



DECEMBER 21, 2023 TOWN COUNCIL REGULAR MEETING

Thursday, December 21, 2023 at 7:00 PM
Council Chambers – Bristol Municipal Complex and Via Zoom

AGENDA

This meeting can be accessed via Zoom. Virtual attendance for the public is encouraged however, the Bristol Municipal Complex is open for in-person participation.

JOIN ZOOM MEETING

<https://us02web.zoom.us/j/2011667863?pwd=ZkJKG2ZMcTZGNHBCaW9adUgvdUtYZz09>

Dial in to 312-626-6799 / Meeting ID: 201 166 7863 / Passcode: 1czEDo

Call in any time after 6:30 / meeting will begin at 7:00PM

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. APPROVAL OF INVOICES
6. APPROVAL OF MINUTES
 - a. Dec. 7, 2023 Executive and Council Meeting minutes
 - b. December 15, 2023 Special Council Meeting
 - c. December 19, 2023 Council Work Session

7. PRIVILEGE OF THE FLOOR (AKA Public Comment)

- a. Please state your name and address

REPORTS

8. TOWN MANAGER

- a. Presentation from Scott Franko, SURF Internet
- b. 2023 BFD contract
- c. Water project easements
- d. Request permission to advertise for bids on Waste water Treatment plant improvements.
- e. Council policy for Planning and development decisions

One reading/one meeting versus two readings and two meetings. Indiana Code and Town's Ordinance provide for an ordinance to be approved in one meeting

- f. Town Manager report
 - 1) Stonemont Traffic signage update
 - 2) Commerce Drive Sign project update
 - 3) Misc.

9. CLERK-TREASURER

- [a.](#) Resolution 12/21/2023-31 Year-End Appropriation transfer approval
- [b.](#) Anti-Nepotism Policy annual certification
- [c.](#) Public Safety LIT agreement with Bristol Fire Department

10. TOWN MARSHAL

- [a.](#) November activity Board report
- [b.](#) November calls
- [c.](#) Code enforcement Nov report

11. FIRE CHIEF

- [a.](#) Monthly report

12. PARK BOARD

- [a.](#) Park Board reappointment by Council - Linda Powell seeks another four year term.
Park Board appointment to replace Dean Rentfrow

13. TOWN ATTORNEY

- [a.](#) Phase II fiscal plan for voluntary annexation of HTIW properties
- [b.](#) Resolution 12/21/2023-30 adopt annexation fiscal plan
- [c.](#) Ordinance 12-21-2023-31 voluntary annexation

14. NEW BUSINESS

- [a.](#) Resolution No. 12/21/2023-30 appointment of 2024 redevelopment commissioners

15. UNFINISHED BUSINESS

16. TOWN COUNCIL DISCUSSION ITEMS

- [a.](#) Doug DeSmith
- [b.](#) Andrew Medford
- [c.](#) Cathy Burke

d. Gregg Tuholski

e. Jeff Beachy

NEXT MEETINGS:

December 29 5:15 pm approve additional appropriation.

January 4 Regular meeting

January 16 work session

- United Engineering - pedestrian bridge presentation.

- CR 8 Town House development presentation

January 18 Regular Council meeting - new annexations

17. MOTION TO ADJOURN



DECEMBER 7, 2023 TOWN COUNCIL REGULAR MEETING

Thursday, December 07, 2023 at 7:00 PM

Council Chambers – Bristol Municipal Complex and Via Zoom

MINUTES

This meeting can be accessed via Zoom. Virtual attendance for the public is encouraged however, the Bristol Municipal Complex is open for in-person participation.

JOIN ZOOM MEETING

<https://us02web.zoom.us/j/2011667863?pwd=ZkJK2ZMcTZGNHBCaW9adUgvdUtYZz09>

Dial in to 312-626-6799 / Meeting ID: 201 166 7863 / Passcode: 1czEDo

Call in any time after 6:30 / meeting will begin at 7:00PM

BRISTOL TOWN COUNCIL MEETING WAS CALLED TO ORDER by Council President Jeff Beachy on Thursday, December 7, 2023 at 7:08m.

PLEDGE OF ALLEGIANCE was led by Cathy Antonelli

ROLL CALL:

MEMBERS PRESENT: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, and Jeff Beachy.

OTHERS PRESENT: Legal Counsel Alex Bowman, Clerk-Treasurer Cathy Antonelli, Assistant Town Manager Jill Swartz and Fire Chief Nik Kantz

APPROVAL OF AGENDA:

- **Motion to approve the agenda** was made by Cathy Burke, Seconded by Gregg Tuholski. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy.

APPROVAL OF INVOICES:

- **Motion to approve the invoices** was made by Doug DeSmith. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy

APPROVAL OF MINUTES:

- **Motion to approve the previous meeting minutes from October 19, November 2, 14 and 16, 2023** was made by Andrew Medford, Seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

PRIVILEGE OF THE FLOOR (AKA Public Comment) – no public comments this evening

REPORTS

ASSISTANT TOWN MANAGER Jill Swartz

Pay Application No 1 - Chaptoula Street repairs (stormwater and street) \$21,895

- **Motion to approve payment of Pay Application No. 1** for the Chaptoula Street repairs was made by Andrew Medford, Seconded by Gregg Tuholski. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

Elimination of the current COVID-19 policy/guidelines-after researching further, suggestion made to remove the covid guideline/policy and recommend that our employees follow the CDC guidelines. add on day of personal leave .

- **Motion to remove the COVID guidelines/policy and follow the CDC guidelines** was made by Cathy Burke, Seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

Council consideration on adding one day to give employees five days total for personal leave time. (may be used as sick time, as Town does not offer time off for illness), currently able to use or rollover unused 32 hours. Employee handbook will need to be updated to add the extra day. After Council discussion, continue to be able to rollover the 32, not the 40.

- **Council fully supports the modification of the 2024 salary ordinance with an addition of a fifth personal day**, but only allowing the 32 hours as an option for rollover. **All were in favor.**

Approve Pay No. 5 to Niblock for the **RR crossing/Stonemont project**. RR crossing project is complete and final inspection has been completed \$45,524.30

- **Motion to approve payment of Pay Application No. 5 to Niblock** was made by Gregg Tuholski, Seconded by Andrew Medford. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

CLERK-TREASURER Cathy Antonelli

FINAL reading Amended 2023 Salary Ordinance 12/07/2023-29. This amendment is to add our new street department superintendent, Eric Funkhouser

- **Motion to approve Amended 2023 Salary Ordinance 12/7/2023-29** was made by Andrew Medford, Seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

2024 Salary Ordinance 12/7/2023 - 30

This is the final approval of the 2024 salary ordinance and has been amended to include the previously supported request to add a fifth day for personal time leave time.

- **Motion made to approve on final reading and as amended, the 2024 Salary Ordinance 12/7/2023-30** was made by Andrew Medford, Seconded by Jeff Beachy. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

Motion to approve the 2024 calendar for Council Meetings and work sessions was submitted to share with the media and a list of dates for Park Board meetings for 2024 was shared with the Park Board.

- **Motion to approve the 2024 calendar of Council Meetings** was made by Cathy Burke, seconded by Doug DeSmith. Open for discussion, noted a meeting was scheduled for July 4. Council agreed to forego that meeting on the holiday. **Motion by Cathy Burke**

was revised to approve all but the July 4th meeting, seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

Public notification to Council: The Town was awarded their petition appeal of the excess levy in the amount of \$145,513

TOWN ATTORNEY Alex Bowman

First Reading of the Voluntary Annexation Ordinance 12/21/2023-31 Phase II of the annexation that was completed November, 2023. (contiguity piece)

A public hearing opened at 7:27pm to take comment on the annexation of the property south of town. Hearing no comments, the public hearing was closed at 7:27pm

- **Motion to advance on first reading Ordinance No. 12/21/2023-31** made by Cathy Burke, Seconded by Andrew Medford. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries to advance to second reading at the December 21, 2023 meeting.**

CTI commercial drive variance request

Alex introduced Debra Hughes, a civil engineer with surveying and mapping in Elkhart and representing CTI. CTI is asking for a second driveway to keep trucks off the street and give better access for emergency vehicles.

- **Motion to approve the Town manager's recommendation and find that the variance is a minor variance request** made by Andrew Medford; seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

MOU (Memorandum of Understanding) with St Joe River Basin to use Monsanto settlement funds (\$17K) to fund water monitoring on St Joe or Little Elkhart River. MOU comments were approved and Counsel recommends approval by Council.

- **Motion to approve the St. Joe River Basin funding** made by Andrew Medford, Seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy.

Accept donation of easement for new lift station made by Pete Liegl

- **Motion to accept the donation and execute the temporary construction agreement and permanent utility agreement** made by Cathy Burke, Seconded by Andrew Medford. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

Resolution No. 12-07-2027-28 approving acquisition by Eminent Domain regarding access to real property within the Town of Bristol. The offer was rejected and Eminent Domain proceedings authorize the Town Council of Bristol to act on behalf of the RDC. Legal Counsel recommends Council to adopt corrected Resolution No. 12/7/2023-28 approving acquisition by Eminent Domain

- **Motion to adopt Resolution No. 12/7/2023-28** was made by Cathy Burke, seconded by Andrew Medford. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy. **Motion carries.**

NEW BUSINESS – no new business this evening

TOWN COUNCIL DISCUSSION ITEMS

Doug DeSmith – thanked the fire department and everyone involved (Jill, Cathy, Linda) in the Town Christmas Tree lighting event. Very well attended.

Andrew Medford-no comments this evening

Cathy Burke-no comments this evening

Gregg Tuholski-no comments this evening

Jeff Beachy-no comments this evening

NEXT MEETINGS:

December 19 work session. Review new Right of way acquisition request with Ken Jones Sr, Town Manager update on residential and commercial growth in 2024

December 21 Council meeting

MOTION TO ADJOURN made by Andrew Medford, Seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski, Jeff Beachy.

Meeting adjourned at 7:45pm



DECEMBER 15, 2023 TOWN COUNCIL SPECIAL MEETING

Friday, December 15, 2023 at 5:15 PM

Council Chambers – Bristol Municipal Complex

MEETING MINUTES

SPECIAL MEETING OF THE BRISTOL TOWN COUNCIL CALLED TO ORDER by pro tempore Gregg Tuholski on Friday, December 15, 2023 at 5:15pm

ROLL CALL:

MEMBERS PRESENT: Doug DeSmith, Andrew Medford, Gregg Tuholski

OTHER MEMBERS PRESENT: Town Manager Mike Yoder, Clerk-Treasurer Cathy Antonelli

APPROVAL OF AGENDA: stands as published

CLERK-TREASURER – Cathy Antonelli

Second reading and approval of Ordinance No. 11/2/2023-25, this was and additional appropriation of \$14,800. The first reading had been 10/5/2023 and never put back on the agenda for a second reading. This was for golf course improvements (driveway repaving) using monies from the Raber Golf Course Fund #2555, appropriation 2555-001-430.

- **Motion to approve Ordinance No. 11/2/2023-25 on second reading for the additional appropriation of \$14,800** was made by Andrew Medford, Seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Andrew Medford, Gregg Tuholski. **Motion carries.**

Approval to move forward with the first reading of Ordinance No. 12/29/2023-32 an additional appropriation in the amount of \$174,000. Two requests from the General fund. Appropriation 1101-001-370 \$124,000 to cover the cost of hydrant rentals. The hydrant rental was initially budgeted for, but the increase that came with the water/sewer rate increase was overlooked. Also asking for \$50,000 to cover legal services from 1101-001-310.

- **Motion to approve the first reading of Ordinance No. 12/29/2023-32 for additional appropriations of \$174K** was made by Andrew Medford, Seconded by Doug DeSmith. Voting Yea: Doug DeSmith, Andrew Medford, Gregg Tuholski. **Motion carries.**

NEXT MEETINGS:

Tuesday, Dec. 19 work session 7:00p / **Thursday, Dec. 21** council meeting 7:00p

Friday, Dec. 29 special meeting 5:15p (addt'l approp approvals for year-end)

MOTION TO ADJOURN made by Andrew Medford, Seconded by Doug DeSmith. Meeting adjourned at 5:20pm

Gregg Tuholski, pro tempore

Cathy Antonelli, Clerk-Treasurer



DECEMBER 19, 2023 TOWN COUNCIL WORK SESSION

Tuesday, December 19, 2023 at 7:00 PM

Council Chambers – Bristol Municipal Complex and Via Zoom

MINUTES

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<https://us02web.zoom.us/j/2011667863?pwd=ZkJKZ2ZMcTZGNHBCaW9adUgvdUtYZz09>

Dial in to 312-626-6799 / Meeting ID: 201 166 7863 / Passcode: 1czEDo

Call in any time after 6:30 / meeting will begin at 7:00PM

WORK SESSION MEETING CALLED TO ORDER by Council President Jeff Beachy at 7:00pm Tuesday, December 19, 2023.

PLEDGE OF ALLEGIANCE led by Dean Rentfrow

ROLL CALL:

Members Present: Doug DeSmith, Andrew Medford, Cathy Burke, Gregg Tuholski and Jeff Beachy

Others in attendance: Legal Counsel Alex Bowman, Clerk-Treasurer Cathy Antonelli, Town Manager Mike Yoder, Fire Chief Nik Kantz and via zoom Town Marshal Mike Albin

APPROVAL OF AGENDA: stands as published

REPORTS:

TOWN MANAGER Mike Yoder

Spoke to the BFD 2024 \$654,659 Service Agreement that will be presented for approval Thursday night

Ken Jones, JPR spoke to the water project easements, locations and fair market values and damages (Barbara Currier (\$3,371.20), 17196 SR 120 (\$9,365), Mahlon Bontrager (\$4,421), 1667 Commerce Drive (\$9,186.80)

Business Route RW and budget - Ken Jones / Mike Yoder

Annexation requests are in process, with recommendations from the planning commission.

Mike Yoder reviewed the projects & expenditures financial report and tied it into the BFD fire contract.

Discussion revolved around district names and new signage – ideas included Business Park for Industry, Bristol Business Park, N/E/S/W Business Park, consistency between district names was agreed upon. Council supported the idea of new signage new railroad crossing access at MJB/Stonemont (curve, Industrial/Maple, speed limit signs)

Mike reviewed some current and upcoming projects

CLERK-TREASURER Cathy Antonelli – no items for this evening

TOWN ATTORNEY Alex Bowman – no items for this evening

QUESTIONS ABOUT UPCOMING COUNCIL MEETING AGENDA ITEMS

OTHER COMMENTS OR QUESTIONS

MOTION TO ADJOURN was made by Andrew Medford, Seconded by Doug DeSmith
Voting Yea: Andrew Medford, Cathy Burke, Doug DeSmith, Gregg Tuholski, Jeff Beachy
Meeting adjourned at 7:42pm

Jeff Beachy, Council President

Cathy Antonelli, Clerk-Treasurer

AGREEMENT FOR SERVICES

THIS AGREEMENT made as of the ____ day of _____, 2023, by and between the BRISTOL FIRE DEPARTMENT CORP., an Indiana not-for-profit corporation, (“the Fire Department”) and the TOWN OF BRISTOL, INDIANA, a municipality incorporated under the laws of the State of Indiana (“the Town”);

WITNESSETH:

WHEREAS, the Fire Department is a “volunteer fire department” as defined in I.C. §36-8-12-2, and is engaged in providing fire protection and ambulance services to municipalities; and

WHEREAS, the Town desires to engage the services of the Fire Department for fire protection and ambulance service.

NOW THEREFORE, FOR AND IN CONSIDERATION of the mutual covenants herein contained and other good and valuable consideration, the legal sufficiency of which is hereby acknowledged by each of the Parties with the intention to be legally bound, the Parties agree as follows:

1. AGREEMENT TO PROVIDE SERVICES. The Fire Department shall provide firefighting and ambulance service to the Town, including the use and operation of firefighting and ambulance apparatus and equipment owned by the Fire Department as well as the service of the operators of the apparatus and equipment. It is understood that such service will be provided to the Town of Bristol and all residents of the area within the geographical boundaries of the Town of Bristol, Indiana and the public property therein situated.

2. TERM OF AGREEMENT. This Agreement shall commence on the 1st day of January, 2024 and shall continue through the 31st day of December, 2024.

3. ANNUAL SERVICE FEE. The Town shall pay to the Fire Department, as consideration for said services (including automobile allowance, membership fees and insurance as required by statute), for the term specified in paragraph 2 above, an Annual Service Fee in the amount of Six Hundred Fifty Four Thousand Six Hundred Fifty-Nine Dollars and no/100. (\$654,659.00), payable as follows:

One-half (½) of the Annual Service Fee shall be due and payable on or before June 30, 2024, and the remaining one-half (½) of the Annual Service Fee shall be due and payable on or before December 31, 2024.

4. SERVICE CHARGES: AMBULANCE SERVICE; FIRE OR SPILLS ON HIGHWAY.

a. The Fire Department may assess and collect fees for ambulance service from recipients of such service in amounts established by the Board of Directors of the Fire Department from time to time. All monies received by the Fire Department for ambulance service shall be used for the operation and expenses of the Fire Department.

b. The Fire Department may impose false alarm service charges (§36-8-12-17); or a charge on the owner of a vehicle that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire in accordance with I.C. 36-8-12-13.

In the event of such charge, the Fire Department shall bill the owner of the vehicle for the total dollar value of the assistance that was provided, with that value determined by the method established by the state fire marshal. A copy of the fire incident report to the state fire marshal must accompany the bill. This billing must take place within thirty (30) days after the assistance was provided. The owner shall remit payment directly to the Fire Department. Any money that is collected may be used only for the purchase of equipment, building, and property for firefighting, fire protection, and other emergency services. The Fire Department may maintain a civil action to recover an unpaid charge that is imposed under this section.

5. AUTOMOBILE ALLOWANCES. The Fire Department shall pay to each active and participating member of the Fire Department:

- a. an annual clothing allowance; and
- b. an annual automobile allowance for the use of the member's automobile in the line of duty, in such amounts as required by law.

6. MEMBERSHIP FEES. The Fire Department shall pay fees for membership in a regularly organized volunteer firefighters' association on behalf of each firefighter in the Fire Department.

7. INSURANCE. The Fire Department shall procure insurance and the Town shall pay the cost of coverage as part of the consideration set forth in paragraph 3 above for the benefit of each firefighter or member of the emergency medical services personnel (EMT) in the Fire Department, as follows:

a. ACCIDENTAL INJURY OR SMOKE INHALATION. The policy of insurance must provide for payment to each firefighter and EMT of the Fire

Department, for accidental injury or smoke inhalation caused by or occurring in the course of the performance of the duties of the firefighter or EMT and for a cardiac disease event proximately caused within forty-eight (48) hours by or occurring in the course of the performance of the duties of the firefighter or EMT while in an emergency situation, as follows:

(1) for total disability that prevents the member from pursuing his or her usual vocation, a weekly indemnity of not less than Two Hundred Ninety Dollars (\$290.00), up to a maximum of two hundred sixty (260) weeks; provided, however, that the weekly indemnity cannot be less than the Indiana minimum wage computed on the basis of a 40 hour week.

(2) for medical expenses, coverage for all incurred expenses. In no event shall the policy have medical expense limits of less than Seventy-five Thousand and no/100 Dollars (\$75,000.00).

b. DEATH AND DISABILITY BENEFITS; LIABILITY COVERAGE:

(1) Each policy of insurance must provide for the payment of a sum not less than One Hundred Fifty Thousand Dollars (\$150,000.00) to the beneficiary, beneficiaries, or estate of a firefighter or EMT if he or she dies from an injury or smoke inhalation occurring while in the performance of his or her duties as a firefighter or EMT or from a cardiac disease event proximately caused within forty-eight (48) hours by or occurring while in the performance of his or her duties as a firefighter or EMT while in an emergency situation.

(2) Each policy of insurance must provide for the payment of a sum not less than One Hundred Fifty Thousand Dollars (\$150,000.00) to the firefighter or EMT if he or she becomes totally and permanently disabled for a continuous period of not less than two hundred sixty (260) weeks as a result of an injury or smoke inhalation occurring in the performance of his or her duties as a firefighter or EMT.

(3) Each policy of insurance must also provide for indemnification to a member of the Fire Department who becomes partially and permanently disabled or impaired as a result of an injury or smoke inhalation occurring in the performance of his or her duties. Partial and permanent disability or impairment shall be indemnified as a percentage factor of a whole person.

(4) In addition to other insurance provided the firefighters and EMTs herein, the Fire Department shall be covered by an insurance policy that provides a minimum of Three Hundred Thousand Dollars (\$300,000.00) of insurance coverage for the liability of all of its firefighters or EMTs for bodily injury or property damage caused by the firefighters or EMTs acting in the scope of their duties while on the scene of a fire or other emergency, or traveling to and from the scene of a fire or other emergency.

(5) The civil liability of a volunteer firefighter or EMT for:

A. an act that is within the scope of a volunteer firefighter's or EMT's duties; or

B. the failure to do an act within the scope of a volunteer firefighter's or EMT's duties; while performing emergency services at the scene of a fire or other emergency or while traveling in an emergency vehicle from the fire station to the scene of the fire or emergency or from the scene of a fire or emergency back to the fire station is limited to the coverage provided by the insurance policy purchased under this subsection. A volunteer firefighter or EMT is not liable for punitive damages for any act that is within the scope of a volunteer firefighter's or EMT's duties. If insurance as required under this Section is not in effect to provide liability coverage for a volunteer firefighter, the firefighter or EMT is not subject to civil liability for an act or a failure to act as described in this subsection.

c. WORKER'S COMPENSATION AND OCCUPATIONAL DISEASE COVERAGE. A volunteer firefighter or an EMT working in a volunteer capacity for the Fire Department shall be covered by the medical treatment and burial expense provisions of the Indiana Worker's Compensation Law (I.C. §22-3-2 through I.C. §22-3-6) and the Indiana Worker's Occupational Disease Law (I.C. §22-3-7).

d. The combined aggregate liability of the Fire Department for an act or failure to act that is within the scope of its duties shall not exceed three hundred thousand (\$300,000) for injury to or death of one (1) person in anyone (1) occurrence and does not exceed five million dollars (\$5,000,000) for injury to or death of all persons in that occurrence. The Fire Department is not liable for punitive damages.

8. AUDIT REQUIREMENTS. The Fire Department agrees to comply with the annual audit requirements of the Indiana State Board of Accounts and to permit an audit on an annual basis of the Fire Department's financial records. The Fire Department further agrees

to provide the Indiana State Board of Accounts and the Town with copies of any required audit contract or engagement letter and a copy of the annual audit reports in a form reasonably satisfactory to the Indiana State Board of Accounts.

9. PROFIT, LOSS & BUDGET INFORMATION. The Fire Department agrees to annually provide the Town with a profit and loss statement (P & L) prepared by the accounting firm then representing the Fire Department for the twelve month period ending December 31 indicating in detail the amount and source of all income and expenses. Said P & L will be provided by May 15 of each year. By July 1 of each year, the Fire Department should provide the Town with the gross dollar amount of its proposed contract amount for the following calendar year. Finally, by December 1 of each year, where the Town and Fire Department have agreed verbally to contract with each other for the following calendar year, the Fire Department will submit next year's proposed budget on Budget Form No. 1, or its equivalent, generally accounting for funds to be paid by the Town for services in the next year.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year written above.

TOWN OF BRISTOL, INDIANA

BRISTOL FIRE DEPARTMENT CORP.

By: _____
Nicholas J.A. Kantz
Fire Chief

ATTEST:

By: _____
Cynthia S. Gillard
Secretary

This instrument was prepared by Cynthia S. Gillard of WARRICK & BOYN, LLP, 861 Parkway Ave., Elkhart, IN 46516.



PROJECT MEMO

TO: Mike Yoder, Cathy Antonelli
FROM: Ken Jones, Sr.
DATE: December 6, 2023
RE: Bristol Water Project – Easement Acquisitions

Mike and Cathy,

We have made some progress with the property owners from whom we need to acquire utility easements. To complete these transactions, we will need the Town to issue checks to the landowners. Following are the payments we would request the Council approve at their next meeting.

Landowner	Amount	Damages Claim
17196 State Road 120 Bristol, LLC	\$9,365.00	None
1667 Commerce Drive Bristol, LLC	\$9,186.80	None
Mahlon Bontrager	\$4,421.00	None
Barbara Currier	\$3,371.20	None

Currently, we have two outstanding easement acquisitions, one from Spirit Realty (formally Mattamy/Cook Trailers) and one from Monogram Foods.

We expect to complete Monogram Foods by the end of the year.

Thank you in advance for timely attention to this topic.

H:\2023 Projects\2023-0005\Land Acquisition\2023-12-06 MemoYoder_Antonelli Easement Acquisitions.docx



Barbara Currier

17196 SR 120

Mahlon Bontrager



1667 Commerce Drive

INDIANA MEDIA GROUP
PO BOX 607
GREENSBURG IN 47240-0607
(877)253-7755
Fax (765)648-4229

Section 8, Item d.

ORDER CONFIRMATION

Salesperson: ANGIE KULCZAR

Printed at 12/05/23 11:11 by akulc

Acct #: 238255

Ad #: 1862044

Status: New CHOLD

KRIEG DEVAULT LLP
C/O JACQUELINE D. GOHIER
12800 N. MERIDIAN STREET, SUITE 300
CARMEL IN 46032

Start: 12/08/2023 Stop: 12/08/2023
Times Ord: 1 Times Run: ***
LEG 2.00 X 44.00 Words: 370
Total LEG 88.00

Class: 105 PUBLIC NOTICES

Rate: LGOVT Cost: 47.64

Ad Descrpt: BRISTOL: DEC. 21 HEARING

Descr Cont: NOTICE TO TAXPAYERS AND A

Given by: *

P.O. #:

Created: akulc 12/05/23 11:07

Last Changed: akulc 12/05/23 11:10

Contact: REVAJANE LEWIS - AP
Phone: (317)238-6363
Fax#: (317)636-1507
Email: ap@kdlegal.com
Agency:

PUB ZONE EDT TP RUN DATES
NEWS NEW 95 S 12/08
NEOL NEW 95 S 12/08

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

INDIANA MEDIA GROUP
PO BOX 607
GREENSBURG IN 47240-0607
(877)253-7755
Fax (765)648-4229

Section 8, Item d.

ORDER CONFIRMATION (CONTINUED)

Salesperson: ANGIE KULCZAR

Printed at 12/05/23 11:11 by akulc

Acct #: 238255

Ad #: 1862044

Status: New CHOLD CHOI

**NOTICE TO TAXPAYERS AND ALL OTHER PERSONS AFFECTED
BY ADOPTION AND CONTENT OF RESOLUTION OF THE
BRISTOL REDEVELOPMENT COMMISSION AND
NOTICE OF PUBLIC HEARING ON CONFIRMATORY RESOLUTION**

Notice is hereby given to the Bristol Redevelopment District (the "District") and all other persons affected hereby that the Bristol Redevelopment Commission (the "Commission"), on October 19, 2023, adopted Resolution No. 10-19-2023-22 (the "Declaratory Resolution") to adopt a plan supplement to the economic development plan for the Consolidated State Road 15 Economic Development Area (the "Plan Supplement"). The Declaratory Resolution, Plan Supplement and supporting data, including maps and plats describing the Plan Supplement, have been prepared and can be inspected in the office of the Clerk-Treasurer, Bristol Town Hall, 303 E. Vistula St., Bristol, Indiana 46507.

Notice is further given that the Commission will conduct a public hearing on Thursday, December 21, 2023, at 7:00 p.m. (local time) at the Bristol Town Hall, 303 E. Vistula St., Bristol, Indiana 46507, to receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the Declaratory Resolution and Plan Supplement and will determine the public utility and benefit of such actions. At the public hearing, or at any time prior thereto, any person interested in the proceedings may file a written remonstrance with the Secretary of the Commission in the office of the Clerk-Treasurer, Bristol Town Hall, 303 E. Vistula St., Bristol, Indiana 46507.

At the public hearing, which may be adjourned from time to time, the Commission will hear all persons interested in the proceedings and all remonstrance that have been filed. After considering this evidence, the Commission will take final action by either confirming, modifying and confirming, or rescinding the Declaratory Resolution.

A copy of this notice has been filed with the Elkhart County Plan Commission, board of zoning appeals, works board, park board, building commissioner and any other departments, agencies or officers of the Town concerned with unit planning, variances from zoning ordinances, land use, or the issuance of building permits, and with affected neighborhood associations and persons owning property that is proposed to be added to the Commission's acquisition list included in the Plan Supplement.

Dated: December 5, 2023
BRISTOL REDEVELOPMENT COMMISSION

December 8 hspaxlp

§ 30.19 MAJORITY VOTE; TWO-THIRDS VOTE.

(A) A requirement that an ordinance, resolution or other action of the Town Council be passed by a majority vote means at least a majority vote of all the elected members.

(B) A requirement that an ordinance, resolution or other action of the Town Council be passed by a two-thirds vote means at least a two-thirds vote of all the elected members.

(IC 36-9-2-9.4(b))

(C) A majority vote of the Town Council is required to pass an ordinance, unless a greater vote is required by statute.

(IC 36-9-2-9.6)

(D) A two-thirds vote of all the elected members, with after unanimous consent of the members present to consider the ordinance, is required to pass an ordinance of the Town Council on the same day or at the same meeting at which it is introduced.

(Code 1997, § 3-10; Code 2002, § 30.19)

(IC 36-9-2-9.8)

(IC 36-5-2-9.24(a))

RESOLUTION NO 12-21-2023-31

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA FOR YEAR-END APPROPRIATIONS AND TRANSFERS

WHEREAS, the Town of Bristol, Indiana (the “Town”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the “Council”); and

WHEREAS, pursuant to Indiana Code 6-1.1-18-6, the Council may, or may direct the Town Clerk-Treasurer to, transfer money from one major budget classification to another within a department or office if the transfer is necessary, does not require the expenditure of more money than the total amount set out in the budget as finally determined under the Town’s final budget for 2023, and the transfer is made at a regular public meeting of the Council and by proper ordinance or resolution; and

WHEREAS, the Town Clerk-Treasurer has proposed certain transfers from one major budget classification to another within a department or office of the Town for purposes of 2023 year-end business; and

WHEREAS, the Council has determined that such transfers are necessary for 2023 year-end business and the transfers do not require the expenditure of more money that the total amount set out in the 2023 budget.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bristol, Indiana, as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. The Council grants authority to the Clerk-Treasurer to transfer appropriations between budget classifications within a department or office for the 2023 year-end business as necessary in the opinion of the Clerk-Treasurer.
- Section 3. This Resolution shall be in full force and effect immediately upon its adoption by the Council.

* * * * *

RESOLVED THIS 21st DAY OF DECEMBER, 2023.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

AGREEMENT FOR PUBLIC SAFETY LOCAL INCOME TAX (LIT)

THIS AGREEMENT is made as of the ___ day of December, 2023, by and between the Bristol Fire Department Corp., an Indiana not-for-profit corporation (the "Fire Department") and the Town of Bristol, Indiana, a municipality incorporated under the laws of the State of Indiana (the "Town").

WHEREAS, the Fire Department is a volunteer fire department pursuant to Indiana Code, established pursuant to Ind. Code § 36-8-12-2, and is engaged in providing fire protection and ambulance services, including services to the Town of Bristol, Indiana;

WHEREAS, the Town has engaged the Fire Department for fire protection and ambulance services for the calendar year 2024 pursuant to an Agreement for Services; and

WHEREAS, the Town is a government entity located in the County of Elkhart, State of Indiana, and is entitled, therefore, to receive, subject to Elkhart County official approval, a distribution of funds from the Public Safety Local Income Tax ("LIT") (Ind. Code § 6-3.5-6-31).

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual covenants herein contained and other good and valuable consideration, the legal sufficiency of which is hereby acknowledged by each of the parties with the intention to be legally bound, the parties agree as follows:

1. For the calendar year 2024, the Town agrees to distribute, upon receipt from Elkhart County of payments of Public Safety LIT distributions in the sum set forth in paragraph 2 below and the Town further commits to make said payments to the Fire Department, on or about the twenty-fourth (24th) day of each month, or within three (3) days of receipt of the monthly distribution from Elkhart County, whichever date is later.
2. The above payment obligation is conditional,¹ not mandatory, on the Town, and it is further understood by the parties that the amount to be paid to the Fire Department by the Town from said Public Safety LIT distributions shall not at any time be more or less than 1/2 of the Public Safety LIT monies being received from Elkhart County by the Town. It is further understood by the parties that the receipt of Public Safety LIT distribution by the Town is somewhat dependent on the receipt of LIT income tax revenues by the county, which amounts may fluctuate based on the economy and general employment levels within the county.
3. It is specifically agreed and contracted hereby that all monies paid by the Town to the Fire Department from Public Safety LIT distributions shall be utilized by the Fire Department only for those purposes permitted by I.C. § 6-3.5-6-31 and for no other purposes and that upon reasonable request, the Fire Department shall provide the Town appropriate documentation to show that said sums have been used for said purposes.

¹ Condition being the obligation to pay the full monthly distribution will only exist during those months wherein actual total dollar payments received from Elkhart County equals or exceeds 2 times the monthly amount, but the obligation will be cumulative (e.g. if less than 1/2 or no money is received in any month, Town's payment obligation to Fire Department shall be carried to following month in same calendar year). The Agreement is calendar year only, but any amount not paid to the Fire Department as of December 31 is not waived and remains due if, and only if, undistributed 2024 Public Safety LIT funds are in the Town's account which are earmarked for this Agreement. In such case, a specific accounting and necessary final payment shall be made by January 31, 2025.

4. The parties agree that the terms of this Agreement are contractual, and that to the extent either the Fire Department or the Town should reasonably require additional terms for compliance with state law or otherwise, the parties shall use their best efforts to amend this Agreement to provide said additional terms.

5. This Agreement is a one (1) year agreement only, and must be renewed or replaced for any time period after December 31, 2024.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year written above.

TOWN OF BRISTOL, INDIANA

BRISTOL FIRE DEPARTMENT CORP.

By: _____
Nicholas J.A. Kantz, Fire Chief

ATTEST:

By: _____
Cynthia S. Gillard, Secretary

Bristol Police Department
November 2023

Traffic Enforcement:	Citations: 50
	Warnings: 56
Calls for Service:	377
Calls:	252
Vehicle Crashes:	Property Damage: 6
	Personal Injury: 1
	Fatal: 0
	Leaving Scene: 3
Criminal Enforcement:	Cases Taken: 30
	Cases closed by arrest: 3
	OWI: 0 Felony: 0
	Poss. Drugs and/or Paraphernalia: 5
Junk & Abandoned Vehicles:	Tagged: 3
	Fixed or Removed: 0
Impounded Vehicles:	5
Miles Driven:	10,169

Criminal Enforcement: November brought us a number of investigations, having investigated 30 cases and 3 of those cases were closed by immediate arrest. Three domestic batteries, 1 harassment, 1 possession of methamphetamine, 1 criminal trespass, 1 battery, 1 residential entry, 1 theft, 2 warrant arrests and 4 possession of marijuana. We continue to investigate several cases from this and previous months. As always, we wish to remind everyone that there are still many scams or attempts. Always know who you are dealing with and never give out pertinent information over the phone.

Traffic Enforcement: In November officers investigated 10 vehicle crashes of these 3 where leaving the scene. Officers issued 50 traffic citations, addressing speed, signal and

sign violations. There were 5 of our citations that were for driving while license suspended or never receiving a license. They also issued 56 written warning tickets. As always, please drive defensively and never text and drive. Always wear safety restraints properly – **THEY DO SAVE LIVES.**

Patrolman Philip Danley will be graduating from the Indiana Law Enforcement Academy on Friday December 15th. We would like to congratulate him on a job well done. We are proud of you!

Please report any suspicious activity when you see it. Our continued work together can only make our community better and safer. Our thanks to all for your continued support and cooperation.

Together we can make a better community

Respectfully,
Michael W. Albin, Marshal

Elkhart County Public Safety Communications Center Number Of Calls Report by Department

Section 10, Item b.

First Date: 11/01/2023

Jurisdiction: ECC

Last Date: 11/30/2023

	<i>Department</i>	<i>Number</i>
1	4	252

Total: 252

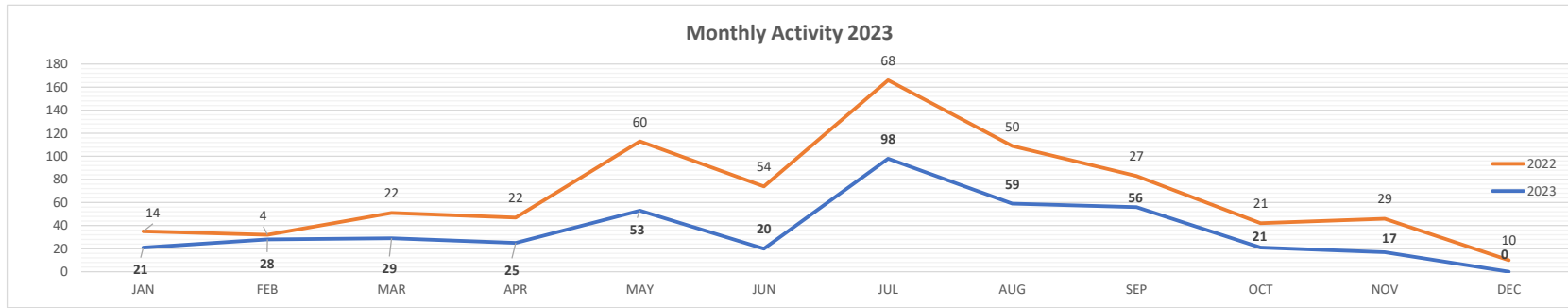
Code Enforcement Dashboard 2023

Section 10, Item c.

Measure	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Current 2023	2022	Warning Issued	Notice Issued	Parking Citation	Impound	Violation Corrected	Unfounded	Open
Abandoned & Junk Vehicles (Property Scoring Value)	6	2	0	0	0	0	6	1	0	0	3	0	18	51	18	1	0	0	14	1	3
Abandoned & Junk Vehicles (Street)	0	0	0	1	0	0	0	0	0	0	0	0	1	0	1	0	0	0	1	0	0
Animals	1	1	1	0	1	3	1	0	2	0	1	0	11	16	11	0	0	0	7	3	0
Bicycles & foot scooters	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Golf Carts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
High Grass	0	0	0	1	22	5	69	33	7	7	0	0	144	101	144	7	0	0	144	0	0
Illegal Parking	10	1	20	12	14	5	10	15	21	11	10	0	129	121	129	5	0	0	127	2	0
Improper disposal of trash	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0
Litter & Dumping	0	18	1	0	0	0	2	0	0	0	1	0	22	4	21	0	0	0	19	3	0
Loud Noise or disturbing the peace	0	0	0	0	0	0	1	0	0	0	1	0	2	1	2	0	0	0	0	2	0
Nuisance issues	1	1	2	5	8	3	4	0	2	0	0	0	26	20	26	5	0	0	24	2	0
Snowmobiles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Snow and Ice from sidewalk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Signs and devices	0	1	0	2	6	3	1	4	17	0	1	0	35	3	35	9	0	0	35	0	0
Trash on property	0	1	1	0	0	0	0	1	0	0	0	0	3	19	3	0	0	0	3	0	0
Trees & Bushes	0	0	2	0	0	0	2	1	1	0	0	0	6	10	6	0	0	0	6	0	0
Weeds & Rank Vegetation	0	0	0	0	0	0	0	0	1	0	0	0	1	19	1	1	0	0	1	0	0
Vehicles for sale on grass	1	0	0	2	0	1	0	0	3	1	0	0	8	4	8	0	0	0	8	0	0
Other	2	3	2	2	2	0	2	4	2	2	0	0	21	10	21	0	0	0	18	3	0
TOTAL	21	28	29	25	53	20	98	59	56	21	17	0	427	381	426	28	0	0	407	16	3

Citizens' complaints	2	4	5	3	7	3	3	2	3	4	6	0	42
Code enforcement officer	19	24	24	22	46	17	95	57	52	17	11	0	384

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Chicken Permits Issued	0	0	0	1	0	0	1	1	0	0	0	0	3



14 4 22 22 60 54 68 50 27 21 29 10



BRISTOL FIRE DEPARTMENT

405 E. ELKHART STREET
BRISTOL, IN. 46507
Office 1-574-848-4155 / Fax 1-574-848-0459



Section 11, Item a.

Nicholas J. A. Kantz Fire Chief

James A. Hanes Jr. Assistant Chief

December 2023 Operations Report:

We responded to 84 emergency calls in November.

We had 339 responses in November.

Staffing:

We are currently short 1 Fulltime Firefighter/EMT but are currently filling that position with parttime staff.

Additional:

For the second year in a row we collected and donated the most toys of all area 1st Responders for the Toys for Tots program. We want to thank the community for all the assistance they provided.

We want to wish our community a Merry Christmas and Happy New Year.

**Thank you,
Nicholas J.A. Kantz
Fire Chief**

**ANNEXATION FISCAL PLAN
FOR THE
TOWN OF BRISTOL, INDIANA**

**HTIW Properties, LLC & W & A Properties,
LLC Phase II Annexation**

December 11, 2023

Prepared by:



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INTRODUCTION

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

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

(Cont'd)

INTRODUCTION

- 8) Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation; and

- 9) A list of all parcels of property in the annexation territory and the following information regarding each parcel:
 - (A) The name of the owner of the parcel.
 - (B) The parcel identification number.
 - (C) The most recent assessed value of the parcel.
 - (D) The existence of a known waiver of the right to remonstrate on the parcel.

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

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

SECTION I

AREA DESCRIPTION

A. Location, Area Size and Contiguity

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

The Annexation Area is approximately 82.86 acres. The perimeter boundary of the Annexation Area is over 12.5% contiguous to the existing corporate boundaries of the Town.

B. Current Land Use

The Annexation Area consists of agricultural land.

C. Zoning

Existing Zoning: Agriculture (A-1) & Limited Manufacturing (M-1)

Proposed Zoning: Agriculture (A-1) & Limited Manufacturing (M-1)

D. Current Population

The current population of the Annexation Area is estimated at 0, as there does not appear to be any occupied homes within the Annexation Area.

E. Real Property Assessed Valuation

The estimated net assessed valuation for land and improvements in the Annexation Area is \$72,700. This represents the assessed value as of January 1, 2022 for taxes payable 2023.

SECTION II

NON-CAPITAL SERVICES

A. Cost of Services

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

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

B. Police Protection

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

The Town of Bristol Police Department's (BPD) primary purpose is the prevention of crime. The BPD patrols within the boundaries of the Town on a daily basis and responds to all alarm calls. In addition, the BPD provides other services such as detection and apprehension of offenders, traffic control and preservation of civil order. The BPD does not distinguish between different areas of the Town. The same services are provided throughout the Town. Due to the location and character of the Annexation Area, the Town does not anticipate needing to hire additional officers as a result of the annexation. It is anticipated that an increase in fuel and vehicle maintenance will be necessary in the amount of approximately \$2,600 (plus inflation) per year as a result of the annexation. The Police Department's budget within the Town's General Fund will fund any additional costs.

C. Fire Protection

The Annexation Area is currently served by the Bristol Fire Department ("BFD"). The BFD serves the Town of Bristol, Washington Township and York Township through contractual agreements. Given the relatively small Annexation Area, it is anticipated that any increase in the cost of the contractual arrangement for fire services will be negligible.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

D. Emergency Medical Services

Currently, the BFD provides emergency medical services to the Annexation Area. These services include, but are not limited to, emergency medical response. Given the relatively small Annexation Area, it is anticipated that any increase in the cost of the contractual arrangement for emergency medical services will be negligible.

E. Street Maintenance

All dedicated streets and county roads in the Annexation Area are currently maintained by Elkhart County. However, all non-capital services of the Bristol Street Department will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

The Bristol Street Department is responsible for repairs and replacement, pickup of storm damage, leaf pickup, and snowplowing. The Annexation Area contains approximately 0.79 miles of streets that the Town will be responsible for maintaining. Currently, the Town has approximately 21.11 miles of streets. The Town anticipates additional operating costs for supplies and repairs and maintenance of approximately \$1,300 (plus inflation) per year as a result of the annexation. The Local Road and Street and Motor Vehicle Highway Funds will fund any additional costs.

F. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. The Town and County have maintained their drainage areas very similarly, therefore it is not anticipated that there will be any additional cost to the Town. Any future development in the areas will have to have its storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers. Nevertheless, all non-capital storm water services will be made available in the Annexation Area within 1 year of the effective date of the annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

G. Parks

There are currently four downtown parks in the Town of Bristol. Hermance Park has a rental pavilion and Congdon Park has a rental gazebo. Raber Golf Course is town-owned and is located across from Bay Ridge on the west end of Town. It is anticipated that no additional parks will be added as a result of annexation, therefore there will be no additional costs to the Town.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

H. Governmental Administrative Services

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

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

- Town Council
- Clerk-Treasurer's Office
- Town Manager

SECTION III

CAPITAL IMPROVEMENTS

A. Cost of Services

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

The Town will provide the following capital services to the Annexation Area no later than three (3) years after the effective date of the annexation in the same manner as those capital services provided to areas within the Town regardless of topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria. It is currently assumed that the annexation will be effective as soon as practically possible, but not later than January 31, 2024.

B. Water Service

The Annexation Area is currently not served. The Bristol Municipal Water Utility provides water service in the surrounding area and has the capacity and capability to serve the Annexation Area if and when connection is desired. It is anticipated that new customers will pay the applicable tap fee and water assessment charges. It is important to note that the Water Utility is a separate proprietary fund of the Town that maintains separate books and records, and extensions in service are typically borne by the respective property owner or developer. Regardless, all capital services of the Water Department will be made available to the Annexation Area within 3 years of the effective date of the annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

C. Wastewater Service

The Annexation Area is currently not served. The Bristol Municipal Sewage Works provides wastewater service in the surrounding areas and has the capacity and capability to serve the Annexation Area if and when connection is desired. It is anticipated that new customers will pay the applicable tap fee and sewer assessment charges. It is important to note that the Sewage Works is a separate proprietary fund of the Town that maintains separate books and records, and extensions in service are typically borne by the respective property owner or developer. Regardless, all capital services of the Wastewater Department will be made available to the Annexation Area within 3 years of the effective date of the annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION III

(Cont'd)

CAPITAL IMPROVEMENTS

D. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. Any future development in the Annexation Area will require a storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers; therefore it is not anticipated that there will be any additional cost to the Town. Regardless, all capital storm water services of the Town will be made available to the Annexation Area within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

E. Street Construction

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

SECTION IV

FISCAL IMPACT

As a result of the annexation, the net assessed value for the Town will not increase, as all parcels within the Annexation Area are municipal tax-exempt due to their agricultural assessment.

It is assumed that the effective date of this annexation will be as soon as practically possible, but no later than January 31, 2024. Based on the assumed effective date, the property owners of the Annexation Area will not pay property taxes to the Town until 2025 payable 2026, or until the parcel is no longer municipal tax-exempt. However, the Town will begin providing non-capital municipal services to the property owners within one (1) year after the effective date of the annexation, and it will begin providing capital municipal services to the property owners within three (3) years after the effective date of the annexation.

It is anticipated that there will be minimal additional costs to the Town as a result of the annexation. The additional costs are related to the Police Department and Street Department. The causes of the anticipated increased costs are discussed on the prior pages, and a summary of the costs is demonstrated in Appendix I.

It is anticipated that the Town will not realize an increase in its levy as a result of the annexation; therefore, there is no anticipated tax rate increase as a direct result of the annexation. If there is a shortfall in revenue from the annexations the services described in this plan can be provided using funds on hand.

Due to the property in the Annexation Area being municipal tax-exempt, there are no impacts to tax rates or tax levies on other taxing units.

SECTION V

ASSUMED INDEBTEDNESS

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

There is no debt currently outstanding for Washington Township.

Appendix I

TOWN OF BRISTOL, INDIANA

HTIW Properties, LLC & W & A Properties, LLC Phase II Annexation

SUMMARY OF ADDITIONAL COSTS DUE TO ANNEXATION
(Non-Capital Services)

<u>Department</u>	<u>Description of Costs</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>Ref.</u>
Street	Materials, supplies and repairs	\$ 1,300	\$ 1,339	\$ 1,379	\$ 1,420	\$ 1,463	(1)
Police	Fuel and repairs	2,600	2,678	2,758	2,841	2,926	(1)
	Totals	<u>\$ 3,900</u>	<u>\$ 4,017</u>	<u>\$ 4,137</u>	<u>\$ 4,261</u>	<u>\$ 4,389</u>	

(1) Assumes a 3% inflationary adjustment for 2025 through 2028.

TOWN OF BRISTOL, INDIANA

HTIW Properties, LLC & W & A Properties, LLC Phase II Annexation

PARCEL LIST

<u>Parcel ID</u>	<u>Owner</u>	<u>2022 pay 2023 Net Assessed Value</u>	<u>Remonstrance Waiver</u>
20-03-34-400-002.000-030	HTIW Properties, LLC	\$22,600	No
20-03-34-400-013.000-030	HTIW Properties, LLC	15,300	No
20-03-34-400-009.000-030	HTIW Properties, LLC	18,300	No
20-03-34-400-005.000-030	W & A Properties, LLC	16,500	No
	Total	<u>\$72,700</u>	

Appendix II

RESOLUTION NO. 12-21-2023-30

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA, ADOPTING A FISCAL PLAN FOR THE ANNEXATION OF CERTAIN TERRITORY INTO THE TOWN OF BRISTOL, INDIANA

WHEREAS, the Town Council (the “Council”) of the Town of Bristol, Indiana (the “Town”) is considering the voluntary annexation of certain territory into the Town; and

WHEREAS, the area to be annexed is legally described and depicted in Appendix II to the Fiscal Plan (as defined herein) (the “Annexation Territory”); and

WHEREAS, pursuant to Indiana Code § 36-4-3-3.1(d), the Council is required to adopt a written fiscal plan and establish a definitive policy, by resolution, that meets the requirements set forth in Indiana Code § 36-4-3-13 for the Annexation Territory, prior to adopting an annexation ordinance; and

WHEREAS, the required fiscal plan, included as Exhibit A (the “Fiscal Plan”) and attached hereto and made a part hereof, has been prepared and presented to this Council for consideration; and

WHEREAS, the Fiscal Plan has been reviewed and complies with the requirements of Indiana Code § 36-4-3-13.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bristol, Indiana meeting in regular session as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. The Fiscal Plan is hereby approved and adopted for the Annexation Territory.
- Section 3. This Resolution shall be in full force and effect immediately upon its adoption.

* * * * *

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA THIS
21ST DAY OF DECEMBER, 2023.

TOWN COUNCIL
OF THE TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

KD_15029419_1.docx

EXHIBIT A
FISCAL PLAN
(To be attached)

**ANNEXATION FISCAL PLAN
FOR THE
TOWN OF BRISTOL, INDIANA**

**HTIW Properties, LLC & W & A Properties,
LLC Phase II Annexation**

December 11, 2023

Prepared by:



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INTRODUCTION

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

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

(Cont'd)

INTRODUCTION

- 8) Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation; and

- 9) A list of all parcels of property in the annexation territory and the following information regarding each parcel:
 - (A) The name of the owner of the parcel.
 - (B) The parcel identification number.
 - (C) The most recent assessed value of the parcel.
 - (D) The existence of a known waiver of the right to remonstrate on the parcel.

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

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

SECTION I

AREA DESCRIPTION

A. Location, Area Size and Contiguity

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

The Annexation Area is approximately 82.86 acres. The perimeter boundary of the Annexation Area is over 12.5% contiguous to the existing corporate boundaries of the Town.

B. Current Land Use

The Annexation Area consists of agricultural land.

C. Zoning

Existing Zoning: Agriculture (A-1) & Limited Manufacturing (M-1)

Proposed Zoning: Agriculture (A-1) & Limited Manufacturing (M-1)

D. Current Population

The current population of the Annexation Area is estimated at 0, as there does not appear to be any occupied homes within the Annexation Area.

E. Real Property Assessed Valuation

The estimated net assessed valuation for land and improvements in the Annexation Area is \$72,700. This represents the assessed value as of January 1, 2022 for taxes payable 2023.

SECTION II

NON-CAPITAL SERVICES

A. Cost of Services

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

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

B. Police Protection

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

The Town of Bristol Police Department's (BPD) primary purpose is the prevention of crime. The BPD patrols within the boundaries of the Town on a daily basis and responds to all alarm calls. In addition, the BPD provides other services such as detection and apprehension of offenders, traffic control and preservation of civil order. The BPD does not distinguish between different areas of the Town. The same services are provided throughout the Town. Due to the location and character of the Annexation Area, the Town does not anticipate needing to hire additional officers as a result of the annexation. It is anticipated that an increase in fuel and vehicle maintenance will be necessary in the amount of approximately \$2,600 (plus inflation) per year as a result of the annexation. The Police Department's budget within the Town's General Fund will fund any additional costs.

C. Fire Protection

The Annexation Area is currently served by the Bristol Fire Department ("BFD"). The BFD serves the Town of Bristol, Washington Township and York Township through contractual agreements. Given the relatively small Annexation Area, it is anticipated that any increase in the cost of the contractual arrangement for fire services will be negligible.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

D. Emergency Medical Services

Currently, the BFD provides emergency medical services to the Annexation Area. These services include, but are not limited to, emergency medical response. Given the relatively small Annexation Area, it is anticipated that any increase in the cost of the contractual arrangement for emergency medical services will be negligible.

E. Street Maintenance

All dedicated streets and county roads in the Annexation Area are currently maintained by Elkhart County. However, all non-capital services of the Bristol Street Department will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

The Bristol Street Department is responsible for repairs and replacement, pickup of storm damage, leaf pickup, and snowplowing. The Annexation Area contains approximately 0.79 miles of streets that the Town will be responsible for maintaining. Currently, the Town has approximately 21.11 miles of streets. The Town anticipates additional operating costs for supplies and repairs and maintenance of approximately \$1,300 (plus inflation) per year as a result of the annexation. The Local Road and Street and Motor Vehicle Highway Funds will fund any additional costs.

F. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. The Town and County have maintained their drainage areas very similarly, therefore it is not anticipated that there will be any additional cost to the Town. Any future development in the areas will have to have its storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers. Nevertheless, all non-capital storm water services will be made available in the Annexation Area within 1 year of the effective date of the annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

G. Parks

There are currently four downtown parks in the Town of Bristol. Hermance Park has a rental pavilion and Congdon Park has a rental gazebo. Raber Golf Course is town-owned and is located across from Bay Ridge on the west end of Town. It is anticipated that no additional parks will be added as a result of annexation, therefore there will be no additional costs to the Town.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

H. Governmental Administrative Services

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

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

- Town Council
- Clerk-Treasurer's Office
- Town Manager

SECTION III

CAPITAL IMPROVEMENTS

A. Cost of Services

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

The Town will provide the following capital services to the Annexation Area no later than three (3) years after the effective date of the annexation in the same manner as those capital services provided to areas within the Town regardless of topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria. It is currently assumed that the annexation will be effective as soon as practically possible, but not later than January 31, 2024.

B. Water Service

The Annexation Area is currently not served. The Bristol Municipal Water Utility provides water service in the surrounding area and has the capacity and capability to serve the Annexation Area if and when connection is desired. It is anticipated that new customers will pay the applicable tap fee and water assessment charges. It is important to note that the Water Utility is a separate proprietary fund of the Town that maintains separate books and records, and extensions in service are typically borne by the respective property owner or developer. Regardless, all capital services of the Water Department will be made available to the Annexation Area within 3 years of the effective date of the annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

C. Wastewater Service

The Annexation Area is currently not served. The Bristol Municipal Sewage Works provides wastewater service in the surrounding areas and has the capacity and capability to serve the Annexation Area if and when connection is desired. It is anticipated that new customers will pay the applicable tap fee and sewer assessment charges. It is important to note that the Sewage Works is a separate proprietary fund of the Town that maintains separate books and records, and extensions in service are typically borne by the respective property owner or developer. Regardless, all capital services of the Wastewater Department will be made available to the Annexation Area within 3 years of the effective date of the annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION III

(Cont'd)

CAPITAL IMPROVEMENTS

D. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. Any future development in the Annexation Area will require a storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers; therefore it is not anticipated that there will be any additional cost to the Town. Regardless, all capital storm water services of the Town will be made available to the Annexation Area within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

E. Street Construction

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

SECTION IV

FISCAL IMPACT

As a result of the annexation, the net assessed value for the Town will not increase, as all parcels within the Annexation Area are municipal tax-exempt due to their agricultural assessment.

It is assumed that the effective date of this annexation will be as soon as practically possible, but no later than January 31, 2024. Based on the assumed effective date, the property owners of the Annexation Area will not pay property taxes to the Town until 2025 payable 2026, or until the parcel is no longer municipal tax-exempt. However, the Town will begin providing non-capital municipal services to the property owners within one (1) year after the effective date of the annexation, and it will begin providing capital municipal services to the property owners within three (3) years after the effective date of the annexation.

It is anticipated that there will be minimal additional costs to the Town as a result of the annexation. The additional costs are related to the Police Department and Street Department. The causes of the anticipated increased costs are discussed on the prior pages, and a summary of the costs is demonstrated in Appendix I.

It is anticipated that the Town will not realize an increase in its levy as a result of the annexation; therefore, there is no anticipated tax rate increase as a direct result of the annexation. If there is a shortfall in revenue from the annexations the services described in this plan can be provided using funds on hand.

Due to the property in the Annexation Area being municipal tax-exempt, there are no impacts to tax rates or tax levies on other taxing units.

SECTION V

ASSUMED INDEBTEDNESS

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

There is no debt currently outstanding for Washington Township.

Appendix I

TOWN OF BRISTOL, INDIANA

HTIW Properties, LLC & W & A Properties, LLC Phase II Annexation

SUMMARY OF ADDITIONAL COSTS DUE TO ANNEXATION
(Non-Capital Services)

<u>Department</u>	<u>Description of Costs</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>Ref.</u>
Street	Materials, supplies and repairs	\$ 1,300	\$ 1,339	\$ 1,379	\$ 1,420	\$ 1,463	(1)
Police	Fuel and repairs	2,600	2,678	2,758	2,841	2,926	(1)
	Totals	<u>\$ 3,900</u>	<u>\$ 4,017</u>	<u>\$ 4,137</u>	<u>\$ 4,261</u>	<u>\$ 4,389</u>	

(1) Assumes a 3% inflationary adjustment for 2025 through 2028.

TOWN OF BRISTOL, INDIANA

HTIW Properties, LLC & W & A Properties, LLC Phase II Annexation

PARCEL LIST

<u>Parcel ID</u>	<u>Owner</u>	<u>2022 pay 2023 Net Assessed Value</u>	<u>Remonstrance Waiver</u>
20-03-34-400-002.000-030	HTIW Properties, LLC	\$22,600	No
20-03-34-400-013.000-030	HTIW Properties, LLC	15,300	No
20-03-34-400-009.000-030	HTIW Properties, LLC	18,300	No
20-03-34-400-005.000-030	W & A Properties, LLC	16,500	No
	Total	<u>\$72,700</u>	

Appendix II

MAP OF THE ANNEXATION TERRITORY



LEGAL DESCRIPTION

For APN/Parcel ID: 20-03-34-400-009.000-030

The South Half of the Southwest Quarter of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Elkhart County, Indiana, containing 20 acres, more or less.

Less and Excepting:

That part of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana which is described as: Beginning at the South Quarter post of said Section 34; thence North 00°03'23" West, 400.00 feet; thence North 89°57'08" East, 539.00 feet; thence South 00°03'23" East 400 feet; thence South 89°57'08" West, along the South line of said Quarter Section, 539.00 feet to the Point of Beginning, containing 4.95 acres, more or less.

Also Less and Excepting:

A part of the Northeast Quarter of Section 3, Township 37 North, Range 6 East, and a part of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Elkhart County, Indiana, and being that part of the grantors' land lying within the right-of-way lines, described as follows: Beginning at a point on the North line of said Section 3, South 89°38'44" West, 1317.26 feet (1311.66 feet by Instrument No. 88-13995), from the Northeast corner of said Section 3, and being the Point of Beginning, which Point of Beginning is the intersection of said North line with the centerline of State Road 15; thence South 89°38'44" West, 36.15 feet along said North line; thence North 03°32'32" West, 46.02 feet; thence North 05°03'05" West, 124.58 feet; thence Northerly, 415.04 feet along an arc to the right and having a radius of 10734.91 feet and subtended by a long chord having a bearing of North 02°26'05" West and a length of 415.02 feet; thence North 39°45'44" West, 42.14 feet; thence North 00°54'50" West, 49.27 feet to the North line of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 34; thence North 89°38'47" East, 55.95 feet along said North line, to the East line of the Southwest Quarter of the Southeast Quarter of said Section 34; thence South 00°22'58" East, 186.68 feet along said East line, to the Northwest corner of a 20 acre tract of land described in Deed Record 191, page 381; thence North 89°38'44" East, 71.94 feet along the North line of said 20 acre tract; thence Southerly, 304.69 feet along an arc to the left and having a radius of 10636.48 feet and subtended by a long chord having a bearing of South 02°43'18" East and a length of 304.68 feet; thence South 03°32'32" East, 324.70 feet to the South line of the grantors' land; thence South 88°31'34" West, 59.09 feet along the said South line, to the centerline of State Road 15; thence North 03°32'32" West, 150.0 feet along said centerline to the Point of Beginning, and containing 0.203 of an acre, more or less, in said Section 3, and containing 1.238 acres, more or less, in said Section 34; and containing in all, 1.441 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.698 of an acre, more or less, and the portion of the above described real estate, which is not already embraced within the presently existing right-of-way, contains 0.743 of an acre, more or less.

For APN/Parcel ID(s): 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030

Parcel 1: The Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, excepting ten (10) acres by parallel lines off of the North side thereof, containing thirty acres, more or less.

Parcel 2: The North Half (N ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, containing twenty acres, more or less.

Less and excepting the following:

Part of the North Half (N ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, situate in Washington Township, Elkhart County, State of Indiana, more particularly described as follows:

Commencing at a Harrison marker at the Northeast corner of the Southeast Quarter (SE ¼) of said Section 34; thence South 89 degrees 49 minutes West along the North line of the Southeast Quarter (SE ¼) of said Section 34 a distance of 1332.05 feet to a masonry nail marking the Northeast corner of the West Half (W ½) of the Southeast Quarter (SE ¼) of said Section 34; thence South 00 degrees 24 minutes East along the East line of the West Half (W ½) of the Southeast Quarter (SE ¼) of said Section 34 a distance of 1699.77 feet to a masonry nail marking the place of beginning of this description; thence continuing South 00 degrees 24 minutes East along the East line of the West Half (W ½) of the Southeast Quarter (SE ¼) of said Section 34 a distance of 250 feet to a masonry nail; thence South 89 degrees 42 minutes West a distance of 270.41 feet to an iron stake; thence North 00 degrees 24 minutes West a distance of 250 feet to an iron stake; thence North 89 degrees 42 minutes East a distance of 271.13 feet to the place of beginning of this description.

Also less and excepting the following parcel taken for right-of-way conveyed to the State of Indiana by Warranty Deed recorded May 31, 2005, as Instrument No. 2005-16261, in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

A part of the North Half of the Southwest Quarter of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Elkhart County, Indiana and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", described as follows: Beginning at the southeast corner of said half-quarter-quarter section; thence South 89 degrees 38 minutes 47 seconds West 55.95 feet (17.054 meters) along the south line of said half-quarter-quarter section; thence North 0 degrees 54 minutes 50 seconds West 39.86 feet (12.149 meters) to point "835" designated on said parcel plat; thence North 56 degrees 24 minutes 45 seconds East 13.90 feet (4.237 meters) to the north line of the grantor's land; thence North 89 degrees 31 minutes 02 seconds East 44.70 feet (13.625 meters) to the east line of said quarter-quarter section; thence South 0 degrees 22 minutes 58 seconds East 47.57 feet (14.499 meters) along said east line to the point of beginning and containing 0.060 acres (0.0243 hectares), more or less, inclusive of the presently existing right-of-way which contains 0.017 acres (0.0069 hectares), more or less. The portion of above-described real estate which is not already embraced within the presently existing right-of-way contains 0.043 acres (0.0174 hectares), more or less.

Subject to restrictions, covenants, easements, and assessments of record.

Being tax code numbers 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030.

For APN/Parcel ID(s): 20-03-34-400-005.000-030

THE NORTH HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 6 EAST, WASHINGTON TOWNSHIP, ELKHART COUNTY, INDIANA.

ORDINANCE NO. 12-21-2023-31

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA ANNEXING CERTAIN TERRITORY AND DECLARING THE SAME TO BE A PART OF THE TOWN OF BRISTOL, INDIANA

WHEREAS, the Town Council (the “Council”) of the Town of Bristol, Indiana (the “Town”) has the authority to annex lands into the Town pursuant to Indiana Code § 36-4-3 (the “Act”); and

WHEREAS, the Council received two petitions for voluntary annexation into the Town (collectively, the “Petitions”); and

WHEREAS, the Petitions requests that four parcels located at County Road 23 and State Road 15, Washington Township, Elkhart County, Indiana and identified in the Elkhart County, Indiana property records as Parcel Numbers 20-03-34-400-002.000-030, 20-03-34-400-013.000-030, 20-03-34-400-009.000-030, and 20-03-34-400-005.000-030 consisting of approximately 82.86 acres (the “Annexation Territory”), be annexed by the Town; and

WHEREAS, the Petitions have been signed by one hundred percent (100%) of the owners of land within the Annexation Territory; and

WHEREAS, a legal description and map of the Annexation Territory are attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein by reference; and

WHEREAS, the Annexation Territory is contiguous to the current boundaries of the Town in accordance with Section 1.5 of the Act and has not been previously annexed; and

WHEREAS, the Annexation Territory is currently zoned under Elkhart County zoning as Limited Manufacturing (M-1) (Parcel Numbers 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030) and Agriculture (A-1) (Parcel Numbers 20-03-34-400-009.000-030 and 20-03-34-400-005.000-030); and

WHEREAS, the Council has adopted, by resolution, a fiscal plan for the annexation of the Annexation Territory in accordance with Section 3.1(d) of the Act; and

WHEREAS, the Council has conducted a public hearing on December 7, 2023, as required by law with regard to the annexation of the Annexation Territory; and

WHEREAS, the Council now finds that the statutory criteria under the Act for annexation have been met.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. In accordance with Section 5.1 of the Act, the Annexation Territory is hereby annexed to and declared to be part of the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
- Section 3. The Annexation Territory is to further include the contiguous public highways and rights-of-way of the public highways which are adjacent to the Annexation Territory pursuant to Section 2.5 of the Act.
- Section 4. The Annexation Territory shall not be assigned to any Town Council District as the Town has abolished the Town’s Council Districts under Indiana Code 36-5-2-4.1.
- Section 5. The Annexation Territory shall retain the Limited Manufacturing (M-1) (Parcel Numbers 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030) and Agriculture (A-1) (Parcel Numbers 20-03-34-400-009.000-030 and 20-03-34-400-005.000-030) zoning classifications following the annexation into the Town upon the effective date of this Ordinance.
- Section 6. This Ordinance shall be in full force and effect upon its passage by the Council, and its publication and filing, upon the passage of the applicable thirty (30) day waiting period, in the absence of remonstrance and appeal, all as provided by the Act.
- Section 7. That all ordinances or parts thereof in conflict herewith are hereby repealed.

* * * * *

ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA,
ON THIS 21ST DAY OF DECEMBER, 2023.

TOWN COUNCIL
OF THE TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

Prepared by and return after recording to:

Scott C. Frissell
Krieg DeVault LLP
12800 North Meridian Street, Suite 300
Carmel, IN 46032-5407
Phone: (317) 238-6246

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Scott C. Frissell

EXHIBIT A

LEGAL DESCRIPTION

For APN/Parcel ID: 20-03-34-400-009.000-030

The South Half of the Southwest Quarter of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Elkhart County, Indiana, containing 20 acres, more or less.

Less and Excepting:

That part of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana which is described as: Beginning at the South Quarter post of said Section 34; thence North 00°03'23" West, 400.00 feet; thence North 89°57'08" East, 539.00 feet; thence South 00°03'23" East 400 feet; thence South 89°57'08" West, along the South line of said Quarter Section, 539.00 feet to the Point of Beginning, containing 4.95 acres, more or less.

Also Less and Excepting:

A part of the Northeast Quarter of Section 3, Township 37 North, Range 6 East, and a part of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Elkhart County, Indiana, and being that part of the grantors' land lying within the right-of-way lines, described as follows: Beginning at a point on the North line of said Section 3, South 89°38'44" West, 1317.26 feet (1311.66 feet by Instrument No. 88-13995), from the Northeast corner of said Section 3, and being the Point of Beginning, which Point of Beginning is the intersection of said North line with the centerline of State Road 15; thence South 89°38'44" West, 36.15 feet along said North line; thence North 03°32'32" West, 46.02 feet; thence North 05°03'05" West, 124.58 feet; thence Northerly, 415.04 feet along an arc to the right and having a radius of 10734.91 feet and subtended by a long chord having a bearing of North 02°26'05" West and a length of 415.02 feet; thence North 39°45'44" West, 42.14 feet; thence North 00°54'50" West, 49.27 feet to the North line of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 34; thence North 89°38'47" East, 55.95 feet along said North line, to the East line of the Southwest Quarter of the Southeast Quarter of said Section 34; thence South 00°22'58" East, 186.68 feet along said East line, to the Northwest corner of a 20 acre tract of land described in Deed Record 191, page 381; thence North 89°38'44" East, 71.94 feet along the North line of said 20 acre tract; thence Southerly, 304.69 feet along an arc to the left and having a radius of 10636.48 feet and subtended by a long chord having a bearing of South 02°43'18" East and a length of 304.68 feet; thence South 03°32'32" East, 324.70 feet to the South line of the grantors' land; thence South 88°31'34" West, 59.09 feet along the said South line, to the centerline of State Road 15; thence North 03°32'32" West, 150.0 feet along said centerline to the Point of Beginning, and containing 0.203 of an acre, more or less, in said Section 3, and containing 1.238 acres, more or less, in said Section 34; and containing in all, 1.441 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.698 of an acre, more or less, and the portion of the above described real estate, which is not already embraced within the presently existing right-of-way, contains 0.743 of an acre, more or less.

For APN/Parcel ID(s): 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030

Parcel 1: The Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, excepting ten (10) acres by parallel lines off of the North side thereof, containing thirty acres, more or less.

Parcel 2: The North Half (N ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, containing twenty acres, more or less.

Less and excepting the following:

Part of the North Half (N ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, situate in Washington Township, Elkhart County, State of Indiana, more particularly described as follows:

Commencing at a Harrison marker at the Northeast corner of the Southeast Quarter (SE ¼) of said Section 34; thence South 89 degrees 49 minutes West along the North line of the Southeast Quarter (SE ¼) of said Section 34 a distance of 1332.05 feet to a masonry nail marking the Northeast corner of the West Half (W ½) of the Southeast Quarter (SE ¼) of said Section 34; thence South 00 degrees 24 minutes East along the East line of the West Half (W ½) of the Southeast Quarter (SE ¼) of said Section 34 a distance of 1699.77 feet to a masonry nail marking the place of beginning of this description; thence continuing South 00 degrees 24 minutes East along the East line of the West Half (W ½) of the Southeast Quarter (SE ¼) of said Section 34 a distance of 250 feet to a masonry nail; thence South 89 degrees 42 minutes West a distance of 270.41 feet to an iron stake; thence North 00 degrees 24 minutes West a distance of 250 feet to an iron stake; thence North 89 degrees 42 minutes East a distance of 271.13 feet to the place of beginning of this description.

Also less and excepting the following parcel taken for right-of-way conveyed to the State of Indiana by Warranty Deed recorded May 31, 2005, as Instrument No. 2005-16261, in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

A part of the North Half of the Southwest Quarter of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Elkhart County, Indiana and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", described as follows: Beginning at the southeast corner of said half-quarter-quarter section; thence South 89 degrees 38 minutes 47 seconds West 55.95 feet (17.054 meters) along the south line of said half-quarter-quarter section; thence North 0 degrees 54 minutes 50 seconds West 39.86 feet (12.149 meters) to point "835" designated on said parcel plat; thence North 56 degrees 24 minutes 45 seconds East 13.90 feet (4.237 meters) to the north line of the grantor's land; thence North 89 degrees 31 minutes 02 seconds East 44.70 feet (13.625 meters) to the east line of said quarter-quarter section; thence South 0 degrees 22 minutes 58 seconds East 47.57 feet (14.499 meters) along said east line to the point of beginning and containing 0.060 acres (0.0243 hectares), more or less, inclusive of the presently existing right-of-way which contains 0.017 acres (0.0069 hectares), more or less. The portion of above-described real estate which is not already embraced within the presently existing right-of-way contains 0.043 acres (0.0174 hectares), more or less.

Subject to restrictions, covenants, easements, and assessments of record.

Being tax code numbers 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030.

For APN/Parcel ID(s): 20-03-34-400-005.000-030

THE NORTH HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 6 EAST, WASHINGTON TOWNSHIP, ELKHART COUNTY, INDIANA.

EXHIBIT B

MAP OF THE ANNEXATION TERRITORY



RESOLUTION NO 12-21-2023-30

A RESOLUTION OF THE PRESIDENT OF THE TOWN COUNCIL
AND THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA
FOR APPOINTMENTS TO THE BRISTOL REDEVELOPMENT COMMISSION

WHEREAS, the Town of Bristol, Indiana (the "Town") is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the "Council"); and

WHEREAS, the Town has established the Bristol Redevelopment Commission (the "Commission") pursuant to Indiana Code 36-7-14, et seq., which is controlled by a board of five (5) members (each a "Commissioner"), who each must be at least eighteen (18) years of age and a resident of the Town; and

WHEREAS, pursuant to Indiana Code 36-7-14-6.1(a) and 36-7-14-7(a), the Town Council President shall appoint three (3) of the Commissioners and the Council shall appoint two (2) of the Commissioners, each to serve for a one (1) year term beginning January 1, 2024; and

WHEREAS, the Town Council President and the Council are resolved to appoint the five (5) Commissioners identified herein to serve on the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Town Council President and the Town Council of the Town of Bristol, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Pursuant to Indiana Code 36-7-14-6.1(a)(1), the Town Council President hereby appoints the following individuals as Commissioners to serve on the Commission in accordance with Indiana law:

- 1. _____
- 2. _____
- 3. _____

Section 3. Pursuant to Indiana Code 36-7-14-6.1(a)(2), the Council hereby appoints the following individuals as Commissioners to serve on the Commission in accordance with Indiana law:

- 1. _____
- 2. _____

Section 4. Each appointed commissioners' term shall be for one (1) year and shall begin effective January 1, 2024.

Section 5. Each commissioner, before beginning the commissioner's duties, shall take and subscribe an oath of office in the usual form, to be endorsed on the certificate of the commissioner's appointment, which shall be promptly filed with the Town Clerk-Treasurer.

Section 6. Each commissioner, before beginning the commissioner's duties, shall execute a bond payable to the state, with surety to be approved by the Town Council President. The bond must be in the penal sum of fifteen thousand dollars (\$15,000) and must be conditioned on the faithful performance of the duties of the commissioner's office and the accounting for all monies and property that may come into the commissioner's hands or under the commissioner's control. The cost of the bond shall be paid in accordance with Indiana law.

Section 7. If a commissioner ceases to be qualified to serve as a commissioner hereunder or under Indiana law, the commissioner forfeits the commissioner's office.

Section 8. Except as otherwise provided by law, commissioners are not entitled to salaries but are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

* * * * *

RESOLVED THIS 21st DAY OF DECEMBER, 2023.

PRESIDENT OF THE TOWN COUNCIL
OF THE TOWN OF BRISTOL, INDIANA

Jeff Beachy

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer