

**AMENDED AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING**

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

**March 1, 2021**

**7:00 P.M.**

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

**2. Minutes for Approval**

Minutes of February 8, 2021 Common Council Meeting

Minutes of February 10, 2021 Finance Committee of-the-Whole Common Council Meeting

**3. Presentations and Introductions**

**4. Unfinished Business**

**a) Reports of Council Committees**

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

**None**

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

**PROPOSED ORDINANCE 21-O-03**, an ordinance appropriating Seven Hundred and Thirty-Five Thousand Dollars (\$735,000.00) from the General Fund to the Elkhart Police Department Contract Services Account

**PROPOSED ORDINANCE 21-O-04-R**, an ordinance appropriating Eight Hundred Fifty Thousand Dollars (\$850,000.00) from the Elkhart Capital Outlay Fund for the South Main Street Streetscape Project

**PROPOSED ORDINANCE 21-O-05**, an ordinance appropriating Three Hundred Ninety-Six Thousand Dollars (\$396,000.00) from the Riverboat Gaming Fund and transferring the funds to the Local Road and Bridge Matching Grant Fund and appropriating Two Hundred Eighty-Three Thousand One Hundred Ninety-Two Dollars (\$283,192.00) from the Local Road and Bridge Matching Grant Fund, as the State's share of the Community Crossings Grant, for a total appropriation of Six Hundred Seventy-Nine Thousand One Hundred Ninety-Two Dollars (\$679,192.00) for the Mishawaka Road, Charlotte Avenue and Laura Court Resurfacing Project under the Community Crossings Grant Program

**PROPOSED ORDINANCE 21-O-06**, an ordinance appropriating Four Hundred Forty Thousand Dollars (\$440,000.00) from the General Fund to the Elkhart Department of Development Services Professional Services Account

**d) Tabled Ordinances and Resolutions**

**PROPOSED ORDINANCE 21-O-01**, an ordinance annexing certain real estate commonly known as 23809 US 33, 23821 US 33, 23861 US 33, 23834 US 33, and 23845 US 33, Elkhart, Indiana, and declaring the same to be a part of the City of Elkhart, Indiana (*Concord Community Schools and Flavor Freeze Properties, LLC, petitioners*)

## 5. New Business

### a) Ordinances on First Reading

None

### b) Resolutions

**PROPOSED RESOLUTION 21-R-06**, a resolution of the Common Council of the City of Elkhart, Indiana, authorizing the transfer of up to Seven Hundred Thirty-Five Thousand Dollars (\$735,000.00) from the Full-Time Account to the Contract Services Account

**PROPOSED RESOLUTION 21-R-07**, resolution of the Common Council of Elkhart, Indiana authorizing the Elkhart Urban Enterprise Association, Inc. to submit an application for modification of the enterprise zone boundary to the Indiana Economic Development Corporation

**PROPOSED RESOLUTION 21-R-08**, a resolution of the Common Council of the City of Elkhart, Indiana, declaring a certain area to be an economic revitalization area for the purpose of granting tax phase-in benefits to American Millwork, LLC /Nickell Properties I, LLC (*property located at 209 County Road 17*)

**PROPOSED RESOLUTION 21-R-09**, 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 Alliance RV, LLC \ 3 Creek, LLC (*property located at 350 Benchmark Drive*)

**PROPOSED RESOLUTION 21-R-10**, a resolution of the Common Council of the City of Elkhart, Indiana, supporting the proposed public question seeking renewal of the Elkhart Community Schools 2014 property tax

**PROPOSED RESOLUTION 21-R-11**, a resolution of the Common Council of the City of Elkhart, Indiana, repealing Resolution R-53-16, to re-establish the Board of Aviation Commissioners of the City of Elkhart as a four-person board

**PROPOSED RESOLUTION 21-R-12**, resolution of the City of Elkhart, Indiana authorizing the submission of a COVID-19 Response Program (Phase 3) Grant Application to the Indiana Office of Community and Rural Affairs and for the Elkhart Small Business Innovation and Adaptation Program

### 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 12, 2021 Aurora Capital Development Corporation

**Minutes** of January 29, 2021 Special Meeting of Aurora Capital Development Corporation

**Minutes** of January 14, 2021 Board of Zoning Appeals

**Minutes** of January 21, 2021 Historic Commission  
**Minutes** of January 13, 2021 Lerner Theatre Board  
**Minutes** of December 21, 2020 Plan Commission  
**Minutes** of January 19, 2021 Park Board  
**Minutes** of January 12, 2021 Redevelopment Commission  
**Minutes** of January 29, 2021 Redevelopment Commission  
**Minutes** of December 14, 2020 Urban Enterprise Association  
**Minutes** of January 11, 2021 Urban Enterprise Association  
**Report** of Parks Department for February 2021  
**Report** of Public Works and Utilities Department February 2021

7. **Adjournment**

**MINUTES OF THE REGULAR COMMON COUNCIL MEETING**  
**OF FEBRUARY 8, 2021**

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

Absent: None.

This meeting was made available to the public electronically through WebEx and live-streamed on Facebook. Council Members Kevin Bullard, Brian Thomas, Aaron Mishler, Arvis Dawson, David Henke and Brent Curry were present in Council Chambers. Council Members Dwight Fish, Tonda Hines, and Mary Olson was present remotely through WebEx.

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

Rod Roberson, Mayor, led the assembly in the Pledge of Allegiance, and President Curry asked for a moment of silent reflection.

The clerk called the roll.

President Curry stated the agenda needs to be amended under Presentations and Introductions. Councilwoman Olson is asking that proposed resolution 21-R-05 be added to the agenda. The resolution has been presented to you by the administration and this resolution honors the life and work of our former City Clerk, Sue Beadle. Councilman Henke, seconded by Councilman Bullard **moved to amend the agenda to add proposed resolution 21-R-05, which motion carried unanimously by voice vote and the agenda was amended.**

Councilwoman Mary Olson joined the meeting late due to technological difficulties.

**Minutes for Approval**

**Minutes of February 1, 2021 Common Council Meeting**

Councilman Henke stated minutes of February 1, 2021 Common Council Meeting, I have two changes I would recommend. One, there was a request from Councilman Bullard for the interpretation of the BOA resolution in regards to number of board members and Mr. Espar's response was not a part of the minutes. I would also ask under presentations and introductions, that the presentation from Dr. Steve Thalheimer be verbatim and added to the record. Councilman Dawson, seconded by Councilman Henke, **moved to approve the minutes as amended, which motion carried unanimously by voice vote and the minutes were approved.**



## **Presentations and Introductions**

### ***Resolution # R-05-21***

#### **A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, TO RECOGNIZE SUE BEADLE FOR HER ACHIEVEMENTS AND HER CONTRIBUTIONS TO THE ELKHART COMMUNITY**

President Curry stated Councilman Dawson will read proposed resolution 21-R-05 into the record in its entirety. Councilman Dawson stated it is my pleasure in having worked with Sue Beadle for 40 years and having worked with her mom as well, to read this resolution. Councilman Dawson read proposed resolution 21-R-05, by title and proceeded to read the resolution into the record in its entirety.

Councilman Henke, seconded by Councilman Mishler, **moved to adopt the resolution.** President Curry opened the floor for council discussion and there being none, he opened the floor for public comment. There being no public comment, he returned the discussion to the council. There being no discussion from the council, President Curry asked that each member in support of this resolution please stand. All members in the chamber stood in support of this resolution. President Curry asked for a voice vote on the adoption of the resolution, for those members participating both at home and in chambers, which **motion carried unanimously by voice vote and the resolution was adopted.**

President Curry stated also under presentations, we are honored tonight to have Dr. Bethany Wait with us to bring us up to date with what is going on in Elkhart County. Dr. Bethany Wait, Health Officer of Elkhart County Health Department, stated I am a month in now and things are looking much better than what they were in the month of November. I thought I would show people why I thought, or in general why the State thought, that reopening slowly is a better way to go than what we did back in September. On this graph, this is from the State, from their website, so anyone can view these. Back in March 1<sup>st</sup> of 2020 was when the pandemic initially hit Elkhart County, so the governor had different stages. I marked on the graph where exactly each of these phases hit during this timeline. As we opened up, we were all shut down, and then we opened back up around March 24<sup>th</sup>, that is where the red dot is. Then phase two started soon after May 1<sup>st</sup> and our numbers started to increase a little bit but really not too bad. Phase three is the yellow dot, phase four is when our restaurants opened and we were about 75% capacity and all of the stores were open with full capacity. The blue flag is when the governor asked us all to wear masks and that was because right at that point the State was seeing quite an increase. Then we hovered at stage four and stage 4.5, for quite some time. Soon after September is where stage five hit and that is when stuff started to reopen and so you see where our numbers really went up. The thought was that people were not wearing their masks, social distancing kind of went by the wayside, and so you see the huge increase in our numbers and positivity rates. Dr. Wait stated the next map is hospitalizations so I mapped that as well, for the same dates, the same stages, and hospitalizations tend to lag about two weeks. At the time the governor was concerned that we were not wearing our masks, we were not social distancing, we were letting our guard down and then that is why our numbers got bad. The question is, "where do we go

from here?”. I would tell you that I think it’s okay to reopen, I think we should work on reopening, I think financially everybody needs to reopen. I think we have to do it smart though and I think that is why the governor came up with his newest executive order which started on the second and why he did that was because when we opened up at 75% capacity, that is when we saw our numbers look bad. If we can slowly reopen and watch where our numbers go, then we know what direction to go in. Right now we are at advisory level yellow, so basically that means that our spread rate, or positivity rate is less than ten but greater than five. We will probably sit here for I bet the next four weeks, I don’t know if we will make it to blue or not. We may, but it will all depend on how well people social distance and how well people wear their masks. Dr. Wait stated when we are thinking about the vaccines, right now we are vaccinating 65 plus, the groups of 70 year olds and 80 year olds, and soon we will be doing 60 year olds. I anticipate that that will be in the next two weeks probably. Right now, our vaccinations are booked out until the last week of February. Usually when we are about a week away, that is when the State gives us the okay to add in individuals, so I anticipate that to happen here pretty soon. She stated this slide shows our deaths in District 2. You will see that most of our deaths have been in 60 year olds, 70 year olds, and 80 year olds, so that is why we are targeting that particular population. They are the ones that are likely to be hospitalized and the ones that are likely to die. Honestly, 4.6% of the 80 year olds that contracted COVID-19, that is it, only 4.6% of them were 80, but of that 4.6%, it’s a 50% percent chance of dying in your 80’s. This is a deadly virus to a particular portion of our state and of our county. Our goal is to vaccinate this high risk population, but then what next? The State has not said who they will open it up to, I anticipate it will probably be patients like at a certain age, like 50 and above and then patients with comorbidities, hypertension, diabetes, some type of immune problem, and then it would probably be some essential workers, would be my guess.

Dr. Wait stated we don’t know who all has had the virus and that’s because half of us that did have the virus, didn’t now we had it or had mild symptoms, or were asymptomatic. Right now the government is estimating that 15% to 17.5% of people have actually been infected and have immunity. Our goal is supposed to be 70% with immunity, whether that is via vaccine or whether that is by being infected. We are a long way away from our 70%. The goal would be to fully reopen when that happens but that is such a hard number to pinpoint how we get to that. I think it is going to be a weekly process on how we reopen, I think we have to do it slowly and keep our capacities lower. I agree with the governor that depending on what advisory level we are in, that capacity is really what we should follow but the key is to continue to social distance and to wear our masks. That is how we are going to slow the spread. This doesn’t make all that many people happy and even if we vaccinate 65 and above, if we look at our percentages of individual age groups in Elkhart County, only 15% are that senior category, so we are a long way away from 70%. I think the key is to encourage as many of us to get vaccinated that are willing to get vaccinated, I have no interest in mandating the vaccine. We already have a mask mandate and I don’t think that we need to do any more mandating, I don’t think it will go over well, and we can encourage people to get vaccinated and hopefully get our numbers better. Dr. Wait stated I really agree with reopening, I think it is worth a shot, I don’t think we can do the same thing we did with stage 5. I don’t think we can completely open up right away, until we get a feel for where we are going and how our positivity rate spread is.

Councilman Mishler asked how many locations, currently, in the county are giving the

vaccine? Dr. Wait stated we have five locations right now, Goshen Hospital, Beacon or Elkhart General, the Health Department, Vista which is in Goshen and Heart City, here. Councilman Mishler asked what kind of outreach has been done to low-income or minority populations to not only let them know the vaccine is safe but also to make sure they have the availability to get it? Dr. Wait stated I am making my rounds to different churches in the communities to attempt to outreach to the African-American population and the Latinx population. I have gone over and spoke with the bishops in Middlebury to see if I can get the Amish population to be willing to consider getting vaccinated, so I will continue to make the rounds in the City to anyone that really wants to listen, that is kind of my goal. Heart City and Vista are lower-income, federally qualified health centers, so they are targeting their clinic populations as well. Councilman Mishler asked how many vaccines a day would you say that we are doing? Dr. Wait stated we are up to 8,200 now on a weekly basis. Councilman Mishler asked is that a supply issue, is it a demand issue? Dr. Wait stated it is always a supply issue, but our supplies have been increasing. We started out getting 400 with each shipment, which per week we doubled to 800, and now the Health Department is up to 1,500, hospital goals are 400 individual shots per week, for Goshen and 600 for Elkhart General. It is all driven on the supply that the State gives us. If we had an unlimited amount, we would have 24 hours running. Councilman Mishler asked has there been any outreach from the federal government and EMS, FEMA, anything like that for setting up additional vaccine centers? Dr. Wait stated no, we are covered pretty well in Elkhart County. There are quite a few set-ups in St. Joseph County but the difference is we have a really good and strong health department here in Elkhart County, so we are getting as many vaccinations, just a few less, than what St. Joseph County is getting, but the State goes by population. Between our five health centers we can keep up with the same pace they are doing in St. Joseph County. Councilman Mishler asked how are senior living centers, nursing homes, things like that, what is going on with that? Dr. Wait stated we are about done with long-term care; those are wrapping up here soon. We got a pretty good amount of people, healthcare providers are a little bit low about them getting vaccinations but as far as residents, we are up to 95% in some of our long-term care facilities. We will start going to, then, CVS, Walgreens, who is doing those vaccinations, will then move to assisted living next and then we are doing quite a few home-bound patients, the Health Department itself. We are working with the different homecare agencies and trying to get vaccines to them individually, so they don't have to leave their house. Councilman Mishler asked how is staffing for the vaccine centers, are you still in need of folks to volunteer? Dr. Wait stated we will always take volunteers and volunteers that are willing to work more than two hours are extremely helpful. On the Elkhart County Health Department website there is a volunteer form on there.

Councilman Dawson stated there was a plan for a vaccination center at the Tolson Center, is that going to happen? Dr. Wait stated yes we are still going to do that. The media got ahold of that and said that there was no age restriction and there was. We have to follow the State's guidelines on who we vaccinate, so we had 170 shots that day and there was no way that we were going to be able to handle all age groups coming to the Tolson Center so we backed up and we have it rescheduled. We are attempting to have people sign up, either through the Tolson Center or as we pass out flyers to individual areas trying to target particular populations. The whole goal for the Tolson Center was to hit the African-American population and get them to a place where they are comfortable and they know as home and we know that is important.

Councilman Thomas asked what would you need a volunteer to do? Dr. Wait stated anything really, things like simple registration, a person to stand and help direct traffic, and to administer the vaccine, you have to be a licensed health care worker.

Councilman Bullard stated some of the questions that were asked were also the concern of a Southside advocate, Gary Johnson, you will probably hear more about this, but he was concerned about the Tolson Center and the education of the vaccine.

Councilman Henke stated I would prefer that presentations be done very much data driven. If we get lackadaisical or if the communication is not very clear, we get what we already had. As a healthcare provider, I think a lot of this information was a lack of information, non-uniformity, non-concurring information, from the State level and the local. When to wear a mask, when to separate, we were all over the board so people didn't know what to follow and they followed what they were comfortable with and that is what has to stop. I would also hope that we are learning something, because right now, you said we vaccinated 8,200? Dr. Wait stated 8,200 per week. Councilman Henke stated so about 7% of the county's population, so the question I would have is, there should be tracking mechanisms and I am not sure with the vaccine, who is actually tracking. In regards to age, in regards to age plus co-morbid's, in regards to those who have a history of visiting their PCP and those who do not, race, should also be tracked, ethnicity based on population. We talk about our Latino population, African-American population, Amish population, we can talk about any of those, but unless we put to a measurable, we are doing what the Governor is doing and chasing comfort levels. The Governor was following CDC and then broke away and offered vaccines to other age categories and left out first responders before those ages were opened up, before, even our buildings in providing healthcare, were even given vaccines, it was opened up to a larger role, when the number of vaccines available was already a known problem. So opening it up to a wider population did not serve first responders well, did not serve those of us in healthcare well. I also think there should be a cohesive plan in moving forward, that we protect the people that we are most in short of and that we need, which is our frontline workers, the hospital down 30-40 nurses, the State of Indiana down 1,800 physicians and nurses across the board, not including the 1,200 that retired out because of COVID. Those folks, those that do homecare follow-up and go to multiple locations, those that go to multiple houses, healthcare centers should have been vaccinated first. Then there was the problem with slow distribution and again the information was not accurate and I don't find it overly transparent. This was through CDC to the Indiana State Department of Health, in that the Pfizer vaccination required more stable temperatures for storage, had a more rigorous vetting process to go through, where the Moderna was more stable, created for some of the promise of Pfizer through CVS, a very disjointed and laborious process and we waited, delayed 45 days, going through a death rate of greater than 5%. I find that unforgivable if we don't learn by it. Then I would be interested in how we are tracking, I realize this is more state level to national level, the Johnson & Johnson one-step vaccination, which I think is critical. I would hope that before we open up and claim that, that we have an X/Y axis drawn and say, 10% of our population is now vaccinated. That is hardly a sustainable number, the goal is 70%, I understand. How do we get to 70%? If we open too soon they will be vaccinated while at the hospital, and the vaccination won't help much, we will be back to where we were. What I find in healthcare systems even, that there is not consistent information available to counter those anti-vaccination people, that we are not going to grow gills, we have all been vaccinated multiple times before to

get into school at my age. I think there needs to be a state-wide, if not a nation-wide fact finding mission to publish that most everyone is doing quite well, post vaccination. After the second step what does it mean as far as visitation, going out, protection, coverage, what does it give me for the couple of days of sickness I will go through? I think for our public as well as public in other places, they need that information. Finally, having been a part of the volunteer effort of the vaccination, I noticed how many St. Joseph County people came to Elkhart County for vaccination, noticed how many people didn't necessarily meet the age requirement but were allowed to stay in line, because they were already there. Dr. Wait asked at the Health Department? Councilman Henke stated not at your health department, but I am just saying we start to chase those and that vaccination not belonging to the high-risk category takes that capability away from someone else. Dr. Wait stated I agree with you completely. Councilman Henke stated there is a high risk for a reason but if it is an open, first come first serve, everyone loses at this, especially those that are high risk. I am thankful you are here and I really encourage direct information, not teetering any direction, factual, right up front, so that we don't question the purposeful outcome.

Councilman Mishler stated my daughter is in kindergarten and she has been in e-learning the whole year. I know there is a push to reopen schools for full-time students but I also recognize that many teachers and staff may also have co-morbidities, and like every worker, they deserve a safe place to work. Is there any current strategy or discussion going on with the school system as far as vaccines, anything with the State? Dr. Wait stated no. This has been an ongoing discussion to the State as to why they are not vaccinating teachers and why we have not included teachers and the response is that those are not the people that are dying. The people that are dying are our 80 year olds, our 70 year olds and 60 year olds and they have stuck to that consistently. I anticipate they will start loosening that once they are done with 60 year olds because your risk of death is a lot different after that. I think you will see schools, in particular elementary schools begin to open up and be able to go back to five days. Honestly the schools have done a very good job about social distancing and having their kids wear masks and so their quarantine rates are low. Most of them run between 1% and 3% of quarantined students. We find that with most elementary schools, we are finding that those kids just don't spread or they are just very good about wearing their masks. I will tell you that talking with the superintendents they all are concerned from the standpoint of social distancing and they all realize that if they pull all the students back in, some schools do not have the ability to be socially distanced. They can't follow that rule and so that really is what is delaying a lot of things for us.

President Curry stated people with high blood pressure and people with diabetes, should they take the vaccine? Dr. Wait stated so if you look over our state wide numbers, if you look, the most likely person to be hospitalized is a person with hypertension. So hypertension, diabetes, renal disease, congestive heart failure, CLPD, those are your top five and I would highly recommend those particular patients be vaccinated. President Curry stated as Mr. Dawson mentioned, the Tolson Center, there were people ready to get in line and get those vaccines there so I am hoping that we can staff that with several supplies so we can really take care of a large amount of people. I am hoping that we can reach out to essential workers. Dr. Wait stated I do continue to talk with them on a weekly basis and let them know our needs are.

Dr. Wait stated Mayor Roberson wanted me to talk about heat maps. There is good and

bad about heat maps. The good about our heat maps is that the State looks to see when you got tested, they put in your address so we can see the locations of where our positive tests are in Elkhart County. It is extremely helpful so we can target into those areas and however we want to do that, if we want to push more contact tracers into that area to talk with people about spread, we can use the schools, like a rotary call, to tell people hey this area has higher issues of spread, so we watch those maps about every two weeks. They were really helpful, but now they are getting less helpful because we are doing less testing so it is encouraged that if we can get people tested and frequently tested, that is a better way for us to track the virus, so we can, in turn educate particular areas. We will continue to do that but really pushing testing is what is important. The problem with the heat maps is that the only tests that are being tracked are the tests that the State is providing. So a primary care office, they report those, but sometimes they don't always go into our data and so that makes it a little more difficult. The Mayor also wanted me to mention special events. We will start taking special events and safety plans for people that want to have special events, the Lerner being one of the big ones around here. We will do our best to work with everybody that we can, so we can work on reopening, but we have to do it safely.

Councilman Bullard stated speaking of that, can you talk about the time you will need to know that there will be an event happening so that you can get your job done? Dr. Wait stated the sooner we can get in a safety plan, the better. We try to get them reviewed quickly but often time there will be giveback so we can do a back and forth to come up with a plan, which may take a couple of weeks. So having your plan in ahead weeks prior to the event is better so then you can get your permits for your special event for the City of Elkhart or any of the cities frankly.

Councilman Henke stated how many vaccines are being provided monthly? Dr. Wait stated weekly, it is about 8,200 and the State is calculating those so I can get you that data if you would like it. I do believe it has it broken down as well because we do ask for age, race, etc. so I can get you that data. Councilman Henke stated I would suggest that this is a math equation based on the number of vaccinations and when we hit a certain level, opening to a certain level also makes sense. We have talked about communal level and those generations that are living together, pose more risk. Youngsters are not necessarily getting ill as much as they are the greater transmitters. We also know that if people haven't been to their PCP within two years, their risk goes up quite immensely, but for the City of Elkhart, and I think we have done a fair job at best, but an enforcement of simple rules is highly contested and it seems as though people didn't understand the greater the risk, the more likelihood of businesses reopening being delayed, and that is our economy. That information was not good and I complained about it quite routinely here. Noticing that, Amish, for example, were not great believers in medicine or masks, yet they went to public buildings without regard to the impact and risk that everyone else was then put in. I do think the mistake that was made at the federal level and at the state level was that it wasn't hard and fast information, there were too many opinions and people tended to follow the opinion of choice and it was not in the best interest of their community but as leaders, it is on us, to get a clear message out there. I hope we learn from this because it won't be our last. I don't know the latest statistics, again, I hear both ways on the variant, if the current vaccines cover the variant exclusively, if it's a wait and see, quite honestly I don't know the answer because I have heard it both ways from pretty significant opinions, I don't know the answer and

that is unfortunate because then, again, it gives people hesitancy not to become vaccinated at all. Vaccination is the answer ultimately and I think we can all agree to that and the fact that quite a number of millions of people around the world are vaccinated and we are all mainly still here, I would suggest that we have trusted vaccines before, we should trust them again and we need to move this forward so we can reopen completely, with a better understanding.

Councilman Mishler stated I just want to echo Councilman Henke's statement and as a healthcare worker I have received both Pfizer vaccines and I am fine and I encourage all healthcare workers to do the same. It is a benefit for yourself, your family, and your patients.

## **UNFINISHED BUSINESS**

### **Reports of Council Committees**

There were no reports from council committees.

### **Ordinances on Second-Third Reading**

#### ***Ordinance #5830***

#### **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 1717 FULTON STREET, ELKHART, INDIANA FROM ONE FAMILY DWELLING DISTRICT (R-2) TO OFFICE DISTRICT (O)**

The clerk read the proposed ordinance, 21-O-02, by title only. Councilman Dawson, seconded by Councilman Henke, **moved to pass the ordinance on second reading.** President Curry opened the floor of council discussion and Councilman Henke stated this was strictly a rezoning from single to multi, (R-2)? Ryan Smith, City Planner, stated it is currently (R-2), there is a medical clinic that wishes to expand on to an existing residential lot and they would like to rezone that to (O) Office District. Councilman Henke stated so the (R-2) would become (O) for the whole plat? Mr. Smith stated for one parcel, so the existing clinic is on a parcel that is already zoned (O), they bought an adjacent parcel that they would like to rezone to (O) as well. Councilman Fish stated will they combine the property and make it one deeded property then? Mr. Smith stated yes we will ask them to do that through the technical review process, they have not formally submitted to that yet, but that is the plan.

There being no other council discussion, President Curry opened the floor for public comment. There being no comments from the public, President Curry returned the discussion to the council. There being no further comments from the council, President Curry called for the vote on the passage of the ordinance on second reading and the vote was as follows: Ayes: Bullard, Thomas, Mishler, Dawson, Fish, Hines, Olson, Henke, and Curry. Nays: None. The motion carried unanimously, 9-0, and the ordinance was passed on second reading. Councilman Thomas, seconded by Councilman Dawson, **moved to adopt the ordinance on third reading.** The clerk read the proposed ordinance, 21-O-02, by title only and the vote was as follows: Ayes:

Bullard, Thomas, Mishler, Dawson, Fish, Hines, Olson, Henke, and Curry. Nays: None. The motion carried unanimously, 9-0, and the ordinance was adopted.

**Ordinances and Resolutions Referred to Committees:**

***Proposed Ordinance 21-O-03***

**AN ORDINANCE APPROPRIATING SEVEN HUNDRED AND THIRTY-FIVE THOUSAND DOLLARS (\$735,000.00) FROM THE GENERAL FUND TO THE ELKHART POLICE DEPARTMENT CONTRACT SERVICES ACCOUNT**

President Curry stated proposed ordinance 21-O-03 remains in the Finance Committee of-the-Whole.

***Proposed Ordinance 21-O-04-R***

**AN ORDINANCE APPROPRIATING EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000.00) FROM THE ELKHART CAPITAL OUTLAY FUND FOR THE SOUTH MAIN STREET STREETScape PROJECT**

President Curry stated proposed ordinance 21-O-04-R remains in the Finance Committee of-the-Whole.

***Proposed Ordinance 21-O-05***

**AN ORDINANCE APPROPRIATING THREE HUNDRED NINETY-SIX THOUSAND DOLLARS (\$396,000.00) FROM THE RIVERBOAT GAMING FUND AND TRANSFERRING THE FUNDS TO THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND AND APPROPRIATING TWO HUNDRED EIGHTY-THREE THOUSAND ONE HUNDRED NINETY-TWO DOLLARS (\$283,192.00) FROM THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND AS THE STATE'S SHARE OF THE COMMUNITY CROSSINGS GRANT, FOR A TOTAL APPROPRIATION OF SIX HUNDRED SEVENTY-NINE THOUSAND ONE HUNDRED NINETY-TWO DOLLARS (\$679,192.00) FOR THE MISHAWAKA ROAD, CHARLOTTE AVENUE AND LAURA COURT RESURFACING PROJECT UNDER THE COMMUNITY CORSSING GRANT PROGRAM**

President Curry stated proposed ordinance 21-O-05 remains in the Finance Committee of-the-Whole.



## **Tabled Ordinances and Resolutions**

### ***Proposed Ordinance 21-O-01***

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE COMMONLY KNOWN AS 23809 US 33, 23821 US 33, 23861 US 33, 23834 US 33, AND 23845 US 33, ELKHART, INDIANA AND DECLARING THE SAME TO BE A PART OF THE CITY OF ELKHART**

President Curry stated proposed ordinance 21-O-01, **remains tabled** until March 1<sup>st</sup>, when the council will have second-third readings and take action.

## **NEW BUSINESS**

### **Ordinances on First Reading**

#### ***Proposed Ordinance 21-O-06***

**AN ORDINANCE APPROPRIATING FOUR HUNDRED FORTY THOUSAND DOLLARS (\$440,000.00) FROM THE GENERAL FUND TO THE ELKHART DEPARTMENT OF DEVELOPMENT SERVICES PROFESSIONAL SERVICES ACCOUNT**

The clerk read the proposed ordinance, 21-O-06, by title only. Councilman Dawson asked can this go in the Finance Committee of the Whole? President Curry stated why don't we just put that in the Finance Committee. The clerk asked for clarification on if it was regular committee or committee of-the-whole and President Curry stated regular committee. The **proposed ordinance was assigned to the Finance Committee.**

### **Resolutions**

There were no resolutions.

### **Vacation Hearings**

There were no vacation hearings.

### **Other New Business**

Councilman Mishler stated I know we talked about the vaccine but I just want to make sure that folks know where to get it. People can go to [www.coronavirus.in.gov/vaccine](http://www.coronavirus.in.gov/vaccine) and if you don't have a smartphone or a computer, you can also dial 211 and they can assist you with that as well. Dr. Wait stated we also have a call center that the Health Department is doing so you can also call 574-523-2106 and you will get a person to help sign you up.

Councilman Henke began speaking, however it was inaudible due to his microphone not being on. He also stated Chief Seymore got back to me over the weekend pretty rapidly and I appreciate that. I had a conversation with the Mayor and some pieces in regards to planning and I would like to see further discussion, even a work session with the Planning Department and the Council so we can talk about the use of CDBG money and the larger plan and where we would like it to go. I think that is a pretty critical piece for us. When we get down to it I do have questions regarding the South Main appropriation and I would like the administration to think about the use of EDIT as opposed to the Capital Outlay Fund.

Dayna Bennett, Chief of Staff, stated previously it has been requested when there is a major presentation that the council be given the presentation materials ahead of time, so we have prepared some presentation materials for 21-O-06. Ms. Bennett gave the presentation materials to the council.

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

Mayor Roberson thanked Dr. Wait for her presentation and for keeping us informed on how the Health Department is going to manage this pandemic from this point out. He stated I would encourage the public to chime into the City's website or the Health Department's website to stay up to date with all the current vaccine information as well as all of the information relative to who, where, when, and what time as we do need to get to the 70% as quickly and as soon as we can possibly can get there. Mayor Roberson stated I would like to remind the public that there are warming stations currently available and given that we will be in this cold snap for a few more days I want to make sure that everyone stays safe and that they continue to talk and check on their neighbors as we got more snow today and I am sure the cold will continue and as everything gets cold, it gets brittle, even our bones. President Curry asked where are the warming centers? Mayor Roberson stated Faith Mission.

Councilman Bullard asked are there plans to open up more warming stations? Mayor Roberson stated currently there are not but as we continue to go through this, if indeed we feel there is an overwhelming demand for it to happen, we will, especially if power outages occur. Currently we are pretty good with power outages.

Mayor Roberson stated this meeting is the date that we committed to having a schedule of dates for the upcoming months and beyond, for a calendar of events that we would like your participation with or things that you can come to, that are on the schedule. We will continue to update that list every month or if there any changes that will come to that calendar. Corrine Straight-Reed, Director of Communications stated if they have not received that yet, they will receive it shortly.

Councilman Thomas stated we did get an email about a Thursday for accepting of new equipment. Ms. Straight-Reed stated that is correct, that was from Chief Edgerton. It is on Thursday at noon, at Central Fire. Councilman Thomas stated we are all going to push the fire truck into the station.

### **Neighborhood Association Reports**

President Curry stated the Pierre Moran Neighborhood Association had an executive session this month and we got the information from the City, it's a questionnaire about your neighborhood association and we need to turn that back in and we will be taking care of that in the next couple of days.

### **Privilege of the Floor**

There were no comments made during privilege of the floor.

### **Scheduling of Committee Meetings**

Councilman Dawson stated we have a Finance Committee meeting scheduled for February 17<sup>th</sup> at 5:30 p.m. to discuss the police department's Axon proposal. Councilman Dawson stated also don't forget we have a Finance Committee meeting on the 10<sup>th</sup> as well.

Councilman Dawson asked was there was any progress made on the resolution I asked the administration to prepare on the school referendum? John Espar, Corporation Counsel, stated I have made progress on the resolution and it will be ready for your next scheduled meeting of the council.

### **Acceptance of Communications**

**Minutes** of January 19, 2021 Board of Public Works Meeting  
**Report** of Communications Center for January 2021  
**Report** of Street Department for January 2021

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

### **Adjournment**

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

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Debra D. Barrett, City Clerk

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H. Brent Curry  
President of the Elkhart City Council

**DRAFT**

**MINUTES OF THE FINANCE COMMITTEE-OF-THE-WHOLE MEETING OF  
FEBRUARY 10, 2021**

Present: Finance Committee Chairman Arvis Dawson  
Finance Committee Members Tonda Hines and Mary Olson  
Council Members Kevin Bullard, Brian Thomas (*arrived late*), Aaron Mishler,  
Brent Curry, Dwight Fish, David Henke

Absent: None.

Councilman Dawson, Chairman of the Finance Committee, called the meeting to order at 6:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, Elkhart. This meeting was made available to the public via WebEx and was live-streamed on Facebook. Council Members Aaron Mishler, Mary Olson, and Dwight Fish were present on WebEx. Council Members Arvis Dawson, Tonda Hines, Kevin Bullard, Brian Thomas, and David Henke were present in council chambers.

The clerk called the roll.

Councilman Dawson said this evening the Finance Committee will discuss:

***Proposed Ordinance 21-O-04-R***

**AN ORDINANCE APPROPRIATING EIGHT HUNDRED FIFTY THOUSAND  
DOLLARS (\$850,000.00) FROM THE ELKHART CAPITAL OUTLAY FUND  
FOR THE SOUTH MAIN STREET STREETScape PROJECT**

The clerk read the proposed ordinance, 21-O-04-R, by title only. Councilman Dawson opened the floor for council discussion. Mayor Roberson stated there have been three requests that are currently on your agenda that speak to a bigger goal of development and ensuring that we are attracting the right development in the areas of Elkhart, as well as establishing an opportunity to move forward in a manner that sets the stage for 2022, not just economic development but building our resources so we are able to do it.

President Curry joined the meeting at 5:34 p.m.

Councilman Dawson asked the City Engineer, Tory Irwin, to explain the project to the council. Mr. Irwin stated for South Main Street, we will be doing a full infrastructure replacement between the limits of Hively and Lusher Avenue. It is going to tie into the new grade separation that is going in at Hively. The new bridge is going to go over the intersection so we are going to tie into the new transition there. It is a full replacement of the roadway, it is a four lane cross section out there and we are going to

be taking it to a three lane cross section. We are more or less mirroring the project that we did on Benham this past year, we will be doing new sidewalks, the existing sidewalks out there are crumbling, in good spots, and the bad spots, they don't exist anymore, there is horrible puddling, it is not ADA compliant, we have a water main we are going to replace, it is about 80 years old and has had some lead services off of it and we are going to be in a new storm sewer as well to separate the sanitary system out there. We are doing a full reconstruction, new drive approaches, we are going to reduce and bring into compliance the drive approaches that exist out there. There are so many parcels and none of the driveways out there are compliant as they are existing, so we are working with the businesses to bring more of those into compliance and make it feel like a corridor that people want to walk.

Councilman Curry stated I know there is one lady that lives right in this area, closer to Lusher Street on the railroad side of Lusher and she would like for us, when we do this project, to take a look at that alley. Businesses do it, but she is concerned with the potholes and the condition of that alley. Mr. Irwin stated we can take a look at that.

Councilman Bullard stated I know I talked with you and you did get ahold of Jan at Babsco and I appreciate that and she responded with a thank you. You are mirroring this on Benham, how are you going to deal with some of the complaints you see on social media, some people are just not ready for change and if you mirror this, how are you going to promote this if you are mirroring Benham? Mr. Irwin stated this section of road, even more than Benham, the number of businesses and the number of drive approaches we have out there, that is why we put in a three lane section. If we were to redesign the road today, today, typical engineering is that you either put in a three lane section or a five lane section because those center two lanes end up becoming a left turn lane, especially when you have the volume of drive approaches that we have out there, so every time someone slows down or stops to turn left, they are blocking an entire lane of traffic. The volume out there, I believe it is about 12,000 cars per day on average, 12,500 cars per day on average. That is easily done on two lanes of road with a center turn lane, we can easily accommodate that capacity. My emphasis would be we are trying to provide a beautified streetscape with tree lawns and street lights and trees and we have a limited space to put it in, while also promoting alternate forms of travel with wider sidewalks, that people can also use their bikes down so I guess that would kind of be my response. Hopefully people can be open to multiple forms of transportation, but we still are accommodating the volume of traffic that exists out there on the road so that would be my response. Councilman Bullard stated off the top of your head, percentage of cost compared to replacing and separating the sewer and the improvements that really need to be done underground, compared to going to two lanes, beautification, is underground 80% of the cost? People just look at the top side and say this is a ridiculous amount of money, but in reality, a lot of it is underground. Mr. Irwin stated yes, a lot of it is underground, we are not touching the sanitary sewer, with just the storm and the water main, it's \$800,000.00 to One Million, so yes a lot of the costs is wrapped up underground. Councilman Bullard stated the timing on the grade separation of the railroad, is there going to be an impact for an extended period of time? Mr. Irwin stated the good thing with the grade separation of the railroad is there is going to be very minimal impact to Main Street because of the way we are planning on doing that project.

The current plans are to bring the bridge over Main Street and because we don't have to get into the intersection and because all we are doing is crossing the top of it, the only shut down we are going to have to do is to get the beams placed over the road. We will come back and there is a new intersection that has to get tied in to the north part of the bridge and some approach work, so we will have some lane closures but we are going to avoid a full closure of Main Street almost entirely. The great news is that the disruption that is going to happen this year, for this project, won't take place again when the grade separation comes.

Councilman Curry stated you mentioned Benham and most people are very pleased with Benham, but it was brought to my attention when you are on Lusher and you are making that right to head north on Benham, they say we should have left more of a turning radius there because the trolley hits the curb and if you see the curb, it is all black and the road has not been opened that long. Of course semis hit the curb and they are saying when there were four lanes, you had that swinging room and when cars are making a left they sit in that middle turn lane, so people do not have that much room to turn and they are saying we should have redesigned that. Also, people like the lights on Sixth Street and they want to know when the lights will be turned on, on Benham. Mr. Irwin stated so that is fully in AEP's hands right now. I spent the morning talking to AEP about getting the lights turned on, on Benham. We are about two to three weeks out, so if it would stop storming across the country, the AEP crews would have more time to do hookups but it is on their schedule and they have told two to three weeks, assuming the weather cooperates.

Councilman Henke stated what is the total cost towards this project? Mr. Irwin stated the total cost for this project right now is in the \$3.5 Million Dollar range. Councilman Henke stated so for \$3.5 Million, what can we expect to get in return besides new pipe underground, which is public works, that is where the rate is and that is where costs should go, wider sidewalks and streets, so that is road improvement? The overall goal doesn't seem to be broader than just the street improvements and beautification of that specific piece. Have we purposefully rezoned any area out there to your knowledge? Dayna Bennett, Chief of Staff, stated I can't speak to some of the technical aspects of zoning but we did look at how this fits into our overall economic development plan. This project is not an economic development project, I want to be clear about that, but we are looking at every project holistically so we did consider how does this fit in some of the other work that we want to do. One of the areas that we are targeting for redevelopment and some expansion of retail opportunities is South Main, but not as far as where this work is going to happen. It essentially acts as a gateway into the area where we do want to increase economic development. I understand the feedback that you shared Councilman Bullard, and as a driver, I get bothered by the shrinking of Cities when they do road diets because I like to be able to zoom through. What we do know about retail development and commercial development is that it does better when the traffic is quieter. So this gives us an opportunity to quiet the streets as we lead into an area that we are targeting for retail development. So while this is not an economic development project all to itself, it lends to the investment that we want to make in South Main that is closer to downtown to enhance development.

Councilman Henke stated if we have not done any rezoning, we are asking constituents and property tax payers to pay for \$3.5 Million Dollars to beautify a place, a place that is normally then maintenance driven, underground pipes, sewer rates going up this year, next year, that should be covered by that process. We also then have water sewer separation costs, which is part of the reason water sewer is going up, but then to actually make this level of improvement without expecting a larger plan or driving a larger plan, is concerning to me. The rezoning, I would have thought, would have automatically happened and I would have thought that Code Enforcement would be working with people in that area saying when this is going on, this is what needs to happen. We can't beautify the street and you don't beautify your property, that's inappropriate. I also know having worked with the River District, that there was an overlay of expectation, so any new property, any turnover of property, any renovation of property, had to come to the new level because of the amount of improvements laid out by the cost to the taxpayer. I would liken it to this, the City, under Dave Miller at that time, thought the way to improve Franklin Street was to put a \$174,000.00 park there and if the City made an improvement, that things around it would automatically improve and people would get the new measure of success and expectation and that people would automatically chime in. Well there are lights, a canopy, a rail overlooking the river, but we call it prostitute park because what it did is nothing of the above. It is still undesirable, it is still unused, but taxpayers put something there without an expectation, without driving it anywhere, so nothing really happened. Here is an opportunity and if you are going to invest this level of money and we don't have an expectation of payback, payback by assessed value, assessed values by property improvements, it can be a gateway, but it is going to be a vacant gateway with no greater plans. They can still drive on a new road but see decay and hodgepodge zoning and they can still go down an area that still represents an undesirable part of our community. I would just hope that we would look at rezoning, we would look at an overlay, we would look at what it is going to take to actually turn some of the business opportunity around, that it has the commercial capability. I would also hope that we would have a study that would talk about the trend of communities now, rural and level two cities, to downsize streets because of the cost of upkeep, the cost of maintenance, the cost of cleaning and clearing is just overwhelming. We don't do four lanes a lot anymore because there is a cost savings. I would hope that we could go that direction and I just haven't seen it, I haven't seen the plan, I haven't seen the vision, I haven't heard of a dream for the area and I just think we are doing this and then hoping that something better comes up. I think we just have to tag on to the next step, higher expectation, and it starts with the current property owners. We can improve all their driveways but in general you could do that to every street in our city.

Councilman Henke stated finally, I did get a text, but I think that Capital Outlay is not the appropriate fund; EDIT, if we had a vision to it, could be utilized, but most of that \$3.5, it sounds like, based on the fact that we don't have a larger plan, a larger vision, a larger scale for what is already there, but EDIT would even be a questionable area unless you had a level of expectation. This is public works, this is road and street, and this is grants. If someone could actually speak to that piece that would be good. If we don't even have a speculation of a plan, I'm not sure how investors participate, if they don't know what comes next. What do we do next?

President Curry stated if you ride through the neighborhood now, you will see that there has been some investment in this area we are talking about, there is a new cell phone store, they renovated it and made it look very nice. Also, we own property in that area, the City. Hopefully when we finish this we can get somebody to invest in those two large properties that we own and get something done. I think over the years, we did get the O'Reilly store, then we got the Dollar Store, so there has been investment in the area. We would like to see more but you have the gas station along this stretch and the car washes, and then you have the grocery store at the other end of Hively, which is a very busy place, so I just hope things do continue to get better but some things over the years have gotten better.

Councilwoman Olson stated can we speak to how we communicated not only with the businesses but the residents in the area, about the plan? Do they have an idea? If we are struggling from the gatekeepers of the dollar perspective, I am concerned we are not sharing a vision with the public that is going to be directly impacted. Mr. Irwin stated I was not a part of the original start of the project. I know that they had public meetings with the residents and businesses out there, I know they collaborated with them and they got feedback from them on what the cross section of the roadway is going to look like with the three lanes, sidewalks and new tree lawns. There was collaboration with the residents and businesses out there. Once we get the funding in place and we have a construction schedule set, we will coordinate with them to make sure they all know what is happening, when it is happening and they will have our contact information so they can call us with any questions or concerns. Councilwoman Olson stated if there is a way that we can engage the public in discussion on this, and include the council, I think it is critical because the questions come to us and when I don't have an adequate answer, which I don't right now, other than, you know how I feel about the infrastructure under the roadway, that is just seeking compliance where we should be. I am talking about the impact to the area and maybe if we had some public meetings, those kinds of meetings encourage conversations that won't take place without that happening.

Councilman Dawson stated Mr. Henke had about ten questions and during the council meeting or even before, if you could get all those answered because it could lead to more discussion and if we are going to have it, we need to have it before we are going to pass the ordinance, but I would like to get those questions answered. Councilwoman Olson stated can it be shared with all of us?

Mr. Irwin stated I do have new information, just a couple of days ago, we reevaluated our redevelopment funds for that TIF district and they got an additional disbursement that was more than we were anticipating getting. We are actually going to remove this from the council agenda, but we wanted to have this discussion with you on public record so you were all in the loop and we could answer questions you all might have. We are actually withdrawing the request for the appropriation. Councilman Dawson stated still, those questions should still be answered.

Councilman Henke stated the reason behind this, and it is kind of disappointing, but if I am going to drive and leave work two hours early, we should have real meat and potatoes discussions because if this is going to be at the general council meeting, I could



have just waited and asked all my questions there or just vote no. TIF, I appreciate that, that is a good move, but I am disappointed that we don't have a bigger vision for downtown, South Main specifically. I don't think a bail bonds, Dollar General, two car washes, and an auto parts store, is much of a vision at all. That is what decay looks like, that is what slow economic, poor vision, looks like. We need real businesses, a cell phone store, they pop up here and there routinely. We need a bigger idea and that is going to take an overlay and with an overlay that is going to take rezoning, and I would hope that this is going to be pretty quick that people already in place, when they are grandfathered in, that when there is a change, it is purposeful change so we can reclaim South Main Street, and it gets to be a real part of the city and not just a pretty road to go on with the same stuff it already had.

Councilman Dawson stated I think there is a vision for South Main as a gateway, I know that from being involved and I don't think that we can disrespect the businesses that have been there and continue to stay there, even when it is not pretty. They stay there and pay their taxes and we appreciate them being there, especially the small businesses, because we are entrepreneurs as a City.

Councilman Fish stated you are pulling this off of the agenda and you are going to use all of the TIF money or a majority of the TIF money to finance this project? Mr. Irwin stated we just found out about this extra money in the TIF two days ago, so if we would have known about it, this would have never come to the Council. Councilman Fish stated where did it come from? Mr. Irwin stated it is our disbursement from the County. Councilman Fish asked how much is the TIF currently? Jamie Arce, City Controller, stated at present I believe we are projecting, \$5.5 Million being available to be used for this project that isn't already encumbered. The consolidated TIF's ability to afford this project should not hinder or get in the way of any other projects that they are looking to complete.

Councilman Henke stated Jamie stated \$5.5 Million, that is different than the \$3.5 Million, we can clarify the total project? Mr. Arce stated I was clarifying the total funds in the consolidated TIF and not the total cost of the project. Councilman Henke stated so we are still at \$3.5 Million for the total project, thank you for the clarification.

Councilman Bullard stated it would be nice to have, as long winded as Councilman Henke can be, his questions answered and now if this gets dropped and goes to redevelopment, we don't have the chance for the City Council to answer these questions. Councilman Dawson stated I specifically said that Councilman Henke's questions still need to be answered and Dayna agreed that those questions would be answered and we will all get that in writing, all of us.

Councilman Dawson stated I am assuming there will be a motion to withdraw this and we will handle that at our March 1<sup>st</sup> council meeting. Councilman Henke stated you either have to table it to committee or... and Councilwoman Olson stated move it down with no recommendation. Councilman Dawson stated we will just leave it in committee. With that said, **Proposed Ordinance 21-O-04-R, remains in the Finance Committee of-the-Whole.**

*Proposed Ordinance 21-O-05*

**AN ORDINANCE APPROPRIATING THREE HUNDRED NINETY-SIX THOUSAND DOLLARS (\$396,000.00) FROM THE RIVERBOAT GAMING FUND AND TRANSFERRING THE FUNDS TO THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND AND APPROPRIATING TWO HUNDRED EIGHTY-THREE THOUSAND ONE HUNDRED NINETY-TWO DOLLARS (\$283,192.00) FROM THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND, AS THE STATE'S SHARE OF THE COMMUNITY CROSSINGS GRANT, FOR A TOTAL APPROPRIATION OF SIX HUNDRED SEVENTY-NINE THOUSAND ONE HUNDRED NINETY-TWO DOLLARS (\$679,192.00) FOR THE MISHAWAKA ROAD, CHARLOTTE AVENUE AND LAURA COURT RESURFACING PROJECT UNDER THE COMMUNITY CROSSINGS GRANT PROGRAM**

The clerk read the proposed ordinance, 21-O-05, by title only. Councilman Dawson opened the floor for council discussion. Mr. Irwin stated this is a standard mill and fill. So we are going to mill of the first 2 to 2.5 inches of roadway and then put it right back on top. It is one of our worst scoring PASER, PASER is a rating system that is industry standard that we use to rate the roadway conditions. This is one of the worst scoring roads that we have in the City and that is why it is at the top of the list to be done. Councilman Dawson asked is this a newly annexed area? Mr. Irwin stated this was annexed in the 2014 round of annexations.

Councilman Curry stated when we come down Charlotte, are we going to go all the way down Charlotte and back out to State Road 19? Mr. Irwin stated yes, Charlotte does a semi-circle loop.

Councilman Bullard stated they say this is just a mill and resurfacing, you don't have to do any grade improvements, any drainage, or any berm issues at all? Mr. Irwin stated there are drainage issues out there and we will take a look and see if we can fix them, whether that is conducting a swale next to the road, I don't anticipate any changes to the grade in the road, no. Councilman Bullard stated is there any anticipation in change of cost if you do need to do that? Mr. Irwin stated no, because it will be minimal and this appropriation would cover that.

At this time, 6:00 p.m., Councilman Thomas, entered council chambers.

Councilman Curry stated I am glad we are addressing this and I have a lot of concerns about this area, it is not my district, but people just know if you are on the council, they bring their concerns to you. Councilwoman Olson stated I have had a lot of comments regarding the drainage, so this is a worthwhile project.

Councilman Curry, seconded by Councilwoman Olson, moved to recommend a **do-pass recommendation to the full council**. The vote was as follows: Ayes: Bullard, Mishler, Curry, Fish, Hines, Olson, and Dawson. Nays: Henke. Abstain: Thomas. The **motion carried**, 7-1, with one abstention, and the proposed ordinance, 21-O-05, **was passed on the full council with a do-pass recommendation**.

Mr. Irwin stated also, we did just put in another CCMG application, so if we are fortunate enough to get that we will be coming again to the council.

Councilman Dawson asked Ms. Bennett to make sure we get the answers to Mr. Henke's questions, as communications in the next packet so it becomes a matter of public record as Mr. Bullard indicated.

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

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Arvis Dawson  
Finance Committee Chairman

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROPRIATING SEVEN HUNDRED AND THIRTY-FIVE  
THOUSAND DOLLARS (\$735,000.00) FROM THE GENERAL FUND TO THE  
ELKHART POLICE DEPARTMENT CONTRACT SERVICES ACCOUNT**

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WHEREAS the Common Council appropriated funds in the 2021 annual budget to upgrade the Elkhart Police Department's records management system; and

WHEREAS throughout 2019 and 2020 members of the Elkhart Police Department explored the various available options for the needed upgrade and determined that AXON, Inc. ("Axon"), as a new vendor was the best option to best meet the current and future needs of the Elkhart Police Department; and

WHEREAS the Elkhart Police Department's 2021 budget includes an amount for records management, body cams, dash cams, and interview room cameras which historically have been supplied and maintained through multiple vendors at an average annual cost of \$335,848.00; and

WHEREAS AXON possesses the capability to meet all such needs with significant and much-needed enhancements and improvements, together with guaranteed product replacements at year-6 and year-10, under a 10-year program which costs on-average \$733,970.00 per year; and

WHEREAS the Department has contractual obligations under existing agreements with other providers for technology/services which remain payable from the Department's 2021 budget; and

WHEREAS the Department requires an appropriation of \$735,000.00 for the first year of AXON agreement (2021); and

WHEREAS the City of Elkhart has sufficient sums in the General Fund which are available for appropriation to the Contract Services account (101-5-219-439.0912) for the

purposes requested by the Administration.

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

Section 1. The sum of seven hundred thirty-five thousand dollars (\$735,000.00) is hereby appropriated from the General Fund and applied to the following account:

To: Contract Services 101-5-219-439.0912 \$735,000.00

Section 2. The Common Council has fixed the \_\_\_\_ day of \_\_\_\_\_, 2021, 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.

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

Kris Seymore  
Chief



*Police Department*  
175 Waterfall Dr.  
Elkhart, IN 46516

574.295.7070  
Fax: 574.293.0679

1/27/2021

Mayor Rod Roberson  
229 S. Second St.  
Elkhart In 45616

Mayor,

For the past couple of years the Elkhart Police Department has been committed to several key topics the community has not just asked for but demanded 1) transparency, 2) accountability 3) community interaction and 4) empathy.

- 1) **Transparency:** The community wants to know what we are doing. How we are doing it and are we doing it correctly.
- 2) **Accountability:** The community expects the police department to have policies which guide the officers on what to do and how to do it. The community expects officers to error, however if they error the community expects the officer to be held accountable for their actions, just as they are.
- 3) **Community interaction:** The community want officers out of their cars having positive interaction with them.
- 4) **Empathy:** The community wants us to have a better understanding of who the community is and what their needs are.

During that same time frame the Elkhart Police Department came to the realization in order to accomplish what the community demanded we have to become more effective and efficient. After many meetings and much research we came to the conclusion that Axon was the company that 1) had the products we needed, 2) were developing the products we needed and 3) had the vision of where they were going and how to get there that matched our vision.



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### **THE AXON STORY**

Our story began in September of 1993 when TASER International was founded by CEO Rick Smith with his brother Tom Smith. They consulted with Jack Cover, former NASA scientist and inventor of the original TASER® conducted energy weapons of the 1970s. Rick Smith was inspired to found the company after losing two high school football teammates who were shot and killed in a road rage incident. This experience led him to seek new technologies that would enable people to protect themselves without deploying lethal force in hopes of creating a bullet-less world.

On April 5, 2017, TASER International re-branded to Axon. Based on TASER International's evolution as a business over the last 24 years, as well as the continuously evolving needs of law enforcement, it's clear that the police agency of the 21st century demands a holistic, integrated approach to police technology. Axon represents the entire network of devices, applications, and people that is revolutionizing public safety around the world. Our mission is to protect life.

Our technologies give law enforcement the confidence, focus, and time they need to keep their communities safe. Our connected body cameras and evidence-management cloud allow police officers to work effectively and transparently, and our TASER conducted energy weapons protect life without taking it. Every Axon product, from conducted energy weapons to body-worn cameras, and the digital evidence management system Axon Evidence (Evidence.com), integrates seamlessly with one another, complementing the systems and processes law enforcement already use. That connectedness does not stop at the company's products. With the features built into Axon's solutions, law enforcement can connect with partners, from county officials to neighboring agencies to prosecutors working a case. Axon believes that better and more accessible information can help agencies save valuable time and resources, and most importantly, reduce crime.

### **AXON'S MISSION**

The priorities and challenges of law enforcement have been at the core of Axon's mission. We're committed to developing the latest technologies to make the world a safer place. Our mission is simple: Protect Life.

### **AXON'S PROFILE**

Our Axon team is based around the globe, with our headquarters and manufacturing in Scottsdale, Arizona. Our software engineering office is in Seattle, WA and our AI Research Team is based out of New York City, NY. Global office locations include Amsterdam, the UK, Vietnam and Finland. Our company is the market leader in conducted energy weapons, body-worn video and digital evidence management solutions.

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How does Axon meet the demands, 1) Transparency, 2) Accountability 3) Community Interaction and 4) Empathy, of the community and of the department?

**Tasers:**

- 1) The officer's first line of a less-lethal option. (Empathy)
- 2) Provides the officer with a de-escalation tool. (Accountability, Empathy)
- 3) Activates the body camera when activated providing (transparency).

**Body cameras:**

- 1) Multiple ways for activation including manual, trigger in vehicle, drawing of taser and drawing of duty weapon. (Transparency, Accountability)
- 2) Provided each and every officer with a body camera where now they are only issued to patrol officers. (Transparency, Accountability)
- 3) Records officer's interactions. (Transparency, Accountability)
- 4) Allows supervisors to remote in to cameras view. (Accountability, Empathy)
- 5) Redaction software. (Transparency)

**Interview room Cameras:**

- 1) Records officer interactions. (Transparency)
- 2) Uploads to case reducing time spent on burning CD's. (Community Interaction)
- 3) Redaction Software. (Transparency)

**Fleet:**

- 1) Records officer interactions. (Accountability, Transparency)
- 2) Redaction Software (Transparency)

**Record Management:**

- 1) More efficient for officer to utilize for reporting. (Community Interaction)
- 2) Provides better crime tracking and analysis. (Community Interaction, Empathy)

**Virtual Reality:**

- 1) Allows for training from the officers point of view as well as the point of view of the citizen (Community Interaction, Empathy)



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**App / Citizen / Community / One to One:**

- 1) Allows community to interact with police department. (Community interaction)
- 2) Allows community to send videos and data to the police, preventing an officer from having to go back to collect the video. (Community Interaction)

What do we get when partnering with Axon? In the many meetings, conversations and demonstrations it was clear that AXON possessed the same vision as the Elkhart Police Department. Furthermore, AXON possessed and demonstrated many of the same forward thinking ideas as the Elkhart Police Department. Although AXON is at the final stage of developing some of their products and services it is at the beginning stages of developing many other products and services and for those reasons the Elkhart Police Department feels now is the time to move forward in partnership with AXON. Getting in at this stage of the process will allow the Elkhart Police Department to provide input, and in many cases customize the product we will receive. Axon brings many systems we currently use from different vendors under one company, allowing them to function as one. Axon also takes products we currently use and purchase on an as needed basis and puts them on a rotation, distributing the cost over the ten (10) years of the contract. Putting the items on a rotation assures the Elkhart Police Department has the newest technology, in great operating order, without having to make a one-time large purchase for some of our most expensive equipment such as tasers, body cameras and in-car cameras.

**Warranty:**

- 1) All products are warrantied through the life of the contract.
- 2) Dedicated Success Account Manager.
- 3) Unlimited storage on all devices.
- 4) Setup and install all equipment.
- 5) All training is included.
- 6) New services, programs they release.

**Interview:**

- 1) 9 Interview rooms get new cameras and microphones.
- 2) Touch pads to allow for direct link of interview to evidence.com and case.
- 3) Coming Soon dictation / transcription.
- 4) Redaction software

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Kris Seymore  
*Chief*



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**Taser:**

- 1) All new Taser 7
- 2) Holsters
- 3) Training of instructors
- 4) Training cartridges
- 5) Live cartridges
- 6) 5 Spare Tasers
- 7) Replaced in year 6 with training on new Taser

**Body Camera:**

- 1) Replaced every 2.5 years
- 2) Spare Cameras
- 3) 150 Cameras
- 4) Each officer has home docking station
- 5) 5 Eight bay docking stations on station
- 6) LTE docking from field is available if needed
- 7) Remote live view from camera
- 8) GPS Tracking
- 9) Coming soon dictation / transcription
- 10) Redaction software

**Fleet:**

- 1) Replaced in year 6 and year 10
- 2) New cradle points(IT advised all need replaced at this time)
- 3) 5 Spare systems
- 4) Redaction software
- 5) New system in late 2021
  - A) Includes install
  - B) License Plate Reader
  - C) GPS
  - D) Live Track
  - E) Live View

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**Records:**

- 1) Migration of all Central Square Data
- 2) No servers
- 3) Allows for data extraction
- 4) Allows for officer wellness
- 5) Use of force
- 6) Pursuit
- 7) Redaction software is included
- 8) Set to extract information from Computer Aided Dispatch

**APP:**

- 1) Allows admin live access to body camera
- 2) Allows Officers to use phone to capture pictures which go directly to evidence.com and case

**Citizen / Community and One to One:**

- 1) Allow for citizens to upload their video to officers
- 2) Allows businesses to upload video of incident to evidence.com

**Virtually Reality:**

- 1) Goggles (Oculus System)
- 2) Training
- 3) Unlimited access
- 4) Unlimited programs

What cost is associated with Axon and how do we pay for it? AXON's 10 year contract totaling \$7,339,702 would average out to \$733,970 a year. Currently we pay approximately \$335,848 (not including complete replacement for some large price items such as tasers, body cameras and in car cameras) which creates a difference of \$398,122 a year. At this time we are asking for \$735,000 to be transferred from the general fund to our contract account to cover year one (1). Moving forward with years 2 through 10 the police department have additional cost added to our operating budget which we hope to be able to offset with year-end money from our salary ordinance.



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As you have seen partnering with Axon will make the Elkhart Police Department more efficient and effective in policing and meeting the community's needs. Partnering with Axon will also put many of our more costly purchases such as body cameras, in car cameras, tasers and technology on a rotation spreading the cost over several years preventing a large one time purchase.

The command staff and members of the Elkhart Police Department are committed to meeting the demands of the community. We will do this by operating more efficiently and effectively through the technology Axon brings, being financially responsible and working smarter not harder.

Sincerely,

A handwritten signature in blue ink, appearing to read "CSnyder", is written over the printed name.

Chris Snyder  
Assistant Police Chief

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROPRIATING EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000.00) FROM THE ELKHART CAPITAL OUTLAY FUND FOR THE SOUTH MAIN STREET STREETScape PROJECT**

---

WHEREAS, the South Main Street Streetscape project consists of a complete reconstruction of South Main Street between Hively Avenue and Lusher Avenue; and

WHEREAS, the South Main Street Streetscape project is a sidewalk-to-sidewalk infrastructure and streetscape beautification effort which includes a three-lane roadway, bike path, sidewalk, streetlights, tree lawns, water main replacement and separation of stormwater and wastewater sewers; and

WHEREAS, the cost estimates for the entire project is Three Million Six Hundred Fifty Thousand Dollars (\$3,650,000.00) for which the Administration seeks an appropriation of Eight Hundred Fifty Thousand Dollars (\$850,000.00) from the Elkhart Capital Outlay Fund to pay for the cost of the roadway pavement portion of the project; and

WHEREAS, the Administration has represented that the cost of the stormwater-wastewater sewer separations is to be financed with stormwater funds, the cost of the water main replacement is covered with water main funds and the balance of the costs of the project is to be covered with TIF funds.

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

Section 1. The amount of Eight Hundred Fifty Thousand Dollars (\$850,000.00) be, and hereby is, appropriated from the Elkhart Capital Outlay Fund and assigned to the following account line:

Account No. 460-5-000-423.0111    Paving Materials    \$850,000.00

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 March, 2021.

\_\_\_\_\_  
H. Brent Curry  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this \_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_\_ day of March, 2021.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROPRIATING THREE HUNDRED NINETY-SIX THOUSAND DOLLARS (\$396,000.00) FROM THE RIVERBOAT GAMING FUND AND TRANSFERRING THE FUNDS TO THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND AND APPROPRIATING TWO HUNDRED EIGHTY-THREE THOUSAND ONE HUNDRED NINETY-TWO DOLLARS (\$283,192.00) FROM THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND, AS THE STATE'S SHARE OF THE COMMUNITY CROSSINGS GRANT, FOR A TOTAL APPROPRIATION OF SIX HUNDRED SEVENTY-NINE THOUSAND ONE HUNDRED NINETY-TWO DOLLARS (\$679,192.00) FOR THE MISHAWAKA ROAD, CHARLOTTE AVENUE AND LAURA COURT RESURFACING PROJECT UNDER THE COMMUNITY CROSSINGS GRANT PROGRAM**

---

WHEREAS the Indiana Department of Transportation awarded the City of Elkhart ("City") a matching grant under the Community Crossings Grant Program to assist the City with the Mishawaka Road, Charlotte Avenue and Laura Court Resurfacing Project; and

WHEREAS the Community Crossings Grant Program requires a local match of no less than fifty percent (50%) of the grant-qualified project costs; and

WHEREAS the grant-qualified project costs for the of the Mishawaka Road, Charlotte Avenue and Laura Court Resurfacing Project totals Six Hundred Seventy-Nine Thousand One Hundred Ninety-Two Dollars (\$679,192.00) of which Three Hundred Ninety-Six Thousand Dollars (\$396,000.00) represents the City's share and of which Two Hundred Eighty-Three Thousand One Hundred Ninety-Two Dollars (\$283,192.00) represents the State's share; and

WHEREAS the Riverboat Gaming Fund contain funds sufficient and appropriate for the payment of the City's share of the Mishawaka Road, Charlotte Avenue and Laura Court Resurfacing Project under the Community Crossings Grant Program; and

WHEREAS in order to fulfill the City's financial obligations under the Community Crossings Grant Program and receive the matching grant funds under the Program, the City

administration requests that the Common Council of the City of Elkhart appropriate the sum of Three Hundred Ninety-Six Thousand Dollars (\$396,000.00) from the Riverboat Gaming Fund and transfer the funds to the Local Road and Bridge Matching Grant Fund; and

WHEREAS the Department of Local Government Finance and State Board of Accounts require that all funds intended for use under the Community Crossings Grant Program, including the State's share, be appropriated and paid from the Local Road and Bridge Matching Grant Fund.

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

Section 1. The amount of Three Hundred Ninety-Six Thousand Dollars (\$396,000.00) be, and hereby is, appropriated from the Riverboat Gaming Fund and assigned to the following account line:

Account No. 242-5-000-452.0000 To Other Funds Account \$396,000.00

Section 2. The said Three Hundred Ninety-Six Thousand Dollars (\$396,000.00), representing the City's share, be, and hereby is, transferred to the Local Road & Bridge Matching Grant Fund and assigned to the following account line:

Account No. 285-5-250-431.1200 State Grant Expenditures \$396,000.00

Section 3. The additional amount of Two Hundred Eighty-Three Thousand One Hundred Ninety-Two Dollars (\$283,192.00), representing the State's qualified share, be, and hereby is, appropriated from the Local Road & Bridge Matching Grant Fund and assigned to the following account line:

Account No. 285-5-250-431.1200 State Grant Expenditures \$283,192.00

Section 4. 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 5. 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



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## M E M O R A N D U M

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Date: January 11, 2021

To: Brent Curry, Elkhart City Council President

From: Tory Irwin, City Engineer *TI*

RE: Appropriation Request – CCMG Mishawaka, Charlotte, Laura Project

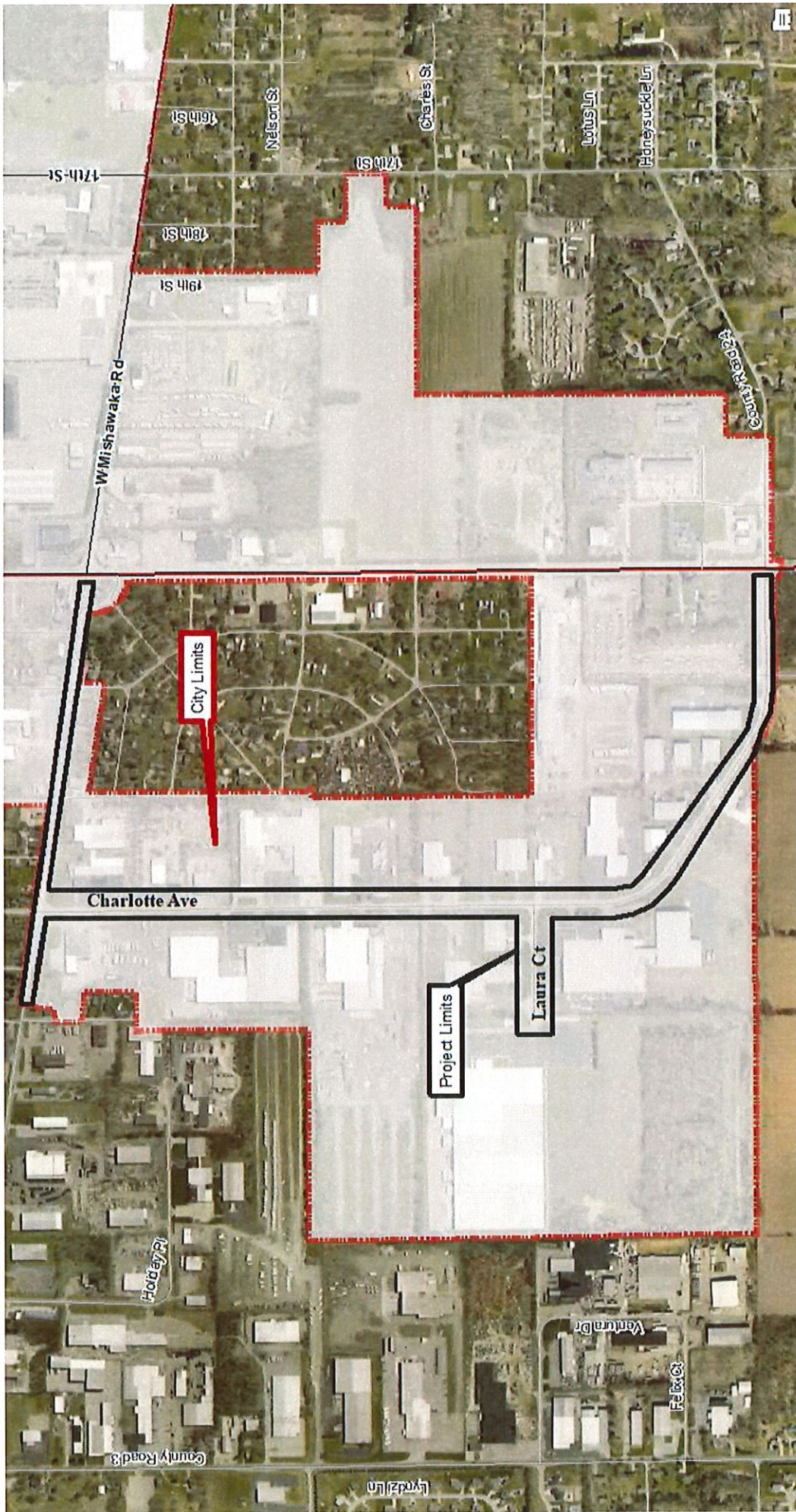
This appropriation request is for the Community Crossing Matching Grant (CCMG) project for the resurfacing of sections of Mishawaka Rd, Charlotte Ave, and Laura Ct. Mishawaka Road currently has an average daily traffic count of approximately 12,000 vehicles per day; Charlotte has a count of 2,800 vehicles per day. The PASER scores for the sections to be resurfaced are 3 to 4. This score range is in the desperate need for a resurface, further degradation results in a roadway condition that requires a more expansive and expensive partial or full reconstruction.

The City was awarded a CCMG for the resurfacing of portions of W. Mishawaka Rd, Charlotte Ave, and Laura Ct. The attached map highlights the project limits. The City's matching portion is \$396,000 for the project. A breakdown is below.

Summary of Appropriation Request:

CCMG Funds -	\$283,192.00
City Match -	\$396,000.00
<b>Total Appropriation Request -</b>	<b>\$679,192.00</b>

Attachment- CCMG Project Map





**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROPRIATING FOUR HUNDRED FORTY THOUSAND  
DOLLARS (\$440,000.00) FROM THE GENERAL FUND TO THE ELKHART  
DEPARTMENT OF DEVELOPMENT SERVICES PROFESSIONAL SERVICES  
ACCOUNT**

---

WHEREAS the City of Elkhart for more than two years has partnered with a variety of consultants to inform the City upon a strategy to ensure a continuation of the City's economic growth and to safeguard the City's fiscal health in the years and decades to come; and

WHEREAS among the contributions to the development of a comprehensive strategy, the City is armed with the 2040 Plan, the Downtown and Main Street Retail Study, the Housing Study, and the Comprehensive Park Plan; and

WHEREAS the Department of Development Services and its consultant-partners have devised a comprehensive economic development plan which promises to lay the framework for sustained economic growth in 2021 and beyond; and

WHEREAS the comprehensive economic development plan is an ambitious blueprint to address and lead to diversification of industry, upskilling of the workforce, cross-skilling of Elkhart's citizens, expansion of housing options, enhancement of local amenities, neighborhood planning, capital planning, and land reactivation; and

WHEREAS the various initiatives under the comprehensive economic development plan will positively impact every quadrant of the City of Elkhart; and

WHEREAS the Administration has informed the Common Council that the initial implementation of the plan will require additional qualified resources to supplement the efforts of existing departmental staff; and

WHEREAS, among the areas for which the department requires additional resources to leverage the department's current talent and resources is in the areas of

urban planning and design, financial analysis, and engineering.

WHEREAS the Department of Development Services requires an appropriation of \$440,000.00 for the purpose of implementing the comprehensive economic development plan; and

WHEREAS the City of Elkhart has sufficient sums in the General Fund which are available for appropriation to the Professional Services account (101-5-016-431.0400) for the purposes requested by the Administration.

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

Section 1. The sum of four hundred forty thousand dollars (\$440,000.00) is hereby appropriated from the General Fund and applied to the following account:

To: Professional Services 101-5-016-431.0400 \$440,000.00

Section 2. The Common Council has fixed the \_\_\_\_ day of \_\_\_\_\_, 2021, 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.

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



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## MEMORANDUM

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**DATE:** 2/4/2021  
**TO:** Common Council  
**FROM:** Dayna Bennet, Office of the Mayor, Chief of Staff  
**RE:** Proposed Ordinance 21-O-06

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Over the last several years the City of Elkhart has sought to gather information to ensure Elkhart's continued growth for decades to come. As a result several studies were commissioned including but not limited to the 2040 Plan, the downtown and South Main Street Retail Study, the Housing Study, and Comprehensive Park Plan. The Development Services Team in collaboration with our partners has developed an implementation plan that will use what we learned from these studies to bring about targeted outcomes around industry diversification, expansion of housing opportunities, neighborhood investment, and team capacity building.

The Administration will provide the Council written presentation materials for the Council's benefit as it considers this appropriation request on February 8, 2021.

The Administration will coordinate with the Council, a formal presentation of the Comprehensive Economic Development Plan on a date and time to be determined.

Rod Roberson  
Mayor

Development Services  
229 S. Second Street  
Elkhart, IN 46516  
574.294.5471  
Fax: 574.295.7501  
Permit Center Fax:  
574.970.1361



December 23, 2020

The Common Council  
City of Elkhart  
Elkhart, IN 46516

**RE: Petition 20-ANX-02**  
**23809, 23821, 23861 US 33, Elkhart, IN 46517; 23845 US 33, Elkhart, IN 46517**

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its rescheduled meeting on **Monday, December 21, 2020**, heard the above petition as prescribed by Section 29.11.B, a request to annex 23809, 23821, 23861, 23834 and 23845 US 33, land containing approximately 6 acres.

The Plan Commission **voted 8 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



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: December 23, 2020  
Re: 20-ANX-02 2300 block of U.S. 33 (South Main Street)

The Planning Commission has forwarded the requested annexation of approximately 6 acres on US 33/South Main Street with a do-pass recommendation with a vote of 8-0. The annexation will include the Concord Transportation Center that is currently being built as well as the existing Flavor Freeze restaurant. The annexation was necessitated by the Transportation Center's need to connect to city utilities. It will result in an improvement to a local school system and bring a beloved local restaurant into the city.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE COMMONLY KNOWN AS  
23809 US 33, 23821 US 33, 23861 US 33, 23834 US 33, AND 23845 US 33, ELKHART,  
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 by the following addresses:

23809 US 33, Elkhart, IN 46517

23821 US 33, Elkhart, IN 46517

23861 US 33, Elkhart, IN 46517

23834 US 33, Elkhart, IN 46517

23845 US 33, Elkhart, IN 46517

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 Service Business District (B-3).

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:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 23, AND THE NORTHWEST QUARTER OF SECTION 26 IN TOWNSHIP 37 NORTH, RANGE 5, EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, SAID POINT LYING 671.90 FEET EAST OF A CROSS CUT AT THE INTERSECTION OF THE FORMER CENTERLINE OF THE 30 FOOT PAVEMENT THAT IS U.S. HIGHWAY NUMBER 33, WITH THE SOUTH LINE OF SAID SECTION 23; THENCE SOUTH 01 DEGREES 00 MINUTES 33 SECONDS EAST, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, 30.00 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 27 SECONDS WEST, 210.61 FEET; THENCE SOUTH 89 DEGREES 27 MINUTES 40 SECONDS WEST, 56.37 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 27 SECONDS WEST, 63.94 FEET; THENCE SOUTH 47 DEGREES 00 MINUTES 27 SECONDS WEST, 67.11 FEET; THENCE NORTH 42 DEGREES 34 MINUTES 33 SECONDS WEST, 110.33 FEET; THENCE SOUTH 47 DEGREES 00 MINUTES 27 SECONDS WEST, 120.31 FEET TO THE NORTHEAST RIGHT OF WAY LINE PER THE ROUTE SURVEY PLAT PROJECT NH-219-5, RECORDED AS DOCUMENT NUMBER 2002-09261; THENCE ALONG SAID RIGHT OF WAY LINE AND THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1854.86 FEET, A CHORD BEARING OF NORTH 37 DEGREES 07 MINUTES 53 SECONDS WEST AND AN ARCH LENGTH OF 235.49 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 33 DEGREES 29 MINUTES 40 SECONDS WEST, 216.15 FEET TO THE SOUTHERLY LINE OF PROPERTY DEEDED TO JAIME ANGULO-ZAVALA PER DOCUMENT NUMBER 2001-05074; THENCE ALONG SAID PROPERTY FOR THE NEXT 2 COURSES AND DISTANCES; 1.) NORTH 59 DEGREES 33 MINUTES 06 SECONDS EAST, 167.47 FEET; 2.) NORTH 33 DEGREES 29 MINUTES 40 SECONDS WEST, 49.90 FEET TO THE SOUTHERLY LINE OF PROPERTY DEEDED TO ELSON JOHN P & ANNE M PER DEED RECORD 350, PAGE 200; THENCE NORTH 59 DEGREES 33 MINUTES 06 SECONDS EAST ALONG SAID LINE, 206.08 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE

OF THE NORFOLK SOUTHERN RAILWAY COMPANY; THENCE SOUTH 45 DEGREES 37 MINUTES 24 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, 412.96 FEET; THENCE SOUTH 88 DEGREES 37 MINUTES 27 SECONDS WEST, 69.80 FEET TO THE SOUTHERLY LINE OF THE FORMER CHICAGO, SOUTH BEND AND NORTHERN INDIANA ELECTRIC RAILWAY COMPANY; THENCE SOUTH 45 DEGREES 37 MINUTES 24 SECONDS EAST ALONG SAID LINE, 324.99 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE NORTH 88 DEGREES 59 MINUTES 27 SECONDS EAST ALONG SAID LINE, 51.26 FEET TO THE PLACE OF BEGINNING CONTAINING 5.7077 ACRES, MORE OR LESS.

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 being zoned Service Business District (B-3). 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 Fourth (4th) 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 IC 36-4-3-5.1 and IC 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: NPO0720315  
My Commission Expires: May 16, 2027

SEAL

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

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

STATE OF INDIANA        )  
                                  ) §  
COUNTY OF ELKHART    )

Before me, Traci L. Adams, Notary Public in and for said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared Rob 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: NPO0720315  
My Commission Expires: May 16, 2027

SEAL

EXECUTED AND DELIVERED in my presence:

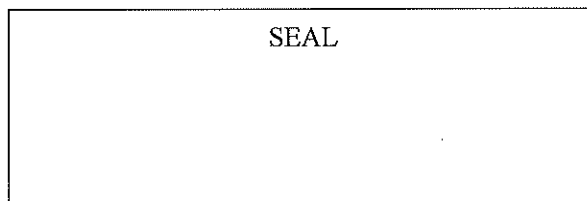
\_\_\_\_\_  
Debra D. Barrett, City Clerk

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: NPO0720315  
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



# Staff Report

## Planning & Zoning

**Petition:** 20-ANX-02

**Petition Type:** Annexation Request

**Date:** September 8, 2020

**Petitioner:** Concord Community Schools and Flavor Freeze Properties, LLC

**Site Location:** 23809, 23821, 23861 US 33, Elkhart, IN 46517; 23834 and 23845 US 33, Elkhart, IN 46517

**Request:** As prescribed by Section 29.11.B, a request to annex 23809, 23821, 23861, 23834 and 23845 US 33, land containing approximately 6 acres.

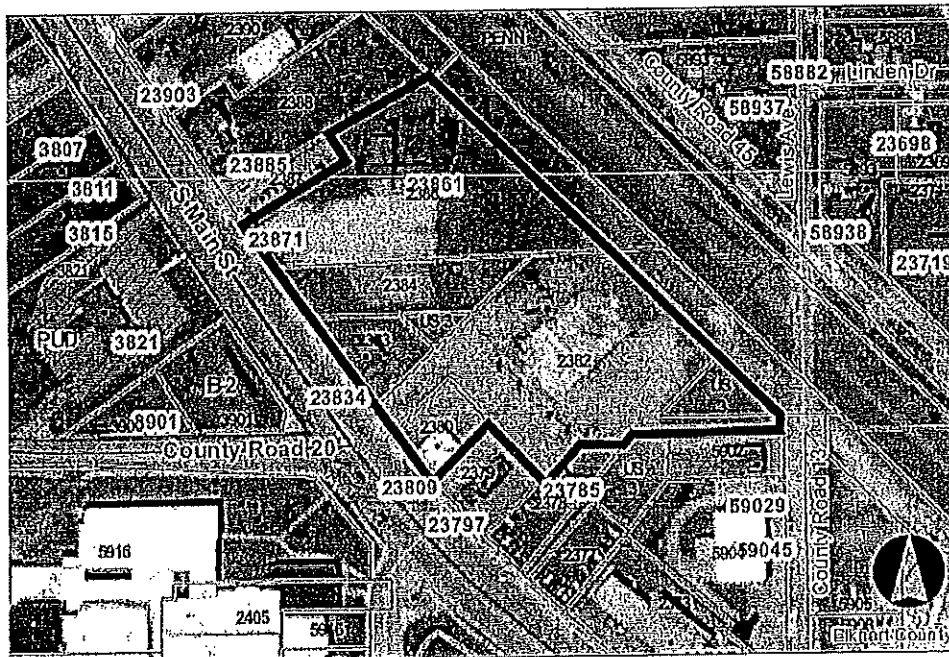
**Existing Zoning:** B-3, Heavy Business District (Elkhart County Zoning)

**Size:** +/- 6 Acres

**Thoroughfares:** U.S. 33/South Main Street

**School District:** Concord Community Schools

**Utilities:** Available and provided to site





### **Surrounding Land Use & Zoning:**

Land to the south is commercial, zoned B-3. Land to the east is railroad right-of-way zoned A-1. Land to the north is commercial zoned DPUD B-1. Land to the west is commercial zoned B-2 and institutional zoned A-1.

### **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 20-ANX-02, the request of Concord Community Schools and Flavor Freeze Properties, LLC to annex land, 23809, 23821, 23861, 23834 and 23845 US 33, Elkhart, Indiana 46517, Concord Township.

The properties are currently zoned in Elkhart County as B-3, Heavy Business District. The current use is commercial; Flavor Freeze is a long-established business that will remain; the parcels owned by Concord Community Schools are intended to be redeveloped as a transportation center for the school system. The building has not yet commenced but has been reviewed through Technical Review.

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 6 acres. The territory to be annexed is approximately 16.96% contiguous to the current City limits, being contiguous on its southwestern boundary. The contiguity requirement stated in the Indiana Code is 12.5%.

## **Recommendation**

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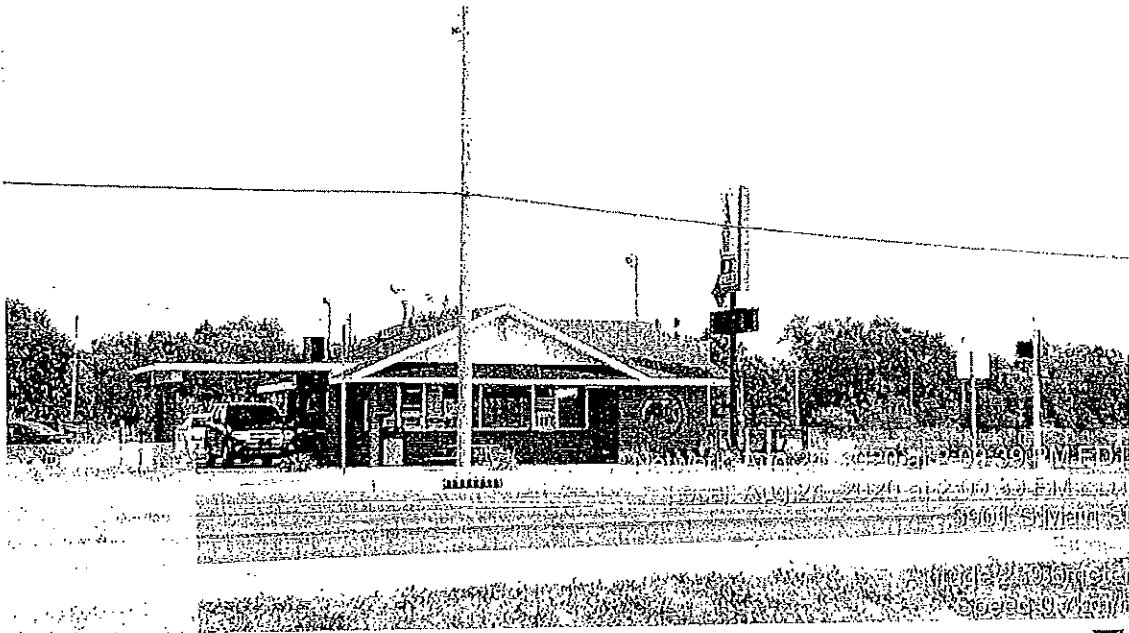
Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

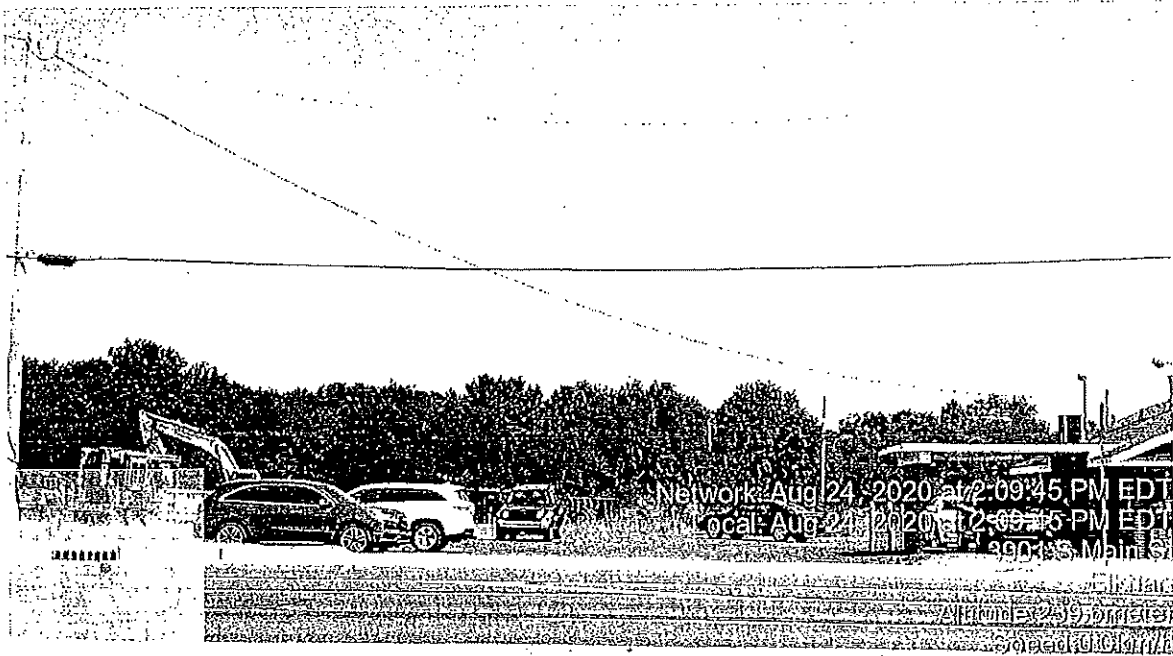
1. The area to be annexed meets all applicable requirements of IC 36-4-3;
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as commercial.
3. The current conditions and the character of current structures under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

# Attachments

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

## Photos





PETITION NUMBER: 20-ANX-02 Date Filed: 6-18-2020

**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): Concord Community Schools  
Mailing Address: 59040 Minuteman Way, Elkhart, IN 46517  
Phone: 574-875-5161 email: dseger@concord.k12.in.us

Contact Person: Randall G. Hesser  
Address: 861 Parkway Avenue, Elkhart, IN 46516  
Phone: 574-294-7491 email: rhesser@warrick&boyn.com

Subject Property Address: 23809, 23821, 23861 US 33, Elkhart, IN 46517  
Zoning: B-3 Present Use: vacant-abandoned buildings  
Proposed Use: transportation center

**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) Concord Community Schools by Denise Seger, Interim Superintendent

SIGNATURES Denise Seger

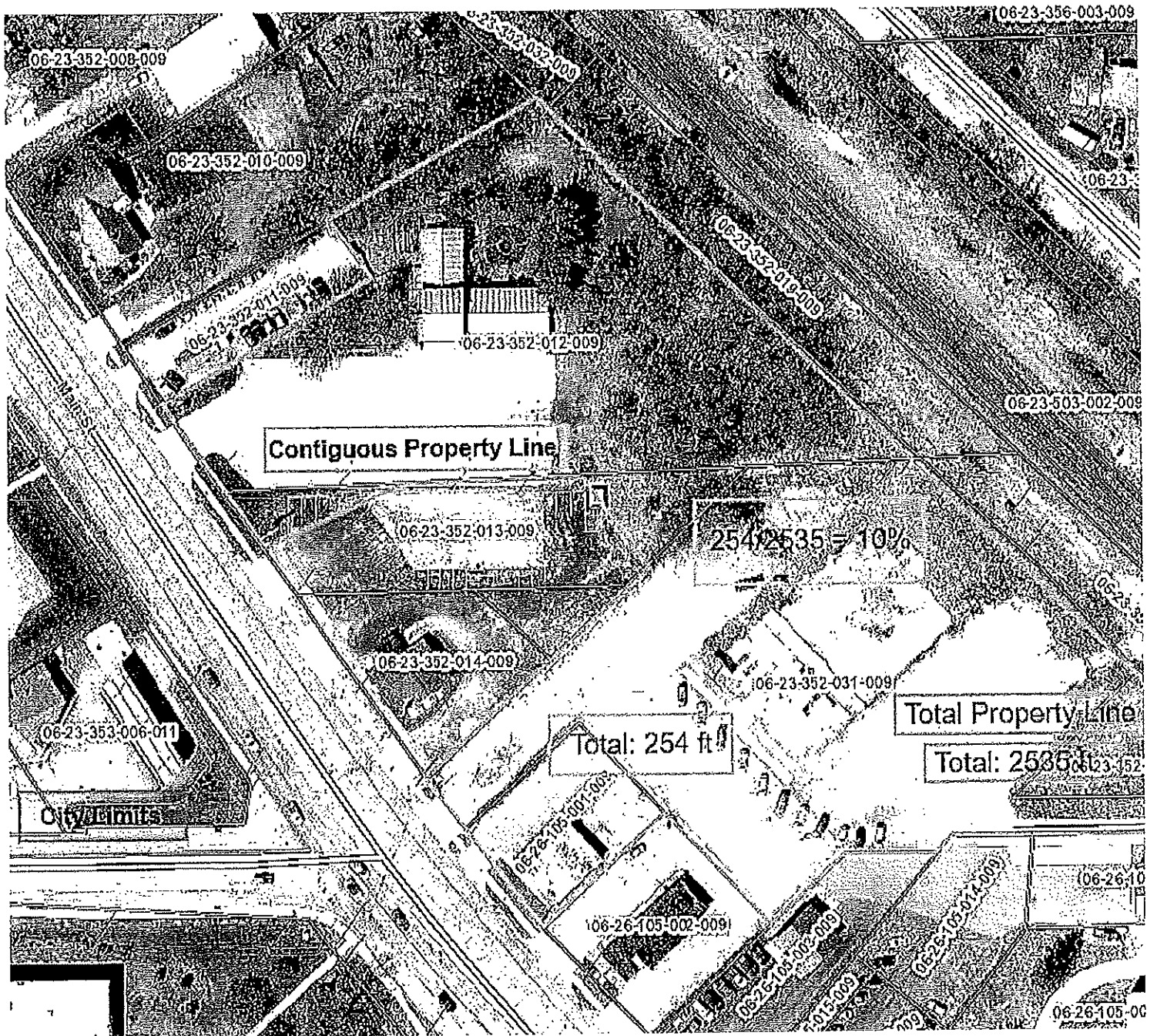
RECEIVED BY: Kathy Kalman DATE: 6-18-2020

Remit To:

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

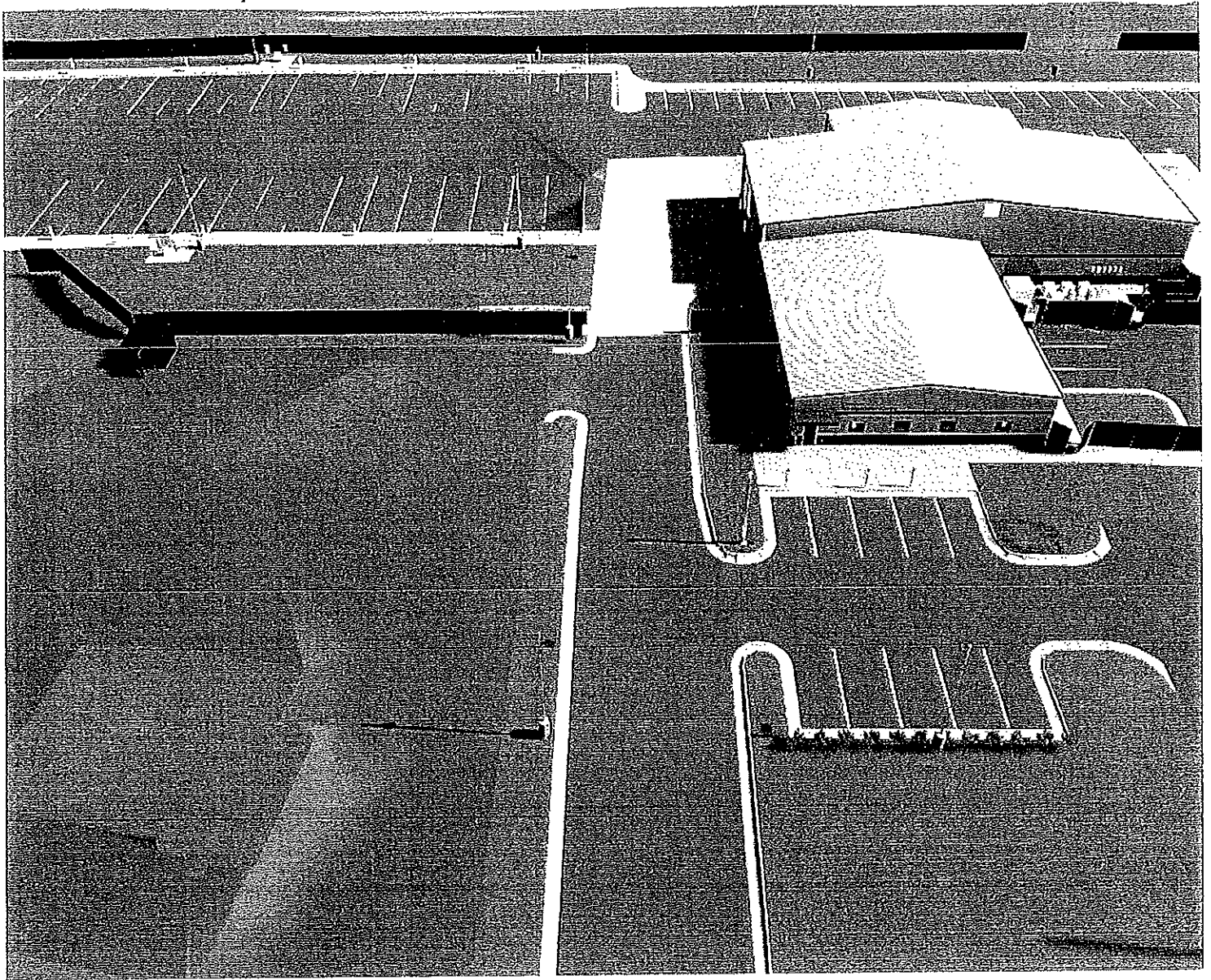
(staff to complete)

Ordinance Requirement: Sections(s): \_\_\_\_\_  
MAP #: \_\_\_\_\_ AREA: \_\_\_\_\_









May 20, 2020

Members of the Plan Commission  
and City Council  
The City of Elkhart Indiana  
229 S. Second Street  
Elkhart, IN 46516

Re: Annexation of Concord Community Schools Transportation Center  
and Flavor Freeze Properties, LLC

Dear Honorable Members:

The undersigned are representatives of Concord Community Schools and Flavor Freeze Properties, LLC, the petitioners requesting annexation of the properties located at 23809, 23821, 23834, 23845 and 23861 U.S. 33, Elkhart, IN, 46517, into the City of Elkhart, Indiana. This document is intended as our letter in support of our annexation petition.

Concord Community Schools is the owner of properties located on five of the eight current tax parcels for which annexation is being sought. Concord Community Schools acquired these properties in order to build and maintain a transportation center for its fleet of school buses. The property now consists of vacant ground and abandoned buildings which are in the process of being demolished. The facility would be fenced in and is intended to replace the outgrown current facilities of Concord Community Schools and to provide easier traffic flow for its buses during peak use. As part of the project, Concord Community Schools wishes to connect to the water and sewer facilities of the City of Elkhart and, in connection with that request, annexation into the city is required. It is the petitioner's understanding that the real estate is in a currently zoned B-3 district under the Elkhart County Zoning Ordinance and that no zone change would be required as the proposed use of storing buses is a permitted B-3 use.

The proposed transportation center will surround the Flavor Freeze ice cream shop located at 23834 U.S. 33, Elkhart, IN 46517. The owner of that property, Flavor Freeze Properties, LLC, owns the remaining three current tax parcels for which annexation is being sought. In order to accommodate the proposed transportation center, Flavor Freeze Properties, LLC, also wishes to connect to the City's water and sewer facilities. It is also zoned B-3, and plans no change in the use of its property. Flavor Freeze is also planning to make improvements to its entrances and parking lot that should improve traffic flow and the appearance of its property.

Evidence has been presented to the City Engineer showing that the combined property to be annexed is 18.88% contiguous to the current City limits and is therefore eligible for annexation.

The annexation of these properties would be mutually beneficial to the City in that it would utilize the water and sewer services that have been extended to the southern part of the City thus generating additional revenue to the City. The transportation center project would also be beneficial to the area generally because it would improve traffic flow in the immediate area by



Members of the Plan Commission  
and City Council  
The City of Elkhart  
May 20, 2020  
Page 2

concentrating it to areas with traffic signals and/or exits into the flow of existing traffic, particularly during peak times.

The properties owned by Concord Community Schools now consists of vacant crumbling parking lots and abandoned buildings that are soon to be demolished. The new transportation center building, together with its new pavement, greenery, and fencing are consistent with the City's zoning laws and will improve the appearance of the properties.

Concord Community Schools and Flavor Freeze Properties, LLC therefore respectfully ask that a hearing on this annexation request be held, that the plan commission make a "do pass" recommendation, and that the City Council, after hearing, adopt an appropriate ordinance annexing the real estate.

The required affidavits in support of the annexation petition, signed by the Superintendent of Concord Community Schools and by the partners/owners of Flavor Freeze, LLC are submitted with this letter. The contact person in connection with this petition to annex is Randall G. Hesser, Warrick & Boyn, LLP, 861 Parkway Avenue, Elkhart, IN 46516. His phone number is (574) 294-7491 and his fax number is (574) 294-7284. He can also be reached via email at rhesser@warrickandboyn.com.

Thank you for your consideration of this request.

Concord Community Schools

By: Denise Seeger

Flavor Freeze Properties, LLC

By: Jeffrey J. Red

By: [Signature]

RGH/ljw

Enclosures/Attachments

PETITION NUMBER: \_\_\_\_\_

Date Filed: \_\_\_\_\_

**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): Flavor Freeze Properties, LLC  
Mailing Address: 23528 Greenleaf Blvd., Elkhart, IN 46514  
Phone: 574-596-8849 email: myflavorfreeze@gmail.com

Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ email: \_\_\_\_\_

Subject Property Address: 23834 & 23845 US 33, Elkhart, IN 46517  
Zoning: B-3 Present Use: Ice Cream Shop  
Proposed Use: (no change) Ice Cream Shop

**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) Flavor Freeze Properties, LLC by Jeffrey Rank & Tony Adams,  
Partners

SIGNATURES \_\_\_\_\_

RECEIVED BY: [Signature] DATE: 6-18-2010

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: \_\_\_\_\_



June 18, 2020

Admitted in Indiana  
and Michigan

Thomas E. Warrick  
Of Counsel

Gary D. Boyn  
James V. Woodsmall  
Cynthia S. Gillard  
Randall G. Hesser  
Timothy S. Shelly  
Andrew M. Hicks  
Dean E. Leazenby  
Christopher T. Poltratz  
Rachel A. Schnetzler\*

\*Not Admitted in Michigan

Members of the Plan Commission and City Council  
City of Elkhart Indiana  
229 South Second Street  
Elkhart, IN 46516

RE: Annexation of Concord Community Schools Transportation Center and  
Flavor Freeze Properties, LLC

Dear Honorable Members:

Submitted with this letter are the documents regarding the request of  
Concord Community Schools and Flavor Freeze, LLC, to be annexed into the City.  
The documents being submitted include the following:

1. One copy of the petition letter signed in ink by the owners of both  
properties;
2. Completed petition forms signed by both parties;
3. The legal description of the combined property to be annexed;
4. Copies of the proposed transportation center with the two parcels of  
properties identified as Parcel 1 (Concord) and Parcel 2 (Flavor Freeze)  
there are two drawings submitted, one on 8½ x 11 paper and the other on  
11 x 17 paper; and
5. Copies of the deeds proving ownership of the various parcels.

The properties are located on eight tax parcels, five of which are owned by  
Concord Community Schools and three are Flavor Freeze Properties. The  
combined assessed value of the Concord property is \$804,000. The combined  
assessed value of the Flavor Freeze property is \$244,900. The anticipated  
construction cost estimate for the Transportation Center is \$3,960,000. Because  
the current buildings located on the Concord properties are being or will be razed,  
the estimated assessed value of the Concord Transportation Center upon  
completion will be approximately \$4,000,000.

A check payable to the City of Elkhart for the filing fee in the amount of  
\$500.00 is enclosed.

It is my understanding that the documents for the technical site plan review  
are being prepared and will be submitted during the coming days.

861 Parkway Avenue  
Elkhart, Indiana 46516  
574/294-7491  
Fax: 574/294-7284  
thefirm@warrickandboyn.com

p:\m\concord-gcnr\1\parcels\ugh

Members of the Plan Commission and City Council  
City of Elkhart Indiana  
June 18, 2020  
Page

Please do not hesitate to contact me if you have any questions, or if any additional document or information is needed. Thank you in advance for your assistance and cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall G. Hesser", with a long horizontal flourish extending to the right.

Randall G. Hesser

RGH/jmw

Enclosures

HAND DELIVERED

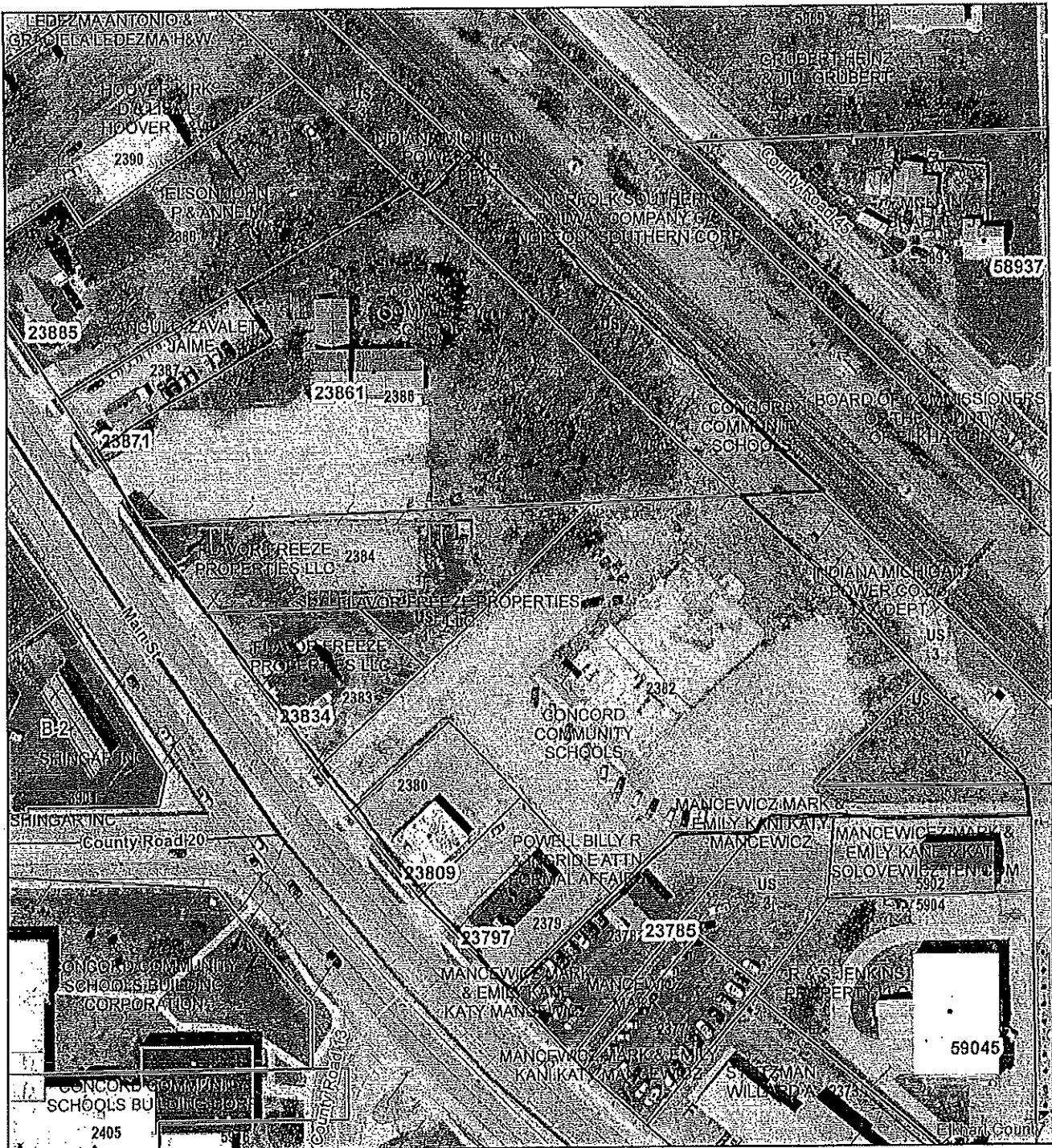
cc: Dr. Denise Seger  
Scott Kovach  
Kyle Miller  
Robert Ross

**CONCORD SCHOOLS/FLAVOR FREEZE PROPERTIES  
OVERALL LEGAL DESCRIPTION  
OF COMBINED PARCEL TO BE ANNEXED**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 23, AND THE NORTHWEST QUARTER OF SECTION 26 IN TOWNSHIP 37 NORTH, RANGE 5, EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, SAID POINT LYING 671.90 FEET EAST OF A CROSS CUT AT THE INTERSECTION OF THE FORMER CENTERLINE OF THE 30 FOOT PAVEMENT THAT IS U.S. HIGHWAY NUMBER 33, WITH THE SOUTH LINE OF SAID SECTION 23; THENCE SOUTH 01 DEGREES 00 MINUTES 33 SECONDS EAST, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, 30.00 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 27 SECONDS WEST, 210.61 FEET; THENCE SOUTH 89 DEGREES 27 MINUTES 40 SECONDS WEST, 56.37 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 27 SECONDS WEST, 63.94 FEET; THENCE SOUTH 47 DEGREES 00 MINUTES 27 SECONDS WEST, 67.11 FEET; THENCE NORTH 42 DEGREES 34 MINUTES 33 SECONDS WEST, 110.33 FEET; THENCE SOUTH 47 DEGREES 00 MINUTES 27 SECONDS WEST, 120.31 FEET TO THE NORTHEAST RIGHT OF WAY LINE PER THE ROUTE SURVEY PLAT PROJECT NH-219-5, RECORDED AS DOCUMENT NUMBER 2002-09261; THENCE ALONG SAID RIGHT OF WAY LINE AND THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1854.86 FEET, A CHORD BEARING OF NORTH 37 DEGREES 07 MINUTES 53 SECONDS WEST AND AN ARCH LENGTH OF 235.49 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 33 DEGREES 29 MINUTES 40 SECONDS WEST, 216.15 FEET TO THE SOUTHERLY LINE OF PROPERTY DEEDED TO JAIME ANGULO-ZAVALA PER DOCUMENT NUMBER 2001-05074; THENCE ALONG SAID PROPERTY FOR THE NEXT 2 COURSES AND DISTANCES; 1.) NORTH 59 DEGREES 33 MINUTES 06 SECONDS EAST, 167.47 FEET; 2.) NORTH 33 DEGREES 29 MINUTES 40 SECONDS WEST, 49.90 FEET TO THE SOUTHERLY LINE OF PROPERTY DEEDED TO ELSON JOHN P & ANNE M PER DEED RECORD 350, PAGE 200; THENCE NORTH 59 DEGREES 33 MINUTES 06 SECONDS EAST ALONG SAID LINE, 206.08 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE NORFOLK SOUTHERN RAILWAY COMPANY; THENCE SOUTH 45 DEGREES 37 MINUTES 24 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, 412.96 FEET; THENCE SOUTH 88 DEGREES 37 MINUTES 27 SECONDS WEST, 69.80 FEET TO THE SOUTHERLY LINE OF THE FORMER CHICAGO, SOUTH BEND AND NORTHERN INDIANA ELECTRIC RAILWAY COMPANY; THENCE SOUTH 45 DEGREES 37 MINUTES 24 SECONDS EAST ALONG SAID LINE, 324.99 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE NORTH 88 DEGREES 59 MINUTES 27 SECONDS EAST ALONG SAID LINE, 51.26 FEET TO THE PLACE OF BEGINNING CONTAINING 5.7077 ACRES, MORE OR LESS.

# Planning and Zoning



## DISCLAIMER

The graphic data provided by the City of Elkhart, Indiana ("City") herein may be inaccurate or out of date. Any person or entity who relies on said information for any purpose whatsoever does so solely at their own risk. Neither the City, or its boards, commissions, officials or employees warrant the accuracy, reliability, or timeliness of any of the data provided herein. This data is provided "as is" without warranty of any kind, and all warranties of merchantability and fitness for a particular purpose are hereby disclaimed. Portions of this material include intellectual property of Elkhart County, Indiana and are used herein by permission. Information shown on any map or other data provided is not warranted for accuracy or merchantability by Elkhart County.



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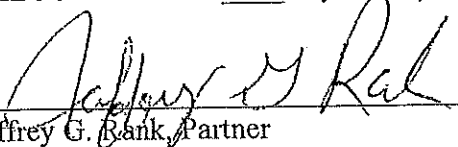
Date: 10/29/2020


## AFFIDAVIT IN SUPPORT OF ANNEXATION PETITION

The undersigned, Jeffrey G. Rank and Tony Adams, being first duly sworn upon their oaths, depose and say that the Partners and owners of Flavor Freeze properties, LLC, that they are familiar with and have personal knowledge of the facts herein, and, if called as witnesses in this matter, would testify as follows:

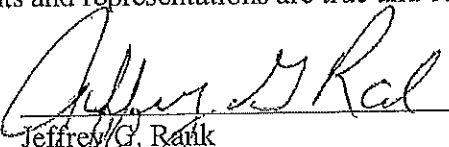
1. That each of them is over eighteen (18) years of age and is competent to testify to the matters contained herein.
2. That they make this affidavit in support of the annexation petition filed contemporaneously herewith.
3. That they are now, and at all times relevant herein have been, Partners and owners of Flavor Freeze Properties, LLC, the owner of record of the property located at 23834 and 23845, U.S. 33, Elkhart, Indiana.
4. FURTHER AFFIANTS SAY YETH NOT.

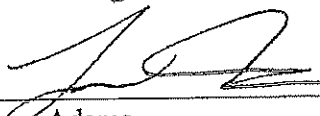
EXECUTED on the \_\_\_\_ day of May, 2020.

  
\_\_\_\_\_  
Jeffrey G. Rank, Partner  
Flavor Freeze Properties, LLC

  
\_\_\_\_\_  
Tony Adams, Partner  
Flavor Freeze Properties, LLC

We 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.

  
\_\_\_\_\_  
Jeffrey G. Rank

  
\_\_\_\_\_  
Tony Adams

STATE OF INDIANA       )  
                                          SS )  
COUNTY OF ELKHART    )

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Jeffrey G. Rank and Tony Adams, and acknowledged their execution of the foregoing. Witness my hand and seal this 20 day of May, 2020.

My Commission Number:

661455

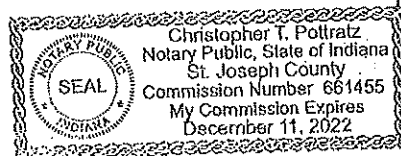
*Christopher T. Poltratz*

Printed: Christopher T. Poltratz

My commission expires:

12/11/2022

Notary Public in and for the State of Indiana  
Resident of St. Joseph County, Indiana



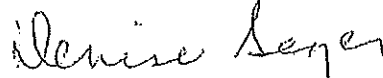


## AFFIDAVIT IN SUPPORT OF ANNEXATION PETITION

The undersigned, Denise Seger, being first duly sworn upon her oath, deposes and says that she is the Interim Superintendent of Concord Community Schools, 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:

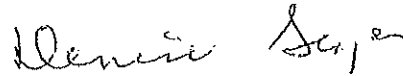
1. That she is over eighteen (18) years of age and is competent to testify to the matters contained herein.
2. That she makes this affidavit in support of the annexation petition filed contemporaneously herewith.
3. That she is now, and at all times relevant herein has been, Interim Superintendent of Concord Community Schools, the owner of record of the property located at 23809, 23821, and 23861, U.S. 33, Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 26<sup>th</sup> day of May, 2020.



Denise Seger  
Interim Superintendent  
Concord Community Schools

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.

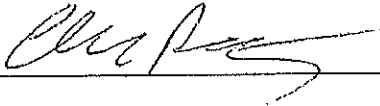


Denise Seger

STATE OF INDIANA       )  
                                  SS )  
COUNTY OF ELKHART    )

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Denise Seger, and acknowledged her execution of the foregoing. Witness my hand and seal this 22 day of May, 2020.

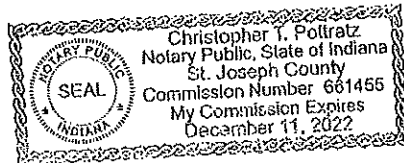
My Commission Number:



My commission expires:

Printed: Christopher T Poltratz

Notary Public in and for the State of Indiana  
Resident of St. Joseph County, Indiana



PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38  
NORTH, RANGE 12 EAST, CONCORD TOWNSHIP, ELIZABETH COUNTY, INDIANA

PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38  
NORTH, RANGE 12 EAST, CONCORD TOWNSHIP, ELIZABETH COUNTY, INDIANA

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 23, ALSO THE NORTHEAST QUARTER OF SECTION 26 IN TOWNSHIP 37 NORTH, RANGE 8, EAST, CONCORD TOWNSHIP, ELKHAKE COUNTY, IOWA DESCRIBED AS FOLLOWS:

[illegible]

## BASIS OF BEARINGS

THE BASIS OF MEASUREMENTS IN THE STATE PLANE  
COORDINATE SYSTEM (LPCS) WAS AS OF 2011 ZONE  
18N1 (MERIDIAN EAST) WITH PROJECT CORNER AT  
LATITUDE 41°30'15.3111"N  
LONGITUDE 85°25'12.5501"W  
ELLIPSOIDAL HEIGHT 637.424 EPT  
GROUND SCALE FACTOR 1.0000099136  
ALL MEASUREMENTS ARE ON THE GROUND.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 22, AND THE NORTHWEST QUARTER OF SECTION 26 IN TOWNSHIP 28 NORTH, RANGE 3, EAST, CONCORD TOWNSHIP, BURKART COUNTY, IOWA, DESCRIBED AS FOLLOWS:

[illegible]

**RESOLUTION NO. R-**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, AUTHORIZING THE TRANSFER OF UP TO SEVEN HUNDRED  
THIRTY-FIVE THOUSAND DOLLARS (\$735,000.00) FROM THE FULL TIME  
ACCOUNT TO THE CONTRACT SERVICES ACCOUNT**

---

WHEREAS the Common Council appropriated funds in the 2021 annual budget for upgrading the Elkhart Police Department's records management system with its current provider or switching to a different vendor; and

WHEREAS throughout 2019 and 2020 members of the Elkhart Police Department explored options and determined that a new vendor was the best option for the department's records management system and that AXON, Inc. was the company which could best meet the needs of the Elkhart Police Department.; and

WHEREAS the Elkhart Police Department's 2021 budget includes an amount for records management, body cams, dash cams, and interview room cameras which historically have been purchased and maintained through various different vendors which historically have lacked an integrated functionality; and

WHEREAS AXON presently offers the capability to provide all such needs as an integrated package with significant and much-needed improvements and enhancements, including guaranteed product replacements at year-6 and year-10, under a 10-year agreement totaling, on average, approximately \$735,000.00, per year of AXON agreement; and

WHEREAS the Department has contractual obligations of which will continue for a portion of the 2021 fiscal year and must be paid out of the budgeted funds for 2021;

WHEREAS the Department has within its Full Time personnel services budget group, sufficient and available funds for transfer to the Contract Services account (101-5-

219-439.0912) for the AXON agreement.

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

Section 1. The City Controller is hereby authorized to transfer funds from the Full Time account to the Contract Services account, as follows:

From:	Full Time	101-5-219-411.0130	\$735,000.00
To:	Contract Services	101-5-219-439.0912	\$735,000.00

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

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
H. Brent Curry  
President of the Common Council

\_\_\_\_\_  
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk



## Proposed Resolution No. 21-R-06

Rod Roberson  
*Mayor*

Kris Seymore  
*Chief*

*Police Department*  
175 Waterfall Dr.  
Elkhart, IN 46516

574.295.7070  
Fax: 574.293.0679

1/27/2021

Mayor Rod Roberson  
229 S. Second St.  
Elkhart In 45616

Mayor,

For the past couple of years the Elkhart Police Department has been committed to several key topics the community has not just asked for but demanded 1) transparency, 2) accountability 3) community interaction and 4) empathy.

- 1) **Transparency:** The community wants to know what we are doing. How we are doing it and are we doing it correctly.
- 2) **Accountability:** The community expects the police department to have policies which guide the officers on what to do and how to do it. The community expects officers to error, however if they error the community expects the officer to be held accountable for their actions, just as they are.
- 3) **Community interaction:** The community want officers out of their cars having positive interaction with them.
- 4) **Empathy:** The community wants us to have a better understanding of who the community is and what their needs are.

During that same time frame the Elkhart Police Department came to the realization in order to accomplish what the community demanded we have to become more effective and efficient. After many meetings and much research we came to the conclusion that Axon was the company that 1) had the products we needed, 2) were developing the products we needed and 3) had the vision of where they were going and how to get there that matched our vision.



Rod Roberson  
*Mayor*

Kris Seymore  
*Chief*

*Police Department*  
175 Waterfall Dr.  
Elkhart, IN 46516

574.295.7070  
Fax: 574.293.0679

### **THE AXON STORY**

Our story began in September of 1993 when TASER International was founded by CEO Rick Smith with his brother Tom Smith. They consulted with Jack Cover, former NASA scientist and inventor of the original TASER® conducted energy weapons of the 1970s. Rick Smith was inspired to found the company after losing two high school football teammates who were shot and killed in a road rage incident. This experience led him to seek new technologies that would enable people to protect themselves without deploying lethal force in hopes of creating a bullet-less world.

On April 5, 2017, TASER International re-branded to Axon. Based on TASER International's evolution as a business over the last 24 years, as well as the continuously evolving needs of law enforcement, it's clear that the police agency of the 21st century demands a holistic, integrated approach to police technology. Axon represents the entire network of devices, applications, and people that is revolutionizing public safety around the world. Our mission is to protect life.

Our technologies give law enforcement the confidence, focus, and time they need to keep their communities safe. Our connected body cameras and evidence-management cloud allow police officers to work effectively and transparently, and our TASER conducted energy weapons protect life without taking it. Every Axon product, from conducted energy weapons to body-worn cameras, and the digital evidence management system Axon Evidence (Evidence.com), integrates seamlessly with one another, complementing the systems and processes law enforcement already use. That connectedness does not stop at the company's products. With the features built into Axon's solutions, law enforcement can connect with partners, from county officials to neighboring agencies to prosecutors working a case. Axon believes that better and more accessible information can help agencies save valuable time and resources, and most importantly, reduce crime.

### **AXON'S MISSION**

The priorities and challenges of law enforcement have been at the core of Axon's mission. We're committed to developing the latest technologies to make the world a safer place. Our mission is simple: Protect Life.

### **AXON'S PROFILE**

Our Axon team is based around the globe, with our headquarters and manufacturing in Scottsdale, Arizona. Our software engineering office is in Seattle, WA and our AI Research Team is based out of New York City, NY. Global office locations include Amsterdam, the UK, Vietnam and Finland. Our company is the market leader in conducted energy weapons, body-worn video and digital evidence management solutions.



Rod Roberson  
*Mayor*

Kris Seymore  
*Chief*

*Police Department*  
175 Waterfall Dr.  
Elkhart, IN 46516

574.295.7070  
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How does Axon meet the demands, 1) Transparency, 2) Accountability 3) Community Interaction and 4) Empathy, of the community and of the department?

**Tasers:**

- 1) The officer's first line of a less-lethal option. (Empathy)
- 2) Provides the officer with a de-escalation tool. (Accountability, Empathy)
- 3) Activates the body camera when activated providing (transparency).

**Body cameras:**

- 1) Multiple ways for activation including manual, trigger in vehicle, drawing of taser and drawing of duty weapon. (Transparency, Accountability)
- 2) Provided each and every officer with a body camera where now they are only issued to patrol officers. (Transparency, Accountability)
- 3) Records officer's interactions. (Transparency, Accountability)
- 4) Allows supervisors to remote in to cameras view. (Accountability, Empathy)
- 5) Redaction software. (Transparency)

**Interview room Cameras:**

- 1) Records officer interactions. (Transparency)
- 2) Uploads to case reducing time spent on burning CD's. (Community Interaction)
- 3) Redaction Software. (Transparency)

**Fleet:**

- 1) Records officer interactions. (Accountability, Transparency)
- 2) Redaction Software (Transparency)

**Record Management:**

- 1) More efficient for officer to utilize for reporting. (Community Interaction)
- 2) Provides better crime tracking and analysis. (Community Interaction, Empathy)

**Virtual Reality:**

- 1) Allows for training from the officers point of view as well as the point of view of the citizen (Community Interaction, Empathy)



Rod Roberson  
Mayor

Kris Seymore  
Chief



Police Department  
175 Waterfall Dr.  
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**App / Citizen / Community / One to One:**

- 1) Allows community to interact with police department. (Community interaction)
- 2) Allows community to send videos and data to the police, preventing an officer from having to go back to collect the video. (Community Interaction)

What do we get when partnering with Axon? In the many meetings, conversations and demonstrations it was clear that AXON possessed the same vision as the Elkhart Police Department. Furthermore, AXON possessed and demonstrated many of the same forward thinking ideas as the Elkhart Police Department. Although AXON is at the final stage of developing some of their products and services it is at the beginning stages of developing many other products and services and for those reasons the Elkhart Police Department feels now is the time to move forward in partnership with AXON. Getting in at this stage of the process will allow the Elkhart Police Department to provide input, and in many cases customize the product we will receive. Axon brings many systems we currently use from different vendors under one company, allowing them to function as one. Axon also takes products we currently use and purchase on an as needed basis and puts them on a rotation, distributing the cost over the ten (10) years of the contract. Putting the items on a rotation assures the Elkhart Police Department has the newest technology, in great operating order, without having to make a one-time large purchase for some of our most expensive equipment such as tasers, body cameras and in-car cameras.

**Warrantee:**

- 1) All products are warrantied through the life of the contract.
- 2) Dedicated Success Account Manager.
- 3) Unlimited storage on all devices.
- 4) Setup and install all equipment.
- 5) All training is included.
- 6) New services, programs they release.

**Interview:**

- 1) 9 Interview rooms get new cameras and microphones.
- 2) Touch pads to allow for direct link of interview to evidence.com and case.
- 3) Coming Soon dictation / transcription.
- 4) Redaction software

Rod Roberson  
*Mayor*

Kris Seymore  
*Chief*



*Police Department*  
175 Waterfall Dr.  
Elkhart, IN 46516

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**Taser:**

- 1) All new Taser 7
- 2) Holsters
- 3) Training of instructors
- 4) Training cartridges
- 5) Live cartridges
- 6) 5 Spare Tasers
- 7) Replaced in year 6 with training on new Taser

**Body Camera:**

- 1) Replaced every 2.5 years
- 2) Spare Cameras
- 3) 150 Cameras
- 4) Each officer has home docking station
- 5) 5 Eight bay docking stations on station
- 6) LTE docking from field is available if needed
- 7) Remote live view from camera
- 8) GPS Tracking
- 9) Coming soon dictation / transcription
- 10) Redaction software

**Fleet:**

- 1) Replaced in year 6 and year 10
- 2) New cradle points(IT advised all need replaced at this time)
- 3) 5 Spare systems
- 4) Redaction software
- 5) New system in late 2021
  - A) Includes install
  - B) License Plate Reader
  - C) GPS
  - D) Live Track
  - E) Live View

Rod Roberson  
Mayor

Kris Seymore  
Chief



*Police Department*  
175 Waterfall Dr.  
Elkhart, IN 46516

574.295.7070  
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**Records:**

- 1) Migration of all Central Square Data
- 2) No servers
- 3) Allows for data extraction
- 4) Allows for officer wellness
- 5) Use of force
- 6) Pursuit
- 7) Redaction software is included
- 8) Set to extract information from Computer Aided Dispatch

**APP:**

- 1) Allows admin live access to body camera
- 2) Allows Officers to use phone to capture pictures which go directly to evidence.com and case

**Citizen / Community and One to One:**

- 1) Allow for citizens to upload their video to officers
- 2) Allows businesses to upload video of incident to evidence.com

**Virtually Reality:**

- 1) Goggles (Oculus System)
- 2) Training
- 3) Unlimited access
- 4) Unlimited programs

What cost is associated with Axon and how do we pay for it? AXON's 10 year contract totaling \$7,339,702 would average out to \$733,970 a year. At this time we are asking for \$735,000 to be transferred from the Full Time Account to our Contract Services Account to cover year one (1). Moving forward with years 2 through 10 the police department have additional cost added to our operating budget which we hope to be able to offset with year-end money from our salary ordinance.

Rod Roberson  
*Mayor*

Kris Seymore  
*Chief*



*Police Department*  
175 Waterfall Dr.  
Elkhart, IN 46516

574.295.7070  
Fax: 574.293.0679

As you have seen partnering with Axon will make the Elkhart Police Department more efficient and effective in policing and meeting the community's needs. Partnering with Axon will also put many of our more costly purchases such as body cameras, in car cameras, tasers and technology on a rotation spreading the cost over several years preventing a large one time purchase.

The command staff and members of the Elkhart Police Department are committed to meeting the demands of the community. We will do this by operating more efficiently and effectively through the technology Axon brings, being financially responsible and working smarter not harder.

Sincerely,

A handwritten signature in black ink, appearing to read "C Snyder", is written over the printed name.

Chris Snyder  
Assistant Police Chief

**RESOLUTION NO. R-\_\_\_\_\_**

**RESOLUTION OF THE COMMON COUNCIL OF ELKHART, INDIANA  
AUTHORIZING THE ELKHART URBAN ENTERPRISE ASSOCIATION, INC. TO  
SUBMIT AN APPLICATION FOR MODIFICATION OF THE ENTERPRISE ZONE  
BOUNDARY TO THE INDIANA ECONOMIC DEVELOPMENT CORPORATION**

---

WHEREAS Indiana law permits local government to designate certain areas within the local boundaries as "Enterprise Zone" areas and entitling property owners therein to certain benefits (as provided by law), from time-to-time; and

WHEREAS, on August 20, 1998, the Elkhart City Common Council ("Common Council") adopted a resolution approving the designation of the Elkhart Urban Enterprise Zone ("Enterprise Zone") and said resolution was approved by the Mayor; and

WHEREAS the Elkhart Urban Enterprise Zone is managed by the Elkhart Urban Enterprise Association, Inc.; and

WHEREAS Indiana law permits the Elkhart Urban Enterprise Association to seek a modification of the Urban Enterprise Zone boundaries from the Indiana Economic Development Corporation with the consent of the Elkhart City Council; and

WHEREAS the Elkhart Urban Enterprise Association wishes to apply to the Indiana Economic Development Corporation for a modification of the Enterprise Zone boundaries in the manner illustrated in attachment to this resolution; and

WHEREAS the Elkhart Urban Enterprise Association believes that an expansion of the boundaries of the Enterprise Zone is in the best interest of the City of Elkhart, Indiana; and

WHEREAS the Elkhart Urban Enterprise Association unanimously approved the effort to seek a boundary modification at a public meeting held on February 8, 2021.

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

Section 1. That the Common Council of the City of Elkhart hereby consents to the  
proposed expansion of the existing boundaries of the Elkhart Urban Enterprise Zone to include the  
real property as illustrated in the attachment to this Resolution.

Section 2. That the Elkhart Urban Enterprise Association is hereby authorized to  
submit an application to the Indiana Economic Development Corporation to modify the boundaries  
of the Elkhart Enterprise Zone.

Section 3. That this Resolution shall be in full force and effect from and after its  
adoption by the Common Council and approval by the Mayor according to law.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
H. Brent Curry  
President of the Common Council

\_\_\_\_\_  
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_  
a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, City Clerk

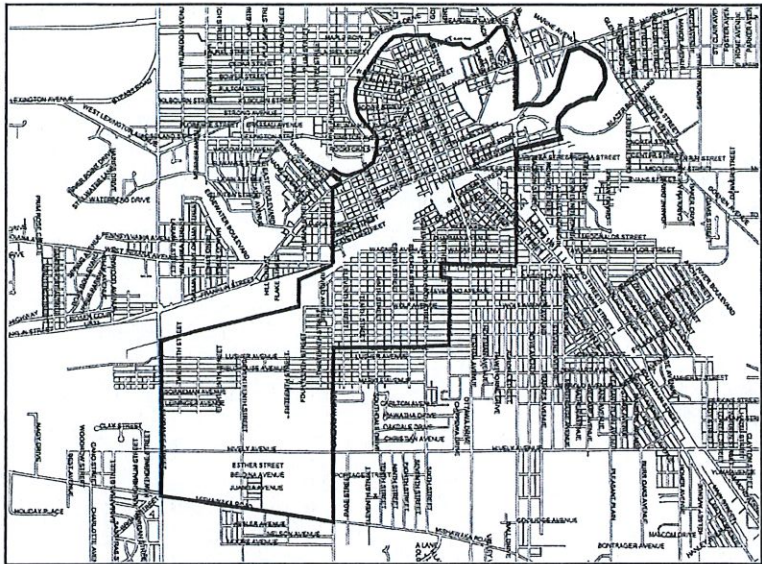
APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

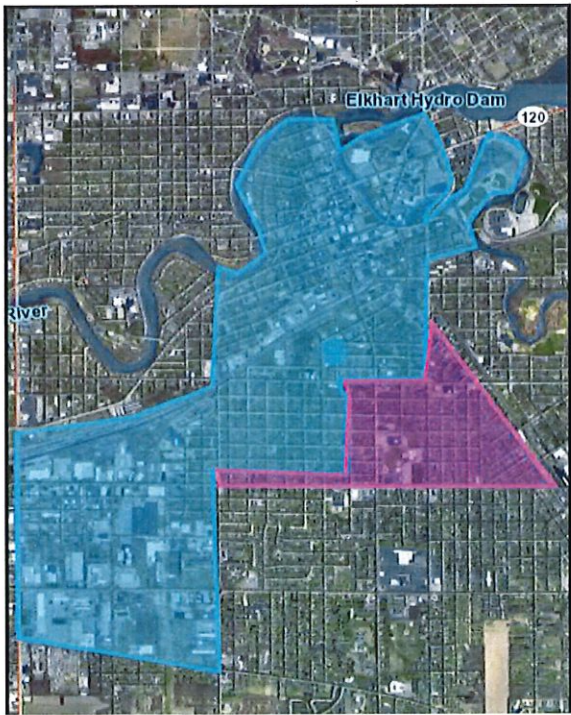
\_\_\_\_\_  
Debra D. Barrett, City Clerk

**Existing Boundaries:**



**Proposed Boundaries:**

Is compliant with statutory requirements.









**Date:** 02/23/2021

**To:** Elkhart Common Council Members

**From:** Ashley Elsasser, Assistant Director of Economic Development

**Re: Resolution to expand the Elkhart Urban Enterprise Zone**

---

**Memo:**

The Elkhart Urban Enterprise Association (EUEA) would like to be able to provide a more comprehensive approach to developing the City of Elkhart. By expanding the Elkhart Urban Enterprise zone, the EUEA will be able to capture community rich in population density, ethnic diversity, household diversity and economic diversity. This expansion will allow the EUEA an ability to provide opportunities for academic scholarships, grants, and most importantly, an opportunity to give the community the tools to develop greater equity in the city.

**Existing Urban Enterprise Zone & History:**

- Timeline
  - Date of inception
    - August 20<sup>th</sup>, 1998
  - EUEZ was approved for a 10-year period
    - January 1<sup>st</sup> 1999 and ending December 31<sup>st</sup> 2008
  - Renewed 2009 – 2013 for 5 years
  - September 2<sup>nd</sup>, 2014 EUEA Inc. was reinstated until December 31<sup>st</sup>, 2018.
  - Renewed August 21, 2017 ending on December 31<sup>st</sup> 2019
  - Renewed September 2018 ending on December 31<sup>st</sup> 2024
- Historical Pertinent Events
  - Current zone map was established in 2013
  - EUEA was shut down and the downtown merchants were all given new awnings in 2008
- Current zone was reestablished in 2018 for 5 years with a balance of \$75,792.57
- December 31<sup>st</sup>, 2024; Marks the end of the current extension

An aerial photograph of a city, likely Elkhart, showing a mix of residential and commercial buildings. A large, multi-story brick building with many windows is prominent in the center. To its right is a large, modern-looking building with a flat roof. The surrounding area includes smaller houses, parking lots, and streets. The text 'EUEZ' is overlaid in the center of the image.

# EUEZ

The Elkhart Urban Enterprise Association would like to propose a geographical expansion to the existing zone in order to adapt to demographic and economic changes.



# Why the transition?

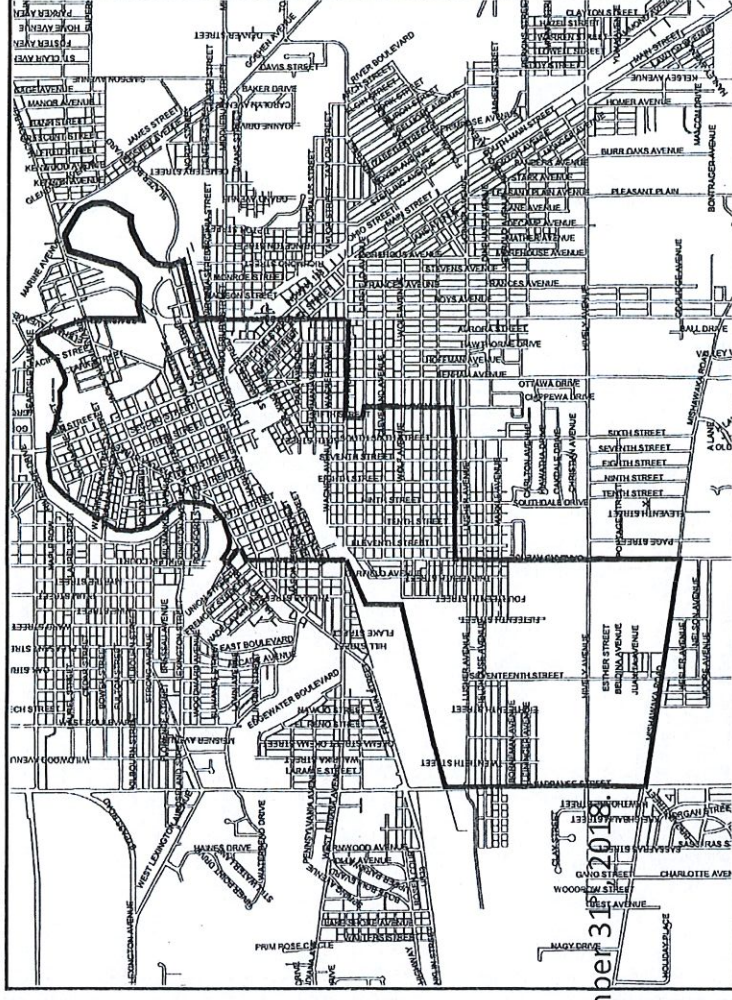
- We want to be able to provide a more comprehensive approach to developing our city.
- By expanding the Elkhart Urban Enterprise zone we are able to capture a community rich in population density, ethnic diversity, household diversity and economic diversity.
- This expansion will allow us the ability to provide opportunities for academic scholarships, business and innovation grants, community development grants, and most importantly, an opportunity to give our community the tools to develop greater equity in our city.



# Existing Urban Enterprise Zone & History

## • Timeline

- Date of inception
    - August 20<sup>th</sup>, 1998
  - EUEZ was approved for a 10-year period
    - January 1<sup>st</sup> 1999 and ending December 31<sup>st</sup> 2008
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- ## • Historical Pertinent Events
- Current zone map was established in 2013
  - EUEA was shut down and the downtown merchants were all given new awnings in 2008
  - Current zone was reestablished in 2018 for 5 years with a balance of \$75,792.57
  - December 31<sup>st</sup>, 2024; Marks the end of the current extension





# Proposed Boundaries

## Extends to include the Tolson neighborhood

C) The board shall evaluate an enterprise zone application if it finds that the following threshold criteria exist in a proposed zone:

<https://law.justia.com/codes/indiana/2010/title5/ar28/ch15.html>

1. A poverty level in which twenty-five percent (25%) of the households in the zone are below the poverty level as established by the most recent United States census or an average rate of unemployment for the most recent eighteen (18) month period for which data is available that is at least one and one-half (1 1/2) times the average statewide rate of unemployment for the same eighteen (18) month period.

According to multiple sources, Elkhart County has an unemployment rate of 6.1% -

<https://data.coloradoan.com/unemployment/elkhart-county-in/CN18039000000000/>

<https://fred.stlouisfed.org/series/INELKHOURN>

[https://www.bls.gov/eag/eqag/in\\_elkhart\\_msa.htm](https://www.bls.gov/eag/eqag/in_elkhart_msa.htm)

According to the children in poverty rates, we can estimate that at least 25% of the households in the zone are below the poverty level.

2. An area of more than three-fourths (3/4) of a square mile but less than four (4) square miles, with a continuous boundary (using natural, street, or highway barriers when possible) entirely within the applicant municipality. However, if the zone includes a parcel of property that is owned by the municipality, and has an area of at least twenty-five (25) acres; the area of the zone may be increased above the four (4) square mile limitation by an amount not to exceed the area of the municipally owned parcel.

2.5 square miles

3. Property suitable for the development of a mix of commercial, industrial, and residential activities.

Yes

4. The appointment of a U.E.A. that meets the requirements of section 13 of this chapter.

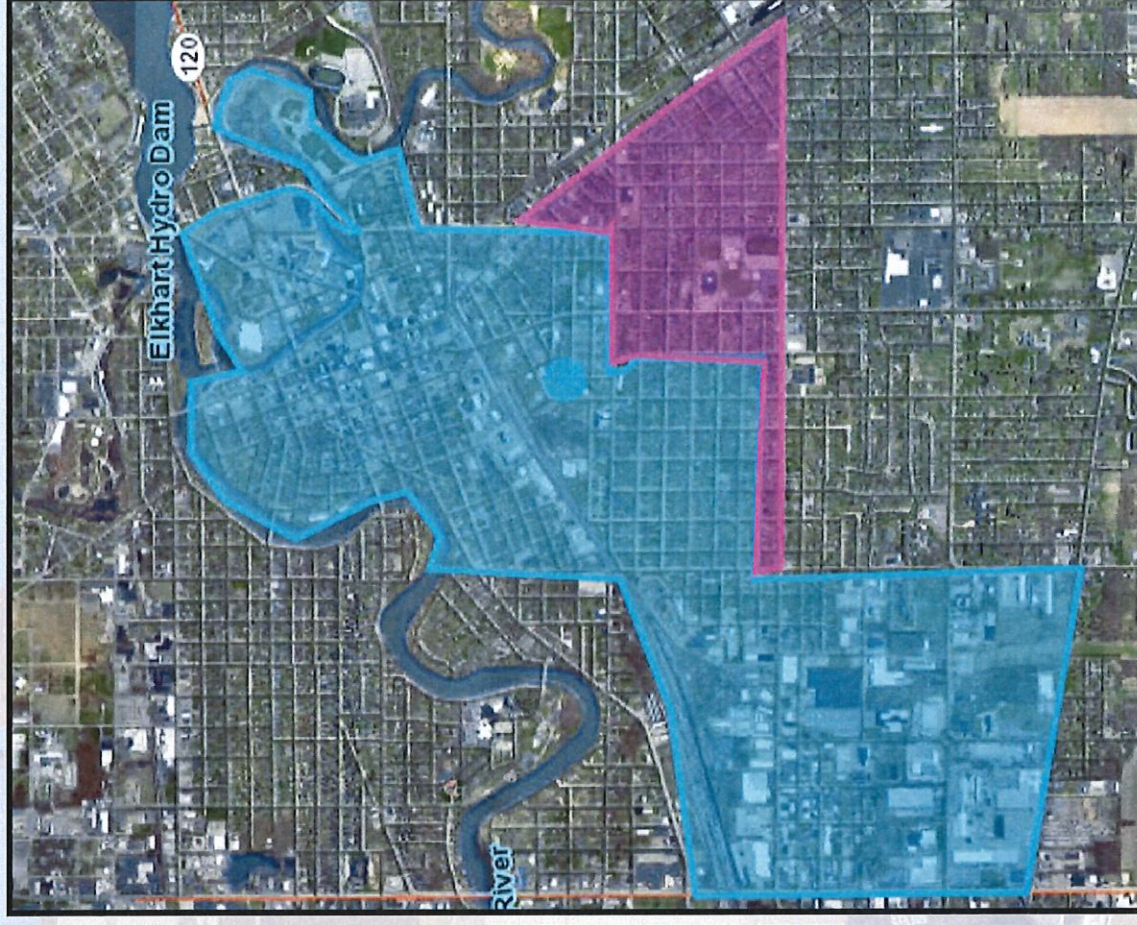
Yes

5. A statement by the applicant indicating its willingness to provide certain specified economic development incentives.

Yes, see website

- 6 A population of more than two thousand (2,000) but less than ten thousand five hundred (10,500).

9,262







# EUEA 2021-2024 Strategic Plan

- By the end of 2021
  - Establish a revenue stream for the EUEA
  - Create a robust marketing process with strategic partners
  - Strategically allocate the \$270,000 of funds to programs, like the *Small Business Innovation and Adaptation Program*.
  - Complete the creation of the EUEA's goals, mission, and goal plans for 2021-2024
- 2022
  - Begin implementing strategic plan

**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 AMERICAN MILLWORK, LLC /NICKELL PROPERTIES I, 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, American Millwork, LLC /Nickell Properties I, 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 new manufacturing equipment for designed to rip, chop and scan work (the "New Equipment"); and

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

WHEREAS, prior to the installation of the New Equipment, 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 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 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 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 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 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 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 March 1, 2021, 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 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:

<b>YEAR EQUIPMENT INSTALLED IN THE IN THE ERA</b>	<b>2021 Payable 2022</b>	<b>2022 Payable 2023</b>	<b>2023 Payable 2024</b>	<b>2024 Payable 2025</b>	<b>2025 Payable 2026</b>	<b>2026 Payable 2027</b>
2021	100%	66%	33%	-	-	-
2022	-	100%	66%	33%	-	-
2023	-	-	100%	66%	33%	-

7. 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).

8. 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 or tenant of the property, ceases operations at the facility for which the deduction was granted, and the designating body finds that the Applicant/Property obtained the deduction by intentionally providing false information concerning the Applicant and/or property owner's plans to continue operations at the facility, the Applicant/Property Owner shall pay the amount determined by the County Auditor pursuant to law, after an appeal, if any.

9. 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/Property Owner:

A. fails to substantially 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/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.

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

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

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

\_\_\_\_\_  
H. Brent Curry  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

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

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

## **Exhibit A**

### **Description of Real Property**

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

**Property Address:** 209 County Road 17,  
Elkhart, IN 46516

**Parcel Number(s):** 20-02-36-453-005.000-011

**Legal Description:**

PART OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 5 EAST, SITUATE IN CONCORD TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36; THENCE NORTH 89 DEGREES 39 MINUTES WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36, A DISTANCE OF 876.27 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00 DEGREES 21 MINUTES EAST A DISTANCE OF 592.79 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CONSOLIDATE RAILROAD CORPORATION RAILROAD RIGHT-OF-WAY; THENCE SOUTH 70 DEGREES 29 MINUTES WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD A DISTANCE OF 1744.37 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36; THENCE SOUTH 89 DEGREES 39 MINUTES EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36, A DISTANCE OF 1640.56 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

CONTAINING APPROXIMATELY 11.16 ACRES OF LAND

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



# 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 American Millwork, LLC			Name of contact person Chad Sommers					
Address of taxpayer (number and street, city, state, and ZIP code) 4840 Beck Drive, Elkhart IN 46516				Telephone number ( 574 ) 295-4158				
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT								
Name of designating body Elkhart City Common Council			Resolution number (s)					
Location of property 4840 Beck Drive, Elkhart IN 46516		County Elkhart		DLGF taxing district number 20-009				
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.) Rip Scan and Chop Scan equipment (two phases)			ESTIMATED					
			START DATE		COMPLETION DATE			
			Manufacturing Equipment	12/01/2020	08/01/2021			
			R & D Equipment					
			Logist Dist Equipment					
IT Equipment								
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT								
Current number 104	Salaries 4,159,878	Number retained 104	Salaries 4,159,878	Number additional 1	Salaries 50,000			
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	1,764,580	758,770						
Plus estimated values of proposed project	2,600,000	1,040,000						
Less values of any property being replaced								
Net estimated values upon completion of project								
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) 11/10/20				
Printed name of authorized representative Chad Sommers				Title Controller				

# 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<br>Check box if an enhanced abatement was approved for one or more of these types. |
| 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<br>Number of years approved: _____<br>(Enter one to twenty (1-20) years; may not exceed twenty (20) years.) |
| <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. 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.

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 Elkhart county must be included with the application.

<b>General Information</b>				
<b>Company Name</b>		American Millwork, LLC		
<b>Federal Employer I.D. (FEIN)</b>		82-1788549	<b>NAICS Code</b>	321918
<b>Website</b>		www.americanmillwork.com	<b>Year Company founded</b>	2017
<b>Company Business (Brief Description)</b>				
American Millwork manufactures hardwood moulding products				
<b>Project Contact Person/Representative</b>		Chad Sommers	<b>Title</b>	Controller
<b>Address</b>		4840 Beck Drive, Elkhart, IN 46516		
<b>Phone</b>		574-295-4158	<b>Email</b>	sommersc@americanmillwork.com
<b>Senior Company Official</b>		Vaughn Nickell	<b>Title</b>	CEO/Owner
<b>Address</b>		4840 Beck Drive, Elkhart, IN 46516		
<b>Phone</b>		574-295-4158	<b>Email</b>	vinickell@gmail.com
<b>Proposed Project Site Information</b>				
<b>Property Owner(s)</b>		Nickell Properties I, LLC		
<b>Address</b>		209 County Road 7, Elkhart, IN 46516		
<b>Parcel Number(s)</b>		20-02-36-453-005.000-011		
<b>Legal Description of property (attach if necessary)</b>		IN SE 1/4 SO OF RR SEC 36 11.615A		
Does Company currently do business at this site?				
		Yes	x	No
If no, how is site currently being used?				
What buildings are on the site?				
Manufacturing facility with warehouse, office space and detached buildings for storage				
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	x	No
Is this a blighted or mitigated Brownfield site?		Yes		No x
Current assessed value of real estate		Land	274,000	Improvements 1,838,600



<b>Proposed Project Information</b>					
Description of proposed improvements (Attach additional project details, if needed)					
Structures:					
Manufacturing equipment:		Rip scan and chop scan			
Research and Development equipment:					
Logistics and Distribution equipment:					
Information Technology equipment:					
Proposed start date for project	12/2020	Proposed end date for project	7/2021		
Proposed start date for operations					
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:					
<b>Proposed Investment</b>					
Calendar Year	2018	2019	2020	2021	Total
Land acquisition					
New building construction					
Existing building improvements					
Manufacturing equipment				2,600,000	2,600,000
Research and Development equipment					
Logistics and Distribution equipment					
Information Technology equipment					
On-site rail infrastructure					
On-site fiber infrastructure					
<b>Grand Total</b>				2,600,000	2,600,000
<b>Statutory Findings</b>					
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: <i>"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"</i> or <i>"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."</i>					
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:					
Are any facilities at project site technologically, economically or energy obsolete?		Yes		No	X
If yes, describe how the facilities are obsolete:					

**Community Benefits**

Explain how this proposed project will benefit the community: The project will increase the production capabilities of the plant which will maintain current employment levels and position American Millwork for future growth.

**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**

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management	4	\$62	\$130,000	\$37 - \$96/hr	\$58/hr
Professional/Technical					
Sales	1	\$53	\$110,000	\$53/hr	\$53/hr
Office/Administrative Support	5	\$30	\$63,000	\$23 - \$35/hr	\$33/hr
Production Supervision	5	\$31	\$65,000	\$28 - \$38/hr	\$30/hr
Production	85	\$18	\$38,000	\$14 - \$28/hr	\$16/hr
Maintenance	4	\$26	\$53,000	\$23 - \$29/hr	\$26/hr
Other					
Total	104				

**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	1	\$22			
Sales					
Office/Administrative Support					
Production Supervision					
Production					
Maintenance					
Other					
Total					

\*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.)

Production & maintenance employees average 10 - 15 hours of overtime per week. Management team receives an EBITDA bonus.

**Projected Phasing of new jobs**

Calendar Year	2018	2019	2020	2021	Total
Management					
Professional/Technical				1	1
Sales					
Office/Administrative Support					
Production Supervision					
Production					
Maintenance					
Other					
Total				1	1

**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.

		X		X	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		No	x	
Vacation (Paid)	Yes	x	No		
Holidays (Paid)	Yes	x	No		
Personal Days (Paid)	Yes	x	No		
Employee Training	Yes	x	No		
Tuition Reimbursement	Yes		No	x	
401K/Pension	Yes	x	No		
ESOP/Profit Sharing	Yes	x	No		
Uniforms	Yes	x	No		
Other (List)					

**Benefits Package:**

What percentage of your employee's total compensation package are fringe benefits?

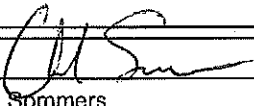
26%

**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	Chad Sommers		
Title	Controller	Date	11/10/20

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

## PERSONAL PROPERTY TAX PHASE-IN POINT SYSTEM

**Company Name:** American Millwork

**Date:** 1.14.2021

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): 2,600,000		
	▫ \$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	10
	▫ \$500,000 to \$2,499,999	5	
JOB BENEFITS			
A.	Total number of jobs created at facility of proposed project: 1		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	
	▫ 25 to 49	10	
	▫ 10 to 24	5	
B.	Total number of existing jobs at facility of proposed project: 104		
	▫ 250 or more	5	
	▫ 100 to 249	4	4
	▫ 50 to 99	3	
	▫ 25 to 49	2	
	▫ 10 to 24	1	
C.	Median employee salary (including existing and new employees): 37,440		
	▫ \$65,000 and above	25	
	▫ \$55,000 to \$64,999	20	
	▫ \$45,000 to \$54,999	10	
	▫ \$40,000 to \$44,999	5	
	▫ Less than \$40,000	0	
D.	Median employee percentage of total compensation are fringe benefits: 26		
	▫ 30% and above	10	
	▫ 25% to 29%	8	8
	▫ 20% to 24%	6	
	▫ 15% to 19%	4	
	▫ 10% to 14%	2	
REDEVELOPMENT BENEFITS			
A.	Project redevelops a brownfield site.	20	
B.	Project utilizes a obsolete facility that has been vacant for at least one (1) year.	10	
C.	Project utilizes a obsolete facility that is at least twenty-five (25) years old.	10	
D.	Project develops in a Qualified Census Tract as designated by US Housing & Urban Development	10	

<b>ECONOMIC DEVELOPMENT BENEFITS</b>			
	The project will be used for a national or regional headquarters.	10	10
<b>INFRASTRUCTURE BENEFITS</b>			
	The applicant pays for the installation of public infrastructure in the following amount:		
	▫ \$750,000 or more	10	
	▫ \$400,000 to \$749,999	6	
	▫ \$200,000 to \$399,999	3	
<b>TARGETED INDUSTRY</b>			
	The project is an industry targeted by the Elkhart County Economic Development Corporation Strategic Plan	20	
	▫ 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		
<b>TOTAL POINTS (190 points possible)</b>			32
<b>OPTIONAL ECONOMIC HEALTH INDICATOR</b>			
	<u>Unemployment Rate</u>	<u>Multiplier</u>	
	0.0% - 3.4%	90%	28.8
	3.5% - 5.0%	95%	30.4
	5.1% - 8.5%	100%	32
	8.6% and Above	105%	33.6
<b>TERM RECOMMENDATION</b>			
<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:** American Millwork  
**TAX DISTRICT:** 11

**Date Printed:** 1.14.2021

### PROPERTY TAX IMPACT

Current Tax Rate Calculations	Gross Rate	PTRC	Net Rate
Structures (Real Property)			\$ -
Machinery & Equipment (Personal Property)	3	0	\$ 3,0000

Project Estimates	Investment	Phase-in	Schedule
Structures (Real Property)			Years
Machinery & Equipment (Personal Property)	\$ 2,600,000	3	Years

### Tax Abatement Schedules

New Structures		Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1		#N/A	#N/A	\$ -	#N/A	#N/A
Year 2		#N/A	#N/A	\$ -	#N/A	#N/A
Year 3		#N/A	#N/A	\$ -	#N/A	#N/A
Year 4		#N/A	#N/A	\$ -	#N/A	#N/A
Year 5		#N/A	#N/A	\$ -	#N/A	#N/A
Year 6		#N/A	#N/A	\$ -	#N/A	#N/A
Year 7		#N/A	#N/A	\$ -	#N/A	#N/A
Year 8		#N/A	#N/A	\$ -	#N/A	#N/A
Year 9		#N/A	#N/A	\$ -	#N/A	#N/A
Year 10		#N/A	#N/A	\$ -	#N/A	#N/A
<b>TOTAL</b>					#N/A	#N/A

New Machinery & Equipment	Depreciation Pool #2	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	40%	100%	\$ -	\$ 3,0000	\$ -	\$ 31,200
Year 2	56%	66%	\$ 495,040	\$ 3,0000	\$ 14,851	\$ 28,829
Year 3	42%	33%	\$ 731,640	\$ 3,0000	\$ 21,949	\$ 10,811
Year 4	32%	0%	\$ 832,000	\$ 3,0000	\$ 24,960	\$ -
Year 5	30%	0%	\$ 780,000	\$ 3,0000	\$ 23,400	\$ -
Year 6	30%	0%	\$ 780,000	\$ 3,0000	\$ 23,400	\$ -
Year 7	30%	0%	\$ 780,000	\$ 3,0000	\$ 23,400	\$ -
Year 8	30%	0%	\$ 780,000	\$ 3,0000	\$ 23,400	\$ -
Year 9	30%	0%	\$ 780,000	\$ 3,0000	\$ 23,400	\$ -
Year 10	30%	0%	\$ 780,000	\$ 3,0000	\$ 23,400	\$ -
<b>TOTAL</b>					\$ 202,160	\$ 70,840

### GRAND TOTAL

	#N/A	#N/A
--	------	------

### INCOME TAX IMPACT

	Total Jobs	Total Salaries	Average Salaries
Current Jobs	104	\$4,659,200	\$44,800
Retained Jobs	104	\$4,659,200	\$44,800
New Jobs	1	\$45,760	\$45,760
<b>TOTAL EMPLOYMENT</b>	<b>105</b>	<b>\$4,704,960</b>	<b>\$44,809</b>
<b>TOTAL ANNUAL PAYROLL</b>			<b>\$4,704,960</b>
<b>TOTAL ANNUAL STATE INCOME TAX @ 3.4%</b>			<b>\$159,969</b>
<b>TOTAL ANNUAL C.A.G.I.T. @ 1.25%</b>			<b>\$58,812</b>
<b>TOTAL ANNUAL C.E.D.I.T. @ 0.25%</b>			<b>\$11,762</b>

# Elkhart County, IN

209 COUNTY RD 17, ELKHART, IN 46516  
20-02-36-453-005.000-011



## Parcel Information

**Parcel Number:** 20-02-36-453-005.000-011

**Alt Parcel Number:** 02-36-453-005-011

**Property Address:** 209 COUNTY RD 17  
ELKHART, IN 46516

**Neighborhood:** 1137012-Industrial-Acre-Town/Pub  
Utilities-Fair Ra

**Property Class:** Industrial: Light Manufacturing & Assembly - 340

**Owner Name:** NICKELL PROPERTIES I LLC

**Owner Address:** 4840 BECK DR  
ELKHART, IN 465169569

**Legal Description:** IN SE1/4 SO OF RR; SEC 36; 11.615A

## Taxing District

**Township:** CONCORD TOWNSHIP

**Corporation:** Concord Community Schools

## Land Description

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
Primary Com & Ind	7.885	
Secondary Com & Ind	0.7	
Undeveloped Usable Com & Ind	2.0	

Elkhart County Property Card			
Parcel Number:		Owner's Name:	
20-02-36-453-005.000-011		NICKELL PROPERTIES I LLC	
Plat Book Reference:		Record Number:	
Book:	Page Number:	2014-24717 <i>ew</i>	
Township Number:		Transfer Number:	Transfer Date:
06		ANNEX ORD NO 5394	12/18/2014
Notes:			
FROM 453-005-009			
IN SE1/4 SO OF RR EX .98A EX 1.54A SEC 36 5.04A (OLD DESC)			
Description:			
Subdivision, Lot, Block, Section, Township, Range, Acres			
IN SE1/4 SO OF RR SEC 36 11.615A			

[illegible]



2007 35310

RECORDED  
 2007 DEC 27 P 2:42  
 ELKHART COUNTY, INDIANA  
 DEED RECORD

2007 DEC 27 P 2:42

**QUITCLAIM DEED**

THIS INDENTURE WITNESSETH, that Vaughn L. Nickell and Cynthia K. Nickell, husband and wife, of Elkhart County in the State of Indiana, quitclaim to Nickell Properties I, LLC, an Indiana limited liability company, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate located in Elkhart County, State of Indiana, to-wit:

**SEE ATTACHED EXHIBIT A**

Which real estate is commonly known as Tax Parcel ID No's: 20-02-36-453-002.000-009; 20-02-36-453-004.000-009; 20-02-36-453-005.000-009; 20-02-36-477-012.000-009; and 20-02-36-477-018.000-009.

Subject to unpaid real estate taxes and applicable restrictions and easements of record.

IN WITNESS WHEREOF, Grantors have executed this deed this 13th day of December, 2007.

*Vaughn L. Nickell*  
 Vaughn L. Nickell  
*Cynthia K. Nickell*  
 Cynthia K. Nickell

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF ELKHART )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Vaughn L. Nickell, who acknowledged the execution of the foregoing Quitclaim Deed.

WITNESS my hand and Notarial Seal this 13th day of December, 2007.

My Commission Expires:

April 7, 2008

*Jason G. Ward*  
 Jason G. Ward, Notary Public  
 Residing in Elkhart County, Indiana

**DISCLOSURE FEE NOT REQUIRED**

DATE

12-27-07

006623

TRANSFER FEE

25.00 PER

PARCEL NO.

2007 35310

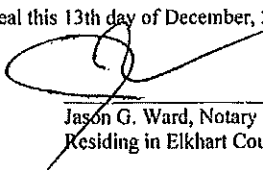
STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF ELKHART     )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Cynthia K. Nickell, who acknowledged the execution of the foregoing Quitclaim Deed.

WITNESS my hand and Notarial Seal this 13th day of December, 2007.

My Commission Expires:

April 7, 2008

  
\_\_\_\_\_  
Jason G. Ward, Notary Public  
Residing in Elkhart County, Indiana

SEND TAX STATEMENTS TO: Nickell Properties I, LLC, 51147 Maplewood, Elkhart, Indiana 46514

THIS INSTRUMENT WAS PREPARED BY AND WHEN RECORDED SHOULD BE RETURNED TO: Jason G. Ward, Sanders • Pianowski, LLP, 300 Riverwalk Drive, Elkhart, Indiana 46516, (574) 294-1499

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. Jason G. Ward

W:\N-O\Nickell Properties \Deeds\Quitclaim Deed (West-12-07).doc

## EXHIBIT A

## LEGAL DESCRIPTION

PART OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 5 EAST, SITUATE IN CONCORD TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36; THENCE NORTH 89 DEGREES 39 MINUTES WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36, A DISTANCE OF 876.27 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00 DEGREES 21 MINUTES EAST A DISTANCE OF 592.79 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CONSOLIDATE RAIL CORPORATION RAILROAD RIGHT-OF-WAY; THENCE SOUTH 70 DEGREES 29 MINUTES WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD A DISTANCE OF 1744.37 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36; THENCE SOUTH 89 DEGREES 39 MINUTES EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36 A DISTANCE OF 1640.56 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

CONTAINING APPROXIMATELY 11.16 ACRES OF LAND.

RE: DR 95-026382

W:\N-O\Nickell Properties \Deeds\Legal Description West Parcel (0317-2006).doc



## Proposed Resolution 21-R-08

**Date:** January 6, 2021

**To:** Elkhart Common Council Members

**From:** Ashley Elsasser, Assistant Director of Economic Development

**Re:** Tax phase-in application for American Millwork, LLC

---

### Background:

American Millwork, LLC is a premier hardwood moulding manufacturing company. Their headquarters are located at Beck Dr. in Elkhart IN. They support conscious wood extraction, and have an entire segment on their website dedicated to explaining how their company, and manufacturing, is environmentally friendly.

### Private Investment

American Millwork, LLC plans to invest a total of \$2,600,000 in new manufacturing equipment specifically designed for rip scan and chop scan work. The purchase of this equipment will increase production capabilities. This investment is projected to create 1 new full-time position, equating to a total of 105 employees. The approximate average annual wage will be \$44,809. Additionally, we project that the total tax savings will be \$155,220.

The project is being phased-in at three years. The tables below show the planned investments in personal property, and labor:

Personal Property	2020	2021	2022	2023	Total
New Manufacturing Equipment		1,100,000	1,500,000		\$2,600,00

New Jobs	2020	2021	2022	2023	Total
Management					
Professional/Technical		1			
Sales					
Office/Administrative Support					
Production Supervision					
Production					
Maintenance					
Other					
Total					1

The median annual wage at American Millwork, LLC is \$60,480.00. American Millwork, LLC's average hourly wage of \$34.57 will be higher than the national average of \$24.87, as of November 2020.

(Tradingeconomics.com | U.S. Bureau of Labor Statistics)

**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, over the three-year life of the property tax phase in, American Millwork, LLC would realize a total tax savings of \$155,220 and the tax collected would be \$624,780.

**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 ALLIANCE RV, LLC \ 3 CREEK, 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, Alliance RV, LLC \ 3 Creek, 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 new building construction for a new lamination facility and a new assembly building (the "Project") and from the assessed value of the manufacturing equipment for coaters, rollers, lifts, loaders/unloaders, hot melt machines, welders, bending/press breaks, etc. (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 15, 2021, 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 five (5) years. The amount of the deduction for each eligible year shall be according to the following deduction schedule:

<b>YEAR OF REDEVELOPMENT AND REVITALIZATION OF THE REAL ESTATE</b>	<b>2021 Payable 2022</b>	<b>2022 Payable 2023</b>	<b>2023 Payable 2024</b>	<b>2024 Payable 2025</b>	<b>2025 Payable 2026</b>	<b>2026 Payable 2027</b>	<b>2027 Payable 2028</b>	<b>2028 Payable 2029</b>
2021	100%	80%	60%	40%	40%	-	-	-
2022	-	100%	80%	60%	60%	20%	-	-
2023	-	-	100%	80%	80%	40%	20%	-

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 seven (7) years. The amount of the deduction for each eligible year shall be according to the following deduction schedule:

<b>YEAR EQUIPMENT INSTALLED IN THE IN THE ERA</b>	<b>2021 Payable 2022</b>	<b>2022 Payable 2023</b>	<b>2023 Payable 2024</b>	<b>2024 Payable 2025</b>	<b>2025 Payable 2026</b>	<b>2026 Payable 2027</b>	<b>2027 Payable 2028</b>	<b>2028 Payable 2029</b>	<b>2029 Payable 2030</b>	<b>2030 Payable 2031</b>
2021	100%	85%	71%	57%	43%	29%	14%	-	-	-
2022	-	100%	85%	71%	57%	43%	29%	14%	-	-
2023	-	-	100%	85%	71%	57%	43%	29%	14%	-

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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
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

## **Exhibit A**

### **Description of Real Property**

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

**Property Address:**

350 Benchmark Drive, Elkhart, IN 46516

**Parcel Number(s):**

20-07-06-151-005.000-039

20-07-06-151-002.000-039

20-07-06-300-001.000-039

**Legal Description:**

SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 1247.08 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 13 MINUTES 48 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 1037.79 FEET TO THE NORTHEAST CORNER OF THE LANDS OF ERMON AND MAXINE BECK AS DESCRIBED IN DEED VOL. 391, PG. 925, SAID POINT MONUMENTED BY A 5/8-INCH REBAR WITH "SCHNAARS" IDENTIFICATION; THENCE SOUTH 89 DEGREES 04 MINUTES 05 SECONDS WEST, ALONG THE NORTH LINE OF SAID LANDS OF BECK, A DISTANCE OF 22.82 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER, SAID POINT MONUMENTED BY A MAG SPIKE WITH "BERTSCH-FRANK & ASSOCIATES FIRM #0081" IDENTIFICATION; THENCE NORTH 00 DEGREES 46 MINUTES 39 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 985.37 FEET TO THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 5 EAST, SAID POINT MONUMENTED BY A CAST-IRON "HARRISON" MONUMENT FOUND IN AGREEMENT WITH ELKHART COUNTY SURVEYOR'S RECORD WITNESS; THENCE NORTH 00 DEGREES 32 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 48.33 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE EAST, SAID POINT MONUMENTED BY A MAG SPIKE WITH "BERTSCH FRANK & ASSOCIATES FIRM #0081" IDENTIFICATION; THENCE NORTH 00 DEGREES 32 MNUTES 17 SECONDS WEST, ALONG THE WEST L INE OF SAID NORTHWEST QUARTER, A DISTANCE OF 728.57 FEET, TO THE POINT OF BEGINNING, CONTAINING 109.837 ACRES, MORE OR LESS, EXCEPTING THE PLOTTED SUBDIVISION OF 3 CREEK PARK RECORDED IN THE OFFICE OF THE ELKHART COUNTY RECORDER IN PLOT BOOK 38 PAGE 99.

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**  
to Elkhart County Government

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 **City Of Elkhart** must be included with the application.

<b>General Information</b>			
<b>Company Name</b>		Alliance RV; 3 Creek, LLC	
<b>Federal Employer I.D.(FEIN)</b>		<b>NAICS Code</b>	336214
<b>Website</b>	www.alliancerv.com	<b>Year Company founded</b>	2018
<b>Company Business (Brief Description)</b>			
Alliance RV launched its brand and new approach to the luxury RV manufacturing market in 2019. Through dedication, hard work, and a devotion to its customers like no other, they have experienced tremendous growth and opportunity with their customer 5th wheel <i>Paradigm</i> RV and <i>Valor</i> toy hauler models.			
<b>Project Contact Person/Representative</b>		Steve Brunson, Principal, McGuire Sponcel	
<b>Address</b>	201 N. Illinois St., Ste. 1000, Indianapolis, IN 46204		
<b>Phone</b>	317-562-5015	<b>Email</b>	sbrunson@mcguiresponcel.com
<b>Senior Company Official</b>		Coley Brady	
<b>Address</b>	301 Benchmark Dr., Elkhart, IN 46516		
<b>Phone</b>	574-218-7165	<b>Email</b>	coley@alliancerv.com
<b>Proposed Project Site Information</b>			
<b>Property Owner(s)</b>	3 Creek, LLC		
<b>Address</b>	301 Benchmark Dr., Elkhart, IN 46516		
<b>Parcel Number(s)</b>			
<b>Legal Description of property (attach if necessary)</b>			
<b>Does Company currently do business at this site?</b>		Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>If no, how is site currently being used?</b>		Vacant ground; agricultural	
<b>What buildings are on the site?</b>		2 buildings totaling: 225,000 sq. ft.	
<b>What is the condition of the buildings?</b>		Production and Assembly facilities constructed in 2019	
<b>Have the buildings at this site been vacant for more than a year?</b>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Are the buildings at this site more than 25 years old?</b>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Will the proposed project be used for a national or regional headquarters?</b>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>Is this a blighted or mitigated Brownfield site?</b>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Current assessed value of real estate</b>		Land	Improvements

**Proposed Project Information**

Description of proposed improvements (Attach additional project details, if needed)			
Structures:	New lamination building; approximately 120,000 sq. ft.; New assembly building, approximately 105,000 sq. ft.		
Manufacturing equipment:	Lamination and curing equipment		
Research and Development equipment:			
Logistics and Distribution equipment:	Racking and curing shelves		
Information Technology equipment:	Computers and workstations for the manufacturing process		
Proposed start date for project	1/1/2021	Proposed end date for project	12/31/2022
Proposed start date for operations	12/31/2021		
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	2020	2021	2022	2023	Total
Land acquisition					\$0
New building construction		\$7,500,000	\$7,500,000		\$15,000,000
Existing building improvements					\$0
Manufacturing equipment		\$700,000	\$700,000		\$1,400,000
Research and Development equipment					\$0
Logistics and Distribution equipment		\$20,000	\$140,000		\$160,000
Information Technology equipment		\$10,000	\$10,000		\$20,000
On-site rail infrastructure					\$0
On-site fiber infrastructure					\$0
<b>Grand Total</b>		<b>\$8,230,000</b>	<b>\$8,350,000</b>		<b>\$16,580,000</b>

**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	x	No	
If yes, explain what is substandard so as to prevent normal use and development:				
Current buildings cannot accommodate the increase in volume/production and require additional investment in a new building to meet demands				
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:				
No development of the surrounding area - agricultural land.				
Are any facilities at project site technologically, economically or energy obsolete?	Yes		No	x
If yes, describe how the facilities are obsolete:				

**Community Benefits**

Project continues to consider investment options within the community as production numbers rise. Currently, the project employees 175 employees after just one year in operation and seeks to increase the number of jobs and investment further. Additionally, the project has invested in local programs, supporting non-profit and community oriented initiatives both financially and with volunteer employee hours.

**Impacts and status**

Will any additional public utilities, services or other public infrastructure be required by this project?

Yes

x

No

If yes, explain the type required and the amount the applicant will be contributing toward the public infrastructure.

Additional power and roadway infrastructure will be required - the site is poorly supported with its current road infrastructure for the vo

**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**

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management	7	\$40.00	\$83,200	\$65,000 to \$85,000	\$65,000
Professional/Technical	13	\$40.00	\$83,200	\$65,000 to \$85,000	\$65,000
Sales	7	\$50.00	\$104,000	\$85,000 to \$105,000	\$85,000
Office/Administrative Support	25	\$25.00	\$52,000	\$30,000 to \$60,000	\$30,000
Production Supervision	8	\$40.00	\$83,200	\$65,000 to \$85,000	\$65,000
Production	115	\$30.00	\$62,400	\$55,000 to \$65,000	\$55,000
Maintenance					
Other					
Total	175	\$32.31	\$67,200		

**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	10	\$40.00	\$62,400	\$50,000 to \$85,000	\$55,000
Production	75	\$25.00	\$41,600	\$35,000 to \$55,000	\$40,000
Maintenance					
Other					
Total	85	\$28.00	\$58,240		

\*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.)

Majority of compensation is based on piece rate production 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	4	6			10
Production	35	40			75
Maintenance					0
Other					0
Total	39	46	0	0	85

**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.

		X		X	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		
Tuition Reimbursement	Yes		No	x	
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	COLEY BRADY		
Title	Co-Founder/owner	Date	1/8/21

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



# 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	Alliance RV/3 Creek, LLC		Name of contact person	Coley Brady, CEO				
Address of taxpayer (number and street, city, state, and ZIP code)			Telephone number					
301 Benchmark Dr., Elkhart, IN 46516			( 574 ) 218-7165					
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT						
Name of designating body		Elkhart City Council		Resolution number (s)				
Location of property		County		DLGF taxing district number				
301 Benchmark Dr., Elkhart, IN 46516		Elkhart		039				
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.)  New lamination building equipment including: coaters, rollers, lifts, loaders/unloaders, hot melt machines, welders, bending/press breaks, air tables, stop saws, forklifts, new computer infrastructure (workstations and management/logistics software)				ESTIMATED				
				START DATE	COMPLETION DATE			
		Manufacturing Equipment		10/30/2021	12/31/2022			
		R & D Equipment						
		Logist Dist Equipment		10/31/2021	12/31/2022			
IT Equipment		10/31/2021	12/31/2022					
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT						
Current number	Salaries	Number retained	Salaries	Number additional	Salaries			
175	\$11,700,000	175	\$11,700,000	85	\$4,900,000			
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	1,400,000				160,000		20,000	
Plus estimated values of proposed project								
Less values of any property being replaced								
Net estimated values upon completion of project								
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)					
COLEY BRADY			1/8/21					
Printed name of authorized representative			Title					
COLEY BRADY			Co-Founder/owner					



# 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;
2. Installation of new research and development equipment;
3. Installation of new logistical distribution equipment.
4. Installation of new information technology equipment;

☐ Yes ☐ No ☐ Enhanced Abatement per IC 6-1.1-12.1-18  
☐ Yes ☐ No *Check box if an enhanced abatement was approved for one or more of these types.*  
☐ Yes ☐ No  
☐ Yes ☐ 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:

☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 ☐ Enhanced Abatement per IC 6-1.1-12.1-18  
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10 *Number of years approved: \_\_\_\_\_*  
*(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)*

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. 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.



# STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

20\_\_ PAY 20\_\_

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 Alliance RV/3 Creek, LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 301 Benchmark Dr., Elkhart, IN 46516					
Name of contact person Coley Brady, CEO		Telephone number ( 574 ) 218-7165		E-mail address coley@alliancerv.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body Elkhart City Council		Resolution number			
Location of property 301 Benchmark Dr., Elkhart, IN 46516		County Elkhart		DLGF taxing district number 039 Elkhart	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Parcel Number 200706151005000039; the company is anticipating a new dedicated lamination facility (120k sq. ft) to support its current operations on the site as well as a new assembly building (105k sq. ft.). Could include parcels: 200706151002000039 and 200706300001000039 depending on final location and permitting				Estimated start date (month, day, year) 06/01/2021	
				Estimated completion date (month, day, year) 06/01/2022	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current number 175.00	Salaries \$11,700,000.00	Number retained 175.00	Salaries \$11,700,000.00	Number additional 85.00	Salaries \$4,900,000.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values				800.00	
Plus estimated values of proposed project		15,000,000.00			
Less values of any property being replaced					
Net estimated values upon completion of project					
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) 1/8/21	
Printed name of authorized representative COLEY BRADY				Title co-founder / owner	

# 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 (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: Alliance RV: 3 Creek Phase II

Date: 1.11.21

Address:

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): 15,000,000		
	▫ \$20,000,000 and above	25	
	▫ \$10,000,000 to \$19,999,999	20	20
	▫ \$5,000,000 to \$9,999,999	15	
	▫ \$2,500,000 to \$4,999,999	10	
	▫ \$500,000 to \$2,499,999	5	
JOB BENEFITS			
A.	Total number of jobs created at facility of proposed project: 85		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	15
	▫ 25 to 49	10	
	▫ 10 to 24	5	
B.	Total number of existing jobs at facility of proposed project: 175		
	▫ 250 or more	5	
	▫ 100 to 249	4	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 percentage of total compensation are fringe benefits:		
	▫ 30% and above	10	10
	▫ 25% to 29%	8	
	▫ 20% to 24%	6	
	▫ 15% to 19%	4	
	▫ 10% to 14%	2	
REDEVELOPMENT BENEFITS			
A.	Project redevelops a brownfield site.	20	
B.	Project utilizes a obsolete facility that has been vacant for at least one (1) year.	10	
C.	Project utilizes a obsolete facility that is at least twenty-five (25) years old.	10	
D.	Project develops in a Qualified Census Tract as designated by US Housing & Urban Development	10	

## PERSONAL PROPERTY TAX PHASE-IN POINT SYSTEM

Company Name:

Date:

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): 1,580,000		
	▫ \$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: 85		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	15
	▫ 25 to 49	10	
	▫ 10 to 24	5	
B.	Total number of existing jobs at facility of proposed project: 175		
	▫ 250 or more	5	
	▫ 100 to 249	4	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 percentage of total compensation are fringe benefits:		
	▫ 30% and above	10	10
	▫ 25% to 29%	8	
	▫ 20% to 24%	6	
	▫ 15% to 19%	4	
	▫ 10% to 14%	2	
REDEVELOPMENT BENEFITS			
A.	Project redevelops a brownfield site.	20	
B.	Project utilizes a obsolete facility that has been vacant for at least one (1) year.	10	
C.	Project utilizes a obsolete facility that is at least twenty-five (25) years old.	10	
D.	Project develops in a Qualified Census Tract as designated by US Housing & Urban Development	10	

# EDC of Elkhart County

## DIRECT PROJECT IMPACT ESTIMATES



<b>PROJECT:</b>	<b>Alliance RV Phase II</b>	<b>Date Printed:</b>	<b>1.11.21</b>
<b>TAX DISTRICT:</b>	<b>39</b>		

### PROPERTY TAX IMPACT

Current Tax Rate Calculations	Gross Rate	PTRC	Net Rate
Structures (Real Property)	3	0	\$ 3.0000
Machinery & Equipment (Personal Property)	3	0	\$ 3.0000

Project Estimates	Investment	Phase-in	Schedule
Structures (Real Property)	\$ 15,000,000	5	Years
Machinery & Equipment (Personal Property)	\$ 1,580,000	7	Years

### Tax Abatement Schedules

New Structures	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	100%	\$ -	\$ 3.0000	\$ -	\$ 450,000
Year 2	80%	\$ 3,000,000	\$ 3.0000	\$ 90,000	\$ 360,000
Year 3	60%	\$ 6,000,000	\$ 3.0000	\$ 180,000	\$ 270,000
Year 4	40%	\$ 9,000,000	\$ 3.0000	\$ 270,000	\$ 180,000
Year 5	20%	\$ 12,000,000	\$ 3.0000	\$ 360,000	\$ 90,000
Year 6	0%	\$ 15,000,000	\$ 3.0000	\$ 450,000	\$ -
Year 7	0%	\$ 15,000,000	\$ 3.0000	\$ 450,000	\$ -
Year 8	0%	\$ 15,000,000	\$ 3.0000	\$ 450,000	\$ -
Year 9	0%	\$ 15,000,000	\$ 3.0000	\$ 450,000	\$ -
Year 10	0%	\$ 15,000,000	\$ 3.0000	\$ 450,000	\$ -
<b>TOTAL</b>				<b>\$ 3,150,000</b>	<b>\$ 1,350,000</b>

New Machinery & Equipment	Depreciation Pool #2	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	40%	100%	\$ -	\$ 3.0000	\$ -	\$ 18,960
Year 2	56%	85%	\$ 132,720	\$ 3.0000	\$ 3,982	\$ 22,562
Year 3	42%	71%	\$ 192,444	\$ 3.0000	\$ 5,773	\$ 14,135
Year 4	32%	57%	\$ 217,408	\$ 3.0000	\$ 6,522	\$ 8,646
Year 5	30%	43%	\$ 270,180	\$ 3.0000	\$ 8,105	\$ 6,115
Year 6	30%	29%	\$ 336,540	\$ 3.0000	\$ 10,096	\$ 4,124
Year 7	30%	14%	\$ 407,640	\$ 3.0000	\$ 12,229	\$ 1,991
Year 8	30%	0%	\$ 474,000	\$ 3.0000	\$ 14,220	\$ -
Year 9	30%	0%	\$ 474,000	\$ 3.0000	\$ 14,220	\$ -
Year 10	30%	0%	\$ 474,000	\$ 3.0000	\$ 14,220	\$ -
<b>TOTAL</b>					<b>\$ 89,368</b>	<b>\$ 76,532</b>

<b>TOTAL</b>	<b>\$ 89,368</b>	<b>\$ 76,532</b>
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<b>GRAND TOTAL</b>	<b>\$ 3,239,368</b>	<b>\$ 1,426,532</b>
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### INCOME TAX IMPACT

	Total Jobs	Total Salaries	Average Salaries
Current Jobs	175	\$11,533,550	\$65,906
Retained Jobs	175	\$11,533,550	\$65,906
New Jobs	85	\$4,732,035	\$55,671
<b>TOTAL EMPLOYMENT</b>	<b>260</b>	<b>\$16,265,585</b>	<b>\$62,560</b>
<b>TOTAL ANNUAL PAYROLL</b>			<b>\$16,265,585</b>
<b>TOTAL ANNUAL STATE INCOME TAX @ 3.4%</b>			<b>\$553,030</b>
<b>TOTAL ANNUAL C.A.G.I.T. @ 1.25%</b>			<b>\$203,320</b>
<b>TOTAL ANNUAL C.E.D.I.T. @ 0.25%</b>			<b>\$40,664</b>

Form by Region III-A Economic Development District & Regional Planning Commission  
Actual tax levy and tax savings subject to changes in tax rate and actual investment dollars.

EXHIBIT "A"  
Legal Description

SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 1247.08 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 13 MINUTES 48 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 1037.79 FEET TO THE N ORTHEAST CORNER OF THE LANDS OF ERMON AND MAXINE BECK AS DESCRIBED IN DEED VOL. 391, PG 925, SAID POINT MONUMENTED BY A 5/8" REBAR WITH "SCHNAARS" IDENTIFICATION; THENCE SOUTH 89 DEGREES 04 MINUTES 05 SECONDS WEST, ALONG THE NORTH LINE OF SAID LANDS OF BECK, A DISTANCE OF 22.82 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER, SAID POINT MONUMENTED BY A MAG SPIKE WITH "BERTSCH-FRANK & ASSOCIATES – FIRM #0081" IDENTIFICATION; THENCE NORTH 00 DEGREES 46 MINUTES 39 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 985.37 FEET TO THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 5 EAST, SAID POINT MONUMENTED BY A CAST-IRON "HARRISON" MONUMENT FOUND IN AGREEMENT WITH ELKHART COUNTY SURVEYOR'S RECORD WITNESS; THENCE NORTH 00 DEGREES 32 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 48.33 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE EAST, SAID POINT MONUMENTED BY A MAG SPIKE WITH "BERTSCH-FRANK & ASSOCIATES – FIRM #0081" IDENTIFICATION; THENCE NORTH 00 DEGREES 32 MINUTES 17 SECONDS WEST, ALONG THE WEST L INE OF SAID NORTHWEST QUARTER, A DISTANCE OF 728.57 FEET, TO THE POINT OF BEGINNING, CONTAINING 109.837 ACRES, MORE OR LESS, EXCEPTING THE PLOTTED SUBDIVISION OF 3 CREEK PARK RECORDED IN THE OFFICE OF THE ELKHART COUNTY RECORDER IN PLOT BOOK 38 PAGE 99.







**Date:** January 6, 2021

**To:** Elkhart Common Council Members

**From:** Ashley Elsasser, Assistant Director of Economic Development

**Re:** Tax phase-in application for Alliance RV; 3 Creek, LLC

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**Background:**

Alliance RV is a family-owned company whose three principle owners have a combined 50+ years' experience in the RV Industry. The Chairman, Brian Brady, grew Heartland RV from a startup to a company that earned over \$500 million in revenue.

Alliance RV offers an alternative business model to the highly consolidated corporate culture that has become pervasive in the RV industry in recent years. This new company diversifies choice for consumers, dealers, and workers.

Production began in the fall of 2019 and just a few months ago Alliance surpassed 1000 RVs produced and sold! This is a new company that is rapidly growing.

**Private Investment**

Alliance RV plans to invest a total of \$16,580,000 in both personal and real property. The purchase of this equipment, and construction of new warehouse, will increase production capabilities. This investment is projected to create 85 new full-time positions, equating to a total of 260 employees. The approximate average annual wage will be \$67,720. The total tax revenue generated from the proposed five and seven-year phase-in schedule will be \$3,239,368, and we project that the total tax savings will be \$1,436,532.

The project is being phased-in at five years for real property and seven years for personal property. The tables below show the planned investments in personal property, and labor:

Personal Property	2021	2022	2023	2024	Total
New Manufacturing, Logistics and Distribution, Information and Technology Equipment	\$730,000	\$850,000			\$1,580,000

<b>Real Property</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>Total</b>
New Building Construction	\$7,500,000	\$7,500,000			\$15,000,000

<b>New Jobs</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>Total</b>
Management					
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision	4	6			10
Production	35	40			75
Maintenance					
Other					
<b>Total</b>	<b>39</b>	<b>46</b>			<b>85</b>

The median annual wage at Alliance RV for production supervision will be \$55,000 and \$40,000 for production. Alliance RV's average hourly wage of \$28.00 will be higher than the national average of \$24.87, as of November 2020. (Tradingeconomics.com | U.S. Bureau of Labor Statistics)

#### **Recommendation:**

Our staff, with support from the EDC, is recommending a five-year real property tax phase-in conjunction with a seven-year personal property tax phase-in. Per the EDC's Project Impact Estimate Sheet, the total tax revenue generated from the proposed five and seven-year phase-in schedule will be \$3,239,368, and we project that the total tax savings will be \$1,436,532.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
ELKHART, INDIANA, SUPPORTING THE PROPOSED PUBLIC QUESTION  
SEEKING RENEWAL OF THE ELKHART COMMUNITY SCHOOLS 2014  
PROPERTY TAX**

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WHEREAS, on January 6, 2014, the Board of School Trustees of the Elkhart Community Schools, Elkhart County, Indiana (the "Board"), being the governing body of the Elkhart Community Schools, Elkhart County, Indiana (the "School Corporation") sought the authorization of the voters residing within the geographical boundaries of the School Corporation for a referendum tax levy rate not to exceed \$0.1315 on each \$100 of assessed valuation; and

WHEREAS, on May 6, 2014, a majority of the voters who voted on the 2015 Referendum Tax Levy Fund approved the establishment of the 2015 Referendum Tax Levy Fund to be used by the School Corporation; and

WHEREAS, as a result of the establishment of the 2015 Referendum Tax Levy Fund, the School Corporation has had the opportunity to provide safe bus transportation to more than six hundred students residing in the City of Elkhart who would otherwise walk to schools due to the prior two-mile walk zones; and

WHEREAS, the 2015 Referendum Tax Levy Fund has allowed the School Corporation to provide educational study trips for students in all of the School Corporation's twenty schools; and

WHEREAS, the 2015 Referendum Tax Levy Fund has also allowed the School Corporation to maintain competitive wage rates for its school bus drivers; and

WHEREAS, the authority of the School Corporation to levy and collect property taxes for deposit into the 2015 Referendum Tax Levy Fund ends on December 31, 2021; and

WHEREAS, the School Corporation is among the ten largest employers located within the City of Elkhart; and

WHEREAS, more than nine hundred employees of the School Corporation reside in the City of Elkhart; and

WHEREAS, more than sixty percent of the students receiving their education through the School Corporation reside with their families in the City of Elkhart;

WHEREAS, through its Elkhart Area Career Center, the School Corporation serves the career and technical education needs of more than one thousand students from ten different school corporations, along with students from both private schools and home schools; and

WHEREAS, through the Elkhart Area Career Center, the School Corporation provides Department of Workforce Development recognized industry certification to students in twenty-three of the thirty-one programs at the Career Center; and

WHEREAS, revenue currently received by the School Corporation from all sources is not sufficient to provide an adequate level of compensation and benefits to school employees comparable to that of neighboring school corporations; and

WHEREAS, the School Corporation, in addition to seeking the renewal of the 2015 Referendum Tax Levy Fund, is seeking an additional twenty-five and thirty-five one hundredths cents (.2535) on each one hundred dollars (\$100) of assessed valuation, which is in addition to all other property taxes imposed by the school corporation, for the purpose of providing funding for academic and educationally related programs, management of class sizes, school safety initiatives, including, but not limited to, attracting and retaining teachers and other school employees; and

WHEREAS, the School Corporation, through its Board of School Trustees, has taken action to place before the voters residing within the geographical boundaries of the School Corporation, the opportunity to renew this Referendum Tax Levy Fund; and

WHEREAS, Indiana's Next Level Teacher Compensation Commission has determined higher pay for school teachers yields improved student academic outcomes; and

WHEREAS, Indiana's Next Level Teacher Compensation Commission has determined teacher turnover can be harmful to student learning, and noted the costs related to turnover can frequently exceed \$20,000 per teacher; and

WHEREAS, the School Corporation's intent in seeking additional revenue is to improve compensation and benefits for teachers, nurses, social workers, counselors, librarians, custodians, bus drivers, paraprofessionals, and all other employees of the School Corporation; and

WHEREAS, the revenue currently available to the School Corporation through State, Federal and local sources do not provide the ability to maintain competitive levels of compensation and benefits to employees, causing an increased level of turnover; and

WHEREAS, through passage of this referendum, the School Corporation will have sufficient revenue so as to provide compensation and benefits to its employees which will provide the ability to attract and retain well-trained, highly effective teachers and employees in all classifications; and

WHEREAS, students, especially those residing in the City of Elkhart, will benefit from receiving instruction, and social and emotional supports, from well-trained, highly effective teachers and employees.

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

SECTION 1: The Common Council of the City of Elkhart, Indiana hereby acknowledges:

A. The important contributions the Elkhart Community Schools and its employees provide to the education of students attending its schools, as well as the communities served by the School Corporation; and

B. Supports the passage, on May 4, 2021, of the question placed on the ballot by the Elkhart Community Schools; and

C. Recognizes the benefit to the citizens of the City of Elkhart, Indiana in having a school corporation in the community focused on building the capacity for a well-trained and highly effective staff.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
H. Brent Curry  
President of the Common Council

\_\_\_\_\_  
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_  
a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk



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## MEMORANDUM

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**DATE:** 2/24/2021  
**TO:** Elkhart City Common Council  
**FROM:** Corporation Counsel John M. Espar  
**RE:** Proposed Resolution 21-R-10  
**ENTITLED:** A Resolution of the Common Council of the City of Elkhart, Indiana, Supporting the Proposed Public Question Seeking Renewal of the Elkhart Community Schools 2014 Property Tax

---

Proposed Resolution 21-R-10 has been prepared by Douglas Throne, General Counsel to the Board of School Trustees of the Elkhart Community Schools.

Proposed Resolution 21-R-10 seeks the Council's support for the May 4, 2021 ballot referendum requested by the Board of School Trustees to renew the 2015 Referendum Tax Levy Fund and secure additional funding for academic and educationally related programs, management of class sizes, school safety initiatives and the attraction and retention of quality educators for the Elkhart Community Schools.



**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE  
CITY OF ELKHART, INDIANA, REPEALING RESOLUTION R-53-16, TO RE-  
ESTABLISH THE BOARD OF AVIATION COMMISSIONERS OF THE CITY OF  
ELKHART AS A FOUR-PERSON BOARD**

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WHEREAS on September 2, 1958, the City of Elkhart, Indiana, adopted a resolution establishing the Board of Aviation Commissioners of the City of Elkhart, Indiana (the "Board"), pursuant to Section 2, Chapter 190, Airport Act of 1945, as amended (now IC 8-22-2, *et seq.*) consisting of four (4) members; and

WHEREAS on November 21, 2016, the Common Council of the City of Elkhart, adopted Resolution R-53-16, expanding the Board from a four (4) person board to a five (5) person board; and

WHEREAS IC 8-22-2-1(b)(2) requires that no more than two (2) members of the Board could be of the same political party, thereby effectively assuring a politically balanced board; and

WHEREAS, the Mayor has expressed his belief that the Board of Aviation Commissioners is best served through a balanced board in which neither political party maintains a majority.

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

1. Resolution R-53-16 of the Common Council of the City of Elkhart be, and hereby is, repeal; and
2. Pursuant to 8-22-2-1(b)(1), the Board of Aviation Commissioners is hereby re-established as a board consisting of four (4) members; and

3. Pursuant to IC 8-22-2-1(b)(2), the Mayor, as the executive of the City, shall determine the four (4) persons to serve as members of the Board of Aviation Commissioners; and

4. Pursuant to IC 8-22-2-1(b)(3) no two (2) members shall be of the same political party.

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

\_\_\_\_\_  
H. Brent Curry  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

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

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk



Proposed Resolution No. 21-R-11

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## MEMORANDUM

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**DATE:** 2/24/2021  
**TO:** Elkhart City Common Council  
**FROM:** Corporation Counsel John M. Espar  
**RE:** Proposed Resolution 21-R-11  
**ENTITLED:** A Resolution Repealing Resolution R-53-16, to Re-Establish the Board of Aviation Commissioners of the City of Elkhart as a Four-Person Board

---

This resolution proposes to restore the Board of Aviation Commissioners to the four (4) person configuration that was originally established for the Board in 1958 and remained for more than fifty (50) years, before being modified to a five (5) person board in 2016.

This request of the Mayor would result in a politically balanced board with no more than two (2) members drawn from the same political party. Such balance encourages – indeed requires – cooperation, collaboration and compromise, qualities that sometimes seem lost in the current political landscape.

**RESOLUTION NO. R-\_\_\_\_\_**

**RESOLUTION OF THE CITY OF ELKHART, INDIANA AUTHORIZING  
THE SUBMISSION OF A COVID-19 RESPONSE PROGRAM (PHASE 3)  
GRANT APPLICATION TO THE INDIANA OFFICE OF COMMUNITY  
AND RURAL AFFAIRS AND FOR THE ELKHART SMALL BUSINESS  
INNOVATION AND ADAPTATION PROGRAM**

---

WHEREAS the Common Council of the City of Elkhart, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low-income and moderate-income persons; and

WHEREAS The Indiana Office of Community and Rural Affairs desires to fund a grant from the Community Development Block Grant (CDBG) COVID-19 Response Program for programs which are designed as an economic recovery project for businesses and which will benefit low-income and moderate-income persons; and

WHEREAS the City of Elkhart, Indiana, recognizes the adverse economic impact caused by the COVID-19 pandemic, upon Elkhart's small businesses, including the low-income and moderate-income workers, employed by those businesses; and

WHEREAS the Administration, through its Department of Community and Economic Development has devised the *Small Business Innovation and Adaptation Program* to assist businesses affected by the COVID-19 pandemic; and

WHEREAS the *Small Business Innovation and Adaptation Program* is designed to be an economic recovery project for businesses within the City of Elkhart and which will benefit low-income and moderate-income persons by assisting local business to adapt to the changes precipitated by the pandemic, by promoting related business innovations, so as to achieve sustainability within the reality of the pandemic; and

WHEREAS, the City of Elkhart, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities, and economic needs of its low-income and moderate.

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

1. The Mayor of the City of Elkhart or his designee, is authorized to apply for a COVID-19 Response Program (Phase 3) Grant for the City of Elkhart, Indiana and to execute and administer a resultant grant, including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.

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

---

H. Brent Curry  
President of the Common Council

ATTEST:

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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



## Proposed Resolution 21-R-12

**Date:** 02/24/2021

**To:** Elkhart Common Council Members

**From:** Ashley Elsasser, Assistant Director of Economic Development

**Re:** Resolution Approving Application for COVID-19 Response Program: Phase 3

### **Background**

Small businesses have been particularly impacted by the COVID-19 pandemic because they do not have the extensive backing of franchises or corporations. Furthermore, many small businesses have been unable to adapt to current needs to maintain operations, such as being able to offer a delivery service, provide online ordering and payment systems, and finally the ability to adapt to an increase in demand for micro-mobile extensions. It is not only safer to have outdoor capacity, but our nation has seen an exponential increase in the demand for this type of service. The licenses, construction, and acquisition of these technologies place a burden on any business, let alone a business that has struggled to maintain operations and employees working over the past 10 months.

To respond to this unique situation, the City of Elkhart's Economic Development Department, and in partnership with the Aurora Capital Development Corporation, is seeking to establish a Small Business Innovation and Adaptation Program to assist struggling businesses located within the city of Elkhart. Since these organizations already work together by offering a Capital Loan Fund program, they are uniquely positioned to directly reach the hardest-hit businesses in the city.

### **Scope of Work**

The Small Business Innovation and Adaptation Program (SBIAP) is designed to meet the operational needs of local small businesses while adapting to consumer demands. This application is seeking \$250,000 from the COVID-19 Response Program to provide 100% of grants for up to \$20,000 to assist small businesses with working capital to keep the business operating. The funds can be used, but not limited by, the following:

- Payables including rent/mortgage and utilities;
- Meeting payroll for existing or new employees;
- Operating expenses, including for supplies, point of sales, e-commerce, delivery service, licensing/permitting, etc.;
- Leases on existing or new equipment; or,
- Maintenance of existing equipment and architectural features.

### **Summary**

This grant assistance will help keep these small businesses operational, fully staffed, and ready to serve local consumers in today's market. This is a critical step to respond to the pandemic and enhance the economic vitality of the City's local economy. Further, it will improve these businesses' economic competitiveness with other corporate or franchised businesses that have support from corporate teams to implement new technology.

The grant assistance received from the OCRA COVID-19 Response Program will not be used to financially support long-term capital improvements. This grant will help local small businesses to establish firm financial foundations in order to begin making the capital improvements necessary to grow our local economy. As a result, Elkhart's local economy will be strengthened not only by diversifying the economy, but by also improving the quality of life.



**Aurora Capital Development Corporation**

**Minutes**

**January 12, 2021**

Present in person: Sandi Schreiber

Webex: Wes Steffen, Alex Holtz, and Kurt Bullard  
Gary Boyn, Chaise Cope, Christopher Pottratz, and Ashley Elsasser

In Person: Dana Donald (Recording Secretary)

This meeting was held in-person, telephonically, and virtually through WEBEX. Ms. Schreiber called the meeting to order at 3:30 p.m.

Approval of December 8, 2020 Minutes-Mr. Steffen made a motion to approve the minutes from December 8, 2020. Motion seconded by Mr. Holtz. Roll Call Vote as follows: Ayes: Mr. Steffen, Mr. Bullard, Mr. Holtz and Ms. Schreiber. Nays: None. Motion passed unanimously.

Approval of Kruggel Lawton CPA Engagement Invoice: Motion made by Mr. Steffen seconded by Mr. Holtz to approve the letter. Roll Call Vote as follows: Ayes: Mr. Steffen, Mr. Bullard, Mr. Holtz and Ms. Schreiber. Nays: None. Motion passed unanimously.

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

There being no further business the meeting was adjourned at 3:35 p.m.

  
Sandi Schreiber, President





**Aurora Capital Development Corporation**

**Special Meeting Minutes**

**January 29, 2021**

Present in person: Sandi Schreiber and Alex Holtz  
Webex: Gerry Roberts, Alex Holtz, and Kurt Bullard  
Gary Boyn, Chaise Cope, Christopher Pottratz, and Ashley Elsasser  
In Person: George Byers and Dana Donald (Recording Secretary)

This meeting was held in-person, telephonically, and virtually through WEBEX. Ms. Schreiber called the meeting to order at 11:16 a.m.

Election of Directors and Officers-Mr. Steffen made a motion to approve the Election of Directors. Motion seconded by Mr. Roberts. Roll Call Vote as follows: Ayes: Mr. Steffen, Mr. Bullard, Mr. Holtz, Mr. Roberts, and Ms. Schreiber. Nays: None. Motion passed unanimously.

Mr. Roberts made a motion to approve the Election of Officers. Motion seconded by Mr. Steffen. Roll Call Vote as follows: Ayes: Mr. Steffen, Mr. Bullard, Mr. Holtz, Mr. Roberts, and Ms. Schreiber. Nays: None. Motion passed unanimously.

Ms. Schreiber asked for any questions or comments.

Mr. Boyn asked if there was a replacement for Mr. Burl Troyer.

Ms. Elsasser stated that they have chosen someone, but she did not know his name. She would email that information later.

Mr. Boyn asked was he a former banker.

Ms. Elsasser stated yes.

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

There being no further business the meeting was adjourned at 11:20 a.m.

  
Sandi Schreiber, President

**BOARD OF ZONING APPEALS**

**-MINUTES-**

**Thursday, January 14, 2021 - Commenced at 6:00 P.M. & adjourned at 9:07 P.M.  
City Council Chambers – Municipal Building**

**COPY**

**MEMBERS PRESENT**

Doug Mulvaney - in person  
Ron Davis - online  
Jeff Schaffer - online  
Andrew Strycker - online

**MEMBERS ABSENT**

McNeal Stewart

**REPRESENTING THE PLANNING DEPARTMENT**

Eric Trotter, Assistant Director for Planning  
Ryan Smith, Planner

**LEGAL DEPARTMENT**

Randy Arndt, Deputy City Attorney

**TECHNOLOGY STAFF**

Victor Limon

**RECORDING SECRETARY**

Jennifer Drlich

**APPROVAL TO AMEND AGENDA**

Mulvaney states that the petitioner for 21-BZA-02 has withdrawn their request and asks the board for a motion to amend the agenda to remove the item until the next meeting.

Motion to remove item by Strycker; Second by Davis. Voice vote carries.

Trotter states that we also need to address the Election of Officers for 2021.

Schaffer nominates current officers for 2021. Second by Davis. Voice vote carries.

**APPROVAL OF MINUTES FOR NOVEMBER 12, 2020 AND DECEMBER 10, 2020**

Motion to approve November 12, 2020 minutes by Davis; Second by Schaffer. Voice vote carries.

Motion to approve December 10, 2020 minutes by Davis; Second by Schaffer. Voice vote carries.

**APPROVAL OF PROOFS OF PUBLICATION**

Motion to approve by Schaffer; Second by Davis. Motion carries.

**OPENING STATEMENT**

Welcome to the January 14, 2021 meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the board. If no decision is made, the petition will be set for another hearing.

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

## **OLD BUSINESS**

### **18-X-10U**

#### **PROPERTY IS LOCATED AT 400 W MISHAWAKA ROAD**

Smith requests the item be tabled until the end of the meeting as there is another request that represents a renewal of the request. He believes it will be better to hear this item second.

Mulvaney agrees to the request and moves the item to Staff Items at the end of the meeting.

### **20-BZA-40 PETITIONERS ARE BYPASS ROAD DEVELOPMENT, LLC**

#### **PROPERTY IS LOCATED AT 2101 BYPASS ROAD**

To vary from Section 26.10.F.4.h, which states "Off-premises signs shall be illuminated only by means of continuous reflected light. Internally-illuminated or back-lit billboards are prohibited," to allow for the conversion of an existing billboard to an LED billboard.

To also vary from Section 26.10.F.4.d, which states in part "Off-premises signs shall not exceed thirty (30) feet in height," to allow for an existing off-premises sign thirty-five (35) feet in height, a variance of five (5) feet.

Mulvaney calls petitioner forward.

Terry O'Brien for Burkhart Advertising, 1335 Mishawaka Avenue, South Bend, Indiana. Burkhart would like to introduce modern technology to Elkhart. He states they have 12 years of experience and 26 changeable, electronic message boards in service. The change between ads is simultaneous. There is no animation or movement. INDOT set regulations about 15 years ago and they follow all the rules and regulations, including a dimmer switch to control the illumination depending on the ambient lighting.

Mulvaney asks if the petition is for two requests. One for the height and the other for the conversion to LED.

O'Brien states that he would like to address the height first. The height will not change. The pole supporting the sign will not change. There is a face that they wrap which is a metal plate that will be removed. Support brackets will be added and the apparatus that does the changing will be set into the same frame that exists. An observer would not know that anything has changed other than the ad changes.

Mulvaney asks for questions from the Board.

Schaffer asks how often the add will change.

O'Brien states from 6-8 seconds depending on how the sales team sells that.

Davis asks if this is the only one in Elkhart County.

O'Brien states that the county approved one in December at the intersection of 15 and 20.

Mulvaney asks what controls the brightness, if it is a sensor.

O'Brien states that is correct.

Schaffer asks what is the need for going to the LED, if more businesses are trying to advertise.

O'Brien states that it is a combination of National customers accustomed to having this type of inventory, being able to advertise in larger markets. They have now come to wanting to advertise in Elkhart County. He states that ten to twelve years ago he would not have been able to sell it. Also, based upon ordinances in general, which are rewritten every 5 years or so, some are made more liberal, and some are more restrictive. He states that as population and traffic pattern shifts there is not the flexibility to take a sign down and move it like there has been before. So some of the inventory has been taken down because they are on roads that no one travels any more, or there is not enough traffic to sell it to their customers.

Mulvaney asks if the variance with respect to height is approved with the 2 staff conditions regarding the sign never being over 35 feet or elements such as lighting being added to the height, would O'Brien have an issue with that.

O'Brien states they would not.

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

### **STAFF ANALYSIS**

Improvements in technology and reductions in price have led to an outdoor advertising trend away from traditional billboards to digital billboards. Some communities have enacted complete bans on digital billboards specifically, or electronic message signs more broadly. Others have elected to permit such signs in certain locations or districts, and with certain development standards. There is conflicting literature regarding digital billboards and driver distraction as compared to traditional billboards. It is often hard to control for the many variables that account for driver distraction and sometimes the studies are funded or sponsored by organizations with interests in outdoor advertising. Some studies have suggested digital billboards, especially at night, create a greater distraction in number of glances or duration of distraction. Other studies suggest the impacts are similar to traditional billboards if additional safety standards are put in place. This would include factors such as controlling brightness, lengthening dwell time, limiting video or messages that include motion, and ensuring the sign doesn't conflict with or display images that may be confused with traffic control signage. Court cases regarding regulation of billboards have upheld bans on digital signs by accepting local government arguments that the bans serve traffic safety and aesthetic interests.

As mentioned above, this billboard received several variances in 2016 to permit its construction. The need for a height variance was not identified at that time. Because the previous variances were approved for the current sign, it is appropriate to approve the variance from Section 26.10.F.4.d, to allow for a sign thirty-five (35) feet in height.

The existing billboard is approximately 35 feet from the edge of Bypass Road; it is approximately 215 feet from the center of the N Nappanee St/SR 19 and Bypass Rd intersection. Even with conditions to limit brightness and lengthen the dwell time of each sign message, conversion to a digital billboard at this location would likely lead to undesirable traffic safety conditions. In addition to proximity to the intersection, there are a number of curb cuts/driveways along both N Nappanee St/SR 19 and Bypass road near this sign. Increased driver distraction could lead to more accidents along the busy corridor. Until additional research can show that digital billboards do not lead to increased distraction when compared to traditional billboards, such conversion should not be approved at this location.

### **STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance from Section 26.10.F.4.d, to allow for an existing off-premises sign thirty-five (35) feet in height, a variance of five (5) feet, based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the off-premises sign already exists at 35 feet in height;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the off-premises sign already exists at 35 feet in height;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the sign already exists and was previously granted several variances for the current structure;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because it would require removal or complete reconstruction of the sign for which several variances were already approved;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because the sign is pre-existing;
7. This property does not lie within a designated flood area.

The Staff recommends **denial** of the developmental variance from Section 26.10.F.4.h, to allow for the conversion of an existing billboard to an LED billboard, based on the following findings of fact:

1. The approval will be injurious to the public health, safety, morals or general welfare of the community because the proposed digital sign could increase distractions near the intersection of N Nappanee St/SR 19 and Bypass Rd. This is a busy thoroughfare with a signalized intersection and numerous driveways/curb cuts in the vicinity of the sign;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the traditional billboard is pre-existing and the surrounding area is a busy commercial corridor;
3. Granting the variance would not be consistent with the intent and purpose of this Ordinance because of potential negative impacts to public health and safety as well as community aesthetics;
4. Special conditions and circumstances do not exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district;
5. The strict application of the terms of this Ordinance will not result in practical difficulties in the use of the property because it includes an existing, occupied multi-tenant commercial building and a traditional billboard with current advertising signage;

6. The special conditions and circumstances do result from an action by the applicant because the property is currently being used for its intended purpose; the owner simply wishes to change the sign display type;
7. This property does not lie within a designated flood area.

Smith states there were 10 letters mailed, 0 returned.

Mulvaney calls for questions from the Board for staff.

Schaffer asks if the City Council has ever considered this matter.

Smith states he is not aware of anything that has been before City Council.

Trotter states that they are in the process of beginning to review the sign code and a number of newer technologies including this type of sign request. They have looked at the petitioner's request for this and the other two areas and recommended the way they did for the 3 petitions in order to give an opportunity to see what the technology looks like with a later petition. Considering the reasons that were outlined in the staff report, they felt the need to recommend against until there is an opportunity to review and update the sign ordinance and have some updates sometime this year.

Schaffer states that BZA is often called upon to make difficult decisions but he wonders if this is introducing something into the city that Council should have an opportunity to weigh in on rather than BZA.

Strycker agrees with the comments from Schaffer.

Mulvaney asks for further questions or comments. Seeing none, he calls for a motion regarding Section 26.10.F.4.d for height.

Schaffer makes motion to approve with conditions; Second by Strycker.

Davis - Yes  
Schaffer - Yes  
Strycker - Yes  
Mulvaney - Yes

Motion carries.

Mulvaney calls for a motion regarding variance from Section 26.10.F.4.h having to do with LED lighting.

Schaffer makes motion to approve with conditions; Second by Strycker.

Davis - No  
Schaffer - No  
Strycker - No  
Mulvaney - No

Motion fails.

Schaffer makes motion to deny; Second by Davis.

Davis - Yes  
Schaffer - Yes  
Strycker - Yes  
Mulvaney - Yes

Motion to deny carries.

Mulvaney states to O'Brien that the City Council will be addressing the issue with more detail. The BZA is not really equipped to deal with some of the policy issues until then.



**20-BZA-41 PETITIONERS ARE THE BARCLAY CORPORATION**  
**PROPERTY IS LOCATED AT VACANT LOT, EAST BEARDSLEY AVENUE**

To also vary from Section 26.10.F.4.c, which states in part, "Off premises signs shall not exceed three hundred (300) square feet in area, to allow for an existing off premises sign of 672 square feet, a variance of 372 square feet.

To also vary from Section 26.10.F.4.d, which states in part "Off-premises signs shall not exceed thirty (30) feet in height," to allow for an existing off-premises sign thirty-five (35) feet in height, a variance of five (5) feet.

To vary from Section 26.10.F.4.f, which states in part, "Off premises signs shall be located behind the required building setback line of the lots on which they are located" to allow the sign to be located five (5) feet from the property line, a variance of 25 feet.

To also vary from Section 26.10.F.4.h, which states "Off-premises signs shall be illuminated only by means of continuous reflected light. Internally-illuminated or back-lit billboards are prohibited," to allow for the conversion of an existing billboard to an LED billboard.

To also vary from Section 26.10.F.4.j, which states in part "Off-premises signs shall not be located within thirteen hundred (1,300) feet of the St. Joseph River," to allow an existing off-premises sign three-hundred-fifty (350) feet from the St. Joseph River, a variance of nine-hundred-fifty (950) feet.

Mulvaney calls petitioner forward.

Terry O'Brien appears in person. He states that Burkhart looks forward to working with City Council and staff regarding these petitions.

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

**STAFF ANALYSIS**

Improvements in technology and reductions in price have led to an outdoor advertising trend away from traditional billboards to digital billboards. Some communities have enacted complete bans on digital billboards specifically, or electronic message signs more broadly. Others have elected to permit such signs in certain locations or districts, and with certain development standards. There is conflicting literature regarding digital billboards and driver distraction as compared to traditional billboards. It is often hard to control for the many variables that account for driver distraction and sometimes the studies are funded or sponsored by organizations with interests in outdoor advertising. Some studies have suggested digital billboards, especially at night, create a greater distraction in number of glances or duration of distraction. Other studies suggest the impacts are similar to traditional billboards if additional safety standards are put in place. This would include factors such as controlling brightness, lengthening the dwell time of each message, limiting video or messages that include motion, and ensuring the sign doesn't conflict with or display images that may be confused with traffic control signage. Court cases regarding regulation of billboards have upheld bans on digital signs by accepting local government arguments that the bans serve traffic safety and aesthetic interests.

In the case of this existing billboard and variance request, the south facing sign is approximately 5 feet from the property line, 20 feet from the edge of the roadway, and only 77 feet from the center of the E Beardsley Ave and Johnson St intersection. The sign is approximately 350 feet from the bank of the St. Joseph River. Because the billboard is currently legal, non-conforming with respect to several development standards of the zoning ordinance, the variances to permit the larger size, taller height, reduced setback from the property line, and reduced setback from the river, would allow the billboard to be reconstructed if damaged or abandoned. The small size and odd shape of the parcel make it unlikely to support development in accordance with the provisions of the B-2 district.

However, replacement of one of the traditional, static sign faces with a digital (LED) sign face so close to the intersection and St. Joseph River, as well as potentially being visible from the River District, would lead to undesirable traffic safety and aesthetic conditions. The proximity to the roadway and intersection would likely lead to increased driver distraction and exacerbate dangerous conditions at an already busy intersection with offset geometry, where there are also numerous curb cuts/driveways nearby. At night, the illuminated sign could interfere with visibility of the traffic control signals, especially for westbound traffic on E Beardsley Ave.

The zoning ordinance prohibits billboards within 1320 feet (one-quarter mile) of the St. Joseph River specifically to enhance aesthetics along the scenic river. The variance to reduce this setback to 350 feet is only warranted because the sign already exists. A proposed billboard seeking this variance would likely be denied. As such, conversion to a digital billboard so close to the river represents a significant negative impact to the aesthetic character along the riverfront.

### **STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variances from Sections 26.10.F.4.c, 26.10.F.4.d, 26.10.F.4.f, and 26.10.F.4.j to allow for an existing off-premises sign 672 square feet in area, thirty-five (35) feet in height, five (5) feet setback from the property line, and 350 feet setback from the St. Joseph River, based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the off-premises sign already exists at this location and with these dimensions;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the off-premises sign already exists at this location and with these dimensions;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the sign already exists and the subject property is of a size and shape that would make it difficult to support any development in accordance with the provisions of the B-2 District;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because it would require removal of the sign with little to no potential for new development;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because the sign is pre-existing;
7. This property does not lie within a designated flood area.

The Staff recommends **denial** of the developmental variance from Section 26.10.F.4.h, to allow for the conversion of an existing billboard to an LED billboard, based on the following findings of fact:

1. The approval will be injurious to the public health, safety, morals or general welfare of the community because the proposed digital sign could increase distractions near the intersection of E Beardsley Ave and Johnson St. This is a busy thoroughfare with a signalized intersection and numerous driveways/curb cuts in the vicinity of the sign. Additionally, the illuminated sign may interfere with visibility of the traffic signals, especially when approaching from the east along E Beardsley Ave;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the traditional billboard is pre-existing and the surrounding area is a busy commercial corridor;
3. Granting the variance would not be consistent with the intent and purpose of this Ordinance because of potential negative impacts to public health and safety as well as community aesthetics, especially along the St. Joseph River;
4. Special conditions and circumstances do not exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district;
5. The strict application of the terms of this Ordinance will not result in practical difficulties in the use of the property because it includes an existing, traditional billboard with current advertising signage;
6. The special conditions and circumstances do result from an action by the applicant because the property is currently being used for off-premise commercial signage; the owner simply wishes to change the sign display type;
7. This property does not lie within a designated flood area.

### **CONDITIONS**

If the Board chooses to approve the requested developmental variance from Section 26.10.F.4.d, staff recommends that the following conditions be placed upon the approval:

1. Off-premise signs shall not exceed thirty-five (35) feet in height.
2. No incidental structures, lighting, components, or sign elements shall be added, which extend above the existing thirty-five-foot sign height.
3. Each sign face shall be a maximum of 14 feet by 48 feet, 672 square feet.
4. The sign shall not be relocated or reconstructed to be closer than five (5) feet to the property line or 350 feet to the St. Joseph River.

Smith states there were 6 letters mailed, 0 returned.

Mulvaney asks for questions from the Board for staff. He notes there is a comment from Lisa on Facebook that the area is already a traffic distraction and LED signage would be a definite distraction. Hearing no questions, he calls for a motion regarding variance from Section 26.10.F.4.c, 26.10.F.4.d, 26.10.F.4.f, and 26.10.F.4.j.

Schaffer makes motion to approve with conditions; Second by Strycker.

Davis - Yes  
Schaffer - Yes  
Strycker - Yes  
Mulvaney - Yes

Motion carries.

Schaffer makes motion to approve variance from Section 26.10.F.4.h; Strycker seconds.

Davis - No  
Schaffer - No  
Strycker - No  
Mulvaney - No

Motion fails.

Schaffer makes motion to deny variance from Section 26.10.F.4.h; Strycker seconds.

Davis - Yes  
Schaffer - Yes  
Strycker - Yes  
Mulvaney - Yes

Motion carries.

**20-UV-21 PETITIONERS ARE THE BARCLAY CORPORATION  
PROPERTY IS LOCATED AT VACANT LOT, EAST BEARDSLEY AVENUE**

To vary from Section 26.10.F.4.a, Off-Premises Signs, which states "Off premises signs shall only be permitted in the B-3 and "M", Manufacturing Districts" to allow for an existing off premises sign on the parcel in a B-2 District.

Mulvaney calls petitioner forward.

Terry O'Brien appears in person.

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

**STAFF ANALYSIS**

The existing off-premises signs are considered legal, non-conforming uses, because it is assumed they were legally permitted at the time of construction, but no longer conform to the provisions of the zoning ordinance. As indicated above, off-premises signs shall only be permitted in the B-3 and M districts.

Approval of the use variance would make the existing signs legally conforming, as opposed to legally non-conforming, for the subject property. The zoning ordinance includes provisions that state non-conforming uses shouldn't be increased, expanded, moved, and so on. For off-premise signs, that means the sign message or copy can be changed but the remainder of the structure should remain as is, while allowing for basic maintenance. The non-conforming status remains indefinitely unless the use is destroyed, discontinued, or abandoned for more than one year. Should the sign structure be damaged beyond repair, it could not be rebuilt. Basically, the sign is already allowed to exist because of the legal, non-conforming status. Granting the variance would simply allow it to be re-built should it be discontinued or destroyed.

**STAFF RECOMMENDATION**

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

1. Approval will not be injurious to the public health, safety, morals, and general welfare of the community because the property already contains the off-premise signs;
2. Use and value of the area adjacent will not be affected in a substantially adverse manner because the property already contains the off-premises signs;
3. The need for the variance does arise from some condition peculiar to the property because the off-premise sign structure was already established before the ordinance limited such signs to the B-3 and M districts;
4. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because the signs would have to be removed and any future use of the property is unlikely given the very small size of the parcel and location at the intersection;
5. The approval of this variance will be consistent with the comprehensive plan which calls for this area to be developed with commercial uses.

Smith states there were 6 letters mailed, 0 returned.



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

Schaffer makes motion to approve; Second by Davis.

Davis - Yes

Schaffer - Yes

Strycker – Yes

Mulvaney – Yes

Motion carries.

**20-BZA-42 PETITIONERS ARE INDIANA MICHIGAN POWER, AN AEP COMPANY  
PROPERTY IS LOCATED AT VACANT LOT, SOUTH MAIN STREET**

To vary from Section 26.10.F.4.c, which states in part, "Off premises signs shall not exceed three hundred (300) square feet in area, to allow for an existing off premises sign of 672 square feet, a variance of 372 square feet.

To also vary from Section 26.10.F.4.d, which states in part "Off-premises signs shall not exceed thirty (30) feet in height," to allow for an existing off-premises sign thirty-five (35) feet in height, a variance of five (5) feet.

To vary from Section 26.10.F.4.f, which states in part, "Off premises signs shall be located behind the required building setback line of the lots on which they are located" to allow the sign to be located five (5) feet from the property line, a variance of 25 feet.

To also vary from Section 26.10.F.4.h, which states "Off-premises signs shall be illuminated only by means of continuous reflected light. Internally-illuminated or back-lit billboards are prohibited," to allow for the conversion of an existing billboard to an LED billboard.

Mulvaney calls petitioner forward.

Terry O'Brien appears in person. He states that this petition does not have the concern with distance from an intersection that the previous petitions did. He asks that this one would therefore be approved.

Mulvaney asks for questions from the Board.

Schaffer asks if Mr. O'Brien would be open to a variance that had a duration on it (inaudible from interference) so that the Council could see it to get a feel personally for what they thought about it.

O'Brien asks if Schaffer is asking if Burkhart would be willing to take the sign down after a particular time if the Council says, "No."

Schaffer states that he is thinking 3-4 years on a variance. He does not know if that is the right solution, but he is asking a question.

O'Brien states that he would be hesitant because of the capital expenditure, but he will say that whatever illuminations are approved for daylight and nighttime, whatever duration of how long the sign has to be fixed, Burkhart is willing to adapt the use of this sign based on what is approved by the Council, staff, the consultant, and Burkhart being involved in the conversations.

Mulvaney asks would there be any issue if this is approved with the 10 conditions with respect to the variance.

O'Brien states that he has a concern with the static time period of 20 seconds before it could switch. INDOT's rules and regulations require an 8 second fixation, so he requests to follow those rules. If the Council approves a new sign ordinance that goes with the 20 or 10 or 8 seconds, Burkhart would be willing to adapt to whatever is approved. However, to introduce it to the market they would like to introduce it as the others run, and if that is determined to be inappropriate, they would modify.

Mulvaney clarifies that the Indiana Department of Transportation mandates 8 seconds and Burkhart are asking that condition be modified to 8 seconds until the Council come up with a different standard.

O'Brien states that they would follow a different standard if it were to pass, but they feel that 8 is not asking for something inappropriate since that is what INDOT has approved.

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

### **STAFF ANALYSIS**

Improvements in technology and reductions in price have led to an outdoor advertising trend away from traditional billboards to digital billboards. Some communities have enacted complete bans on digital billboards specifically, or electronic message signs more broadly. Others have elected to permit such signs in certain locations or districts, and with certain development standards. There is conflicting literature regarding digital billboards and driver distraction as compared to traditional billboards. It is often hard to control for the many variables that account for driver distraction and sometimes the studies are funded or sponsored by organizations with interests in outdoor advertising. Some studies have suggested digital billboards, especially at night, create a greater distraction in number of glances or duration of distraction. Other studies suggest the impacts are similar to traditional billboards if additional safety standards are put in place. This would include factors such as controlling brightness, lengthening the dwell time of each message, limiting video or messages that include motion, and ensuring the sign doesn't conflict with or display images that may be confused with traffic control signage. Court cases regarding regulation of billboards have upheld bans on digital signs by accepting local government arguments that the bans serve traffic safety and aesthetic interests.

In the case of this existing billboard and variance request, design of the adjacent roadway and the context of surrounding development suggest that conditions can mitigate the potential negative impacts a digital sign could create. Specifically, conditions are recommended to control brightness, limit motion, and slow the frequency of message changes to correspond to roadway speed and sight distance. This sign is also located more than 1,000 feet from the nearest signalized intersection. Additionally, the adjacent railroad right-of-way and wooded area to the north and east help to buffer the sign from the residential properties in that direction. If the Board finds to approve the variances, staff strongly suggests that all conditions be required, and that they be signed as a written commitment by the property owner and recorded against the property, to aid in enforcement should it be required.

### **STAFF RECOMMENDATION**

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

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the off-premise sign already exist. Conversion of one sign face to a digital (LED) face will not be injurious so long as the recommended conditions are required and met;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the off-premise sign already exists, and conversion of one face to a digital (LED) face, if properly dimmed, can result in less light trespass onto adjacent properties;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the parcel is limited in size and oddly shaped because of the adjacent roadway and railroad. Little other development could occur on the property;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because it would limit the ability of the property to be used for commercial purposes;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because the existing off-premise sign is legal, non-conforming and the ordinance does not presently address digital off-premise signs in accordance with current technology;
7. This property does not lie within a designated flood area.

### **CONDITIONS**

If the Board chooses to approve the requested developmental variances, staff recommends that the following conditions be placed upon the approval:

1. The variances related to sign area, height, and location shall apply to both signs/faces.
2. The variance related to illumination, to permit an LED face, shall only apply to the southeast facing sign/face.
3. Movement, including video, flashing, and scrolling, is prohibited.
4. Message sequencing, where content on one message is related to content on the next message, is prohibited.
5. The minimum time duration of each message shall be 20 seconds.
6. The sign must be equipped with a sensor and programmed to automatically dim in response to changes in ambient light.
7. The maximum brightness shall not exceed three-tenths (0.3) foot candles over ambient light levels.
8. Light trespass shall not exceed one-tenth (0.1) foot candles as measured at the property line of any residential district.
9. The sign must either stay fixed on one message or go blank if there is a malfunction that would not permit the sign meeting the above conditions.
10. No sign message may depict, or closely approximate, official traffic control signage.

Smith states there were 13 letters mailed, one not in favor with comments. Comments were: We have been diligently working on our new business to improve and upgrade the area of South Main Street while entering the city. We have been maintaining part of the neighboring property as we can to improve this area. The proposed excessive enlargement of this billboard signage would be a distraction to the cleanliness and professional image that we are trying to accomplish. We don't want our area to look like the toll road and its billboard placement. The current signage is one of the larger ones in that area. The speed and careless driving on that portion of the road does not need an additional distraction to drivers. We are fine with the current billboard dimensions, but against such a large increase in the dimensions. Since the city is considering annexing the Flavor Freeze and Concord Bus Depot to its limits, we feel it is important to convey a positive image coming into the city. The proposed additional square footage for the signage is larger than double its current sign's dimensions. We want people to see our clean, updated business in a non-obstructed view.

Smith states he believes they were referring to the area of limitation which is actually just sanctioning. He states there was also one not in favor with comments, but the comments did not come through in the fax.

Mulvaney addresses Trotter with respect to the minimum time duration. He states that O'Brien has asked that condition be modified from 20 seconds to 8, pending the City Council or staff revising it in the future. He asks if staff has any objection to that and, if so, why.

Trotter states that they worked with the consultant and these are the conditions based upon that preliminary study before staff can do an overhaul of their sign ordinance or what was reported back to them. It would be up to the Board to modify conditions.

Mulvaney asks for further questions from the Board. Hearing none, he calls for a motion.

Schaffer makes motion to approve with conditions, amending condition 5 to say that the minimum time duration of each message shall be as regulated by INDOT or the City of Elkhart, whichever is most stringent; Second by Davis.

Strycker – No  
Davis - No  
Schaffer - Yes  
Mulvaney – Yes

Mulvaney asks Arndt what are the options with a tie.

Arndt states that the petition does not pass with a tie. It could be voted again, but as of now the motion fails.

Davis states that he understood none of these were going to be passed until they went before the Council.

Mulvaney states that the consensus was that the Council was going to develop some standards. This was one that the staff thought was appropriate under the circumstances, but things might change when the Council reviews it. He states that with a tie vote, the developmental variance fails. He asks Trotter or Smith if the Board still needs to act on the Use Variance that allows for the existence of a sign.

Smith states that is correct. He states that if no decision is reached, the petition will be re-advertised for a public hearing at the Board's next meeting. There could be another motion, but it will come up again.

O'Brien asks if changing the duration to 20 seconds would help.

Mulvaney replies that, as he understands it, the two members who voted against it did so because they wanted the City Council to deal with it. The 20 seconds was not the issue. However, this issue will come up again next month.

**20-UV-22 PETITIONERS ARE INDIANA MICHIGAN POWER, AN AEP COMPANY  
PROPERTY IS LOCATED AT VACANT LOT, SOUTH MAIN STREET**

To vary from Section 26.10.F.4.a, Off-Premises Signs, which states "Off premises signs shall only be permitted in the B-3 and "M", Manufacturing Districts" to allow for an existing off premises sign on the parcel in a B-2 District.

Mulvaney calls petitioner forward.

Terry O'Brien appears in person.

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

#### **STAFF ANALYSIS**

The existing off-premises signs are considered legal, non-conforming uses, because it is assumed they were legally permitted at the time of construction, but no longer conform to the provisions of the zoning ordinance. As indicated above, off-premises signs shall only be permitted in the B-3 and M districts.

Approval of the use variance would make the existing signs legally conforming, as opposed to legally non-conforming, for the subject property. The zoning ordinance includes provisions that state non-conforming uses shouldn't be increased, expanded, moved, and so on. For off-premise signs, that means the sign message or copy can be changed but the remainder of the structure should remain as is, while allowing for basic maintenance. The non-conforming status remains indefinitely unless the use is destroyed, discontinued or abandoned for more than one year. Should the sign structure be damaged beyond repair, it could not be rebuilt. Basically, the sign is already allowed to exist because of the legal, non-conforming status. Granting the variance would simply allow it to be re-built should it be discontinued or destroyed.

While the subject property is zoned B-2, it will never be developed with B-2 uses. Uses permitted in the adjacent PUD districts are comparable to those uses that would be permitted in the B-3 and B-4 districts. Additionally, rail right-of-way is adjacent to the site to the north and east, and the single-family homes beyond that are screened by a wooded area between the rail line and CR 45.

#### **STAFF RECOMMENDATION**

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

1. Approval will not be injurious to the public health, safety, morals, and general welfare of the community because the property already contains the off-premise signs;
2. Use and value of the area adjacent will not be affected in a substantially adverse manner because the property already contains the off-premises signs and additional development on the site is highly unlikely;
3. The need for the variance does arise from some condition peculiar to the property because the off-premise sign structure was already established before the ordinance limited such signs to the B-3 and M districts;
4. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because the signs would have to be removed and any future use of the property is unlikely given utility infrastructure and the odd shape of the parcel between South Main Street and the railroad;
5. The approval of this variance will be consistent with the comprehensive plan which calls for this area to be developed with commercial uses.

Smith states there were 13 letters mailed, one not in favor with comments, but the comments did not come through in the fax.

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

Schaffer makes motion to approve with conditions; Second by Davis.

Davis - Yes  
Schaffer - Yes  
Strycker -- Yes  
Mulvaney -- Yes

Motion carries.

#### **NEW BUSINESS**

##### **20-X-06 PETITIONER IS NEW VISION OF LIFE CHURCH PROPERTY IS LOCATED AT 400 MISHAWAKA RD**

A Special Exception per Section 4.3, Special Exception Uses in the R-1, One-Family Dwelling District, to allow for the expansion of an existing Day Care Center, to allow for school age children and up to 45 children, where previously the operation was limited to 30 children aged 2-5.

Mulvaney calls petitioner forward.

Yuhui Lu appears via WebEx. He states that he is the director of Rock Foundation Preschool and Day Care at this address. Two years ago this Board approved this church building to use a classroom as a daycare center which has since provided daycare for the

working parents of Elkhart. They currently have 22 children. He is asking the Board for permission to continue to use this building and to increase the capacity to 45 children. Last time they got permission for a limit of 30 children.

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

#### **STAFF ANALYSIS**

The property is a place of worship with an accessory rental home located on a corridor with a mix of residential and commercial uses. The zoning lot is approximately 5.23 acres, with the primary building comprising approximately 20,000 square feet. Prior to the daycare operation being established in 2019, a portion of the building was used as a school and has several classrooms, each of which is attached to a child's bathroom with one toilet and one sink, and an outdoor play area.

In November of 2018, the Board granted a special exception to allow the daycare center. At the time, operator of the daycare center, Mr. Yuhui Lu, stated his intent to start with a license for up to 30 children aged 2-5, but that he intended to expand his operation in the future. The resulting special exception placed those limitations upon the operation.

Since that time, Mr. Lu has received a license for an expanded daycare center from the state's Family and Social Services Administration (FSSA), allowing up to 45 children aged 2 to school-age. Staff has once again met with Mr. Liu and inspected the church and believes that the organization and facility are adequate to house an operation of that size. The daycare has received three critical health and safety violations – two having to do with documentation and one due to cleaning supplies being unlocked. While always a cause for concern, experience has shown that a few violations are not uncommon for an operation of this size.

#### **STAFF RECOMMENDATION**

The Staff recommends approval of the special exception based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because the property has already been developed with the capacity to house a daycare center;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

#### **CONDITIONS**

If the Board chooses to approve the requested special exception, staff recommends that the following conditions be placed upon the approval:

1. All children shall be restricted to the church and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises that exceeds what is allowed by the district or variance.
5. A day care center license shall be obtained prior to operation, and a copy of the license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. The Special Exception shall be for children ages 2 through school age.
8. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
9. There shall be a maximum of 45 children under the supervision of the petitioner, with adequate staff according to state guidelines.
10. Adults dropping off and picking up children shall use the east curb cut for ingress and the west curb cut for egress.
11. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by December 8, 2022.

Smith states there were 17 letters mailed, one returned in favor with no comments.

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

Schaffer makes motion to approve with conditions; Second by Davis.

Davis - Yes  
Schaffer - Yes  
Strycker - Yes  
Mulvaney - Yes

Motion carries.

**21-X-01 PETITIONER IS FRANCISCO SESMAS AND MARIA TORRES**  
**PROPERTY IS LOCATED AT 2215 S SIXTH STREET**

A Special Exception per Section 5.3, Special Exception Uses in the R-2, One-Family Dwelling District, to allow for a Day Care Center.

Mulvaney calls petitioner forward.

Francisco Sesmas and Maria Torres appear via WebEx. He states that they are asking for a special exception for a daycare. It is one of five mentioned in previous petitions they have had. It complied with all regulations from the state. It has a state license and a capacity of 12.

Mulvaney asks for questions from the Board. Seeing none, he asks if the petitioners have seen the conditions from staff.

Sesmas states that they have; there is currently a schedule to fix the garage for this month, and there is some painting to do on the outside on the siding.

Mulvaney asks if they have any problems with any of the conditions there would be imposed

Sesmas states that they do not.

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

**STAFF ANALYSIS**

The petitioner owns a house that was formerly a residence on a .28-acre lot and has been using it as a daycare center for several years without the required special exception which is a violation of the zoning ordinance. Under Elkhart's zoning ordinance, a daycare in a residential house in which the provider does not live is classified as a daycare center. The business currently has a license for up to 12 children, and operates only during the summer months.

The buyer under contract, Maria Torres, currently operates several other daycares in the area. According to the Elkhart County Assessor's records state the house is 732 square feet the spatial standards for daycares are 35 square feet per child, making the space adequate for the maximum licensed capacity of 12 children. Generally speaking, Ms. Torres has a good recent record with state inspections of her operations, without an excessive number of critical violations. Records dating back to 2018 for this location have been reviewed by staff, and there have been no critical violations.

The interior of the house appears to be well established for a daycare. The exterior includes playgrounds in the front and back, and the entire property is enclosed by a fence. However, the fence has a large gate in front for the driveway; daycare staff should take care to ensure the fence is closed while children are outside. One safety violation noted that the gate was open during an inspection by the state's Family and Social Services Administration (FSSA).

The site is currently not served by sewer and water, and only a water line currently exists along Sixth Street. A sewer extension has been requested for the adjacent property to the south, and is scheduled for 2021. Should the septic system fail, it would need to be serviced until a sewer connection is available.

Staff has some concerns about the site. First and foremost are a couple of health and safety concerns. During staff's inspection, the exterior of the house had fungi growing on it. Removing this growth should be a part of normal maintenance. Additionally, the garage has a roof that's in poor condition and appears to be in danger of failing. The petitioner should repair, demolish, or block off access to the garage (with a barrier such as a fence).

Additionally, there is an unimproved driveway leading to the garage. The daycare clients are apparently using this driveway and part of the lawn area for drop off/pick up in violation of the zoning ordinance. The petitioner should install a paved parking/pick-up/drop-off area, subject to staff's prior approval.

### **STAFF RECOMMENDATION**

The Staff recommends approval of the special exception based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because the property size is ample, the building has an ample setback from the street and is screened by a fence;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

### **CONDITIONS**

If the Board chooses to approve the requested special exception, staff recommends that the following conditions be placed upon the approval:

1. The petitioner or lessee shall pave a pickup/drop off area to city standards prior to the daycare's resuming operation this summer; a plan shall be submitted and approved by city staff before any work is done;
2. Property maintenance to ensure health and safety should occur prior to reopening. These include removing fungi from the house siding, and either fixing the garage roof, demolishing the garage, or placing a barrier around it.
3. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings. The fence gate should be closed while children are outdoors.
4. The facility and grounds shall be kept clean at all times.
5. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
6. There shall be no exterior display, signs, or other forms of advertising on the premises.
7. A copy of the child care license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
8. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
9. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
10. There shall be a maximum of twelve (12) children.
11. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by January 13, 2023.

Smith states this comes with a "Do Pass" recommendation from Plan Commission. However, they did request a timeframe for finishing conditions number 1 and 2 of May 1<sup>st</sup> this year, so the Board may entertain adding an additional condition. He states there were 21 letters mailed. One returned in favor with no comments. One returned not in favor with comments: Too much traffic running stop signs.

Mulvaney asks for questions from the Board for staff.

Schaffer states that the petitioners were not available for the Plan Commission meeting. For the condition that was added, the petitioners did not have any input and the Commission added after some discussion.

Mulvaney asks if the petitioners would have a problem getting the first two conditions done by May 1<sup>st</sup>.

Sesmas states they believe it is doable.

Mulvaney calls for a motion.

Schaffer makes motion to approve with conditions as amended by the Plan Commission to include completion dates for number 1 and number 2; Second by Davis.

Davis - Yes

Schaffer - Yes

Strycker - Yes

Mulvaney - Yes

Motion carries.

**21-BZA-01 PETITIONER IS FLEXIBLE CONCEPTS, INC**  
**PROPERTY IS LOCATED AT 1620 MIDDLEBURY STREET**

To vary from Section 26.7.E.3, Off Street Loading Requirements to allow for a proposed additional loading dock to be constructed that will require the public right of way for maneuvering to access the proposed dock.

Mulvaney calls petitioner forward.

Matt Schuster appears on WebEx for JPR, 300 Nibco Parkway, Suite 250. He states they are seeking to construct a new 20 ft. wide by 50 ft. long truck dock in front of an existing overhead door located on the east side of Riverview Avenue. It is adjacent to an existing truck dock at the northwest corner of their building. The existing dock uses the public right of way to maneuver and back in and this dock would need to do the same. They are requesting to add this dock to allow for faster loading and unloading with less queuing of vehicles on the street.

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

**STAFF ANALYSIS**

The petitioner owns an existing building at the intersection of Middlebury Street and Riverview Avenue. According to Elkhart County Assessor's records the property was built in 1965 and comprises approximately 134,000 square feet.

The industrial park where the building is located is older, on a corner lot, that does not afford the ability to design and build a conforming loading dock with onsite maneuvering. There is not sufficient room at the rear of the building with the way the building is configured. In order to facilitate that type of design it would be cost prohibitive due to the current building configuration.

Riverview Avenue is a minor street that serves the industrial park and the adjacent athletic fields. The timing for the trucks is infrequent enough that staff does not object to the request before this body. This will allow trucks waiting to be unloaded a space to park while waiting rather than being queued on the street.

The need for the additional dock will allow for a faster off loading and loading on their property. This request is also due to the fact that the business is growing and this dock will be of benefit to the daily business operation.

**STAFF RECOMMENDATION**

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

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the impacted street is low volume and the loading maneuvering is variable;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed dock will be the same size and adjacent to an existing dock on the building;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because it was developed prior to the current loading dock requirements;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because it places constraints upon development;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because the structure was pre-existing;
7. This property does not lie within a designated flood area.

Smith states there were 20 letters mailed, one returned in favor with no comments.

Mulvaney asks for questions from the Board for staff. Seeing none, he calls for a motion.

Davis makes motion to approve with conditions; Second by Strycker.

Davis - Yes

Schaffer - Yes

Strycker — Yes

Mulvaney — Yes

Motion carries.



**21-UV-01 PETITIONER IS CREATIVE SEWING DESIGNS, INC. JAMES RUPRIGHT, OWNER  
PROPERTY IS LOCATED AT 1919 CASSOPOLIS STREET**

To vary from Section 13.2, Permitted Uses in the B-3 District, to allow an Auto Salvage Operation. Auto Salvage Operations are not a permitted use in the B-3 District.

Mulvaney calls petitioner forward.

Bill Kuhns appears in person. He states that he is a broker with FM Stone Commercial and has a consulting company called KFS Properties, Inc and has been asked to represent the owner and the tenant because he has been familiar with the building since 1993. He has with him Mrs. Howard who is one of the owners. He submits pictures to the Board for consideration. He states the location is two buildings with an annex between. The front building is to be used for clothing resale and antiques. To the west are 2.81 acres of wooded area as a buffer. They would like to bring in autos that are no longer functional and remove rims, catalytic converters, alternators, starters, radiators. All the operations are inside. There are only two non-family employees. Everything is racked, carted, or barreled for removal. There is no junk on the floors. It is all prepped to go. As soon as the vehicle is stripped of the recyclable parts it is hauled by flatbed or trailer to Kendallville to the crushers. There are no cars beside the employees parked outside. Most of the sales are done through eBay.

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

Michael Wyatt of 2009 Anna Drive. He states that he lives behind this building along the creek. Their biggest concerns are cars sitting outside the building as well as the woods, wildlife, and pollution. They are still on their own well and septic.

Mulvaney states that it's the understanding that all activity will be completely inside the building and nothing will be outside.

Wyatt states that is their biggest concern; they do not care what they do inside.

Mulvaney states there is also a condition regarding noise and odor.

Ronald Green of 1935 Anna Drive. He states that he lives at the western end of the property and also owns part of the wooded property. His major concern is traffic. The road is narrow and two lanes. It is busy and flatbeds, trucks, and other vehicles will clog the road. Previous businesses had parked tow trucks in the street and there were several incidences. The street was generally turned into a one-lane road and created a hazard. He is concerned about safety of school children waiting for buses, dumpsters sitting out, pollution from leaking, and so forth.

Mulvaney states that one of the conditions requested by staff is that there will be no queuing of vehicles into McDowell Street, so they will not be allowed to build up or park there.

Green states they do have two roads, but both of them can get quite busy. Especially if there is a retail operation up front, it could get quite congested with the commercial operation behind.

Luis Arias of 321 Country Club Drive. Traffic is a big concern as he has small children waiting for the bus, walking Country Club Drive to and from the bus. Loading and unloading of cars would be very visible to him. He states that he is also concerned about the noise. He states that he had to go to the repair shop there at 3 o'clock in the morning to ask them to stop making noise so he and another neighbor could sleep. He didn't want to call the police and cause tension. He is also concerned about the hours of operation and property values.

Mulvaney asks the petitioner to address any concerns raised.

Kuhns states that the party that was there on the south end are no longer there. The hours would be 8-5. He defers to Mrs. Howard regarding traffic.

Amy Howard states that there is an alley behind the building. They do not have a lot of in and out traffic because they pick up from the local automotive shops on their own flatbed. They operate a facility in the country now where they were asked not to block the road so they pull directly into the building and it was never an issue. She states that she also has children and understands the concern with them getting on and off the bus; that will not be interrupted either. She states that no one has been in the building at 3 AM since she has had the building, as far as she knows, for several months. Traffic will not be an issue because they don't have any tow trucks. They strictly have their trucks, car trailer, and dump trailer.

Kuhns states that they do not do engines so there will not be oil. The wooded area is not part of this petition. (Inaudible, not speaking into microphone.)

Mulvaney states there was also concern about anything done outside.

Kuhns states that all disassembly is done inside. They use box trucks. (Much of his statement is inaudible as he is not speaking directly into the microphone.)

Howard states that loudest noise might be a Sawzall (inaudible, not speaking into microphone).

Mulvaney requests digital displays of the pictures presented by the petitioners for all present and online. He closes the public portion of the meeting and calls staff forward.

#### **STAFF ANALYSIS**

The petitioner owns a 1.5-acre property located at the southwest corner of Cassopolis and McDowell Street. The property includes two buildings; a retail commercial space fronting on Cassopolis Street and an industrial/warehouse building fronting on McDowell Street. The petitioner wishes to lease the property to a business with two aspects to it – an auto salvage/recycling operation and a resale/antique shop. The latter is allowed by right in the B-3 district and would be housed in the retail building on Cassopolis Street. The auto salvage/recycling operation is not allowed by right and necessitates a variance.

The lessee has stated that the auto salvage/recycling operation would be held entirely inside of the building and no outside storage would occur. The building, which predates current ownership, is well suited to this type of operation. By containing all activity within the building, the likelihood of any nuisance or eyesores to adjacent properties is minimal.

#### **STAFF RECOMMENDATION**

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

1. Approval will not be injurious to the public health, safety, morals, and general welfare of the community because it will be located entirely within an industrial building;
2. Use and value of the area adjacent will not be affected in a substantially adverse manner;
3. The need for the variance does arise from some condition peculiar to the property;
4. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because the space was created for industrial uses;
5. The approval of this variance will be consistent with the comprehensive plan which calls for this area to be developed with commercial uses.

#### **CONDITIONS**

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

1. All salvage activity shall occur completely within the building; outside storage of parts or salvage vehicles will not be allowed.
2. There shall be no queuing of vehicles into McDowell Street.
3. The salvage activity shall not create a nuisance to adjacent properties in the form of noise, smoke, or odor.
4. The building shall be inspected and approved for the proposed use by the Building and Fire Departments prior to operation.

Smith states there were 21 letters mailed. One returned in favor with no comment. Six returned not in favor, four with comments.

There was also another email that did not explicitly state whether they were for or against. Smith reads the correspondence:

"I wholly appose [sic] to an auto salvage operation moving into the 1919 Cassopolis St address. There are many reasons why, but here are a few of the most notable ones:

1. The presence of an auto salvage operation almost directly across the street from our home will surely drive property values down drastically.
2. With vehicles in disrepair sitting so close to our home, as well as a creek, I worry what the chemicals and various biohazards present in the water runoff will do to our well water.
3. If there is an auto salvage operation nearly across the street from my home, we will lose the quiet, secluded atmosphere that was the main reason for use purchasing our home. We will lose nearly all privacy and peace.
4. There is a large wildlife population located within the wooded area that would be torn down to make room for the auto salvage location. It would be absolutely deplorable to displace so many animals that call those woods home.
5. There is already an astounding amount of crime in this area, namely burglary/theft. It is almost a guarantee that someone is going to start breaking into the derelict vehicles. What's to stop them from branching out the one of the many homes located so close by? It's almost begging them to case our homes for potential theft opportunities.

Due to the threat of exposure to COVID-19, I am not able to physically attend the meeting this evening. I sincerely hope that my email is reviewed and included in the meeting. I know that my neighbors share in my opposition to a potential auto salvage operation moving into our quiet neighborhood as well all value this area as our home. I greatly appreciate your time and hope that you have a very pleasant evening."

Smith states the next letter does not clearly state whether it is for or against. He reads:

"I have spoken to both Ryan Smith and Jennifer in the Planning Department about the Variance Case #21-UV-01 allowing the warehouse at 1919 Cassopolis St. to be used for Auto Salvage Operations. I understand a condition is being placed on the variance that requires all vehicles to be inside the building, prohibiting the queuing [sic] of vehicles along McDowell St. and prohibiting smoke, odor and noise. As a neighbor on Anna Drive (2041 Anna Drive) I am adamant that this condition be applied to the variance. I am a certified Hoosier RiverWatch Volunteer and have monitored Christiana Creek in this neighborhood several times. It is a clean and healthy creek and since the land surrounding the building is not paved, I am determined that the creek not be contaminated with hydrocarbons, heavy metals, and battery acids from automobiles being parked outside. Besides being a tremendous eye-sore, this is my pressing concern about vehicles being parked outside the building."

Smith states the next letter is not in favor. He reads:

"Some of the concerns and questions we have are:

- 1) What type of business does the current zoning cover or include?
- 2) Are there any limits on the number of auto-based businesses allowed in a particular area?
- 3) What are the parameters of an Auto Salvage Business?
- 4) Even if initially the business was performed indoors, what recourse is there to neighboring taxpayers if the business spills out to outdoors?
- 5) The increased traffic flow would undoubtedly cause noise and safety concerns in an area that is considered quiet and not a through street. It would also encourage the use of McDowell, Nevada, Robair, Anna and Country Club, as a by-pass option from Cassopolis St. The Speedway traffic already impacts safety concerns by multiple access points. Combined with the Posey car lot and new business venture of car detailing on South side of Creative Sewing Designs building, (not Posey), it has become even more congested and worrisome. Also increased loitering, of possibly juveniles, was observed in front of the detail shop shortly after new business opening and an in-house theft has already occurred there. On-street parking, of large flat-bed trucks or RV's, for extended periods of time, contribute to poor visibility of vehicles entering or exiting off Cassopolis or Country Club. That type of traffic could ultimately impact McDowell St. as well, since that side of building has the potential and plans for multiple businesses.
- 6) Recent code-enforcement eliminated a huge eye-sore at the Main Muffler lot, directly across from where this planned Auto Salvage business would be located. That lot had 20-30 vehicles that were obviously not road-worthy. Expired plates, no plates, truck beds that had plant life growing out of them, due to abandoned status, were the most obvious examples of this junk yard. This was a vehicle service business and not zoned for what was happening there. Extenuating circumstances perhaps, but it certainly meets the criteria for what an auto salvage yard eventually looks like. To envision this same look across the street at Creative Sewing Designs, is not acceptable. I do not have any confidence or trust in the words of the owner that this will not happen.
- 7) The Cassopolis Street Corridor has been targeted for beautification to make our Gateway to Downtown Elkhart more appealing and attractive to the visitors to our city. How does allowing an Auto Salvage Operation add to that vision? How many car lots and/or car service centers, in a 2 mile stretch, does it require before it's considered overly saturated? The shopping area off CR6 has added some flair to that area but the boarded-up Chicago Grill and several other businesses on Cassopolis Street, still need much attention! Why would businesses be allowed that don't enhance the Cassopolis Corridor vision when the problem areas still haven't been resolved? Early zoning laws, before the growth and widening of Cassopolis Street, surely contributed to approving the various businesses that populate the area. Most are fine, especially if they maintain their property. However, it's time to stop enabling ideas that are not conducive to making Downtown Elkhart and the Cassopolis Street Gateway, the reality that is necessary for it's [sic] success!
- 8) Jeff and Katherine Godfrey of 301 Country Club Drive, are emphatically opposed to the special use variance requested by Creative Sewing Designs, Inc. and owner James Rupright."

Further comments were:

"This use variance should absolutely not be allowed!! As someone who would be affected and as a person who would like to see the gateway to downtown Elkhart continue to be improved, it is not conducive to the desired, welcoming look of Cassopolis St. corridor! We just were able to get the junk cars moved from Main St Muffler, on McDougall, that had been a serious eyesore. Protect our property values."

"I don't want a scrapyard across from my house also devaluing my property. It's a quiet neighborhood. This will cause more traffic, noise, and thieves."

Mulvaney asks for questions from the Board. Seeing none, he calls for a motion.

Schaffer makes motion to approve with conditions; Second by Strycker.

Davis - No  
Schaffer - No  
Strycker - No  
Mulvaney - Yes

Motion fails.

Schaffer makes motion to deny the petition; Second by Davis.

Davis - Yes  
Schaffer - Yes  
Strycker - Yes  
Mulvaney - Yes

Motion carries.

Mulvaney calls for next petition to be 19-X-02U so that petitioner can leave for work on time.

#### **19-X-02U**

#### **PROPERTY IS LOCATED AT 706 W INDIANA AVENUE**

Staff and BZA review of Special Exception 19-X-02, which allowed for the establishment of a Day Care Home at 1214 Concord Avenue.

#### **STAFF ANALYSIS**

On January 7, 2019, a special exception was granted to Elvira Herrera's daycare home at 1214 Concord Avenue. The approval came with nine conditions:

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises.
5. A copy of the child care home license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum of twelve (12) children, including those of the petitioner.
9. The operator of the day care home shall live on the premises.
10. The alley cannot be used for drop off and pickup, clients must park in the driveway or on the street.
11. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by January 14, 2021.

Staff visited the site on December 29 and found the owner to be fully in compliance with the conditions placed upon the special exception. Additionally, according to the state's Family and Social Services Administration (FSSA) child care finder site, the day care has an exemplary inspection record, with no critical violations in the last three years.

#### **STAFF RECOMMENDATION**

Staff recommends that the special exception for this property remain in effect for an additional two (2) years, and that it shall be reviewed as a staff item by the Board of Zoning Appeals by January 12, 2023.

Mulvaney calls for a motion.

Schaffer makes motion to approve extension; Second by Davis.

Davis - Yes  
Schaffer - Yes  
Strycker - Yes  
Mulvaney - Yes

Motion carries.

**21-UV-02 PETITIONER IS ADAM HARTMAN**  
**PROPERTY IS LOCATED AT 640 INDUSTRIAL PARKWAY**

To vary from Section 18.2, Permitted Uses in the M-1 District, to allow a Motor Vehicle Wrecking Yard/Motor Vehicle Storage Yard, which is not a permitted use in the M-1 District.

Smith states that staff is requesting to postpone the hearing for one month. They received information that there may be covenants in effect that restrict use and need some time to research before there is a public hearing.

Mulvaney grants the request to postpone for one month.

**21-BZA-03 PETITIONER IS LUCKY HOLDINGS LLC, AJMER SINGH, MEMBER**  
**PROPERTY IS LOCATED AT VACANT LOT BELVEDERE ROAD PARCEL 02-20-401-011-027**

To vary from Section 26.7.C.7 (a, b, c) which states in part that parking lots must be paved with concrete, asphalt, or decorative concrete, brick, or asphalt pavers, to allow for a gravel parking lot.

To also vary from Section 26.7.C.7.h, Parking Lot Design, which requires that circulation aisles for sixty (60) degree parking spaces to be eighteen (18) feet in width, to allow for three circulation aisles to be fifteen (15) feet in width, a variance of three (3) feet.

To also vary from Section 26.7.C.7.o.ii.(a), Pedestrian Access, which states that "When a public sidewalk does not exist... for new construction on vacant land... a public sidewalk... shall be installed," to allow for a new RV Campground development without a public sidewalk.

Mulvaney calls petitioner forward.

Debra Hughes appears online for Marbach, Brady & Weaver of 3220 Southview Drive to represent the petitioner. She states they are petitioning to vary from zoning requirements in 3 elements. Firstly, the minimum driveway width allowed is 18 feet for a one-way operation and they are asking for 15 feet. Secondly, to vary from the requirement for a sidewalk on Belvedere Road. Thirdly, to allow for gravel driveways for the interior circulation drives in the campground. The entrance from Belvedere Road would be paved, and the connection to the adjacent hotel. The petitioners own the Garden Inn Hotel. It is a family business that they have made a viable, thriving business. They would like to develop this 5-acre parcel and develop an RV campground.

Mulvaney asks for questions from the Board. He states that the staff has recommended that, if approved, there is the condition that the drive aisles be paved with an all-weather, dustless, impervious, hard-surface pavement. He asks if that would be a problem for the petitioner.

Hughes states this is a small, family-run operation, not a big-budget corporation. They did ask if they would be allowed 2 or 3 years to install that, so they could save up the money to pay for it. When they bought the Garden Inn and expanded the parking lot to the south, there was an agreement with the City that they were allowed 2 years to install that pavement. They did fulfill the requirement of that agreement and are asking for that again.

Mulvaney states they can modify that condition as they see fit and will pose the question to staff. He asks for further questions from the Board. Seeing none, he opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner owns a vacant lot comprising approximately 5 acres at the northeast corner of Belvedere Road; the toll road is to the immediate north and Cassopolis Street is to the immediate east. Property to the west is industrial and property to the south is a hotel which is under the same ownership. They wish to develop the lot as an RV campground that would be associated with the hotel, and received variance number 20-UV-08 on June 11, 2020 to allow the use.

The project has been reviewed through the City's Technical Review process. While mostly approved, a number of details remain to be worked out. First, several drive aisles are 15 feet wide where 18' is required. The 18' standard is set for when vehicles are both

pulling into and backing out of 60-degree parking spaces. This configuration is slightly different since the RVs will not be backing out onto the drive aisles but pulling forward; the 15' width should meet a minimum level of functionality. Another of which is the paving material – the project proposes using gravel for all parking pads and nearly all drive aisles. Staff's concern for the gravel revolves around dust – especially tracking it from the campground onto city streets, and is recommending for the drive aisles to be paved while allowing for the parking pads to be gravel. This is a similar configuration to many state campgrounds.

The petitioner has also requested relief from sidewalk requirements. This lot is in an industrial zone without public sidewalks on adjacent properties. Most (but not all) of the industrial zones in the city do not have sidewalks, nor do adjacent properties have sidewalks. Additionally, a paved sidewalk will be provided on-site to the hotel to the south.

#### **STAFF RECOMMENDATION**

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

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the drive aisles will be adequate given their configuration and a pedestrian path will be provided to the hotel to the south;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because it is a low-impact design that is adjacent to more intense commercial and industrial properties;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because it is a recreational use in an industrial district;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because it places constraints upon development;
6. The special conditions and circumstances do not result from an action or inaction by the applicant;
7. This property does not lie within a designated flood area.

#### **CONDITIONS**

If the Board chooses to approve the requested special exception, staff recommends that the following conditions be placed upon the approval:

1. The drive aisles shall be paved with an all-weather, dustless, impervious, hard-surface pavement, including drainage which shall meet City specifications as prescribed by the Board of Public Works.

Smith states there were 7 letters mailed, 0 returned.

Mulvaney asks for questions from the Board. Hearing none, he asks if staff would have issue with allowing the 2 years for installation.

Trotter states he would be amenable to the 2 years with the caveat that if the gravel is not being maintained on-site that they would need to come back to the board to revisit the term of 24-months grace period.

Mulvaney calls for a motion.

Schaffer makes motion to approve with conditions; Second by Davis.

Davis - Yes

Schaffer - Yes

Strycker – Yes

Mulvaney – Yes

Motion carries.

#### **STAFF ITEMS**

##### **19-X-01U**

##### **PROPERTY IS LOCATED AT 706 W INDIANA AVENUE**

Staff and BZA review of Special Exception 19-X-01, which allowed for the continuation of a Day Care Center at 706 W. Indiana Avenue.

### **STAFF ANALYSIS**

On January 7, 2019, a special exception was granted to Barnes' Playhouse daycare center at 706 W. Indiana Avenue. The approval came with nine conditions:

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises in excess of existing signage.
5. A copy of the child care center license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum of eighty-five (85) children.
9. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by January 14, 2021.

Staff visited the site on December 28, and found the owner to be fully in compliance with the conditions placed upon the special exception. Additionally, according to the state's Family and Social Services Administration (FSSA) child care finder site, the day care has had at least two critical health and safety violations in the last three years, one for infants sleeping in rockers and another for dusty ceiling vents. While always a concern, experience has shown that a few violations are not unusual for an operation of this size.

### **STAFF RECOMMENDATION**

Staff recommends that the special exception for this property remain in effect for an additional two (2) years, and that it shall be reviewed as a staff item by the Board of Zoning Appeals by January 12, 2023.

Mulvaney calls for a motion.

Schaffer makes motion to approve; Second by Strycker.

Davis - Yes  
Schaffer - Yes  
Strycker - Yes  
Mulvaney - Yes

Motion carries.

### **18-X-10U**

#### **PROPERTY IS LOCATED AT 400 W MISHAWAKA ROAD**

Staff and BZA review of Special Exception 18-X-10, which allowed for the establishment of a Day Care Center at 400 W. Mishawaka Rd.

Smith states that since they already approved the 20-X-06 special exception that they could take no action or vote not to renew this special exception. He states the petitioner had to refile because they changed the age of children. The Board has granted that special exception so there is no reason to keep this one as active.



Mulvaney asks if Smith is recommending that they take no action at this time.

Smith states that if no action is taken the Board could invalidate the other just because the petitioner is no longer meeting the conditions. Taking no action on a staff item would not mean rehearing it the next month.

Mulvaney calls to take no action.

**ADJOURNMENT**

Mulvaney asks for a motion to adjourn meeting. Schaffer makes motion to adjourn and is seconded by Davis. Meeting is adjourned and all are in favor.

  
Doug Mulvaney, President  
Ron Davis, Vice-President





## **Elkhart Historic & Cultural Preservation Commission**

### **Regular Meeting Thursday, January 21, 2021**

#### **Call to Order:**

Ann Linley called to order the Elkhart Historic & Cultural Preservation Commission Regular Meeting for Thursday, January 21, 2021 at 7:00pm.

#### **Roll Call:**

Present: Ann Linley, JA Whitmer, Bill Zimmerman, Luke Lefever, Aaron Mishler, and Bobby Glassburn. Deb Parcell with Indiana Landmarks and Eric Trotter with the City of Elkhart.

#### **Approval of Agenda:**

Bill Zimmerman made a motion to move item 4, Approval of Agenda, ahead of item 3, Election of Officers, seconded by JA Whitmer; motion carried. Bobby Glassburn made a motion to strike item 9B, 21-COA-02, 618-622 S Main from the agenda because it was discovered the property is outside of the historic district, seconded by JA Whitmer; motion carried. Agenda approved as amended.

#### **Election of Officers:**

Eric Trotter reviewed the 2020 officers for everyone's benefit. Ann Linley was Chairperson, Bill Zimmerman was Vice- Chair, and JA Whitmer was Treasurer.

Luke Lefever made a motion to nominate all current officers to be retained for 2021, seconded by Bobby Glassburn; motion carried.

#### **Approval of Minutes:**

Ann Linley gave everyone a minute to look over the minutes from Thursday, December 17, 2020 to see if any corrections or adjustments needed to be made.

Ann Linley said she would accept a motion to approve the regular meeting minutes from December 17, 2020 as presented. Motion made by Bill Zimmerman, seconded by JA Whitmer; motion carried.

#### **Financial Report:**

Eric Trotter said everything was the same for now, although he has started getting invoices for the first of the year membership renewals. He will have a complete report in February.

#### **Hearing of Visitors:**

N/A

#### **Old Business:**

N/A

#### **New Business:**

**A: 21-COA-01, 518 W Franklin St., Repair windows, roof and siding, replacing front door, running new electric wiring and drywall in the interior**

Deb Parcell said that the applicants' names are Roberto Saldivar and Lucero Gonzalez, the property is 518 W Franklin Street, and it is a single site historic district. Its rating is notable, architectural style is Free Classic, and it was built around 1880.

Description of Proposed Project:

- 1) Replace glass in windows
- 2) Fix part of roof that has fallen in
- 3) Fix a small part of siding that's been damaged because roof has fallen in
- 4) Replace front door
- 5) Run new electrical wiring through the house because it's mostly been torn out. Put up drywall, most walls on the inside have been torn down. Replace toilets and showers. Add new flooring.

Staff Recommendation:

Only things on the exterior need approval from the Elkhart Historic and Cultural Preservation Commission before a building permit can be issued; interior work is not part of their review.

Windows – Applicant submitted decision after staff recommendation was written to use plexiglass as temporary replacement for broken/missing glass. The building currently has a mix of original wood windows, replacement wood windows, synthetic replacement windows, and temporary plexiglass windows. Applicant proposes removing boards from window openings to provide natural light in building and temporarily replacing missing/broken glass with plexiglass until windows can be repaired or replaced with an approved replacement. As many of the window frames are quite deteriorated, replacement could be an option. Replacement windows would need to be the exact size, shape, and style of the existing. Aluminum-clad or fiberglass-clad wood or solid fiberglass windows are preferred replacements. Decorative divided light windows should be retained and repaired if at all possible. The large, curved window on the front first-floor should have the curved glass replaced at some point in the future. Staff recommends removal of existing wood from boarded up windows and temporary replacement with plexiglass with the condition that missing/deteriorated windows be replaced and other windows are repaired by the end of this year. Due to the location and significance of the first-floor curved window, staff recommends replacing existing plexiglass, if necessary, until curved glass repair is possible.

Roof – The proposed black 3-tab asphalt roof is a replacement in kind of existing materials. The leaking portions of the roof can be covered with a tarp for no more than 3 months – no building permit or permissions required. **Staff recommends approval as submitted.**

Siding – There are several locations on the building where wood siding is deteriorated. The proposed replacement of deteriorated existing clapboards with new cedar boards of the same thickness and profile is appropriate and could be approved by staff. All wood elements should be primed and painted. **Staff recommends approval as submitted.**

Front Door – existing door is not original to the house and can be replaced. A new metal or fiberglass replacement door is recommended. Glass in at least half the door would be appropriate

for the style of the house. To date, no door selection has been submitted. **Staff recommends denial for lack of information.**

Mr. Roberto Saldivar and Ms. Lucero Gonzalez said they understand what needs to be done and that they just need permits to begin work. They want to start by protecting the house first from snow and water because it has caved in the roof and damaged the walls.

Ann Linley asked Mr. Saldivar if they were okay with the time frame laid out by Deb Parcell and Mr. Saldivar answered yes. Ms. Linley explained to them that three parts of their application have been recommended for staff approval, but that they need more information in regards to the fourth item, the front door. Ms. Linley said that the Commission can approve everything but item four, which could be brought back to the Commission with additional information.

JA Whitmer asked if there is a limit on the time frame for the plexiglass on the windows. Ms. Gonzalez stated they want to have everything as it should be by year's end. Ms. Whitmer asked if that included the curved glass. Ms. Gonzalez answered that the curved window would be the only thing they would not be able to do this year. Ms. Whitmer asked Deb Parcell should follow up with that or if the Commission should make that part of the approval? She would like to set a time frame. Ann Linley said the COA is only good for a year and any work beyond that would need another COA. Ms. Whitmer stated that does not give a definite time frame. Luke Lefever suggested removing the curved glass from this COA Mr. Saldivar and Ms. Gonzalez agreed to this. Ms. Linley asked Ms. Parcell if she would be okay with striking the last sentence of the windows sections that says, **"Due to the location and significance of the first-floor curved window, staff recommends replacing existing plexiglass, if necessary, until curved glass repair is possible."** Ms. Parcell agreed. Ms. Whitmer said that perhaps the homeowners would be willing to withdraw item 4. Ms. Whitmer asked Mr. Saldivar and Ms. Gonzalez if they would be willing to withdraw item 4, replacement of the front door from their COA application, and they agreed. Ms. said that Ms. Parcell would reach out to them to create new COA for window and door. They agreed.

Ann Linley said she would accept a motion to approve staff recommendations for item 1, the windows with stated changes, item 2, the roof and item 3, the siding. Motion made by Luke Lefever, seconded by Bobby Glassburn; motion carried.

Eric Trotter explained to the Mr. Saldivar and Ms. Gonzalez they would be able to work with the Building Department to pull any necessary permits.

**C: 21-COA-03, 146 State St., Updated plans for siding, shingles, windows and doors (original COA Application was 20-COA-02.** Deb Parcell said that the applicant's name is Lacasa Inc, the property is 146 State Street, and it is in the State & Division Local and National Register Historic Districts. Its rating is Contributing and the architectural style is Queen Anne, built around 1870.

#### Description of Proposed Project:

Updated from plans submitted and approved February 20, 2020. See attached plans and drawings. Update: Owner proposes changing Andersen window sash color to Harbor Mist, as

they intend to use Door and Sash paint for the restored frames (a harder type of paint) which does not work well with dark colors.

Staff Recommendation:

At the February 20, 2020 meeting, the Commission approved all items as submitted for 146 State Street on 20-COA-02, remanding authority to staff to work with the owner to develop a suitable design that will meet building codes if the front porch balustrade must be replaced. Numerous design changes since that time necessitate a new COA application. Currently, owner proposes rehabilitation of existing property as outlined in General Notes of revised architectural drawings (changes are called out with revision clouds). Most proposed work is repair/replacement in-kind and meets Historic District guidelines, including restoration of leaded glass, divided light attic windows, stone porch columns, and decorative gable shingles, and replacement of curved glass lower sashes in second-floor turret window opening. Changes from previous COA application include:

- Porch deck and balustrade will need to be removed to allow connection of new utilities from street to house. Stone columns will be retained, repaired, leveled, and grout replaced. New pressure-treated tongue and groove decking will be installed to replace the existing deteriorated wood. New wood lattice will be installed. New composite balustrade and hand rails, painted white, will be installed as noted on most recent drawing.
- New Andersen E-series aluminum-clad wood windows with Harbor Mist frames will be installed on west side and rear in locations noted.
- Restored window frames will be painted to match Harbor Mist color of Andersen replacement windows.
- Removal of existing wood siding at north end of west side and north façade; siding in those areas will be replaced with LP SmartSide. Wood siding will be retained for repair on other more visible areas of house.
- Removal of three windows – one at north end of east side, one at north end of west side, and one (non-original) on north side to allow new use of interior space. Siding will be installed to cover

As the proposed work involves significant changes only in areas barely visible from the public way, retains character defining features, restores historic integrity, and meets Historic District guidelines, staff recommends approval as submitted.

Representing Lacasa is Brad Hunsberger VP of Real Estate Development and Eric Lehman, Real Estate manager. Brad stated he wanted to speak to the work that he and Deb Parcell had done and her willingness to help put the plan together. He said they have been able to strike the right balance between preserving the historic character of the house, modernizing it for new use, and in the end, it's going to be a gorgeous place and we should all be proud of it.

JA Whitmer was curious about the porch railing. Deb Parcell said it was in the revised COA sent in the morning she explained it has more style than the one on the original drawing. Also the original was metal and the new one is a composite material that fits better for a Queen Anne house. Ms. Whitmer asked if the third choice in railings was part of the staff recommendation. Ms. Parcell stated it was. Brad Hunsberger said it is an unfortunate confluence of situation with the porch columns. Literally the limestone cap is at the absolute worst point in the height to adapt

it to modern standards. He appreciates the willingness to work with them but at the end of the day, he needs to produce a property that's secure and safe for the residents going forward and also make the building department happy. Ann Linley asked Ms. Parcell if Staff Recommendation needed to be amended to identify Option C as the correct recommendation for the porch railing. Ms. Parcel said probably should. Ms. Linley said it would be Option C as depicted on the revised A-1 drawing; and asked if there were any more questions.

Bill Zimmerman had a question about the turret, he asked if the roofing material was currently slate and if the damaged turret was being repaired with slate or is the slate being removed. Brad Hunsberger answered they don't intend to remove the slate and they are looking at some repair options. The quotes for completion restoration with slate were astronomical. His intent right now is to clean it and see what they are left with and then make a decision. They will tackle it in the spring.

Ann Linley said she would accept a motion to accept Staff Recommendations for 21-COA-03 for 146 State St. Motion made by Bill Zimmerman, seconded by Luke Lefever; motion carried.

**D: Review Draft Rules of Procedure:**

Eric Trotter presented a draft of the Rules of Procedure and took questions from the members. He will continue to make corrections and updates and will bring them back to the Commission for review again next month.

**Announcements:**


Eric Trotter said Chaise Cope will be at the February meeting. She has wonderful GIS experience so she has digitized all of the paper maps for the districts. She's done all four national districts and overlaid the local districts and indicated all nine of the local landmarks. She has done a phenomenal job.

Deb Parcell said that Indiana Landmark is still planning on conference in October.

Ann Linley will have slide presentation for everyone in the near future.

**Adjournment:**

Ann Linley said she would entertain a motion to adjourn the meeting at 8:05 pm. Motion made by Bill Zimmerman, seconded by JA Whitmer; motion carried.

  
\_\_\_\_\_  
Ann Linley, Chair

LERNER THEATRE BOARD  
Wednesday, January 13, 2021

Vice-President Diana Lawson called the Regular Meeting of the Lerner Theatre Board to order at 10:00 a.m. on Wednesday, January 13, 2021. She authorized Dallas Bergl to Chair the meeting. The Clerk of the Board, Nancy Wilson called the roll. Member Dallas Bergl was present. Jamie Arce, Ashley Martin, Diana Lawson and Dina Harris were present on WebEx. Gary Boyn was absent.

1. AGENDA

On motion by Dina Harris, seconded by Ashley Martin and carried 5-0, the agenda was approved as presented.

2. MINUTES: Regular Meeting December 9, 2020

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board adopted the minutes from December 9, 2020.

3. ELECTION OF OFFICERS

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board elected Gary Boyn as President of the Lerner Governing Board for 2021.

On motion by Diana Lawson, seconded by Jamie Arce and carried 5-0, the Board elected Dina Harris as Vice-President of the Lerner Governing Board for 2021.

On motion by Dina Harris, seconded by Ashley Martin and carried 4-0-1 abstention, the Board elected Dallas Bergl as Treasurer of the Lerner Governing Board.

4. TREASURER'S REPORT

Financials-November 30, 2020

Michelle Adams attend the meeting on WebEx. She noted a date error on the second page that said October 31, 2020 and should have read November 30, 2020. The November 30, 2020 financial report was submitted to the Board for review. Total operational expenses of \$1,147,541 were covered by a City contribution of \$1,008,501 (88%) and a Lerner contribution of \$139,040 (12%). This compared with 2019 City's contribution of 44% and the Lerner's contribution of 56%. The YTD net income from theatre operations only (shown as gross profit) at the end of the period was \$128,553 which was a decrease of \$396,203 from 2019. The YTD net loss for all Lerner operations (including City expenses) at the end of the period was (\$139,154) which was a decrease of \$87,854 from the net profit on last year's statement of \$51,299. On budgeted City Operational Expenses alone we were under-budget by \$359,042 year to date. Michelle Frank discussed an invoice that will carry over to 2021 for Patron Manager with the Board. On motion by Jamie Arce, seconded by Dina Harris and carried, the Board accepted the financial report as presented.

Claims

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board ratified the claims and allowance docket totaling \$70,903.45 as listed on the register consisting of 7 pages as prepared on December 21, 2020 at 1:17 p.m. On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board approved the claims and allowance docket totaling \$27,496.95 as listed on the register consisting of 22 pages as prepared on January 11, 2021 at 1:59 p.m.

5. PRESIDENT'S REPORT

Dallas asked the Board if they had anything they wanted to contribute about

LERNER THEATRE BOARD  
Wednesday, January 13, 2021

the theatre or the operation at this point. Dina Harris congratulated Michelle and the team for the wonderful work they are doing with the facility. She said the Christmas windows were a brilliant twist to bring people downtown to see the Lerner even though we are not having any shows. Dallas said the bar is pretty high for next year, and Michelle responded that they are having conversations about the 2021 window display and they have plans to expand.

6. CRYSTAL BALLROOM CATERING

Kurt Janowsky was on line and had nothing to report. The current restrictions are 25 guests or less. Bookings through July have slowed down due to the uncertainty. The first half of 2021 is softening rather than getting better. Dallas noted that he appreciates the position he is in. The news is very sobering. As of September 2020, 120,000 restaurants closed forever.

7. GENERAL MANAGER'S REPORT

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

GENERAL MANAGER REPORT PREPARED BY: MICHELLE FRANK

Activity (January-March)	As % of 90 days	
2 Events	24%	Activity in theatre
1 Ticketed Events	9%	Ticketed events
1 Non-Ticketed Events	0%	Non-Ticketed events
10 Rehearsal Dates	16%	Rehearsal Space

Compare to 2020 Board Report Ticketed Events: 15

Compare to 2020 Board Report Non-Ticketed Events

+Rehearsals: 19

- In December, we welcomed our new Box Office Supervisor, Mindy Migedt. Mindy has primarily been in marketing and social media for the last several years, most previously as the Creative Director at Spearhead Marketing. During the interview process for the Marketing & Communications Manager position at The Lerner, I thought Mindy would be an excellent Box Office Supervisor. Mindy started in mid-December and has transitioned into the role exceptionally.
- In the month of January, I will be meeting with various heads of Departments within the theatre to go over new protocols pertaining to budgets and project management. With the transition of Sara Hicks into the role of Office Manager, this allows me an opportunity to change of the previous protocols into a more communicative process across departments and establishing new expectations moving forward.
- I completed my first meeting with EyeDart and Stephanie Krol Public Relations under the new marketing team approach. This was an introduction, flow of communications and content creation meeting. I'm looking forward to working with Maddie and Stephanie. The creativity from the meeting was immense and we have a number of projects planned out



LERNER THEATRE BOARD  
Wednesday, January 13, 2021

within the next few months that will encompass social media, digital and traditional PR and media outlets.

MEDIA SPECIALIST REPORT PREPARED BY: SONNY LISI  
E-Blast Reporting – December 2020

Campaigns Sent	5
Total Emails Sent	30,394
Emails Opened	10,185
Emails Clicked Through	584
Starting Subscribers	16,615
Ending Subscribers	16,525
Average Emails Per Campaign	6,079

Tickets Purchased by City

City	Tickets
Goshen	4
Elkhart	4
South Bend	3
White Pigeon	1
Speedway	1
Shipshewana	1
Saint Joseph	1
Osceola	1
Millersburg	1
Granger	1

December Accomplishments

- Worked with the Tech team during Management Boot Camp events so all managers could attend. Controlled lobby access and monitored the sound board during the presentations.
- Worked with our website host, web designer, and city IT to facilitate a full website transfer to a web host owned by the city, leaving us with complete control over our website in the future.
- Began collecting and formatting all information for the 2020 year-end report for my department, with a draft due early January.

January Goals

- Finish installing digital displays outside the dressing rooms and Green Room, then create a document detailing how to access their programming and display contents so all management staff has knowledge of how to use them. Previous attempts to finish this project were put on hold due to several staff out of the office due to COVID exposure precautions.
- Finish gathering and formatting information for our 2020 year-end report listing statistics and accomplishments throughout the year, then design and present a booklet containing all staff member contributions in relation to their departments.
- Continue supporting the second round of Management Boot Camp events each week, including lobby control and sound monitoring.

LERNER THEATRE BOARD  
Wednesday, January 13, 2021

BOX OFFICE/OFFICE MANAGER  
PREPARED BY: MINDY MIGEDT

Date	Time	Event Name	On Sale Date	Sold	Revenue w/Hist. Fee	Net Revenue	Hist. Fee	Total Revenue
12/11/2020	7:30 PM	Premier Arts: Elf the Musical - Leaving Season - Now: A Lerner Christmas - Totals reflect refunds and exchanges into now cancelled Lerner Christmas	10/11/2019	-80	-\$667.50	-\$592.50	-\$75.00	-\$667.
12/20/2020	7:30 PM	Premier Arts: A Lerner Christmas - Show will not take place in person - Virtual Viewing	11/7/2020	-89	-\$1,650.00	-\$1,427.50	-\$222.50	-\$1,650.
5/14/2021	8:00 PM	Gordon Lightfoot	12/12/2019	-4	-\$228.05	-\$218.05	-\$10.00	-\$228.
6/26/2021	8:00 PM	Kansas	9/24/2019	5	\$543.50	\$531.00	\$12.50	\$543.
9/24/2021	7:30 PM	The Price Is Right Live! - NEW DATE	10/28/2019	-126	-\$8,415.25	-\$8,100.25	-\$315.00	-\$8,415.
11/12/2021	7:30 PM	Stars of the Sixties	3/5/2020	0	-\$1.25	-\$1.25	\$0.00	-\$1.
Total Ticket Revenue					-\$10,418.55			

Accomplishments for December

- Assumed role as new Box Office Supervisor / Intro to the team
- Completed Job Shadowing & New Hire Orientation
- Acquired knowledge on required software & processes

Goals for January

- Continue to gain knowledge on SOP for position.
- Organize quarterly Box Office staff meeting w/ team building activity.
- Continue to process refund request in timely manner.

TECHNICAL THEATRE MANAGER  
PREPARED BY: ANDREW KREIDER

Overview:

December brought the final step in our year-long process of upgrading the theater audio system. Installation of an under-balcony speaker ring allows us to provide high quality audio to all the seats at the back of the downstairs. The sound was good before, but it is now much better. In the next few months, we will be tuning the entire audio system so that all the elements introduced in 2020 work as well as possible together. The upheaval of 2020 created many challenges for our department, but we recognize the gift in the middle of it - that we were given unexpected time and space to do extensive upgrades that will serve us well for the decade to come.

Accomplished in December:

- Installation of under-balcony speaker ring.
- Support for Premier Arts video shoot of Lerner Christmas
- Use of stage and loading dock for Mayor's Christmas gift project - assembling care packages.

Upcoming tasks:

- 10-year maintenance of theatrical lighting system, with an expert from Vincent Lighting Systems who did the original install. Installation of new lighting touch

LERNER THEATRE BOARD  
Wednesday, January 13, 2021

panel on stage, and re-wiring on stage and in the main dimmer room. Work postponed from December due to COVID-related issues at Vincent.

- Balancing of audio in ballroom, incorporating new programming
- Smart Goals setting, to be in line with Mayor's direction for the city in 2021.

FACILITIES MANAGER PREPARED BY: DAN GOULD

Happy New Year! Optimistic is my word for January. Optimistic that the new year begins better than the old year ended. Between quarantine and vacation, I was only able to work seven days in December, which made my goals for December unattainable.

My main goal for January will be finishing the carpet installation in the sound booth of the auditorium. Due to the type of traffic in the sound booth, reusing the adhesive under the old carpet, was not an option and removing the old adhesive is extremely difficult. The result is the installation of the carpet will be delayed until the old adhesive is removed.

We will also continue to convert our light fixtures to LED. Switching our focus from outside, to inside with the Grand Staircase and the Auditorium getting our attention first.

Switching the information board outside the dressing rooms from paper to electronic displays is also on the schedule for January, along with anything else that decides it has performed its task long enough.

Sometime between Christmas and December 28<sup>th</sup>, a pump failed on our hot water system. We have repaired the pump and we are ready to reinstall it. That is something that has started to happen in 2020, and I expect more of in 2021. Everything that was installed in 2009 and 2010 are now 10 and 11 years old now. With some of those items going past their projected lifespan, so it will be crucial moving forward to further develop the 10-year maintenance plan in anticipation of larger items going past their life expectancy.

8. NEW BUSINESS

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board approved a contract with Eyedart Creative Studio for an annual fee of \$15,600.00.

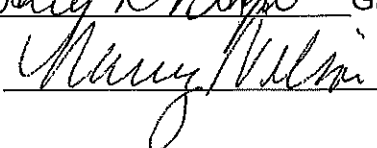
On motion by Jamie Arce, seconded by Ashley Martin and carried 5-0, the Board gave Dallas Bergl authority to sign approvals on behalf of the Board.

Jamie and Dallas discussed the Shuttered Venue Operators Grant that the Lerner Theatre may qualify for. Dallas advised the City to act quickly since the funding is first come first served.

9. ADJOURNMENT

On motion by Ashley Martin, seconded by Dina Harris and carried 5-0, the Lerner Theatre Governing Board was adjourned at 10:47 a.m.

 Gary Boyn, President

Attest:  Nancy Wilson, Clerk of the Board



**PLAN COMMISSION**

**-MINUTES-**

**Monday, December 21, 2020 - Commenced at 1:45 P.M. & adjourned at 3:15 P.M.**

**City Council Chambers – Municipal Building**

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

**COPY**

**MEMBERS PRESENT**

Jeff Schaffer - In person  
Dave Osborne - In person  
Brad Billings - WebEx  
Ron Davis - WebEx (joined at 2:15 p.m.)  
Mary Olson - WebEx  
Tom Shoff - WebEx  
Johnny Thomas - WebEx  
Jamie Arce - WebEx

**MEMBERS ABSENT**

Mike Sweet

**REPRESENTING THE PLANNING DEPARTMENT**

Eric Trotter, Assistant Director for Planning  
Ryan Smith, Planner

**LEGAL DEPARTMENT**

Randy Arndt, Deputy City Attorney

**TECHNOLOGY STAFF**

James Hines

**RECORDING SECRETARY**

Jennifer Drlich  
Kayla Jewell

**APPROVAL TO AMEND AGENDA**

Motion by Osborne; Second by Olson. Voice vote carries.

**APPROVAL OF AGENDA**

Motion to approve by Osborne; Second by Olson. Voice vote carries.

**APPROVAL OF 2021 BZA CALENDAR**

Motion to approve by Osborne; Second by Billings. Voice vote carries.

**APPROVAL OF PROOFS OF PUBLICATION**

Motion to approve by Olson; Second by Billings. Voice vote carries.

**OLD BUSINESS**

**20-Z-04 PETITIONER IS R&R PROPERTY LEASING  
PROPERTY IS LOCATED AT 309 STAINLESS DRIVE**

Per Section 29.11.B, Map Amendments, a request for an amendment to Zoning Commitment Document #2016-15221 established with the Elkhart County Advisory Plan Commission, which states that "Any future development must utilize Stainless Drive for access to the site. Access onto County Road 19 is not permitted." The petitioner wishes to remove this stipulation to allow access to the property from County Road 19.

**STAFF ANALYSIS**

The petitioner wishes to remove a zoning commitment on its property at 309 Stainless Drive signed with Elkhart County in 2016 that prevented access onto County Road 19, to allow for access onto that road. On November 6, 2020 staff from Elkhart City Planning and Engineering as well as staff from Elkhart County Planning and Highway met to review the request and discuss next steps in the analysis of the request.

All staff from both jurisdictions had the same concerns – CR 19 is not constructed to handle commercial/industrial traffic. Furthermore, the intersections at SR 120 and CR 19 and CR 14/Middlebury Street and CR 19 would require improvements to handle the anticipated increased traffic volume and capacity. Only a small portion of CR 19 is within the jurisdiction of the City of Elkhart. The majority of CR 19 as well as the intersections at SR 120 and CR 19 and CR 14/Middlebury Street and CR 19 are located within the County. Staff feels strongly that both entities need a solid plan before moving forward.

Collectively the staff from the City and County feel a detailed traffic study is necessary in order assess the impact and potential capital improvements required for CR 19. The study will be funded jointly between the City and County and administered by the City of Elkhart's Engineering Department. Staff will not support actions by the City regarding street vacations or removal of the non-access agreement until the study is complete. This will allow for better decisions related to traffic impacts and fiscal impacts for both entities when determining future road improvements. It is anticipated the study and the study results will be completed by July 1, 2021.

Any business, for a proposed road project, has the ability to self-fund their own engineered traffic study if the above timeline does not meet their expectations.

Elkhart County Highway in conjunction with the City's Traffic Department can look into adjusting the signal timing at CR 17 and Beck Drive as a way to alleviate some of the congestion at that intersection.

Staff is requesting the Plan Commission table the request until July 1, 2021 so the results of the traffic study are complete and have been analyzed by both the City's Engineering staff as well Elkhart County Highway engineering staff.

#### **STAFF RECOMMENDATION**

Staff recommends that the Plan Commission table this request.

Smith states there were 11 letters mailed, 0 returned in favor and 1 returned not in favor with comments. Comments were: I hope you are doing well. I am reaching out to you today as a concerned citizen, living at 55082 County Road 19 Bristol, IN

Mor Ryde has petitioned the Elkhart City Planning Commission to approve striking the clause that only allows their facility to be accessed via CR 17 and Beck Dr.

They would like to be able to gain access to their facility located at 309 Stainless Drive Elkhart, Indiana via CR 19.

I would like to express my opposition to this plan. My childhood home sits across from MOYryde's original facility. I have nothing but positive things to say about their organization and family history. They have always been generous to the neighborhood.

CR 19 is a narrow county road with a very large culvert on the west side. The road is heavily traveled by people looking to bypass the traffic on County Road 17. I worry that the extra amount of traffic that would be using CR 19 to access Stainless and Beck Drives would prove dangerous to the residents along CR 19.

My home and the others south of me are all residents of Jefferson Township and not residents of the City of Elkhart. We enjoy our country and rural residences. I have always supported expansions of the industries along Beck drive because the policy has always been that all businesses along that corridor are accessed by CR 17, where there are stop lights, street lights, and wide lanes for travel.

Allowing access via CR 19 would not be in the best interests of the nearby residents, other motorists, and ultimately the businesses along Beck Drive.

Please consider voting NO for this proposed change of wording.

Thank you for your time.

David Bowman - 260-585-3768

Schaffer asks if there are questions from the Commission. Hearing none, Schaffer calls the petitioner forward.

Schaffer calls petitioner forward.

Matthew Smith (7121 Grape Rd. Granger, IN 46530) introduces himself and states he had been a part of past meetings and would like to reiterate a few points that were in a letter that was submitted beforehand. He says Mor Ryde is the largest property owner in this industrial development area and they do have an interest in working with the city to configure a plan and design to move forward. Smith states, "One of the main points along the lines is access on C.R. 17 from Beck Drive, which everyone knows is a traffic hazard, especially at rush hour. There was a traffic bottleneck creating long delays as well as conflict points. That can be alleviated if future planning gets put into place to access other thoroughfares. In this case mainly C.R. 17, we think that adding C.R. 19 to the transportation network of this industrial area will alleviate those concerns now along those lines. Mor Ryde is actually in agreement with the city that improvements likely need to be made to C.R. 19 as well as to intersections with State Road 120 and C.R. 14 as well. An important point to make along those lines, removing the zoning commitment does not allow Mor Ryde to put a driveway onto C.R. 19 right now, it does not allow them to start putting trucks on C.R. 19. All it does is open up the door for future planning as Mor Ryde continues to work with the city. They would have to go through the driveway permit process as they would usually and any traffic study that would be done in this area. We all know it would reveal that work needs to be done on C.R. 19 in order to make it more conducive to increase traffic flow. Whether that be with trucks or increased vehicle traffic from employees for example. But the removal of the zoning commitment is what will allow both the city and Mor Ryde to plan for the future. As far as, well more specifically, the layout and the development on their own site. The possibility to access to C.R. 19 affects how they plan and develop their property and this would be a step in allowing for that future planning. But again, the processes of allowing a driveway or in fact working out some sort of option with the city of Elkhart to put a public right of way on C.R. 19, either of those are process are yet to come and are not actually being decided with the removal of the zoning commitment. I will step back and reiterate the general point here, again which is the traffic on Beck Drive is already bad and will continue to be so and increase in its congestion as this area continues to develop, which it has been. We do implore the Plan Commission to give a positive recommendation to the removal of the zoning commitment so that Mor Ryde and the city can begin the next steps in planning for the growth of this area. I'm also here with Robert Weaver with Anchor Construction and same address, who would like to say a few words as well."

Robert Weaver comes up to the microphone and introduces himself and states that he'd like to reiterate the points that Smith has made, but to also remind the Plan Commission that Mor Ryde has been a good member of the community. Weaver believes that Mor Ryde's track record shows their efforts to work and create good plans. He states that their main campus, on Sterling, there was a road that was done through the city in which there had been extensive planning to create the campus in an area where many manufactures were moving out, however Mor Ryde decided to stay there and create a better campus. Weaver states Mor Ryde has also similarly done the same thing on their other campus, on the North side of Elkhart as well. He then states Mor Ryde is the number one largest, local privately owned RV related companies that has remained in the area. Mor Ryde is developing with the 80 acres off Stainless that exits onto Beck Drive. Weaver states they are working with Mor Ryde on developing plans and the removal of this zoning restriction does not give access to C.R. 19. It does give them the ability over the next seven months, to work on a campus that meets Mor Ryde's needs in their expansion, in this area. Weaver says they would need to go through a driveway permit process to gain access on C.R. 19. Weaver concludes his statement with saying this would allow them to have a better opportunity to plan ahead in order to balance of the campus to allow Mor Ryde to have an idea of what may be available in the future.

Schaffer states he has a few questions; he asks how many employees does Mor Ryde roughly have?

Weaver states he believes there are around 700 employees.

Schaffer asks what their share of employees is on this particular campus? Also, if they were to build this campus out, how many employees could be on the campus.

Weaver responds, "There was a push for Mor Ryde at one time to look at purchasing property here and consolidating. I forgot about their campus on Bristol Street has also made conscious decision to stay invested in different parts of the community where they have facilities. So this is an acre parcel with more land available. I would say, right now there's probably 20% of their employees here. At full build out, there will be literally hundreds of employees. There's probably 150 employees at this campus right now. Their Bristol Street, Sterling and Cooper Properties are also significant investments that they've made. This is the area that they have for continued construction. They really have very limited options at their other three campuses. They lease a facility on Middlebury, but also this is the area that they want to build out. They want to put their investment into this property that they purchased.

Schaffer asks Mr. Osborne if he has any questions.

Osborne asks Weaver and Smith, if there an easement across the property. Osborne asks if this is true or not.

Smith and Weaver ask if Osborne is referring to the diagonal easement.

Osborne replies yes.

Smith and Weaver state, "That is for the large transmission power lines that cut across there."

Osborne then asks, "If you guys were able to get this, access to 19, would that be for employee's cars? Or would it be for trucker's trucks or both?"

Smith responds that these are the questions when they'd be going through a driveway approval process and Mor Ryde would be willing to work with the city on that. They then state, "Theoretically, we could see all manner of traffic going on C.R. 19, but that all depends with the state of the road and what Mor Ryde would work out with the city. So they are open to options with saying, right in and right out only or maybe even employees only or such agreements like that. But again, we do think in that sense the traffic study would be helpful to help determine those kind of explanations, but that is a later process as far as getting an actual driveway approved. Removing of the commitment would be the precursor to that process."

Weaver states, removing the commitment would not allow for the driveway, it would simply remove the commitment and so they would be able to apply for a driveway access at a future time.

Osborne states he would like staff to respond because he does not know if that is the situation or not. He then says C.R. 19 seems to be a problem for truck traffic and that's why the county has put a restriction, hence the hesitation from the Commission.

Weaver replies that he agrees and has reiterated in the letter that Mor Ryde also agrees there are challenges that exist, but through all the development he has been a part of, there is development that comes and then the city and the county look at the infrastructure which is done in conjunction with one another. Weaver states, to his understanding the zoning restriction removal does not give them automatic access. They have to go through a driveway permit process in addition to this.

Schaffer states he will ask each member if there are any questions.

Olson says, "I would agree that they're fairly land locked especially Bristol Street, that's shut down. I would like to see a constructive by approving this. All we're doing is approving is a continued dialogue. Is that accurate?"

Schaffer states that he would like to address it with the staff. Hearing no additional questions from staff, Schaffer opens for public comments in favor of the petition.

Schaffer first asks Ryan Smith if he would like to address the planning versus driveway permit issue or to defer it to Mr. Erwin.

Smith states he would like to defer it to Mr. Erwin because the zoning is in our jurisdiction, but the driveway permit process would be engineering's jurisdiction.

Schaffer opens for public comment, but states he would like to hear from the city engineer first if he'd like to respond to Olson's question.

Erwin states to Olson that they will continue the dialogue with Mor Ryde whether or not the approval is granted to remove the zoning stipulation from the agreement with the county. Erwin also states he does not support removing this requirement at this time and does plan to complete the traffic study and take the results to the county and discuss what improvements could be made on C.R. 19. He says if this requirement is removed, the driveway permit process will unlikely allow for continuation of denying a driveway access. Erwin states it would put it into the political arena and make the driveway access more difficult to continue to analyze and work with the county.

Schaffer asks for additional public comments for the petition.

David Bowman (55082 C.R. 19) introduces himself and states that his position on this matter has not changed from his original letter that was sent in. He says, "I have sought out more information regarding this from the county from everyone involved other than the return call that I was not able to receive from Mor Ryde themselves. I believe this is the cart before the horse. Let's have the dialogue, let's have the conversation, let's include the public, let's have everyone in the same room, county, city, everything. What I think is unique about this situation is that the city can make all these changes all day, but it affects more than just the city. C.R. 19 is not the city's limit so there's more people that need to be involved and I think having the conversation, which has been started is excellent. I think the members of this committee need to vote no or again table until the traffic study is able to be reviewed again." Bowman reiterates his belief that C.R. 19 cannot withstand the kind of traffic that is anticipated, but the intent of removing the directive and restricting traffic to C.R. 17 needs to remain the same until more facts are brought to attention.



Schaffer states that Ron Davis has joined the meeting via Webex and asks if Davis has any questions for the petitioner.

Schaffer asks if there are additional public comments to the petition.

Kevin, from a Facebook live comment says, "The county was supposed to do a traffic study for Beck Drive 18 months ago."

James Skillen (53149 Discovery Drive) introduces himself and states he is the Vice President of the Elkhart County Redevelopment Commission. He states the Redevelopment Commission did partner with the Highway County Department and have helped fund the traffic study that will be done in the near future. Skillen also mentions (inaudible) has also been involved in relation to the drainage and has spoken with the Redevelopment Commission as well. Skillen reiterates his belief that everyone is looking into this project and he believes there is a need for it.

Schaffer asks for additional public comments to the petition. There was a comment made on Facebook Live: "Elkhart County Redevelopment Commissioner (inaudible). Kevin Bullard says move the ditch it's a mile long."

Schaffer closes the public portion of the meeting.

Schaffer states he is looking for a motion from the members as it is his and the petitioner's desire, to see this move forward. Schaffer states it is a recommendation to the City Council and that he understands the staff's desire to have this tabled. He says in this particular case, Plan Commission is the recommending body and not the final decision. Schaffer states he feels though it would be difficult for himself, personally, to see this case being tabled again if the petitioner wants to continue to move forward. Schaffer states, "...I think the petitioner has made that clear and that doesn't mean that they have to move forward with a Do-Pass Recommendation or a Do-Not Pass Recommendation. I just feel that we as a body, I'm not sure we're doing our service to the City Council to necessarily have this stall in front of us...I understand what the county is saying and this is probably going to be politically correct for me to say, but I've seen many instances in this county where truck traffic has been allowed to grow in a lot of different places. My personal story is my wife of 22 years, grew up in New Paris and a farmer approx. a mile from the house where she grew up, wanted to have one milk truck and after five years that turned into one of the larger trucking businesses in Elkhart County at the corner of two county roads; C.R. 142 and C.R. 17 when C.R. 17 was still a dirt road. I appreciate our city staff, I sometimes do question whether the county selectively enforces some of their planning processes and to hear the county suggest that they defend their roadways- I just haven't seen evidence of that in the past." Schaffer states he believes the current applicant is willing to work with the city and the county to not create the past situations and to work towards the infrastructure. Schaffer ends his statement, "I have faith in the city staff that they can work with a solution with this particular applicant and I'd like to see them do it."

Osborne states "Engineering has indicated to us that it would be hard for us to stop a driveway curb cut on 19. Also, the petitioner is telling us that they can't plan ahead without getting this stipulation dropped. Having two site plans- one having the access doesn't seem like a big obstacle for the petitioner to come up with two alternative site plans and I think they could move ahead with the site plans and weigh out the recommendation from the traffic study and everybody else on this before we grant them."

Schaffer asks to make a motion.

Osborne makes motion to table the petition until July 1, 2021; Second by Olson. Motion carries.

Osborne - yes  
Billings - yes  
Davis - yes  
Olson - yes  
Shoff - yes  
Thomas - yes  
Arce - yes  
Schaffer - abstain

**20-ANX-02 PETITIONER IS CONCORD COMMUNITY SCHOOLS AND FLAVOR FREEZE PROPERTIES, LLC  
PROPERTY IS LOCATED AT 23809, 23821, 23861 US 33, ELKHART, IN 46517; 23834 AND 23845 US 33, ELKHART,  
IN 46517**

As prescribed by Section 29.11.B, a request to annex 23809, 23821, 23861, 23834 and 23845 US 33, land containing approximately 6 acres.

**STAFF ANALYSIS**

This staff report is being prepared for annexation 20-ANX-02, the request of Concord Community Schools and Flavor Freeze Properties, LLC to annex land, 23809, 23821, 23861, 23834 and 23845 US 33, Elkhart, Indiana 46517, Concord Township.

The properties are currently zoned in Elkhart County as B-3, Heavy Business District. The current use is commercial; Flavor Freeze is a long-established business that will remain; the parcels owned by Concord Community Schools are intended to be redeveloped as a transportation center for the school system. The building has not yet commenced but has been reviewed through Technical Review.

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 6 acres. The territory to be annexed is approximately 16.96% contiguous to the current City limits, being contiguous on its southwestern boundary. 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.

Schaffer states there is no need for the staff report to be read again from its prior meeting in September as nothing has changed from the original application. Schaffer asks Smith if this still holds true.

Smith agrees with Schaffer.

Schaffer asks if there are questions from the Commission. Hearing none, Schaffer calls the petitioner forward.

Randall Hesser (861 Parkway Ave) introduces himself.

Schaffer asks Hesser if there is anything he'd like to add to his original presentation.

Hesser replies, "Not really...It was very much a technicality. They were advertising as individual lots instead of one big parcel...In the meantime we have had some discussions with the planning in the legal department about kind of working on the next steps as far as what we're going to do, so we'd like to keep moving forward."

Schaffer opens for public comments in favor or opposition of the petition. Hearing, none Schaffer closes the public portion of the meeting.

Schaffer asks the Commission Members if there are any questions for the staff or discussion.

Shoff states he has a question for Hesser, "It says on page 4 that the Elkhart City Police Department is going to take over for the County Sheriff's Department. If this goes through, Concord currently has its own police department. Is Concord going to continue to maintain the Concord Police Department?"

Hesser replies, "As far as I know, yes."

Schaffer asks if there are any additional questions.

Schaffer calls for a motion to forward this to the City Council with a Do-Pass or a Do not- Pass recommendation.

Olson makes motion to approve with a Do-Pass; Second by Shoff. Motion carries.

Osborne - yes  
Billings - yes  
Davis - yes

Olson - yes  
Shoff - yes  
Thomas - yes  
Arce - yes  
Schaffer - yes

## **NEW BUSINESS**

### **20-Z-06 PETITIONER IS BEACON MEDICAL GROUP PROPERTY IS LOCATED AT 1717 FULTON ST**

Per Section 29.11.B, Map Amendments, a request to rezone the property located at 1717 Fulton Avenue from R-2, One Family Dwelling District to O, Office District. This request will allow for the expansion of the existing medical clinic at 1753 Fulton Avenue.

### **STAFF ANALYSIS**

The petitioner is seeking to rezone property at 1717 Fulton Avenue to allow for the expansion of the medical offices at 1753 Fulton Avenue. The plan calls for the demolition of the existing home and to construct an addition to the medical building and office uses that have grown along this portion of the Nappanee Street corridor. The project will be required to be submitted for review and approval prior to any permits being issued.

### **STAFF RECOMMENDATION**

The Staff recommends approval of the final site plan based on the following findings of fact:

1. The request is in keeping with the comprehensive plan.
2. Current conditions and the character of current structures and uses in each district will not be impacted because the O district requires adequate buffering adjacent to residential.
3. The O district does allow for the most desirable uses for which the land can be adapted since the site in question is located adjacent to a heavily traveled corridor.
4. The proposed rezoning will preserve the conservation of property values throughout the City because the land will be developed to current standards, be in active use, and be buffered from adjacent properties.
5. The rezoning of the property to O, Office District is compatible with adjacent property and reflects responsible growth and development.

Smith states there were 24 letters mailed, 1 returned in favor with no comments.

Schaffer asks if there are questions from the Commission. Hearing none, Schaffer calls petitioner forward.

Greg Shearon (1643 Commerce Drive South Bend) introduces himself. Shearon states Beacon Health Group would like to create an addition on the East side of the existing building to expand their practice. In order to do that, the parking lot would need to be expanded to ensure there is plenty of space for the customers and patients. Shearon states on the East side of the property, the area is zoned R-2, family residential. They would like to rezone it to Office to be in compliant with the existing buildings.

Schaffer asks if there are any questions for the petitioner. Hearing none, Schaffer opens for public comments in favor or opposition of the petition.

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

Schaffer asks for discussion among the Members. Hearing none, Schaffer calls for a motion.

Olson makes motion to approve; Second by Shoff. Motion carries.

Osborne - yes  
Billings - yes  
Davis - yes  
Olson - yes  
Shoff - yes  
Thomas - yes  
Arce - yes  
Schaffer - yes

**20-FSP-06 PETITIONER IS 756 PATRICIA COURT – ELKHART LLC**  
**PROPERTY IS LOCATED AT 756 PATRICIA COURT**

As required by Section 20.7 B. seeking Final Site Plan approval for a 75,000 square foot manufacturing facility with 48 parking spaces, on land totaling 5.312 acres, more or less, located at the northeast corner of Middlebury Street and Patricia Court.

**STAFF ANALYSIS**

The petitioner is requesting final site plan approval for a 75,000 square foot manufacturing facility on a 5.312-acre site. The site is located at the northeast corner of Patricia and Middlebury Streets. The project has been reviewed and approved through 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 developer has addressed concerns raised by staff during the Technical Review process;
4. The use conforms to the Comprehensive Plan which is anticipated to call for industrial uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Smith states there were 5 letters mailed, 0 returned in favor with no comments.

Schaffer asks if there are questions from the Commission.

Osborne asks Smith if the petitioner will need to come back for the curb cut on Middlebury Street.

Smith replies that it will be handled through the Engineering Department.

Schaffer asks for any additional questions from the staff. Hearing none, Schaffer calls petitioner forward.

Debra Hughes (3220 South View Drive) introduces herself and states she is representing the petitioner. Hughes states this property was part of the Elkhart Park Industrial Park Phase 4 which was developed in the county and was annexed into the city to retain its PUD. Hughes also states this does require a final site plan approval through the City of Elkhart Plan Commission and they have submitted a site plan for a 75,000 sq. ft. building with parking. Hughes mentions that Smith has been forwarded an elevation view of the proposed building to see how it would look from Middlebury Street. She then says the general contractor will be New Way Construction which they are present for this meeting should there be questions. Hughes states this project has been submitted for Technical Review and received comments back.

Schaffer asks if there are additional questions from the staff for Hughes. Hearing none, Schaffer opens for public comments.

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

Schaffer calls for a motion.

Osborne makes motion to approve; Second by Shoff. Motion carries.

Osborne - yes  
Billings - yes  
Davis - yes  
Olson - yes  
Shoff - yes  
Thomas - yes  
Arce - yes  
Schaffer - yes

**20-SUB-02 PETITIONER IS H & O INVESTMENT PROPERTY LLC**  
**PROPERTY IS LOCATED AT VACANT LAND CR 6 PARCEL NUMBERS 20-02-28-203-004.000-027 AND**  
**20-02-28-203-003.000-027; SOUTHWEST CORNER OF STRYKER STREET AND COUNTY ROAD 6.**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a major two lot subdivision to be known as 'Victory Driveway Subdivision.' This request represents +/- 16.088 acres and will have a total two (2) lots – Lot 1 containing 14.740 acres and Lot 2 containing 1.348 acres.

### **STAFF ANALYSIS**

The petitioner is requesting preliminary approval of a two (2) lot subdivision. The total area contained in the request is +/- 16.088 acres.

Currently there is a proposed new building and storage lot for Lot 1. Lot 2 currently has nothing submitted for staff review.

The configuration of the lots meets the minimum size requirements of the zoning district. There is no cross access easement between the two proposed lots. No additional right of way will be dedicated as a part of this request.

### **RECOMMENDATION**

The Staff recommends **approval** of the two (2) lot subdivision, a Preliminary Plat for a subdivision to be known as 'Victory Driveway Subdivision' based on the following findings of fact:

1. The lot meets the minimum lot area requirements for the M-1, Limited Manufacturing District;
2. The proposed request results in the creation of two (2) lots as defined by the Zoning and Subdivision Ordinance. This request will provide for any cross access easements and will not require the dedication of any additional right of way;
3. The proposed subdivision will not compromise any existing development.

### **CONDITIONS**

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

Smith states there were 26 letters mailed, 1 returned not in favor with no comments.

Schaffer asks if there are questions from the Commission for the staff.

Hearing none, Schaffer calls petitioner forward.

Crystal Welsh (1009 South 9<sup>th</sup> Street, Goshen) introduces herself and states she is representing the petitioner and the project property purchaser. Welsh thanks the staff for working on this project and states that she is available for any questions as well as she is hopeful in getting the project passed today.

Schaffer asks if there are questions from the Members for Welsh.

Osborne asks if there will be a buffer of some sort along Striker Blvd.

Welsh replies, yes that it has been submitted for Tech Review. Welsh also mentions that because there is residential housing along Striker, there will be a significant buffer that meets the city's requirements and they are currently working with the staff to get it approved along with the Southern boundary.

Schaffer asks if there are additional questions from the Commission Members for the petitioner.

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

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

Schaffer asks to bring it back to the members for any further discussion.

Hearing none, Schaffer calls for a motion.

Olson makes motion to approve with conditions; Second by Shoff. Motion carries.

Osborne - yes  
Billings - yes  
Davis - yes  
Olson - yes  
Shoff - yes  
Thomas - yes  
Arce - yes  
Schaffer - yes

**20-X-06 PETITIONER IS NEW VISION OF LIFE CHURCH  
PROPERTY IS LOCATED AT 400 W MISHAWAKA ROAD**

A Special Exception per Section 4.3, Special Exception Uses in the R-1, One-Family Dwelling District, to allow for the expansion of an existing Day Care Center, to allow for school age children and up to 45 children, where previously the operation was limited to 30 children aged 2-5.

**STAFF ANALYSIS**

The property is a place of worship with an accessory rental home located on a corridor with a mix of residential and commercial uses. The zoning lot is approximately 5.23 acres, with the primary building comprising approximately 20,000 square feet. Prior to the daycare operation being established in 2019, a portion of the building was used as a school and has several classrooms, each of which is attached to a child's bathroom with one toilet and one sink, and an outdoor play area.

In November of 2018, the Board granted a special exception to allow the daycare center. At the time, operator of the daycare center, Mr. Yuhui Lu, stated his intent to start with a license for up to 30 children aged 2-5, but that he intended to expand his operation in the future. The resulting special exception placed those limitations upon the operation.

Since that time, Mr. Lu has received a license for an expanded daycare center from the state's Family and Social Services Administration (FSSA), allowing up to 45 children aged 2 to school-age. Staff has once again met with Mr. Liu and inspected the church and believes that the organization and facility are adequate to house an operation of that size. The daycare has received three critical health and safety violations – two having to do with documentation and one due to cleaning supplies being unlocked. While always a cause for concern, experience has shown that a few violations are not uncommon for an operation of this size.

**RECOMMENDATION**

The Staff recommends approval of the special exception based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because the property has already been developed with the capacity to house a daycare center;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

**CONDITIONS**

If the Board chooses to approve the requested special exception, staff recommends that the following conditions be placed upon the approval:

1. All children shall be restricted to the church and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises that exceeds what is allowed by the district or variance.
5. A day care center license shall be obtained prior to operation, and a copy of the license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. The Special Exception shall be for children ages 2 through school age.
8. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.

9. There shall be a maximum of 45 children under the supervision of the petitioner, with adequate staff according to state guidelines.
10. Adults dropping off and picking up children shall use the east curb cut for ingress and the west curb cut for egress.
11. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by December 8, 2022.

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer states as a reminder to everyone there will be a recommendation to BZA to this matter.

Schaffer calls petitioner forward.

Yuhui Lu (51439 Stapleford Granger) introduces himself and states he is the director of the pre-school/day care. Lu states the previous petition for the city was to allow the day care to continue to use the building on 400 W Mishawaka Road in Elkhart, which was approved two years ago by the city. Lu then says this is now in addition to extend the city's approval, which their license was renewed through Indiana, last October. The license capacity was raised to 45 children. Lu states he believes the day care/pre-school has served the community well while caring for the children while receiving positive reviews from Elkhart working parents.

Schaffer asks if there are any questions from the Members for Lu.

Hearing none, Schaffer opens for public comment in regards to the petition.

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

Schaffer calls for a motion.

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

Osborne - yes  
Billings - yes  
Davis - yes  
Olson - yes  
Shoff - yes  
Thomas - yes  
Arce - yes  
Schaffer - yes

#### **STAFF ITEMS**

##### **20-SI-08**

The Planning and Zoning Department is requesting approval of the addresses that have been reserved for structures in the City of Elkhart.

##### **Residential**

950 East Jackson Blvd.  
960 East Jackson Blvd.  
260 Junior Achievement Drive

Portage Place Town Houses  
Portage Place Town Houses  
River Point West Apartment Building

##### **Commercial**

199 East Wolf Avenue

Electrical Cabinet

Schaffer calls for a motion.

Olson makes motion to approve, Second by Shoff. Motion carries.

Osborne - yes  
Billings - yes  
Davis - yes  
Olson - yes

Shoff - yes  
Thomas - yes  
Arce - yes  
Schaffer - yes

**20-SI-09 PETITIONER IS CR 17 LAND DEVELOPMENT, LLC**  
**PROPERTY IS LOCATED AT 5200 HOFFMAN STREET**

An appeal as per Section 26.4.2.B for a Development Plan, to vary from Section 24.9.C.(1,2) which requires on primary facades at least one (1) vertical change of at least three (3) feet from the predominant roof design and two of a list of four design elements, to allow for a roof on two primary facades without such a vertical change and on three primary facades without the specified design elements.

**STAFF ANALYSIS**

The petitioner is constructing a spec building at 5200 Hoffman Street. The building will be 282,700 square feet for an undetermined end user for warehousing or manufacturing purposes. The plan also calls for 10,000 square feet of commercial office space with twenty (20) truck docks and the ability to divide the building for two tenants. The plans were submitted and reviewed through Technical Review with a majority of issues found during that process addressed. The exception is the roof relief requirement.

The proposed building will have a vertical design element that is three (3) foot above the predominate roof design which is the main canopy at the office. The proposed building will not have roof mounted mechanical equipment and the condensing units will be located at ground level screened by landscape material.

The site is located along the County Road 17 overlay district which requires a higher level of review. The purpose of the district is in part - the City recognizes the need for an increased level of review that may not always occur within a fixed boundary of a zoning district. Areas may occupy only a portion of a zoning district or include all or portions of several districts. These may include corridors along major traffic arteries, including gateways into the City or a specific geographic area due to its location, land uses, physical character or other factors significantly affecting the overall character of the City.

The intent of the Development Plan Overlay District is to supplement specified zoning districts requiring the submittal and approval of a development plan. The purpose of the development plan is to: encourage orderly and compatible development, encourage a high standard of visual quality within the district, protect existing and future property values, promote safe traffic flow on streets within the district, and protect and preserve the quality and integrity of residential neighborhoods within and adjacent to the district.

**STAFF RECOMMENDATION**

Staff has reviewed the rationale provided by the petitioner and feel that it is our obligation to present the material submitted along with the purpose and intent of the overlay district for the Plan Commission to consider while making their decision. Staff has worked diligently with the petitioner during the review process and defer to the Plan Commission's final decision regarding this request.

Schaffer asks Trotter if the proposed building is adjacent to the Champion Chair building which was recently constructed.

Trotter replies yes.

Schaffer then asks Trotter, "Did the Champion Chair building meet the requirements of the overlay? Or did they have to get an appeal as well?"

Trotter replies, that he doesn't believe they are fronting on 17. They are fronting on the other side of the street. Trotter apologizes for technical difficulties he is having.

Schaffer asks if there are additional questions from the Commission for Trotter.

Pat Gross (Project Development, DJ Construction) introduces himself and states he is representing C.R. 17 Land Development, LLC. Gross states that with the pre-engineered metal they are having an extremely difficult time providing the vertical design changes which block hundreds of thousands square feet of roof water to come off the edges of the roof and also the difficulty with the multiple slopes on the building facades. Gross says what they have tried to do is keep the roof slope low enough so you are not able to visibly see a difference when facing from C.R. 17. along with working with banding that goes around the building. Gross reiterates they are trying to take the eye away from the roof line and more towards the window and color band around the building.



Ultimately, Gross states they have tried to create an attractive, yet affordable industrial building for their client. Gross says he feels for the M-1 Zoning that it's within, it still meets the C.R. 17 overlays.

Schaffer asks the members if anyone has questions for Gross.

Schaffer asks Gross what is the vision for the finish on the insulated wall panels.

Gross replies that it is a metal finish with an eggshell texture with no exposed fasteners.

Schaffer asks Gross if he could mention a similar building that is around town.

Skillen interjects and says, "If you go North on C.R. 17, across the river, before C.R. 6- it used to be called Pharaoh's." Skillen says this is a similar building to refer to Schaffer's question.

Schaffer asks the members if there is additional questions or discussion.

Schaffer calls for a motion.

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

Osborne - yes

Billings - yes

Davis - yes

Olson - yes

Shoff - yes

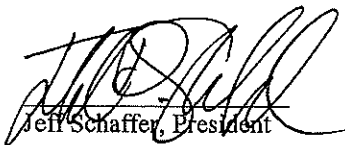
Thomas - yes

Arce - yes

Schaffer - yes

#### ADJOURNMENT

Schaffer calls for a motion to adjourn meeting. Osborne approves motion to adjourn and is seconded by (inaudible). Meeting is adjourned and all are in favor.



Jeff Schaffer, President



Dave Osborne, Vice-President



# City of Elkhart Parks & Recreation

## Park Board Minutes



**DATE:** Tuesday, January 19, 2021

**TIME:** 3:30 PM

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

### Call to Order at 3:30 PM.

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

Kim Henke, President	Mike Sweet, Vice President	Sarah Santerre Secretary	Nekeisha Alayna Alexis Treasurer
		Absent	Via Webex

#### 2. Approval of Agenda

Motion to Approve Agenda

Motion: NAA

Second: KH

Roll Call Vote: NAA – yes, KH – yes, MS - yes

Motion Passes

Motion to move Election of Board Officers to end of the meeting

Motion: KH

Second: NAA

Roll Call Vote: NAA – yes, KH – yes, MS - yes

#### 3. Approval of Minutes

Motion to Approve November 17, 2020 Minutes

Motion: NAA

Second: KH

Roll Call Vote: NAA – yes, KH – yes, MS - yes

Motion Passes

#### 4. Approval of Financials

**Claims: \$65,927.49**

**Donations: None**

**Grants: None**

Motion to discuss, approve and place on file

Motion: KH

Second: NAA

Roll Call Vote: NAA – yes, KH – yes, MS - yes

Motion passes

Ms. Wingard states in addition to the usual utility and operating expenses, there are purchases of new picnic tables and trash receptacles, and payment for the 5 Year Master Plan.

#### 5. New Business

##### a. Plan Commission Appointee

Mr. Sweet has held this position for several years and would like to continue.

Motion to elect Mike Sweet as appointee to the Plan Commission

# City of Elkhart Parks & Recreation

## Park Board Minutes



Motion: NAA  
Second: KH  
Roll Call Vote: NAA – yes, KH – yes, MS – yes  
Motion Passes

**b. Contract for Cleaning Services**

Mr. Czarnecki explains that this is the same contract that was approved by the Board previously. There has been a change to an error in language and it needs to be approved again.

Motion to Approve Contract for Cleaning Services

Motion: KH

Second: NAA

Roll Call Vote: NAA – yes, KH – yes, MS – yes

Motion Passes

**6. Old Business - NONE**

**7. Use and Event Permit Requests**

**a. Frosty 5 K/Mile Run – February 13, 2021 – Studebaker Park – Wendy Terrazas**

Mrs. Terrazas has met with the City Event Committee and they have approved the event. She is still waiting to hear from the County Health Department.

Mrs. Henke asks if this has been mapped out in terms of public safety.

Mrs. Terrazas states that she works with the Police Department and Emergency Services as well as the Park Rangers.

Ms. Alexis asks if there are crowds along the run.

Mrs. Terrazas states that this run does not bring out a lot of spectators as it tends to be very cold. Any spectators that do come out will be social distancing. Crowds will not be allowed in the building this year. There will be a delayed start and the course is a loop so that runners do not pass each other going the other direction.

Mrs. Henke asks how the event is marketed.

Mrs. Terrazas states that it is marketed through social media, Run Sign Up, and other running websites. The event usually draws a couple of hundred runners.

Motion to Approve

Motion: KH

Second: NAA

Roll Call Vote: NAA – yes, KH – yes, MS – yes

Motion Passes

**8. Approval of Department Report**

Mr. Czarnecki informs the Board that the Department has been able to open NIBCO Water and Ice Park and it has been successful. Pavilions are still being rented in limited capacities. Winter Day Camp was very successful in a virtual format. The Lundquist-Bicentennial redesign is still ongoing. JPR is currently working on initial designs. The Winter Activity Guide is out now.

The Redevelopment Commission is using Neighborhood Revitalization Area Funds for park improvements such as ADA kayak launches, new playgrounds, new trash cans, new picnic tables, bike racks, and exercise equipment for Sterling Park.

The Department is looking for new office space for when the Tolson Center construction begins.

Mrs. Henke asks if the Department is developing workgroups for exploring the different funding sources for the long term strategic plan.

# City of Elkhart Parks & Recreation

## Park Board Minutes



Mr. Czarnecki states that currently there are no secure working groups. A committee was formed internally, but he would like to open it up to the public in the future.

Ms. Alexis asks which parks will benefit from the funding.

Mr. Czarnecki explains that the NRSA zone is large and includes from Walker Park down to Ullery. There are quite a few parks in the zone and could be utilized with the funding. Currently, Roosevelt and Ullery are 2 parks that are receiving funding. They have both received new playgrounds and Mr. Czarnecki is looking to add more amenities to Ullery Park as well as expanding the park.

Mrs. Henke asks if the Department is working with a design group or consulting group to tie the parks together with the City's overall strategic plan.

Mr. Czarnecki states that the 5 Year Master Plan was done through GreenPlay and JPR was a subcontractor for them. JPR is helping with the Lundquist redesign. The Department is not working with another consulting firm to tie into the 2040 plan, but the Department is now looking into individualized park plans. The Department is working with enFocus to help with the individualized park plans.

### 9. Approval for Correspondence

#### a. Holiday Cards

Holiday cards were received by the Department from the Elkhart Police Department, the Elkhart County CVB, and F&F Concessions.

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

Mr. Sweet opens privilege of the floor

Mr. Jay Little asks on Facebook if there will be a restroom at Sterling Park.

Mr. Czarnecki states that at this time, there is no plan for a restroom at Sterling Park.

Mr. Sweet closes privilege of the floor.

### 11. Motion to Table Election of Board Officers

Motion to Table Election of Board Officers until the February 16, 2021 Meeting

Motion: KH

Second: NAA

Roll Call Vote: NAA – yes, KH – yes, MS - yes

### 12. Approval for Adjournment

Motion to adjourn

Motion: KH

Second: NAA

Roll Call Vote: NAA – yes, KH – yes, MS - yes

Motion passes

Adjourn 4:20 pm

### PARKS & RECREATION STAFF MEMBERS IN ATTENDANCE

Jamison Czarnecki, Superintendent  
Clayton Brown, Program Coordinator, via Webex  
Sherry Krask, Event Coordinator, via Webex

Leslie Wingard, Accounting Specialist, via Webex  
Wendy Terrazas, Recreation Manager, via Webex

# City of Elkhart Parks & Recreation

## Park Board Minutes



### ADDITIONAL CITY EMPLOYEES AND GUESTS IN ATTENDANCE

Mayor Rod Roberson, via Webex Ms. Rose Rivera, City Legal via Webex	Ms. Tonda Hines, City Council via Webex	Mr. Victor Limon, IT Department Mr. Jay Little, via Facebook Live
---------------------------------------------------------------------------	--------------------------------------------	----------------------------------------------------------------------

### Minutes Certification:

Respectfully Submitted,

Jennifer Koble  
Recording Secretary      Jennifer Koble

2/16/21  
Date

Webex  
Park Board President      Sarah Santerre

2/16/21  
Date

Kim Henke  
Park Board Secretary      Kim Henke

2/16/21  
Date

**REGULAR MEETING**  
**ELKHART REDEVELOPMENT COMMISSION**  
**LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS via WeBex**  
**Tuesday, January 12, 2021**  
**4:00 P.M.**

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**PRESENT IN-PERSON: SANDI SCHREIBER, WES STEFFEN, KURT BULLARD, GERRY ROBERTS,  
ALEX HOLTZ and DANA DONALD (RECORDING SECRETARY)**

**PRESENT BY WEBEX: DORIANNE NIELSEN**

**ADAM FANN, GARY BOYN, CHRIS POTTRATZ, ASHLEY ELSASSER, LAURA  
MILLER, CHAISE COPE, KACEY JACKSON, ERIC TROTTER, GEORGE  
BYERS, LEAH THILL (MACOG), YOLANDA BOUCHEE, JAMES TURNWALD  
(MACOG), JEFF ROBERTS (ROBERTS ENVIRONMENTAL), JAMISON  
CZARNECKI**

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Mayor Rod Roberson swore in the members of the Redevelopment Commission.

**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. Due to the nature of the meeting Dana Donald will call roll after the motion.

The meeting was called to order at 4:00 p.m. by Ms. Schreiber, President.

**APPROVAL OF AMENDED AGENDA**

Motion made by Mr. Steffen seconded by Mr. Holtz to amend the agenda to add "Employment of Crowe, LLP Meijer Project. Ms. Schreiber made a roll call vote. Five were in favor and none were opposed. Vote carried.

**ELECTION OF OFFICERS**

- a) **President:** Wes Steffen made a motion to elect Sandi Schreiber for President All were in favor and none were opposed. Voice vote carried.
- b) **Vice President:** Sandi Schreiber made a motion to elect Wes Steffen for Vice President and was seconded by Alex Holtz. All were in favor and none were opposed. Voice vote carried.
- c) **Secretary:** Wes Steffen made a motion to elect Alex Holtz for Secretary. All were in favor and none were opposed. Voice vote carried.

**APPROVAL OF DECEMBER 8, 2020 MEETING MINUTES**

Motion made by Mr. Steffen seconded by Mr. Holtz to approve the minutes from the previous meeting. All were in favor none opposed. Voice vote carried.

**NEW BUSINESS**

- a) **Employment of Crowe, LLP for Meijer Project:** Mr. Boyn stated that the Economic Development agreement for the Meijer Project is in the process of being worked on and one of the items in there is a provision that we hope to recover what the Redevelopment Commission will be spending for local public improvements to facilitate the project. The desire is to hire Crowe to give an evaluation of what they believe the TIF revenue will generate from this project (this will give us an idea of how many years it will take to recuperate our funds). This is tied into asking the Developer not to seek a tax abatement or any kind

of reassessment on the property until the Redevelopment Commission is at least made whole on what we had to spend on the project out of TIF funds. So Crowe is willing to work with us on an hourly rate basis at a not to exceed amount of \$10,000.00.

The Commissioners were provided these rates:

\$425-\$500 per hour for Partner Direct

\$200 -\$375 per hour for Managers

\$140-\$190 per hour for Senior Staff

With out of pocket expenses to be charged at cost

So we are asking for a motion to approve the employment of Crowe to provide financial services for the Meijer Project on an hourly rate basis at a not to exceed amount of \$10,000 and authorize the President of the Redevelopment Commission to sign the fee agreement upon its receipt which would contain the normal terms of which we have always used their services.

Ms. Schreiber asked for a motion. Motion was made by Mr. Holtz, seconded by Mr. Steffen. Ms. Schreiber asked for questions or comments from the Commissioners.

Mr. Roberts asked if a firm fixed fee is an option and was it pursued.

Mr. Boyn stated that these types of things are a little difficult, since they have to do a fair amount of digging to see what is already being produced in the TIF. There will be some kind of evaluation to develop some information that was asked of them. They will be dealing with the County Auditor and County Assessor in some of their evaluation. They don't know how much time it will take, but they are sure it is not going to take a huge amount of time. They have the information from Meijer and should be able to get this done in a 30-day period.

All were in favor, none opposed. Voice vote carried.

- b) **Approval of Invoice for Ice Miller Services for Foundry Work:** Mr. Boyn stated that the Commission employed Ice Miller, LLP to seek recovery of City costs and damages arising from the environmental contamination at the former Elkhart Foundry site. Ice Miller has advised that August Mack needed to be employed to provide an expert witness rebuttal report at an approximate cost of \$16,000 as set forth in the proposal for services submitted to the Commissioners. The Commission has reviewed the Proposal and believes it is in the best interest of the City and its inhabitants that the Proposal be approved and the funds appropriated to cover the estimated cost of \$16,000 to be paid from the Downtown Allocation Area No. 1 Special Fund.

Motion was made by Mr. Steffen seconded by Mr. Bullard to approve the resolution. Ms. Schreiber asked for questions or comments from the Commission or public. All were in favor, none opposed. Voice vote carried.

- c) **Approval of Invoice for Ice Miller Services for 1101 E Beardsley:** Mr. Boyn stated that the Commission has acquired the realty at 1101 E. Beardsley previously referred to as the Conn site, which has environmental contamination and requires remediation, and has employed Ice Miller, LLP to provide services related to the MACOG environmental review and the collection of clean-up costs from prior owners. The attached Ice Miller billing for Services through November 30, 2020, being Invoice 01-2069343 for \$808.50 performed in accordance with the Fee Agreement and believes it is in the best interest of the City and its inhabitants that the billing be approved for payment.

Motion was made by Mr. Steffen seconded by Mr. Bullard to approve the resolution. Ms. Schreiber asked for questions or comments from the Commission or public. All were in favor, none opposed. Voice vote carried.

- d) **Offering of 1101 E Beardsley and 1701 Sterling:** Mr. Fann stated that Staff has been contacted by a developer interested in 1101 Beardsley and 1701 Sterling. Both of these properties were acquired via tax sale.



Additionally, both parcels are involved in the MACOG grant for environmental analysis. The process has been started by offering the parcels for sale at the average of two appraisals each; with the understanding that any potential developer or interested party know the background and the level of environmental study being done on both parcels currently. Mr. Boyn has done a very good job of laying that out and the ground rules for any potential interested party.

Mr. Boyn stated that the resolution approves the offering and the offering sheet and the public notice. The public notice is to be published in the *Elkhart Truth* twice this month (the first on the 16<sup>th</sup> and the second on the 23rd assuming that the resolution is approved) in order to open any offers that are made in the February meeting. An offering sheet is required by State statute and it will be available at the Department of Community and Redevelopment along with any other necessary documents needed. So the motion is to approve the offering of both parcels of real estate for sale, approving the offering sheet attached to the resolution that contains the prices of \$11,750 for 1101 E Beardsley Avenue and \$70,250 for 1701 Sterling Avenue and approving the form of Public Notice the will be published in the *Elkhart Truth*.

Motion made by Mr. Holtz seconded by Mr. Bullard to approve the Offering. Ms. Schreiber asked for questions and comments from the Commissioners.

Mr. Steffen asked if we are offering the properties now because they have never been offered before publicly.

Mr. Boyn and Mr. Fann answered yes.

Mr. Holtz stated I'm sure it depends on how we structure any sale, but what are our responsibilities with the properties after they are sold; what connection might we still have?

Mr. Boyn stated that that depends on the offers that are made. I know that there is a gentleman that is planning on making offers on these properties who has a company that deals with contaminated properties. I believe the gentleman is aware but I'm not sure to what extent Mr. Fann can correct me if I misunderstood that. Once he sees the extent the cleanup costs may be would be proposing to make some kind of offer where he would assume the obligation to clean up the property once purchased. We would have a form of development agreement that recites what a buyer proposes to do once it's cleaned up, what kind of improvements and how much will be proposed to spend on the site, when the work would start, and when the project would be complete. We would have reverter provisions in there that say if the buyer doesn't do what is proposed, then the property will revert back to the Commission. Those are all standard provisions that we have always used. So a lot of this will depend on the offers we receive and what the we decide to accept. The Commission has the right to reject all offers or accept whichever one is most responsive to what best meets the needs of the City, Neighborhood, and/or existing plan.

Ms. Schreiber stated if we accept a bid then a lot of the details can be worked out in a development agreement.

Mr. Boyn stated that's exactly right. Whenever we accept a bid it's always subject to the parties negotiating a mutually accepted developed agreement.

Ms. Schreiber asked for questions or comments from the public. All were in favor, none opposed. Voice vote carried.

- e) **MACOG Presentation:** Mr. Fann stated that Abby Wiles worked on a grant from MACOG for Brownfields within the City of Elkhart. Leah Thill (MACOG), Yolanda Bouchee, James Turnwald (MACOG), Jeff Roberts (Roberts Environmental) made a presentation on five Brownfields in Elkhart -1101 E Beardsley, 1701 Sterling, 700 Block of S. Main Street, 2101 S. Main Street, and 511 Division Street.

### **STAFF UPDATES**

**CDBG:** George Byers invited Jamison Czarnecki Parks Superintendent to speak about City parks and the parks master plan, but Mr. Byers did not have the resolution sent to the Commission. Mr. Byers will present the resolution for close to a million-dollar investment in the parks at a special meeting.

Ms. Schrieber stated we're thankful for Church Community Services and all that they do for the community.

**Downtown:** Mr. Fann stated that Central Park is open, and we can't wait to use it this Summer.

### **Economic Development Projects**

Ms. Elsasser stated that social media for the Economic Development Department is up and running on Instagram, Facebook, and Twitter.

### **TIF Budgets Summary**

### **OTHER BUSINESS**

Approval of Invoice – Warrick & Boyn (November 2020)

Motion made by Mr. Steffen seconded by Mr. Holtz to pay the invoice. Ms. Schreiber asked for questions or comments from the Commission or public. All were in favor, none opposed. Voice vote carried.

### **CORRESPONDENCE/ANNOUNCEMENTS**

### **PUBLIC COMMENT**

### **ADJOURNMENT**

There being no further discussion, the meeting was adjourned at 5:50 p.m.

  
**SANDI SCHREIBER, PRESIDENT**

**REGULAR MEETING  
ELKHART REDEVELOPMENT COMMISSION  
LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS via WeBex  
Friday, January 29, 2021  
11:30 A.M.**

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**PRESENT IN-PERSON: SANDI SCHREIBER, ALEX HOLTZ, GEORGE BYERS and DANA DONALD  
(RECORDING SECRETARY)**

**PRESENT BY WEBEX: DORIANNE NIELSEN (WEBEX Phone), WES STEFFEN, KURT BULLARD, and  
GERRY ROBERTS, MAYOR ROD ROBERSON, JAMIE ARCE**

**ADAM FANN, GARY BOYN, CHRIS POTTRATZ, ASHLEY ELSASSER, LAURA  
MILLER, CHAISE COPE, KACEY JACKSON, and ERIC TROTTER**

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**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. Due to the nature of the meeting Dana Donald will call roll after the motion.

The meeting was called to order at 11:30 a.m. by Ms. Schreiber, President.

**APPROVAL OF AMENDED AGENDA**

Motion made by Mr. Steffen seconded by Mr. Bullard to amend the agenda to add "*CAPER Report*". Five were in favor and none were opposed. Vote carried.

**NEW BUSINESS**

- a) **Approval of Crowe Agreement Area 3 Expansion:** Mr. Boyn stated that the Commission has previously contracted with Crowe, LLP to provide financial consulting services on the GLC/Martin's Project and desires to employ Crowe to provide additional services to provide an analysis of the TIF revenue generated from Downtown Allocation Area No. 3 in order to determine if that Allocation Area needs to be expanded onto some or all of the remaining GLC Project Area. The Commission has reviewed the proposed scope and cost of services, and the funds will be appropriated from the Elkhart Capital Outlay Fund at a not to exceed amount of \$10,000.

Ms. Schreiber asked for a motion. Motion was made by Mr. Roberts seconded by Mr. Steffen. Ms. Schreiber asked for questions or comments from the Commissioners.

Mr. Bullard questioned the scope of services, engagement terms, late service fees, and time limit on claims.

Mr. Boyn stated that he would email Crowe with the Commissions concerns.

Mr. Arce stated that no late service fees have ever been paid.

Mr. Nielsen stated that she read everything from Crowe and everything is stated in their favor.

Mr. Boyn stated that the Commission can table this until their questions have been answered.

Ms. Schreiber asked what affect that would have on expansion process.

Mr. Boyn stated about three weeks.

Mr. Bullard stated that we should approve this agreement and make them aware of our concerns for the next time we have an agreement with them.

The roll call vote was as follows: Ayes: Mr. Steffen, Mr. Bullard, Mr. Holtz, Mr. Roberts, and Ms. Schreiber. Nays: None. The motion passed unanimously 5-0.

- b) **CDBG-Approval of \$550,000 for NRSA Parks Projects:** George Byers stated that the City and Parks Department have developed a program to upgrade all city parks by adding ADA pathways and ADA accessible playground equipment, installing permanent benches and tables and generally upgrading and beautifying the parks, and have requested approval of \$550,000 of funding for improvements at High Dive, Willowdale, Studebaker, Edgewater and Beardsley Parks using CDBG Funds.

Motion was made by Mr. Holtz seconded by Mr. Roberts to approve the resolution. Ms. Schreiber asked for questions or comments from the Commission or public.

Ms. Nielsen stated that \$50,000 of this is trash cans. I'd like to see the trash cans painted by the students in the Art Department. I feel like if the children are involved they tend to take care of the parks better.

Ms. Elsasser stated that she can be the lead person on that and work with Jamison Czarnecki Superintendent of Parks.

Mr. Byers stated that would be great Ms. Elsasser.

Mr. Steffen stated to Ms. Elsasser that he does know something about paint and is willing to offer his resources to her.

Ms. Schreiber stated thanks Mr. Steffen.

The roll call vote was as follows: Ayes: Mr. Steffen, Mr. Bullard, Mr. Holtz, Mr. Roberts, and Ms. Schreiber. Nays: None. The motion passed unanimously 5-0.

#### **PUBLIC COMMENT**

There was no public comment on WEBEX, FACEBOOK, or In-person.

#### **ADJOURNMENT**

There being no further discussion, the meeting was adjourned at 12:10 p.m.

**CAPER Report:** George Byers presented the CAPER Report to the remaining Commissioners after the meeting was adjourned. There was no public comment in-person, on WEBEX, or on FACEBOOK.

  
SANDI SCHREIBER, PRESIDENT

**Meeting Notes**  
**December 14, 2020**

Members Present: Johnny Thomas, Natasha Kauffmann, Arvis Dawson, Therese Geise, Jim Garner, Chaise Cope, Ashley Elsasser, and Tim Price.

Also Present: Dana Donald, Recording Secretary

Due to the COVID-19 stipulations; this meeting was held virtually and telephonically through Webex. Meeting was called to order at 3:00 p.m. by Mr. Price.

Approval of October 19, 2020 Minutes: Motion made by Mr. Dawson seconded by Mr. Gardner to approve the minutes of the previous meeting. All were in favor, none opposed. Voice vote carried.

Approval of Kruggel Lawton CPA Engagement Letter for 2020: Motion made by Mr. Dawson seconded by Mr. Gardner to approve Kruggel Lawton for Tax preparation and to pay the invoice when it is received. All were in favor, none opposed. Voice vote carried. Mr. Price will sign the letter and email it to Ms. Donald to send back to Kruggel Lawton.

Review Financial Statement and Finalize 2021 Budget: The 2021 Budget will remain the same as 2020. Mr. Price stated that we haven't reached our goal with the scholarships and we've given nothing away in two years to the neighborhoods.

Mr. Dawson asked if we were looking to give out grants to neighborhood associations.

Mr. Price stated yes. Also given the times that we are in, if you all know of something that we can do to help within the Zone community and neighborhood please let us know. Even if anybody has a different twist on helping, we'd be happy to hear suggestions.

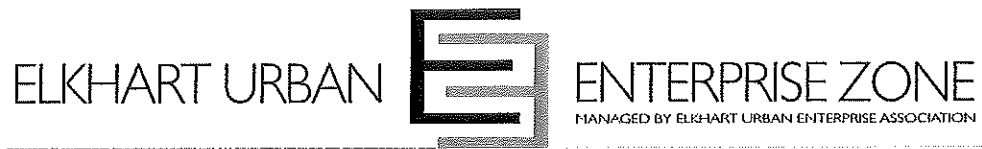
Motion was made by Mr. Dawson seconded by Ms. Geise to approve the 2021 Budget. All were in favor none opposed. Voice vote carried.

Expansion of Zone – Preparation for Council Presentation: Ms. Kauffmann made a presentation on areas where to expand and contract the Zone. Ms. Kauffmann stated that she didn't have any demographic information to pull from, but we know that the original proposed boundary needed to be decreased by about 2000 people. Likewise, it may be necessary to exclude the River Vista Area due to the River Vista Development Strategy from 2013 and the River District and this will help reinforce the idea that we are using City tools to focus on areas of need.

Mr. Dawson stated although we would love to have the River District they don't fit the financial demographic.

Ms. Donald stated that Dayna Bennett also agreed to exclude the newly renovated River District (the northern portion of the map)

Ms. Elsasser agreed to run the data sets that include population and square miles (excluding the northern red area altogether) – (A) the blue area, green area, and southwest industrial in red; (B) the blue area and green area; (C) the blue area, and the southwest industrial in red



Next Meeting: January 11, 2020 at 3:30 p.m.

Adjournment: Motioned by Mr. Gardner and seconded by Mr. Dawson. All were in favor. Meeting adjourned at 3:33 p.m.

**Meeting Notes**  
**January 11, 2021**

Members Present: Jim Garner, Johnny Thomas, Natasha Kauffmann, Arvis Dawson, Chaise Cope, Bill Lavery, Ashley Elsasser, Kevin Bullard, and Tim Price.

Also Present: Levon Johnson, CEO of The Greater Elkhart Chamber of Commerce and Dana Donald, Recording Secretary

Due to the COVID-19 stipulations; this meeting was held virtually and telephonically through Webex. Meeting was called to order at 3:03 p.m. by Mr. Price.

Approval of December 14, 2020 Minutes: Motion made by Mr. Dawson seconded by Mr. Gardner to approve the minutes of the previous meeting. All were in favor, none opposed. Voice vote carried.

Chamber of Commerce Support: Mr. Johnson spoke about the manufacturing and economic climate of the area. A check for \$3,000.00 was written for Downtown Support of the Merchants Alliance. Mr. Dawson and Mr. Johnson encouraged everyone to shop locally and support businesses in the area because of the local people that work in those businesses.

Expansion of Zone –

- a) City Legal's read on Rezoning map/populations: Ms. Elsasser stated that she didn't have the information yet, but would email it later.
- b) Review of Council Presentation (tentatively February 1 or February 8 meeting:

Next Meeting: February 8, 2021 at 3:00 p.m.

Adjournment: Motioned by Mr. Gardner and seconded by Mr. Dawson. All were in favor. Meeting adjourned at 3:31 p.m.

*The Honorable  
Rod Roberson  
Mayor*

**Jamison Czarnecki**  
*Parks Superintendent*



**Parks & Recreation**  
1320 Benham Ave.  
Elkhart, IN 46516

574.295.7275  
Fax: 574.522-7808

## MEMO

To: Board of Elkhart Parks and Recreation

From: Jamison Czarnecki, Superintendent

Date: February 16, 2021

Re: Superintendent's Report

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### Superintendent's Update

- COVID-19 Update:
  - We are working with the County Health department to create plans for our events, programs, and pavilion rentals that will allow for us to continue to provide services in a safe manner over the coming months.
  - Currently, we are working within the Yellow Guidelines.
- Lundquist Bicentennial Park:
  - I have submitted the latest rendition for the concept design of Lundquist Park. As part of the River District Implementation Team we have been working with JPR and Insights Inc. to engage the community in a design that incorporates what the community wants at this park.
    - Highlights are inclusive play, destination playground, nature play concepts, and a beer garden/café area.
- Parks staff has been working to enhance our programs and offerings, which you'll see has resulted in some new and exciting partnerships.

### Events Report

- Elkhart County Health Dept. Covid-19 Event Plans and event permits are being submitted for approval
- Farmers Market working to obtain WIC Certification, in partnership with Purdue Extension
- Spring Pop Up Market, March 20<sup>th</sup> 9am to 2pm at McNaughton Pavilion
- Approximately 12-14 people volunteered at Tolson Center for the Dr. Martin L. King Day – Coat and Food Drive. There were staff who volunteered from Elkhart Parks and Recreation Dept. and volunteers from River Oaks Community Church assisting with the drive. Several hundreds of pounds of goods were donated as a result.

### Recreation Report

- NIBCO-
  - January through the first weekend in February has seen approximately 4200 patrons.
    - I have been receiving positive feedback about the sessions that were implemented due to COVID.
  - Monday, February 15<sup>th</sup>, at 3:00 pm, Artic Dogs will be played on the Monster Message screen for patrons.
    - No additional fee.
    - Patrons will watch while the skate.
  - Regular season hours are applicable through February 28th.
- Summer Day Camp
  - Planning is moving forward with summer camp.
    - Weekly themes and calendars are being worked on.
- PayCor Hiring/Applications



*The Honorable  
Rod Roberson  
Mayor*

**Jamison Czarnecki**  
*Parks Superintendent*



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- Working with HR on the new application process.
  - Applications are moving to online only.
  - Kiosks will be set up at HR and Parks for applicants.
- Softball Leagues/Tournaments
  - Tournaments are scheduled from April-October.
  - League play begins in April for Summer League and August for Fall League.

#### Programming Report

- Friday Dance Party on February 12<sup>th</sup> in partnership with Epic Dance Studio in Tolson Gym.
  - Free program for grades 3<sup>rd</sup> -12<sup>th</sup>
- Intro to Lunchtime Yoga class begins February 22.
  - Four session 12:30pm-1:30pm Mondays partnered with Epic Dance Studio in Tolson Gym. Cost is \$10 per participant for four classes
- Beginner Pickleball Lessons occur March 6 and 13.
  - Free lessons with registration. 11AM-1PM
- Youth Tennis Lessons for ages 7-10 takes place on Tuesdays between March 9<sup>th</sup> -30<sup>th</sup> from 5:30pm-8pm.
  - Class will be indoors at Tolson gym and cost \$20 for players. Scholarships are available with proof of free and reduced lunch information.
- First Lego League sponsored by Lego and partnered with ElkLogics First Robotics Team 2867
  - March 11<sup>th</sup> -April 29<sup>th</sup> in a 8 week series that teaches K-1<sup>st</sup> graders how motion and power take place with simple Lego bricks. Program costs \$15 per participant
- City Lights Volleyball gets the nod to host volleyball camp at Tolson for grades 3<sup>rd</sup>-12<sup>th</sup>. This takes place March 10-April 19. The cost is \$35 per player. Scholarships are available with proof of free and reduced lunch information.
- Elkhart Parks had partnered with Grace Jiu Jitsu to present a 8 week beginners Jiu Jitsu course.
  - Jiu Jitsu is a martial art that teaches the skills of balance and self-defense. Classes will be held at High Dive Pavilion and will cost \$40 per participant for full 8 weeks. Scholarships are available with proof of free and reduced lunch information.

#### Ranger Report

January 1 -31, 2021 – Ranger Stan McCray

#### Citations

- None written.

Various Park Activities and number of people participating.

- Basketball (7), Biking (5), Boating (2), Fishing (7), Parking/Sitting (261), Photography (1), Playground (14), Skateboarding (32), Sledding (39), Walking/jogging (143), Walking Dog (77).

#### Damage

- January 4, 2021 – While patrolling, Ranger Gilliam found various tree branches down across pathways in River Greenway and Studebaker Parks. The Bldgs. and Grounds Dept. was contacted to remove the branches.

*The Honorable*  
**Rod Roberson**  
*Mayor*

**Jamison Czarnecki**  
*Parks Superintendent*



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- January 4, 2021 – While patrolling, Ranger Ryman found several tree branches down blocking various pathways in Pinewood Park which may it impassable. The Buildings and Grounds Dept. was contacted to remove the large branches.
- January 11, 2021 – While on patrol Ranger Gilliam found the north door to High Dive Pavilion ajar. It is unknown who may have left the door unsecure. There was nothing out of place and there was no damage to the pavilion.
- January 16, 2021 – While on patrol, Ranger Theriot was at Pinewood Park and found that an unknown vehicle had driven off of the path across the grass at the rear (north side) of the tennis courts causing ruts in grass.
- January 20, 2021 – While on patrol, Ranger Ryman found the front doors of High Dive Pavilion unlocked. Ranger Ryman found no damage and secured the building.

#### Other

- January 12, 2021 – While on patrol, Ranger Ryman found the Chemical Doors at Pierre Moran Park Pool unlocked. There was no evidence of entry into the building. The building was not armed at the time of the incident. The door was secured and the alarm was set by Ranger Ryman.
- January 13, 2021 – While patrolling High Dive Park, Ranger Coleman found two large plastic trash containers that were laying on its side with straw inside fashioned to make duck homes.
- January 23, 2021 – While on patrol, Ranger Ryman found a Homeless encampment on the east side of High Dive Pavilion. Ranger Ryman reported the encampment to the Elkhart Police Dept.
- January 29, 2021 – While on patrol, Ranger Ryman found a man and woman seated against the west side of the High Dive Pavilion with several articles of clothing and various other possessions. The couple had been previously warned about sleeping in the park. Ranger Ryman called the Elkhart Police Dept. for assistance, however; the female cursed the ranger and fled the area before the officer arrived. The officer advised that he would check the area to her to leave or they would be arrested.
- January 31, 2021 – While on patrol, Ranger Coleman found the entry door to Studebaker Pavilion unlocked. Ranger Coleman checked the inside of the building for damage and to make sure that no one was inside. The building doors were then secured by Ranger Coleman.

## End of Report ##



# ELKHART PUBLIC WORKS & UTILITIES

1201 S. NAPPANEE ST.

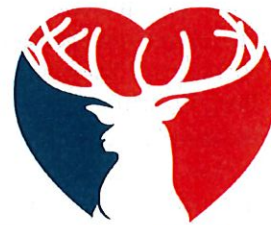
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City of Elkhart

Public Works and Utilities

## ENGINEERING & UTILITY UPDATE

VOLUME 14, ISSUE 2

FEBRUARY 5, 2021

### City Projects

- **The River District:** Upcoming projects sill on the table include River District Dr. & Riverwalk Extension; and Lindquist Park.
  - **Zone 1:** Niblock's work on the water & sewer in Zone 1 is ongoing through the winter
  - **Jackson Bridge:** Jackson Bridge is now closed over the Elkhart River. Northern Indiana Construction will be working into June on the bridge improvements.
  - **Town Green:** This project is now in liquidated damages. Minor items remain and should finish soon.
  - **JA Node:** Work is finalized on this project. The Contractor is now past deadline and into liquidated damages.
- **Hively Avenue Grade Separation:** A public hearing is tentatively set for May. Final plans/alignment selection is set to happen in February. Property acquisitions is tentatively set to begin this summer.
- **Bristol Street Widening:** Design work continues on this Federal-aid project. The topography survey is complete and the consultant has begun coordinating with utility suppliers. Construction is scheduled for the summer of 2023.
- **Benham Avenue:** Lighting and a traffic signal at Wolf should come online in February.
- **S. Main St:** Bids on this TIF/Civil/Water/Storm project are expected in March. Project will include complete reconstruction sidewalk-sidewalk from Lusher to Hively.
- **Johnson Street:** Design of improvements to Johnson, including a sanitary sewer extension are underway, and will be bid out this summer. Johnsons will be closed during the construction.
- **Edgewater Lift Station:** The City and DLZ are in the process of designing a replacement sanitary sewer lift station including the replacement of pumps, 24" force mains and pavement. A pre-manufactured electrical building is currently being explored as the design is nearly wrapped up.
- **Central Green:** The stage work is now past deadline and into liquidated damages.
- **Sidewalk Projects:** 2021 ADA curb ramp projects will be bid out later this year.
- **Hotel Elkhart/Marion Street Parking Deck:** The Contractor is now past deadline and into liquidated damages.
- **CSO LTCP Projects:** The City is awaiting approval from the DOJ to allow for modification to the WWTP process. A wastewater Bond Ordinance was approved by the Council for the 2<sup>nd</sup> phase of the WWTP project. Bids are expected in Spring 2021. A study for the Oakland Tank project is underway.
- **Water Main Projects:**
  - **2021 Extensions:** Planned extensions include Calumet east of Marguerite; and McPherson from Conn to Rose.
  - **North Main Replacement:** Bids will be opened in February for this project. The County will be replacing the Main Street bridge over Christiana Creek, and will be in conflict with an 18" water main. The City will relocate and replace this 92-year old main prior to the County's project. This will be bid in the winter, and construction may not begin until Spring 2021. An addendum has been included with this project to include improvements to drainage and alley pavement on the East side of the Elkhart Public Library located at 300 S 2<sup>nd</sup> Street.
- **Sewer Main Projects:** Projects include:

- **2021 Extensions:** Planned extensions include DeCamp from Naomi to Carlton; 6<sup>th</sup> Street from Markle to Fieldhouse and Johnson Street from Borg to Arlington.
- **Benham Avenue Storm Sewer:** The 1<sup>st</sup> phase of this 2 phase project will extend storm sewer from the Benham/Chapman area to Sixth Street. In the future, phase 2 will extend the storm sewer to Tenth Street and provide major relief to the flooding that Benham experiences during intense rainfall events. This project is also tied with the water project and is delayed for funding.

## Utility Projects

- **Utility Locates:** Public Works & Utilities is a member of Indiana "811" Call Before You Dig. January 1<sup>st</sup> through July 31<sup>st</sup> our utility locating crew has completed 3348 utility locate requests to mark water and sewer lines in the public right of way.
- **Watermain Repairs:** The Distribution Group has repaired 14 watermain breaks January 1<sup>st</sup> through July 31<sup>st</sup>
- **Hydrant Replacements:** The Distribution Group has replaced 28 hydrants January 1<sup>st</sup> through July 31<sup>st</sup>
- **Lead Services** – procedures are being evaluated to minimize frequent low pressure inconveniences to customers following service line replacement and restoration of water service.
- **Lab and Operations data software** – A new software package to manage all water and wastewater utility laboratory and operations data has been purchased and development is underway. Go-live is anticipated for mid-October.
- **Backflow Software – Backflow software** – A new software package to manage backflow devices has been purchased. Development is scheduled to start in November.
- **Water Loss Audit** – A new annual requirement to account for all water produced is underway. This annual report is due to be submitted by mid-December.
- **IURC Report** – A financial consulting firm has been retained to compile and submit the annual IRUC Water Utility Report. The Report was originally due at the end of April but has been pushed back due to the pandemic.
- **Tank Painting** – Riverview elevated water tower is scheduled to be painted starting in September.
- **Meter Change Out Phase III** – Vanguard began installation on August 24<sup>th</sup> and nearly 250 customers have already received their new water meters.
- **Emergency Response Plan** – the annual update of the Emergency Response Plan is complete.
- **Radios upgrade** - Replace / upgrade radios for remote monitoring or lift stations is ongoing.
- **Industrial Permit updates** – all permits must be updated to incorporate the new phenol limit. The permit format is being changed to meet EPA recommendations and more user friendly for our permitted industrial dischargers. Ten have been completed and thirty remaining on the to-do list. Feedback on the new format has been very positive.

## **Utility Update**

Based on latest available information

### **Account Maintenance – November 2019:**

- 260 new accounts established
- 251 accounts disconnected

### **Wastewater Utility:**

- **June 2018:**
- Treated and released 772 MG water to the St. Joseph River.
- **November 2019:**
- Revenues totaled: \$817,544
- This includes storm water revenues of \$0.00
- Expenditures totaled: \$699,962
- This includes storm water expenses of: \$55,007.30
- **Lien Letters Sent as of December 31, 2019: \$84,203.87**

### **Utility Bill Collection:**

#### **Thru December 2019:**

- City & County Court: \$5,085.27.
- Special Assessment Collections \$23,860

### **Water Utility:**

- **June 2018:** Treated and distributed 256 MG of clean drinking water.
- **October/November 2019:**
- Revenues totaled: \$527,567.
- Expenditures totaled: \*\$608,908 (corrected) \$501,369.



## Environmental Education & Outreach

Call the Elkhart Environmental Center at 574.293.5070 or visit the EEC web page [www.elkhartindiana.org/eec](http://www.elkhartindiana.org/eec) for information about upcoming public programs or events.

- **Staff Updates:** We welcome our new supervisor, Jeff Zavatsky, who started with us in December 2020!
- **Volunteer Program:** Our Volunteer Program is mostly quiet, due to weather and COVID restrictions, with the exception of Community Service (volunteers work outside, socially distanced) and the EnviroFest Planning Committee (meetings are conducted virtually).  
A summary of volunteer accomplishments will be detailed in our upcoming Annual Report, which will be made available on the city website.
- **Volunteer Opportunities:**
  - EnviroFest Planning Committee meetings: first Monday of the month from 6 PM – 7 PM via WebEx. Please email [EECmail@coei.org](mailto:EECmail@coei.org) for a link.
- **EEC Projects:**  
Education/Outreach
- We are continuing to develop virtual education materials to expand our programming reach and to create more accessibility to after-hours visitors.
  - A virtual zero-waste program series is currently in progress
  - A website dedicated to educational materials and resources is currently in production
  - We have opened new social media accounts with Twitter and Instagram to expand our outreach
- Work continues on our Climate Action Plan for the city. We look forward to meeting with and discussing the plan with department heads throughout the city as well as conducting outreach to local businesses, industries, and residents.
- The stonework project around the entrance sign is complete! We look forward to planting beautiful, welcoming flowers in the new planters and hosting a ribbon cutting in the spring!
- Our educational website will work to complement the new interpretive trail signs with landing pages and interactive activities
- Restoration of our eastern prairie is still in progress: we have mowed and applied herbicide. We will apply herbicide again in the spring before planting seeds.

- We are currently working on plans for our upcoming Earth Day event to create a new virtual/in-person hybrid event layout that will comply with local health/safety ordinances and still engage the public in this annual event
- We are working on designs for our children's Learning Loft to make the space more interactive, educational, and effective for childhood education. Some updates have already taken place.
- Restoration on the south side of the EEC property is in progress and we look forward to the exciting opportunity this presents!

### • **Upcoming Public Programs & Events:**

- EnviroFest Committee Meeting: 1<sup>st</sup> Monday of the month from 6 PM – 7 PM (online until further notice).

### Glossary:

**INDOT** – Indiana Department Of Transportation

**NPDES** – National Pollutant Discharge Elimination System

**CSO** – Combined Sewer Overflow

**LTCP** – Long Term Control Plan

**ADA** – Americans with Disabilities Act

**WWTP** – Waste Water Treatment Plant

**EEC** – Elkhart Environmental Center

**CCMG** – Community Crossing Matching Grant

**SRF** – State Revolving Fund

**RLOI** – Request for Letter Of Interest