percentage increase in the City's assessed value; therefore, there is not anticipated to be a tax rate increase as a direct result of this annexation. If there is a shortfall in revenue from the annexation, the services described in this plan can be provided using funds on hand.

Based on the assumed annual growth factors noted on page 12, the additional levy will be approximately \$476 (\$408 net of circuit breaker) in 2024, \$496 (\$428 net of circuit breaker) in 2025 and \$516 (\$447 net of circuit breaker) in 2025. Also, due to the low net assessed value in the Annexation Area, the impacts on other taxing units will be minor. The estimated additional property tax cap losses for the overlapping taxing units are as follows: School \$59; Township \$1; County \$15; Library \$5.

SECTION V

ASSUMED INDEBTEDNESS

As required by Indiana Code 36-4-3-10, the City will assume and pay any unpaid bonds or other obligations of Concord Township existing at the effective date of the annexation of the Annexation Area in the same ratio as the assessed valuation of the property in the Annexation Area bears to the assessed valuation of all property in Concord Township, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the City is already liable for the indebtedness.

Concord Township currently has no outstanding debt.

CITY OF ELKHART, INDIANA

TLTA, LLC

ESTIMATED ASSESSED VALUE AND TAX RATE IMPACT

(Assumes first year of tax collections from Annexation Area is 2022 pay 2023)

<u>Assessment Year</u>	<u>Estimated Net Assessed Value of Annex. Area</u>	<u>Estimated Net Assessed Value of City</u>	<u>Total Est. Net Assessed Value of City</u>	<u>Est. Property Tax Levy of City</u>	<u>Total Est. Property Tax Rate</u>
	(1)	(2)	(3)	(4),(5)	(6)
2020 Pay 2021	N/A	\$2,720,264,965	\$2,720,264,965	\$53,094,131	\$1.9518
2021 Pay 2022	N/A	2,829,075,564	2,829,075,564	55,347,686	1.9564
2022 Pay 2023	\$23,500	2,942,238,587	2,942,262,087	57,754,325	1.9629
2023 Pay 2024	3,361,000	3,059,928,130	3,063,289,130	59,989,419	1.9583
2024 Pay 2025	3,361,000	3,182,325,255	3,185,686,255	62,372,029	1.9579
2025 Pay 2026	3,361,000	3,309,618,265	3,312,979,265	64,791,830	1.9557

- (1) Based on current net assessed value of the real property in the Annexation Area as gathered from the Elkhart County Assessor's office and an additional \$3,337,500 in estimated value of additional development in the Annexation Area. Per information provided by the City, we have assumed development will be assessed beginning in year 2023 pay 2024.
- (2) Assumes the assessed value for the City of Elkhart, excluding the Annexation Area, grows at a rate of 4%.
- (3) Represents the net assessed value for the City, including the Annexation Area, used to calculate the tax rate.
- (4) Assumes controlled property tax levies increase at an annual growth factor of 4.4% for 2022, 4.5% for 2023, 4.0% for 2024, 4.1% for 2025, and 4.0% for 2026. Assumes that the Park Bond and CCD levies remain constant.
- (5) Assumes the City receives an automatic increase in its levy equal to its percentage increase in net assessed value as a result of the annexation.
- (6) Based on the Est. Property Tax Levy of City divided by the Total Est. Net Assessed Value of City.

CITY OF ELKHART, INDIANA

TLTA, LLC

PARCEL LIST

<u>Parcel ID</u>	<u>Owner</u>	<u>'20 Pay '21 Net Assessed Value</u>	<u>Remonstrance Waiver</u>
20-06-19-301-020.000-009	TLTA, LLC	\$13,200	No
20-06-19-301-018.000-009	TLTA, LLC	2,100	No
20-06-19-301-015.000-009	TLTA, LLC	400	No
20-06-19-301-019.000-009	TLTA, LLC	4,600	No
20-06-19-301-009.000-009	TLTA, LLC	3,200	No
		<hr/>	
		Total	
		<u>\$23,500</u>	

CITY OF ELKHART

TLTA, LLC

MAP AND LEGAL DESCRIPTION OF ANNEX AREA



(Legal Description on Following Page)

BEING TRACTS I AND TRACTS III – VI OF THOSE TRACTS OF LAND CONVEYED TO JIMTOWN 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.

City of Elkhart
Board of Aviation Commissioners
June 30, 2021

The Board of Aviation Commissioners meeting was called to order by Doug Thorne at 4:00pm on Wednesday, June 30, 2021 in the City Council Chambers, 229 South Second Street. The following commissioners were present: Shari Mellin, Tom Shoff, & Bruce Shreiner. 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 May 26, 2021 meeting. The motion was SECONDED by Mellin. There being no further discussion, the motion PASSED unanimously.

Approval of Claims:

Shreiner made a MOTION to approve claims as submitted in the amount of \$121,768.32. The motion was SECONDED by Shoff. Shreiner requested to know who ordered the appraisal for Hangar 38. Andy Jones advised the Mayor's Chief of Staff requested it. There being no further discussion, the motion PASSED unanimously.

Manager's Report:

Andy reported that one of our tenants was involved in a plane accident that did not occur at the Elkhart airport. The pilot sustained some injuries and will need time to recuperate, but will be ok. Andy also reported that the airport sustained a weather related power outage. Power on the airport's south side was off for a couple days. A tenant contacted him and asked if the airport could do anything to motivate AEP to move more quickly to restore power. The tenant had an important meeting to fly to but without power was unable to open the hangar door. In our comment to provide unparalleled service, I called in an electrician to re-wire a hangar door directly to a generator. It worked and the tenant was able to get to the meeting on time. Additionally, after I contacted AEP, they moved up the previously estimated time of power restoration by 12 hours. The generators to the airfield failed to turn on, but our maintenance crew was able to get it working again. It appears that the service contract to maintain the generators was canceled 3 years ago. We will examine this further with a contractor so we can mitigate future problems. We are in the final phase of the Wildlife Fence Phase 3 project and all teams involved are fine-tuning areas to prepare for a final punch list for the end of the project. The seaplane has finally found a new home, so work can start on building 7 soon. The airfield broom is out of service and is currently at Central Garage for repairs. The broom was purchased in 2005 and is outside the span of its useful life. We are continuing to have more and new mechanical problems with it. This is the most critical piece of snow and ice control equipment we have and it is also used in the summer as well. Nothing else can do the work that it does. With the approval of the board and with input from the Central Garage Dept. Head, I would like to submit a capital request for a new unit to the Mayor. If approved, the request will be submitted to the Common Council as part of the Aviation Department's FY 2022 operating budget. The initial draft of our budget request is due to the Controller's Office in mid-July. Andy invited all board members to feel free to provide him with input. Andy advised that Councilman Fish came in to talk about alternative sources of power (solar), so he's been having conversations with our airport engineers about this. The process starts with a feasibility study, so this is something he'd like to explore. Shoff asked if there will be any issues that he's heard about regarding glare and that being a concern for pilots. Andy advised that glare is definitely a concern and any questions regarding that will be looked at in the feasibility study. Andy further advised that other airports are going solar, so those challenges are being addressed and overcome. Obviously each airport is unique which is why a study must be performed first. Thorne advised he had a question regarding the broom that was purchased in 2005 and has a vague recollection of different funding sources. Andy explained that the FAA provides our airport with an annual \$150,000 grant, which must be applied to

City of Elkhart
Board of Aviation Commissioners
June 30, 2021

the cost of any eligible construction project included on the airport's 5-year Capital Improvement Plan (CIP). If no such project is planned, which was the case for three consecutive years prior to purchasing the existing broom, then those funds can be rolled over and used for other preapproved purchases. The airport in 2005 did not have any project requests for 3 years in a row, so \$450,000 accumulated. Those funds were used to purchase the broom, which was the estimated cost at that time.

New Business:

Thorne advised the first order of New Business is the annual land-lease fee per square foot update. Andy advised that any entity interested in building a hangar at the airport can do so, but they need to first come to the board and lease land underneath where the hangar will be built. They are extended a 30 or 40 years lease. At the end of that lease the building reverts to the ownership of the City. The current rate for a land-lease is 12 (twelve) cents per square foot and that rate has not changed in over 20 years. In having conversations with other airport directors, Andy advised the competitive rate is going to 14 (fourteen) cents per square foot and he requests we change our fee to this moving forward, with the exception of a hangar that is currently under construction. That tenant began the construction process based on the current land lease rate and it would be unfair to change it now. Mellin made a MOTION to approve the land-lease fee increase to 14 (fourteen) cents per square foot for all future land leases with the exception of hangar 41 currently in construction. Shreiner SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

Thorne advised the next order of New Business is the CARES Act appropriation request. Andy advised there were conversations in previous board meetings about how to invest the \$69,000 CARES grant funds; and in looking back at those minutes there was never a motion made specifically to approve these funds for radios for the air traffic control tower. Andy further advised this grant was for a reimbursable expense for any airport operations, of which we used payroll. The grant funds were received and were deposited in the payroll fund, so now an appropriation by the Common Council will be required to transfer the funds from the payroll account to the airport grant account in order to use the funds. Andy requests board approval that the funds of not more than \$69,000 be used for air traffic control primary and back-up radios. Dwight Fish asked if the Mayor has put this in an ordinance? Andy advised he has not seen that. Shreiner and Thorne requested to know why this needs to go to the Council and Andy advised it is to satisfy the requirement of State Board of Accounts based on where the funds were deposited. Andy further stated that once it goes in front of the Council, they will know the funds are to be invested based on the will of the airport board and not that of the airport manager. Shoff made a MOTION to approve the CARES Act appropriation request. Mellin SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

Thorne advised the next order of New Business is the 3 Office Lease agreements. Andy advised we sent 3 office lease agreements to the board in a previous email, all of which were the same except for the amount charged each month. Andy further stated that in having conversations with the tenants, there were some items that no longer apply and are not necessary to be in an office lease. These are minor changes relating to insurance requirements, access & control, and subletting. Andy stated that he requests the board not allow subletting for an office lease; as it makes more sense for someone to simply terminate a lease and then a new one can be drafted for the next tenant. Andy requested a motion to approve these minor changes with legal oversight for all three office lease agreements.

City of Elkhart
Board of Aviation Commissioners
June 30, 2021

Shreiner made a MOTION to approve Office Lease 1 agreement with the minor changes stated in the discussion. Shoff SECONDED the motion.

Shoff made a MOTION to approve Office Lease 2 agreement with the minor changes stated in the discussion. Mellin SECONDED the motion.

Mellin made a MOTION to approve Office Lease 3 agreement with the minor changes stated in the discussion. Shreiner SECONDED the motion.

There being no further discussion all three MOTIONS for Office Lease agreements 1, 2, & 3 PASSED unanimously.

Thorne advised the next item under New Business is the corporate hangar 21 sale. Andy advised the owner of corporate hangar 21 would like to sell it, which is not an unusual circumstance, and there needs to be board approval for this sale. Andy further advised there will be a land-lease assignment with an entity wanting to purchase the hangar. Andy requests board approval for the sale between D&P Aviation, LLC to Carlos Bauta. Shreiner made a MOTION to approve this sale. Shoff SECONDED. There being no further discussion the motion PASSED unanimously.

Thorne advised the next item under New Business is the lease assignment for corporate hangar 21. Andy advised a lease assignment is a process whereby just the name on the lease changes and everything else stays the same. However, in this case, the interested individual, Carlos Bauta, has requested a 10-year extension on the land lease. Andy further states the current lease expires in 2055. Thorne advised the reassignment would be at the old rate of 12 (twelve) cents per square foot, but any extension should be at the new rate of 14 (fourteen) cents per square foot; however, he doesn't believe he wants to bind the board to a lease that doesn't expire for over 30 years. Thorne also asked about the notary requirements on this lease assignment and if the notary is prepared for the block of signatures needed? Karen Shaw advised that she is a licensed notary in the State of Indiana and is prepared to take care of all notary needs for the Elkhart airport. Thorne also asked if Mr. Bauta has the ability to cover the expectations of this assignment, and Andy answered in the affirmative. Shoff made a MOTION to approve the corporate hangar 21 lease assignment to Carlos Bauta without the requested 10-year extension. Mellin SECONDED the motion. There being no further discussion the motion PASSED unanimously.

Thorne advised the next order under New Business is the AIP-33 Partial Pay Request #5 in the amount of \$106,038.98. Paul Shaffer with Butler, Fairman, & Seufert (BF&S) advised this is a request to the FAA to get the airport reimbursed for fence construction and BF&S inspection fees, and that this is 100% federal funds. Mellin made a MOTION to approve AIP-33 Partial Pay Request #5. Shreiner SECONDED the motion. There being no further discussion the motion PASSED unanimously.

Thorne advised the last order of New Business is Progress Estimate #5 to Specialties, LLC in the amount of \$80,936.19. Paul advised this is payment to the contractor who is constructing the fence. The \$80,936.19 is part of Pay Request #5 that was just approved and the difference between this and the \$106,038.98 is payment to BF&S for inspection and other professional services fees incurred. Shreiner made a MOTION to approve Progress Estimate #5. Shoff SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

City of Elkhart
Board of Aviation Commissioners
June 30, 2021

Privilege of the Floor:

Thorne opened comments. There were none.

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, July 28, 2021 at 4pm. Location will be City Council Chambers, 229 South Second St, Elkhart, IN 46516 & via WebEx.

Respectfully Submitted,

 President *for*

Tom Shoff – Aviation Board Secretary

07.28.21
Date

BOARD OF PUBLIC SAFETY
Tuesday, July 13, 2021

Anthony Coleman called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, July 13, 2021. Nancy Wilson called the role. Charlie Cross, Anthony Coleman, and Corinne Straight-Reed were present. Robert Woods and Carol Loshbough were absent. Elkhart Council liaison Arvis Dawson was present on WebEx.

1. APPROVE AGENDA

On motion by Charlie Cross, seconded by Corinne Straight-Reed and carried 3-0 the agenda was adopted as presented.

2. MINUTES of June 22, 2021

On motion by Corinne Straight-Reed, seconded by Charlie Cross and carried 3-0, the minutes from June 22, 2021 were approved as presented.

3. TABLED ITEMS

MOU Between IAFF Local #338 and the City of Elkhart

No action was taken.

4. POLICE

Chief Seymore presented a contract between the EPD and Central Square for public safety citizen reporting software. A motion was made by Corinne Straight-Reed and seconded by Charlie Cross to approve the contract with Central Square for \$6,755.00. Chief Seymore explained that Central Square is our records management system that we use for all of our incident reports. This is on-line reporting for the citizens of Elkhart. This is a key component for us to give citizens the option for on-line reporting. Chief Seymore was very clear that this is for low level, no suspect crimes. This will free up officers on the street once this gets rolling. Corinne asked if they could link the software to our 311 App? They discussed the possibilities. After discussion, Anthony called for the vote. The motion carried 3-0.

Chief Seymore told the Board about seven commendations that were presented to their friends and family at the Police Merit Commission. Each Officer was recognized for outstanding police work and dedicated service to the Elkhart Community. Det. Brandon Roundtree was commended for action taken while off-duty on September 15, 2020. Cpl. Chris Bella was commended for appreciation from the Elkhart Community for an event in October, 2020. Cpl. Drew Neese was commended for handling an incident in October 2020 and for going above and beyond duty. Cpl. Davin Hackett was commended for his involvement in an event in November 2020 and for going above and beyond duty. Ptl. Emily Lamkin was commended for an event in March 2021 and for going above and beyond duty. Cpl. John Carver was commended for action during an event in April 2021 and for going above and beyond duty. Former Officer Troy Gray was commended for action during an event in May 2021 and for going above and beyond duty. The Chief told them their actions reflect highly upon the Elkhart Police Department and the law enforcement profession. He was happy to recognize them and is proud to work alongside them. Charlie Cross extended his commendations as well on a job well done!

5. FIRE

Chief Edgerton gave a verbal report for June. The EFD responded to 871 calls for service. 64% were EMS related and 36% were Fire related. Corinne asked for the staffing numbers. Chief Edgerton said they are at 140 with 4 in rookie school

that will be finished in five weeks. They are in the process of establishing a new hiring pool. 131 individuals filled out applications and they are in the testing process. The individuals that pass the written test will move on to the agility test which will happen at the South Bend Fire Department's training facility. On motion by Charlie Cross, seconded by Corinne Straight-Reed and carried 3-0, the June Month End report was accepted.

6. COMMUNICATIONS CENTER

Michelle Miller presented her June Month End Report. On motion by Corinne Straight-Reed, seconded by Charlie Cross and carried 3-0, the Elkhart Communications Center June 2021 Month End Report was accepted and placed on file.

7. BUILDING AND CODE ENFORCEMENT

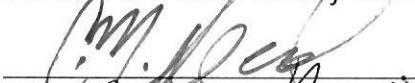
Henry Terrazas presented the June Month End Report. He shared with the Board that the City of Elkhart is growing. They are busy, noting the east and west side of town are growing like a weed. Henry said he as Commissioner is out in the field. The Code Enforcement Officers are knocking on doors with great success. On motion by Charlie Cross, seconded by Corinne Straight-Reed and carried 3-0 the Building and Code June Month End Report was accepted and placed on file.

8. OTHER PUBLIC SAFETY MATTERS

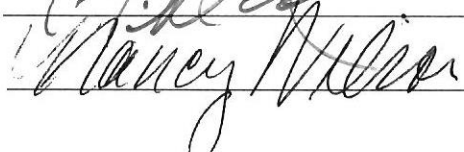
On motion by Corinne Straight-Reed, seconded by Charlie Cross and carried 3-0, the Police and Fire Merit minutes were accepted and placed on file.

9. ADJOURNMENT

On motion by Charlie Cross, seconded by Corinne Straight-Reed and carried 3-0, the Board of Public Safety meeting was adjourned at 9:35 a.m.



Corinne Straight-Reed
Anthony Coleman, Member

Attest: 

Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC WORKS

Tuesday, July 20, 2021

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, July 6, 2021. The Clerk of the Board Nancy Wilson called the roll. Mike Machlan, Rose Rivera, Jamie Arce, Chad Crabtree and Ron Davis attended in person. Mike Machlan noted it was after 9:00 a.m. and no more bids or quotes would be accepted.

1. Approve Agenda

On motion by Chad Crabtree, seconded by Rose Rivera and carried 5-0, the agenda was approved as presented.

2. Open Bids & Quotes

#21-13 Wastewater Treatment Plant Capacity Upgrades Phase II

Proof of publication was presented which appeared in The Elkhart Truth on June 12 and June 19, 2021. The following bids were received:

Bowen Engineering Corp. submitted a signed and certified bid summary form with all items checked. The base bid was \$27,356,000.00.

Kokosing Industrial Inc. submitted a signed and certified bid summary form with all items checked. The base bid was \$30,278,050.00.

Thieneman Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$34,336,000.00.

F.A. Wilhelm Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$35,170,000.00.

On motion by Chad Crabtree, 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 next meeting.

#21-15 Elkhart Riverwalk Boardwalk

Proof of publication was presented which appeared in The Elkhart Truth on July 3 and July 10, 2021. The following bids were received:

Northern Indiana Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$680,425.50. Alt A \$29,260.00. Total bid \$709,685.50.

Pioneer Associates Inc. submitted a signed and certified bid summary form with all items checked. The base bid was \$570,465.00 Alt A \$23,550.00. Total Bid \$594,015.00.

LaPorte Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$314,120.00. Alt A \$8,640.00. Total Bid \$322,760.00.

On motion by Chad Crabtree, 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 next meeting.

#21-10 Wolf Ave. ADA Curb Ramps

Milestone Construction North submitted a quote for \$38,340.00. Rieth-Riley Construction submitted a quote for \$19,379.92. Premium Concrete Services submitted a quote for \$19,570.00.

On motion by Jamie Arce, seconded by Chad Crabtree and unanimously carried, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the next meeting.

3. 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 \$4,447,527.00 consisting of 104 pages as prepared on July 15, 2021 at 5:27 p.m.

4. Minutes Regular Meeting July 6, 2021

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the minutes from July 6, 2021 were adopted.

5. Engineering

(A.) Administration

Meijer Economic Development Agreement

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved the request to proceed with design plans for public improvements to serve the Meijer site.

Calumet Ave. Water Extension Easement- Ratify Surveying and Mapping Proposal

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board ratified the signed proposal with Surveying and Mapping LLC for the Calumet Ave. Water Extension Easement.

(B.) Right-of-Way

Mitchell Jellison Minor ROW Dedication

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved the Mitchell Jellison Minor Right of Way Dedication.

(C.) Utility

2109 W. Indiana Ave. Sewer Insurance

A motion was made by Chad Crabtree and seconded by Ron Davis to approve the replacement of sidewalk removed during the sewer insurance program at 2109 W. Indiana Avenue. Utility Engineer Edgar Moreno explained the sewer insurance work that Roto-Rooter did on 6/28/21 at 2109 W. Indiana. The residential sanitary lines were causing a back-up in the upstairs bathroom, but the initial attempts by Roto-Rooter were not successful. The residents filed for the sewer insurance program. Derek Saur explained the places shown on the attached map where they dug to install the clean-out. Roto-Rooter televised the line and told them where they saw a problem. Derek explained that their sewer line ran under the sidewalk. Based on Roto-Rooter's findings, the City installed a single cleanout along the N-S line, in addition, to reach issues near the 4" basement cleanout, a new cleanout was installed along the west side of the property. Mike explained to Ron that the sewer insurance program does not replace hard surfaces nor does it restore lawns under the sewer insurance program. Rose asked if the clean out on the west side was a result of them not wanting a clean out by the "y". Derek said they had to dig on the west side because the problem was 4 feet from the house on the west side. Mike asked if they put the new clean out on the north/south side first? Derek said yes they did because that is where Roto-Rooter located the first problem. They normally put a clean out on either side of an existing "y". The home owners didn't want the casting in their walkway. Mike called the property owners up to speak.

Milton and Chris Butler came forward to speak about their property at 2109 W. Indiana. Chris told the board they have video and audio that shows they dug in the

BOARD OF PUBLIC WORKS

Tuesday, July 20, 2021

wrong location. She said she repeatedly told them they dug in the wrong spot. She said the basement cleanout in the front yard was the first mistake. They had a clean out in front and it was working fine. Then they realized what they did and put a clean out in on the west side. So now, we have two clean outs for the basement, and one for the main line upstairs bathroom. The reason they don't want the walkway patched is because the house was built in 1947, and the aesthetics of the house is the "Y" coming in with the walkways. You can't match that. They want it to be aesthetically pleasing and want the whole thing replaced. She said they wouldn't listen to her so she started filming everything. Chris said she sent in the information and paperwork last week. The downspouts have never been a problem. Milton said the contract they signed with the City was one cleanout. If they signed for one and payed for one, why do they have two? Mike said they offered to replace the east west sidewalk. Chris said they offered to patch it and that won't work. She said you have to see the video. She said she sent in three bids for the sidewalk. Jamie asked her about the sidewalk. She said she wanted the walkways around the home right up by the house and the piece that runs up to the house. Mike asked if she could leave the flash drive with the Board. Chris said she had a different one with still pictures. Mike said he didn't have time to review the packet from the Butlers.

Tory Irwin said they believe they didn't dig incorrectly. There was an old abandoned "t" by the "y" that had roots growing in it, and a second issue by the house on the west side. Based on the information we received from Roto-Rooter and the fact that we could not get a 3" blade through the line, we were going to have to dig in two spots, period. The clean out and the downspout "t" and the "y" were all in the same north/south excavation hole. On motion by Ron Davis, seconded by Chad Crabtree and carried 5-0, the Board tabled the item to the next Board meeting.

Change Order #1: N. Main Street Water Replacement Bid #21-03

On motion by Ron Davis, seconded by Chad Crabtree and carried 5-0, the Board approved Change Order #1 for the North Main Street Water Replacement project, Bid #21-03, for a decrease of \$45,614.50, bringing the Contract price to \$1,542,363.00.

(D.) Summary

On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the board ratified the following permits:

Revocable Permits:

#6483, Property Owner: Joan Hamilton
Property: 1527 Fulton St.
Permit Holder: Joan Hamilton
Placing dumpster in the street in front of the house

#6484, Property Owner: Marcia Marin
Property: 606 W. Hively Ave.
Permit Holder: Marcia Marin
Temporarily blocking one lane of traffic

#6485, Property Owner: Danny Coon
Property: 2410 Greenleaf Blvd.

BOARD OF PUBLIC WORKS
Tuesday, July 20, 2021

Permit Holder: Danny Coon
Parking a moving semi in the street in front of the house

#6486, Property Owner: Michelle Kulp
Property: 220 S. Fourth St.
Permit Holder: Crown Concrete
Replacing city walkway

#6487, Property Owner: RETA, Inc.
Property: 116 W. Jackson Blvd.
Permit Holder: DJ Construction
Temporarily closing the alley

Release of Bond:

#5003, Owner: Eladio Zelaya
Property: 2417 Chippewa Dr.

#5008, Owner: Francisco Sesmas
Property: 2215 S. Sixth St.

Driveway Permit:

#5003, Owner: Eladio Zelaya
2417 Chippewa Dr.
Contractor: Owner
\$400.00 bond by owner

#5008, Owner: Francisco Sesmas
2215 S. Sixth St.
Contractor: Owner
\$400.00 bond by owner

Sewer Assessment Application:

Mark Dokey- A Tail of Two Cities
1514 W. Lusher Ave.
Elkhart, IN 46517
Property: 2044 Airport Dr. (Hangar 41)
Paid in full, \$5,760.00

Habitat for Humanity
PO Box 950
Goshen, IN 46527
Property: 1927 Belmont Ave.
Paid in full, \$7,015.00

We Impact Properties, LLC

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4000 E. Bristol St. Ste 3 #281
Elkhart, IN 46514
Property: 2104 Aeroplex Dr.
Paid in full, \$25,660.00

Square 1 Builders
1789 E. Bristol St.
Elkhart, IN 46514
Property: 1331 Concord Ave.
Paid in full, \$4,075.00

Jasmine Espinoza
54423 Baldwin Ct.
Elkhart, IN 46514
Property: 54423 Baldwin Ct.
Paid 20% down, \$1,259.00

Maria Cortes
1800 Leininger Ave.
Elkhart, IN 46517
Property: 1800 Leininger Ave.
Paid 20% down, \$1,500.00

Water Assessment Application:

Habitat for Humanity
PO Box 950
Goshen, IN 46527
Property: 1927 Belmont Ave.
Paid in full, \$731.40

Omar Rodriguez
1610 Evergreen Pl.
Elkhart, IN 46514
Property: 2638 Morton Ave.
Paid in full, \$345.00

Square 1 Builders
1789 E. Bristol St.
Elkhart, IN 46514
Property: 1331 Concord Ave.
Paid in full, \$393.30

George Kijak
29295 Channel View Dr.
Elkhart, IN 46516
Property: Channel View Dr. Lot 28

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Paid in full, \$696.90

We Impact Properties LLC
4000 E. Bristol St.
Elkhart, IN 46516
Property: 2104 Aeroplex Dr.
Paid in full, \$7,225.00

Sandy Botello
1214 Lafayette St.
Elkhart, IN 46516
Property: 1523 Eleventh St.
Paid in full, \$345.00

Jasmine Espinoza
54423 Baldwin Ct.
Elkhart, IN 46514
Property: 54423 Baldwin Ct.
Paid 20% down, \$264.60

6. Utilities

(A.) Administration

Request to Engage with Power Plant

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved a contract with Power Plant to provide and install a boiler in the Administration Building for a cost not to exceed \$40,576.00.

Change Order #3 Brown & Brown Restroom and Pretreatment Office Renovation Bid #21-04

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved Change Order #3 with Brown & Brown Restroom and Pretreatment Office Renovation Bid #21-04 bringing the contract price to \$137,836.00.

Water Utility MRO for June 2021

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board accepted and placed on file the Water Utility MRO for June 2021.

(B.) Utility Financials

Transfer of Funds in WW Maintenance

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved the transfer of \$90,416 of unused WW Maintenance Full Time, Sick Incentive, Social Security, Medicare, PERF, and Insurance Funds to WW Maintenance Professional Services to accommodate the needs of paying a contractor to perform duties that would typically be the responsibility of the Instrumentation Technician and the Electrical Technician.

(C.) Environmental Compliance

Notice of Violation Failure to Submit Renewal FOG application as Required- Hubbard Hills Estates Health Care 28070 CR 24 West (F2018-038)

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve a Notice of Violation Failure to Submit Renewal FOG application as

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Required- Hubbard Hills Estates Health Care 28070 CR 24 West (F2018-038) and assess a penalty of \$100.00. Megan Kolaczyk explained the violation to the Board. The application was due June 3, 2021. They called and asked for an extension which was granted until June 15, 2021. On June 15 they called to ask questions, but the staff person was gone that day and responded on June 16, 2021. They submitted the application on June 16, 2021. The FSE was present to speak to the Board. Joe Calderone explained to the Board that he intended to have it done the week before the due date, but he had a personal emergency. He made an effort to call several times because he had two questions that needed to be clarified. He apologized and said next time he will be on top of the renewal. Jamie thanked him for coming in and for trying to get the application in on time. On motion by Jamie Arce, seconded by Chad Crabtree and carried 5-0, the motion was amended by reducing the penalty to \$0. The amended motion carried 5-0.

Permit Renewal RC Industries Inc. Permit #92-02

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved a Permit Renewal for RC Industries, Inc. Permit #92-02.

7. New Business

Ratify Auction Items

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board ratified 21 items that were sent to the Broyln Auction by the Central Garage.

Notice of Violation: 25% Rule Violation KFC 2709 S Main St. (F2015-183) and Failure to Operate or Maintain FOG Control Device in Proper Working Order

On motion by Chad Crabtree seconded by Jamie Arce and carried, the Board amended the agenda to add Notice of Violation: 25% Rule Violation KFC 2709 S Main St. (F2015-183) and Failure to Operate or Maintain FOG Control Device in Proper Working Order. Lynn Brabec explained that both KFC's in Elkhart are changing ownership. They have until July 28, 2021 to respond and the change of ownership takes place that day. They want the violation to go to the current owners.

A motion was made by Chad Crabtree and seconded by Ron Davis to approve a Notice of Violation 25% Rule for KFC Carlisle South 2709 S. Main Street and assess a penalty of \$300.00. Mike looked at the history. Chad asked if they have responded. Megan said they have not responded much at all. Jamie looked at their history and suggested the need to pump monthly. Due to the disregard of City law and environmental compliance, the Board increased the fine. The FSE was not present. On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the Board amended the motion and assessed a penalty of \$1,500.00. The amended motion carried 5-0.

Urban Land Institute Contract

A motion was made by Chad Crabtree, and seconded by Jamie Arce to approve a contract with Urban Land Institute. Jamie verified the funding breakdown. Dayna Bennett was not on line to speak to the issue. Mayor Roberson asked the Board to move this to the end and he would ask Dayna to call in. On motion by Chad Crabtree, seconded by Ron Davis and carried, the Board tabled the item to later in the meeting.

BOW Resolution 21-R-14 Transfer of 112 Division Street from RDC to BOW

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the

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Board approved Board of Works Resolution 21-R-14, a Resolution of the Board of Public Works of the City of Elkhart, Indiana accepting the transfer of Real Property from the City of Elkhart, Indiana Department of Redevelopment.

8. Use & Event Permits

On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the Board approved the following permits:

- Lucy's 90th Birthday Party 7/31- Temporary Street Closure, Special Exception from Noise
- Taste of the Gardens 8/22- Medic Kubota, Public Assembly, Special Exception to Noise, Plaza Sign
- Summer Dance Elkhart 7/17, 8/21, 9/18 Central Green Stage, Electric, Public Assembly, Special Exception to Noise, Trailer & Chairs, Plaza Sign
- Pierre Moran Neighborhood Association Picnic 8/7 (8/8 rain date)- Temporary Street Closure
- Terrones Birthday Party 8/14- Special Exception to Noise
- Curbside Concerts 8/5, 8/12, 8/19, 8/26, 9/2 Elkhart Public Library- Special Exception to Noise Ordinance (petitioner was present)

9. Public Participation

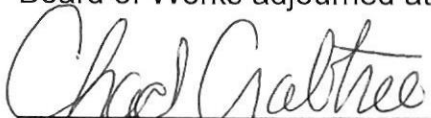
Mike spoke on behalf of the ladies who came in earlier from the Tolson committee. This Saturday July 24, they are holding an open house from 2-5 pm. It is exciting times for the Tolson Center and for south-central Elkhart. He encouraged everyone to attend and show support.

10. Tabled Item

On motion by Chad Crabtree, seconded by Rose Rivera and carried 5-0, the Board removed the Urban Land Institute Contract off the table for consideration. Dayna Bennett explained they are helping us by developing recommendations to expand development in downtown and the adjacent neighborhoods. They are doing a 3-day panel which will happen at the end of this month. During the panel, they will interview 30-40 people who live, work, or have a relationship downtown, and after the panel they will provide us with a recommendation. The recommendation will allow us to move forward with plans for downtown development and will be the starting point for creating a downtown map plan. On motion by Chad Crabtree, seconded by Ron Davis and carried, the motion was amended to add the Contract price of \$30,000.00. On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the Board approved a contract with ULI in the amount of \$30,000.00.

11. Adjournment

On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the Board of Works adjourned at 10:40 a.m.

 Chad Crabtree, Vice-President

Attest:  Nancy Wilson, Clerk of the Board.

LERNER THEATRE BOARD
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President Gary Boyn called the Regular Meeting of the Lerner Theatre Board to order at 10:00 a.m. on Wednesday, July 14, 2021. The Clerk of the Board, Nancy Wilson called the roll. Gary Boyn, Dina Harris, Dallas Bergl and Diana Lawson attended in-person. Ashley Martin attended on WebEx.

1. AGENDA

On motion by Dallas Bergl, seconded by Diana Lawson and carried 5-0, the agenda was approved.

2. MINUTES: Regular Meeting June 9, 2021

On motion by Dina Harris, seconded by Ashley Martin and carried 5-0, the Board approved the minutes from June 9, 2021.

3. TREASURER'S REPORT

Financials-April 30, 2021

Michelle Adams attend the meeting in person. The May 31, 2021 financial report was submitted to the Board for review. Total operational expenses of \$399,820 were covered by a City contribution of \$386,330 (97%) and a Lerner contribution of \$13,490 (3%). This compared with 2020 City's contribution of 80% and the Lerner's contribution of 20%. The YTD net income from Theatre operations only (shown as gross profit) at the end of the period was \$9,801 which was a decrease of \$95,722 from 2020. The YTD net income for all Lerner operations (including City expenses) at the end of the period was \$9,503 which was an increase of \$71,094 from the net loss on last year's statement of \$61,591. On budgeted City Operational Expenses alone we were under-budget by \$237,768 year to date.

Claims

On motion by Dallas Bergl, seconded by Dina Harris and carried 5-0, the Board approved the claims and allowance docket totaling \$72,113.30 as listed on the register consisting of 20 pages as prepared on July 13, 2021 at 9:05 a.m.

4. FRIENDS OF THE LERNER REPORT

Michelle Frank talked about a meeting scheduled for the FOL Co-promotion and said she has several offers pending for shows.

5. GENERAL MANAGER'S REPORT

The General Managers report has been inserted in the minutes as presented.

GENERAL MANAGER REPORT PREPARED BY: MICHELLE FRANK

Activity (July-September)	As % of 90 days	
33 Events	37%	Activity in theatre
10 Ticketed Events	11%	Ticketed events
9 Non-Ticketed Events	10%	Non-Ticketed events
14 Rehearsal Dates	16%	Rehearsal Space

Compare to 2020 Board Report Ticketed Events: 0

Compare to 2020 Board Report Non-Ticketed Events +Rehearsals:

0

- We had a tremendous June with our local dance recitals, the Elkhart Jazz Festival and Premier Arts. It was a very busy month for us with 29 events and rehearsals taking place on the stage and the staff at The Lerner did a wonderful job with supporting each event and the clients of each event.

LERNER THEATRE BOARD

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- We continue to struggle with our HVAC system for the building. Andrew Kreider has been the lead with conversations with Johnson Controls, Griffen Plumbing and Heating and DLZ on our existing issues. We've also been keeping the Mayor's Office comprised of our issues.
 - At this point, 7 of the 10 HVAC units are in need of repair. All public facing units (theatre HVAC units and 2 of the 3 in the Crystal Ballroom) are working. The major concerning units are Premier Arts, dressing rooms, Lerner lobbies and Lerner offices.
 - Andrew gave a verbal report during the meeting today with our struggles to this point.
- Budget prep began in the month of June, gathering statistics and historical information on the previous Lerner operating budgets, that would aid in the preliminary budget for 2022 consideration.
 - Sarah Taylor, Lerner Operations Manager, has been working with me on the budget prep and budget input as a part of her SMART Goals for 2021.
- In October, Sarah Taylor, Sara Hicks and I will travel to Nashville, TN for the International Entertainment Buyers Association national conference. During Covid, with all of the layoffs in the entertainment industry, so many of our contacts at major management companies and agencies changed and we have new contacts that do not know our building and our history with the agencies. This conference will be an opportunity to start a new relationship with these agency reps with face to face time.

OPERATIONS MANAGER REPORT PREPARED BY: SARAH TAYLOR

Accomplished in June:

- June was our busiest month since Covid and I helped manage multiple events every weekend; I coordinated with promoters and ensured each event was ready to be put on
- Continued working with Tristin Pauff and HR to set up interviews to hire Box Office and Usher staff
- Successfully worked on closing each show from this month with our accounting group and Michelle.
- Updated the schedules for Floor Managers and Usher staff

Goals for July:

- Updating the Docent Manual:
 - I would like to work with Cliff Yehle, our Peer Committee President, to update the docent manual officially in July. I've wanted to update this for a while now, but with Covid, didn't want to risk gathering or bringing extra individuals into the building. I would like to work on updating the tour information as well, asking for assistance from our tech crew as well as the docents since they usually have to be on call for a tour as well.

LERNER THEATRE BOARD
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- Hiring Box Office and Usher staff:
 - We're still not at our numbers so I will continually be searching for part time help in the building and setting up interviews with Tristin Pauff for hiring.
- Shows:
 - I've worked on one of my smart goals for the year, updating the Google calendar and Show Manager, but will work on updating a set of show folders on the Lerner T drive that everyone has access to. Staff would be able to place documents relevant to each show into said files so we can reference them for future shows or see if there's anything missing that someone may need.
- Budget:
 - Michelle and I have begun to work on the upcoming budget. She has sent out emails to staff asking for their needs and she has forwarded me the emails from the Controller's Office spelling out what they are looking for. We've sat down to work on some of this already and will continue this month making sure the numbers fit correctly. We'll then continue to work on the budget in the upcoming months; sitting through meetings until she has to present in October.

MEDIA SPECIALIST REPORT PREPARED BY: SONNY LISI

E-Blast Reporting – June 2021

Campaigns Sent	6
Total Emails Sent	30,230
Emails Opened	8,844
Emails Clicked Through	331
Starting Subscribers	16,497
Ending Subscribers	16,886
Average Emails Per Campaign	5,038

Tickets Purchased by City:

City	Tickets
Elkhart	1,052
South Bend	286
Goshen	238
Granger	226
Mishawaka	144
Bristol	132
Osceola	101
Niles	55
Middlebury	45
Edwardsburg	27
Chicago	27

LERNER THEATRE BOARD
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June Accomplishments

- Reprogrammed the device controlling the Crystal Ballroom LED lights, then programmed remote control and created a mobile app that can be accessed by staff on any mobile device.
- Supported the Elkhart Jazz Festival, including help with signage, lobby and event space setup, and floor management during the Festival.
- Audited the Lerner website for changes and updates. Created a theatre rental inquiry form and added spam protection to all forms on the website. Also changed the layout and design of some elements and pages to be more legible or aesthetically pleasing overall.

July Goals

- Begin inventory of The Lerner's full collection of artwork, create new labels for each, and design a brochure for patrons that highlights some of our pieces.
- Continue virtual coursework to become a Certified Administrator in the PatronManager ticketing software.

BOX OFFICE MANAGER PREPARED BY: Tristin Pauff

Date	Time	Event Name	On Sale Date	Sold	Net Revenue	Hist. Fee	Total Revenue
6/4/2021	6:30 PM	Music and Dance Academy: There's Always Been a Rainbow	5/21/2021	99	\$1,517.00	\$297.00	\$1,814.00
6/5/2021	3:30 PM & 8 PM	Epic Dance: The One Where We Danced Thru a Pandemic	5/18/2021	169	\$2,900.00	\$507.00	\$3,407.00
6/11/2021	6:30 PM	Southold Dance Cinderella (6/11/2021 - 6/13/2021 - 4 performances)	4/27/2021	542	\$15,333.25	\$1,626.00	\$16,959.25
6/18/2021	6:30 PM	Elkhart Jazz Fest (6/18/2021 - 6/20/2021)	5/13/2021	1,791	\$21,554.00	\$5,373.00	\$26,927.00
6/25/2021	7:30 PM	Premier Arts: Lullaby of Broadway (6/25/2021 - 6/27/2021 - 3 performances)	5/25/2021	531	\$12,426.50	\$1,593.00	\$14,019.50
7/23/2021	7:30 PM	Premier Arts: Grease the Musical (7/23/2021 - 7/25/2021 - 3 performances)	5/25/2021	434	\$11,520.75	\$1,302.00	\$12,822.75
9/17/2021	7:30 PM	Premier Arts: The AristoCats (9/17/2021 - 9/18/2021 - 2 performances)	5/25/2021	7	\$403.50	\$21.00	\$424.50
9/24/2021	7:30 PM	The Price Is Right Live!	10/28/2019	18	\$1,343.25	\$45.00	\$1,388.25
9/25/2021	8:00 PM	Gordon Lightfoot	12/12/2019	36	\$2,233.20	\$90.00	\$2,323.20
10/8/2021	7:30 PM	Jarrod Niemann & Love and Theft	6/18/2021	237	\$10,937.00	\$948.00	\$11,885.00
10/29/2021	7:30 PM	Premier Arts: The Addams Family Musical (10/29/2021 - 10/31/2021 - 3 performances)	5/25/2021	7	\$983.00	\$17.50	\$1,000.50
11/12/2021	7:30 PM	Stars of the Sixties	3/5/2020	19	\$1,350.50	\$47.50	\$1,398.00
12/3/2021	8:00 PM	Kansas	9/24/2019	23	\$1,709.50	\$57.50	\$1,767.00
12/10/2021	7:30 PM	Premier Arts: A Christmas Carol (12/10/2021 - 12/12/2021 - 3 performances)	5/25/2021	3	\$642.50	\$7.50	\$650.00

Total Ticket Revenue	\$96,785.93
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Accomplishments for June:

- Successfully trained 1 new part-time Box Office Team Member
- Skillfully implemented "Projects to be Completed During Intermissions Between Patrons"
- Effectively executed a new form of communication between part-time and full-time staff called Jotform

Goals for July:

- Complete Box Office Employee Handbook and Operations Manual
- Schedule and attend Box Office Team Meeting to go over new Employee Handbook and Operations Manual

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- Create, schedule, and attend Customer Service refresher course for part-time Box Office Team

TECHNICAL THEATRE MANAGER PREPARED BY: ANDREW KREIDER

Overview:

June was a busy month in the theater. It felt good to be back to full speed. The Tech Department spent the entire month supporting performances onstage, from dance recitals to Jazz Festival to a full Premier Arts show.

Accomplished in June:

- Eleven main stage performances, plus multiple rehearsals onstage. In addition, a full weekend of Jazz Festival with performances in the ballroom and theater.
- Audio adjustments in the theater to front fill speakers and subwoofers.
- Updated programming for colored LED tray lights in ballroom
- Completed overhaul of HVAC computer control system.

Upcoming tasks:

- Audio tuning of auditorium.
- Support for video/audio recording of Late Night Live performance.
- Installation of new lighting control panel in stage manager's rack.

ASSISTANT TECHNICAL COORDINATOR PREPARED BY: DEEN TUGGLE

Overview:

June was a taste of normal life coming back to The Lerner. It was almost a non-stop run from show to show. We started off the month with dance recitals for Epic Dance and Music and Dance Academy. I was able to help facilitate their rehearsals and do all of the lighting. We then swiftly moved Southold's Cinderella which I was able to work with their lighting designer to program and run the lighting console. Afterwards, we moved into Jazz Fest. This year, I was grateful to be able to light The Lerner stage all weekend. It was an absolute joy to be able to help facilitate Jazz Fest and work with all of the different artists. To close out the month, I worked with Premier Arts to facilitate Lullaby of Broadway as their onstage audio person. All in all, it was an extremely busy month, but an amazing month!

Accomplished in June:

- Helped facilitate multiple dance rehearsals and recitals.
- Lighting all acts on The Lerner stage for Jazz Fest.
- Helped facilitate multiple Premier Arts rehearsals.

Upcoming tasks:

- Perform a visual check of emergency lighting.
- Perform routine maintenance on tech equipment.
- Help facilitate Premier Arts' production of Grease.

FACILITIES MANAGER PREPARED BY: DAN GOULD

Back in May when I looked at the calendar for June I had mixed emotions. Part of me was happy to see all of those events for June. The other part knew we were in

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for a busy month. In the past, the beginning of June meant time to get ready for the Jazz Festival. This year with events in the first two weekends in June, we had to shift into high gear. When you have the best crew in the city you develop a plan and turn them loose. Normally I have no problem taking credit for the way this building looks on the day of a show. This year, I am taking credit for hiring the guy that kept this theater looking immaculate. For every show in June, Dan Reecer did an amazing job of keeping the building clean and ready for each show. Even though it was Dan's first Jazz Festival you couldn't tell by looking at the building. When you have employees like Dan Reecer. You know you did something right and somebody up there likes you.

As busy as we were in June, we stayed on task to keep switching our emergency light fixtures and exterior lighting fixtures to LED. All the spot lights above the mezzanine and the two on the northwest corner of the building have been converted to LED, as well as the light fixtures on the fire escape on the east side of the building. We also made good progress with our HVAC cleaning and inspections. High winds can delay our progress with the HVAC cleaning. The solution we use on the coils has a high acid content, which is necessary to remove some of the dirt and debris that can accumulate on the units. That is not something you want blowing back in your eyes.

Looking forward to July, it will be time for our mid-year carpet cleaning, as well as cleaning our tile and concrete floors. We will be working to finish up converting the last of the exterior light fixtures to LED and continue converting our interior emergency lights. A week before the Jazz Festival, we became painfully aware of some components in our HVAC system that were struggling to handle the heat. With the hottest part of the season approaching, we will continue to evaluate and repair what is necessary to keep our patrons comfortable. Interior emergency lights will be another task we will continue to work on as we to change to LED. As always the safety and comfort of our patrons, performers, and employees is our main focus.

I hope everyone has a safe and happy holiday. And thank you for the opportunity to work at such a beautiful and iconic theater.

LERNER SERVICES COORDINATOR PREPARED BY: DANIEL REECER

Overview:

This was my second June working at the Lerner but my first Jazz Fest. It was an absolute blast and privilege getting ready for all of our big events. To get the building in tip top shape, I put a pin in some secondary tasks and focused on the presentation of the Lerner. We polished, we shined, we buffed, and we sealed. When the doors opened, my team and I made efforts to maintain the standard of cleanliness our patrons have come to expect. Sanitizing/Disinfecting is still a priority in our building, for the safety of patrons and workers alike. After the festival had passed, minor leaks in several toilets were reported and promptly fixed. Next up for me in the month of July is door inspections and furthering the ongoing saga of updating the painted walls within the building.

Accomplished:

- Polished brass
- Secured plumbing
- Jazz Fest!

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Upcoming:

- Door Inspections
- Rubber seal checks on water fixtures
- Back to painting

Andrew Kreider gave the Board a very thorough explanation of the serious condition of the Lerner's failing HVAC system. He described the equipment as the twilight years because it is over ten years old now. In 2018 we spent \$7,000 on repairs, in 2019 another \$7,000, and in the first 6 months of 2020 another \$7,000. At the beginning of 2021 we spent \$1,400 and the rooftop cooling unit has completely failed. The quote for that is \$30,000. The Mayor's Office and Michelle Frank met several times and they had DLZ, Indiana LLC consult and evaluate the Lerner HVAC. We received their report last week. They said our system has been very well taken care of which is a big complement to our Buildings and Grounds staff as well as Jay Miller previously and currently Dan Gould and Daniel Reecer. DLZ pointed out the trouble the equipment has with dirty power. Dirty power is when we have a power outage or a dip in power. This happens quite often in our block and it causes stress on the system. They said none of our equipment was supplied with voltage protection. It can be retrofitted which is good. We need it. Dallas told them about similar problems they have at INOVA which is 16 years old. The repairs are very expensive. Another issue is the lead time for repairs. Their rooftop cooling unit had an 8-month lead time. Dallas told them to get on it and get them ordered. Andrew said the auditorium, the balcony, and the Ballroom are all working well. The roof unit that is not working serves the basement, which means the Premier Arts teaching studio, offices, and dressing rooms, the major network room and electrical room, and the organ storage are all just recirculating air when the fans blow. The air is humid. We are using the ballroom as a make-shift dressing room. The Lerner has 10-12 different cooling units each zoned for a different place. We are also working on a generator solution for the building. As we think about the viability of the theatre for the next 50 years, it is something we need to get in place. Dina asked if they need a motion to get the rooftop unit ordered, or are they working on the funding. Corinne Straight-Reed came forward to address the Board. She thanked Andrew for his thorough explanation of the HVAC issues at the Lerner. She thanked Michelle and Tory Irwin for coordinating with DLZ. She said the next step is to get other quotes and then work on the financial side of it. It is in the Administration's hands now. The Lerner team has been doing a great job and this is at the top of the priority list. Gary explained they have a fund set up through the Friends of the Lerner that may be helpful for funding the emergency. Corinne said the third party umbrella view assessment that DLZ did was very helpful for us.

Diana asked Michelle a question about the changes from the pandemic. She wanted to know what the buzz is in the Lerner sector and how is the plan being implemented. Michele said the first thing is the lack of help. She has a proposal in with the Mayor's office to access some Federal COVID funding for the staffing shortage for part-time help. Programming competition has been a challenge. They are utilizing the Friends of the Lerner more to compete with other venues in the area to buy shows since we are a rental house. All of our contacts changed because of the lay-offs, so we are re-building our contact base. Mayor Roberson thanked the

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staff and everyone involved because we know how difficult 2020 was. The Mayor noted we have seen a shift in the way people are doing business. He asked if the entertainers were making different post-pandemic decisions other than financial decisions. Michelle said the artists are happy with all of the amenities, our feedback is that our facility is stellar, the hospitality, the ease of use, and they are happy with our accommodations. The promoter just looks at the bottom dollar. The Blue Gate has the advantage of the hotel, parking lot, and restaurant. If they lose \$10,000 in ticket sales they make it up with \$40,000 in food, beverage, parking, and hotel. Casinos make up ticket sales with gambling and booze. We run up against that with Four Winds. Dallas said one of the most surprising things he learned was the artist has no control over where they go. Michelle noted that artists have changed. One of our favorite cover bands that love the Lerner had a guitar player that decided he loved being home more during the pandemic and quit the band. The Mayor said that is an example of what he was looking for when he asked if they were making post pandemic decisions. Are they doing more shows or less shows in the year. Michelle elaborated on the Jazz Festival. There was a lot of activity in the theatre. Attendance and revenues were down. Everyone was very pleased to get back out. All of the comments were positive. The Central Green stage venue worked well. Diana noted the weather did not cooperate, however, the fireworks were beautiful.

6. PREMIER ARTS

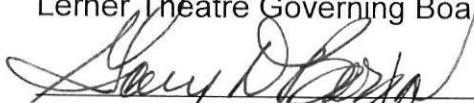
Craig Gibson said Lullaby on Broadway in June was great. There are lots of new people in Grease and ticket sales are looking good. The theme for the holiday windows this year is children's literature and each window will be a different book. Next year is already confirmed, all the rights are secured, and they are all brand new titles!!

7. CONTRACT WITH CHICAGO FLYHOUSE

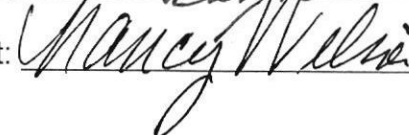
Michelle Frank asked the Board to approve the contract with Chicago Flyhouse to inspect their rigging components for 2021. On motion by Dina Harris, seconded by Dallas Bergl and carried 5-0, the Board approved the contract with Chicago Flyhouse for \$4,366.00 to inspect the rigging components at the theatre.

8. ADJOURNMENT

On motion by Dina Harris, seconded by Dallas Bergl and carried 5-0, the Lerner Theatre Governing Board was adjourned at 11:07 a.m.



Gary Boyn, President

Attest: 

Nancy Wilson, Clerk of the Board

City of Elkhart Parks & Recreation Park Board Minutes



DATE: June 15, 2021

TIME: 3:30 PM

LOCATION: City of Elkhart Parks & Recreation
Council Chambers,
229 S. 2nd Street, Elkhart, IN 46516

Call to Order at 3:30 PM.

**1. Roll Call- Quorum Present
BOARD MEMBERS PRESENT**

Sarah Santerre President	Nekeisha Alayna Alexis Vice President	Kim Henke Secretary	Treasurer

2. Approval of Agenda

Motion to Approve Amendment of Agenda to add MOU for Day Camp
 Motion: NAA
 Second: KH
 Vote: All Approve
 Motion Passes

Motion to Approve Amended Agenda
 Motion: NAA
 Second: KH
 Vote: All Approve
 Motion Passes

3. Approval of Minutes

**May 18, 2021
June 1, 2021**

Motion: NAA
 Second: KH
 Vote: All Approve
 Motion Passes

4. Approval of Financials

Claims: \$50,356.06

**Donations: None
Grants: \$1,345.00**

Motion to discuss, approve and place on file
 Motion: NAA
 Second: KH
 Vote: All Approve
 Motion passes

5. New Business

City of Elkhart Parks & Recreation

Park Board Minutes



- a. Alaiha Parrish MACOG - explains Crossway Trails Scavenger Hunt which requires approval for signage
Motion to approve placement of signs: NAA
Second: KH
Vote: All Approve
- b. Rose Rivera - Explanation of necessity for signature on MOU between Parks Dept. and ECS for summer day camp, she believes Jamison to be the best candidate to sign.
Motion to approve Jamison Czarnecki to sign MOU: NAA
Second: KH
Vote: All Approve

6. Old Business - NONE

7. Use and Event Permit Requests

- a. **AWWC Feed the Homeless – June 27, 2021 - Island Park Shelter**
Lori Ann Barns presents the permit, food will be served, clean-up will be done by her group after the event. She will provide proof of certification of approval by the Health Dept. before the event.
Motion to Approve conditional on proof of approval from Health Dept: NAA
Second: KH
Vote: All Approve
Motion Passes
- b. **Annual Roosevelt Cup Memorial – July 2-16 2021 – Roosevelt Park**
Damond Smart presents the permit, started 6 years ago to memorialize victims of gun violence.
Motion to Approve
Motion: NAA
Second: KH
Vote: All Approve
Motion Passes
- c. **Women's Shelter Fish Fry Fundraiser – August 21, 2021 – High Dive Pavilion**
Shaun Hunt presents the permit, fish fry to raise funds for the Women's Shelter, he will provide proof of certification of approval by the Health Dept. before the event.
Motion to Approve conditional on proof of approval from Health Dept:
Motion: NAA
Second: KH
Vote: All Approve
Motion Passes
- d. **Tolson Reunion - July 30-31, 2021 – Tolson Community Center**
Robert Taylor presents the permit. The event themed Tolson Then and Now, there will be a meet and greet held on Friday, a black excellence parade Saturday to be followed by a barbeque, and picnic held at the Tolson to raise funds for a scholarship in the name of Mayor Roberson's brother. There will also be a band and alcohol served, all permits have been obtained.
Motion to Approve: NAA
Second: KH
Vote: All Approve
Motion Passes

8. Approval of Department Report

City of Elkhart Parks & Recreation

Park Board Minutes



Mr. Czarnecki informs the Board that summer programming is in full swing, this season we are still using capacity limits and sessions at the facilities. The Parks Dept. is still currently hiring for seasonal positions. Jamison gives kudos to the staff for the successful Rhapsody event with approximately 10 to 12 thousand participants this year. Other events and programming mentioned i.e. Farmers Market, Summer Chill, Town Green Pop Up Market, Gymnastics, Lego League, Adventure Camp, Stories in the Parks and Softball leagues and tournaments. Jamison also states that marketing campaigns are being conducted using social media, flyers, website, radio advertising, outreach and education are also being used via events such as Art Walk, we may also be adding signage in the parks with the ability to scan QR codes.

Approval for Correspondence – Thank you letter from St. Thomas Church

9. Public Input/Privilege of the Floor

Corinne Straight-Reed speaks

Mrs. Santerre closes privilege of the floor.

10. Approval for Adjournment

Motion to adjourn
 Motion: NAA
 Second: KH
 Vote: All Approve
 Motion passes
 Adjourn 4:48 pm

PARKS & RECREATION STAFF MEMBERS IN ATTENDANCE

Jamison Czarnecki, Superintendent Cara Montana Parks Administration Sherry Krask, Event Coordinator	Leslie Wingard, Accounting Specialist Wendy Terrazas, Recreation Manager via WebEx
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ADDITIONAL CITY EMPLOYEES AND GUESTS IN ATTENDANCE

Ms. Rose Rivera, City Legal Ms. Corinne Straight-Reed via WebEx Lori Ann Barns AWWC Damond Smart Shaun Hunt Robert Taylor	Ms. Tonda Hines, City Council, via Webex Alaiha Parrish MACOG, via Webex	James Hines, IT Department Mr. Ryan Smith via Webex
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Minutes Certification:

Respectfully Submitted,

Recording Secretary Cara Montana

Park Board President Sarah Santerre

Park Board Secretary Kim Henke

7/20/21

 Date

7-20-21

 Date

7-20-21

 Date

MEMORANDUM OF JULY 8, 2021 EXECUTIVE MEETING OF THE ELKHART CITY PARK BOARD

Present: Sarah Santerre, Park Board President
Nekeisha Alayna Alexis, Park Board Vice President
Kim Henke, Park Board Secretary

Also

Present: Rod Roberson, Mayor
John Espar, Corporate Council
Corrine Straight-Reed, Director of Communications
Rose Rivera, City Attorney
Jamison Czarnecki, Parks Superintendent
Dana Bennett, Community and Economic Development Dept. Head
Randy Rompola
Bradley Tracey, Chief of Staff
Cara Montana, Park Board Secretary

The Elkhart City Park Board met in a special executive session on July 8, 2021, The meeting was conducted in The Mayors conference room in the Municipal Building, 229 S. Second Street, Elkhart, Indiana. The purpose of the meeting was to discuss a real estate transaction in regards to the Tolson Community Center. No other subject matters were discussed, and no votes were taken.

The meeting commenced at 2:30 p.m. and was adjourned at 4:32 p.m.



Cara Montana Park Board Secretary



Sarah Santerre Park Board President

Elkhart City Plan Commission was called to order by Dave Osborne at 1:45 P.M.

MEMBERS PRESENT

Dave Osborne- In person
Brad Billings – In person
Johnny Thomas- In person
Tory Irwin- In person
Jamie Arce (Proxy)- In person

MEMBERS ABSENT

Mary Olson
Tom Shoff
Don Walter
Ron Davis

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Planner- In person
Ryan Smith, Planner- In person

LEGAL DEPARTMENT

N/A- unable to access WebEx

TECHNOLOGY STAFF

Anthony Elkins

RECORDING SECRETARY

Kayla Jewell

APPROVAL OF AGENDA

Motion to approve by Billings; Second by Thomas. Voice vote carries. (not recorded via WebEx)

ELECTION OF A PRESIDENT

Motion to approve by Billings; Second by Thomas. Voice vote carries. (not recorded via WebEx)

APPOINTMENT OF THE BZA

(not recorded via WebEx)

APPROVAL OF MINUTES

Motion to approve by Osborne; Second by Thomas. Voice vote carries. (not recorded via WebEx)

APPROVAL OF PROOFS OF PUBLICATION

Motion to approve by Billings; Second by Davis. Voice vote carries. (not recorded via WebEx)

OLD BUSINESS

None

NEW BUSINESS

21-SUB-04 PETITIONER IS BARAK GROUP LLC

PROPERTY IS LOCATED AT VACANT LOT HAINES DRIVE, HAINE’S LEXINGTON LANDING LOT 2

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as ‘The Villas of Lexington Landing, Phase 2’, a fourteen (14) lot subdivision; a part of the Southeast Quarter of Section 1 and the Northeast Quarter of Section 12, Township 37 North, Range 4 East, Baugo Township, Elkhart County, Indiana. This request represents approximately 2.3 acres.

STAFF ANALYSIS

The petitioner is requesting preliminary approval of a fourteen (14) lot subdivision. The total area contained in the request is +/- 2.3 acres. The proposed subdivision will reorient an existing fifteen (15) foot drainage easement to match the location of the storm sewer between lot 10A and 11A.

The land is to be developed with fourteen (14) single family attached dwelling units as approved by the establishing ordinance for the second phase of the Villas at Lexington Landing PUD, Ordinance No. 5848 approved by the City Council on June 7, 2021.

The revised configuration of the lots meets the minimum size requirements of the zoning district.

STAFF RECOMMENDATION

The Staff recommends approval of the fourteen (14) lot subdivision, a Preliminary Plat for a subdivision to be known as 'The Villas of Lexington Landing, Phase 2,' and approval of extinguishing a fifteen (15) foot storm drain easement and creation of a new fifteen (15) foot drainage easement shared equally between Lot 10A and Lot 11A, based on the following findings of fact:

- 1) The lot meets the minimum lot area requirements for the PUD, Planned Unit Development District;
- 2) The proposed request results in the creation of fourteen (14) lots as defined by the Zoning and Subdivision Ordinance. This request will also extinguish an existing fifteen (15) foot Storm Drain Easement and establish a fifteen (15) foot drainage easement between Lot 10A and Lot 11A as depicted on the preliminary plat;
- 3) The proposed subdivision will not compromise any existing development.

CONDITIONS

- 1) The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
- 2) Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
- 3) Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.

Smith states there were 19 letters mailed, 1 returned in favor with no comment.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Bob Heiden (325 S Lafayette Blvd South Bend) introduces himself and states he is available for any questions.

Irwin asks if there are any questions from the Members.

Hearing none, Irwin opens for public comments in favor or opposition of the petition.

Hearing none, Irwin closes the public portion of the meeting.

Trotter states there will be a third step for the final site plan.

Irwin calls for a motion.

Osborne makes motion to approve with conditions; Second by Billings. Motion carries.

Osborne- Yes
Billings – Yes
Thomas- Yes
Irwin- Yes
Arce- Yes

21-SUB-05 PETITIONER IS 500 MAIN LLC (EDWARD F BRADLEY, MEMBER), CITY OF ELKHART, BY AND THROUGH ITS BOARD OF PUBLIC WORKS AND THE CITY OF ELKHART, BY AND THROUGH ITS REDEVELOPMENT COMMISSION
PROPERTY IS LOCATED AT 500 S. MAIN STREET AND THE MARION STREET PARKING GARAGE

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as ‘Marion Street Redevelopment Plat’, a four (4) lot subdivision located at 500 S Main Street; a part of the Southeast Quarter of Section 5, Township 37 North, Range 5 East, Concord Township, Elkhart, Indiana. To also re-establish a new street right of way – Hug Street and to dedicate additional right of way along existing building at 500 S. Main Street. This request represents approximately 2.609 acres. This is a re-application of 19-SUB-02, which was approved on March 4, 2019 but not recorded, and has since expired.

STAFF ANALYSIS

The petition is joint application by 500 Main LLC (Edward F Bradley, member), City of Elkhart, by and through its Board of Public Works and the City of Elkhart, by and through its Redevelopment Commission. The site is 500 S. Main Street and the Marion Street Parking Garage. The subdivision to be known as ‘Marion Street Redevelopment Plat’.

The petitioners wish to subdivide the land into four (4) lots, with one area known as Lot 5 as a loading dock. The proposed Lot 1 will contain the 500 S. Main hotel building. Lot 2 is the western portion of the Marion Street parking garage. Lot 3 is the eastern portion of the Marion Street parking garage. Lot 4, which is unbuildable, will be used for a future parking area. The area labeled Lot 5 on the preliminary drawing is a loading platform for businesses in the area – it too is unbuildable at only 577 square feet.

Land will also be dedicated as a part of this request. The land adjacent to the proposed Lot 1 will be dedicated to the City of Elkhart. Additionally, the land south of the parking garage will reestablish Hug Street to the eastern edge of the proposed Lot 4. The preliminary request has been submitted to the Board of Public Works. The Board is contemplating an amendment that the proposed area to be dedicated between Lot 1 and Lot 2 be an access easement rather than a right of way.

The land referenced in this petition is currently zoned CBD, Central Business District.

STAFF RECOMMENDATION

The Staff recommends approval of the four (4) lot subdivision with one (1) undevelopable parcel known as Lot 5, a Preliminary Plat for a subdivision to be known as ‘Marion Street Redevelopment Plat’ and approval to dedicate right of way and to reestablish Hug Street based on the following findings of fact:

- 1) The lot meets the minimum lot area requirements for the CBD, Central Business District;
- 2) The proposed request results in the creation of four (4) lots as defined by the Zoning and Subdivision Ordinance with one undevelopable parcel known as Lot 5. This request will also dedicate right of way adjacent to Lot 1 and reestablish Hug Street;
- 3) The proposed subdivision will not compromise any existing development.

CONDITIONS

- 1) The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
- 2) Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
- 3) Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.

Irwin calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation with the listed conditions; Second by Billings. Motion carries.

Osborne- Yes
Billings – Yes
Thomas- Yes
Irwin- Yes
Arce- Yes

21-PUDA-03 PETITIONER IS MARK T. IAMMARTINO AS CONSOLIDATED ESTATE TRUSTEE AND SUCCESSOR IN INTEREST TO KRK INVESTMENTS, INC. PROPERTY IS LOCATED AT 1710 Leer Drive

Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Park Six Planned Unit Development ordinances approved by the Elkhart County Commissioners numbered 85-35 and 88-35 to change the underlying zoning district from M-1, Limited Manufacturing to B-3, Service Business District.

STAFF ANALYSIS

The site at 1710 Leer Drive is located within the Park Six Industrial Park north of CR 6 west of CR 11. The area was annexed to the City in 2015. The site in question is located at the front of the park where for a number of years, a former payroll processing company operated. This would allow the proposed use to fit well in the building with few alterations needing to be made. The front part of the park where the building is located, has more commercial uses with more intense uses as you move toward the back of the park.

The petitioner(s) are seeking to amend the Planned Unit Development to redevelop the site for office space with a retail showroom for medical equipment and supply company for patient use in the home. Equipment can be rented or purchased. Examples of equipment items include: hospital beds, commodes, patient lifts, bath items, lift chairs, bathroom aids, cpap/bipap devices, wound supplies, nebulizers, wheelchairs, incontinence items, bed rails, canes, walkers, crutches, walking boots, knee scooters, wrist and knee braces, etc. The number of employees will be 4 in the beginning and additional will be added as needed with an anticipation of 20-25 employees on site as the business grows. The hours of operation will be Monday - Friday 9am to 5pm.

The other part of the building will be used as an alternative wellness center focusing on neuro feedback and IV therapy. From information provided to staff – neurofeedback, also known as EEG (electroencephalogram) biofeedback, is a therapeutic intervention that provides immediate feedback from a computer-based program that assesses a client's brainwave activity. The program then uses sound or visual signals to reorganize or retrain these brain signals. By responding to this process, clients learn to regulate and improve their brain function and to alleviate symptoms of various neurological and mental health disorders.

It is used in children, adolescents, and adults with seizure conditions, behavior disorders, attention deficits and autism. Other people that seek treatment for ongoing developmental delays, acquired brain injuries, birth trauma, anxiety, depression, post-traumatic stress disorder and stress-related problems. Additionally, insomnia or interrupted sleep patterns, as well as those with age-related cognitive loss, may seek out this treatment. Neurofeedback may also be used as an adjunct intervention with other forms of therapy. Onsite treatments will be administered by trained professionals certified in such therapy.

IV therapy is a delivery method for fluids and medication. "IV" stands for intravenous, which means it's administered through the veins. The fluid that contains vitamins and minerals or medication is delivered via an IV drip or injection into the vein, which allows the therapy to move quickly through your bloodstream. Renovar will have a Licensed Nurse Practitioner onsite to administer the therapy. Typical uses of this therapy include general wellness, vitamin deficiency and flu/rehydration.

STAFF RECOMMENDATION

The Staff recommends approval of the major amendment to the Planned Unit Development based on the following findings of fact:

- 1) The Comprehensive Plan calls for this area to be developed with industrial uses. The proposed use is compatible with other commercial uses found in the area.
- 2) The proposed uses should not impact the other permitted uses approved for this PUD. The proposed use should not negatively impact surrounding properties. The site has adequate parking for both customers and for delivery vehicles used in the daily operation of the business.
- 3) The proposed uses are compatible and similar in intensity with other retail activity that currently exists in the development.

Trotter states there were 9 letters mailed, 1 returned not in favor with comments. Comments were:
Plan Commission,

We received a notification regarding a public hearing for case #21-PUDA-03, a zoning issue at 1710 Leer Dr, Elkhart, which is the property directly west of ours. We will be unable to attend the web meeting on 7 /6/21, but wish to make our comments known to the commission.

Regarding the zoning district change from Limited Manufacturing to Service Business District, our only real concern is traffic. This industrial park has ONE entrance/exit. We have expressed in 2 letters (attached) and several phone calls to the Common Council, the Traffic Superintendent, and the Right-of-Way Engineer that traffic on and off of CR 6 is a serious concern for us. The entrance to our industrial park is a hazard on a daily basis, and with increased traffic in/out, this will become an even greater problem. Please understand our concern is for public safety. We cannot support more traffic to an area that already endangers drivers entering & exiting our facility and has great potential for causing serious accidents and even fatalities. I'm certain a traffic study would indicate that a second entrance/exit to the businesses is necessary, or at the very least, a traffic light is required. Please address the traffic issue at hand prior to adding more congestion to our business area. We appreciate your serious consideration.

Irwin asks Trotter if Kurshner is a resident on CR 6.

Trotter replies no, he owns the business across the street.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Brian Holt (10611 Edison Rd Osceola) introduces himself and states he is representing the petitioner. (Inaudible for almost the entire time Holt is speaking). Holt presents the slideshow to the Commission.

Irwin asks Holt if they have an idea on how many customers they are anticipating seeing on a daily basis.

Holt states the question will be addressed by another representative.

Jennifer Holt (10611 Edison Rd Osceola) introduces herself. (Inaudible for almost entire time Holt is speaking). Holt presents her portion of the slideshow to the Commission.

Billings states he believes there will be significantly less customers with the new business and he is glad to see something being done with the building. Billings then asks Holt if they plan to do hospital beds.

Holt replies (inaudible).

Billings states it will be similar to an Alick's Home Medical Care.

Kendra Ramseyer (52284 Durchester Ct Granger) introduces herself and states the wellness boutique helps clients focus on their mental and physical wellbeing. The medical office will offer a variety of services such as neuro feedback, IV therapy, botox, acupuncture and massage therapy which will be conducted by trained and qualified professionals. Ramseyer then says there will also a small retail store in the waiting room which will sell holistic health products such as vitamins, supplements, oils, salts, etc.

Irwin asks if this will be by appointment only and if so, how many appointments will be expected per day.

Ramseyer replies, yes it will be appointment only and she doesn't intend on more than 1 to 2 people per hour.

Irwin asks if there are additional questions from the Members.

Hearing none, Irwin opens for public comments in favor or opposition of the petition.

Hearing none, Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the Common Council; Second by Billings. Motion carries.

Osborne- Yes

Billings – Yes

Thomas- Yes

Irwin- Yes

Arce- Yes

21-R-01

Dayna Bennett introduces herself and states she is the Director of Development Services. Bennett states, "What you have before you is an amendment to a resolution that was done in 2013, where the Redevelopment Commission adopted a Declaratory Resolution to create the consolidated South Elkhart economic development redevelopment area. What that included was an opportunity for us to have some additional flexibility in encouraging economic development in this area. The amendment before you today is to amend the acquisition list; that was a part of the original, a change to the original list that was adopted in 2013 to include the Woodland Crossing Mall. You may or may not be aware that that property has recently gone up for sale. This does not mean that the city is going to engage in the purchase. We just want to ensure that we have options so that the right development occurs in that space which is so critical to that community."

Irwin asks if there are questions from the Members.

Billings asks if this is the old Pierre Moran Mall.

Bennett replies, yes.

Irwin asks when it went up for sale.

Bennett replies, we were made aware about 2 months ago that it would be put up for sale. She then states it hasn't officially been listed yet, but there may be conversations that are occurring before the official listing.

Irwin asks if there are additional questions from the Members.

Hearing none, Irwin opens for public comments in favor or opposition of the petition.

Hearing none, Irwin closes the public portion of the meeting.

Irwin calls for a motion.


Osborne makes motion to approve with a Do-Pass Recommendation; Second by Billings. Motion carries.

- Osborne- Yes
- Billings – Yes
- Thomas- Yes
- Irwin- Yes
- Arce- Yes

Trotter states 21-SI-07 will be moved to the August Plan Commission Meeting.

ADJOURNMENT

Irwin calls for a motion to adjourn meeting. Billings approves motion to adjourn and is seconded by Osborne. Meeting is adjourned and all are in favor.


Tory Arwin, President


Dave Osborne, Vice-President