

**Elkhart Historic & Cultural Preservation Commission**

**Meeting Thursday, February 16, 2023**

**Call to Order:**

Ann Linley called to order the Elkhart Historic & Cultural Preservation Commission Meeting for Thursday, February 16, 2023 at 7:00 pm.

**Roll Call:**

Present: Bobby Glassburn, Raymond Enfield, JA Whitmer, Kristen Smole and Ann Linley; Eric Trotter with the City of Elkhart and Deb Parcell with Indiana Landmarks, Kevin Davis (Deputy City Attorney).

Absent: None

**Approval of Agenda:**

Linley asks for a motion to approve the agenda as presented. Motion made by Enfield; Second by Zimmerman. Voice vote carries.

**Election of Officers:**

Eric Trotter read the 2023 slate of officers as Ann Linley, Chair-person; Bill Zimmerman, Vice-chairman; and JA Whitmer, Treasurer. Voice vote carries.

**Approval of Minutes:**

Linley states there are no minutes to approve from January's meeting due to a lack of quorum.

Linley asks for a motion to approve the June 16, 2022 minutes as presented. Motion made by Enfield; Second by Zimmerman. Voice vote carries.

Linley asks for a motion to approve the July 21, 2022 minutes as presented. Motion made by Zimmerman; Second by Enfield. Voice vote carries.

Linley asks for a motion to approve the October 20, 2022 minutes as presented. Motion made by Glassburn; Second by Whitmer. Voice vote carries.

Linley asks for a motion to approve the December 14, 2022 minutes with the correction under the financial report, roll back instead of rock back. Motion made to accepted the amended minutes by Whitmer; Second by Enfield. Voice vote carries.

**Financial Report:**

Trotter discusses the beginning ledger of \$8,000 with a carry-over of \$5,467.92.

Enfield asks Trotter about the carry-over amounts.

Trotter replies, the donation carries over, but the budget does not. Trotter states the budget covers a large amount of the Commission Assistance Program, which the contract will be approved later on the agenda.

Linley asks if there needs to be a motion to approve the ledger.

Trotter replies, no it is more for the board's reference.

**Hearing of Visitors:**

None

**Old Business:**

None

**New Business:**

Trotter discusses The Commission Assistance Program with Indiana Landmarks and the professional services agreement. This program provides primarily for the Historic Commission, professional services for the commission as well as any member of the community who seeks out counseling or advice for their historic home or structure. Trotter states the complete list of the scope of services provided is listed on page 1 of the packets. The amount this year is \$7,250 plus \$35 for each member; their membership for Indiana Landmarks. Trotter states this is the same contract the board has had for years.

Linley asks about payment.

Trotter replies, after the board recommends approval it will then go to the Legal department to be reviewed and then to Board of Works for final approval. Trotter states this is the same process as it has been in the past.

Linley asks the board if there are any questions from the Members. Hearing none, Linley asks for a motion to recommend approval for The Commission Assistance Program agreement for professional services. Motion made by Glassburn; Second by (inaudible). Voice vote carries.

**23-COA-01 515 East Street**

Trotter states he is representing the petitioner and says the owner was originally awaiting the announcement of a grant and tax credits to fund the construction of the project. The credits were not awarded yet and Trotter states he recommended that is it tabled until the owners have their material submitted for the next round. Trotter states he had forgotten action must be taken within 30 days, so he has apologized to both the homeowners and now the board in regards to the advice he has given to the owners. Trotter suggests for the board to vote this down and the homeowners can reapply once their tax credits are officially in.

Linley asks if there are questions from the commission.

Enfield asks if the homeowners are asking for 60 units on a 1.14 acre. He voices he does not think that will be enough room for the request and the parking.

Trotter replies, it went before the Board of Zoning Appeals last fall and was granted usage of the parking garage and additional parking spaces.

Linley asks for a motion to reject 23-COA-01. Motion made by Glassburn; Second by Enfield.

The motion is clarified; the commission has a limitation of 30 days that we are required to take action within 30 days. East LLC has come before the commission and will not be able to obtain their tax credits and move forward within the 30 days so therefore it will need to be denied at this time.

Glassburn states he moves to deny 23-COA-01 based on the stipulations put forward by chairman Linley; Second by Whitmer. Voice vote carries.

**23-COA-02 316 State Street**

Trotter states during the afternoon, Kevin Davis received news that there is an issue with the title of the property.

Davis comes to the mic and states there is question about the true ownership of the property so at this point in time, 23-COA-02 should be denied until the question of title and ownership of the property is determined.

Linley states if there is a question in regards to a title per the COA rules, the board cannot approve it. There is question in regards to whom would be performing the work and therefore per Legal Council, Linley asks for a motion to deny 23-COA-02 and once everything is resolved, a new COA is to be created on behalf of the applicants.

Motion made by Zimmerman; Second by Enfield. Linley performs roll call:

Glassburn- Deny  
Enfield- Deny  
Whitmer- Recusal  
Smole- Deny  
Zimmerman- Deny

Trotter states with a vote of 5 in favor of denial and 1 recusal, the motion passes to be denied.

Linley states the Historic Commission will wait until this application comes before the board again and asks Parcel if a staff report has been prepared.

Parcel replies (inaudible).

**Announcements:**

On February 8, 2023, Bill Firstenberger reached out to both Trotter and Hooley, inviting the commission to set up a table and be in attendance at the 2023 opening day for the Ruthmere campus and participate in the first annual Beardsley Neighborhood Day. Trotter states this is a free event for the neighborhood and there will be food available, a neighborhood clean up, a “get to know your neighbors”, bounce house for children, a micro grant program for curb appeal and additional opportunities for grants for residents. This will also allow for an opportunity to learn about the importance and advantages of the national registry for the Beardsley Avenue District, cultural attractions and parks within the district. Trotter says this will also be a tool used to learn about the local businesses, places of worship and properties for sale in the neighborhood. Trotter states it is a community event and Indiana Landmarks will be present. He is hoping a few of the board members will be able to come out and help throughout the day.

Linley states she will be available in the morning.

Zimmerman asks Trotter what time it begins.

Trotter replies, 10am.

Trotter states 316 State will hopefully be on an upcoming agenda once the title work is has been cleared. He also states he met with the owners of 518 W Franklin. Trotter says he is under the impression the workload has become significant and is a bit more than the homeowners realized. It was agreed upon for the homeowners to reach out to the building and zoning department with a plan within 90 days of how they plan to move forward. There are a number of code issues that need to be addressed and the building and zoning department are willing to work with them.

Trotter states he was in contact with the owners of 222 Middlebury Street and Enfield is the architect of record currently. Several years ago, the homeowners came before the Board of Zoning Appeals with a request for an event center, which did not work out. The owners have come back and asked for it to be turned into apartments and it was approved. Trotter states the owners have had a few life changes, which has delayed his plans- the homeowner was unable to respond back properly and in a timely manner. Trotter states this property has a demolition order on it, but the city is not wanting to take it down. However, with having no response back it was difficult to move forward. Enfield has agreed to work with the owners and the building department to present a plan by April 25, 2023.

Trotter states a Section 106 notice has been received for a property on CR 17. They are seeking permission to construct a new cell tower on the west side of 17, at the back of the old bank's lumber property. There are no historic structures that are impacted. It was sent by GSS Incorporated.

Trotter states The Kizer House in South Bend was featured in the Indiana Preservation magazine that Indiana Landmarks was part of.

Trotter gives an update and highlights in regards to the Unified Development Ordinance; there was an evening meeting for neighbors to come and ask questions regarding living in the historic district. A topic of the evening was many of the current homes and structures are heavily deteriorated or damaged from lack of maintenance and a large collection of rental properties and the landlords are not taking care of their tenants/homes. The residents do like the brick streets, community garden and the walkability in the district. The residents are concerned when it comes to improving and preserving the district. Trotter then states EnFocus had suggested more accommodations for low and medium income households, increased city investment in the neighborhood, increased consistency and transparency of the enforcement of the standards and additional community amenities for the neighborhood to both attract new residents and non-residents to the district. The residents stated they are not opposed to the standards, but feel they are too difficult to satisfy financially. Trotter states the residents feel that any changes made to the standards must be accompanied by a direct invest of the situation and financial incentives be available to help the residents. Lastly, residents feel Prairie Street (East and West) is an unofficial dividing line in the historic district. Trotter states the March meeting location should be closer to the district to make attendance more convenient and hope to take advantage of the potential networking opportunities and connections such as LaCasa, etc. and to allow more streaming resources (WebEx) breakout sessions.

**Adjournment:**

Ann Linley states she would accept a motion to adjourn the meeting at 7:35 pm. Motion made by Zimmerman, seconded by Whitmer; motion carried.

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Ann Linley, Chair