

AGENDA
BOARD OF PUBLIC SAFETY
Wednesday November 9, 2022
9:00 A.M.
Council Chambers

Municipal Building, 229 S. Second Street, Elkhart, IN 46516

<https://coei.webex.com/coei/j.php?MTID=mb7753f1ef0b342dfdfdc0a7970684091>

1-415-655-0001 Meeting number 2304 350 7469

Password Safety22

- 1. ROLL CALL**
- 2. APPROVE AGENDA**
- 3. APPROVE MINUTES: Regular Meeting October 25, 2022**
- 4. POLICE DEPARTMENT**
 - Medical Leave of Absence- Cpl. Windmiller
- 5. FIRE DEPARTMENT**
- 6. COMMUNICATIONS CENTER**
 - Conditional Offer of Employment
- 7. BUILDING AND CODE ENFORCEMENT**
 - October Month End Report
- 8. OTHER PUBLIC SAFETY MATTERS**
 - 2023 Board of Safety Meeting Dates
- 9. PUBLIC PARTICIPATION**
- 10. ADJOURNMENT**

BOARD OF PUBLIC SAFETY
Tuesday, October 25, 2022

Vice-Chair Carol Loshbough called a regular meeting of the Board of Public Safety to order at 9:02 a.m., Tuesday, October 25, 2022. Ms. Carol Loshbough, Mr. Anthony Coleman and Dr. Charlie Cross were present. Dr. Kara Boyles and Dr. Robert Woods were absent. Proxy Tim Reecer was present.

1. APPROVE AGENDA

On motion by Dr. Cross, seconded by Mr. Reecer and carried 4-0, the agenda was adopted.

2. MINUTES- Regular Meeting October 11, 2022

On motion by Mr. Coleman, seconded by Dr. Cross and carried 4-0, the minutes from October 11, 2022 were approved as presented.

3. POLICE

Policy 1003 Grievances (tabled)

No action was taken.

Chief Seymore presented a Medical Leave of Absence update for Ptl. Adam Northcutt. He returned to light duty on October 18, 2022 and will return to full duty on November 28, 2022. On motion by Dr. Cross, seconded by Mr. Coleman and carried 4-0, the Medical Leave update for Ptl. Northcutt was approved.

Chief Seymore presented notification of Commendations for Cpl. Tyler Kruse, Cpl. Paul Vandenburg, Cpl. Jeremy Snow, and Cpl. Jared Davies for Life Saving. They were all recognized and commended for their outstanding Police work and dedicated service to the Elkhart community.

4. FIRE

Chief Edgerton presented the September Month End report. On motion by Dr. Cross, seconded by Mr. Coleman and carried 4-0, the Board accepted the report and placed it on file.

5. COMMUNICATIONS

Dustin McLain presented the September Month End report. On motion by Mr. Reecer, seconded by Mr. Coleman and carried, the Board accepted the report and placed it on file.

Dustin McLain presented a software contract with PowerDMS, Inc. for approval. On motion by Dr. Cross, seconded by Mr. Coleman and carried 4-0, the Board approved a contract with PowerDMS, Inc. in an amount not to exceed \$7,735.00.

6. BUILDING AND CODE ENFORCEMENT

Sara VanBelle presented the September Month End report. On motion by Mr. Reecer, seconded by Mr. Coleman and carried 4-0, the report was accepted and placed on file.

Sara Van Belle presented a contract with JPR, Inc. for structural Engineering investigation and recommendations at 406 Middlebury Street. On motion by Mr. Reecer, seconded by Mr. Coleman and carried 4-0, the Board approved a contract with JPR, Inc. for an amount not to exceed \$751.00.

Sara VanBelle presented a request for the Building Commissioner to have enforcement authority in the event of an emergency. On motion by Mr. Coleman, seconded by Dr. Cross and carried 4-0, the Board authorized the Building Commissioner to take emergency action concerning unsafe premise to protect life, safety or property, so long as the action is limited to removing any immediate

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danger.

Ms. Loshbough took a ten minute recess to prepare for the grievance hearing.

7. GRIEVANCE HEARING DET. JOY PHILLIPS

Ms. Loshbough called the meeting back to order at 9:25 a.m.

Ms. Loshbough asked both Attorneys to stick as much as we can to the policy grievance that was filed and stay away from slandering any Officers.

Attorney Pfeifer identified the document he admitted on October 11, 2022 as Grievant's Exhibit #4. It was given to the Board on October 11, 2022 without being identified with an exhibit number. Attorney Rivera allowed it, and entered Chief's Exhibit #24, the Grievance Procedure.

The proceedings began with Management's Case-in-Chief. Ms. Rivera called her first witness Sgt. Brandon Roundtree. Clerk Nancy Wilson swore him in. Atty. Rivera examined him. Atty. Rivera entered Chief's Exhibit 6 and 7. Atty. Pfeifer had no questions for Sgt. Roundtree.

Atty. Rivera called Lt. James Wrathell. Nancy Wilson swore him in. Atty. Rivera examined him. Atty. Rivera entered Chief's Exhibits 8a, 8, 9, and 15. Atty. Pfeifer cross-examined Lt. Wrathell. Atty. Pfeifer entered Grievant's Exhibit 1 and 2. Atty. Rivera re-directed Lt. Wrathell. The Board asked Lt. Wrathell questions.

The Chair took a 30-minute recess for lunch and called the meeting back to order at 12:33 pm. Atty. Rivera called Captain Andrew Whitmyer. The Clerk swore him in. Atty. Rivera examined him. Atty. Rivera entered Chief's Exhibits 11 and 13. The Board asked Captain Whitmyer questions. Atty. Pfeifer cross-examined Captain Whitmyer. The Board asked him questions. The Board asked Chief Seymore a question. Atty. Pfeifer followed up with a question for Captain Whitmyer. Atty. Rivera followed up with a question. The Board asked Captain Whitmyer follow-up questions.

Atty. Rivera called Laura Koch. The Clerk swore her in. Atty. Rivera examined her. Atty. Rivera entered Chief's Exhibit 22. Atty. Pfeifer cross-examined Laura Koch.

Atty. Rivera called Chief Kris Seymore. The Clerk swore him in. Atty. Rivera examined him. Atty. Pfeifer cross-examined Chief Seymore. Atty. Rivera re-directed examination of Chief Seymore. The Board asked Chief Seymore questions.

The Board asked Lt. Wrathell to come back up for questions. The Chair took a brief recess before final arguments.

Attorney Pfeifer gave his final argument.

Attorney Rivera gave her final argument.

The Board deliberated. At the conclusion of their discussion, motions were made. On motion by Mr. Reecer, seconded by Dr. Charlie Cross and carried 4-0 by a roll call vote, the Board found in favor of both parties because of the ambiguity and the confusing, conflicting policies. The Chair suggested that the Board make a request to Chief Seymore and the Police Department to come back to the Board of Safety in thirty days with clarification of exactly how things can be handled in accordance with both the (CBA) Contract, and Benchmark, and current Policy, and maybe even a new Policy that clearly outlines expectations that you have and the

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Union members have as to what's going to be happening in terms of how you address complaints in the future. A policy that gives clear expectations. On motion by Dr. Cross, seconded by Mr. Coleman and carried 4-0, the Board requested the Chief of the Police Department come back to the Board of Safety with a clarification of the three sections of Policy that are involved with Internal Reviews with a Professional Standards Group, so that both the Administration and the Officers have a clear expectation of how all complaints will be handled in the future.

8. ADJOURNMENT

On motion by Mr. Reecer and declared by Chair Loshbough, the Board of Public Safety meeting was adjourned at 2:37 p.m.

_____ Ms. Carol Loshbough, Vice-Chairman

Attest: _____ Nancy Wilson, Clerk of the Board

Rod Roberson
Mayor

Kris Seymore
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516

574.295.7070
Fax: 574.293.0679

November 2, 2022

Board of Public Safety
Municipal Building
229 S. 2nd Street
Elkhart, IN 46516

RE: Cpl. Michael Windmiller #333 - Medical Leave of Absence

Dear Board Members:

According to Article XIII, Section 2 of the Police Officer Collective Bargaining Agreement it states that:

"If the Board of Public Safety finds that an officer who has been employed by the Police Department for longer than one (1) year is injured, ill, or disabled from any cause and is physically unfit to perform his regular duties during the period of such disability, then the Board of Public Safety shall grant a leave of absence with pay up to a maximum period of one-hundred-eighty (180) days commencing from the date of such injury, illness, or disability and said days shall run consecutively. The officer shall be required to use up to three (3) paid sick days prior to receiving extended leave for any non-line-of-duty injury."

Cpl. Windmiller has requested a medical leave of absence with pay. Medical documentation has been received requesting his leave that will begin on November 3, 2022 and run through May 3, 2023. I am requesting your approval in this matter.

Respectfully,

A handwritten signature in black ink, appearing to be "Kris Seymore".

Kris Seymore
Chief of Police

cc: Payroll
Personnel File (medical)

Rod Roberson
Mayor

Dustin McLain
Department Head



574.293.2175
Fax: 574.294.5530

Elkhart City Communications
135 E Franklin Street
Elkhart, IN 46516

November 9th, 2022

George Sharp
1311 McPherson St
Elkhart, IN 46514

City of Elkhart Board of Safety
Conditional Offer of Employment

Dear George

The Board of Public Safety of the City of Elkhart wishes to thank you for your interest in our Communications Department. Recently, you completed a testing process resulting in an interview with the administration of the Elkhart City Communications Department.

We are pleased to inform you that you have successfully completed the processes thus far; therefore, the Board of Public Safety of the City of Elkhart, Indiana hereby grants you a conditional offer of employment as a member of the Elkhart City Communications Department. This offer of employment is conditioned upon your satisfaction of the following terms and will be withdrawn if you do not meet both requirements.

1. You must meet satisfactory standards resulting from a Truth Verification Exam administrated by an Elkhart Police Department Certified Truth Verification Operator.
2. The City of Elkhart is a Drug Free Workplace. Therefore, a successful pre-employment drug screen is required.

The Board of Safety thanks you for your commitment to our community. We look forward to having you as a member of the City of Elkhart Communications Department.

CITY OF ELKHART
BOARD OF PUBLIC SAFETY

Building Dept Monthly Report - 2022

October Inspections

		Commercial	Residential	Commercial Violations	Residential Violations	Commercial Abated	Residential Abated	Totals
Building Inspector	Building							0
	Electrical							0
	Mechanical							0
	Plumbing							0
	Fire							0
Mechanical Inspector	Building	39	9					48
	Electrical							0
	Mechanical	30	51					81
	Plumbing							0
	Fire							0
Plumbing Inspector	Building	17	23					40
	Electrical		2					2
	Mechanical	2	3					5
	Plumbing	31	25					56
	Fire							0
Electrical Inspector	Building	6	17					23
	Electrical	31	37					68
	Mechanical							0
	Plumbing							0
	Fire							0
Totals		156	167	0	0	0	0	323

Building Permits By Category

Building Permit Category	Number of Permits	Value	Average Value	Permit Fees
Residential New	7	\$3,292,687.00	\$470,383.86	\$2,242.00
Residential Alteration/Addition	47	\$544,827.00	\$11,592.06	\$1,950.00
Commercial New	5	\$12,650,000.00	\$2,530,000.00	\$16,600.00
Commercial Alteration/Addition	9	\$425,651.00	\$47,294.56	\$533.00
Manufactured House Set-up	15	\$120,500.00	\$8,033.33	\$600.00
Fire Suppression Systems	1	\$365,346.00	\$365,346.00	\$120.00
Storage Tank Install/Removal	2	\$336,400.00	\$168,200.00	\$150.00
Building Demolition/Move	4	\$711,780.00	\$177,945.00	\$160.00
Swimming Pool Install	1	\$42,000.00	\$42,000.00	\$40.00
Res/Com Accessory Structures	2	\$6,000.00	\$3,000.00	\$80.00
Canopies, Tents, Other.	0	\$0.00	No Value	\$0.00

Building Permits Issued	93	\$18,495,191.00	\$22,475.00
Electrical Permits Issued	27		\$1,760.00
Mechanical Permits Issued	71		\$5,875.00
Plumbing Permits Issued	22		\$2,025.00
Total Permits Issued	213		

Total Permit Fees Collected	\$32,135.00
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Code Enforcement Report

	JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEPT	OCT	NOV	DEC	Total
Building Maint. Ltr 1			28	19	14	14	27	23	14	12			151
Building Maint. Ltr 2			2	0	0	5	10	6	6	5			34
Building Maint. Extension			3	0	4	12	6	8	4	0			37
Building Maint. OTA			0	1	0	0	0	0	4	0			5
Building Maint Referral			0	0	1	0	0	0	0	2			3
Trash Ltr 1			50	55	32	54	58	44	32	38			363
Trash Ltr 2			4	2	3	1	0	8	0	1			19
Trash Insp A			351	262	179	244	216	253	259	330			2094
Trash Extension			15	23	5	8	5	4	2	4			66
Trash Referral			34	22	21	34	28	44	51	59			293
Ticket Issued			0	0	1	5	2	6	3	4			21
Ticket Deferred			0	0	0	0	0	0	0	24			24
Other Ltr 1			1	2	0	2	0	0	0	22			27
Other Referral			34	36	8	24	14	11	17	0			144
Other General Info			4	3	1	2	36	33	25	1			105
Grass & Weeds Ltr 1			0	27	433	247	175	236	124	19			1261
Grass & Weeds Referral			0	0	74	78	57	70	50	8			337
Grass & Weeds Extension			0	0	0	1	0	0	1	0			2
No Permit Ltr 1			6	1	0	1	0	0	7	2			17
No Permit Ltr 2			0	0	0	0	0	3	0	0			3
No Permit Extension			1	0	1	0	0	0	1	0			3
No Permit Genral Info			0	0	0	0	1	0	0	5			6
Posted Unfit			1	0	0	1	1	1	1	0			5
Vacant			1	0	4	0	0	0	1	0			6
Total	0	0	535	453	781	733	636	750	602	536	0	0	0

October, 2022

CODE OFFICER	INCIDENTS	ACTIVE	CLOSED	TICKETS	FINE AMOUNT	NOTES
TRENT AVANCE	0				\$0.00	
BRUCE ANGLEMYER	1				\$100.00	
MAYFIELD TIMMONS	2				\$600.00	
KEN HUNT	1				\$775.00	
MONEY COLLECTED (UNSAFE FUND)					\$775.00	
Total	0	0	0	4	\$700.00	

2023
BOARD OF PUBLIC SAFETY
MEETING DATES

The Board of Public Safety meets the second and fourth Tuesday of each month at 9:00 a.m.,
2nd Floor, Council Chambers, Municipal Building, 229 S. Second Street, Elkhart, Indiana

January	10
January	24
February	14
February	28
March	14
March	28
April	11
April	25
May	9
May	23
June	13
June	27
July	11
July	25
August	8
August	22
September	12
September	26
October	10
October	24
November	14
November	28
December	12
December	26