

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

AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING

LOCATION: CITY HALL, 2ND FLOOR, COUNCIL CHAMBERS

February 14, 2022

7:00 P.M.

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

2. Minutes for Approval

Minutes of January 10, 2022 Council Meeting

3. Presentations and Introductions

4. Unfinished Business

a) Reports of Council Committees

b) Ordinances on Second-Third Reading

PROPOSED ORDINANCE 22-O-03, an ordinance of the Common Council of the City of Elkhart, Indiana, amending Ordinance no. 4099, “An ordinance amending Ordinance no. 3116, establishing the rules and regulations for the government of the Common Council of the City of Elkhart, Indiana, and its members” and establishing rules for the council member to participate in council meetings by means of electronic communication.

PROPOSED ORDINANCE 22-O-04, an ordinance to establish responsible bidding practices and submission requirements on public works projects.

PROPOSED ORDINANCE 22-O-05, 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 1637, 1643, and 1649 W. Indiana Avenue in the City of Elkhart, Indiana from R-3, two-family dwelling district to R-2, one-family dwelling district.

c) Ordinances and Resolutions Referred to Committees

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

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

PROPOSED ORDINANCE 21-O-67, an ordinance appropriating Four Million Two Hundred Thousand Dollars (\$4,200,000.00) for the design other professional services for the new public safety facilities of the Elkhart Police Department and Elkhart Fire Department

PROPOSED ORDINANCE 21-O-68-R, an ordinance appropriating One Million Dollars (\$1,000,000.00) for land acquisition in connection with the new public safety facilities for the Elkhart Police Department and Elkhart Fire Department

d) Tabled Ordinances and Resolutions

PROPOSED ORDINANCE 21-O-57-R, an ordinance appropriating One Million Dollars (\$1,000,000) from the ARP Coronavirus Local Fiscal Recovery Fund to the Provision of Government Services Account for upgrades to the Lerner Theatre heating, ventilation and air conditioning system

PROPOSED ORDINANCE 22-O-01, an ordinance annexing certain real estate commonly known as 25610 County Road 4, Elkhart County, Indiana and 52396 County Road 9, Elkhart County, Indiana and declaring the same to be a part of the City of Elkhart, Indiana (*LD Elkhart IN Landlord, LLC, petitioner*)

5. New Business

a) Ordinances on First Reading

None

b) Resolutions

PROPOSED RESOLUTION 22-R-04, 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 Marson International LLC.

PROPOSED RESOLUTION 22-R-05, 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 Pontoonstuff, Inc.\MMM Realty LLC\Legacy Plastics LLC.

c) Vacation Hearings

None

d) Other New Business

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

f) Neighborhood Association Reports

g) Privilege of the Floor

h) Scheduling of Committee Meetings

6. Acceptance of Communications

Minutes of January 18, 2022 Board of Public Works
Minutes of January 3, 2022 Plan Commission
American Rescue Plan Compliance Report
Budget Encumbrances from 2021 to 2022

7. Adjournment

**MINUTES OF THE REGULAR COMMON COUNCIL MEETING
OF JANUARY 10, 2022**

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

Absent: Council Member Brian Thomas

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

The clerk called the roll.

Minutes for Approval

There were no minutes for approval.

Presentations and Introductions

There were no presentations or introductions.

UNFINISHED BUSINESS

Reports of Council Committees

Councilman Henke reported that the AD-HOC committee discussed the proposed Ordinance 21-O-29, which established rules for electronic meetings. The committee suggested a few amendments to 21-O-29 and the original Council Rules and gave a do-pass recommendation. Councilman Henke stated that Mr. Espar is going to create a whole new ordinance for Council Rules that includes said amendments. President Dawson asked do you just want to keep it in committee? Councilman Henke stated you may if you that is okay.

Ordinances on Second-Third Reading

There were no ordinances on second-third reading.

Ordinances and Resolutions Referred to Committees:

Proposed Ordinance 21-O-29

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

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

Proposed Ordinance 21-O-46

AN ORDINANCE APPROPRIATING FIVE HUNDRED THOUSAND AND 00\100 DOLLARS (\$500,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE HOMEOWNER-OCCUPIED PROPERTY REHABILITATION PROGRAM

President Dawson stated **proposed ordinance 21-O-46 remains in committee.**

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 **proposed ordinance 21-O-49 remains in committee.**

Proposed Ordinance 21-O-67

AN ORDINANCE APPROPRIATING FOUR MILLION TWO HUNDRED THOUSAND DOLLARS (\$4,200,000.00) FOR THE DESIGN OTHER PROFESSIONAL SERVICES FOR THE NEW PUBLIC SAFETY FACILITIES OF THE ELKHART POLICE DEPARTMENT AND ELKHART FIRE DEPARTMENT

President Dawson stated **proposed ordinance 21-O-67 remains in committee.**

Ordinances and Resolutions Referred to Committees Cont.:

Proposed Ordinance 21-O-68-R

AN ORDINANCE APPROPRIATING ONE MILLION DOLLARS (\$1,000,000.00) FOR LAND ACQUISITION IN CONNECTION WITH THE NEW PUBLIC SAFETY FACILITIES FOR THE ELKHART POLICE DEPARTMENT AND ELKHART FIRE DEPARTMENT

President Dawson stated **proposed ordinance, 21-O-68-R remains in committee.**

Tabled Ordinances and Resolutions

Proposed Ordinance 21-O-57-R

AN ORDINANCE APPROPRIATING ONE MILLION DOLLARS (\$1,000,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE PROVISION OF GOVERNMENT SERVICES ACCOUNT FOR UPGRADES TO THE LERNER THEATRE HEATING, VENTILATION AND AIR CONDITIONING SYSTEM

President Dawson stated the **proposed ordinance 21-O-57-R remains tabled.**

NEW BUSINESS

Ordinances on First Reading

Proposed Ordinance 22-O-01

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE COMMONLY KNOWN AS 25610 COUNTY ROAD 4, ELKHART COUNTY, INDIANA AND 52396 COUNTY ROAD 9, ELKHART COUNTY, INDIANA AND DECLARING THE SAME TO BE A PART OF THE CITY OF ELKHART

The clerk read the proposed ordinance, 22-O-01, by title only. President Dawson asked for motion to table until the next meeting to allow for legal publication for the public hearing. Councilman Fish, seconded by Councilman Henke, **moved to table**, which **motion carried unanimously 8-0**, by voice vote, and **the ordinance was tabled.**

Ordinances on First Reading Cont.:

Proposed Ordinance 22-O-02

AN ORDINANCE AMENDING § 157.019 OF THE CODE OF ORDINANCES OF THE CITY OF ELKHART, INDIANA RELATING TO THE TESTING OF APPLICANTS FOR AN ELECTRICAL CONTRACTOR LICENSE BY THE CITY OF ELKHART

The clerk read the proposed ordinance, 22-O-02 by title only. President Dawson **passed the proposed ordinance on from first reading to second reading.**

Resolutions

Resolution #R-01-22

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, ADOPTING A WRITTEN FISCAL PLAN TO DEFINE A POLICY FOR THE PROVISION OF SERVICES TO THE AREA COMMONLY KNOWN AS 25610 COUNTY ROAD 4, ELKHART COUNTY, INDIANA AND 52396 COUNTY ROAD 9, ELKHART COUNTY, INDIANA, A PROPOSED ANNEXATION AREA

The clerk read the proposed resolution, 22-R-01, by title only. Councilman Mishler, seconded by Councilwoman Hines, **moved to adopt the proposed resolution.** President Dawson opened the floor for council discussion. Councilman Henke asked if the petitioner was the adjacent RV property owner. Eric Trotter, Assistant Director of Planning and Development stated I believe that is the case, yes. Councilman Henke asked if it was going to be the same use and Eric Trotter stated yes it is a new service center, pre-delivery, inspection and distribution. Councilman Henke asked if the city has any obligation with street access, curb cut or any of those things. Eric Trotter stated that there is one curb cut off of County Road 9 and County Road 4 and they have not yet gone through tech review and are still working out their site and civil work at this point.

Councilman Henke asked who is excepted to pay for these curb cuts? Eric Trotter stated that the petitioner will. Councilman Fish asked for clarification that petitioner owns the property in question. The answer was yes.

There being no other council discussion, President Dawson opened the floor for public comment.

There being no public comments, President Dawson closed the public hearing and returned the comments to the council. Seeing that there were no other comments from the council, President Dawson called for the vote on the adoption of the resolution and the roll call vote was as follows: Ayes: Bullard, Curry, Mishler, Hines, Baughman, Fish, Henke and Dawson. Nays: None. **The motion carried unanimously, by a roll call vote of 8-0, and the resolution was adopted.**

Vacation Hearings

There were no vacation hearings.

Other New Business

APPOINTMENTS:

ELKHART COUNTY ECONOMIC DEVELOPMENT COMMISSION: James Gardner is the current council appointment and would like to serve again. Councilman Fish, seconded by Councilman Mishler, **motion carried unanimously 8-0**, by voice vote.

URBAN ENTERPRISE ASSOCIATION: The council has three appointments, one need to be a business representative in the zone, one member that is a zone resident and is a Republican, and one member that is a zone resident that is a Democrat. The term for this is four years. Bill Lavery is the current business representative and would like to serve again. Councilman Curry, seconded by Councilman Mishler, **motion carried unanimously 8-0**, by voice vote.

Therese Geise is the current zone resident Republican and she has stated that she would like to serve again. Councilman Mishler, seconded by Councilman Bullard, **motion carried unanimously 8-0**, by voice vote.

Natasha Kauffman is the current Democrat zone resident, however, the board reports that she has not been attending meeting and we cannot get a hold of her. President Dawson asked if anyone has someone else that they would like to nominate that is a Democrat. He would like whomever we nominate to agree to it first. Seeing that there is no nomination at this time, President Dawson stated that he will leave this appointment open. Councilman Bullard stated that to reassure that the nominee is actually Democrat or Republican, they actually have to have voted in a primary, so we will check into that? President Dawson stated yes, the party chair does that for us.

REDEVELOPMENT COMMISSION: The council has two appointments. Wes Steffen has indicated that he would like to serve again. Councilman Henke, seconded by Councilman Bullard, **motion carried unanimously 8-0**, by voice vote.

Kurt Bullard has stated that he can no longer serve. President Dawson sent out the resume for Dina Harris. Miss Harris has indicated that she would like to serve. Councilman Fish, seconded by Councilwoman Hines, **motion carried unanimously 8-0**, by a voice vote.

CITY ECONOMIC DEVELOPMENT COMMISSION: Brent Curry is the current council appointment. Councilman Fish, seconded by Councilwoman Hines, **motion carried unanimously 8-0**, by a voice vote.

PLAN COMMISSION: Kevin Bullard is the current council appointment and he has indicated that he would like to serve again. President Dawson would like to appoint Aaron Mishler. Councilman Fish, seconded by Councilwoman Hines. President Dawson asked for a roll call vote. Clerk of the Council asked for two different roll call votes, the first one for Aaron Mishler. Ayes: Curry, Mishler, Hines, Fish, Dawson Nays: Bullard, Baughman, Henke
Motion carries 5-3

Councilman Henke referred to the Board of Aviation commissioners meeting of November 24th, areas of concern for Mr. Tracy to take back, the Coachmen hangar renovations, they talked about a return on investment and it was approved, however, there were no estimates and no dollar values submitted. The manager's report, even though the council approved new mowers two years ago, they did approve their own use of ARP money for lawnmowers, remote control lawnmowers to be more specific, so that was very disappointing. There was a concern brought about regarding crossing guards on Jeanwood Drive. It was the Director of Safety for the school that deleted a crossing guard at that spot. So as families looked at the city and the school principal somewhat pointed the finger at the city, it was, in fact, the school that made that decision. I do have a meeting with Dana and Ryan in regards to parking cars, parked in tree lawns and yards and how we can better manage that process. It has been some time ago, and I have put it in writing as well, to get an update on ambulance billing, the data of collections to date and the trend report. This is an area that we cannot overlook. We are under collecting \$450,000 a year and this has been years. We are talking 3 to 4 million and we do not have a handle. We are also by ordinance supposed to be looking at the prevailing rate every year and we have not done that for 20 or 21, so those need to be on the books.

Councilman Mishler stated that he also had received emails regarding the crossing guard situation, and I hope that our friends and partners at the Elkhart Community School system can continue to address that and make sure that our kids are safe and taken care of. I have had a few folks reach out to me concerned about vehicles parked in tree lawns along Sunset and Modrell area and would like it to be addressed. I believe that is a code situation. So if we could have someone take a look at that when we get a chance. Our hospitals continue to struggle through this current surge. So I encourage folks to continue to mask up and if you are vaccinated to get a booster. If you have questions about it, please speak to your primary care provider.

Councilman Bullard, I have two things. As I was coming into town and saw this really nice snow removal hog going down the road, this is more of a reach out to Mike Lightner, that this \$200,000 some odd dollar unit, had really poor emergency flashing lights on it. I have seen Amish buggies with LED's and flashing lights that are more visible. That might be something as far as the limit liability that if we are going to be on the streets that it has a little better lighting. It had a slow moving sign on it and some flashing lights but we have to make sure that we protect ourselves on that. And the second thing, I am going to direct this to Corrine. The same three easy scooters behind Hopman's, are still there in the exact same spot they were the week before the last city council meeting and they are still there. These things are just littering and I know that you said they reduced the numbers but they are not picking them up. If you could just reach out and say hey, you know they are not doing what they promised. I would be glad to go through for 39 cents a mile, pick them up and I will deposit them wherever Bradley Tracy tells me to put them.

President Dawson asked Corrine to provide the council with the contact information, then maybe individually they can contact them and let them know where they are at as there are some downtown that have been there a while.

Councilman Fish agreed with Councilman Henke and Councilman Mishler regarding the parking problem but stated that it is across the city. The greater conversation to consider is that we do not have a state law that dictates how many people can live in a house. He stated that he has a situation just a few doors down from him where four people live in a habitat home. I know we can do ordinances, but there may be blowback, that we need to talk about where do people park where they live, so we cannot dictate that. President Dawson stated that no, it is dictated by ordinances that you cannot park on the tree lawn. These houses were built some 60, 70 years ago and everybody only had one car, now, everybody has three cars. Councilman Henke stated that it is about sprawl, because in areas where there use to not be an issue, there is an issue. If this goes unchecked, we are going to have more of the same. These are areas that have driveways, street parking and garages, it is just that every one of them want to park by the door. I call in to 311 and I am averaging seven a week. We are just spinning wheels if we are not making progress on these reported areas. Councilman Fish stated that he is not endorsing parking in our tree lawns at all, I am against it. But we are going to have blowback because we have a potentially over worked enforcement division.

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

Corinne Straight, Director of Communication, sent this council meetings newsletter last week. Just a couple of updates, this morning, we got to do a very fun groundbreaking in the snow out at the wastewater treatment plant. Phase two of expansion is underway, so we had a nice ceremony out there off of Nappanee Street today. The small business program a week after you passed it is going really well and has been received very well. We have received eleven applications and many more inquiries about the process and how to apply.

President Dawson was asked by the mayor to acknowledge that he was down in Indy, and he will be speaking before the house tomorrow on a proposed bill.

Bradley Tracy, Chief of Staff, also stated that the mayor was not present tonight as he was in Indianapolis preparing to testify tomorrow on Senate Bill 378 that is by Senator Rogers from up here and it is a personal business property tax deduction. This is a different bill than Senate Bill 102 so he will be going back and working closely with AIM to make sure that this is replaced with something. We are just asking that whatever they take away from us, that they replace it with some other funds. I will keep the council posted as this goes on.

Neighborhood Association Reports

Councilman Curry for the Pierre Moran Neighborhood Association, stated that they had another good meeting yesterday at the Pierre Moran pavilion. They discussed some issues going on and one issue they have is some kids are going around late at night and knocking on people's doors. So they are working with the police on that. There are plenty of cameras around the neighborhood and they have

pictures of the kids, they just need to figure out who they are and ask them not to do that anymore. They normally have an annual potluck dinner to pull all of the neighbors together but with COVID they are wondering if they should still do that. So they are going to try for March and it was suggested to have people serve the food instead of people serving themselves. They will make a decision at their February 6th meeting. Our neighborhood has changed a lot over the years and we have a lot of new residents and we are just trying to make an effort to come together and address the issues in our neighborhood.

Privilege of the Floor

There were no comments during privilege of the floor.

Scheduling of Committee Meetings

No committee meeting scheduled at this time.

Acceptance of Communications

Minutes of November 24, 2021 Board of Aviation Commissioners Meeting
Minutes of December 9, 2021 Special Call Meeting of the Board of Aviation Commissioners
Minutes of December 28, 2021 Board of Public Works Meeting
Minutes of December 6, 2021 Plan Commission Meeting
Report of Communications Center for November 2021
Report of Communications Center for December 2021

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

Adjournment

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

Debra D. Barrett, City Clerk

Arvis Dawson
President of the Elkhart City Council



MEMORANDUM

DATE: February 3, 2022
TO: Common Council
FROM: Corporation Counsel John Espar
RE: Proposed Ordinance No. 22-O-03

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, AMENDING ORDINANCE NO. 4099, "AN ORDINANCE AMENDING ORDINANCE NO. 3116, ESTABLISHING THE RULES AND REGULATIONS FOR THE GOVERNMENT OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA AND ITS MEMBERS" AND ESTABLISHING RULES FOR COUNCIL MEMBERS TO PARTICIPATE IN COUNCIL MEETINGS BY MEANS OF ELECTRONIC COMMUNICATION

Proposed Ordinance No. 22-O-03 is the result of the Ad Hoc Committee of the Council convened to evaluate amendments to the rules and regulations for the governance of the Council, including the codification of the policy previously adopted by the Council for the participation of its members in the meetings of the Council as authorized by recent state legislation.

Attached to this memorandum are a series of documents provided to you to illustrate the changes that were approved by the committee, placed in the context of current law and in the case of the proposed provision relating to electronic participation, the previously introduced ordinance, 21-O-29, which has been incorporated into this new proposed ordinance 22-O-03.

I have recommended two minor amendments to clarify existing law. Those changes are noted with explanation.

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, AMENDING ORDINANCE NO. 4099, “AN ORDINANCE AMENDING ORDINANCE NO. 3116, ESTABLISHING THE RULES AND REGULATIONS FOR THE GOVERNMENT OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA AND ITS MEMBERS” AND ESTABLISHING RULES FOR COUNCIL MEMBERS TO PARTICIPATE IN COUNCIL MEETINGS BY MEANS OF ELECTRONIC COMMUNICATION

WHEREAS, On July 7, 1979, the Common Council of the City of Elkhart, Indiana (“Council”) adopted Ordinance No. 3116, which establishes the rules and regulations for the governance of the Council and its members; and

WHEREAS, Ordinance No. 3116 was amended by Ordinance No. 4099 on January 25, 1993; and

WHEREAS, the Council desires and intends to make limited amendments to Ordinance No. 4099, and intends to incorporate additional provisions to establish the rules by which members of the Common Council may participate in meetings of the Council by means of electronic communication; and

WHEREAS, the many ordinances adopted by the Common Council of the City of Elkhart, Indiana are compiled, codified, and published by American Legal Publishing Corporation, under an organizational scheme which designates related content in associated titles, chapters, subchapters of the publication of ordinances; and

WHEREAS, the rules and regulations for the governance of the Common Council are organized under Title III, Chapter 30, Subchapters 30.01 through 30.17 of the Code of Ordinances

of the City of Elkhart, Indiana, which provides clarity to those provisions being amended and added by this ordinance:

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

Section 1. Ordinance 4099 of the City of Elkhart, also known as Subchapter 30.11(B)(6) of the Code of Ordinances of the City of Elkhart, Indiana, is amended and shall hereafter read as follows:

§ 30.11 PRESIDENT; VICE-PRESIDENT.

...

(B) The President shall:

(6) Appoint Council members to commissions, boards, departments and other agencies of the city, county or other entity when a member from the Council or other person is required or authorized to be appointed by the Council to such commission, board, department or other agency pursuant to city ordinance, county ordinance, state statute or other lawful authority.

(a) An appointment log of all such appointments shall be maintained by the Office of the City Clerk and shall be available to the Council and the Deputy Clerk of the Council;

(b) The appointment log shall include the most-recent appointment by the Council and the expiration date of each appointee's term;

(c) The Deputy Clerk of the Council shall notify the Council of any vacancies requiring appointment by the Council.

...

Section 2. Except as modified in Section 1 above, all other sections of Subchapter 30.11 of the Code of Ordinances of the City of Elkhart, Indiana, remains unchanged and fully effective.

Section 3. Ordinance 4099 of the City of Elkhart, also known as, Subchapter 30.13(D) and Subchapter 30.13(E) of the Code of Ordinances of the City of Elkhart, Indiana, are amended and shall hereafter read as follows:

§ 30.13 DECORUM AND DEBATE.

...

(D) Whenever a Council member has or is likely to have a substantial conflict of interest in connection with a matter pending before the Council, he or she shall disclose fully the nature of his or her conflict of interest and may thereafter, in the judgment of the Council member, either:

(1) disqualify himself or herself from further action on the matter; or

(2) continue to participate in the deliberations and to vote on the matter.

(E) Notwithstanding § (D) above, whenever a Council member has or is likely to have a private financial interest in connection with any official matter pending before the Council, he or she shall disqualify himself or herself from further participation in the proceeding.

...

Section 4. Except as modified in Section 3 above, all other sections of Subchapter 30.13 of the Code of Ordinances of the City of Elkhart, Indiana, remains unchanged and fully effective.

Section 5. Ordinance 4099 of the City of Elkhart, also known as Subchapter 30.14(G) of the Code of Ordinances of the City of Elkhart, Indiana, is amended to read as follows:

§ 30.14 DECORUM AND DEBATE.

...

(G) When a question is under debate, no motion shall be received, but to adjourn, to lay on the table, for the previous questions (which motion shall be decided without debate), to postpone to a day certain, to refer, to amend or to postpone indefinitely, which several motions shall have preference in the order in which they are here arranged.

(1) The motion to adjourn and the motion to fix a time to which the Council shall adjourn shall always be in order, the latter motion taking precedence of the former.

(2) The motion to lay an amendment on the table shall not affect the main question which it is proposed to amend.

(3) The previous question shall be put in this form: "I move for the main question." It shall only be granted when demanded by a two-thirds (2/3) vote of the Council; and its effect shall be to put an end to all debate, and until decided, shall preclude all other motions or amendments, except the motion to adjourn. If the motion is sustained, the Presiding Officer shall at once put the question, first on pending amendments and then on the main questions.

...

Section 6. Except as modified in Section 5 above, all other sections of Subchapter 30.14 of the Code of Ordinances of the City of Elkhart, Indiana, remains unchanged and fully effective.

Section 7. A new Subchapter 30.18 shall be added to Title III, Chapter 30 of the Code of Ordinances of the City of Elkhart which shall read as follows:

§ 30.18 PARTICIPATION IN MEETINGS OF THE COUNCIL BY MEANS OF ELECTRONIC COMMUNICATION.

- (A) Incorporation of State Law. The provisions of Indiana Code 5-14-1.5-1 et seq. (Act), including definitions, apply to this ordinance.*
- (B) Electronic Meetings Ordinance. This ordinance shall be known as the "Electronic Meetings Ordinance" of the Council and applies to the Council and any committee appointed directly by the Council or its presiding officer.*
- (C) Participation by Mean of Electronic Communication. Subject to Sections (F) and (H) of this ordinance, any member may participate in a meeting by any electronic means of communication that:
 - (1) allows all participating members of the governing body to simultaneously communicate with each other; and*
 - (2) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.**
- (D) Quorum and Voting. A member who participates by an electronic means of communication:
 - (1) shall be considered present for purposes of establishing a quorum; and*
 - (2) may participate in final action only if the member can be seen and heard.**
- (E) Application of Policy. All votes taken during a meeting at which at least one (1) member participates by an electronic means of communication must be taken by roll call vote.*
- (F) Limitations on Participation by Electronic Means of Communication.
 - (1) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication;*
 - (2) Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.*
 - (3) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:**

- (a) *military service;*
 - (b) *illness or other medical condition;*
 - (c) *death of a relative; or*
 - (d) *an emergency involving actual or threatened injury to persons or property.*
- (4) *A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication.*
- (5) *A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:*
 - (a) *military service;*
 - (b) *illness or other medical condition;*
 - (c) *death of a relative; or*
 - (d) *an emergency involving actual or threatened injury to persons or property.*
- (G) *Minutes of Meeting. The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:*
 - (1) *identify each member who:*
 - (a) *was physically present at the meeting;*
 - (b) *participated in the meeting by electronic means of communication; and*
 - (c) *was absent; and*
 - (2) *identify the electronic means of communication by which:*
 - (a) *members participated in the meeting; and*
 - (b) *members of the public attended and observed the meeting, if the meeting was not an executive session.*
- (H) *Prohibited Actions. No member of the Council may participate by means of electronic communication in a meeting at which the Council may take final action to:*
 - (1) *adopt a budget;*
 - (2) *make a reduction in personnel;*
 - (3) *initiate a referendum;*
 - (4) *impose or increase a fee;*
 - (5) *impose or increase a penalty;*
 - (6) *exercise the Council's power of eminent domain; or*
 - (7) *establish, impose, raise or renew a tax.*

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

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

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

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

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

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

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

Section 8. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

[Signature page to follow]

SO ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

§ 30.11 PRESIDENT; VICE-PRESIDENT.

(A) The President of the Council shall preside over all regular and special meetings of the Council. The President shall call the Council to order at the hour for the opening of the meetings and on the appearance of a quorum. The President shall have the right to vote on all matters, but shall not advocate a position on an issue before the Council without first taking leave of the chair. In the event the President chooses to take leave of the chair, the Vice-President shall temporarily take the chair until the President concludes his or her discussion.

(B) The President shall:

(1) Preserve strict order and decorum;

(2) Decide all questions of order and his or her decisions shall be final unless appeals are taken to the Council; an appeal of the decision of the President or the Vice-President shall be taken as follows:

(a) The Council member shall indicate he or she is appealing the decision;

(b) The Council member shall state his or her grounds for the appeal; and

(c) The Council shall vote on the member's appeal. If the appeal passes by a majority vote of the Council, the President's decision shall be overruled.

(3) Appoint all standing committees at the first meeting in January or as soon thereafter as possible; however, the standing committees shall serve only during the term of the appointing President;

(4) Appoint all special committees which may be ordered by the Council;

(5) Fill all temporary and permanent vacancies which may occur in any of the standing or special committees;

(6) Appoint Council members to commissions, boards, departments and other agencies of the city, county or other entity when a member from the Council or other person is required or authorized to be appointed by the Council to such commission, board, department or other agency pursuant to city ordinance, county ordinance, state statute or other lawful authority; ~~(The commissions and boards shall include, but not be limited to the county's Solid Waste Management District Board, city's Plan Commission and the city's Traffic Commission. All appointments by the President to such commissions, boards, departments and other agencies that were made prior to January 25, 1993, are hereby authorized, ratified and confirmed.)~~

(a) An appointment log of all such appointments shall be maintained by the Office of the City Clerk and shall be available to the Council and the Deputy Clerk of the Council;

(b) The appointment log shall include the most-recent appointment by the Council and the expiration date of each appointee's term;

(c) The Deputy Clerk of the Council shall notify the Council of any vacancies requiring appointment by the Council.

(7) Sign all ordinances and resolutions adopted by the Council prior to their presentation to the Mayor as well as all ordinances after enrollment, and the journal of the proceedings; and

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(8) Exercise any power or perform any function proper and necessary for the effective and efficient operation of the office.

(C) It shall be the prerogative of the President to assign an ordinance, resolution or other document, either to committee or first reading of the ordinance.

(D) The Vice-President shall possess the powers and perform the duties of the President of the Council when the President is absent. When a vacancy occurs in the office of the President, the Vice-President shall assume the office of the President of the Council and the Council shall elect a new Vice-President for the remainder of the term.

(1979 Code, § 30.11) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993)

§ 30.13 DECORUM AND DEBATE.

(A) The Presiding Officer shall preserve order and decorum at all Council meetings.

(B) Each member of the Council shall be present within the Council chamber during the sessions of the Council, unless excused or necessarily prevented from being present, and shall vote on each question put unless excused from voting by a majority of the Council members present.

(C) A Council member shall not vote, or take any other discretionary action in his or her official capacity, except in the exercise of his or her own independent judgment, reached after due regard for the collective interest of his or her constituency as a whole, and of the citizens and the community of the city. The prohibition in this section extends to any agreement to take action in violation of this section and to any effort to induce other Council members to violate it.

(D) Whenever a Council member has or is likely to have a substantial conflict of interest in connection with a matter pending before the Council, he or she shall disclose fully the nature of his or her conflict of interest and may thereafter, in the judgment of the Council member, either:

(1) ~~Disqualify himself or herself from further action on the matter, in which event he or she need not disclose the reason for his or her disqualification;~~ or

(2) ~~Disclose fully the nature of his or her conflict of interest, in which event he or she may~~ continue to participate in the deliberations and to vote on the matter.

(E) ~~Notwithstanding, § (D) above, whenever~~ a Council member has or is likely to have a private financial interest in connection with any official matter pending before the Council, he or she shall disqualify himself or herself from further participation in the proceeding.

(F) A Council member shall not derive or attempt to derive any unjustified enrichment from his or her office. This division forbids:

(1) The solicitation or acceptance of any bribe, gift or other material economic benefit, or of any promise of similar benefit, which he or she believed or reasonably should believe was intended to influence;

(2) The solicitation or acceptance of any gift or other economic benefit conferred because of any vote or other action in his or her official capacity already taken by him or her;

(3) The acquisition or use for personal purposes of any property, services or funds of the city, unless authorized by law; and/or

(4) The use for personal gain of information pertaining to the city which is not a matter of public record, at a time when it is treated as confidential by the officials of the city.

(G) When any member is about to speak or deliver any matter to the Council, he or she shall respectfully address himself or herself to the Presiding Officer, and on being recognized, confine himself or herself to the question in debate and avoid personality. The Presiding Officer shall not recognize any member as in order, unless he or she is in his or her proper seat.

(H) When 2 or more Council members seek recognition at once, the Presiding Officer shall name the member entitled to speak.

Commented [EJ1]: This amendment is presented differently in the proposed ordinance that was discuss and proposed at the ad hoc committee meeting. It is recommended by Corporation Counsel that the phrase "in the judgment of the Council member" be added was not discussed at the meeting of the ad hoc committee

Commented [EJ2]: This amendment is being recommended by Corporation Counsel to distinguish "a private financial interest" described in this section (E) from the "conflict of interest" described in section (D). Otherwise sections (E) and (D) would contradict each other.

(I) No Council member shall speak more than twice on the same question without leave of the Council, nor more than once until every Council member choosing to speak has spoken.

(J) While the Presiding Officer or a Council member is addressing the Council, no Council member shall walk out of or across the Council chamber or engage in private discourse.

(K) No Council member shall impugn a motive of another.

(L) Any Council member may change his or her vote before the announcement of the result by the Presiding Officer.

(M) If any Council member, in speaking or otherwise, shall transgress the rules of the Council, the Presiding Officer shall, or any Council member may, call him or her to order, in which case he or she shall immediately cease the transgression unless permitted, on motion of another Council member, to explain; and the Council shall, if appealed to, decide the case without debate. If the decision is in favor of the Council member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to the censure of the Council.

(N) Should any Council member, in the course of his or her remarks violate a second time any rule of the Council, and again be called to order, he or she shall not speak further on the pending question, except by permission of 2/3 of the Council members present.

(O) Each Council member shall observe the highest standards of dignity, propriety, courtesy, respect and decorum when with his or her fellow Council members, officers and employees of the city, and all other persons, and when carrying out any of the responsibilities, duties and services mandated by the office of a Council member.

(1979 Code, § 30.13) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993)

§ 30.14 PARLIAMENTARY PROCEDURE.

(A) The most recent edition of Robert's Rules of Order, newly revised, shall be the authority on all questions of parliamentary law and procedure not specifically covered by this subchapter. For the purposes of this subchapter, parliamentary law shall mean the enacted rules and recognized usages which govern the procedure of legislative assemblies.

(B) It shall require a majority vote of 5 of the 9 Council members, to pass an ordinance or resolution. Whenever by law it is required that any ordinance or resolution shall be passed by a 2/3 vote, the requirement shall be construed to mean a 2/3 vote of all Council members; i.e., 6 of the 9 members. Whenever by law it is required that any ordinance or resolution shall be passed by a 3/4 vote, the requirement shall be construed to mean a 3/4 vote of all Council members; i.e., 7 of the 9 members.

(C) No one not a member of Council shall be permitted to address the Council except on invitation by the Presiding Officer or by a majority vote of the Council.

(D) No ordinance or resolution shall be received or considered by the Council unless it is presented by some member thereof or as provided by law. Every motion made by any member of the Council and entertained by the Presiding Officer shall be reduced to writing on the demand of any Council member. When a motion has been made, the Presiding Officer shall state it, and it shall then be in the possession of the Council, but may be withdrawn at any time before a decision or amendment.

(E) When, in order to enact an ordinance, resolution or motion, state law requires a majority of the Council to vote "aye", the following procedures shall be applicable in calculating the majority.

(1) Only Council members who have disqualified themselves on a matter due to a substantial conflict of interest or have disclosed fully the nature of their conflict of interest pursuant to the provisions of this chapter are entitled to an abstention.

(2) Absentations shall not be counted as either an "aye" or "nay" vote.

(F) The Presiding Officer shall decide whether any question is carried by an affirmative or a negative vote, but if he or she is in doubt, a roll call vote shall be asked for.

—(G) When a question is under debate, no motion shall be received, but to adjourn, to lay on the table, for the previous questions (which motion shall be decided without debate), to postpone to a day certain, to refer, to amend or to postpone indefinitely, which several motions shall have preference in the order in which they are here arranged.

(1) The motion to adjourn and the motion to fix a time to which the Council shall adjourn shall always be in order, the latter motion taking precedence of the former.

(2) The motion to lay an amendment on the table shall not affect the main question which it is proposed to amend.

(3) The previous question shall be put in this form: "I move for the main question." It shall only be granted when demanded by a ~~majority of the Council members present, two-thirds (2/3) vote of the Council;~~ and its effect shall be to put an end to all debate, and until decided, shall preclude all other motions or amendments, except the motion to adjourn. If the motion is sustained, the Presiding Officer shall at once put the question, first on pending amendments and then on the main questions.

(4) The motion to postpone to a day certain can be amended by altering the time.

(5) The motion to commit may be amended by altering the committee or by giving instructions.

(6) A motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute to which 1 amendment may be offered, but neither may be withdrawn before amendment or decision is had thereon.

(7) No motion or proposition postponed indefinitely shall be taken up again at the same or next succeeding meeting.

(8) A question shall be divided on the demand of any Council member, if it includes 2 or more distinct propositions.

(9) A motion to strike out and insert shall be indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert, and no consideration shall be submitted under color of amendment.

(10) When a motion has been made and carried or lost, it shall be in order for any member of the majority at the same or the next regular meeting, to move for the reconsideration thereof. Such a motion on being made may be seconded by any Council member and may be made at any time. It shall be debatable and requires a majority vote to prevail.

(H) When a resolution is offered or a report or other matter presented, the Presiding Officer may take the reception thereof for granted, unless objection is made, when a formal motion shall be required.

(I) Appeals, questions of order, objection to the consideration of a question, the reading of papers, leave to withdraw a motion and suspension of the rules are questions which shall take precedence of and be decided before the question which gave rise to them; which several questions cannot be amended, and all questions of order which may arise pending a question is not debatable must be decided without debate.

(1979 Code, § 30.14) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993)

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 4099, “AN ORDINANCE AMENDING ORDINANCE NO. 3116, ESTABLISHING THE RULES AND REGULATIONS FOR THE GOVERNMENT OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA AND ITS MEMBERS” BY AN ORDINANCE ESTABLISHING THE RULES BY WHICH MEMBERS OF THE COMMON COUNCIL MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, On July 7, 1979, the Common Council of the City of Elkhart, Indiana (“Council”) adopted Ordinance No. 3116, which establishes the rules and regulations for the government of the Council and its members; and

WHEREAS, Ordinance No. 3116 was amended by Ordinance No. 4099 on January 25, 1993; and

WHEREAS, the Council desires to amend Ordinance No. 4099, SECTION _____ thereof, to establish the rules by which members of the Common Council may participate by electronic means of communication; and

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

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

- (a) Allows all participating members of the governing body to simultaneously communicate with each other; and
- (b) Except for a meeting that is an executive session, allows the public to

simultaneously attend and observe the meeting;

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

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

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

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

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

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

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

- (a) allows all participating members of the governing body to simultaneously communicate with each other; and
- (b) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

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

- (a) shall be considered present for purposes of establishing a quorum; and
- (b) may participate in final action only if the member can be seen and heard.

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

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

- (a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication;
- (b) Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.
- (c) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:
 - (1) military service;
 - (2) illness or other medical condition;
 - (3) death of a relative; or
 - (4) an emergency involving actual or threatened injury to persons or property.
- (d) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication.
- (e) A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

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

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

- (a) identify each member who:
 - (1) was physically present at the meeting;
 - (2) participated in the meeting by electronic means of communication; and
 - (3) was absent; and
- (b) identify the electronic means of communication by which:
 - (1) members participated in the meeting; and
 - (2) members of the public attended and observed the meeting, if the meeting was not an executive session.

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

- (a) adopt a budget;
- (b) make a reduction in personnel;
- (c) initiate a referendum;
- (d) impose or increase a fee;
- (e) impose or increase a penalty;
- (f) exercise the Council's power of eminent domain; or
- (g) establish, impose, raise or renew a tax.

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

- (a) members are not required to be physically present for a meeting until the emergency is terminated; and
- (b) Members may participate in a meeting by any means of communication provided that:
 - (1) At least a quorum of the members participate in the meeting by means of electronic communication or in person;
 - (2) The public may simultaneously attend and observe the meeting unless the meeting is an executive session;
 - (3) The minutes or memoranda of the meeting must comply with Section 7 of this ordinance; and
 - (4) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

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

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

RESOLVED-ORDAINED this ____ day of _____, _____.

H. Brent Curry Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _____ day of _____, _____, at _____
_____a.m./p.m.

Debra D. Barrett, City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk



M E M O R A N D U M

Date: January 28, 2022
To: Arvis Dawson, Elkhart City Council President
From: Tory Irwin, City Engineer
RE: Responsible Bidders Ordinance

In an effort to protect the quality of work on construction projects bid out by the City of Elkhart, the Administration seeks passage of this Responsible Bidders Ordinance (RBO). The RBO will ensure that only qualified contractors and subcontractors are performing work on City projects.

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH RESPONSIBLE BIDDING PRACTICES AND
SUBMISSION REQUIREMENTS ON PUBLIC WORKS PROJECTS**

WHEREAS, the City of Elkhart is required by law to award capital improvement contracts to the “lowest responsive and responsible” bidder; and

WHEREAS, the City, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects requires all bidders meet certain minimum requirements in order to be a “responsive and responsible” bidder; and

WHEREAS, applicable state law also requires that bidders meet certain minimum requirements in order to be a “responsive and responsible” bidder; and

WHEREAS, the City seeks to enhance its ability to identify “responsive and responsible” bidders on all City public works construction projects by institution of more comprehensive submission requirements which are in compliance with Indiana State law; and

WHEREAS, the “Responsible Bidding Practices and Submission Requirements” Ordinance will preserve administrative resources by insuring that only qualified contractors and subcontractors are awarded contracts on public works construction projects; and

WHEREAS, the “Responsible Bidding Practices and Submission Requirements” Ordinance will assure efficient use of taxpayer dollars, will promote public safety and is in the public interest; and

WHEREAS, the “Responsible Bidding Practices and Submission Requirements” Ordinance will help ensure that no contractor awarded work under this Ordinance or any subcontractor at any tier working on a project awarded pursuant to this ordinance engages in payroll fraud, including the misclassification of employees as independent contractors to avoid paying state, federal or local payroll taxes, workers compensation insurance, unemployment

insurance premiums and failing to pay overtime and wages as required by law.

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

SECTION 1. This Ordinance, entitled “Responsible Bidding Practices and Submission Requirements for Submitting Bids to Perform Construction Work on Public Works Projects,” is hereby enacted and shall read as follows:

I. Bid Submission Requirements

Contractors proposing to submit bids on any City of Elkhart (“City”) project estimated to be at least one-hundred fifty thousand dollars (\$150,000.00) or more must, in order to be considered a “responsive” bidder, submit a statement with the bid, made under oath and subject to perjury laws, on a form designated by the City and must include:

- (A) A copy of a print-out of the Indiana Secretary of State’s on-line records for the bidder dated within sixty (60) days of the submission of said document showing that the bidder is in existence, current with the Indiana Secretary of State’s Business Entity Reports, and eligible for a certificate of good standing. If the bidder is an individual, sole proprietor or partnership, this subsection shall not apply;
- (B) A list identifying all former business names within the last ten (10) years;
- (C) Any determinations by a court or governmental agency for violations of federal, state, or local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA);
- (D) Evidence of participation in apprenticeship training programs applicable to the work to be performed on the project which are approved by and registered with the United States Department of Labor’s Office of Apprenticeship, or its successor organization. The required evidence includes, but may not limited to, evidence that each apprenticeship program has graduated at least five (5) apprentices in each of the past five (5) years
- (E) The name and description of the experience of each of the bidder’s project managers and superintendents that bidder intends to assign to work on the project;
- (F) A statement that all employees of the bidder who will perform work on the public works project will be in compliance with any drug testing requirements set forth in IC 4-13-18-5 or IC 4-14-18-6
- (G) Proof of any professional or trade license required by law for any trade or specialty area in which bidder is seeking a contract award; and disclosure of any suspension or revocation within the previous five years of any professional or trade license held by the company, or of any director, office or manager employed by the bidder;
- (H) A written statement of any federal, state or local tax liens or tax delinquencies owed to any federal, state or local taxing body in the last five years;

- (I) A statement that individuals who will perform work on the public works project on behalf of the bidder will be properly classified as either (i) an employee or (ii) an independent contractor, under all applicable state and federal laws and local ordinances;
- (J) For contracts estimated to cost at least three hundred thousand dollars (\$300,000), certification that all contractors and subcontractors are qualified under IC 4-13.4 or IC 8-23-10.
- (K) A completed Contractor's Bid for Public Works – Form 96 (latest revision) prescribed by the State Board of Accounts, which includes a list of projects completed within the last year or currently under construction and a list of names and addresses of all subcontractors from whom the bidder intends to hire on any part of the public works project.

The City reserves the right to demand supplemental information from the bidder, additional verification any of the information provided by the bidder, and may conduct random inquiries of the bidder's current and prior customers.

II. Post-Bid Submissions from Subcontractors

Each subcontractor, of any tier, and regardless of the subcontract bid amount, shall be required to adhere to the requirements of Section I of this Ordinance as though it were bidding directly to the City. Subcontractors shall submit the required information to the successful bidder, who shall then forward said information to the City prior to the subcontractor's first day of work on the public works project.

Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute a contractual default and/or breach by the successful bidder. However, payment shall be withheld from any subcontractor who fails to timely submit said information until such information is submitted and approved by the City. Additionally, the City may require the successful bidder and/or relevant subcontractor to remove a subcontractor from the project and replace it with a responsive and responsible subcontractor.

The disclosure of a subcontractor ("Disclosed Subcontractor") by a bidder or a subcontractor shall not create any rights in the Disclosed Subcontractor. Thus, a bidder and/or subcontractor may substitute another subcontractor ("Substitute Subcontractor") for a Disclosed Subcontractor by giving the City written notice of the name, address, and type of work of the Substitute Subcontractor. The Substitute Subcontractor is subject to all of the obligations of a subcontractor under this Ordinance.

III. Validity of Pre-Qualification Classification

When pre-qualification is required by the City, as specified within the project bidding documents, upon designation by the City that a contractor's or subcontractor's submission in anticipation of a bid is complete and timely, and upon any further consideration deemed necessary by the City, the contractor or subcontractor may be pre-qualified for future City public works projects. A contractor's classification as "qualified" shall exempt the contractor or sub-contractor from the comprehensive submission requirements contained herein for a

period of twelve (12) months.

Any material changes to the contractor's status, at any time, must be reported in writing within ten (10) days of its occurrence to the City. The pre-qualification designation is solely within the discretion of the City and the City specifically reserves the right to change or revoke the designation for a stated written reason(s).

Denial of pre-qualification shall be in writing and shall be forwarded to the contractor within seven (7) working days of such decision. Any contractor denied or losing pre-qualification status may request reconsideration of the decision by submitting such request in writing to the City within five (5) business days of receipt of notice of denial.

IV. Incomplete Submissions by Bidders

It is the sole responsibility of the bidder to comply with all submission requirements herein no later than the public bid opening. Submissions deemed inadequate, incomplete, or untimely by the City shall result in the automatic disqualification of the bid.

V. Projects in Good Standing

All projects the bidder currently has under contract with the City shall be in good standing. A responsive and responsible bidder shall have no City contract that is currently past contractual time limits, or assessed liquidated damages for any reason. The City may, through its City Engineer and Board of Public Works, in its sole discretion, classify a bidder non-responsive and disqualify a bidder for a period up to two (2) years after a liquidated damage is assessed.

VI. Responsive and Responsible Bidder Determination

After its review of complete and timely submissions, taking into account all information in the submission requirements, the City shall in its sole discretion, determine whether a bidder or subcontractor is responsive and responsible. The City reserves the right to utilize all information provided in the bidder or subcontractor's submission or any information obtained by the City through its own independent verification of the information provided.

VII. Certified Payroll

When requested by the City, for projects in which the cost is at least one-hundred fifty thousand dollars (\$150,000), the successful bidder and all subcontractors working on a public works project shall submit a certified payroll report utilizing federal form WH-347 or its successor form, which must be prepared on a weekly basis and submitted to the City within ten (10) calendar days after the end of each week in which the successful bidder or subcontractor performed on the public works project. Certified payroll reports shall identify the job title and craft of each employee on the project, e.g. journeyman electrician or apprentice electrician. In the event any successful bidder or subcontractor uses independent contractors to perform work on the project, such individual must be identified on the federal form WH-347 or successor form with the same information as is required for employees.

The City shall not withhold payment to a successful bidder or subcontractor for failure of the successful bidder or one or more other subcontractors to timely submit their certified payroll reports, unless Federal or State funds are withheld from the City due to failure to submit

certified payroll.

VIII. Public Records

All information submitted by a bidder or a subcontractor pursuant to this Ordinance, including certified payrolls, are public records subject to review pursuant to the Indiana Access to Public Records law (IC 5-14-3).

IX. Penalties for False, Deceptive, or Fraudulent Statements/Information

Any bidder that willfully makes, or willfully causes to be made, a false, deceptive or fraudulent statement, or willfully submits false, deceptive or fraudulent information in connection with any submission made to the City shall be disqualified from bidding on all City projects for a period of three (3) years.

X. Conflicting Ordinances

Any ordinance or provision of any ordinance in conflict with the provisions of this Ordinance is hereby repealed.

XI. Severability

If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination; such provisions shall remain in full force and effect.

XII. No Private Cause of Action

This ordinance does not create a private right of action by or on behalf of any person or entity based on a complaint that a bidder or contractor has violated this ordinance or the contractor's agreement with the City. This ordinance is not intended either to expand or to limit rights provided by other local, state, or federal laws.

SECTION 2. This Ordinance shall be in full force and effect from and after the date of adoption by the City Council of the City of Elkhart, Indiana.

So ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

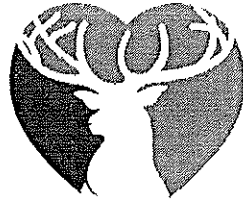
Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

Rod Roberson
Mayor



City of Elkhart

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

To: City Council

From: Ryan Smith *RS*

Date: January 3, 2022

Re: 21-Z-01, 1637, 1641, and 1649 West Indiana Avenue

This is a request to rezone parts of three parcels, located at 1637, 1641, and 1649 West Indiana Avenue, from R-3 to R-2. These parcels have split zoning, parts are zoned R-3 and parts are zoned R-2. The rezoning would simplify the zoning on these parcels and is part of a process the owners are undertaking to prepare them for sale. It would simplify sales of the property as well as any development or redevelopment of the properties in the future.

ORDINANCE NO. _____

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 1637, 1643, AND 1649 W. INDIANA AVENUE IN THE CITY OF ELKHART, INDIANA FROM R-3, TWO-FAMILY DWELLING DISTRICT TO R-2, ONE-FAMILY DWELLING DISTRICT

WHEREAS, on July 20, 1998, the Common Council of the City of Elkhart, Indiana (the “Common Council”) adopted Ordinance No. 4370 (the “Zoning Ordinance of the City of Elkhart, Indiana”), creating the zoning map that established the zoning districts for all real estate located within the corporate boundaries of the City of Elkhart (commonly referred to as the “Zoning Map”); and

WHEREAS, the real estate located at 1637 W. Indiana Avenue, 1643 W. Indiana Avenue, and 1649 W. Indiana Avenue, in the City of Elkhart, Indiana (the “Real Estate”), are all zoned R-3, Two-Family Dwelling District; and

WHEREAS, the owners of the Real Estate petitioned the Elkhart City Plan Commission, requesting to amend the Zoning Map to simplify the zoning of these parcels; and

WHEREAS, the intended use of the Real Estate is not a permitted use, thus requiring that the subject Real Estate be rezoned from R-3, Two-Family Dwelling District to R-2, One-Family Dwelling District, if the owners’ intended use is to be allowed; and

WHEREAS, the rezoning, as petitioned, remains compatible with the adjacent properties and reflects responsible growth and development; and

WHEREAS, on February 7, 2022, the Elkhart City Plan Commission conducted a public hearing on the petition to amend the Zoning Map for the purpose stated herein and voted to forward to this Council the Commission's "DO PASS" recommendation.

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

Section 1. The zoning map created pursuant to and incorporated into Ordinance No. 4370, as amended, the Zoning Ordinance of the City of Elkhart, Indiana, is hereby further amended to rezone from R-3, Two-Family Dwelling District to R-2, One-Family Dwelling District, the following real estate, located in the City of Elkhart, County of Elkhart, State of Indiana, and more-fully described as follows:

Legal Description:

A part of the Southeast Quarter of Section 7, Township 37 North, Range 5 East, Concord Township, Elkhart County, State of Indiana and being more particularly described as follows:

Commencing at the Center of said Section 7; thence South 89°22'34" East along the North line of the Southeast Quarter of said Section 7 a distance of 62.50 feet to the Point of Beginning of this description; thence continuing South 89°22'34" East along the North line of the Southeast Quarter of said Section 7 a distance of 209.23 feet; thence South 0°13'33" East a distance of 181.52 feet; thence North 89°22'34" West a distance of 210.17 feet; thence North 0°4'20" East a distance of

Address(s):

Parcel Identification Number(s):

1637 W. Indiana Avenue , Elkhart, IN 46516
1643 W. Indiana Avenue , Elkhart, IN 46516
1649 W. Indiana Avenue , Elkhart, IN 46516

20-06-07-401-004.000-012
20-06-07-401-003.000-012
20-06-07-401-002.000-012

Section 2. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council.

So ORDAINED this _____ day of _____, _____.

Arvin Dawson
President of the Common council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

Rod Roberson
Mayor



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

January 3, 2022

The Common Council
City of Elkhart
Elkhart, IN 46516

**RE: Petition 22-Z-01
1637 1643 1649 Indiana Avenue West**

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, January 3, 2022**, heard the above petition as prescribed by Section 29.11.B, Map Amendments, a request to rezone the property located at 1637, 1641, and 1649 West Indiana Avenue from R-3, Two-Family Dwelling District to R-2, One-Family Dwelling District.

The Plan Commission **voted 8 to 0 in favor** of this rezoning petition and thus it is sent to the Common Council with a "Do Pass" recommendation.

Sincerely,



Kayla Jewell
Plan Commission Recording Secretary

PLAN COMMISSION CASES FORWARDED TO LEGAL DEPARTMENT
PETITIONER: CHARLES AURAND AND STEVEN AURAND
ADDRESS: 1637 1643 1649 INDIANA AVENUE WEST
CASE NUMBER: 22-Z-01
STAFF RECOMMENDATION REPORT: Copy Attached
ORIGINAL LETTER TO COUNCIL: Copy Attached
COUNCIL DISTRICT: 6
LEGAL DESCRIPTION EMAILED TO JOHN ESPAR ON: 1/3/22
CITY ORDINANCE NUMBER:
COMMENTS:
PREPARED BY: KAYLA JEWELL
DATE COMPLETE PACKET FORWARDED TO LEGAL DEPARTMENT: 1/3/22
NOTES:

Petition: 22-Z-01

Petition Type: Rezoning

Date: January 3, 2021

Petitioner: Charles Aurand and Steven Aurand

Site Location: 1637 1643 1649 Indiana Avenue West

Request: Per Section 29.11.B, Map Amendments, a request to rezone the property located at 1637, 1643, and 1649 West Indiana Avenue from R-3, Two-Family Dwelling District to R-2, One-Family Dwelling District.

Existing Zoning: R-3, Two-Family Dwelling District

Size: +/- .874 Acres

Thoroughfares: Indiana Avenue

School District: Elkhart Community Schools

Utilities: Available and provided



|

Surrounding Land Use & Zoning:

The properties are surrounded by other residential properties, zoned R-2 to the north, south, and west, and R-3 to the east.

Applicable Sections of the Zoning Ordinance:

See enumerated in request.

|

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with low density residential uses.

Staff Analysis

The petitioners own three residential properties comprising three single family dwellings on approximately 1.73 acres of land. The properties currently have split zoning, with R-3 to the north and R-2 to the south, and some of the structures on the properties cross property lines. They are in the process of cleaning up the property lines and rezoning; a minor subdivision application has been submitted simultaneously with this rezoning request, which will be reviewed by Plat Committee. The rezoning will make each parcel a single zoning district, and consolidate the zoning with a block of R-2 to the north, west, and south.

Recommendation

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

- 1) The proposed rezoning is compatible with the Future Land Use map, which calls for the area to be developed with low density residential uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because the properties will continue to be used as single family dwellings;
- 3) The R-2 District does allow for the most desirable uses for which the land can be adapted;
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because it will preserve the use of the property as single family dwellings;
- 5) The rezoning of the property to R-2, Single Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development.

Photos





Attachments

Petition, appeal letter, and site plan.

PETITION NUMBER: 22-2-01

Date Filed: 10/10/2021

PETITION to the PLAN COMMISSION

Petition Type:

Rezoning* _____ PUD* _____ PUD Amendment*
_____ Annexation* _____ Final Site Plan _____ Subdivision
_____ Wireless Communications Facility

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

Property Owner(s): Charles Aurand
Mailing Address: 1643 W Indiana Avenue Elkhart, Indiana 46516
Phone: (574) 596 4286 email: caindianchief@aol.com

Contact Person: Christian F. Marbach, Surveying and Mapping, Inc., Agent
Address: 3220 Southview Drive Elkhart, Indiana 46514
Phone: (574)266 1010 email: chris.marbach@sam.biz

Subject Property Address: 1637, 1643 and 1649 W Indiana Avenue Elkhart, Indiana 46516
Zoning: R 3 to R 2 Present Use: Residential
Proposed Use: Residential

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

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

Optional: any supplementary information you wish to include.

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

PROPERTY OWNER(S) (PRINT) Christian F. Marbach, Agent

SIGNATURES *Christian F. Marbach*

RECEIVED BY: *B&A* DATE: 10/10/2021

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

(staff to complete)

Ordinance Requirement: Sections(s): _____
MAP #: _____ AREA: _____



December 6, 2021

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

RE: Primary Application

The undersigned petitioner(s) respectively shows the Council and Plan Commission:

1. I, Christian F. Marbach, am the agent of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to wit:

Land Description - Doc. 2017-18725 - 1643 W Indiana Avenue - Parcel ID:20-06-07-401-003.000-012

A part of the southeast quarter (1/4) of Section Seven (7), Township Thirty-Seven (37) North, Range Five (5) East, in Concord Township, Elkhart County and State of Indiana, more particularly described as follows: Commencing at a point on the line running east and west through the center of section Seven (7), Thirteen (13) rods east of the center of said section; then south, Nineteen (19) rods to said line; thence east to the place of beginning, containing one-half (1/2) acre more or less.

Land Description - Doc. 2017-18726 - 1637 W Indiana Avenue - Parcel ID: 20-06-07-401-004.000-012

Commencing at the northeast corner of the following described tract: Commencing at a certain stone set as a monument in the public highway running east and west known as the Vistula Road and distant Fourth-five (45) chains and Seventy-eight (78) links west from the northeast corner of the southeast quarter of section Seven (7), in Township Thirty-seven (37) North, Range Five (5) East, for a place of beginning; thence south, Eighty-four (84) rods to the Lake Shore Railway lands; thence east along said Railway, Forty (40) rods less Nine (9) links; thence north to the north line of the southeast quarter of section; thence west along said half section line, Forty (40) rods less Nine (9) links to the beginning. The land intended to be hereby conveyed, beings at the northeast corner of said described tract and thence from said beginnings west, Three and One-half (3 1/2) rods; thence south, Nineteen (19) rods; thence east; Three and One-half (3 1/2) rods, thence North, Nineteen (19) rods to the place of beginning.

Land Description - Doc. 2021-19832 - 1649 W Indiana Avenue - Parcel ID: 20-06-07-401-002.000-012

A part of the Southeast Quarter (SE 1/4) of Section Seven (7), Township Thirty-seven (37) North, Range Five (5) East, to wit:

Commencing at a point on the half section line running east and west seventy-nine and one-half (79 1/2) feet east from the center of said section; thence south nineteen (19) rods; thence east sixty-seven and one half (67 1/2) feet; thence north nineteen (19) rods to the said half section line; thence west along said half section line to the place of beginning, containing ninety-seven two-hundredths (97 /200) of an acre, more or less.

ALSO: Commencing at an iron pipe in the center of the highway running east and west on the quarter line though the center of said section seven (7) at a point three (3) rods and thirteen (13) feet east of the Center of said section;

SAM COMPANIES

3220 Southview Drive / Elkhart, IN 46514
574-266-1010 Office / 574-262-3040 Fax

sam.biz



thence south nineteen (19) rods; thence east seventeen (17) feet; thence north nineteen (19) rods to the center of said highway; thence west along the center of said highway seventeen (17) feet to the place of beginning, containing twelve hundredths (12/100) of an acre, more or less.

ALSO: Commencing at an iron pipe which is four (4) rods thirteen (13) feet and two (2) inches east and nineteen (19) rods south of the center of said section seven (7); thence south three (3) rods; thence east eleven (11) rods eleven (11) feet and nine (9) inches; thence north three (3) rods; thence west eleven (11) rods eleven (11) feet and nine (9) inches to the place of beginning, containing twenty-two hundredths (22/100) of an acre, more or less.

2. The above described real estate presently has a zoning classification of R-2 and R-3 Residential District Under the Zoning Ordinance of the City of Elkhart.
3. Petitioner(s) presently occupies (or proposes to occupy) the above described property in the following manner: The petitioner is in the process of creating a three lot minor subdivision with the above described real estate. This area is split R-2 and R-3 through the middle of the above described real estate and was recommended by the city planner to be rezoned so all parcels would be zoned R-2.
4. Petitioner(s) desires to rezone said real estate to R-2 Residential District for that purpose.
5. Standards for Rezoning
 - The comprehensive plan is to get all of the above described real estate to be under one district zone in order to create a three lot minor subdivision.
 - There are multi-level wood frame homes on each property mentioned above. These homes are in good condition.
 - These will continue to be used for residential use.
 - This would clean up the zoning for each property and put just one zoning ordinance for the above described real estate.
 - This would clean up the zoning and make for less problems in the future.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate ordinance rezoning that above described parcel of land located in the City of Elkhart.

Signature of Property Owner/Agent: *Chris F. Marbach, Agent*
 Printed Name: Christian F. Marbach
 Contact Person: Christian F. Marbach, chris.marbach@sam.biz
 Name: Surveying and Mapping, LLC
 Address: 3220 Southview Drive Elkhart, Indiana 46514
 Phone Number: (574) 266-1010

File Name: Z:\2021\0376-2021\Draw\0376-2021.dwg
 Last Saved: Friday, November 19, 2021 9:29 AM
 Printed: Wednesday, December 08, 2021 8:48 AM



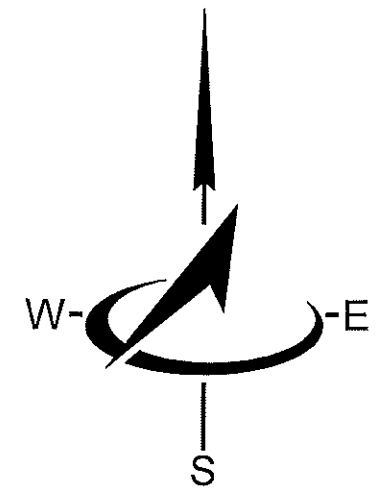
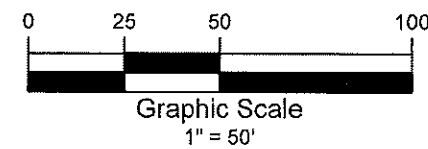
Description of R-3 Area to be Rezoned to R-2

A part of the Southeast Quarter of Section 7, Township 37 North, Range 5 East, Concord Township, Elkhart County, State of Indiana and being more particularly described as follows:

Commencing at the Center of said Section 7; thence South 89°22'34" East along the North line of the Southeast Quarter of said Section 7 a distance of 62.50 feet to the Point of Beginning of this description; thence continuing South 89°22'34" East along the North line of the Southeast Quarter of said Section 7 a distance of 209.23 feet; thence South 0°13'33" East a distance of 181.52 feet; thence North 89°22'34" West a distance of 210.17 feet; thence North 0°4'20" East a distance of 181.51 feet to the Point of Beginning of this Description.

General Notes:

The purpose of this Zone Map Change is to Rezone from R-3 to R-2. The current owner is in the process of creating a 3 Lot Minor Subdivision and making all three Lots the same zoning was recommended by the City of Elkhart to make the Lots uniform. There are three existing drives off of W Indiana Avenue.



SCALE: 1"=50'		Zone Change Petition From R-3 to R-2 1637, 1643 and 1649 W. Indiana Avenue Part of the Southeast Quarter of Section 7, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana	
DATE OF FIELDWORK: N/A			
DATE OF DRAWING: 10/21/2021			
DATE OF CERTIFICATION:		3220 Southview Drive Elkhart, Indiana 46514 (574) 266-1010 Fax: (574) 262-3040 info@sam.biz www.sam.biz	
DATE	REVISION		
CAD FILE: 0376-2021.dwg		© 2021 Surveying & Mapping, LLC	
JOB NUMBER 0376-2021	DRAWN BY LRR	SHEET 1 OF 1	DRAWING NO. C-46205

Client / Owner: Charles Aurand Property Address: 1637, 1643 and 1649 W. Indiana Avenue Elkhart, Indiana

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING FIVE HUNDRED THOUSAND AND 00\100 DOLLARS (\$500,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT THE HOMEOWNER-OCCUPIED PROPERTY REHABILITATION PROGRAM

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

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

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

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

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

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

WHEREAS, 603(c)(1)(A) permits use Fiscal Recovery Funds to respond to the negative economic impacts of the public health emergency, including efforts to address an economic harm resulting from or exacerbated by the public health emergency; and

WHEREAS, in assessing whether a household or population experienced economic harm as a result of the pandemic, it is appropriate to presume that a household or population has experienced negative economic impacts resulting from the pandemic if the population or household has experienced unemployment or increased food or housing insecurity or is within the low or moderate-income levels; and

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

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

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

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

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

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

Section 1. The amount of Five Hundred Thousand Dollars (\$500,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

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

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

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

SO ORDAINED this ____ day of _____, _____.

H. Brent Curry
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this ____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

Development Services

Memo

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

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

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

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

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

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

This allocation will be administered through the Department of Development services, with the Primary Administrator (Director of Development Services), Secondary (Assistant Director of community and Redevelopment), and Staff Intake and Qualifier as (Community Development Specialist – CDBG). The anticipated date of total expenditure of these funds is December 31, 2024.



City of Elkhart

American Rescue Plan

Owner-Occupied Housing Rehabilitation Program Guidelines

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

I. ASSISTANCE TYPES

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

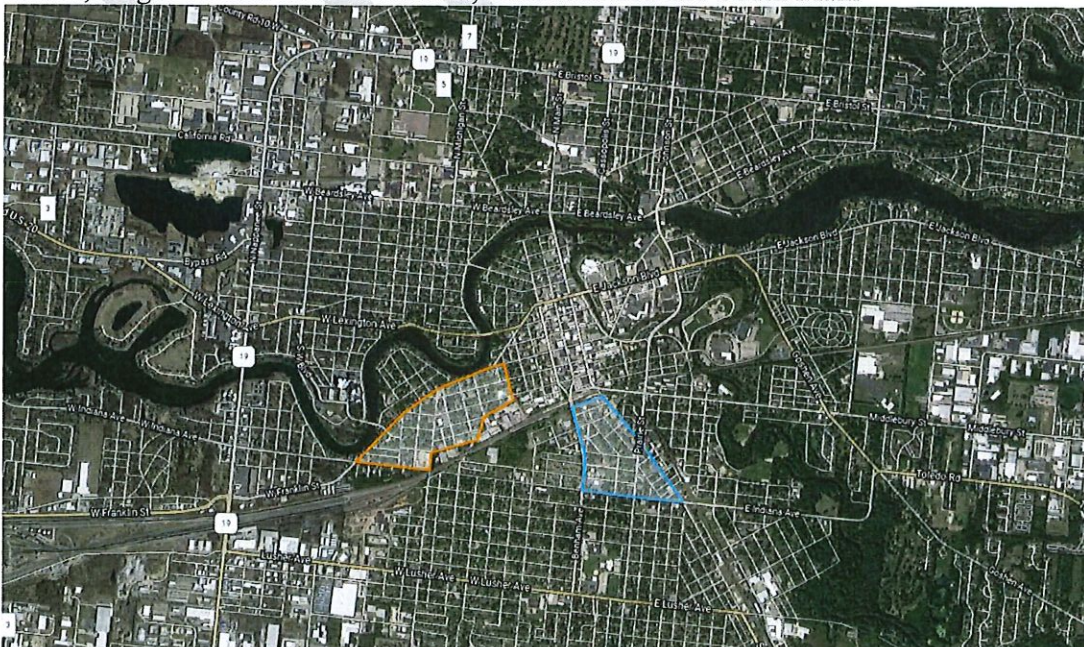
Emergency Home Repair Grant— provides funds for eligible emergency home repairs of up to \$5,000 for homeowners that earn less than 120% of AMI. This is a grant and no repayment of funds expended is required. Recipients of these loans must live within the municipal boundaries of the City of Elkhart.

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

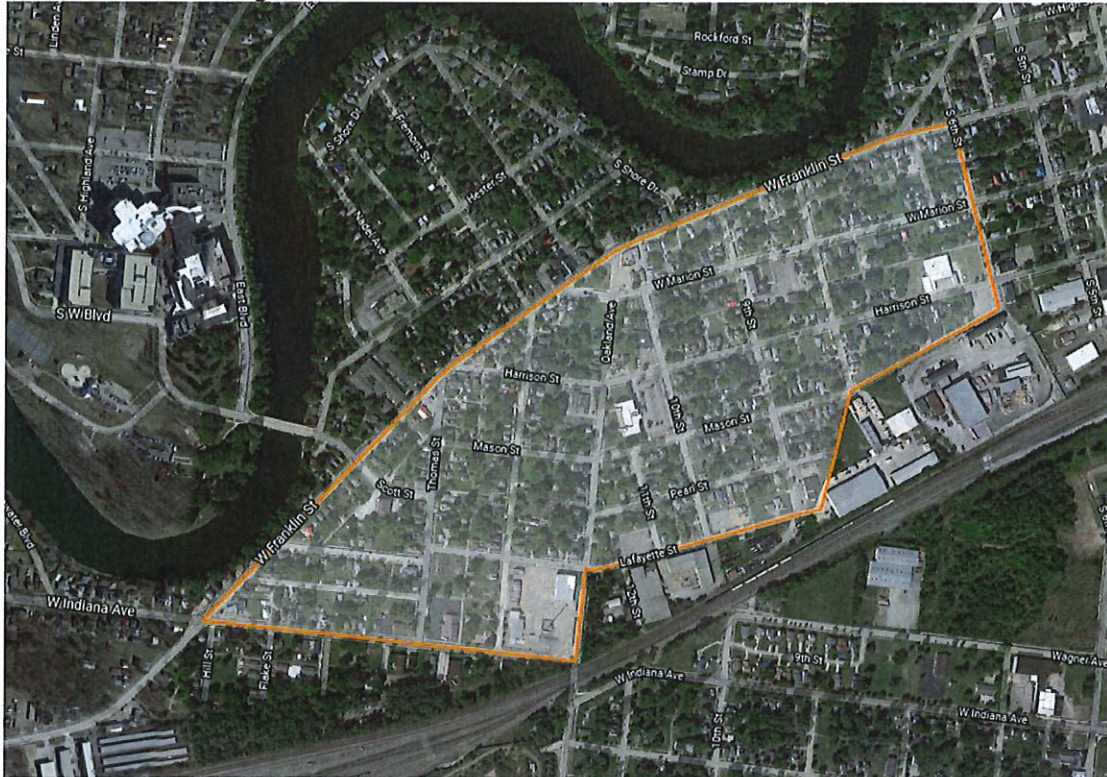
Extra Consideration for Seniors or individuals with Disabilities— a loan made to residents of the City of Elkhart who are 62 or older or who are individuals with disabilities (as defined by SSA). This program is by nature a general rehabilitation loan but increases the consideration for these designated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

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

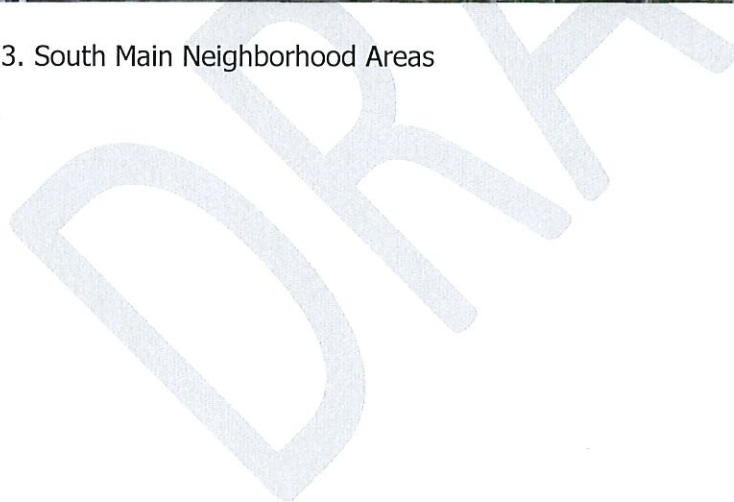
Item 1, neighborhood areas of interest, Franklin Area and South Main

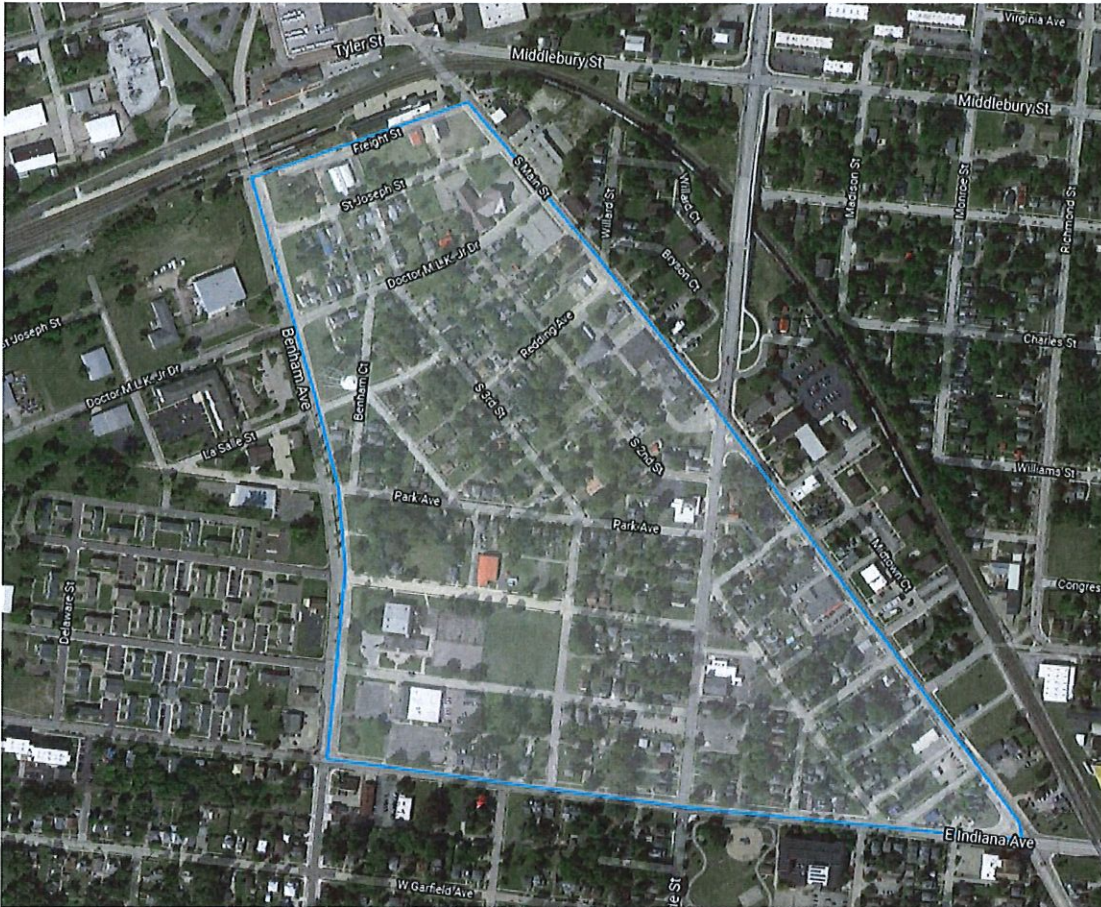


Item 2. Franklin Neighborhood Areas



Item 3. South Main Neighborhood Areas





Item 3. South Main Neighborhood Areas

II. ELIGIBILITY

For the purpose of clarification, the terms "owner-occupant", "homeowner," "applicant" or "borrower" refer to the same person in this program.

A. PROPERTY ELIGIBILITY

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

this program until such time as the issue(s) is (are) resolved.

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

B. APPLICANT ELIGIBILITY

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

C. INCOME ELIGIBILITY

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

determination of the homeowner's income are:

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

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

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

Client Intake Process

II. FINANCING

A. GRANT and FORGIVEABLE LOAN AMOUNTS

The Grant amount shall include the following costs:

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

The Loan amount shall include the following costs:

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

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

B. TERMS OF ASSISTANCE

Terms that Apply to ALL Assistance Types and Amounts

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

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

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

Terms for All Forgivable Loans

Applicants with incomes at 120% or below of AMI will be provided a forgivable loan if project expenses exceed \$5,000. To be eligible for the annual forgivable portion of the loan, the borrower must:

- ✓ maintain their home in good condition free of code violations
- ✓ maintain homeowner’s insurance
- ✓ complete necessary maintenance and repair activities to keep the home in good condition
- ✓ not be in default of any loan condition
- ✓ maintain the home is a safe and sanitary condition
- ✓ remain current residents of the home
- ✓ sell property to an individual at or below 120% income

Affordability Period

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

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

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

Project Investment	\$100- \$5,000	\$5,001 or more
Number of Years	0 years	5 years
Annual Forgivable Percentage	n/a	20%

C. LOAN SECURITY

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

that the borrower is not adequately maintaining the property.

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

IV. REHABILITATION REQUIREMENTS

A. DEFINITION OF CODE

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

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

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

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

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

B. INSPECTIONS AND REHABILITATION WORK LIST/ PROPOSAL

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

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

Alternatively, the applicant may submit a bid or bids by contractors of their selection utilizing the rehabilitation work list prepared by City staff. The contractor selected by the homeowner

must meet minimum requirements for contractors established by the City of Elkhart Building Department and be a qualified contractor under the Community and Redevelopment Department guidelines. The contractor must be authorized by this department via contractors' application approval, signing contractors' agreement, SAM and LDP will be checked.

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

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

C. ELIGIBLE REHABILITATION COSTS

When necessary to meet specific requirements of code or rehabilitation standards, assistance may be used for:

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

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

D. INELIGIBLE REHABILITATION COSTS

Except as otherwise provided for in this section, assistance shall not be used to pay for:

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

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

E. REHABILITATION PRIORITIES

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

First Priorities – Fire, Health, and Safety issues

- Electrical System / Smoke alarms
- Heating System, Water Heater, and/or Gas Lines
- Lead based paint interim controls
- Other urgent items as determined by the Community Development Specialist

Second Priorities – Items that affect the structural integrity of the house

- Plumbing Leaks
- Roof leaks
- Foundation
- Roof (if near end of useful life)

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

Third Priorities – Protection from the weather and Beautification

- Roof (if near end of useful life)
- Exterior painting
- Gutters & downspouts
- Replace missing siding
- Wall and attic insulation

- Windows and exterior doors
- façade upgrades

F. LEAD-BASED PAINT HAZARDS

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

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

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

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

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

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

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

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

For projects above \$15,001, or in the case of a child with an elevated blood-lead level (EBLL), or for projects using the Elkhart County Lead Hazard Control Grant, A risk assessment will be performed to identify all lead-based paint hazards as described above. All hazards will be abated according to HUD guidelines. This normally involves replacing the items or permanently covering them. Only licensed lead-based paint contractors will be allowed to bid or perform the

lead abatement scope of work. In addition to the Clearance Report and Notice of Lead Hazard Reduction, an abatement report (from the abatement contractor) will be given to the homeowner within 60 days from the completion of the project.

V. LOAN APPROVAL

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

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

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

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

VI. LOAN CONDITIONS

A. CONSTRUCTION

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

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

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

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

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

A homeowner may suggest a contractor for their project. This contractor will then need to complete the qualification process designed by the Community and Redevelopment Department

for all contractors participating in this program. If the homeowner does not have a preference, the City will select the contractor whose bid is the lowest, responsive, and responsible. The City reserves the right to reject contractors whom the City believes to be unqualified. The borrower and contractor will be responsible for insuring against loss by fire, windstorm, theft, and other casualty, as well as damage to persons and property on the premises.

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

B. INSPECTIONS

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

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

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

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

C. DISBURSEMENT OF FUNDS

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

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

report when applicable.

D. TESTING

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

E. NON-COLLUSION

Interest of Public Body

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

Bonus, Commission, or Fee

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

F. NON-DISCRIMINATION

Civil Rights

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

Equal Employment Opportunity

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

The City of Elkhart is committed to affirmatively furthering fair housing. The Federal Fair Housing Act of 1968 prohibits discrimination in housing because of race/color, national origin, ancestry, religion, disability, sex or familial status. Call the City of Elkhart Human Relations Commission if you feel you have been a

victim of discrimination at 294-5471 or TDD (574)389-0189



This document was produced with the City of Elkhart Community Development Program through funds made available by the US Department of Housing and Urban Development of Housing and Community Development Act of 1977.

DRAFT

ORDINANCE NO. _____

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

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

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

- (A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;*
- (B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;*
- (C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or*
- (D) to make necessary investments in water, sewer, or broadband infrastructure.*

WHEREAS, among the permitted use of the ARP funds is a use which provides services to communities disproportionately impacted by COVID-19; and

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

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

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

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

WHEREAS, the total estimated investment in the the Neighborhood Opportunity Hub Initiative is approximately Ten Million Dollars (\$10,000,000.00) drawn from public, private, and philanthropic investors, and grants

WHEREAS, the City Administration requests that the Common Council of the City of Elkhart appropriate the sum of Three Hundred Twenty-Two Thousand Three hundred and fifty Dollars (\$322,350.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Negative Economic Impact Account for the Neighborhood Opportunity Hub Initiative; and

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

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

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

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

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

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

SO ORDAINED this _____ day of _____, _____.

H. Brent Curry
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

Rod Roberson
Mayor



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

To: City Council
From: Dayna Bennett
Date: August 12, 2021
Re: ARP Appropriation for Neighborhood Opportunity Hub

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

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

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

The first Neighborhood Opportunity Hub will be located in the Pierre Moran/Tolson community. This neighborhood was chosen because of its diversity in both age and race, higher unemployment and poverty rates than the City of Elkhart as a whole, and its proximity to job opportunities. Some of the key metrics that will be monitored through this program will be around indicators of wealth attainment, key certifications obtained/career pathways accomplished, and small businesses launched/expanded.

We will engage a host of service providers, employers, and community assets to program and possibly locate in the Neighborhood Opportunity Hub. The project is estimated to require an investment of \$10,149,200. We are pursuing a blend of public/private/philanthropic investors, and grants to resource the Hub. We are requesting \$322,350 of ARP funds for programming, site prep, and other related expenses.

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING FOUR MILLION TWO HUNDRED THOUSAND DOLLARS (\$4,200,000.00) FOR THE DESIGN OTHER PROFESSIONAL SERVICES FOR THE NEW PUBLIC SAFETY FACILITIES OF THE ELKHART POLICE DEPARTMENT AND ELKHART FIRE DEPARTMENT

WHEREAS, the City of Elkhart has been engaged in a multi-year process to locate, design and build new public safety facilities for the city; and

WHEREAS, in 2019, the Common Council appropriated Two Million Two Hundred Thousand Dollars (\$2,200,000.00) in connection with the development the public safety project; and

WHEREAS, approximately Two Million One Hundred Thousand Dollars (\$2,100,000.00) of the 2019 public safety project remains and will be released to original fund from which the monies were originally appropriated; and

WHEREAS, the Administration is requesting a new appropriation in the amount of Four Million Two Hundred Thousand Dollars (\$4,200,000.00) for the estimated and foreseeable costs to complete the design and provide the professional inspection and construction management services for the new public safety facilities for the Elkhart Police Department and the Elkhart Fire Department; and

WHEREAS, there exist among the unappropriated funds of the Economic Development Local Income Tax Fund (“EDIT Fund”) of the City of Elkhart, sufficient and appropriate sums for the purposes stated herein.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Elkhart, Indiana, that:

Section 1. The total sum of Four Million Two Hundred Thousand Dollars (\$4,200,000.00) is appropriated from the Economic Development Local Income Tax Fund No. 444 (“EDIT Fund”) and allocated to the following account category in the amount:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
444-5-016-431.0400	Professional Services	\$4,200,000.00

Section 2. The Common Council has fixed the ____ day of _____, 2020, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and the taxpayers of the City of Elkhart, Indiana, shall have then and there the right to be heard.

Section 3. This Ordinance shall be in effect from and after its passage and approval, according to law.

ORDAINED this ____ day of _____, _____.

H. Brent Curry
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

APPROVED by me this ____ day of _____, _____.

ATTEST:

Rod Roberson, Mayor

Debra D. Barrett, City Clerk



M E M O R A N D U M

Date: November 17, 2021

To: Brent Curry, Elkhart City Council President

From: Tory Irwin, City Engineer

RE: Appropriation Request – Public Safety / Fire Stations Design

This appropriation request is for the detailed design and construction management of the proposed Public Safety Facilities and Fire Stations. Surveying and general layout work is currently underway, but an appropriation to finish the design and provide professional inspection/management services during construction is necessary.

The original appropriation from 2019 was for \$2.2 million. Of this amount, approximately \$2.1 million remains. That remaining appropriation will be released. Since the location of the Public Safety / Fire Stations Facilities have been re-evaluated and realigned, we are bringing a new request to the Council. This request will account for all current preliminary design efforts underway (\$700,000) that were under the previous 2019 appropriation, as well as costs to finish design of all sites (\$3,500,000).

This request can eventually be rolled into a bond for the construction of the facilities.

It is requested that the Council appropriate \$4,200,000.00 for design of the new Public Safety and Fire Department facilities.

ORDINANCE NO. _____

**AN ORDINANCE APPROPRIATING ONE MILLION DOLLARS (\$1,000,000.00)
FOR LAND ACQUISITION IN CONNECTION WITH THE NEW PUBLIC
SAFETY FACILITIES FOR THE ELKHART POLICE DEPARTMENT AND
ELKHART FIRE DEPARTMENT**

WHEREAS, the City of Elkhart has been engaged in a multi-year process to locate, design and build new public safety facilities for the city; and

WHEREAS, in 2019, the Common Council appropriated One Million Two Hundred Thousand Dollars (\$1,200,000.00) in connection with the land acquisition costs for the public safety building project for the city; and

WHEREAS, the 2019 appropriation of One Million Two Hundred Thousand Dollars (\$1,200,000.00) will be released to original fund from which the monies were originally appropriated as a new lesser appropriation is requested; and

WHEREAS, the Administration is requesting a new appropriation in the amount of One Million Dollars (\$1,000,000.00) for the estimated land acquisition costs for the new public safety facilities for the Elkhart Police Department and the Elkhart Fire Department; and

WHEREAS, there exist among the unappropriated funds of the Economic Development Local Income Tax Fund (“EDIT Fund”) of the City of Elkhart, sufficient and appropriate sums for the purposes stated herein.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Elkhart, Indiana, that:

Section 1. The total sum of One Million Dollars (\$1,000,000.00) is appropriated from the Economic Development Local Income Tax Fund No. 444 (“EDIT Fund”) and allocated to the following account category in the amount:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
444-5-016-441.0000	Land & Land Improvements	\$1,000,000.00

Section 2. The Common Council has fixed the ____ day of _____, _____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and the taxpayers of the City of Elkhart, Indiana, shall have then and there the right to be heard.

Section 3. This Ordinance shall be in effect from and after its passage and approval, according to law.

ORDAINED this ____ day of _____, _____ .

H. Brent Curry
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

APPROVED by me this ____ day of _____, _____ .

ATTEST:

Rod Roberson, Mayor

Debra D. Barrett, City Clerk

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING ONE MILLION DOLLARS (\$1,000,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE PROVISION OF GOVERNMENT SERVICES ACCOUNT FOR UPGRADES TO THE LERNER THEATRE HEATING, VENTILATION AND AIR CONDITIONING SYSTEM

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

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

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

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

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

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

WHEREAS, the growing necessity of repairs to The Lerner Theatre’s heating, ventilation and air conditioning (HVAC) system has demonstrated that the value of retaining the system has been surpassed the cost of repair to retain it; and

WHEREAS, in May 2021, after conducting a system assessment in which it was determined that the cost of repair for seven (7) out of the ten (10) rooftop units was within a few thousand dollars of the total cost to replacement the units; and

WHEREAS, the Lerner's HVAC system has been well maintained over the ten (10) years since it was installed; however the recent assessment determined that the system was undersized for the HVAC requirements of the building; and

WHEREAS, weather related conditions such as, hail damage and power outages added to further stress to the system, now threatening future disruptions to the existing equipment; and

WHEREAS, to allow adequate time for ordering and installing the system, the project must begin immediately if it is to be installed and operating for the summer 2022 season; and

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

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

WHEREAS, the estimated cost of the entire project is One Million Dollars (\$1,000,000.00); and

WHEREAS, the City Administration requests that the Common Council of the City of Elkhart appropriate a portion of the cost, to wit: One Million Dollars (\$1,000,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Provision of Government Services Account; and

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

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

Section 1. The amount of One Million Dollars (\$1,000,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 176-5-600-439.0061 Provision of Government Services Account

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

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

SO ORDAINED this _____ day of _____, _____.

H. Brent Curry
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk



MEMORANDUM

DATE: 10/28/2021
TO: Elkhart City Common Council
FROM: Rod Roberson, Mayor
RE: Proposed Ordinance 21-O-57-R
ENTITLED: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKHART APPROPRIATING ONE MILLION DOLLARS (\$1,000,000) OF AMERICAN RESCUE PLAN DOLLARS (ARP) FROM THE ARP FUND TO IMPROVE THE AIR QUALITY IN THE LERNER THEATRE

For your consideration is Proposed Ordinance 21-O-57-R (revised) which would appropriate no more than \$1,000,000 from the American Rescue Plan (ARP) dollars for the replacement of the heating, ventilation, and air condition system (HVAC) system in The Lerner Theatre.

Presently, the HVAC in The Lerner is no longer and not functioning at 100%. Some units are working below their capacity and some units have failed completely. The passage of ARP presents an opportunity to replace this HVAC system which will allow ensure proper air circulation that reduces the risk of transmission of airborne pathogens like the COVID-19 virus.

The monies previously appropriated (\$500,000) from the General Fund for this project will be returned to the General Fund.

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE COMMONLY KNOWN AS
25610 COUNTY ROAD 4, ELKHART COUNTY, INDIANA AND 52396 COUNTY ROAD
9, ELKHART COUNTY, INDIANA, AND DECLARING THE SAME TO BE A PART OF
THE CITY OF ELKHART, INDIANA**

WHEREAS, all of the owners of the real property commonly known as 25610 County Road 4, Elkhart County, Indiana and 52396 County Road 9, Elkhart County, Indiana, have petitioned the City of Elkhart to annex said property into the corporate limits of the City of Elkhart and;

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

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

WHEREAS, the real property currently has an Elkhart County zoning designation of GPUD, B-3 Standards and DPUD, B-3, Standards.

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

Section 1. The following described real estate in Elkhart County, Indiana is hereby

annexed into and declared to be a part of the City of Elkhart, Indiana; to-wit:

LOT 1A AND THE 50 FEET OF DEDICATED RIGHT-OF-WAY ALONG COUNTY ROAD 4 AS KNOWN AND DESIGNATED ON THE PLAT OF LAZYDAYS RV D.P.U.D. B-3, RECORDED IN PLAT BOOK 41 PAGE 27 AND DOCUMENT NUMBER 2021-23920, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, ALSO BEING A PART OF THE WEST HALF (W 1/2) OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 5 EAST, SITUATE IN OSOLO TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 5 EAST; THENCE SOUTH 00 DEGREES 16 MINUTES 48 SECONDS EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 1648.73 FEET TO A REBAR WITH CAP (MBW) AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID LINE AND BEARING, A DISTANCE OF 993.06 FEET TO A STONE AT THE CENTER OF SAID SECTION 21; THENCE SOUTH 00 DEGREES 27 MINUTES 05 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 63.98 FEET TO A REBAR WITH CAP (JUSTICE 900004) SET ON THE NORTH RIGHT OF WAY OF THE INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTH 00 DEGREES 27 MINUTES 05 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 317.72 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF THE INDIANA EAST-WEST TOLL ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY, 755.04 FEET ON A CURVE TO THE LEFT HAVING A RADIUS OF 34,227.48 FEET AND A LONG CHORD BEARING NORTH 89 DEGREES 23 MINUTES 03 SECONDS WEST 755.03 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 02 SECONDS WEST, ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 1912.40 TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, ALONG SAID WEST LINE, 320.00 FEET TO A HARRISON MONUMENT AT THE WEST QUARTER CORNER OF SAID SECTION 21; THENCE NORTH 00 DEGREES 01 MINUTES 31 SECONDS WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 888.75 FEET TO A SURVEY MARK SPIKE AT THE SOUTHWEST CORNER OF LAND CONVEYED TO MARK AND NELL MCCREARY IN ELKHART

COUNTY DEED RECORD 91-17594; THENCE NORTH 89 DEGREES 47 MINUTES 03 SECONDS EAST, WITH THE SOUTH LINE OF SAID LAND, 230.02 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 29 SECONDS WEST, WITH THE EAST LINE OF SAID LAND, 100.00 FEET TO A REBAR WITH CAP AT THE NORTHEAST CORNER OF SAID LAND; THENCE NORTH 89 DEGREES 46 MINUTES 59 SECONDS EAST, WITH THE SOUTH LINE OF LANDS CONVEYED TO IRON GATE I, LLC IN ELKHART COUNTY DEED RECORD 2008-21017, SCHROCK INVESTMENTS, LLC IN ELKHART COUNTY DEED RECORD 2005-18868 AND ELKHART CAMPGROUND, INC. IN ELKHART COUNTY DEED RECORD 2015-23973, A DISTANCE OF 2429.81 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

Section 2. Once annexed into the City, the Zoning Map created pursuant to and incorporated into Ordinance No. 4370 of the City of Elkhart, as amended, (“Zoning Ordinance”) shall show the real estate described in Section 1 as zoned GPUD, B-3 Standards and DPUD, B-3, Standards. The real estate shall be subject to all applicable requirements of the Zoning Ordinance, as amended, as well as all other applicable ordinances and regulations of the City of Elkhart.

Section 3. The real estate described in Section 1 is assigned to the THREE (3) Councilmanic District.

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

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

[Signature pages follow]

ORDAINED this _____ day of _____, _____.

H. Brent Curry
President of the Common Council

ATTEST:

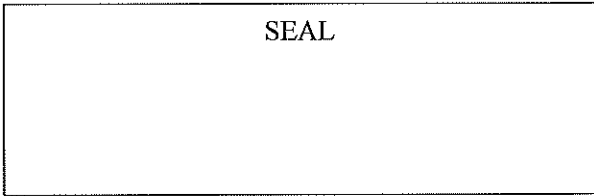
By: _____
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____, _____.

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



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

Debra D. Barrett, City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

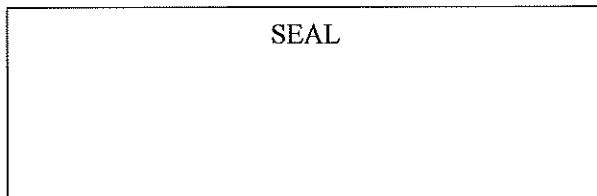
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____,
_____.

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



EXECUTED AND DELIVERED in my presence:

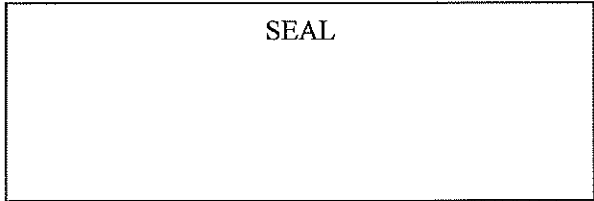
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____,
_____.

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



This document was prepared by John M. Espar, Attorney No. 20758-46, as Corporation Counsel for the City of Elkhart, 229 S. Second Street, Elkhart, Indiana 46516. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. John M. Espar

Rod Roberson
Mayor



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

To: City Council

From: Ryan Smith 

Date: January 3, 2022

Re: 21-ANX-05, 25610 C.R. 4 and 52396 C.R. 9

This is a request to annex two parcels into the city located generally north of the Toll Road, south of CR 4, and east of C.R. 9. The properties are zoned GPUD B-3 and DPUD B-3. The northern parcel has already been developed with an RV sales and service business; the petitioner intends to develop the property further with a new RV Service Center, Pre-Delivery Inspection Facility and Distribution Center. This annexation is advantageous to the City as it provides for economic development and an increase to the tax base with a modest increase in costs for service provision.

Rod Roberson
Mayor



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

January 3, 2022

The Common Council
City of Elkhart
Elkhart, IN 46516

RE: Petition 21-ANX-05
25610 County Road 4 and 52396 County Road 9

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, January 3, 2022**, heard the above petition as prescribed by Section 29.11.B, a request to annex two (2) parcels located 25610 County Road 4 and 52396 County Road 9, land containing approximately 104.67 acres.

The Plan Commission **voted 7 to 0 in favor** of this annexation petition and thus it is sent to the Common Council with a "Do Pass" recommendation.

Sincerely,

Kayla Jewell
Plan Commission Recording Secretary

PLAN COMMISSION CASES FORWARDED TO LEGAL DEPARTMENT
PETITIONER: LD ELKHART IN LANDLORD, LLC
ADDRESS: 25610 COUNTY ROAD 4 AND 52396 COUNTY ROAD 9
CASE NUMBER: 21-ANX-05
STAFF RECOMMENDATION REPORT: Copy Attached
ORIGINAL LETTER TO COUNCIL: Copy Attached
COUNCIL DISTRICT: 3
LEGAL DESCRIPTION EMAILED TO JOHN ESPAR ON: 1/3/22
CITY ORDINANCE NUMBER:
COMMENTS:
PREPARED BY: KAYLA JEWELL
DATE COMPLETE PACKET FORWARDED TO LEGAL DEPARTMENT: 1/3/22
NOTES:



City of Elkhart

Staff Report

Planning & Zoning

Petition: 21-ANX-05

Petition Type: Annexation Request

Date: January 3, 2022

Petitioner: LD Elkhart IN Landlord, LLC

Site Location: 25610 County Road 4 and and 52396 County Road 9

Request: As prescribed by Section 29.11.B, a request to annex two (2) parcels located 25610 County Road 4 and 52396 County Road 9, land containing approximately 104.67 acres.

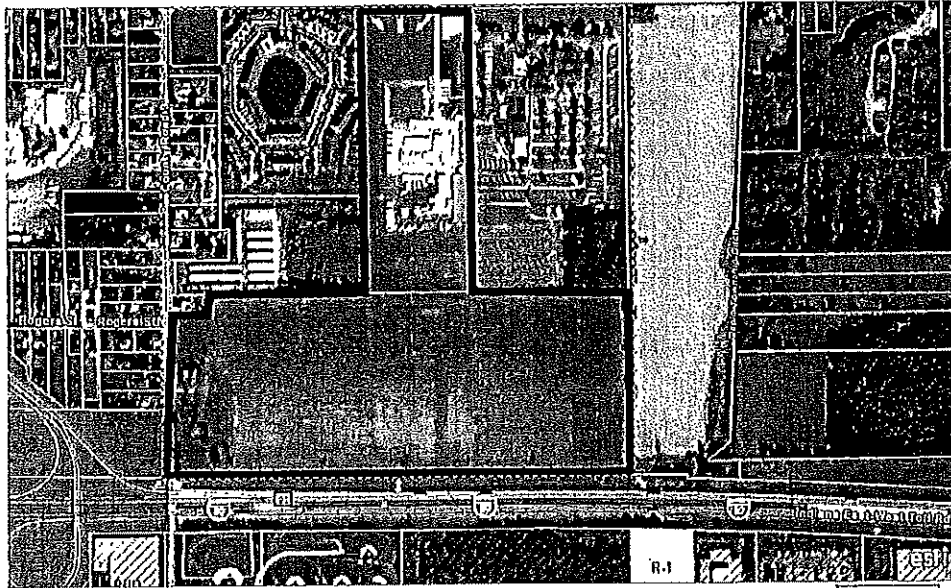
Existing Zoning: DPUD B-3, Detailed Planned Unit Development to the B-3 Standards, and GPUD B-3, General Planned Unit Development to the B-3 Standards

Size: +/- 104.67 Acres

Thoroughfares: County Road 4

School District: Elkhart Community Schools

Utilities: Available and provided to site



Surrounding Land Use & Zoning:

The property is located in a mixed residential, commercial, and agricultural area. It is bordered to the south by the toll road and to the east is vacant/agricultural property zoned A-1 in Elkhart County, as well as a commercial DPUD B-3 to the east. Land to the north is generally residential zoned R-4 in the County. Land to the west is generally a commercial property zoned DPUD A-1 and residential properties zoned A-1 in the County.

Applicable Sections of the Zoning Ordinance:

Section 29: Administration and Enforcement, 29.11 Amendments

Comprehensive Plan:

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

Staff Analysis

This staff report is being prepared for annexation 21-ANX-05 to annex land generally to the south of County Road 4, east of Johnson Street, and north of the Toll Road, Elkhart, Indiana 46514, Osolo Township.

The land in the petition is partially developed and zoned commercially under two separate PUDs in Elkhart County's jurisdiction, the Project Cardinal GPUD B-3 and the LazyDays RV DPUD B-3. The northern parcel has already been developed with an RV sales and service business; the petitioner intends to develop the property further with a new RV Service Center, Pre-Delivery Inspection Facility and Distribution Center. The proposed use would be allowed under the stipulations of these PUDs adopted under Elkhart County's jurisdiction. A conceptual site plan is included; the project has not yet been submitted to the City's Technical Review process.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately 105 acres. The territory to be annexed is approximately 18% contiguous to the current City limits, being contiguous on its northern and eastern boundaries. The contiguity requirement stated in the Indiana Code is 12.5%.

Recommendation

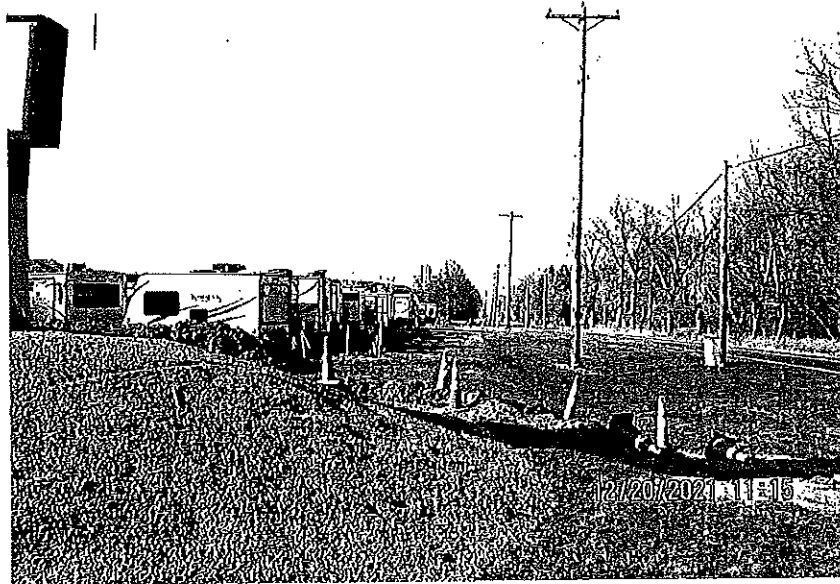
Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

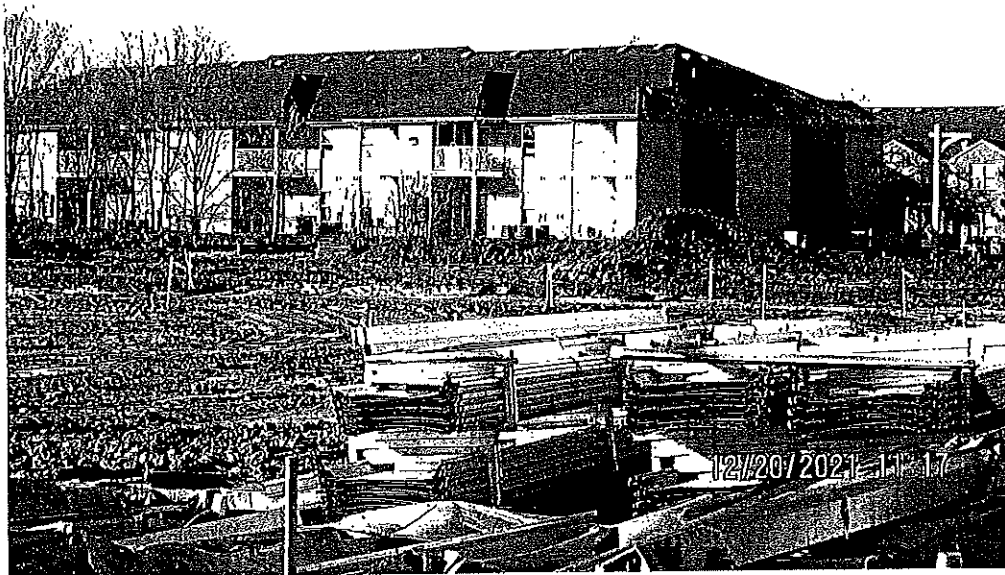
1. The area to be annexed meets all applicable requirements of IC 36-4-3;
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as commercial.
3. The current conditions and the character of current structures under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

Attachments

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

Photos









legLEGAL NOTICE #21-ANX-05

Hearing on proposed Annexation #21-ANX-05

NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **MONDAY, JANUARY 3, 2022 at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on an Annexation Petition #21-ANX-05.

Petitioner: LD Elkhart IN Landlord, LLC

Request: As prescribed by Section 29.11.B, a request to annex two (2) parcels located 25610 County Road 4 and 52396 County Road 9, land containing approximately 104.67 acres.

Location: 25610 County Road 4 and and 52396 County Road 9

Zoning: DPUD B-3, Detailed Planned Unit Development to the B-3 Standards, and GPUD B-3, General Planned Unit Development to the B-3 Standards

This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <http://coei.webex.com>, enter 2318 571 8149 as the meeting number and "Plan" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to Kayla.Jewell@coei.org prior to the meeting.

LEGAL DESCRIPTION:

LOT 1A AND THE 50 FEET OF DEDICATED RIGHT-OF-WAY ALONG COUNTY ROAD 4 AS KNOWN AND DESIGNATED ON THE PLAT OF LAZYDAYS RV D.P.U.D. B-3, RECORDED IN PLAT BOOK 41 PAGE 27 AND DOCUMENT NUMBER 2021-23920, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, ALSO BEING A PART OF THE WEST HALF (W 1/2) OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 5 EAST, SITUATE IN OSOLO TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 5 EAST; THENCE SOUTH 00 DEGREES 16 MINUTES 48 SECONDS EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 1648.73 FEET TO A REBAR WITH CAP (MBW) AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID LINE AND BEARING, A DISTANCE OF 993.06 FEET TO A STONE AT THE CENTER OF SAID SECTION 21; THENCE SOUTH 00 DEGREES 27 MINUTES 05 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 63.98 FEET TO A REBAR WITH CAP (JUSTICE 900004) SET ON THE NORTH RIGHT OF WAY OF THE INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTH 00 DEGREES 27 MINUTES 05 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 317.72 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF THE INDIANA EAST-WEST TOLL ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY, 755.04 FEET ON A CURVE TO THE LEFT HAVING A RADIUS OF 34,227.48 FEET AND A LONG CHORD BEARING NORTH 89 DEGREES 23 MINUTES 03 SECONDS WEST 755.03 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 02 SECONDS WEST, ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 1912.40 TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, ALONG SAID WEST LINE, 320.00 FEET TO A HARRISON MONUMENT AT THE WEST QUARTER CORNER OF SAID SECTION 21; THENCE NORTH 00 DEGREES 01 MINUTES 31 SECONDS WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 888.75 FEET TO A SURVEY MARK SPIKE AT THE SOUTHWEST CORNER OF LAND CONVEYED TO MARK AND NELL MCCREARY IN ELKHART COUNTY DEED RECORD 91-17594; THENCE NORTH 89 DEGREES 47 MINUTES 03 SECONDS EAST, WITH THE SOUTH LINE OF SAID LAND, 230.02 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 29 SECONDS WEST, WITH THE EAST LINE OF SAID LAND, 100.00 FEET TO A REBAR WITH CAP AT THE NORTHEAST CORNER OF SAID LAND; THENCE NORTH 89 DEGREES 46 MINUTES 59 SECONDS EAST, WITH THE SOUTH LINE OF LANDS CONVEYED TO IRON GATE I, LLC IN ELKHART COUNTY DEED RECORD 2008-21017, SCHROCK INVESTMENTS, LLC IN ELKHART COUNTY DEED RECORD 2005-18868 AND ELKHART CAMPGROUND, INC. IN ELKHART COUNTY DEED RECORD 2015-23973, A DISTANCE OF 2429.81 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION,

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Commission, located in the Planning Office, prior to the hearing

will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 17th day of December, 2021, by the City of Elkhart, Plan Commission.

Publication Date: 12/23/2021

NOTE NOT FOR PUBLICATION . . . The City of Elkhart Planning Department, Municipal Building, 229 South Second Street, Elkhart, IN 46516 . . . should be billed for the cost of this publication. Please send proof of publication to this address. Thank you.

PETITION NUMBER: 21-ANx-05 Date Filed: 10/8/21

**PETITION
to the PLAN COMMISSION**

Petition Type:

Rezoning* PUD* PUD Amendment*
 Annexation* Final Site Plan Subdivision
 Wireless Communications Facility

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

Property Owner(s): LD Elkhart IN Landlord, LLC
Mailing Address: 3333 Peachtree Road, NE, 7th Floor, Atlanta, GA 30326
Phone: (474) 787-2425 email: sam.clark@travist.com

Contact Person: Debra Hughes, Surveying and Mapping LLC
Address: 3220 Southview Drive, Elkhart, IN 46514
Phone: (574) 266-1010 email: debra.hughes@sam.biz

Subject Property Address: 25610 County Road 4, Elkhart, IN 46514
Zoning: DPUD B-3 Present Use: RV Sales and Service
Proposed Use: RV Sales and Service, Future RV Pre-Delivery Inspection Facility

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

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

Optional: any supplementary information you wish to include.

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

PROPERTY OWNER(S) (PRINT) LD Elkhart IN Landlord, LLC

SIGNATURES: [Signature] Allison McLeod

RECEIVED BY: [Signature] DATE: 10/8/21

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

(staff to complete)

Ordinance Requirement: Sections(s): _____
MAP #: _____ AREA: _____

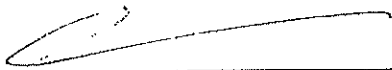
AFFIDAVIT IN SUPPORT OF ANNEXATION PETITION

I, Allison McLeod, in her capacity as Manager of SunTrust Equity Funding, LLC, which is the manager of STEF NLIP, LLC, which, in turn, is the manager of LD Elkhart IN Landlord, LLC, a Delaware limited liability company (the "Owner"), being first duly sworn upon her oath deposes and says that she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of the annexation petition of the Owner filed contemporaneously herewith.
3. I am now and at all times relevant herein have been the Manager of the ultimate manager of Owner, and Owner is the record owner of the property located at 25610 County Road 4, Elkhart, Indiana.
4. Further affiant sayeth not.

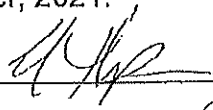
I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

EXECUTED on the 21 day of September, 2021



Printed Name: Allison McLeod

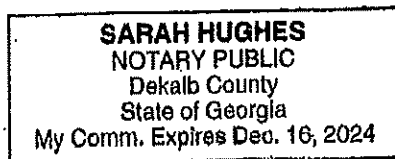
Before me the undersigned, a Notary Public in and for the State of Georgia, personally appeared Allison McLeod and acknowledged her execution of the foregoing. Subscribed and sworn to before me this 21 day of September, 2021.



Printed Name: Sarah Hughes

My commission expires:

Notary Public
in and for the State of Georgia,
Resident of Fulton County



Date: September 29, 2021

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

The undersigned Appellant respectfully shows the Council and Plan Commission:

1. LD Elkhart IN Landlord, LLC is the owner of the following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana, to-wit:

LAND DESCRIPTION FOR ANNEXATION

LOT 1A AND THE 50 FEET OF DEDICATED RIGHT-OF-WAY ALONG COUNTY ROAD 4 AS KNOWN AND DESIGNATED ON THE PLAT OF LAZYDAYS RV D.P.U.D. B-3, RECORDED IN PLAT BOOK 41 PAGE 27 AND DOCUMENT NUMBER 2021-23920, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, ALSO BEING A PART OF THE WEST HALF (W 1/2) OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 5 EAST, SITUATE IN OSOLO TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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MARK AND NELL MCCREARY IN ELKHART COUNTY DEED RECORD 91-17594; THENCE NORTH 89 DEGREES 47 MINUTES 03 SECONDS EAST, WITH THE SOUTH LINE OF SAID LAND, 230.02 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 29 SECONDS WEST, WITH THE EAST LINE OF SAID LAND, 100.00 FEET TO A REBAR WITH CAP AT THE NORTHEAST CORNER OF SAID LAND; THENCE NORTH 89 DEGREES 46 MINUTES 59 SECONDS EAST, WITH THE SOUTH LINE OF LANDS CONVEYED TO IRON GATE I, LLC IN ELKHART COUNTY DEED RECORD 2008-21017, SCHROCK INVESTMENTS, LLC IN ELKHART COUNTY DEED RECORD 2005-18868 AND ELKHART CAMPGROUND, INC. IN ELKHART COUNTY DEED RECORD 2015-23973, A DISTANCE OF 2429.81 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION,

2. The above-described real estate presently has a zoning classification of:
D.P.U.D. B-3 and G.P.U.D. B-3
3. Petitioner proposed to occupy the above-described property in the following manner:

The site is currently used for Recreational Vehicles Sales and Service and for agriculture.

The owner plans to construct a new RV Service Center, Pre-Delivery Inspection Facility and Distribution Center on the property. B-3 Business District is requested for storage of units, service bays, quality control, pre-delivery inspections and minor customization of units. There may be limited retail sales. Units would be distributed to regional Lazydays RV dealerships.

All service work will take place inside the proposed building. Pickup trucks and forklifts will be used to move vehicles into and out of parking spaces. No outdoor loudspeakers will be used. Any outdoor lighting would be downcast. The owner will provide a photometric study to indicate no lighting would reach adjoining properties, during the DPUD process. No equipment will be used that would cause vibrations.

A conceptual Site Plan is included for reference.

4. Petitioner desires to annex and zone said real estate to P.U.D. District under the City of Elkhart Zoning Ordinance for that purpose.
5. Petitioner has presented evidence to the City Engineer that the property to be annexed is 18.0 percent contiguous to the City limits and therefore eligible for annexation.

6. Petitioner believes the annexation will be mutually beneficial because:
- A. The area to be annexed meets all applicable requirements of IC 36-4-3.
 - B. The property is adjacent to other B-3 and DPUD B-3 uses in the area.
 - C. The Petitioner is currently building a larger RV Sales and Service facility on the north part of the property.
 - D. The annexation is in accordance with the most desirable use.
 - E. The annexation will conserve property values throughout the area.
 - F. The annexation presents responsible growth and development of the City of Elkhart.
 - G. The property will be developed with recreational vehicle related uses that will generate tax revenue to the City.
 - H. The property will be connected to City Sanitary Sewer and Water services which will generate utility revenue to the City.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this annexation request and that after such hearing, the Plan Commission make a "Do Pass" recommendation and the Council, after hearing, pass on appropriate ordinance annexing the above-described parcel of land to the City of Elkhart.

Parcel No: 20-02-21-126-006.000-026, 20-02-21-176-002.000-026,
and part of 20-02-21-401-011.000-026

LD ELKHART IN LANDLORD, LLC,
a Delaware limited liability company

By: STEF NLIP, LLC, a Delaware limited liability company, its sole member

By: SUNTRUST EQUITY FUNDING, LLC,
a Delaware limited liability company,
its sole member

By: _____

Name: Allison McLeod

Title: Manager

3333 Peachtree Road, NE, 7th Floor
Atlanta, Georgia 30326

*Documents prepared by
Surveying and Mapping LLC
3220 Southview Drive, Elkhart, IN 46514
Phone: (574) 266-8710
Fax: (574) 262-3040
Contact: Debra Hughes, P.E., debra.hughes@sam.biz .*

Smith, Ryan

From: Debra Hughes <debra.hughes@sam.biz>
Sent: Friday, October 8, 2021 3:17 PM
To: Smith, Ryan
Subject: Lazydays RV Annexation Petition Assessed Valuation Estimate
Attachments: LD Elkhart IN Landlord LLC Assessed Valuation Estimate.pdf

Hello Ryan:

Attached to this email is the Assessed Valuation Estimate requested for this petition.

Please let me know if you have any questions or need any additional information. Thank you for your assistance.

Best regards,

Debra Hughes, P.E.
Senior Project Engineer
Member, American Society of Civil Engineers

Surveying And Mapping LLC
3220 Southview Drive
Elkhart, Indiana 46514
(574) 266-1010 Office
(574) 333-6328 Cell
NEW EMAIL: debra.hughes@sam.biz

Formerly Marbach Brady & Weaver and Marbach-Palm

Surveying And Mapping, LLC (SAM) Texas Firm Registration No. 10064300
SAM-Construction Services, LLC is Texas Board of Professional Engineers Registered Firm No. 13921
Notice regarding email confidentiality and contact information at www.sam.biz/terms-use/#email-notice

LD Elkhart IN Landlord LLC
Lazydays RV Sales and Service Center
25610 County Road 6
Elkhart, Indiana 46514

Current and Projected Assessed Valuation

Parcel No.	Address	Area	Current Assessed Value	Projected Assessed Value
20-02-21-176-002.000-026	52396 County Rd 9 Elkhart, IN 46514	22.00 Ac.	\$140,700	\$2,000,000
20-02-21-126-006.000-026	25610 County Rd 4 Elkhart, IN 46514	63.09 Ac.	\$648,300	\$4,000,000
20-02-21-401-011.000-026	Indiana Toll Road No address	19.58 Ac.	\$0	\$0
		Total	\$789,000	\$6,000,000

Memo



City of Elkhart
Public Works and Utilities

To: Debra Hughes, P.E. – Surveying and Mapping LLC
From: Timothy D. Reecer, Executive Services Manager
Date: September 21, 2021
Re: Lazydays RV Annexation Contiguity

The parcels identified as 20-02-21-126-006.000-026 & 20-02-21-176-002.000-026, more commonly known as, 25610 CR 4 and 52396 CR 9 has an approximate perimeter of 11,372 feet and a contiguous edge of approximately 2,052 feet. Based on these measurements the parcels in question are approximately 18% contiguous to the current City limits. This percentage exceeds the minimum requirement of 12.5% and is eligible for annexation. Please note, these calculations are based upon the inclusion of the Indiana East West Toll Road property and not solely upon the two above mentioned parcels.

Rod Roberson
Mayor



Development Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.970.1361

Proposed Resolution 22-R-04

DATE: June 15, 2021
TO: Elkhart Common Council Members
FROM: Kristen Smole, Economic Development Specialist
RE: Tax Phase-In Application for Marson International

Background:

Marson International has become the leader in large and small diameter tube fabrication for a diverse customer base. Marson International maintains a comprehensive, versatile, state-of-the-art production facility capable of manufacturing the most critical and sophisticated tube assemblies. Their capabilities meet a range of production needs, from rapid prototyping, through low and mid volume production, to high volume runs requiring manufacturing cells. Through a partnering approach with both customer and suppliers, they assure delivery of superior product through the most efficient means.

Private Investment:

Marson International plans to invest \$1,000,000 in real estate improvements and \$2,000,000 in personal property, for a total of a \$3,000,000 investment. The investment is projected to create 10 new positions. The approximate median annual wage will be \$50,000. The total tax revenue generated from the proposed three-year phase-in schedule will be \$188,973, and we project that the total tax savings will be \$66,219.

The project is being phased-in five years for personal property. The tables below show the planned investments in real estate improvements and personal property.

Calendar Year	2021	2022	2023	2024	Total
Land acquisition					
New building construction					
Existing building improvements		\$1,000,000			\$1,000,000
Manufacturing equipment		\$2,000,000			\$2,000,000
Research and Development Equipment					
Logistics and Distribution equipment					

On-site rail infrastructure					
On-site fiber infrastructure					
Grand Total	\$0	\$3,000,000	\$0	\$0	\$3,000,000

Projected Phasing of new jobs

Calendar Year	2021	2022	2023	2024	Total
Management					
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision					
Production		10			10
Maintenance					
Other					
Total	0	10	0	0	10

The median annual wage at Marson International for production will be \$50,000.

Recommendation:

Our staff, with support from the EDC, is recommending a three-year personal property tax phase-in. Per the EDC's Project Impact Estimate Sheet, the total tax revenue generated from the proposed three-year phase-in schedule will be \$188,973 and we project the total tax savings will be \$66,219.

RESOLUTION NO. R _____

**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 MARSON INTERNATIONAL LLC**

WHEREAS, Indiana Code 6-1.1-12.1 (the "Act") authorizes the Common Council of the City of Elkhart, Indiana ("Common Council") to designate an area within the territorial boundaries of the City of Elkhart, Indiana as an economic revitalization area, as that term is defined in Section 1 of the Act, for the purpose of allowing certain qualified businesses the right to receive deductions from the assessed value of improvements made to real property and personal property located in the economic revitalization area; and

WHEREAS, Marson International LLC, (hereinafter the "Applicant\Property Owner") filed an application with the City of Elkhart, requesting that the real estate described in Exhibit A attached to this Resolution (the "Area") be designated as an economic revitalization area by the Common Council for the purpose of allowing a deduction from the assessed value of the real property improvements, consisting of acquisition of existing structure and building improvements for upgrades to existing structure (the "Project") and from the assessed value of the manufacturing equipment for new equipment consisting a tube laser and two (2) robotic CNC tuber benders (the "New Equipment"); and

WHEREAS, the Applicant\Property Owner filed with the City a Statement of Benefits Form (SB-1/Real Property) for the Project and a Statement of Benefits Form (SB-1/Personal Property) for the New Equipment (collectively the "Statement of Benefits"); and

WHEREAS, prior to the commencement of the Project in the Area, the Area had become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values and prevented normal development and use of the property; and

WHEREAS, the Common Council has caused to be prepared maps and plats showing the boundaries of the Area; and

WHEREAS, the Common Council has studied the Area and considered the Applicant\Property Owner's request to designate the Area as an economic revitalization area and the Applicant\Property Owner's Statement of Benefits.

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

1. After considering the evidence presented at the public meeting conducted this date,

the Common Council hereby finds and determines that:

A. the estimate of the value of the Project in the Area is reasonable for projects of this nature, and the estimate of the cost of the New Equipment is reasonable for equipment of this type in this Area;

B. the estimate of the number of individuals who will be employed or whose employment will be retained in the Area can reasonably be expected to result from the Project and installation of the New Equipment;

C. the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained in the Area can reasonably be expected to result from the Project and installation of the New Equipment;

D. the other benefits about which information was requested are benefits that can reasonably be expected to result from the Project and installation of the New Equipment; and

E. the totality of benefits is sufficient to justify declaring the Area as an economic revitalization area and allowing deductions in accordance with the Act.

2. The Area is hereby designated an economic revitalization area under Section 2.5 of the Act (the "ERA") and subject to the requirements of the Act for the purpose of allowing a deduction from the assessed value of the Project and installation of the New Equipment. The designation of the Area as an ERA shall expire on December 31, 2023.

3. The Administrative Assistant of the Common Council is hereby authorized and directed to make all filings necessary or desirable with the Elkhart County Assessor, to publish all notices required by the Act, and to take all other necessary actions to carry out the purposes and intent of this Resolution and to establish and designate the Area as an economic revitalization area.

4. The Administrative Assistant of the Common Council is further authorized and directed to file this Declaratory Resolution, together with any supporting information, with each of the officers of each taxing unit that has authority to levy property taxes in the Area, as provided in the Act.

5. This Declaratory Resolution shall be submitted to the public for hearing and remonstrance as provided by the Act; and said public hearing shall be convened by the Common Council on March 7, 2022, at 7:00 p.m., at the City Hall, 229 S. Second Street, Elkhart, Indiana 46516.

6. In accordance with Section 2.5(b) of the Act, the Common Council hereby determines that a deduction for the Project under Section 3 of the Act shall be allowed for a period of three (3) years. The amount of the deduction for each eligible year shall be according to the following deduction schedule:

YEAR OF REDEVELOPMENT AND REVITALIZATION OF THE REAL ESTATE	2023 Payable 2024	2024 Payable 2025	2025 Payable 2026	2026 Payable 2027	2027 Payable 2028	2028 Payable 2029
2023	100%	66%	33%	-	-	-
2024	-	100%	66%	33%	-	-
2025	-	-	100%	66%	33%	-

7. In accordance with Section 2.5(b) of the Act, the Common Council hereby determines that a deduction for the installation of the New Equipment under Section 4.5 of the Act shall be allowed for a period of three (3) years. The amount of the deduction for each eligible year shall be according to the following deduction schedule:

YEAR EQUIPMENT INSTALLED IN THE IN THE ERA	2023 Payable 2024	2024 Payable 2025	2025 Payable 2026	2026 Payable 2027	2027 Payable 2028	2028 Payable 2029
2023	100%	66%	33%	-	-	-
2024	-	100%	66%	33%	-	-
2025	-	-	100%	66%	33%	-

8. The Common Council, with the consent of property owner, adopts and incorporates by reference into this Resolution the provisions of Indiana Code 6-1.1-12.1-14 and imposes a fee on the property owner equal to 15% of the tax savings as determined under Indiana Code 6-1.1-12.1-14(c).

9. The Common Council hereby adopts and incorporates by reference the provisions of Indiana Code 6-1.1-12.1-12, providing that if the owner of the property owner or tenant of the property, ceases operations at the facility for which the deduction was granted, and the designating body finds that the Applicant or property owner obtained the deduction by intentionally providing false information concerning the Applicant's or property owner's plans to continue operations at the facility, the property owner shall pay the amount determined by the County Auditor pursuant to law, after an appeal, if any.

10. The Common Council's designation of the Area as an economic revitalization area shall terminate after a public hearing held by the Common Council in accordance with the Act if the Applicant and/or property owner:

A. fails to substantially complete the Project, install the proposed New Equipment, and create and maintain the level of benefits described in the Statement of Benefits;

B. fails to enter into a written agreement with the City of Elkhart confirming the Applicant\Property Owner's commitment to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in the Statement of Benefits; or

C. fails to continue operations at the facility for which the deduction was granted; or

D. intentionally provides false information to the designating body concerning the Applicant's or property owner's plans to continue operations at the facility.

11. The provisions of this Declaratory Resolution shall be subject in all respects to the Act and any amendments thereto.

12. This Declaratory Resolution shall take effect upon its adoption.

RESOLVED this ____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

Exhibit A

Description of Real Property

The real property comprising the Economic Revitalization Area is described as follows:

Property Address:

3630 Manchester Drive, Elkhart, IN 46514

Parcel Number(s):

20-05-02-176-032.000-006

Legal Description:

TRACT L:

A PART OF THE NORTHEAST FRACTIONAL QUARTER (FR. NE L/4) SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FOUR (4) EAST, ELKHART COUNTY, INDIANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID FRACTIONAL QUARTER SECTION; THENCE NORTH ZERO (0) DEGREES THREE (03) MINUTES WEST ALONG THE WEST LINE OF SAID FRACTIONAL QUARTER SECTION, ONE THOUSAND TWO HUNDRED EIGHTY-ONE AND TWENTY-THREE HUNDREDTHS (1281.23) FEET TO THE SOUTH LINE OF PENN CENTRAL RAILROAD, THE PLACE OF BEGINNING OF THIS DESCRIPTION;

THENCE NORTH EIGHT-NINE (89) DEGREES FIFTY-NINE (.59) MINUTES EAST, ALONG SOUTH LINE OF SAID RAILROAD, SIX HUNDRED EIGHT AND TWENTY-ONE HUNDREDTHS (608.21) FEET; THENCE DUE SOUTH FOUR HUNDRED THIRTY-EIGHT (438) FEET TO THE NORTH LINE OF LEXINGTON PARK DRIVE; THENCE SOUTH EIGHTY-NINE (89) DEGREES FIFTY-NINE (59) MINUTES WEST, ALONG THE NORTH LINE OF SAID DRIVE, TWENTY-EIGHT AND ONE HUNDREDTHS (28.01) FEET TO THE P.O.C. OF A CURVE TO THE LEFT WITH A RADIUS OF ONE HUNDRED EIGHTY (180) FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, ONE HUNDRED TWENTY-TWO AND NINETY-NINE HUNDREDTHS (122.99) FEET TO A POINT ON CURVE; THENCE NORTH FORTY-FOUR (44) DEGREES SEVENTEEN (17) MINUTES THIRTY (30) SECONDS WEST, SIX HUNDRED SIXTY-EIGHT AND SIXTEEN HUNDREDTHS (668.16) FEET TO THE PLACE OF BEGINNING.

TRACT 2:

A PORT OF THE NORTHEAST FRACTIONAL QUARTER (FR. NE 1/4) OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FOUR (4) EAST, ELKHART COUNTY, INDIANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID FRACTIONAL QUARTER SECTION; THENCE NORTH ZERO (0) DEGREES THREE (03) MINUTES WEST ALONG THE WEST LINE OF SAID FRACTIONAL QUARTER SECTION, ONE THOUSAND TWO HUNDRED EIGHTY-ONE AND TWENTY-THREE HUNDREDTHS (1281.23) FEET TO

THE: SOUTH LINE OF PENN CENTRAL RAILROAD, THE PLACE OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH FORTY-FOUR (44) DEGREES SEVENTEEN (17) MINUTES THIRTY (30) SECONDS EAST, SIX HUNDRED SIXTY-EIGHT AND SIXTEEN HUNDREDTHS (668.16) FEET TO THE NORTH LINE OF LEXINGTON PARK DRIVE AND P.O.C. OF A CURVE SOUTHWESTERLY WITH A RADIUS OF ONE HUNDRED EIGHTY (180) FEET:

THENCE SOUTHWESTERLY ALONG SAID CURVE ONE HUNDRED TWENTY-TWO AND NINETY-NINE HUNDREDTHS (122.99) FEET TO POINT AN CURVE: THENCE SOUTH EIGHTY-NINE (89) DEGREES FIFTY-NINE (59) MINUTES WEST FOUR HUNDRED THREE AND FOUR HUNDRED SEVENTY-FIVE THOUSANDTHS (405.475) FEET TO THE WEST LINE OF SAID FRACTIONAL QUARTER SECTION; THENCE NORTH ZERO (0) DEGREES THREE (3) MINUTES WEST, ALONG, THE WEST LINE OF SAID FRACTIONAL QUARTER SECTION, FIVE HUNDRED EIGHTY-ONE AND FIVE TENTHS (581.5) FEET TO THE PLACE OF BEGINNING.

TRACT 3:

PART OF THE FRACTIONAL NORTHWEST QUARTER (FR. NW 1/4) OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FOUR (4) EAST, SITUATE IN CLEVELAND TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE FRACTIONAL NORTHWEST QUARTER (FR. NW 1/4) OF SAID SECTION TWO (2); THENCE NORTH ZERO (0) DEGREES THREE (03) MINUTES WEST ALONG THE EAST LINE OF THE FRACTIONAL NORTHWEST QUARTER (FR. NW 1/4) OF SAID SECTION TWO (2) A DISTANCE OF FOUR HUNDRED EIGHTY-TWO AND NINETY-FOUR HUNDREDTHS (482.94) FEET TO ON IRON STAKE MARKING THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH EIGHTY-NINE (89) DEGREES FIFTY-EIGHT (58) MINUTES WEST A DISTANCE OF NINE HUNDRED FIFTY-FOUR AND NINETY-FOUR HUNDREDTHS (954.94) FEET TO ON IRON STAKE; THENCE NORTH ZERO (0) DEGREES ONE (01) MINUTE WEST DISTANCE OF TWO HUNDRED FORTY-SIX AND FIVE TENTHS (246.5) FEET TO A POINT; THENCE NORTH EIGHTY-NINE (89) DEGREES FIFTY-EIGHT (58) MINUTES EAST A DISTANCE OF FOUR HUNDRED SEVENTY-SEVEN AND FORTY-FIVE HUNDREDTHS (477.45) FEET TO POINT; THENCE NORTH ZERO (0) DEGREES THREE (03) MINUTES WEST DISTANCE OF FIVE HUNDRED FIFTY-ONE AND FIVE TENTHS (551.5) FEET TO AN IRON STAKE ON THE SOUTH LINE OF THE CONSOLIDATED RAIL CORPORATION (CONRAIL) RIGHT-OF-WAY LINE BEING THIRTY-THREE (33) FEET SOUTH OF THE CENTERLINE OF THE CONRAIL TRACK; THENCE NORTH EIGHTY-NINE (89) DEGREES FIFTY-EIGHT (58) MINUTES EAST ALONG THE SOUTH RIGHT OF-WAY LINE OF SAID CONRAIL RIGHT-OF-WAY A DISTANCE OF FOUR HUNDRED SEVENTY-SEVEN AND THIRTY-FIVE HUNDREDTHS (477.35) FEET TO ON IRON STAKE ON THE EAST LINE OF THE FRACTIONAL NORTHWEST QUARTER (FR. NW 1/4) OF SAID SECTION TWO THENCE SOUTH ZERO (0) DEGREES 11-IRRE (03) MINUTES EAST ALONG THE EAST LINE OF THE FRACTIONAL NORTHWEST QUARTER (FR. NW 1/4) OF SAID SECTION TWO (2) A

DISTANCE OF SEVEN HUNDRED NINETY-EIGHT (798) FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

EXCEPTING FROM TRACTS 2 AND 3 ABOVE SO MUCH THEREOF AS WAS CONVEYED TO ELKHART COUNTY, INDIANA FOR USE AS A PUBLIC HIGHWAY AND BOUNDED AND DESCRIBED AS FOLLOWS:

PART OF THE FRACTIONAL NORTH HALF (FR N L/2) OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 4 EAST, SITUATE IN CLEVELAND TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE NORTHEAST FRACTIONAL QUARTER (FR NE 1/4) OF SAID SECTION 2, SAID POINT BEING NORTH ZERO (0) DEGREES THREE (03) MINUTES WEST A DISTANCE OF SIX HUNDRED NINETY-NINE AND SEVENTY-THREE HUNDREDTHS (699.73) FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST FRACTIONAL QUARTER (FR. NE 1/4) OF SAID SECTION TWO (2): THENCE NORTH EIGHTY-NINE (89) DEGREES FIFTY NINE (59) MINUTES EAST ALONG THE SOUTH LINE OF LAND DESCRIBED IN A DEED TO MANCHESTER TANK AND EQUIPMENT COMPANY, INC, (DEED

RECORD 405, PAGE 475) A DISTANCE OF FOUR HUNDRED THREE AND FORTY-EIGHT HUNDREDTHS (403.48) FEET TO A POINT ON THE WEST LINE OF LEXINGTON PARK DRIVE; THENCE NORTHEASTWARDLY ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS DISTANCE OF ONE HUNDRED EIGHTY (180) FEET AND ALONG THE WEST LINE OF SAID LEXINGTON PARK DRIVE A DISTANCE OF SIXTY-FIVE AND NINE HUNDREDTHS (65.09) FEET (CHORD: NORTH TWENTY-TWO (22) DEGREES THREE (03) MINUTES EAST SIXTY-FOUR AND SEVENTY-FOUR HUNDREDTH (64.74) FEET) TO A POINT; THENCE SOUTH EIGHTY-NINE (89) DEGREES FIFTY-NINE (59) MINUTES WEST A DISTANCE OF ONE THOUSAND ONE HUNDRED FORTY-THREE AND SIX HUNDREDTHS (1143.06) FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHWESTWARDLY ALONG SAID CURVE TO THE RIGHT (RADIUS - FORTY-FIVE (45) FEET), A DISTANCE OF TWENTY-SIX AND THIRTY-SIX HUNDREDTHS (26.36) FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT; THENCE WESTWARDLY, SOUTHERLY AND EASTWARDLY ALONG SAID CURVE TO THE LEFT (RADIUS - FORTY-FIVE (45) FEET) A DISTANCE OF ONE HUNDRED NINETY-FOUR AND EIGHT HUNDREDTHS (194.08) FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHEASTWARDLY ALONG SAID CURVE TO THE RIGHT (RADIUS - FORTY FIVE (45) FEET) A DISTANCE OF TWENTY-SIX AND THIRTY-SIX HUNDREDTHS (26.36) FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH EIGHTY-NINE (89) DEGREES FIFTY-NINE (59) MINUTES EAST A DISTANCE OF SEVEN HUNDRED FIFTEEN AND TWENTY-SEVEN HUNDREDTHS (715.27) FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

ALSO EXCEPTING, A PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 4 EAST, CLEVELAND TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST FRACTIONAL QUARTER OF SECTION 2; THENCE NORTH 00 DEGREES 03 MINUTES WEST, ALONG THE EAST LINE OF THE FRACTIONAL NORTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 482.94 FEET TO AN IRON STAKE MARKING THE SOUTHEAST CORNER OF LAND CONVEYED TO MANCHESTER TANK AND EQUIPMENT COMPANY OF INDIANA, INC., IN DEED RECORD 411, PAGE 421, SAID STAKE BEING THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 58 MINUTES WEST, ALONG THE SOUTH LINE OF SAID MANCHESTER TANK LAND A DISTANCE OF 200 FEET TO AN IRON STAKE; THENCE NORTH 00 DEGREES 03 MINUTES WEST, A DISTANCE OF 216.56 FEET TO AN IRON STAKE ON THE SOUTH LINE OF MANCHESTER DRIVE (DOCUMENT NO. 89003517); THENCE NORTH 89 DEGREES 59 MINUTES EAST ALONG THE SOUTH LINE OF SAID MANCHESTER DRIVE A DISTANCE OF 200 FEET TO AN IRON STAKE ON THE EAST LINE OF THE FRACTIONAL NORTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTH 00 DEGREES 03 MINUTES EAST ALONG THE EAST LINE OF THE FRACTIONAL NORTHWEST QUARTER OF SAID SECTION 2 A DISTANCE OF 216.50 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

I, Debra D. Barrett, Clerk of the City of Elkhart, Indiana, do hereby certify the above is a full, true and complete copy of Resolution No. R-____, adopted by the Common Council on the _____ day of _____, _____, by a vote of _____ AYES and _____ NAYS, and was approved and signed by the Mayor on the _____ day of _____, _____, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Elkhart, Indiana, this ____ day of _
_____, _____.

Debra D. Barrett, City Clerk

Property Tax Phase-In Application
for use by existing or proposed Elkhart County company

This application is to request the designation of an Economic Revitalization Area (ERA) for the purpose of obtaining a property tax phase-in (tax abatement). The application is to be completed and signed by the owner of the property where the real property improvements, the installation of personal property, and/or the occupancy of an eligible vacant building is to occur. The designating body will review this application to determine whether a particular area should be designated as an ERA in accordance with Indiana Code (I.C.) 6-1.1-12.1 and all subsequent amendments made thereafter. The designating body makes no representation as to the effect of a designation granted by it for purposes of any further applications or approvals required under I.C. 6-1.1-12.1 and makes no representation to any applicant concerning the validity of any benefit conferred.

Application is to offset: (check all that apply)

- Real Property Improvements (e.g. new building, addition and/or modification)
- Personal Property (e.g. Equipment for manufacturing; research and development, logistics and distribution; or information technology.)
- Vacant Building

There is a non-refundable filing fee of \$750 for each category. This filing fee is used to defray the costs incurred in processing the application pursuant to I.C. 6-1.1-12.1-2(h). A check payable to County of Elkhart must be included with the application.

General Information						
Company Name	Marson International, LLC					
Federal Employer I.D.(FEIN)	02-0531365	NAICS Code	332721			
Website	http://www.marsonintl.com		Year Company founded	2002		
Company Business (Brief Description)						
<p>Marson International is a state of the art tube fabricator with two facilities centrally located in Elkhart. Using the newest technology and highest level of quality control Marson can meet all your tube fabrication needs. Started in 2002, Marson has become a leader in large and small diameter tube fabrication for a diverse customer base. Marson works closely with customers in many different markets such as Gas and Diesel Chassis, Recreational Vehicle Industry, Power Generation, Mass Transit, Construction Machinery, Agricultural and the Marine Industry to name a few. We are capable of manufacturing the most critical and sophisticated tube assemblies from rapid prototyping, through low and mid volume production, to high volume runs requiring manufacturing cells.</p> <p>We have an opportunity to add about \$2M in new equipment/\$1M building upgrades to either a new purchased building (3630 Manchester Drive that was formerly used by Manchester Tank) location in Elkhart or at a new leased building in Michigan to serve growing customer demand. The equipment consists of \$1M tube laser and 2 robotic CNC tube benders. We are served by AEP and there could be some electrical upgrades with energy efficiency measures. We have more than doubled in staffing size over the last 5 years with an opportunity to add another 10 new jobs in coming years. Company is growing with new opportunity in Canada along with expanding Bus market with clients on East/West Coasts.</p>						
Project Contact Person/Representative		Jason Newburn - Vice President				
Address	3230 Magnum Drive Elkhart IN 46516					
Phone	574-295-4222	Email	jnewburn@marsonintl.com			
Senior Company Official		Jeff Drummond - General Manager				
Address	3230 Magnum Drive Elkhart, IN 46516					
Phone		Email	jnewburn@marsonintl.com			
Proposed Project Site Information						
Property Owner(s)	Marson International, LLC					
Address	3630 Manchester Drive, Elkhart, IN 46516					
Parcel Number(s)	20-05-02-176-032.000-006					
Legal Description	PT IN E1/2 NW1/4 EX ETC EX .99A SEC 2 9.686A					
Does Company currently do business at this site?						
		Yes	No	X		
If no, how is site currently being used?						
What buildings are on the site?		Manufacturing				
What is the condition of the buildings?		Good				
Have the buildings at this site been vacant for more than a year?		Yes	No	X		
Are the buildings at this site more than 25 years old?		Yes	X	No		
Will the proposed project be used for a national or regional headquarters?		Yes	No	X		
Is this a blighted or mitigated Brownfield site?		Yes	No	X		
Current assessed value of real estate		\$ 332,400	Land	\$ 532,600	Improvements	\$855,000

Proposed Project Information			
Description of proposed improvements (Attach additional project details, if needed)			
Structures:	Building purchase (at least 153,000 sf) with upgrades for additional manufacturing and finished goods warehousing		
Manufacturing equipment:	Robotic CNC Tube Benders & Tube Laser		
Research and Development equipment:			
Logistics and Distribution equipment:			
Information Technology equipment:			
Proposed start date for project	1-Jan-22	Proposed end date for project	31-Dec-22
Proposed start date for operations	Jan-22		

Has the new equipment associated with this project been used by the owner/taxpayer (or related entity) in the state of Indiana?	Yes		N/A	
	No	X		
If yes, provide details including where the equipment will come from and how it will be acquired:				
Will the new equipment associated with this project be leased?	Yes		N/A	
	No	X		
If yes, provide details including from whom and for what term				
Will this project require approval of rezoning, plat, development plan, vacation, variance, special exemption, or contingent use?	Yes		No	X
If yes, list:				

Proposed Investment					
Calendar Year	2021	2022	2023	2024	Total
Land acquisition					\$0
New building construction					\$0
Existing building improvements		\$1,000,000			\$1,000,000
Manufacturing equipment		\$2,000,000			\$2,000,000
Research and Development equipment					\$0
Logistics and Distribution equipment					\$0
Information Technology equipment					\$0
On-site rail infrastructure					\$0
On-site fiber infrastructure					\$0
Grand Total	\$0	\$3,000,000	\$0	\$0	\$3,000,000

Statutory Findings
Indiana Code 6-1.1-12.1-1 requires that the designating body make specific findings to justify the designation of the property as an Economic Revitalization Area. One finding is that the subject property is either in an area: "Which has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property" or "Where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues."

Are improvements on project site and/or the surrounding area obsolete?	Yes		No	X
If yes, describe the obsolescence:				
Are buildings at project site substandard for normal use and development?	Yes		No	X
If yes, explain what is substandard so as to prevent normal use and development:				
Has project site and/or surrounding area declined in value in last 10 years?	Yes		No	X
If yes, explain what caused the decline in value:				
Has project site and/or surrounding area failed to develop for last 10 years?	Yes		No	X
If yes, explain what characteristics make this site difficult to develop:				
Vacant lot				
Are any facilities at project site technologically, economically or energy obsolete?	Yes		No	X
If yes, describe how the facilities are obsolete:				

Community Benefits					
This project will add more assessed value to property tax rolls and additional employees to support local businesses.					
Impacts and status					
Will any additional public utilities, services or other public infrastructure be required by this project?					
		Yes		No	X
If yes, explain the type required and the amount the applicant will be contributing toward the public infrastructure.					
Employment					
Will all current employees be retained at Project Site as a result of this project?					
		Yes	X	No	
If no, explain:					
Current Full-Time Employment at Project Site = 0					
	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management					
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision					
Production					
Maintenance					
Other					
Total	0				
Full-time jobs to be created as a result of this project					
	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management					
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision					
Production	10	\$24.00	\$49,920	45,000 - 55,000	\$50,000
Maintenance					
Other					
Total	10	\$24.00	\$49,920		
*Do NOT include costs of any benefits					
** Median Annual Wage: The middle (midpoint) salary of all positions rather than the average (mean) salary					
Additional financial compensation (attach additional pages, if needed)					
Explain in detail, by job category, any additional financial compensation earned. (Examples may include commission, bonus, overtime, piece rate, attendance, etc.)					
Employees earn bonuses and full benefits.					
Projected Phasing of new jobs					
Calendar Year	2021	2022	2023	2024	Total
Management					0
Professional/Technical					0
Sales					0
Office/Administrative Support					0
Production Supervision					0
Production		10			10
Maintenance					0
Other					0
Total	0	10	0	0	10

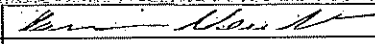
Company Benefits				
Check all of the benefits listed below that the company provides to workers who have been employed for 6 months or longer. The company must pay at least 70% of the benefit cost.				
				Comments
Health Insurance	Yes	X	No	
Dental Insurance	Yes	X	No	
Vision Insurance	Yes	X	No	
Life Insurance	Yes	X	No	
Disability Insurance	Yes	X	No	
Sick Leave (Paid)	Yes	X	No	
Vacation (Paid)	Yes	X	No	
Holidays (Paid)	Yes	X	No	
Personal Days (Paid)	Yes	X	No	
Employee Training	Yes	X	No	On-the-Job training for new equipment.
Tuition Reimbursement	Yes	X	No	
401K/Pension	Yes	X	No	
ESOP/Profit Sharing	Yes		No	X
Uniforms	Yes		No	X
Other (List)				

Signature

Indiana Code 6-1.1-12.1-14 provides that the designating body for the tax phase-in requested, may impose a fee not exceeding 15% of the reduction in property taxes to which the undersigned applicant is entitled in each year in which the undersigned applicant's property tax liability is reduced by a deduction approved pursuant to this application.

The undersigned applicant consents to the following:

- Imposition of this fee provided that such fee is not more than fifteen percent (15%) of the reduction of property taxes for any tax year. These fees will be used for future Economic Development efforts.
- The current assessed tax base for this property will not be appealed over the tax phase-in period unless one of the exceptions in the tax phase-in policy applies.
- Filing this application constitutes a request for Economic Revitalization Area designation only and does not constitute an automatic reduction of property taxes. I understand it is the responsibility of property owners to file the appropriate forms on an annual basis with the Elkhart County Auditor and other governing bodies, as required, to receive any reduction of property taxes.
- I certify the information and representations of this application are true and complete.
- I further certify that I am the owner/taxpayer or have the authority of the owner/taxpayer to make this application and to consent to the fee as described above.

Signature			
Printed	Jason Newburn		
Title	Vice President	Date	11/5/2021

ATTACHMENTS: Include all relevant Statement of Benefits (SB-1) forms



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

20 22 PAY 20 23

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Marson International, LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 3230 Magnum Drive, Elkhart, IN 46516					
Name of contact person Jason Newburn, Vice President		Telephone number (574) 295-4222		E-mail address Jnewburn@marsonintl.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body Elkhart County Council				Resolution number	
Location of property 3630 Manchester Drive, Elkhart, IN 46514		County Elkhart		DLGF taxing district number 006	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) A new building purchase with upgrade of at least \$1M capital spend. Legal Description is PT IN E1/2 NW1/4 EX ETC EX .99A SEC 2 9.686A.				Estimated start date (month, day, year) 1/01/2022	
				Estimated completion date (month, day, year) 12/31/2022	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current number 0.00	Salaries \$0.00	Number retained 0.00	Salaries \$0.00	Number additional 10.00	Salaries \$499,200.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values					
Plus estimated values of proposed project		1,000,000.00		1,000,000.00	
Less values of any property being replaced					
Net estimated values upon completion of project		1,000,000.00		1,000,000.00	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____			
Other benefits					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) November 5, 2021	
Printed name of authorized representative Jason Newburn			Title Vice President		

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. Number of years allowed:

<input type="checkbox"/> Year 1	<input type="checkbox"/> Year 2	<input type="checkbox"/> Year 3	<input type="checkbox"/> Year 4	<input type="checkbox"/> Year 5 (* see below)
<input type="checkbox"/> Year 6	<input type="checkbox"/> Year 7	<input type="checkbox"/> Year 8	<input type="checkbox"/> Year 9	<input type="checkbox"/> Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 - Yes No
 - If yes, attach a copy of the abatement schedule to this form.
 - If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

REAL PROPERTY TAX PHASE-IN POINT SYSTEM

Company Name: Marson International

Date: 12/1/2021

Address: 3230 Magnum dr Elkhart in 46516

Projects will be considered for Phase-In if:

1. The company/project meets all of the criteria set forth under I.C. 6-1.1 1-12.1 et seq in the form of deductions from assessed valuation
2. The proposed new investment includes at least \$600,000 of Real Property that qualifies for Tax Phase-In
3. Construction has not begun and/or equipment has not been ordered or the equipment will be new to Indiana
4. In addition, if the applicant is in the company, authorization of the application must be obtained from the company

TAX BASE BENEFITS		Points Possible	Points Assigned
A.	Total new investment in real property (both redevelopment (new structures) and rehabilitation): 1,000,000		
	▫ \$20,000,000 and above	25	
	▫ \$10,000,000 to \$19,999,999	20	
	▫ \$5,000,000 to \$9,999,999	15	
	▫ \$2,500,000 to \$4,999,999	10	
	▫ \$500,000 to \$2,499,999	5	5
JOB BENEFITS			
A.	Total number of jobs created at facility of proposed project: 10		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	
	▫ 25 to 49	10	
	▫ 10 to 24 x	5	5
B.	Total number of existing jobs at facility of proposed project:		
	▫ 250 or more	5	
	▫ 100 to 249	4	
	▫ 50 to 99	3	
	▫ 25 to 49	2	
	▫ 10 to 24	1	0
C.	Median employee salary (including existing and new employees) 50,000		
	▫ \$65,000 and above	25	
	▫ \$55,000 to \$64,999	20	
	▫ \$45,000 to \$54,999	10	10
	▫ \$40,000 to \$44,999	5	
	▫ Less than \$40,000	0	
D.	Median employee compensation benefits:		
	Health Insurance	2	2
	Dental Insurance	1	1
	Vision Insurance	1	1
	Life Insurance	1	1
	Disability Insurance	1	1
	Sick Leave (Paid)	1	1
	Vacation (Paid)	1	1
	Holidays (Paid)	1	1
	Personal Days (Paid)	1	1
	Employee Training	2	2
	Tuition Reimbursement	3	3
	401k/Pension Plan	2	2
	ESOP/Profit Sharing	2	0

	Succession Plan	3	0
REDEVELOPMENT BENEFITS			
A.	Project redevelops a brownfield site.	20	0
B.	Project utilizes an obsolete facility that has been vacant for at least one (1) year.	10	0
C.	Project utilizes an obsolete facility that is at least twenty-five (25) years old.	10	0
D.	Project develops in a Qualified Census Tract as designated by US Housing & Urban Development	10	0
ECONOMIC DEVELOPMENT BENEFITS			
	The project will be used for a national or regional headquarters.	10	0
INFRASTRUCTURE BENEFITS			
	The applicant pays for the installation of public infrastructure in the following amount:		
	▫ \$750,000 or more	10	0
	▫ \$400,000 to \$749,999	6	
	▫ \$200,000 to \$399,999	3	
TARGETED INDUSTRY			
	The project is an industry targeted by the Elkhart County Economic Development Corporation Strategic Plan	20	0
	▫ Agribusiness		
	▫ Advanced Recycling		
	▫ Automotive Tier I / Tier II Production		
	▫ Electronics		
	▫ Financial and Professional Services		
	▫ Health Care		
	▫ Robotics		
	The project is an industry targeted by the Indiana Economic Development Corporation	10	0
	▫ Aerospace & Aviation		
	▫ Advanced Manufacturing		
	▫ Cybersecurity		
	▫ Defense & National Security		
	▫ Energy		
	▫ Information Technology (IT)		
	▫ Life Sciences		
	▫ Logistics & Transportation		
	▫ Motorsports		
TOTAL POINTS (180 points possible)			37
OPTIONAL ECONOMIC HEALTH INDICATOR			
	<u>Unemployment Rate</u>	<u>Multiplier</u>	<u>Adjusted Points</u>
	0.0% - 3.4%	90%	33.3
	3.5% - 5.0%	95%	35.15
	5.1% - 8.5%	100%	37
	8.6% and Above	105%	38.85
TERM RECOMMENDATION			
<input type="checkbox"/>	Over 90 Points 10-Year Tax Phase-In		
<input type="checkbox"/>	72 to 90 Points 7-Year Tax Phase-In		
<input type="checkbox"/>	51 to 71 Points 5-Year Tax Phase-In		
<input type="checkbox"/>	30 to 50 Points 3-Year Tax Phase-In		



**STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION																			
Name of taxpayer Marson International, LLC					Name of contact person Jason Newburn, Vice President														
Address of taxpayer (number and street, city, state, and ZIP code) 3230 Magnum Drive, Elkhart, IN 46516							Telephone number (574) 295-4222												
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT																			
Name of designating body Elkhart County Council							Resolution number (s)												
Location of property 3630 Manchester Drive, Elkhart, IN 46514				County ELKHART		DLGF taxing district number 006													
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) We have an opportunity to add \$2M in new equipment at 3630 Manchester Drive location in Elkhart to serve growing customer demand. The equipment consists of \$1M tube laser and 2 robotic CNC tube benders.					ESTIMATED														
					START DATE					COMPLETION DATE									
					Manufacturing Equipment					01/01/2022					12/31/2022				
					R & D Equipment														
					Logist Dist Equipment														
IT Equipment																			
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT																			
Current number 0		Salaries 0		Number retained 0		Salaries 0		Number additional 10		Salaries \$499,200									
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT																			
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.			MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT										
			COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE									
Current values																			
Plus estimated values of proposed project			2,000,000	600,000															
Less values of any property being replaced																			
Net estimated values upon completion of project				600,000															
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER																			
Estimated solid waste converted (pounds)					Estimated hazardous waste converted (pounds)														
Other benefits:																			
SECTION 6 TAXPAYER CERTIFICATION																			
I hereby certify that the representations in this statement are true.																			
Signature of authorized representative 							Date signed (month, day, year) November 5, 2021												
Printed name of authorized representative Jason Newburn					Title Vice President														

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

- | | | | |
|------------------------------------------------------------|------------------------------|-----------------------------|----------------------------------------------------------------------------------------|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18 |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <i>Check box if an enhanced abatement was approved for one or more of these types.</i> |
| 3. Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

G. Other limitations or conditions *(specify)* _____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

- | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|------------------------------------------------------------------------------|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5 | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18 |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 | Number of years approved: _____ |
| | | | | | <i>(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)</i> |

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: <i>(signature and title of authorized member of designating body)</i>	Telephone number ()	Date signed <i>(month, day, year)</i>
Printed name of authorized member of designating body	Name of designating body	
Attested by: <i>(signature and title of attester)</i>	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

PERSONAL PROPERTY TAX PHASE-IN POINT SYSTEM

Company Name: **Marson International**
 Date: 12-1-21

12/1/2021

Projects will be considered for Phase-In if:

1. The company/project meets all of the criteria set forth under I.C. 6-1.1 1-12.1 et seq in the form of deductions from assessed valuation
2. The proposed new investment includes at least \$500,000 of Real Property that qualifies for Tax Phase-In
3. Construction has not begun and/or equipment has not been ordered or the equipment will be new to Indiana
4. In addition, if the applicant is not the company, authorization of the application must be obtained from the company

TAX BASE BENEFITS		Points Possible	Points Assigned
A.	Total new investment in business personal property (or relocation of equipment from out of State): 2,000,000		
	▫ \$20,000,000 and above	25	
	▫ \$10,000,000 to \$19,999,999	20	
	▫ \$5,000,000 to \$9,999,999	15	
	▫ \$2,500,000 to \$4,999,999	10	
	▫ \$500,000 to \$2,499,999	5	5
JOB BENEFITS			
A.	Total number of jobs created at facility of proposed project: 10		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	
	▫ 25 to 49	10	
	▫ 10 to 24	5	5
B.	Total number of existing jobs at facility of proposed project: 0		
	▫ 250 or more	5	
	▫ 100 to 249	4	
	▫ 50 to 99	3	
	▫ 25 to 49	2	
	▫ 10 to 24	1	0
C.	Median employee salary (including existing and new employees): 50,000		
	▫ \$65,000 and above	25	
	▫ \$55,000 to \$64,999	20	
	▫ \$45,000 to \$54,999	10	10
	▫ \$40,000 to \$44,999	5	
	▫ Less than \$40,000	0	
D.	Median employee compensation benefits:		
	Health Insurance	2	2
	Dental Insurance	1	1
	Vision Insurance	1	1
	Life Insurance	1	1
	Disability Insurance	1	1
	Sick Leave (Paid)	1	1
	Vacation (Paid)	1	1
	Holidays (Paid)	1	1
	Personal Days (Paid)	1	1
	Employee Training	2	2
	Tuition Reimbursement	3	3
	401k/Pension Plan	2	2
	ESOP/Profit Sharing	2	0
	Succession Plan	3	0
REDEVELOPMENT BENEFITS			

A.	Project redevelops a brownfield site.	20	0
B.	Project utilizes an obsolete facility that has been vacant for at least one (1) year.	10	0
C.	Project utilizes an obsolete facility that is at least twenty-five (25) years old.	10	0
D.	Project develops in a Qualified Census Tract as designated by US Housing & Urban Development	10	0

ECONOMIC DEVELOPMENT BENEFITS			
	The project will be used for a national or regional headquarters.	10	0
INFRASTRUCTURE BENEFITS			
	The applicant pays for the installation of public infrastructure in the following amount:		
	▫ \$750,000 or more	10	0
	▫ \$400,000 to \$749,999	6	
	▫ \$200,000 to \$399,999	3	0
TARGETED INDUSTRY			0
	The project is an industry targeted by the Elkhart County Economic Development Corporation Strategic Plan	20	0
	▫ Agribusiness		
	▫ Advanced Recycling		
	▫ Automotive Tier I / Tier II Production		
	▫ Electronics		
	▫ Financial and Professional Services		
	▫ Health Care		
	▫ Robotics		
	The project is an industry targeted by the Indiana Economic Development Corporation	10	0
	▫ Aerospace & Aviation		
	▫ Advanced Manufacturing		
	▫ Cybersecurity		
	▫ Defense & National Security		
	▫ Energy		
	▫ Information Technology (IT)		
	▫ Life Sciences		
	▫ Logistics & Transportation		
	▫ Motorsports		
TOTAL POINTS (190 points possible)			37
OPTIONAL ECONOMIC HEALTH INDICATOR			
	<u>Unemployment Rate</u>	<u>Multiplier</u>	
	0.0% - 3.4%	90%	33.3
	3.5% - 5.0%	95%	35.15
	5.1% - 8.5%	100%	37
	8.6% and Above	105%	38.85
TERM RECOMMENDATION			
<input type="checkbox"/>	Over 51 Points 5-Year Tax Phase-In		
<input type="checkbox"/>	30 to 50 Points 3-Year Tax Phase-In		

**EDC of Elkhart County
DIRECT PROJECT IMPACT ESTIMATES**



PROJECT: Marson International
TAX DISTRICT: cleveland 006

Date Printed: 12/1/2021

PROPERTY TAX IMPACT

Current Tax Rate Calculations	Gross Rate	PTRC	Net Rate
Structures (Real Property)	3.6456	0	
Machinery & Equipment (Personal Property)	3.6456	0	\$ 3.6456

Project Estimates	Investment	Phase-in	Schedule
Structures (Real Property)	\$ 1,000,000	3	Years
Machinery & Equipment (Personal Property)	\$ 2,000,000	3	Years

Tax Abatement Schedules

New Structures	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	100%	\$ -	\$ -	\$ -	\$ -
Year 2	66%	\$ 340,000	\$ -	\$ -	\$ -
Year 3	33%	\$ 670,000	\$ -	\$ -	\$ -
Year 4	0%	\$ 1,000,000	\$ -	\$ -	\$ -
Year 5	0%	\$ 1,000,000	\$ -	\$ -	\$ -
Year 6	0%	\$ 1,000,000	\$ -	\$ -	\$ -
Year 7	0%	\$ 1,000,000	\$ -	\$ -	\$ -
Year 8	0%	\$ 1,000,000	\$ -	\$ -	\$ -
Year 9	0%	\$ 1,000,000	\$ -	\$ -	\$ -
Year 10	0%	\$ 1,000,000	\$ -	\$ -	\$ -
TOTAL				\$ -	\$ -

New Machinery & Equipment	Depreciation Pool #2	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	40%	100%	\$ -	\$ 3.6456	\$ -	\$ 29,165
Year 2	56%	66%	\$ 380,800	\$ 3.6456	\$ 13,882	\$ 26,948
Year 3	42%	33%	\$ 562,800	\$ 3.6456	\$ 20,517	\$ 10,106
Year 4	32%	0%	\$ 640,000	\$ 3.6456	\$ 23,332	\$ -
Year 5	30%	0%	\$ 600,000	\$ 3.6456	\$ 21,874	\$ -
Year 6	30%	0%	\$ 600,000	\$ 3.6456	\$ 21,874	\$ -
Year 7	30%	0%	\$ 600,000	\$ 3.6456	\$ 21,874	\$ -
Year 8	30%	0%	\$ 600,000	\$ 3.6456	\$ 21,874	\$ -
Year 9	30%	0%	\$ 600,000	\$ 3.6456	\$ 21,874	\$ -
Year 10	30%	0%	\$ 600,000	\$ 3.6456	\$ 21,874	\$ -
TOTAL					\$ 188,973	\$ 66,219

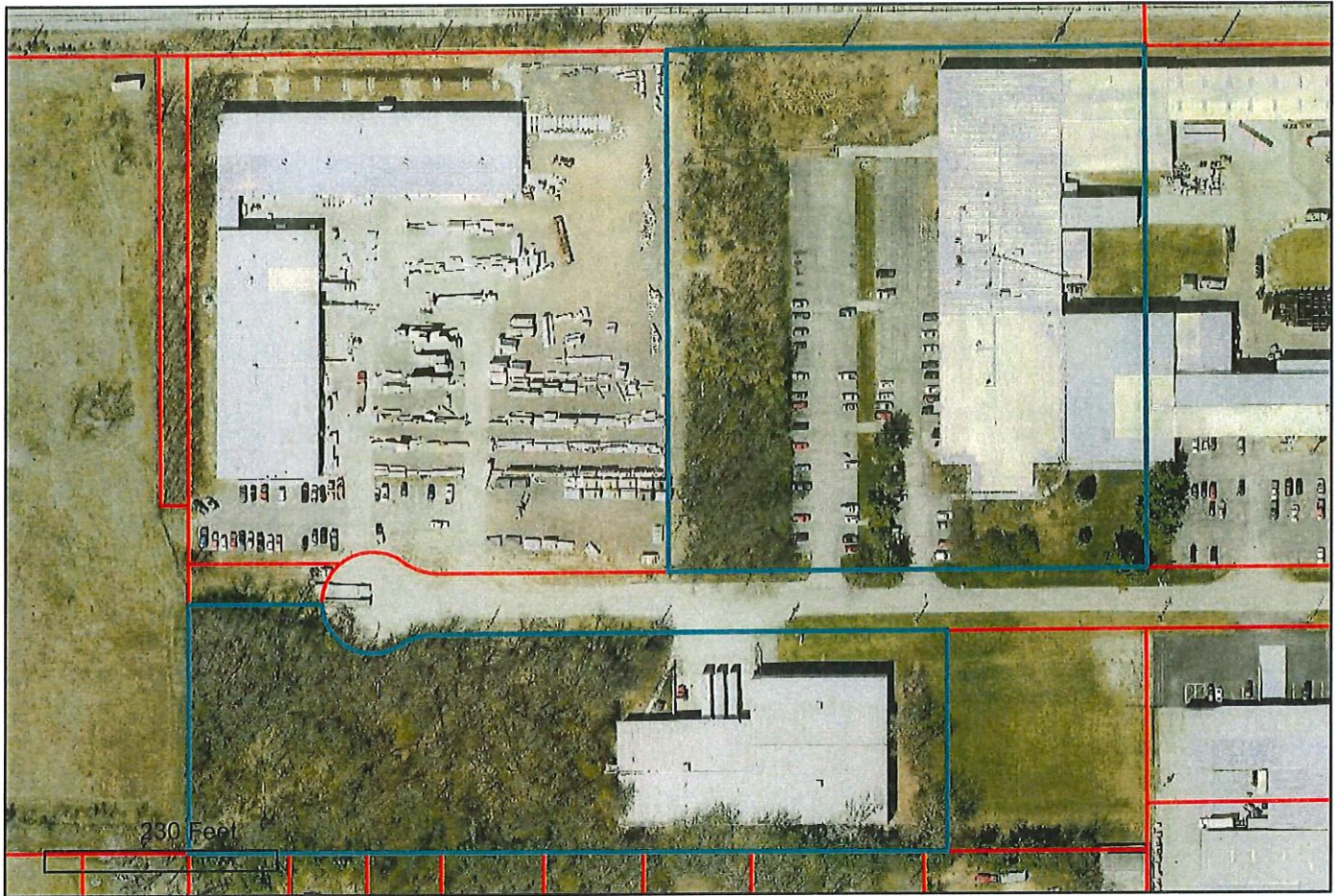
GRAND TOTAL \$ 188,973 \$ 66,219

INCOME TAX IMPACT

	Total Jobs	Total Salaries	Average Salaries
Current Jobs	0	\$0	\$0
Retained Jobs	0	\$0	\$0
New Jobs	10	\$500,000	\$50,000
TOTAL EMPLOYMENT	10	\$500,000	\$50,000
TOTAL ANNUAL PAYROLL			\$500,000
TOTAL ANNUAL STATE INCOME TAX @ 3.4%			\$17,000
TOTAL ANNUAL C.A.G.I.T. @1.25%			\$6,250
TOTAL ANNUAL C.E.D.I.T. @ 0.25%			\$1,250

Elkhart County, IN

3630 MANCHESTER DR, ELKHART, IN 46514
20-05-02-176-032.000-006



Parcel Information

Parcel Number: 20-05-02-176-032.000-006
Alt Parcel Number: 05-02-176-032-006
Property Address: 3630 MANCHESTER DR
 ELKHART, IN 46514
Neighborhood: 0637008-Industrial-Acre-City Public
 Utilities-Aver
Property Class: Industrial: Light Manufacturing & Assembly - 340
Owner Name: MARSON INTERNATIONAL LLC
Owner Address: 3630 MANCHESTER DR
 ELKHART, IN 46514
Legal Description: PT IN E1/2 NW1/4 EX ETC; EX .99A
 SEC 2; 9.686A

Taxing District

Township: CLEVELAND TOWNSHIP
Corporation: Elkhart Community Schools

Land Description

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
Primary Com & Ind	6.686	
Undeveloped Usable Com & Ind	0.010	

EXHIBIT A

[Legal Description]

TRACT 1:

A PART OF THE NORTHEAST FRACTIONAL QUARTER (FR. NE 1/4) SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FOUR (4) EAST, ELKHART COUNTY, INDIANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID FRACTIONAL QUARTER SECTION; THENCE NORTH ZERO (0) DEGREES THREE (03) MINUTES WEST ALONG THE WEST LINE OF SAID FRACTIONAL QUARTER SECTION, ONE THOUSAND TWO HUNDRED EIGHTY-ONE AND TWENTY-THREE HUNDREDTHS (1281.23) FEET TO THE SOUTH LINE OF PENN CENTRAL RAILROAD, THE PLACE OF BEGINNING OF THIS DESCRIPTION;

THENCE NORTH EIGHT-NINE (89) DEGREES FIFTY-NINE (59) MINUTES EAST, ALONG SOUTH LINE OF SAID RAILROAD, SIX HUNDRED EIGHT AND TWENTY-ONE HUNDREDTHS (608.21) FEET; THENCE DUE SOUTH FOUR HUNDRED THIRTY-EIGHT (438) FEET TO THE NORTH LINE OF LEXINGTON PARK DRIVE; THENCE SOUTH EIGHTY-NINE (89) DEGREES FIFTY-NINE (59) MINUTES WEST, ALONG THE NORTH LINE OF SAID DRIVE, TWENTY-EIGHT AND ONE HUNDREDTHS (28.01) FEET TO THE P.O.C. OF A CURVE TO THE LEFT WITH A RADIUS OF ONE HUNDRED EIGHTY (180) FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, ONE HUNDRED TWENTY-TWO AND NINETY-NINE HUNDREDTHS (122.99) FEET TO A POINT ON CURVE; THENCE NORTH FORTY-FOUR (44) DEGREES SEVENTEEN (17) MINUTES THIRTY (30) SECONDS WEST, SIX HUNDRED SIXTY-EIGHT AND SIXTEEN HUNDREDTHS (668.16) FEET TO THE PLACE OF BEGINNING.

TRACT 2:

A PART OF THE NORTHEAST FRACTIONAL QUARTER (FR. NE 1/4) OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FOUR (4) EAST, ELKHART COUNTY, INDIANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID FRACTIONAL QUARTER SECTION; THENCE NORTH ZERO (0) DEGREES THREE (03) MINUTES WEST ALONG THE WEST LINE OF SAID FRACTIONAL QUARTER SECTION, ONE THOUSAND TWO HUNDRED EIGHTY-ONE AND TWENTY-THREE HUNDREDTHS (1281.23) FEET TO THE SOUTH LINE OF PENN CENTRAL RAILROAD, THE PLACE OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH FORTY-FOUR (44) DEGREES SEVENTEEN (17) MINUTES THIRTY (30) SECONDS EAST, SIX HUNDRED SIXTY-EIGHT AND SIXTEEN HUNDREDTHS (668.16) FEET TO THE NORTH LINE OF LEXINGTON PARK DRIVE AND P.O.C. OF A CURVE SOUTHWESTERLY WITH A RADIUS OF ONE HUNDRED EIGHTY (180) FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE ONE HUNDRED TWENTY-TWO AND NINETY-NINE HUNDREDTHS (122.99) FEET TO POINT ON CURVE; THENCE SOUTH EIGHTY-NINE (89) DEGREES FIFTY-NINE (59) MINUTES WEST, FOUR HUNDRED THREE AND FOUR HUNDRED SEVENTY-FIVE THOUSANDTHS (405.475) FEET TO THE WEST LINE OF SAID FRACTIONAL QUARTER SECTION; THENCE NORTH ZERO (0) DEGREES THREE (3)

MINUTES WEST, ALONG THE WEST LINE OF SAID FRACTIONAL QUARTER SECTION, FIVE HUNDRED EIGHTY-ONE AND FIVE TENTHS (581.5) FEET TO THE PLACE OF BEGINNING.

TRACT 3:

PART OF THE FRACTIONAL NORTHWEST QUARTER (FR. NW1/4) OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FOUR (4) EAST, SITUATE IN CLEVELAND TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE FRACTIONAL NORTHWEST QUARTER (FR. NW 1/4) OF SAID SECTION TWO (2); THENCE NORTH ZERO (0) DEGREES THREE (03) MINUTES WEST ALONG THE EAST LINE OF THE FRACTIONAL NORTHWEST QUARTER (FR. NW1/4) OF SAID SECTION TWO (2) A DISTANCE OF FOUR HUNDRED EIGHTY-TWO AND NINETY-FOUR HUNDREDTHS (482.94) FEET TO ON IRON STAKE MARKING THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH EIGHTY-NINE (89) DEGREES FIFTY-EIGHT (58) MINUTES WEST A DISTANCE OF NINE HUNDRED FIFTY-FOUR AND NINETY-FOUR HUNDREDTHS (954.94) FEET TO ON IRON STAKE; THENCE NORTH ZERO (0) DEGREES ONE (01) MINUTE WEST DISTANCE OF TWO HUNDRED FORTY-SIX AND FIVE TENTHS (246.5) FEET TO A POINT; THENCE NORTH EIGHTY-NINE (89) DEGREES FIFTY-EIGHT (58) MINUTES EAST A DISTANCE OF FOUR HUNDRED SEVENTY-SEVEN AND FORTY-FIVE HUNDREDTHS (477.45) FEET TO POINT; THENCE NORTH ZERO (0) DEGREES THREE (03) MINUTES WEST DISTANCE OF FIVE HUNDRED FIFTY-ONE AND FIVE TENTHS (551.5) FEET TO AN IRON STAKE ON THE SOUTH LINE OF THE CONSOLIDATED RAIL CORPORATION (CONRAIL) RIGHT-OF-WAY LINE BEING THIRTY-THREE (33) FEET SOUTH OF THE CENTERLINE OF THE CONRAIL TRACK; THENCE NORTH EIGHTY-NINE (89) DEGREES FIFTY-EIGHT (58) MINUTES EAST ALONG THE SOUTH RIGHT OF-WAY LINE OF SAID CONRAIL RIGHT-OF-WAY A DISTANCE OF FOUR HUNDRED SEVENTY-SEVEN AND THIRTY-FIVE HUNDREDTHS (477.35) FEET TO ON IRON STAKE ON THE EAST LINE OF THE FRACTIONAL NORTHWEST QUARTER (FR. NW 1/4) OF SAID SECTION TWO THENCE SOUTH ZERO (0) DEGREES THREE (03) MINUTES EAST ALONG THE EAST LINE OF THE FRACTIONAL NORTHWEST QUARTER (FR. NW 1/4) OF SAID SECTION TWO (2) A DISTANCE OF SEVEN HUNDRED NINETY-EIGHT (798) FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

EXCEPTING FROM TRACTS 2 AND 3 ABOVE SO MUCH THEREOF AS WAS CONVEYED TO ELKHART COUNTY, INDIANA FOR USE AS A PUBLIC HIGHWAY AND BOUNDED AND DESCRIBED AS FOLLOWS:

PART OF THE FRACTIONAL NORTH HALF (FR N 1/2) OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 4 EAST, SITUATE IN CLEVELAND TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF THE NORTHEAST FRACTIONAL QUARTER (FR NE 1/4) OF SAID SECTION 2, SAID POINT BEING NORTH ZERO (0) DEGREES THREE (03) MINUTES WEST A DISTANCE OF SIX HUNDRED NINETY-NINE AND SEVENTY-THREE HUNDREDTHS (699.73) FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST FRACTIONAL QUARTER (FR. NE 1/4) OF SAID SECTION TWO (2); THENCE NORTH EIGHTY-NINE (89) DEGREES FIFTY-NINE (59) MINUTES EAST ALONG THE SOUTH LINE OF LAND DESCRIBED IN A DEED TO MANCHESTER TANK AND EQUIPMENT COMPANY, INC, (DEED

Rod Roberson
Mayor



Development Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.970.1361

Proposed Resolution No. 22-R-05

DATE: June 15, 2021
TO: Elkhart Common Council Members
FROM: Kristen Smole, Economic Development Specialist
RE: Tax Phase-In Application for PontoonSuff, Inc.

Background:

PontoonSuff, Inc was founded in 2005 on the idea that rebuilding a pontoon should be affordable and you shouldn't need a monthly payment to get that new boat feeling. With factory grade pontoon furniture, flooring and parts PontoonStuff makes it affordable for customers to have a boat that they are proud of. They have helped over 200,00 customers get that "new boat feeling" and serve an average of 35,000 new customers per year. PontoonStuff sells more replacement pontoon boat seats than all other retailers combines and focuses on offering everything customers need for pontoon restoration.

Private Investment:

PontoonSuff, Inc. plans to invest \$1,500,000 in real estate improvements and \$1,500,000 in personal property, for a total of a \$3,000,000 investment. The investment is projected to create 10 new positions. The approximate median annual wage will be \$62,400. The total tax revenue generated from the proposed three-year phase-in schedule will be \$410,433 and we project that the total tax savings will be \$112,199.

The project is being phased-in five years for personal property. The tables below show the planned investments in real estate improvements and personal property.

Calendar Year	2021	2022	2023	2024	Total
Land acquisition					
New building construction					
Existing building improvements		\$1,500,000			\$1,500,000
Manufacturing equipment		\$1,500,000			\$1,500,000
Research and Development Equipment					
Logistics and Distribution equipment					

On-site rail infrastructure					
On-site fiber infrastructure					
Grand Total	\$0	\$3,000,000	\$0	\$0	\$3,000,000

Projected Phasing of new jobs

Calendar Year	2021	2022	2023	2024	Total
Management					
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision					
Production		10			10
Maintenance					
Other					
Total	0	10	0	0	10

The median annual wage at PontoonSuff, Inc for production will be \$62,400.

Recommendation:

Our staff, with support from the EDC, is recommending a three-year personal property tax phase-in. Per the EDC's Project Impact Estimate Sheet, the total tax revenue generated from the proposed three-year phase-in schedule will be \$410,433 and we project the total tax savings will be \$112,199.

RESOLUTION NO. R _____

**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 PONTOONSTUFF, INC. \ MMM REALTY LLC \ LEGACY PLASTICS
LLC**

WHEREAS, Indiana Code 6-1.1-12.1 (the "Act") authorizes the Common Council of the City of Elkhart, Indiana ("Common Council") to designate an area within the territorial boundaries of the City of Elkhart, Indiana as an economic revitalization area, as that term is defined in Section 1 of the Act, for the purpose of allowing certain qualified businesses the right to receive deductions from the assessed value of improvements made to real property and personal property located in the economic revitalization area; and

WHEREAS, PontoonStuff, Inc. \ MMM Realty LLC \ Legacy Plastics LLC, (hereinafter the "Applicant\Property Owner") filed an application with the City of Elkhart, requesting that the real estate described in Exhibit A attached to this Resolution (the "Area") be designated as an economic revitalization area by the Common Council for the purpose of allowing a deduction from the assessed value of the real property improvements, consisting of existing building acquisition and post-acquisition building improvements for property acquisition and a 10,000 square-foot expansion to existing structure (the "Project") and from the assessed value of the manufacturing equipment for rotomold injection and robotic CNC equipment (the "New Equipment"); and

WHEREAS, the Applicant\Property Owner filed with the City a Statement of Benefits Form (SB-1/Real Property) for the Project and a Statement of Benefits Form (SB-1/Personal Property) for the New Equipment (collectively the "Statement of Benefits"); and

WHEREAS, prior to the commencement of the Project in the Area, the Area had become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values and prevented normal development and use of the property; and

WHEREAS, the Common Council has caused to be prepared maps and plats showing the boundaries of the Area; and

WHEREAS, the Common Council has studied the Area and considered the Applicant\Property Owner's request to designate the Area as an economic revitalization area and the Applicant\Property Owner's Statement of Benefits.

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

1. After considering the evidence presented at the public meeting conducted this date, the Common Council hereby finds and determines that:

A. the estimate of the value of the Project in the Area is reasonable for projects of this nature, and the estimate of the cost of the New Equipment is reasonable for equipment of this type in this Area;

B. the estimate of the number of individuals who will be employed or whose employment will be retained in the Area can reasonably be expected to result from the Project and installation of the New Equipment;

C. the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained in the Area can reasonably be expected to result from the Project and installation of the New Equipment;

D. the other benefits about which information was requested are benefits that can reasonably be expected to result from the Project and installation of the New Equipment; and

E. the totality of benefits is sufficient to justify declaring the Area as an economic revitalization area and allowing deductions in accordance with the Act.

2. The Area is hereby designated an economic revitalization area under Section 2.5 of the Act (the "ERA") and subject to the requirements of the Act for the purpose of allowing a deduction from the assessed value of the Project and installation of the New Equipment. The designation of the Area as an ERA shall expire on December 31, 2023.

3. The Administrative Assistant of the Common Council is hereby authorized and directed to make all filings necessary or desirable with the Elkhart County Assessor, to publish all notices required by the Act, and to take all other necessary actions to carry out the purposes and intent of this Resolution and to establish and designate the Area as an economic revitalization area.

4. The Administrative Assistant of the Common Council is further authorized and directed to file this Declaratory Resolution, together with any supporting information, with each of the officers of each taxing unit that has authority to levy property taxes in the Area, as provided in the Act.

5. This Declaratory Resolution shall be submitted to the public for hearing and remonstrance as provided by the Act; and said public hearing shall be convened by the Common Council on March 7, 2022, at 7:00 p.m., at the City Hall, 229 S. Second Street, Elkhart, Indiana 46516.

6. In accordance with Section 2.5(b) of the Act, the Common Council hereby determines that a deduction for the Project under Section 3 of the Act shall be allowed for a period of three (3) years. The amount of the deduction for each eligible year shall be according to the following deduction schedule:

YEAR OF REDEVELOPMENT AND REVITALIZATION OF THE REAL ESTATE	2023 Payable 2024	2024 Payable 2025	2025 Payable 2026	2026 Payable 2027	2027 Payable 2028	2028 Payable 2029
2023	100%	66%	33%	-	-	-
2024	-	100%	66%	33%	-	-
2025	-	-	100%	66%	33%	-

7. In accordance with Section 2.5(b) of the Act, the Common Council hereby determines that a deduction for the installation of the New Equipment under Section 4.5 of the Act shall be allowed for a period of three (3) years. The amount of the deduction for each eligible year shall be according to the following deduction schedule:

YEAR EQUIPMENT INSTALLED IN THE IN THE ERA	2023 Payable 2024	2024 Payable 2025	2025 Payable 2026	2026 Payable 2027	2027 Payable 2028	2028 Payable 2029
2023	100%	66%	33%	-	-	-
2024	-	100%	66%	33%	-	-
2025	-	-	100%	66%	33%	-

8. The Common Council, with the consent of property owner, adopts and incorporates by reference into this Resolution the provisions of Indiana Code 6-1.1-12.1-14 and imposes a fee on the property owner equal to 15% of the tax savings as determined under Indiana Code 6-1.1-12.1-14(c).

9. The Common Council hereby adopts and incorporates by reference the provisions of Indiana Code 6-1.1-12.1-12, providing that if the owner of the property owner or tenant of the property, ceases operations at the facility for which the deduction was granted, and the designating body finds that the Applicant or property owner obtained the deduction by intentionally providing false information concerning the Applicant's or property owner's plans to continue operations at the facility, the property owner shall pay the amount determined by the County Auditor pursuant to law, after an appeal, if any.

10. The Common Council's designation of the Area as an economic revitalization area shall terminate after a public hearing held by the Common Council in accordance with the Act if the Applicant and/or property owner:

A. fails to substantially complete the Project, install the proposed New Equipment, and create and maintain the level of benefits described in the Statement of Benefits;

B. fails to enter into a written agreement with the City of Elkhart confirming the Applicant\Property Owner's commitment to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in the Statement of Benefits; or

C. fails to continue operations at the facility for which the deduction was granted; or

D. intentionally provides false information to the designating body concerning the Applicant's or property owner's plans to continue operations at the facility.

11. The provisions of this Declaratory Resolution shall be subject in all respects to the Act and any amendments thereto.

12. This Declaratory Resolution shall take effect upon its adoption.

RESOLVED this ____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

Exhibit A

Description of Real Property

The real property comprising the Economic Revitalization Area is described as follows:

Property Address:

1165 Fremont Court, Elkhart, IN 46516

Parcel Number(s):

20-06-12-427-003.000-011

Legal Description:

LOT NUMBERED SIX-B (6-B) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF REPLAT NO. 1 OF LOT SIX (6) OF THE DEVELOPMENT PLAN FOR EASTLAND INDUSTRIAL PARK, PHASE VI, PART "B"; RECORDED IN THE RECORDS OF THE ELKHART COUNTY RECORDER IN PLAT BOOK 29, PAGE 16, AND LOCATED WITHIN THE EAST HALF OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA.

ALSO, LOT NUMBERED SEVEN (7), AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF "DEVELOPMENT PLAN FOR EASTLAND INDUSTRIAL PARK - PHASE VI - PART B", RECORDED IN THE RECORDS OF THE ELKHART COUNTY RECORDER IN PLAT BOOK 27, PAGE 100, AND LOCATED WITHIN THE EAST HALF OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA.

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

I, Debra D. Barrett, Clerk of the City of Elkhart, Indiana, do hereby certify the above is a full, true and complete copy of Resolution No. R-____, adopted by the Common Council on the _____ day of _____, _____, by a vote of _____ AYES and _____ NAYS, and was approved and signed by the Mayor on the _____ day of _____, _____, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Elkhart, Indiana, this ____ day of _
_____, _____.

Debra D. Barrett, City Clerk

Property Tax Phase-In Application
for use by existing or proposed Elkhart County company

This application is to request the designation of an Economic Revitalization Area (ERA) for the purpose of obtaining a property tax phase-in (tax abatement). The application is to be completed and signed by the owner of the property where the real property improvements, the installation of personal property, and/or the occupancy of an eligible vacant building is to occur. The designating body will review this application to determine whether a particular area should be designated as an ERA in accordance with Indiana Code (I.C.) 6-1.1-12.1 and all subsequent amendments made thereafter. The designating body makes no representation as to the effect of a designation granted by it for purposes of any further applications or approvals required under I.C. 6-1.1-12.1 and makes no representation to any applicant concerning the validity of any benefit conferred.

Application is to offset: (check all that apply)

- Real Property Improvements (e.g. new building, addition and/or modification)
- Personal Property (e.g. Equipment for manufacturing; research and development, logistics and distribution; or information technology.)
- Vacant Building

There is a non-refundable filing fee of \$750 for each category. This filing fee is used to defray the costs incurred in processing the application pursuant to I.C. 6-1.1-12.1-2(h). A check payable to County of Elkhart must be included with the application.

General Information			
Company Name	PontoonStuff, Inc.		
Federal Employer I.D.(FEIN)	20-2659886	NAICS Code	454110
Website	https://www.pontoonstuff.com/	Year Company founded	2005
Company Business (Brief Description)			
<p>PontoonStuff® was founded in 2005 on the idea that rebuilding a pontoon boat should be affordable and you shouldn't need a payment to get that new boat feeling. With factory grade pontoon furniture, flooring and parts we make it affordable to have a greatlooking pontoon boat again. We have helped over 200,000 customers fix up their pontoons. We sell to an average of 35,000 new customers per year. We sell more replacement pontoon boat seats than all other retailers combined and focus on offering everything you need for your pontoon restoration. Designing, building & selling our pontoon boat seats directly gives us a big advantage, we can invest in more quality and have better prices because we control everything. All products are stocked and shipped from our facilities in Elkhart, IN and Dalton, GA. Before building our own DeckMate brand of pontoon furniture in 2012 we sold nearly every brand of replacement pontoon seating, so we know the difference and we knew what changes needed to be made to offer superior quality pontoon boat seats. PontoonStuff.com is part of a greater network of websites whose purpose is to make boat restoration affordable. Our sites include DeckMate Boat Seats, BassBoatSeats.com, BoatSeatStore.com & BoatCarpetBuys.com. This current expansion is evaluating a 50k sf building purchase adjacent to our property in Elkhart or existing site in Dalton, GA for about 10 new jobs and \$3M capital spend. It would be at least \$1.5M building upgrade (10k sf addition) along with \$1.5M in new Rotomold injection molding and robotic CNC equipment as we look to open new rotomolding business to expand in electrical components of Marine industry.</p>			
Project Contact Person/Representative	James Morgan, Plant Manager		
Address	1165 Fremont Court Elkhart, IN 46516		
Phone	(877) 295-9522	Email	jmorgan@pontoonstuff.com
Senior Company Official	James Myers, President		
Address	1165 Fremont Court Elkhart, IN 46516		
Phone	(877) 295-9522	Email	jmyers1165@gmail.com
Proposed Project Site Information			
Property Owner(s)	MME Realty is Building Owner and Legacy Plastic is Personal Property Owner (PontoonStuff, Inc./Legacy Plastic are Operating Entities)		
Address	1162 Fremont Court Elkhart, IN 46516		
Parcel Number(s)	20-06-12-427-003.000-009		
Legal Description	EASTLAND INDUSTRIAL PARK PHASE VI PART B LOT 10		
Does Company currently do business at this site?	Yes	No	X
If no, how is site currently being used?	Industrial Manufacturing/Warehousing		
What buildings are on the site?	Former Tm3 Sports 50k sf building (Our HQ is across the street at 1165 Fremont Court)		
What is the condition of the buildings?	Good		
Have the buildings at this site been vacant for more than a year?	Yes	No	X
Are the buildings at this site more than 25 years old?	Yes	No	X
Will the proposed project be used for a national or regional headquarters?	Yes	No	X
Is this a blighted or mitigated Brownfield site?	Yes	No	X
Current assessed value of real estate	\$ 311,900 Land	\$ 693,100 Improvements	

Proposed Project Information			
Description of proposed improvements (Attach additional project details, if needed)			
Structures:	Building expansion and renovation		
Manufacturing equipment:	Rotomolding injection molding and robotic CNC equipment purchases		
Research and Development equipment:			
Logistics and Distribution equipment:			
Information Technology equipment:			
Proposed start date for project	1-Jan-22	Proposed end date for project	31-Dec-22
Proposed start date for operations	Jan-22		
Has the new equipment associated with this project been used by the owner/taxpayer (or related entity) in the state of Indiana?	Yes		N/A
	No	X	
If yes, provide details including where the equipment will come from and how it will be acquired:			
Will the new equipment associated with this project be leased?	Yes		N/A
	No	X	
If yes, provide details including from whom and for what term			
Will this project require approval of rezoning, plat, development plan, vacation, variance, special exemption, or contingent use?	Yes		No
			X
If yes, list:			

Proposed Investment					
Calendar Year	2021	2022	2023	2024	Total
Land acquisition					\$0
New building construction					\$0
Existing building improvements		\$1,500,000			\$1,500,000
Manufacturing equipment		\$1,500,000			\$1,500,000
Research and Development equipment					\$0
Logistics and Distribution equipment					\$0
Information Technology equipment					\$0
On-site rail infrastructure					\$0
On-site fiber infrastructure					\$0
Grand Total	\$0	\$3,000,000	\$0	\$0	\$3,000,000

Statutory Findings			
Indiana Code 6-1.1-12.1-1 requires that the designating body make specific findings to justify the designation of the property as an Economic Revitalization Area. One finding is that the subject property is either in an area: "Which has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property" or "Where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues."			
Are improvements on project site and/or the surrounding area obsolete?	Yes		No
			X
If yes, describe the obsolescence:			
Are buildings at project site substandard for normal use and development?	Yes		No
			X
If yes, explain what is substandard so as to prevent normal use and development:			
Has project site and/or surrounding area declined in value in last 10 years?	Yes		No
			X
If yes, explain what caused the decline in value:			
Has project site and/or surrounding area failed to develop for last 10 years?	Yes	X	No
If yes, explain what characteristics make this site difficult to develop:			
Vacant lot			
Are any facilities at project site technologically, economically or energy obsolete?	Yes		No
			X
If yes, describe how the facilities are obsolete:			

Community Benefits

We will add more assessed value and new equipment to local property tax rolls along with adding more employees to spend at local businesses.

Impacts and status

Will any additional public utilities, services or other public infrastructure be required by this project?

Yes No X

If yes, explain the type required and the amount the applicant will be contributing toward the public infrastructure.

Employment

Will all current employees be retained at Project Site as a result of this project?

Yes X No

If no, explain:

Current Full-Time Employment at Project Site - 0

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management					
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision					
Production					
Maintenance					
Other					
Total	0				

Full-time jobs to be created as a result of this project

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management					
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision					
Production	10	\$30.00	\$62,400	\$52,000 - \$72,000	\$62,000
Maintenance					
Other					
Total	10	\$30.00	\$62,400		

*Do NOT include costs of any benefits

** Median Annual Wage: The middle (midpoint) salary of all positions rather than the average (mean) salary

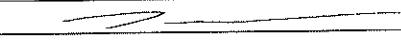
Additional financial compensation (attach additional pages, if needed)

Explain in detail, by job category, any additional financial compensation earned. (Examples may include commission, bonus, overtime, piece rate, attendance, etc.)

Projected Phasing of new jobs

Calendar Year	2021	2022	2023	2024	Total
Management					0
Professional/Technical					0
Sales					0
Office/Administrative Support					0
Production Supervision					0
Production	0	10	0	0	10
Maintenance					0
Other					0
Total	0	10	0	0	10

Company Benefits				
Check all of the benefits listed below that the company provides to workers who have been employed for 6 months or longer. The company must pay at least 70% of the benefit cost.				
				Comments
Health Insurance	Yes	X	No	
Dental Insurance	Yes	X	No	
Vision Insurance	Yes	X	No	
Life Insurance	Yes	X	No	
Disability Insurance	Yes	X	No	
Sick Leave (Paid)	Yes	X	No	
Vacation (Paid)	Yes	X	No	
Holidays (Paid)	Yes	X	No	
Personal Days (Paid)	Yes	X	No	
Employee Training	Yes	X	No	On-the-Job training for new equipment.
Tuition Reimbursement	Yes	X	No	
401K/Pension	Yes	X	No	
ESOP/Profit Sharing	Yes		No	X
Uniforms	Yes		No	X
Other (List)				

Signature	
<p><i>Indiana Code 6-1.1-12.1-14 provides that the designating body for the tax phase-in requested, may impose a fee not exceeding 15% of the reduction in property taxes to which the undersigned applicant is entitled in each year in which the undersigned applicant's property tax liability is reduced by a deduction approved pursuant to this application.</i></p> <p>The undersigned applicant consents to the following:</p> <ul style="list-style-type: none"> ▪ Imposition of this fee provided that such fee is not more than fifteen percent (15%) of the reduction of property taxes for any tax year. These fees will be used for future Economic Development efforts. ▪ The current assessed tax base for this property will not be appealed over the tax phase-in period unless one of the exceptions in the tax phase-in policy applies. ▪ Filing this application constitutes a request for Economic Revitalization Area designation only and does not constitute an automatic reduction of property taxes. I understand it is the responsibility of property owners to file the appropriate forms on an annual basis with the Elkhart County Auditor and other governing bodies, as required, to receive any reduction of property taxes. ▪ I certify the information and representations of this application are true and complete. ▪ I further certify that I am the owner/taxpayer or have the authority of the owner/taxpayer to make this application and to consent to the fee as described above. 	
Signature	
Printed	James Meyers
Title	President
Date	11/4/2021

ATTACHMENTS: Include all relevant Statement of Benefits (SB-1) forms



**STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51764 (R5 / 1-21)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1		TAXPAYER INFORMATION									
Name of taxpayer Legacy Plastic (Operating Entity is PontoonStuff, Inc.)			Name of contact person James Morgan, Chief Operating Officer								
Address of taxpayer (number and street, city, state, and ZIP code) 1165 Fremont Court, Elkhart, IN 46516				Telephone number (877) 295-9522							
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT									
Name of designating body Elkhart City Council				Resolution number (s)							
Location of property 1162 Fremont Court, Elkhart, IN 46516			County Elkhart		DLGF taxing district number 011 - Concord Township						
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) \$1.5M in new Rotomold injection molding and robotic CNC equipment as we look to open new rotomolding business to expand in electrical components of Marine industry.				ESTIMATED							
						START DATE	COMPLETION DATE				
				Manufacturing Equipment	01/01/2022	12/31/2022					
				R & D Equipment							
				Logist Dist Equipment							
				IT Equipment							
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT									
Current Number 0	Salaries 0	Number Retained 0	Salaries 0	Number Additional 10	Salaries \$624,000						
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT									
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.		MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT			
		COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE		
		Current values									
		Plus estimated values of proposed project		1,500,000	450,000						
		Less values of any property being replaced									
Net estimated values upon completion of project			450,000								
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER									
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____								
Other benefits:											
SECTION 6		TAXPAYER CERTIFICATION									
I hereby certify that the representations in this statement are true.											
Signature of authorized representative 						Date signed (month, day, year) November 3, 2021					
Printed name of authorized representative James Morgan				Title Chief Operating Officer							

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____ . *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- B. The type of deduction that is allowed in the designated area is limited to:
- | | | | |
|-------------------------------------------------------------|------------------------------|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 . Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
<i>Check box if an enhanced abatement was approved for one or more of these types.</i> |
| 2 . Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 3 . Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 4 . Installation of new information technology equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
- C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- G. Other limitations or conditions (specify) _____
- H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:
- | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5 | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
Number of years approved: _____
<i>(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)</i> |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 | |
- I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by: (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

PERSONAL PROPERTY TAX PHASE-IN POINT SYSTEM

Company Name: Pontoon Stuff

Date: 11/17/2021

Projects will be considered for Phase-In if:

1. The company/project meets all of the criteria set forth under I.C. 6-1.1 1-12.1 et seq in the form of deductions from assessed valuation
2. The proposed new investment includes at least \$500,000 of Real Property that qualifies for Tax Phase-In
3. Construction has not begun and/or equipment has not been ordered or the equipment will be new to Indiana
4. In addition, if the applicant is not the company, authorization of the application must be obtained from the company

TAX BASE BENEFITS		Points Possible	Points Assigned
A.	Total new investment in business personal property (or relocation of equipment from out of State): 1,500,000		
	▫ \$20,000,000 and above	25	
	▫ \$10,000,000 to \$19,999,999	20	
	▫ \$5,000,000 to \$9,999,999	15	
	▫ \$2,500,000 to \$4,999,999	10	
	▫ \$500,000 to \$2,499,999	5	5
JOB BENEFITS 10			
A.	Total number of jobs created at facility of proposed project:		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	
	▫ 25 to 49	10	
	▫ 10 to 24	5	5
B.	Total number of existing jobs at facility of proposed project:		
	▫ 250 or more	5	0
	▫ 100 to 249	4	
	▫ 50 to 99	3	
	▫ 25 to 49	2	
	▫ 10 to 24	1	
C.	Median employee salary (including existing and new employees): 62,400		
	▫ \$65,000 and above	25	
	▫ \$55,000 to \$64,999	20	20
	▫ \$45,000 to \$54,999	10	
	▫ \$40,000 to \$44,999	5	
	▫ Less than \$40,000	0	
D.	Median employee compensation benefits:		
	Health Insurance	2	2
	Dental Insurance	1	1
	Vision Insurance	1	1
	Life Insurance	1	1
	Disability Insurance	1	1
	Sick Leave (Paid)	1	1
	Vacation (Paid)	1	1
	Holidays (Paid)	1	1
	Personal Days (Paid)	1	1
	Employee Training	2	2
	Tuition Reimbursement	3	3
	401k/Pension Plan	2	2
	ESOP/Profit Sharing	2	2
	Succession Plan	3	3
REDEVELOPMENT BENEFITS			

A.	Project redevelops a brownfield site.	20	0
B.	Project utilizes an obsolete facility that has been vacant for at least one (1) year.	10	0
C.	Project utilizes an obsolete facility that is at least twenty-five (25) years old.	10	0
D.	Project develops in a Qualified Census Tract as designated by US Housing & Urban Development	10	0

ECONOMIC DEVELOPMENT BENEFITS			
	The project will be used for a national or regional headquarters.	10	0
INFRASTRUCTURE BENEFITS			
	The applicant pays for the installation of public infrastructure in the following amount:		
	▫ \$750,000 or more	10	0
	▫ \$400,000 to \$749,999	6	0
	▫ \$200,000 to \$399,999	3	0
TARGETED INDUSTRY			
	The project is an industry targeted by the Elkhart County Economic Development Corporation Strategic Plan	20	0
	▫ Agribusiness		
	▫ Advanced Recycling		
	▫ Automotive Tier I / Tier II Production		
	▫ Electronics		
	▫ Financial and Professional Services		
	▫ Health Care		
	▫ Robotics		
	The project is an industry targeted by the Indiana Economic Development Corporation	10	
	▫ Aerospace & Aviation		
	▫ Advanced Manufacturing		
	▫ Cybersecurity		
	▫ Defense & National Security		
	▫ Energy		
	▫ Information Technology (IT)		
	▫ Life Sciences		
	▫ Logistics & Transportation		
	▫ Motorsports		
TOTAL POINTS (190 points possible)			47
OPTIONAL ECONOMIC HEALTH INDICATOR			
	<u>Unemployment Rate</u>	<u>Multiplier</u>	
	0.0% - 3.4%	90%	42.3
	3.5% - 5.0%	95%	44.65
	5.1% - 8.5%	100%	47
	8.6% and Above	105%	49.35
TERM RECOMMENDATION			
<input type="checkbox"/>	Over 51 Points 5-Year Tax Phase-In		
<input type="checkbox"/>	30 to 50 Points 3-Year Tax Phase-In		



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

20 22 PAY 20 23

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
 Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer MMM Realty LLC (Operating Entity is Legacy Plastic and PontoonStuff, Inc.)		
Address of taxpayer (number and street, city, state, and ZIP code) 1165 Fremont Court, Elkhart, IN 46516		
Name of contact person James Morgan, Chief Operating Officer	Telephone number (877) 295-9522	E-mail address jmorgan@pontoonstuff.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body Elkhart City Council	Resolution number
Location of property 1162 Fremont Court, Elkhart, IN 46516	County Elkhart
DLGF taxing district number 011	Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) A new building purchase and 10k sf addition to that building, which is adjacent to our HQ property in Elkhart. This building upgrade is at least \$1.5M capital spend. Legal Description is EASTLAND INDUSTRIAL PARK PHASE VI PART B LOT 10.
Estimated start date (month, day, year) 1/01/2022	Estimated completion date (month, day, year) 12/31/2022

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
0.00	\$0.00	0.00	\$0.00	10.00	\$624,000.00

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		
Plus estimated values of proposed project	1,500,000.00	1,500,000.00
Less values of any property being replaced		
Net estimated values upon completion of project	1,500,000.00	1,500,000.00

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
Other benefits	

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Date signed (month, day, year) November 3, 2021
Printed name of authorized representative James Morgan	Title Chief Operating Officer

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (*see below*). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (*specify*) _____
- E. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 Year 6 Year 7 Year 8 Year 9 Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

REAL PROPERTY TAX PHASE-IN POINT SYSTEM

Company Name: Pontoon Stuff

Date: 11/17/2021

Address: 1162 Fremont Court Elkhart in 46516

Projects will be considered for Phase-In if:

1. The company/project meets all of the criteria set forth under I.C. 6-1.1 1-12.1 et seq in the form of deductions from assessed valuation
2. The proposed new investment includes at least \$500,000 of Real Property that qualifies for Tax Phase-In
3. Construction has not begun and/or equipment has not been ordered or the equipment will be new to Indiana
4. In addition, if the applicant is in the company, authorization of the application must be obtained from the company

TAX BASE BENEFITS		Points Possible	Points Assigned
A.	Total new investment in real property (both redevelopment (new structures) and rehabilitation): 1,500,000		
	▫ \$20,000,000 and above	25	
	▫ \$10,000,000 to \$19,999,999	20	
	▫ \$5,000,000 to \$9,999,999	15	
	▫ \$2,500,000 to \$4,999,999	10	
	▫ \$500,000 to \$2,499,999	5	5
JOB BENEFITS			
A.	Total number of jobs created at facility of proposed project: 10		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	
	▫ 25 to 49	10	
	▫ 10 to 24	5	5
B.	Total number of existing jobs at facility of proposed project: 0		
	▫ 250 or more	5	0
	▫ 100 to 249	4	
	▫ 50 to 99	3	
	▫ 25 to 49	2	
	▫ 10 to 24	1	
C.	Median employee salary (including existing and new employees) 62,400		
	▫ \$65,000 and above	25	
	▫ \$55,000 to \$64,999	20	20
	▫ \$45,000 to \$54,999	10	
	▫ \$40,000 to \$44,999	5	
	▫ Less than \$40,000	0	
D.	Median employee compensation benefits:		
	Health Insurance	2	2
	Dental Insurance	1	1
	Vision Insurance	1	1
	Life Insurance	1	1
	Disability Insurance	1	1
	Sick Leave (Paid)	1	1
	Vacation (Paid)	1	1
	Holidays (Paid)	1	1
	Personal Days (Paid)	1	1
	Employee Training	2	2
	Tuition Reimbursement	3	3
	401k/Pension Plan	2	2
	ESOP/Profit Sharing	2	0

	Succession Plan	3	0
REDEVELOPMENT BENEFITS		<i>Total -</i>	17
A.	Project redevelops a brownfield site.	20	0
B.	Project utilizes an obsolete facility that has been vacant for at least one (1) year.	10	0
C.	Project utilizes an obsolete facility that is at least twenty-five (25) years old.	10	0
D.	Project develops in a Qualified Census Tract as designated by US Housing & Urban Development	10	0
ECONOMIC DEVELOPMENT BENEFITS			
	The project will be used for a national or regional headquarters.	10	0
INFRASTRUCTURE BENEFITS			
	The applicant pays for the installation of public infrastructure in the following amount:		0
	▫ \$750,000 or more	10	0
	▫ \$400,000 to \$749,999	6	0
	▫ \$200,000 to \$399,999	3	0
TARGETED INDUSTRY			
	The project is an industry targeted by the Elkhart County Economic Development Corporation Strategic Plan	20	0
	▫ Agribusiness		
	▫ Advanced Recycling		
	▫ Automotive Tier I / Tier II Production		
	▫ Electronics		
	▫ Financial and Professional Services		
	▫ Health Care		
	▫ Robotics		
	The project is an industry targeted by the Indiana Economic Development Corporation	10	0
	▫ Aerospace & Aviation		
	▫ Advanced Manufacturing		
	▫ Cybersecurity		
	▫ Defense & National Security		
	▫ Energy		
	▫ Information Technology (IT)		
	▫ Life Sciences		
	▫ Logistics & Transportation		
	▫ Motorsports		
TOTAL POINTS (180 points possible)			47
OPTIONAL ECONOMIC HEALTH INDICATOR			
	<u>Unemployment Rate</u>	<u>Multiplier</u>	<u>Adjusted Points</u>
	0.0% - 3.4%	90%	42.3
	3.5% - 5.0%	95%	44.65
	5.1% - 8.5%	100%	47
	8.6% and Above	105%	49.35
TERM RECOMMENDATION			
<input type="checkbox"/>	Over 90 Points 10-Year Tax Phase-In		
<input type="checkbox"/>	72 to 90 Points 7-Year Tax Phase-In		
<input type="checkbox"/>	51 to 71 Points 5-Year Tax Phase-In		
<input type="checkbox"/>	30 to 50 Points 3-Year Tax Phase-In		

**EDC of Elkhart County
DIRECT PROJECT IMPACT ESTIMATES**



PROJECT: Pontoon Stuff
TAX DISTRICT: Concord 009

Date Printed: 11/18/2021

PROPERTY TAX IMPACT

Current Tax Rate Calculations	Gross Rate	PTRC	Net Rate
Structures (Real Property)	2.5809	0	\$ 2.5809
Machinery & Equipment (Personal Property)	2.5809	0	\$ 2.5809

Project Estimates	Investment	Phase-in Schedule	
Structures (Real Property)	\$ 1,500,000	3	Years
Machinery & Equipment (Personal Property)	\$ 1,500,000	3	Years

Tax Abatement Schedules

New Structures	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	100%	\$ -	\$ 2.5809	\$ -	\$ 38,714
Year 2	66%	\$ 510,000	\$ 2.5809	\$ 13,163	\$ 25,551
Year 3	33%	\$ 1,005,000	\$ 2.5809	\$ 25,938	\$ 12,775
Year 4	0%	\$ 1,500,000	\$ 2.5809	\$ 38,714	\$ -
Year 5	0%	\$ 1,500,000	\$ 2.5809	\$ 38,714	\$ -
Year 6	0%	\$ 1,500,000	\$ 2.5809	\$ 38,714	\$ -
Year 7	0%	\$ 1,500,000	\$ 2.5809	\$ 38,714	\$ -
Year 8	0%	\$ 1,500,000	\$ 2.5809	\$ 38,714	\$ -
Year 9	0%	\$ 1,500,000	\$ 2.5809	\$ 38,714	\$ -
Year 10	0%	\$ 1,500,000	\$ 2.5809	\$ 38,714	\$ -
TOTAL				\$ 310,095	\$ 77,040

New Machinery & Equipment	Depreciation Pool #2	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	40%	100%	\$ -	\$ 2.5809	\$ -	\$ 15,485
Year 2	56%	66%	\$ 285,600	\$ 2.5809	\$ 7,371	\$ 14,309
Year 3	42%	33%	\$ 422,100	\$ 2.5809	\$ 10,894	\$ 5,366
Year 4	32%	0%	\$ 480,000	\$ 2.5809	\$ 12,388	\$ -
Year 5	30%	0%	\$ 450,000	\$ 2.5809	\$ 11,614	\$ -
Year 6	30%	0%	\$ 450,000	\$ 2.5809	\$ 11,614	\$ -
Year 7	30%	0%	\$ 450,000	\$ 2.5809	\$ 11,614	\$ -
Year 8	30%	0%	\$ 450,000	\$ 2.5809	\$ 11,614	\$ -
Year 9	30%	0%	\$ 450,000	\$ 2.5809	\$ 11,614	\$ -
Year 10	30%	0%	\$ 450,000	\$ 2.5809	\$ 11,614	\$ -
TOTAL					\$ 100,338	\$ 35,160

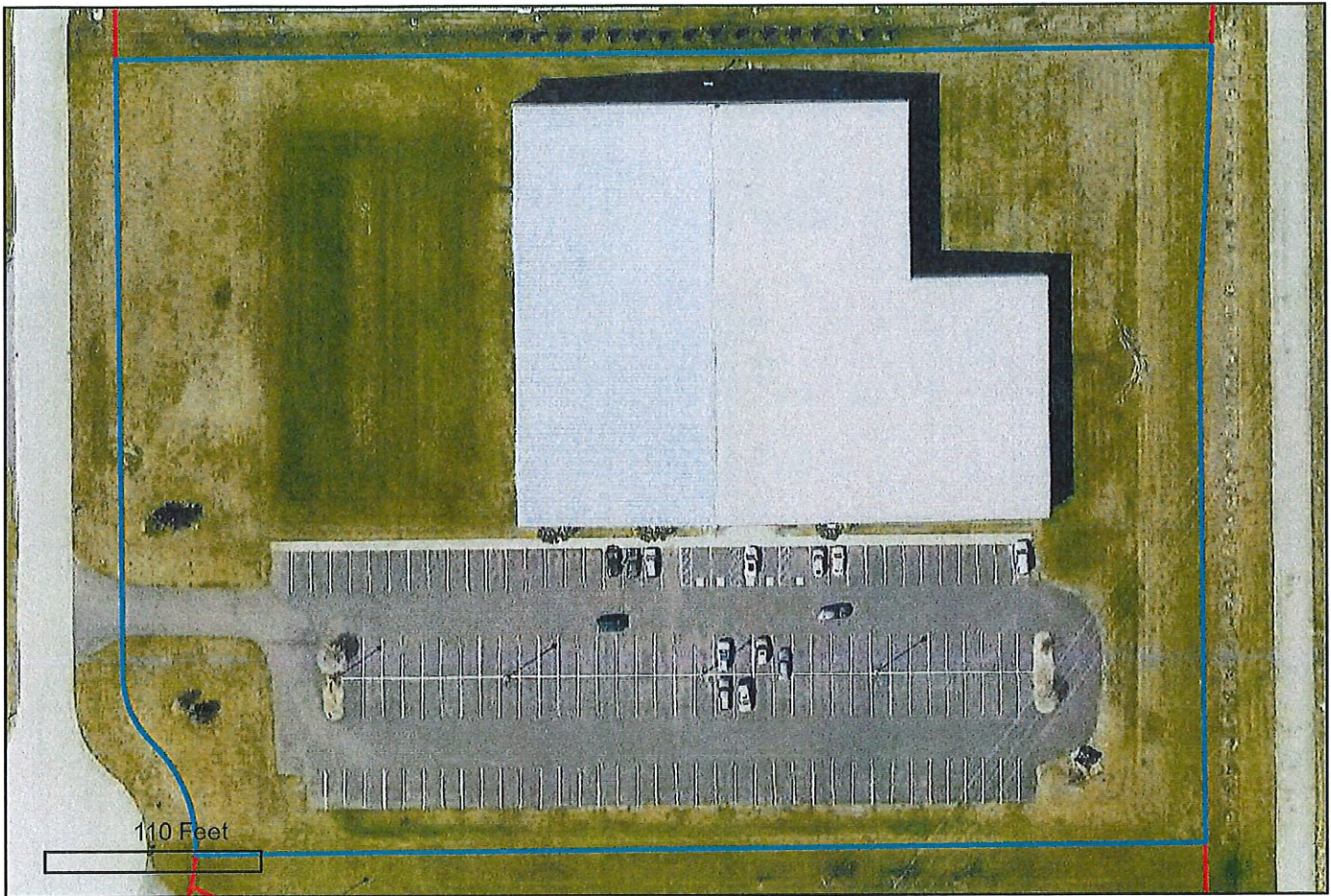
GRAND TOTAL \$ 410,433 \$ 112,199

INCOME TAX IMPACT

	Total Jobs	Total Salaries	Average Salaries
Current Jobs	0	\$ 0	\$ 0
Retained Jobs	0	\$ 0	\$ 0
New Jobs	10	\$ 62,400	\$ 62,400
TOTAL EMPLOYMENT	10	\$ 62,400	\$ 6,240
TOTAL ANNUAL PAYROLL			\$ 62,400
TOTAL ANNUAL STATE INCOME TAX @ 3.4%			\$ 2,122
TOTAL ANNUAL C.A.G.I.T. @1.25%			\$ 780
TOTAL ANNUAL C.E.D.I.T. @ 0.25%			\$ 156

Elkhart County, IN

1162 FREMONT CT, ELKHART, IN 46516
20-06-12-427-003.000-011



Parcel Information

Parcel Number: 20-06-12-427-003.000-011
Alt Parcel Number: 06-12-427-003-011
Property Address: 1162 FREMONT CT
ELKHART, IN 46516
Neighborhood: 1146023-Commercial-Acre-Fringe-
Average Rate (011)
Property Class: Commercial: Theater - 460
Owner Name: MMM REALTY LLC
Owner Address: 1165 FREMONT COURT
ELKHART, IN 46516
Legal Description: EASTLAND INDUSTRIAL PARK; PHASE VI
PART B LOT 10; (TIF 152)

Taxing District

Township: CONCORD TOWNSHIP
Corporation: Concord Community Schools

Land Description

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
Primary Com & Ind	3.0	
Secondary Com & Ind	2.08	

Exhibit "A"

File No. 511408731

LOT NUMBERED SIX-B (6-B) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF REPLAT NO. 1 OF LOT SIX (6) OF THE DEVELOPMENT PLAN FOR EASTLAND INDUSTRIAL PARK, PHASE VI, PART "B"; RECORDED IN THE RECORDS OF THE ELKHART COUNTY RECORDER IN PLAT BOOK 29, PAGE 16, AND LOCATED WITHIN THE EAST HALF OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA.

ALSO, LOT NUMBERED SEVEN (7), AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF "DEVELOPMENT PLAN FOR EASTLAND INDUSTRIAL PARK - PHASE VI - PART B", RECORDED IN THE RECORDS OF THE ELKHART COUNTY RECORDER IN PLAT BOOK 27, PAGE 100, AND LOCATED WITHIN THE EAST HALF OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA.

BOARD OF PUBLIC WORKS
Tuesday, January 18, 2022

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, January 18, 2022. Yadira Fernandez called the roll. Mike Machlan, Chad Crabtree, and Rose Rivera attended in person. Jamie Arce attended on WebEx for discussion purposes. Ron Davis was absent at roll call and joined the meeting in progress.

1. Approve Agenda

A motion was made by Chad Crabtree and seconded by Rose Rivera to approve the agenda. On motion by Chad Crabtree, seconded by Rose Rivera and carried, the agenda was amended by adding Open Quote 22-02 as a new Item III, Uniform Conflict of Interest Disclosure for Mike Machlan under New Business, and the Consent Order with Compliance Schedule for McDowell Enterprises Permit 85-01 under V.(b). The amended agenda carried 3-0.

2. Open Quote 22-02 CR 17 Impact Attenuator Repairs

One quote was received from Specialties Company LLC of Indianapolis, IN for \$78,250.00. On motion by Chad Crabtree, seconded by Rose Rivera and carried 3-0, the quote was assigned to staff.

3. Claims & Allowance Docket

On motion by Chad Crabtree, seconded by Rose Rivera and carried 3-0, the claims & allowance docket was approved in the amount of \$4,521,296.50 consisting of 100 pages as prepared on January 14, 2022 at 1:39 p.m.

4. Minutes Regular Meeting January 4, 2022

On motion by Chad Crabtree, seconded by Rose Rivera and carried 3-0, the minutes from January 4, 2022 were adopted.

5. Utilities

(A.) Administration

Water MRO for December 2021

On motion by Chad Crabtree, seconded by Rose Rivera and carried 3-0, the Board accepted and placed on file the December 2021 Water MRO.

(B.) Environmental Compliance

* Mike notes for the record Board member Ron Davis joined the meeting.

Notice of Violation: Continued Multiple Failure to Submit Renewal FOG

Application as Required

A motion was made by Chad Crabtree and seconded by Rose Rivera to approve a Notice of Violation for 7-Eleven Store #32586 and assess a penalty of \$430.00. Megan Kolaczyk explained the history of the violation to the Board. The violation is per/day. 7-Eleven finally submitted their application and Megan explained the recommended penalty is \$40.00. On motion by Chad Crabtree, seconded by Rose Rivera and carried 4-0, the motion was amended to assess a penalty of \$40.00. The amended motion carried 4-0.

A motion was made by Chad Crabtree and seconded by Rose Rivera to approve a Notice of Violation for Four Points by Sheraton at 3254 Cassopolis St. and assess a penalty of \$385.00. Megan Kolaczyk explained they have not submitted the application and staff has reached out to them five times. The FSE was not present. On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the penalty was tripled to \$1,155.00. The amended motion carried 4-0.

BOARD OF PUBLIC WORKS
Tuesday, January 18, 2022

A motion was made by Chad Crabtree and seconded by Rose Rivera to approve a Notice of Violation for Qdoba Mexican Eats at 405 W. CR 6 Suite A and assess a penalty of \$385.00. The FSE was not present. Megan Kolaczyk said they have not responded. On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the penalty was tripled to \$1,155.00. The amended motion carried 4-0.

Notice of Violation: 25% Rule Violation King Gyros 3520 S. Main St. (F2015-185)

A motion was made by Chad Crabtree and seconded by Ron Davis to approve a Notice of Violation for King Gyros 3520 S. Main St. and assess a penalty of \$200.00. Megan Kolaczyk explained the violation to the Board. The FSE was not present. Staff recommended a \$200.00 penalty for failure to operate and maintain a FOG control device, and \$250.00 for failure to respond since this is their third failure to respond to the notice violation. Mike looked at the memo, and the numbers did not match what Megan was saying. Megan explained the memo has a typo. It should be \$450.00. On motion by Chad Crabtree, seconded by Rose Rivera and carried 4-0, the item was tabled.

Notice of Violation Failure to Submit Renewal FOG Application Papa John's Pizza #570 1532-C Cassopolis St. (F2015-248)

A motion was made by Chad Crabtree and seconded by Ron Davis to approve a Notice of Violation for Papa John's Pizza #570 1532 -C Cassopolis St. and assess a penalty of \$510.00. Megan Kolaczyk explained they have not submitted anything or responded at all. The FSE was not present. On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the motion was amended by changing the penalty to \$1,530.00. The amended motion carried 4-0.

Notice of Violation Failure to Submit Renewal FOG Application King Gyros SB Express II, 1532-A Cassopolis St. (F2015-186)

A motion was made by Chad Crabtree and seconded by Ron Davis to approve a Notice of Violation for King Gyros SB Express 1532-A Cassopolis St. and assess a penalty of \$510.00. Lynn Brabec brought some paperwork to the podium from King Gyros, which they just now dropped off in the Permit Center. It was an incomplete application and an incomplete written response that was due on January 1, 2022. Rose asked if that changed the recommended penalty. Megan explained no, because they are still late, and the response is not complete. The menu is still missing. On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the penalty was doubled to \$1,020.00. The amended motion carried 4-0.

Permit Delist: Manchester Tank Permit #92-06

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board delisted Permit #92-06, Manchester Tank. Lynn Brabec was sorry to inform the Board we lost an industry. Manchester Tank was an outstanding Corporate citizen and will be missed.

Consent Order with Compliance Schedule McDowell Enterprises Permit #85-01

A motion was made by Chad Crabtree and seconded by Rose Rivera to approve a Consent Order with Compliance Schedule for McDowell Enterprises, Permit #85-01. Lynn Brabec explained the Consent Order to the Board. She noted that Mrs. Loshbough is out of town, but she has been in close contact with her

BOARD OF PUBLIC WORKS

Tuesday, January 18, 2022

regarding this document, and she gave her approval. She will sign it when she returns. Lynn also reported to the Board she spoke with Natalie at IDEM who was the individual that performed the inspection that lead to this process, and asked her about the compliance date. The date the new permit is issued in April is the compliance date. Lynn communicated that with Mrs. Loshbough as well. Mike closed discussion and called for the vote. The motion carried 4-0.

6. Engineering

(A.) Administration

River District PSA with JPR, Inc.

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved a PSA with Jones Petrie, Rafinski, Inc. for Projects A-E in the River District in an amount not to exceed \$155,950.00. Chris Chockley from JPR, Inc. discussed the PSA with the Board. Mike asked for an update on the JA Drive river node project. Chris gave the Board drawings and went over the design and strategy to correct the issues that took place after significant rain events last summer caused changes in the riverbed and foundation of the node. JPR is working with contractors to correct the issue, has a plan, and will take full responsibility for the repairs based on this proposed plan.

(B.) Utility

Amendment #1 PSA with DLZ Indiana, LLC Oakland Ave. GSO LTCP Control Study and Conceptual Design

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved Amendment #1 for the Oakland Avenue LTCP Control Study and Conceptual Design project. The Amendment will result in a net change of zero \$0.00 to the not-to-exceed fee.

Request Bid #22-04 Johnson St. Sewer Extension

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved plans and specifications and granted permission to advertise Bid #22-04 Johnson Street Sewer Extension.

(C.) Right of Way

Request Bid #22-06 Arlington Road Improvements

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved plans and specifications and granted permission to advertise Bid #22-06 Arlington Road Improvements.

Request Bid #22-07 Hardee's Parcel Improvements

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved plans and specifications and granted permission to advertise Bid #22-07 Hardee's Parcel Improvements.

7. New Business

Uniform Conflict of Interest Disclosures- Nancy Wilson, Mike Machlan

On motion by Chad Crabtree, seconded by Ron Davis and carried 3-0 (Mike abstained), the Board accepted and placed on file Uniform Conflict of Interest Disclosures for Nancy Wilson and Mike Machlan.

Taft, LLC 2022 Contract

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved the 2022 Contract with Taft, LLC for an annual fee of \$120,000.00.

BOARD OF PUBLIC WORKS
Tuesday, January 18, 2022

Request Quote #22-03 Multifunction Printers

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board granted permission to solicit quotes to purchase Multifunction Printers.

8. Public Participation

Tory Irwin announced a public meeting open house for the North Main Street Water Main Replacement Project from Jackson to the River next Monday, January 24, 2022 from 5-6 p.m. in the Council Chambers.

Tory told the Board that projects are coming in exceptionally and extraordinarily high. We cannot keep up with the estimating on our projects. INDOT can't either. They recently had a letting and opened a bunch of projects, and they stopped opening projects because they were all extremely far over budget. They are not awarding 77% of the projects they opened. It is a problem industry wide. We will probably be seeking more money in appropriations and not doing as much as we wanted to this year. We are cutting back. It's everything, it's labor shortages, it's material shortages, it's COVID, and on top of that, it's the number of projects going out for bid because there are Federal dollars to back them up. The dollar is not going as far as it used to. The Long Term Control Plan is the top priority.

9. Adjournment

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board of Works adjourned at 10:13 a.m.

Chad Crabtree Chad Crabtree, Vice-President

Attest: Nancy Wilson Nancy Wilson, Clerk of the Board.

PLAN COMMISSION

-MINUTES-

Monday, January 3, 2022 - Commenced at 1:47 P.M. & adjourned at 3:35 P.M.
City Council Chambers – Municipal Building

Elkhart City Plan Commission was called to order by Tory Irwin at 1:47 P.M.

MEMBERS PRESENT

Dave Osborne- In person
Ron Davis- In person
Tom Shoff- Webex
Johnny Thomas- In person
Tory Irwin- In person
Mark Datema- In person
Don Walter- In person
Kevin Bullard- In person

MEMBERS ABSENT

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director for Planning- In person
Ryan Smith, Planner- In person

LEGAL DEPARTMENT

Absent

TECHNOLOGY STAFF

Anthony Elkins

RECORDING SECRETARY

Kayla Jewell

APPROVAL OF AGENDA

Motion to approve by Osborne; Second by Thomas.

Motion to approve amended agenda by Thomas; Second by Osborne.

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

ELECTION OF OFFICES

PRESIDENT- TORY IRWIN

Motion to approve by Davis; Second by Osborne.

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

VICE PRESIDENT- DAVE OSBORNE

Motion to approve by Davis; Second by Thomas.

Davis- Yes

Shoff- Yes

Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

SECRETARY- TOM SHOFF

Motion to approve by Davis; Second by Thomas.

Osborne- Yes
Davis- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

APPROVAL OF MEMBERS OF PLAT COMMITTEE

CURRENT MEMBERS TO STAY THE SAME

Motion to approve by Osborne; Second by Thomas.

Osborne- Yes
Davis- Yes
Shoff- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

APPOINT MEMBERS TO BZA

JOHN THOMAS

Motion to approve by Osborne; Second by Davis.

Osborne- Yes
Davis- Yes
Shoff- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

APPROVAL OF MINUTES

Motion to approve by Datema; Second by Thomas.

Osborne- Yes
Davis- Yes
Shoff- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

APPROVAL OF PROOFS OF PUBLICATION

Motion to approve by Datema; Second by Shoff.

Osborne- Yes
Davis- Yes
Shoff- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes

Bullard- Yes

OLD BUSINESS

21-X-14 PETITIONER IS KEVIN PEREZ SOSA PROPERTY IS LOCATED AT 322 E INDIANA AVENUE

A Special Exception per Section 12.3.F of Special Exception Uses in the Community Business District to allow for the operation of a tattoo parlor in an existing building.

STAFF ANALYSIS

The petitioner proposes to convert a portion of an existing commercial building into a tattoo parlor. Their proposal is to have a private studio with two local artists with an additional chair for accomplished guest artists. The idea would be to promote other accomplished artist to utilize their business. The business is proposed to be appointment only and has parking along May Street.

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 as this is an existing commercial building with limited traffic;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because there will be no physical changes to the property;
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.

Irwin asks if there are questions from the Commission.

Osborne asks if there are required permits from the health department.

Smith replies, yes.

Osborne asks if they plan to keep a file from the health department with staff.

Smith replies not typically, however it could be a condition added for the Board of Zoning Appeals if needed. He also states typically for businesses such as hair salons, daycares, etc. Does staff require to have a copy of their license. Smith says, however with tattoo parlors, nail salons and massage parlors it is not required.

Davis asks if the petitioner has met all of the state requirements.

Smith replies he has not received the paperwork, but that is a question to ask the petitioner.

Irwin asks Smith if the city verifies the petitioner has obtained their permit from the county which includes checking all of the state requirements as well.

Smith replies no, however that is a condition that can be added.

Bullard asks Smith why this case was put back into "Old Business".

Smith replies, the petitioner was not present at the last meeting.

Irwin calls petitioner forward.

Gerardo Medez (322 E Indiana Ave) introduces himself and states he is a business partner of the petitioner. Medez states their hopes are to open a tattoo parlor which would consist of three artists with one guest at a time and by appointment only.

Thomas asks Medez what health regulations are required.

Medez replies from his understanding, there is a checklist from the state which includes specific signage, equipment, etc.

Davis asks if this is their first start at the business and what qualifications Medez has.

Medez replies, yes this is their first business and he has been tattooing for 5/6 years and was an apprentice for a year and a half.

Irwin asks if the permitting process has been started with the county.

Medez states yes, which falls mainly on the state's requirements.

Irwin asks if there are additional questions for the petitioner.

Trotter interjects with, the state has a checklist which consists of items such as how the business disposes of the sharps and blood borne pathogens training which is regulated by the state (inaudible). Trotter says the city is approving the land use and that is also what the county has chosen to follow as well. They are required to follow the state's requirements and is typically on a compliant basis (inaudible).

Irwin reiterates to Trotter that the city and county do not regulate.

Trotter replies, yes that is correct.

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 with a Do-Pass Recommendation to the Board of Zoning Appeals; Second by Shoff. Motion carries.

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

**21-SUB-11 PETITIONER IS ELITE GROUP TRUST REALTY, LLC
PROPERTY IS LOCATED AT 2425 TO 2445 DECAMP AVE**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Elite Group Replat,' a six (6) lot subdivision; a part of the Northwest Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana. This request represents approximately 1.4 acres

STAFF ANALYSIS

The petitioners owns six parcels of varying sizes on the 2400 block of Decamp Avenue. The properties are situated in a residential neighborhood, with single family to the north, east, and west, and multifamily to the south. Some of the properties have previously been used for commercial purposes; a garage/workshop and a large concrete lot are the only remnants of the commercial businesses that were once here. The future land use plan calls for this area to be developed with low density residential uses. The petitioner is proposing the subdivision to reconfigure the parcels into six lots that would be developable with single family dwellings. The proposal meets the requirements of the R-1 district, and would facilitate the redevelopment of the lots with a use that would be compatible with their context.

STAFF RECOMMENDATION

The Staff recommends approval of the six (6)-lot subdivision, to be known as 'Elite Group Replat,' a part of the Northwest Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, based on the following findings of fact:

- I. The lots meet the minimum lot area requirements for the R-1, Single Family Residential District;

2. The proposed request results in the creation of 6 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 for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
2. Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
3. Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.
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.

Smith states there were 42 letters mailed, 1 returned in favor and 2 returned not in favor with comments. Comments were: "Are these duplexes or are they single home? If the homes were for sale and these would be home owners, I wouldn't be opposing- but not rentals, we've dealt with rentals at the apartments for 23 years. We got them to finally move the dumpsters to the rear of the apartments. Rentals aren't always as caring about the home they are in. Since they already put sewer and water lines down the road a couple months ago- did the council already agree to the subdivision?"

Irwin states the case was tabled until this meeting due to the petitioner not being present and asks if there are questions from the Commission.

Irwin calls petitioner forward.

Chris Marbach (3220 Southview Dr) introduces himself and apologizes for not being present last month. Marbach states, "Knowing the Maplewood edition was planted in 1920 with 44' wide lots and now it is zoned R-1, you take away the side yard you get about 24' wide houses... The developer wanted to build owned homes, not rentals... We had two choices we could either rezone the property to a higher density to use the existing lots or keep the zoning the way it is today and put in the standard R-1 lots to meet the requirements. Currently there's 9 lots, vacated road and a vacated alley. We are taking that down to 6 lots at the larger size than what they are today. Since now it complies with the requirements, we were hoping you would approve it... so this developer could build these new homes for the new local vacant neighborhood."

Bullard asks Marbach if the homes will be on slabs, basements or crawl spaces.

Marbach replies he believes it will be on slabs.

Irwin asks if the homes will be single family.

Marbach replies (inaudible).

Irwin asks if the intent is for the homes to be owner occupied and if the homes will have driveways.

Marbach replies the developer would like driveways to face out to Decamp to help create safer security.

Irwin states he thinks having a larger lot and providing parking on the lot is great.

Bullard asks what is the intended price range for the homes.

Marbach replies that it's not his place to state how much the homes would be.

Bullard asks if they will be considered starter homes.

Marbach replies, yes.

Irwin asks if there are additional questions for the petitioner.

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

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

Irwin calls for a motion.

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

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

Irwin amends the previous motion. Thomas makes a motion to approve with a Do-Pass Recommendation with the listed conditions; Second by Davis. Motion carries.

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

NEW BUSINESS

22-FSP-01#PETITIONER IS WELCH PACKAGING, SCOTT WELCH PROPERTY IS LOCATED AT 1020 HERMAN STREET

As required by Section 20.7.B seeking approval for an Amendment to a Final Site Plan for three additions to the existing building totaling 80,181 square feet, and to add new and remove existing pavement, at 1020 Herman Street, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns a 410,000 square foot manufacturing facility in the Eastland Industrial Park, originally developed in 1990. They wish to add approximately 80,000 square feet of building area, add some additional pavement and selectively remove some pavement. The reduction will result in smaller curb cuts which will benefit the vicinity. The northern addition will expand a nonconformity in relation to its setback, which was approved by the Board of Zoning Appeals via variance 21-BZA-26 on July 8, 2021. The project has passed the city's Technical Review process.

STAFF RECOMMENDATION

The Staff recommends approval of the final site plan based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
2. The proposed use is permitted within the underlying zoning of the Planned Unit Development;
3. The project has passed the City's Technical Review Process;
4. The use conforms to the Comprehensive Plan which calls for industrial uses;
5. The proposed use should not be detrimental to the property values of adjacent properties

Trotter states there were 20 letters mailed, 1 returned in favor with comments. Comments were: "Good morning, It appears to me that this proposed expansion might very well stress the existing infrastructure, in this area of the Eastland Park. The roadways are falling apart under the traffic load, in a large part, from this facility. I see that that design will add to the Bullard Ditch via retention overflow. Walking around site, it appears that a fair amount of the site work and some paving has commenced or has been completed. Will there be adequate "green space provided with all of the additional paving for trucks and turns. How many curb cuts are allowed per site? This seems to be over cooked!"

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Andrew Harmon (JA Wagner Construction, 4900 Middlebury St) introduces himself and states Welch Packaging is outgrowing their initial facility. Harmon says the future project would include taking the current center parking lot and removing it so they would be able to put in a new building and relocate the existing parking lot to the rear of the building which separates both truck and car traffic. He goes onto say, the two additions to the North of Eastland and to the West of Herman will eliminate the current truck traffic issue. Harmon states the current problem is, the trucks are stopping on the road and backing-in because of a non-conforming truck dock on either side of the building. Harmon states all of the truck docks will be off of Herman and all truck traffic maneuvering will be done completely on site. Harmon says they are taking many of the curb-cuts that are currently 200-300 feet to 40-50-foot radius which will give more green space in the end.

Irwin asks if there are questions for the petitioner.

Bullard asks Harmon and Irwin if there are plans to improve the roads.

Irwin replies, the roads are high on their paver-list for resurfacing. Irwin states as far as drainage, there are no current plans to add a curb or gutter/storm sewer.

Bullard asks Harmon if the truck traffic will exit off of Herman St then down Middlebury St.

Harmon replies, yes that would be his assumption.

Bullard states he is happy with the remodel that is being proposed.

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.

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

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

**22-Z-01 PETITIONER IS CHARLES AURAND AND STEVEN AURAND
PROPERTY IS LOCATED AT 1637 1643 1649 INDIANA AVENUE WEST**

Per Section 29.11.B, Map Amendments, a request to rezone the property located at 1637, 1643, and 1649 West Indiana Avenue from R-3, Two-Family Dwelling District to R-2, One-Family Dwelling District.

STAFF ANALYSIS

The petitioners own three residential properties comprising three single family dwellings on approximately 1.73 acres of land. The properties currently have split zoning, with R-3 to the north and R-2 to the south, and some of the structures on the properties cross property lines. They are in the process of cleaning up the property lines and rezoning; a minor subdivision application has been

submitted simultaneously with this rezoning request, which will be reviewed by Plat Committee. The rezoning will make each parcel a single zoning district, and consolidate the zoning with a block of R-2 to the north, west, and south.

STAFF RECOMMENDATION

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

- 1) The proposed rezoning is compatible with the Future Land Use map, which calls for the area to be developed with low density residential uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because the properties will continue to be used as single family dwellings;
- 3) The R-2 District does allow for the most desirable uses for which the land can be adapted.
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because it will preserve the use of the property as single family dwellings;
- 5) The rezoning of the property to R-2, Single Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development.

Trotter states there were 43 letters mailed, 0 returned. Trotter also states the petitioner has already submitted through Plat Committee and has preliminary approval.

Irwin asks if there are questions from the Commission.

Bullard asks if this is simply "house cleaning".

Trotter replies, yes and goes onto explain the purpose of the Commission hearing this case.

Irwin asks if this case will move forward to another board.

Trotter replies, this action will be a recommendation (do-pass or no recommendation) to the Common Council.

Irwin calls petitioner forward.

Chris Marbach introduces himself again and states the purpose of this petition is to put the three lots into one zoning district.

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.

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

- Osborne- Yes
- Davis- Yes
- Shoff- Yes
- Thomas- Yes
- Irwin- Yes
- Datema- Yes
- Walter- Yes
- Bullard- Yes

**22-SUB-02 PETITIONER IS BACK TABLE LLC
PROPERTY IS LOCATED AT VACANT LAND, TIMBERSTONE DRIVE EAST**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as "Timberstone Fifth D.P.U.D." a 44-lot subdivision; a part of the West 1/2 of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana

STAFF ANALYSIS

The petitioners is requesting approval of a 44-lot subdivision of land that is a portion of the West 1/2 of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana. The proposed subdivision is intended to be the final phase of the Timberstone subdivision, being situated immediately to the north of it. The subdivision began its planning and permitting process when under the Elkhart County jurisdiction in 2005.

The zoning for this plot of land is DPUD 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 access via the existing Timberstone Drive East and Timberstone Drive West, which have two ultimate access points from County Road 15.

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.

The project has been submitted for Technical Review and is currently under review, which will examine 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.

In 2015 the Plan Commission approved Phase Four of the subdivision under 15-SUB-02. At the time, the plan commission agreed that subsequent plats could go straight to Plat Committee. However, the proposed configuration of the lots has changed since that original application, and staff believed bringing it before the Plan Commission was warranted.

STAFF RECOMMENDATION

The Staff recommends approval of the 44 lot subdivision, to be known as 'Timberstone Fifth D.P.U.D.' a part of the West 1/2 of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, based on the following findings of fact:

- 1) The lots meet the minimum lot area requirements for the DPUD R-1: Detailed Planned Unit Development to the R-1 Standards District;
- 2) The proposed request results in the creation of 44 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 for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
- 2) Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
- 3) Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.
- 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.

Trotter states there were 35 letters mailed, 1 returned not in favor with comments. Comments were: "Hello, my name is Lori Stickel. 2520 County Road 15. I'm neither for or against the subdivision growth behind my property. My concerns are for my 2 dogs that right now can run my fenced in property. When the wooded area is cleared I'm almost sure the existing fence running the width of my property will not survive. It is a metal fence that was there when I bought the property 30 years ago. Will I be notified about this and a date when this work takes place? Will there be a replacement that can take place for the fence? My dogs are friendly but would run if given the chance and their safety is my greatest concern."

Irwin asks if there are questions from the Commission.

(Inaudible)

Trotter replies, "There are frontage blocks on 6 and this is another probably 150 or 200' South to those frontage lots."

(Inaudible)

Trotter replies, "Correct. There is an unbuilt, un-platted egress out to Hanover Park Estates or I believe Bridge Road Farms. But at this time, is not constructed."

Irwin calls petitioner forward.

Crystal Welsh (Abonmarche, 3003 River Race Dr.) introduces herself and states she is representing the petitioner, Back Table Development. Welsh states this is the fifth and final section of Timberstone which will provide 44 additional single family homes. Welsh states she believes it has been submitted to Tech Review and have received the comments back for staff review earlier today.

Osborne asks Welsh, "What is going to stop a homeowner from going out there and doing something in the retention area?"

Welsh replies, the retention areas will be held in an easement which they do not have the right to build any structures or make any amendments, modifications to the drainage once it is constructed.

Osborne asks welsh (inaudible)

Welsh replies, "This retention area is not platted as an individual lot, but as portions of those existing lots." Welsh then goes onto say there was a question regarding the circle- the area in the middle that will be held as a common area.

Irwin states, "Dave, just as a homeowner with a retention pond on his lot, if they take the easement to the County, the assessor will account for that as unusable common drainage land."

Bullard asks Welsh if there will be additional lots going in towards the back of the entrance, as there are concerns with emergency going in and out of the area and if it has been approved with the emergency departments (fire, police, etc.)

Welsh replies, yes which is included in the Tech Review process.

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.

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

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

**21-ANX-05 PETITIONER IS LD ELKHART IN LANDLORD, LLC
PROPERTY IS LOCATED AT 25610 COUNTY ROAD 4 AND AND 52396 COUNTY ROAD 9**

As prescribed by Section 29.11.B, a request to annex two (2) parcels located 25610 County Road 4 and 52396 County Road 9, land containing approximately 104.67 acres.

STAFF ANALYSIS

This staff report is being prepared for annexation 21-ANX-05 to annex land generally to the south of County Road 4, east of Johnson Street, and north of the Toll Road, Elkhart, Indiana 46514, Osolo Township.

The land in the petition is partially developed and zoned commercially under two separate PUDs in Elkhart County's jurisdiction, the Project Cardinal GPUD B-3 and the LazyDays RV DPUD B-3. The northern parcel has already been developed with an RV sales and service business; the petitioner intends to develop the property further with a new RV Service Center, Pre-Delivery Inspection Facility and Distribution Center. The proposed use would be allowed under the stipulations of these PUDs adopted under Elkhart County's jurisdiction. A conceptual site plan is included; the project has not yet been submitted to the City's Technical Review process.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately 105 acres. The territory to be annexed is approximately 18% contiguous to the current City limits, being contiguous on its northern and eastern boundaries. The contiguity requirement stated in the Indiana Code is 12.5%.

STAFF RECOMMENDATION

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

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

Smith stated this was advertised in the paper and we did not receive any comments.

Irwin asks Smith if they are wanting sewer and water.

Smith replies, yes that is my understanding.

Irwin asks Smith if the petitioners understand that it could be difficult to add water to the site.

Smith states the project engineer is present and will be able to address those questions.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Debrah Hughes introduces herself and states she is from Surveying and Mapping and is representing the petitioner along with Scott Moody who is also from Lazy Days RV to help answer questions. Hughes states the purpose of this annexation is to use city sewer and water through the city's utilities. Hughes says the uses are a RV service center which has been existing for over 15 years. Hughes states, "The company would like to build a pre-delivery inspection facility to the south on the empty agricultural land. Lazy Day RV is a national RV retailer and so they would take delivery locally inspect the merchandise at the facility before they were shipped out...It would be a building with overhead doors and maintenance facilities inside and then a large RV parking lot for over 1000 parking spaces." (inaudible)

Irwin replies to Hughes and says there is sewer and water on CR 4, it ends at the apartments. He then goes onto say the city is not in position to help extend those utilities.

Hughes replies, the petitioner is aware and it would be at their own expense.

Irwin states he is unaware of the depth on sanitary requirements so there may be a forced connection.

Osborne asks if there will be motor homes or travel trailers parked there.

Hughes replies, there will be some motor homes.

Osborne asks (inaudible)

Hughes replies, that the requirement is to have paved parking areas.

Smith interjects, "When the county approved a PUD, they approve a site plan with it so if we're taking in their rules and regulations, we would be compelled to honor what was approved through the county."

Bullard asks what size the building will be.

Hughes replies, 31,000 sq. ft.

Irwin asks if there are additional questions from the Members.

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

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

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

Shoff has left the meeting.

Osborne- Yes

Davis- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

**22-X-01 PETITIONER IS BETANIA MINISTRIES INC
PROPERTY IS LOCATED AT 525 HARRISON ST**

To vary from Section 13.3 Special Exception Uses in the B-3 Service Business District to allow the property to be used as a Church.

STAFF ANALYSIS

The petitioner owns two parcels of land on Harrison Street that is currently being operated as a church. The north property is occupied by their facility and the southern parcel is being used as an outdoor playground. The applicant states that the church has had a positive influence on the surrounding neighborhood. As the property is located in a commercial district a Special Exception is needed to operate a church.

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 as this use will provide services to the general public;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because there will be little to no physical changes to the property;
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.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Jose Botell (525 Harrison St) introduces himself and states the building has been operating as a church since 2007 and trying to provide a place for the community.

Irwin asks if there are questions for the petitioner.

Bullard asks Botell how the parking will work for the church and how many spaces are available.

Botell replies there are around 15 spaces.

Bullard asks how large the congregation is.

Botell replies around 15-25 members.

Irwin asks if there are additional questions from the Members.

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

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

Irwin calls for a motion.

Datema makes motion to approve with a Do-Pass Recommendation to the Board of Zoning Appeals; Second by Thomas. Motion carries.

Osborne- Yes

Davis- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

**22-X-02 PETITIONER IS MAC REAL ESTATE, CLAIR MCKINLEY
PROPERTY IS LOCATED AT 2501 S NAPPANEE STREET**

To vary from Section 12.3 Special Exception Uses in the B-2 Community Business District to allow a Meeting Hall/Banquet Facility.

STAFF ANALYSIS

The petitioner is leasing tenant space within an existing multitenant commercial building. The intended use of the tenant space is an event center. The petitioner states that the space could be used for conferences and educational training. The petition states that the space would be able to accommodate 200 people. Primary operation of the facility will be on Sundays but the facility will be available throughout the week from 10 AM till 11 PM.

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 as this use will provide services to the general public;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because there will be little to no physical changes to the property;
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.

Irwin asks if there are questions from the Commission.

Irwin asks Smith what the cross street is.

Smith replies, it's where the Chalet and car wash area is.

Irwin asks if there are additional questions from the Members.

Hearing none, Irwin calls petitioner forward.

Octavia Ray introduces herself and states the intention for her business is to offer educational training, spiritual conferences, meetings and events.

Irwin asks if there are questions for the petitioner.

Bullard asks if the event center will be open to the entire community.

Ray replies, she would filter through the clients who have applied to rent the facility to ensure it's taken care of.

Irwin asks if there are additional questions for the petitioner.

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

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Davis makes motion to approve with a Do-Pass Recommendation to the Board of Zoning Appeals; Second by Osborne. Motion carries.

Osborne- Yes

Davis- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

STAFF ITEMS

22-SI-01

Addressing

STAFF ANALYSIS

The Planning and Zoning Department is requesting approval of the addresses that have been reserved for structures in the City of Elkhart.

Residential

152 State St. Apt 100 & 200

1334 Hester St.

1326 Hester St

New Duplex

New Single

New Single

RECOMMENDATION

Staff recommends that the Plan Commission assign the proposed addresses based on staff recommendation.

Irwin asks if there are questions from the Commission.

Irwin calls for a motion.

Davis makes motion to approve Second by Datema. Motion carries.

Osborne- Yes

Davis- Yes

Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

22-SI-02

Staff requests feedback as to whether two types of façade materials should be classified as corrugated metal.

STAFF ANALYSIS

Throughout the city, a number of transportation corridors are classified as Development Districts, which have additional design standards for new buildings and additions. They tend to be on major commercial corridors and gateways into the city; Nappanee Street and Cassopolis Street are two examples. Part of the design requirements have to do with limits of certain materials on facades visible from the roadway. Specifically, Section 24.9.D.2 – Material Standards, states:

“All facades which face roadways, parking areas or residential districts shall utilize vinyl or aluminum siding for no more than fifty percent (50%) of the facade and shall utilize corrugated metal for no more than twenty-five percent (25%) of the facade.”

The rationale for the design standards in Development District is to elevate the quality of new development in prime locations, to foster economic development and enhance the image of the city. For these reasons, the Zoning Ordinance encourages the use of façade materials that are superior in quality and worth in these areas.

At issue currently is the definition of “corrugated metal.” The Zoning Ordinance does not have a specific definition for this material. In cases where we do not have a codified definition of a term used in the Zoning Ordinance, it is common practice to use dictionary definitions. The Merriam Webster dictionary defines the noun “corrugated iron” as “usually galvanized sheet iron or sheet steel shaped into straight parallel regular and equally curved ridges and hollows.” The verb “corrugate” is defined as “to form or shape into wrinkles or folds or into alternating ridges and grooves : furrow.”

Staff has recently received a façade proposal along a Development District and major commercial corridor and gateway to the city that uses three metal materials for the entirety of the façade (although one possible variation also includes some masonry), two of which staff believe may be considered corrugated. Both are formed steel. On the three facades visible from the roadway, the two materials in question make up at least 44 to 49% of the façade of the version with partial masonry. Staff believes that the option without the masonry would utilize the two materials for nearly the entire façade except for small areas shown as horizontal striping on the attached elevations. In the version without the masonry, metal material would make up the entirety of the facades except for doors and windows.

The two materials at issue here are made by McElroy Metal. Pictures are provided here and excerpts from a materials catalog are attached. Note that the proposed colors for the building differ from the colors shown in the catalog images.

The material that is proposed to make up the largest part of the façade metal is the Multi-V, seen below. This is the material that is shown with vertical lines on the attached elevations.

The second material that would make up a small portion of the façade, between the first and second story windows on the elevations, is the Mega-Rib, seen below.

The applicant has stated that the masonry addition puts the project over budget and would prefer to do without; if that is the case the entire façade would be made up of metal except for windows and doors.

Staff is requesting the Plan Commission’s advice on whether either or both of the materials presented here should be classified as “corrugated metal,” and subject to limitations on the facades of buildings in Development Districts.

RECOMMENDATION

Staff has thus far considered the materials presented here to be considered corrugated metal. Plan Commission members are asked for their opinion, keeping in mind the precedent that it may set for future development in key corridors of the city, where a great amount of time and investment has gone into enhancing the quality of development. Generally speaking, staff does not believe that all- or mostly metal and corrugated metal buildings constitute the type of development the City should be encouraging in these key districts. A concurrence that these should be considered corrugated metal would set a positive precedent for future development. Should the Plan Commission concur and classify the materials as corrugated metal, the petitioner may come back in February and request relief from the standards of the ordinance for this specific project, which would leave the standard in place for other development in the

future. A disagreement and not classifying the material as corrugated metal would set a precedent that would enable other projects to use these and similar materials unlimitedly.

Smith states the petitioner brought in 2 physical materials as a sample and he also has a third sample in the catalog. Smith goes onto explain what direction the material would be (vertical or horizontal).

Bullard asks for clarification, "You're asking us to give you a recommendation that these products fall under corrugated metal which then could be restricted to use."

Smith replies, "We're not claiming that it is corrugated metal, but this one and the other one that I have in the catalog..."

Bullard asks if it's similar to a pull barn type corrugated metal.

Irwin asks Smith, if this does not go the way the petitioner is seeking, will they file for a special exemption to the BZA.

Smith replies it would come back to Plan Commission only.

Bullard asks if there are buildings who are using this type of metal, to see an example.

Smith replies, he believes there are some buildings that use it in small portions of the façade, but he would need to further investigate.

Irwin asks if the petitioner is here to speak.

Smith replies, no and goes onto explain this did not need to be advertised this month and therefore it could be handled as a staff item to allow for opinions before the petitioner would present at the next meeting.

Irwin reiterates the board does not need to vote, however staff is looking for guidance on whether or not this material would be considered corrugated metal.

Trotter states, "What we are looking at is from this body as staff is some guidance on how you are helping us to interpret our ordinance as in its current state because what it's going to boil down to is what do you want our commercial corridors to look like and how you want our new construction to evolve." Trotter goes onto say, this is an item staff didn't feel they could say yes or no, especially with the percentage of metal that would be present on the building without prior discussion from the Plan Commission.

Osborne asks what is the durability of the material and wants to have spec sheets provided prior to make a recommendation.

Trotter states staff is trying to receive feedback because of the percentage of metal allowed thus so far since 1998. Trotter then says, "This body has let staff work with petitioners and we don't typically have issues with people that come before us...I think we brought maybe one or two back to the Plan Commission where we have not been able to come to an agreement. With this amount of metal on this corridor or with the amount of investment that the city and other people are making in this, we wanted to make sure this was a group discussion so everyone was on the same page moving forward."

Osborne asks the location.

Trotter replies, Cassopolis.

Irwin calls for a motion.

Osborne asks if they sold their land to Meijer and will be relocating to Cassopolis.

Trotter replies (inaudible)

Irwin states in his personal opinion, they did not originally vote on the 25% rule but the intent was not to have metal be the dominant material used on these type of developments, but to use nicer materials such as brick.

Bullard asks Trotter how large of a square footage they are intending for and goes onto say it could look more presentable on this type of building versus a pull barn for example.

Trotter states the struggle is staff discussing what the type of material that is going to be considered corrugated metal since technology has so vastly changed from 1998 until now.

Irwin asks Trotter if we will be seeing this at the next meeting.

Trotter replies, "What we're asking today is if you feel that this is corrugated metal or not and if you feel that it is corrugated metal, then the petitioner, because of the tight timeline, this was the only course of action I could offer to them without having a public hearing because they did not make it to us in time to have a public hearing today. We have this interim step before they would come back so if indeed today you feel that this is corrugated metal, we would say okay that's fine. Then we would go back to the petitioner and say you have to file to come back for this body to make an argument for why you feel that you should be given relief from the requirements."

Thomas asks Trotter what his opinion is.

Trotter replies in the past 20 years he has been in this position, the ordinance has prevented buildings from taking on an industrial look on the overlay districts because those individuals have met those requirements. Trotter then goes onto say, there is a cost to the builder in locating in that particular area, but in turn you typically have higher traffic numbers and a benefit of being in close proximity to new construction with a similar design style which in turn all benefit from this. He then says for those individuals who are meeting those requirements benefit from the mutual understanding of the regulations and the percentage on this building is why staff wanted to bring it back to the Plan Commission first.

Thomas asks if it is a particular building.

Trotter replies it would be the new North End Cycle.

Irwin asks Trotter the percentages that are allowed on the building.

Trotter replies and states the buildings cannot have more than 25% corrugated metal on the façade.

Irwin asks how much of the building would be the corrugated material and if they were meeting the 25% regulation.

Trotter replies, no.

Smith states on the original application, the entire façade except for windows and doors would have been one of the three samples of metals. He then states that the petitioner came back with an alternative proposal where they would have 4 or 5 feet of masonry along the ground which reduced the metal appearance to 44%. However, the client had discussed with the petitioner that this would go over their budget and would prefer to do away with masonry and use the corrugated metal instead.

Bullard asks if it would be proper if the Members voted on it, to give some guidance and whether it's positive or negative and to say that this is not corrugated metal, which then can be voted on and interpreted.

Irwin states he agrees with Bullard and says even if the Plan Commission decides it is not, the petitioner will come back to us next meeting for an exemption.

Bullard states, "If we say it is corrugated metal, they will come back for an exemption...so if we say it's not, they can continue building." He then goes onto say he would like to state this is not corrugated metal, so they can use more than the 25% allowed.

Bullard makes motion to approve the material is not considered corrugated metal; Second by Osborne. Motion carries.

Irwin states, a yes vote would mean the petitioner can proceed with the product and a no vote would mean that they would need to come back.

Bullard states, this will give guidance to staff for future developments.

Osborne- Yes

Davis- No

Thomas- No

Irwin- No

Datema- No


Walter- No
Bullard- Yes

Irwin states so that would be 5-2 that the product is corrugated metal and the petitioner would need to come back to the Plan Commission.

ADJOURNMENT

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

Osborne- Yes
Davis- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes



Tory Irwin, President



Dave Osborne, Vice-President

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: City Council
CC: Rod Roberson, Mayor
From: Jamie Arce, Controller *JA*
Regarding: American Rescue Plan Compliance Report
Date: February 3, 2022

On March 11, 2021, the American Rescue Plan Act was signed into law, and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program. This program is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses.

City of Elkhart was awarded \$18,042,360 of SLFRF as an entitlement unit and received its first of two equal payments of \$9,021,180.00 on May 19, 2021 and is expected to receive the remaining \$9,021,180.00 on or around May 19, 2022. Throughout the 2022 you approved appropriating ordinance for the following projects:

- Ordinance 5859 – \$1,800,000.00, North Main Street Water Main Replacement
- Ordinance 5860 – \$1,000,000.00, Jackson & Johnson Water Main & Signal Replacement
- Ordinance 5861 – \$500,000.00, Public Health Response Communication Campaign
- Ordinance 5862 – \$3,600,000.00, LaSalle, Bristol, Benham Water Project
- Ordinance 5863 – \$3,000,000.00, West Lexington Water Main Replacement
- Ordinance 5868 – \$117,000.00, Downtown Property Activation Program
- Ordinance 5870 – \$1,500,000.00, HVAC Upgrades for City Hall & Annex Buildings
- Ordinance 5881 – \$2,790,000.00, Workforce Housing Initiatives
- Ordinance 5882 - \$75,000.00, South Central Neighborhood Master Plan
- Ordinance 5883 - \$900,000, Elkhart West Business Park Expansion

Roderic Roberson
Mayor

Jamie Arce
City Controller



City Controller's Office
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574.294.5471
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A requirement of all entitlement units is the submission of the SLFRF Project and Expenditure Compliance Report, which you should find included as part of this communication. This report is for the period of March 1, 2021 through December 31, 2021 and is broken out by specific project and expenditure type as required by the United States Treasury. Future reporting deadlines will be on a quarterly basis, the next of which will be for the period January 1, 2022 – March 31, 2022 and is due April 30, 2022. You should expect to see those reports included as a communication in your May meeting cycle and also see them added to the website as this report will be added.

Please note that not all projects that were appropriated in 2021 were included as part of the project and expenditure report. Certain projects that have not incurred expenditures and that are still in the defining stages of the project with program narratives not yet complete are not included. The lack of inclusion in this report is not out of line with the reporting requirements and will be included in future reports as expenditures occur. You may also notice that there are questions on Equity and Evidence that appear to be unanswered and are left blank on page six (6). These questions were not available for us to answer as they are not a required component of our project and expenditure report based on our expenditure types and type of unit, and should not be seen as an error or omission in our reporting.

I hope that you find this report helpful and informative. Please let me know if you have any questions surrounding as me and my team will be happy to provide you whatever you need.

SLFRF Compliance Report - SLT-1990 - P&E Report - 2021 Report Period : March - December 2021

Recipient Profile

Recipient DUNS	048995989
Recipient DUNS (+4)	
Recipient TIN	356001016
Recipient Legal Entity Name	Elkhart, Indiana
Recipient Type	
FAIN	
CFDA No./Assistance Listing	
Recipient Address	229 South Second Street
Recipient Address 2	
Recipient Address 3	
Recipient City	Elkhart
Recipient State/Territory	IN
Recipient Zip5	46516
Recipient Zip+4	
Recipient Reporting Tier	Tier 2. Metropolitan cities and counties with a population below 250,000 residents which received more than \$10 million in SLFRF funding
Discrepancies Explanation	
Is the Recipient Registered in SAM.Gov?	Yes

Project Overview

Project Name: Vaccination Incentive Program

Project Identification Number	5861-01 & 5861-03
Project Expenditure Category	1-Public Health 3 Services to Disporportionately Impacted
Project Expenditure Subcategory	1.1-COVID-19 Vaccination 3.16-Social Determinants of Health: Community Violence Interventions
Total Obligations	\$35,000.00
Total Expenditures	\$30,542.80
Project Description	<p>The City of Elkhart, Heart City Health and other local not-for-profits will partner to host anti-gun violence and vaccination events. These events will take place within a community that is marginalized and has experienced low vaccination rates and higher death rates due to the COVID 19 pandemic. These events will offer an incentive program that will provide a \$100.00 gift card that they would be eligible for upon successful completion of a two dose vaccine provided by Heart City.</p>

Project Name: Public Information Campaign

Project Identification Number	5861-02
Project Expenditure Category	1-Public Health
Project Expenditure Subcategory	1.8-Other COVID-19 Public Health Expenses (including Communications, Enforcement)
Total Obligations	\$177,584.00
Total Expenditures	\$11,760.00
Project Description	<p>Public Information and outreach campaign utilizing various media outlets designed to provide impactful bilingual messaging regarding the need for vaccinations and locally available locations.</p>

Project Name: Administrative Expense

Project Identification Number	9999-01
Project Expenditure Category	7-Administrative and Other
Project Expenditure Subcategory	7.1-Administrative Expenses
Total Obligations	\$3,856.25
Total Expenditures	\$3,856.25
Project Description	Professional services were provided pertaining to eligibility of select proposed programs as defined by the Interim Final Rule

Project Name: Jackson & Johnson Water Main

Project Identification Number	5860-01
Project Expenditure Category	5-Infrastructure
Project Expenditure Subcategory	5.11-Drinking water: Transmission & distribution
Total Obligations	\$0.00
Total Expenditures	\$0.00
Project Description	This project will extend water main and service properties that currently do not have access to the City's water system, while also providing better fire coverage to an area isolated by train tracks and the Elkhart River.

Project Name: North Main Street Water Main Replacement

Project Identification Number	5859-01
Project Expenditure Category	5-Infrastructure
Project Expenditure Subcategory	5.11-Drinking water: Transmission & distribution
Total Obligations	\$0.00
Total Expenditures	\$0.00
Project Description	The water mains along this stretch of Main Street between Jackson Street and the bridge at Beardsley are 95+ years old. Given their age, importance and high risk of failure, we have scoped the project to replace the water main, add storm sewer, and associated restoration of surface features, on this corridor which is one of the main corridors into downtown Elkhart.

Project Name: West Lexington Water Main Replacement

Project Identification Number	5863-01
Project Expenditure Category	5-Infrastructure
Project Expenditure Subcategory	5.12-Drinking water: Transmission & distribution: lead remediation
Total Obligations	\$0.00
Total Expenditures	\$0.00
Project Description	The existing water main is 95 years old and needs lead service lines removed and replaced through the project limits. Additionally, the line was constructed too shallow causing freezing and main breaks. The project will completely remove and replace the water main and install new copper service lines. The new line and services will ensure the removal of lead in residential water lines.

Project Name: Lasalle, Bristol, & Benham Water Project

Project Identification Number	5862-01
Project Expenditure Category	5-Infrastructure
Project Expenditure Subcategory	5.6-Clean Water: Stormwater
Total Obligations	\$0.00
Total Expenditures	\$0.00
Project Description	This neighborhood has lead service lines that must be replaced, water main that isn't looped, long services lines instead of water mains, combined sewers and flooding in the neighborhood during rain events. We are proposing to completely remove and replace water main along urgent parts of the neighborhood and removing and replacing lead service lines. New water main will ensure public drinking water quality. New storm sewer will reduce flooding, back-ups, CSO overflows.

Expenditures

Aggregate Disbursements less than \$50,000

Expenditure: EN-00036863

Project Name	Vaccination Incentive Program
Expenditure Category	
Subaward Type (Aggregates)	Aggregate of Direct Payments
Total Quarterly Expenditure Amount	\$10,000.00
Total Quarterly Obligation Amount	\$10,000.00

Expenditure: EN-00036875

Project Name	Public Information Campaign
Expenditure Category	
Subaward Type (Aggregates)	Aggregate of Direct Payments
Total Quarterly Expenditure Amount	\$11,760.00
Total Quarterly Obligation Amount	\$177,584.00

Expenditure: EN-00047609

Project Name	Anti-Gun Violence Campaign
Expenditure Category	
Subaward Type (Aggregates)	Aggregate of Direct Payments
Total Quarterly Expenditure Amount	\$20,542.80
Total Quarterly Obligation Amount	\$25,000.00

Expenditure: EN-00047612

Project Name	Administrative Expense
Expenditure Category	
Subaward Type (Aggregates)	Aggregate of Direct Payments
Total Quarterly Expenditure Amount	\$3,856.25
Total Quarterly Obligation Amount	\$3,856.25

Report

Federal Financial Reporting

Base Year General Revenue	
Fiscal Year End Date	
Growth Adjustment Used	
Actual General Revenue as of 12 months ended December 31, 2020	
Estimated Revenue Loss Due to Covid-19 Public Health Emergency as of December 31, 2020	\$8,000,000.00
Were Fiscal Recovery Funds used to make a deposit into a pension fund?	No
Please provide an explanation of how revenue replacement funds were allocated to government services	Revenue replacement funds have not been allocated to government services as of December, 31, 2021.

Questions on Equity and Evidence

1. Do you have a learning agenda, evidence-building plan, or another strategic approach to using evidence and evaluation for the spending outlined in your Recovery Plan?	
1. If Yes, Please provide a link	
2. Do the performance metrics for the projects listed in the Recovery Plan include data disaggregated by race, ethnicity, gender, income, and other relevant factors?	
3. Do you have a full Community Engagement Plan that accompanies the community engagement activities outlined in your Recovery Plan?	
3. If Yes, Please provide a link	
4. Do you have a public awareness campaign or other planned dissemination activities to make residents and businesses aware of the SLFRF supported projects from your Recovery Plan?	
4. If Yes, Please describe in 1-2 sentences and provide a link.	
5. What is the total number of performance indicators across all projects in your Recovery Plan (including mandatory performance indicators)?	

Certification

Name	CARLOS ARCE
Telephone	(574) 322-4863
Title	City Controller
Email	jamie.arce@coei.org
Submission Date	1/31/2022 4:38 PM

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 City Council
From: Erin Koons, Deputy Controller
Regarding: Budget Encumbrances from 2021 to 2022
Date: February 9, 2022

Council,

The State Board of Accounts recommends that encumbrances be presented to proper city officials and incorporated in meeting minutes. It is our opinion that acceptance of this communication will satisfy this best practice recommendation. In an effort to remain transparent and in alignment with state guidance the finance department will begin reporting a list of encumbrances on an annual basis.

In order for an encumbrance requisition to be approved the request must meet certain predefined criteria. Encumbrances are not used as a means to enhance the 2022 budget, but should be for existing budgeted funds that have been obligated in 2021 which were not yet delivered or completed by year end. Each request must be a minimum of \$1,000 and accompanied by an invoice, signed contract, accepted bid, quote, or proposal. Infrastructure and certain other projects where additional appropriations have been approved specifically for a unique purpose have also been determined eligible for encumbrances. We have continued to follow this long standing past practice with these types of projects as we believe it aligns with the spirit of council action that was taken.

Attached you will find the list of encumbrances from the 2021 budget that will be carried over into 2022.

Encumbrances from 2021 Budget to 2022 Fund Summary

Fund Number	Fund Name	Total Encumbrance
101	General	\$ 4,534,705.05
176	American Rescue Plan	\$ 15,020,036.20
201	MVH	\$ 214,083.86
204	Parks & Recreation	\$ 137,442.50
206	Aviation	\$ 122,876.61
227	Central Garage	\$ 47,462.60
236	Record Perpetuation	\$ 13,871.76
257	LOIT Special Distribution	\$ 1,289,195.85
273	Environmental Center	\$ 16,280.96
277	NYC RR Museum	\$ 3,024.44
280	Lerner	\$ 3,600.24
285	Local Road & Bridge Match	\$ 1,069,080.60
286	Park Program	\$ 1,440.23
303	Park Bond	\$ 362,500.00
402	Cummulative Capital Development (IT)	\$ 118,020.81
429	Cummulative Sewer	\$ 236,450.00
433	Cummulative Fire Equipment & Police	\$ 159,395.00
444	EDIT	\$ 3,403,912.36
460	Elkhart Capital Outlay	\$ 5,526,740.54
720	Mausoleum Prepetual Care	\$ 7,999.00
		<u><u>\$ 32,288,118.61</u></u>

**Encumbrances from 2021 Budget to 2022
Department Detail**

Fund	Account Number	Account Name	No. of Encumbrances	Amount
101	5-000-436.0100	Repairs & Maintenance	2	\$ 500,000.00
101	5-000-444.0000	Utilities & Infrastructure	2	\$ 1,569,253.20
Non-Departmental Department 000 Totals:				\$ 2,069,253.20
101	5-002-431.0400	Professional Services	1	\$ 45,877.00
101	5-002-439.0900	Other Services & Charges	1	\$ 5,000.00
101	5-002-444.0100	Furniture & Fixtures	1	\$ 3,605.64
Board of Works Department 002 Totals:				\$ 54,482.64
101	5-015-431.0400	Professional Services	2	\$ 430,691.79
Legal Department 015 Totals:				\$ 430,691.79
101	5-016-431.0400	Professional Services	4	\$ 194,433.52
101	5-016-439.0120	Brownfield Services	2	\$ 87,557.12
101	5-016-439.0900	Other Services & Charges	1	\$ 3,494.00
Economic Development Department 016 Totals:				\$ 285,484.64
101	5-017-431.0400	Professional Services	1	\$ 117,982.59
101	5-017-439.0110	Historical Preservation	1	\$ 3,717.63
Planning Department 017 Totals:				\$ 121,700.22
101	5-214-422.0180	Firefighter Rig Gear	1	\$ 24,490.00
101	5-214-423.0300	Small Tools & Minor Equip	1	\$ 12,169.84
101	5-214-436.0200	Equipment Repairs	1	\$ 7,777.20
101	5-214-439.1000	Minor Miscellaneous Small Capital	2	\$ 17,554.30
Fire Department 214 Totals:				\$ 61,991.34
101	5-218-439.1000	Minor Miscellaneous Small Capital	2	\$ 7,962.42
Communciations Department 218 Totals:				\$ 7,962.42
101	5-219-422.0150	Operating Supplies	34	\$ 372,104.18
101	5-219-422.0185	Police Uniform	6	\$ 14,148.40
101	5-219-422.0350	Instrument/Medical	1	\$ 1,826.05
101	5-219-423.0200	Repair Parts	1	\$ 4,132.95
101	5-219-431.0400	Professional Services	2	\$ 30,830.00

Fund	Account Number	Account Name	No. of Encumbrances	Amount
101	5-219-433.0300	Advertising	2	\$ 5,887.80
101	5-219-436.0100	Repairs & Maintenance - Bldg	2	\$ 56,093.68
101	5-219-436.0200	Equipment Repair	1	\$ 4,500.71
101	5-219-439.0912	Contract Services	3	\$ 560,852.38
101	5-219-444.0200	Motor Equipment	2	\$ 81,254.00
Police Department 219 Totals:				\$ 1,131,630.15
101	5-303-422.0150	Operating Supplies	1	\$ 11,868.00
101	5-303-423.0125	Street & Alley Materials	1	\$ 10,100.00
101	5-303-423.0141	Landscaping	3	\$ 9,872.56
101	5-303-436.0100	Repairs & Maintenance	1	\$ 24,282.00
101	5-303-442.0400	Building & Structures	1	\$ 25,943.36
101	5-303-444.0200	Motor Equipment	4	\$ 289,442.73
Buildings & Grounds Department 303 Totals:				\$ 371,508.65
176	5-000-439.0500	Public Health Response	13	\$ 5,620,036.20
176	5-000-442.0000	Utilities & Infrastructure	4	\$ 9,400,000.00
American Rescue Plan Department 000 Totals:				\$ 15,020,036.20
201	5-310-423.0111	Paving Materials	2	\$ 76,946.73
201	5-310-436.0200	Equipment Repair	1	\$ 22,736.53
201	5-310-444.0200	Motor Equipment	6	\$ 114,400.60
MVH Street Department 310 Totals:				\$ 214,083.86
204	5-501-422.0150	Operating Supplies	1	\$ 2,178.45
204	5-501-431.0400	Professional Services	1	\$ 20,000.00
204	5-501-439.0900	Other Services & Charges	1	\$ 242.80
204	5-501-444.0500	Other Equipment	5	\$ 115,021.25
Parks & Recreation Department 501 Totals:				\$ 137,442.50
206	5-201-422.0170	Paint	1	\$ 1,840.00
206	5-201-423.0200	Repair Parts	1	\$ 1,861.34
206	5-201-443.0000	Utilities & Infrastructure	1	\$ 1,553.91
206	5-201-444.0500	Other Equipment	2	\$ 117,621.36
Aviation Department 201 Totals:				\$ 122,876.61
227	5-901-436.0100	Repairs & Maintenance - Bldg	1	\$ 3,235.00
227	5-901-442.0400	Building & Structures	3	\$ 44,227.60
Central Garage Department 901 Totals:				\$ 47,462.60

Fund	Account Number	Account Name	No. of Encumbrances	Amount
236	5-914-431.0400	Professional Services	1	\$ 7,871.76
236	5-914-439.0900	Other Services & Charges	1	\$ 6,000.00
Record Perpetuation Department 914 Totals:				\$ 13,871.76
257	5-310-439.0900	Other Services & Charges	1	\$ 1,289,195.85
LOIT Special Distribution Department 310				\$ 1,289,195.85
273	5-302-436.0100	Repairs & Maintenance - Bldg	1	\$ 3,000.00
273	5-302-442.0400	Building & Structure	4	\$ 13,280.96
Environmental Center Department 302 Totals:				\$ 16,280.96
277	5-505-439.0912	Contract Services	1	\$ 3,024.44
NYC RR Museum Department 505 Totals:				\$ 3,024.44
280	5-502-431.0400	Professional Services	1	\$ 2,950.00
280	5-502-436.0200	Equipment Repair	1	\$ 650.24
Lerner Department 502 Totals:				\$ 3,600.24
285	5-250-431.1200	State Grant Expenditures	3	\$ 1,069,080.60
Local Road & Bridge Department 250 Totals:				\$ 1,069,080.60
286	5-508-422.0101	Operating Supplies - Softball	1	\$ 1,440.23
Park Program Department 508 Totals:				\$ 1,440.23
303	5-920-438.0101	Park Bond Principal	1	\$ 270,000.00
303	5-920-438.0201	Park Bond Interest	1	\$ 92,500.00
Park Bond Department 920 Totals:				\$ 362,500.00
402	5-030-432.0400	Telephone/Communication	2	\$ 39,530.11
402	5-030-436.0400	Maintenance Contract	2	\$ 49,934.60
402	5-030-439.0900	Other Services & Charges	1	\$ 5,711.00
402	5-030-444.0300	Office Equipment	2	\$ 2,845.10
402	5-030-444.0500	Other Equipment	1	\$ 20,000.00
Cummulative Capital (IT) Department 030				\$ 118,020.81
429	5-690-443.0200	Improvement of Sewers	3	\$ 236,450.00
Cummulative Sewer Department 690 Totals:				\$ 236,450.00

Fund	Account Number	Account Name	No. of Encumbrances	Amount
433	5-680-442.0400	Building & Structure	4	\$ 159,395.00
		Cummulative Fire Department 680 Totals:		\$ 159,395.00
444	5-016-431.0400	Professional Services	1	\$ 2,063,983.49
444	5-016-439.0900	Other Services & Charges	1	\$ 17,000.00
444	5-016-441.0000	Land & Land Improvement	1	\$ 1,043,035.04
		EDIT - Economic Development Department 016		\$ 3,124,018.53
444	5-301-439.0900	Other Services & Charges	2	\$ 279,893.83
		EDIT - Public Works Department 301 Totals:		\$ 279,893.83
460	5-000-443.0000	Utilities & Infrastructure	1	\$ 1,000,000.00
		Capital Outlay Department 000 Totals:		\$ 1,000,000.00
460	5-700-441.0000	Land & Land Improvements	1	\$ 4,518,642.29
460	5-700-443.0000	Utilities & Infrastructure	1	\$ 8,098.25
		Capital Outlay Department 700 Totals:		\$ 4,526,740.54
720	5-402-444-0200	Motor Equipment	1	\$ 7,999.00
		Mausoleum Prepetual Care Department 402		\$ 7,999.00