

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

**AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING**

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

**March 6, 2023**

**7:00 P.M.**

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

**2. Minutes for Approval**

Minutes of January 30, 2023 – Finance Committee

Minutes of February 6, 2023 – City Council

Minutes of February 13, 2023 – City Council

**Presentations and Introductions**

**3. Unfinished Business**

**a) Reports of Council Committees**

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

**PROPOSED ORDINANCE 23-O-04**, an ordinance appropriating One Hundred Sixteen thousand Eight Hundred Sixty-Four and 33/100 dollars (\$116,864.33) from the Cumulative Capital Development fund to the Other Equipment Account for the purchase of Cisco phone system

**PROPOSED ORDINANCE 23-O-05**, an ordinance approving a major amendment to the “Parkway at 17 DPUD-Phase III”, a Detailed Planned Unit Development, to change the zoning district from B-3, Service Business District to R-4, Multi-Family District

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

There are no ordinances or resolutions referred to committee

**d) Tabled Ordinances and Resolutions**

There are no tabled ordinances or resolutions

**4. New Business**

**a) Ordinances on First Reading**

There are no ordinances on first reading

**b) Resolutions**

There are no resolutions

**Vacation Hearings**

There are no vacation hearings

- c) **Other New Business**
- d) **Reports of Mayor, Board of Works, Board of Safety or City Departments**
- e) **Neighborhood Association Reports**
- f) **Privilege of the Floor**
- g) **Scheduling of Committee Meetings**

5. **Acceptance of Communications**

Minutes of January 25, 2023 – Board of Aviation Commissioners  
Minutes of January 24, 2023 – Board of Public Safety  
Minutes of February 14, 2023 – Board of Public Safety  
Minutes of February 7, 2023 – Board of Public Works  
Minutes of January 12, 2023 – Board of Zoning Appeals  
Minutes of June 16, 2022 – Elkhart Historic & Cultural Preservation Commission  
Minutes of July 21, 2022 – Elkhart Historic & Cultural Preservation Commission  
Minutes of October 20, 2022 – Elkhart Historic & Cultural Preservation Commission  
Minutes of December 14, 2022 – Elkhart Historic & Cultural Preservation Comm.  
Minutes of January 11, 2023 – Lerner Theatre Board

7. **Adjournment**

**MINUTES OF THE FINANCE COMMITTEE**  
**JANUARY 30, 2023**

Present: Finance Committee Chairman Arvis Dawson  
Finance Committee Members Tonda Hines and Megan Baughman

Absent:

Council President Dawson, Chairman of the Finance Committee, called the meeting to order at 5:30 p.m. in the Council Chambers at City Hall, 229 S. Second Street, Elkhart. This meeting was made available to the public via WebEx and was live-streamed on Facebook. All council members present, were present in Council Chambers.

The clerk called the roll.

Chairman Dawson asked the clerk to read the proposed ordinance by title only.

*Proposed Ordinance 23-O-03*

**AN ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN IMPROVEMENTS TO THE SEWAGE WORKS OF THE CITY OF ELKHART, INDIANA, THE ISSUANCE OF ADDITIONAL REVENUE BONDS IN ONE OR MORE SERIES TO FINANCE THE COST THEREOF, THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SUCH SEWAGE WORKS, THE SAFEGUARDING OF THE INTEREST OF THE OWNERS SUCH REVENUE BONDS AND OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF SUCH BONDS AND ALL MATTERS RELATED THERETO**

**PRESENTATION ON PROPOSED ORDINANCE 23-O-03**

**Jamie Arce, City Controller** stated that this is part of our long term control plan and consent decree in which we have no real wiggle. This issuance of debt is currently embedded within the current rate structure. However, future needs to be compliant with our long term control plan will require a rate increase. As it stands, with this issuance, there is enough built into the rate to be able to handle the debt. If he recalls correctly, there are some Brownfield components that will effectively be a zero percent loan for us to be able to do some additional Brownfield work. Our interest rate with SRF will be adjusted accordingly.

**Councilwoman Baughman** asked for help in understanding. This is a \$31.5 million dollar bond, asked will this be added on to the \$50 million dollar bond for the police and the \$22 million dollar bond for fire? **Jamie Arce** stated in the big picture, it would be in conjunction with any future debt that the city would incur. The difference here is that this will be paid

specifically from the revenue that is received at public works through rate payers for sewage. **Councilwoman Baughman** said you just mentioned that there is going to be a rate increase. **Jamie Arce** stated there will be. There has long been a need for a rate increase. He does not believe there has been a rate increase since late 2010. **Chairman Dawson** stated to add a little historical perspective to that, at one time they had one of the lower sewer rates and still do have one of the lower rates. He went on to say that because our rate is so low, they cannot get the federal dollars needed to complete some of these projects. We have to raise our rates but at the same time make sure that it is compulsory with the increase to pay the debt. This is an unfunded mandate and we have to do it. **Councilwoman Baughman** asked how much of the ARP money was dedicated towards this. **Jamie Arce** stated zero. Benham which is a component of our long term control plan was not part of this required piece. None of ARP has technically been identified to be part of that. **Councilwoman Baughman** stated that in the examples used by the Department of Treasury, they clearly identify water and sewer infrastructure as a category. While it was an unfunded mandate, in reality when the ARP money came in, it could have been used towards helping to alleviate the tax burden to the citizens of Elkhart from the fees that will incur from this \$31.5 million dollar bond. **Jamie Arce** stated he thinks to a certain degree yes. Both of the projects that are associated with ARP are required. They are going to need to do the Benham component where they have had flooding and Stormwater and waste water work that is a completely separate project. Had they shifted the ARP money for this purpose they would have had additional request or needs that the utility would have to fund anyways. **Councilwoman Baughman** stated that in an effort to have full transparency for the citizens is to have publicly available where the ARP money has gone so that they can see where that money has been spent, therefore the opportunity costs of those investments of what they did. **Jamie Arce** stated to date, there has not been any spent on any of the infrastructure projects. **Councilwoman Baughman** stated then you just want to look at opportunity costs as we chose to spend it on other areas, which then created a burden to the tax payers as well as their ability to do other things.

**Chairman Dawson** stated that he does not think it creates a burden. Who knew we were going to have a pandemic, who knew what was going to happen. This was a planned event it was not something that was not well thought out; how they are going to finance this, how are we going to do this and if they were going to do it. This is the course that they took and he thinks if they continue to do this, they will get it done and complete the consent decree. **Jamie Arce** stated that there is a minor nuance that needs to be addressed. It is rate payers versus tax payers. Rate payers are funding it based on their utilization of the service versus tax payers may or may not get to benefit in certain aspects.

**Councilwoman Baughman** stated that she has real concerns with the additional bond issues in front of us with the police station and then the two (2) fire stations at around \$100 million dollars. While we will have rate payers that will carry the burden based on usage for this ordinance, we also have citizens and property owners who will have a huge impact and it would be impacted. When we talk about affordable housing, and adding these two (2) things on plus the rate increase, she just feels that it is a lot for the citizens to carry.

**Councilwoman Hines** asked when the program started. **Jamie Arce** stated that it predates him and he thinks that it predates Tory. He thinks they have until 2030 to complete the project. There are other milestones that are required for us to meet as part of this plan. Had they

of not had ARP, they may have had to ask for more going forward to be able to do the projects that need to be done.

**Chairman Dawson** stated as Megan said, there is a lot of bonding that is going to be going on and it is a natural concern. Everything is good right now and he believes that we are in a solid place. He feels that they just need the comfortability of we can do this. **Jamie Arce** stated in peeling this out to the debt issuance for this project being uniquely different.

**Chairman Dawson** stated that as those figures become available and we move towards those projects, it might not be a bad idea to let the council see what the timeline is and let them see where the funding is going to come from or anticipation of it. He said he is sure this will not be an in house project and that they will get some assistance. **Jamie Arce** stated that they are required too. With any debt issuance, even if they had the capacity or capability internally, there is a requirement for them to have a municipal financial advisor that would be independent from them to provide direction. Which is what has happened on this side for the debt issuance and what would happen for any future issuances that they would utilize. They would make sure that we had the means and to be able to do the project and same thing with having appropriate legal counsel and bond counsel. They have appropriate, well respected professionals in place to help them make those decisions and recommendations for us.

**Councilwoman Baughman** stated that she appreciates that and based on priorities this would be priority number one it has been the plan since 2007 and well before the mandate. Yet, the opportunity to use ARP money is something was not expected but was maybe a lost opportunity to allocate some funding to it to alleviate the burden to the consumers and just understanding the priority as they get into the bond issues for the police and the additional fire stations. It is the burden that they are placing on the citizens and tax payers.

**Tory Irwin, Public Works** stated that this is part of the long term control plan consent decree. It is the first piece to a four piece project. Eventually, they have to install a new interceptor sewer that will go from the waste water treatment plant to a tank that they are going to build close to the intersection of Oakland and Indiana and then from the tank all the way to the tank that was installed seven (7) or eight (8) years ago here in downtown by the old Knights of Columbus. This is the first piece that is going to be the force main that will go from the wastewater treatment plant to the tank on Oakland. It will not work or and be operational until all four (4) pieces are built and ready. They will literally have this new infrastructure and it will be just sitting there until they are ready to bring all the other pieces online.

**Councilwoman Baughman** asked so the total cost is \$31.7 for the four (4) pieces or is this just for the first piece? **Tory Irwin** stated that is it \$31.7 for the first piece. The last tank that they did which was the one downtown which is similar in size to this tank was around \$11 to \$12 million dollars. When they do this actual tank, it will probably come in the realm of about \$20 million dollars. Again, this tank to just to get the pipes from that tank to the wastewater treatment plant. They will also be replacing all of the water main as part of this project. That water main is in the way of the new sewer mains and it also has lead service lines coming off of it. Per the new rules, they have to remove all of the lead service lines and so they are going to do that and replace the water main as well. It is not just the sewer project and obviously the road gets rebuilt as well and they are adding a multi-use path along Indiana. It will run from the wastewater treatment plant all the way to Oakland and then eventually it will go up Oakland

down Harrison to 3<sup>rd</sup> to Jackson and all the way into downtown but, those pieces are yet to come. When it is all said and done if you take all four (4) pieces and consider it as one project, it will be the largest infrastructure project that the city has undertaken by dollar value. It will be in the realm of \$80 to \$90 million dollars for all four (4) pieces.

**Councilwoman Hines** asked what the expected timeline is. **Tory Irwin** stated that they are bidding right now. With the delays in getting materials, they do not anticipate that they will start construction until next year. This project will be under construction probably in 2024 and 2025. They are going to begin the design of the tank this year. The tank will probably be under construction in 2025 – 2026. The pipe work to get from the tank to the downtown that probably will be going on at the same time. They are going to have lots of work going on, it is a really exciting time to be an engineer in Elkhart between this and Hively and Bristol.

**Chairman Dawson** asked with the delays and everything, do we get an extension on the decree? **Tory Irwin** stated that he is planning to bring everything so that we have the ability to get it all done. **Chairman Dawson** asked what their decree date is. **Tory Irwin** stated there are seven (7) pieces to the consent decree. This is only one of those seven pieces. The ultimate end drop dead date for the consent decree is November 30, 2029. This Oakland project has to be completed and online by November 30, 2027. Each milestone has its own dates that they have to hit. **Chairman Dawson** asked if he remembered the history of the decree. **Tory Irwin** stated that he was here when it was signed but he was not here for the negotiating. **Chairman Dawson** asked if he could give the history of why we have to do this. **Tory Irwin** stated that the whole reason we have to do this is because of our combined sewer overflows into the St. Joe, Elkhart and Christiana Creek. As of today, they have 29 active overflow points where basically the storm sewer combines during a rain event with the sanitary sewer and when the rain event is sufficient enough, it overcharges and surcharges our system as it was designed to do and goes out to the rivers. Untreated sewage out in the rivers is not a good thing. The EPA stepped in nationwide, not just in Elkhart, in orders to all the overflow communities to implement plans to minimize if not eliminate those overflows.

**Councilwoman Baughman** stated so based on step one of \$31.5 and the whole aggregate of the project to be \$80 to \$90 million, are you saying the entire project has to be done by November 30, 2029? **Tory Irwin** stated that the Oakland project has to be done sooner than that. And yes, the whole consent decree which has a whole laundry list of projects that they are doing, has to be completed by November 30, 2029. The Oakland piece has to be completed by November 30, 2027. Each project has its own deadline that they have to meet. **Councilwoman Baughman** stated so Oakland is the first piece of the four (4) pieces of this project. **Tory Irwin** stated yes. **Councilwoman Baughman** stated so all four (4) pieces have to be completed and online by November 2029. This first piece is on a 25 year bond is that right? **Tory Irwin** stated that it is a 20 year bond. **Councilwoman Baughman** stated so you are going to be scaffolding bonds. The rates are going to keep going up because obviously we are going to be paying on this one and then we are going to be adding another one and then another one. **Tory Irwin** stated that the rates they have currently are sufficient to cover this bond. This project was planned as part of the last rate increase but stated that she would be correct in that they do not have rates built for the future projects to come. **Councilwoman Baughman** stated so we do not have rates built in for the other \$60 million dollars. **Tory Irwin** stated that would be correct. He said that they currently have three (3) other bonds that they are paying on from another long term control

plan consent decree projects. He believes the first set of those bonds start to drop away in 2030. Obviously, they will have to undertake more bonds or find other financing options to finish off the rest of the long term control plan.

**Chairman Dawson** stated that ours is cheap compared to Indianapolis they had like a \$1 billion dollar decree. **Tory Irwin** stated that Indianapolis and Fort Wayne got hit really hard. South Bend and Mishawaka's both were significantly more than ours as well. Goshen's was less but, they only had one (1) project to do and they got it done like ten (10) years ago. **Chairman Dawson** stated yes, we are going to have rate increases to cover the projects. **Tory Irwin** stated it is that way nationwide with the consent decree communities, which there are hundreds of them. **Chairman Dawson** stated that so our plan is to do the bonds in this order to get this done.

**Councilwoman Hines** stated that to Megan's point in terms of the citizens, she thinks that bringing them along or up to date or revisiting how we roll that out would be essential. In just helping to educate why we are doing what we are doing and how we are going to do it. **Tory Irwin** stated for this project specifically, they had four (4) public meetings in the planning process for the project design process. He stated that they met with everyone in that neighborhood multiple times or gave them the option to come and meet with us. They went door to door passing out information so everyone has had ample time to help us design this project. As they move forward and these projects impact different areas, they will do the same thing with each of those areas.

**Chairman Dawson** stated that with the rate increase, he feels it is imperative that people understand why it is being done. **Tory Irwin** stated that is really the mandated unfunded mandate.

Chairman Dawson stated that he would entertain a motion. Councilwoman Hines made the motion that they move this on to the full council with a **Do Pass Recommendation**. Seconded by Chairman Dawson.

He asked the clerk to do a Roll Call Vote.

**AYES:** Hines, Dawson

**NAYS:** Baughman

**By a vote of 2-1, the proposed ordinance was sent to council with a Do Pass Recommendation.**

Chairman Dawson stated that it will be on the agenda for the next council meeting.

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Arvis Dawson  
Finance Committee Chairman

**MINUTES OF THE REGULAR COMMON COUNCIL MEETING  
OF FEBRUARY 6, 2023**

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

Absent: Kevin Bullard and Brent Curry

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

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

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

The clerk called the roll.

**APPROVAL OF MINUTES**

There were no minutes for approval

**PRESENTATIONS AND INTRODUCTIONS**

There were no presentations or introductions

**UNFINISHED BUSINESS**

**REPORTS OF COUNCIL COMMITTEES**

President Dawson reported that the Finance Committee met on Monday, January 30, 2023 to discuss **Proposed Ordinance 23-O-03** and it comes to the full council with a **Do Pass Recommendation with a 2-1 vote.**

## ORDINANCES ON SECOND-THIRD READING

### *Proposed Ordinance 23-O-03*

#### **AN ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN IMPROVEMENTS TO THE SEWAGE WORKS OF THE CITY OF ELKHART, INDIANA, THE ISSUANCE OF ADDITIONAL REVENUE BONDS IN ONE OR MORE SERIES TO FINANCE THE COST THEREOF, THE COLLECTION, SEGREGATION AND DISTRIBUTION OF REVENUES OF SUCH SEWAGE WORKS, THE SAFEGUARDING OF THE INTEREST OF THE OWNERS SUCH REVENUE BONDS AND OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF SUCH BONDS, AND ALL MATTERS RELATED THERETO**

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

#### COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-03

President Dawson opened the council discussion. **Councilman Henke** stated he knows what the process is and what the project is about, he is more concerned with some funding questions. He asked how much ARP money has come through in the last 24 months. **Jamie Arce, City Controller** stated that the city was the recipient of just a little over \$18 million of the American Rescue Plan dollars of which about half of that has been appropriated for water related projects throughout the city. **Councilman Henke** asked if there was any COVID related reimbursements. **Jamie Arce** stated not that comes to mind. He also stated that would be different from the ARP in general. **Councilman Henke** stated that would have been matching funds of the amount spent and reimbursed back to the city that they put in for labor for extra mitigation and those types of things. **Jamie Arce** stated that he does not recall that the city received anything outside of the airport receiving some CARES money. Any of the additional monies would have been for a specific purpose and would not have allowed them to expand. **Councilman Henke** stated for example the council appropriated \$500,000 for the mayor's office, what fund did that come from? **Jamie Arce** stated that it would have been part of the ARP appropriations for the communication plan. **Councilman Henke** asked above the city's budget, what were the realized state and federal monies that came in outside of the normal budget. **Jamie Arce** stated that he does not recall any state or federal funding outside of the money that the city received as part of the Next Level Trail grant, which was for a restricted purpose. **Councilman Henke** asked what the unencumbered cash balances are. **Jamie Arce** stated that he is not 100% certain that he can provide accurate numbers but is happy to get that information to him. In general, he would say that the general fund has a 75% operating balance as a cash reserve and there is in excess of \$10 million dollars in the rainy day. **Councilman Henke** asked what capital investments are. **Jamie Arce** stated he is not sure what the balance is for capital outlay. Councilman Henke said it would be nice to hear in this presentation what the outstanding balance is after this \$31.5 and how that is expected to be funded. **Councilwoman Baughman** asked for clarification; when she sat in on the Finance Committee meeting, she stated that while this is the ordinance for \$31.5 million this is one-step of a four-step process is that accurate? **Tory Irwin, Public Works** stated that this is one phase of a forecast project. This is one part of the eight parts of the consent decree. There are dozens of projects within the consent decree. This part of the consent decree is phase five (5). They chose to break this project up into four (4) different pieces. The first piece of

those four pieces. **Councilwoman Baughman** stated that during the finance meeting you said that this one would have to be completed by 2027. **Tory Irwin** stated that he has to have a signed contract with a contractor to begin construction on this project by November 15, 2023 and all four (4) phases have to be completed and online by November 15, 2028. **Councilwoman Baughman** stated that you mentioned during the finance meeting that while this one phase is going to be \$31.5 the price for all four (4) phases would be between \$80 to \$90 million dollars. Where do you suppose you are going to come up with the other \$60 million dollars? **Tory Irwin** stated that they are working through that with the rate structure for the next five (5) years. He stated again, there are three (3) more projects to be completed within the long-term control plan, consent decree. **Councilwoman Baughman** stated it was mentioned during the finance meeting that these were unfunded mandates by the federal government; interestingly enough at the time they were unfunded that was prior to ARP money. While some ARP money was used in other areas of this entire project, other cities used their APR money for this specific type of work. She is curious as to how much of our money was used for this project or put aside for this \$90 million dollar project. **Tory Irwin** stated there was no money put aside. **Councilman Mishler** said just to make the public aware, this is a federally mandated project correct; the city does not have a choice when it comes to this project correct. **Tory Irwin** stated that is correct. If they miss the deadlines, per the consent decree, our daily fines are \$4,000 per day, they compound for every deadline that they miss and there are 24 deadlines. **Councilman Mishler** stated as far ARP funding, we received \$18.9 million dollars and slightly over \$9.3 million dollars of that was used for infrastructure on North Main, East Jackson and several other projects. The city did receive about \$2 million dollars in CARE's funds, which was greatly restricted on how the city could spend that. He stated that he still has the funding report on that and he can forward that if anyone needs a copy. He said that when these infrastructure things did come up in the past with ARP funds, he believes they were generally passed with almost unanimous support from every member on the council. He went on to state that this project, proposed ordinance can be done without raising rates correct. **Tory Irwin** stated that is correct. They knew this project was coming and they built this into the last rate structure along with the treatment plant project that is going on currently.

#### **PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-03**

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

#### **COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-03**

President Dawson returned the discussion to the council. **Councilman Henke** stated that it would be interesting to find based on interest rate increases from the Fed over the last 12 to 16 months what was the rate increase and the bond sale expectation what would be the impact and the impact financially, and where we were 12 months ago considering today. **Randy Rompola, from Barnes and Thornburg** stated that the ordinance has a not to exceed maximum interest rate of 5%, but it is expected that these bonds will be sold for less than that. It is expected that these bonds will be sold to the Indiana Finance Authority. This financing will be part of their pool financing so they do not have an exact interest rate yet, but they expect it will be below what the city could otherwise get on its own. He thinks they are looking at 3 ½ to 4%. **Councilman Henke** said, so you would expect 1% or not more than 1.5% difference if they would have financed one year ago in comparison to what they are walking into. **Randy Rompola** stated based on the subsidized rates that they offer. He would also add that part of this project includes a Brownfield loan and part of the sewage works project, which involves replacing a

waterline and the lead line replacement. Those will be very subsidized and may well be a zero percent forgivable loan but that has not been sorted out yet. **Councilman Henke** stated so his bottom line is we have known since 2007 that this program has had to come along, how much better off would they have been a year ago to jump forward with a bond in comparison to now. **Randy Rompola** stated there definitely will be an increase but there is the time value of money. If we had borrowed the money a year ago, we would have been paying interest on it even at the lower rate. More importantly, through this program for the Indiana Finance Authority, they would not have allowed us to borrow money last year for next year's project. They want you to have bids in hand before they ultimately provide for the issuance of the bonds. **Councilman Henke** stated so to Megan's question, since a rate increase had already occurred, could we not have pushed that money aside and used it as the first payment towards a bond reduction, towards minimizing the impact since the rate has already occurred. What did they do with the increased revenue while they knew this debt was coming? **Randy Rompola** stated that he will let Jamie answer that but from a financing standpoint, the money that was collect in the grand scheme of the project (the rest of his statement is inaudible as he turned his head away from the microphone). **Councilman Henke** stated but they had an increase based on the need and so they would have thought that money would have been encumbered for that use. He just wanted to know how the mechanism worked. **Jamie Arce** stated that he could not speak specifically down to the penny but keep in mind that last year they had another issuance for the wastewater treatment plant and the rate increase helps to pay for that debt that was through the SRF program as well. **Councilman Henke** asked if the rate would cover both of the current projects. **Jamie Arce** stated yes. **Councilman Henke** stated that when you or Tori came in front of the council for the last rate increase, what was the increased revenue expected to be annually. He is not sure that they still have that number, but it would be a good number to have. **Councilman Mishler** stated that the recent bipartisan infrastructure bill that dedicated \$751 million dollars to Indiana specifically to improve our water infrastructure, could some of those funds be applied for, for dealing with future stages of this project. **Tori Irwin** stated he would love to use that money. Initially the way the Fed has structured all of that money was to run it through the state SRF programs. They applied for the money and the state did not give us any of the money for this project.

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

**AYES:** Thomas, Mishler, Hines, Baughman, Fish, Henke, Dawson  
**NAYS:**

**By a vote of 7-0, the proposed ordinance passed on second reading.**

Motion by Councilman Mishler and seconded by Councilwoman Hines for third and final reading.

President Dawson asked if there was any further discussion. Seeing none, he asked the clerk to read the proposed ordinance by title only and to do a Roll Call vote.

**AYES:** Thomas, Mishler, Hines, Baughman, Fish, Henke, Dawson  
**NAYS:**

**By a vote of 7-0, the proposed ordinance passed on third and final reading.**

## ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES

There are no ordinances or resolutions referred to committees

### TABLED ORDINANCES AND RESOLUTIONS

There are no tabled ordinances or resolutions

### ORDINANCES ON FIRST READING

There are no ordinances on first reading

### RESOLUTIONS

There are no resolutions

### VACATION HEARINGS

There were no vacation hearings

### OTHER NEW BUSINESS

President Dawson stated they would be establishing the Paul Thomas committee upon which Brian Thomas will chair; Angie McKee and David Henke will be a part of the committee as well.

### HISTORIC & CULTURAL PRESERVATION COMMISSION

President Dawson stated that he has checked with the Planning and Zoning staff to see if the council can appoint somebody to that commission as opposed to having a council representative.

### COUNCIL COMMENTS

**Councilman Henke** stated we do have a lot of unfunded things and the question was how much money is still outstanding for this overall completion of this project. He thinks that is important. Since several people took trips to Washington, did that net them any avenues regain money to cover some of these areas. He stated that he was working with Mr. McLain on the revision of his report. Whether it helps other people or not, it would help him to see trend numbers and then compare it to actuals, which would be very useful to him. In regards to the airport, the minutes state that a group went to the International Convention Airshow. It said several people attended including a councilman here. He was wondering if the airport budget covered that piece. **President Dawson** stated that the council budget covered the trip. **Councilman Henke** verified that the council did not cover the spouse. **President Dawson** stated that they could only cover the council member with their budget.

## **NEIGHBORHOOD ASSOCIATION REPORTS**

There were no Neighborhood Association Reports

### **PRIVILEGE OF THE FLOOR**

**Jeffrey Szyarto of 827 Edwardsburg Avenue, Elkhart** – stated that he is the de facto president of the Edwardsburg Avenue Neighborhood Association. They are newly formed out of crisis. They are pretty much under terror by 412 and 414 East Beardsley. Today, they had police officers with long rifles pointed towards the St. Paul's daycare to evict residents out of that house. They have had police officers there 12 out of the last 15 days and two of those days there was EMS. They have talked to the mayor; they are fed up and are living under terror. They are just looking for answers. He had put calls out to Brian Thomas none of which has been returned. He has put a text into Aaron Mishler and he is actually aware of everything that goes on because he responds to it. They do not know what to do as a neighborhood as they are hitting dead ends and that is why they are bringing this to the council's attention. They are going to be making noise. Every time an incident happens on his property, a video goes straight to YouTube, they are currently totaling over 500,000 views, and each video tags the City of Elkhart. The next step is to put it in the SEO so that when people search the City of Elkhart these videos are broadcast. They are tired of the problem and they do not know how else to express this. He gave an example that on Saturday morning he had a gentleman on his property with a knife looking to fight him because he saw the videos of him breaking into Jeffrey's car on Friday night. They feel like they have been let down by their city council member. Right now, there is a gentleman almost nightly that screams naked at the moon from his backyard; you can almost set your watch by it. There are acts of prostitution that happened in broad daylight in front of children at the daycare across the street. There is an open-air drug market that happens every day of the week. Anybody that comes through the front door with nothing and leaves with a backpack pretty much taking drugs to another part of the city. They wanted to let the city council know that they are frustrated, they vote, they are business owners and they are taxpayers and they are voices in your community. They would like to start working on a plan to remedy their problem. Every time the police show up there, they are making five (5) or more arrests. They do not show up without wagons and SUV's. There are five (5) or six (6) officers that show up and he is sure that it is expensive to do that. This house is costing the city hundreds of thousands of dollars and that is just in emergency calls alone each year. There are some days that the police are there three (3) or four (4) times a day. He had a man on his porch that had to have Narcan administered because he was overdosing. His 5-year-old son saw this as he was trying to be helpful by getting the mail. He is going to be passionate about these topics and so are his neighbors. He and his wife moved back to Elkhart from one of Chicago's most dangerous neighborhoods. This is where they grew up and he is going to fight for his house that they own in this town.

**SCHEDULING OF COMMITTEE MEETINGS**

There were no committee meetings to schedule

**ACCEPTANCE OF COMMUNICATIONS**

Minutes of December 29, 2022 – Board of Aviation Commissioners

Minutes of January 10, 2023 – Board of Public Safety

Minutes of May 19, 2022 – Elkhart Historic & Cultural Preservation Commission

Minutes of December 15, 2022 – Human Relations Commission

Report – January 2023 Month End – Elkhart Communications Center

Motion by Councilwoman Hines, seconded by Councilman Mishler **moved to accept communications.**

**By a voice vote of 7-0, the communications were accepted.**

**ADJOURNMENT**

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

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Debra D. Barrett, City Clerk

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Arvis Dawson  
President of the Elkhart City Council

# DRAFT

## MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF FEBRUARY 13, 2023

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

Absent: Brent Curry and Brian Thomas

This meeting was made available to the public electronically through WebEx and live-streamed on Facebook. All Council Members were present in Council Chambers with the exception of Aaron Mishler who was present via WebEx.

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

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

The clerk called the roll.

### APPROVAL OF MINUTES

**Minutes of September 28, 2022** – Finance Committee Of-The-Whole

**Minutes of October 3, 2022** – City Council

**Minutes of January 23, 2023** – City Council

Motion to approve minutes made by Councilwoman Hines and seconded by Councilman Fish. President Dawson asked the clerk to do a Roll Call vote.

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

**NAYS:**

**By a vote of 8-0, the minutes were approved.**

**PRESENTATIONS AND INTRODUCTIONS**

There were no presentations or introductions

**UNFINISHED BUSINESS**

**REPORTS OF COUNCIL COMMITTEES**

There were no reports of council committees

**ORDINANCES ON SECOND-THIRD READING**

There were no ordinances on second-third reading

**ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES**

There are no ordinances or resolutions referred to committees

**TABLED ORDINANCES AND RESOLUTIONS**

There are no tabled ordinances or resolutions

**ORDINANCES ON FIRST READING**

*Proposed Ordinance 23-O-04*

**A ORDINANCE APPROPRIATING ONE HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED SIXTY-FOUR AND 33/100 DOLLARS (\$116,864.33) FROM THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO OTHER EQUIPMENT ACCOUNT FOR THE PURCHASE OF CISCO PHONE SYSTEM**

Proposed Ordinance 23-O-04 moved on to second reading with no objections.

*Proposed Ordinance 23-O-05*

**AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE “PARKWAY AT 17 DPUD-PHASE III”, A DETAILED PLANNED UNIT DEVELOPMENT, TO CHANGE THE ZONING DISTRICT FROM B-3, SERVICE BUSINESS DISTRICT TO R-4, MULTI-FAMILY DISTRICT**

**AMENDMENT TO PROPOSED ORDINANCE 23-O-05**

**Eric Trotter, Assistant Director of Planning** asked to substitute the cover memo to reference the correct case. They were in a hurry, cut, and pasted the wrong case number. He stated there were no other changes it was literally just the case number in the reference line.

President Dawson asked for a motion to adopt the replacement. Motion to adopt by Councilman Henke and seconded by Councilwoman Hines. He asked the clerk to do a Roll Call vote

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

**NAYS:**

**By a vote of 7-0, the replacement was adopted.**

**Councilman Bullard** stated that the developer and landowner are here and he would hate to just pass this on if they could give a short five (5) minute introduction and then put this into the Finance Committee Of-The-Whole. **President Dawson** stated what did not happen, is this was not advertised as a public hearing. That is usually done on 2<sup>nd</sup> and 3<sup>rd</sup> reading so he was not prepared and he did not receive any request from Economic Development. **Councilman Bullard** asked if they could still have a presentation. **President Dawson** stated that they would during 2<sup>nd</sup> and 3<sup>rd</sup> reading. Councilman Bullard stated he would like to drop this into Finance Committee Of-The-Whole, as this is a huge project. President Dawson stated that it is a Public Works and Improvement and he would take it under consideration. If anything, it will be put into Public Works and Improvement.

Proposed Ordinance 23-O-05, as amended moved on to second reading with no objections.

## **RESOLUTIONS**

There are no resolutions

## **VACATION HEARINGS**

There were no vacation hearings

## **OTHER NEW BUSINESS**

### **HISTORIC & CULTURAL PRESERVATION COMMISSION**

President Dawson stated that he has two (2) individuals for this commission. He talked with Mr. Thomas today and when he comes back to our next meeting, they will be able to confirm him and another person to that commission.

### **COUNCIL COMMENTS**

**Councilman Henke** stated that there were questions this past meeting and he wanted to bring them back up. He has requested the gross proceeds of state and federal grants for years 2021 and 2022 and include if they participated in the honor grant for fire, police and first responders. He believes there was a deviation of variance to the cost of the metal detector at the front door. If they are posting, at what time does a full officer staff the door as comparison to the security officer we had prior. There has to be a cost deviation. He would just like to know those numbers.

**Councilman Bullard** stated that there was a comment made through their text messages about the car wash at County Road 6 was going to need a little cleaning up and he thinks the mayor moved it on to the 311 app. He said he got an email back saying that it had been addressed. He went on to say that, he went by there today and between the trees and shrubs growing out the side of the buildings and the trash cans etc...If that clean-up has been resolved, then we need to raise our standards. With that being just east of Cassopolis Street and being a gateway transit into Elkhart, that still looks very bad. He would like to revisit that possibly and get a hold of the owners and see what it going on with the clean-up.

**Councilman Henke** stated that he did miss one thing. He would be highly embarrassed if he did not mention the unbelievable report that Dustin put out for us. It took just one request and he put out an unbelievable report.

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

There were no reports

**NEIGHBORHOOD ASSOCIATION REPORTS**

There were no Neighborhood Association Reports

**PRIVILEGE OF THE FLOOR**

No one spoke during privilege of the floor

**SCHEDULING OF COMMITTEE MEETINGS**

There were no committee meetings to schedule

**ACCEPTANCE OF COMMUNICATIONS**

Minutes of January 17, 2023 – Board of Public Works

Minutes of January 3, 2023 – Plan Commission

Minutes of October 20, 2022 – Stormwater Board

Minutes of November 29, 2022 – Stormwater Board

Report – American Rescue Plan Compliance – City Controller

Report – 2022 Year End Report – Elkhart Communications Center

Report – Admissions Report to Questions from Jan. 23<sup>rd</sup> Council Mt. – Parks Dept.

Motion by Councilwoman Hines, seconded by Councilman Mishler **moved to accept communications.**

**Councilwoman Baughman** stated that she missed something under the acceptance of communications under Board of Works. She has a question regarding the contract with Personal Partners. On the January 17<sup>th</sup> minutes, it says on a motion by Jamie Arce and seconded by Rose Rivera and carried 3-0 the board approved staffing order with Personal Partners for an hourly rate not to exceed \$44.80 to allow the Department of Development Services to complete the ARP Owner Occupied Rehab program. She asked if someone could explain a little bit more of that. Her question is this, based on the homeowner occupied rehab that we allocated \$500,000 dollars for, she

**By a voice vote of 7-0, the communications were accepted.**

**ADJOURNMENT**

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

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Debra D. Barrett, City Clerk

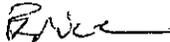
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Arvis Dawson  
President of the Elkhart City Council

City of Elkhart  
Board of Aviation Commissioners Meeting  
January 25, 2023

The Board of Aviation Commissioners meeting was called to order by Commissioner Doug Thorne at 4:00pm on Wednesday, January 25, 2023 at the Elkhart Municipal Airport Administration Building, 1211 CR 6 W, Elkhart, Indiana 46514. Commissioner Bruce Shreiner and Sheri Mellin was present. Also present were Andy Jones, Karen Shaw, Councilman Dwight Fish, and Airfield Maintenance Chief Bruce Maclachlan. Present via Webex was Paul Shaffer. Commissioner Tom Shoff was absent.

Approval of Minutes:

Mrs. Mellin made a MOTION to approve the minutes of the December 28, 2022 meeting.  Mrs. Mellin SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

Approval of Claims:

Mrs. Mellin made a MOTION to approve claims as submitted for \$127,305.04. Mr. Shreiner SECONDED the motion. Mr. Shreiner asked if the new pickup truck is here and if it is, has a snowplow? Andy answered yes, and the truck in white. There being no further discussion, the motion PASSED unanimously.

Manager is Report:

Andy advised that we are in snow and ice control mode at present. The new union contract states that the airport now must pay on call pay to maintenance employees Andy advised this is the new union contract that covers our hourly maintenance staff. The union filed a grievance asking the Aviation department to pay maintenance employees on call pay retroactively back to November 2022. The total amount was \$3,500. Andy stated that in his 15 years of service at the airport we never paid maintenance employees on call pay because the contract stated that only employees carrying a city pager or city cell phone were entitled to on call pay. No employee was ever disciplined for refusing to come into work on over time when called. However, the HR Director ruled otherwise so we will pay as directed. The Board asked what qualifies as on call pay and how we decide which employee to call. Andy provided a detailed definition of what qualifies as on call pay, how we decide the order. He added that we are having a meeting with the union in a few days to be sure we are all on the same page. Andy called the board's attention to the Salute to Veterans WWII Reenactment and Airshows report he sent them as asked if they had questions. Elkhart Festivals Inc. hired a media company to manage the on line advertising, website development, and setting up the on line ticketing. The events could attract 10-12 thousand visitors each day. Bruce Shreiner added how well worth the trip to the ICAS conference was. Andy informed the board there is a Fly In-Drive In-Ride In event scheduled at the Airport on June 10. The donation fund will be used to purchase any additional liability insurance needed.

New Business:

The first item of new business was the resumption of per diem compensation to the BOAC for attending monthly BOAC meetings. Andy explained that the BOAC voluntarily gave up per diem in 2010 because of the economic downturn. Andy budgeted to resume reimbursing the board for attending. The amount per state statute is \$35 per meeting. Mr. Shreiner made a MOTION to resume paying the BOAC members \$35 per meeting. The Motion was SECONDED by Mrs. Mellin. The motion PASSED unanimously.

The next item under new business is Hangar 33 Rent Credit. Andy explained that the hangar was without power for at least 12 months. The tenants did not report it until Andy stopped by one weekend when he saw the tenant and asked if the hangar needed any maintenance. Since the hangar rent we charge

City of Elkhart  
Board of Aviation Commissioners Meeting  
January 25, 2023

includes the provision of electricity, the tenant and Andy agreed that, a two-month rent credit is a fair settlement for the inconvenience experienced by the tenants. Mr. Shreiner made a MOTION to approve a two month Hangar 33 rent credit of \$340.00. Mrs. Mellin SECONDED the motion. There being no further discussion, the board voted unanimously to APPROVE the motion.

The next order of new business was the Approval to request Aeroplex TIF Funds for costs associated with the rehabilitation of the south-side taxi lane near the new T Hangars and the replacement of the Hangar 39 Ramp. Andy explained that the taxi lane and ramp surfaces call for milling and replacement of the asphalt. Adam Fann from the city Redevelopment Dept. asked Andy if we have a project for the Aeroplex TIF. The TIF generates about \$350,000 annually and currently has a strong balance. TIF funds were used in the past for Airport improvements. Mr. Shreiner made a MOTION for the Board to request \$200,000 from the Aeroplex Fund to be used for the taxi lane and ramp paving projects. Mrs. Mellin SECONDED the motion. Mr. Thorne asked Andy to include in the next month manager's report a summary of the airport projects made possible by the use of Aeroplex TIF. There being no further discussion, the motion PASSED unanimously.

The next item of new business was AIP Pay request #3 to FAA for \$19,470 for T Hangars/ Taxi lane design projects. Paul Shaffer provided a brief review. Mr. Shreiner made a MOTION to approve pay request #3 for \$19,470. Mrs. Mellin SECONDED the motion. The motion PASSED unanimously.

Next item of new business was Progress Pay Estimate #3 final payment to Michiana Contracting for RW 9/27 lighting in the amount of \$26,274.

Mr. Shreiner made MOTION to approve the pay request #3 for \$26,274. Mrs. Mellin SECONDED the motion. The motion PASSED unanimously.

Next item of new business was AIP 36 Pay request #4 Run way 9/27 lighting FAA reimbursement of pay estimate #4 \$26,274. Paul Shaffer gave the board a brief explanation. Having no questions. Mr. Shreiner made MOTION to approve the request of \$26,274. Mrs. Mellin SECONDED the motion. The motion PASSED unanimously.

Next item of new business was AIP Pay request #5F Runway 9/27 lighting close out of \$28,928.52. This for the FAA for closeout & reimbursement of \$28,928.52 for the balance of Progress Estimate #3 Final (full payment) & BF&S invoices. Mr. Shreiner made a MOTION to approve payment request 5F of \$28,928.52. Mrs. Mellin SECONDED the motion. There being no further discussion the motion PASSED unanimously.

The next item of new business was Amended request #1 AIP 36 for \$20,423.21. Mr. Shreiner made a MOTION to approve the amended pay request for \$20,423.21. Mrs. Mellin SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

The last item of new business was advertising for bids for the new T Hangar Project. Paul Shaffer showed the board where the hangar will be built, discussed sequencing, and pointed out the details including some unanswered drainage challenges. Councilman Fish asked if the installation of French drain might address the drainage challenges. Paul indicated that it might. BF&S will take a closer look at the area and make a recommendation to the Airport Director. Mrs. Mellin made a MOTION to approve advertising the project for bid pending working out an amicable drainage plan with the Airport Director. Mr. Shreiner SECONDED the motion. The Motion PASSED unanimously.

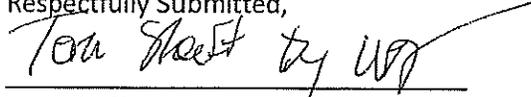
City of Elkhart  
Board of Aviation Commissioners Meeting  
January 25, 2023

Privilege of the Floor

Councilman Fish asked if the taxi lane restriping would interfere with Airport operations. Also, if the FAA will pay for restriping the entire airport. Andy answered that the striping will not be an issue. Tenants will be made aware of the project in advance. The FAA will not pay for maintenance items. Refreshing all of the airfield markings is the responsibility of the airport. That will need to be a capital-funding request within the Aviation Dept. FY budget. That request may be coming this year for FY 2024.

Next regular BOAC meeting is scheduled for Wednesday, February 22, 2023 at 4pm. Location will be the Elkhart Municipal Airport Administration Building, 1211 County Road 6 W., Elkhart, IN 46514 & via WebEx.

Respectfully Submitted,



Tom Shoff – Aviation Board Secretary



Date

BOARD OF PUBLIC SAFETY  
Tuesday, January 24, 2023

Chairman Robert Woods called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, January 24, 2023. Clerk Nancy Wilson called the roll. Robert Woods and Anthony Coleman were present. Kara Boyles was absent. The proxy Tim Reecer was present. Carol Loshbough was present on WebEx.

1. APPROVE AGENDA

On motion by Anthony Coleman, seconded by Tim Reecer and carried 4-0, the agenda was approved as presented.

2. MINUTES- Regular Meeting January 10, 2023

On motion by Tim Reecer, seconded by Anthony Coleman and carried 4-0, the minutes from January 10, 2023 were approved as presented.

3. POLICE

Policy 1003 Grievance (Tabled)

On motion by Tim Reecer, seconded by Anthony Coleman and carried 4-0, Policy 1003 Grievances was taken off the table. Chief Kris Seymore presented a revised Policy 1003 Grievances for approval. The revisions have been approved by the Union. On motion by Tim Reecer, seconded by Anthony Coleman and carried 4-0, the Board approved Police Policy 1003 Grievances as presented.

Chief Kris Seymore presented a revised Policy 1010 Personnel Complaints. On motion by Carol Loshbough, seconded by Anthony Coleman and carried 4-0, the Board approved Police Policy 1010 Personnel Complaints as presented.

Robert Woods noted for the record that Det. Joy Phillips has emailed another grievance. The Board wrote her a letter to explain their position which read: Detective Phillips, The Board received email communications from you on January 6, 2023, January 7, 2023, and January 16, 2023. The Board is referring your communications to the City Legal Department for guidance. The letter is going to be emailed to Officer Phillips.

4. FIRE

Chief Shaun Edgerton asked the Board to amend the agenda to present two meritorious service awards for Salvatore Staltari and Christian McFarland. These two retired Fire Fighters through their travels one day came upon a container that was on fire. Prior to the arrival of the Elkhart Fire Department, they put the fire out with fire extinguishers they had in their work truck that they were traveling in. Chief Edgerton is presenting them with meritorious service awards. They continue to put fires out in their retirement. Robert Woods said that is wonderful! On motion by Tim Reecer, seconded by Anthony Coleman and carried 4-0, the agenda was amended to include meritorious service awards for Salvatore Staltari and Christian McFarland. On motion by Carol Loshbough, seconded by Tim Reecer and carried 4-0, the Board approved two meritorious awards for retired Fire Fighters Salvatore Staltari and Christian McFarland.

5. COMMUNICATIONS

Dustin McLain presented the December 2022 Month End Report for review. On motion by Carol Loshbough, seconded by Tim Reecer and carried 4-0, the Board accepted the December 2022 Month End Report for the Elkhart Communications Center.

Dustin McLain asked to withdraw the conditional offer of employment on the agenda. On motion by Carol Loshbough, seconded by Tim Reecer and carried 4-

BOARD OF PUBLIC SAFETY  
Tuesday, January 24, 2023

0, the Board withdrew the conditional offer of employment that was presented.

6. BUILDING AND CODE ENFORMENT

Tim Vistine presented the December 2022 Month End Report for review. On motion by Carol Loshbough, seconded by Tim Reecer and carried 4-0, the Board accepted the December 2022 Month End Report for the Building and Code Enforcement Department.

7. OTHER PUBLIC SAFETY MATTERS

Board of Safety Resolution 23-R-02 to Elect a Person to the Fire Merit Commission

On motion by Carol Loshbough, seconded by Anthony Coleman and carried 4-0, the Board approved Board of Safety Resolution 23-R-02 authorizing the issuance of notice to all active members of the Fire Department and setting the date of February 14, 2023 at 3:00 p.m. in the Squad Room of the Fire Station at 500 East Street, Elkhart, Indiana to elect a person to the Fire Merit Commission.

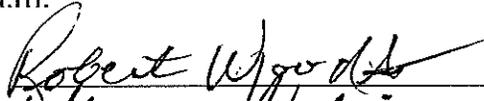
Police and Fire Merit Commission Minutes

On motion Tim Reecer, seconded by Anthony Coleman and carried 4-0, the Board accepted and placed on file the Police Merit Commission Minutes.

On motion Tim Reecer, seconded by Carol Loshbough and carried 4-0, the Board accepted and placed on file the Fire Merit Commission Minutes.

8. ADJOURNMENT

Chairman Robert Woods adjourned the Board of Public Safety meeting at 9:22 a.m.



Robert Woods, Chairman

Attest: 

Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC SAFETY  
Tuesday, February 14, 2023

Chairman Robert Woods called a regular meeting of the Board of Public Safety to order at 9:03 a.m., Tuesday, February 14, 2023. Clerk Nancy Wilson called the roll. Robert Woods, Kara Boyles and Anthony Coleman were present. Carol Loshbough was present on WebEx. Audio was not available for the meeting on the WebEx recording.

1. APPROVE AGENDA

On motion by Kara Boyles, seconded by Anthony Coleman and carried 3-0, the agenda was approved as presented.

2. OPEN BIDS

Demolition of 406 Middlebury Street

Two bids were received. Cross Excavating bid \$24,795.00. Pelley Excavating bid \$27,973.00.

Demolition of 410 Jefferson Street

Two bids were received. Cross Excavating bid \$13,317.00. Pelley Excavating bid \$14,990.00.

Demolition of 902-904 Harrison Street

Two bids were received. Cross Excavating bid \$19,146.00. Pelley Excavating bid \$25,671.00.

Demolition of 1006 E. Beardsley Avenue

Two bids were received. Cross Excavating bid \$14,156.50. Pelley Excavating bid \$14,990.00.

Demolition of 1019 Garfield

Two bids were received. Cross Excavating bid \$10,782.40. Pelley Excavating bid \$14,383.00.

Demolition of 1927 Stevens Avenue

Two bids were received. Cross Excavating bid \$13,750.00. Pelley Excavating bid \$17,716.00.

On motion by Kara Boyles, seconded by Anthony Coleman and carried 3-0, the bids were assigned to staff to review and report back later in the meeting.

3. MINUTES- Regular Meeting January 24, 2023

On motion by Anthony Coleman, seconded by Kara Boyles and carried 3-0, the minutes from January 24, 2023 were approved as presented.

4. POLICE

Contract with Marta Cerda for Interpretation Services

Chief Kris Seymore presented a contract for interpretation services. On motion by Kara Boyles, seconded by Anthony Coleman and carried 3-0, the Board approved a Contract with Marta Cerda for interpretation services at the Elkhart Police Department.

Policy 437 Dive Team

Chief Seymore presented a new policy for approval; Policy 437 Dive Team. On motion by Anthony Coleman, seconded by Kara Boyles and carried 3-0, the Board approved Policy 437 Dive Team.

Lifesaving Commendation- Cpl. Brandon Stevens

Chief Kris Seymore recognized Cpl. Brandon Stevens for outstanding police work and dedicated service to the Elkhart community. The actions Cpl. Stevens took while working traffic control for an event saved a runner's life who fell on the

BOARD OF PUBLIC SAFETY  
Tuesday, February 14, 2023

pavement. Cpl. Stevens assessed the man's injuries and performed CPR until the ambulance arrived on the scene. The man is alive today because Cpl. Stevens performed the lifesaving actions necessary. His actions reflect highly upon the Elkhart Police Department and the law enforcement profession. Job well done Cpl. Stevens! Thank you for your service to our community.

5. COMMUNICATIONS

Becky Scheibelhut presented the January 2023 Communications Center Month End Report. On motion by Kara Boyles, seconded by Anthony Coleman and carried 3-0, the January Month End Report was accepted and placed on file.

Becky present a Conditional Offer of Employment for approval. On motion by Anthony Coleman, seconded by Kara Boyles and carried 3-0, the Board approved a Conditional Offer of Employment for Tina Wagner.

6. BUILDING AND CODE ENFORMENT

Tim Vistine presented the January 2023 Building & Code Enforcement Month End Report. On motion by Anthony Coleman, seconded by Kara Boyles and carried 3-0, the Board accepted the January Month End report and placed it on file.

Demolition Bid Awards

On motion by Kara Boyles, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 410 Jefferson Street to Cross Excavating at \$13,317.00, as the lowest, responsive, responsible bidder.

On motion by Kara Boyles, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 406 Middlebury Street to Cross Excavating at \$24,795.00, as the lowest, responsive, responsible bidder.

On motion by Kara Boyles, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 902-904 Harrison Street to Cross Excavating at \$19,146.00, as the lowest, responsive, responsible bidder.

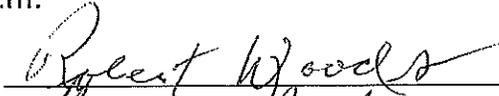
On motion by Kara Boyles, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 1006 East Beardsley Street to Cross Excavating at \$14,156.50, as the lowest, responsive, responsible bidder.

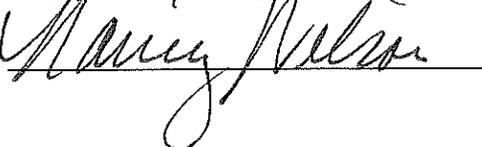
On motion by Kara Boyles, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 1019 West Garfield to Cross Excavating at \$10,782.00, as the lowest, responsive, responsible bidder.

On motion by Kara Boyles, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 1927 Stevens Avenue to Cross Excavating at \$13,750.00, as the lowest, responsive, responsible bidder.

7. ADJOURNMENT

Chairman Robert Woods adjourned the Board of Public Safety meeting at 9:25 a.m.

  
Robert Woods, Chairman

Attest:   
Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC WORKS  
Tuesday, February 7, 2023

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, February 7, 2023. Clerk of the Board Nancy Wilson called the roll. Mike Machlan, Chad Crabtree, Rose Rivera, Ronnie Davis and Jamie Arce attended in person. Mike Machlan said it was after 9:00 a.m. and no more bids would be accepted.

1. Approve Agenda

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve the agenda. On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the agenda was amended to add Amended Wage Resolution under Utilities Administration. The amended agenda carried 5-0.

2. Open Bids

Bid #22-25 Oakland Avenue Project A CSO Forcemain

Proof of publication was presented which appeared in The Elkhart Truth on December 31, 2022 and January 7, 2023. The following bids were received:

Selge Construction Company submitted a signed and certified bid summary form with all items checked. The base bid was \$12,455,193.38. Alternate 1 was \$2,022,530.97. Alternate 2 was a reduction of \$19,046.00.

C&E Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$11,854,074.00. Alternate 1 was \$1,437,500.00. Alternate 2 was a reduction of \$34,579.00.

HRP Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$14,229,750.00. Alternate 1 was \$1,778,307.57. Alternate 2 was a reduction of \$11,184.00.

On motion by Jamie Arce, seconded by Chad Crabtree and unanimously carried, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at a future meeting.

3. Claims & Allowance Docket.

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved the claims and allowance docket totaling \$5,347,623.24, consisting of 35 pages as prepared on February 1, 2023 at 8:10 a.m.

4. Minutes Regular Meeting January 17, 2023

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved the minutes from January 17, 2023.

5. Engineering

(A.) Administration

Change Order #5 & Final Edgewater Lift Station Bid #21-11

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved the release of all retainage and Change Order #5 and Final for the Edgewater Lift Station project Bid #21-11, for an increase of \$13,366.80, bringing the final contract price to \$2,775,498.15.

Change Order #3 Arlington Road Improvements Bid #22-06

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved a Change Order for the Arlington Road Improvements Bid #22-06, in the amount of \$58,565.00, bringing the current contract price to \$1,431,700.82.

BOARD OF PUBLIC WORKS  
Tuesday, February 7, 2023

(B.) Utility

Request for Proposals Oakland Project B- Oakland CSO Storage- Design

On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the Board granted permission to request proposals for the design of Oakland Project Phase B- Oakland CSO Storage.

Partial Payment #12 to Bowen Engineering Elkhart WWTP Capacity Upgrades Phase 2

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved partial payment #12 in the amount of \$674,799.00 to Bowen Engineering Corporation from the allocated SRF Loan for construction on the Elkhart WWTP Capacity Upgrades Phase 2 project.

(C.) Right of Way

Request Quote #23-05 Holly Lane Stormwater Headwall Replacement Project

On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the Board granted permission to solicit quotes for Quote #23-05 Holly Lane Stormwater Headwall Replacement Project.

Request Quote #23-03 Lexington Landing Stump Removal Project

On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the Board granted permission to solicit quotes for Quote #23-03 Lexington Landing Stump Removal Project.

(D.) Summary

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board ratified the following permits:  
Sewer Assessment Application:

Juan Guerrero  
3211 Kelsey Ave  
Elkhart, IN. 46516  
Property: 3211 Kelsey Ave  
Paid 20% down, \$731.00

Revocable Permits:

#6548, Owner: Casey's General Store  
Property: 3704 S. Nappanee Street  
Permit Holder: Lawrence Building Corp  
Description: New Property Entrance off CR 24

#6549, Owner: Katie Keyser  
Property: 1430 Hudson St.  
Permit Holder: Katie Keyser  
Description: Dumpster, 11ft x 8 ft.

#6550, Owner: Emily Mitchell  
Property: 515 South 2<sup>nd</sup> Street  
Permit Holder: Custom Awning  
Description: Installation of two canvas awnings over windows

BOARD OF PUBLIC WORKS  
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6. Utilities

(A.) Administration

Wastewater Utility MRO for December 2022

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board accepted and placed on file the Wastewater Utility MRO for December 2022.

2021 Water Fluoridation Quality Award

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board accepted and placed on file the 2021 Water Fluoridation Quality Award from the Centers for Disease Control and Prevention (CDC). This is the 17<sup>th</sup> consecutive year the Water Utility has received this award!

Approval of the 2023 Transfer Schedule

On motion by Chad Crabtree, seconded by Jamie Arce and carried, the Board approved the 2023 Transfer Schedule for Water, Wastewater, and Stormwater funds as presented by Codie Tanguma, Utility Accountant on a memo dated 1-20-23.

Request for Credit 746 Monroe Street

On motion by Chad Crabtree, seconded by Rose Rivera and carried 5-0, the Board denied the request for a credit at 746 Monroe Street for water that was consumed and treated by the Utility. Tim Reecer explained the request. The owners were not present.

Award Quote #23-02 Production Well Rehab at North Main Wellfield

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board awarded Quote #23-02 Production Well Rehab at North Main Wellfield to Peerless Midwest Inc. for Option #2 at a total cost not to exceed \$81,970.00.

Amended 2023 Wage Resolution- Board of Works Resolution 23-R-04

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved Board of Works Resolution 23-R-04, the Amended 2023 Wage Resolution with revisions to Exhibit A.

(B.) Regulatory Compliance

Board of Works Resolution 23-R-03 Purchase of 619 W. High Street

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved Board of Works Resolution 23-R-03, a Resolution of the Board of Public Works of the City of Elkhart, Indiana, to designate and authorize Regulatory Compliance Manager to negotiate and purchase property at 619 W. High Street in an amount not to exceed \$11,000.00 inclusive of all fees. Bryan Cress clarified this is a Civil City Purchase.

7. New Business

Uniform Conflict of Interest Disclosure Statement: Angela Rollins, Michael Machlan

On motion by Rose Rivera, seconded by Jamie Arce and carried 4-0-1 (Mike abstained); the Board accepted and placed on file Uniform Conflict of Interest Disclosure Statements from Angela Rollins and Michael Machlan.

Disposal/Transfer of Fixed Assets

On motion by Chad Crabtree, seconded by Rose Rivera and carried 5-0, the Board approved the transfer of a vehicle from the Police Department to the IT Department.

On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the

BOARD OF PUBLIC WORKS  
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Board approved the disposal of 134 assets that includes laptops, desktops, point of sale, and printers that have reached end of life and have no value or further usefulness from the IT Department.

Personnel Partners Staffing Agreement

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved a work order with Personnel Partners for the accounts payable specialist role, and authorized Jamie Arce to sign on behalf of the Board.

Get Fit Get Healthy Contract- COVID Bivalent Boosters

A motion was made by Chad Crabtree and seconded by Rose Rivera to approve a Health Promotion Services Agreement with Get Fit Get Healthy. On motion by Chad Crabtree, seconded by Rose Rivera and carried 5-0, the motion was amended to include the Business Associate Agreement for protected Health Information. The amended motion carried 5-0.

Parking Agreement with St. John the Evangelist Church

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved a Parking Agreement with St. John the Evangelist Church for an additional 7 spaces for a fee of \$25.00/month per parking space.

Request for Proposals for Renovation of Fire Station #4 Lavatory

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved and issued a request for proposals for the renovations to the Fire Department Station 4 Lavatory.

Municipal Band Contract

On motion by Chad Crabtree, seconded by Jamie Arce and carried 5-0, the Board approved the 2023 Municipal Band Contract with an annual subsidy of \$65,000.00.

Interpretation Contract with Sonia Estrada-Tapia

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board approved a contract with Sonia Estrada-Tapia to serve as a Court Interpreter for a fee of \$60.00/day.

8. Adjournment

On motion by Chad Crabtree, seconded by Ron Davis and carried 5-0, the Board of Works adjourned at 9:51 a.m.

 Michael C. Machlan, President

Attest:  Nancy Wilson, Clerk of the Board

**BOARD OF ZONING APPEALS**

**-MINUTES-**

**Thursday, January 12, 2023 - Commenced at 6:00 P.M. & adjourned at 7:38 P.M.  
City Council Chambers – Municipal Building**



**MEMBERS PRESENT**

Doug Mulvaney  
Ron Davis  
Andy Jones  
Janet Evanega (Proxy)

**MEMBERS ABSENT**

None

**REPRESENTING THE PLANNING DEPARTMENT**

Ryan Smith, Planner  
Nathan Hooley, Planner

**LEGAL DEPARTMENT**

Maggie Marnocha

**TECHNOLOGY STAFF**

Matt Griggs

**RECORDING SECRETARY**

Jennifer Drlich

**APPROVAL OF AMENDED AGENDA**

Mulvaney notes the petitioner for 22-UV-21 has requested to table until February.

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

**APPROVAL OF MINUTES FOR DECEMBER 8, 2022**

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

**APPROVAL OF PROOFS OF PUBLICATION**

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

**OPENING STATEMENT**

Welcome to the **January 12, 2023** meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the board. If no decision is made, the petition will be set for another hearing.

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

**OLD BUSINESS**

**22-UV-21 PETITIONER IS CITY OF ELKHART DEPARTMENT OF PARKS AND RECREATION  
PROPERTY IS LOCATED AT 3499 NEWTON DR**

To vary from Section 26.4.2, Permitted Use in the R-1, One-Family Dwelling District to allow for the installation of a new wireless communication facility with a one hundred thirty-five foot 135 foot tall cell tower.



Mulvaney notes the Park Board has requested a postponement until February 9, 2023.

Jones makes motion to table; Second by Davis.

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

Motion carries.

**22-BZA-41 PETITIONER IS BEARDSLEY 530 LLC  
PROPERTY IS LOCATED AT 530 W BEARDSLEY AVE**

To vary from Section 6.4, Yard Requirements in the R-3 District, which requires corner side yard setbacks to be the established setback. The established setbacks at this location is 28 feet; the requested setback for a proposed garage to be attached to an existing nonconforming structure is 26 feet, a variance of two (2) feet.

Mulvaney calls petitioner forward.

Jeff Long appears via Webex. He states there is no garage on the property which is the same as or less than the setback of the home. They would not encroach any closer than the house does on Prospect. There is one parking space in front of the house, Street parking is not the best; his truck was struck while parked on the street and the road is narrow.

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

**STAFF ANALYSIS**

The petitioner recently purchased a 2,012 square foot residential structure built in 1880, according to Elkhart County Assessor records, on a .15-acre lot. They wish to construct an attached garage, of approximately 1,034 square feet, on the north side that will be even with the house, fronting on Prospect Street.

The house is legal nonconforming in terms of its setback, but only by approximately two (2) feet. The petitioner is proposing it to be even with the house for primarily aesthetic reasons. It does represent an expansion of a nonconforming structure, albeit a minor nonconformity given that it's approximately two (2) feet.

**STAFF RECOMMENDATION**

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

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the house is already established at that setback;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because it will not significantly affect sight lines or traffic;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the house was constructed in 1880;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because it would limit the construction of a garage;

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

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Smith states 52 letters were mailed, none returned.

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

Davis makes motion to approve; Second by Jones.

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

Motion carries.

**22-BZA-43 PETITIONER IS THE CITY OF ELKHART ON BEHALF OF ZION MISSIONARY CHURCH  
PROPERTY IS LOCATED AT 1135 E HIVELY AVE**

To vary from Sections 26.10.D.1 General Location Standards which requires all on premise signs to be located no closer than five (5) feet from any right-of-way to allow for a zero setback a variance of five (5) feet.

Mulvaney calls petitioner forward.

Hooley appears as representative.

Mulvaney clarifies this is because of the potential overpass, but has nothing to do with the actual overpass.

Hooley states it is because of the widening. There is potential for the church to have a new sign that will meet ordinance in the future, but in the interim this protects the existing sign.

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

**STAFF ANALYSIS**

The property consists of several building used by the Zion Missionary Church. Records show that the properties primary identification sign was installed in 1999. The City is going through a redesign of the Hively Avenue and Main Street intersection resulting in the need to widen the right-of-way along Hively Avenue. The new right-of-way line along the church's property will affect the front yard setback of the existing sign.

**STAFF RECOMMENDATION**

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

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community.

**Staff Comment:** The review of Development Standard Variance request will not be injurious to the public health, safety, morals or general welfare of the community, based on the continue allowance of pre-existing monument sign to remain static in size and height and for the purposes of identification of Zion Missionary Church.

2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;

**Staff Comment:** The surrounding properties will not be impaired in use or value by the requested Development Standard Variance, based on the fact, the sign will not change in size or height, nor in purpose that has been utilized for identification purposes for Zion Missionary Church.

3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted;

**Staff Comment:** As mentioned above in the Variance Request section of the subject staff report, the expansion of Hively Avenue Overpass project will reduce the amount of existing right-of-way on Hively Avenue, therefore, creating a legal, non-conforming sign as a result of the project. The applicant has demonstrated a physical hardship based on the need for identification for the existing church signage on the northern portion of the lot on a major thoroughfare.

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4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district as the property's road frontage has been reduced over the years;

**Staff Comment:** The subject property is located on Hively Avenue, the existing sign and building structure are located at the northern portion of the property with parking located to the southern end of the property. The expansion of Hively Avenue Overpass Project will impair the subject property, particularly, based on degree of right-of-way being acquired on the subject property. Thereby, special conditions and circumstances exist in the Development Standard Variance request for this property.

5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property;

**Staff Comment:** The requirements of the Sign Section of the enacted Ordinance would place practical difficulties on the subject property, based on the requirements of the Sign section of the Ordinance would produce a reduction in proximity and ability to provide effective church identification from Hively Avenue.

6. The special conditions and circumstances **do not** result from an action or inaction by the petitioner.

**Staff Comment:** The expansion of Hively Avenue Overpass project is the reasoning for the subject Development Standard Variance request, the applicant is responding to the expansion of the right-of-way by seeking Development Standard Variance to change the existing monument sign from legal, non-conforming to a legal conforming sign.

7. This property does not lie within a designated flood hazard area.

Hooley states there were 36 letters mailed, one returned in favor with no comments.

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

Davis makes motion to approve; Second by Jones.

Davis – Yes

Jones – Yes

Evanega – Yes

Mulvaney – Yes

Motion carries.

## **NEW BUSINESS**

### **23-X-01 PETITIONER IS IGLESIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD LA LUZ MUNDO EAST CHICAGO IN LLC & ETAL**

#### **PROPERTY IS LOCATED AT 1209 HARRISON ST**

A Special Exception per Section 12.3.A, Special Exceptions Uses in the B-2 Neighborhood Business District, to allow for the establishment of a church in an existing commercial building.

Mulvaney calls petitioner forward.

Gabriel Lopez appears via Webex for petitioner. He states they are based in East Chicago, Indiana but have 6 members in Elkhart who would like to use the property for a Bible study.

Mulvaney asks for questions from the Board.

Evanega asks if the members will be living in the establishment.

Lopez states they will not. There will be Bible studies between 7-8 at night and possibly Sundays; however, they all meet in East Chicago on Sundays. He states it will basically be used during the week.

Mulvaney opens for public comments to speak in favor.

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Dwight Fish asks if the structure of the building is in good enough shape for use. He states there has been a lot of rubble around it and it looked like there needed to be clean up.

Lopez states it used to be a clinic and the former owner has cleaned everything out. They are going to remove the non-loadbearing walls with permits, but the structure is safe.

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

#### **STAFF ANALYSIS**

The petitioner has purchased an existing office building with the intent of renovating the building to use as a church. This building was previously used as a clinic and the applicant is proposing some interior remodeling to accommodate the needs of their forty members. The floor plans provided show several existing offices that will be removed to create a large congregation space. Some of these spaces will remain for other church purposes. At this time, no proposals were made for changes to the exterior of the building. The site also has fifteen parking spaces that will accommodate the church members.

#### **STAFF RECOMMENDATION**

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

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

Hooley states there were 38 letters mailed. Two returned not in favor with no comment. One returned not in favor with comment: There are too many auto repair shops in the immediate area. Some not licensed.

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

Evanega makes motion to approve; Second by Davis.

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

Motion carries.

#### **23-X-02 PETITIONER IS ELKHART COUNTY YOUTH FOR CHRIST, INC PROPERTY IS LOCATED AT 2721 PRAIRIE ST**

A Special Exception per Section 8.3 Special Exception Uses in the R-5, Urban Residential District, to allow for a K thru 6 Charter School and for the expansion of a previous Board approved community center to include an additional property to the overall development.

Mulvaney calls petitioner forward.

Crystal Welsh with Abonmarche appears in person for petitioner. She states the Youth for Christ have partnered with a charter school and would like to extend the life and operation of the community center by combining with the school. There would be day, evening, and weekend activities for the community. She notes Kurt Weimer on the phone, Jeff Schaffer with Abonmarche, and a representative from DJ construction are available for questions

Mulvaney asks with which charter school the project is associated.

Kurt Weimer appears via Webex. He states it is Premiere Arts Academy.

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

**COPY**

**STAFF ANALYSIS**

The petitioner is a faith-based organization that has previously received approval for a Community Center at 2721 Prairie Street. The petitioner would like to expand this approval to include a property immediately to the north that currently has a house. They are also requesting to be permitted to operate a K-6 Charter school at this location.

These two uses would be able to utilize the same facility but operate at different times. The Community Center would use the building in the evenings and weekends and the school would operate during the workweek. If approved the school would be able to accommodate two hundred students with a staff of twenty.

There are no set plans for the existing house located north of where the Charter School is being constructed. There was an original submittal to have the structure removed and add additional parking or it may just become additional outdoor activity space. It is also possible the house could become administrative offices for the Charter School. In any of these scenarios, the applicant will need to work with staff and the Building Department to pull all permits and meet all regulations.

**STAFF RECOMMENDATION**

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

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

Hooley states there were 23 letters mailed. One letter from Mayor Rod Roberson was submitted in favor and the item came from Plan Commission with a Do-Pass recommendation.

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

Davis makes motion to approve; Second by Jones.

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

Motion carries.

**23-BZA-01 PETITIONER IS PAMELA J LONGBRAKE AKA PAMELA J SWAIN  
PROPERTY IS LOCATED AT 1728 E BEARDSLEY AVE**

To vary from Section 26.1.B.8.a, which limits the maximum size of a single accessory structure to seven hundred twenty (720) square feet to allow for the construction of a three hundred eight (308) square foot lean-to attached to an existing Board approved eight hundred thirty-two (832) square foot garage.

Mulvaney calls petitioner forward.

Pamela Swain appears in person. She requests the lean-to addition to the back of the existing structure so they can park the boat on the concrete that is already there.

Mulvaney asks for questions from the Board.

Evanega asks if the structure is at the back of the building and won't be seen from the street.

Swain states that it will not be seen.

Mulvaney asks if this is because they had the boat on the grass and wanted the protection for it.

Swain confirms, stating that it was a gift from her father-in-law and they had nowhere to store it. They did have a back patio already there.

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

**COPY**

#### **STAFF ANALYSIS**

The property currently has an existing garage that was built in 1996. A previous property owner requested a developmental variance to allow the garage to be built at eight hundred and thirty-two (832) square feet, exceeding the maximum square footage of seven hundred and twenty (720) square feet for a single structure. The petitioner desires to add a lean-to over an existing concrete pad on the back of the garage.

The property owner received notice of a boat being parked on the grass. To resolve the notice it was moved behind the garage onto the concrete pad. The lean-to was being added to the garage to help protect the boat from the weather. A letter was sent regarding construction of the addition without permits and because of the size of the existing garage, a developmental variance was needed.

The applicant is working through the Plan Review process with the Building Department to ensure that addition is built to all code requirements. This property is a portion of a large original subdivision lot and is a reasonable size for the amount of assessor structure space proposed. With the lean-to being located behind the garage, it will be screened from the public right-of-way.

#### **STAFF RECOMMENDATION**

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

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community as the lean-to will be built to City requirements;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner as the property will continue to be used residentially;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted as this is a larger residential lot;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district as the garage had an existing concrete pad;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because it could place constraints on the proper storage of a vehicle;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant as the size of the existing garage already received previous approvals to exceed the size allowance;
7. This property does not lie within a designated flood hazard area.

Hooley states there were 38 letters mailed. One returned in favor with no comment. One returned not in favor with comments: the opinion was that the City should follow their own guidelines, the resident should have followed proper guidelines and permitting, there is no reason to approve the addition to an already oversized structure.

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

Davis makes motion to approve; Second by Jones.

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



Motion carries.

**23-BZA-02 PETITIONER IS DANIEL B TISER**  
**PROPERTY IS LOCATED AT 1738 CASSOPOLIS ST**

To vary from Section 26.4.A.1 – Fence Requirements, which only allows barbed wire on fences in manufacturing districts above seven (7) feet, to allow for a barbed wire fence above a six (6) foot chain link fence on a property zoned B-3, Service Business District and R-2, One-Family Dwelling District.

Mulvaney notes the item has been requested for a one month table and calls for a motion.

Jones makes motion to table; Second by Davis.

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

Motion carries.

**23-BZA-03 PETITIONER IS BAYER FEDERAL CREDIT UNION DBA MICHIANA CREDIT UNION**  
**PROPERTY IS LOCATED AT 358 S ELKHART AVE**

The request is to vary from Section 26.10.D.3 Table1 that limits an integrated message board to fifty (50)% of the sign area of the freestanding sign to allow a thirty-two point thirty-two (32.32) square foot message board as a primary sign.

Mulvaney calls petitioner forward.

Kerie Sekal appears in person for petitioner. She states they would like to update the existing monument sign for branding and improved communication capabilities. There will not be changes to the dimensions of the sign or its current positioning. It is currently an electronic sign. The change will support updates and improve efficiency of current antiquated technology as well as improve aesthetics.

Mulvaney asks for questions from the Board.

Jones asks if the sign will be the same size as Hopman's.

Sekal states that she is not sure.

Jones asks if there will be pictures.

Sekal confirms.

Evanega asks if they are just removing the "INOVA" portion so that the whole thing will be electronic.

Sekal confirms. She states the current bulbs are large and support a scrolling message. The new bulbs will be smaller with more capability to look like a complete image.

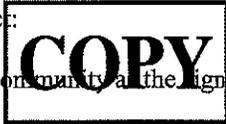
Mulvaney opens for public comments to speak in favor. Hearing none, he opens for opposition. Hearing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

INOVA Federal Credit Union is operating their corporate headquarters from this property. An existing non-conforming freestanding sign serves the site. The petitioner is proposing to keep the main structure of the sign while replacing the face with an electric message board. A portion of the existing sign is a message board and the request would be a replace of the entire face. This is the only freestanding sign on the property serving the business.

**STAFF RECOMMENDATION**

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



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

Hooley states there were 8 letters mailed. None returned.

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

Jones makes motion to approve; Second by Davis.

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

Motion carries.

**23-BZA-04 PETITIONER IS EGAP ELKHART I LLC  
PROPERTY IS LOCATED AT 154 HIVELY AVE**

To vary from Section 12.4, Yard Requirements in the B-2 District, which requires a thirty (30) foot front setback and ten (10) foot side setbacks for buildings to allow the following: on Lot 2, a ten (10) foot front (south) and zero (0) foot side (east) setback, a variance of twenty (20) and ten (10) feet; on Lot 3, a ten (10) foot front (south) setback and zero (0) foot side (east and west) setbacks, a variance of twenty (20) and ten (10) feet; and on Lot 4, a side (west) setback of zero (0) feet, a variance of ten (10) feet in a proposed subdivision of an existing development.

To also vary from Section 12.4, Yard Requirements in the B-2 District, which allows building heights to be a maximum of thirty-five (35) feet, to allow an existing building on Lot 4 in a proposed subdivision to be thirty-nine (39) feet in height, a variance of four (4) feet.

To also vary from Sections 4.4, Yard Requirements in the R-1 District, and 12.4, Yard Requirements in the B-2 District, which requires seventy-five (75) feet of frontage for new parcels, to allow in a proposed subdivision on an existing development the following: on Lot 2, frontage of zero (0) feet, a variance of seventy-five (75) feet; on Lot 3, zero (0) feet of frontage, a variance of seventy-five (75) feet; and on Lot 4, twenty-nine (29) feet of frontage on Hively Avenue, a variance of forty-six (46) feet.

To also vary from Section 12.5.F.1 Landscape Requirements in the B-2 District, which requires a parcel greater than three (3) acres to have a twenty (20)-foot wide landscaped area adjacent to a residentially zoned or used property, to allow an existing development to maintain a zero (0) foot setback adjacent to an R-1 zone, a variance of twenty (20) feet.

Mulvaney calls petitioner forward.

Jeff Barnes with Jones Petrie Rafinski appears in person for petitioner. He notes there are representatives for EGAP online as well. He states the site is the former Pierre Moran Mall which they want to improve and develop. They want to subdivide the property into 6 lots. Based on the geometry prepared for the subdivision plat, there are various setback and variance requirements that are (inaudible).

**COPY**

Mulvaney states that he understands that there is no active plan for development at this time, but simply making the property more likely to be redeveloped because of the separate lots.

Barnes states that is his understanding as well.

Jones states he is glad to see something new tried because of the stall in development.

Mulvaney opens for public comments to speak in favor.

Fish asks what type of business would be attracted to the new sizing.

Barnes states that he is not certain but the representatives online may be able to answer.

Ashley Meyer with Essential Growth Properties appears via Webex. She states they are a grocery anchored owner-operator in Cincinnati, Ohio. The parcel splits accommodate the overall site to drive additional traffic for the existing grocer and retailers. There is potential for multi-family.

Jones notes that it's seemingly right for mixed-use development with retail business on the first floor and residential above.

Meyer states that is certainly one scenario.

Mulvaney agrees that anything to move the area forward to use is positive. He opens for public comments to speak in favor. Hearing none, he opens for opposition.

Mark Troyer appears in person. He and his wife have lived to the north of the petitioner property for about 5 years. He wants the shopping center to succeed and believes it is an asset. He understands there are new owners and look forward to that. He is concerned because they and the neighbors had negative interactions with the previous owner. He asks the Board to look at the interests of the petitioner and the effects on the neighbors.

Jones asks if there is a through street from the residences to the site in question.

Troyer states they can go through Benham and Prairie.

Jones asks if they can go through the library and beyond to the north.

Troyer states they cannot.

Mulvaney notes there is a retention pond next to the library.

Troyer states Hawthorne dead-ends and there is a footpath.

Mulvaney closes the public portion of the meeting and calls staff forward.

Smith states the current zoning proposal for Lot 1 is R-1, which would be a single-family house. The rest is zoned B-2 which is a medium density business district. Any uses would have to fit those parameters or come back before this Board, Planning Commission, or Common Council for approval.

Jones asks if mixed-use would have to come back.

Smith states that it would need public notice and approval from a Board.

#### **STAFF ANALYSIS**

The Petitioners own two parcels comprising approximately 33.4 acres, including a 31.9 acre parcel zoned B-2 containing the Woodland Crossing shopping center and a vacant 1.6-acre property zoned R-1. The owner wishes to subdivide it into six lots in

order to facilitate sale and adaptive reuse and/or redevelopment, which is to be considered by the Plan Commission in January under 23-SUB-01.

The proposed subdivision conceives of the property as having six buildings; the main building comprising Kroger and the former Sears would be split into three separate buildings on separate parcels to be redeveloped or reused by separate entities. The property has already been developed with a complex system of parking areas and driveways. At this time no specific physical changes are proposed. However, in order to subdivide the property, a number of variances from the Zoning Ordinance are proposed. They include zero setbacks for the main building that is being subdivided, lot frontages less than 75 feet on Lots 2, 3, and 4, a building (Kroger) that is four feet taller than what is allowed (35 feet), and the existing lack of a buffer yard on the north section of the property adjacent to R-1 zoning.

The deviation from Zoning Standards, and multiple ownership with shared access is not common in shopping centers of this type. The proposed subdivision will facilitate the reuse and redevelopment of the property, which is a significant landmark within the City. The subdivision will also establish a common easement of access throughout the property, allowing any parcel the use of any "existing drive aisles and travel ways," enabling access to the lots with limited or no frontage.

No proposed physical changes have been proposed as of the writing of this staff report. While there are a number of aspects to the variance, they are to facilitate the subdivision of land, and should not be construed as changes to the property at this time. The petitioner has taken adequate measures through the establishment of a common easement to ameliorate the problems that may have been associated with the proposed configuration, allowing access for all of the parcels throughout the subdivision.

#### **STAFF RECOMMENDATION**

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

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because no physical changes or change in use that would not be allowed in the existing zoning district are being proposed at this time;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the use of the site will operate in generally the same way as it currently does;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because it is an aged shopping mall in need of adaptive reuse;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because it would hinder reuse;
6. The special conditions and circumstances do not result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

Smith states there were 61 letters mailed. None returned.

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

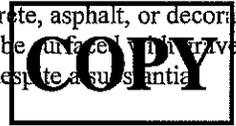
Evanega makes motion to approve; Second by Jones.

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

Motion carries.

**23-BZA-05 PETITIONER IS M M LYNN LLC**  
**PROPERTY IS LOCATED AT 2016 BORNEMAN AVE**

To vary from Section 26.7.C.7 (a, b, c) which states in part that parking lots must be paved with concrete, asphalt, or decorative concrete, brick, or asphalt pavers, and where storage yards for partially or fully finished product may be surfaced with gravel or slag may be located only in a rear yard to allow for an existing gravel lot in the front yard to remain despite a substantial improvement to the property.



To vary from Section 26.7.E.3, Off Street Loading Requirements to allow for a proposed loading dock to be constructed as part of a proposed building addition that will require the public right of way for maneuvering to access the proposed dock.

To vary from Section 26.7.C.7.1.b.2, Parking Lot Landscaping, which requires a front setback of ten feet along a right of way for parking lots with one (1) to seventy-five (75) spaces, to allow for a parking lot with thirteen (13) spaces at a zero (0) foot setback, a variance of ten (10) feet.

Smith notes they have had discussions with the applicant and are asking to table the variances from Section 26.7.C.7 (a, b, c) and 26.7.C.7.1.b.2 and only vote on Section 26.7.E.3.

Mulvaney calls petitioner forward.

Debra Hughes appears in person for petitioner. They would like the two requests tabled in order to create a plan. The remaining request is to use properties adjacent and across the street owned by the same owner, as well as the right-of-way to access the proposed truck dock on the north end. It will require the truck to back into the dock from the public right-of-way and using the property on the east side of Twentieth Street to access the new property on the west side of Twentieth Street. The area was developed as industrial 80 years ago when standards were very different, buildings and properties were smaller. It does not meet current standards. The variance is to allow for the backing into the truck dock which is similar to other uses in the area who are allowed to back into their truck docks. This is a targeted redevelopment area and the owner is investing about 5 million dollars in robotic welding technology and advanced manufacturing. They will bring in new manufacturing for the city.

Mulvaney asks what street will primarily be used to get to the dock.

Hughes states that the trucks would come in from Lusher Avenue, south on Twentieth Street which is lightly used, 4 blocks long, and dead ends at the south. They might also pull into the property on the east side of Twentieth Street and back straight across the property, into the dock. Staff has recommended them to install signage to advise truck drivers not to block the intersection. Staff also recommended an easement be recorded on the east side property for perpetual use.

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

**STAFF ANALYSIS**

Staff is currently working with the applicant to consider some revisions to the site plan, which would reduce the number of variance request. At this time, for the January meeting, staff requests the BZA to hear the request for the loading dock with turning movements in the right of way and to table the other two requests. Staff is recommending in favor of the turning movements with two conditions attached.

The petitioner owns approximately 1.2 acres of contiguous property in an established industrial district with lots that are generally smaller than the lots in more recently established industrial parks on the perimeter of the city. They also own other properties nearby which are part of their overall development plan.

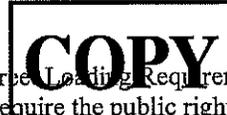
This property currently has a building on the lot of approximately 14,000 square feet, and they wish to add a 10,088 square foot building onto the property that is part of a larger redevelopment and reinvestment program in the immediate area. The site plan submitted includes a loading dock, which would entail turning movements in the right of way, parking accessed directly from 20<sup>th</sup> Street, and a gravel lot, which would remain, that has a septic field underneath it.

As stated, staff is working with the applicant to possibly revise the gravel area and the parking accessed from the street, and is requesting a vote on the loading dock/turning movement at the January meeting. It is generally discouraged to have any turning movements in the right of way. However, the lack of available land limits the applicant's ability to accommodate truck movements on site. Staff recommends approval of the variance to allow right of way turning movements, as long as they are kept out of the intersection and guaranteed in perpetuity. To that end, the petitioner should work with Public works to install signs stating that no

turning movements are allowed in the intersection, and record an easement on the property across 20<sup>th</sup> Street that would accommodate proposed turning movements.

**STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance to vary from Section 26.7.E.3, Off Street Loading Requirements to allow for a proposed loading dock to be constructed as part of a proposed building addition that will require the public right of way for maneuvering to access the proposed dock based on the following findings of fact:



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

The Staff recommends **tabling until the February 9 meeting** the following developmental variances:

To vary from Section 26.7.C.7 (a, b, c) which states in part that parking lots must be paved with concrete, asphalt, or decorative concrete, brick, or asphalt pavers, and where storage yards for partially or fully finished product may be surfaced with gravel or slag may be located only in a rear yard to allow for an existing gravel lot in the front yard to remain despite a substantial improvement to the property.

To vary from Section 26.7.C.7.1.b.2, Parking Lot Landscaping, which requires a front setback of ten feet along a right of way for parking lots with one (1) to seventy-five (75) spaces, to allow for a parking lot with thirteen (13) spaces at a zero (0) foot setback, a variance of ten (10) feet.

**CONDITIONS**

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

1. Signs shall be posted for no turning movements in the intersection, subject to approval by Public Works.
2. An access easement shall be recorded at 1935 Markle allowing the demonstrated turning movements.

Smith states there were 16 letters mailed. None returned.

Mulvaney asks if there are questions from the Board for staff. Hearing none, he calls for a motion on Sections 26.7.E.3 and 26.7.C.7.1.b.2 which the petitioner requested to be tabled.

Davis makes motion to table requests to vary from Sections 26.7.E.3 and 26.7.C.7.1.b.2 for one month; Second by Jones.

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

Motion carries.

Jones makes motion to approve variance from Section 26.7.E.3 with conditions; Second by Davis.

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



Motion carries.

**23-X-03 PETITIONER IS WOLF PACK LLC**  
**PROPERTY IS LOCATED AT 112 E LEXINGTON AVE**

A Special Exception per Section 15.3, Special Exception Uses in the Central Business District (CBD), to allow an Event Center in an existing commercial building.

Mulvaney calls petitioner forward.

Ignacio Perez appears in person to request use of the property as an event center.

Mulvaney asks what type of events will be hosted.

Perez states weddings, quinceañeras, and all kind of different events.

Mulvaney asks if this would primarily be weekends or during the week.

Perez states it will be small events during the week, such as office parties.

Jones asks if it could still be used by Jazz Fest as the site is historically been a performance location.

Perez states he did not know that, but it would be nice if he had more information.

Jones asks if the awnings or outside will change.

Perez states he will just change the lettering.

Evanega asks if he is obtaining a liquor license.

Perez is working on that at the moment.

Evanega is concerned about people outside the building and drinking in the parking lot.

Perez states that will not be allowed.

Jones asks if that will be a Riverwalk license.

Perez confirms. It will be a 3-way license.

Davis asks if there will be cooking on the premises.

Perez states that will be in the future but for now they will bring their own food in.

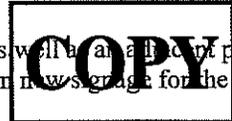
Mulvaney opens for public comments to speak in favor. Hearing none, he opens for opposition. Hearing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner has purchased an existing commercial building in the downtown area just east of Main Street. This building was previously a Knights of Columbus meeting hall. The petitioner desires to use the building as an event center. The building has

existing bar and kitchen facilities but the proposal is for clientele to cater their own food for events. The petitioner is looking into applying for a liquor license as a service to their business.

The property has a few parking spaces in the rear of the building and has access to on street parking as well as an adjacent public parking lot. At this time, the petitioner is not proposing any exterior changes to the building other than newsstands for the business.



**STAFF RECOMMENDATION**

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

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

Hooley states there were 32 letters mailed. One returned not in favor with comment: There are other venues in close proximity to each other: The Lerner, Lenox, Hotel Elkhart, Winchester Mansion, and others in a small downtown area with restricted parking.

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

Evanega makes motion to approve; Second by Davis.

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

Motion carries.

**23-UV-01 PETITIONER IS KENNETH WHITMAN  
PROPERTY IS LOCATED AT 2734 HAWTHORNE ST**

To vary from Section 18.2, Permitted Uses in the M-1, Limited Manufacturing District, to allow for a single family dwelling. Single family dwellings are not a permitted use in the M-1 District.

Mulvaney calls petitioner forward.

Robert Kolean appears for the petitioner. He states the building has been residential since its construction in the 1950's and has residential homes across the street and in the area.

Mulvaney asks for questions from the Board.  
Evanega asks if the home is being sold.

Kolean states it is, and needs the variance for financing purposes.

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

**STAFF ANALYSIS**

The home is located in an area with a mixture of residential, commercial, and light industrial development. The applicant has requested the variance, as the house would not be able to be rebuilt if it were damaged past fifty percent of the assessed value or was completely removed. According to the County Assessor's Office, the house was built in 1958 and appears to have only been used as a single family home.

The properties to the west across Hawthorne Street are zoned R-2 One-Family dwelling and are occupied by single-family residences. An undeveloped property zoned light manufacturing separates this property from South Nappanee Street. A variance would permit the home to remain, while allowing the possibility of the property to be included in future redevelopment along the South Nappanee Street corridor.



**STAFF RECOMMENDATION**

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

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because the use of the property is less intense than uses that are permitted in this zoning district;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the use of the property will remain residential;
3. The need for the variance arises from some condition peculiar to the property involved as the home **was** built at the time of the zoning districts establishment;
4. The strict application of the terms of this Ordinance **will** constitute an unnecessary hardship if applied to the property because it could restrict the houses ability to be repaired and rebuilt;
5. The approval does not interfere substantially with the Comprehensive Plan as the plan **does not** directly address this property and the size of the parcel limits development.

Hooley states there were 17 letters mailed. None returned.

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

Jones makes motion to approve; Second by Davis.

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

Motion carries.

**23-UV-02 PETITIONER IS BELMONT MENNONITE CHURCH INC  
PROPERTY IS LOCATED AT 925 OXFORD ST**

To vary from Section 5.2 Permitted Uses in the R-2 One Family Dwelling District to allow a day care center to operate in a portion of an existing church.

To also vary from section 26.4.A.6 Fence Requirements which states that no fence other than open decorative fencing, no taller than four (4) feet, shall be located in a front yard to allow the installation of a six (6) foot tall vinyl privacy fence in the front yard along Moyer Street.

Mulvaney calls petitioner forward.

Ray Hunsberger, Trustee for the church, appears in person. They would like to accommodate the New Creation Daycare Center at the church. They would like to stay within that community. The original church was down the street, they built in the Hudson-Sterling area because of their commitment to the area and believe the subsidized daycare is part of that commitment. The building will not change. It won't affect the way the church uses the building on Sunday, but the daycare will use it during the week.

Mulvaney asks if this is an existing daycare.

Hunsberger state that it is. It had been at the old church building, moved, and now needs to move again.

Mulvaney asks if there are any issues with the conditions.

Hunsberger is fine with the conditions.

Evanega asks if he is aware of the limitation on the number of students to 45.

Hunsberger confirms that he is.

Mulvaney opens for public comments to speak in favor.

Fish appears in person to support the daycare in the church and their ongoing work in the area.

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

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#### **STAFF ANALYSIS**

The Belmont United Methodist Church is located at the intersection of Moyer Avenue and Ren Street. The church's parking lot is situated to the north along Oxford Street across an alley. The church was approached by a daycare that would like to operate out of several of their classrooms. The daycare would also use the church's large multi-purpose room and an outdoor fenced-in activity area that is being constructed.

The church has a drop-off area on the north side of the building through an alley that the daycare will use. The drop-off area is far enough from Moyer Avenue to allow several cars to be stacked waiting for pick-up. The daycare will also utilize the church's parking lot for parent and staff parking. The daycare and the church will be using the church's facilities at different times so there should be little issue with parking.

#### **STAFF RECOMMENDATION**

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

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because it will operate under State guidelines;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because there are no proposed exterior changes to the building;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted;
4. The strict application of the terms of this Ordinance **will result** in practical difficulties in the property providing a service to the area;
5. The special conditions and circumstances **do not** result from an action or inaction by the applicant.

#### **CONDITIONS**

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

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises other than those approved for an institutional use.
5. A copy of the child care center license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.

7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum of fifty-five (55) children meeting the children/staff supervision ratio established by the State.
9. Pickup and dropoff should be off the alley along the north side of the church with one-way traffic and from the main parking area on Oxford Street
10. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by January 2025.

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Hooley states there were 46 letters mailed. Three returned in favor with no comment.

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

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

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

Motion carries.

**ADJOURNMENT**

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

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

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

Elkhart Historic & Cultural Preservation Commission

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Regular Meeting June 16, 2022

Call to Order:

Ann Linley called to order the Elkhart Historic & Cultural Preservation Commission Regular Meeting for Thursday, June 16, 2022 at 7:00 pm.

Roll Call:

JA Whitmer  
Bill Zimmerman  
Bobby Glassburn  
Aaron Mishler  
Ann Linley  
Raymond Enfield  
Eric Trotter with the City of Elkhart and Deb Parcell with Indiana Landmarks

Absent:

None

Approval of Agenda:

Linley asked for a motion to approve the agenda as presented. Motion made by inaudible, seconded by Whitmer; Voice vote carries.

Approval of Minutes:

Linley asks if there are minutes for approval.

Trotter replies no, there have been staff changes and will be behind on minutes.

Financial Report:

Trotter states the budget and the donation are on the same sheet. The amount of \$11,717 was processed for the two invoices regarding the award that was presented on State Street last month. The balance of this month is \$11,294.97 and the donation balance is \$5,467.92.

Linley asks if there are any questions. Hearing none, she asks for a motion to approve the financial report as submitted. Motion made by Mishler, second by Enfield. Voice vote carries.

Hearing of Visitors:

Trotter introduces Kristen Smole, who is the assistant director for Economic Development. Trotter states she is presenting a potential project in the Historic District.

Smole states there is interest in a wheelchair factory that would be located behind the parking garage at the police station. Smole goes onto say she will be presenting additional projects and this will be a new route for the developers and contractors regarding working within the historic district. Smole asks for patience as the projects would further develop.

Linley asks Smole if the vision is to clear the property or create a similar area compared to the Selmar property by Wellfield.

Smole replies the first person of interest was initially intending on removing the current structure and developing a new construction. The second person of interest was still unsure if the current building would be able to work. Smole encourages the board to take a walk through the structure to see it for themselves.

Zimmerman asks if the building is city-owned or private and if it for sale.

Smole replies, it is privately owned and is currently for sale. She states one of the developers is in a purchase agreement for the property.

Zimmerman asks what the square footage is.

Smole replies that it is a great question and turns to Trotter for an answer. Smole states Trotter does not know.

Linley states there are photographs that were shared with the committee showing it was a car and carriage dealership for a number of years. She asks if there are additional questions for Smole.

Hearing none, Trotter introduces Renewal by Anderson regarding window products.

Josh (last name unknown), Renewal by Anderson, introduces himself and states he is representing Mike (last name unknown), who is one of the audience members. Josh states he is working on improvements for Mike's property and would like to have the board's permission to move forward on those projects with the presented windows.

Linley asks Mike what the house number is; 155 Division St.

Josh shows the board an example of the wooden piece and states the goal is to preserve the traditional look of the home without putting inorganic properties such as vinyl or metal. This type of material is similar to plywood, but will not decay (inaudible for remainder of statement).

Linley asks Parcell if an e-mail was shared regarding this type of products fits into the new guidelines.

Parcell states there are proposed new guidelines that should be finalized within the next year or so. Parcell discusses what kind of materials the board will typically approve and she hopes to create a list for homeowners in the future showing all options for installing new windows. Parcell asks Josh what additional colors are available.

Josh replies (inaudible).

Parcell asks Josh, the overall glass piece is not diminished as much as vinyl would be.

Josh replies (inaudible for rest of the conversation between him and Parcell)

The homeowner, Mike, introduces himself and states the reason he is presenting this is so the board is to create awareness of the great quality, work and warranty the company offers to make homes look their best.

Whitmer asks Josh if the grid is customizable.

Josh replies (inaudible)

Zimmerman asks Josh if he can explain the warranty of the window and the glass.

Josh replies (inaudible)

Mishler asks how energy efficient these particular windows are compared to other windows.

Josh replies (inaudible)

Enfield asks Josh if there are any other types of windows that the company installs.

Josh replies (inaudible)

Enfield states the comparison is unknown between the "200 Series Anderson" and the window being currently displayed.

Josh replies (inaudible)

Enfield asks if Josh works for Renewal by Anderson or if they are independent contractors.

Josh replies (inaudible)

Enfield asks if the local suppliers of Anderson Windows cannot sell this type of window.

Josh replies (inaudible)

Glassburn asks on a price comparison. Is it double/triple or the same price.

Josh replies (inaudible)

Whitmer asks if the windows are customizable.

Josh replies (inaudible)

Whitmer asks if the windows are arched, are the windows able to be customizable to that as well.

Josh replies (inaudible)

Linley asks Josh if they are prepared to work with lead if the problem arises.

Josh replies (inaudible)

Linley asks if training has been completed for lead incidents.

Josh replies (inaudible)

Zimmerman asks if it is waterproof.

Josh replies (inaudible)

Whitmer asks when a window is replaced, what will happen to the woodwork inside the home.

Josh replies (inaudible)

Whitmer asks what would happen if a baseball were to hit the glass/window.

Josh replies (inaudible)

Parcell asks if the window itself would only be replaced.

Josh replies (inaudible)

Linley asks if there are any concerns if this product were to be presented before the board, as part of a COA.

Whitmer states there are items the homeowner must complete in order to have the approval.

Linley agrees. She asks Josh what the installation looks like as of now.

Josh replies (inaudible)

Linley states the board is not looking at doing an approval within the next two weeks.

Josh states what their process looks like.

Linley states the COA should begin next week and would be presented back to the board in July, but could be voted on as a staff item.

Whitmer asks the homeowner about the current and proposed windows they plan to put in.

The homeowner is inaudible for the first part of the conversation. He then goes onto say the only difference between the current and new windows is that there is a center wood divider (inaudible).

Parcell asks the homeowner what the windows look like now (conversation between the homeowner, Josh and Parcell is off mic).

Linley asks that it should stay the same design as it currently is. She then states the three windows that are considered visible from the public right of way, should follow the same style as before. However, all other windows would be allowed without a divider or could be "plain".

Glassburn states on Renewal by Anderson's website, there are many photos that show examples of what these windows look like.

Josh speaks (inaudible)

Glassburn states if this is a possible opportunity in the future, it should be known to all neighbors, as most are not aware this is a resource.

**Announcements:**

Trotter states there is paperwork from Steve Kennedy (in Indianapolis) regarding the camp this year which will be held in person. Steve will also be sending out the scholarship information as well. Trotter says if anyone is interested in attending, the deadline would be Friday, August 12<sup>th</sup>. The camp would be held September 27<sup>th</sup>-30<sup>th</sup>.

Linley highly recommends that if the members have not participated in the camp yet, they should. Linley states she truly enjoyed it and looks forward to going again.

Trotter states there are two scholarships available for members.

Linley asks if Parcell has any additional announcements.

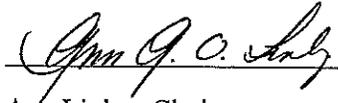
Hearing none, Mishler states there will be a Home Owner Occupied Repair Grant Program that will help repair items such as roofs, façade, etc. He states it will be discussed further in the financial meeting next week. This could help create more COAs in the future.

Trotter discusses how expensive it is to repair the infrastructure, street restoration, etc.

Trotter then states the findings of the 2022 audit was received and passed. He states he will get it sent out quickly; a mission statement will need to be created and finalized.

**Adjournment:**

Ann Linley said she would accept a motion to adjourn the meeting at 7:59 pm. Voice vote carried.



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Ann Linley, Chair

**Elkhart Historic & Cultural Preservation Commission**

**Regular Meeting July 21, 2022**

**Call to Order:**

Ann Linley called to order the Elkhart Historic & Cultural Preservation Commission Regular Meeting for Thursday, July 21, 2022 at 7:01 pm.

**Roll Call:**

JA Whitmer  
Bill Zimmerman  
Ann Linley  
Raymond Enfield  
Eric Trotter with the City of Elkhart and Deb Parcell with Indiana Landmarks

**Absent:**

Aaron Mishler  
Bobby Glassburn

**Approval of Agenda:**

Linley asked for a motion to amend the agenda; 22-COA-04 should be presented as 22-COA-05, Item 9 should add No Adverse Effect for a section 106 review. Motion made by Zimmerman, seconded by Whitmer; Voice vote carries.

**Approval of Minutes:**

Linley asks if there are minutes for approval.  
Trotter replies no, there have been staff changes and will be behind on minutes.

**Financial Report:**

Trotter states there is no changes for this month.

**Hearing of Visitors:**

One group is present to speak on 22-COA-05.

**Old Business:**

Neighborhood update, progress, reviews and nominations- Trotter states INOVA Federal Credit Union have planted flowers and vegetables in the gardening boxes on the property. Trotter encourages the members to stop by and take a look at the boxes, which are located off Division St.

Linley states she believes the Emergency Household Repair Grant has been approved.

Trotter replies it has been approved and are working on finalizing the application process.

**New Business:**

**A: 22-COA-05 WINDOW REPLACEMENT**

Application Number: 22-COA-05  
Applicant's Name: Michael Polachek

Property Address: 155 Division Street  
Local Landmark or District: State & Division Local and National Register Historic District  
Rating: Contributing  
Architectural Style: Gable-front  
Architect/Builder: Unknown  
Date Constructed: Circa 1900

Description of structure: The subject property is a one and one-half story, frame house with an asphalt shingle gabled roof, set upon a concrete block foundation. There is a small porch with shed roof at the northwest corner. Windows are 2/2 double hung on the first floor front facade; 1/1 double hung on the second floor.

Description of proposed project: Remove and replace 12 windows from Renewal by Andersen.

Applicable Ordinance Authority: Section 12.6 of Ordinance 4041 of the City of Ekhart requires a Certificate of Appropriateness to be issued for a conspicuous change in the exterior appearance of the existing building by demolitions, moving, additions, new construction, alteration, color change or maintenance of existing buildings, including windows, doors and all exterior features, walls or fences. As such, a Certificate of Appropriateness must be issued for the work proposed at the 155 Division Street.

Applicable Guidelines: Retain original windows, including sash, lintels, sills, and hardware. Prevent deterioration of wood materials by repairing, cleaning, and painting as needed. Do not remove original windows. If deteriorated beyond repair, do not replace with new materials that were unavailable when the building was constructed.

**STAFF RECOMMENDATION:**

Finding of facts:

1. Existing windows are quite deteriorated.
2. Proposed windows are composite (40% wood/60% PVC) window inserts sized to fit openings, not full-frame replacements. Windows will be black, first-floor 2/2 double hung on front façade; second floor 1/1 double hung; kitchen windows will be awning windows with no lite division.
3. Window size, style, and type meet historic district guidelines.
4. Material does not comply with existing guidelines but appears to be more durable than vinyl or all wood, and has been approved in other historic districts.

Recommendation: Approval as submitted.

Filed by: Deb Parcell

Date: July 21, 2022

Linley asks if there are any additional comments the homeowner, Mike, would like to present.

Mike Polachek introduces himself again and states the three windows will have a gride style, to keep with the same design.

Whitmer asks if all 12 windows are all in the windows in the house.

Polachek replies it is all windows except for the two windows downstairs to the East, which are faux windows.

Whitmer asks if it will be done by Renewal by Anderson,

Polachek confirms.

Enfield asks how much work will be done by Renewal by Anderson.

Polachek states the wooden frame and the aluminum siding will be done with Jay Channel.

Enfield asks if a contract has been made yet.

Polachek replies, yes. The company is waiting on the Historic Board's approval.

Enfield states he thinks each window is highly priced.

Polachek replies they are expensive, but are much higher quality and the warranty is wonderful and lasts a long time.

The board members have a conversation about the quality of these windows compared to windows that would be installed into a "regular" home- a home that is not in the historic district.

Linley states Parcel has made a recommendation to the board, as presented.

Linley asks for a motion to approve 22-COA-05. Motion made by Zimmerman; Seconded by Whitmer. Voice vote carries.

#### **Announcements:**

Linley states in the given packets, there is information regarding "Preserving Historic Places" taking place September 27-30<sup>th</sup>.

Trotter states the agenda was created after the previous month's meeting and would like to remind the members of the scholarships available to attend "Preserving Historic Places" camp.

Linley states she is planning to go, but is not sure what exact dates she will be attending and does not want to take a scholarship if another member will be able to use it to attend the entire camp.

Trotter states there looks to be a large variety of items listed on the agenda for the upcoming camp. He goes onto say if he needs an endorsement, he will reach back out to the members and board.

Linley states Trotter will discuss the No Adverse Effect for a section 106 review, which is for the McKinley Avenue Improvement Project. Trotter states this is for the improvements for the intersections, heading west into St Joseph County. The project was approved in February 2012 and the department of federal highway administration had determined there was a No Adverse Effect for the section 106 in 2012. Trotter states because of the time lapse of the original application and 2022, they decided they needed to send out a new notification, which we were invited as one of the new invitees for the notification process. Elkhart City does not extend to the county line, however the City of Elkhart have utilities that extend in which that is why we were added in. Trotter goes onto say the board can confirm that there is No Adverse Effect for the City of Elkhart.

Linley asks for a motion to agree there is No Adverse Effect for this section 106 review. Motion made by Whitmer; Seconded by Enfield. Voice vote carries.

Trotter states the project designation number is 0902286.

Linley brings up the start of the Historic Preservation Education Grant call for proposal. Projects that are associated with it cannot begin until November 15, 2022 and would have a full year to complete it. It is a

matching grant up to \$2,500. Linley states it would be used towards some type of educational outreach. She asks the members to begin thinking of important topics they would like to bring to other's attention with this outreach.

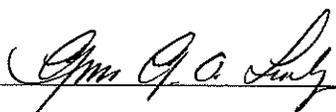
Trotter states Carrie Brunson could be interested in combining those efforts for a larger educational outreach in health safety in conjunction with the historic board (example: lead in homes).

Linley asks if there are any additional announcements.

Hearing none, she asks for a motion to adjourn.

**Adjournment:**

Ann Linley said she would accept a motion to adjourn the meeting at 7:24 pm. Motion made by Zimmerman; Seconded by Enfield. Voice vote carried.

  
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Ann Linley, Chair

## Elkhart Historic & Cultural Preservation Commission

### Regular Meeting Thursday, October 20, 2022

#### Call to Order:

Ann Linley called to order the Elkhart Historic & Cultural Preservation Commission Regular Meeting for Thursday, October 20, 2022 at 7:07 pm.

#### Roll Call:

Present: Bobby Glassburn, JA Whitmer, and Ann Linley; Nathan Hooley with the City of Elkhart and Deb Parcell with Indiana Landmarks, Kevin Davis (Deputy City Attorney).

Absent: Bill Zimmerman, Raymond Enfield, Aaron Mishler

#### Approval of Agenda:

Linley states the agenda cannot be approved because there is not a full quorum.

#### Approval of Minutes:

Linley states the minutes cannot be approved because there is not a full quorum.

#### Financial Report:

Linley states Eric Trotter applied for one of the Indiana Landmarks Scholarships and he did attend several of the activities with the preservation, located in South Bend. Trotter did enjoy being able to attend the scholarship.

#### Hearing of Visitors:

Pete Trotter introduces himself and states he is representing EnFocus which offers consultant like services doing different projects for the purpose of economic and community development in the Michiana region.

Linley asks Trotter to verify that a presentation was made, about three years ago regarding infill housing.

Trotter agrees.

#### Old Business:

Parcel states there have been two COAs since the board last met. One was for 244 Division St (Adrienne Krohn). She has a small garage in the back that is falling apart and needs repaired. Parcel states they have put Ms. Crone in connection with a construction company out of South Bend who is working with her to create a new plan for the rebuild in which includes strengthening walls, new like-shingles, overhead garage door, wood siding and windows. Parcel states the company who is helping was previously the director of Historic Preservation in South Bend and will have a true interest in keeping the originality of the home. Parcel states this COA would have staff approval.

Victoria Hernandez, who owns 329 West Franklin Street, are new homeowners to the property. Parcel states there are a few repairs that Hernandez would like to do including repair the front porch. Parcel then goes onto discuss all of the specifics that are required when Hernandez would begin her repairs; what type of wood would be allowed, it would have to be paintable, etc. Parcel states this COA would have staff approval.

#### New Business:

4460

Hooley reads the memorandum for the record.

Linley states the board has been working with Indiana Landmarks over two years regarding new state guidelines, which are based on the secretary of the interior overall guidelines. Then based off the new recommendations, the city will update theirs accordingly. Linley states Eric Trotter has asked her to lead a discussion regarding the weaknesses and strengths about the current ordinances.

Parcel comes up to the mic and states the city ordinances create the commission and spells out what the city is allowed and not allowed to do, which is based off of the state enabling ordinances. The guidelines are a separate document and the members of the Historic Commission are the ones who get to have the final say. Parcel states Trotter suggested items like lead safety, alternative materials, etc. are things that are in the guidelines, not the ordinance.

Linley asks Parcel to verify that from the ordinance perspective, the members are looking at the scope of the district. Examples would include if certain parts of the districts should still be included, what can and cannot be approved on state by staff approvals.

Parcel replies to some extent, the state allows the board to determine what staff can approve, which is separate from the ordinance. The ordinance is involved with districts; how they're created, mapping them out, etc.

Linley then asks Parcel about the zoning and subdivision ordinances and preservation and the board's role in those.

Parcel states she wants to clarify the differences with the guidelines and ordinances.

Glassburn states he believes there is an opportunity to improve the homeowner's understanding of how the guidelines work with homes that are grandfathered-in. He states there seems to be a lot of confusion, anger and disappointment coming from surrounding homeowners. He hopes there can be more education prior to a home being purchased in the Historic District.

Whitmer states another issue is when there are restrictions put on the record for parcels, it can create future issues if that area becomes no longer part of the historic district. She suggests to either remove the historic district region, take a look into the homes that are "savable". Etc.

Parcel replies, it would be best to keep it all together and not remove specific homes from specific areas as that can look messy in the end. Parcel suggests making specific homes single sites instead.

Glassburn states if a single site was an option, the houses on either side of that particular home could be renovated in the future and the entire expansion would then have to be reconsidered. Glassburn then goes on to say there is some gray area if the line were to be extended and backed up to Prairie St.

Parcel states if it is no longer considered a district, then the board will not have a say on things like infills, additions or demolitions.

Linley states the kicker for something like this is, there are houses that do retain much of their character, but unfortunately when the perspective homeowners go to the bank to receive a bridge-loan, etc. they are denied because of the valuation of the home.

Linley and Glassburn discuss examples regarding banking difficulties for homeowners in the historic district. Glassburn states there are lenders who specifically work with homeowners, out of the area, who will help to receive additional loans to renovate these type of homes.

Parcel states she believes EnFocus does provide options for lenders.

Linley states finding lenders who are willing to work with the homeowners, who have the linguistic ability to explain everything to homeowners in the district is a challenge. She also goes on to say if we do not have the resources for a secondary language, this is also making it more difficult for the districts. Parcel says if the guidelines are to not be redone, the board needs to be ready to explain to citizens why those decisions were made. Linley asks Whitmer if she has additional questions as she lives closer to the single sites.

Whitmer states she is not aware of all the single sites are located and Linley states she can give her that information.

Parcel and Linley discuss on most titles for the homes, it is extremely difficult to see that it is a single site historic lot/home.

Linley asks the board to give this discussion some thought and how the entire system can be updated to present day-which is originally from the late 80's.

**Announcements:**

Linley asks if there are any announcements, hearing none she asks for a motion to adjourn.

**Adjournment:**

Ann Linley states she would accept a motion to adjourn the meeting at 7:52 pm. Motion made by inaudible, seconded by Glassburn; motion carried.



Ann Linley, Chair

Elkhart Historic & Cultural Preservation Commission

Special Meeting Wednesday, December 14, 2022

Call to Order:

Ann Linley called to order the Elkhart Historic & Cultural Preservation Commission Special Meeting for Wednesday, December 14, 2022 at 7:00 pm.

Roll Call:

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

Absent: Bill Zimmerman, Bobby Glassburn

Approval of Agenda:

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

Approval of Minutes:

Linley asks for a motion to approve the May 19, 2022 minutes as presented. Motion made by Enfield; Second by Whitmer. Voice vote carries.

Financial Report:

Trotter states the last bill paid in October was the second part of the Professional Services Contract for Indiana Landmarks and the donation account balance is \$5467.92. The remaining budgeted amount will rock back into the general fund.

Linley asks Trotter if he knows what the 2023 budget will be.

Trotter states he believes it is \$8,500.

Linley asks out of that amount, will the services contract be paid using that money or is it paid ourselves and not split with others.

Trotter replies, that it is paid entirely by this board alone.

Linley asks if there are additional questions about the financial report. Hearing none, she asks for a motion to approve the financial report as presented. Motion made by Whitmer; Second by Enfield. Voice vote carries.

Hearing of Visitors:

None

Old Business:

None

New Business:

Trotter states the 2023 calendar provides a cut-off date that is two weeks prior to the meeting. This will allow additional time to help process and forward all materials to Indiana Landmarks.

Linley states EnFocus may have an additional meeting on January 26, 2023, but it has not been set yet.

Linley asks for a motion to approve the 2023 calendar as presented. Motion made by Enfield; Second by Whitmer. Voice vote carries.

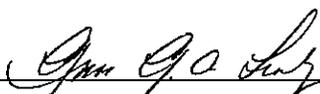
**Announcements:**

Trotter states to if members have not yet RSVP'd to Indiana Landmark's holiday party, there is still time to do so. Also, during the special meeting to be held in January, this will begin to solidify the feedback on the process of updating the Unified Development Ordinance and Preservation ordinance in addition to the Subdivision and Zoning. After the first of the year, Trotter plans to solidify those dates and will get the information out to the members.

Mishler states he will most likely be absent for the February meeting as he will be out of the country.

**Adjournment:**

Ann Linley states she would accept a motion to adjourn the meeting at 7:10 pm. Motion made by Whitmer, seconded by Enfield; motion carried.

  
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Ann Linley, Chair

LERNER THEATRE BOARD  
Wednesday, January 11, 2023

President Gary Boyn called the Regular Meeting of the Lerner Theatre Board to order at 10:03 a.m. on Wednesday, January 11, 2023. The Clerk of the Board, Nancy Wilson called the roll. Gary Boyn, Diana Lawson, Jamie Arce and Ashley Martin attended in-person. Dina Harris, Carrie Berghoff and Dallas Bergl attended on WebEx.

1. AGENDA

On motion by Dina Harris, seconded by Ashley Martin and carried 6-0, the agenda was adopted as presented.

2. ELECTION OF 2023 LERNER GOVERNING BOARD OFFICERS

On motion by Diana Lawson, seconded by Jamie Arce and carried 7-0, the 2022 Officers were retained in 2023; Gary Boyn President, Dina Harris Vice-President, and Dallas Bergl Treasurer.

3. MINUTES: Regular Meeting December 14, 2022

On motion by Ashley Martin, seconded by Diana Lawson and carried 7-0, the Board approved the minutes from December 14, 2022.

4. TREASURER'S REPORT

Financials-November 30, 2022

Michelle Adams of Kruggel, Lawton and Co. attended the meeting on WebEx. The November 30, 2022 financial report was submitted to the Board for review. Total operational expenses of \$1,159,610 were covered by a City contribution of \$276,886 (24%) and a Lerner contribution of \$882,724 (76%). This compared with 2021 City's contribution of 64% and the Lerner's contribution of 36%. The net income from Theatre operations only (shown as Gross Profit) at the end of the period was \$810,921 which was an increase of \$563,955 from 2021. The YTD net income for all Lerner operations (including City expenses) at the end of the period was \$1,077,664 which was an increase of \$703,174 from the net income on last year's statement of \$374,490. On budgeted City Operational Expenses alone we were under-budget by \$274,246 year to date. On motion by Diana Lawson, seconded by Ashley Martin and carried 7-0, the Board approved the November 30, 2022 financials.

Claims

On motion by Jamie Arce, seconded by Dallas Bergl and carried 7-0, the Board approved the claims and allowance docket totaling \$186,068.17 as listed on the register consisting of 6 pages as prepared on January 6, 2023 at 11:19 a.m.

5. PRESIDENT'S REPORT

Gary Boyn said they are actively working on amending and re-stating the Crystal Ballroom Agreement and trying to finalize the terms. He told Kurt it is coming along and we will get there.

6. CRYSTAL BALLROOM CATERING

Kurt Janowsky attended in-person and said December was a really good month in the Ballroom following a very good October and November. The Ballroom did \$257,000 in revenue in December, which is by far the most they have ever done in that room in one month, and ended the year at \$1,114,441., generating \$223,000 in commissions in 2022. Kurt hopes the Board was pleased with the volume. Kurt said they were pleased with the volume. Now they are getting ready for the HVAC replacement. They've had 15 tastings in the last 2 weeks. 2023 is booking up well.

**7. GENERAL MANAGER'S REPORT**

The General Managers report has been inserted in the minutes as presented.

PREPARED BY: MICHELLE FRANK

<b>Activity (January-March)</b>	<b>As % of 90 days</b>	
<b>26 Events</b>	29%	<b>Activity in theatre</b>
<b>12 Ticketed Events</b>	13%	<b>Ticketed events</b>
4 Non-Ticketed Events	5%	Non-Ticketed events
<b>10 Rehearsal Dates</b>	11%	<b>Rehearsal Space</b>

Compare to 2022 Board Report Ticketed Events: 12

Compare to 2022 Board Report Non-Ticketed Events +Rehearsals: 8

- What a finish to 2022! We ended our 2022 with several national tours, several free community holiday events, plus four sold out Premier Arts shows of Elf The Musical during the weekend of December 16, plus a sold out YES Show for Premier Arts. During the month of December, we estimated that we had nearly 12,000 through the theatre between ticketed and non-ticketed events!
- Looking ahead to January, we are thrilled to have our HVAC system beginning on Tuesday, January 10<sup>th</sup>! Thankfully, and after some thorough planning with DLZ and City Departments on this project, we anticipate that the project will go through the middle of February, with no anticipation of any halts in service between the Crystal Ballroom and the stage.
- In the coming month, we are hoping to finalize job descriptions and hirings through City HR to begin the hiring process for multiple positions at the theatre, including Box Office Supervisor, Facilities Supervisor, Development Coordinator and Marketing and Communications Coordinator.
- Proposed changes to User Rates in 2023:
  - After reviewing competition in our immediate area, plus reviewing comparable venues in the region, I have adjusted our fees in the following areas:
    - Rental rates
    - Increase to credit card processing fees
    - Addition of a flat Box Office set-up fee
    - Addition of a \$2.00 processing fee to all Premier Arts shows
    - Labor:
      - Increase per hour to Stage Manager, Stage Hands and Ushers
    - Addition of a cleaning fee, with additional fee for shows with confetti
    - Increase to rental of sound and light system
    - Increase to the flat rate of a show runner
    - Premier Arts – addition of \$2.00 process fee per ticket

LERNER THEATRE BOARD  
Wednesday, January 11, 2023

## **DIRECTOR OF EVENTS REPORT**

PREPARED BY: ROBERT MAHONEY

### **Accomplished in December:**

- I spent roughly 40 hours reading and studying all things Patron Manager and successfully completed the Patron Manager Certified Admin exam with a 96% on the very first try. It was a daunting task to complete the course in the time that I did but I gained a tremendous amount of knowledge that will help me through the next phases in my role at The Lerner.
- I continue to learn many different administrative roles that are so vital to the operations here at The Lerner. In the month of December, I learned check writing procedures, how to schedule our amazing police officers that come and serve us at our shows, and how to work with Kruggel Lawton to coordinate the show closing schedule.
- In December I continued my endeavor of job shadowing. I feel that it is not only necessary, but vital, to learn all aspects of the theatre and gain a strong understanding of everyone's roles and how each individual brings their own value and experience to the operation as a whole. This month I was able to shadow both Sara and Tristin. Both of these outstanding individuals deserve praise each day, as does everyone on the team. I gained a great amount of insight in both of their areas. And while I don't know all the nuances of their roles and departments, I have a strong understanding and know who to go to for what. I am so blessed to have them here and love working with them both.

### **Goals for January:**

#### **Show Pre-Settlements**

As part of my training to be able to close shows, I plan to start learning the pre-settlement process to be able to execute pre-settlements with little to no guidance. If I accomplish this task ahead of time, I plan to work on show closings and being able to become proficient in that as well.

#### **Patron Manager Show Builds:**

Following the extensive training I received in all aspects of Patron Manager, it is now time to turn my attention to learning how the theatre operates using said tools. I plan to continue to train with both Tristin and Sonny to learn the real world applications for Patron Manager and take the tools I learned during the course to become proficient in being able to build all the various types of shows that we are fortunate enough to have in our beautiful theatre.

#### **Marketing Manager Position:**

We recently had to say goodbye to our marketing manager, Amber. She decided to change her path in life and go back to school in order to become a nurse. I truly wish her the best but it left a void in our organization which needs to be filled. My

LERNER THEATRE BOARD  
Wednesday, January 11, 2023

goal in January is to begin the search for her replacement and hopefully find an individual that we can start moving through the hiring process and on their way to becoming a member of the best team in the city!

**OPERATIONS MANAGER REPORT**  
PREPARED BY: SARAH MACER

**Accomplished in December:**

- Tristin and I have worked on interviewing potential new candidates for the Box Office and Usher positions at The Lerner. We've met some interesting people and hope to have all of our vacant positions filled by March when we start picking up speed with new shows.
- All of our means of communication with the team were updated: Google Calendar, Show Manager, and the Lerner Show Folders. I have also sent off the January Facility Occupancy numbers.
- Peer Committee with the Volunteers is coming along. We've reached out to see about updating our Docent Manual and I'll bring that information to everyone at the next meeting. I'm loving working with this group as we work on improving our amazing Volunteer Corp.

**Goals for January:**

**Updating Manuals:**

In January, I'm hoping to have a rough draft of the usher manual complete. This is so we have a consistent message across the board for new hires; one that follows the City handbook that we can reflect with our own manuals that we give out for employees. I want this to be complete before our new hires come on and join the team!

**Volunteer Program:**

With the New Year I'm hoping to start interacting more with the Peer Committee and bring them more into their roles. I would like to have more engagement this coming meeting in January to start following the procedures and working on current issues that may have popped up. I would like to work on ways to reach out to our Volunteer Corp as well, to help them feel more involved while we're slower in January and February when we only have a few shows scheduled.

**Prism:**

I'm continually working on Prism and can't wait to spend some of this month diving into more of the inner works of Prism! I'm hoping to work through some of the articles they keep on file and join some meetings with others in the field to help broaden my understanding of what all Prism can do for The Lerner.

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**MEDIA SPECIALIST REPORT PREPARED BY: SONNY LISI**  
**E-Blast Reporting – December 2022**

<b>Email Statistics</b>		
Campaigns Sent		9
Total Emails Sent		106,476
Emails Opened		47,304
Emails Clicked Through		1,323
Starting Subscribers		24,916
Ending Subscribers		25,134
Average Campaign	Emails Per	11,831

**Tickets Purchased by City**

<b>City</b>	<b>Tickets</b>
Elkhart	874
Goshen	310
South Bend	275
Granger	273
Mishawaka	180
Bristol	155
Osceola	108
Niles	68
Edwardsburg	64
Nappanee	55
Middlebury	48

**December Achievements**

- Began installation and set up of new lobby display devices and connection to our new cloud-based service. Have completed a handful of updates for our lobby displays, with over a dozen more to complete.
- Continued designing and populating information for our annual Year in Review booklet highlighting achievements and happenings related to The Lerner over the past year. Completed the process and handed in for final review distribution before sending to print.

**January Goals**

- • After completion installation of all lobby display devices, create Standard Operating Procedures for installing, maintaining, and managing content on the devices for each display.

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- • Audit the Lerner website, change and update information as needed, and streamline the content and presentation of all pages.
- • Enhance the event history document by adding a calculation tool to accept different criteria and output statistics for events based on genres, promoters, date ranges, ticket prices, and more.
- • Document Standard Operating Procedures for all things related to event and subscription building in PatronManager, including detailed guides on how to put together events from scratch and prepare for on-sales.

**BOX OFFICE MANAGER PREPARED BY: TRISTIN PAUFF**

**Accomplishments for December 2022**

- Updating the new Box Office Operations Manual is in full swing, which includes converting the language to match the City of Elkhart's Employee Handbook, as well as update any procedures and processes that have changed since July of 2021 (when it was last updated)
- Continued to update the contacts list in our ticketing software, Patron Manager, from erroneous attempts to convert our Patron Contact List from Vendini to Patron Manager - this was due to the software not being compatible with each other when transferring the list.
- Started to plan a Box Office Meeting that will go over the new Box Office Operations Manual in its entirety

**Goals for January 2023**

- Complete the new Box Office Operations Manual
- Hire 4 new part-time Box Office team members
- Utilize Tango to create procedures for the different learning styles of my Team
- Continue to update all Box Office SOP's

Date	Time	Event Name	On Sale Date	Sold	Net Revenue	Hist. Fee	Total Revenue
12/7/2022	7:30 PM	A Motown Christmas	7/12/2022	70	\$3,542.00	\$210.00	\$3,752.00
12/8/2022	7:30 PM	Travis Tritt	8/23/2022	89	\$5,865.00	\$267.00	\$6,132.00
12/16/2022	7:30 PM	Premier Arts: Elf The Musical (12/16/22 - 12/18/2022 - 3 adult performances; 1 youth performance)	1/7/2022	2037	\$39,276.20	\$6,111.00	\$45,387.20
1/27/2023	8:00 PM	TUSK: The World's #1 Tribute to Fleetwood Mac	9/15/2022	164	\$8,315.25	\$492.00	\$8,807.25
2/5/2023	4:00 PM	Elkhart County Symphony - Legends	8/15/2022	10	\$223.00	\$30.00	\$253.00
2/17/2023	7:30 PM	Tracy Lawrence	11/9/2022	113	\$9,452.50	\$339.00	\$9,791.50
3/3/2023	8:00 PM	MJ Live	9/29/2022	80	\$4,352.60	\$240.00	\$4,592.60
3/13/2023	7:00 PM	Killer Queen - A Tribute to Queen	10/12/2022	134	\$9,395.20	\$402.00	\$9,797.20
3/23/2023	7:00 PM	Tim Hawkins Live in Concert	12/15/2022	456	\$23,399.50	\$1,368.00	\$24,767.50
3/26/2023	4:00 PM	Elkhart County Symphony - 75th Anniversary Jubilee Celebration	8/15/2022	15	\$139.00	\$45.00	\$184.00
5/14/2023	4:00 PM	Elkhart County Symphony - Music of our Home, Elkhart County	8/15/2022	2	\$0.00	\$0.00	\$0.00
5/19/2023	8:00 PM	Direct from Sweden: The Music of ABBA	12/8/2022	264	\$15,430.80	\$792.00	\$16,222.80
<b>Total Ticket Revenue</b>					<b>\$129,687.05</b>		

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**TECHNICAL THEATRE MANAGER PREPARED BY: ANDREW KREIDER**

**Overview:**

December was a blur of activity. The tech department worked steadily from Thanksgiving through Dec 21, supporting main stage shows, ballroom events, parties on the stage, and other events throughout the building. It was a particular pleasure working with Premier Arts as they put on a sold out run of shows of Elf the Musical. Lots of laughter and many happy patrons! Makayla and Deen did a great job jumping in to help at short notice for a wide variety of needs. It was a a good month.

**Accomplished in December:**

- Reached a solution for the floor-vent question for HVAC upgrades in theater
- Orientation for Makayla Smith
- 14 events on the theater stage, plus a week of rehearsals for Elf the Musical.

**Upcoming tasks:**

- Installation of new security cameras
- HVAC installation
- Network upgrades - fiber runs from stage
- Reorganizing Front of House booth

**ASSISTANT TECHNICAL COORDINATOR PREPARED BY: DEEN TUGGLE**

**Overview:**

Santa, here? I know him! December was a bit of a blur for me. We started off with a lot of events in the theatre. We had a free showing of Elf, the free Municipal Band holiday concert, and a private showing of Elf. We then got into a bit of fun with Motown Christmas! It's a great holiday concert that I got to provide lighting for, one of my favorite holiday shows recently. We then hosted Travis Tritt in which I provided lighting assistance and integration into our system. They were all super friendly to work with and it was a great day. We then moved into Elf week. It was a very long week but ended with great success of some of the largest crowds Premier Arts has had recently. After Elf, I proceeded to take a much needed two weeks off to utilize much of my comp time that I accrued over the busy year. 2022 has been a long and extremely busy year. Thankfully, the tech team is now a group of three and should make 2023 just a little bit easier. In conclusion, if you need the movie of Elf recited to you, the tech team could probably achieve that.

**Accomplished in December:**

- Provided lighting assistance and integration for Travis Tritt.
- Provided lighting design for Motown Christmas
- Worked on organization for 2023 tasks.

**Upcoming tasks:**

- Perform yearly maintenance on all tech equipment.
- Teach the new tech how to perform said maintenance.

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- Begin to run cabling for new camera system.

### **ASSISTANT TECHNICAL COORDINATOR**

PREPARED BY: MAKAYLA SMITH

#### **Overview:**

December marks my first full month working here at The Lerner and it has been nothing short of amazing. I'm extremely thankful for how accepting everyone has been as I navigate a new experience and everyone figures out how to squeeze another person into an office. There was lots of Christmas cheer this month, starting out with two showings of the movie Elf as well as the Municipal Band's holiday concert. Next was the wonderful experience that was Motown Christmas and all the people that came with it! The Travis Tritt concert felt like it flew by but was so enjoyable to be a part of. Then, what I was most excited for, Premier Arts' Elf. I've seen plenty of Premier Arts shows, but being hands-on with this show was such a magical experience. I learned so much just from being present at all of our events this month and can't wait to continue growing with The Lerner.

#### **Done in December:**

- Completed necessary onboarding as a new hire
- Became acquainted with basic building procedures, building layout, and other team members
- Provided assistance for all December shows and events

#### **Objectives for January:**

- Learn and assist in yearly maintenance
- Complete online courses to further basic day-to-day knowledge
- Assist in tasks required for changing to updated HVAC system in the theatre

### **FACILITIES MANAGER**

PREPARED BY: DAN GOULD

Happy New Year!!! The year 2022, was the busiest year yet for The Lerner Theater and December was a perfect end to the year. We started the month with a free movie, Elf, and the Christmas performance by the Municipal Band followed by Premier Arts presentation of the Broadway Musical "Elf". Then it was "A Motown Christmas". After that we presented a concert by Travis Tritt, followed by a free movie, "It's A Wonderful Life", a true classic. We ended our busiest year ever with a "Lunchtime Live" concert by Celia Weiss on our pipe organ. This time Celia requested that our Technical Director, Andrew Kreider, accompany her with his Ukelele. It was a moment that anyone present will not forget. I think Celia made that request so she could say she has been accompanied by "The" Andrew Kreider, not something that just anyone can boast about. By the time we had done all that, I was ready for a break but the Crystal Ballroom still had Christmas Parties to host and we still had to clean the building in between parties to make sure everyone's party was a merry one. By the time Christmas actually got here, we felt like the reindeer on the day after Christmas.

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Looking back at December, it wasn't any different than the rest of the year. It all boils down to one fact. The Lerner Services crew worked their butts off and I have never been more proud to be a member of a group that has proven time and again that they will do what it takes to keep this building operating. On more than one occasion this year, Lerner Services cleaned the building top to bottom, four times in four days. In December, for the Premier Arts presentation of Elf, Lerner Services cleaned the building top to bottom four times in two days. With two shows on Friday, two shows on Saturday, and a show on Sunday. I think I am still recovering. They did all of that and were right back at work the next week to get ready for the free movie and Lunchtime Live. After all the movies, concerts and plays. It was time to start the deep cleaning that we have not had a chance to do due to the sheer volume of events that we had last year. The first thing we did was start the much overdue carpet cleaning. Now with the new year upon us, we have our work cut out for us. With the new year comes old responsibilities. Deep cleaning restrooms, lobbies, dressing rooms and offices. Finishing the carpet cleaning, and stripping and resealing the tile floors. All that while handling the day to day problems that present themselves. Also on the menu are lighting inspections and scheduling the inspections of our alarm and sprinkler systems...not to forget our annual fire safety and elevator inspections. Even though we don't have an event scheduled until the 27<sup>th</sup>, there will be no shortage of activity here at the Lerner. I would like to thank anyone who reads this report, for helping make the past year a year that won't soon be forgotten by everyone who works here. It is the people of Michiana that make all of this possible and I thank you for the opportunity to take care of this historic place and for making it the place you come to be entertained.

**LERNER SERVICES COORDINATOR**  
PREPARED BY: DANIEL REECER

All of the month of December happened in the first half. With back-to-back events in the building we did our best to maintain the standard of cleanliness. If you've ever been around children though you realize cleanliness too quickly becomes a lofty goal and we hosted hundreds of them at a free movie. Despite the efforts of the masses to leave everything mildly sticky, we kept the building tidy and at the ready. In the winding down days of our seasonal cheer we treated the building to a carpet cleaning and a thorough detailing.

**Accomplished:**

- Carpet Shampoo
- Holiday Rush

**Upcoming:**

- Restructuring Inventory
- Polishing Brass Plates

8. NEW BUSINESS

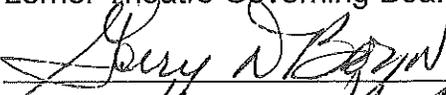
User Rate Sheet Revisions

On motion by Ashley Martin, seconded by Dina Harris and carried 7-0, the Board approved new rate sheets for Commercial Users, Not-For-Profit Users, Premier Arts, Friends of the Lerner, and the Elkhart Symphony Orchestra.

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9. ADJOURNMENT

On motion by Jamie Arce, seconded by Dina Harris and carried 7-0, the Lerner Theatre Governing Board was adjourned at 10:34 a.m.

  
\_\_\_\_\_  
Gary Boyn, President

Attest:   
\_\_\_\_\_  
Nancy Wilson, Clerk of the Board