

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

**AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING**

LOCATION: CITY HALL, 2<sup>ND</sup> FLOOR, COUNCIL CHAMBERS

**December 5, 2022**

**7:00 P.M.**

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

**2. Minutes for Approval**

Minutes of October 17, 2022 – Council

Minutes of November 7, 2022 - Council

**Presentations and Introductions**

**3. Unfinished Business**

**a) Reports of Council Committees**

**b) Ordinances on Second-Third Reading**

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

**c) Ordinances and Resolutions Referred to Committees**

**PROPOSED ORDINANCE 22-O-37**, an ordinance adopting a schedule of salaries and other compensation for the police officers of the City of Elkhart, Indiana, for the calendar year 2023

**d) Tabled Ordinances and Resolutions**

**PROPOSED ORDINANCE 22-O-09**, 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 309 Stainless Dive, Elkhart, Indiana by removing the existing zoning restriction, which prohibits access to the property from County Road 19

**4. New Business**

**a) Ordinances on First Reading**

There are no ordinances on first reading

b) **Resolutions**

**PROPOSED RESOLUTION 22-R-53**, a resolution of the Common Council of the City of Elkhart, Indiana, authorizing the transfer of One Hundred Five Thousand Dollars (\$105,000.00) from the Building and Grounds Part Time Account and assigning the funds to the following Building and Grounds Accounts: Forty Thousand Dollars (\$40,000.00) to the Repairs and Maintenance Account, Thirty Five Thousand Dollars (\$35,000.00) to the Gasoline Account, Twenty Thousand Dollars (\$20,000.00) to the Building Materials Account, and Ten Thousand Dollars (\$10,000.00) to the Operating Supplies Account

**PROPOSED RESOLUTION 22-R-54**, a resolution of the Common Council of the City of Elkhart, Indiana, authorizing the transfer of Seventy Five Thousand Dollars (\$75,000.00) from the Central Garage Full Time Account and assigning the funds to the following Central Garage Accounts: Twenty One Thousand Dollars (\$21,000.00) to the Gasoline Account, Seventeen Thousand Dollars (\$17,000.00) to the Garage/Motor Supplies Account, Seven Thousand Dollars (\$7,000.00) to the Repairs & Maintenance Account, Eight Thousand Five Hundred Dollars (\$8,500.00) to the Oil Account, and One Thousand Five Hundred Dollars (\$1,500.00) to the Electricity Account

**PROPOSED RESOLUTION 22-R-55**, a resolution of the Common Council of the City of Elkhart, Indiana, authorizing the transfer of Five Thousand Dollars (\$5,000.00) from the Cemetery Department Part Time Account, and assigning Three Thousand Five Hundred Dollars (\$3,500.00) of the funds to the Operating Supplies Account and assigning One Thousand Five Hundred Dollars (\$1,500.00) of the funds to the Gasoline Account

**Vacation Hearings**

There are no vacation hearings

c) **Other New Business**

d) **Reports of Mayor, Board of Works, Board of Safety or City Departments**

e) **Neighborhood Association Reports**

f) **Privilege of the Floor**

g) **Scheduling of Committee Meetings**

**5. Acceptance of Communications**

Minutes of January 11, 2022 – Aurora Capital Development Corporation  
Minutes of February 8, 2022 – Aurora Capital Development Corporation  
Minutes of March 8, 2022 – Aurora Capital Development Corporation  
Minutes of April 12, 2022 – Aurora Capital Development Corporation  
Minutes of May 10, 2022 – Aurora Capital Development Corporation  
Minutes of August 9, 2022 – Aurora Capital Development Corporation  
Minutes of September 13, 2022 – Aurora Capital Development Corporation  
Minutes of October 11, 2022 – Aurora Capital Development Corporation

Minutes of August 11, 2022 – Board of Zoning Appeals  
Minutes of October 13, 2022 – Board of Zoning Appeals

Minutes of August 16, 2022 – Park Board  
Minutes of August 30, 2022 – Park Board  
Minutes of September 20, 2022 – Park Board  
Minutes of October 4, 2022 – Park Board  
Minutes of October 18, 2022 – Park Board  
Minutes of November 1, 2022 – Park Board

Minutes of September 6, 2022 – Plan Commission

Minutes of January 11, 2022 – Redevelopment Commission  
Minutes of February 8, 2022 – Redevelopment Commission  
Minutes of March 8, 2022 – Redevelopment Commission  
Minutes of April 12, 2022 – Redevelopment Commission  
Minutes of May 10, 2022 – Redevelopment Commission  
Minutes of June 14, 2022 – Redevelopment Commission  
Minutes of July 12, 2022 – Redevelopment Commission  
Minutes of August 9, 2022 – Redevelopment Commission  
Minutes of September 13, 2022 – Redevelopment Commission  
Minutes of October 11, 2022 – Redevelopment Commission

Minutes of April 21, 2022 – Stormwater Board  
Minutes of June 16, 2022 – Stormwater Board  
Minutes of August 18, 2022 – Stormwater Board

**7. Adjournment**

**MINUTES OF THE REGULAR COMMON COUNCIL MEETING  
OF OCTOBER 17, 2022**

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

Absent:

This meeting was made available to the public electronically through WebEx and live-streamed on Facebook. All Council Members were present in Council Chambers.

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

Jamie Arce led the assembly in the Pledge of Allegiance. President Dawson asked for a moment of silent reflection.

The clerk called the roll.

**APPROVAL OF MINUTES**

There were no minutes for approval

**PRESENTATIONS AND INTRODUCTIONS**

Mayor Roberson introduced Mike Huber who is the new Development Services Director. He was a member of our development services department back in the late 90's and he then went on to work at the Visitors and Convention Bureau. Currently he is the Director of Development with Abonmarche, which is one of our engineering firms. Mike Huber stated that he is excited to be back with the City of Elkhart. He has spent the last 4 ½ years with Abonmarche. He got his start to his planning career here in Elkhart as the CDBG neighborhood coordinator. He is excited to get started next week.

**UNFINISHED BUSINESS**

**AMENDMENT TO THE AGENDA**

Councilman Mishler spoke to the fact that there were a couple of ordinances that are still listed under Ordinances and Resolutions Referred to Committee that need to be moved to second-third reading. His motion was to move 22-O-36 and 22-O-39 to second-third reading. Seconded by President Dawson.

**By a unanimous voice vote of 9-0, the motion carries.**

## REPORTS OF COUNCIL COMMITTEES

There were no reports of council committees

## ORDINANCES ON SECOND-THIRD READING

### *Proposed Ordinance 22-O-34*

### **AN ORDINANCE ADOPTING THE 2023 BUDGET FOR THE CITY OF ELKHART, INDIANA AND MAKING APPROPRIATIONS FOR DEPARTMENT BUDGETS AND FOR OTHER CITY PURPOSES DURING THE CALENDAR YEAR 2023**

President Dawson asked the clerk to read Proposed Ordinance 22-O-34 by title only. He asked for a motion to approve on second reading. Motion by Councilwoman Hines and seconded by Councilman Fish.

### COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-34

President Dawson opened the council discussion. **Councilwoman Baughman** asked if she could make an amendment to this ordinance. **President Dawson** replied yes.

Councilwoman Baughman made an amendment to remove from each department the \$1,200 living in the city stipend that is figured into the personal services line item. Seconded by Councilman Henke.

### COUNCIL DISCUSSION ON THE AMENDMENT TO PROPOSED ORDINANCE 22-O-34

President Dawson opened the council discussion on the amendment. **Councilman Henke** stated that he agrees. It is a blessing and a penalty depending on what side of the fence you are on. We have about 50% of department heads that actually live/reside in the city and if we have to incentivize those who live in the city then we are penalizing those taxpayers who already live here and pay the bill. He does not feel that this was well thought out. He feels that there are other things that potentially could be done with regard to take home vehicles and other incentives. He stated that he opposes it. **Councilman Bullard** stated that he thinks he brought this up at the last meeting as well; it is a slap in the face to the employees that do not live within the city limits that have been here for years and years. We took away some of their longevity and now we are incentivizing people that live in the city. He stated that he went back and listened to the HR directors reasoning for this. If you go to the WebEx recording around 30 – 33 minutes he stated that the reason for consideration was and he quoted “the employees who are residents of the community are more committed to the community. They shop in the community, go to schools, and they participate in civil life.” Again, to him it is just a slap in the face to some of the employees that might live a few blocks outside the city limits. They are just as equally committed to the community as someone who lives two (2) or three (3) blocks closer in the city limits. He would rather see something else done and is opposed to this. **Councilman Mishler** stated that he supports the \$1,200 for those who live within the city limits and work for the city for this simple reason. Those who live outside the city limits already have a bonus in the form of not having to pay for city taxes or city services such as sewer and trash. In his opinion, this \$1,200 is more of an equalizing factor to assist those folks who live in the city and should be considered more of a tax break for them to equalize them

to the employees that live outside the city limits. He considers it a tax break for city employees and this the city residents of Elkhart so he supports this. **Councilman Bullard** stated that he wants to debate Aaron's point in regards to paying city taxes compared to county taxes. He recently went through an annexation and he sat right here in this room and talked to Kevin Foy and his county taxes at the time compared to being annexed into the city was a difference of less the \$100. So, the argument of paying the taxes or it is less in the county depends on what you have and your residence just does not hold water. **Councilman Henke** stated that he does not understand Aaron's philosophy at all. He is suggesting that those that live in the county in many ways already have additional benefits especially if you are police, fire or others with the take home vehicles. You get more mileage on the vehicles that are paid by the city residents, fuel that is paid for by city residents. Everything we are doing here tonight is on the backs of the people who put us in office. He is not representing the employees over his constituents. When something is unfair to his constituents, he is going to say something and this is unfair. They are the ones that are going to be indirectly penalized for living in the city. People choose where they live and if we are not good enough as a city for them to live here then we have some work to do. **Councilwoman Baughman** stated that if she is correct, the stipend was in addition to the four (4) percent cost of living adjustment as well as the four (4) percent merit based raise. That is an additional one (1) to two (2) percent on top of that, that they are giving each city employee and she feels that is a little much to expect the taxpayers to fund.

President Dawson asked the clerk to do a Roll Call vote. Councilman Bullard asked to have the amendment restated. President Dawson asked the clerk to read the amendment to the proposed ordinance and then do a Roll Call vote.

**AYES:** Curry, Mishler, Hines, Fish, Dawson

**NAYS:** Bullard, Thomas, Baughman, Henke

**By a vote of 5-4, the amendment failed.**

#### **PUBLIC DISCUSSION ON PROPOSED ORDINANCE 22-O-34**

President Dawson opened the public discussion. There was no discussion from the public.

#### **COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-34**

President Dawson returned the discussion to the council. President Dawson asked the clerk to do a Roll Call vote.

**AYES:** Curry, Mishler, Hines, Fish, Dawson

**NAYS:** Bullard, Thomas, Baughman, Henke

**By a vote of 5-4, the proposed ordinance passed on second reading.**

Councilwoman Hines made a motion to accept on third and final reading and was seconded by Councilman Mishler. President Dawson asked the clerk to read the proposed ordinance by title only and do a Roll Call vote.

**AYES:** Curry, Mishler, Hines, Fish, Dawson

**NAYS:** Bullard, Thomas, Baughman, Henke

**By a vote of 5-4, the proposed ordinance passed on third and final reading.**

*Proposed Ordinance 22-O-35*

**AN ORDINANCE ADOPTING THE 2023 BUDGET FOR THE CITY OF ELKHART, INDIANA AND MAKING APPROPRIATIONS FOR DEPARTMENT BUDGETS AND FOR OTHER CITY PURPOSES DURING THE CALENDAR YEAR 2023 (GATEWAY ORDINANCE)**

President Dawson asked the clerk to read the proposed ordinance by title only. Motion by Councilwoman Hines and seconded by Councilman Fish.

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-35**

President Dawson opened the council discussion. **Councilman Henke** said that it is stated in the Indiana Constitution, a municipal guidebook, budget oversight is the primary obligation of any city council. With a rising budget of nearly \$105 million dollars, it is even more critical to be good stewards of the public's money. Honesty and transparency were promised by this administration. However, the provided budget books provided less detail than prior years and less than requested by some council members. The tracking and trending of costs became difficult and was not easily followed nor agreed upon. As an elected person, he depends on the administration and controller to provide sufficient information as requested to serve the public that elected me. This was not accomplished therefore, he cannot support any form of this budget. **Councilwoman Baughman** stated that it is her understanding based on the budget, more particular the general fund that contains the \$1,200 per person so to be consistent she cannot vote for this as well.

**PUBLIC DISCUSSION ON PROPOSED ORDINANCE 22-O-35**

President Dawson opened the public discussion. There was no public discussion.

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-35**

President Dawson returned the discussion to the council. **Councilman Fish** stated that if there is any confusion by the council that they did not have enough information, they have had a lot of time to ask questions of the administration and department heads. He has gathered all the information and got his questions answered that came up in the budget book. He is going to support this because he is very confident in the numbers. He said that it would be great if they could slash the budget like everyone wants too but they have a growing city and they have a vibrant workforce that needs supported and taxpayers that look to him for guidance and support. The taxpayers love what is going on whether it is

the \$1,200 or the police take home cars. They understand that because he has gotten them the information from the administration and the staff has answered all of those questions. **Councilman Henke** stated easily said, they could have predicted the 5-4 all the way through tonight. He would like to know quite honestly is there was a single financial question or review of the \$105 million budget from any Democrat in this office right here. **Councilman Mishler** stated that he just wanted to thank the council for their attendance the previous Saturday where they had the department heads come to us to answer any questions we had regarding the budget. They got back to us via email with organizational charts and answered other questions that they had. The administration has been transparent and forthright when they have clearly and directly identified the question. He went on to thank the department heads for their participation in the budget session.

President Dawson asked the clerk to do a Roll Call vote on second reading.

**AYES:** Curry, Mishler, Hines, Fish, Dawson

**NAYS:** Bullard, Thomas, Baughman, Henke

**By a vote of 5-4, the proposed ordinance passed on second reading.**

President Dawson asked for a motion for third and final reading. Motion by Councilman Mishler and seconded by Councilwoman Hines. He asked the clerk to read the proposed ordinance by title and then do a Roll Call vote.

**AYES:** Curry, Mishler, Hines, Fish, Dawson

**NAYS:** Bullard, Thomas, Baughman, Henke

**By a 5-4 vote, the proposed ordinance passed on third and final reading.**

### *Proposed Ordinance 22-O-36*

## **AN ORDINANCE FIXING THE ANNUAL SALARIES OF ELECTED OFFICIALS OF THE CITY OF ELKHART, INDIANA, FOR THE CALENDAR YEAR 2023**

President Dawson asked the clerk to read the proposed ordinance by title only. He asked for a motion to adopt on second reading. Motion by Councilman Curry and seconded by Councilman Fish.

### **COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-36**

President Dawson opened the council discussion. Councilman Bullard had a question for city controller Jamie Arce. He stated that of course they cannot have the \$1,200 bonus because they all have to live within the city limits in order to run for council. He asked is there a cost of living in this. Jamie Arce, City Controller stated yes, there is and that represents the seven (7) percent increase.

Councilman Bullard made a motion to amend the proposed ordinance. The amendment was to cap the cost of living at three (3) percent. Seconded by Councilwoman Baughman.



**COUNCIL DISCUSSION ON THE AMENDMENT TO PROPOSED ORDINANCE 22-O-36**

President Dawson opened the council discussion on the amendment. There was no council discussion. President Dawson asked the clerk to do a Roll Call vote.

**AYES:** Bullard, Baughman, Henke

**NAYS:** Curry, Thomas, Mishler, Hines, Fish, Dawson

**By a vote of 6-3, the amendment fails.**

**PUBLIC DISCUSSION ON PROPOSED ORDINANCE 2-O-36**

President Dawson opened the public discussion. There was no discussion from the public.

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-36**

President Dawson returned the discussion to the council. Seeing no further discussion, he asked the clerk to do a Roll Call vote.

**AYES:** Curry, Thomas, Mishler, Hines, Fish, Dawson

**NAYS:** Bullard, Baughman, Henke

**By a vote of 6-3, the proposed ordinance passed on second reading.**

President Dawson asked for a motion on third and final reading. Motion by Councilwoman Hines and seconded by Councilman Fish. President Dawson asked the clerk to read the proposed ordinance by title only and to do a Roll Call vote.

**AYES:** Curry, Thomas, Mishler, Hines, Fish, Dawson

**NAYS:** Bullard, Baughman, Henke

**By a 6-3 vote, the proposed ordinance passed on third and final reading.**

*Proposed Ordinance 22-O-39*

**AN ORDINANCE FIXING THE SALARIES AND WAGES FOR APPOINTED OFFICERS AND OTHER SALARIED EMPLOYEES OF THE CITY OF ELKHART, INDIANA FOR THE CALENDAR YEAR 2023**

President Dawson asked the clerk to read the proposed ordinance by title only. He then asked for a motion to adopt on second reading. Motion by Councilwoman Hines and seconded by Councilman Mishler.

### **COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-39**

President Dawson opened the council discussion. **Councilman Henke** asked if anyone could tell him what the clothing allowance. **President Dawson** asked if anyone from the administration would like to address that question. **Jamie Arce** asked the councilman to restate his question. **Councilman Henke** asked what the clothing allowance was for police officers and what the specialty pay is overall. **President Dawson** stopped the line of questioning stating that what Councilman Henke was asking about is a union issue and that what they are talking about is the ordinance for appointment and other salaried officials. **Councilman Thomas** stated that ordinance 39 by title is fixing the salaries and wages for appointed officers and other salaried employees. That is different wording that what is on 37 and 38 especially for the word compensation. Is this a matter of wording or are we actually reading this as an ordinance of fixed salaries and compensation for appointed officers. He asked if the wording was matter of legality. He asked if the salaries and wages included the \$1,200 incentive. **Jamie Arce** replied yes, as it stands now and he stated that he believes it is in Section 3 of the ordinance. **Councilman Thomas** stated just for clarification the \$1,200 applies to any employee living within the city limits with the exception of elected officials. **Jamie Arce** stated that is correct along with those that are part of a collectively bargain group. Councilman Bullard stated the last time they spoke this is for approximately 190 employees. **Jamie Arce** stated that he believes that would be a reasonable estimate between civil city and what would be impacted at public works. **Councilman Bullard** stated that in an email that was sent by Jamie, the question was asked if there was anybody previously employed at 100% and you said that there was only two (2) that are at 98%. **Jamie Arce** stated that is correct and those positions were all established prior to the implementation of the Wagner, Erwin and Shields salary survey. **Councilman Bullard** then before this last budget, we had quite a bit discussion on where these employees last budget got a 4% across the board raise. **Jamie Arce** stated that it was an up to 4% merit raise. He believes that on average it was 3.7-3.8% for the majority of the population. **Councilman Bullard** stated then for this year that average is going to be in the 6 ½ to 7 range. **Jamie Arce** stated that most likely it will be dependent on the final vote of how the merit matrix. He stated that is largely anticipated to be where things will land but it is yet to be finalized. **Councilman Bullard** stated that his next statement is directed more for Arvis; he still has a problem with the \$1,200 and can they separate that in this particular ordinance. He asked if he could make an amendment to remove. **President Dawson** stated that yes; he can make an amendment to do that.

Councilman Bullard made a motion to amend Proposed Ordinance 22-O-39 by deleting Section 3 of the ordinance. Seconded by Councilwoman Baughman

### **COUNCIL DISCUSSION ON THE AMENDMENT TO PROPOSED ORDINANCE 22-O-39**

President Dawson opened the council discussion regarding the amendment. Seeing none, he asked the clerk to do a Roll Call vote.

**AYES:** Bullard, Thomas, Baughman, Henke

**NAYS:** Curry, Mishler, Hines, Fish, Dawson

**By a vote of 5-4, the amendment fails.**

### COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-39

**Councilman Henke** asked Jamie to come back up. He stated that on this particular grouping of people under this specific ordinance and outside of the salaries and direct benefit, what is the percentage that the taxpayer pays and employee pays when it comes to PERF. **Jamie Arce** in regards to PERF the city picks up the entire 11.2% plus, the previous city council had elected to also bear the 3% burden that is the employee portion. That is largely commonplace with the area and local communities.

**Councilman Henke** stated so what he is hearing is that the employee pays nothing whether they live in the city or the county and that the taxpayers are paying for the PERF. **Jamie Arce** stated that would be correct. **Councilman Henke** then asked outside of PERF, direct wage and health benefits. What portion does the employee pay for health benefits and what portion comes from the taxpayers? **Jamie Arce** stated that the employee versus the employer portion of the health insurance is dependent on a couple of factors. One is there are three (3) plans that the city offers. They offer a premier plan; a health wise plan and a healthy saver plan and all of those have different requirements. He thinks that on average it is 75/25 on the premium plan, 85/15 on the health wise plan and 90/10 on the high deductible plan. That burden then gets a little bit more complicated as they look at the wellness benefits versus those that choose to not participate in our wellness plan. I think those give you a rough general idea of what you are looking for. **Councilman Henke** stated then the greater portion is from the tax base.

**Jamie Arce** stated that is correct and that has been a level that has been maintained. **Councilman Henke** stated his point being if he picked Building and Code, where would it show him the breakdown of those benefits so that he can see from year to year what the increase has been because we have increased the base salary therefore, we have increased the cost of PERF. We have increased the cost of every tax given us. Where would he break that out? **Jamie Arce** stated that it would be located in your budget book with in the benefits. **Councilman Henke** stated yeah, you mean the one that is not broken out. And that is his point it makes it hard to trend when it is not broken down. It is hard then, to hold future accountability if we just blend all of the numbers in. There used to be about eight (8) sections in that particular category and now there is one (1). **President Dawson** stated that to Councilman Henke's point, he knows that this whole process was new for us. **Jamie Arce** stated that it was a new process.

**President Dawson** stated that the general consensus he believes is not something that we liked. As we move forward next year, we went to talk about how the process unfolds and how we would like to see it as a council. **Councilman Henke** said Mr. President, he did that on the night that they got the books to all the administration. **President Dawson** stated have to go forward now. **Councilman Bullard** stated that it is quite obvious that there are a couple parts of this budget that we do not like but on this ordinance, especially when they are talking about the salary and appointed officials. He said this is more of a statement than a question. We as the city council have the final say, we make the rules, we make the votes, and even the mayor has the final say. He thinks that the true success of a city is the employees and the people that work for it. He thinks of the 190 employees that work for the city, they want the success as much as anybody does. He stated that there are parts of this budget that he does not agree with but it is hard to not agree and support your employees. **Councilwoman Baughman** stated that she would just like to add a bit of perspective. When we are trying to quantify and do a cost comparison of services whether it be salary and benefits when you go out into the private sector and you look at their benefits many of our private sector businesses here only give five (5) paid holidays. City workers receive 12 plus 2 additional ones during an election year. When you look at our vacation policy, she feels that we have a very attractive policy. Some of the largest employers in the area only give two (2) weeks period. She feels that you have to look at it as a whole package versus just trying to look at the compensation in silos and bits and pieces. **President Dawson** said that in response to that, it is hard to compare public to private. There are two (2) different worlds there. The private sector is in it

to make a benefit or refund for their stockholders. Our goal is to our citizens so that they can provide the necessary services so that they are happy with what we are doing. At one time, the city job was not considered to be a lucrative job in our community. It was one where people came, worked and moved on. Since then, we have incentivized the positions and make it a better workplace for our employees. He thinks it is important to do that. If they can keep their employees, our longevity he believes is much better in the public sector than it is in the private sector. He feels that their ability to be more consistent with their funds has helped that. He thinks that it is kind of a misnomer when you compare municipal government to multimillion-dollar corporations whose objective is to make money for their stockholders. Our stockholders are our citizens; they are the ones that pay our bills. They are the ones that they have to respond to and they are not interested in us making money but providing them with service. **Councilman Henke** stated that there is a good comparison that municipal workers are 37% more likely to use sick time and worker's compensation. He stated that it was a good statement by you, but when he talks about our stakeholders, we are using their dollars to incentivize. When we outpace our local markets normally in longevity, by the way, our longevity was blended into the new salary piece, it was not lost. The same \$500 that was a wellness benefit was put right directly to pay. Therefore, nothing was taken away. When tend to employ new people at the wage of the last one that left who may have been here for years. The biggest issue he has is that they were promised performance reviews and those matrixes that would tell us where people are on performance. He has not received anything in regards to where they are in the cycle of pay increases based on those performance reviews.

#### **PUBLIC DISCUSSION ON PROPOSED ORDINANCE 22-O-39**

President Dawson opened the public discussion. There was no discussion from the public.

#### **COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-39**

President Dawson returned the discussion to the council. He asked the clerk to do a Roll Call vote.

**AYES:** Bullard, Curry, Mishler, Hines, Fish, Dawson

**NAYS:** Thomas, Baughman, Henke

**By a vote of 6-3, the proposed ordinance passed on second reading.**

Motion by Councilwoman Hines and seconded by Councilman Mishler for third and final. President Dawson asked the clerk to read the proposed ordinance by title only and to do a Roll Call vote.

**AYES:** Bullard, Curry, Mishler, Hines, Fish, Dawson

**NAYS:** Thomas, Baughman, Henke

**By a vote of 6-3, the proposed ordinance passed on third and final reading.**

*Proposed Ordinance 22-O-40*

**AN ORDINANCE APPROPRIATING SEVEN HUNDRED TEN THOUSAND DOLLARS (\$710,000.00) FROM THE CUMULATIVE CAPITAL FIRE EQUIPMENT FUND TO THE MOTOR EQUIPMENT ACCOUNT FOR THE PURCHASE OF AN AMBULANCE FOR THE ELKHART FIRE DEPARTMENT**

President Dawson asked the clerk to read the proposed ordinance by title only. He asked for a motion to adopt on second reading. Motion by Councilman Curry and seconded by Councilman Henke

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-40**

President Dawson opened the council discussion. There was no discussion from the council.

**PUBLIC DISCUSSION ON PROPOSED ORDINANCE 22-O-40**

President Dawson opened the public discussion. There was no discussion from the public.

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-40**

President Dawson returned the discussion to the council. There was no discussion from the council. He asked the clerk to do a Roll Call vote on second reading.

**AYES:** Bullard, Curry, Thomas, Mishler, Hines, Baughman, Fish, Henke, Dawson

**NAYS:**

**By a unanimous vote of 9-0, the proposed ordinance passed on second reading.**

Motion by Councilman Henke and seconded by Councilman Thomas for third and final. President Dawson asked the clerk to read the proposed ordinance by title only and to do a Roll Call vote.

**AYES:** Bullard, Curry, Thomas, Mishler, Hines, Baughman, Fish, Henke, Dawson

**NAYS:**

**By a unanimous vote of 9-0, the proposed ordinance passed on third and final reading.**

## ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES

### **PROPOSED ORDINANCE 21-O-49, AN ORDINANCE APPROPRIATING THREE HUNDRED TWENTY-TWO THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$322,350.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE ELKHART THRIVE NEIGHBORHOOD OPPORTUNITY HUB INITIATIVE**

President Dawson stated that **Proposed Ordinance 21-O-49 remains in committee.**

### **PROPOSED ORDINANCE 22-O-37, AN ORDINANCE ADOPTING A SCHEDULE OF SALARIES AND OTHER COMPENSATION FOR THE POLICE OFFICERS OF THE CITY OF ELKHART, INDIANA, FOR THE CALENDAR YEAR 2023**

President Dawson stated that **Proposed Ordinance 22-O-37 remains in committee.**

### **PROPOSED ORDINANCE 22-O-38, AN ORDINANCE ADOPTING A SCHEDULE OF SALARIES AND OTHER COMPENSATION FOR THE FIRE DEPARTMENT OF THE CITY OF ELKHART, INDIANA, FOR THE CALENDAR YEAR 2023**

President Dawson stated that **Proposed Ordinance 22-O-38 remains in committee.** **Fire Chief Shaun Edgerton** stated that they are not in negotiations this year. **President Dawson** asked the clerk if this was removed from committee. **Angie McKee, Council Clerk** stated that it was removed from committee.

President Dawson asked the clerk to read the proposed ordinance by title only. He asked for a motion to adopt on second reading. Motion by Councilman Fish and seconded by Councilman Mishler.

### COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-38

President Dawson opened the council discussion. **Councilman Henke** stated that this says that it was referred to committee. Are we saying the agenda was wrong or did we vote it out of committee tonight? **President Dawson** stated that it was voted out of committee at the Finance meeting. **Councilman Henke** replied all right. The second part about that is, does this include the \$1,200? **President Dawson** asked someone to answer that question. He asked Councilman Henke to repeat his question. **Councilman Henke** stated does the firefighter ordinance of salaries include the \$1,200 for the city residents. **John Espar, Corporation Counsel** stated he believes the approach was that since they are in contract negotiations that if that becomes part of their collective bargaining agreement, any other appropriations that may also arise they would come back to. The currently budgeted salaries are based upon last year. **President Dawson** asked so is that a no that the \$1,200 is not included. **Councilman Henke** stated so that also means that could be underway for police at this time. Is that what we are saying? **John Espar** stated that he does not believe they have any tentative agreements. He said anything is possible once they get together and start that collaborative negotiation process. **Councilman Henke** asked so does the budget already incorporate funds. **President Dawson** stated that they start negotiations with the fire department in 2023. **Jamie Arce** stated that for police and firefighters, the \$1,200 benefit is only for those that would not be part of collectively bargained group. That is the only piece that would have been included for our police officers who are currently in the process of

negotiating. We have not embedded any raises as of yet. **Councilman Henke** stated so in the budget book where would that be denoted. Where is the Schedule A that would tell me that? **Jamie Arce** stated that it should have spoken to it specifically on the Schedule A. He said that is may not have specifically said for those that were not collectively bargained. **Councilman Henke** stated that so it is not directly spoken to which, as you well know, I knew the answer before I asked. This talks to us about the need for further clarity and transparency in our future budget books. **Jamie Arce** stated that he believes they spoke to it during the meeting. **Councilman Henke** stated that he needs it to be on a Schedule A. And if they had a breakout of benefits which is item 413 in all of our books that would be a great place for it to be broken out with all of the other benefits. **Councilman Mishler** stated that to this knowledge they are currently discussing the fire department compensation, which is already through 2023. The police officers contract has not been presented to them since that is currently under contract and therefore, could have not have been possible to include in the agenda; correction the budget since it is an unknown. We are discussing 22-O-38 which is was glad that Jamie was able to clarify the \$1,200 which was what the original question is not included. **Councilman Henke** said then tell me how do we pass a 2023 budget, which we already did, without knowing the police. **President Dawson** stated that this has been done before. It is not the first time they have done it this way. They have had negotiations go on, the budget be passed and then Jamie will come back with a special appropriation after the contracts have been signed. Then they will decide whether or not to ratify those or not. **Councilman Henke** stated and we criticized it then and we should criticize it now that it is not done before the budget hearing. Therefore, he is protesting that portion. **Councilman Mishler** stated point of order, we are still discussion 22-O-38, which is about the fire department and 22-O-39 is about the police department. **Councilwoman Baughman** stated that she has it in front of her and on Page 4 of 5 under the last paragraph of Section 3, it says that the resident incentive is included. **President Dawson** stated for non-union employees. **Councilwoman Baughman** stated then just to be clear it does include the \$1,200 for the ones that are not included in the collective bargaining agreement. **President Dawson** stated yes that is correct.

#### **PUBLIC DISCUSSION ON PROPOSED ORDINANCE 22-O-38**

President Dawson opened the public discussion. There was no discussion from the public.

#### **COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-38**

President Dawson returned the discussion to the council. He asked the clerk to do a Roll Call vote on second reading.

**AYES:** Curry, Mishler, Hines, Fish, Dawson

**NAYS:** Bullard, Thomas, Baughman, Henke

**By a vote of 5-4, the proposed ordinance passed on second reading.**

Motion by Councilman Mishler and seconded by Councilwoman Hines for third and final. President Dawson asked the clerk to read the proposed ordinance by title only and to do a Roll Call vote.

**AYES:** Curry, Mishler, Hines, Fish, Dawson

**NAYS:** Bullard, Thomas, Baughman, Henke

**By a vote of 5-4, the proposed ordinance passed on third and final reading.**

### **TABLED ORDINANCES AND RESOLUTIONS**

**PROPOSED ORDINANCE 22-O-09, 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 309 STAINLESS DRIVE, ELKHART, INDIANA BY REMOVING THE EXISTING ZONING RESTRICTION, WHICH PROHIBITS ACCESS TO THE PROPERTY FROM COUNTY ROAD 19**

President Dawson stated that **Proposed Ordinance 22-O-09 remains tabled.**

**PROPOSED RESOLUTION 22-R-22, A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART EXPRESSING INTEREST IN THE PURCHASE OF CERTAIN REAL ESTATE LOCATED IN THE SOUTHEAST CORNER OF CR 106 AND WOODLAND ESTATES DRIVE**

President Dawson stated that **Proposed Resolution 22-R-22 remains tabled.**

### **ORDINANCES ON FIRST READING**

**PROPOSED ORDINANCE 22-O-41, AN ORDINANCE ANNEXING CERTAIN REAL ESTATE COMMONLY KNOWN AS 29224 COUNTY ROAD 6 WEST, ELKHART, INDIANA, AND DECLARING THE SAME TO BE PART OF THE CITY OF ELKHART, INDIANA**

Proposed Ordinance 22-O-41, moved on to second reading with no objections.

**PROPOSED ORDINANCE 22-O-42, AN ORDINANCE ESTABLISHING VARIOUS FEES AND PARKING REGULATIONS REGARDING CITY-OWNED ELECTRIC VEHICLE CHARGING STATIONS.**

**Councilman Henke** stated that in trying to read this and look at the larger picture than was painted. There is a significant cost without grants and with grants; there is still a significant cost. Then the maintenance and all of those things and the fee of \$2.00 per hour. **President Dawson** asked if he would like it assigned to a committee. **Councilman Henke** stated yes.

Proposed Ordinance 22-O-42 was assigned to committee.



President Dawson asked for a five-minute break because they need to clarify some of the resolutions before we move forward.

**RESOLUTIONS**

*Proposed Resolution 22-R-44*

**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 MARINE REALTY, LLC DBA BENNINGTON MARINE (SOUTH) – 2800 DECIO DRIVE**

President Dawson asked the clerk to read the proposed resolution by title only. President Dawson asked for a motion to table until the next council meeting. Motion by Councilman Fish and seconded by Councilman Henke.

**By a unanimous voice vote, the proposed resolution was tabled.**

*Proposed Resolution 22-R-45*

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DECLARING A CERTAIN AREA TO BE AN ECONOMIC REVITALIZATION ARE FOR THE PURPOSE OF GRANTING TAX PHASE-IN BENEFITS TO MARINE REALTY, LLC DBA BENNINGTON MARINE (NORTH) – 2805 DECIO DRIVE**

President Dawson asked the clerk to read the proposed resolution by title only. President Dawson asked for a motion to table until the next council meeting. Motion by Councilman Fish and seconded by Councilman Henke.

**By a unanimous voice vote, the proposed resolution was tabled.**

*Proposed Resolution 22-R-46*

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA,  
ADOPTING THE WRITTEN FISCAL PLAN TO DEFINE A POLICY FOR THE PROVISION  
OF SERVICES TO THE AREA COMMONLY KNOWN AS 29224 COUNTY ROAD 6 WEST, A  
PROPOSED ANNEXATION AREA**

President Dawson asked the clerk to read the proposed resolution by title only. He asked for a motion to adopt the resolution. Motion by Councilwoman Hines and seconded by Councilman Henke

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 22-R-46**

President Dawson opened the council discussion. Councilman Henke stated that on this particular fiscal plan, is there any city cost for any portion of hook up or line extension. **Eric Trotter, Assistant Director of Planning** stated no, there would not be as the services are available. **Councilman Henke** said okay so the city has no portion then do we have any other street changes, curb cuts or any other cost in that regard. **Eric Trotter** stated that he does not believe there should be. **Councilman Henke** stated that the reason he is asking is that in 22-O-41 there was a front page that talked about it is anticipated that any increase in cost for provision of services will be offset by the increase in tax revenue. He is not used to seeing verbiage like that so it required him to ask the question if they are going to have dollars out waiting for reimbursement. Before we go to 22-O-41, which is now tabled, could the face page please be addressed? It cannot be done tonight because it is tabled but could you please look at the wording. Eric Trotter stated certainly.

**PUBLIC DISCUSSION ON PROPOSED RESOLUTION 22-R-46**

President Dawson opened the public discussion. There was no discussion from the public.

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 22-R-46**

President Dawson returned the discussion to the council. There was no further discussion. He asked the clerk to do a Roll Call vote.

**AYES:** Bullard, Curry, Thomas, Mishler, Hines, Baughman, Fish, Henke, Dawson

**NAYS:**

**By a unanimous vote of 9-0, the proposed resolution passed.**

**VACATION HEARINGS**

There were no vacation hearings

## OTHER NEW BUSINESS

**Councilman Thomas** stated that he is showing his age but they used to get reports from every commission every board and an entity that met other than ourselves. Now we are getting very few and we get three (3) plan commission reports dated May, July and August. He stated that he kind of depends on these reports to double check on things and to be made aware of things that are happening that he was not aware of either in his district or other districts. He is going to pick on the plan commission; to get reports from May does not do him any good. Let us bring them up to date. He stated he does not understand why it takes so long to type up minutes after board meetings and to get them to the council. The second thing is kind of picky, but in the Board of Public Works from September 20<sup>th</sup>, under revocable permits, the Council on Aging was listed as the property owner of 131 West Tyler and are they not just renters. He would rather see truth in advertising here as they are not the owners they are renters and they ask for he is assuming they asked to get away from a restriction on signage. They have one (1) of those umbrella signs up there, which he thought were not allowed within the city limits. The last thing and most important is you all got a photo in your packet from the gentleman in his district that is having an ongoing concern about the car and you can see how many cars he is talking about. Along with a two (2) page letter in which he makes good points. To the point that Mr. Henke made that, residents are not getting their share of the services. This longtime resident is not getting his share of services. All he is getting is the run around. **President Dawson** asked him where he was talking about. **Councilman Thomas** stated that it is the abandoned Martin's property on Nappanee Street, which butts up right next to this fellow's residential area. He asked the legal department if they have sent a letter to the private property owner explaining to him what the situation is and asking that he post that this is private property. He realizing that he does not have too, but has the legal department done that? **John Espar** stated that he would have to know who the individual is. **Councilman Thomas** stated that this has been going on for a year. He stated that he would give John the letter and the photo.

**Councilman Henke** stated let me parlay there Mr. Thomas. Mr. Espar assisted two (2) years ago on a trailer-parking problem in Eastlake Estates last year, the city removed the trailer after some time and he appropriately looked at it again this year when it came up. However, it took them months and then he gave direction to the police department. There seem to be some sort of a disconnect between legal authority and then to the police to get the job done. When someone finally went out there, they had the wrong hitch so the trailer could not be taken away. Now they have it moved into their driveway but in front of their house. This has been a two (2) year stint with over \$5,000 in fines. **John Espar** stated that he was under the impression that the towing would be complete by now. He then asked Chief Kris Seymore if it was complete. **Chief Seymore** stated yes as of today. **Councilman Henke** said that it was gone from the street but was in the drive. **President Dawson** asked the chief to get back with us on that so that David has a report on that. Councilman Henke stated that to Brian's point, they have been fighting this for two (2) years. You are getting calls because I am getting calls. Additionally, in his district and in fact in his neighborhood, they have had several incidences involving police investigations and they are yet to hear discussion between the victims and police. One incident is three (3) months old, which is a dog bite with injury. In regards to his vehicle and nineteen (19) other property damage issues, got nothing. One family did and so he is not sure where they are at with incidences, communications, and that unparalleled portion. **Chief Seymore** stated that the investigations that are being referred to in the neighborhood, charges should filed with the prosecutor's office or submitted for review within the next week or two. He was just updated on that this morning. They have had some issues with victims returning calls from the detective working the case so they are trying to work through that was well. They do have a suspect identified and are working through that. **Councilman Henke** asked if that was the one with all of the tire punctures. **Chief Seymore** stated yes.

**Councilman Henke** stated that the citizens had a lot that work done as far as putting him up to his Facebook page saying same jacket same everything within 24 hours. **Chief Seymore** stated a lot of that information is not information that they can necessarily use unless they can corroborate or contradict that. **Councilman Henke** stated that he has received zero calls. **Chief Seymore** responded by saying that his wife is the one that received the call and has not yet returned the call to the detective. He said he got with the detective this morning and asked him to make a personal appearance or send a letter. **Councilman Henke** asked if the detective had his phone number. **Chief Seymore** stated that he does not know. **Councilman Henke** went on to say that, he was able to attend a Board of Public Safety meeting last week and the question became who can compel IT not to make public meeting public. Someone directed IT because they do not have the authority themselves to shut off outside communications until which point several police officers texted and said that they could not get in. There was a discussion that IT was told by someone not make it public. They went to legal and legal kind of pointed to the prosecutor's office and they said it was not them. Open door is open door there is nothing we get to do about it. Finally, the Lerner use. The city used the Lerner through the budget process. They opened the Lerner, had to staff, fed us twice that day and they had to clean up. His question is it did not come out of the council budget, it did not come out of city budget. **President Dawson** stopped him and said that was not correct. **Councilman Henke** stated that he talked to the director. **President Dawson** stated that he should talk to him and we can talk after the meeting if you want too. Angie had an invoice that we paid for the use of facilities. **Councilman Henke** asked so why would the director not be aware of this. **President Dawson** stated that he was not sure but that he should come to him and he can answer those questions. **Jamie Arce** wanted to add that the rental was through the Crystal Ballroom, which would not have been through Michelle directly.

**Councilman Mishler** stated that just going back to a couple of Board of Public Works comments from Tuesday, September 20<sup>th</sup>. He was happy to see that some additional funds from the Small Business Continuity Grant Program was given out to several small businesses in our community. He is happy to see continued support from this council and administration for the success of small businesses in our community and marketing. In regards to the Board of Public Safety meeting on Tuesday, September 27<sup>th</sup>, he again just wanted to highlight that Detective Greg Harder received an outstanding service award for a 20 year old cold case homicide. He is sure that there is a family that is relieved for his hard work and we appreciate it here on the council and in our city.

## **REPORTS OF THE MAYOR, BOARD OF WORKS, BOARD OF SAFETY OR CITY DEPARTMENT HEADS**

There were no reports.

## **NEIGHBORHOOD ASSOCIATION REPORTS**

**Councilman Curry** stated that they meet on the first Sunday but they still talk among themselves to make the change to get ready for leaf pick up and to try to get people to park off the street so that when the snowplows come through they can do a good job. That is the Pierre Moran Neighborhood Association.

**Councilwoman Hines** stated that despite what some on the council would think is the best district in the city, the 5<sup>th</sup> district, the 6<sup>th</sup> district is hosting Let's Talk Tuesday and she wanted to invite everyone to come. It is tomorrow at 6:30pm at McNaughton Park.

### **PRIVILEGE OF THE FLOOR**

**Brett Null, city of Elkhart resident** asked in regards to all of the cars, what is going on illegal there? President Dawson informed him that they cannot have dialogue with him but he can talk to Councilman Thomas after the meeting. He then asked what is your question. Mr. Null stated how do we go about resolving a situation when it is not a situation. He also invited everyone to attend a Trunk or Treat right there in that parking lot on Saturday, October 29<sup>th</sup> at 5pm.

### **SCHEDULING OF COMMITTEE MEETINGS**

President Dawson stated that he would find out which committee they are going to put the electric charging stations in. He will schedule the meeting once he has a chance to look at the committees.

### **ACCEPTANCE OF COMMUNICATIONS**

Minutes of August 31, 2022 – Board of Aviation Commissioners  
Minutes of September 13, 2022 – Board of Public Safety  
Minutes of September 30, 2022 – Board of Public Works  
Minute of May 2, 2022 – Planning Commission  
Minutes of July 5, 2022 – Planning Commission  
Minutes of August 1, 2022 – Planning Commission  
Report – Month End September 2022 – Communications Center

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

### **ADJOURNMENT**

Motion by Councilman Fish, seconded by Councilman Mishler, **moved for adjournment**, which **motion carried unanimously**, by voice vote, and **the meeting was adjourned**.

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Debra D. Barrett, City Clerk

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Arvis Dawson  
President of the Elkhart City Council

**MINUTES OF THE REGULAR COMMON COUNCIL MEETING**  
**OF NOVEMBER 7, 2022**

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

Absent:

This meeting was made available to the public electronically through WebEx and live-streamed on Facebook. All Council Members were present in Council Chambers.

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

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

The clerk called the roll.

**APPROVAL OF MINUTES**

Council minutes of April 4, 2022 and April 18, 2022 along with Finance Committee-Of-The-Whole minutes from April 25, 2022 were submitted for approval. Motion to approve all minutes made by Councilman Henke and seconded by Councilman Fish. **Councilman Fish** asked about the minutes from the Finance Committee-Of-The-Whole. He stated that in the minutes it is noted that the audio does not start until 37 minutes and asked if that audio is permanently gone. **Council Clerk McKee** stated that the recording is not there because when she started the meeting that night there was an issue and when IT came in and restarted the recording the 37 minutes is not there. She did say she would look and see if the transcript is available in case it was ever needed.

By a unanimous voice vote of 9-0, the minutes were approved.

**PRESENTATIONS AND INTRODUCTIONS**

There were no presentations or introductions

**UNFINISHED BUSINESS**

**REPORTS OF COUNCIL COMMITTEES**

There were no reports of council committees

**ORDINANCES ON SECOND-THIRD READING**

*Proposed Ordinance 22-O-41*

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE COMMONLY KNOWN AS 29224 COUNTY ROAD 6 WEST, ELKHART, INDIANA, AND DECLARING THE SAME TO BE PART OF THE CITY OF ELKHART, INDIANA**

President Dawson asked the clerk to read Proposed Ordinance 22-O-41 by title only. He asked for a motion to approve on second reading. Motion by Councilman Henke and seconded by Councilwoman Hines

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-41**

President Dawson opened the council discussion. **Councilman Henke** stated he was able to pull it up and in just looking it gives the indication that this is a carve out between two (2) properties already in the city limits; is that accurate? **Kristen Smole, Assistant Director of Economic Development** stated that yes it was a little area that was surrounded by the city, especially on the east side of the property. **Councilman Henke** asked if the petitioners owned the other properties as well. **Kristen Smole** stated that is correct.

**PUBLIC DISCUSSION ON PROPOSED ORDINANCE 22-O-41**

President Dawson opened the public discussion. There was no discussion from the public on this proposed ordinance.

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-41**

President Dawson returned the discussion to the council. There was no further discussion from the council. He asked the clerk to do a Roll Call vote on second reading.

**AYES:** Bullard, Curry, Thomas, Mishler, Hines, Baughman, Fish, Henke Dawson

**NAYS:**

**By a unanimous vote of 9-0, the proposed ordinance passed on second reading.**

President Dawson asked for a motion on third and final. Motion by Councilman Thomas and seconded by Councilman Henke. He asked the clerk to read the proposed ordinance by title only and to do a Roll Call vote.

**AYES:** Bullard, Curry, Thomas, Mishler, Hines, Baughman, Fish, Henke, Dawson

**NAYS:**

**By a unanimous vote of 9-0, the proposed ordinance passed on third and final reading.**

**ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES**

**PROPOSED ORDINANCE 21-O-49, AN ORDINANCE APPROPRIATING THREE HUNDRED TWENTY-TWO THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$322,350.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE ELKHART THRIVE NEIGHBORHOOD OPPORTUNITY HUB INITIATIVE**

President Dawson stated that **Proposed Ordinance 21-O-49 remains in committee.**

**PROPOSED ORDINANCE 22-O-37, AN ORDINANCE ADOPTING A SCHEDULE OF SALARIES AND OTHER COMPENSATION FOR THE POLICE OFFICERS OF THE CITY OF ELKHART, INDIANA, FOR THE CALENDAR YEAR 2023**

President Dawson stated that **Proposed Ordinance 22-O-37 remains in committee.**

**PROPOSED ORDINANCE 22-O-42, AN ORDINANCE ESTABLISHING VARIOUS FEES AND PARKING REGULATIONS REGARDING CITY-OWNED ELECTRIC CHARGING STATIONS**

President Dawson stated that **Proposed Ordinance 22-O-42 remains in committee.**

**TABLED ORDINANCES AND RESOLUTIONS**

**PROPOSED ORDINANCE 22-O-09, 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 309 STAINLESS DRIVE, ELKHART, INDIANA BY REMOVING THE EXISTING ZONING RESTRICTION, WHICH PROHIBITS ACCESS TO THE PROPERTY FROM COUNTY ROAD 19**

President Dawson stated that **Proposed Ordinance 22-O-09 remains tabled.**

**PROPOSED ORDINANCE 22-R-22, A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA EXPRESSING INTEREST IN THE PURCHASE OF CERTAIN REAL ESTATE LOCATED IN THE SOUTHEAST CORNER OF CR 106 AND WOODLAND ESTATES DRIVE**

President Dawson stated that would like a motion to remove this proposed resolution from the table. Motion by Councilman Mishler and seconded by Councilman Fish.

**By a unanimous voice vote of 9-0, the proposed resolution was removed from the table.**

President Dawson stated that the administration has asked that this be removed from the agenda. He would like a motion and not get a second then it will die and it is done. Motion by Councilman Henke.

**Dies for a lack of a second.**



**TABLED ORDINANCES AND RESOLUTIONS CONTINUED**

*Proposed Resolution 22-R-44*

**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 MARINE REALTY, LLC  
DBA BENNINGTON MARINE (SOUTH) – 2800 DECIO DRIVE**

President Dawson asked the clerk to read Proposed Resolution 22-R-44 by title only. He asked for a motion to remove this proposed resolution from the table. Motion by Councilman Mishler and seconded by Councilman Fish.

**By a unanimous voice vote of 9-0, the proposed resolution was removed from the table.**

President Dawson asked for a motion to adopt the proposed resolution. Motion by Councilman Henke and seconded by Councilman Curry.

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 22-R-44**

President Dawson opened the council discussion. **Councilman Henke** stated that it looks like 44 and 45, are conjoined in properties, and if there could be a presentation. **Kristen Smole, Economic Development** stated that Drew is going to be presenting the tax phase-in for Bennington tonight. She will be here for support but Drew will be taking the lead on these moving forward. **Drew Wynes, Economic Development** stated that he is here to present Bennington’s South project. Bennington Marine is a premier luxury pontoon manufacturer, which is owned by Polaris. For this project, they will be creating a training center by renovating an existing building. This expansion will add 10,635 square feet and they will be upscaling their labor force by creating a more prosperous career path while producing higher quality products. For this project Bennington will have a five (5) year real property tax phase-in and this building is located at 2800 Decio Drive here in Elkhart. **Councilman Henke** said that Drew stated that this is a current and existing building. **Drew Wynes** stated yes, they are renovating it. **Councilman Henke** stated that what he is after is the principals but also what is going to be the total personal improvements because you are not adding on to the building. Drew Wynes stated that he forgot to mention the investment numbers. They plan to invest \$3,590,000 in real estate improvements, which includes \$3,390,000 in new building construction, and \$200,000 in IT equipment and this investment is projected to create 19 new positions with a median salary of \$95,000.

**PUBLIC DISCUSSION ON PROPOSED RESOLUTION 22-R-44**

President Dawson opened the public discussion. There was no public discussion.

### **COUNCIL DISCUSSION ON PROPOSED RESOLUTION 22-R-44**

President Dawson returned the discussion to the council. **Councilman Henke** stated that he just wanted to clarify again that it was a nice presentation. He questioned that it is an existing building with a \$3 Million dollar upgrade. You are not adding square footage. **Drew Wynes** stated that there is several square feet being added and renovations being done that is why it is considered new building construction. **Councilman Henke** asked how many square feet are being added. **Drew Wynes** stated 10,635 is being added. **Councilman Henke** stated so that is the portion that is going to be abated right? Because that is the only new expenditure and the only one (1) qualified is the new portion being built. **Drew Wynes** yes and the IT equipment is part of the infrastructure of the building so there is that as well. **Councilman Henke** stated so for clarification the \$3 Million is strictly on new square footage it has nothing to do with the rest of it. **Drew Wynes** stated that it is \$3,390,000 in new building construction and the other \$200,000 is for IT equipment. **Councilman Henke** stated okay, he just wanted to make it clear that it has to be new construction. Councilman Bullard asked if the IT equipment is part of automation or communications. **Drew Wynes** stated that this is a training center and that the IT equipment is going to be part of the infrastructure. He stated that the people from Bennington could probably answer that better than he can. **Andrew Bona, Chief Operating Officer from Bennington** stated that is accurate, it is part of the infrastructure. **Councilman Henke** stated that he is sure that they know this, but they are going to have to show that in order for the IT equipment to be tax eligible, it has to make an impact on overall production. **Kristen Smole** stated that it does speak directly to production over time because this IT equipment allows the training to take place that will actually increase production over time. Therefore, there is a production piece here that does make it a qualifying expense. **Councilman Henke** asked if the COO could tell them who the principals are of this company. **Andrew Bona** stated himself as the COO, Andy Roeder who is the CFO, Mike Shedivy who is the GM and Steve Ott who is Vice President of HR.

President Dawson asked the clerk to do a Roll Call vote.

**AYES:** Bullard, Curry, Thomas, Mishler, Hines, Baughman, Fish, Henke, Dawson

**NAYS:**

**By a unanimous vote of 9-0, the resolution passed.**

*Proposed Resolution 22-R-45*

**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 MARINE REALTY, LLC  
DBA BENNINGTON MARINE (NORTH) – 2805 DECIO DRIVE**

President Dawson asked the clerk to read Proposed Resolution 22-R-45 by title only. He asked for a motion to adopt this resolution. Motion by Councilman Henke and seconded by Councilwoman Hines.

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 22-R-45**

President Dawson opened the council discussion. There was no council discussion.

**PUBLIC DISCUSSION ON PROPOSED RESOLUTION 22-R-45**

President Dawson opened the public discussion. There was no public discussion.

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 22-R-45**

President Dawson returned the discussion to the council. Seeing that there was no discussion from the council, he asked the clerk to do a Roll Call vote.

**AYES:** Bullard, Curry, Thomas, Mishler, Hines, Baughman, Fish, Henke, Dawson

**NAYS:**

**By a unanimous vote of 9-0, the resolution passed.**

**ORDINANCES ON FIRST READING**

There were no ordinances on first reading

**RESOLUTIONS**

There were no resolutions

**VACATION HEARINGS**

There were no vacation hearings

## OTHER NEW BUSINESS

**Councilman Henke** stated just a couple of things that he wanted to bring out. In your package. The packet came four (4) days after the invitation. This event was on the 31<sup>st</sup> and the packet came on the 4<sup>th</sup>. Actually, it came on Thursday the 3<sup>rd</sup>. Additionally he had a question about a letter he received in the mail your 2020 and 2021 employer provided insurance coverage for your taxes. 2020 came in that same bundle and he was just wondering why it was a year late. **Councilman Bullard** stated that he actually called HR. Through 2020, there was some confusion through COVID and how it is reported and whether or not that needed to be reported. So it was like do we do it or do we not do it. As they turned in taxes for 2020, a lot of the tax accountants said you do not need to do it. Therefore, they did not do it and now they are saying well it would be good to have that information so that is why they sent it out. It came from tax preparers saying you did not need to do it but just to cover the basis they are providing the information for your records but it is not needed. **Councilman Henke** stated he has a follow up with that. He stated that he does not take the city insurance but it shows that he is paying his portion of \$188 a month and second that is 2020 which was reported to late and his point is that on his taxes he should have received a credit for the amount of money that it costs him out of his check for insurance that he does not have. In 2021 it was greatly reduced to \$6,898 it is half of the price and he is not sure why. If he did not sign up for the insurance, he is wondering why he is being charged for this insurance and then why a year later it is half the rate of the year prior. **President Dawson** asked Bradley Tracy, Chief of Staff to please check on this and get him an answer to this question. He stated that when they did the redistricting this year and voted on it, it was brought to his attention that the council rules says you have to live in the district for six (6) months before you can run. If someone wanted to run in the May primary, it would only be five (5) months, which would not make them eligible to run. He would like the council to look at that and make a change that would coincide with every ten (10) years when they do redistricting so that they do not disenfranchise somebody. He does not know if that is something that the redistricting committee can look at since they already have that group and have them make a recommendation. **Councilman Fish** stated that they would be happy to look into it and get back with the council. **Councilman Bullard** asked if there would be some legal precedence at the state level. **President Dawson** stated that is what the committee could find out.

**Councilman Bullard** stated that this Friday, November 11<sup>th</sup> is Veteran's Day and there are ceremonies at Rice Cemetery and also at the Prairie Street Cemetery at 11:00am and he just wanted to invite everyone out there. He stated that this Memorial Day out at Rice Cemetery, it was probably one of the largest crowds that was out there. Please remember Friday, November 11<sup>th</sup> at 11:00am is the services for Veteran's Day.

**Councilman Mishler** stated that he had received a call from a woman who had a downed tree do to the windstorm that we had the past couple of days on Olive Avenue. He just wanted to compliment the city. She said that emergency responders and everyone was very responsive in getting there and making sure that everyone was taken care of and that the right-of-way was cleared. She did however, have some concerns following that; in speaking with the forester regarding other trees that may have been damaged in the public right-of-way. He hopes that the administration can reach out to her and the forester and hopefully come to a satisfactory conclusion for that.

**Councilman Henke** stated that he has a call from a resident in the 4<sup>th</sup> district regarding the fact that someone had dumped a large pile of leaves on Congress Street between Richmond and Princeton. The resident stated that they called Mike Szues and within the hour, they had a team there picking it up. It does not get any better than that.

**REPORTS OF THE MAYOR, BOARD OF WORKS, BOARD OF SAFETY OR CITY  
DEPARTMENT HEADS**

**Mayor Roberson** stated that he wanted to comment on something that Councilman Bullard said earlier regarding Veteran's Day. This year, they will be acknowledging both Prairie Street and Rice. Normally, they do to Rice because the DAV invites them and that is primarily where the largest crowd gathers. This year, they received a call from the VFW Post 88 who has been acknowledging the Veteran's at Prairie Street. Aaron will be attending the Prairie Street Cemetery given his relationship to the military. They just want to make sure that you understood that you could go to either. In addition, they have been working with Mike and the leaf pick up crew and they are working on a couple of different variations of how they go about picking up leaves. It has been obvious that he does a wonderful job at going to the different sectors but the leaves all came down within the last couple of days because of the high winds. Now, they have sectors that are two (2) weeks out and they are trying to figure out the appropriate way in which they can be there when the leaves come down.

**Jamie Arce, City Controller** wanted to address Councilman Henke's concerns regarding the 1095C that he received. The first page is determining the affordability of our health insurance plan and that would have been had you chosen to participate in our plan, the lowest cost plan that was available for that year. The second page would have identified whether or not you were covered or had any eligible individuals within your household being covered. It would not have necessarily meant that you had coverage. In the form that Councilman Henke provided, it is all on one page. In Part 3, it would be the covered individuals. So in his case, he takes the health insurance here, his name, and his dependents names would be listed there that are being covered. This is just the affordable component that is left over from the affordable care act. If you recall there use to be a penalty involved if you were not taking health insurance. **Councilman Henke** stated so this is proof of coverage correct. **Jamie Arce** stated that is correct. **Councilman Henke** stated so if the correct boxes would have been checked then the credit would have come on your taxes. **Jamie Arce** stated that is correct. It would have allowed the IRS to see that you were appropriately covered or that you have been provided affordable coverage in the event that you had taken the health insurance in the marketplace. He believes that this was an error between the city and the payroll company.

**NEIGHBORHOOD ASSOCIATION REPORTS**

**Councilman Curry** reported on the Pierre Moran Neighborhood Association. He stated that they were not able to meet at the Pierre Moran Park Pavilion this month because of Election Day. The pavilion is a vote center, they did not want people in there because of the equipment, and some of the residents did not want to be near the equipment and be accused of tampering with it. They have been talking with everybody to get them to put their leaves together for when Mike Szues and his crew. They are doing a great job up north as he has seen them up there. When he gets to his side of town, they want to be ready. They also talked about people who are moving in and out of the neighborhood. They had some people move in and they were glad to see how they really improved that house. They have had some others moved out and they are watching to see what happens there.

**Councilman Mishler** stated that he had members of the Greenleaf Neighborhood Association reach out to him and Councilman Bullard with some concerns. Their concern was with folks in the county who are burning leaves and that it is drifting over to the Greenleaf area. He knows that leaf burning is banned in the city but he does not know if there is any discussion, they could have with the folks in the county or if there is anything, they can do. He is just relaying the message from the association and hopefully they can work with them and our friends in the county.

**President Dawson** stated that there is an effort of do Neighborhood Watch and someone from communications will be contacting your neighborhood associations to kind of set that up. LaShawn Brooks from 311 is working on this and will be contacting the council to find out what neighborhood associations are active.

### **PRIVILEGE OF THE FLOOR**

**Ralph Spelbring, resident of the City of Elkhart**, redistricting was mentioned and he said that a district is about 8,500 to fall within and asked if they all fell within the 8,000 to 9,000 range. Today was a good day as we had more daylight before noon so that meant that the children in Indiana and Michigan are safer. The TV stations want the daylight savings time but the schoolchildren would be safer if we would run on the same time as Chicago. He is a baseball fan and there was a no hitter in the World Series this year and he would have stayed with the starting pitcher a little longer but it worked out. Sixty-Six (66) years ago, there was also a no hitter but it was even better as it was a perfect game by Don Larsen of Michigan City. He went over to Michigan City to research his life. He mentioned this to one of the librarians and she pulled out a folder and the night of the perfect game, the Michigan City council had a meeting and the perfect game was the talk of the council meeting.

**Dennis Runner, resident of the City of Elkhart**, and his main question has to deal with nuisance geese. The federal Migratory Bird Act of 1918 was put into place to protect various migratory birds, giant Canadian geese being one of them. As many people here know, the large amount of geese that we have can be a problem. His question is basically this, in regards to the rules that have been set forth by the federal government in regards to dispersing geese in other words not making any physical contact with them. Is it allowable for a city citizen of the City of Elkhart to disperse geese from an area? They go into the roads and he has gone out and actually pushed them out of the road back into the park areas and into the river herding them like cattle or sheep. He said that he was approached by a couple of officers about a week and a half ago who told him that he could not do that. He stated that they were just doing their job and he is not complaining about what they did. He is just saying that there is some confusion and I would like to know if this question could be answered. **Councilman Henke** stated that Assistant Chief Milanese is in the back and maybe he could answer. **Assistant Chief Dan Milanese, Elkhart Police Department** stated that he has not read the ordinance so he would have to look that up. This is actually going to be a legal question and they have reached out the Indiana DNR so he knows that conversation has already been had. From what he understands, it was a very confusing conversation just because of the way the laws are written. That is something that they and their statutes do not typically deal with so that is going to be a DNR question and probably ultimately something for city legal to look at when it comes to an ordinance. **Mayor Roberson** stated that he spoke with Mr. Runner earlier and is going to make sure that he is in contact with Jeff Zavatsky and Corinne Straight who recently put together a geese mitigation plan and that plan has been approved the DNR. **Dennis Runner** went on to say that it is safer for the animals to be away from people and it is safer for the people. **Jeff Zavatsky, Elkhart Environmental Center** stated that he spoke with Mr. Runner as well. He stated that Mr. Runner is correct, there is an old ordinance that they found from 1980 going on the advice of the DNR. He spoke with Corinne as well and they are going to have to do an amendment to this ordinance. The ordinance is all-inclusive and includes all birds and does not deal with invasive species.

**Dianna Graham, resident of the City of Elkhart**, stated that this might be a little off of whatever but she has already asked the mayor and he stated that he does not have the authority to do it, so, she is here asking the council. Her husband Willie Joe Graham's life was taken at Elkhart General Hospital for no apparent reason. He went to the hospital because he dropped an oxygen tank. They

were told at the hospital that her husband never lost his pulse, he did not have COVID, his vitals were good, his blood sugar was fine, and he would be going home. After a few minutes, her granddaughter got scared and called 911. She stated she has talked to the fire chief. She went on to say that, she told them not to take her husband out of her home. She was walking around trying to get herself together and she stated that they more or less kidnapped him to her. When her son got there, they said that there was nothing wrong with dad so her son went outside to tell everyone that dad was okay. Instead of taking her to her husband, as they should have they had her wait and the doctor came in and wanted her to sign "Do Not Resuscitate" papers for her husband as he did not want to send her husband to the third floor. She was confused on how you go from being fine and going home to not going to the third floor. She went on to say that, the room got smoky or misty and when she came to herself, she was in the room by herself. The doctor and the chaplain were no longer there. It took eight (8) hours before she got to see her husband. She called a lawyer and she was told to contact the police department and call her back with a case number. The police refused to take a report or give her a case number so she went to the sheriff's department and they told her to go to the mayor. They told her that the mayor has the authority to tell the police to take the report. Once she talked to the mayor, he told her he did not have the authority to do that. The mayor told her has a lawyer for her to talk too. The lawyer that she talked to is the lawyer for the City of Elkhart. She is not sure who, but the hospital told her that someone from the mayor's office had come out to the hospital and that everything she told him on the phone is now in her husband's records. They have falsified her husband's records and they are no longer true. She talked to a woman by the name of Cathy Bontrager and everything that they talked about is also now in her husband's new medical records which are lies. She was never at his bedside nor did she ever give them permission to do anything. Captain or whatever Shawn is back there, their medical records of coming to her house are a blatant lie also. She tried to talk to him about it but nothing was said and nothing was done. They sent someone out to talk to her about grief. They were so concerned but all she wanted to do was steal her husband's medical records to see the discrepancies. She looked at the discrepancies and wrote up lies about that. She obtained his medical records 7,000 some pages, his name, age and address is correct but most of the other stuff is just lies about that date and her husband dying. She went back to the medical records department and said that she did not want these 7,000 pages she wanted the original pages that you gave me. Jennifer looked at her computer and said let me see what I gave you the first time, so you know it two (2) different things on here. Someone had called security and the man told her not to be mad at these ladies they can only give you what the hospital has told them to give you. She then went and talked to Carl Risk and said to him that she just wanted her husband's medical records. She asked for him to have them give her his medical records and he said he would not do that. He did not give her the medical records and she knows that is against the law. Dr. James Shoemaker Jr. who was the attending physician that literally abused and tortured her husband's body for eight (8) hours. They went out there before breakfast and they did not put him in a room until about 7:30 at night. They said he was in a room within two (2) hours and that was a blatant lie. They gave him Fentanyl for no reason. The nurse that she talked to said you do not go from no medication up to Fentanyl because there are other medications to go through before you get to Fentanyl. Then a hateful lawyer to her called and asked her a lot of questions and said that whatever they gave him caused him to have a grand mal seizure. She was asked if there was anything wrong with her husband's neck and she said no. Then she was asked if there was anything wrong with her husband's head, again she said no. Then she was asked about his leg and that is where the nurse told her they drew the bone marrow. You do not do that to a man who is okay and going home. You do not die because you dropped an oxygen tank. So what does this have to do with you? She is asking that you as the council like the woman in Michigan asked her council and like she asked the mayor to please do an independent investigation. You cannot bring

Willie Jo Graham back because there is no other man like her husband. They were together 55 years and married for 52 of those years. The reason she is talking to the council is that she cannot get help from anybody. She went to legal aid but they cannot help her and she was told that they could not give her any legal advice. She stated that she called her councilman and now he does not even take her calls anymore and she has been to the mayor's office so many time with this that he no longer comes out of his office when she is there. She has been over to see Shawn so many times that it is a sin. Nobody will help and nobody in this room can do anything to bring Willie Joe Graham back.

**Lauren Seaollo, resident of the City of Elkhart**, stated that she has noticed when residents are told not to park on the street because the street sweeper is coming through, the street sweeper never comes through but code enforcement does. There have been a lot of people that have been ticketed. She is not one of them anymore as she has alley access. However, her mom recently parked on the street, they were both home that day as she has the privilege of working from home and can confirm that the street sweeper never came down the street. She would just like the city to investigate if parking enforcement was enforced on a day that the street sweeper never came down. They do have small signs that are not very visible and the residents always complain about it.

### **SCHEDULING OF COMMITTEE MEETINGS**

**Councilman Mishler** stated that there is a committee meeting that needs to be scheduled regarding Proposed Ordinance 22-O-42, which is in regards to establishing various fees and parking regulations for electric charges in the city. The committee is Councilwoman Baughman, Councilman Curry and himself. Please stay after for a minute so that we can set up that committee meeting.

### **ACCEPTANCE OF COMMUNICATIONS**

Minutes of September 2, 2022 – Board of Aviation Commissioners  
Minutes of October 11, 2022 – Board of Public Safety  
Minutes of October 4, 2022 – Board of Public Works  
Minutes of October 18, 2022 – Board of Public Works  
Minutes of June 9, 2022 – Board of Zoning Appeals  
Minutes of July 14, 2022 – Board of Zoning Appeals  
Minute of September 8, 2022 – Board of Zoning Appeals  
Minutes of September 14, 2022 – Lerner Theatre Board

Motion by Councilman Fish, seconded by Councilman Mishler, **moved to accept communications**, which **motion carried**, by voice vote, and **the communications were accepted**.

### **ADJOURNMENT**

Motion by Councilman Fish, seconded by Councilman Mishler, **moved for adjournment**, which **motion carried unanimously**, by voice vote, and **the meeting was adjourned**.



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Debra D. Barrett, City Clerk

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Arvis Dawson  
President of the Elkhart City Council

**Roderic Roberson**  
*Mayor*

**Jamie Arce**  
*City Controller*



*City Controller's Office*  
229 S. Second St.  
Elkhart, IN 46516

574.294.5471  
Fax: 574.294.8491

# Memo

To: Elkhart Common Council  
From: Jamie Arce, Controller *Ja*  
Regarding: Year End Major Category Transfers  
Date: November 16, 2022

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As you are aware 2022 has provided for quite the year and the unforeseen conditions that have developed since the adoption of the existing City budget, passed via Ordinance #5871 on October 26, 2021, necessitate the requested major category transfers. The following transfers that are being requested for Buildings & Grounds, Cemetery, and Central Garage are necessary to allow for each department to complete the year.

The amounts and the accounts needing additional funding are included in the attached schedule. All department heads will be present at the meeting to field any questions that you might have.



City of Elkhart  
City Controller's Office

**Major Category Transfer Requests**

**Buildings & Grounds**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
1101-5-303-4110150	Part Time	\$ (105,000.00)
1101-5-303-4220210	Gasoline	\$ 35,000.00
1101-5-303-4220150	Operating Supplies	\$ 10,000.00
1101-5-303-4230110	Building Materials	\$ 20,000.00
1101-5-303-4360100	Repairs & Maintenance	\$ 40,000.00

**Central Garage**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
2500-5-901-4110130	Full Time	\$ (75,000.00)
2500-5-901-4220210	Gasoline	\$ 21,000.00
2500-5-901-4220220	Oil	\$ 3,000.00
2500-5-901-4230200	Repair Parts	\$ 17,000.00
2500-5-901-4230250	Garage / Motor Supplies	\$ 17,000.00
2500-5-901-4350100	Electricity	\$ 1,500.00
2500-5-901-4360100	Repairs & Maintenance - Bl	\$ 7,000.00
2500-5-901-4360200	Equipment Repair	\$ 8,500.00

**Cemetery**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
2205-5-404-4110150	Part Time	\$ (5,000.00)
2205-5-404-4220150	Operating Supplies	\$ 3,500.00
2205-5-404-4220210	Gasoline	\$ 1,500.00

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, AUTHORIZING THE TRANSFER OF ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000.00) FROM THE BUILDING AND GROUNDS PART TIME ACCOUNT, AND ASSIGNING THE FUNDS TO THE FOLLOWING BUILDING AND GROUNDS ACCOUNTS: FORTY THOUSAND DOLLARS (\$40,000.00) TO THE REPAIRS & MAINTENANCE ACCOUNT, THIRTY FIVE THOUSAND DOLLARS (\$35,000.00) TO THE GASOLINE ACCOUNT, TWENTY THOUSAND DOLLARS (\$20,000.00) TO THE BUILDING MATERIALS ACCOUNT, AND TEN THOUSAND DOLLARS (\$10,000.00) TO THE OPERATING SUPPLIES ACCOUNT**

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**WHEREAS**, the Buildings and Grounds departmental budget for fiscal year 2022 did not anticipate certain unforeseen economic and inflationary pressures upon the cost of gasoline and other major operating supplies; and

**WHEREAS**, the unforeseen economic and inflationary impact has resulted in a deficit of funds with which to pay for these necessary materials and supplies for the balance of the year; and

**WHEREAS**, the Administration estimates that sum of approximately One Hundred Five Thousand Dollars (\$105,000.00) would cover the increase of gasoline costs, purchasing of operating supplies, purchasing of building materials and maintenance repairs for the Buildings & Grounds Department for the balance of the year; and

**WHEREAS**, the City of Elkhart's Buildings & Grounds Department has within the appropriated funds of the Part-Time Account (1101-5-303-4110150), an amount sufficient and available to meet these expenses.

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

Section 1. The City Controller is hereby authorized to transfer a total of One Hundred Five Thousand Dollars (\$105,000.00) from the Part Time Account (1101-5-303-4110150) to the

following accounts in the specified amounts:

Repairs & Maintenance	1101-5-303-4360100	40,000.00
Gasoline	1101-5-303-4220210	\$35,000.00
Building Materials	1101-5-303-4230110	\$20,000.00
Operating Supplies	1101-5-303-4220150	\$10,000.00

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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

**Roderic Roberson**  
*Mayor*

**Jamie Arce**  
*City Controller*



*City Controller's Office*  
229 S. Second St.  
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# Memo

To: Elkhart Common Council  
From: Jamie Arce, Controller  
Regarding: Year End Major Category Transfers  
Date: November 16, 2022

---

As you are aware 2022 has provided for quite the year and the unforeseen conditions that have developed since the adoption of the existing City budget, passed via Ordinance #5871 on October 26, 2021, necessitate the requested major category transfers. The following transfers that are being requested for Buildings & Grounds, Cemetery, and Central Garage are necessary to allow for each department to complete the year.

The amounts and the accounts needing additional funding are included in the attached schedule. All department heads will be present at the meeting to field any questions that you might have.



City of Elkhart  
City Controller's Office

**Major Category Transfer Requests**

**Buildings & Grounds**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
1101-5-303-4110150	Part Time	\$ (105,000.00)
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**Central Garage**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
2500-5-901-4110130	Full Time	\$ (75,000.00)
2500-5-901-4220210	Gasoline	\$ 21,000.00
2500-5-901-4220220	Oil	\$ 3,000.00
2500-5-901-4230200	Repair Parts	\$ 17,000.00
2500-5-901-4230250	Garage / Motor Supplies	\$ 17,000.00
2500-5-901-4350100	Electricity	\$ 1,500.00
2500-5-901-4360100	Repairs & Maintenance - Bl	\$ 7,000.00
2500-5-901-4360200	Equipment Repair	\$ 8,500.00

**Cemetery**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
2205-5-404-4110150	Part Time	\$ (5,000.00)
2205-5-404-4220150	Operating Supplies	\$ 3,500.00
2205-5-404-4220210	Gasoline	\$ 1,500.00

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, AUTHORIZING THE TRANSFER OF SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00) FROM THE CENTRAL GARAGE FULL TIME ACCOUNT, AND ASSIGNING THE FUNDS TO THE FOLLOWING CENTRAL GARAGE ACCOUNTS: TWENTY ONE THOUSAND DOLLARS (\$21,000.00) TO THE GASOLINE ACCOUNT, SEVENTEEN THOUSAND DOLLARS (\$17,000.00) TO THE REPAIR PARTS ACCOUNT, SEVENTEEN THOUSAND DOLLARS (\$17,000.00) TO THE GARAGE/MOTOR SUPPLIES ACCOUNT, SEVEN THOUSAND DOLLARS (\$7,000.00) TO THE REPAIRS & MAINTENANCE ACCOUNT, EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00) TO THE EQUIPMENT REPAIR ACCOUNT, THREE THOUSAND DOLLARS (\$3,000.00) TO THE OIL ACCOUNT, AND ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) TO THE ELECTRICITY ACCOUNT**

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WHEREAS, the Central Garage Department's budget for fiscal year 2022 did not anticipate certain unforeseen economic and inflationary pressures upon the cost of gasoline and major operating supplies; and

WHEREAS, the unforeseen economic and inflationary impact has resulted in a deficit of funds with which to pay for these necessary materials, supplies, and expenses for the balance of the year; and

WHEREAS, the Administration estimates that sum of approximately Seventy Five Thousand Dollars (\$75,000.00) would cover the increased costs of gasoline, oil, repair parts and motor supplies, electricity, maintenance and equipment repairs for the Central Garage Department for the balance of the year; and



WHEREAS, the City of Elkhart's Central Garage Department has within the appropriated funds of the Full-Time Account (2500-5-901-4110130), an amount sufficient and available to meet these expenses.

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

Section 1. The City Controller is hereby authorized to transfer a total of Seventy-Five Thousand Dollars (\$75,000.00) from the Full Time Account (2500-5-901-4110130) to the following accounts in the specified amounts:

Gasoline	2500-5-901-4220210	\$21,000.00
Repair Parts	2500-5-901-4230200	\$17,000.00
Garage / Motor Supplies	2500-5-901-4230250	\$17,000.00
Equipment Repair	2500-5-901-4360200	\$8,500.00
Repairs & Maintenance	2500-5-901-4360100	\$7,000.00
Oil	2500-5-901-4220220	\$3,000.00
Electricity	2500-5-901-4350100	\$1,500.00

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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

**Roderic Roberson**  
*Mayor*

**Jamie Arce**  
*City Controller*



*City Controller's Office*  
229 S. Second St.  
Elkhart, IN 46516

574.294.5471  
Fax: 574.294.8491

# Memo

To: Elkhart Common Council  
From: Jamie Arce, Controller  
Regarding: Year End Major Category Transfers  
Date: November 16, 2022

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As you are aware 2022 has provided for quite the year and the unforeseen conditions that have developed since the adoption of the existing City budget, passed via Ordinance #5871 on October 26, 2021, necessitate the requested major category transfers. The following transfers that are being requested for Buildings & Grounds, Cemetery, and Central Garage are necessary to allow for each department to complete the year.

The amounts and the accounts needing additional funding are included in the attached schedule. All department heads will be present at the meeting to field any questions that you might have.



City of Elkhart  
City Controller's Office

**Major Category Transfer Requests**

**Buildings & Grounds**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
1101-5-303-4110150	Part Time	\$ (105,000.00)
1101-5-303-4220210	Gasoline	\$ 35,000.00
1101-5-303-4220150	Operating Supplies	\$ 10,000.00
1101-5-303-4230110	Building Materials	\$ 20,000.00
1101-5-303-4360100	Repairs & Maintenance	\$ 40,000.00

**Central Garage**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
2500-5-901-4110130	Full Time	\$ (75,000.00)
2500-5-901-4220210	Gasoline	\$ 21,000.00
2500-5-901-4220220	Oil	\$ 3,000.00
2500-5-901-4230200	Repair Parts	\$ 17,000.00
2500-5-901-4230250	Garage / Motor Supplies	\$ 17,000.00
2500-5-901-4350100	Electricity	\$ 1,500.00
2500-5-901-4360100	Repairs & Maintenance - Bl	\$ 7,000.00
2500-5-901-4360200	Equipment Repair	\$ 8,500.00

**Cemetery**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
2205-5-404-4110150	Part Time	\$ (5,000.00)
2205-5-404-4220150	Operating Supplies	\$ 3,500.00
2205-5-404-4220210	Gasoline	\$ 1,500.00

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, AUTHORIZING THE TRANSFER OF FIVE THOUSAND DOLLARS (\$5,000.00) FROM THE CEMETERY DEPARTMENT PART TIME ACCOUNT, AND ASSIGNING THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00) OF THE FUNDS TO THE OPERATING SUPPLIES ACCOUNT AND ASSIGNING ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) OF THE FUNDS TO THE GASOLINE ACCOUNT**

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WHEREAS, the Cemetery Department's budget for fiscal year 2022 did not anticipate certain unforeseen economic and inflationary pressures upon the cost of gasoline and other major operating supplies; and

WHEREAS, the unforeseen economic and inflationary impact has resulted in a deficit of funds with which to pay for these necessary materials and supplies for the balance of the year; and

WHEREAS, the Administration estimates that sum of approximately Five Thousand Dollars (\$5,000.00) would cover the increased cost of gasoline and other operating supplies for the Cemetery Department for the balance of the year; and

WHEREAS, the City of Elkhart's Cemetery Department has within the appropriated funds of the Part-Time Account (2205-5-404-4110150), an amount sufficient and available to meet these expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE

CITY OF ELKHART, INDIANA:

Section 1. The City Controller is hereby authorized to transfer a total of Five Thousand Dollars (\$5,000.00) from the Part Time Account (2205-5-404-4110150) to the following accounts in the specified amounts:

Operating Supplies	2205-5-404-4220150	\$3,500.00
Gasoline	2205-5-404-4220210	\$1,500.00

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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  
*Redevelopment Commission*

**Aurora Capital Development Corporation**

**Meeting Minutes**

**Tuesday January 11, 2022**

Present: Sandi Schreiber, Alex Holtz, Gerry Roberts, Wes Steffen,  
Gary Boyn, Adam Fann, Kristen Smole, Christopher Pottratz  
LaShawn Brooks (Recording Secretary)

**Call to Order:**

This meeting was held in-person, telephonically, and virtually through WEBEX.  
Meeting was called to order at 3:30pm by Mrs. Schreiber

**Election of Officers:**

Alex Holtz as Secretary nominated by Mr. Steffen; Mr. Holtz accepted nomination and second by Mr. Roberts. Voice vote of all in favor and non-opposed. Mr. Holtz elected as Secretary  
Wes Steffen as Vice President nominated by Mr. Holtz; Mr. Steffen accepted and second by Mr. Roberts. Voice vote carried of all in favor and non-opposed. Mr. Steffen elected as Vice President  
Sandra Schreiber as President nominated by Mr. Steffen; Mrs. Schreiber accepted nomination and second by Mr. Holtz.

**Approval of November 9<sup>th</sup> and December 14, 2021 Minutes:**

Mr. Steffen made a motion to approve minutes and second by Mr. Roberts. Voice vote carried with all in favor, non-opposed. Minutes Approved.

**New Business:**

Elkhart Chamber of Commerce Invoices Mr. Steffen made a motion to approve the invoices and Mr. Holtz second. Voice vote carried with all in favor; Invoices approved for payment of \$360.84

With no further items, motion was made by Mr. Steffen and seconded by Mr. Roberts to adjourn the meeting.

Meeting adjourned at 3:53 pm

  
Sandra Schreiber, President



**Aurora Capital Development Corporation**

**Meeting Minutes Tuesday February 8, 2022**

Present: Sandi Schreiber, Alex Holtz, Gerry Roberts, Wes Steffen,  
Gary Boyn, Adam Fann, Kristen Smole, Christopher Pottratz, Dina Harris  
LaShawn Brooks (Recording Secretary)

**Call to Order:**

This meeting was held in-person, telephonically, and virtually through WEBEX.  
Meeting was called to order at 3:30pm by Mrs. Schreiber

**Approval of January 11, 2022 Minutes:**

Mr. Steffen made a motion to approve minutes and second by Mr. Roberts. Voice vote carried with all in favor, non-opposed. Minutes Approved.

**New Business:**

Elkhart Chamber of Commerce Invoices January 2022 Mr. Steffen made a motion to approve the invoices and Mr. Roberts second. Voice vote carried with all in favor; Invoices approved for payment of \$630.35

Kruggel Lawton Invoice for a IRS report. Mr. Steffen made motion to approve the invoice and Mr. Holtz second. Voice vote carried with all in favor; Invoice approved for payment of \$975.00.

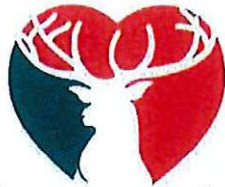
Monthly Report: Gateway Cellar Winery paid off their loan. Rhonda Cake Shop maturity date was January 15, 2022. Board Members stated they would like to hear from her regarding how she wants to handle her situation with payments. Mr. Steffen asked if there was any indication from her on how she would prefer to get this taken care of. He stated he is in favor of renewing. Mr. Holt stated she was in Hotel Elkhart and he is interested in her payment coming down so she can afford it perhaps a 2.5 interest rate. Mr. Steffen made a motion to have the interest rate for Rhonda Cake Shop decrease to 2.5% monthly and Mr. Roberts second the motion. Voice vote carried with all in favor. Approved

With no further items, motion was made by Mr. Holtz and seconded by Mr. Steffen to adjourn the meeting. Meeting adjourned at 3:41 pm

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Sandra Schreiber, President





City of Elkhart  
Redevelopment Commission

**Aurora Capital Development Corporation**

**Meeting Minutes**

**Tuesday March 8, 2022**

Present: Sandi Schreiber, Alex Holtz, Wes Steffen, Dina Harris  
Gary Boyn, Adam Fann, Kristen Smole, Christopher Pottratz  
LaShawn Brooks (Recording Secretary)

**Call to Order:**

This meeting was held in-person, telephonically, and virtually through WEBEX.  
Meeting was called to order at 3:30pm by Mrs. Schreiber

**Approval of February 8, 2022 Minutes:**

Mrs. Schreiber and Mr. Steffen made a motion to approve minutes. Voice vote carried with all in favor, non-opposed. Minutes Approved.

**New Business:**

Month End Report- Reviewed by the Commission. Mr. Boyn stated that Game On was not on the report and asked if it was written-off. Mrs. Schreiber stated she would discuss with Lavon. Mr. Steffen stated the appropriate accounting function at this point is to get it written-off. Mr. Boyn stated that for us it do not have any meaning due to we are not paying anything. Ms. Harris asked how much was written-off. Mrs. Schreiber stated most of the loan written-off (\$15k-\$20k).

Mrs. Schreiber asked if the paper work for Rhonda's Cake Shop been completed. Mr. Boyn stated she signed everything (Rhonda) and her new note is about another 5 years.

With no further items, motion made by Mr. Steffen and seconded by Mr. Holtz to adjourn the meeting.

Meeting adjourned at 3:45pm

  
Sandra Schreiber, President



**Aurora Capital Development Corporation  
Meeting Minutes  
Tuesday April 12, 2022**

**Present:** Sandi Schreiber, Alex Holtz, Wes Steffen, Gerry Roberts, Dina Harris, Gary Boyn, Nancy Kiernan, Chaise Cope, Adam Fann, Dana Donald  
LaShawn Brooks (Recording Secretary)

**Call to Order:**

This meeting was held in-person, telephonically, and virtually through WEBEX.  
Mrs. Schreiber called meeting to order at 3:30pm

**Amendment of Agenda:** Ms. Harris motioned to amend the agenda and Mr. Steffen second; all were in favor and motion was approved to add IFFA Local 338 Aurora Capital Loan Application

**Approval of March 8, 2022 Minutes:**

Ms. Harris made a motion to approve minutes and second by Mr. Steffen. Voice vote carried with all in favor, non-opposed. Minutes Approved.

**New Business:**

Application \$50,000.00 was present to the Commission from Mrs. Kiernan. She stated that the local chapter of the International Association of Firefighters owns 411 South Main Street and our requesting to be considered for the Aurora Capital loan for \$50,000 to cover the renovation costs to restore the building. She stated that Local 338 purchased the building in 2019 and has completed extensive demolition and renovations in that timeframe. She stated if granted, these funds will finish the project once completed, the building will serve as a union hall to hold all events and activities related to union business. Mrs. Kiernan stated that the space would be available to rent by the public as an event space and that union leadership been approached by local businesses and organizations inquiring. She stated upon completion, the building would be open during events in festivals such as Art Walk and the Jazz Festival to provide educational materials relative to public safety. CPR classes amongst others are also in their plans and if approved, construction will begin in early May. Mrs. Kiernan stated that Mr. Johnson, Executive Director of Elkhart Chambers, has submitted documentations and can provide upon request. She stated we ask that you consider this application and approve the \$50,000 request from the Aurora Capital Loan fund.

Ms. Harris stated concerns about parking if meetings and events are to take place. Mrs. Kiernan stated that there is public parking downtown. Mr. Steffen asked if this would get them across the finish line. Yes, Mrs. Kiernan stated. Mrs. Schreiber and Mr. Boyn stated their mortgage is collateral and rent income. Mrs. Kiernan stated the property is subject to a complete appraisal. Mrs. Schreiber stated that the total debt service looks like it is for 2019. Mr. Boyn stated that on the title insurance vendors listed. He

stated it would be a part of the closing. Ms. Harris stated that they think they can pay it off in five years with rentals. Mrs. Kiernan stated they indicated that they have inquiries from potential businesses seeking space and they will be using membership dues.

Motion made by Mr. Steffen and second by Mr. Roberts to approve the loan to the international Association of Firefighters Local 338 for \$50,000 from the Aurora Capital Fund. All were in favor with non-opposed; loan approved.

Elkhart Chamber of Commerce invoices \$523.02 was motioned by Ms. Harris and second by Mr. Steffen. All were in favor and non-opposed; invoice approved for payment.

Month End Report: Ms. Harris stated what happens with past due payments. Mrs. Schreiber stated we give 90 days and only one default in the seven years I have been here. Mr. Boyn asked who paid off loan. Mrs. Schreiber stated Gateway Seller the Winery

With no further items, motion was made by Ms. Harris and seconded by Mr. Steffen to adjourn the meeting.

Meeting adjourned at 4:00 pm

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Sandra Schreiber, President



City of Elkhart  
*Redevelopment Commission*

**Aurora Capital Development Corporation  
Meeting Minutes  
Tuesday May 10, 2022**

Present: Sandi Schreiber, Alex Holtz, Wes Steffen, Gerry Roberts, Gary Boyn,  
Nancy Kiernan, Chaise Cope, Adam Fann, Dana Donald  
LaShawn Brooks (Recording Secretary)

**Call to Order:**

This meeting was held in-person, telephonically, and virtually through WEBEX.  
Mrs. Schreiber called meeting to order at 3:55pm

**Approval of March 8, 2022 Minutes and April 12, 2022 Minutes:**

Mr. Holtz made a motion to approve minutes and second by Mr. Roberts. Voice vote carried with all in favor, non-opposed. Minutes Approved.

**Elkhart Chamber of Commerce Invoices**

Mr. Steffen made a motion to approve the Elkhart Chamber of Commerce invoices and Mr. Holtz second. Voice vote carried with all in favor; Invoices approved for payment of \$1492.32.

Month End Report: Ms. Schreiber stated one account is paid off and everyone is current except one.

With no further items, motion was made by Mr. Steffen and seconded by Mr. Holtz to adjourn the meeting.

Meeting adjourned at 4:00 pm

  
\_\_\_\_\_  
Wes Steffen, Vice President



**City of Elkhart**  
*Redevelopment Commission*

**Aurora Capital Development Corporation**  
**Meeting Minutes**  
**Tuesday August 9, 2022**

**Present:** Dina Harris, Alex Holtz, Gerry Roberts, Wes Steffen, and Gary Boyn  
Chaise Cope, Adam Fann, Mary Kaczka, Kristen Smole  
LaShawn Brooks and Sherry Weber (Recording Secretary)

Jeff Bliler, Owner, 4 Sight inspection Services Inc.

**Call to Order:**

This meeting was held in-person, telephonically, and virtually through WEBEX.  
Mr. Steffen called meeting to order at 3:34pm

**Approval of May 10, 2022 Minutes:**

Ms. Harris made a motion to approve the May 10, 2022 minutes. The motion was seconded by Mr. Roberts. The voice vote carried with all in favor, non-opposed. Minutes are approved.

**Gateway Mile Loan Application**

Kristen Smole introduced the Gateway Mile Loan applicant Mr. Jeff Bliler, owner of 4 Sight Inspection Services Inc. Mr. Bliler's loan application was approved by the GLMF Commission in July 2022 with the request for updated financial documentation. Mr. Bliler supplied the commissioners with updated financial information prior to the meeting and attended the meeting to answer questions from the Commissioners. Mr. Steffen asked Mr. Bliler for an update on the strength of his business. Mr. Bliler stated the business is strong, market conditions have been challenging for the last 6 months. He started out the year in a really competitive residential, real estate market. With that things were so competitive that home inspections, which is their primary bread and butter, were being waved because of marketing conditions were competitive nationwide. The average in a normal year is 85% of residential, real estate transactions have had a home inspection. The last 6 months that number nationally has been under 45%. They have seen a reduction in a number of inspections done and a slight reduction in revenue over the last 6 months. As of July the market conditions have tightened and residential mortgage rates have gone up. They have seen a surge as things moved from being so strongly a seller's market in the residential market to more of a buyer's market and they are moving back towards normal market conditions again.

Mr. Roberts stated to Mr. Bliler, "the total loan value is for \$135,000 and you mentioned renovating the property to be more conducive to your needs." Mr. Roberts asked "What is the amount relative

to that total that is going to be used on renovations?" Mr. Bliler stated, the original acquisition cost for the building was \$75,000. The \$135,000 through the application through the Gateway Mile Loan Fund is a line of credit. As they make improvements to the building they can apply for reimbursement. Mr. Bliler anticipates accessing another \$25,000 of that line of credit. He doesn't anticipate using the entire \$105,000. Mr. Bliler has gotten bids to have windows and/or replacement done on the building. The bids came in around \$17,000. The other two items they would like to have done at this time are exterior lighting on the north side of the building to highlight the mural on the north side; as well as doing some flooring renovations on the inside.

Mr. Steffen asked for a motion to approve Mr. Bliler's Gateway Mile Loan application.

Mr. Roberts made a motion to approve Mr. Bliler's Gateway Mile Loan the amount of \$135,000. The motion was seconded by Ms. Harris. The voice vote carried with all in favor, non-opposed. Motion approved.

Mr. Bliler thanked the commission for their approval.

#### **Elkhart Chamber of Commerce Invoices**

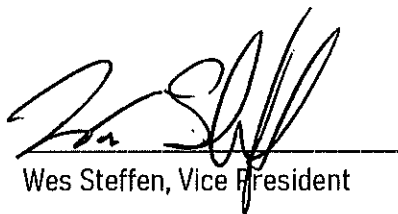
Mr. Steffen asked for a motion to approve invoice #32835 in the amount of \$522.02, invoice #32838 in the amount of \$559.54, invoice #32839 in the amount of \$410.76, and invoice #32841 in the amount of \$477.36.

Mr. Holtz made a motion to approve the Elkhart Chamber of Commerce invoices. Ms. Harris seconded the motion. Voice vote carried with all in favor; Invoices approved.

Mr. Steffen noted the 2022/2023 Indiana Business Entity Report is there for review.

With no further items, motion was made by Ms. Harris and seconded by Mr. Holtz to adjourn the meeting.

Meeting adjourned at 3:41 pm



Wes Steffen, Vice President



**City of Elkhart**  
*Redevelopment Commission*

**Aurora Capital Development Corporation**  
**Meeting Minutes**  
**Tuesday September 13, 2022**

Present: Dina Harris, Alex Holtz, Gerry Roberts, Sandi Schreiber, Wes Steffen, Gary Boyn and Sherry Weber (Recording Secretary)  
Chris Pottratz attending via Webex.

**Call to Order:**

This meeting was held in-person, telephonically, and virtually through WEBEX.  
Ms. Schreiber called meeting to order at 3:35pm

**Approval of September 13, 2022 Minutes:**

Ms. Harris made a motion to approve the September 13, 2022 minutes. The motion was seconded by Mr. Holtz. Roll call vote carried with all in favor, non-opposed. Minutes are approved.

**Elkhart Chamber of Commerce Invoices**

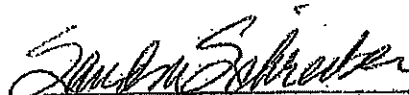
Ms. Schreiber asked for a motion to approve invoice #32844 in the amount of \$399.74, and invoice #32845 in the amount of \$417.04.

Ms. Harris made a motion to approve the Elkhart Chamber of Commerce invoices. Mr. Holtz seconded the motion. Roll call vote carried with all in favor; Invoices approved.

Financial reports were generally discussed. More detailed reports to be brought next meeting.

With no further items, motion was made by Ms. Harris and seconded by Mr. Holtz to adjourn the meeting.

Meeting adjourned at 3:39 pm

  
Sandi Schreiber, President



City of Elkhart  
Redevelopment Commission

**Aurora Capital Development Corporation  
Meeting Minutes  
Tuesday October 11, 2022**

**Present:** Dina Harris, Alex Holtz, Gerry Roberts, Sandi Schreiber, Wes Steffen, Gary Boyn and Sherry Weber (Recording Secretary)  
Chris Pottratz attending via Webex.

**Call to Order:**

This meeting was held in-person, telephonically, and virtually through WEBEX.  
Ms. Schreiber called meeting to order at 3:35pm

**Approval of September 13, 2022 Minutes:**

Ms. Harris made a motion to approve the September 13, 2022 minutes. The motion was seconded by Mr. Steffen. Roll call vote carried with all in favor, non-opposed. Minutes are approved.

**Elkhart Chamber of Commerce Invoices**

Ms. Schreiber asked for a motion to approve invoice #32846 in the amount of \$259.22 and invoice #32847 in the amount of \$521.12.

Ms. Harris made a motion to approve the Elkhart Chamber of Commerce invoices. Mr. Steffen seconded the motion. Roll call vote carried with all in favor; Invoices approved.

With no further items, motion was made by Mr. Steffen and seconded by Mr. Holtz to adjourn the meeting.

Meeting adjourned at 3:37 pm

Sandi Schreiber, President



**BOARD OF ZONING APPEALS**

**-MINUTES-**

**Thursday, August 11, 2022 - Commenced at 6:00 P.M. & adjourned at 8:00 P.M.  
City Council Chambers – Municipal Building**



**MEMBERS PRESENT**

Doug Mulvaney  
Ron Davis  
Andy Jones  
Janet Evanega (Proxy)

**MEMBERS ABSENT**

None

**REPRESENTING THE PLANNING DEPARTMENT**

Ryan Smith, Planner

**LEGAL DEPARTMENT**

Maggie Marnocha

**TECHNOLOGY STAFF**

David Hopkins

**RECORDING SECRETARY**

Jennifer Drlich

**APPROVAL OF AMENDED AGENDA**

Davis makes motion to approve; Second by Jones. Voice vote carries.

**APPROVAL OF PROOFS OF PUBLICATION**

Jones makes motion to approve; Second by Davis. Voice vote carries.

**OPENING STATEMENT**

Welcome to the August 11, 2022 meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the board. If no decision is made, the petition will be set for another hearing.

If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision in an appropriate court no later than 30 days after the decision is made. If you think you may potentially want to appeal a decision of this Board, you must give this Board a written appearance before the hearing. Alternatives: A sign-in sheet is provided which will act as an appearance. You should sign the sheet if you want to speak, but also if you do not wish to speak but might want to appeal our decision. Forms are provided for this purpose and are available tonight. A written petition that is set for hearing tonight satisfies that requirement for the petitioner. If you file your appeal later than 30 days after the decision of this Board or give no written appearance tonight you may not appeal the Board's decision. Because the rules on appeal are statutory and specific on what you can do, the Board highly suggests you seek legal advice. If you are the petitioner, in addition to filing an appeal, you may first file a motion for rehearing within 14 days of the Board's decision.

**OLD BUSINESS**

None



**NEW BUSINESS**

**22-BZA-21 PETITIONER IS JULIE WHEELER**  
**PROPERTY IS LOCATED AT 1717 CASSOPOLIS ST**

To vary from Section 13.4, Yard Requirements in the B-3 District, which requires a front yard setback of thirty (30) feet, to allow for the reconstruction of a building (West View Florist) at a six (6) foot setback, a variance of twenty-four (24) feet.

To also vary from Section 26.5.D.1, Major Thoroughfare Setback, which requires a primary building to be setback one hundred twenty (120) feet from the centerline of the street, to allow for the reconstruction of a building (West View Florist) at a forty-six (46) foot setback, a variance of seventy-four (74) feet.

Mulvaney calls petitioner forward.

Julie Wheeler appears in person. She comments that this item should have been grandfathered in (several comments inaudible and out of microphone).

Phil Hesch appears in person as petitioner's attorney. He states that Westview Florist has been there and would be grandfathered in under Section 1.01 which has to do (inaudible). What's erroneous in the petition is that this is not a reconstruction of the building. He states the front was damaged by a drunk driver who came off toll road. He states the only part needing restored is the front with 80% of the building not needing touched, well under the 50% requirement (inaudible). He states that a contractor from Michigan came to do work but was not licensed in Elkhart County. The contractor had the petitioner sign a permit, but did not give her a permit. He states that tonight is the first time they've heard of what the petition said. He notes a Mr. McIntyre in attendance with him from Paul Davis Restoration (inaudible). The building is still in use and conducting business.

Wheeler speaks out of microphone.

Mike McIntyre states that the insurance appraisal on the property, excluding land, is \$995,000. There are two estimates to repair. The original contractor estimated \$20,000 (inaudible). His estimate has been submitted to Frankenmuth Insurance and been approved for \$129,000 which is less than 17% of the insurance appraisal. They have presented a schedule to the Wheelers for beginning and ending of work. He states the requirement under the zoning ordinance says the work has to begin (inaudible), which the event occurred in early February of 2022.

Wheeler speaks out of microphone.

McIntyre states that Frankenmuth Insurance Company has a licensed professional engineer and architect, building drawings, and the repair scope outlined pursuant to the engineering document. They are rebidding many of the subcontractors, who will all be licensed with the City. (Inaudible) He states they are compliant with the statute cost and work having been started within the one year period. (Inaudible) He questions why the original contractor requested a variance. (Inaudible)

Drlich requests petitioners speak directly into the microphone.

Hesch states it is 101 (inaudible) grandfathered (inaudible).

McIntyre states they have the project being done in early December.

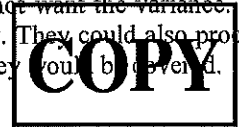
Hesch (inaudible). They want the variance denied so that they can pull permits (inaudible).

Jones asks if there is a downside to the Board approving the variance as opposed to them withdrawing and falling back on the grandfather.

Hesch states that would be fine.

Mulvaney states that the staff recommends approval and asks whether it makes a difference to withdraw.

Smith clarifies that the 50% in the ordinance is the cost of the building. He had not heard the \$995,000 quote before and was under the understanding the value was much lower. He states the petitioners could withdraw if they do not want the variance. He says that if they disagree with a staff decision, they could appeal but it would come to the BZA anyway. They could also proceed and have it approved so that if anything in the future would come up, it would already be in effect and they could be covered.



Wheeler speaks off microphone (inaudible).

Smith states the variance runs with the land. It does not go away.

McIntyre states the \$994,000 is an insurance appraisal on the fair market value of the property. The cost of approved repairs is an approximate \$20,000 paid to the prior vendor, and their approved estimate under contract which is \$129,000, so an approximate \$150,000 in repairs.

Wheeler speaks out of microphone (inaudible).

Hesch states they are so emotional about this (inaudible) trusting someone from outside the county who isn't even allowed to pull permits here, gets her into this (inaudible) where her business is (inaudible).

Davis asks if they approve the variance would it allow them to reconstruct the property to what it was prior to the accident.

Hesch agrees that it will.

Mulvaney opens for public comments to speak in favor. He notes that Kevin on Facebook speaks in favor and opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioners own a flower shop on a .4-acre parcel, in a building that was initially developed in 1930, greatly predating the establishment of current codes. While the current district requirements have a 30 foot front setback requirement and the primary street requires a 120 foot setback from the road centerline, the building currently sits at setbacks of six (6) and 46 feet, respectively.

Until recently, the setbacks were legal nonconforming. However, the building recently suffered a casualty when it was hit by a car that resulted in extensive damage. While not a total loss, the estimated value of repair work exceeded 50% of the total construction cost of the building, exclusive of foundation. Once that threshold has been crossed, the Zoning Ordinance requires that the building be constructed to current standards. The petitioners are applying for this variance to allow them to rebuild the building at the same location.

**STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the building will be reconstructed in the same location;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because it was originally developed at its current setback
5. The strict application of the terms of this Ordinance **will result** in practical difficulties in the use of the property because it would require the entire building to be relocated;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

Smith states there were 15 letters mailed, none returned.

Jones makes motion to approve; Second by Davis.

Davis – Yes  
Jones – Yes  
Evanega – Yes  
Mulvaney – Yes



Motion carries.

**22-X-10 PETITIONER IS LALLY SHOPPING MALL INC  
PROPERTY IS LOCATED AT 2707 TOLEDO RD**

A Special Exception as per Section 13.3, Special Exception Uses in the B-3 District, to allow for the establishment of a church at an existing strip mall at 2707 Toledo Road.

Mulvaney calls petitioner forward.

Therese Geise appears in person to represent the landlord, Lally Shopping Center, and the petitioners who are accompanying her.

Mulvaney asks how many parishioners they expect on a Sunday.

Unnamed representative states that they currently have 10, but it will depend on how they grow.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner owns a strip mall built in 1990 on Toledo Rd., an auto-oriented thoroughfare on the southeast edge of town with a mix of uses including commercial, industrial, and residential uses. As a strip mall, the interior space is ample for a church and there is ample parking for the church, and its operating hours are likely to be off-peak times for the remainder of the strip mall. There is ample space between it and any nearby residential uses, and there is an ease of access being located on a major road. It's unlikely that the use as a church will have a detriment to surrounding properties and the facilities are adequate for the proposed use.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare **will be** protected;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because there will be no exterior changes except for signage;
3. The Special Exception **shall** conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

Smith states there were 26 letters mailed. None returned. This item comes from Plan Commission with a Do-Pass recommendation.

Mulvaney asks if there are questions from the Board for staff.

Evanega asks if the church has meetings other than Sundays and if it would create parking issues.

Smith states the petitioners can answer in regards to their services, but the church is growing. They only have so much space but, regardless, the strip mall should have enough. The mall was built with enough parking for the space, so it should be accommodated.

Geise states there will be evening services on Wednesdays starting at 7:00.

Evanega asks if Smith still believes there will be enough parking.

Smith states that he does. The other uses in the mall are primarily oriented towards daytime hours.

Davis makes motion to approve; Second by Jones.

Davis – Yes  
Jones – Yes  
Evanega – Yes  
Mulvaney – Yes



Motion carries.

Mulvaney notes the next two items are the same petitioner and will be heard together but voted upon separately.

**22-BZA-22 PETITIONER IS TOLSON CENTER INC**  
**PROPERTY IS LOCATED AT 1320 BENHAM AVE**

To vary from Section 26.7.C.2.a, Number of Off-Street Parking Spaces, which requires 223 parking spaces for a rebuilt Community Center, to allow for a total of 146 to be provided, a variance of 77 spaces.

To also vary from Section 26.7.C.7.1.2.b.(2) Parking Lot Landscaping, which requires a twenty (20) foot landscape strip for a parking lot with 87 spaces adjacent to a right-of-way, to allow for a ten (10) foot landscape strip, a variance of ten (10) feet.

**STAFF ANALYSIS**

The petitioners own property at 1320 Benham Avenue and four vacant parcels to the immediate north on Chapman Avenue that they wish to redevelop as an updated Tolson Community Center. The plans for the project include a primary building that is located in the approximate location as the current center, outdoor recreation, and a parking lot on the vacant Chapman parcels.

While the overall plan provides a total of 146 parking spaces, according to Zoning Ordinance standards, the required parking would be 223 spaces. While the requested reduction is significant, staff anticipates a significant amount of traffic to the center to be bicycle and pedestrian, and for parents driving to take multiple children. Therefore, the provided parking seems to be adequate for the proposed center.

Additionally, the 87-space proposed parking lot on Chapman would typically require a 20' setback from the right of way. The petitioners are attempting to maximize their parking to come closer to meeting the city's parking requirements; setting the lot back to 20' would take out parking. Staff believes it's better to have the smaller setback and more parking. Additionally, Chapman is not a heavily trafficked corridor and is directly across the street from the proposed community center as opposed to residential dwellings. The parking lot will also be buffered with a hedge row.

**STAFF RECOMMENDATION**

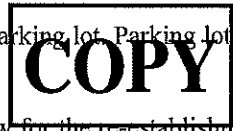
The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district;
5. The strict application of the terms of this Ordinance **will result** in practical difficulties in the use of the property because the site is limited relative to its programming;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

There were 62 letters mailed. One returned in favor with no comment.

**22-UV-14 PETITIONER IS TOLSON CENTER INC**  
**PROPERTY IS LOCATED AT 1320 BENHAM AVE**

To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District, to allow for a parking lot. Parking lots are not allowed as a primary use in the R-2 District.



To also vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District, to allow for the re-establishment of a Community Center. Community Centers are not a permitted use in the B-1 District.

Mulvaney calls petitioner forward.

Crystal Welsh from Abonmarche appears in person for the petitioner.

Breanna Allen, Executive Director of the Tolson Center, appears in person.

Welsh states that the new building will be very different from the current one. To accommodate parking, they have had to go across Chapman Avenue to construct a parking lot on the north side of the property for the building to be used as a community-wide asset rather than limited to the area surrounding it. The previous center had very limited parking, this parking request is to accommodate a more suburban area where all the visitors would be driving. She believes that this will be a nice medium at about half of the required parking because they do anticipate a large number of people who use the facility will be from the neighborhood itself, but it allows for those coming to enjoy the center or have a meeting, or many other uses as a community asset.

Mulvaney asks for questions from the Board.

Evanega states that most of the people in the area will ride bikes in or walk, but asks if the center will be for all of Elkhart and possibly the county. She asks if, when things like a basketball tournament arise, is there really going to be parking space.

Smith states there is on-street parking nearby. What staff attempted to do was figure out the maximum parking needed if the building were fully packed.

Evanega notes there is the soccer field and will be tournaments there.

Smith notes there is a certain number required for sporting fields and that has been factored in as well. Current planning practices are going towards peak to spill over a little bit into urban public areas where there is parking.

Davis asks if the Housing Authority will allow parking.

Smith states not that he is aware of.

Welsh states they have not had that direct conversation, but the relationship with the Tolson Center and Housing Authority is very good. She notes that the Wagner Avenue right-of-way was vacated during this process to allow for construction. The statute requires that half of the property go to each side. They have been working with the Housing Authority to have their half of the property deeded over to the Tolson Center, which they have done.

Kristin Smole appears in person as Vice-Chair of the Housing Authority. She states they have had that conversation at the Board level and are fully cooperating with the Tolson Center as they are excited to have them as neighbors.

Evanega asks how many parking spaces they have.

Smole states that she is not sure, but it is a substantial parking lot.

Jones asks if there are more parking spaces based on the new development than what is there currently.

Smith states he does not know the exact number existing, but he believes there is more space devoted towards parking, especially with the establishment of the area to the north.

Jones asks if it is 140 spaces and if they have that many now.

Smith states he does not believe so.

Jones states that he likes that there have been a lot of public meetings and knows a lot of thought has gone into this to bring it to this point today. He will support it and agrees that a lot of folks will come from the neighborhood and will draw a lot of folks from all over. People will find a place to park.

**COPY**

Smith states that peak parking becomes a management issue, perhaps making deals with neighbors, so that the amount of parking is fit to most day to day operations and not fields of unused parking lot for rarer events.

**STAFF ANALYSIS**

The petitioners own approximately 6 acres of land at 1320 Benham and four vacant parcels on Chapman Avenue. They wish to redevelop the property to establish a new Tolson Center with up-to-date facilities as well as additional outdoor recreation. As a support facility to the redeveloped Tolson Center, they would also like to establish a parking lot to the immediate north, on Chapman Avenue.

Property has already changed hands and the former building is currently being demolished. While the facilities will be updated and expanded, the center's role in the community will remain similar in terms of land use. It's anticipated that many of its users will be from the immediate vicinity. Any additional traffic can be handled by Benham Avenue, and the request is simply to reestablish a long-term land use at the same location.

**STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because it will largely be a reconstruction of a long-established community center;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the property will be developed to current standards;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted;
4. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the site because the Tolson Center would need to find a new location;
5. The special conditions and circumstances **do not** result from an action or inaction by the applicant.

There were 62 letters mailed. One returned in favor with no comment.

Mulvaney asks if there are questions from the Board for staff.

Mulvaney calls for a motion on **22-UV-14**.

Jones makes motion to approve; Second by Davis.

Davis – Yes  
Jones – Yes  
Evanega – Yes  
Mulvaney – Yes

Motion carries.

Mulvaney calls for a motion on **22-BZA-22**.

Davis makes motion to approve; Second by Evanega.

Davis – Yes  
Jones – Yes  
Evanega – Yes  
Mulvaney – Yes

Motion carries.

**22-BZA-23 PETITIONER IS SGR I LLC AND LIFE CENTER OF ELKHART COUNTY, INC  
PROPERTY IS LOCATED AT 1111 AND VACANT LAND, WEST BRISTOL STREET**



To vary from Section 12.4, Yard Requirements in the proposed B-2 District, to allow a building setback fifteen (15) feet from the property line fronting on both West Bristol Street and Edwardsburg Avenue, where thirty (30) feet is required, a variance of fifteen (15) feet.

To also vary from Section 12.4, Yard Requirements in the proposed B-2 District, to allow for a building forty-nine (49) feet tall where a maximum of thirty-five (35) feet is allowed, a variance of fourteen (14) feet.

Mulvaney calls petitioner forward.

Jerry Nix with MKM Architecture and Design appears in person for the petitioner. The property is approximately 15 acres at the southwest corner of Bristol Street and Edwardsburg Avenue. They are currently requesting a zoning change with the Planning Commission to rezone the property to B-2. They meet with the City Council next Monday. Both the setback and height will only impact the Bristol and Edwardsburg intersection. The other parking lots and buildings proposed will meet the requirements. The north and east property lines do not have adjoining land owners. The variances will actually help define the intersection and give it more prominence from a design and architectural standpoint. The development is a portion of the Miles Bayer redevelopment area being marketed by the City and the Economic Development Corporation of Elkhart County. The project will have a positive impact on future development. It will preserve and perhaps increase the value of surrounding properties and land values as the shift occurs from manufacturing to commercial. The project will offer additional healthcare options for residents south and southeast of the area. It is in line with growth initiatives, the City comprehensive plan, and will turn an underserved and underutilized area into a vibrant medical campus as a catalyst for future development in the area.

Mulvaney asks if this will be a clinic setting or outpatient center.

Nix states it will be a combination of both.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioners own more than 15 acres of land to the southwest of West Bristol Street and Edwardsburg Avenue. They are in the process of requesting the property to be rezoned to B-2; the property is simultaneously going to Plan Commission and City Council. If the rezoning passes, they will reconfigure the lot lines and consolidate the property under one ownership for redevelopment as a medical facility with commercial outbuildings. The proposed 122,000 square foot building at the corner will be the first phase of the development; additional buildings and uses will be developed to the west during later phases.

The design of the property fits with proposed changes to the zoning ordinance which will enable larger buildings located closer to the street than what traditional setbacks would allow. It is also taller, at 49 feet where 35 feet is allowed. The design fits with current recommended zoning practices, pushing buildings to the front and parking to the rear, and increasing density.

**STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district;
5. The strict application of the terms of this Ordinance **will result** in practical difficulties in the use of the property because it would subvert the intent of the design;



6. The special conditions and circumstances do not result from an action or inaction by the applicant,
7. This property does not lie within a designated flood hazard area.



Smith states there were 23 letters mailed. None returned.

Mulvaney calls for a motion.

Evanega makes motion to approve; Second by Davis.

- Davis – Yes
- Jones – Yes
- Evanega – Yes
- Mulvaney – Yes

Motion carries.

Mulvaney recuses himself from the next case.

**22-BZA-24 PETITIONER IS JASON & JESSICA MORENO**  
**PROPERTY IS LOCATED AT 315 S RIVERSIDE DR**

To vary from Section 26.7.B.1.c, Off-Street Parking and Loading - Scope of Regulations, which prohibits the parking of commercial vehicles in residential zones, to allow for a commercial vehicle (fire truck) in a residential zone at 315 South Riverside Drive.

Davis calls petitioner forward.

Jason Moreno appears in person. He presents with slides on screen. He reads slide “My Gosh Dang, Horrific Monstrosity of A Vehicle What Be Ruining the City of Elkhart, English Edition.” He was told to demonstrate a hardship. Securing and purchasing of an exquisite vehicle with a provenance such as this, the 3,000 mile, one owner, 1976 Ford Firetruck. The only one in America like it that he is aware of. He bought it from the Pfizer plant Pierce firetruck dealer. It took him a while to procure it and not having it on his property for personal use negates the purpose of owning it. He bought it as a substitute for a diesel truck he had that was louder, had more horsepower, and was only a foot shorter. He purchased it for utility and would otherwise have to sell it. He has a 5 year-old son who is emotionally attached and plays in the truck daily. Changes to the child’s routine do result in duress above and beyond that of typical children his age. He states that he may be like his father and slightly neurodivergent or slightly on the spectrum. He believes the City’s definition of commercial vehicles is ridiculous. He states there are over 20 transport companies in Elkhart and Elkhart County with drivers hauling over 500,000 RVs with dual rear-wheel vehicles which meet the city definition of commercial. The broad definition goes beyond state and federal definitions and his vehicle does not meet those definitions. He could not have known this previously as the City does not have it online. The vehicle is 21 ½ feet which is 6 inches longer than a Pontiac Bonneville. He has had no neighbor complaints and lives on a dead-end street. The vehicle does not cause harm or affect property values. He doesn’t know why he has to prove that he’s not causing damage when it should have to be proven that he is causing damage instead. He states that if the City is concerned about property values and aesthetics, it is impossible to get to his property without seeing a ton of code violations and traffic laws that do bring down the property values way more than his truck does. He complains of vehicles and trailers parked on the street and tree lawn with expired tags, bushes overgrown on the sidewalk and neighboring properties, broken sidewalks. He presents several slides of what he feels are poorly maintained properties in the area. He complains of outdated and unused streetlights, large trash items on the curb, and public drug use. He states he is upset because he is making the neighborhood a much nicer place. He shows slides with the firetruck at various events. He shows a video of flooding in his front yard because there are not storm drains.

Davis asks if he has items pertaining to the firetruck variance.

Davis asks for questions from the Board. Seeing none, he opens for public comments to speak in favor.

Charles Oakley appears in person. He states he has not known Moreno long but he has done a lot of good community work for the city and neighborhood. He states that the west side of South Riverside is deplorable. He states there are nice homes on their side but not the rest of the neighborhood. He states they cannot get help from the City or Code Enforcement. He states that the Mayor was out last week to talk to Mrs. Dorisanne Nielsen about the situation but they haven’t heard anything yet. The firetruck does not hurt anyone. He states he is a retired fireman and drove a commercial truck. There are a lot of pickups and dual wheels in the city

that are a commercial vehicle according to the code and not allowed to be parked in the city. He asks what will be done with all the trucks if we start following the law.

Davis opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

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#### STAFF ANALYSIS

The petitioner owns a fire truck that he is keeping at his residence at 315 S. Riverside Dr. The Zoning Ordinance defines a commercial vehicle, which is prohibited in residential zones, as follows:

“A motor vehicle used or designed for use in pulling, towing, hauling, transporting or as a temporary or permanent base, platform or support for equipment, machinery, materials and/or other goods, the rated capacity of which is:

- more than one and one-half (1 1/2) tons of such equipment, machinery, materials, and/or goods, including but not necessarily limited to stake body trucks, dump trucks, trucks and/or tractors,
- having dual rear wheels and/or more than two (2) axles, semi-trailer tractors, semitrailers and trailers having dual rear wheels and/or more than one (1) axle and/or
- having an overall length of more than twelve (12) feet, regardless of rated capacity and all construction vehicles.”

The fire truck in question appears to meet at least two of the criteria for classifying it as a commercial vehicle.

The petitioner has been parking it on the street at the end of Riverside Dr. This could create a safety issue in the case of an emergency response. The truck should be parked on a paved surface on their property, and outside of the right of way.

#### STAFF RECOMMENDATION

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district;
5. The strict application of the terms of this Ordinance **will result** in practical difficulties in the use of the property;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

#### CONDITIONS

If the Board chooses to approve the requested variance, staff recommends that the following condition be placed upon the approval:

1. This variance will apply only to the fire truck included in this application; any other commercial vehicle, trailer, or equipment is prohibited.
2. The fire truck shall be parked in a permitted area on the premises of 315 S. Riverside and not in the public right-of-way.

Smith states there were 16 letters mailed. None returned.

Davis asks if there are questions from the Board for staff.

Jones asks if staff could pass all the information presented by Moreno to the appropriate departments.

Smith states that he was primarily out that day to check on vehicle violations and wrote up 5 or 6 others in that area.

Evanega asks for his PowerPoint to be passed along.



Jones states that he should not have to put up with all that.

Drlich states that many of the items brought forth are Police items that Code enforcement cannot control or do anything about.

Oakley states that he has spoken to a police officer and showed him 5 vehicles with expired plates. The police officer told him that they stopped enforcing that with Covid. He does not know if that is true, but that is what a Sergeant told him.

Davis calls for a motion.

Jones makes motion to approve with conditions; Second by Evanega.

Davis – Yes

Jones – Yes

Evanega – Yes

Motion carries.

**22-BZA-25 PETITIONER IS MICHAEL B & JULIE M ROBINS  
PROPERTY IS LOCATED AT 2809 GREENLEAF BLVD**

To vary from Section 4.4, Yard Requirements in the R-1 District, which states the required front setback is the Established Setback, to allow for a new garage setback at 36 feet where 68 feet is required, a variance of 32 feet.

To also vary from Section 26.1.B.3, Accessory Structures – General Provisions – which requires that accessory structures be setback at least three (3) feet from an interior side yard lot line, to allow for a gazebo setback one (1) foot, a variance of two (2) feet.

Mulvaney calls petitioner forward.

Robert Thatcher appears in person for petitioner. He states that he has some thoughts on the garage variance, but thanks staff for the favorable recommendation. He adds that the pergola variance is very nominal but the structure has utility. There is a fence and the property is well landscaped. He has tried to speak to the neighbor several times in the past week with to no avail.

Evanega asks if there is no other place the pergola can go.

Thatcher states he has a picture of the neighbor’s side and presents it to the Board.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

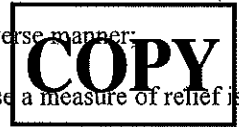
The petitioner owns a .4-acre property on Greenleaf Boulevard. They wish to expand their garage for the purpose of storing watercraft and add a pergola on the eastern edge of their property. The proposed garage would extend forward on the lot, and be set back 36 feet eight inches where 68 feet is required, and the proposed eight foot wide pergola would be installed one foot away from the property line where three feet is required.

It’s unlikely that the setback for the garage will cause any hardship to neighboring properties, and it has a nearby precedent, where the house two properties away has a similar setback. The petitioners would have the option of having a six foot wide pergola instead of an eight foot, which would enable them to meet the requirement and not necessitate a variance.

**STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance request to vary from Section 4.4, Yard Requirements in the R-1 District, which states the required front setback is the Established Setback, to allow for a new garage setback at 36 feet where 68 feet is required, a variance of 32 feet.

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.



The Staff offers **no recommendation** for the developmental variance request to also vary from Section 26.1.B.3, Accessory Structures – General Provisions – which requires that accessory structures be setback at least three (3) feet from an interior side yard lot line, to allow for a gazebo setback one (1) foot, a variance of two (2) feet.

Smith states there were 22 letters mailed. One returned in favor and one not in favor with no comments.

Mulvaney asks if there are questions from the Board for staff.

Evanega asks if the one not in favor was the neighbor who could not be reached.

Smith states it was 2639 Greenleaf which is farther away.

Davis asks if he adjoining neighbors are complaining about it.

Smith states that 2803 Greenleaf was the one returned in approval and they are the other neighbor.

Mulvaney calls for a motion.

Jones makes motion to approve with staff and petitioner’s findings of fact; Second by Davis.

- Davis – Yes
- Jones – Yes
- Evanega – Yes
- Mulvaney – Yes

Motion carries.

**22-UV-15 PETITIONER IS SAM & ERIC INVESTMENTS LLC**  
**PROPERTY IS LOCATED AT 245 W HIVELY AVE**

To vary from Section 12.2, Permitted Uses in the B-2 Community Business District, to allow for a 1,000-gallon liquid propane tank. The outside storage of liquids or gases in one or more tanks is not a permitted use in the B-2 District.

Mulvaney calls petitioner forward.

Debra Hughes appears in person for the petitioner. She states she is accompanied by Daljinder Singh who represents the LLC and Matt Westfall from Franger Gas. She states that the petitioner is building a new gas station and has already procured variances for the property. They are now requesting permission install a 1,000 gallon propane tank outdoors on the South property line which is adjacent to another property the petitioner owns. The purpose would be to fill individual, small tanks sold at the store and other stores the petitioner owns. The tank would be located in a fenced area with a locked gate and the small tanks would be filled only by a trained employee. The tank would be supplied and filled by Franger Gas of Elkhart. These tanks are widely considered to be safe and are used in many locations, residential and commercial, where alternative fuels are needed. The tanks are only filled to 80% capacity, made of durable steel, and are bulletproof at close range. There are no EPA or IDEM permits required. The owner has offered to establish a 25-foot setback on the property to the south that he owns to allow for extra safety.

Evanega asks if it is safe to put propane that close to underground gas tanks (inaudible) and is 1,000 gallons a typical size.

Matt Westfall states that it depends on what they're doing and usage, but it is fairly typical and the safety measure is appropriate.



Davis asks if this is propane for vehicles.

Westfall states that propane is propane.

Jones asks if there are any larger tanks anywhere or is this the maximum.

Westfall states he has a filling station with a 1990-gallon tank from Great Lakes Forest Products.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner owns a property at the southeast corner of Hively Avenue and Benham Avenue comprising approximately 1.1 acres that is currently being redeveloped as a new gas station and convenience store. He wishes to add a 1,000-pound propane tank on the southern edge of the property, to be used to fill and sell propane tanks. The tank will be enclosed within a locked fence, and will be constructed in such a fashion that is very durable and makes leaks unlikely. A number of safety features will also be enabled to prevent leakage.

The tank will be located adjacent to another commercial property that is intended to be developed in the future, and will be setback at a distance from the residential housing to the east.

**STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because all applicable standards will be applied;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted;
4. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the site;
5. The special conditions and circumstances **do not** result from an action or inaction by the applicant.

Smith states there were 9 letters mailed. None returned.

Davis makes motion to approve; Second by Jones.

Davis – Yes

Jones – Yes

Evanega – Yes

Mulvaney – Yes

Motion carries.

**22-UV-16 PETITIONER IS JERRY E & JODY L SMITH  
PROPERTY IS LOCATED AT 1011 W BEARDSLEY AVE**

To vary from Section 12.2, Permitted Uses in the B-2, Community Business District, to allow for a one-family dwelling. One-family dwellings are not a permitted use in the B-2 District.

Mulvaney calls petitioner forward.

Ann Connolly appears in person for the petitioner. She states she is the listing real estate agent for the property. There are residential behind and on either side of the property. She does not know when the zoning was switched to zoning but the lenders do not want to lend on a home in B-2 zoning. The variance would be to facilitate the sale of the home.

**COPY**

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

### STAFF ANALYSIS

The petitioner owns a single family residential property in a B-2 District. According to Elkhart County Assessor records, the house was built in 1926 and comprises 988 square feet on a .13-acre parcel. While the property's immediate surroundings are residential, commercial properties are located immediately to the north and along the same corridor. The B-2 zoning is in place to facilitate redevelopment with commercial uses.

The petitioner is seeking a variance because the property is for sale, and lenders are currently requiring that properties be zoned such that they can be reconstructed in the case of a casualty. Since the house is legal nonconforming in its zoning district, a variance is required to ensure that this is the case.

### STAFF RECOMMENDATION

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because the property is to remain unchanged;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because it's already been established as a single family residence;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted;
4. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the site because it would not provide for the ability to rebuild;
5. The special conditions and circumstances **do not** result from an action or inaction by the applicant.

Smith states there were 36 letters mailed. Two returned in favor with no comments.

Mulvaney asks if there are questions from the Board for staff.

Evanega makes motion to approve; Second by Jones.

Davis -- Yes

Jones --Yes

Evanega -- Yes

Mulvaney -- Yes

Motion carries.

### 22-UV-17 PETITIONER IS EAST LLC PROPERTY IS LOCATED AT 515 EAST ST

To vary from Section 15.2 Permitted Uses in the CBD District, which allows for "multi-family residential dwellings... located above commercial uses," to allow for residential on the first floor and not above commercial uses for a proposed mixed use building.

Mulvaney calls petitioner forward.

Chaise Cope, Assistant Developer of Redevelopment, appears in person for petitioner. She states the variance is for a proposed 60 unit mixed-use building with 20 one-bedroom and 40 two-bedroom units. Twelve units would be on the ground floor in addition to the 1,937 square feet of commercial space on East Street. The lot is on a corner which would require commercial on Hug Street and East Street, but Hug Street is a dead-end so it is not the best use to have commercial facing the parking garage. The alternative would be to have the community space and the leasing office on that side with the commercial just on East Street.

Mulvaney asks for questions from the Board.

Evanega asks for clarification on why the variance is requested.

**COPY**

Cope states that, per Central Business District, only commercial is allowed on the first floor and all residences must be second floor and above. The proposal is for 12 units on the first floor in addition to the community space and leasing office along with the commercial space.

Evanega asks if those 12 residential would be in the same building and would only have one wall of windows as everything else would butt up to the commercial properties or apartments on the other side.

Board discusses off microphone.

Evanega asks how many stories this site is.

Cope states it is four, so far.

Jones expresses support for the project.

Mulvaney asks for sizes of apartments.

Cope states there are 20 one-bedroom and 40 two-bedroom units, but she does not have the square-footage.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

#### **STAFF ANALYSIS**

The petitioner is proposing to redevelop a 1.1 acre property on the edge of the Central Business District with a mixed use multi-family residential and commercial building. It's located on East Street, adjacent to the downtown parking garage, and also has frontage on Hug Street, which is a dead end access street. The design of the building is evolving. However, the plan is to have 60 total apartments along with some commercial space that would front on East Street. There would be some residential behind the East Street commercial meaning some residential would be on the first floor.

The property is located in a transition zone from the denser, more commercial central business district, and the primarily residential State and Division neighborhood. The lot is deep and narrow, with its major axis fronting on Hug Street, which sees very little traffic. The intent of the regulations for ground-floor commercial is to reinforce the street level with commercial uses with the option for residential above.

In this case, having commercial fronting on Hug Street is impractical, since it is a dead-end and primarily access street. It does, however, work well for residential access. Staff recommends in favor of the requested use variance, as it will provide a sensible transition from the CBD to the residential neighborhoods to the east and south.

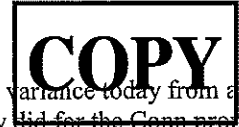
#### **STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals, and general welfare of the community because there it will be similar to other nearby uses;
2. Use and value of the area adjacent will not be affected in a substantially adverse manner because residential development is common in this area;
3. The need for the variance does arise from some condition peculiar to the property because it is located at on the edge of the CBD in a transitional area;
4. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because it limits the use of the property without board action;
5. The approval of this variance will be consistent with the comprehensive plan which calls for this area to be developed with low density residential uses.

Smith states there were 24 letters mailed. None returned.

Mulvaney asks if there are questions from the Board for staff.



Evanega states she does not know much about process as she is a proxy, but received a call about the variance today from a leader in the community and they hoped that we would listen to the community on this item as much as they did for the Conn property on Beardsley. She asks if there is a time in the whole process where we try harder than sending letters to the community to bring the community voice together.

Smith states that, by state law, property owners within 300 feet of a variance request must receive public notice of a hearing. In the Beardsley case, that property is owned by The Redevelopment Commission of the City of Elkhart, so they have their own processes which require public input. If the owner of this property decided to develop it as commercial on the first floor with residential above, they would not need a public process for permits. It is the same if you are adding onto your home and meeting all building and zoning codes, you do not have to notify adjacent property owners, but, if you have something that does not meet codes, that's when there must be a public hearing.

Evanega states she called some other people who lived in the area after she received the initial call, and they all thought this property sounded like a great idea. She agrees but is worried about the apartments on the first floor.

Jones states that there is a residential area right next door that obviously have residential areas on the first floor. This is no different. He understands the reasoning behind having the mixed-use for the Central Business District. It would be odd to have residential on the first floors of Main Street. He is concerned about the architectural features because the property does butt up against the Historic District. He hopes the design features consider that outside on the façade.

Smith states there have been some preliminary considerations and the Central Business District does have some architectural standards in place. The design is in the early process, but staff are having those conversations.

Jones states that everybody knows the River District, there are tons of public meetings, that we need more residential. He never thought about this space being converted and is very excited for this. He believes that retail space will do well with all the residential around there.

Evanega asks who the architect is.

Smith states it is Real America, who are based out of Indianapolis.

Evanega asks if they are the same people who did the LaSalle Hotel which she thinks is a great building.

Mulvaney calls for a motion.

Davis makes motion to approve; Second by Jones.

- Davis – Yes
- Jones – Yes
- Evanega – Yes
- Mulvaney – Yes

Motion carries.

**STAFF ITEMS**

**20-X-04U PETITIONER IS HOUSING AUTHORITY OF CITY OF ELKHART  
PROPERTY IS LOCATED AT 315 CHAPMAN AVE**

Staff and BZA review of Special Exception 20-X-04, which allowed for a daycare center.

**STAFF ANALYSIS**

On August 13, 2020, a special exception was granted to the Washington Gardens Housing Authority daycare at 315 Chapman Avenue. The approval came with nine conditions:



1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises beyond what is allowed for in its district unless allowed by variance.
5. A copy of the child care license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum of forty (40) children.
9. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by August 11, 2022.

**COPY**

Staff visited the site on August 2. The daycare does not operate during the summer break, so it was not in active use at that time. However, staff found the proprietor to be in compliance with most of the conditions placed upon the special exception. Staff was able to confirm that it was licensed with the state's Family and Social Services Administration (FSSA) and was able to access inspection records child care finder site, the day care has a good inspection record, with no critical violations in the last three years.

Staff requested answers to the following questions via email to the provider, and did not receive a response:

- Please confirm that all children are restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
- Please provide a copy of the child care license from the Indiana Family and Social Services Administration.
- Has the day care been continuously operating and not ceasing operation for more than one (1) year, and that the daycare license has been continuously valid?
- What is the maximum number of children you will have enrolled? How many do you anticipate this fall?

However, the provider plans to be in attendance at the meeting and can answer questions before the board.

**STAFF RECOMMENDATION**

Staff recommends that the variance for this property remain in effect for an additional two (2) years, and that it shall be reviewed as a staff item by the Board of Zoning Appeals by August 8, 2024.

Kathy Guajardo, Director of Elkhart and St Joseph County Head Start Consortium, appears in person. They have 20 children enrolled in the Washington Gardens Childcare Center under the Head Start grant which serves 852 children across two counties and 250 infants and toddlers. This is one of their 25 locations. They are in good standing and she has given the license which is good until December 31<sup>st</sup> to the office. They expect the inspectors to come out and relicense them any time after October.

Mulvaney asks if they have been continuously operating and have not ceased operation for more than one year.

Guajardo states that is correct. They suspended for a short time due to Covid, but have always been there.

Mulvaney asks if all children are restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.

Guajardo states they are restricted to the inside of the playground, the building, and surrendering to parents in hand to hand contact. They do not take walks around the area because that would require parental permission for a field trip.

**COPY**

Evanega asks if the sign out front is permitted.

Guajardo states they received permission two years ago and it was placed where required.

Davis makes motion to approve; Second by Jones.

Davis – Yes

Jones – Yes


Evanega – Yes

Mulvaney – Yes

Motion carries.

**ADJOURNMENT**

Jones makes motion to adjourn; Second by Davis. All are in favor and meeting is adjourned.

  
\_\_\_\_\_  
Doug Mulvaney, President

  
\_\_\_\_\_  
Ron Davis, Vice-President

**BOARD OF ZONING APPEALS**

**-MINUTES-**

**Thursday, October 13, 2022 - Commenced at 6:00 P.M. & adjourned at 7:00 P.M.  
City Council Chambers – Municipal Building**



**MEMBERS PRESENT**

Doug Mulvaney  
Ron Davis  
Andy Jones

**MEMBERS ABSENT**

None

**REPRESENTING THE PLANNING DEPARTMENT**

Eric Trotter, Assistant Director for Planning  
Nathan Hooley, Planner

**LEGAL DEPARTMENT**

Maggie Marnocha

**TECHNOLOGY STAFF**

David Hopkins

**RECORDING SECRETARY**

Jennifer Drlich

**APPROVAL OF AGENDA**

Davis makes motion to approve; Second by Jones. Voice vote carries.

**APPROVAL OF MINUTES FOR JUNE 9, 2022, JULY 14, 2022 AND SEPTEMBER 8, 2022**

Jones makes motion to approve minutes for June 9, 2022; Second by Davis. Voice vote carries.

Davis makes motion to approve minutes for, July 14, 2022; Second by Jones. Voice vote carries.

Jones makes motion to approve minutes for September 8, 2022; Second by Davis. Voice vote carries.

**APPROVAL OF PROOFS OF PUBLICATION**

Davis makes motion to approve; Second by Jones. Voice vote carries.

**OPENING STATEMENT**

Welcome to the October 13<sup>th</sup>, 2022 meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the board. If no decision is made, the petition will be set for another hearing.

If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision in an appropriate court no later than 30 days after the decision is made. If you think you may potentially want to appeal a decision of this Board, you must give this Board a written appearance before the hearing. Alternatives: A sign-in sheet is provided which will act as an appearance. You should sign the sheet if you want to speak, but also if you do not wish to speak but might want to appeal our decision. Forms are provided for this purpose and are available tonight. A written petition that is set for hearing tonight satisfies that requirement for the petitioner. If you file your appeal later than 30 days after the decision of this Board or give no written appearance tonight you may not appeal the Board's decision. Because the rules on appeal are statutory and specific on what you can do, the Board highly suggests you seek legal advice. If you are the petitioner, in addition to filing an appeal, you may first file a motion for rehearing within 14 days of the Board's decision.

OLD BUSINESS

None



NEW BUSINESS

22-BZA-32 PETITIONER IS JORDAN CURRY  
PROPERTY IS LOCATED AT 308 BRIDGE STREET

To vary from Section 26.4.A.6 Fence Requirements, General Provisions -- All Districts, which does not allow fences, other than split rail, wrought iron or open picket fences and/or fences over four (4) feet in height, in any front yard or corner side yard, to allow for a six (6) foot privacy fence in a front and corner side yard, a variance of two (2) feet and the type of fence (privacy).

Mulvaney calls petitioner forward.

Jordan Curry appears in person. She states they currently have hedges that are over 6 feet, which are not aesthetically pleasing, and will be removed. She would like to install the fence and landscape the fence. They also have a dog they would like to allow to run in the yard, and do training without worry he will run into the street.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

STAFF ANALYSIS

The petitioner owns a 1,425 square foot residence on a .21-acre lot that was built in 1900, according to Elkhart County Assessor records. A corner lot, the house is situated away from both street frontages, meaning that the majority of the yard is in the front and corner side yard, where there are restrictions on what type of fence is allowed. Currently there is a hedge row along the property line fronting on both Bridge Street and Hudson Street.

She wishes to remove the hedge row, which is overgrown, and construct a fence roughly along the property line fronting on Hudson and even with the house fronting on Bridge for security and privacy. The lot does not allow for fencing in any of the yard except for the area directly behind the house, which is taken up mostly by a parking pad which is adjacent to the alley. The petitioner has stated they will keep the fence out of the vision clearance triangle.

STAFF RECOMMENDATION

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because the way the site has been developed makes a six foot fence only permissible to fence in the parking area;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

Nathan states there were 28 letters mailed. None returned.

Mulvaney asks if there are questions from the Board for staff. Hearing none, he calls for a motion.

Jones makes motion to approve; Second by Davis.

Davis – Yes

Jones – Yes  
Mulvaney – Yes

Motion carries.



**22-BZA-33 PETITIONER IS JOYCE STUTZ AND SHEILA RHODES  
PROPERTY IS LOCATED AT 151 HOMAN AVENUE**

To vary from Section 26.4.A.6 Fence Requirements, General Provisions -- All Districts, which does not allow fences, other than split rail, wrought iron or open picket fences and/or fences over four (4) feet in height, in any front yard or corner side yard, to allow for a six (6) foot privacy fence in a corner side yard, a variance of two (2) feet and the type of fence (privacy).

Mulvaney calls petitioner forward.

Sheila Rhodes appears in person

Joyce Stutz appears in person. She states that she was unaware they needed a permit for a fence and had installed the 6-foot fence for privacy for her mother who sits in the back yard. She states there are a lot of dogs in the area which they were afraid would jump the fence. The yard also faces the road and it would provide safety for grandkids as well.

Jones states he walks his dogs past the property every day and the fence does look nice.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioners own a .43 acre property with a 1,092 square-foot house built in 1951. Until recently there was a nonconforming chain link fence that projected into the corner side yard fronting on Grady Boulevard. The owners recently replaced that fence with a six-foot privacy fence, in the same location, without the benefit of permits. The Zoning Ordinance does not allow six-foot or privacy fences in corner side yards forward of the house. The fence as it sits is approximately even with the side wall of the house to the immediate west.

**STAFF RECOMMENDATION**

The Staff recommends approval of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because it places a greater restriction on where privacy fences can be located;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

Hooley states there were 40 letters mailed. None returned. One phone call came in favor.

Mulvaney asks if there are questions from the Board for staff. Hearing none, he calls for a motion.

Davis makes motion to approve; Second by Jones.

Davis – Yes  
Jones – Yes  
Mulvaney – Yes

Motion carries.

**22-BZA-34 PETITIONER IS BROCK WEAVER AND ANGELA WEAVER  
PROPERTY IS LOCATED AT 2310 EAST JACKSON BOULEVARD**



4.4, Yard Requirements in the R-1 District, which requires rear setbacks located along a river or stream to be the established setback. The established setbacks at this location is 139 feet in the rear; the requested setback is 62 feet in the rear, a variance of 77 feet.

Mulvaney calls petitioner forward.

Brock Weaver appears in person.

Justin Hurtekant appears in person. He requests to take the current home down and build a new home in roughly the same location. The parcel is actually 3 parcels put together and the shape of the lot is dictating how far the home can go towards East Jackson.

Jones asks if the home is in the foreground of the submitted picture.

Hurtekant states that the home being taken down is in the background. There are actually two homes closer to Jackson which greatly affected their rear setback requirement when they did the average of 5 upstream and 5 downstream.

Jones asks if they are going to build on top of that home's location.

Hurtekant states it will be mostly on top. The rear dining room will sit 11 feet behind the existing one.

Jones asks what that will do to the neighbors' views of the river.

Hurtekant states he does not believe it will affect them. The home was designed with a hip roof in order to bring the roof lines down.

Jones how much closer it is than the existing building.

Hurtekant states it will only be 11 feet.

Mulvaney opens for public comments to speak in favor.

Ann Britzke appears via Webex and states she is the neighbor at 2312 East Jackson. She is in favor.

Mulvaney opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner owns three parcels totaling .5-acres on East Jackson Boulevard, which is zoned R-1 and is bordered in the rear by a river. The required front and rear setbacks for this particular property are the average on the block, which equate to a 139 feet in the rear.

The petitioner wishes to build a single family residence on the three parcels, and are in the process of demolishing the house that is currently on-site. The required rear setback is 139 feet, which would preclude the ability to build any house on the lot that would still meet the minimum square footage requirements of the district. The petitioner has pushed the house towards the road as much as possible, preserving river views for the neighbors.

**STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the layout will preserve river views as much as possible;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed house it is as far away from the river as possible, and is replacing an existing house;

3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the established rear setback would preclude a house being built on the property;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because they would not allow for a house to be built;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because the setbacks were established by neighboring properties;
7. This property does not lie within a designated flood hazard area.

COPY

Trotter states there were 21 letters mailed. None returned.

Mulvaney asks if there are questions from the Board for staff. Hearing none, he calls for a motion.

Jones makes motion to approve; Second by Davis.

Davis – Yes  
 Jones – Yes  
 Mulvaney – Yes

Motion carries.

**22-BZA-35 PETITIONER IS CHARLES E MITCHELL AND GINA M MITCHELL  
 PROPERTY IS LOCATED AT 221 HAINES DRIVE**

To vary from Section 4.4, Yard Requirements in the R-1 District, which requires front setbacks and rear setbacks located along a river or stream to be the established setbacks. The established setbacks at this location are 54 feet in the front and 59 feet in the rear; the requested setbacks are 35 feet in the front and 51 feet in the rear, a variance of 19 feet in front and 8 feet in the rear.

Mulvaney calls petitioner forward.

Brad Plett with Miller Brothers Builders appears in person for petitioner. He states that with the contour of the river, the neighboring views of the water will not be impeded.

Charles Mitchell appears in person.

Gina Mitchell appears in person. She states they bought the property several months ago, have had good interactions with neighbors, kept the property maintained, and are looking forward to living in the area.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner owns a .44-acre parcel in the Lexington Landing subdivision, which is zoned R-1 and is bordered in the rear by a river. The required front and rear setbacks for this particular property are the average on the block, which equate to a 54 feet in front and 59 feet in the rear.

The petitioner wishes to build a 4,800 square foot house on the lot, which is not out of character for the subdivision. However, the required setbacks will not allow a house of this size on this lot, even though the proposed setbacks are generous. The lot is a little shorter than other lots in the subdivision. The petitioner has opted to have the greater setback in the rear than in the front, to preserve river views.

**STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because both the front and rear setbacks are similar to adjacent properties;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed house will have a significant setback in both the front and rear yards;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the established setbacks create a hardship on this particular plot of land;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because it limits the scale of housing on the lot;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because the setbacks were established by neighboring properties;
7. This property does not lie within a designated flood hazard area.



Trotter states there were 12 letters mailed. None returned.

Mulvaney asks if there are questions from the Board for staff. Hearing none, he calls for a motion.

Davis makes motion to approve; Second by Jones.

Davis – Yes

Jones – Yes

Mulvaney – Yes

Motion carries.

**22-BZA-36 PETITIONER IS OVERFLOW REALTY LLC**  
**PROPERTY IS LOCATED AT 616 WEST BRISTOL STREET**

To vary from Section 26.7.C.2.a, Number of Off-Street Parking Requirements, which requires seven (7) spaces for a proposed drive-thru coffee shop, to allow for six (6) spaces, a variance of one (1) space.

To also vary from Section 26.7.C.7.1.ii.(d) Parking Lot Landscaping which requires a four (4) foot landscape strip for a parking lot with 1-75 spaces adjacent to a parking lot with a landscape strip, to allow a one (1) – foot landscape strip on the north and east property lines, a variance of five (5) feet.

To also vary from Section 26.7.C.7.1.ii.(b).(2) Parking Lot Landscaping which requires a parking lot with 1-75 spaces to have a ten (10) foot landscape strip adjacent to a right-of-way, to allow for a one (1) – foot landscape strip along Michigan Street, a variance of nine (9) feet and a three point two (3.2) foot landscaping strip along Bristol Street.

To also vary from Section 13.4, Yard Requirements in the B-3 District, which requires a thirty (30) – foot front setback for primary buildings, to allow for a primary building with a twenty-five (25) – foot front setback, a variance of five (5) feet.

There were 13 letters mailed. None returned.

Mulvaney calls petitioner forward.

Crystal Welsh with Abonmarche appears in person for the petitioner. She states there is currently an office building there, but the state has taken the right-of-way so a large portion of that property is now in the state right-of-way, including several of the parking spaces along Bristol Street. The parcel looks like .6 acres, but is actually about 3.8 acres because of this. They looked for a project that would work on a property this size and with this amount of traffic and thought a small, drive-through coffee shop made a lot of sense. A building much larger than what is proposed would not fit on the site, but even with a small structure, circulating traffic, meeting parking and landscaping requirements required some variances. They have worked with staff to accommodate as much of



the landscaping and parking spaces as possible. The landscape area on Bristol is only 6.8 feet due to the right-of-way where 10 feet are required. On Michigan there is only about one foot instead of 10. They have pushed the building back as far as possible, pulled the driveway to the north and added landscaping there. The buffer between the gas station could only be about one foot in order to make sure there were parking spaces, a traffic lane, and a lane for the drive-through. She is not sure what else could be done here should variances not be allowed. The property will end up as excess right-of-way and serve no purpose.

**COPY**

**PETITIONER FINDINGS OF FACT**

The proposed developmental variances meet the standards of the Board of Zoning Appeals as follows:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community. The existing State Road is designed and managed for significant traffic which is appropriate for this use and the other commercial uses along this corridor.
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. A small drive-through coffee shop is well suited to this location. The property is properly zoned for commercial uses and a coffee shop is appropriate for this area and consistent with the other commercial uses along this corridor.
3. Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance. The development variances are needed due to small lot size of this property. Granting of the requested variances would be consistent with the intent and purpose of the ordinance in that it would allow for the property to be used where it would otherwise be excess property on a highly visible corner in Elkhart.
4. Special conditions and circumstances exist which is peculiar to the land involved and which are not applicable to other lands or structures in the same district. The requested variances are relatively small deviations from the existing developmental standards and needed due to the small size of the lot because of a right-of-way taking by the State of Indiana.
5. Strict application of the terms of the ordinance would deprive the application of the rights commonly enjoyed by other properties in the same district. A few of the site development requirements are not possible due to lot size constraints as well as the location at a corner.
6. The special conditions and circumstances do not result from any action or inaction by the applicant. The small size of the lot is a result of right-of-way takings by the State of Indiana.
7. The property is not in a flood hazard area.

Mulvaney asks if there are questions from the Board for staff.

Davis asks if the only entrance will be on County Road 7.

Welsh states there will be one on Bristol and one on County Road 7, Michigan Street.

Jones asks if the parking is only for the employees.

Welsh states that is correct. All of the customers will come through the drive-through.

Jones asks if they will use the existing structure.

Welsh states that will all come down. The Scooters coffee shop is only 664 square-feet because there is no seating. She notes that the driveway on the State Road 19 side will have to be permitted through the state. If approved, they will enter the engineering and technical review phase.

Jones asks if they will reuse the existing, free-standing sign.

Welsh states they will not. She believes it is probably in the right-of-way now.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner wishes to build a drive-through coffee shop at the northeast corner of Michigan and West Bristol Street. It is a very small site and they have worked with staff on several iterations of the site plan in order to minimize the number of variances and attempt to reuse the property. Staff has been encouraged that the petitioner has been able to incorporate comments into a revised site plan to minimize the number of variances required.



**STAFF RECOMMENDATION**

Staff recommends approval without conditions.

Mulvaney calls for a motion.

Jones makes motion to approve; Second by Davis.

Davis – Yes

Jones – Yes

Mulvaney – Yes

Motion carries.

**STAFF ITEMS**

**22-X-03U PETITIONER IS NELSON B HOLDINGS LLC  
PROPERTY IS LOCATED AT 529 SOUTH SECOND STREET**

A Special Exception per Section 15.3, Special Exception Uses in the Central Business District (CBD), to allow a Bed and Breakfast home and Meeting Hall/Banquet Facility at 529 South Second Street.

**STAFF ANALYSIS**

On February 10 of this year, the BZA approved the use of the Winchester Mansion as a Bed and Breakfast and Meeting Hall/Banquet Facility (events center). At the time, the proprietors intended to have any food or drink for events to be brought in from the outside. Their plans have changed and they would like to have the option of catering food at events held there using an existing kitchen.

The kitchen will have to be improved in order to meet the requirements of a commercial kitchen, and the petitioners are aware they will have to meet regulations enforced by the Elkhart County Health Department.

Staff does not anticipate this causing a significant change in the intensity of the use. Food deliveries can be made by the parking lot behind the building, and likely wouldn't cause any greater disruption than having outside food catered into the events center. Staff is asking for approval of this slight expansion in the use of this Meeting Hall/Banquet Facility.

**STAFF RECOMMENDATION**

Staff recommends the approval for 22-X-03 be expanded to include the use of the facility for catering of in-house events only.

Mulvaney calls for a motion.

Davis makes motion to approve; Second by Jones.

Davis – Yes

Jones – Yes

Mulvaney – Yes

Motion carries.

Mulvaney notes the following two items will be heard jointly.

**22-REV-01 PETITIONER IS CITY OF ELKHART  
PROPERTY IS LOCATED AT VACANT LOT FOLSOM STREET**

A request by the City of Elkhart to revoke 21-BZA-29 which was approved July 8, 2021 to grant a developmental variance to allow construction of a gravel lot where a paved parking area would be required.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.



**STAFF ANALYSIS**

In July of last year, 21-BZA-29 was granted to allow for a gravel lot to be used on vacant lots on Folsom Street. At the time, one condition was placed upon the approval:

1. Instead of gravel, the lot must be paved enough for the current vehicles to be properly parked.

As of the writing of this report, there has been no paving on site.

In May of 2022, the BZA reviewed this and 21-UV-14, which allowed for tree cutting business in a residential zone at the same location. Based on failure to comply with the conditions as well as the lack of cleanup of materials dumped onto a wetland on city property, the BZA set forth two deadlines in order to maintain the variances in effect:

1. The petitioners must clean up all refuse dumped on city property and provide a plan to grade and pave the site to city standards within 60 days, and
2. The petitioners will have the site paved and graded according to city standards within a subsequent 90 days.

As of the writing of this report, there have been efforts to clean up the refuse dumped on the city wetland. However, no design plan has been provided. Staff believes the petitioners have not complied with the initial condition as well as the requirements set forth by the BZA in May of 2022.

**STAFF RECOMMENDATION**

The Staff recommends revocation of the developmental variance based on the following findings of fact:

1. N/A
2. There has not been compliance with the requirement initially set forth with the variance (providing paving for the vehicles) and they have not provided a plan for grading and paving the site, as requested by the BZA in May of 2022.
3. The lack of grading and paving are endangering the wetland in regards to runoff.

**22-REV-02 PETITIONER IS CITY OF ELKHART  
PROPERTY IS LOCATED AT VACANT LOT FOLSOM STREET**

A request by the City of Elkhart to revoke 21-UV-14 which was approved July 8, 2021 to grant a use variance to allow the operation of a tree cutting business where residential uses are allowed.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

In July of last year, 21-UV-14 was granted to allow for a tree cutting business to operate in a residential zone at vacant lots on Folsom Street. At the time, two conditions were placed upon the approval:

1. The petitioner will have the four parcels surveyed with the corners marked within 3 months of approval, and provide a copy of the survey to city staff
2. No more vehicles than what are currently stored on the property may be stored on the property.

As of the writing of this report, no survey has been provided to staff, and staff believes that more vehicles are present on the property than were last year.

In May of 2022, the BZA reviewed this and 21-BZA-29, which allowed for an unpaved parking lot (with conditions) at the same location. Based on failure to comply with the conditions as well as the lack of cleanup of materials dumped onto a wetland on city property, the BZA set forth two deadlines in order to maintain the variances in effect:

1. The petitioners must clean up all refuse dumped on city property and provide a plan to grade and pave the site to city standards within 60 days, and
2. The petitioners will have the site paved and graded according to city standards within a subsequent 90 day period.



As of the writing of this report, there have been efforts to clean up the refuse dumped on the city wetland. However, no design plan has been provided. Staff believes the petitioners have not complied with the initial conditions as well as the requirements set forth by the BZA in May of 2022.

**STAFF RECOMMENDATION**

The Staff recommends revocation of the use variance based on the following findings of fact:

1. N/A
2. There has not been compliance with the two requirements initially set forth with the variance (providing a survey to staff and limiting the number of vehicles on site) and they have not provided a plan for grading and paving the site, as requested by the BZA in May of 2022.
3. The lack of grading and paving are endangering the wetland in regards to runoff.

Mulvaney calls petitioner forward.

Debra Hughes with Surveying and Mapping appears in person for Martin Guerra. She notes the petitioner for the cases being considered for revocation is also in attendance. She states that the previous variances were for use for a tree service and construction of a gravel parking lot, both of which were already in place when granted. Three months ago they were granted a table vote to allow more time. They are here to show the substantial progress since that time. She presents "Exhibit A" to Board. She explains that Sheet 2 is the full survey of the site with boundaries and topography. Sheet 1 is the proposed site plan with a paved parking lot for commercial vehicle storage, trailers, and other motorized equipment to combat leakage of oil or gas on a paved surface. The rest of the site will remain a gravel parking lot with a retention basin in the northeast part of the site for drainage. There will be some re-grading to provide a center, concrete gutter that would collect drainage and direct it to the basin. The proposal has been submitted to Technical Review and received 5 of 6 approvals. The last one is regarding information on the number and size of vehicles. The construction time table is 4 weeks. They have been requested to submit a variance, which will be submitted tomorrow, for a fence to be installed on a property without a structure. They request that the revocations be withdrawn or denied.

Mulvaney asks if the survey shows any encroachment from the property.

Hughes states there was some fill material that was placed in the right-of-way of Belmont Street, which is an unimproved road. Part of the site plan is to restore that embankment of the fill material with some vegetation so that it is not bare soil which would erode. They are more than 50 feet from the mapped floodplain and wetland.

Mulvaney asks the status of abandoned vehicles.

Hughes states there will be commercial vehicles, trailers, chippers and other equipment stored on the lot for the tree service parked on the paved area.

Mulvaney asks about the inoperable vehicle.

Hughes states that the owners have told her that vehicle was removed.

Jones states there has been progress, slowly but surely, and would like to hear from staff.

Trotter states that in reviewing previous meeting minutes, the items submitted to Technical Review, and information this evening, staff feels that they have met the obligation of the requirements from the Board.

Mulvaney asks if they should consider tabling the issue until the fence is resolved.

Trotter states that is the only outstanding issue left and staff feels comfortable with Hughes' long-standing record, to file the variance. She has been working with Ryan Smith. He believes there is no issue voting the revocations down.

**COPY**

Mulvaney calls for a motion.

Davis makes motion to remove both revocations from Table; Second by Jones.

Davis – Yes  
Jones – Yes  
Mulvaney – Yes

Motion carries.

Jones makes motion to approve both revocations; Second by Davis.

Davis – No  
Jones – No  
Mulvaney – No

Motion fails.

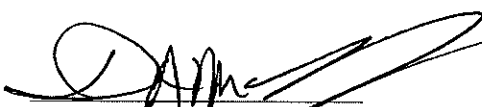
Jones makes motion to deny both revocations; Second by Davis.


Davis – Yes  
Jones – Yes  
Mulvaney – Yes

Motion carries.

**ADJOURNMENT**

Jones makes motion to adjourn; Second by Davis. All are in favor and meeting is adjourned.

  
\_\_\_\_\_  
Doug Mulvaney, President

  
\_\_\_\_\_  
Ron Davis, Vice-President

2023 ELKHART CITY BOARD OF ZONING APPEALS CALENDAR

**COPY**

**MEETING DATE:**

January 12, 2023

February 9, 2023

March 9, 2023

April 13, 2023

May 11, 2023

June 8, 2023

July 13, 2023

August 10, 2023

September 14, 2023

October 12, 2023

November 9, 2023

December 14, 2023

January 11, 2024

**FILE BY DATE:**

December 9, 2022

January 13, 2023

February 10, 2023

March 10, 2023

April 14, 2023

May 12, 2023

June 9, 2023

July 14, 2023

August 11, 2023

September 15, 2023

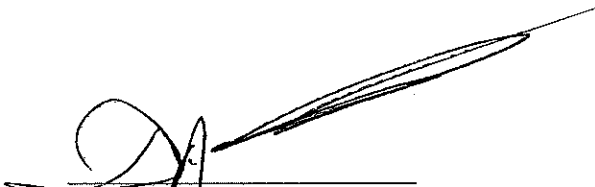
October 13, 2023

**November 9, 2023\***

December 15, 2023

Note: All meetings are held in the Council Chambers, 2<sup>nd</sup> floor, City Municipal Building at 6:00p.m., the 2<sup>nd</sup> Thursday of each month unless indicated with an asterisk (\*). File By dates for the next month are a Friday unless indicated with an asterisk (\*).

Reviewed and adopted by the City of Elkhart Board of Zoning Appeals at its regular meeting November 10, 2022.

  
\_\_\_\_\_  
Doug Mulvaney, Chair

  
\_\_\_\_\_  
Ron Davis, Vice-Chair



# City of Elkhart Parks & Recreation Park Board Minutes



- a. None

## 7. Use and Event Permit Requests

- a. **Elkhart River Challenge – September 10, 2022 – Island Park**

Ms. Sarah Snyder of Lacasa presents the permit. This is the second year of the event. The event is a fundraiser for Lacasa. This year, there will not be an event on Island Park. They will be using the park for the end of the race.

Motion to Approve

Motion: MD

Second: NAA

Motion passes with a unanimous voice vote

- b. **Diabetes Strides Walk – September 24, 2022 – Walker Park**

Mr. Brian Thomas of the Lions Club presents the permit. The event will be a mile walk around Walker Park to raise money for diabetes awareness.

Motion to Approve

Motion: MD

Second: NAA

Motion passes with unanimous voice vote

- c. **Faith Mission Turkey Stampede – November 24, 2022 – McNaughton Park & Island Park**

Ms. Paula Turk presents the permit. This is the fifteenth year for the event. The 10k run will go through McNaughton Park and the 1-mile walk will go through Island Park.

Motion to Approve

Motion: MD

Second: NAA

Motion passes with unanimous voice vote

- d. **Island Park Trunk or Treat – October 15, 2022 – Island Park**

Ms. Sherry Krask, Event Coordinator, presents the permit. This is the tenth year for the event. It will be held from noon to 2 pm.

Ms. Alexis inquires how businesses can sign up. Ms. Krask states that they can contact her at the Parks Department office.

Motion: MD

Second: NAA

Motion passes with unanimous voice vote

- e. **Pine –Not So Haunted- Wood Walk – October 22, 2022 – Pinewood Park**

Ms. Krask presents the permit. This is the fourth year for the event and it keeps growing. The Department collaborates with the Police to make a trick-or-treating trail through the park.

Motion: MD

Second: NAA

Motion passes with unanimous voice vote

- f. **Movie at the Beach – October 29, 2022 – Ideal Beach**

Ms. Krask presents the permit. The Department will be showing the movie Hocus Pocus as a drive-in movie at Ideal Beach. The event was very popular when it was done before.

Motion: NAA

Second: MD

Motion passes with unanimous voice vote

## 8. Department Report

Mr. Czarnecki informs the Board that there are a lot of events coming up in the fall. The day camp program has ended and 250 kids participated. Kids Day at the Farmers Market was very successful. Town Green Social, Summer Chill, and Summer in the Park Concert Series are all still going. A Community Foundation grant has been applied for for the River Greenway Trail project.



# City of Elkhart Parks & Recreation Park Board Minutes



There are some staffing changes. Todd Johnson has been hired as a basketball coordinator. Brandon Aguilar, Programs and Recreation Coordinator has put in his 2-week notice. Mr. Aguilar informs the Board that he is moving out of the state. He has a great time working for the Department. Clarence Thomas, Operations Manager is resigning. Sommer Bowers has been hired as Office Manager. Ms. Bowers informs the Board that she has been with the City for five and a half years. She has previously worked at Public Works and Utilities and the Permit Center. Mr. Czarniecki states that the Department is currently hiring for an Operations Manager, Program Coordinator, and Volunteer Coordinator.

**9. Correspondence**

**a. Thank you letter from Elkhart Police Department**

The Department received a thank you letter from Chief Seymore thanking them for participating in the National Night Out Against Crime event.

**10. Public Input/Privilege of the Floor**

Ms. Santerre opens the privilege of the floor.

Ms. Santerre closes the privilege of the floor.

**11. Approval for Adjournment**

Motion to adjourn  
 Motion: MD  
 Second: NAA  
 Motion passes with a unanimous voice vote  
 Adjourn 4:14 pm

**PARKS & RECREATION STAFF MEMBERS IN ATTENDANCE**

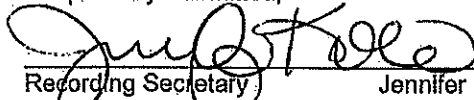
Jamison Czarniecki, Superintendent Sherry Krask, Event Coordinator Brandon Aguilar, Program Coordinator	Leslie Wingard, Accounting Specialist Jennifer Kobie, Recording Secretary Sommer Bowers, Office Manager
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**ADDITIONAL CITY EMPLOYEES AND GUESTS IN ATTENDANCE**

Mr. Matt Riggs, IT Department Ms. Paula Turk	Ms. Rose Rivera, Legal Department Ms. Sarah Snyder	Mr. Brian Thomas
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**Minutes Certification:**


Respectfully Submitted,

  
 Recording Secretary Jennifer Kobie

9/20/22  
 Date

  
 Park Board President Sarah Santerre

\_\_\_\_\_  
 Date

  
 Park Board Secretary

9/20/22  
 Date

# City of Elkhart Parks & Recreation Park Board Minutes



**DATE:** Tuesday, August 30, 2022

**TIME:** 3:30 PM

**LOCATION:** City of Elkhart Parks & Recreation  
229 S. Second St.  
Elkhart, IN 46516

**Call to Order at 3:32 PM.**

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

Sarah Santerre President	Nekeisha Alayna Alexis Vice President	Secretary	Mark Datema Treasurer
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**2. Approval of Agenda**  
Motion to discuss and place on file: NAA  
Second: MD  
Motion Passes with unanimous voice vote

**3. Approval of Claims**  
Motion to discuss, approve, and place on file: MD  
Second: NAA  
Claims: \$28,535.62  
Ms. Santerre asks if there is anything out of the ordinary. Ms. Wingard states that there is a \$10 education fee for a trails workshop.  
Motion Passes with unanimous voice vote

**4. Public Input/Privilege of the Floor**  
Ms. Santerre opens the privilege of the floor.  
Ms. Alexis presents the Board with a proposal for advisory groups.  
Ms. Santerre closes the privilege of the floor.

**5. Approval for Adjournment**  
Motion: NAA  
Second: MD  
Motion Passes with unanimous voice vote  
Adjourned: 3:59 pm

**PARKS & RECREATION STAFF MEMBERS IN ATTENDANCE**

Jamison Czarnnecki, Superintendent Jennifer Koble, Recording Secretary	Leslie Wingard, Accounting Specialist
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**ADDITIONAL CITY EMPLOYEES AND GUESTS IN ATTENDANCE**

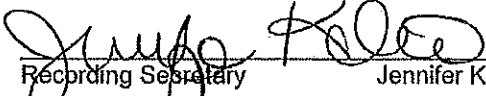
Mandy Leazenby	
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# City of Elkhart Parks & Recreation Park Board Minutes



**Minutes Certification:**

Respectfully Submitted,

  
Recording Secretary                      Jennifer Koble

9/20/22  
Date

  
Park Board President                      Sarah Santerre

Date

  
Park Board Secretary

9-20-22  
Date

# City of Elkhart Parks & Recreation Park Board Minutes



DATE: September 20, 2022

TIME: 3:30 PM

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

Call to Order at 3:32 PM.

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

Sarah Santerre President	Nekeisha Alayna Alexis Vice President	Secretary	Mark Datema Treasurer

**2. Approval of Agenda**

Motion to Approve Agenda  
Motion: MD  
Second: NAA  
Motion passes with a unanimous voice vote

**3. Approval of Minutes**

August 16, 2022  
Motion: MD  
Second: NAA  
Motion passes with a unanimous voice vote

August 30, 2022  
Motion: NAA  
Second: MD  
Motion passes with a unanimous voice vote

**4. Approval of Financials**

Claims: \$69,390.70                      Donations: \$0  
Grants: \$0

Motion to discuss, approve and place on file  
Motion: NAA  
Second: MD  
Motion passes with a unanimous voice vote

Ms. Alexis inquires about the amount labeled concessions. Mr. Czarnecki confirms that the amount was for purchasing concessions for the facilities.

**5. New Business**

a. Jay Shaffer – Permission for Metal Detecting in Parks

# City of Elkhart Parks & Recreation

## Park Board Minutes



Mr. Jay Shaffer presents the Board with information about metal detecting he has done in various parks. Mr. Shaffer shows the Board various refuse and trash he has picked up while using his metal detector. He requests permission to use his metal detector in the parks.

Motion to table

Motion: NAA

Second: MD

Motion passes with a unanimous voice vote

b. **Agreement Regarding Donated Funds and Information**

Mr. Czarnecki explains to the Board that Tolson Center donations have been collected by the City for many years and this agreement will transfer the funds to the Tolson Center. Ms. Rose Rivera provides more information and details.

Mrs. Santerre expresses concern about the amount of money the City has given the Tolson Center with little to show for it so far.

Motion to table until November 15 meeting

Motion: MD

Second: NAA

Motion passes with unanimous voice vote

c. **Verizon Tower Land Lease at Pinewood Park**

Mr. Czarnecki informs the Board that Verizon would like to install a stealth tower at Pinewood Park to help increase cell service in the area. Verizon will pay a monthly fee for the use of the land.

Mr. Eric Trotter, Assistant Director of Planning, provides a more detailed explanation to the Board.

Motion to approve

Motion: MD

Second: NAA

Motion passes with unanimous voice vote

d. **Indiana Geological and Water Survey Studebaker Park Soil and Sediment Probing**

Mr. Jose Luis Antinao, Assistant Research Scientist with Indiana Geological & Water Survey, requests permission to probe in an area at Studebaker Park near the parking lot.

Ms. Rivera informs the Board that the agreement is in process, so the Board is delegating authority to Mr. Czarnecki to sign it.

Motion to approve

Motion: MD

Second: NAA

Motion passes with unanimous voice vote

e. **Resolution R-3-22 A Resolution of the Board of Parks and Recreation of the City of Elkhart, Indiana Authorizing the Transfer of Interests in Certain Real Estate and the Improvements Located Thereon to the Redevelopment Commission of the City of Elkhart, Indiana and All Matters Related Thereto 1524 Frances**

Ms. Rivera explains that if the Board passes the resolution, then the Redevelopment Commission will pass a mirror resolution to accept. This property has two quitclaim deeds because the Board will be keeping part of the property.

Motion to approve

Motion: MD

Second: NAA

Motion Passes with unanimous voice vote

f. **Resolution R-4-22 A Resolution of the Board of Parks and Recreation of the City of Elkhart, Indiana Authorizing the Transfer of Interests in Certain Real Estate and the Improvements Located Thereon to the Redevelopment Commission of the city of Elkhart, Indiana, and All Matters Related Thereto 740 N. Riverside**

Motion to approve

# City of Elkhart Parks & Recreation

## Park Board Minutes



Motion: MD  
Second: NAA  
Motion passes with unanimous voice vote

g. **Memorandum of Understanding Intro to Skateboarding**

This is a repeat program from last year. Urban Streetwear is providing the instruction.

Motion to approve

Motion: NAA

Second: MD

Motion passes with unanimous voice vote

h. **Memorandum of Understanding Intro to Jiu-Jitsu**

This is a repeat program. Kroyler Gracie Jiu-Jitsu is providing the instruction.

Motion to approve

Motion: MD

Second: NAA

Motion passes with unanimous voice vote

6. **Old Business**

- a. **None**

7. **Use and Event Permit Requests**

a. **Halloween Skate Bash 4 – October 29, 2022 – Pierre Moran Skáte Park**

Mr. Czarnecki presents the permit on behalf of Chris Beckham. This is the fourth year of the event.

Motion to Approve

Motion: NAA

Second: MD

Motion passes with a unanimous voice vote

b. **Fall Pop-Up Market – November 5, 2022 – High Dive Pavillon**

Ms. Sherry Krask, Event Coordinator, presents the permit.

Motion to Approve

Motion: MD

Second: NAA

Motion passes with unanimous voice vote

8. **Department Report**

Mr. Czarnecki informs the Board that Mrs. Kim Henke has resigned from the Board.

New swings are being installed at Weston Park and Langle Park. The tennis courts at High Dive Park are being resurfaced. Job offers have been made for the Program Coordinator and Volunteer Coordinator positions.

9. **Correspondence**

- a. **None**

10. **Public Input/Privilege of the Floor**

Ms. Santerre opens the privilege of the floor.

Ms. Santerre closes the privilege of the floor.

11. **Approval for Adjournment**

Motion to adjourn

Motion: MD

Second: NAA

# City of Elkhart Parks & Recreation Park Board Minutes



Motion passes with a unanimous voice vote  
Adjourn 5:10 pm

**PARKS & RECREATION STAFF MEMBERS IN ATTENDANCE**

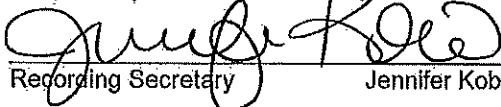
Jamison Czarnecki, Superintendent Sherry Krask, Event Coordinator	Jennifer Kobie, Recording Secretary Sommer Bowers, Office Manager
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**ADDITIONAL CITY EMPLOYEES AND GUESTS IN ATTENDANCE**


Mr. David Hopkins, IT Department Mr. Eric Trotter, Planning Department Mr. Joe Foy, Public Works	Ms. Rose Rivera, Legal Department Mr. Doug Dolan Ms. Corinne Straight, Director of Communications, via Webex	Mr. Jay Shaffer Mr. Jose Luis Antinao
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**Minutes Certification:**

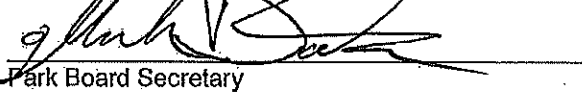
Respectfully Submitted,

  
Recording Secretary                      Jennifer Kobie

11/1/22  
Date

  
Park Board President                      Sarah Santerre

11.1.22  
Date

  
Park Board Secretary

11-1-22  
Date

# City of Elkhart Parks & Recreation Park Board Minutes



**DATE:** Tuesday, October 4, 2022

**TIME:** 3:30 PM

City of Elkhart Parks & Recreation

**LOCATION:** 229 S. Second St.  
Elkhart, IN 46516

**Call to Order at 3:36 PM.**

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

Sarah Santerre President	Nekeisha Alayna Alexis Vice President	Secretary	Mark Datema Treasurer
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**2. Approval of Agenda**

**Motion to discuss and place on file: NAA**  
**Second: MD**  
**Motion Passes with unanimous voice vote**

**3. Approval of Claims**

**Motion to discuss, approve, and place on file: MD**  
**Second: NAA**  
**Claims: \$16,070.04**

Mr. Datema inquires about the weed fees. Ms. Wingard states that they are annual fees paid for Ideal Beach.

**Motion Passes with unanimous voice vote**

**4. Public Input/Privilege of the Floor**

Ms. Santerre opens the privilege of the floor.

Mr. Czarnecki introduces Ms. Maddy Gordon, the new Volunteer Coordinator, and Ms. Luisa Ixmattlahua-Garay, the new Program Coordinator.

Ms. Santerre closes the privilege of the floor.

**5. Approval for Adjournment**

**Motion: NAA**  
**Second: MD**  
**Motion Passes with unanimous voice vote**  
**Adjourned: 3:59 pm**

**PARKS & RECREATION STAFF MEMBERS IN ATTENDANCE**

Jamison Czarnecki, Superintendent Jennifer Koble, Recording Secretary	Leslie Wingard, Accounting Specialist Maddy Gordon, Volunteer Coordinator Luisa Ixmattlahua-Garay, Program Coordinator
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**ADDITIONAL CITY EMPLOYEES AND GUESTS IN ATTENDANCE**

Rose Rivera, City Legal via Webex	
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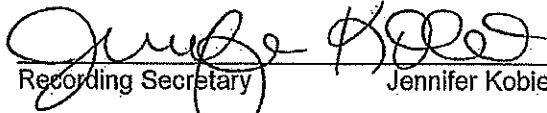


# City of Elkhart Parks & Recreation Park Board Minutes

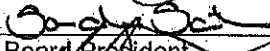


## Minutes Certification:

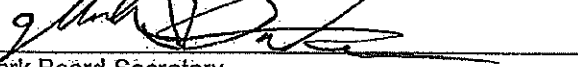
Respectfully Submitted,

  
Recording Secretary                      Jennifer Kobie

11/1/22  
Date

  
Park Board President                      Sarah Santerre

11.1.22  
Date

  
Park Board Secretary

11-1-22  
Date



# City of Elkhart Parks & Recreation Park Board Minutes



**5. Approval for Adjournment**

Motion to adjourn  
 Motion: ML  
 Second: NAA  
 Roll call vote: ML – yes, NAA – yes, JF - yes  
 Motion passes  
 Adjourn 3:39 pm

**PARKS & RECREATION STAFF MEMBERS IN ATTENDANCE**

Jamison Czarnecki, Superintendent Leslie Wingard, Accounting Specialist	Jennifer Kobie, Recording Secretary Sommer Bowers, Office Manager
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**ADDITIONAL CITY EMPLOYEES AND GUESTS IN ATTENDANCE**

Mr. David Hopkins, IT Department	Ms. Rose Rivera, Legal Department, via Webex	Ms. Corinne Straight, Director of Communications, via Webex
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**Minutes Certification:**

Respectfully Submitted,

\_\_\_\_\_  
 Recording Secretary                      Jennifer Kobie

11/18/22  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Park Board President                      Sarah Santerre

11-18-22  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Park Board Secretary

11/18/22  
 \_\_\_\_\_  
 Date



# City of Elkhart Parks & Recreation Park Board Minutes



## 5. New Business

### a. Ratify votes of October 18, 2022, Park Board Meeting

Motion: MD

Second: ML

Motion passes with a unanimous voice vote

### b. Cardinal Bus Contract

Mrs. Kobie explains that the Department is hosting a bus trip to Frankenmuth, Michigan on November 19. This contract is for the bus.

Motion to approve

Motion: MD

Second: ML

Motion passes with unanimous voice vote

## 6. Old Business

### a. None

## 7. Use and Event Permit Requests

### a. Ugly Sweater 5K and Sweater Stroll – December 3, 2022 – NIBCO Water and Ice Park

Mrs. Kobie presents the permit on behalf of Paula Turk. This is an annual event. The only change is the start time will be earlier in the day. They are requesting the use of the NIBCO Water and Ice Park building and restrooms.

Motion to Approve

Motion: MD

Second: ML

Motion passes with a unanimous voice vote

## 8. Department Report

Mr. Czarnecki informs the Board that the concessions trailer was used for the first time at the Hocus Pocus drive-in movie at Ideal Beach. 90 cars attended the movie.

River Greenway Trail funding has been secured.

Trunk or Treat was very successful. The Fall Pop-Up Market will be held on November 5. Skateboarding lessons are wrapping up and were very popular.

## 9. Correspondence

### a. None

## 10. Public Input/Privilege of the Floor

Ms. Santerre opens the privilege of the floor.

Ms. Santerre closes the privilege of the floor.

## 11. Approval for Adjournment

Motion to adjourn

Motion: ML

Second: MD

Motion passes with a unanimous voice vote

Adjourn 3:50 pm

## PARKS & RECREATION STAFF MEMBERS IN ATTENDANCE

Jamison Czarnecki, Superintendent Leslie Wingard, Accounting Specialist	Jennifer Kobie, Recording Secretary Sommer Bowers, Office Manager
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# City of Elkhart Parks & Recreation Park Board Minutes



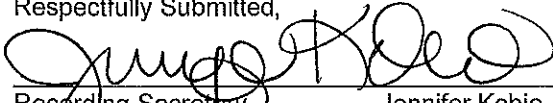
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ADDITIONAL CITY EMPLOYEES AND GUESTS IN ATTENDANCE

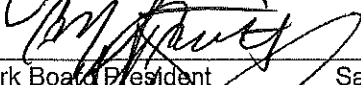
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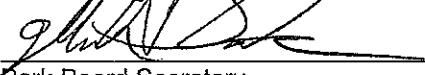
Respectfully Submitted,

  
\_\_\_\_\_  
Recording Secretary                      Jennifer Kobie

11/18/22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Park Board President                      Sarah Santerre

11.18.22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Park Board Secretary

11-18-22  
\_\_\_\_\_  
Date

PLAN COMMISSION

-MINUTES-

Tuesday, September 6, 2022 - Commenced at 1:48 P.M. & adjourned at 2:21 P.M.  
City Council Chambers – Municipal Building



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

**MEMBERS PRESENT**

Jamie Arce- Proxy  
Ron Davis  
Tory Irwin  
Mark Datema  
Don Walter  
Aaron Mishler

**MEMBERS ABSENT**

Dave Osborne

**REPRESENTING THE PLANNING DEPARTMENT**

Ryan Smith, Planner- In person

**LEGAL DEPARTMENT**

N/A

**TECHNOLOGY STAFF**

David Hopkins

**RECORDING SECRETARY**

Kayla Jewell

**APPROVAL OF AGENDA**

Motion to approve by Walters; Second by Arce. Voice vote carries.

**APPROVAL OF PROOFS OF PUBLICATION**

Motion to approve by Mishler; Second by Datema. Voice vote carries.

**NEW BUSINESS**

Motion to table 22-X-11 and 22-X-12 until end of meeting by Mishler; Second by Datema. Voice vote carries.

**22-X-11 PETITIONER IS FRANCISCO SESMAS AND MARIA J. TORRES**

**PROPERTY IS LOCATED AT 2038 BENHAM AVENUE**

A Special Exception as per Section 5.3, Special Exception Uses in the R-2 District, to allow for the establishment of a Day Care Home in an existing building.

**STAFF ANALYSIS**

The petitioners are submitting an application for two daycares next door to each other, 2038 and 2044 Benham Avenue, this month. There are an existing four other daycares on the same block of Benham also owned and operated by the petitioners. They have been able to expand and fill their childcare openings in part because of the demonstrated need for daycare in Elkhart.

The house at 2038 Benham is 850 square feet and built in 1950, according to Elkhart County Assessor records. The lot is .15 acres. When staff visited the site on 8/22, the owners had a tenant, who will move out prior to commencement of daycare activities. The petitioners plan to tear down the garage because it is in poor condition and to make room for an outdoor play area. The backyard will also be fenced in.

They plan to apply for a Class II license with the state's Family and Social Services Administration (FSSA), which allows for up to 16 children. Pick up and drop off for the facility will be handled at the through driveway at 2034 Benham (another daycare), which has a through driveway. Access to this driveway is essential for the drop off and pickup of children and should be a prerequisite for the daycare to operate. There is ample parking in the rear for employees.

Staff consulted with the engineering department on potential traffic concerns. The alley in back is paved, and wider than typical alleys due to the presence of the school to the east. As long as drop off and pickup is maintained through the alley and not coming in from or

queuing onto Benham, the block of daycares should not pose a traffic issue. Additionally, staff has not received any complaints about the daycares.

In terms of space, the house is adequate. The state requires a minimum of 560 square feet for a Class II license.



**STAFF RECOMMENDATION**

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because there will be few exterior changes;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

**CONDITIONS**

If the Board chooses to approve the requested special exception, staff recommends that the following conditions be placed upon the approval:

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises.
5. A copy of the child care home license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum sixteen (16) children, including those of the petitioner.
9. Pickup and dropoff should be at the driveway at 2034 Benham, with one-way traffic. Access to the driveway shall be a prerequisite of the daycare's operation.
10. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by September 12, 2024.

Smith offers to represent the petitioner.

Irwin asks if there are questions from the Commission.

Mishler asks Smith if the garage is planning to be demolished before the daycare opening.

Smith replies yes, the petitioners are wanting to do that as soon as possible.

Arce asks Smith if this will be next to the two existing daycare facilities the petitioner owns and operates.

Smith replies, yes.

Mishler asks if there are any concerns from neighbors.

Smith replies, no. He goes onto say staff agrees if you drive past the facilities, you would never know there are multiple daycare facilities operating.

Arce asks if the petitioners plan to upgrade the façade.

Smith replies, not that he is aware of.



Irwin states daycare facilities are in high demand and there is a need in the city. Irwin also states they would overall prefer it to be in a commercial building.

Smith states the petitioner's clientele actually do prefer home-like daycares versus the large scaled facilities



Irwin reiterates to Smith there are staff members for each building.

Smith confirms.

Mishler asks Smith if there is any difference between the two cases the petitioner is presenting.

Smith replies no, they are very similar.

Irwin calls for a motion.

Datema makes motion to approve with a Do-Pass Recommendation to the Board of Zoning Appeals with conditions; Second by Mishler. Motion carries.

- Arce- Yes
- Davis- Yes
- Irwin- Yes
- Datema- Yes
- Walter- Yes
- Mishler- Yes

**22-X-12 PETITIONER IS FRANCISCO SESMAS AND MARIA J. TORRES  
PROPERTY IS LOCATED AT 2044 BENHAM AVENUE**

A Special Exception as per Section 5.3, Special Exception Uses in the R-2 District, to allow for the establishment of a Day Care Home in an existing building.

**STAFF ANALYSIS**

The petitioners are submitting an application for two daycares next door to each other, 2038 and 2044 Benham Avenue, this month. There are an existing four other daycares on the same block of Benham also owned and operated by the petitioners. They have been able to expand and fill their childcare openings in part because of the demonstrated need for daycare in Elkhart.

The house at 2044 Benham is 850 square feet and built in 1950, according to Elkhart County Assessor records. The lot is .15 acres. The backyard will be fenced in prior to the commencement of daycare activities.

They plan to apply for a Class II license with the state's Family and Social Services Administration (FSSA), which allows for up to 16 children. Pick up and drop off for the facility will be handled at the through driveway at 2034 Benham (another daycare), which has a through driveway. Access to this driveway is essential for the drop off and pickup of children and should be a prerequisite for the daycare to operate. There is ample parking in the rear for employees.

Staff consulted with the engineering department on potential traffic concerns. The alley in back is paved, and wider than typical alleys due to the presence of the school to the east. As long as drop off and pickup is maintained through the alley and not coming in from or queueing onto Benham, the block of daycares should not pose a traffic issue. Additionally, staff has not received any complaints about the daycares.

In terms of space, the house is adequate. The state requires a minimum of 560 square feet for a Class II license.

**STAFF RECOMMENDATION**

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because there will be few exterior changes;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

**CONDITIONS**

If the Board chooses to approve the requested special exception, staff recommends that the following conditions be placed upon the approval:

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises.
5. A copy of the child care home license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum sixteen (16) children, including those of the petitioner.
9. Pickup and dropoff should be at the driveway at 2034 Benham, with one-way traffic. Access to the driveway shall be a prerequisite of the daycare's operation.
10. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by September 12, 2024.



Walter makes motion to approve with a Do-Pass Recommendation to the Board of Zoning Appeals with conditions; Second by Datema. Motion carries

- Arce- Yes
- Davis- Yes
- Irwin- Yes
- Datema- Yes
- Walter- Yes
- Mishler- Yes

**21-SUB-09 PETITIONER IS EMERALD CHASE LAND DEVELOPMENT LLC  
PROPERTY IS LOCATED AT HENKE STREET (CR 106) AND HICKORY LANE**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Boulder Run,' an 85-lot subdivision; a part of the West 1/2 of the Southwest 1/4 of Section 26, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

**STAFF ANALYSIS**

The petitioners is requesting approval of an 85-lot subdivision of land that is a portion of the West 1/2 of the Southwest 1/4 of Section 26, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana. The proposed subdivision is located adjacent to the Manor Estates subdivision, south of Henke Street/County Road 106 and east of Jeanwood Drive.

The zoning for this plot of land is R-1, which requires a minimum area of 9,500 square feet, which is met by each of the proposed lots. The zoning limits the development possibilities to single family residential. The developer is proposing three points of ingress and egress which will connect to existing rights-of-way at County Road 106/Henke Street, Manor Lane, and Barley Street.

Based on the review of the block layout, the proposal meets the requirements of the Subdivision Ordinance in terms of street width, layout, block length, and cul de sac diameter. Staff has relayed some concerns about a few of the lot layouts, specifically Lots 1, 2, and 13, to the petitioner. Their consultant has agreed to either revise the layout of these lots or provide a plot plan demonstrating how they may be developed according to code, which will be required prior to final submission to the Plat Committee.

The project has not yet been submitted for Technical Review, which will be required to review matters such as road design, landscaping, utilities, and drainage. Review and approval will also be required prior to submission of the final plat to the Plat Committee.

**STAFF RECOMMENDATION**

The Staff recommends approval of the 85- lot subdivision, to be known as 'Boulder Run,' a part of the West 1/2 of the Southwest 1/4 of Section 26, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, based on the following findings of fact:

- 1) The lot meets the minimum lot area requirements for the R-1, One-Family Dwelling District;
- 2) The proposed request results in the creation of 85 lots as defined by the Zoning and Subdivision Ordinance.

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 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.
- 4) The project must be reviewed and approved through the City's Technical Review process prior to the submission of the final plat to the Plat Committee.

Irwin asks if there are questions from the Commission.

Mishler asks Smith if there was discussion on how 80/85 minutes would impact the traffic pattern.

Smith replies, he believes it went through Tech Review, but does not think it had requirements for traffic. Smith states he thinks there was some concern raised at the meeting, but nothing came of it.

Mishler asks if there were any staff concerns.

Smith replies, no.

Irwin calls petitioner forward.

Crystal Welsh (Abonmarche) introduces herself and states she is representing the petitioner. Welsh states the petitioner is asking for the extension because originally, the project was proposed as one, but now it will be set in phases for its completion and would like additional time to work through the road, water and sewer connections.

Irwin asks Smith if this would be a recommendation to the Plat Committee.

Smith replies no, this would not be a recommendation. It would be an extension of their deadline, which originally was established by the Plan Commission. He says the final plans will go to the Plat Committee.

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.

Datema makes motion to approve the extended deadline; Second by Mishler. Motion carries.

- Arce- Yes
- Davis- Yes
- Irwin- Yes
- Datema- Yes
- Walter- Yes
- Mishler- Yes

STAFF ITEMS

22-SI-10

An appeal as per Section 26.4.2.B for a Development Plan, to vary from Section 24.9.B.1.a (iii,iv) which requires projections and recesses have a minimum depth of thirty-two (32) inches and a minimum width of forty-eight (48) inches every one hundred (100) linear feet, to allow for a building with three facades without projections and recessions.

**COPY**

To also appeal to vary from Section 24.9.B.2(a-k), which requires on primary facades three (3) out of eleven (11) design treatments, to allow for one facade with no design treatments, one facade with two(2) design treatments. Also from Section 24.9.B.2(l-n) which requires one (1) out of two (2) design treatments, for two facades with one design treatment and one facade with no design treatments.

To also appeal to vary from Section 24.9.D.2 which states that “all facades which face roadways... shall utilize corrugated metal for no more than twenty-five percent (25%) of the façade,” when located in a Development District, to allow three facades in a Development District to utilize corrugated metal for up to 100% of three facades.

#### STAFF ANALYSIS

The petitioner owns a 1.4-acre property at the intersection of County Road 6 East and Stryker Street that is zoned M-1. They intend to develop it with a 16,750 spec building with the tenant to be determined.

Three side of the building represented today in this appeal are primary facades. The east, north and west facades are all visible from CR 6 and therefore must meet the overlay district standards. The building is oriented toward the east facing Stryker Avenue, with the primary entrance on the same east façade. The rear of the building, with this orientation is to the west, is still a primary facade.

Staff has worked with the petitioner to try to come up with a scheme that meets the architectural standards. There are still a number of shortcomings on the current proposal. For the north and east facades, they are close to meeting the façade requirements. Staff suggests installing additional landscaping beyond what is required by ordinance, which would result in their meeting the requirements under 24.9.B.2(a-k). The petitioner is planning to install irrigation, which should be commended for their commitment to maintenance.

The west façade is relatively bare. The petitioner has made no effort to meet any element of the required overlay requirements, presenting an unadorned façade to County Road 6. Landscaping, some differentiation in color or material, or additional windows or false windows would bring the property closer to meeting the façade requirements. Staff is open to hearing alternatives. Additionally, wainscoting would reduce the amount of uninterrupted vertical siding.

#### RECOMMENDATION

Staff recommends to deny the appeal from Sections 24.9.B.2(a-k) and 24.9.D.2 and offers no recommendation for the appeal from Section 26.4.2.B.

Irwin asks if there are questions from the Commission.

Mishler asks smith if the petitioner is offering multiple options for its design.

Smith replies this current proposal presents a revision, but there are still a number of shortcomings that can be addressed.

Mishler and Smith both agree the petitioner and staff can come to an agreeance regarding the revisions.

Irwin calls the petitioner forward.

Don Shaum (MS Investments) states he is representing the company on behalf of his parents. Shaum presents options for their new design for the building and landscaping that are similar in style to the surrounding buildings.

Irwin asks if there are questions for the petitioner.

Mishler asks if the petitioner is willing to vary with colors on the outside of the building.

Shaum replies (inaudible). He states the tenant is looking to add additional glass.

Irwin asks Smith if the Plan Commission made exceptions for the neighboring buildings.

Smith replies no and goes onto say there was a deviation from the original plans that were submitted versus what was built. Smith states that is a violation and it is difficult to have the façade redone; the front looked similar to its original plans, but the sides were not.

Irwin asks Smith if it was a different owner.

Smith replies yes.

Irwin asks Smith if it went through Tech Review.



Smith replies yes, this current project has gone through Tech Review and have pulled their foundation only permit.

Shaum states he is a general contractor and knows to ask before they make any changes and to ask for approval regarding changing the design.

Mishler asks Shaum if the building would have similar features such as the bottom half colors as the examples that were brought in have.

Shaum replies, yes and they would like to do even further upgrades to the building.

Mishler asks if this project is going to begin this construction season.

Shaum replies (inaudible).

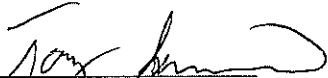
Irwin calls for a motion.

Mishler makes motion to send back to staff for review; Second by Datema. Motion carries.

- Arce- Yes
- Davis- Yes
- Irwin- Yes
- Datema- Yes
- Walter- Yes
- Mishler- Yes

**ADJOURNMENT**

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

  
Tory Irwin, President

  
Dave Osborne, Vice-President

**REGULAR MEETING**  
**ELKHART REDEVELOPMENT COMMISSION**  
**LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS**  
**Tuesday January 11, 2022**  
**4:00 p.m.**

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**PRESENT IN-PERSON: SANDI SCHREIBER, ALEX HOLTZ, GERRY ROBERTS, WES STEFFEN, DORISANNE NIELSEN, GARY BOYN and DINA HARRIS  
ADAM FANN, KRISTEN SMOLE, DAYNA BENNETT, ERIC TROTTER,  
LASHAWN BROOKS (RECORDING SECRETARY)**

**PRESENT BY WEBEX: CHRIS POTTRATZ, DAVID WEAVER, LAURA MILLER, ARVIS DAWSON**

**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. Due to the nature of the meeting. The meeting was called to order at 4:05 p.m. by Mrs. Schreiber, President.

Minutes from November 9, 2021 and December 114, 2021 Redevelopment was motioned for approval by Mr. Steffen and second by Mr. Roberts. Voice vote carried with all in favor and non-opposed. Minutes approved

Mayor sworn in Dina Harris as new member to the Redevelopment Commission.

**NEW BUSINESS**

- A. ELECTION OF OFFICERS:** Mr. Steffen nominated Mr. Alex Holtz as the Secretary for Redevelopment Commission and Mr. Holtz accepted. Voice vote carried with all in favor and non-opposed.  
Mr. Holtz nominated Mr. Wes Steffen as Vice President of Redevelopment Commission and Mr. Steffen accepted. Voice vote carried with all in favor and non-opposed.  
Mr. Steffen nominated Mrs. Sandra Schreiber as the President for Redevelopment Commission and Mrs. Schreiber accepted. Voice vote carried with all in favor and non-opposed.
- B. APPROVING PURCHASE AGREEMENTS FOR FEMA FLOOD DAMAGED PROPERTIES AND APPROPRIATING FUNDS-173 N. 6<sup>TH</sup> STREET-** Mr. Fann stated this is the last of our acquisitions in the FEMA flood buyout program. He stated the appropriations are for \$30k and not to exceed \$33k; to include the purchase of the building as well as any closing costs. A motion was made by Mr. Roberts and second by Mr. Steffen approving the resolution of purchase agreement for FEMA flood damage properties and appropriating funds.  
Mr. Boyn stated the purchase price is \$22k and we are appropriating \$5500.00 from the CDBG funds to apply to the purchase price and \$30k from the CDBG special funds to pay closing and related acquisition and demolition costs, with any excess funds to be returned to appropriate account. Total of \$35,500.00. Mrs. Nielsen stated we had an organization called the Archive Association of River Neighborhoods. She stated the first thing they did was to vote to never call it the "hole" and they discovered that if we took down houses on 6<sup>th</sup> and 3<sup>rd</sup> they could not be rebuilt if that a flood plain. She asked if any idea what they think they are going to do with area?  
Mr. Fann stated that the area within the River Vista Neighborhood did a River Vista Plan in 2012 or 2014 and that area was slated for green space. Mrs. Nielsen stated her wishes for a golf-course. Mr. Trotter stated for clarity that these 6 homes that were selected as a part of this FEMA grant, where a result of the floods in 2018. He stated we were awarded this grant with help because we had to have some matching funds and it helped that the City had gone through the trouble and the effort of working on a plan. He stated we were looking into the future about what to do with that particular riverbed neighborhood because it is a flood way and we were not going to support any new redevelopment in that area. Mr. Trotter stated this particular grant was supported by the plan

that had been previously approved. He stated that entire neighborhood is in the flood way and any new construction would have to be approved by the state, which is very unlikely and we, as the staff, and we, as the city do not support additional development in a flood way because its perpetuates problems down. So the goal is to eliminate these structures to provide a spot for the water to overflow it and to do it's naturally.

Voice vote carried with all in favor; resolution approved

- C. **AMENDED RESOLUTION 505-507 WEST HIGH STREET-** Mr. Fann stated this is just a clean-up on his end, last month when I asked for the appropriation, I asked for it out of the Downtown TIF and the property is not within the Downtown TIF. He stated we are moving it to account 294 and just wanted to go on record with the correction.

Mr. Boyn stated we are going on record by adopting this resolution and writing that the money is coming out of 294 and not out of Downtown TIF.

Mr. Roberts made motion to approve the changes to resolution and Mr. Steffen second the motion.

Voice vote carried with all in favor and non-opposed. Approved

- D. **APPROVING RESOLUTION OFFERING 505-507 WEST HIGH STREET FOR SALE-** Mr. Fann stated a memo was provided in your packets for the offering of this parcel. He stated we have had some interest to the adjoining property from the property owner to the west. He stated staff is asking that the Commissioners offer this parcel for \$4300. Mr. Boyn stated it's a general advertisement for everybody. Mr. Boyn stated we are approving the offering plus the offering sheet and the public notice form.

Mr. Holtz made a motion to the resolution offering for sale of the properties and Mr. Steffen second.

Voice vote carried with all in favor and non-opposed. Approved sale of \$4300.

- E. **VETTING PROCESS FOR ZONE 2 AND 3-** Ms. Dana Bennett, Director of Development Services for City of Elkhart stated that a first kind of demonstration of vetting process on a project that is going through the newly described vetting process. So each of you have kind of the scoring for those in the committee that participated in the vetting process, she stated. Ms. Bennett stated the process went over all of the areas that we discussed aesthetics, quality of the proposal, the financing of the proposal, its responsiveness to the proposal and all of those scoring you have the spreadsheet of including some comments made by the different disciplines who reviewed the proposal. She stated members of Development Services, Public Works, construction expert, banking industry and urban planning to review it. She stated that all of those different disciplines participated in commenting on the proposal that is before you and scored and provided a narrative behind their scoring. She stated everybody saw the proposal as favorable, but did have some concerns that they each raised in different areas. Some of it is about design, financing, environmental and each discipline raised their concerns in what they saw as good about the proposal. Ms. Bennett stated that all we are asking for today is the ability to move forward in the consideration of the proposal pending some further negotiation around some of the issues that were made.

Mr. Roberts made motion to authorize the staff to work with offer to work out details and prepare a development agreement to bring back to the Commission for approval; Mr. Holtz second the motion. Voice vote carried with 1 recused and all others in favor and non-opposed. Approved to move forward.

Mr. Steffen stated he would like it to be on record that he is an adjacent property owner and would recuse himself from any conversations in regards to Zone 2 and 3.

Ms. Bennett stated that the developer, Dave Weaver was on the webex if any questions.

#### **STAFF UPDATES**

Mr. Fann provided updates on South Main and its opening for the Winter and some street furniture and lighting will be coming in the Spring. He stated the Mejier project is finalizing design and feedback from the city and land owners. He stated the railroad work on South Main is still on going. He stated they have been going through a lot of the documentation that the railroad companies have provided on their ruling on using their horns. Mr. Fann stated we should be going

to bid on work for County Road to Windsor this year close to Spring and the work for the Wayfinding will be coming to the Commission for an ask to continue that process in land acquisition right-away improvements.

**OTHER BUSINESS**

Approval of Invoice – Warrick & Boyn (December 2021) totaling \$11,007 with a credit due to overpayment in November and remaining balance of credit in the amount of \$692.50.

Motion made by Mr. Roberts and second by Mr. Holtz to approve payment of invoice. Mrs. Schreiber asked for any questions or comments from the Commission or public. All were in favor, none opposed. Voice vote carried. Approved.

**ADJOURNMENT**

There being no further discussion, the meeting was adjourned at 4:28 p.m. Next meeting Tuesday, February 8, 2022 at 4:00 pm. In Council Chambers. Executive Session will be held on Friday February 4, 2022 at 10:30 a.m. “discuss strategy with respect to pending litigation pursuant to IC 5-14-1.5-6(b)(2)(B)

  
SANDRA SCHREIBER, PRESIDENT



**REGULAR MEETING  
ELKHART REDEVELOPMENT COMMISSION  
LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS  
Tuesday February 8, 2022  
4:00 p.m.**

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**PRESENT IN-PERSON: SANDI SCHREIBER, ALEX HOLTZ, GERRY ROBERTS, WES STEFFEN,  
GARY BOYN, DINA HARRIS AND GARY BOYN  
ADAM FANN, KRISTEN SMOLE, DAYNA BENNETT, ERIC TROTTER,  
CHAISE COPE AND LASHAWN BROOKS (RECORDING SECRETARY)**

**PRESENT BY WEBEX: CHRIS POTTRATZ, BRAD HUNSBERGER, JAMIE ARCE, LAURA MILLER**

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**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. Due to the nature of the meeting. The meeting was called to order at 4:00 p.m. by Mrs. Schreiber, President.

Minutes from January 11, 2022 Redevelopment meeting was motioned for approval by Mr. Holtz and second by Mr. Roberts. Voice vote carried with all in favor and non-opposed. Minutes approved

Agenda amended to add the opening of bids for 505 and 507 West High Street – Motion by Ms. Harris and second by Mr. Steffen; voice vote carried with all in favor.

**NEW BUSINESS**

**A. APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF ARP CORNOAVIRUS LOCAL FISCAL RECOVERY FUNDS FOR THE WORKFORCE HOUSING INITIATIVE AND ELKHART WEST BUSINESS PARK INITIATIVE PROGRAMS** – Mr. Boyn stated that last year the Common Council appropriated \$800k from the negative economic impact fund to help fund the cost of the workforce housing initiative and a separate \$900K from that fund to help fund the cost of the Elkhart West Business Park initiative programs. He stated those programs have been designated for supervision from the City generally to the redevelopment Commission. Mr. Boyn stated the request today is that you formally appropriate \$800k of the funds that have been put under your supervision for the WHIP program and the \$900k for the Elkhart West Business Park initiative programs and all of which there will be more action taken on as we proceed through the year. Mr. Boyn stated these funds are supposed to cover a myriad of expected costs including appraisals, site inspections, closing costs, application to purchase prices, demolition, reconstruction redevelopment and whatever may be needed under those programs as we proceed with them. He stated we are putting the money formally appropriated new money now, so that those various costs can be incurred and paid as we proceed with the programs. He stated the motion would be to approve the resolution as submitted appropriating those funds. Motion by Ms. Harris and second by Mr. Holtz. No questions or comments; voice vote carried with all in favor.

**B. APPROVING 511 DIVISION SITE CONTROL-** Mr. Fann stated a memo was provided that informs staff has been working with LaCasa to potentially develop the 511 Division parcel that the Commission owns. He stated, as with other programs we've done with LaCasa site control is one thing that they need to go after the funding sources that they use; this parcel was offered in 2014 for \$70k. He stated he believe LaCasa is asking for a gifted parcel, and then we are continually working with them to finalize their site plan. Mr. Boyn stated his recollection was LaCasa need a rezoning which is also a contingency along with funding in the proposed purchase agreement that is attached. Mr. Fann stated, that's correct and they already been starting to work through that process. Mr. Boyn stated he has been in touch with Brad and we have gone through the purchase agreement form and they are okay with the purchase agreement and its content terms. Mr. Boyn stated the resolution would be to approve the donation to LaCasa which is something you

can do under 36-7-14-22.2 which is donation or sale to a community development corporation and to approve filing the rezoning application to a R4 zone and approving the terms of the attached agreement. Mr. Boyn stated that it gives the Commission the power as president, if approved to approve any revisions that might be needed to that agreement as we proceed, that are consistent with the intent in terms of the agreement you are approving.

Ms. Harris made motion and Mr. Roberts second. Mrs. Schreiber asked of any questions from Commissioners and/or from audience.

Mr. Thomas Kolesia stated he came to the board when he brought the property to rezone it to keep his due diligence to keep within the parameters of ordinances the whole time I've been there. He stated I was here today to not say that this shouldn't be done, but that I've only had 10 days of knowledge as a neighbor of this project. He stated, I've been in contact with the city, I haven't been an absentee owner and in fact, I'm in the neighborhood every night. He stated, I reached out about 18 months ago when I saw the sign come down and there was people on the lot obviously having a meeting and I was interest as to what was going on. He stated, he was told that there was drilling being done for groundwater and that nothing was being done and it wasn't for sale. Mr. Kolesia stated that previously when I inquired about the property and was there any interest in it I was told it's not really for sale if you didn't have a proposal or a developer looking to do something great for the city. He stated that I think LaCasa has gotten ahead of itself and its meant to do something more for the community. He stated on their website it reads, Neighborhoods a world a word about neighborhood associations LaCasa supports the formation and preservation of neighborhood associations. Neighborhood associations are grassroots initiatives designed to help neighbors improve their lives together they provide the framework for building the relationships that are essential for nurturing, collective action at the street level. He stated from the website that studies show, the quality of life is higher and crime is lower in neighborhoods where residents work together; a Harvard University quote. Mr. Kolesia stated he don't think LaCasa's real estate division has lived up to this division of LaCasa's goals and ambitions. He stated he has only had 10 days to know that this was an issue or an opportunity or not an opportunity. I just feel like we just need to take a step back and understand what's even possible with this corner property and whether or not, it should be a tax exempt investment into the city or if it should be a market rate investment, he stated. He stated we're taking a big gamble here. They said that it was offered in 2014 for sale and Elkhart was a totally different place in 2014 he stated. He stated his biggest argument today is we need to take a step back figure out how to involve LaCasa and every other person of that district. He stated that he will submit a packet of information for the Commission to review. He stated this was implied that it's been in the works for some time in a letter to me and I question that and if that's true that means they had even more time to involve the community in the process. Mr. Kolesia shared various concerns relative to the movement of this opportunity.

Mr. Charles Sanders stated he owns the property right behind the old Federal Press building. He stated there is a triangle lot number 22 on the plot that Federal Press owned. He asked if that was being sold with the Division Street property. Mr. Fann stated he would have to look at Elevate to what it is. Mr. Brad Hunsberger stated that he looked it up and this property is not being sold. Mr. Sanders stated that when Federal Press brought the property there was an ingress and egress written up for the man that had it that we couldn't block the way of Federal Press door. He stated he didn't know if LaCasa knew this information or if it was included. He stated that he agrees with Mr. Kolesia that he don't want to see someone comes on and offers them more money they sell it and it then turns into a rundown library.

Mrs. Judy Sanders stated we have not seen blueprints or anything about the project. She stated we don't know how close it will be to their property line; is it a 2-story 3-story. This is all a surprise to us.

Mr. Mike Polochek he stated there is currently projects going on State street behind me and they say that they are about community and helping the neighborhood and I have witnessed none of that going on in my area. He stated they had two of the allies blocked to where I couldn't even access State Street from my house. They put up a fence around the property so close that I can't even get into my driveway. He stated they constantly throw trash the construction site and it misses the dumpster and ends up in my driveway and I have to clean it up. He stated they are not community oriented when it comes to the surrounding neighborhoods that have been there for years. He stated if they are really about community and helping a

neighborhood, we have many elderly folks in our neighborhood that could use help with paint some housing projects. He stated we live in a historic society in which we are proud to live in but let's face it a duplex going up in a historic society is not very historic. He stated 10 years ago we were told that the Historic Committee would decide when houses are sold and what projects would be done in the neighborhood. He stated they informed them that the area is a one family dwelling because that was what the Historic team was about, but now duplexes and multiple apartments. Mr. Polochek stated two-years ago he was told he couldn't put vinyl siding or change his windows and now I have houses going up that have vinyl siding and different sized windows. He asked how is this fair to the people.

Mr. Brad Hunsberger stated that there is a couple of points laid out there as for the timing. He stated he understand it always feels rushed, but this is kind of the first step and there are many more steps in this process and you know there's rezoning and there's Council, Planning Commission Council. He stated he was interested in the document from Mr. Sanders for egress and ingress of property. He stated next steps was investigation of the property. He wanted to apologize to Mr. Polochek for the inconvenience and wanted him to know that they are not using vinyl siding on those duplexes. He stated that part of the impetus for the duplex form was to get to the scale of house that matches the historic properties in the neighborhood. He also stated that the proposal is for a 10-unit department complex and 2 story building.

Mr. Kolesia stated that we don't know what the potential development is and understand that LaCasa grants are important, but it hasn't been purposefully used in over 30 years.

Ms. Harris stated she would like to put her motion on hold until the City and LaCasa discussed and explored some more on this project.

Mr. Roberts stated he would like to hear from Brad as to what the reasons would be against that if he has any deadlines that he needs to hit that if we delay this another month, if it impacts that.

Mr. Boyn stated he know that one of things you are trying to get is site control under this purchase agreement so that you can pursue funding as well as zone and your agreement is contingent on those things being ultimately granted. Mr. Boyn stated that if you can't get the funding that you've applied for and or if it's not zoned properly you can walk away from this contract. He stated would site control waiting 30 days have any adverse impact on how or where you are in the timetable.

Mr. Hunsberger stated that it's a weird situation however, if you agree to submit for zoning now, I don't need site control for you for another month. He stated it's a March meeting, and then it will get the City council in April and in order for me to keep the schedule that I want, I need to be completely through with local approval process which is rezoning by the first Monday of May. He stated he has to be through with the entirety of the local process in order to apply for the funding that we use on this project.

Mr. Boyn stated that you could approve the filing of the application to rezone and put the rest of this on hold for a month, in terms of approving the purchase agreement.

Mr. Steffen stated he don't think it's a terrible idea in regards to it still allows the process to move. It doesn't limit the neighborhoods opportunity to object to anything maybe even at more appropriate levels in particular at the Planning and Zoning meeting because some of those things about positioning a building and where things are going parking spaces, those are probably better to address by that board.

Mr. Sanders stated getting rezoned and LaCasa is able to buy it for the price that you guys set, and their funding falls through, does that give them the cost of the right to sell the property to whomever they want to sell.

Motion to postpone the decision on site control for 511 Division, but at the same time, the Commission can proceed with the petition for rezoning. Mr. Roberts motioned and Ms. Harris seconded. Voice vote carried with all in favor.

**C. APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF ALLOCATION AREAS NO 1 FUNDS FOR ARTWALK 2022-** Mr. Fann stated there was a presentation and budget in your packet for Artwork 2022, historically, the Redevelopment Commission has supported the Art Walk with a monetary donation and currently there are asking for \$28k out of the Downtown TIF for the 2022 season. He stated that Craig Gibson is here representing Premier Arts for any questions.

Mrs. Schreiber stated that Redevelopment Area Allocation Funds Number 1 are at an all-time low and we are being careful on some of the things we are giving money. She asked if there were any other funding sources for the event.

Mr. Gibson stated Art walk was going to go away and we felt like that may not be the best idea for the good work that it has garnered for Downtown. So we stepped in conversation with the Community Foundation and you will see in the budget line for their support that hasn't been in past. He stated he believe the infrastructure and the organization of Premier Arts behind Art Walk and take it to a new level and make it somewhat move towards a self-sufficiency. Mr. Gibson stated that would be Premier Arts objective is to see how the downtown stakeholders could take more of a role in funding it and not come back to the Commissioner every year.

Ms. Harris asked who funded the program in the past. Mr. Gibson stated that Redevelopment Commission as well as other donors of \$1000 to \$1500 from individual and corporate sponsors. Mr. Gibson stated we had a conversation with the Elkhart County Visitors Bureau that there might be a small grant that we could apply for through them that they were interested in. He stated the Community Foundation help as well so it could be in all practical purposes set us up before.

Mr. Boyn asked what type of activities are planned for this year. Mr. Gibson stated a lot more family focused, driving families with children downtown themes that go throughout the whole merchants and the entertainment through the art and more vendor opportunities. Mr. Gibson shared other resources he would reach out to for financial support and involvement as vendors.

Ms. Pamela Osborne stated she is a proprietor of a small shop on Main Street and my store is Juxtapose and it's a gift shop art gallery and so I'm extremely excited about Art Walk and I'm very concerned about it being continued in the future. She stated it drives so much business Downtown, especially to my store and I know it's a fun event. She stated one of the reasons that I wanted to open and beyond Main Street was because of the synergy Downtown, the merchant's alliance meeting and Art Walk and I thought it was such a cool thing and I bought the building. Ms. Osborne stated she is invested totally in Downtown that her husband renovated this space and we just hope that it completely thrives and we were excited for Craig to take over that part because I didn't want it to go away.

Motion for approval of \$10k from allocation area number 1 special fund for Art Walk 2022 by Ms. Harris and second by Mr. Steffen. Voice vote carried with all in favor. Approved

Mr. Holtz thanked those for assisting and stepping up to keep Art Walk.

**D. APPROVING ICE MILLER BILLING FOR 1101 E. BEARDSLEY SERVICES-** Mr. Boyn stated that MACOG has been doing studies of the environmental conditions and issues on 1101 E. Beardsley. He stated we have already employed Ice Mille to pursue collection of costs of clean up, part of what they have been doing is monitoring the work that MACOG has been doing with their studies. Mr. Boyn stated our agreement with them on that phase of the work was that they would be paid on an hourly rate basis for their reviews and coordination for the MACOG studies. He stated the other work they're doing in terms of the litigation is all contingent gee, so we have a billing from Ice Miller and the amount of \$1039.50 for services rendered through December 31, 2021, which we would seek to pay out the Downtown Allocation Area Number 1 Special fund.

Motion made by Mr. Roberts and second by Mr. Holtz. Voice vote carried with all in favor. Approved.

**E. 1313 PRAIRIE STREET PROPOSAL FOR PURCHASE-** Mr. Fann stated in your packet was a proposal from Habitat for Humanity, they are offering \$5250.00 for the parcel at 1313 Prairie. He stated in that proposal, there should have been site plan and some renderings and we do have representative Greg Conrad from Habitat to answer any questions.

Mr. Conrad stated he is the President and Executive Director of habitat for Humanity County and as Adam mentioned, we are proposing to purchase that lot and build an owner occupied single family home on that property. The renderings we show is a standard Habitat home. He provided examples of what that would look like in packets. He stated the desire would be for a two-story home we are not asking for any participation from the City for the one-story; if a two-story would be specified we would be willing to

consider that, but at that point asks for the city's help on the sewer and water tap fees because of the cost of building a two-story home been in the neighborhood. He stated there is a mix of homes currently in that area, predominantly our two-story homes we have built, we are building two-story homes now, just finishing one up on Weldon Avenue and Goshen. Affordable housing is a very big deal and that we have a long waiting list of families who put their sweat equity in and are waiting for us to secure lots. He stated we are ready to start building and we have three homes going now and 13 more families waiting and 160 families registered as of being interested.

Mr. Boyn stated that we have offered this property for sale already once property has been offered if there are no offers received or if you rejected all the offers if there had been some, once you wait 30 days, you have the right to sell on any terms and conditions whatever price you choose. So that's kind of the status we in and what I recommended to Adam was when this came up to place on agenda and if you are interested in proceeding with this you indicate that this is an offer that you think is worth pursuing you ask the staff and Council to work with Habitat to arrive at a final purchase agreement and development agreement for the property and bring back for approval.

Mr. Conrad stated he believe that it had been offered at \$6000 and there were no takers.

Ms. Harris made motion for approval with Mr. Holtz second. Voice vote carried with all in favor. Approved.

**F. APPROVING THE RECOGNITION AGREEMENT PERTAINING TO THE REFINANCING OF THE FLAHERTY AND COLLINS STONEWATER PROJECT-**

Mr. Boyn stated that Flaherty and Collins has a very successful project with the Stonewater apartments. He stated they are almost totally filled and have been pretty much since they opened them up. He stated the only difficulties they've had filling any space have been on the retail part of that in front of all the apartments. Some of those are still open and expected to be filled at some point as the economy continues to improve. Mr. Boyn stated they have gone to a lender and discussed refinancing their construction loans to get better terms, longer terms or better interest rate or payment terms, but they are in the process of seeking refinancing. He stated the plan would be that the entity that does the loan would end up assigning this to Fannie Mae ultimately and so they want to put together favorable terms that Fannie Mae would like and make it easier for them to back this whole loan project. He stated they originally asked for subordination of our taxpayer agreement and we advised them that was not possible. Bonds have been sold outside parties and we can't be agreeing to anything that would affect the terms of the bond documents without the bond holders agreeing, stated Mr. Boyn. He stated the bond counsel and I have had numerous discussions with the proposed lenders council and have arrived at a form of recognition agreement, but essentially what it says is any notice that we would have to give the clarity in Collins parties and there are two or three different entities involved. He stated they've got an entity that owns the property, another entity that worked as a developer or another entity that's a guarantor etc. He stated any notice that under the taxpayer agreement, we would have to give to the affiliate and Collins parties. We will also give at the same time to the lender so that they know if we have for instance, to exercise their rights under the taxpayer agreement and asked for it in Collins or those entities to chip in a little extra money to help cover the bond payments that are due. Mr. Boyn stated because the TIF revenue was not sufficient to cover it, there is a cap in that agreement that so long as they have in taxes and any other funds, they have to give us provided at least \$410,000 a year to apply to those bond payments that they will not have to put in anymore and if we are short, we'll have to go to Allocation Area 1 to cover any deficiency. He stated right now they are paying in real estate taxes far in excess of that \$410,000 cap. The agreement provides that any notice that we have to give under that keypad agreement they will as well so that they know if there are any issues in terms of repayment of those bonds. He stated they are satisfied that we are lean under the taxpayer agreement that they may have to contribute some additional funds if they're under that \$410,000 a year is a lean that is equivalent to the real estate tax lien that the county holds. They agree that we have first priority on that and no question about it regardless of whatever they do, whoever ends up with the property has got to be paying the real property taxes and would end up having to honor the taxpayer agreement as well, and that they can do nothing that would interfere with those obligations with their lean.

Mrs. Schreiber asked if we close to the final product. Mr. Boyn stated we have put in here that you would have the authority to negotiate and approve any revisions that may be needed beyond what we've already worked out. He stated primarily because they are taking it to Fannie Mae and they may have some additional concerns that wasn't thought about and if you deem it reasonable and meets the intent and doesn't go too far beyond what is being provided at this point you would have the authority as President to approve those without coming back to the Commission.

A motion to approve the draft form of agreement that is attached to the resolution and authorizing the President to negotiate and approve such revisions as she deems consistent with the intent and terms set forth in the attached draft. Motion given by Mr. Steffen and second by Ms. Harris. Voice vote carried with all in favor. Approved.

**G. BID OPENING FOR 505- 507 West Hive-** Mr. Fann stated no bids received and he is still working with developers.

#### **STAFF UPDATES**

Mr. Fann stated 1701 Sterling information came in on demolition; it was a little bit lower than what I thought, but I think what I would like to do if the Commission approves would be to send out bid documents for the demolition of that building. He stated the developer that is interest is looking at going after light tech credits and when those credits are applied for there is a 10% local match and project can be up to \$14M and we would be on the hook for about \$1.4M that demolition cost could be used as that local match. He stated he would like to get bids out for next month approval.

Mr. Fann stated 1101 Beardsley we had our meeting and sent some information to Brent. He stated I've been talking to Brent as well and \_\_\_\_\_ has reached out to us through MACOG they have some funding for what is called Pford testing and evidently is kind of a newer or different chemical that they look for in the ground. He stated potentially could be some IDEM money to have that testing done for us. Once more information is given he will share with Commission.

Mr. Boyn stated he spoke with Brent and will share conversation with Mr. Fann.

Mrs. Schreiber stated she gets asked a lot about when the building will come down.

Mr. Fann stated Metric Environmentalist who were working with MACOG and I've asked Leah to reach out to IFA or IDEM who has given the grant to MACOG to see if the money can be used for demolition of that site.

Mr. Fann stated he is still working on South Main corridor and other projects are still being worked on and moving.

Jamie Arce, Controller stated that the conduit payments for the developer loans that the city made for the Martins project for Carl Peterman at Lexington business center in which the increment they got credit for the amount of increment that was generated as a result of the project and given that credit comes into Area Downtown and Allocation Area 1 for the Lexus business center area 3 and 4 Great Lakes Capital. He stated we have a conduit payment from that allocation area to the City to be able to pay off the portion of the debt associated with the developer alone as such we're holding the developer accountable for any shortfalls that would be part of what would be recognized in the taxpayer agreement.

Mr. Boyn stated that the TIF is really paying the loan.

#### **OTHER BUSINESS**

Approval of Invoice -- Warrick & Boyn invoice \$21200.50 and \$692.50 over payment applied; \$20508.00 actual payment.

#### **ADJOURNMENT**

There being no further discussion, the meeting was adjourned at 5:28 p.m. Next meeting Tuesday, March 8, 2022 at 4:00 pm in Council Chambers.

  
SANDRA SCHREIBER, PRESIDENT

**REGULAR MEETING  
ELKHART REDEVELOPMENT COMMISSION  
LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS  
Tuesday March 8, 2022  
4:00 p.m.**

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**PRESENT IN-PERSON: SANDI SCHREIBER, ALEX HOLTZ, WES STEFFEN, DINA HARRIS, DORISANNE NIELSEN AND GARY BOYN  
ADAM FANN, DAYNA BENNETT, ERIC TROTTER, CHAISE COPE, Brad Hunsberger, Greg Conrad, Dave Weaver, LASHAWN BROOKS (RECORDING SECRETARY)**

**PRESENT BY WEBEX: Aaron Sorrell, Dana Donald, Mayor Roberson**

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**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. Due to the nature of the meeting. The meeting was called to order at 4:00 p.m. by Mrs. Schreiber, President.

**AMENDMENT OF AGENDA:** Ms. Harris made a motion to amend the agenda and Mr. Steffen second (Meijer Additional Funds)

Minutes from February 8, 2022 Redevelopment meeting was motioned for approval by Ms. Harris and second by Mr. Holtz. All were in favor and non-opposed; Minutes approved

**NEW BUSINESS**

A. ANNUAL ACTION PLAN PUBLIC HEARING FOR 2022 CDBG- Aaron Sorrell, Community Planning with Insight and consultant to CDBG stated we are starting the planning process for the program year of 2022 CDBG allocation which runs from July through June. He stated we anticipate that there will be a roughly \$1.1M in funds available to this program year and approximately \$750,000 from the 2022 entitlement and then another \$360,000 or so that will be reprogrammed. Mr. Sorrell stated that it is better to overestimate in these types of project than overestimate in these types of projects than underestimate so that we do not have to come back. He stated that Congress has yet to pass a HUD budget, so we are estimating the numbers because we do not know the exact entitlement amount. Mr. Sorrell stated this is the 3<sup>rd</sup> Action Plan for this 5 year program and the important part is that the projects that come out of the CDBG program are really used for two things; benefiting low and modern income persons or areas or preventing or eliminating slum and blight. He stated as far as the beneficiaries, when we talk about benefiting an area, at least 51% of the population in that area needs to be low and moderate income; a map showing that area in packet. Then everybody else has to pass to be an income qualified so that they are individuals are low and moderate income at 80% or below. He stated in the presentation, there is a list of eligible activities, but those are the most common uses. Mr. Sorrell stated that Elkhart spends significant amount of its money on public service blight, removal, some housing assistance and then last year spent a lot of money in public facilities improvements mainly parks. He stated the public service projects are really those projects that is geared in assisting low and moderate individuals such as job skills, job training, financial literacy, homeless prevention. He stated those are the main programs that Elkhart funds and they capped at 15% of the entire entitlement amount; about \$110,000.00 or so. He stated the Consolidate Plan listed five priorities; one was housing needs, homeless needs, non-homeless, special needs population (mostly seniors), and mental and physical disabilities person with H.I.V/AIDS. Mr. Sorrell stated economic really trying to produce to grow the job base within providing job training, job skills and then public infrastructure to improve or support job creation in the neighborhoods. Lastly, he stated neighborhood development needs, which are parks infrastructure, neighborhood infrastructure such as sidewalks, street trees, lighting and broadband. He stated a timeline is in the presentation. He stated a draft action plan will be ready by March 25<sup>th</sup> which starts the

30 day public comment period and two public hearings will be held April 12<sup>th</sup> and 18<sup>th</sup>. He state the hearings are to see if the public or the Redevelopment Commission has any thoughts on the priorities that we put forward for this year's Action Plan. There were no questions or comments from the public or commission and the public hearing closed.

B. AUTHORIZING THE OFFERING OF REAL ESTATE FOR SALE TO ABUTTING LANDOWNERS UNDER 36-7-14-22.6 – Mr. Boyn stated this is the property adjacent to East of 1015 Garfield Avenue and the abutting land owner contacted Adam at some point and indicated that they had a fence that was actually sitting on city property. Mr. Fann stated he think the previous owners had owned the property, which is his parents who passed away and he inherited the house. He stated the tax just lapsed and maybe the parents forgot to pay on that second parcel. Mr. Fann stated the fence has been there for 10 to 15 years and not a new fence, but he was interest in purchasing the parcel back. Mrs. Schreiber stated the offering of bids would be in April if any. Mr. Fann stated yes. Mr. Steffen made motion approving the resolution authorizing the offering of real estate and Ms. Harris second. All in favor and non-opposed; motion carried.

C. APPROVING ASBESTOS REMOVAL CONTRACT WITH A&G ENVIRONMENTAL – Mr. Fann stated that the packet include estimates on asbestos removal from 1101 E. Beardsley for \$58,965.00 coming from the Downtown TIF. Mr. Fann stated that this is the first step in order to demolish the building and there is a bit of asbestos. Mr. Steffen made motion approving the contract for asbestos removal from 1101 E. Beardsley for \$58,965.00 to A&G Environmental Solutions and Ms. Harris second with all in favor and non-opposed; motion carried.

D. APPROVING TRANSFER OF REAL ESTATE AND DEVELOPMENT AGREEMENT WITH LACASA, INC. – Mr. Hunsberger stated that the Plan Commission approved the rezoning with a due pass recommendation to City Council yesterday afternoon. He provided during the meeting a power point view of the area for public and commission. Ms. Harris asked if there are additional responses from the neighbors. Mr. Hunsberger stated we had a handful of neighbors that came to the Plan Commission meeting and expected them again at Redevelopment Commission meeting this afternoon, but apparently, they did not come. He stated we heard from Thomas again who lives to the South and two men that own the dentist office across division came and expressed concern about their property value. Mrs. Nielsen asked if the building joined and if it was single-family homes. Mr. Hunsberger stated yes to both questions and stated there are 10 apartment units in the building and another 4 units in the back. Mr. Boyn stated that the agreement been reviewed and you have approved all the terms of that in-house. He stated we are looking for a motion to approve the donation to a low cost contingent on approval of the rezoning, which has occurred in committed project funding and approved. (Zoning has not been approved). Contingent on that and in terms of agreement. Online comments from Thomas: He states this was tabled pursuit Council approval. He apologizes that he is not able to be here due to traffic today. He states if it were not the venue, then it would be inappropriate to sell. I apologize but I am not in favor they do not have a site plan that works for the neighboring property. All were in favor of the motion and non-opposed; motion carried.

E. GRANTING MILESTONE CONSULTANTS ACCESS TO REAL ESTATE AT 3508 SOUTH MAIN STREET- Mr. Fann stated that staff was contacted by Milestone Construction for access to 3508 South Main for staging for the grade separation projects on Highly. He stated it is similar to what we did for the South Main project; they will be staging some of their materials and construction trailer. He stated they would provide proof of insurance. Mr. Steffen made motion to approve the resolution and Mr. Holtz second. All in favor and non-opposed; motion carried.

F. AUTHORIZING THE OFFERING OF REAL ESTATE FOR SALE UNDER 36-7-14-22.2 – Mr. Fann stated that a potential buyer for development contacted staff and the parcels have not been offered for sale yet. He stated this is the first step in that process. Mr. Steffen made motion to approve the resolution and Mr. Holtz second. All were in favor of the motion and non-opposed; motion carried.



G. APPROVING SALE OF 1313 PRAIRIE STREET TO HABITAT FOR HUMANITY FOR LOW TO MODERATE INCOME SINGLE FAMILY HOUSING - Mr. Fann stated this is the purchase agreement that we have adjusted for the original value, but we came to an agreement that if we were allowed, or allowed them to purchase it for a dollar or donate the property they would put a 2-story house on it instead of single story. Mr. Holtz made motion to approve resolution and all were in favor with non-opposed; motion carried.

H. APPROVING ICE MILLER BILLING FOR 1101 BEARDSLEY SERVICES – Mr. Boyn stated this is an hourly rate work that Ice Miller has contracted with us to do overseeing and coordinating the work being done by MACOG for various environmental reviews of the property. He stated the professional services they are billing are for \$1809.50 from the Downtown Allocation Area 1 Special fund. Mr. Steffen motion for approval and Ms. Harris second; all in favor and non-opposed; motion carried.

I. APPROVING IDEM VRIP BILLINGS FOR THE G&W SITE AND APPROPRIATING FUNDS- Mr. Boyn stated we are going through the voluntary mediation program with IDEM and the contract that we enter into with IDEM where they are approving the work to be done also requires that the commission pay the various fees that IDEM charges for that program. He stated the total is \$5718.75 and the resolution and motion should be to approve those invoices for payment and to appropriate the sum of \$5718.75 from the Consolidated South Elkhart TIF Area Special Fund. Ms. Harris motion for approval and Mr. Holtz second; all were in favor with non-opposed; resolution approved.

J. APPROPRIATION TO PAY ENVIRONFORENSICS BILLING- Mr. Boyn stated that funds were appropriated for this invoice in 2019 and requesting payment in the amount of \$5980.00 from the Consolidated South Elkhart Economic Development TIF. Ms. Harris made motion for approval and Mr. Steffen second, all were in favor with non-opposed; approved for payment

K. APPROVING ADDITIONAL FUNDING OF MEIJER PROJECT- Mr. Boyn stated we had a phone call this afternoon with Meyer and discuss the fact that bids for the local public improvements came in \$1.837M higher than was anticipated they thought it would be \$1.6M and the bid is at \$3.437M higher. He stated Meijer said they subject to getting the approvals they need from their executive team would be willing to pay \$918,500 of that if the city or the Redevelopment Commission was willing to fund the same amount from the Cassopolis TIF. Mr. Trotter stated that costs are going up and we received assurances from Meijer that they are committed to the project and that they are moving forward. He stated increased expenses related to their construction project and they are still anticipating mobilizing this month on site. Mr. Trotter stated he has gotten calls every week through the end of the month making sure they are prepped and ready to go. Mr. Boyn stated the other thing they agreed to do would be to go through the agreement, update some timelines in there if they need it and provide an amendment to us that would show they are committed to pay half of it and we are committed to pay half. Mr. Boyn stated that what we are looking for today is to make a motion that the Commission is agreeable to paying \$918,500.00 of those additional costs appropriated and appropriate that some from Cassopolis Corridor TIF Area Special Fund. Ms. Harris made the motion to approve the agreement and funding; Mr. Holtz second. Mrs. Schreiber stated that costs are going up dramatically and it is worthwhile to have in the community. All were in favor with non-opposed; motion carried. Mrs. Schreiber asked if any dates for groundbreaking. Mr. Trotter stated he is anticipating end of the month, but will look into it further.

**STAFF UPDATES**

Mr. Fann stated that we did get proposal for Phase 3 of the South Main corridor improvements.  
Ms. Bennett introduced Nancy Kiernan, Asst. Director of Economic Development and that she will be transferring off the team towards end of May.  
Mrs. Kiernan shared her background with the team.

**OTHER BUSINESS**

Warrick and Boyn invoice for \$19,455.00 approved for payment.

Dave Weaver with We Impact Group provided an update on Zone 1

**ADJOURNMENT**

There being no further discussion, the meeting adjourned at 4:55p.m. Next meeting Tuesday, April 12, 2022 at 4:00 pm in Council Chambers.



**SANDRA SCHREIBER, PRESIDENT**

**REGULAR MEETING  
ELKHART REDEVELOPMENT COMMISSION  
LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS  
Tuesday April 12, 2022  
4:00 p.m.**

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**PRESENT IN-PERSON: SANDI SCHREIBER, ALEX HOLTZ, WES STEFFEN, GERRY ROBERTS, DINA HARRIS, DORISANNE NIELSEN, GARY BOYN, ADAM FANN, DAYNA BENNETT, KRISTEN SMOLE, AND LASHAWN BROOKS (RECORDING SECRETARY)**

**PRESENT BY WEBEX: Jamie Arce, Dayna Bennett, Corrine Straight**

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**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. Due to the nature of the meeting. The meeting was called to order at 4:00 p.m. by Mrs. Sandi Schreiber, President.

**AMENDMENT OF AGENDA:**

Mr. Holtz motioned the approval of amending the agenda and Ms. Harris second. Voice vote carried with all in favor and non-opposed. Approved

**NEW BUSINESS**

- A. **OPEN DEMO BIDS 1701 STERLING-** Mr. Fann stated that the first bid was from Cross Excavating and everything is enclosed in the packet and the total bid is \$273,040.00. He stated the 2<sup>nd</sup> bid is from R&R Excavating and everything is in order and the bid is \$416,167.00 and the final bid is from C&E Excavating and the total is \$345,100.00.
- B. **OPEN OFFERS 574-577 HUDSON STERLING –** Mr. Fann stated Habitat submitted a proposal to offer \$10,000.00 for all four properties.
- C. **OPEN OFFERS ADJ E. OF 1015 GARFIELD -** Mrs. Schreiber stated if any offers for 1015 adjacent east of 1015 Garfield. Mr. Fann stated that the letters was not sent out and they will be sent this week to the adjacent property owners. Mrs. Schreiber stated we would remove items C & S from the agenda and added to May meeting. Mr. Steffen motion to have the C and S items removed from the agenda and Mr. Holtz second. All were in favor and non-opposed. Approved for removal and added to May meeting.
- D. **APPROVING CDBG ANNUAL ACTION PLAN –** Mrs. Donald stated that your packet is a draft of the Annual Action Plan and it is still opportunity for public comment on how the funds will be spent for the program year of 2022. Mrs. Schreiber asked if any members of the audience have comments on the annual action plan. No questions or comments and section closed. Mrs. Donald stated that the next public comment period would be April 18, 2022 at 5:30pm in the Council Chambers. Mr. Schreiber asked for a motion to approve the Annual Action Plan.
- E. **CDBG-CV SUBRECIPIENT AMENDED AGREEMENT-CHURCH COMMUNITY SERVICES –** Mrs. Donald stated we are requesting that the contract for Church Community Services extended until December 31, 2022. She stated the program that they run with the Covid funds is emergency rental, utility payments and they are on a reimbursement basis, and they only spent about 48% of their funds. She stated we are requesting to extend the contract and add the payment of two part-time assistance to assist them in spending their funds down in a timely manner. Mrs. Schreiber asked if this was for assistance with rent and utility on request basis. Mrs. Donald stated yes. Ms. Harris made motion to accept the amended and approve the sub recipient agreement with Church Community Services and Mr. Steffen second. All were in favor with non-opposed. Approved
- F. **AUTHORIZING THE TRANSFER OF REAL PROPERTY TO THE REDEVELOPMENT-** Ms. Cope stated these are five parcels that were taken in tax sale and incorrectly titled in civil city's name and have already went

through the Board of Works and they agreed to transfer the title to the Redevelopment Commission. She stated if the Commission accepts. Mr. Holtz motion to approve the transfer of the redevelopment of the real property to redevelopment from the City of Elkhart and Ms. Harris second. All were in favor with non-opposed; approved. Ms. Cope stated that the county had signed an agreement with the City and the City did not push them through to the Redevelopment Commission that once we accepted the title after the 90 days expired we did not retitle them in our names. She stated the County automatically put them in Civil City

**G. APPROVING AMENDMENTS TO 500 S. MAIN LOAN AGREEMENT-** Mr. Boyn stated that the opening of the renovated hotel downtown project at 500 Main did was delayed a year or two primarily due to Covid issues and problems getting materials and contractors in place. He stated they came to the City a few months ago and asked if we could change the payment schedule on the EDC loan by either a year or two years. He stated we would delay their beginning payments and extend their final due date payments due dates that would allow their cash flow from the operating project to catch up. Mr. Boyn stated that is the loan repayment. We expect primarily of not completely to come out of the project generated TIF revenue by 500 Main know that if the project TIF revenue is not sufficient to make any payments that they have to make up the difference. He stated that Baker did projections for us and looked at giving them a one-year extension to start the payments a year late and give them an extra year to make the final one and decided that did not give them much of any relief. He stated from the cash flow issues, they ran projections for a two-year extension at each end and said if you want a recommendation from us, that the way to go. He stated that does extend the payment out beyond the last payment out beyond the exploration of that portion of the Downtown TIF area. Mr. Boyn stated that we advised 500 Main that if they elected to go with a two-year extension, which Baker Tilley tells us we could do, there is a chance that there would not be enough TIF generated to make the last payment or the entire last payment. He stated Baker and Tilly thinks there will be and not entirely sure that was going to be true. He stated they understood that and agreed to come up with the last payment or parts of it and that this does give us the relief needed to let cash flow of the project catch up with our payments. Mr. Boyn stated that the Economic Development Commission made the loan and provided in their loan documents that if any amendments are necessary to the loan, the Mayor authorized to approve them and to execute any additional amendments to the loan documents that need be made. He stated we did not have to go back to anyone else for any kind of approvals of this refinancing except since the redevelopment commission had pledged TIF. He stated we felt it was appropriate that the Redevelopment Commission approved the extension as well understanding that the TIF they are putting on the project may extend beyond at least a year beyond what they originally thought the TIF would be applied. He stated the resolution is approving two-year extension of the initial and final repayment dates on the \$2.550M project loan from the City and approves the amendments to the debt service schedule, amended and restated taxpayer agreement guarantee, the amended and restated borrowers promissory note and amendment one to the warranty mortgage. He stated, all of which are attached to the resolution that is presented to you.

Ms. Harris made motion approving the resolution, amendments as presented, and Mr. Steffen second. Mr. Roberts stated in Exhibit A, the agreement to amend \$500M debt service schedule section 5 says that the borrower is as required by the original loan agreements confirms that we will reimburse the City for all cost incurred and will incur. He stated, unfortunately it's not clear at least from Exhibit A, whether the City is inclusive of just the City proper or also includes the pledger, which is redevelopment. Mr. Roberts stated he can't imagine that our costs are significant in this project and I'm sure Gary, you spent some time on this and it would have been good to have clarity there whether our cost are also going to be covered. Mr. Boyn stated that is the intent and provision was in the original long documents that they pick up all costs associated with it and were from the original loan documents, so where that they were covering redevelopment. All were in favor with non-opposed; resolution approved.

**H. APPROVING FIRST AMENDMENT TO THE MEIJER DEVELOPMENT AGREEMENT-** Mr. Boyn stated that Meijer is committed to getting this project done and there are a number of local public improvements that the City as part of the project agreed to do and funding out of the TIF area. He stated when the Board of Public Works let bids on this they came in at \$1.8M over the original projected cost. Mr. Boyn stated his recollection is that we anticipated at the beginning that it would cost a \$1.6M to do these and its actually going to cost in excess of \$3M. He stated in negotiations and discussions with Meijer about that increased cost problem Meijer indicated that they were also experiencing increased costs on their end of the project, but they were willing to split the additional costs to the City. He stated, assuming that the city got the bids out quickly by the date that the contract had originally provided approved them and completed their work on the local public improvements by August 1, 2022. Mr. Boyn stated that discussions were had with Public Works on where we were with all of it and could they get everything done in time. He stated

they felt confident that they could get the local public improvements started and installed within the timeframe. He stated the amendment to the economic development agreement with Meijer contains provisions that provided the City meet its end of the bargain and getting everything done they are willing to pay that at half of what our additional cost is over our projected amount. He stated they are willing to pay half as long as we have the public improvements done by August 1, 2022. Ms. Harris motion approving the resolution, amending the Meijer development agreement in the form presented and the terms of the attached amendment and Mr. Steffen second. Mr. Roberts asked if bids already been awarded. Mr. Boyn stated, that is my understanding due to seeing emails from Tory in the last month. Mr. Roberts stated if this was a more equitable split, I know it is a 50/50 but it is only in the sense if we get it completed by August 1, 2022. He stated the development agreement as it was originally conceived, had a good faith provision that if we weren't meeting the milestone dates then we would negotiate in good faith to adjust as necessary. He stated it seems somewhat of a perverse incentive, but it looks like the project is going to finish on August 5, 2022 and we need to adjust it a few days, they have the right to deny that and in that case the city then bears the entire brunt of the cost. Mr. Roberts stated that because of that, he has a hard time approving it. He stated if it was between the \$1.6 and the final cost, we split it 50/50 that seem more fair and it seems that we have a good confidence in achieving it by August 1, 2022 in the event that something happens or delay by a couple of days. He stated they have that incentive of not approving the project extension the way that they would have before and we end up on the hook for significantly more than we were before. Mr. Boyn stated the way we tried to work around that is it is not foolproof and to make sure the force majeure clause expanded a little is about the best negotiations. Voice vote held with 4 to 1 Resolution Approved.

- I. APPROVING THE AMENDMENT TO BURKE CONTRACT FOR SOUTH MAIN STREETSCAPE AND APPROPRIATING PROJECT FUNDING-** Mr. Fann stated this is Phase 3 of 4 in our South Main Court of improvement plan that we been working on for several years. He stated this is probably the least invasive of the phase and we just finished phase 2. He stated we are waiting on some lighting fixtures and things, but this phase only entails directional and pedestrian lighting and we are not tearing up roads or sidewalks. He stated its an amendment to the current contract that we have in the amount of \$631,900 from the Consolidated South Elkhart Economic Development/Redevelopment Area Tax Allocation Area Special Fund. Mr. Fann stated he added in the contract inspections, construction oversight and bid document oversight due to Public Works being busy. He stated they will be taking on that role that the Public Works usually does for us. Mr. Holtz motion to approve the resolution and Ms. Harris second; Voice vote carried with all in favor; Resolution Approved
- J. APPROVING OFFERING OF REAL ESTATE FOR SALE - 5 LOTS –**  
Ms. Cope stated these the same five lots that we were accepting from Board of Works and we had some developer interest and would like to formally offer them for sale. Mr. Steffen made motion to approve the resolution and Ms. Harris second; Voice vote carried with all in favor resolution approved. Mr. Boyn stated that the first publication of the offering would appear in the Elkhart Truth on April 14.
- K. APPROPRIATION TO PAY ICE MILLER INVOICE (MACOG REVIEW 1101 E. BEARDSLEY -**  
Mr. Boyn stated we have a contract with Ice Miller that we will pay them on an hourly rate basis for coordinating with and reviewing the makeup environmental reviews and recommendations on clean up. He stated we have already paid them in prior months for the work they did and now we have an invoice for \$1963.50 for those services they performed from the last billing through February 28, 2022. Ms. Harris motion to approve the invoice for payment and to appropriate \$1963.50 from Downtown Allocation Area Number 1 to cover the cost of those services and Mr. Holtz second. Voice vote carried with all in favor; Approved
- L. APPROVING BARNES & THORNBURG BILLING AND APPROPRIATING FUNDS-** Workforce Housing Program and Flaherty and Collins projects- Mr. Boyn stated the workforce housing program work was an analysis of how to put that program together and structure it that they were involved in pertained to the Consolidated Area and Consolidated South that the city wants to do some workforce housing in. He stated they are billing for that portion of the work was \$17,611.00, which we are proposing be paid out of the Consolidated South Elkhart TIF. He stated the other part of the work to assist with a request when Flaherty and Collins notified the City that they were planning to refinance their construction loan on better terms. Mr. Boyn stated the lender involved asked for a standstill agreement which would provide that the city would take no action if there was a default of some kind, city take no action on its collateral position and until the lender had a chance to exercise their rights. He stated Counsel involved Barnes and Thornburg in the project because they were bond on funding for the Flaherty and Collins project. He stated they said

you would need bondholder agreement if you were going to give a standstill agreement. He stated 11 independent bondholders who are private parties and getting them to agree would be difficult. Negotiations were with the lender to find another avenue and we ended up with an agreement that says, if we have a default and have to send notice to Flaherty and Collins, we will also notify the lender, stated Mr. Boyn. Motion was made by Mr. Holtz to pay 2 invoices for \$17,611 from Consolidated TIF and \$14,773 from Allocation Area Number 1 fund. Voice vote carried with all in favor; Approved.

**M. APPROVING ANNUAL REPORT-** Mr. Boyn stated we have an Annual Report to the mayor and to the Common Council that we at the Commission is required to prepare and file with them on what we did in preceding year as Redevelopment Commission. He stated the report includes what funds we collected; how we spent them; what we have remaining. Mr. Boyn stated the report is prepared and is ready for submission and so the resolution before you is to approve the form and content of that Annual Report and authorize its submission to the Mayor and Common Council and to the Department of Local Government Finance, which is through electronic transmission. Mr. Holtz made a motion to approve the report and Mr. Roberts second; voice vote carried with all in favor, Approved.

**N. APPROVING TRANSFER OF REAL ESTATE AND PURCHASE AND DEVELOPMENT AGREEMENT WITH HABITAT FOR HUMANITY-** Mr. Boyn stated that Habitat has offered \$10,000 for four parcels of real estate located on Belmont. He stated we have attached to the resolution a proposed form of basic form of purchase agreement, which is we have used in the past. He stated we had discussion today about adding a little more detail to explain what they intend to do based on the proposal we received today, in terms of what they will build etc. and a timeframe within which they will complete work. Mr. Boyn stated there would be some amendments to the basic form that you have attached. He stated he has updated the resolution and if you agreed to sell those four parcels for \$10,000 that the amended resolution provides that you accept the offer and approve the sale for \$10,000. He stated you approve the terms of the agreement with the President being authorized to approve such amendments as she deems appropriate consistent with the terms of the offer. Mr. Conrad stated this appreciated as I have stated before we are looking for lots and are anxious to put more families into homes. He stated the lot that we just closed on Prairie Avenue would have ground breaking next week and you will be pleased to know the plans for the two-story home will be happening. He stated we have six families waiting for lots right now. Mr. Conrad stated the four lots reflected into two buildable lots and will be replacing that and building two owner occupied single-family homes across from the home they completed last year on Belmont. Mr. Roberts motion for approval of accepting the offer and sale to Habitat of four lots for \$10,000.00 and Mr. Holtz second; voice vote carried with all in favor; Approved

**O. APPROPRIATING FUNDS TO PAY INFRASTRUCTURE IMPROVEMENTS FOR 511 DIVISION PROJECT-** Mrs. Cope stated that earlier the Commission approved a site control agreement for LaCasa to pursue a home grant and this is the proposal for infrastructure improvements. She stated the prior Director of Community Development had set aside funds in the Downtown to support new housing in the State Division neighborhood, there is still \$116,000.00 in that set aside, and LaCasa is asking for \$58,000 of that for their eight-unit apartment complex. Mr. Roberts made a motion to approve resolution and Mr. Holtz second, Voice-vote carried with all in favor; Approved.

**P. APPROVING ADVANTIX DEVELOPMENT AGREEMENT –** Mrs. Cope stated that in your packet you have staff reports for the two properties 1710 South Main and 1701 Sterling. She stated we have done quite a bit of environmental work on 1710 South Main been offered since 2017 and 1701 Sterling, which you heard today bid offers as the City is trying to take down that building. Mrs. Cope stated we are still working on the environmental remediation with MACOG to find the extent and do more testing as the building comes down. Mr. Brandon Shields of Advantix stated we just want to give a brief kind of background on the project and everything that we have been working with over the past year. He stated Advantix formed in 2007 as the development and construction arm of the housing authority and we saw there was a need for tax credit housing for quality affordable housing throughout the states. He stated the first project was in Corydon, which is a 45-unit senior project and stellar deal. He stated we have now operated own or managed 1500 units throughout the state and surrounding areas; Marion, Muncie, Kokomo, Evansville and more. He stated we are looking to develop in other areas concentration in areas is important and want to grow where it has needed and wanted. He stated that Sterling and Main are two main sites it will consist of 50 units total and are 61 bedroom, 988 units in 44, 3 bedroom units and will be leased purchased townhomes. Mr. Shields stated that lease to purchase created a better path to homeownership. He stated we would have one other site with just a single residential lot to be determined to make up the 50th unit. (Presentation provided with visuals and handouts). Ms. Nielsen stated

we a tree city and what are the plans for green-space. Mr. Shields stated that there will be plenty of trees and landscaping in the areas and maintained. Mrs. Schreiber stated its lease-to-own and asked how that work for applicants. Mr. Shields stated somebody will be qualified to move in and they will run it and every dime they pay in rent goes towards their purchase price, which will be set later on down the road. He stated it is a lengthy process but it is similar to any of us going out and getting a 15-year mortgage...the longer you stay in there the more it benefits. Mrs. Harris asked what the average cost to purchase. Mr. Shield stated we are under obligations for 15 years to keep this in tax credit compliance because of the federal program and at the end; it is always a negation with the investor. He stated there is not a specific price that stated in the beginning. Mrs. Harris asked what percentage of rent goes toward the purchase. Advantix team stated they have to talk with experts on that question, but the area income is \$50k. Mr. Steffen stated on your other projects, what percentage people actually own their units. Mr. Shields stated this is a new program. Mr. Holtz stated that other projects look nice and what percent of those filled. Mr. Shields stated 100% occupancy. Mr. Boyn stated they are asking us to accept their offer to purchase the real estate for a dollar expressly contingent on approval of the affordable housing credits they have applied for and rezoning for residential use. He stated that he understands the rezoning process will be starting because you (RDC) own the property, so you will be applying for that and the agreement that we have attached expressly provides that if they do not get the housing credits the agreement automatically terminates. Mr. Boyn stated we would expect to have those by the end of this year. Mr. Shields stated their attorneys have the agreement and looking through it and will share any concerns by end of week. Mr. Boyn stated what we are proposing to do today is approve at our end, and I provided in the draft of the resolution that the officers are authorized to approve any non-material revisions, figuring that there could be. He stated if there were something, material that negotiated in the meantime we would probably have to come back to the Commission and get full approval. A voice-vote carried with all in favor and non-opposed. Resolution Approved

**Q. APPROVING OF FILING REZONING APPLICATION- 1701 STERLING AND 1710 S. MAIN-** Mrs. Cope stated that as part of the application for the light tech credits, the properties are required to already be rezoned. She stated that when they submit their application and the state awards funding, they know that the project is not going to be hung-up with zoning. She stated we are asking for permission to rezone the properties from N1-manufacturting to our R4-residential. Mrs. Harris motion for approval of the resolution and Mr. Steffen second with voice-vote of all in favor and non-opposed. Resolution Approved.

**R. AWARDING BID AND APPROVING DEMO CONTRACT 1701 STERLING AVENUE-** Mr. Fann stated that after looking over the bids, he would like to award to Cross Excavating and Demolition, LLC out of Michigan for the total of \$273,040.00. He stated they did work prior in the River District. Mr. Holtz made motion to approve awarding of bid and the contract with Cross Excavation and Demolition, LLC for \$273,040.00 out of Consolidated South TIF. Mrs. Harris second and voice-vote carried with all in favor. Approved.

#### **STAFF UPDATES**

Mr. Fann stated he would start working on demolition of 1101 Beardsley and the River District area. He stated there was an issue with finding the light fixtures for Phase 3 or Phase 2 of the South main corridor and we changed it up to get a vendor that had fixtures. He stated asbestos currently being removed from 1101 Beardsley and once that is complete, we will go out for bid on demolition. He stated in the Zone 2 area Rent-a-Center is out, but we have not received their check. He stated he will contact them about cleaning up around the building and items they left.

#### **OTHER BUSINESS**

Approval of Invoice – Warrick & Boyn - \$16,048.28

Motion made by Mr. Roberts and second by Mrs. Harris to approve payment of invoice. Voice vote carried with all in favor- Approved.

#### **ADJOURNMENT**

There being no further discussion, the meeting adjourned at 5:37p.m. Next meeting Wednesday May 10, 2022

  
SANDRA SCHREIBER, PRESIDENT

**REGULAR MEETING  
ELKHART REDEVELOPMENT COMMISSION  
LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS  
Tuesday May 10, 2022  
4:00 p.m.**

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**PRESENT IN-PERSON: SANDI SCHREIBER, ALEX HOLTZ, WES STEFFEN, DORISANNE NIELSEN  
AND GARY BOYN  
ADAM FANN, NANCY KIERNAN, ERIC TROTTER, CHAISE COPE,  
MARY KACZKA, LASHAWN BROOKS (RECORDING SECRETARY)**

**PRESENT BY WEBEX: Gerry Roberts, Laura Miller, Corinne Straight, Kristen Smole**

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**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. Due to the nature of the meeting. The meeting was called to order at 4:00 p.m. by Mrs. Schreiber, President.

Minutes from March 8, 2022 and April 12, 2022 for Redevelopment Commission meeting was motioned for approval by Mr. Holtz and second by Mr. Steffen. Roll-call vote was carried with all in favor and non-opposed; Minutes approved

**NEW BUSINESS**

**A. OPEN OFFERS ADJACENT TO 1015 GARFIELD-** Mr. Fann stated that we have not received any offers.

**B. OPEN OFFERS ON 5 LOTS-** Mr. Fann stated that we do not have any offers on the 5 lots. Mrs. Schreiber stated we just wait 30 days. Mr. Boyn stated if somebody ever comes forward and says I have an interest in those lots, having offered them and once 30-days from today has elapsed; we can negotiate whatever terms we want. Mrs. Nielsen asked why no one wants the lots. Mrs. Schreiber stated it might be due to the price we offered; after 30 days we can negotiate.

**C. APPROPRIATING FUNDING FOR ADDITIONAL ENVIRONMENTAL REVIEW OF 700 WEST BEARDSLEY AND ADJACENT PROPERTIES-** Mr. Fann stated this a contract brought through Board of Works some time ago on the appropriation for I think \$40,259 out of Tech Park TIF. He stated this is for Vapor Intrusion testing off-site of the property; IDEM requested. Mr. Steffen made motion to approve the resolution and Mr. Holtz second. A roll-call vote was carried with all in favor and non-opposed; approved

**D. APPROVING ICE MILLER BILLING FOR 1101 E. BEARDSLEY SERVICES-** Mr. Boyn stated we have a contract with Ice Miller to do some litigation work on the 1101 East Beardsley. He stated because of environmental issues a separate contract with them to monitor the study held by MACOG and let us know of any particular needs we may have to request as part of those studies. He stated additional work regarding MACOG studies is on an hourly rate basis so every month or couple of months we get a bill if they have performed services on that hourly rate basis for the work performed and we have received their billing through March 31, 2022 requesting \$346.50. Mr. Boyn stated their service would come from Downtown Allocation Area Number 1, Special Fund. Mr. Steffen made a motion to approve the billing and appropriate \$346.50 from the Downtown Allocation Area Number 1 Special Fund and Mr. Holtz second. A roll-call vote was carried with all in favor and non-opposed... approved.



**E. ACCEPTING THE TRANSFER OF REAL PROPERTY FROM THE CITY OF ELKHART-** Mrs. Cope stated this is the parcel directly south of 710 South Main Street and it is an unusable parcel unless combined with the parcel that the Redevelopment Commission owns adjacent. She stated it has gone through the Board of Works and they have granted the Redevelopment Commission title; if we choose to take it. Mr. Steffen made motion adopting the resolution and Mr. Holtz second; a roll-call vote was carried with all in favor and non-opposed...Approved.

**F. AUTHORIZING THE OFFERING OF REAL ESTATE FOR SALE UNDER 36-7-14-22-** Mrs. Schreiber stated we just need a motion to approve offering the realty for sale. Mr. Steffen motioned and Mr. Holtz second and a roll-call vote with all in favor and non-opposed...approved.

**G. GRANTING ACCESS TO REAL ESTATE OWNED BY REDEVELOPMENT –** Mr. Fann stated the owner of the home on Sherman Street indicated that she trying to get a dumpster delivered to do some remodeling and the company could not leave the dumpster in her driveway due to overhead power line. He stated she is asking permission to place dumpster on our lot. Mr. Holtz made motion and Mr. Steffen second with roll-call vote and all in favor...approved.

**H. REDEVELOPMENT 2023 BUDGET YEAR DETERMINATION FOR TIF-** Mrs. Cope stated in your packet you have a printout of each of the proposed projects for each of the 5 districts. She stated we plan to collect increment from all 5 TIF districts and this year we have projects identified in each TIF. She stated we no excess TIF. Mr. Steffen moved to approve the funding and report to auditor of no excess TIF funds, and Mr. Holtz second and a roll-call vote carried with all in favor...Approved.

**I. APPROVING BAKER TILLY BILLING FOR 500 SOUTH MAIN SERVICES-** Mr. Boyn stated 500 S. Main, Hotel Elkhart took longer to complete due to Covid issues. He stated the developer asked for an extension on start date to repay its loan as well as the ending date in order to determine what we could do and how helpful it would be. He stated we hired Baker Tilly to do some analysis and they came up with a plan and an analysis of what would happen if we gave them a 1-year extension as well as what happened with a 2-year extension. He stated they provided their report to the City staff. He stated in accordance with the payment schedule Baker billed \$4750 for providing those services to the Commission and we need a resolution approving their invoice for payment as well appropriating \$4750 from the Downtown Allocation Area Number 1 Special Fund. Mr. Holtz made motion to approve resolution and Mr. Steffen second with a roll-call vote of all in favor and non-opposed...approved.

**J. APPROVE REALTOR CONTRACT (WORKFORCE HOUSING)-** Mr. Fann stated staff would like to employ a realtor to potentially look into purchasing some parcels for workforce housing projects. Mr. Boyn stated Realty Group Resource provided a buyers exclusive agency contract form and after reviewing and having internal discussion, we came up with an addendum number 1 to the exclusive agency contract, both of which are attached to the resolution. On their copy of the buyer's exclusive contract we changed a couple of dates. He stated since we are acting on this a couple months later than I think they thought we would, and under further conditions, we added, "see addendum number 1 attached hereto and incorporated herein by reference". He stated these contain the dates and changes that we as a Commission feel are appropriate at this point and so you are asked today to approve the contract as revised and the employment of Realty Group Resources. He stated that the President is authorized to approve any revisions to the basic forms of the contract which she deems appropriate and consistent with the discussions and intent of the parties. Mr. Steffen made a motion to approve and Mr. Holtz seconded the motion; a roll-call vote of all in favor and non-opposed approved the contract, resolution and addendum.

### **STAFF UPDATES**

Mr. Fann stated we are waiting on INDOT for final approval of the work that we have been planning on doing on Cassopolis Street between Windsor and County Road and once that comes in, we will go to bid.

Mr. Fann stated Rent-A-Center asked for \$500 taken off their early termination payment for cleaning up the pallet and things left out front of property. Mrs. Schreiber asked if that costs would cover it. Mr. Fann stated yes and he has communicated with 311 with update on cleanup of property. Motion to approve the reduced costs provided by Mr. Steffen and second by Mr. Holtz with roll call vote of all in favor of deducting \$500 from the early termination payment to recover our clean-up costs, all approved. Mr. Fann stated it be paid from River District and he will requested document of said from Rent-A-Center.

Mr. Fann stated that 511 Division on site today doing some testing that MACOG would be handling.

Mr. Steffen asked how the realignment of Easy Shopping Plaza was going. He stated he sees people have started driving through from Chase bank and a bunch of dirt being dumped making it look worse. Mr. Fann stated he would contact Public Works.

Mrs. Schreiber asked if we are still removing asbestos from Beardsley. Mr. Fann stated yes and there is a lot of it.

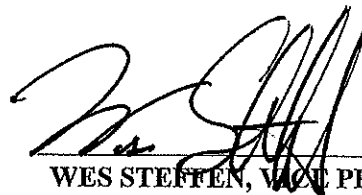
Mr. Steffen asked if the buildings have to be down on Zone 2 to get the GEO work done. Mr. Fann stated yes and he just received proposal today for that work. He stated we have 9 potential spots along Jackson for Geotech.

### **OTHER BUSINESS**

Warrick and Boyn invoice for \$26262.75 April billing motion for approval from Mr. Holtz and second from Mr. Steffen a roll-call vote of all ... approved.

### **ADJOURNMENT**

There being no further discussion, the meeting adjourned at 4:55p.m. Next meeting Tuesday, June 14, 2022 at 4:00 pm in Council Chambers.



WES STEFFEN, VICE PRESIDENT



**City of Elkhart**  
*Redevelopment Commission*

**REGULAR MEETING**  
**ELKHART REDEVELOPMENT COMMISSION**  
**LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS**  
**Tuesday June 14, 2022**  
**4:00 p.m.**

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**PRESENT:** Dina Harris, Alex Holtz, Dorisanne Nielsen, Gerry Roberts, Sandi Schreiber, Wes Steffen, Gary Boyn, Chaise Cope, Mary Kaczka, Adam Fann, Corinne Straight, Aaron Mishler, Dana Donald, Kristen Smole and LaShawn Brooks (Recording Secretary)

**PRESENT BY WEBEX:** Chris Pottratz , Laura Miller and Corinne Straight

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**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. The meeting was called to order at 4:03 p.m. by Ms. Schreiber, President.

Ms. Harris made a motion to amend the agenda. Seconded by Mr. Steffen. All in favor, motion approved.

**APPROVAL OF MINUTES**

Ms. Harris made a motion to approve the May 10, 2022 meeting minutes. Seconded by Mr. Steffen. All in favor, motion approved.

**NEW BUSINESS**

**A. OPEN OFFERS FOR LOT 45 ALLENDALE AND STERLING LOT** – Ms. Chaise Cope, Assistant Director for Redevelopment, stated in your packets you should have two letters from Advantix offering each lot for a dollar, This will be part of their Low Income Tax Credit (LITC) Program which will be 50 units of lease to purchase town homes. One being a single family home for 710 South Main and 1701 Sterling. These are two additional lots we want to enter into the same purchase agreement. Unfortunately, they were owned by Civil City and Board of Works so we could not get them in at the same time.

Mrs. Schreiber asked for a motion approving the offer for these two lots. Moved by Mr. Steffen, Seconded by Ms. Holtz.

Mrs. Schreiber asked how many units there are total.

Ms. Cope stated there are a total of 50 units. The single lot on Main Street will be replotted so there is more frontage and then the one single lot will be the 50<sup>th</sup> unit which is a single family home on Sterling Avenue directly across from 1701 Sterling.

All in favor, motion approved.

**C. CDBG – CV SUBRECIPIENT AGREEMENT AMENDMENT WITH BOYS & GIRLS CLUB AND COUNCIL ON AGING** – Dana Donaldson addressed the Commission. "I have two agreements that need to be amended. They are CDBG funds. The first one is for the Girls and Boys Club. They are asking for an additional \$12,577.50. They will be able to expend that by the end of the month. The other one is for the Council on Aging. They are asking for their contract to be extended so they can spend all of their funds in a timely manner."

Mrs. Schreiber asked for a motion approving both amendments. Moved by Ms. Harris, Seconded by Mr. Steffen. All in favor, motion approved.

Mr. Steffen noted we skipped Item B Opening Zone 2 & 3 Demolition Bids

**B. OPEN ZONE 2 & 3 DEMOLITION BIDS** – Mr. Adam Fann addressed the Commission. He reviewed the submitted bids. The first bid is from C&E Excavating. They bid per building so Adam will have to total the bid. The second bid is from Kelly Excavating. The third and final bidders are Cross Excavating. Everything is in order, we have one demo packet for five properties from Cross, one from C&E and one from Kelly. Adam will tabulate those and we can award at the end of the meeting.

Mr. Steffen asked why Cross bid every building rather than one bid.

Mr. Fann stated he asked to have it broken down so he knew how much each building would cost.

**D. ACCEPTING THE TRANSFER OF REAL PROPERTY FROM THE CITY OF ELKHART – 209 NORTH SECOND STREET, 1033 HUBBARD AVENUE, 1108 W. BLAINE AVENUE & 1923 LANE AVENUE** – Mr. Boyn stated, "These were all NSP properties, Neighborhood Stabilization Program. We accepted federal funds a number of years ago under that program in order to acquire properties and get them fixed up so they were good for habitation for low and moderate-income families. Each one has a time period that we, the City, committed would remain low and moderate income occupied. Some of these expire in eight or nine years. I think some are a little longer on the periods yet. The hope is to get either ultimately renters to buy the properties that they're living in or try to get a couple of them that we are the landlords on. The Community Development Corporation might be interested in taking over eventually. The problem was the titles went to the City not the Department of Redevelopment when the tax deeds were issued. So we request that the Board of Works transfer title to all those properties to Redevelopment so that we could follow up and offer them as best as we can at the appropriate time. The Board of Works has transferred them and what we are doing is making a motion to accept that transfer and I have the deeds in my hand signed by the Board of Works

and I have the resolution of the Board of Public Works. Once you've approved this, you and Alex will sign the deed accepting them."

Ms. Schreiber state, "It looks like we have 3 different properties on one resolution and then one on another a different resolution."

Mr. Boyn stated, "We realized we needed it at different times. We can approve them at the same point."

Mrs. Schreiber asked for a motion approving the resolution for acceptance of the transfer of these properties. Moved by Ms. Harris. Seconded by Mr. Holtz.

Ms. Schreiber asked, "All of those in favor of each resolution, first one covering the 1033 Hubbard Avenue, 1108 West Blaine and 1923 Lane Avenue. The second 209 North Second Street and 142 State Street please signify by saying aye." All in favor, motion approved.

**E. APPROVING IDEM VRP BILLINGS FOR THE G&W SITE AND APPROPRIATING FUNDS--**

Mr. Boyn stated, "G&W site has contamination on it. We have entered into program with IDEM for them to approve the clean-up process on that property. Part of that agreement is that IDEM will periodically bill us their costs going through that program. We have received another billing from them. Three different invoices totaling \$2006.75. We are requesting that you approve a motion for payment and appropriate \$2006.75 from the South Elkhart Economic Development TIF area special fund."

Mrs. Schreiber asked for a motion. Moved by Mr. Steffen. Seconded by Ms. Harris. All in favor, motion approved.

**F. APPROVING INVOICE FOR LABOUR PUMP MEDIATOR SERVICES AND APPROPRIATING FUNDS FOR PAYMENT -**

Mr. Boyn state, "This is a property that has some contamination on it and needs remediation. We have employed Ice Miller to seek recovery of costs and damages arising from that environmental contamination. There is a mediator who has been appointed in that case and is continuing to work with all the parties to try to arrive at a mutually acceptable agreement on who will pay for the cleanup and how much. He is periodically submitting bills to us. Those bills are being split up between multiple parties in the case. Our share of the March 3122 invoice, after an application of some other funds they were holding, our share is \$199.68. The motion is to approve the invoice and appropriate \$199.68 from the Consolidated South Elkhart Development Area TIF special fund."

Mrs. Schreiber asked for a motion. Moved by Ms. Harris. Seconded by Ms. Steffen. All in favor, motion approved.

**G. AUTHORIZING THE OFFERING OF REAL ESTATE FOR SALE UNDER 36-7-14-22 - 209**

**NORTH SECOND STREET & 142 STATE STREET -** Mr. Boyn stated, "This is the property of 209 North Second Street we just received from the Board of Works. We already had title to the property at 142 state Street and the resolution that has been submitted is to offer those properties for sale

under IC 36-7-14-22.2 on the belief that the highest and best use is to get it in the hands of the Community Development Corporation who would assume and comply with the duties restrictions and responsibilities of grantee under the neighborhood stabilization program. Attached to that resolution is the offering sheet and notice that public meeting for opening of any offers on July 12 at your next meeting. The motion should be to approve the offering of those two parcels for sale or grant to a Neighborhood Community Development Corporation approving the form of offering sheet and notice of public meeting.”

Mrs. Schreiber asked for a motion. Moved by Mr. Steffen. Seconded by Mr. Holtz. All in favor, motion approved.

**H. AUTHORIZING THE OFFERING OF REAL ESTATE FOR SALE UNDER 36-7-14-22 – 515 HUG STREET** – Mr. Boyn stated, “We are not necessarily offering this property to a community development corporation. We are simply offering it to the public at large for development for multi-family residential use. The motion would be to approve the offering of that real estate and the form of offering sheet and the form of public notice attached. One thing we do have to complete on the offering sheet is whatever the offering price is. I know Adam Fann has been working on that but I haven’t heard back yet what that amount is.”

Mrs. Schreiber asked for a motion. Moved by Mr. Steffen. Seconded by Ms. Holtz. All in favor, motion approved.

Mr. Boyn addressed Adam Fann regarding the offering on 515 Hug Street. Adam stated he thinks it is \$300,000. Mr. Boyn stated he will write that in on the offer.

**I. AWARDING BID AND APPROVING CONTRACT FOR DEMOLITION SERVICES FOR 5 PARCELS IN RIVER DISTRICT ZONES 2 & 3 – 315, 401, 501, 507 AND 509 EAST JACKSON BLVD.** – Chaise Cope addressed the Commission stating, “We are asking for a variance for this single family lot site on Sterling. It is in an established neighborhood. There is residential homes on either side. Unfortunately, this entire neighborhood is zoned for manufacturing. We need a voice vote to be allowed to seek a use variance for this.”

Mrs. Schreiber asked for a motion to approve applying for the use variance for the Sterling lot. Moved by Mr. Holtz. Seconded by Mr. Steffen. All in favor, motion approved.

Ms. Schreiber states we need a vote to approve the rezoning of lot 45 Allendale.

Chaise Cope addressed the Commission stating, “This is a very small lot. This was probably an alley or a street at one point. It was then vacated. This is directly south of 710 South Main Street. This will be the lot that will be replatted into one.”

Ms. Schreiber asked for a motion to approve applying for rezoning of lot 45 Allen Dale. Moved by Mr. Holtz. Seconded by Mr. Steffen. All in favor, motion approved.

Mr. Fann addressed the Commission regarding bids for the demolition of 45 Allen Drive. "I am going to read each address and then I'll read each number:

Kelly Excavating

315 East Jackson \$70,447  
401 East Jackson \$61,720  
507 East Jackson \$12,216  
501 East Jackson \$148,870  
509 East Jackson \$32,320  
Grand Total of \$325,603.

C&E Excavating

315 East Jackson \$35,900  
401 East Jackson \$27,442  
501 East Jackson \$93,580  
507 East Jackson \$9,081  
509 East Jackson \$23,312  
Grand Total of \$189,315

Cross Excavating and Demolition, LLC.

315 East Jackson \$27,870  
401 East Jackson \$25,500  
501 East Jackson \$79,946  
507 East Jackson \$6,900  
509 East Jackson \$10,920  
Grand Total of \$151,136

I would like to award the bid to Cross Excavating."

Ms. Schreiber asked for the totals from each company.

Mr. Fann stated Kelly Excavating \$325,603, C&E Excavating \$189,315, Cross came in at \$151,136.

Ms. Harris asked why there is such a difference in total pricing. Mr. Fann stated he did not know. Mr. Boyn stated sometimes it makes a difference on how busy they are or how bad they want the work. Mr. Fann stated Cross is actually the one doing 1701 Sterling for us as well.

Ms. Schreiber asked for a motion approving awarding the bid contract for demolition for the 5 parcels in Zones 2 and 3, 315, 401, 501, 507, and 509 East Jackson to Cross Excavating in the sum of \$151,136 that is coming out of the Capital Outlay. Moved by Ms. Harris. Seconded by Mr. Steffen. All in favor, motion approved.

**STAFF UPDATES**

Mr. Fann stated, "We have a couple of things. Phase 3 of the South Main quarter improvement is underway. Gary, Chris and I were kind of going back and forth today. We are thinking about bidding out the work, as well as the lights pole and fixtures, separately so those can begin manufacturing and we will not have to wait on them once the construction is done. We might come for an allocation for two different bids for that project. We thought maybe it would save some time and we could get the products instead of having to wait for them."

Mr. Fann stated, "The Windsor to County Road 4 project; we are still waiting for approval. I was asked by the consultant if it was ok if we went to bid without those approvals. I was not real comfortable with doing that because if you remember we had to come back for an M-DOT bill for several hundred thousand dollar to move a hand hole and put in some lights and stuff."

Mr. Fann stated, "Monte Tire has an issue with where the median is going to go on the Meijer project. Tory is currently going through the process with M-Dot to move their curb cut to the north to avoid that median Tory is asking for your permission to change order the move of the curb cut into the work that is currently being done at Meijer. Tory doesn't anticipate it needing another allocation. He is expecting \$30,000, that's all built into the allocation that has already been made. Tory just wants your blessing and needs the Commission to approve a change order for work on the Meijer project."

Ms. Schreiber asked for a motion to approve the Monte Tire new curb cut into the Meijer allocation. Moved by Mr. Steffen. Seconded by Mr. Roberts. All in favor, motion approved.

Mr. Fann stated, "The last thing has to do with Meijer. When we did the allocation for \$918,000, I am not sure that we understood if Meijer was going to foot the bill for the other half or if we were getting reimbursed. Now we've kind of figured out that we are going to get reimbursed by Meijer. At the next meeting, we will bring that other \$918,000 allocation to bring that total up to the 2.5 million. Once the project is done we will be reimbursed by Meijer that \$918,000. I think in the original agreement the wording was that Public Works was going to put that money up but Tory thought if the commissioners could appropriate it, he could use that money on another project that needs to be done around town."

Mr. Roberts asked if this is still slated to be finished by August first.

Mr. Fann stated, "Yes, there is a bit of an issue with one of the occupants not being out of the building yet so they can demo. Meijer is completely fine because their project is actually behind but ours is still moving forward. I have asked Eric to reach out to the Meijer representative to give us that in writing because they are behind and if that puts us behind, they are not going to revert on us."

Ms. Harris asked where the money that is reimbursed would be deposited. Mr. Fann stated it will go back into the TIF.

Mr. Boyn asked, "Am I clear that the additional cost is just the \$918,000? Is there another \$918,000 on top of that? Mr. Fann stated the whole thing is the 1.8 overage. They agreed to pay half of 50% of that. We have allocated \$918,000, we need to do the other half of that then we will get reimbursed for it. We already appropriated the \$918,000 so we would just need to do the other."



Ms. Schreiber stated if we meet the deadline that would be fine.

**OTHER BUSINESS**

Mr. Boyn stated the current work amount on the Warrick and Boyn invoice is for \$21,123.75.

Ms. Schreiber asked for a motion to approving the Warrick and Boyn invoice. Moved by Ms. Harris. Seconded by Mr. Steffen. All in favor, motion approved.

**PUBLIC COMMENT**

No one present for public comment.

**ADJOURNMENT**

There being no further discussion, Ms. Schreiber asked for a motion to adjourn the meeting. It was moved by Ms. Harris. Seconded by Mr. Roberts. All in favor, motion approved. The meeting adjourned at 4:37p.m. Next meeting Tuesday, August 9 2022 at 4:00 pm in Council Chambers.

  
SANDI SCHREIBER, PRESIDENT



**City of Elkhart**  
*Redevelopment Commission*

**REGULAR MEETING**  
**ELKHART REDEVELOPMENT COMMISSION**  
**LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS**  
**Tuesday July 12, 2022**  
**4:00 p.m.**

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**PRESENT:** Dina Harris, Alex Holtz, Dorisanne Nielsen, Gerry Roberts, Sandi Schreiber, Wes Steffen, Gary Boyn, Chaise Cope, Mary Kaczka, Adam Fann, and LaShawn Brooks (Recording Secretary)

**PRESENT BY WEBEX: Chris Pottratz**

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**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. The meeting was called to order at 4:05 p.m. by Ms. Schreiber, President.

**NEW BUSINESS**

**A. OPEN OFFERS FOR HUG STREET LOT -**

Ms. Chaise Cope, Assistant Director for Redevelopment, stated, "We have not received any offers for the Hug Street lot."

**B. APPRAISALS FOR 1918 MARKLE**

Mr. Adam Fann stated, "Staff has been contacted by a potential purchaser for the property at 1918 Markel. I'd like to ask for an appropriation from Consolidated TIF for those appraisals on that property in the amount of \$2,700."

Mrs. Schreiber asked for a motion to that affect. Moved by Ms. Harris. Seconded by Mr. Holtz. All in favor, motion approved.

**C. CDBG ACTION PLAN PUBLIC HEARING**

Ms. Mary Kaczka addressed the Commission stating, "I gave you a copy of a PowerPoint regarding the CDBG plan for this coming year."

Mrs. Schreiber asked if there are any questions or comments concerning the annual action plan from the Commissioners or the public.

Ms. Schreiber asked, "For the budget or proposed projections, how does this differ from last years?"

Ms. Kaczka stated, "Well, I don't know, I wasn't here. I can tell you that the allocation for this year is less. It's about \$50,000 less but think that the general categories of the funds are going to be the same. This third year of the five year plan the focus is definitely on housing but then we have our sub recipient allocation which is in the PowerPoint."

Hearing no other questions or comments Mrs. Schreiber declared the public hearing closed.

#### **D. MSP-CDBG PORPERTY PROPOSALS FOR 209 NORTH SECOND AND 142 STATE**

Ms. Kaczka stated, "You have in front of you one proposal for those two properties from LaCasa which is a certified development corporation. We have Brad Hunsberger here from LaCasa to answer any questions you might have about the proposal."

Mr. Steffen joined the meeting.

Mr. Hunsberger stated, "The proposal, as you can see, there is a series of due diligence items that we want to check off, just as part of his process. We appreciate the trust given to us to bring these properties back into use and continue the NSP commitments that the City made ten odd years ago and maintain affordable housing. We are working towards a final number on the rehab. What you have here is kind of our first pass through it to kind of bullet point and give a general expected cost. We will refine that for the September meeting and have a package. At that point, Mr. Boyn will have to work a little bit on the NSP leans and talk about first position and second position. First of our goals as stated in this proposal is to be able to capitalize the properties with the mortgage that needs to be superior to the NSP lean. It's doable, it just takes a little work from lawyers. I'd be happy to answer any questions."

Mrs. Schreiber asked for a motion to accept the proposals from LaCasa for the properties at 209 North Second Street and 142 State Street for \$1.00 each. Moved by Mr. Roberts. Seconded by Ms. Harris. All in favor, motion approved.

#### **E. FOUNDRY SETTLEMENT APPROVAL**

Mr. Boyn stated, "This went to mediation. The Foundry lawsuit, which was a number of years ago, was court ordered to final mediation. You have before you the settlement and release agreement that came out of that mediation. Under the terms of that agreement, there was over one million dollars in damages agreed upon for the City. Another million dollars was allocated for attorney fees that have been under agreement incurred by the City. It's my recollection that about \$160,000 has to be paid based upon prior agreement to Flaherty and Collins. There may be some other costs of the City and that the net proceeds go to the City Downtown Allocation Area No. 1 Special Fund and have been allocated to clean up our environmental issues. That's the basic settlement that was negotiated. You are asked to approve the settlement of the Foundry case."

Mrs. Schreiber asked for a motion. Moved by Ms. Harris. Seconded by Mr. Steffen. All in favor, motion approved.

#### **F. FOUNDRY MEDIATOR INVOICE**

Mr. Boyn state, "Mediator of Judge Shoemaker has submitted a bill for \$975, our share, for his mediation service which added to that settlement. Presented to you today is a resolution of approving \$975 bill for payment and appropriating that sum from the Downtown Allocation Area No. 1 Special Fund to cover the cost of the mediation."

Mrs. Schreiber asked for a motion. Moved by Mr. Roberts. Seconded by Mr. Steffen. All in favor, motion approved.

#### **G. G&W INVOICE**

Mr. Boyn stated, "Enviroforensics submitted a bill for various environmental related reviews for services on the G&W site located at 2306 South Main in the amount of \$1,279.75. Today we ask you to approve that invoice for payment in the amount of \$1,279.75 and appropriate that sum from the Consolidated South Economic Development Redevelopment Allocation Area Special Fund and have a motion to that effect"

Mrs. Schreiber asked for a motion. Moved by Mr. Steffen. Seconded by Mr. Holtz. All in favor, motion approved.

#### **H. MEIJER APPROPRIATION**

Mr. Fann stated, "I believe it was last year the Redevelopment Commission appropriated a 1.6 million dollar purchase order for local public improvements for Meijer development along Cassopolis Street. Once the bidding came back there was about a 1.8 million dollar overage because of inflation and the costs of everything. In the agreement, Meijer asked that the money be appropriated and they would cover 50% of that overage. Last year the Redevelopment Commission did appropriate the \$918,000 half, but we are being asked by the Board of Public Works to appropriate the other half so the billing process is easier and instead of the Board of Public Works being reimbursed, the Commission would be reimbursed for that expense. Staff is asking for \$918,500 appropriation for the other half of that overage out of the Cassopolis TIF."

Mrs. Schreiber asked for a motion approving the resolution appropriating funds to pay the Meijer Project Local Public Improvement Costs in the sum of \$918,500 to be paid from the Cassopolis Corridor Economic Development Allocation Area Special Fund. Moved by Ms. Harris. Seconded by Ms. Holtz.

Ms. Nielsen asked, "What stage is this in at the moment?"

Mr. Fann stated, "It is under construction."

Mr. Roberts asked, "How are we tracking towards the August first completion date?"

Mr. Fann stated, "We have been in conversation with the Meijer organization. We are waiting on some work that the AEP needs to do. They have sent in writing their blessing that they understand we are

not going to probably make our August first date and they are not going to hold us accountable for that.”

All in favor, motion approved.

#### **I. APPROPRIATING FUNDS FOR 1701 STERLING SOIL SAMPLES**

Mr. Fann stated, “Because 1701 Sterling is considered a brownfield, the soil that would be brought in or would fill in the basement as well as top dressing the site, needs to be certified clean fill. This is an IDEM and EPA requirement so the contractor has stockpiled some soil on site and that soil needs to be tested to make sure it is certified.”

Mr. Boyn stated, “The resolution would be to appropriate some of the \$2,500 from the Consolidated South Elkhart Economic Development/Redevelopment Tax Allocation Area Special Fund to cover the soil testing costs to make sure that soil is certified.”

Ms. Schreiber asked for a motion. Moved by Mr. Roberts. Seconded by Mr. Steffen.

Ms. Nielsen asked, “What else has been there besides the Foundry?”

Mr. Fann stated, “This was the old brazier factory but it has also lived a lot of other lives. I believe the brazier factory opened up in 1908 and was in operation until I think the 20s. This site isn’t actually that bad. There is a small basement that they are going to fill in and they are going to top dress with nice soil.”

Ms. Nielsen commented, “I assume you can’t put a nursery school there.” Mr. Fann stated, “No.”

Mr. Steffen stated, “This is a presumption, but if there is a problem with the soil, the contractor’s responsible for getting everything taken care of at no costs coming to us, correct?”

Mr. Fann confirmed that is correct, stating, “They will have to take it off site.”

Ms. Scheiber asked for all of those in favor to signify by saying aye. All in favor, motion approved.

#### **J. APPROPRIATING FUNDS FOR WOODLAND CROSSING APPRAISALS**

Ms. Kaczka stated, “This would be the old mall on Prairie where the vacant Sears building is. About the turn of the year, that whole mall was sold and the current owners are really only interested in the Kroger site. We have already done two appraisals on the Sears building and we are working with two potential users who would share that building and expand their operations. These appraisals would be for the balance of the site with the idea that once we get those appraisals we would discuss whether the City would like to go forward with the project there to redevelop that entire area into something that would be more of a benefit to that South Central neighborhood. The cost of the two appraisals should be about \$8,300.”

Ms. Scheiber asked for a motion authorizing appraisals and appropriating the sum of \$8,300 from the Workforce Housing Initiative Program. Moved by Mr. Roberts. Seconded by Ms. Harris.

Ms. Harris asked, "If this goes ahead, the two organizations that are thinking of this, they are responsible for the costs of their renovations, is that correct?"

Ms. Kaczka stated, "Yes. We finally got in the building last week with their contractor. Fortunately, there are old plans and things in blueprints from the building that the contractor has been able to get a copy of and they are now meeting to discuss how to allocate that space and how much that would cost. They are responsible for all of that. In fact they would like to be in an ownership interest. At this point, we are just facilitating a process but ultimately if everything did work out they would be buying it instead of the City."

Ms. Harris asked if they would be buying it from the people who own that property.

Ms. Kaczka stated, "We haven't really worked out the logistics about how the process would work. If we would negotiate and then assign contingent on them making a commitment or something like that. We don't really know but they will have to figure out a way that they would own it together in some structure that works for them. I think the tour went well. I think they are pretty interested and excited about it. I am just trying to move it along. The construction company said that in 4-6 weeks they thought they would be able to have their plans ready as to how that space could be reused to accommodate their needs."

Ms. Harris asked, "What about the rest of the property and the old mall?"

Ms. Kaczka stated, "That is what we are getting an appraisal for."

Ms. Harris asked, "For all of it or just those two?"

Ms. Kaczka stated, "We already have the appraisal on the Sears. The Kroger side of the site is about a third of the entire site because that does include the parking lot for Kroger and the gas station. Then there is the CVS. That is owned by somebody else. That is about one third that is not available. Then the Sears building is 100,000 square feet. That's roughly 2 acres. Right now the price that the seller's asking does include some parking with it to the west of the old Sears. That might leave 15-20 acres left. There are about 15 tenants operating there. A few are in some outbuildings and then the rest are in a building shared space. We are looking for that information on those tenants. The interest in this is really based in all of the work that has happened here through the Thrive Engagement Program and getting input from the community in that part of the city. As far as redeveloping that whole mall into more of a neighborhood opportunity center, which the users of what they are wanting to do with the Sears, fits right into that and has been an interest of theirs for some time. The redevelopment of the site would be a mixed use type of development, which would include housing and commercial retails would seem appropriate for the area."

Mrs. Schreiber asked if the 15-20 acres includes the parking.

Ms. Kaczka stated, "Yes, south of the Sears building. The users of the building are saying they may need more parking than what is available to the west. If the City were to control that we could work out some agreement with them to provide them more parking to accommodate their needs."

Ms. Nielsen stated, "I am always interested in history. I think it is a shame that the name is still not the Pierre Moran Mall. What are the chances of having that? If it weren't for Pierre Moran, we wouldn't be sitting here."

Ms. Kaczka stated, "I would think if the City were involved in redeveloping it, it would be their call to what's the name."

Mr. Steffen asked, "Has there been an approximate dollar value of how much development is theorized?"

Ms. Kaczka stated, "No, but it is in your TIF district. Users of the Sears building are not for profits but the balance of that site would be for profit or regularly taxed."

Ms. Schreiber asked for all of those in favor of adopting the resolution authorizing appraisal of the 154 West Hively Avenue and the sum not to exceed \$8,300 to be appropriated from the Workforce Initiative Program, please signify by saying aye. All in favor, motion approved.

#### **K. ACCEPTING PARCELS FROM BOW**

Mrs. Chaise Cope addressed the Commission, "My mission is to retitle the entire city so that every board has the correct property. We are trying to acquire 20 parcels from the Board of Works, which were taken in tax sale for the last 10-15 years and were never retitled into the Redevelopment Commissions name so that we could publically offer them and get them to be in full housing developments. We are taking title and then offering them today so we can start that process."

Mr. Boyn stated, "The Board of Works has acted and has provided their resolution to transfer them and I have a deed ready. One deed with 20 descriptions."

Mrs. Schreiber asked for a motion to adopt resolution to accept the transfer of real property from the City of Elkhart. Moved by Ms. Harris. Seconded by Mr. Steffen. All in favor, motion approved.

#### **L. OFFERING PARCELS FOR SALE**

Mrs. Chase Cope addressed the Commission. "In addition to the 20 parcels acquired from the Board of Works, there are an additional 13 parcels that have never been publically offered that we would like to include in that number. They are primarily in south central Elkhart. In one area we would like to offer multiple lots so that we can get infill development with several developers."

Mr. Boyn stated, "Your motion today is to approve the offering of all the parcels listed on exhibit A and form a public notice as well to that resolution."

Mrs. Scheiber asked for a motion to that affect. Moved by Mr. Steffen. Seconded by Mr. Holtz. All in favor, motion approved.

### **STAFF UPDATES**

Mr. Fann stated, "First off, South Main phase 2, they have the lights up so we're about to wrap that one up.

State Road 19 improvements, we did have some questions through M-Dot, those have been taken care of. I have a meeting next week with Abbon Marsh to go over engineering estimates and potential phasing because of the engineering estimates but then possible bidding in August.

Roundhouse, we have been meeting with Tab and Kansas State University about how to work with some of these brownfields. There is some money to do some additional testing on the roundhouse site. There is a concern of the amount of coverage under story and trees and everything on the site and potential for people being back there. So the request has been brought to staff that we get the site cleared to do testing and then also find any of the structures or identify where the structures are on the site. I'm going to put out to bid the clearing of that site probably for the August meeting. We're talking about cleaning brush and clearing it so you can see from one side to the other. We'll identify and leave some of the larger trees and keep those. We are going to try to keep as much of the neighborhood feel when we do the infill on this with established trees.

Some of the concerns with the environmental companies is they will have to go back there with their equipment and not being able to reach what they need to and people hiding in the bushes.

We did talk about some park properties that we wanted to transfer into the Redevelopment Commissions name for doing some more infill housing. I will be going to the Park Board meeting next week to explain our process on that. They had some questions on proceeds and where the proceeds would go, that type of thing. I also had a conversation with Jamison, the parks superintendent, and my intent is to let the Parks Board know that we have 41 parcels that are within the River Vista District Area that are within the floodplain, we would transfer to the Parks Department so they have a balance of acreage that they need to own so they can get federal funding. We will get four parcels from them and we will give them 41. We won't have to worry about them, they are not buildable because they are in a floodway. I am also going to give them the River Vista plan. I'm sure none of them have seen it. It just kind of explains to them that this is something that we have been working towards for many years and we will continue to work towards that through tax sale and things like that.

South Main, Phase 3, is in design. Potentially coming to bid in August. Zones 2 and 3 environment. I just met with a company about dewatering the Pizza Hut building today. I meet with another one tomorrow. I think we have a plan in place to keep the process moving so we don't have to wait too long on getting the water out of the basement. We have got the other three buildings to take down. That will be the last one to be removed but we are currently working through that.

The 1000 block of South Main, I did just hear from our real estate agent. I'm going to have a meeting with him later this week to go over the offer that the commission made and any adjustments on that."



Request was made to set up an special meeting/executive session.

**OTHER BUSINESS**

Mr. Boyn stated the current work amount on the Warrick and Boyn invoice is for \$16,631.64

Ms. Schreiber asked for a motion to approving the Warrick and Boyn invoice in the amount of \$16,631.64. Moved by Ms. Harris. Seconded by Mr. Roberts. All in favor, motion approved.

Mr. Adam Fann will email TIF Report to Commission.

**PUBLIC COMMENT**

No one present for public comment.

**ADJOURNMENT**

There being no further discussion, Ms. Schreiber asked for a motion to adjourn the meeting. It was moved by Mr. Roberts. Seconded by Ms. Harris. All in favor, motion approved. The meeting adjourned at 4:45 p.m. Next meeting is Tuesday, August 9, 2022 at 4:00 pm in Council Chambers.

  
SANDI SCHREIBER, PRESIDENT



**City of Elkhart**  
*Redevelopment Commission*

**REGULAR MEETING**  
**ELKHART REDEVELOPMENT COMMISSION**  
**LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS**  
**Tuesday August 9, 2022**  
**4:00 p.m.**

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**PRESENT:** Dina Harris, Alex Holtz, Dorisanne Nielsen, Gerry Roberts, Wes Steffen, Gary Boyn, Chaise Cope, Mary Kaczka, Adam Fann, Corinne Straight, Aaron Mishler  
LaShawn Brooks, and Sherry Weber (Recording Secretary)

**PRESENT BY WEBEX: Sandi Schreiber, Chris Pottratz, Bradley Tracy, Mary Jo Weyrick**

**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. The meeting was called to order at 4:00 p.m. by Mr. Steffen, Vice-President.

Ms. Harris made a motion to amend the agenda moving 1101 Beardsley Public Input to item B and striking item F, 1524 Frances Ave. Transfer, as that one is not ready yet. Seconded by Mr. Roberts. Roll call vote. All in favor, motion approved.

**NEW BUSINESS**

**A. OPEN OFFERS ROUNDHOUSE CLEARANCE BID** - Mr. Fann stated that we did receive one bid for clearance of the roundhouse property, Allocation Area 1, from Cross Excavating and Demolition, LLC out of Dowagiac, MI for \$275,808. Ms. Harris made a motion to award the bid to Cross Excavating and Demolition, LLC, seconded by Mr. Roberts. Roll call vote. All in favor, motion approved

**B. 1101 BEARDSLEY PUBLIC INPUT** - Corinne Straight, Director of Communications and Director of Quality of Place for Mayor Roberson in the City of Elkhart, shared a PowerPoint presentation on communication of information for 1101 E Beardsley. Ms. Straight stated "The City has had a lot of feedback from neighbors in that area, which we welcome and want to make sure that we are hearing them and also guiding them down the path that this type of a project generally takes. We all had a vision of what would be the best use for this parcel. We know there is a need for housing and we know there are developers out there that can fulfill that need. We put up a proposal, we outlined what we wanted, we asked for low to medium density. We asked for market rate units, home ownership opportunities, walkable neighborhood, and to maintain some of the green space

component. Generally when developers come to us with proposals that don't exactly fit we will start working with them, we will start asking for public input, public feedback, and see if those developers are flexible to change their plans to fit more with our vision. The proposals we have received were not exactly what we asked for and we didn't feel they fit this area. Our next steps will be working with developers and continuing to take public feedback in meetings like this. We are going to look at those developers and see if they can amend their proposals to get closer to what we would like to see in that area as well as what the neighbors would like to see while still fulfilling the need for housing in the City of Elkhart. When we get to that point, which will take us a while, we will pick a developer, we will negotiate with that developer, it will go to tech review and then the Planning Commission and then eventually City Council. Neighbors expressed they felt this was a rushed process. There are several steps that will be taken before any shovels hit the ground, including environmental work that the site requires. We are working through the proper channels on the environmental issues. No construction could even begin without the environmental remediation being cleared by the environmental experts at the state level under the direction of Indiana Department of Environmental Management (IDEM).

The other thing that has come up quite a bit is the traffic. Beardsley tends to be a very highly traveled road. Any addition of density does warrant a traffic study which will be done before we move forward with any of the projects.

Some of the misinformation the City would like to dispel with this project is that these are not income based housing units. There is no section 8 housing. These are market rate units as outlined in the original vision of what we wanted for this neighborhood. We are looking at market rate units, there will not be subsidized units. There are so many acronyms at the state and federal level. Sometimes are tied to funding, sometimes are not, sometimes they are just pathways that developers go through, but none of those acronyms mean that we would be subsidizing the mortgage or rent for anyone who would live there.

It is also important to remember that the site design has not been finalized. We are in the beginning of this process and we are going to continue to welcome public input. We thank everyone for their input, their diligence on this project and their deliberation. Corinne Straight was available for any questions.

Mr. Steffen thanked Corinne for her presentation. Mr. Steffen commented that he does appreciate the administration slowing down the process. He understands previously there was a sense of urgency because the READI grants were available, but at this point in time the READI grant just doesn't make sense for this project. We are taking the opportunity to have public input at this site in a public meeting where the developers are listening, the City is listening, the Commission is listening, everyone involved throughout this process is listening and they want to hear what you have to say. It's exciting to see people here and being active in the process. In the end we are going to get a more polished product.

Corinne Straight addressed the READI grant as neighbors were concerned about this meaning subsidized housing. READI is a state grant system that would decrease city investment, local

investment, and the developer's investment. The READI grant is not tied to any type of subsidized housing or section 8 housing. It is just a state grant program that is a funding mechanism developers could seek. Even if a developer sought READI funding it would not change the type of units we would be offering. They would still be market rate units.

Mr. Steffen opened the floor to public comment.

Glen Duncan addressed the Commission. He lives at 1237 Greenleaf Blvd. Mr. Duncan presented the secretary a petition (attached) signed from some of the neighbors who live on Greenleaf and the surrounding area, addressing the issue and what they are requesting. Mr. Duncan apologized for not acquiring adequate information and knowledge about the proposals. He and some of his neighbors attended a meeting at Hyde Park in September where an expression of interest was made by a developer. One of the developers came by Mr. Duncan's office a few days later to talk with him about what the neighborhood wanted. There was a communication breakdown, things went silent. Mr. Duncan provided his name, phone number, address, email address and stated he would like to be made part of the process. He would like to work with the City and help his neighbors work with the City. Mr. Duncan read the petition aloud to the Redevelopment Commission. "We, the undersigned residents of East Beardsley - Greenleaf neighborhood, respectfully request you not to support the development for the approximate 7 acre site at the Greenleaf - Beardsley intersection (the old Conn Musical Instrument property) for apartment or commercial development. We would support greenspace or owner-occupied residential use." Mr. Duncan stated he would like to work with the Commission. First thing he would like to work with the Commission on is the environmental status of this property and where the City intends to be because the neighborhood thinks it is important that the City finish that part of the project. It is much better to have an agency such as the City have the oversight. Above and after that, the neighborhood wants to make sure going forward the City communicates with the neighbors. They want to work with the City, they don't want to fight the City, and in order to do that the neighborhood needs to have some input as to where this property is going to be going in development.

Mr. Steffen thanked Mr. Duncan for his comments.

Diana Lawson, representing the Greenleaf Condominiums, which is a 48 condominium with a combined assessed value of over 9 million dollars, addressed the Commission. Ms. Lawson stated they are located right across the street from the development site so of course we care. Thank you for slowing down and giving us a chance to catch up, and learn a bit more about the process. We are not against the development of this site. We think it is a blighted brownfield that does not complement our neighborhood at all. We are in favor of something happening there. We request that we be a part of or somehow be able to express what it is that their concerns are. They organized internally with their 48 residents to be able to speak at this meeting. Their concerns are the same concerns heard from everyone else. The most important piece of what they want to say is they want to be aware of the opportunities and have an opportunity to give input and to express their opinions about what will be the final decision for this development. The Greenleaf Condominiums would like to make sure the development is the right fit for the gateway for Greenleaf and the Beardsley neighborhood which is a

historic part of the City of Elkhart. Mrs. Lawson expressed thanks to the Commission for their time and effort put into making these hard decisions.

Michele Korach addressed the Commission. Ms. Korach stated she lives on Lilac Street. In the entire 30 years she has lived in Elkhart, this property has been blighted and nothing has been done with it. As a resident of that neighborhood for over 15 years, having to drive by it daily, having to call code enforcement weekly because of the blight and homeless and the trash, the lawn and everything else that's been going on at this property, consideration seems a little late all the way around. The City is putting the cart before every horse. We don't have an environmental study, you don't have a traffic study, you're not using a local developer, everything in the plans she has is not owner occupied expect for 12 units in one plan. That is extremely disconcerting when we are already a 55 to 45 tenant owner to landlord ratio in our city. Several years ago a grouping of Habitat for Humanity houses were put on Irwin Street and the traffic pattern there is atrocious at best. Daily the parking clogs up the neighborhood there. As far as the traffic pattern goes, it is extremely concerning to our neighborhood. Everyone speeds through our neighborhood. There is a stop sign at my corner and I can't tell you how many times my children have nearly been run over and the children of my neighbors. I think not only does this need to slow down, there are plenty of shovel ready properties who have had everything done to them. They are already ready. Why doesn't the developer want to develop those? It's because they are not in such a desirable location. Ms. Korach would like to see the City do their due diligence first and then move forward. Ms. Korach discussed a traffic study for the Johnson Street Bridge. We are a community of roughly 55,000 people, 25,000 people cross the Johnson Street Bridge on a day to day basis. This is going to be a traffic nightmare. I strongly recommend that the City take a step back, make the property shovel ready and build some houses, find a developer who wants to build us some houses. She has sat on the planning commission not long ago and a plan like this was turned down off Henke Street and County Road 11 behind a well-established neighborhood. That is what our neighborhood is so I would like to see the Commission not support this project development as it stands.

Thomas Kulesia, of 500 State Street, spoke next. He thanked the Commission for slowing this down. Mr. Kulesia stated "It shows we are listening. One fact I thought was addressed last week at a public meeting was that Elkhart is, for the second year, one of the hottest housing opportunities in the country. I thought to myself only two proposals? One very distinctly different than the other. The most important thing by slowing down this process is there has got to be more than 2. I would like to encourage all those parties involved to seek the best opportunities and regardless of who they are, and obviously the local connection was probably the one that was going to win because they had the better proposal. Imagine if we put them up against an equally great proposal. How can the City negotiate for the people of the City's best interest? You put two great proposals in front of you guys and let the developers compete for this property. This is the last crown jewel of the Redevelopment Commission's portfolio of properties. I think that's something that should be taken advantage of. This is right next to great property and I would have to agree that home ownership is extremely important in Elkhart. We have an imbalance or homeownership to rentals in the community and I don't think rental base properties build community. I think community is built by people that are invested in the community."

Mr. Kulesia asked the Commission to revisit 511 Division Street, stating "Most people in the public never knew it was going on. I don't feel that my neighborhood has received the same parallel of service that this neighborhood has received in the last month. I think there is a lot of opportunities to use this development to leverage maybe less desirable properties and what good we can do on this corner, we can do on other corners in the city."

Mr. Steffen stopped Mr. Kulesia stating we are talking about 1101 Beardsley and if we are going to talk about the property down on State that is for a different time. Staff is available to listen to your concerns and we can formulate something there, but we are here to talk about 1101 Beardsley.

Mr. Kulesia stated that the Commission was trying to cut him off. He is here to reopen the conversation at another time for State Street.

Mr. Steffen told Mr. Kulesia he appreciates his passion for that area. Staff is available to discuss with you anytime.

Mr. Kulesia put his phone number on the sign in sheet so the City can reach out to him.

Gary Osterloo, who lives at 1027 Greenleaf, was next to address the Commission. "I walked some of the Greenleaf neighborhood talking with neighbors. Most of the neighbors had no problem with some type of development going on the property. However, not one person I spoke with was in favor of rental type property. Any type of rental property will be a big problem for the neighbors of this community. The other big negative that kept coming up was the traffic. A couple of homeowners down around Beardsley Auto said turning left on Johnson Street Bridge sometimes gets traffic backed up a good half mile or so. People are telling me they sit through 6, 7, 8 traffic lights before being able to turn. This is with the current traffic issue. I appreciate that the City is slowing this project down. The residents of this area are not opposed to some type of development but rental will be a problem with the homeowners of Beardsley and Greenleaf area."

Nekesha Mennes was next to address the Commission. "I live in the first district. I am a proud renter. I have lived in the city for the last 15 years. Some of you will know I have poured a lot of energy, sweat and sometimes tears into helping this community be the kind of community it says it wants to be for the people that are here. I see a lot of people who don't have homes at all. In the first district, I believe we need rental apartments. I believe we need them across the city. I believe that we need affordable housing. I'm not sure what kind of format that takes, but there's a difference between people who want to live somewhere convenient and people who don't have a place to live at all. We are in a situation where there are a lot of people, and increasingly, because I see them day in and day out. The number of people I see who have no homes at all is increasing and it's going to be that way, I'm imagining, if the economic situation is the way it is. I don't know who all to talk with to get affordable housing across the city. It shouldn't be in just one neighborhood. Just as people of other types of means live all across the city, I think that should be the case for other parts of the city as well. I would love to see that when we're engaging with developers we're talking about green building in some capacity. It's been hot. It is sometimes 100 degrees and our air quality is an issue. To continue to talk to people who are not taking steps to actually take the air I breathe seriously, I find a bit problematic. I would like to have that be a part of the discussion as well. I appreciate that

the city is trying to do something with the polluted areas that we have. I think we are all in agreement that a brownfield is not desirable. We're quick to build luxury apartments. We're quick to build market rate apartments. I'm waiting for the discussion where there will be housing for people who need it so that our downtown, and the rest of the city, can stay at the level that we wanted. Everyone deserves a home. I think it is your job to make sure that everybody in the city has access to a home."

Mr. Steffen thanked Ms. Meenes for her comments. Mr. Steffen states we have time for one more comment.

Mike Anderson addressed the Commission. "I live on Greenleaf, I don't approve of rental properties in that neighborhood. I think that neighborhood is an upscale neighborhood for this community and I think it would pull down the values of that neighborhood. I live there. I walk there. This would take that neighborhood down and Elkhart doesn't need that. We have a nice neighborhood for the people that live there, like myself. If there wants to be a rental unit, there is plenty of places to put them, but not in his neighborhood. This would destroy this neighborhood, the vibe of the neighborhood, I'm totally against it."

Mr. Steffen thanked Mike Anderson for his comment.

Aaron Mishler, 1019 Sunset Avenue addressed the Commission and audience. "I want to thank everyone for reaching out to me over the past few weeks as this has gone through its process. All of your concerns are greatly appreciated. Please feel free to reach out to me and I will do everything I can to get accurate information to you. Early on in this process information that was put out was well intended but not necessarily the most accurate. We have heard from City staff today. The intent for that neighborhood, and I agree, that we need housing in our community. Recently we have rezoned for several market rate and income based housing units on Sterling and South Main and market rate on Middlebury as well as the old school there. There is definitely a need and I am glad the City and you folks are helping us get there. But in order to do that, we have to make sure the footprint fits the neighborhood. I agree we need to have safe traffic studies, we need to address those situations. An infrastructure of this size requires a developer to invest in that area. I know as we move through this process some people are going to be upset because there are not enough housing units and other people are going to be upset that there are too many housing units. I just hope we can come together to find something that benefits the neighborhood and benefits our city as a whole. I want to thank everyone for coming out and being a part of this process. "

Mr. Steffen thanked Mr. Mishler for his comments. Mr. Steffen the addressed the audience. "We appreciate everyone taking the time to step up and voice their opinion. This is not the last opportunity to continue to speak on this topic. The developers are currently working with the city staff to refine their proposals because what we saw was not what we wanted. They've heard what you have said so they are working on trying to make a more polished product. There will be a time when it comes back. We are continuing to work with developers and see what they can do. I appreciate, and want to restate my comment in the beginning, that your cooperation and willingness to speak out is going to develop a better product for this site. I think we all identify that this is special. I'm speaking for myself, I have heard what you said." Mr. Steffen asked if the Commissioners have any comments.

Ms. Harris addressed the audience. "Thank you to everyone for coming out and it was important for the staff to let everyone know the correct information, not the misinformation that some people have been saying. We will really take in your opinions as we decide what to do with that piece of property, but that is a long way off. Thank you for coming".

Mr. Holtz addressed the audience. "It's my neighborhood too. I live at 132 Violet. You're always invited to knock on my door. I'm more than happy to share my phone number with you if you would like any updates. My number is 574-361-7007. Alex Holtz, community member and again I live very close to where you all do. I'd like to first see the building come down as soon as possible because it's an eyesore and I don't think there's any disagreement on that. Then remediate it, however that process looks and then have a community discussion where everyone's involved and come up with a plan that we're all behind. I am happy to keep you in the loop as often as you would like. I'm a teacher so I am used to being at beck and call of many, many people. Please use the number and knock on my door. My wife is a great lady. She'd like to talk with you too. Thanks for being here".

Mr. Roberts addressed the audience. "Nobody likes disinformation or misinformation but I do appreciate that it has gotten everyone excited to be here today and I hope this momentum carries forward and that we will see you again."

Ms. Schreiber addressed the audience. "Thank you everyone for coming. We really do like people attending our meetings. We meet the second Tuesday of every month at 4:00 p.m. and occasionally have a special meeting which is always publicized. Please continue to give us your input. We would love to hear from you on other projects, a lot of which we are working on."

Ms. Neilson addressed the audience. "I think it is important for us to separate renters from landlords. A great deal of being a landlord is teaching. We owned a property for a little while and the woman didn't know what defrost was on a refrigerator and freezer. There is a responsibility there for the person who owns the property to train and teach. It is not a terrible thing to have renters in a neighborhood, The supervision of that is the responsibility of the person who owns the property. I speak on that because I have been there and done that. Thank you."

Adam Fann addressed the audience. "I just want to address everyone as far as the environmental goes. Currently the building status is asbestos remediation has been done. I have been talking to Indiana Brownfield as well as IDEM on how to demolish the building. What we have on site are some hot spots of heavy metals, some of them are very close to the building itself and those spots can't be disturbed. We are working through with IDEM and Indiana Brownfield on how a demolition of the building would look without disturbing some of those spots. Obviously if they get disturbed, then they spread the dirt around the site and then that contaminates the site further. We are currently working with Indiana Finance Authority as well as Brownfield and IDEM on ongoing testing for a couple different substances we didn't test for before and also trying to delineate a little bit more of the contamination. That is not the plume that is off the site but is actually contained on site. Feel free to contact us and we will walk through any of that with you. Thank you."



Mr. Steffen closed the discussion on 1101 Beardsley.

**C. SOUTH MAIN PROPERTY PURCHASE AGREEMENT** – Mr. Fann addressed the Commission stating “Staff has been in conversation with the owners of 1025 and 1027, two adjacent parcels across the street on South Main. The offer was made for \$300,000. A counter offer was brought to the attention of our real estate representative for \$350,000. That is what you have in front of you and I believe Gary has a resolution drafted to appropriate \$400,000 to cover any expenses like asbestos testing, remediation, phase 1, and that type of thing included.”

Mr. Steffen asked for a motion to approve purchasing the parcels at 1025-1027 South Main Street as outlined in the purchase agreement for \$350,000, while appropriating the sum of \$400,000 from the workforce housing initiative program’s special fund to cover the cost of acquisition. Moved by Mr. Roberts. Seconded by Ms. Harris. Roll call vote. All in favor, motion approved.

**D. 1101 AUGUST MACK PROPOSAL** – Mr. Boyn stated the legal counsel that we have hired to try to recover our costs has asked us to approve hiring August Mack to do some additional studies and specifically to take a look at whether any contamination on our site has affected the Bergerson Screw site across the street at a cost of \$27,000 is set forth in the proposal that is attached to the resolution, so you’d be asked today to approve the proposal authorizing employment of August Mack and appropriate \$27,000 from the special fund that was established and is being established to hold the proceeds of the Elkhart Foundry litigation settlement

Mr. Steffen asks for a motion to that effect. Moved by Ms. Harris. Seconded by Mr. Holtz. Roll call vote. All in favor, motion approved.

**E. 1101 NELSON LAW GROUP APPROPRIATION-** Mr. Boyn stated this resolution has to do with the costs that are being incurred in litigation. There will be various costs from time to time. When this was set up, legal counsel was instructed that any costs they were going to incur in the litigation over \$200 should be specially approved up front. We want to set up a process for those approvals. What we have proposed is that the Commission appropriate \$15,000 from the Downtown Allocation Area 1 special fund as a cost fund for this litigation to cover the normal out of pocket costs that are incurred in litigation and establishing that the President and Vice-President at any time would have the power to approve such requests as may be submitted by legal counsel from time to time to incur various expenses as the litigation proceeds. I don’t know if \$15,000 is enough over the long run but the idea is to establish a fund to cover at least a lot of the initial expenses so there is a decent procedure in place and he doesn’t have to wait until every meeting rolls around to get approval of these kinds of things as they come up. Some of these expenses need to be incurred sometimes very quickly. I think it will work best for us and if we need to come back for more later we can do so. The motion would be to approve establishing a cost fund in the amount of \$15,000 for various out of pocket expenses while also approving the President and Vice-President having the authority to approve such requests as submitted.

Mr. Steffen asked for a motion. Moved by Mr. Roberts. Seconded by Ms. Harris. Roll call vote. All in favor, motion approved.

**F. 1524 FRANCES AVE TRANSFER** – This agenda item was tabled until a later date.

**G. RESOLUTION TO ESTABLISH RDC ACCOUNTS** – Mr. Boyn stated there are a couple of accounts that have already been set up and there is the account that we need set up, the special account to hold the Foundry settlement proceeds. Because there is a limitation on what the Foundry settlement could be used for, which is investigation and remediation of other environmental contaminated sites in the city. So we wanted to make sure that goes into a special account and that it is very clear what that account can be used for. We are proposing part of that account should be interest earning and that any interest should not be restricted as to future use. The resolution is to establish a special account to hold that Foundry settlement and then the rest of the resolution deals with account 281 which was established to receive and hold unrestricted proceeds from sales by the Commission of real and personal property from time to time and funds that on deposit, therein including all interests may be used by the Commission as it shall direct from time to time to carry out its duties and responsibilities. The other part of the resolution is to ratify the establishment of special account 294, which was originally established to receive the loan proceeds from various residential rehab loan programs that the Commission has and also directing those funds, as well as any interest there on, can be used to fund future residential rehab loans and other programs of the Commission. The motion would be to approve the establishment of that special account to hold Foundry settlement and improve the purpose of special account 281 and 294 as described in the resolution.

Mr. Steffen asked for a motion. Moved by Ms. Harris. Seconded by Mr. Roberts.

Adam Fann addressed the Commission. This is a cleanup of accounts that the Controller's Office asked for. This will have to go in front of the Common Council as well.

Mr. Roberts asked clarifying questions about these accounts. Mr. Boyn answered the questions asked.

Roll call vote. All in favor, motion approved.

**H. G&W MEDIATION APPROPRIATION** – Mr. Boyn stated this is one of our environmental cleanup cases that's pending. There has been mediation held and that was unsuccessful so far. The mediator has billed the City's portion to us of \$2590.42 for the work performed so far. The motion would be to approve the invoice for the amount of \$2590.42 and to appropriate that sum from the consolidated south Elkhart TIF.

Mr. Steffen asked for a motion. Moved by Mr. Roberts. Seconded by Ms. Harris. Roll call vote. All in favor, motion approved.

**I. JPR FOUNDRY CASE APPROPRIATION** – Mr. Boyn stated as part of the litigation on the Foundry site, legal counsel that we hired to handle that case needed a great deal of assistance from

one of our experts in trial preparation. Luckily this case settled a couple of weeks before a trial, but they still had to do a lot of trial prep work. JPR has gone through its time and indicated that it can substantiate trial preparation time of \$7,152.40 and legal counsel has said it would be very appropriate for us to pay JPR for all those services which were instrumental not only preparing for the trial but instrumental in allowing us to get the settlement that we did ultimately receive in that case. Their services were essential to that whole effort. The resolution is to approve the payment of services for the work they performed on the Foundry case in helping us get to trial and settlement in the amount of \$7,152.40 and to appropriate that sum out of the settlement funds we received from that case.

Mr. Steffen asked for a motion. It was moved by Mr. Holtz. Seconded by Mr. Roberts.

Mr. Holtz stated he believed the amount was higher at one point, \$7152.40 seems to be satisfactory.

Roll call vote. All in favor, motion approved.

**J. LABOUR PUMP AUGUST MACK PROPOSAL** – Mr. Boyn stated we received a request that August Mack be employed to investigate the site to determine if there are data gaps and to evaluate remediation options to help prepare them for a mediation that it looks like will begin again in October. The prior remediation had called for and an agreement reached at the time that had called for defendants to pick up the cost of developing a complete site cleanup plan that would be acceptable to IDEM. Apparently they got along in that process just so far and then stopped doing anything so they never did come up with the remediation plan that IDEM would accept and we thought was going to occur. In order to get through mediation and hopefully make it successful, legal counsel needs to have a good study completed that will indicate for our experts what remediation they believe needs to be done on the site and what the proposed cost of that would be in order to get IDEM final approvals. The motion would be to approve the proposal of August Mack as submitted and to appropriate the sum of \$56,000 which they estimate as the probable cost of that study from the Elkhart Foundry litigation settlement.

Mr. Steffen asked for a motion. Moved by Ms. Harris. Seconded by Mr. Holtz. Roll call vote. All in favor, motion approved.

**K. LABOUR PUMP MEDIATION APPROPRIATION** – Mr. Boyn stated a bill was received from the mediator in this case for a mediation that has previously occurred that was unsuccessful and our share of those expenses is \$695.68 for the mediator fee to date. The resolution would be to approve the invoice of \$695.68 as submitted and appropriate that from the Consolidated South Elkhart TIF in order to pay the mediator.

Mr. Steffen asked for a motion. Moved by Mr. Roberts. Seconded by Ms. Harris. Roll call vote. All in favor, motion approved.

**L. ROUNDHOUSE CLEARANCE BID AWARDED** – Bid awarded to Cross Excavating and Demolition, LLC at beginning of meeting for site clearing services at 613 King Drive in the City of Elkhart.

**M. APPROVE W. BLAINE SALE AND AGREEMENT** – Mary Kaczka, Assistant Director of Community Development, addressed the Commission. Ms. Kaczka stated "What you have is a purchase agreement for one of the four rental homes we've been landlord to. This is an offer from the current tenant who has been a tenant for about 6 years, paying rent. We are delighted to be able to help her convert from a renter to a homeowner. These are a part of the Neighborhood Stabilization Program. These are individuals who meet an income qualification. She will be obtaining a small mortgage to purchase this home. We ask that you accept her offer so that she can become a home owner."

Mr. Boyn stated "This is the property that she is going to buy for the value of \$76,400 and she is going to receive a credit against that purchase price for the amount of rent paid while she's occupied the premises up to the closing date."

Mr. Steffen asked for a motion approving the sale of real estate 1108 West Blaine and authorizing staff to execute the purchase agreement. Move by Mr. Holtz. Seconded by Ms. Harris.

Ms. Schreiber thanked the staff on the Neighborhood Stabilization Program and congratulated Ms. Jenkins. Ms. Schreiber stated she would like to see a lot more of this.

Roll call vote. All in favor, motion approved.

**N. APPROVE CDBG HABITAT STIVER PROJECT** – Ms. Kaczka stated "This is a project that Habitat for Humanity has been developing on Stiver. They have already built six homes. Their homes are targeted to individuals who meet the area median income of 30% to 80%. There are already six homes along Stiver and this is an area of land that is sort of an internal plot of grass that is sometimes used for soccer. Our participation in this project would be to build out the infrastructure, the water line, the sewer and the road. That infrastructure would eventually be given to the city to take over. Once that infrastructure is in place, there would be eight housing sites. If they can get this going this year, as far as putting in the sewer, waterlines and the road, they think that by spring they will be able to begin construction on the housing sites. This investment of Community Development Block Grant (CDBG) funds would leverage eight new homes for moderate income individuals in the 30% to 80% area median income."

Mr. Boyn stated the motion would be to approve the funding request for infrastructure improvements and appropriate \$250,000 of CDBG Funds to cover the cost of those improvements.

Mr. Steffen asked for a motion. Moved by Mr. Roberts. Seconded by Ms. Harris.

Ms. Schreiber asked who will be doing the infrastructure. Private contractor or the City?

Greg Conrad, President, Executive Director of Habitat for Humanity addressed the Commission. Mr. Conrad stated "The City's participation would be married up with some other grant money. We would be using Davis Bacon, approved contractor bids. We would be going through the bidding process. We've started that process. This subdivision development has already gone through Area Planning Commission on preliminary approval with the eight homes. It would be private contractor but we would be working with Abonmarche who is involved with this. We would be working with the City of Elkhart as well as Abonmarche to make sure the infrastructure is to city code when it is turned over with the street, sidewalks, and all of those things. We are not talking about a big street. When this was originally designed, the cul-de-sac was originally off of Stiver Avenue. That would go back in there. It was in the original plan years ago. The cul-de-sac would have eight homes around that. The infrastructure will be done by private contractors to the city code and then turned over to the City.

Ms. Schreiber stated her only concern was she knows how backed up the City is.

Mr. Conrad stated "We really want to try to do this so we could actually get asphalt in before the asphalt plant shuts down in November or December depending on the weather. We have families that are ready and waiting for lots so we are trying to move this through appropriately but quickly."

Mr. Steffen asked for a roll call vote. All in favor, motion approved

**O. ADDITIONAL WOODLAND CROSSING APPRAISAL APPROPRIATION** – Ms. Kaczka stated "About a month ago the Commission approved an appropriation to fund two appraisals of Woodland Crossing. This was the balance of the site beyond the Sears building. Those appraisals have been completed and we have them. They came in a little bit more than we anticipated. I am asking for an increase in the appropriation of \$1000."

Mr. Boyn stated the motion is to appropriate \$1000 to cover the additional cost and to appropriate those funds from the Workforce Housing Initiative Program special fund.

Mr. Steffen asked for a motion. Moved by Mr. Roberts. Seconded by Mr. Holtz. Discussion with Commissioners, Dorrisanne wants Pierre Moran to be noted. Without him, none of this would be possible.

Roll call vote. All in favor, motion approved.

#### **STAFF UPDATES**

Mr. Fann stated he did receive both appraisals for the Markle property. Those will be coming to our next meeting. We will probably be going to bid and awarding the Phase 3 work on South Main next month. I'm going to be asking Abonmarche to go to bid for the Cassopolis improvements so we will probably do an award in October depending how long it takes to go to bid. Demo is going good. Rent A Center, Subway and the bike shop are down. We did not find any tanks under the bike shop. It is being grated currently. I did go out to 1701 Sterling and they are actively processing the building and shipping it out so everything is moving forward.

### **OTHER BUSINESS**

Mr. Boyn stated the current work amount on the Warrick and Boyn invoice is for \$28,534.65.

Mr. Steffen asked for a motion to approving the Warrick and Boyn invoice. Moved by Ms. Harris. Seconded by Mr. Roberts. Roll call vote. All in favor, motion approved.

### **PUBLIC COMMENT**

Mr. Thomas Kulesia addressed the Commission. Mr. Kulesia stated "I would like the Commission to possibly revisit the 511 Division Street in an effort to find the best developer possible for the property. I am willing to do it publically. I'd like to do it with you guys without having to tarnish anybody's great reputation as a developer. I don't feel that the developer chosen for that property is maintaining their existing properties to at least a minimum standard and some of them weren't even developed to a minimum standard. I think that's kind of tricky, a partner of the City isn't required to build to a minimum standard. I think that creates a conflict of crisis if you will. Without saying anymore, I'm not here to tarnish anybody's good they are doing in the community, but I think maybe they have a little bit too much on their plate. I am open to dialogue and looking at better opportunities. I've been doing my research for 6 months so I'm starting to stack it up. Unfortunately, I wasn't able to present that when I missed my opportunity in early March. This was one of the things I was going to address."

Mr. Steffen thanked Mr. Kulesia for his comments and noted they are duly noted in record.

Nekesha Mennes addressed the Commission. Ms. Mennes stated "I am not sure where this is at in the Commission's line of vision, the Kelby Love murals and the properties they are on. It looks like all of the businesses are now closed. In advance of whatever conversations are happening there, I want to ask that you all treat that mural like you found Mona Lisa underneath something. Treat that mural as if it was a Van Gough or whatever else. Whatever you would do to make sure, or at least encourage, that level of energy to be handled with that mural. I am working on a project called the Benhum West Project. I have had the joy of knowing Miss Glenda Love who is the mom of Kelby Love. In this project, she said her son has had five different murals in this city and all of them except one has been torn down. I don't know where all of you are at in your process of deliberation, but I am really praying that whoever in the city treats that thing as if you found something that belongs in MoMA or the Louvre and do whatever you can to try to save it. It is an important part of this city's history."

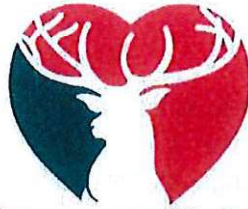
**ADJOURNMENT**

There being no further discussion, Mr. Steffen asked for a motion to adjourn the meeting. It was moved by Ms. Harris. Seconded by Mr. Roberts. Roll call vote. All in favor, motion approved. The meeting adjourned at 5:34p.m. Next meeting Tuesday, September 13, 2022 at 4:00 pm in Council Chambers.



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**WES STEFFEN, VICE PRESIDENT**



**City of Elkhart**  
*Redevelopment Commission*

**REGULAR MEETING**  
**ELKHART REDEVELOPMENT COMMISSION**  
**LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS**  
**Tuesday, September 13, 2022**  
**4:00 p.m.**

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**PRESENT:** Dina Harris, Alex Holtz, Dorisanne Nielsen, Sandi Schreiber, Wes Steffen, Gary Boyn, Chaise Cope, Mary Kaczka, Adam Fann, Sherry Weber (Recording Secretary), and Greg Conrad from Habitat for Humanity

**PRESENT BY WEBEX: Gerry Roberts, Chris Pottratz, Laura Miller, and Eric Trotter**

**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. The meeting was called to order at 4:01 p.m. by Ms. Schreiber, President.

Ms. Schreiber asked for a motion to amend the agenda. Moved by Mr. Steffen. Seconded by Ms. Harris. Roll call vote. All in favor, motion approved.

**APPROVAL OF JUNE 14, 2022 REGULAR MEETING MINUTES**

Ms. Schreiber asked for a motion to approve the June 14, 2022 Regular Meeting Minutes. Moved by Mr. Steffen. Seconded by Ms. Harris. Roll call vote. All in favor, motion approved.

**APPROVAL OF AUGUST 9, 2022 REGULAR MEETING MINUTES**

Ms. Schreiber asked for a motion to approve the August 9, 2022 Minutes. Moved by Ms. Harris. Seconded by Mr. Steffen. Roll call vote. All in favor, motion approved.

**NEW BUSINESS**

**A. OPEN BIDS FOR VACANT LOTS-** Mr. Fann stated, "We did receive one series of bids for eight parcels from Habitat for Humanity. Eight parcels would become five buildable lots for five homes and they are offering \$5.000 for all eight lots. We have Greg Conrad here from Habitat for Humanity to answer any questions."

Greg Conrad, President and Executive Director for Habitat for Humanity, addressed the Commission stating, "These eight parcels have been offered for sale and we are putting a bid in. Several of the



lots are big enough that we would not need to do any replatting of them. Those would be standalone buildable lots. Others are next to each other or abut/adjoin in some way and we would be going through the process, at our expense, working with Abbon Marsh to replatt those in larger, buildable lots to accommodate our houses, as Adam said, we anticipate being able to build five homes on. These are all in, what I would say, the Tolson area and we are building other homes in that area. We would be excited to get these lots and start working on that process right away. I know last time we did this, we asked if there was a way to expedite the process, we need to do the standard development agreement which we've done multiple times. The Commission would authorize the chair to sign that agreement without having to come back another month for that so it would be subject to that approval. I would refer to the attorney to see if we could do that again. The importance of that is trying to beat the weather and get some work done. I am happy to report that all of the lots we have bought from the Redevelopment Commission this year, we already either have houses on them or are currently already constructing houses. The lots we bought in April that we fast tracked, if you drive by those lots on Belmont, you'll see one that already has the walls up. The other one has the foundation and the walls are going up tomorrow. We are moving quickly to try to build homes. Thank you for your consideration."

Ms. Schreiber asked for a motion accepting the proposal and authorizing staff to enter into negotiations, finalize an agreement which is the standard and customary form with Habitat and authorize you to execute that agreement if you find it to be the standard and customary form. Moved by Ms. Harris. Seconded by Mr. Holtz. Roll call vote. All in favor, motion approved

**B. CAPER PUBLIC HEARING** – Ms. Schreiber opened the public hearing for comment on the Consolidated Annual Performance Evaluation Report (CAPER) for the expenditure of Community Development Block Grant and Funds for the program year 2021. Ms. Mary Kaczka was available to answer any questions or comments. Having no questions or comments from the Commission, the public or on line, Ms. Schreiber closed the public hearing.

**C. ACCEPTING TRANSFER OF REAL PROPERTY FROM CITY OF ELKHART – 1918 MARKLE LOTS (#134, 135, and 136) FROM THE BOARD OF PUBLIC WORKS-** Mr. Adam Fann stated, "This would be accepting the transfer of lots from the Board of Works, 7 parcels located at 1918 Markle,"

Mr. Boyn stated, "The Commission would be accepting lots 134, 135, and 136 from the Board of Public Works which holds title to them."

Ms. Schreiber asked for a motion accepting transfer of real property from the Board of Public Works in the City of Elkhart. Moved by Ms. Harris. Seconded by Mr. Holtz.

Mr. Steffen recused himself from the vote as these parcels contain LeRoy's Body Shop and he's competition to Mr. Steffen's business.

Roll call vote. Abstained by Mr. Steffen. All others in favor, motion approved.

**D. AUTHORIZING THE OFFER OF REAL ESTATE FOR SALE UNDER 36-7-14-22 –**

Ms. Schreiber asked for a motion accepting the resolution for offering of real estate at 1918 Markle Street. Moved by Mr. Holtz. Seconded by Ms. Harris. Mr. Boyn stated, "Just to be clear this would be to offer lots 128 through 136 as they are known and designated under court platted field houses west side addition, to the City at an offering price of \$225,000 for all of the lots."

Roll call vote. Abstained by Mr. Steffen, all others in favor, motion approved.

**E. APPROVE ICE MILLER BILLING IN THE AMOUNT OF \$1,039.50 FOR 1101 BEARDSLEY-**

Mr. Boyn stated, "We have a billing from Ice Miller in the amount of \$1,039.50 which was submitted to us in regard to the work they have done and continued to do in terms of reviewing MACOG works and other proposed environmental studies that have occurred or may occur on that property, which we agreed to pay for on an hourly rate basis. The motion would be to approve their billing in the amount of \$1,039.50 and appropriating that sum from the Downtown Allocation Area No. 1 Special Fund."

Ms. Schreiber asked for a motion accepting or adopting the resolution for payment of \$1039.50 from the Downtown Allocation Area No. 1 Special Fund. Moved by Mr. Steffen. Seconded by Ms. Harris. Roll call vote. All in favor, motion approved.

**GRANTING ACCESS TO CONN/BERGERSON FOR TESTS AT 1101 BEARDSLEY**

Mr. Boyn stated, "This resolution is granting access to August Mack Environmental to Conn and the Bergerson Screw Site. The access agreements have been previously approved and signed by the president and they have already accessed the property at least as far as the Conn property is concerned. Possibly the Bergerson as well by now, to do further testing on the plume that exists there. This action is essentially ratifying the prior execution of that agreement by the officers of the commission, which granted access to the property as of August 23, 2022."

Ms. Schreiber asked for a motion adopting the resolution. Moved by Mr. Steffen. Seconded by Ms. Harris. Roll call vote. All in favor, motion approved.

**F. GRANTING ACCESS TO LABOUR SITE FOR TESTS/ACCESS AGREEMENT –** Mr. Boyn stated, "This is essentially the same thing we just did for 1101 Beardsley and Bergerson. Additional testing needed to be done on the Labour site in order to prepare for upcoming mediation. That work had been done by August Mack and they needed a formal access agreement in place for them to access property to do that work, which has already been approved by the officers because they needed to get on this very quickly. This resolution would ratify the execution of that agreement by the officers granting access to that property as of August 23, 2022."

Ms. Schreiber asked for a motion adopting the resolution. Moved by Ms. Harris. Seconded by Mr. Holtz. Roll call vote. All in favor, motion approved.

**G. APPROVING ADJACENT PROPERTY OWNER USE AGREEMENT – YORK 1218 BAR STREET** – Mr. Adam Fann addressed the Commission stating, “I was contacted by the owner of the Bar Street address and asked if they could enter into a use agreement for the small parcel directly behind their home on York just to use for more yard, kids to play, that type of thing.”

Ms. Schreiber asked for a motion adopting the resolution approving the adjacent property owner use for the property adjacent to 1218 Bar. Moved by Mr. Steffen. Seconded by Mr. Holtz. Roll call vote. All in favor, motion approved.

**H. APPROVING ADDENDUM NO. 1 TO CONTRACT FOR CDBG OWNER OCCUPIED HOME INSPECTION SERVICES** – Ms. Mary Kaczka addressed the Commission stating, “We have a contract with LaCasa to do inspections on our owner occupied rehab for CDBG funds and we would just like to amend that to allow us to use the same contract on the APR funded rehabs.

Ms. Schreiber asked for a motion adopting the resolution approving the addendum number one for the contract for CDBG owner occupied home including the APR. Moved by Ms. Harris. Seconded by Mr. Steffen. Roll call vote. All in favor, motion approved.

**I. HABITAT GRANT AGREEMENT UPDATE** – Ms. Mary Kaczka stated, “That is not actually labeled correctly. We do have a grant agreement. Because we are in the middle of a public notice comment period on an environmental report, we are asking that you consider a motion to approve the contracts subject to the end of the public comment period on the 17<sup>th</sup> of September. Then the Mayor would then certify the environmental report and send to HUD the request for release of funds. We understand that you can approve the contract but you can’t execute it until HUD releases the funds. That is the phase we are in right now, just kind of getting everything ready and lined up.”

Mr. Boyn stated, “The motion would be to approve the contract and authorize its execution of the grant agreement with Habitat on the **Stiver** project upon the end of the public hearing period, and after HUD has accepted the release of the funds and the Mayor has certified the environmental review.”

Ms. Schreiber asked for a motion. It was moved by Mr. Steffen. Seconded by Ms. Harris. Roll call vote. All in favor, motion approved.

**STAFF UPDATES**

Mr. Fann addressed the Commission stating, “Buildings are coming down. I would say there is one wall left as of this afternoon, it could be down now, at Pizza Hut. They are doing environmental testing at 1701 Sterling so everything is going well at his point. Walls are up at Meijer.

**OTHER BUSINESS**

Mr. Boyn stated the current work amount on the Warrick and Boyn invoice is for \$19,386.19.

Ms. Schreiber asked for a motion to approve the Warrick and Boyn invoice in the sum of \$19,386.19. Moved by Ms. Harris. Seconded by Mr. Holtz. Roll call vote. All in favor, invoice approved.

**G. APPROVING ADJACENT PROPERTY OWNER USE AGREEMENT – YORK 1218 BAR STREET** – Mr. Adam Fann addressed the Commission stating, "I was contacted by the owner of the Bar Street address and asked if they could enter into a use agreement for the small parcel directly behind their home on York just to use for more yard, kids to play, that type of thing."

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Ms. Schreiber asked for a motion. It was moved by Mr. Steffen. Seconded by Ms. Harris. Roll call vote. All in favor, motion approved.

#### **STAFF UPDATES**

Mr. Fann addressed the Commission stating, "Buildings are coming down. I would say there is one wall left as of this afternoon, it could be down now, at Pizza Hut. They are doing environmental testing at 1701 Sterling so everything is going well at his point. Walls are up at Meijer."

#### **OTHER BUSINESS**

Mr. Boyn stated the current work amount on the Warrick and Boyn invoice is for \$19,386.19.

Ms. Schreiber asked for a motion to approve the Warrick and Boyn invoice in the sum of \$19,386.19. Moved by Ms. Harris. Seconded by Mr. Holtz. Roll call vote. All in favor, invoice approved. Adam will email TIF report to the Commission.

## **PUBLIC COMMENT**

Nekeesha Alayna Alexis addressed the Commission. Ms. Alexis stated, "I was at the last meeting and sometimes after you get to sit through a meeting thoughts come to you. I thought I would back up and just say a couple of things. One has to do with the project that you all are considering on Beardsley. I thought it was interesting that the last time I was here, before anyone really had a chance to speak, there was this sort of concentrated effort to let the residents of Greenleaf know that their concerns were heard and that you all wanted to work closely with them and that you wanted to hear their ideas. The whole presentation was kind of given to allay fears and address lies and misinformation about the project. I appreciate that level of conscientiousness and my hope is that in relation to the Kelby Love project, that level of attentiveness and listening will actually be extended to other residents as well. As far as the Greenleaf project, I just wanted to say also my hope is that you won't let negative and unsubstantiated biased opinions about renters rule the day in this discussion. The entire downtown, as you know, is on Main Street are rentals. This commission supported the dropping of a large rental property, luxury apartment project which I was opposed to, and still am, but it's here. There is nothing wrong with rentals. My hope is that you won't allow that sort of dismissive categorization of people really rule the day with this project. Do your due diligence, test whatever you need to test, and make the best decision for the entirety of the city. There is no one neighborhood that should get to dictate what everybody else has to do. We need housing, affordable housing."

"The second thing, at the end of my comments last time I was here, Adam graciously said, I have some information on the Kelby Love project for you and we talked. Do any of you have a print in your house of some famous piece of art work? Is that print worth the same as the original? Of course not. My hope is that due diligence will be done to figure out how to save that thing. If you do all of the examination and the research, I know the City likes to pay for studies, if you do your due diligence and find out beyond a shadow of a doubt that this thing cannot be saved, which I'm not very good at physics, but if we can get to space, we might be able to save this thing. Please don't present a print as the only option for people to accept. It's really not fair. The same way that I trust you all will do your research, use the information to make the best decision where this rental property is concerned, I hope you will do the research, do whatever you need to do to figure out how to save an original piece of artwork that a replica just will not do justice to. Thank you."

## **ADJOURNMENT**

There being no further discussion, Ms. Schreiber asked for a motion to adjourn the meeting. It was moved by Mr. Steffen. Seconded by Mr. Holtz. Roll call vote. All in favor, motion approved. The meeting adjourned at 4:31 p.m. Next meeting is on Tuesday, September 13, 2022 at 4:00 p.m. in Council Chambers.

  
SANDI SCHREIBER, PRESIDENT



**City of Elkhart**  
*Redevelopment Commission*

**REGULAR MEETING**  
**ELKHART REDEVELOPMENT COMMISSION**  
**LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS**  
**Tuesday, October 11, 2022**  
**4:00 p.m.**

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**PRESENT:** Dina Harris, Alex Holtz, Gerry Roberts, Sandi Schreiber, Wes Steffen, Gary Boyn, Chaise Cope, Adam Fann, Mary Kaczka, Kristen Smole, Sherry Weber (Recording Secretary), Jamie Arce, Jeff Zavatsky, and Mark Carbow from Millmark

**PRESENT BY WEBEX: Chris Pottratz, Jamie Arce, Corinne Straight, and Valaire Reist**

**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. The meeting was called to order at 4:00 p.m. by Ms. Schreiber, President. Roll call was taken. All commissioners were present.

Ms. Schreiber asked for a motion to amend the agenda. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote. All in favor, motion approved.

**APPROVAL OF JULY 12, 2022 REGULAR MEETING MINUTES, JULY 26, 2022 SPECIAL MEETING MINUTES, and the SEPTEMBER 13, 2022 REGULAR MEETING MINUTES**

Ms. Schreiber asked for a motion to approve the July 12, 2022 Regular Meeting Minutes, July 26, 2022 Special Meeting Minutes and the September 13, 2022 Regular Meeting Minutes. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote. All in favor, minutes approved.

**NEW BUSINESS**

**A. OPEN OFFERS FOR 1918 MARKLE-** Mr. Fann opened the only offer we received for 1918 Markle. It is from Millmark Enterprises. They offer full price of \$225,000. Mark Carbow from Millmark addressed the board to answer any questions and highlight plans for the 1918 Markle property.

Ms. Schreiber asked for a motion to refer to staff for negotiation of a purchase and development agreement. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote. All in favor, motion approved.

**B. Approve and ratify the actions taken by the officers completing this sale and reducing the price to \$1.00 and executed the Purchase and Development Agreement with Habitat for Humanity.**

We are asked to ratify the decision made and move to reduce the price from the original \$5,000 down to one dollar because the City was not able to provide a waiver of sewer and tap fees as requested as a condition in the original offer.

Ms. Schreiber asked for a motion to approve and ratify the previous actions completing the sale and reducing the price to \$1.00 for the purchase and development of agreement with Habitat for Humanity for eight lots previously listed in the previous resolution. It was moved by Mr. Steffen. Seconded by Ms. Harris. Voice vote. All in favor. Amendment approved.

**C. ACCEPTING TRANSFER OF REAL PROPERTY FROM CITY OF ELKHART - 740 N RIVERSIDE FROM PARKS DEPT.** Ms. Schreiber asked for a motion to accept the transfer of 740 North Riverside from the Parks Department. Moved by Ms. Harris. Seconded by Mr. Holtz. Voice vote. All in favor, motion approved.

**D. ACCEPTING TRANSFER OF REAL PROPERTY FROM CITY OF ELKHART - 1524 FRANCES FROM PARKS DEPT.** Ms. Schreiber asked for a motion to accept the transfer of 1524 Frances from the Parks Department. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote. All in favor, motion approved.

**E. APPROVE ICE MILLER BILLING IN THE AMOUNT OF \$500.50 FOR 1101 BEARDSLEY-** Ms. Schreiber asked for a motion to approve the invoice for payment and appropriate \$500.50 for payment from the Downtown Allocation Area No. 1 Special Fund. Moved by Ms. Harris. Seconded by Mr. Roberts. Roll call vote. All in favor, motion approved.

**F. APPROVE ICE MILLER BILLING FOR LABOUR PUMP MEDIATOR SERVICES -** Ms. Schreiber asked for a motion to approve the Ice Miller invoice in the amount of \$250.48 for payment from the Consolidated TIF fund. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote. All in favor, motion approved.

**G. APPROVE FUNDING FOR BERGERSON SCREW DOWNGRADIENT AIR SAMPLING** Ms. Schreiber asked for a motion to approve the change order that was submitted and appropriate \$8066.00 from the Brownfield Services account to pay the Keramid invoice. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote. All in favor, motion approved.

**H. APPROPRIATING \$300,000 OF ADDITIONAL FUNDING FOR THE ENVIRONMENTAL CENTER NEXT LEVEL TRAILS PROJECT**

Mr. Adam Fann updated the commissioners on the trail project and answered any questions they had. Ms. Schreiber asked for a motion approving \$300,000 from the Consolidated TIF fund. Moved by Ms. Harris. Seconded by Mr. Steffen.

Jeff Zavatsky, Director for Elkhart Environmental Center, addressed the commissioners to answer any questions they had about the trails project.

Jamie Arce addressed the Commission thanking them for their support of this project. He lives in the area and they enjoy the trail.

Corinne Straight, Director of Quality of Place and Communications, thanked the Commission and Jeff Zavatsky for their commitment to this project.

Ms. Schreiber called for a voice vote. All in favor, motion approved.

#### **I. APPROVAL OF PURCHASE AGREEMENT FOR 1923 LANE AVENUE**

Ms. Mary Kaczka gave an update and answered any questions on the purchase agreement for 1923 Lane Avenue. This is a single family home that the city has been the landlord of. The city is selling this house to the tenant who has lived in this house for 6-7 years. The total purchase price for this house is \$97,400 and there is around \$35,000 credit applied for prepaid rent.

Ms. Schreiber asked for a motion to approve the purchase agreement for 1923 Lane Avenue. It was moved by Mr. Holtz. Seconded by Mr. Roberts. Voice vote. All in favor, motion approved.

#### **J. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUBRECIPIENT AGREEMENT**

Ms. Mary Kaczka gave an update and answered any questions on this year's five CDBG Subrecipient Agreements.

Ms. Schreiber asked for a motion approving subrecipient agreements for AIDS Ministries/AIDS Assist of North Indiana Inc., Council on Aging, Goodwill Industries of Michiana Inc., Minority Health Coalition Elkhart County Inc., and YWCA North Central Indiana, Inc. Moved by Mr. Roberts. Seconded by Mr. Holtz. Voice vote. All in favor, motion approved.

#### **K. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CV SUBRECIPIENT AMENDED AGREEMENT**

Ms. Mary Kaczka gave an update and answered any questions on the St. James AME Church amended CV Subrecipient Agreement to extend the agreement until December 31, 2022.

Ms. Schreiber asked for a motion extending the CV Subrecipient Agreement for St. James AME Church until December 31, 2022. Moved by Mr. Roberts. Seconded by Mr. Holtz. Voice vote. All in favor, motion approved.

#### **L. AMERICAN RESCUE PLAN (ARP) HOMEOWNER OCCUPIED REHABILITATION GRANT PROGRAM**

Ms. Mary Kaczka gave an update and answered any questions on the ARP Homeowner Occupied Rehabilitation Grant Program.

Ms. Schreiber asked for a motion approving the resolution for ARP Homeowner Occupied Rehabilitation Grant Program and establishing a cap on rehab funding. Moved by Ms. Harris. Seconded by Mr. Holtz. Voice vote. All in favor, motion approved.



#### **M. DECLARATORY RESOLUTION AND PLAN FOR WEST 78 ECONOMIC DEVELOPMENT AND TIF ALLOCATION AREAS**

Ms. Kristen Smole gave an update and answered any questions on the West 78 Economic Development and TIF Allocation Areas.

Ms. Schreiber asked for a motion approving the declaratory resolution and the plan for West 78 Economic Development and TIF Allocation Areas. Moved by Mr. Holtz. Seconded by Mr. Steffen. Mr. Gary Boyn discussed the next steps with the commissioners and answered a question regarding TIF from Facebook comments. Voice vote. All in favor, motion approved.

#### **N. APPROPRIATION FOR 1101 E. BEARDSLEY AVE**

Ms. Chaise Cope gave an update and answered any questions on further environmental testing at 1101 E. Beardsley Avenue.

Ms. Schreiber asked for a motion authorizing environmental testing at 1101 East Beardsley Avenue and appropriating funds not to exceed \$150,000 from the Brownfield Services account. Moved by Mr. Holtz. Seconded by Mr. Roberts. Mr. Gary Boyn discussed the next steps with the commissioners. Voice vote. All in favor, motion approved.

#### **O. AMENDMENT OF SORRELL CONTRACT**

Ms. Mary Kaczka gave an update and answered any questions on the amendment for the Sorrell contract.

Ms. Schreiber asked for a motion approving the amendment to the Sorrell contract for employment of consultant to provide technical assistance on CDBG and CDBG CV programs and appropriating funds in the sum of \$10,000 not to exceed the fee cap of \$35,000 through December 31, 2022. Moved by Mr. Steffen. Seconded by Mr. Roberts. Voice vote. All in favor, motion approved.

#### **STAFF UPDATES**

Mr. Fann addressed the Commission with updates on projects around the city

- The old Pizza Hut building is down. No dewatering will be needed. Continuing to find foundation between the old Pizza hut and the Car City building. Will complete removing the foundation and start filling in the hole, moving slowly towards the East.
- 1701 Sterling - There was one environmental hit on the property on the South East corner of the building. We will leave that alone for right now and continue to do demolition to the rest of the building. We are finding multiple basements to this building. Should be wrapping up soon.
- South Main Phase 3 - The bid has gone out. We will be opening bids on October 18<sup>th</sup>. In November there should be an appropriation for that work.
- Cassopolis Street - Had consultants add an irrigation schedule. By the end of the year we will have the bid documents and be able to go to bid.
- Kelby Love Mural - Working with engineering group to determine if building is structurally sound to see if we can even allow anybody in the building to do an analysis.

**OTHER BUSINESS**

Mr. Boyn stated the current work amount on the Warrick and Boyn invoice is for \$19780.90.

Ms. Schreiber asked for a motion to approve the Warrick and Boyn invoice in the sum of \$19,780.90. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote. All in favor, invoice approved.

**PUBLIC COMMENT**

**ADJOURNMENT**

There being no further discussion, Ms. Schreiber asked for a motion to adjourn the meeting. It was moved by Ms. Harris. Seconded by Mr. Holtz. Voice vote. All in favor, motion approved. The meeting adjourned at 5:19 p.m. Next meeting is on Wednesday, November 9, 2022 at 4:00 p.m. in Council Chambers.

  
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SANDI SCHREIBER, PRESIDENT



# CITY OF ELKHART • STORMWATER BOARD MEETING MINUTES

Office of Public Works & Utilities • 1201 S. Nappanee Street • Meeting started at 3:45 p.m., Thursday, April 21, 2022

In Attendance – Corinne Straight, Jim Boyles and Joe Foy

## 1. REVIEWED MINUTES – March 3, 2022

## 2. STORMWATER UTILITY

### a. Construction Site Inspections

Elkhart staff visited 31 sites with a total of 38 inspections in February and 32 sites in March with a total of 38 inspections. There are currently 34 active construction sites in Elkhart and 13 sites that have completed construction activities and are in the process of stabilizing or waiting for their Notice of Termination (NOT) to be approved. Two NOTs were approved since the last meeting. There are also 21 projects in the initial planning stages. Joe provided a spreadsheet with this project information and a summary sheet showing the inspections completed in February and March 2022.

### b. Stormwater Bills

Received, sorted and verified all parcels and fees being assessed. Stormwater fees are being processed for payment and must be to the County by May 10<sup>th</sup>.

### c. Construction General Permit Workshops

Joe conducted 4 workshops in March to help local contractors and designers understand how to get continuance of permit coverage for active construction sites that have SWPPPs. Also reviewed the changes in the permit requirements. Todd Clark (Elkhart Co SWCD) was at the last 2 meetings.

### d. Partnership

#### o Stream/River Sampling for 2022

19 samples will be collected weekly (9 on Tuesdays and 10 on Thursdays). The St Joseph River Basin Commission also completed a great analysis of the Partnership's past data and that information will be publicly released soon.

#### o Additional Training for the CSGP updates

The SWCD office is doing this for engineers and plan preparers. A virtual meeting will be held on 4/28/2022 at 1 pm. Additional trainings will be offered in person at the SWCD office on 4/26, 4/27 and 4/28 or companies can schedule a training at their facility if they have 10+ employees who will attend.

#### o Baker Tilly Study - Update

Contract will be presented to the County SW Board on May 23<sup>rd</sup>.

## 3. OTHER BUSINESS/COMMUNICATION

## 4. PUBLIC PARTICIPATION None

## 5. ADJOURNMENT 4:10 p.m.

**Next scheduled Stormwater Board meeting is April 21, 2022 at 3:30 pm.  
This meeting will be in-person at the PWU offices.**

# CITY OF ELKHART • STORMWATER BOARD MEETING MINUTES

Office of Public Works & Utilities • 1201 S. Nappanee Street • Meeting started at 3:30 p.m., Thursday, June 16, 2022

In Attendance – Corinne Straight, Jim Boyles, Wes Steffen and Joe Foy

## 1. REVIEWED MINUTES – April 21, 2022

## 2. STORMWATER UTILITY

### a. Construction Site Inspections

There are currently 18 projects in the initial planning stages, 34 project are active construction sites and 10 sites are in the stabilization phase and waiting for vegetative growth so their Notices of Termination (NOT) can be approved. Three NOTs were approved for projects since the last meeting. Joe provided a spreadsheet with this project information and a summary sheet showing the inspections completed in April and May 2022.

### b. Stormwater Fees

Stormwater fees were paid for all City parcels on the property tax bills in early May. Elkhart received the first disbursement of these fees from the County Treasurers' office in late May for approximately \$553,000. This is about 56% of what is anticipated to be collected for the year for the City.

### c. New MS4 Permit – Ordinance(s)

Christopher B. Burke Engineering (CBBE) is currently drawing up the Professional Services Agreement (PSA) to complete the new model ordinance that will combine a couple of our existing ordinances with a post-construction component that is required.

### d. Education/Outreach

Joe demonstrated the stormwater model at the Earth/Arbor Day event at the Elkhart Environmental Center the end of April. Joe will also take this model to Envirofest (Island Park, Elkhart) on 8/20 and to Riverfest (River Bend Park, Middlebury) on 8/27.

### e. Partnership

#### o Permit Renewal – Submitting NOI

Working on the Notice of Intent (NOI) submission. Each Partner is submitting an individual application for the new permit.

#### o Baker Tilly Study - Update

Agreement was signed and we are hoping to see a draft by the end of July.

## 3. OTHER BUSINESS/COMMUNICATION Discussed the possibility of moving the next meeting to 8/11 or 8/25

## 4. PUBLIC PARTICIPATION None

## 5. ADJOURNMENT 3:45 p.m.

**Next scheduled Stormwater Board meeting is August 18, 2022 at 3:30 pm.**

**This meeting will be in-person at the PWU offices.**

# CITY OF ELKHART • STORMWATER BOARD MEETING MINUTES

Office of Public Works & Utilities • 1201 S. Nappanee Street • Meeting started at 3:30 p.m., Thursday, August 18, 2022

In Attendance – Corinne Straight, Jim Boyles, Wes Steffen and Joe Foy

## 1. REVIEWED MINUTES – June 16, 2022

## 2. STORMWATER UTILITY

### a. Construction Site Inspections

There are currently 16 projects in the initial planning stages, 43 active construction site projects and 10 sites are in the stabilization phase and waiting for vegetative growth so their Notices of Termination (NOT) can be approved. Four NOTs were approved for projects since the last meeting. Joe provided a spreadsheet with this project information and a summary sheet showing the inspections completed in June and July 2022.

### b. Model Ordinance and Technical Standards

A virtual kick-off meeting will be on 8/26 at 1 pm. At this time CBBE will go over the initial draft document and then try to establish a timeline for when they will present revisions to us and when we will need to have comments back to them. All Stormwater Board members are part of the review group.

### c. Stormwater Rate Study

Baker Tilly will have a preliminary draft of this to review with the Partnership on 9/1/2022.

### d. Education/Outreach

Joe will demonstrate the stormwater model at Envirofest (Island Park, Elkhart) on 8/20 from 3-9pm and at Riverfest (River Bend Park, Middlebury) on 8/27 from 10 am-2 pm.

### e. Partnership

- o Permit Renewal – Submitting NOI

The Notice of Intent (NOI) was submitted on July 1<sup>st</sup> and delivery to IDEM was confirmed.

- o IDEM MS4 Audit – Oct 12-13

This audit will review our documentation for the Public Education, Illicit Discharge and Pollution Prevention Minimum Control Measures (MCMs) that were in our old Rule 13 Permit. The components of these MCMs will be updated as part of the new permit process. The audit will also include an inspection of 1-2 of our facilities.

## 3. OTHER BUSINESS/COMMUNICATION

## 4. PUBLIC PARTICIPATION None

## 5. ADJOURNMENT 3:50 p.m.

**Next scheduled Stormwater Board meeting is October 20, 2022 at 3:30 pm.**

**This meeting will be in-person at the PWU offices.**