

*\*\*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

**October 21, 2024**

**6:00 P.M.**

1. **Call to Order, Pledge, Moment of Silent Meditation, Roll Call**
2. **Minutes for Approval**  
Minutes of September 21, 2024 – Finance Of-The-Whole Committee (Budget Hearings)  
Minutes of October 7, 2024 – Council Meeting

**Presentations and Introductions**

**Unfinished Business**

a) **Reports of Council Committees**

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

**Proposed Ordinance 24-O-40**, an ordinance adopting a schedule of salaries and other compensation for the Fire Department of the City of Elkhart, Indiana, for the calendar year 2025

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

d) **Tabled Ordinances and Resolutions**

**Proposed Ordinance 24-O-10**, an ordinance of the Common Council of the City of Elkhart, Indiana, authorizing the issuance of the City of Elkhart, Indiana, taxable Economic Development Revenue Bonds and approving and authorizing other actions in respect thereto

3. **New Business**

a. **Ordinances on First Reading**

**Proposed Ordinance 24-O-41**, an ordinance amending the Zoning Map created pursuant to Ordinance No. 4370, the “Zoning Ordinance of the City of Elkhart, Indiana” as amended, to rezone 203 N. Nappanee Street, Elkhart, IN 46514, from R-2, One Family Dwelling to District O, Office District

**Proposed Ordinance 24-O-42**, an ordinance amending the Zoning Map created pursuant to Ordinance No. 4370, the “Zoning Ordinance of the City of Elkhart, Indiana” as amended, to rezone 2520 and 2526 Bypass Road, Elkhart, IN 46514, from M-1, Limited Manufacturing District to R-4, Multiple Family Dwelling

**Proposed Ordinance 24-O-43**, an ordinance enacting and adopting the Twenty-Third and Twenty-Fourth Supplements to the Code of Ordinances for the City of Elkhart, Indiana

**b. Resolutions**

**Proposed Resolution No. 24-R-49**, a resolution of the Common Council of the City of Elkhart, Indiana, authorizing the transfer of Ninety Thousand Dollars (\$90,000.00) from the Lerner Theatre Personnel Category to the Other Services & Charges Category

**Proposed Resolution No. 24-R-50**, a resolution of the Common Council of the City of Elkhart, Indiana, declaring a certain area to be an economic revitalization area for the purpose of granting tax phase in benefits to Consolidated Metals, Inc.\Westwood Manor, Inc.

**c. Vacation Hearings**

There are no vacation hearings

**d. Other New Business**

**e. Reports of Mayor, Board of Works, Board of Safety or City Departments**

**f. Neighborhood Association Report**

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**g. Privilege of the Floor**

**Please limit your comments to 3 minutes to allow others time to comment**

**h. Scheduling of Committee Meetings**

**4. Acceptance of Communications**

Minutes of September 10, 2024 – Aurora Capital Development Corporation

Minutes of September 24, 2024 – Board of Public Safety

Minutes of October 1, 2024 – Board of Public Works

Minutes of September 10, 2024 – Elkhart Redevelopment Commission

Minutes of September 11, 2024 – Lerner Theatre Board

**Adjournment**

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## MINUTES OF THE 2025 CIVIL CITY BUDGET HEARINGS OF THE COMMON COUNCIL ON SEPTEMBER 21, 2024

Present: Finance Committee Chairman Arvis Dawson  
Council Members Alex Holtz, Brent Curry, LaTonya King, Aaron Mishler,  
Dwight Fish, Tonda Hines, Chad Crabtree and David Henke

Absent: None.

The 2025 Civil City Budget Hearings of the Common Council of the City of Elkhart were held on September 21, 2024 at the Lerner Theatre, 410 S. Main Street, Elkhart, Indiana. This meeting was made available to the public via WebEx. Finance Committee Chairman Arvis Dawson and Council Members Alex Holtz, Brent Curry, LaTonya King, Aaron Mishler, Dwight Fish, Tonda Hines, Chad Crabtree and David Henke were physically present at the Lerner Theatre. No Council Members participated remotely.

Councilman Dawson, Finance Committee Chairman, called the meeting to order at 9:00 a.m.

The clerk called the roll.

### **Mayor's Introduction of the 2025 Budget:**

The mayor's introduction starts at 13 minutes and 02 seconds of the audio recording.

**Mayor Roberson** started off by thanking Jamie and his department as well as Bradly Tracy, his Chief of Staff for putting together what he feels is a very responsible budget. He went on to thank all of the department heads as well as the judge and Deb for their cooperation and help with respect to the budget. He stated with that said, they are getting ready to discuss \$128,341 Million Dollars in revenue for the City of Elkhart, with appropriations of \$125,754,599 and out of that Capital Outlay transfers of \$8,210,994. With that said, they feel this is a very responsible budget and he is asking for their review and approval and he is hoping for a positive conclusion to this process. He stated that this is set for adoption at the October 21<sup>st</sup> Council meeting. He asked Jamie if that was correct? **Jamie Arce, City Controller** stated that is the current timeline for adoption, but that is subject to change if the Council so wishes as long as it is adopted by November 1<sup>st</sup>. **Mayor Roberson** said this budget is a little different than the others. He said they wanted to make sure that it connected to their overarching strategy inside of the city, which is Aspire. They started Aspire this year and it is a collection of the plans and strategies that they believe are going to transform the City of Elkhart for years to come. The categories that you will be looking at, which are posted behind you, is the budget separated in the four pillars of Aspire. They are working within the departments to ensure that they are putting metrics together that speak to what that means as it relates to the overall strategy. Public safety, infrastructure, neighborhoods and quality of place and we put all of the departments within those four

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categories, he said with what he will call the corporate departments which are the Controller, Human Resources, hereafter HR, Information Technology, hereafter IT, those that cover the foundation of the city services.

Copies of the posters are attached to these minutes.

The introduction ends at 16 minutes and 45 seconds of the audio recording.

### Foundational Services

#### Mayor's Budget (Page 14 of the Budget Book):

Discussion of the Mayor's budget starts at 16 minutes and 50 seconds of the audio recording.

**Jamie Arce** said, the overview of the Mayor's budget is there are no suggested changes other than those that would be impacting the payroll, personnel services lines regarding any proposed raises and or changes in health insurance, and those are all directed towards any changes because of raises and the current vacancy in the Mayor's office. They are budgeting at a higher rate for health insurance, which could change depending on the candidate that is selected.

**Councilman Henke** questioned the change in the overall budget expense. **Jamie Arce** responded there were some changes within the office that resulted in a decrease in the pay due to a shift in responsibilities. **Councilman Henke** asked a question regarding professional services and the differences on that line. **Jamie Arce** responded the difference that is seen there is due to the timing, it is currently on an annual basis so it does not reflect late third quarter and fourth quarter. **Councilman Henke** asked about the membership dues and other services and charges and the changes reflected there. **Jamie Arce** responded there is no actual changes in the amount requested, the other services and charges account line allows for some flexibility within the budget to allow for the transfer of funds between accounts and that is the best way to trend all of those expenses. **Councilman Henke** asked are there any additional vacation days allotted in this department? **Jaime Arce** replied, none that he is aware of, those benefits would not run through his department, any requests or modifications that the Council would make would run through the Human Resources Department, not the Mayor's office, and those would not be reflected in any budget.

Motion for **tentative approval** made by Councilman Henke, second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 budget for the Mayor's Office was tentatively approved.**

Discussion on the Mayor's budget ends at 25 minutes and 18 seconds of the audio recording.



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### **City Council (Page 26 of the Budget Book):**

Discussion of the City Council Budget begins at 25 minutes and 24 seconds of the audio recording.

**Councilman Curry** stated the council budget had been reduced. **Jamie Arce** replied, it has, last year was an election year and they chose to budget all nine of the positions at the highest health insurance rate as a backstop. That is the primary change, they are shifting health insurance to reflect what is currently being utilized by the council at this time. The proposed increase would include the proposed 3% for elected officials and you share part of the Clerk's budget for the council clerk.

**Councilman Henke** expressed concern that trending the budget over three (3) years would reflect a large increase and asked if the president and the controller believed that amount is necessary. **Chairman Dawson** replied, he thought it was necessary based on different events that come about and the fact that they had used professional services more than they had in the past.

Motion for **tentative approval** made by Councilwoman Hines, second by Councilman Fish.

**By a unanimous voice vote, the 2025 budget for the Common Council was tentatively approved.**

Discussion on the City Council budget ends at 27 minutes and 54 seconds of the audio recording.

### **City Clerk**

#### **Department Budget (General Fund) (Page 20 of the Budget Book):**

Discussion on the City Clerk Budget begins at 28 minutes and 45 seconds of the audio recording.

**Debra Barrett, City Clerk** provided a brief opening statement of things they had accomplished this year. She said, one of the items that was added this year with the help of the Information Technology Department, hereafter IT, was a terminal for the public to check their voter registration, register to vote, request an absentee ballot and verify that their current address matches voter registration. She said they can also look up their cases in any Odyssey court. This was done with the help of IT Director Gerald at no extra cost. She said they have also added a table on the City Clerk's page that has the agenda and viewing instructions, the video from the meeting and minutes once they are approved. She said people can go to her page and it will take them all the way back to when the table was started. She went on to say that in April they signed up with the Indiana Tax Refund Intercept Program, which intercepts state tax refunds for traffic tickets. To date they have collected \$42,289.36 in outstanding tickets. The Capital Recovery System, which was started in 2012 is currently at \$3,009,374.41. There are no fees with this and all the money is paid into the city. The department has moved some of the general fund budget for the clerk to be paid by the user fees from the Records Perpetuation Fund. The new permanent part time position will also be paid with those dollars from the Records Perpetuation Fund. This is why the overall budget has gone down.

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**Councilman Mishler** asked about the contract services line and why it was not in the previous budget and it is not in the future budget. **Jamie Arce** replied, earlier this year the council approved to transfer funds to assist with the part time temporary help we were receiving.

**Councilman Fish** regarding the \$42,000 dollar figure you mentioned, is that new money? **Deb Barrett** replied, since April of 2023, they have collected that amount. The state holds the tax refund and they give the person an opportunity to pay that balance due, it is only for traffic tickets. If the person does not pay it the person is charged a surcharge by the state and all the money collected to pay off those tickets. **Councilman Fish** asked is that a state statute connection? **Debra Barrett** replied, yes, it is through Odyssey courts, and through the Odyssey program, they are able to collect that money at no fee. **Councilman Fish** asked are they up to date with recordings, both physical and video tape so the public can access those things for review? **Debra Barrett** replied, yes, they try to upload the agenda before the meeting to the City Clerk's page and they try to upload the video within 48 hours of the conclusion of the Council meeting, but they do not upload the minutes until the council has approved them, because they consider those draft minutes.

**Councilman Henke** questioned an expenditure in a line that had no budget, was that contract services? **Jamie Arce** replied yes, that is the difference between when it was approved and the council had taken action to authorize the transfer for hiring a temporary employee. **Councilman Henke** said he would like that to be noted on Schedule A for future reference. He also asked how many full time people are in the City Clerk's department. **Debra Barrett** replied she thinks she has 8 full time people. **Councilman Henke** said he would like to know about the increase to align current salary levels and proposed performance reviews, He also wanted to know if people are getting written performance reviews. **Debra Barrett** replied, yes, all of the staff performance reviews were completed this week, she stated she has two administrator's reviews that are currently not completed. **Councilman Henke** questioned the amount of the raises and if they are within the 4% for performance and merit raises. **Jamie Arce** replied there was a maximum of a 4% pool that was included in each department's budget. The full time line is actually less than 4 %, there is some potential changes for the sharing of the clerk to the council's budget and any potential changes to the resident incentive. **Councilman Henke** said with the decrease in the amount that is asked for in the 2025 budget, what are the costs in the surplus line. **Jamie Arce** replied, as Deb indicated there is a transfer into the Records Perpetuation Fund, the philosophy of spending the most restricted funds first and in leveraging the user fees that are created through the Records Perpetuation Fund. He said he believes that item is on the next agenda for this budget meeting.

**Councilman Mishler** in talking about the merit ranges, is there a minimum? **Jamie Arce** replied the matrix that we established is complex, but they have in certain places taken the approach that if they are an extremely poor performer, their raise, if any, is going to be significantly less than someone who is at the midpoint of the desired hiring range as compared to someone who is meeting expectations. It is a multi-tiered matrix that he can share with the council. **Councilman Mishler** asked are there any cost of living on top of the merit or is merit the only thing? **Jamie Arce** replied, it is embedded, in theory it is a two and two, but it is really looking at anticipated cost of living for social security it was 2.5% and last he had checked it is pretty consistent with

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where we were last year, they may change internally what any cost of living is guaranteed versus the level that is performance based. **Councilman Mishler** said so maybe a cost of living as well as a residency bonus for those who live in the city is what our employees will be seeing, is that correct. **Jamie Arce** replied, yes.

**Debra Barrett** said a new law went into effect that requires an automatic expungement for people who are arrested and never charged and for people whose cases are dismissed either through pre-trial or other means or for people found not guilty. She supports this, but the law is retroactive to July 1, 2022. Right now, her chief deputy and her staff are working diligently to identify those cases because people do not have to request this, they are just supposed to do this. While this is cumbersome, there are nine different agencies that have to get this expungement so that it does not turn up and people have to answer questions that they should not have to answer. It is just supposed to be removed. This is a big project that they are currently working on, and the big thing currently is the backlog which is retroactive to July 1, 2022.

**Councilman Curry** asked do we know how many people are affected. **Debra Barrett** replied, they are still working on that, they can only run reports one month at a time. Because pre-trial diversion qualifies if you complete it and it is dismissed they have to get rid of and seal all of that information. This has to be done by nine different agencies. When she gets a number she will be happy to pass it on.

Motion for **tentative approval** made by Councilman Mishler, second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 budget for the City Clerk was tentatively approved.**

Discussion on the City Clerk Department budget ends at 48 minutes and 57 seconds of the audio recording.

### City Clerk

#### **Records Perpetuation Fund (Page 78 of the Budget Book):**

Discussion of the City Clerk Records Perpetuation Fund begins at 49 minutes and 10 seconds of the audio recording.

**Jamie Arce** said, here you will see the shifts that Debra Barrett had reflected on her budget and were discussed earlier regarding the part time employees, some of the additional costs associated with office supplies, etc., in an effort to better utilize the fees they are collecting and to alleviate the burden from the General Fund.

**Councilman Fish** said this is quite a spike on paper, they are not going to swing back, to change the rules again next year to go back to the perpetuation fund, is that correct? **Debra Barrett** said, she will meet each year with Jamie and she will not move anything back unless she has to. Her hope is that these items stay on the Records Perpetuation User Fee. **Councilman Fish** said any of the money we have collected the \$42,000 and other fees and services, will that roll into here? **Debra Barrett** said some of it does, each ticket has what is called a document storage fee, and it is between \$3.00 and \$5.00 that is for my Records Perpetuation Fund. They also get a stipend from Prosecutor's office for pre-trial diversion that is deposited into the records perpetuation.

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That is how they are funded, any case that has been filed, there is a document storage fee that comes back to us for records perpetuation.

**Councilman Henke** said he has done the math and it is a real tight budget.

Motion for **tentative approval** made by Councilwoman Hines, second by Councilman Fish.

**By a unanimous voice vote, the 2025 budget for Records Perpetuation was tentatively approved.**

Discussion on the City Clerk Records Perpetuation Fund budget ends at 52 minutes and 16 seconds of the audio recording.

### **City Court (Page 22 of the Budget Book):**

Discussion on the City Court budget begins at 52 minutes and 28 minutes of the audio recording.

**Jamie Arce** said there was an error on his part on the judge's salary. The salary that is going to be presented is not what is going to be reflected as part of the salary ordinance. The spreadsheet that he used had been based off of the presumption of a 4% raise and he failed to make that adjustment. As much as the judge would be in favor of that he was worth that extra, but the amount the judge will get paid will not be in excess of what is going to be approved.

**Judge Charles Grodnik** said the judgement that they talked about regarding the expungement is long overdue. In the line in the probation section he wanted to comment because he has been blessed with a wonderful legal aid lawyer, but they are going to have to bite the bullet because he believes the defense should have the same salary as much as possible as the prosecution. The defense should have as strong a defense as the prosecution has and that is the case and the adjustment in the legal aid. A fee certainly reflects that and it is seen that when probation comes up and since that is more of a court matter he wanted to bring that to the council's attention. He believes the city is blessed with a wonderful controller and that he is an asset to the city. Lastly, he does not know why but by next year they will be the only court left in Elkhart, the largest city in the county.

Motion for **tentative approval** made by Councilman Fish, second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 budget for City Court was tentatively approved.**

Discussion on the City Court budget ends at 59 minutes and 42 seconds of the audio recording.

### **Probation**

#### **Department Budget (General fund) (Page 24 of the Budget Book):**

Discussion on the Probation Department Budget (General Fund) begins at 59 minutes 45 seconds of the audio recording.

**Brian Shaw, Chief Probation Officer, City Court** said he would like to state that their probation department continues to do very well with the services we provide to our community. He has a strong and dedicated team at probation. He began tracking success rates of all persons

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going through probation starting in January 2022. He provided the council with a chart of their success rates for 2023 (Those charts are attached to end of these minutes). This year, like last year they have a much higher success rate than failure rate and he is proud to say that they are doing their job, working hard at making the city safer every day and attempting to rehabilitate individuals as they continue to live and work in the community as well as protect the general public. The handout also shows you the demographic breakdown of age, race and gender along with the percentage rates. Last year the council asked him to keep track of the crimes for convictions of those placed on probation and he has included a copy of year to date 2024 and a copy of 2023. He said when it comes to their 2025 budget, they have asked for an increase for interpretation services. They have two (2) Spanish to English interpreters and they assist the court defendants probation and prosecutors and legal aid with Spanish and the Spanish speaking community. One of the interpreters has been with them three (3) years and has had one pay increase in that time. The other interpreter has been with them two (2) years and has not had one pay increase. They are both very loyal and do exceptional interpretation for our court and probation department and they feel it is time for them to be properly compensated for what they do for the city. **Jaime Arce** said he would like to add to the interpretation side, they have previously been paid out of the professional services line and it was at the suggestion of legal counsel that based on some of the training they were provided to them that they were best to be categorized and treated as part time employees and that is why they are seeing that transition from professional services into part time. As part of that recommendation is an increase in their per diem to accommodate for their language skill. When looking at the probation department's personal services the payroll is split between the Probation User Fees Fund, hereafter PUFF at a 60/40 rate. 60 is paid out of the general fund and 40 is paid out of the PUFF. The legal aid assistance component is being provided to city court and the increase that they are requesting is still substantially less than what the public defender for the county would be receiving who is paid on equity with the prosecutor. **Brian Shaw** also said one more thing on the legal aid, the position comes with no benefits and the county averages their wages for public defenders is between \$80,000 and \$90,000 per year. **Jamie Arce** said, the chief public defender for the county was paid \$165,000 a year according to Gateways 100 R report. It is his understanding that there was a statutory requirement that had the chief public defender also be paid on equity, the same as the county prosecutor so there was no discrepancy in the talent that was being sought after.

**Councilman Mishler** asked is there another service available for those who might speak another language other than Spanish. **Brian Shaw** responded those funds come out of the interpretation. They do have professional services enough in there for those unusual cases where they have somebody with a language other than Spanish. They use a service called Language Line and there is a phone in the courtroom that can be used to accommodate those types of special circumstances.

**Councilwoman Hines** is there services available for things that are written and can the interpreters do that also? **Brian Shaw** replied the interpreters do help out with written translation when they have forms they need to fill out as well as helping the office with documents that need to be created.

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**Councilman Holtz** asked when the last time that we increased legal assistance. The \$32,000 seems like a catch up. **Jamie Arce** replied, last year there was a request for a \$3,000 increase.

**Councilman Henke** said, looking at the police department numbers versus the probation department numbers it seems to be a discrepancy, he expected a greater number of people in the probation area. **Brian Shaw** replied, if it is an arrest made by the Elkhart Police Department within the city limits it most likely will come to our court, but the discrepancy in the numbers you are talking about is that a lot of those cases will go to the prosecutor's deferral program and never come to probation. **Councilman Henke** asked if there is any way to track those that come in that are homeless? **Brian Shaw** replied that is something he cannot give you an answer on. They do have plenty of people on probation that say they are homeless and many times they will give an address of a family member or a place they used to live where they can receive mail. **Councilman Henke** said it appears that repair and maintenance of building may be an account that is not utilized, is it just a place holder. **Jamie Arce** responded this is in place because they have their own building. He said recently their air conditioner was vandalized and the copper wire was stolen and they needed to leverage those funds to be able to fix that situation. If those funds were removed in that instance it would have required an appropriation and caused a potential unnecessary delay in getting them moving forward with any repairs.

Motion for **tentative approval** made by Councilman Crabtree, second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 budget for Probation was tentatively approved.**

Discussion on the Probation Department (General Fund) budget ends at 1 hour, 16 minutes and 25 seconds of the audio recording.

### **Probation User Fees (Page 74 of the Budget Book):**

Discussion on Probation User Fees begins at 1 hour, 16 minutes and 30 seconds of the audio recording.

**Jamie Arce** said this represents the remaining 40% of their payroll budget. There are no other items included in this.

Motion for **tentative approval** made by Councilwoman Hines, second by Councilman Crabtree.

**By a unanimous voice vote, the 2025 budget for Probation User Fee was tentatively approved.**

Discussion on the Probation User Fees budget ends at 1 hour, 16 minutes and 25 seconds of the audio recording.

### **Corporate Counsel (Page 32 of the Budget Book):**

Discussion begins at 1 hour, 17 minutes and 4 seconds of the audio recording.

**John Espar, Corporate Counsel** said, he has a fully staffed office and because of that they have been able to see an acceleration of their ability to liquidate what was a backlog of cases. After inquiring with the Office of the State Court Administrator we discovered there were 6,600 cases

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and they were able to liquidate and eliminate that backlog. This allowed them to be able to set benchmarks for the future. They plan for next year to improve and broaden the services of the department. Those include in service training for several departments.

**Councilman Mishler** asked about the publication of legal notices which looks like it has jumped significantly. Is it required to use the Elkhart Truth for public notices or are there other avenues that can be used per state law? **John Espar** said we are still required to use a print publication in general circulation of the city. The Indiana legislature has authorized the use of one's website to simultaneously publish and there are some areas where that can be used exclusively, but not in areas of litigation. They have been able to consolidate some of our notices for collection in order to save some cost. **Councilman Mishler** replied that is great to be able to save taxpayers funds. Please speak about the increase in Laredo and Westlaw, is that caused by the raising prices of the software? **Jamie Arce** replied, he thinks he is talking about two (2) different issues. They have made the decision across departments to create a standalone account line to be able to identify that. A portion of that is a transfer in out of the subscription line and along with the increased costs associated with the current subscriptions. The current subscription net is around \$3,200 for additional seats.

**Councilman Fish** asked is everything going digital? Is most of this online service for legal research? **John Espar** replied, the department of law's major software is a program that is locally run, it is a web based program not cloud based. **Councilman Fish** said it is almost like the dollars are being shifted to a different line. **John Espar** said he thinks that is accurate, they are being divided between categories and subcategories.

**Councilman Henke** said on the professional service line it says expended for six (6) months \$80,000 on a budget of \$40,000. **Jamie Arce** replied that would be a continuation of the previously encumbered funds for the defense of any cases that may be ongoing and it provides some additional insight as to needing to provide some additional information as part of the difference between the adopted budget and the current budget. The Schedule A was established before he was employed and the way it identifies the changes between one year's budget and the next year's budget and not the expenditure components. **Councilman Henke** believes that should be reflected on Schedule A and it would benefit the process. He also asked about the increase for current rates of pay and proposed raises and the 4%. **Jaime Arce** replied it is 4% for the current headcount and the budget reflects the midpoint. He also stated that he has made note of looking into something that would be a more reflective way to discern trends or concerns that would address this issue. Currently, looking at the financial statements would be the way to see this information.

Motion for **tentative approval** made by Councilman Henke, second by Councilman Mishler.

**By a unanimous voice vote, the 2025 budget for Corporation Counsel was tentatively approved.**

Discussion on the Corporation Counsel (General Fund) budget ends at 1 hour, 36 minutes and 14 seconds of the audio recording.

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## Controller

### Department Budget (General Fund) (Page 28 of the Budget Book):

Discussion of the Controller Department Budget (General Fund) begins at 1 hour, 36 minutes and 38 seconds of the audio recording.

**Jamie Arce, City Controller** provided an opening statement. He said that he has seven (7) full-time employees who play a crucial role in managing the financial resources of the city and unlike other departments, they provide underlying support to all the pillars of Aspire. He stated that their primary responsibilities are financial planning (budgeting), accounting and reporting, revenue collection, expenditure control, debt management, and assisting with the issuance of bonds. He said they are responsible for prescribing the payroll and they partner with the Department of Human Resources, hereafter HR, in that management. He said in 2024 the highlights are they have moved forward with their electronic funds payments. He was given approval by the Council to do this in late '22 and to this point, they are at 60% of payments being made using electronic funds transfers. He said that has provided them with the ability to decrease their postage and it creates a more timely payment to the vendor. He said another project that they undertook this year was transitioning to a Concur based travel platform with Travel Leaders. He said this platform helps keep things controlled within the travel policies. He said those were two (2) of the core highlights for 2024. He said in 2025, they are looking to implement the automation of their accounts payable process that will be a paperless transaction and support their current ERP accounting system. This will allow for an easier flow of information and the workflow will be no different except they will no longer need to have paper claims and signatures be delivered to the office and it will help to alleviate their document retention in paper form. He said that they hope to pilot the program late this year and then move into a fuller implementation in 2025.

**Councilman Henke** asked if this would be sending out payments automatically. **Jamie Arce** responded, the process will not change except for the need for actual paper. The person who is responsible for creating the claim and entering that information into the accounting system would be responsible. The difference is it will now be scanned into the system and the software will try to auto populate the information provided, for example, the invoice number, the vendor and other pertinent information attached to the claim. It will still be at the control and approval of the initial individual providing the claim. This will also allow them to pull the information easily for the board of accounts to audit. **Councilman Henke** asked at the end of the seven years what happens. **Jamie Arce** responded we can destroy it digitally or we can chose to keep it,

**Councilman Mishler** said it seems like it will be significantly cheaper and allow for future councils or the general public to look at it years from now. **Jamie Arce** responded, the history will still be there, it will just be electronic.

**Councilman Henke** said he appreciates the new way of thinking in terms of efficiency and cost reduction. He addressed some numbers that were transferred and not on Schedule A. **Jamie Arce** responded those are additional items that were transfers to better identify some of the supplies and like other transfers they do not appear on Schedule A. **Councilman Henke** said he appreciates working with the controller.



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Motion for **tentative approval** made by Councilman Henke, second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 budget for Controller Department (General Fund) was tentatively approved.**

Discussion on the Controller Department (General Fund) budget ends at 1 hour, 51 minutes and 12 seconds of the audio recording.

### **Non-Departmental (General Fund Transfers) (Page 12 of the Budget Book):**

Discussion on the Controller Non-Departmental (General Fund Transfers) begins at 1 hour, 51 minutes and 31 seconds of the audio recording.

**Jamie Arce** said, transfers are considered other financing uses. This is across some of the departments where we are moving money from one fund to another. There will be a correlating revenue component that would be embedded within the department that would be receiving it. Six million is a transfer into capital outlay, which has no correlating appropriation request. This is for future saving for future investment and being able to have the cash when they need it for new projects. The remaining \$140,000 is for the transfer into the animal control fund to offset the costs associated with the Humane Society and the interlocal agreement that they have with them.

**Councilman Henke** said this did not appear on Schedule A and he would like to know how this fund gains revenue year over year. **Jamie Arce** said the transfer comes out of the general fund and the components associated with it are presented in one of the summary documents in the beginning of the Budget Book showing what they are projecting the cash balances to be at the beginning and at the end of the year. This is an automatic transfer to the outlay fund for future purposes. **Councilman Henke** asked does it ever accumulate. **Jamie Arce** said yes.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Crabtree.

**By a unanimous voice vote, the 2025 budget for Controller Department Non Departmental (General Fund Transfers) was tentatively approved.**

Discussion on the Controller Department Non Departmental (General Fund Transfers) budget ends at 1 hour, 55 minutes and 41 seconds of the audio recording.

### **Human Resources (Page 30 of the Budget Book):**

Discussion on Human Resources Budget begins at 1 hour, 56 minutes and 00 seconds of the audio recording

**Wayne Belock, Director of Human Resources** said, in 2024 they implemented mental management for training and negotiation of the contract with firefighters, cost reductions in workers compensation and risk management, streamlined the on boarding process payroll timekeeping functions. In 2025 they are looking to improve employee education and training opportunities, look into employee benefits and insurance programs and review and update job descriptions. They are not requesting any new positions and in non-personnel budget they are requesting the same funding as last year.

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**Councilman Mishler** asked if he could answer his earlier question about merit based increases. **Wayne Belock** responded, the last couple of years there has been a Cost of Living Adjustment hereafter, (COLA) component and a merit component with that. Therefore assuming the 4% and assuming inflation at 2% that the COLA would probably be around 2 % and the merit component would come out of that additional 2%. The ceiling would be 4% with both of them combined. **Councilman Mishler** asked if there is a work from home policy due to the lack of space in some departments. **Wayne Belock** replied the city does not have a formal work from home policy. There is some flexibility in some departments as far as for doctor appointments, etc. But as far as to satisfy space issues, that has not been addressed. **Councilman Mishler** said it might be something in the future for some of the roles where you just need a laptop and a phone. **Chairman Dawson** said he has seen the cramped spaces in the Annex and he thinks they need to be thinking about that in the future.

**Councilman Henke** had some questions about the projected actual budget. **Jamie Arce** responded some of those things are timing issues and also flexibility in certain areas for training and contractual services. So if the need came up for mediation they would not have to delay the process due to moving funds. They are not providing unnecessary capacity which we did not have the intention of needing it to be used. They tried to implement that in all departments. They take every request for intra category transfers seriously. They analyze each one to understand why it is happening and how it aligns with the core components of Aspire. **Councilman Henke** said he is looking for a trend. On the full time line he questioned the amount and how it was under budgeted. **Jamie Arce** said there was a vacancy in the department so that made the baseline for the starting point for the budget lower as they had not identified a person to fill the position and the person who left was paid at a higher rate than a new employee would be paid initially.

Motion for **tentative approval** made by Councilwoman Hines, second by Councilman Mishler.

**By a unanimous voice vote, the 2025 budget for Human Resources was tentatively approved.**

Discussion on the Human Resources budget ends at 2 hours, 07 minutes and 44 seconds of the audio recording.

### Information Technology

#### General Fund (Page 38 of the Budget Book):

Council discussion on the Information Technology General Fund begins at 2 hours, 08 minutes and 04 seconds of the audio recording.

**Jamie Arce** said, he wanted to highlight that this is one of those funds where they split the fund between the cumulative capital development fund, which is more restrictive and the general fund and given some of the changes in the IT budget they made some transfers or changes in how those expenditures were going to be funded with the philosophy of spending the most restricted first trying to spend what they are receiving in the Cumulative Capital Development Fund so that it is not unnecessarily without at least a given purpose accumulating a reserve that they were spending that first. That is why you will see some transitions between account lines and the

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whole they should be noted within the Schedule A. It is essentially a flip flop in the software subscriptions and capital.

**James Gerald, Director of Information Technology** said under the Aspire program, their initiatives span quality of place, infrastructure, and public safety. They are integrated with just about every department in the city. In 2024, the help desk tickets increased quickly and they mitigated international crowd strike outage within 4 hours for emergency services and 8 hours for the entire city. They have created new data centers and firewall which strengthen our foundation and cybersecurity and they have completed a unified phone system, phase one and assisted many departments in expanding their services, including the one Debra Barrett mentioned. In 2025 our focus is to continue to optimize and expand on the 2024 projects and to fine tune our cybersecurity through training of user awareness and security awareness. They will begin phase two of the phone project and expand it city-wide. They will also be renewing some of the service contracts for software.

**Councilman Mishler** asked about the public Wi-Fi project, audio visual, and Audio-visual Technology hereafter, AV equipment. **James Gerald** said with the ever expanding events at the park they are expanding the coverage for everyone attending and also the vendors and it will encompass the whole area. They do a lot of events throughout the city and they are not always in a facility like the Lerner and with the AV equipment they have been able to do the events better like the Elkhart Grand Prix. They are asking for better speakers and better microphones and a travel kit that's purpose is for it to go to all the difference places there are events, for example, Let's Talk Tuesday and ribbon cuttings so that things are done in a more professional manner. **Councilman Mishler** asked what happens to old personal computers, hereafter PC, once they are replaced. **James Gerald** replied old equipment goes on the asset disposal list and we get approval to destroy it. The hard drives contain sensitive material so those are shredded and they recycle the PC's.

**Councilman Fish** said since he has been on the council having a Wi-Fi on all up and down Main Street, what is the status of that. **James Gerald** said currently Surf Internet has the wireless downtown and they are looking at ways to enhance that. It is very difficult with the lack of infrastructure regarding fiber down the street so they have to implement point to point and each time you go out a hop you lose half of the bandwidth. They are trying to supplement that by putting more fiber into different places. **Councilman Fish** asked do you have enough money to satisfy the need to the Main Street Wi-Fi. **James Gerald** replied they have enough money to do the targeted area but they would require additional funding to do it all and that does not include any equipment for security cameras at the Railroad Museum right now. **Councilman Fish** asked as a board member of the Friends of the Railroad Museum he is asking about the possibility of the board to raise funds for the project. **James Gerald** said they have a quote for the Railroad Museum but he is not sure if the budgeting is correct on that. **Councilman Fish** said he would like to get eyes on that as that is the Friends of the Museum's defined goal.

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**Councilwoman Hines** asked if there is a way to partner with the schools to collaboration on funding for the Wi-Fi in the parks that are located around schools. **James Gerald** said yes that could be a possibility and he has had conversations with the Parks Department to look at those opportunities. In some cases they have been able to do that through hybrid Comcast fiber, but it is not as robust.

**Councilman Henke** asked about an unbudgeted amount and asked what it was for. **Jamie Arce** replied it was a transfer of funds for and already existing project. **Councilman Henke** asked about membership dues and if it was a new membership for software purposes. **Jamie Arce** replied he can supply specifics and it may have been an expenditure that had been out of a different account line. He said as they go forward they will get better at getting line expenditures with the right amount. **Councilman Henke** is concerned about the under-funding of this account and asked how many breaches have you had in the last 12 months. **James Gerald** responded there are hundreds of attacks on a daily basis. With the initiatives that were put in they are able to prevent that. They are always evaluating new solutions.

**Councilman Mishler** asked about adding security cameras in places like the River Walk and is that something that can happen with the current Wi-Fi and how costly that would be. **James Gerald** replied that would be costly and with the current infrastructure they do not currently have a way to accomplish that. They could get some cameras in those areas but they could not get complete coverage due to the restriction in band width under Comcast.

**Councilman Fish** in the past we have had a presentation about fiber are you saying the network fiber is far from being complete. **James Gerald** said yes they are having internal conversations about how to expand that and they are working with the Elkhart County Highway Division to find fiscally responsible ways to get it to the most important sites in the city. **Councilman Fish** asked who is making it the priority. **James Gerald** replied it is a dual purpose they are going to put it where they need it for county purposes and if it happens to fall in line with some things they are doing and it happens to go down a street they are not interested in then they ask us for funding to do that. **Councilman Fish** asked do they have to have a separate conversation and a separate budget for a relationship with Surf Internet. **James Gerald** said they are open to any conversation but it is a leadership question and there has been no conversation or negotiation.

**Councilman Mishler** asked if there has been any cooperation with the state or federal government regarding the bandwidth equity access and deployment program, the beat program. **James Gerald** replied not currently that has been brought to his attention. He would be willing to investigate.

**Jamie Arce** as a follow up to Councilman Henke's question regarding the subscriptions, it is a different account line into a new account line.

Motion for **tentative approval** made by Councilman Crabtree, second by Councilwoman King.

**By a unanimous voice vote, the 2025 budget for Information Technology General Fund was tentatively approved.**

Discussion on the Information Technology General Fund budget ends at 2 hours, 26 minutes and 10 seconds of the audio recording.

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### **Information Technology Cumulative Capital Development (Page 122 of the Budget Book):**

Discussion on the Information Technology Cumulative Capital Development budget begins at 2 hours, 26 minutes and 37 seconds of the audio recording.

**Jamie Arce** said this represents a large amount of transfers for Cumulative Capital, hereafter, (CUMUCAP) development that had previously been in the general fund and that are now being paid out of the cumulative capital development fund. The anticipation would be that similar to the Records Perpetuation Fund this would continue to keep this pace so they have a better trending and more easily identified year to year transactions to be able to review.

**Councilman Henke** asked about the maintenance contract that does not appear on Schedule A. **Jamie Arce** said that may be part of the software subscriptions that is transitioning to the new budget line. **Councilman Henke** asked about the departments charging out its services. Does this department charge out its time? **Jamie Arce** said at this time we do not have any department doing a direct charge back to any other department.

**Councilman Fish** asked is the IT department managing all of the software licenses for all departments. **James Gerald** said yes IT is managing most of those subscriptions. **Councilman Fish** is there a plateau? **James Gerald** said he does believe it will taper off but it will never go down. He tries to negotiate and bundle software where he can and ask for discounts.

Motion for **tentative approval** made by Councilman Mishler, second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 budget for Information Technology Cumulative Capital Development was tentatively approved.**

Discussion on the Information Technology Cumulative Capital Development budget ends at 2 hours, 33 minutes and 24 seconds of the audio recording.

## **Public Safety**

### **Communications – Dispatch**

#### **Department Budget (General Fund) (Page 44 of the Budget Book):**

Discussion on Communication – Dispatch Department (General Fund) begins at 3 hours, 40 minutes and 15 seconds of the audio recording.

**Olivia Watkins, Assistant Department Head 911 Communications** said they have created committees to update and solidify their department. They are hoping to replace their phone system which is nine (9) years old and the recommended replacement is five (5) years. They would like to increase their travel budget because many of the continuing education opportunities are not local and they need to be able to compensate for the travel and housing of their employees.

**Councilman Fish** asked for an explanation of the proposed overtime category. **Jamie Arce** replied it was to accommodate the vacancies in staff that they had in their small department. As

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they get closer to full employment that will not be needed. He added that the Indiana FOP, which is the union the 911 dispatchers are part of is currently in negotiation as in past practice we have not included or embedded any raise. There may be a future ask once they get through negotiations and contract.

**Councilman Henke** said he is not understanding the budget numbers on the full time account and the overtime account. It appears we are double covering. **Jamie Arce** said there may be some of that but at the end of the day we are adequately funding a major category that is unable to be used for purposes other than employment. They took the position that they were not going to budget what 2023 actual was but also recognize there is a possibility that the staffing solutions do not come to fruition there could be additional overtime. **Councilman Henke** said since the numbers for overtime are so high could there be another solution. **Jamie Arce** said keep in mind that the 911 dispatchers are part of a collective bargaining group so the flexibility is a little different than for a normal position.

**Councilman Curry** asked how many positions are there to fill in this department. **Olivia Watkins** replied there are three (3) 911 dispatchers and one administrative or training coordinator. **Councilman Curry** asked do we pay time and a half or any double time. **Olivia Watkins** replied, just time and a half for now.

**Councilman Henke** asked about the professional services line is that an annual rate and there is no expected other expense on that line. **Jamie Arce** replied, that is correct. **Councilman Henke** questioned the amount of travel in the department and if they can predict how much travel that can be expected. **Olivia Watkins** replied yes. **Councilman Henke** asked about the numbers in the maintenance contract line. **Jamie Arce** replied, there has been no change in the requested amount but we felt comfortable giving some extra capacity if needed going forward.

**Councilman Henke** asked does that mean they have paid the annual premium in the first six (6) months. **Jaime Arce** replied, that is correct.

Motion for **tentative approval** made by Councilman Mishler, second by Councilman Fish.

**By a unanimous voice vote, the 2025 budget for Communications-Dispatch Department (General Fund) was tentatively approved.**

Discussion on the Communications-Dispatch Department (General Fund) budget ends at 3 hours, 50 minutes of the audio recording.

### **Communications – E-911 (Page 98 of the Budget Book):**

Discussion on Communications – E-911 begins at 3 hours, 50 minutes and 04 seconds of the audio recording.

**Jamie Arce** said, E-911 is part of the money they get from the county from the 911 fees. It has direct expenses that they can spend for it. It has been consistent with the past years.

**Councilman Henke** asked have they negotiated with the county on revenues. **Jamie Arce** said he does not believe they have and he is not sure they are in a position to negotiate. Historically they have tried to work through the General Assembly regarding getting greater control over that

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component but by them being secondary, a second 911 facility within the county creates a unique situation.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Mishler.

**By a unanimous voice vote, the 2025 budget for Communications E-911 was tentatively approved.**

Discussion on the Communications –E-911 budget ends at 3 hours, 52 minutes and 23 seconds of the audio recording.

### Fire Department

#### Department Budget (General Fund) (Page 40 of the Budget Book):

Discussion on Fire Department – Department Budget (General Fund) begins at 3 hours, 52 minutes and 46 seconds of the audio recording.

**Rodney Dale, Chief of the Elkhart City Fire Department**, said in 2023 they had 9,777 runs and year to date they have about 7,300 and they are projecting over 10,000 for the year. The new contract, they went from 63<sup>rd</sup> for pay in the state to 24<sup>th</sup> and at the end of the contract they will be 12<sup>th</sup>. And depending on the benefits package they will be in the top five with this contract. They need to hire four (4) people to honor the contract. He would like to get ahead of the hiring for Fire Station number 6.

**Councilman Fish** said he does not see anything in the budget for scuba for the next year. **Chief Dale** replied, that is being moved so items will be under one umbrella. **Jaime Arce** replied this is part of the transition to the right type of account line, it is being moved to supplies. In anticipation of some changes with the State Board of Accounts, regulatory basis of accounting in which they are going to be auditing and reviewing transactions for appropriateness they are continuing their drive to match things to where they need to be. **Councilman Fish** asked if that was being driven by the State Board of Accounts. **Jaime Arce** replied it is being driven by generally accepted accounting principles where supplies are being paid out of the supplies group and not the service group. The State Board of Accounts has not taken exception to expenses being paid out of an incorrect category but the direction they are going with an enhanced regulatory basis of accounting will be looking to make sure that not only the expenses are correct, but they are coming out of the right group. **Councilman Fish** said it will not affect certifications? **Chief Dale** said they will still provide dive team services, the equipment will still be provided and they will still receive a stipend. The service will still stand. **Councilman Fish** said they will still allow the right number to be certified. **Jamie Arce** replied, the corresponding account line is specialty team's supply.

**Councilman Mishler** said the number in the physicals line has increased. **Chief Dale** said they had to budget for existing employees and they are taking into account the additional employees they are adding in 2025. They also have some bills that have to go downstate which are in the process of being paid so that is reflected in the numbers.



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**Councilman Henke said**, he sees the number of new firefighters at nine (9) where are those going to be used? **Chief Dale** replied, four (4) of the new hires are contractual and he is looking ahead to hire for the new fire station. **Councilman Henke** asked what other station moves are they anticipating? **Chief Dale** replied none due to the location of the new station, other stations that they had considered moving now do not need to be moved. They have a new training facility, they were approved to have fires off of County Road 9 where they already have a training facility, so they do not need another facility. **Councilman Henke** asked if there was a timeline for Fire Station 8. **Chief Dale** replied Fire Station number 6 is the only station that is currently needed due to the present layout of the city. **Councilman Henke** asked what does risk reduction mean. **Jamie Arce** replied, that is one of those account lines similar to the specialty team supplies they have transitioning from a service group to a supplies group to better match the type of expense. **Councilman Henke** asked about the overtime projection and how that is managed and controlled. **Chief Dale** replied overtime projection is tough because this year they had eight (8) people off on medical leave so those numbers are hard to predict. Currently they are understaffed they are trying to catch up on numbers. They have a minimum staffing need each day that has to be staffed and that is normally with overtime. To get the numbers where they need to be with Station 6 is 160 and that should stop the overtime. **Jaime Arce** said another component that they determined was important was the Fair Labor Standard Act hereafter, FLSA component that they are going to better control as part of the new agreement. The FLSA piece is the half time of any firefighter that works in excess of their 106 hours for the pay period. That had been blended into the overtime so the overtime numbers are a combination of the overtime and the overtime FLSA. The goal for the department is to better control FLSA and other overtime with the new contract it is a good way to measure the success of the contract and management. **Councilman Henke** asked if overtime was at double time or at one and a half. **Rodney Dale** replied the only time they get double time is when they are held over to work overtime. That occurs basically at the last minute. **Councilman Henke** asked if they discipline accordingly for the last minute call offs and the frequency of those. **Chief Dale** said yes, they have a time frame and they can be written up if they don't. **Councilman Henke** asked about specialty hazard pay. **Jamie Arce** said part of that is realizing that the language of the contract defines that specialty pays get built into the hourly rate so currently they are being paid out of the full time line because that is the way the payroll process works and they are unable to roll it in at the moment as a specialty item. **Councilman Henke** asked about the office supply line and the changes. **Jamie Arce** said this could have been a request from the Controller's office to combine account lines that were similar. **Councilman Henke** said since we have newer vehicles he would like an explanation of the higher cost in vehicle parts. **Jamie Arce** said the cost of the parts and supplies themselves has increased. **Councilman Henke** said what is included in the risk reduction supplies? **Chief Dale** replied yes gloves, masks supplies for the schools, all of that. **Councilman Henke** what is the increase in travel? **Chief Dale** replied they had in travel for training, they had a new Technical Rescue Team, hereafter TRT and they had to be trained on operating the rig equipment. **Councilman Henke** asked did they not anticipate that much travel in last year's budget. **Chief Dale** replied yes. **Councilman Henke** said if you add up the numbers they are over budget, why is that? **Chief Dale** replied the majority of the cost of for new hires that includes the salary and all of their supplies and classes. It costs about \$5,000 to hire a firefighter and that does not include salary and benefits which is another \$100,000.



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**Councilman Henke** said that when he looks at the numbers there is still more money left in the budget. **Jaime Arce** said that some of that could be built into the personal services group there could be some capacity in the 2024 budget as compared to where they are at year to date.

**Councilman Henke** said the police department gives money back to the city each year what does the fire department give back? **Jamie Arce** replied the numbers you are stating are not correct, he can provide that number on what the police and fire department give back.

**Councilman Henke** said if he could get that number before the final vote that would be ok.

**Councilman Mishler** asked about the increase in medical supplies and the narcotics previously provided by the hospital and why are they no longer provided. Have they attempted to find other suppliers? **Chief Dale** said that is a long story and he can provide the report as to why they are no longer supplying them. As far as other suppliers, Chief Sommers runs most of the Emergency Medical Supplies and these numbers are the best costs they can get. **Councilman Mishler** asked about grants and if other options have been explored. **Chief Dale** replied they have not looked into any grants that he is aware of but they would definitely be willing to do that.

**Councilman Holtz** said the social security line stood out to him and he wondered why that bounces around. **Jamie Arce** replied the fire department, the sworn firefighters do not participate in social security. The previous chief was considered a civilian chief and he was subject to social security the administrative staff would be subject to social security and Medicare as well, that is similar for police officers.

**Councilman Crabtree** can you give us an overview of the age of the vehicles. **Chief Dale** replied, they have just received some newer vehicles and they are looking to replace. There is a 2001 at Station 5 right now and they are looking to bring water back downtown a National Fire Protection Agency hereafter, NFPA, pumper means 500 gallons with cross lays back downtown starting in January, that is a 2009. They have two (2) squads that are 2015's and 2016's, it can take up to two (2) years to get a fire truck now. They have a couple that they may be able to scoop up. With the cost of repairs and the annual cost increasing the repair line has increased.

**Councilman Henke** asked how many aerial truck they have. **Chief Dale** said he thinks they have three (3), only one is in service. **Councilman Henke** said can he get the number of hours a truck runs. **Chief Dale** said he can give the years that is the way the fire service discusses apparatus. A pumper should be able to get 10 years out of it. If they could get a couple of new pumpers and get their 15's and 16's in reserve that would give them an excellent fleet. A pumper gets about 10 to 12 years, a ladder truck 15 to 20 but that depends on how busy they are and how it is used. The numbers come from the NFPA as a guideline.

Motion for **tentative approval** made by Councilwoman Hines, second by Councilman Crabtree.

**By a unanimous voice vote, the 2025 budget for Fire Department (General Fund) was tentatively approved.**

Discussion on the Fire Department budget ends at 4 hours, 15 minutes and 31 seconds of the audio recording.

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### **Department Budget (PS LIT (Payroll)) (Page 84 of the Budget Book)**

Discussion on the Fire Department-Department Budget (PS LIT Payroll)) begins at 4 hours 15 minutes and 33 seconds of the audio recording.

**Jamie Arce** said this is public safety, this is the 20% component of the Fire Department payroll. It is an 80/20 split between the general fund and Public Safety Local Income Tax, hereafter LIT.

**Councilman Henke** said this is the total cost of the Elkhart Fire Department because it is covered by Local Option Income Tax, hereafter LOIT that is covered by the payroll component.

**Jamie Arce** said yes. **Councilman Henke** asked has there been any suggestions about having the Public Safety LOIT removed or reduced. Is there any discussion about this at the state level?

**Jamie Arce** replied, not that he is aware of.

Motion for **tentative approval** made by Councilman Crabtree, second by Councilman Mishler.

**By a unanimous voice vote, the 2025 budget for Fire Department (PS LIT (Payroll)) was tentatively approved.**

Discussion on the Fire Department (PS LIT (Payroll)) budget ends at 4 hours, 17 minutes and 7 seconds of the audio recording.

### **Cumulative Fire Equipment (Capital Only) (Page 124 of the Budget Book):**

Discussion on the Fire Department Cumulative Fire Equipment Budget begins at 4 hours, 17 minutes and 30 seconds of the audio recording.

**Councilman Fish** said he sees the radios are on Schedule A and years ago they discussed all of the radios they were buying and it was discussed about 900 MHz and these are still 800 MHz

**Chief Dale** said yes, to the best of his knowledge the radios are still 800 MHz He said he can get him a full report on that and why they need them. **Councilman Fish** said they are not moving to 900 MHz as was discussed? **Chief Dale** replied not that he is aware of, everyone else would have to go to that for communication. **Councilman Fish** said they would have an off line conversation about the radios.

**Councilman Henke** questioned the irrigation system and replacement of the carpeting at Central Station which is coming out of the Fire Cumulative, repair and maintenance and he is wondering if it is coming out of the correct account? **Chief Dale** replied the goal at the Central Station is to eliminate the carpeting because of the upkeep and repair and maintenance of it. They would like to tear it up and replace it. **Councilman Henke** said he thought it should come out of general repair and maintenance as opposed to Fire Cumulative. 75% of the ambulance fees go into the cumulative fund. He asked about the utility tractor and if they had one. **Chief Dale** stated no they do not but that they were trying to obtain one. He said since they are now able to do burns at the training tower, they need to get some boxes for that and be able to move the debris around after the training. **Councilman Henke** stated so they have not had one, is there not another department that could provide? **Chief Dale** stated that they have not had the training facility locally, so there has not been a need for one. **Councilman Henke** questioned the \$55,000 for a new Tahoe, paramedic response. **Chief Dale** said that is for the Whole Blood program. He said that is another whole conversation and he can get that information to him. He went on to say that they are trying to respond and help out without taking an Advanced Life Support ambulance out

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of service. **Councilman Henke** asked and how often would that happen? **Chief Dale** stated it is a new thing, but some cities around us are doing it. He said some of the larger cities around us are doing it like South Bend, Indianapolis and Ft. Wayne. He said he did not have numbers, but would get them to him. **Councilman Henke** said he has seen a large red 16 passenger van... **Chief Dale** said that van is pretty old and they are looking to replace that. **Councilman Henke** also asked about the red bus and what happened to that? **Chief Dale** said he was not sure. **Jamie Arce** stated that the bus was red tagged because anything over 16 passengers requires a different type of CDL. **Councilman Henke** asked what the Plymovent System was. **Chief Dale** said that is the breathing system that when the trucks pull into the station, it comes down and connects to the trucks and catches the exhaust. **Councilman Henke** asked how firefighter instructor gear differs from regular gear. **Chief Dale** said they have instructors that help out with the rookie class every year and it gets pretty intense because they are training the rookies at the highest level to try and get them fire training. He said because of that, they are going through more fires in a rookie class than they actually would throughout the year. This helps save their regular gear for when they are on shift.

Motion for **tentative approval** made by Councilwoman Hines, second by Councilman Fish.

**By a unanimous voice vote, the 2025 budget for Cumulative Fire Equipment was tentatively approved.**

Discussion on the Cumulative Fire Equipment Budget ends at 4 hours, 22 minutes and 34 seconds of the audio recording.

### **Fire Pension (Page 138 of the Budget Book):**

Discussion on the Fire Pension starts at 4 hours, 22 minutes and 40 seconds of the audio recording.

**Jamie Arce** stated the police and fire pensions are for pensioners that had participated in the 1955 plan or earlier in which we still have an obligation to pay. He went on to say that there is a relief payment that the city receives to offset that amount for a net zero difference for all intents and purposes. He said generally they would expect this to continue to decline as the participants, surviving spouses or other dependents that still qualify to receive the payment under this plan fall off; they will continue to see it dwindle.

**Councilman Mishler** asked about the number of participants in this program. **Jamie Arce** stated he would have to get those numbers.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Mishler.

**By a unanimous voice vote, the 2025 budget for Fire Pension was tentatively approved.**

Discussion on the Fire Pension budget ends at 4 hours, 24 minutes and 14 seconds of the audio recording.

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## Police Department

### Department Budget (General Fund) (Page 46 of the Budget Book):

Discussion on the Police Department General Fund budget starts at 4 hours, 24 minutes and 43 seconds of the audio recording.

**Dan Milanese, Chief of the Elkhart Police Department** gave an opening statement that included how long he has been with the police department and how long he has been in his current role. In his statement he said that they have 147 employees in his department and not all of them are sworn officers. He said as of today, they are approximately 21 officers short and are working diligently to recruit and they will see some of that reflected in the budget today.

**Councilman Henke** said if he were to amortize/pro rate the six (6) months and then add on the request under Personal Services, it remains \$1,646,206 under budget of over ask. He asked to that level, let's say it is 10%, what do we anticipate or is that just for place holding? **Jamie Arce** replied that he thinks a good component of that had been they were budgeting for vacancies sworn police officers and budgeting all of them at a potential for family plan. He stated that is one thing they have changed for the police department this year; instead of budgeting them at the highest rate, they are taking a different approach and philosophy that the new hires are more likely to be single. **Councilman Henke** said for Operational Supplies he is at \$369,202 and it is 37% above that. He just wondered, maybe it is difficult to budget something that is uncontrollable. **Chief Milanese** stated one of their concepts on that was they were not really sure what was going to happen with inflation. He said it has been a very difficult thing to anticipate much like travel. He said he knows that there was a question earlier about travel with the fire department. They have seen a significant increase in costs, not necessarily in travel but with them having newer officers that they have to train and sending them to training, but an increase in the cost of travel itself. **Councilman Henke** asked if his department used the same travel guides as everyone else. **Chief Milanese** said they are all under the same umbrella. **Councilman Henke** raised concerns about this department being \$2 Million dollars over budget. **Jamie Arce** stated that last year, the police department returned \$378,000 to the general fund. **Councilman Henke** asked the \$1.7 Million is the annual increase/contractual increase that is what that represents because he does not see an increase for new positions. **Jamie Arce** stated that is correct and that would be taking those new positions into account.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Crabtree.

**By a unanimous vote, the 2025 budget for Police Department General Fund was tentatively approved.**

Discussion on the department general fund budget ends at 4 hours, 36 minutes and 36 seconds of the audio recording.

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### **Department Budget (PS LIT (Payroll)) (Page 86 of the Budget Book):**

Discussion on the PS LIT budget starts at 4 hours, 36 minutes and 39 seconds of the audio recording.

**Jamie Arce** stated that this is going to be similar to our fire department in which they will be handling the 80% and in some cases they will see some decreases just because of clean-up as they were not consistent on the 80/20 split.

Motion for **tentative approval** made by Councilman Fish, second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 budget for PS LIT was tentatively approved.**

Discussion on the PS LIT budget ends at 4 hours, 37 minutes and 20 seconds of the audio recording.

### **Law Enforcement Education (Page 76 of the Budget Book):**

Discussion on the Law Enforcement budget starts at 4 hours, 37 minutes and 23 seconds of the audio recording.

**Jamie Arce** stated that this remains unchanged and is used for education and travel purposes.

Motion for **tentative approval** made by Councilman Crabtree, second by Councilman Holtz.

**Councilman Fish** asked what the income stream is for this. **Jamie Arce** stated it is a user fee that is not tax based from the public. He said it used to be the gun permits when the State of Indiana had gun permits and it is also the accident record reports.

**Councilman Henke** asked how does this budget fund #2228 travel/education in conjunction with or differ from budget fund #1101. **Jamie Arce** stated this would be in addition too.

**Councilman Henke** had concerns about the current budget verses what is asked for in this budget. **Jamie Arce** said that is more of an administrative direction that they need to provide. He said those are claims that they can change and transfer them into the Law Enforcement Education fund to make sure that they are using more restricted money first. **Councilman**

**Henke** said if he looks at education it bumps them up dramatically over trend and he just wanted to know if they expect that many new hires that they have to buffer that? He said if that was the case, he could understand that. **Chief Milanese** stated that there is a concern because they have hired thirteen (13) new officers this year and they have twelve (12) in the academy, twelve (12) in our field training program right now. He said these are the biggest classes they have seen since pre COVID. He said they are actually anticipating an increase when it comes training.

**Councilman Henke** asked if we are tracking turnover rate on how many new hires do not stay on or make the grade to become a full time officer. **Chief Milanese** stated that they do track that information. He said he does not have that information with him but he will get it over to them.

**Councilman Fish** asked since this is not a general fund income stream, is it contractual? **Jamie Arce** stated no it is not a contractual item.

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Motion for **tentative approval** made by Councilwoman Hines, second by Councilman Fish.

**By a unanimous voice vote, the 2025 budget for Law Enforcement Education was tentatively approved.**

Discussion on the Law Enforcement Education budget ends at 4 hours, 41 minutes and 34 seconds of the audio recording.

### **Animal Control Ordinance Fund (Page 114 of the Budget Book):**

Discussion on the Animal Control Ordinance fund starts at 4 hours, 41 minutes and 39 seconds of the audio recording.

**Jamie Arce** said the primary component is our annual payment as part of the Interlocal Agreement with the Human Society. The other components are for the purchase of animal license tags, which also run through this fund along with postage if needed.

**Councilman Henke** asked about the revenue; he said it is licensing and what else? **Jamie Arce** stated revenue in this fund is from any ordinance violations from the animal control component, memberships to the dog park and the licenses associated with pets. **Councilman Henke** said it had been the Greater Elkhart fund is that no longer the case? **Jamie Arce** said that fund is not this fund. **Councilman Henke** asked all of those make up this total amount? **Jamie Arce** said no, they will be subsidizing the majority of this from the general fund.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Mishler.

**By a unanimous voice vote, the 2025 budget for Animal Control was tentatively approved.**

Discussion on the Animal Control Ordinance budget ends at 4 hours, 43 minutes and 35 seconds of the audio recording.

### **Police Pension (Page 140 of the Budget Book):**

Discussion on the Police Pension budget starts at 4 hours, 43 minutes and 37 seconds of the audio recording.

**Jamie Arce** said similar to the conversation with the fire pension, this is the police pension and it is covered through a relief payment from the state that they receive bi-annually.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Crabtree.

**By a unanimous voice vote, the 2025 budget for Police Pension was tentatively approved.**

Discussion on the police pension ends at 4 hours, 44 minutes and 24 seconds of the audio recording.

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## Infrastructure

### Central Garage (Page 88 of the Budget Book):

Discussion on the Central Garage budget starts at 4 hours, 45 minutes and 04 seconds of the audio recording.

**Josh Holt, Central Garage Fleet Manager** provided an opening statement. He said he has 11 full-time techs, 2 full-time parts attendants, 1 full-time office manager and 1 part-time parts runner. He said that the Central Garage supports nearly every department in the city. He said that the 11 techs maintain 98% of all city owned equipment. He stated that since the first of the year, they had 2,440 work orders that were opened, repaired and completed through August and accounts for 7,631 man hours up to that point. He said that with outside shops reaching an average of \$150 an hour and some shops higher than that, because of what they do at the shop, they have saved the city almost \$864,000 as of one month ago. He said that they have reduced insurance costs related to claims by 32% and that is a huge undertaking. He said he has a policy that if they buy a trailer, they get rid of a trailer. So far this year, he said they have gotten rid of 4 trailers. He has implemented monthly meetings with all the departments to address their needs, what they want, what they think the shop should do and all of the things that are associated with the garage. He said in 2025, with their budget request, they plan to continue their efforts by not just maintaining the status quo, but about strategically positioning the garage to meet future challenges efficiently and effectively. He is poised to continue to provide unparalleled service and level to the constituents and to the public.

**Councilman Fish** thanked him for the work on the Nibco Flyer. He said that he sees some of the costs have gone up fairly dramatically. He asked is that marketplace costs?

**Josh Holt** stated that is marketplace costs, and one of the things that he wanted to address was the fact that next year, the insurance costs are tentatively going up. He said they do not know that for sure and that is the key as to whether he can return all of this money back to the general fund next year that they did not need. He stated that right now the city pays a \$1,000 deductible for every accident that is turned into insurance and last year, they had 22 accidents that were deductible related. He said \$1,000 is manageable in their budget now, but if it goes to \$5,000 or more he wants to be in a position that he does not have to come back to the Council for more money. **Councilman Fish** thanked him for his anticipation and asked when does he expect the insurance increase? **Josh Holt** stated that the increase would be at the first of the year. **Jamie Arce** went on to say that they are in the stage of the year where they are working with the broker but the communication between the safety and risk manager and the garage has indicated that the insurance company is uncomfortable with the \$1,000 deductible and is pushing the \$5,000 deductible for property.

**Councilman Mishler** asked Josh to walk him through the new Assistant Fleet Manager position. **Josh Holt** said as the fleet is growing, so are their garage responsibilities along with the demands to managing daily operations which have grown significantly. He went on to say that an assistant would greatly enhance their efficiency by helping him with essential administrative tasks, scheduling, inventory management, purchasing other capitals and starting other programs that he would like to focus on. He said it would help him focus on strategic oversight and improve workflow throughout the shop and parts department to prevent downtime.



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**Councilman Henke** asked for the rolling stock numbers for the year. **Josh Holt** stated he does not have it with him but can get him any numbers he needs. **Councilman Henke** asked how many vans the city owns. **Josh Holt** asked him if he was talking about passenger vans or work vans. **Councilman Henke** replied passenger vans. **Josh Holt** replied as far he knew the only two (2) in the city; one is fire and one is the Tolson bus but he stated that one is going away. **Councilman Henke** asked what the value of that van was today. **Josh Holt** said if he had to guess, \$5,000 at the most. **Councilman Henke** said you stated that you had gotten rid of four (4) trailers. What is the process of getting rid of those? Where did they go? **Josh Holt** stated they to go an auction. He said they get authorization through the Board of Works to get rid of items like that. He said he uses two (2) auction houses in the area and then it goes on the internet and it is nationwide. **Councilman Henke** asked where those funds are returned too. **Jamie Arce** stated that it is returned to the fund that would have born the cost and if it is unknown, then it goes to the general fund. **Councilman Henke** expressed concerns about how tight this budget is. He mentioned the repairs and maintenance line prorated it would be \$12,000 but asking for \$40,000. **Josh Holt** stated they are hoping to build a lean-to on one of the properties to keep stuff out of the weather. He said it is more like a roof storage thing than a lean-to. **Councilman Henke** asked about the increased amount for memberships and dues. He said prorated it would be \$3,700 but, the request is \$15,000. He said he was not sure if this was a timing issue but that seemed pretty expensive. He asked if there were new memberships or dues coming that were not anticipated. **Jamie Arce** said his initial response is that it is going to be a timing related annual fee.

Motion for **tentative approval** made by Councilman Mishler, second by Councilman Henke.

**By a unanimous voice vote, the 2025 budget for the Central Garage was tentatively approved.**

Discussion on the Central Garage budget ends at 4 hours, 59 minutes and 29 seconds of the audio recording.

### **Engineering Department Budget (General Fund) (Page 50 of the Budget Book):**

Discussion on the Engineering budget starts at 4 hours, 59 minutes and 49 seconds of the audio recording.

**Tory Irwin, Director of Public Works and City Engineer**, provided an opening statement. He said the Engineering Department has three (3) full-time employees and they are paid through the Civil City. One is an assistant City Engineer, one is a project inspector and one is the GIS technician. GIS are the employees that do all the mapping and contain all of the data for the entire city. He said some of the highlights from this year, they replaced 109 sidewalk ramps through the Americans with Disabilities Act (hereafter ADA) budget that are now ADA compliant. They have paved 20.1 lane miles through the Community Crossing Matching Grant (hereafter CCMG) Roadway Program. He said they also partnered with the railroad to rehab or reconstruct twelve (12) different railroad crossings and they constructed about 3,000 feet of multi-use paths on Benham. He said in 2025 as they focus on their Aspire projects, the Bristol Street widening will start, they will have new traffic signals on County Road 6 at Decio/Northland. He stated that they are doing some major street conversions downtown as they



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start to work on projects down there and start converting our one-ways to two-ways. He went on to say that they will also continue to improve the non-vehicular routes with expansions of path networks, bike lanes, ADA ramps and pedestrian corridors.

**Councilman Henke** said he would only suggest that the Schedule A identifies the questions.

Motion for **tentative approval** made by Councilman Crabtree, second by Councilwoman Hines.

**By unanimous voice vote, the 2025 budget for Engineering was tentatively approved.**

Discussion on the Engineering budget ends at 5 hours, 02 minutes and 09 seconds of the audio recording

### **Cumulative Sewer Fund (Page 126 of the Budget Book):**

Discussion on the Cumulative Sewer budget starts at 5 hours, 02 minutes and 18 seconds of the audio recording.

Motion for **tentative approval** made by Councilman Fish, second by Councilwoman Hines.

**Councilman Henke** stated that if he prorated it would be \$120,000 but \$250,000 is budgeted. **Tory Irwin** replied that these are their small drainage projects that they use throughout the city to improve drainage and they do not fit in the month by month category of things. He went on to say that they have five (5) of them that have been awarded and are all going to be under construction this fall, so by the end of this year, that money will be gone. **Councilman Henke** asked about the transfer to other funds, it says \$520,682 but it does not identify where it went. **Jamie Arce** stated that was an error that was identified as part of the last audit in which there was a receipting error into the wrong fund and the corrective action was a transfer from this fund to the correct fund.

**By a unanimous voice vote, the 2025 budget for Cumulative Sewer was tentatively approved.**

Discussion on the Cumulative Sewer budget ends at 5 hours, 03 minutes and 51 seconds of the audio recording.

### **EDIT (Trash & ADA) (Page 132 of the Budget Book):**

Discussion on the EDIT budget starts at 5 hours, 04 minutes and 07 seconds of the audio recording.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Crabtree.

**Councilman Henke** asked when the last time was the trash service was bid or a house count taken now that there have been quite a few demolitions. **Tory Irwin** said, he was sorry, was he asking about trash or demolitions? **Councilman Henke** replied he was asking about trash based on total count. **Tory Irwin** stated he did not have a good answer and would have to dig into that. He did state that he knows that fluctuations have been that substantial that the numbers on the trash side are going to change. He does know that if there is a new address it gets added but is

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unsure of the process on how they get subtracted out. **Councilman Henke** stated that is his concern on how addresses get subtracted out. **Tory Irwin** replied he would check into that.

**Councilman Curry** said that he noticed Borden's was bought out by another company and wanted to see if they had made contact with that other company to negotiate a better price. **Tory Irwin** stated just so the council knows, the Borden's contract is up next year (2025). There is an option for a three (3) year renewal if both parties agree. He said they have sent the new company a letter asking them to renew the contract. He went on to say that in 2019 the contract was locked in for six (6) years at 2 ½ to 3% increase per year. He is very hopeful but, pessimistic that they will agree to honor the extension. He said if they do not, then we will have to go back out to bid about this time next year for a new trash contract.

**By unanimous voice vote, the 2025 budget for EDIT was tentatively approved.**

Discussion on the EDIT budget ends at 5 hours, 06 minutes and 51 seconds of the audio recording.

### Street Department

#### Motor Vehicle Highway (Page 56 of the Budget Book):

Discussion on the Motor Vehicle Highway budget starts at 5 hours, 07 minutes and 09 seconds of the audio recording.

**Mike Szucs, Street Commissioner** provided an opening statement. He stated that he has 51 full-time employees and one part-time guy. He said they usually have about six (6) to seven (7) seasonal people that are there for six (6) months and then they try and re-up them during leaf season because that is twice a year. He then bragged on some of the things that they have done this past year. He started with the traffic division; he said they have been kind of a support group for almost every contractor and every other department. He said to piggyback on the ADA ramps, there are a lot of pedestrian crossing buttons and things that have to be done that the traffic division handles. He said they do a lot with the County Highway on County Road 17 with the signal adjustments and State Road 19 when they did California Road, there were some loops that had to be cut in and they did that all in house. He said they also worked with Michiana Area Council of Governments (hereafter MACOG) on a bike counter on the River Walk. He moved on to the heavy equipment crews and sweeper crews. He said that for the last 2 ½ years, they have been out and swept every day. He said the street sweepers never stop going. He said they also help the other crews with site prep, they grade alleys and they worked with Buildings and Grounds when the tornado hit the South Central side of town. He said the concrete crew is trying to connect the dots in a lot of the school zones as well as throughout the city where there are sidewalks that do not connect. He said they will be over 1,300 cubic yards of concrete this year and there is 1,400 square foot of curbing that has been replaced or repaired. He went on to say that they have done about 14,000 foot of sidewalk this year and that is amazing. The asphalt crew; on Johnson Street he said that they probably saved the city \$750,000 by doing that in house and not having that contracted or tore out. He stated by the end of next month when they finish up paving season, they will have put down 30% more asphalt this year than last year which was their biggest year. He finished up his opening statement by saying that they have three (3) slogans at the street department; the first one is kind of a joke; we name names, second is they

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like to try and do more with less and the third one is “you should get up every morning and come to work not thinking, oh man, I have to go in and do that, you get to come in and do that.”

**Councilman Fish** thanked Mike and his crews for all that they do. He said on the double overtime line, all of a sudden it appears, he asked for an explanation as to why? **Mike Szucs** said that they did not anticipate working on Good Friday or Election Day and that was partially his fault which he does not see happening next year. He did say that there are some holidays that they have to work on. Like he anticipates them working on New Year’s Day again, and then there is the turkey run on Thanksgiving Day. He said it is a union requirement. **Councilman Fish** stated so this is for the odd moments when your crew is out there. **Mike Szucs** said yes and any holiday event, any parade; that is double time. **Councilman Fish** asked if he was seeing the general increase in supplies and equipment like all the other departments. **Mike Szucs** replied yes for the most part but not a whole lot though.

**Councilman Mishler** asked about the \$475,000 increase to reflect the establishment of a new account for outside services previously included in paving material supplies. **Mike Szucs** said that is something that Jamie set up for them this year. He stated if their milling company comes in to mill, it is \$6,000 per day, so this is just coinciding with all of those outside things.

**Councilman Henke** said it was increased to reflect establishment of new account outside previously for paving material supplies. He asked is that paving material or is that separate? **Mike Szucs** stated that was asphalt. **Councilman Henke** said he sees that line number 4360310 now has a budget, but he also sees paving materials in line number 4230111, how is that separate? **Jamie Arce** stated that the easiest way would be to say that if they were not removing \$475,000 of milling and other contracted services from paving materials, the request would have been \$675,000. **Councilman Henke** said but collectively it is a paving material? **Jamie Arce** replied no it is not. It is a service in which they outsource to have someone come in and mill up the road, so it is not us doing the work or buying the material to do the work. **Councilman Henke** asked which one of the two is the outsourced. **Jamie Arce** stated the repairs and maintenance of streets is a contracted service, which is where the milling service is being budgeted out of and that is the transition of the \$475,000. He went on to say that this aligns with what they have discussed previously with other departments and aligning the type of expenditure with the appropriate major category. **Councilman Henke** said he is looking at total supplies and it is a small number, landscaping that was evidently not anticipated. He asked is it actual cost or is it actually that much production that created that cost? He also asked was it just a lot more work done that had landscaping involved or was it the cost increase of the landscaping itself? **Mike Szucs** said it was in house projects that they completed themselves and that he anticipates to complete again next year. **Councilman Henke** asked for paving materials, do they contract when the systems open, when the paving supplier is open, do they have a contract or do they invoice it per project. **Mike Szucs** stated that it is a materials bid that they use. He said whatever they use daily, they get billed daily. **Jamie Arce** said that they do get it at a set rate because at the beginning of the year, there is a materials bid packet that goes out and they solicit bids of all types of materials that the street department is going to need and asphalt is one of those. He said they do get a fixed price per ton. **Mike Szucs** said that by them moving the materials bid up sooner, they got a cheaper rate because they could buy oils and their other chemicals earlier. He did say that next year they are planning a 7% increase. **Councilman Henke** asked about the traffic supply budget stating that they are budgeted \$10,000 under what

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would be the current prorated budget; he asked if that was a controllable cost? **Mike Szucs** stated that part of that was the tornado sirens that needed replaced. He said those were 30 apiece and now that they are all operable and working, it will just be regular maintenance. **Councilman Henke** asked about the equipment lease line and said that prorated it would be \$19,294 and they are asking for \$16,000, he asked if that was an invoice timing issue. **Mike Szucs** said not really. He said they rent a broom when they mill and the cost of that went up. He said the one that they have is a backup that they use only in emergencies when the company's breaks down. **Councilman Henke** said he would like to know what all is in other services because if he prorates that one, it is also under budgeted. **Jamie Arce** stated that for departments that they have allowed to have this account that gets used for one off expenditures that they do not have an already readily identified account line that it would go with.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Mishler.

**By a unanimous voice vote, the 2025 budget for Motor Vehicle Highway was tentatively approved.**

Discussion on the Motor Vehicle Highway budget ends at 5 hours, 27 minutes and 01 seconds of the audio recording.

### **Local Roads & Streets (Page 60 of the Budget Book):**

Discussion on the Local Road & Streets budget starts at 5 hours, 27 minutes and 02 seconds of the audio recording.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Holtz.

**Councilman Henke** said again on paving, this is a separate account based on the funding mechanism? **Jamie Arce** stated that is correct.

**By a unanimous voice vote, the 2025 budget for Local Roads & Streets was tentatively approved.**

Discussion on the Local Roads & Streets budget ends at 5 hours, 27 minutes and 36 seconds of the audio recording.

### **Riverboat Gaming Fund (Page 82 of the Budget Book):**

Discussion on the Riverboat Gaming Fund starts at 5 hours, 27 minutes and 45 seconds of the audio recording.

Motion for **tentative approval** made by Councilman Mishler, second by Councilman Fish.

**Councilman Henke** asked about the funding mechanism. **Jamie Arce** stated this is a funding mechanism that they use to continue the same level of service that the street department has been providing. He said as he will discuss next, the Cumulative Capital Improvement which has long been the funder of the sidewalk program. He said they have successfully spent that down to the point where they will now only be able to utilize the anticipated revenue coming in and so this is

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the strategy that they are using to fund the additional projects. **Councilman Henke** said this is riverboat gaming, which used to be a pretty broad use fund and now we are using specifically to catch up on paving material. **Jamie Arce** stated that the eligible uses are any of the government services.

**By a unanimous voice vote, the 2025 Riverboat Gaming budget was tentatively approved.**

Discussion on the Riverboat Gaming Fund ends at 5 hours, 29 minutes and 20 seconds of the audio recording.

### **Cumulative Capital Improvement (Sidewalk Program) (Page 120 of the Budget Book):**

Discussion on Cumulative Capital Improvement starts at 5 hours, 29 minutes and 22 seconds of the audio recording.

Motion for **tentative approval** made by Councilman Crabtree, second by Councilman Fish.

**Councilman Fish** said he sees the strategy that he is going with, will there be a time where they change some of these funds to a different purpose? He said going back to the Riverboat Fund that is pretty healthy right now. **Jamie Arce** stated it has some cash reserves.

**By a unanimous voice vote, the 2025 Cumulative Capital Improvement budget was tentatively approved.**

Discussion on the Cumulative Capital Improvement budget ends at 5 hours, 30 minutes and 24 seconds of the audio recording.

## **Neighborhoods**

### **Parks & Recreation Fund (Page 62 of the Budget Book):**

Discussion on the Parks & Recreation budget starts at 5 hours, 31 minutes and 02 seconds of the audio recording.

**Jamison Czarnecki, Superintendent Elkhart City Parks and Recreation**, this year our budget is reflected toward cost recovery. They have dropped significantly in our capital requests. They are focusing on some new staff positions, one focusing on Customer Service and the business side of the department and another moving from part time to full time. The person who is moving from part time to full time will be focusing on grant writing, professional services throughout the overall operations. Some updates for 2024 were the Walker Park new playground equipment, Island Park disc golf-park. In 2025 we plan to update some playground equipment, improvements at High Dive Park and they are purchasing a new Zamboni and they may have a sponsor for that.

**Councilman Mishler** asked for more detail about the Elliott Park portion. **Jamison Czarnecki** said Elliott Park has been closed for a number of years and it needs to be reopened for them to be in compliance with the DNR. Also, the donors who gave us the property have been wanting it to

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be reopened. They have put new guidelines in place to ensure the park will be monitored more effectively and the park will be safer.

The recording stops at 5 hours, 35 minutes and 16 seconds due to a technical issue and it resumed at 5 hours, 58 minutes and 41 seconds.

**Councilman Henke** said he appreciates that this is a growing department and suggests that the board dive deep into the progressive growth of the department as it relates to its quality and cost to the public.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Crabtree.

**By a unanimous voice vote, the Parks & Recreation budget was tentatively approved.**

Discussion ends at 5 hours, 59 minutes and 37 seconds of the audio recording.

### **Park Programming Fund (Miscellaneous Programs) (Page 106-112 of the Budget Book):**

Discussion on the Park Program Fund (Miscellaneous Programs) budget starts at 5 hours, 59 minutes and 53 seconds of the audio recording.

**Jamie Arce** said the park programming fund is a sub fund of the parks and recreation department, it is the business side that receives revenue. It includes the beach and other components that are reflected in the pages of the budget book.

**Jamison Czarnecki** said in the program fund there is an increase of the sports and recreation side. They are focusing in on the recreational capacity that they have for the city. There are a few increases for concessions. The program fund is for the whole department revenue and supply costs have gone up but they are anticipating having more sales in revenue toward concessions, so they are requesting an increase in that.

**Jaime Arce** said the primary request would be the improvements at River View Park and the request for replacement of the eight (8) dugouts that are currently there.

**Councilman Fish** asked if River View would benefit from any grants for those dugouts. Previously it was discussed about the lights being part of a grant situation. **Jamison Czarnecki** replied they are still exploring the grant opportunities for lights and overall, the park. The biggest increase in benefits for the park will be the tournaments. The investments they make into the park allow opportunities for more tournaments. They host several throughout the year including collegiate intermural tournaments for women's softball. The investments they put into the park allow them to be more competitive in bids when they are deciding where they want to put their money for their tournaments. **Councilman Fish** said bringing on your new employees will help you to have better opportunities in the grant world and assist in some of these projects.

**Councilman Mishler** asked about the increase to reflect the anticipated needs for Ideal Beach. **Jamison Czarnecki** said they have some plans for Ideal Beach and they hope to make some big changes there. They know there are things that they are going to need to purchase, lifeguard chairs, supplies and a couple of things for the concessions that they included. **Councilman Mishler** asked if there is any effort to include corporate sponsors or partners in the community to

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help with some of the costs. **Jamison Czarnecki** said yes, part of the position they are looking for in the position in business services is going after that revenue side and increasing those opportunities, but we don't have those concerted plans for Ideal Beach in the next year. When they do a full on redesign that will be something they will look at. Howard Park in South Bend is one park they want to emulate, they were very strategic in their investment. They had partners come in and rent a room or an area for a specific amount of money for ten (10) years and after the ten (10) years they can recommit or they can find a new sponsor.

**Councilman Fish** asked under concessions there is an increase and he is wondering how this increase is filtered into the budget for facilities and activities? **Jamie Arce** said as part of the concessions that would be the purchase of items that are for sale. **Councilman Fish** said that is what he assumed it was, but it is a big increase is this for more activities and more sales?

**Jamison Czarnecki** said they are already running pretty close and have had to ask for funds to be transferred. The opening of the NIBCO Park this summer has been quite significant. They are bringing in 30% – 40% percent of their cost in sales. If they spend \$30,000.00 they expect to make that plus in revenue. **Councilman Fish** replied he has observed the parks are being utilized more and the events are more often and better attended.

Motion for **tentative approval** made by Councilman Crabtree, second by Councilman Fish.

**By a unanimous voice vote, the Park Program budget was tentatively approved.**

Discussion of the Park Program Fund ends at 6 hours, 06 minutes and 23 seconds of the audio recording.

### **Board of Works (Page 16 of the Budget Book):**

Due to a technical difficulty, the audio is not available until 6 hours, 08 minutes and 06 seconds.

**Jamie Arce** said the makeup of support is the reason that this is aligned within the neighborhood category versus foundation or quality of place it is largely surrounding the request for a new neighborhood coordinator position. The other components are identified within the Schedule A and comprise a various cause associated to the cause that are not otherwise easily identified to a specific department.

**Councilman Fish** asked are these associated with a new employee or are they miscellaneous that need to be included in a budget line. **Jamie Arce** replied they would be inclusive of the need for the Board of Works budget and not specific to a request for a new person.

**Councilman Henke** said this number seems to be padded but he doesn't know if the Indiana Unemployment has to be put at a maximum and it is based on usage. **Jamie Arce** replied the sick incentive that is another component that we leverage as a contingency payout for small departments that may have a retired individual that is going to be subject to a large payout of sick time when they retire. **Councilman Henke** questioned the number under Operating Supplies because it says unbudgeted. **Jamie Arce** replied it has been a request because Board of Works houses 311, and it has been a request for some supplies associated with that program.



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**Councilman Henke** asked if the liability insurance was timing of the invoice. **Jamie Arce** said yes that is correct. That includes the workers compensation component, the premium share related to the liability insurance, along with some contingency to assist with deductible gaps. **Councilman Henke** asked about the other services and charges line. **Jamie Arce** said that is a contingency component that is used when necessary to fund other funds and it has been the same for a number of years. **Councilman Henke** asked about the contract services line. **Jamie Arce** replied that is block by block. **Councilman Henke** said how are we placing a value on that request, how is that monitored and how does it positively reflect budgets of those department that are benefiting from that? Is there any added manpower? **Bradley Tracy** replied there is not a direct correlation between charges that he can put on a chart shows customer satisfaction, improvements in the parks, improvement in downtown. He can talk to the fact that at several meetings, including council meetings, they have had people make comments as well as on social media. The goal is not to reduce overtime, it is not to extend it. They are not trying to take away union jobs. What they are trying to do is compliment what the other teams do, adding additional people when they are having events on the plaza or just being a positive influence and information gathering as well as crowd control. On a day to day basis they are downtown and throughout the park system doing additional things. They have power washed over half of Elkhart. They can provide the council with a generous supply of photos and comments that have been made throughout the community. This is truly about quality of place and neighborhoods and it is not so easy to directly provide a chart of improvements.

**Councilman Fish** it sounds like there is some contingencies for the performance part of it, that quality of life. Is this specifically block by block or are their other contract services? If they had an audit could they show receipts and are they within the rails on where some of this money would go? **Jamie Arce** said that is correct.

Due to a technical issue, the discussion starting at 6 hour, 18 minutes and 19 seconds was inaudible.

Motion for **tentative approval** made by Councilman Fish, second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 Board of Works budget was tentatively approved.**

There is no discussion end time due to the technical issue.

### **Building & Code Enforcement.**

#### **Department Budget (Page 18 of the Budget Book):**

Because of a technical issue, the audio for this budget starts at 6 hours, 24 minutes and 55 seconds of the audio recording.

**Tim Vistine Building Commissioner**, said the one new vehicle is to replace the one that is in rotation because it is old.

**Councilman Fish** asked if they had considered an electric vehicle. **Tim Vistine** said they had considered it. **Councilman Fish** said he would like that to become a priority for some of the service vehicles within the city.



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**Councilman Henke** when it says you had assisted with tree issues instead of Building and Grounds. **Tim Vistine** said they had put in their budget last year and the year before, a line item to help people who cannot afford to remove a tree that is down, they are low income.

**Councilman Henke** said how is it established that they are unable and low income? **Tim Vistine** said demographically would be one way to establish that, but he is open to looking into anyone's tree issue. **Councilman Henke** said he is not sure that there is a mechanism in place to legally say they will get help because of where they live. On the professional services line there is no expense in the last six (6) months is that a place holder. **Jaime Arce** replied that is part of providing flexibility to the department. In the event that they have to call in a structural engineer to make an assessment on a building, this line item would be used for that purpose. **Councilman Henke** questioned the credit card processing fees and why the cost was so high. **Aimee Lattimer** stated they had a new permitting program, so they had a new payment vendor, Global Payments and that is why the fee skyrocketed. They are currently looking for a new payment vendor option and they are also looking into offsetting some of those costs by having customers pay for part of the credit card fees. **Councilman Henke** said he has had issues with Code Enforcement since 2001 and the answers to his questions often go back to administration and he does not hear the answer and he would like to be included in those conversations.

Motion for **tentative approval** made by Councilman Mishler, second by Councilman Fish.

**By a unanimous voice vote, the 2025 Building and Code Enforcement Department budget was tentatively approved.**

Discussion on Building and Code Enforcement (Department Budget) ends at 6 hours 31 minutes and 00 seconds of the audio recording.

### **Building & Code Enforcement Unsafe Building (Page 18 of the Budget Book)**

Discussion on Building & Code Enforcement –Unsafe Building begins at 6 hours, 31 minutes and 16 seconds of the audio recording.

**Jamie Arce** said there were no changes to this budget.

Motion for **tentative approval** made by Councilman Crabtree, second by Councilman Fish.

**By a unanimous voice vote, the 2025 Building & Code Enforcement Unsafe Building budget was tentatively approved.**

Discussion ends at 6 hours, 31 minutes and 29 seconds of the audio recording.

# DRAFT

## Quality of Place

### EDIT Intra-Fund Transfers & Economic Development Grants (Page 128-130 of the Budget Book)

Discussion on EDIT Intra-Fund Transfers & Economic Development Grants begins at 6 hours, 31 minutes and 42 seconds of the audio recording.

There was no discussion.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Crabtree.

**By a unanimous voice vote, the 2025 EDIT Intra-Fund Transfers & Economic Development Grants budget was tentatively approved.**

Discussion ends at 6 hours, 31 minutes and 50 seconds of the audio recording.

### Community Promotion (Page 116 of the Budget Book)

Discussion begins on Community Promotion begins at 6 hours, 32 minutes and 2 seconds of the audio recording.

**Councilman Mishler** asked what the anticipated needs are. **Jamie Arce** said this fund had originally been an expenditure out of the Mayor's department general fund. It was determined that this fund had been established based on statute, which is outside of the mayor's department budget and these additional funding is what the administration believes they need to be able to appropriately promote the community in the appropriate ways. **Councilman Mishler** said as he looks at other communities around Elkhart that they do a great job of promoting their local pride with t-shirts, hats and other items and he would like to see the Elkhart residents have more of an opportunity to show their civic pride.

**Councilman Henke** said should he have seen a reduction in the mayor's budget since this was moved to community promotions. **Jamie Arce** replied there was a reduction in the original year that the transition was made to move this item from the mayor's budget.

Motion for **tentative approval** made by Councilman Crabtree, second by Councilman Fish.

**By a unanimous voice vote, the 2025 Community Promotion budget was tentatively approved.**

Discussion ends at 6 hours, 34 minutes and 37 seconds of the audio recording.

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### **Building & Grounds (Page 52 of the Budget Book):**

Discussion begins at 6 hours, 34 minutes and 40 seconds of the audio recording.

**Mike Lightner, Department Head, Building & Grounds**, has 40 full time employees, approximately 10 part time and several seasonal employees. They maintain hundreds of acres, 75 properties and 30 buildings and they also provide tree maintenance. They are tasked with beautification of the city, right of way, parks and cemeteries. They maintain the athletic fields, grow and maintain hundreds of flower beds and assist in over 60 events. They have put together a budget of needs, not wants to maintain our city assets.

**Councilman Fish** said there is a typo on the budget amount and it will be corrected before the budget is approved. He asked are you cursed with the high cost of vehicles and supplies. **Mike Lightner** replied yes they are, the costs have really gone up. **Councilman Fish** asked what are your options to get the service and transportation capability out of those vehicles? **Mike Lightner** said they have looked at other vehicles and it is more about taking care of and maintaining the vehicles they have. It is our employees, they have to maintain what they have so there is less for central garage to do. **Councilman Fish** asked about the van that was talked about earlier, would that be replacing one of those that Joshua Holt talked about. **Mike Lightner** said no that was a van they were talking about earlier. They were talking about replacement of our construction vehicles that was handed down from public works. **Councilman Fish** said that he did not want to take up any more time and he would talk with Mike Lightner later about these matters.

**Councilman Henke** is your temporary help primarily summer help? **Mike Lightner** replied that is correct. **Councilman Henke** asked about part time and how the cost was different than the temporary help? **Jamie Arce** replied number is in anticipation that they are going to be able to hire what they need for part time and temporary help, He said there has been a disconnect between part time and temporary employees. Temporary employees are those employees who are working on a narrow timeline for benefit reasons versus part time being maybe seasonal part time or a permanent part time, like Mr. Billy does for the City Hall. That is just an ongoing number that has been used. They reduced it this year to reflect the transition of the part time employee into a full time position. **Councilman Henke** said Mike has a difficult department because it is based on the current need and emerging situations. He asked Mike to tell him about the block to block and how he works with that group and what do they help your department with. **Mike Lightner** said he believes the biggest help they give them and the biggest impact they have is the cleanliness of parks and the perception of the parks in the downtown area. They are picking up trash on the weekend when we do not have people working and also with picking up the debris from the homeless. **Councilman Henke** said what you are saying is that things are easier to manage with block to block and things are quicker in the cleaning process. **Mike Lightner** replied that is correct. **Councilman Henke** asked so what is in the other services and charges? **Jamie Arce** said he can provide that detail but essentially it is more for unique items and services that do not have a specific line item, like a miscellaneous account in a private enterprise. **Councilman Henke** asked what is in contract services. **Jamie Arce** replied the big jump in contract services was for the outsourcing of the trees, maintenance of the tree lawns that needed to be removed. **Councilman Henke** said he appreciates all that Building and Grounds does for Elkhart.

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**Councilman Mishler** said he gets compliments all the time about the planters' downtown and that they do a fantastic job. He had some concern about debris that was left in the park and after making a phone call the city ambassadors came out and cleaned it up.

Motion for **tentative approval** made by Councilman Fish, second by Councilman Mishler.

**By a unanimous voice vote, the 2025 Building & Grounds budget was tentatively approved.**

Discussion ends at 6 hours, 48 minutes and 51 seconds of the audio recording.

### **Environmental Center (Page 94 of the Budget Book):**

Discussion of the Environmental Center budget begins at 6 hours, 48 minutes and 54 seconds of the audio recording.

**Jeff Zavatsky, Director of the Elkhart Environmental Center** he has 2 full time employees, one temporary employee and lots of help from volunteers, community service members and corporations. They are one of the best kept secrets in the city. They do many environmental sustainable programs and education events and workshops. They have the city's largest green space at over 80 acres, there are wetlands, ponds, and forests around the Elkhart River. They are working with the Railroad Museum to create a prairie between their tracks which requires less mowing. They are working with the park department and doing some native vegetation along the walkways to help manage the geese. Under the leadership of Mayor Roberson, they have received several grants. They have installed a solar renewable project and have generated 21 Megawatt, hereafter (MW) of power, for example, one MW can power 200 homes. That is reflected on this year's budget, they have reduced their electric bill by over \$5,000.00. They received a grant and are going to install solar panels on Station 3, which has an estimated savings of \$78,000.00. They will be installing an Electric Vehicle hereafter, (EV) at their location and with the money left they plan to support an EV for the city fleet or a utility vehicle. They received a 1 Million Dollar grant through the USDA and the US Forest Service to focus on trees to create an urban canopy, in the next three and one half years they will plant over 2,000 trees in the city.

**Councilman Henke** said he really appreciates the cost savings and the grants they have received. He was concerned about the control burn that was done after the tornado. **Jeff Zavatsky** replied that was because of the volume of material that came all at once. They normally do take the trees and turn it into mulch for the citizens to use, but this was such a large quantity that was not feasible.

**Councilman Fish** said the Elkhart Environmental Center is setting a new standard that we need to embrace. The amount of volunteers and the programs they are providing is great and he appreciates being able to volunteer.

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Motion for **tentative approval** made by Councilman Fish, second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 Environmental Center budget was tentatively approved.**

Discussion ends at 6 hours, 56 minutes and 59 seconds of the audio recording.

### **Railroad Museum (Page 100 of the Budget Book):**

Discussion begins at 6 hours, 57 minutes and 1 second of the audio recording.

**Brent Holaway Director National New York Central Railroad Museum** claims the Railroad Museum is the best kept secret in Elkhart. He said the museum has grown by leaps and bounds. In the early 2000's they averaged around 500 visitors per month. This year they are on track to be over 1,100 per month. Improvements they have made include a kid's play zone, a large scale model train layout, a 1905 wood caboose, and a diesel locomotive that you can go into and blow the whistle. One of the biggest projects has been the renovation and expansion of the NIBCO Century Flyer amusement train.

**Councilman Henke** asked how many of the increase in volume are paid attendance are you seeing an uptick in that. **Brent Holaway** responded yes we are seeing an uptick in that also, he does not have those numbers. They are getting people coming through the area from all over the United States to visit. **Councilman Henke** asked about the donated locomotive. **Brent Holaway** said there is going to be a press conference on October 9, 2024, regarding that.

Motion for **tentative approval** made by Councilman Mishler, second by Councilman Fish.

**By a unanimous voice vote, the 2025 Railroad Museum budget was tentatively approved.**

Discussion ends at 7 hours, 4 minutes and 3 seconds of the audio recording.

### **Lerner Theatre (Page 102 of the Budget Book):**

Discussion begins at 7 hours, 4 minutes and 11 seconds of the audio recording

**Dean Tuggle, Technical & Facilities Director Lerner Theatre** said they have 13 full time employees and 35 part time employees and a pool of about 100 volunteers. They are planning their 100 year celebration which will be a year-long celebration. They will be showcasing the Kimball organ which will also be celebrating its 100 year anniversary with the showing of The Navigator, the first show that opened the theatre in 1924. This year they were able to train their staff in sensory inclusion and they are able to provide sensory kits for those who need them for the performances. They implemented new software that will help them track all of the building assets. In 2025 they are asking to upgrade their security system as their system is outdated.

**Councilman Mishler** asked what the promotional line is used for. **Dean Tuggle** said that is used in conjunction with shows to help promote shows and help promoters promote shows. Without a current General Manager we did not change that budget amount.

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**Councilman Henke** what are our rates, attendance and net? Those numbers bounce back and forth on our monthly reviews. **Jamie Arce** said that is something he will have to get back to the council what those revenue numbers are and specifically because the nature of the ways those reports are presented to the governing board are a blend of the operating fund and the ticket fund. That is something we are looking into during this transition period and reflecting on what they are doing internally and how things are being reported. **Councilman Henke** inquired about the Friends of the Lerner project that was set up to raise money for the Lerner. **Jamie Arce** replied, the Friends of the Lerner is a separate organization and they have no financial data on the amounts being collected. Within our system they collect donations on their behalf and they are remitted as part of the ticketing process. **Councilman Henke** said he remembered a presentation to the council about setting up an endowment and he wanted to know if it reached its goal and if it is being used for expense emergencies at the Lerner? **Councilman Mishler** commented that in 2020 the organization did an appropriation for the Friends of the Lerner for an emergency repair, but is unaware if it was then used. **Jamie Arce** said as a board member of the Lerner he understood that they had not met in some time. **Chairman Dawson** asked if Jamie Arce could make a formal request for information on their status and money raised. **Dean Tuggle** said there is a new president of the Friends of the Lerner, Ashley Martin and they are in the process of reviewing documents and making sure they are accountable.

Motion for **tentative approval** made by Councilman Fish, second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 Lerner Theatre budget was tentatively approved.**

Discussion ends at 7 hours, 20 minutes and 22 seconds of the audio recording.

### **Park Bond (Page 118 of the Budget Book):**

**Councilman Henke** asked when this bond matures. **Jamie Arce** replied the final payment is due on January 1, 2030. That payment will be made in December 2029 and that will be a part of the 2029 budget. The current balance at the end of this year will be 3 Million Two Hundred and Thirty-Five Thousand. The annual payments are Seven Hundred Twenty-Two Thousand.

Motion for **tentative approval** made by Councilman Fish second by Councilman Crabtree.

**By a unanimous voice vote, the 2025 Park Bond budget was tentatively approved.**

Discussion ends at 7 hours, 21 minutes and 46 seconds of the audio recording.

### **Cemetery**

#### **Department Budget – Cemetery Fund (Page 66 of the Budget Book):**

Discussion begins on Cemetery – Department Budget (Cemetery Fund) at 7 hours, 21 minutes and 52 seconds of the audio recording.

**Charlie Choate, Department Head**, said they employ 8 full time staff and 2 part time staff and between 5 to 7 individuals seasonally. Last year the council commissioned a master plan for the expansion of Prairie Street Cemetery, although he is not ready to discuss completion, he has

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become aware that they have been able to expand the cemetery without any additional purchase of ground which provides 14,500 new interment spaces.

**Councilman Fish** asked about the professional services line and the increase. **Charlie Choate** replied it is for ongoing purposes. When the cemetery is expanded there will be surveys, fencing and other things needed and they do not have a final number on that. The expansion will be done in phases.

Motion for **tentative approval** made by Councilman Crabtree, second by Councilman Fish.

**Councilman Henke** asked for an update about the erosion. **Charlie Choate** replied the repairs have been completed. No remains left their interment spot and the bank is substantial now. The monuments have been put back to their rightful place. **Councilman Henke** asked if that would remain stable for the next several years. **Charlie Choate** replied that is hard to say it is a high spot built on a river. The difficulty is caused by the large trees that are along the edge and the root system pulls the bank down. **Councilman Henke** asked whether the part time should really be temporary and about overtime. **Charlie Choate** replied the part time and temporary lines really should be switched. They are demanded to pay overtime per union contracts. The amount charged for overtime to the families that use their facilities on weekends or when they are required to stay after hours will cover the overtime. **Councilman Henke** asked about the change in the professional services budget. **Jamie Arce** replied that is a carry-over from a prior year.

**By a unanimous voice vote, the 2025 Cemetery Department budget was tentatively approved.**

Discussion ends at 7 hours, 30 minutes and 32 seconds of the audio recording.

### **Mausoleum Operations (Page 92 of the Budget Book):**

Discussion begins at 7 hours, 30 minutes and 35 seconds of the audio recording.

**Councilman Henke** asked about the capacity of mausoleum space and what is available? **Charlie Choate** replied about 85% of the space is used.

Motion for **tentative approval** made by Councilman Fish, second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 Mausoleum Operations budget was tentatively approved.**

Discussion ends at 7 hours, 31 minutes and 26 seconds of the audio recording.

### **Aviation (Page 70 of the Budget Book):**

Discussion begins at 7 hours, 31 minutes and 41 seconds of the audio recording.

**Andy Jones, Elkhart Municipal Airport Director**, said they have 10 full time employees, 2 part time employees and 1 vacancy for part time air traffic controller. They facilitate economic development, tourism and emergency services. This year they obtained a new snow and ice



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control equipment and they renovated the airport administration building. They also received various grants for a new hanger which will break ground next year. They have had more than 300 students tour the airport in their educational outreach program. They will be sending the airfield maintenance employees for additional training and switching to LED lighting in all the buildings, runways and taxiways.

**Councilman Mishler** asked if they planned to do the Salute to Veterans event in 2025. **Andy Jones** replied no.

**Councilman Henke** asked what is the value of the hangers and what are people paying for that space and what is the percent increase year over year. **Andy Jones** replied the new hangers will be able to house a corporate size aircraft, currently to house a corporate aircraft there is an agreement that must be signed and the hanger may hold two (2) or more aircrafts that may have to be moved to get their aircraft out of the hanger, so it is much more expensive. The new hangers will lease for \$400 a month. **Councilman Henke** asked about the trend for take offs and landings year over year. **Andy Jones** replied it is about 32,000 annually, and that is consistent with what South Bend does. **Councilman Henke** asked how that reflects to the last few years. **Andy Jones** replied it is consistently growing.

**Councilman Holtz** asked about the equipment leases and the cost jump. **Andy Jones** said that is the snow broom, what they had projected turned out to be significantly higher. They were able to put more down at the time of delivery and that reduced the price for the remainder of the lease.

Motion for **tentative approval** made by Councilman Fish second by Councilwoman Hines

**By a unanimous voice vote, the 2025 Aviation budget was tentatively approved.**

Discussion ends at 7 hours, 38 minutes and 36 seconds of the audio recording.

### **Office of Development Services Department Budgets (General Fund)**

#### **Economic Development (Page 34 of the Budget Book):**

Discussion begins at 7 hours, 38 minutes and 42 seconds of the audio recording.

**Mike Huber, Development Services Director**, our team has 13 full time employees and they have 4 teams in a few different areas, planning and zoning, economic development, community development and redevelopment. They will close out the year bringing in over one hundred and seventy five million in new investment, 300 plus new housing units and 400 new jobs. They are building new street scape on Cassopolis Street and the Concord Mall program brought in twenty five million in new investment and saved an existing structure. In 2025 they will have a busy year, the State announced Ready 2.0, that will be over One Hundred Million Dollars' worth of new projects and they have 6 to 8 projects. A couple of the areas they are asking for some investments with our staff in supporting some of the neighborhood pieces. The community development team secured a Million Dollar lead grant and that project will complement the housing rehab program and make investments in our existing housing stock. That grant will pay for the staff person they are asking for and that person is a three (3) year grant which will build the capacity of the program. The other space they are looking for increased capacity is zoning

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enforcement and zoning compliance they hired someone and realized that this should be a full time position and this will give them the ability to address some of the concerns the council has raised regarding zoning. Then they can bring in planner one and planner two to focus on doing all of the planning duties, managing commissions and meetings and interacting with customers in the public that need a variance. Planner one and planner two will focus on managing the implementation of the zoning code and then our new full time employee will be able to manage the enforcement and compliance.

**Councilman Mishler** are you currently staffed in the economic development area? **Mike Huber** replied yes, they are only down in the planning team. **Councilman Mishler** asked when you are fully staffed do you expect to have a decrease in professional services? **Mike Huber** replied they have been working with InFocus, which is a regional talent and retraction program and they would like to have the flexibility to be able to use their expertise in a few projects they are working on now. They also have new Tax Increment Fund hereafter, TIF districts and there are expense related to bonds and bond councils so they have some resources allocated to those. They are gearing up for next year because they know they have a lot of projects and they will need those resources. **Councilman Mishler** asked are you expected to utilize more of the education and travel. **Mike Huber** said absolutely.

**Councilman Fish** asked when the grant starts? **Mike Huber** said they have received the grant and it was on the agenda at the last council meeting and it will be approved at the next council meeting.

**Councilwoman Hines** asked will the grant position be working with the neighborhood coordinator position. **Mike Huber** said they really see the position as working with the homeowner rehab program. This is looking at existing homes and our low income homeowners and home buyers and it will really mesh well with their Community Development Block Grant CDBG program activities.

**Councilman Henke** asked how many of their staff had received performance appraisals. **Mike Huber** replied they do full staff performance appraisals. **Councilman Henke** asked about the openings in their department in the first part of 2024. **Mike Huber** replied they were without an economic development assistant director between March and August. **Councilman Henke** asked to explain the line item small tool and equipment. **Jamie Arce** said that line is a board of accounts line and it is meant to account for those items that would not meet their capitalization thresholds, which is anything below \$5,000, for example, tablets and little computers.

Motion for **tentative approval** made by Councilman Fish second by Councilman Mishler.

**By a unanimous voice vote, the 2025 Economic Development budget was tentatively approved.**

Discussion ends at 7 hours, 51 minutes and 15 seconds of the audio recording.

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### **Planning Department (Page 36 of the Budget Book):**

Discussion begins at 7 hours, 51 minutes and 18 seconds of the audio recording.

**Councilman Henke** asked if the vacancies in the department were due to being understaffed. **Mike Huber** replied, yes they have gone without planner one and planner two for almost a year.

**Councilman Curry** said he is always being asked about what is going on in his neighborhood. What is going on at Main Street and Lusher? **Mike Huber** replied they had sold that property and that property will be a Burton's Laundromat. **Councilman Curry** will that be in addition to others or will they close one? **Mike Huber** said they do not have any in that area and Burton's said it was needed and purchased it.

**Chairman Dawson** said he took a ride around the city recently with Eric Trotter because he sees the new buildings going up and also wondered what they are and he suggested if any council members have time they should do the same.

Motion for **tentative approval** made by Councilman Mishler second by Councilwoman Hines.

**By a unanimous voice vote, the 2025 Planning Department budget was tentatively approved.**

Discussion ends at 7 hours, 53 minutes and 28 seconds of the audio recording.

**Mayor Rob Roberson** said he wanted to make sure he gave the appropriate thank you to the council, the public in person and online, the city clerk's assistants, the Lerner staff and volunteers and the IT department, all the other elected officials that were here, Jamie Arce and his staff, Bradley Tracy and all of the department heads. He also announced the Accelerating Indiana Municipalities, hereafter (AIM) will be presenting the Program Innovation Award for Tolson at a banquet in Fort Wayne at the Ideas Summit on October 9 and he hopes all will attend.

Motion to adjourn by Councilman Fish, second by Councilman Mishler.

The Budget Meeting ended at 7 hours, 57 minutes and 26 seconds of the audio recording.

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Arvis L. Dawson, Chairman of Finance Committee

# DRAFT

## MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF OCTOBER 7, 2024

Present: Council President Arvis Dawson  
Council Members Alex Holtz, Brent Curry, LaTonya King,  
Aaron Mishler, Dwight Fish, Tonda Hines, Chad Crabtree, David Henke

This meeting was made available to the public electronically through WebEx.

President Dawson called the meeting to order at 6:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, in Elkhart. All Council Members were present in Council Chambers.

Brent Curry 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

President Dawson asked for a motion and second to approve the minutes from the September 9, 2024, Council meeting.

Motion made by Councilman Fish, second by Councilwoman Hines.

**By a unanimous voice vote, the minutes were approved.**

President Dawson asked for a motion and second to approve the minutes from the September 16, 2024, Council meeting.

Motion made by Councilwoman Hines, second by Councilman Mishler.

**By a unanimous voice vote, the minutes were approved.**

### PRESENTATIONS AND INTRODUCTIONS

There were no presentations or introductions.

### UNFINISHED BUSINESS

### REPORTS OF COUNCIL COMMITTEES

The Finance Committee of-the-whole met on Saturday, September 21, 2024 for the 2025 Budget Hearings at the Lerner Theatre. The Committee met with all of the department heads to review their 2025 budgets and gave a tentative approval to those budgets.

**ORDINANCES ON SECOND-THIRD READING**

*Proposed Ordinance 24-O-38*

**AN ORDINANCE AMENDING THE ZONING MAP CREATED PURSUANT TO ORDINANCE NO. 4370, THE “ZONING ORDINANCE OF THE CITY OF ELKHART, INDIANA” AS AMENDED TO REZONE 1723 OAKLAND AVENUE, ELKHART, INDIANA FROM R-4 MULTIPLE FAMILY DWELLING DISTRICT TO R-2, ONE FAMILY DWELLING DISTRICT**

**President Dawson** asked the clerk to read the proposed ordinance by title only. He asked for a motion and second to adopt on second reading. Motion made by Councilman Henke, second by Councilwoman Hines.

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-38**

President Dawson opened council discussion starting at 38 minutes and 14 seconds of the audio recording.

**Eric Trotter Planning Department**, said they have a request that came with a positive recommendation from the Plan Commission to rezone the property that is currently vacant at the northwest corner of Oakland Avenue from R-4 to R-2 with the end goal of building two new single family dwellings at that intersection. The staff supports it, and the neighborhood is ready for some new infill development. The petitioner is in the audience and can speak to anything else. They are excited to see this happening.

**Councilman Fish** said the lot backs up against a former processing plant is that correct? **Eric Trotter** replied, no it backs up against a duplex to the north off of Wolf Street, it is on the northwest corner. **Councilman Fish** said to be clear there is no encroachment against their property? **Eric Trotter** replied no.

**Councilwoman King** said she is thankful for the new development coming to the 6<sup>th</sup> District.

**PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-38**

President Dawson opened the public discussion starting at 40 minutes and 31 seconds of the audio recording.

There was no public discussion.

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-38**

President Dawson returned the discussion to the council starting at 40 minutes and 37 seconds of the audio recording.

There was no further Council discussion.

President Dawson asked the clerk to do a roll call vote on second reading.

**AYES: Holtz, Curry, King, Mishler, Fish, Hines, Crabtree, Henke, Dawson**

**NAYS:**

**By a vote of 9-0, the proposed ordinance passed on second reading.**

Motion for third and final reading made by Councilwoman Hines, second by Councilman Mishler.

President Dawson asked the clerk to read the proposed ordinance by title only and do a roll call vote.

**AYES: Holtz, Curry, King, Fish, Mishler, Hines, Crabtree, Henke, Dawson**

**NAYS:**

**By a vote of 9-0, the proposed ordinance passed on third and final reading.**

Discussion on the proposed ordinance ends at 41 minutes and 42 seconds of the audio recording.

### *Proposed Ordinance 24-O-39*

#### **AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT A U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT IN THE AMOUNT OF ONE MILLION FIFTY THOUSAND DOLLARS (\$1,050,000.00) FOR LEAD HAZARD REDUCTION CAPACITY BUILDING GRANT**

President Dawson asked the clerk to read the proposed ordinance by title only. He asked for a motion to adopt this ordinance on second reading. Motion by Councilman Fish, second by Councilman Crabtree.

#### **COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-39**

President Dawson opened council discussion starting at 42minutes and 19 seconds of the audio recording.

**Mary Kaczka Assistant Director of Community Development**, said this grant will allow them to focus particularly on homes with vulnerable children under the age of six (6). It is a three year (3) grant. Their match is 10%, of which some of that grant is in kind of her salary. Very little of it is cash match. This project technically began August 1st and it will last over three years (3). They are building more capacity to provide more contractors who are qualified to mitigate lead in the home, educate parents about the dangers of lead poisoning and children in the home and eventually they will be able to also move into mitigating lead in the home. Over the three year (3) period they are allowed to remove lead in homes and then they can potentially roll this into another grant of significant dollars to continue mitigation of lead in the home. These are homes with children under the age of six (6) who are income qualified.

**Councilman Mishler** said, as a nurse who works in public health he knows the importance of lead mitigation and how it can negatively impact cognitive development of children at an early age. It can also impact those who are seniors in our community. It can lead to things such as hypertension, heart attacks, strokes and it has been linked to other health issues. He strongly supports anything we can do to help remediate lead in our community.

**Councilman Fish** said they are thankful for the grant and anything they can do to help the taxpayers in Elkhart and protect their health. He asked about the grant money and the matching money and what line item in the budget will this match with. **Mary Kaczka** replied, about half of it will be her time and she is not certain where the rest is located, it would be a question for the controller. **Jamie Arce, City Controller** replied a good portion of this is intended to be from her payroll, which is part of Economic Development, the General Fund budget. That is what is being included as part of her salary. If there are additional components that need to be utilized for that purpose then it would come out of the Economic Development General Fund. As for the \$1,050,000.00 it is a reimbursable loan and will operate very much like Community Development Block Grant hereafter CDBG does out of its own established fund, so there is no co-mingling. It is easier to audit from the State Board of Accounts perspective and this is a requirement from their direction.

**Councilman Henke** asked how much of the salary is allowed to be paid from this grant? **Jamie Arce** replied it will be based on hours and effort. From an appropriateness perspective, the grant rules typically require an hours and effort log and Mary will be tracking the time put towards the grant to help identify how much is payroll related and how much needs to be filled for other purposes. By fill he means the additional local match component that would be a requirement under the grant. **Councilman Henke** said could that be used for professional services. **Jamie Arce** replied yes, but it will be an allowable use of the grant funds also. **Councilman Henke** asked how the reduction will be tracked on the general budget salary allowance and what time frame would it be refunded? **Jamie Arce** replied this is tracked within the lead abatement grant fund that will be established as part of this and Housing and Urban Development hereafter HUD is typically very responsive when they request a draw. In looking at CDBG whenever they are making a request for allowable items to be drawn against, it is usually within a week once they make the request and HUD approves it, then they get a direct deposit and the money is reimbursed back to the city. **Councilman Henke** asked if the city has participated in a lead remediation process through a grant before, have they had any funds in prior years? **Jamie Arce** replied, not specific for this program. Public works as part of the most recent bond issuance had gotten some money through Indiana Finance Authority hereafter IFA in the State Revolving Fund hereafter SRF program for lead service line identification, but those are different programs and would not be similar to this. **Councilman Henke** said in a previous presentation the council had been told that less than 5% of Elkhart homes were affected. He wondering if that had changed and if the previous figures were not accurate. **Jamie Arce** replied the big difference is this is lead paint in homes versus lead service lines for water or galvanized lines. **Councilman Henke** said he thought they could use CDBG funds for that. **Mary Kaczka** they do get a limited amount of CDBG funds but it has been there twenty (20) or more years. They normally try not to disturb the paint. In Indiana everyone and two (2) year old child should have their blood levels tested. They do not really know unless they are tested and if the blood is elevated, then go and access the home. **Councilman Henke** said they have had the funds to be looking into this with CDBG funds. Is this predominately for blood testing? **Mary Kaczka** replied these funds are capacity building, these are not for blood testing. This is to raise awareness that parents need to have the blood tested and get those results and if the level is too high then move into assessing



the home. They will work with several other partners in the community like Beacon Health, Heart City and Maple City to focus on this. **Councilman Henke** said he is wondering how they get people to be aware of this and get the blood tests and how they overcome the barriers to get them tested. **Mary Kaczka** replied they need to be tracking the data as they are in other counties.

**Councilman Mishler** said he can respond to this because it is part of his job with the Indiana Department of Health Department of Emergency Preparedness and they specialize in early childhood and lead testing as well as for pregnant women. Everyone from six (6) months to six (6) years old is tested through their department. While housing is a definite issue including lead paint in older houses they are seeing more and more instances of imported goods from China and other nations that are cheaper but using inferior production facilities that sometimes include lead contamination. He is hopeful as this program continues they will establish a working relationship with the county and state Department of Health to make sure that once a lead issue is identified the proper medical authorities being that family's primary care provider, the county or state health department can move in and find the source of the lead. **Mary Kaczka** said that is correct this is also including creating a system of handling that case. What you described has happened where a child's blood level was high, they went in assessed the home, this was through the county and they could not find it in the paint or the woodwork and it was actually in pottery and dinner ware that came from another country. **Councilman Mishler** said another thing is talking about the long term cost benefits of lead reduction. There have been significant studies that link the removal of leaded gasoline with the reduction in violent crimes and murder rates, which is due to the impact of lead poisoning on development. The more they can remove from developing minds the better it will help us as a society. **Mary Kaczka** said children who are in school and have impulsive issues could be due to blood poisoning.

**Councilwoman Hines** asked how are they educating the community and how are they connecting them with this service or program? **Mary Kaczka** said a coalition has been forming around Beacon Health they are tying into that group. Many of the entities wrote letters of support when they applied for this grant. The niche they have is on the housing side of it part of a healthy home initiative. Through HUD and their CDBG funds they are now also required to test for Radon in a home.

**Councilman Henke** is there a way to get in front of the testing before mothers give birth as that is when the lead level of the child will match the mother's level? **Mary Kaczka** said that is one of the target groups and Heart City Health and the other groups are all supportive of this grant. **Councilman Henke** asked why St. Joseph County is more aware of their numbers? **Mary Kaczka** replied that is because they have been pursuing this longer.

#### **PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-39**

President Dawson opened the public discussion starting at 58 minutes and 11 seconds of the audio recording.

There was no public discussion.

#### **COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-39**

President Dawson opened council discussion starting at 58 minutes and 18 seconds of the audio recording.

There was no further Council discussion.

President Dawson asked the clerk to do a roll call vote on second reading.

**AYES: Holtz, Curry, King, Mishler, Hines, Crabtree, Henke, Dawson**  
**NAYS:**

**By a vote of 9-0, the proposed ordinance passed on second reading.**

Motion for third and final reading made by Councilman Crabtree, second by Councilwoman Hines.

President Dawson asked the clerk to read the proposed ordinance by title only and do a roll call vote.

**AYES: Holtz, Curry, King, Mishler, Fish, Hines, Crabtree, Henke, Dawson**  
**NAYS:**

**By a vote of 9-0, the proposed ordinance passed on third and final reading.**

Discussion on the proposed ordinance ends at 59 minutes and 17 seconds of the audio recording.

### **ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES**

#### *Proposed Ordinance 24-O-34*

#### **AN ORDINANCE ADOPTING THE OPERATING BUDGET FOR THE 2025 CALENDAR YEAR, APPROPRIATING FUNDS FOR SUCH PURPOSE AND ESTABLISHING THE TAX RATE FOR THE CITY OF ELKHART**

President Dawson stated this ordinance will remain tabled.

#### *Proposed Ordinance 24-O-35*

#### **AN ORDINANCE FIXING THE ANNUAL SALARIES OF ELECTED OFFICIALS OF THE CITY OF ELKHART, INDIANA, FOR THE CALENDAR YEAR 2025**

President Dawson stated this ordinance will remain tabled.

#### *Proposed Ordinance 24-O-36*

#### **AN ORDINANCE FIXING THE SALARIES AND WAGES FOR APPOINTED OFFICERS AND OTHER SALARIED EMPLOYEES OF THE CITY OF ELKHART, INDIANA, FOR THE YEAR 2025**

President Dawson stated this ordinance will remain tabled.

*Proposed Ordinance 24-O-37*

**AN ORDINANCE ADOPTING A SCHEDULE OF SALARIES AND OTHER COMPENSATION FOR THE POLICE OFFICERS OF THE CITY OF ELKHART, INDIANA, FOR THE CALENDAR YEAR 2025**

President Dawson stated this ordinance will remain tabled.

**TABLED ORDINANCES AND RESOLUTIONS**

*Proposed Ordinance 24-O-10*

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, AUTHORIZING THE ISSUANCE OF THE CITY OF ELKHART, INDIANA TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO**

President Dawson stated this ordinance will remain tabled.

**ORDINANCES ON SECOND-THIRD READING**

*Proposed Ordinance 24-O-32*

**AN ORDINANCE APPROPRIATING EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000.00) FROM THE ECONOMIC DEVELOPMENT INCOME TAX FUND TO THE REVOLVING LOAN FUND AND AUTHORIZING THE USE OF SAID FUNDS AS A FORGIVABLE LOAN IN CONNECTION WITH THE CONSTRUCTION OF A FORTY-EIGHT UNIT AFFORDABLE HOUSING PROJECT FOR ECONOMIC DEVELOPMENT PURPOSES.**

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

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-39**

President Dawson opened council discussion starting at 1 hour, 00 minutes and 22 seconds of the audio recording.

**Mike Huber, Director of Development Services**, said the project at 515 East Street is a redevelopment of the former wheelchair manufacturing building that will become a mixed use building that includes forty-eight (48) new housing units and approximately 2,000 square feet of commercial space. It represents a total investment of approximately \$13, 500, 000.00 by the developer, Real America. The project developer applied for low income tax credits for this project each of the last two years (2) years to secure the primary funding source for the project. The City of Elkhart agreed to provide local match investments to assist with project costs, including demolition of the existing structure as part of the application, both years. This year the

project was successfully funded and awarded credits to support the development. Due to the inclusion of the low income tax credits, all of the forty-eight (48) units included in this project will be affordable based on incomes ranging from 30% to 80% of the area median income. For reference, the current median income for the City of Elkhart based on the most recent HUD data is about \$57,000.00 for an individual and about \$82,000.00 for a family of four (4). That would be 100% of the median income for the area. Rents for these units will range from \$300.00 to \$1,260.00 per month. Approximately one half of the units in the project are available for households earning 70% to 80% of the area median income. For reference, there are a number of existing market rate projects in the City of Elkhart that have rents about \$900.00 to \$1,200.00. These units are priced similarly to some of our market rate units even though they are designated at 70% to 80% Area Median Income hereafter, AMI units. Along with the Division Street project by La Casa, this is one of the few new housing development projects that they have had in the City of Elkhart that actually provides housing options to households under 60% of the AMI. The City had conducted a housing study in 2022 through Zimmerman Volt that study indicated the City will need approximately four hundred (400) to five hundred thirty (530) additional units for households earning under 80% of the AMI annually over the next five (5) years. That is two thousand (2,000) to two thousand five hundred (2,500) units total and they are getting forty-eight (48) in here and the Division Street project was twelve (12) that is sixty (60) out of five hundred (500) units. They still have a long way to go to provide additional housing options for people. That is the most challenging for developers to be able to provide. The forgivable loan agreement that is proposed in this project mirrors the structure that was provided to Industrial Commercial Properties for the redevelopment of the Concord Mall. Similar to the Concord Mall, if the project is not completed, the developers are responsible for the repayment of the loan. The proceeds of the loan will be used to assist with the demolition of the existing structure, which is about \$500,000.00 and additional site and utility relocation work. If you are familiar with the site, there is an alley next to the parking structure and there are a number of utility poles so there is a significant amount of work that has to be done to the site and that is our proposed investment in the project. The president of Real America is here and there may be others online.

**Councilman Mishler** asked how many units are there in total? **Mike Huber** replied, there are forty-eight (48) units. **Councilman Mishler** asked about parking. **Mike Huber** said the downtown Central Business District hereafter CBD requires one parking space per unit. They also recognize that for the income target of this project and because of the location in downtown there will be access to public transportation and walking distance to the grocery store and a number of other amenities that there will be people who do not have a car. **Councilman Mishler** asked how many parking spots are anticipated? **Mike Huber** said it has already gone through the zoning process and been approved for the appropriate zoning through the zoning process. **Councilman Mishler** said there is the parking garage right there that is utilized by the police department and the hotel. **Mike Huber** said he believe the project accommodates twenty seven (27) to twenty nine (29) spaces on the site and there is utilization of additional on street parking as well. **Councilman Mishler** restated the pricing of the units and the use of the cities' money for demolition and other work to prepare the site. He asked if there was a timeline? **Mike Huber** said once this is approved they will close their financing and begin demolition of the existing structure.

**Councilman Fish** asked will this use the same entrance as the alley? **Mike Huber** replied yes. **Councilman Fish** asked if upon closing if the terms begins on the loan. **Mike Huber** said yes and then the loan is forgiven upon completion of the project.

**Councilman Henke** asked if this project is tied to any other projects? **Mike Huber** replied this a Limited Liability Company hereafter LLC, also the LLC that is developed by the Real America Company. **Councilman Henke** asked what part of the money is actually company investment, non-tax credit and non-grant related? **Rhonda Shrewsberry, the president of Real America Development** said the company is thirty years (30) old and have developed affordable housing throughout Indiana and now in Colorado. To answer the question for the equity piece, they have obtained Federal Tax Credits that is Section 42 tax credits and sell the tax credits, the tenure tax credits to raise the equity for the equitable portion of the costs. They originally submitted in 2022, with the interest rate changes and construction costs, they do have a deficit, and the project is over \$14,000,000.00 so any equitable contributions they make comes from their developer fees that they would defer into the project. The majority of the money that goes into the project is through the sale of the tax credits. **Councilman Henke** said his question was how much money does the company itself extend and it is zero because you are using full tax credit for the total cost of the project plus city money, is that correct? **Rhonda Shrewsberry** replied yes. **Councilman Henke** asked if this LLC also listed as a 501c3, is it a tax paying entity? **Rhonda Shrewsberry** replied it is a Legacy 25, Legacy 25 is a 501c3 and together with Real America, the Legacy 25 is the owner and general partner of the entity, Real America is the developer and co-owner. **Mike Huber** said the property will generate property tax and it will generate tax increment into the Tax Increment Fund hereafter, TIF. **Councilman Henke** asked how much will it generate? **Mike Huber** responded they can send the information to Councilman Henke. **Councilman Henke** said there is a demand for more housing and that they have to be careful about how they go about providing housing and using local apartment providers. **Mike Huber** said this is just a part of the solution as there is a large need for more housing. **Councilman Henke** asked what the city's total investment is? **Mike Huber** replied the city's total investment in this project is \$850,000.00.

#### **PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-32**

President Dawson opened the public discussion starting at 1 hour, 12 minutes and 46 seconds of the audio recording.

There was no public discussion.

#### **COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-32**

President Dawson opened council discussion starting at 1 hour, 12 minutes and 52 seconds of the audio recording.

There was no further Council discussion.

President Dawson asked the clerk to do a roll call vote on second reading.

**AYES: Holtz, Curry, King, Mishler, Hines, Crabtree, Henke, Dawson**  
**NAYS:**

**By a vote of 9-0, the proposed ordinance passed on second reading.**

Motion for third and final reading made by Councilwoman Hines, second by Councilman Fish.

President Dawson asked the clerk to read the proposed ordinance by title only and do a roll call vote.

**AYES: Holtz, Curry, King, Mishler, Fish, Hines, Crabtree, Henke, Dawson**  
**NAYS:**

**By a vote of 9-0, the proposed ordinance passed on third and final reading.**

Discussion on the proposed ordinance ends at 1 hour, 13 minutes and 56 seconds of the audio recording.

### **ORDINANCES ON FIRST READING**

There are no Ordinances on First Reading.

### **RESOLUTIONS**

#### ***Proposed Resolution 24-R-47***

#### **A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, APPROVING THE SUBSTANTIALLY FINAL FORM OF DEVELOPMENT AND LOAN AGREEMENT 515 EAST STREET PROJECT**

President Dawson asked the clerk to read the proposed resolution by title only. He asked for a motion and a second to adopt this resolution. Motion by Councilman Fish, second by Councilwoman Hines.

#### **COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-47**

President Dawson opened council discussion starting at 1 hour, 14 minutes and 22 seconds of the audio recording.

**Mike Huber, Director of Development Services**, said this is the actual loan agreement that goes along with the previous appropriation.

**Councilman Fish** questioned the Section 42 tax credit and how long they were viable? **Rhonda Shrewsberry** said it is a ten year (10) and there is a fifteen year (15) compliance period.

#### **PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-47**

President Dawson opened the public discussion starting at 1 hour, 15 minutes and 38 seconds of the audio recording.

There was no public discussion.

#### **COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-47**

President Dawson opened council discussion starting at 1 hour, 15 minutes and 45 seconds of the audio recording.

There was no further Council discussion.

President Dawson asked the clerk to do a roll call vote.

**AYES: Holtz, Curry, King, Mishler, Hines, Crabtree, Henke, Dawson**

**NAYS:**

**By a vote of 9-0, the proposed resolution passed.**

Discussion on the proposed ordinance ends at 1 hour, 16 minutes and 25 seconds of the audio recording.

*Proposed Resolution 24-R-48*

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, AUTHORIZING THE TRANSFER OF FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE FULL TIME ACCOUT TO THE CONTRACT SERVICES ACCOUNT OF THE LERNER THEATRE**

President Dawson asked the clerk to read the proposed resolution by title only. He asked for a motion and a second to adopt the resolution. Motion by Councilman Mishler, second by Councilwoman Hines.

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-48**

President Dawson opened council discussion starting at 1 hour, 16 minutes and 54 seconds of the audio recording.

**Mike Huber, Director of Development Services**, said this item originated around the time that the original development agreement for the outdoor music venue and the Central Green fell apart. The City had created a promotional piece summarizing the opportunity for the outdoor music venue development based on the original Request For Proposal hereafter RFP that had been issued and they were initiating contact with other potential developers. He said he was introduced to Scott Welsh who is in the audience with Welsh Management Group during idea week at Notre Dame as an interested party who might have some interest in the outdoor venue project. Mr. Welsh collaborated with a partner, Blake McDaniel of Conway Entertainment Group to explore the opportunity and to understand the potential development parameters, including management of the Lerner, as had been contemplated in the original development agreement. Combined Mr. Wells and Mr. McDaniel have a significant number of years of experience in the music industry, both have managed and represented major label artists and booked them in venues across the country. After an initial virtual work session to discuss potential agreement parameters and expectations Mr. Welsh and Mr. McDaniel visited Elkhart to better understand the market, to see the site and to understand the development underway in Elkhart. The visit also included a tour of the Lerner and some discussions with the staff. This was the initiation of some conversations about the Lerner's current operating model and Mr. McDaniel's previous experience as a board member of the municipal auditorium in downtown Nashville and his role was part of initiating a number of changes that resulted in the Nashville municipal auditorium going from an annual public subsidiary of \$1,000,000.00 a year to becoming self-sufficient within a one year (1) to a two year (2) period. During the conversations around the outdoor music venue, the former General Manager of the Lerner resigned and left that position open. The City was presented with a proposal by the current team of Mr. Welsh and Mr. McDaniel through Conway Entertainment to undertake a national search for a new full time



General Manager, that proposal was approved by the Lerner governing board last month. One of the key tenets of that was understanding with the pressure of not having a General Manager in place and not having some existing shows booked, needing to continue to have somebody negotiating to book additional shows and the celebration of the one hundred year (100) anniversary of the Lerner with the committee getting started and planning on the way for that, it was really incumbent on them to try to find an interim General Manager as quickly as possible. Mr. Welsh and Mr. McDaniel took that as part of the engagement in addition to not just finding the permanent General Manager, but to help them find an interim General Manager as well. They presented two (2) candidates and the candidate that was selected and recommended to the City and recommended to the Lerner governing board is Ms. Sherry May. She is on virtually this evening. She has spent the last twenty four years (24) creating and managing a pretty significant concert series at the Memphis Botanical Gardens. They do a five (5) show season and they have over seven thousand five hundred (7,500) people who attend each of the shows. They have a \$2,000,000.00 budget just on that series. She was recommended to the Lerner governing board last month as an interim General Manager. The Lerner governing board agreed to execute a contract through Conway Entertainment to bring Miss May on as an interim General Manager. The resolution that is in front of the council allows for funds to be transferred from the full time salary line to what they would be paying for a general manager into the contract services line to be able to pay for the contract for the interim general manager. It is anticipated that the interim General Manager will only be in place serving in that role until the time it takes to actually hire and secure a new full time General Manager in that position. They think that is probably ninety days (90) to one hundred and eighty days (180) at the maximum.

**Councilman Mishler** asked if it goes longer than the one hundred eighty days (180) is there enough money or will there be another request for additional funds? **Mike Huber** replied he cannot speak to that fully. The intent is for the interim to serve while they are still looking for a new General Manager. **Councilman Mishler** asked if the new General Manager is found in a short period of time what happens to the \$50,000.00? **Mike Huber** replied, it is a \$10,000.00 per month contract and if it is not needed for the entire time, then the money is not spent. **Councilman Mishler** said if we do not find someone in that time, would they need to appropriate money again? **Mike Huber** said he assumes that would be the case.

**Councilman Fish** asked if this goes into 2025, who will manage the budget. **Mike Huber** replied, it will be a combination of the Mayor, Chief of Staff, the Lerner interim General Manager and the Lerner governing board. **Councilman Fish** said who would be the overall control, Jamie Arce and the Mayor? **Mike Huber** said yes.

**Councilman Henke** asked if there was a second person within the Lerner that could have been trained to do this and has there been discussion about letting someone who has a career in the entertainment field manage the Lerner and the city retains ownership? **Mike Huber** said he is not aware if someone has been or could be trained to be the general manager. The interim general manager as part of her role will be to look at the way things are done and assess with Mr. Welsh and Mr. McDaniel what should be done by the city and what should be done by someone outside of the city government and get as close to the goal of making the Lerner a self-sustaining organization, like was accomplished in Nashville. The goal is to make this the best moving forward for the next hundred years.

**President Dawson** commented that he had the opportunity to speak with Mr. Welsh and Mr. McDaniel and their goals are the goals the city also wants to achieve. **President Dawson** expressed the concerns of the Council and those gentlemen said they believe the City can achieve those goals with the commodity they have in the Lerner.

**Mike Huber** said a thirty day (30) report is expected at the November Lerner Board meeting.

#### **PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-48**

President Dawson opened the public discussion starting at 1 hour, 27 minutes and 14 seconds of the audio recording.

There was no public discussion.

#### **COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-48**

President Dawson opened council discussion starting at 1 hour, 27 minutes and 20 seconds of the audio recording.

There was no further Council discussion.

President Dawson asked the clerk to do a roll call vote.

**AYES: Holtz, Curry, King, Mishler, Hines, Crabtree, Henke, Dawson**

**NAYS:**

**By a vote of 9-0, the proposed resolution passed.**

Discussion on the proposed ordinance ends at 1 hour, 27 minutes and 46 seconds of the audio recording.

#### **VACATION HEARINGS**

There are no vacation hearings.

#### **OTHER NEW BUSINESS**

President Dawson opened the discussion starting at 1 hour, 28 minutes and 04 seconds of the audio recording.

**Councilman Henke** said he has looked through the budget and said they should not only be watching what comes out but also what comes in. He would like to see some of the unusual spending be reduced and to better care for the resources that have been purchased and are underutilized. He also wanted to make sure that as they work through the budget process to be mindful of letting money run through their fingers.

**Councilman Mishler** said he wants to commend the Parks Department and the Park's Superintendent, Jamison Czarnecki. The recent ribbon cutting of the Island Park Disc Golf Course, has had fantastic reviews. Disc Golf was one of the most requested amenities to be

added to our parks. There is also the continued improvement at Walker Park with the new playground equipment and restrooms. He also said Buildings and Grounds is doing a great job.

New Business discussion ended at 1 hour, 32 minutes and 41 seconds of the audio recording.

### **REPORTS OF MAYOR, BOARD OF WORKS, BOARD OF SAFETY OR CITY DEPARTMENTS**

There were no reports.

### **NEIGHBORHOOD ASSOCIATION REPORTS**

President Dawson opened the Neighborhood Association Reports starting at 1 hour, 32 minutes and 54 seconds of the audio recording.

**Councilman Curry** said the Pierre Moran Neighborhood Association met at the Pierre Moran Park Pavilion and discussed issues of the neighborhood in the aftermath of the tornado and how people are coming along in rebuilding their homes. Adrian Riley from the Elkhart Police Department attended our meeting and answered questions. He would like to thank Chief Milanese for giving them an update on the attrition of the police department.

**Councilwoman King** said The Elkhart Truth attended our budget meeting and if they get a chance look at the article in the paper. The end of the year meeting will be happening for the neighborhood association and they will be planning for 2025.

Neighborhood Association reports ends at 1 hour, 35 minutes and 15 seconds of the audio recording.

### **PRIVILEGE OF THE FLOOR**

There was no one who spoke.

### **SCHEDULING OF COMMITTEE MEETINGS**

President Dawson stated on October 17, 2024, there will be a Special Call meeting and they will pass the final budget at a public hearing.

### **ACCEPTANCE OF COMMUNICATIONS**

Minutes of August 28, 2024 – Board of Aviation Commissioners  
Minutes of August 27, 2024 – Board of Public Safety  
Minutes of September 3, 2024 – Board of Public Works  
Minutes of September 17, 2024 – Board of Works – Memorandum  
Minutes of September 17, 2024 – Board of Works  
Minutes of July 11, 2024 – Board of Zoning Appeals  
Minutes of June 20, 2024 – Elkhart Historic & Cultural Preservation Commission  
Minutes of August 19, 2024 – Elkhart Urban Enterprise Zone  
Minutes of August 20, 2024 – Parks and Recreation Board  
Report – Attrition Rates 2018-2024 – Elkhart Police Department  
Report – Month End September 2024 – Elkhart Communication Center

President Dawson asked for a motion to approve the communications. Motion made by Councilman Mishler, second by Councilman Fish.

**By a unanimous voice vote, the Acceptance of Communications passed.**

### **ADJOURNMENT**

President Dawson asked for a motion to adjourn. Motion made by Councilwoman Hines, second by Councilman Crabtree.

**By a unanimous voice vote, the meeting was adjourned.**

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Debra D. Barrett, Elkhart City Clerk

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Arvis L. Dawson  
President of the Elkhart City Council



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## Memorandum

To: Arvis Dawson, President, Elkhart City Common Council  
From: Jamie Arce, CPA, City Controller  
Date: September 25, 2024  
Regarding: 2025 Fire Schedule of Salaries and Other Compensation

For your consideration, please find the following proposed ordinance adopting the maximum salaries for the high-ranking officials of the Elkhart fire department and members of the International Association of Firefighters Local #338

The salary ranges of the high-ranking officials align with the City's performance management model. Performance based raises for the Chief and Assistant Chief will be awarded based on the approval of the 2025 budget.

For the Members of the International Association of Firefighters Local #338 the collective bargaining agreement between the City and IAFF was approved on September 9, 2024, and expires December 31, 2027. The rates of pay and other benefits that were agreed to are reflected in the proposed ordinance.

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

**AN ORDINANCE ADOPTING A SCHEDULE OF SALARIES AND OTHER  
COMPENSATION FOR THE FIRE DEPARTMENT OF THE CITY OF ELKHART,  
INDIANA, FOR THE CALENDAR YEAR 2025**

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**WHEREAS**, the Common Council of the City of Elkhart, Indiana (“Common Council”) is required by Indiana Code 36-8-3-3(d), to fix the compensation for the employees of the Fire Department, by ordinance, not later than November 1 of each year for the ensuing budget year; and

**WHEREAS**, the employees of the Fire Department, include the sworn members of the Elkhart Fire Department, as defined in Indiana Code 36-8-1-8, among whom are employees covered by a collective bargaining agreement, and upper-level employees who are not covered by a collective bargaining agreement; and

**WHEREAS**, the Common Council recognizes the International Association of Firefighters Local # 338 (IAFF Local 338), as the exclusive bargaining representative for sworn full-time firefighters (“firefighters”) of the Elkhart Fire Department, holding the rank of Firefighter (F1) through the rank of Captain (F5) (hereinafter, “CBA Covered Positions”), but excluding the rank of Investigator (F6) and above (hereinafter, “Non-CBA Covered Positions”); and

**WHEREAS**, the Common Council approved under *Resolution No. R-46-24*, that certain *Collective Bargaining Agreement between the City of Elkhart and International Association of Firefighters Local # 338* (hereinafter, “the CBA”), which sets forth, *inter alia*, the compensation and benefits for the 2025 calendar year for the CBA Covered Positions, specified therein; and

**WHEREAS**, pursuant to, and as required by, Indiana Code 36-8-3-3, the compensation fixed for the various employees of the Fire Department, for CBA Covered Positions and Non-CBA Covered Positions, is set forth herein, including, salaries, and, where applicable, other monetary compensation, and fringe benefits, monetary and non-monetary;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council that:

Section 1. Compensation. The compensation for the payment of salaries of employees of the Fire Department of the City of Elkhart, Indiana, is hereby established, payable on a bi-weekly basis, every other Friday, for the calendar year 2025, setting forth the position and maximum compensation, expressed as an annual amount of compensation, if the corresponding bi-weekly compensation were paid for the entire year:

	<b>Non-CBA Covered Positions</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
F10	Chief	NTE: \$119,300	NTE: \$119,300	NTE: \$119,300
F9	Assistant Chief	NTE: \$113,700	NTE: \$113,700	NTE: \$113,700
F8	Division Chief	\$ 98,500	\$ 101,400	\$ 103,700
F7	Battalion Chief	\$ 97,900	\$ 100,800	\$ 103,100
F6	Inspector	\$ 86,000	\$ 88,900	\$ 91,200
F6	Investigator	\$ 86,000	\$ 88,900	\$ 91,200
	<b>CBA Covered Positions</b>			
F5	Captain	\$ 80,400	\$ 83,300	\$ 85,600
F4	Lieutenant	\$ 78,900	\$ 81,800	\$ 84,100
F3	Operator	\$ 75,300	\$ 78,200	\$ 80,500
F2	1st Class FF	\$ 72,500	\$ 75,400	\$ 77,700
F1	Fire Fighter	\$ 65,200	\$ 68,100	\$ 70,400

Section 2. Pay Schedule. For the calendar year 2025, salary and wage payments shall be made every other Friday with the first payment being January 3, 2025.

Section 3. Specialty and Incentive Pay. For calendar year 2025, the following special



incentives are authorized for each eligible firefighter, including a firefighter holding a non-cba covered positions, provided the firefighter is assigned work requiring the application of the corresponding specialty:

A sum not to exceed the following:

<u>Specialty</u>	<u>Annual Incentive</u>
<u>Hazardous Materials</u>	
HAZMAT Team Leaders	\$2,300.00 ea.
HAZMAT Team	\$1,000.00 ea.
<u>EMS</u>	
Advanced EMT	\$3,500.00 ea.
Tier 1 Probationary Paramedic	\$2,500.00 ea.
Tier 2 Paramedic	\$4,800.00 ea.
Tier 3 Preceptor Paramedic	\$5,500.00 ea.
Tier 4 Preceptor Educator Paramedic	\$7,000.00 ea.
<u>Water Rescue</u>	
Water Rescue Team Leader	\$2,300.00 ea.
Water Rescue Team	\$1,000.00 ea.
<u>Technical Rescue</u>	
Technical Rescue Team Coordinator	\$2,300.00 ea.
Technical Rescue Team	\$1,000.00 ea.
<u>Mechanics, Instructors, and Assistants</u>	
SCBA Coordinator	\$4,000.00 ea.
SCBA Maintenance	\$2,742.00 ea.
Assistant Mechanics	\$2,742.00 ea.
Instructors	\$4,000.00 ea.
Technology Assistant	\$2,742.00 ea.
Peer Support	\$1,000.00 ea.
Honor Guard	\$1,000.00 ea.

Section 4. Holiday Pay. For the calendar year 2025, Holiday Pay shall be payable to firefighters holding positions covered by the *Collective Bargaining Agreement between the City of Elkhart and International Association of Firefighters Local # 338*, as restated below:

A. Except as otherwise stated in Subsection C, to be eligible for holiday pay, a firefighter must work his or her regular tour of duty before, during or after a scheduled holiday. Holidays are those days designated by Ordinance No. 5856, as amended from time to time.

B. If a firefighter's regular tour of duty begins on a scheduled holiday and he or she works that entire shift, the firefighter shall receive three hundred dollars (\$300.00) holiday pay. If a firefighter does not work the entire shift, then he or she will receive a pro-rated amount of holiday pay. If a firefighter's regular tour of duty does not begin on a scheduled holiday and he or she is eligible for holiday pay pursuant to Subsection A, the firefighter shall receive one hundred fifty dollars (\$150.00) holiday pay.

C. If a firefighter's regular tour of duty begins on the calendar day before or after a scheduled holiday, but he or she: (i) takes a vacation day or personal day on at least one of those days, or (ii) is unable to work at least one of those days due to an on-duty injury, then the firefighter shall receive one hundred fifty dollars (\$150.00) holiday pay. If a firefighter's regular tour of duty begins on the day of the scheduled holiday, but he or she: (i) takes a vacation day or personal day on that day, or (ii) is unable to work that day due to an on-duty injury, then the firefighter shall receive three hundred dollars (\$300) holiday pay.

D. If a firefighter's regular tour of duty does not begin on the day of the scheduled holiday, but he or she works overtime on that day, then the firefighter shall be paid his or her overtime rate and a pro-rated amount of holiday pay based on the number of actual hours worked, in addition to their normal holiday pay.

E. If a firefighter's regular tour of duty begins on a scheduled holiday, but he or she elects to trade work time with another firefighter, then the first firefighter will forfeit a pro-rated amount of his or her holiday pay based on the number of hours worked by the second firefighter. The second firefighter shall receive the forfeited pro-rated amount based on the number of hours he or she actually works.

**Section 5. Longevity Pay.** Longevity Pay shall be payable to all firefighters, regardless of rank, as follows:

<b><u>Continuous years of service</u></b>	<b><u>Compensation</u></b>
Five (5) years	\$25 per month, payable at the beginning of the 5 <sup>th</sup> year
Ten (10) years	\$50 per month, payable at the beginning of the 10 <sup>th</sup> year
Fifteen (15) years	\$150 per month, payable at the beginning of the 15 <sup>th</sup> year
Twenty (20) years	\$300 per month, payable at the beginning of the 20 <sup>th</sup> year
Twenty-one (21) or more years	\$500 per month, payable at the beginning of the 21 <sup>st</sup> year

**Section 6. Uniform Allowance.** Uniform Allowance shall be payable to all firefighters, regardless of rank, After serving one (1) year on the Fire Department, each firefighter shall receive a sum not to exceed Two Thousand Dollars (\$2,000.00) per year as clothing allowance.

**Section 7. Compensatory Time.** Compensatory Time shall be payable as provided below:  
Firefighters in rank of Firefighter (F1) through Captain (F5) are eligible to earn Compensatory Time.

Section 8. Overtime Pay. Overtime Pay shall be payable as provided below:

Firefighters in rank of Firefighter (F1) through Captain (F5) shall be entitled to overtime pay. Overtime pay for firefighters shall be paid at a rate of one and one-half times the firefighter's regular rate of pay, which is to be calculated at the firefighter's pay grade and specialty pay.

Section 9. Stipend Pay. Stipend Pay shall be payable to firefighters holding the rank of Battalion Chief (F7). Stipend Pay shall equal one and one-half times (1 and ½) the Battalion Chief's regular compensation and shall be payable for any additional shifts worked over and above the Battalion Chief's regular schedule.

Section 10. Severance Pay. A firefighter's earned benefits shall be paid upon a firefighter's separation from service, as follows:

A. For firefighters holding the rank of Firefighter (F1) through Captain (F5), upon retirement, voluntary termination, or death while on active duty, the firefighter, or the firefighter's estate, shall be eligible for payment for earned vacation benefits, personal time, sick time, compensatory time and incentive pay in accordance with the collective bargaining agreement between the City of Elkhart (the "City") and the International Association of Firefighters, Local No. 338 (the "Union").

B. All other firefighters shall receive payment of accrued benefits as provided in the Employee Handbook or as otherwise provided by law.

Section 11. Sick Pay. Sick pay shall be available to firefighters, as follows:

A. All those firefighters holding the rank of F6 and above, the amount of sick time they shall receive annually shall be forty (40) hours.

B. For those firefighters holding the paygrade and rank of F5 and below, the firefighter will be allowed two (2) paid sick days per year.

C. Sick time shall not accumulate from year to year.

D. All sick time shall be taken in accordance with the sick time provisions of the most current collective bargaining agreement between the City and the Union.

E. These sick time provisions supersede all other sick time benefits provided by the City.

Section 12. Injury Benefits. Injury Benefits shall be available, notwithstanding any ordinance to the contrary, to all firefighters covered by the *Collective Bargaining Agreement* with

the City, and shall be entitled to take medical leave in accordance with the medical leave provisions of the Collective Bargaining Agreement.

Section 13. Residency Incentive. The Residency Incentive provided herein, applies only to firefighters who are not covered by the Collective Bargaining Agreement with the City of Elkhart. All other firefighter who are employed on a full-time basis, who establishes and maintains legal residency within the city limits of the City of Elkhart, physically resides on a continuous, permanent basis within the Elkhart city limits, and satisfies such other the requirements described in the Employee Handbook relating to this incentive, shall be entitled to an annual lump sum monetary bonus of up to two thousand four hundred dollars (\$2,400). The residency bonus shall be prorated for each full month of city residency out of the twelve (12) months immediately preceding the month selected by the City Controller for the payment of the bonus, and provided the person is so employed by the City on the last day of the pay-period prior to the bonus payment date

Section 14. Inconsistent Ordinances. Any ordinances, resolutions or parts thereof in conflict with this Ordinance are hereby deemed repealed.

Section 15. Effective Date. The effective date of this Ordinance shall be January 1, 2025.

*[Balance of page is intentionally blank.]*

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

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

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

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

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

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

ATTEST:

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

**Rod Roberson**  
*Mayor*

**Michael Huber**  
*Director of Development Services*



**Development Services**  
*Community Development*  
*Economic Development*  
*Planning Services*  
*Redevelopment*  
229 S. Second St.  
Elkhart, IN 46516  
574.294.5471  
Fax: 574.295.7501

**DATE:** October 11, 2024

**TO:** City of Elkhart Common Council

**FROM:** Michael Huber, Director of Development Services

**RE:** Rezoning request for 203 N Nappanee Street – (20-05-01-427-007.000-006)

At its regular meeting on Monday, October 7, 2024, the Plan Commission recommended approval of Petition 24-Z-06. The Plan Commission provided a 'Do Pass' recommendation on to the Common Council by a vote of 8-0.

One condition was added at the meeting - Cross access is established between the parking lots so there are egress and ingress options.

The petitioner, J Arms, LLC, has requested to rezone the building at 203 N. Nappanee Street. The .64 acre parcel is currently a single family dwelling and the adjacent medical building will use the site for storage and meeting space. The rezoning to O, Office District from R-2, One Family Dwelling District will allow the structure to match the use and zoning district.

October 14, 2024

The Common Council  
City of Elkhart  
Elkhart, IN 46516

**RE: Petition 24-Z-06**  
203 N Nappanee Street; Parcel 20-05-01-427-007.000-006

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, October 7, 2024**, heard the above petition as prescribed by Per Section 29.11.B, Map Amendments, a request to rezone 203 N. Nappanee Street (05-01-427-007) from R-2, One Family Dwelling District to O, Office District.

The Plan Commission **voted 8 to 0 in favor** of this rezoning petition and thus it is sent to the Common Council with a "Do Pass" recommendation with a condition: **Cross access is established between the parking lots so there are egress and ingress options.**

Sincerely,

Carla Lipsey  
Plan Commission Recording Secretary

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

**AN ORDINANCE AMENDING THE ZONING MAP CREATED PURSUANT TO ORDINANCE NO. 4370, THE “ZONING ORDINANCE OF THE CITY OF ELKHART, INDIANA” AS AMENDED, TO REZONE 203 N. NAPPANEE STREET, ELKHART, IN 46514, FROM R-2, ONE FAMILY DWELLING DISTRICT TO O, OFFICE DISTRICT.**

WHEREAS, on July 20, 1998, the Common Council of the City of Elkhart, Indiana (the “Common Council”) adopted Ordinance No. 4370 (the “Zoning Ordinance of the City of Elkhart, Indiana”), creating the zoning map that established the zoning districts for all real estate located within the corporate boundaries of the City of Elkhart (commonly referred to as the “Zoning Map”); and

WHEREAS, the real estate located at 203 N. Nappanee Street, Elkhart, IN 46514 (the “Real Estate”), is zoned R-2, One Family Dwelling District; and

WHEREAS, the owner of the Real Estate petitioned the Elkhart City Plan Commission, requesting an amendment to the Zoning Map to allow for use as office space; and

WHEREAS, the intended use of the Real Estate is not a permitted use, unless the subject Real Estate is rezoned from R-2, One Family Dwelling District to O, Office District, and thereby allowing the owner’s intended use; and

WHEREAS, the rezoning, as petitioned, remains compatible with the adjacent properties and reflects responsible growth and development; and

WHEREAS, on October 7, 2024, the Elkhart City Plan Commission conducted a public hearing on the petition to amend the Zoning Map for the purpose stated herein and voted to forward to this Council, the Commission’s “Do Pass” recommendation.



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

Section 1. The zoning map created pursuant to and incorporated into Ordinance No. 4370, as amended, the Zoning Ordinance of the City of Elkhart, Indiana, is hereby further amended to rezone from R-2, One Family Dwelling District to O, Office District, the following real estate, located in the City of Elkhart, County of Elkhart, State of Indiana, and more fully described in the Exhibit A attached to this Ordinance.

Section 2. Conditions of Rezoning. This amendment and rezoning shall not take effect unless the following condition is satisfied:

- A. Cross access is established between the parking lots so there are egress and ingress options.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council.

*[Balance of page is intentionally blank.]*

**Exhibit A**  
**Description of Real Property**

**Address(s):**

203 N. Nappanee Street, Elkhart IN 46514

**Parcel Identification Number(s):**

20-05-01-427-007.000-006

**Legal Description:**

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION ONE (1), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FOUR (4) EAST CLEVELAND TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION SIX (6), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION ONE (1), FIVE HUNDRED SIXTEEN AND SIXTY-FOUR HUNDREDTHS (516.64) FEET FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE SOUTH EIGHTY-EIGHT (88) FEET; THENCE SOUTH EIGHTY-NINE (89) DEGREES THIRTY-EIGHT (38) MINUTES WEST, THREE HUNDRED THIRTY (330) FEET TO AN IRON STAKE; THENCE NORTH EIGHTY-EIGHT (88) FEET TO AN IRON STAKE; THENCE NORTH EIGHTY-NINE (89) DEGREES THIRTY-EIGHT (38) MINUTES EAST, THREE HUNDRED THIRTY (330) FEET TO THE PLACE OF BEGINNING.

EXPECTING THEREFROM THE FOLLOWING:

A PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 4 EAST, ELKHART COUNTY INDIANA AND THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 5 EAST DESIGNATED AS POINT "20" ON SAID PLAT; THENCE SOUTH 0 DEGREES 17 MINUTES 18 SECONDS WEST 516.64 FEET ALONG THE EAST LINE OF SAID SECTION 1 TO THE PROLONGED NORTH LINE OF THE GRANTOR'S LAND; THENCE NORTH 89 DEGREES 42 MINUTES 42 SECONDS WEST 37.50 FEET ALONG THE PROLONGATION OF SAID NORTH LINE TO THE WEST BOUNDARY OF S.R.19 PER DEED RECORD 218, PAGE 435 (OFFICE OF RECORDER OF ELKHART COUNTY) AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 0 DEGREES 06 MINUTES 48 SECONDS WEST 88.00 FEET ALONG THE BOUNDARY OF SAID S.R.19 TO THE SOUTH LINE OF THE GRANTOR'S LAND; THENCE NORTH 89 DEGREES 42 MINUTES 42 SECONDS WEST 14.90 FEET ALONG SAID SOUTH LINE; THENCE NORTH 0 DEGREES 06 MINUTES 48 SECONDS EAST 77.85 FEET TO THE POINT DESIGNATED AS "297" ON SAID PLAT; THENCE NORTH 13 DEGREES 55 MINUTES 23 SECONDS WEST 10.47 FEET TO THE NORTH LINE OF THE GRANTOR'S LAND THENCE SOUTH 89 DEGREES 42 MINUTES 42 SECONDS EAST 17.44 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.030 ACRES, MORE OR LESS.

So ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

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

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

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

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

\_\_\_\_\_  
Rod Roberson, Mayor for the City of Elkhart

ATTEST:

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



# Staff Report

## Planning & Zoning

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**Petition:** 24-Z-06

**Petition Type:** Rezoning

**Date:** October 7, 2024

**Petitioner:** J Arms, LLC

**Site Location:** 203 N Nappanee Street; Parcel 20-05-01-427-007.000-006

**Request:** Per Section 29.11.B, Map Amendments, a request to rezone 203 N. Nappanee Street (05-01-427-007) from R-2, One Family Dwelling District to O, Office District.

**Parcel I.D. Number(s):** 20-05-01-427-007.000-006

**Existing Zoning:** R-2, One Family Dwelling District

**Size:** +/- .64 Acres

**Thoroughfares:** N. Nappanee Street

**School District:** Elkhart Community Schools

**Utilities:** Available to site

**Surrounding Land Use & Zoning:**

The property is located amongst a mix of medical office uses zoned O, Office District with O, Office and R-2, One Family Dwelling District zoning and uses to the east across Nappanee Street. The land to the west is the school zoned R-2, One Family Dwelling District.

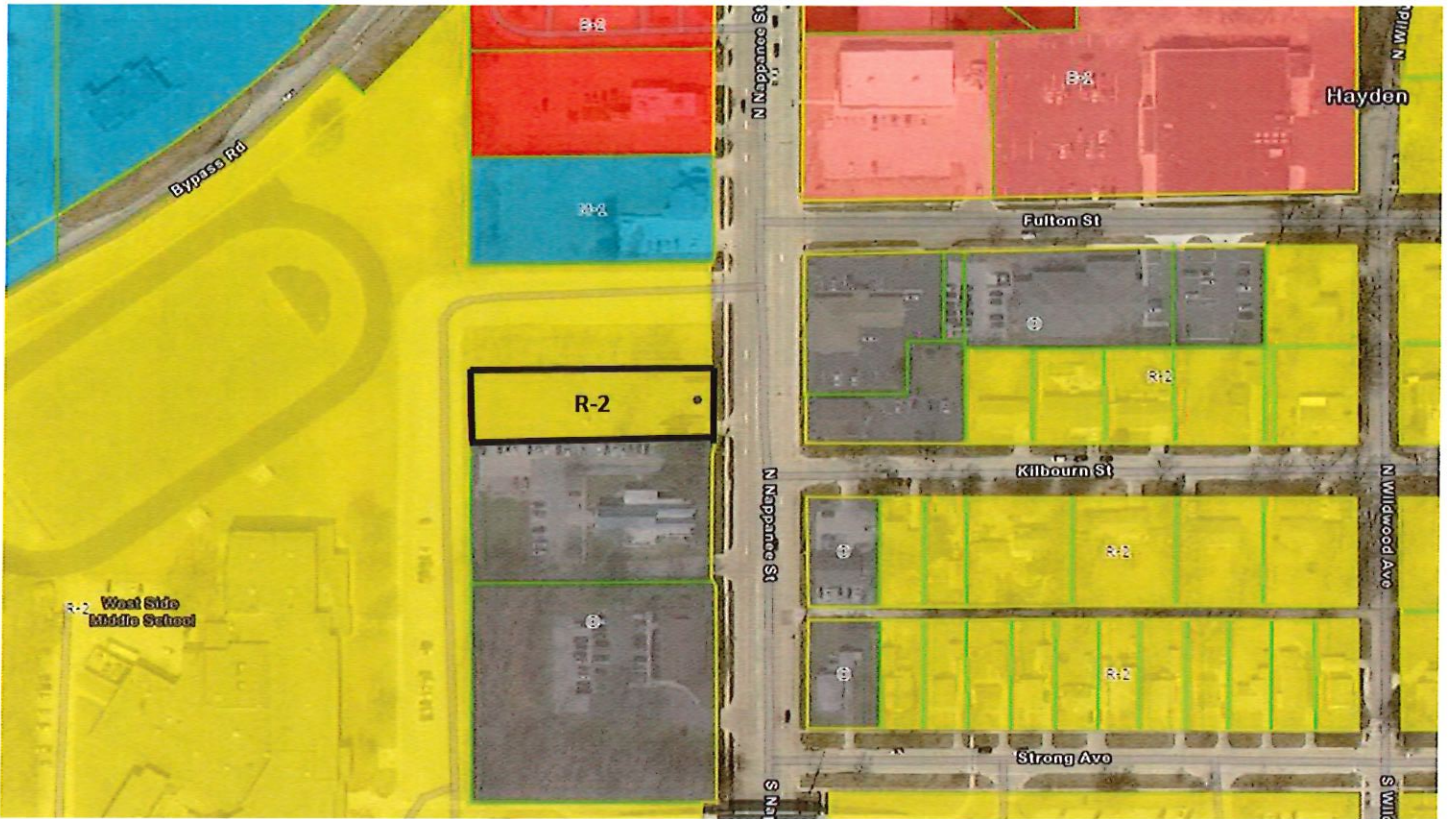
**Applicable Sections of the Zoning Ordinance:**

See enumerated in request.

**Comprehensive Plan:**

The Comprehensive Plan calls for this area to be developed with commercial uses.

**Plan Commission Action:** Recommendation to Common Council.



## Staff Analysis

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The petitioner is requesting a rezoning from R-2, One Family Dwelling District to O, Office District. The single family dwelling in directly north of the petitioner's medical practice. The property is used as overflow conference space as well as storage.

Staff supports the request and looks at it this way. The Office District reflects what and how the structure is being used. With the amended zoning, it would also allow the petitioner to expand the medical practice to the north as a 'by right' project. The property sits among other Office District uses. There will be no outward change to the building.



# Recommendation

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

- 1) The proposed rezoning is compatible with the Future Land Use map, which calls for the area to be developed with commercial uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because the existing structure is being used as an office use and will blend well with the surrounding office uses;
- 3) The O, Office District does allow for the most desirable uses for which the land can be adapted;
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because it is adjacent to other commercial uses;
- 5) The rezoning of the property to O, Office District is compatible with the surrounding properties and does reflect responsible growth and development, because the use of the property is no longer residential and the current usage of the site matches the Office District.

# Photos



# Attachments

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Petition, appeal letter, affidavit, and site plan.



**EXHIBIT "A"**  
**Legal Description**

**For APN/Parcel ID(s): 20-05-01-427-007.000-006**

**A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION ONE (1), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FOUR (4) EAST CLEVELAND TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT A STONE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION SIX (6), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION ONE (1), FIVE HUNDRED SIXTEEN AND SIXTY-FOUR HUNDREDTHS (516.64) FEET FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE SOUTH EIGHTY-EIGHT (88) FEET; THENCE SOUTH EIGHTY-NINE (89) DEGREES THIRTY-EIGHT (38) MINUTES WEST, THREE HUNDRED THIRTY (330) FEET TO AN IRON STAKE; THENCE NORTH EIGHTY-EIGHT (88) FEET TO AN IRON STAKE; THENCE NORTH EIGHTY-NINE (89) DEGREES THIRTY-EIGHT (38) MINUTES EAST, THREE HUNDRED THIRTY (330) FEET TO THE PLACE OF BEGINNING.**

**EXCEPTING THEREFROM THE FOLLOWING:**

**A PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 4 EAST, ELKHART COUNTY, INDIANA AND THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 5 EAST DESIGNATED AS POINT "20" ON SAID PLAT; THENCE SOUTH 0 DEGREES 17 MINUTES 18 SECONDS WEST 516.64 FEET ALONG THE EAST LINE OF SAID SECTION 1 TO THE PROLONGED NORTH LINE OF THE GRANTOR'S LAND; THENCE NORTH 89 DEGREES 42 MINUTES 42 SECONDS WEST 37.50 FEET ALONG THE PROLONGATION OF SAID NORTH LINE TO THE WEST BOUNDARY OF S.R. 19 PER DEED RECORD 218, PAGE 435 (OFFICE OF THE RECORDER OF ELKHART COUNTY) AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 0 DEGREES 06 MINUTES 48 SECONDS WEST 88.00 FEET ALONG THE BOUNDARY OF SAID S.R. 19 TO THE SOUTH LINE OF THE GRANTOR'S LAND; THENCE NORTH 89 DEGREES 42 MINUTES 42 SECONDS WEST 14.90 FEET ALONG SAID SOUTH LINE; THENCE NORTH 0 DEGREES 06 MINUTES 48 SECONDS EAST 77.85 FEET TO THE POINT DESIGNATED AS "297" ON SAID PLAT; THENCE NORTH 13 DEGREES 55 MINUTES 23 SECONDS WEST 10.47 FEET TO THE NORTH LINE OF THE GRANTOR'S LAND; THENCE SOUTH 89 DEGREES 42 MINUTES 42 SECONDS EAST 17.44 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.030 ACRES, MORE OR LESS.**

Date: 7/8/2024

To: Honorable Members of the Plan Commission and City Council

RE: Rezoning

The undersigned petitioner respectfully shows the Plan Commission and Council:

1. I, Roger Moore, am the owner of the following described real estate located within the City of Elkhart, East Cleveland Township, Elkhart County, State of Indiana, to wit:
  - a. Attached to this memo
2. The above described real estate presently has a zoning classification of R-2, One-Family Dwelling District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently proposes to occupy the above described property as an office location. Use the existing space as an office space for occasional conference meetings, document storage, and space for the occasional employee to work on site rather than remotely
4. J.Arms desires to rezone said real estate to Office District (O) for that purpose.
5. Standards:
  - a. **Comprehensive Plan:** Use the existing space as an office space for occasional conference meetings, document storage, and space for the occasional employee to work on site rather than remotely
  - b. **Current conditions:** The surrounding properties are zoned as Office district and maintain either traditional family dwelling home facades or have been converted into traditional office buildings. The building will align with the surrounding structures, preserving the existing space's condition and character without causing disruption.
  - c. **Desirable Use:** The most desirable use for this land would be Office District, given its accessibility from the main road and proximity to neighboring businesses.
  - d. **Conservation:** The property value will align with neighboring Office District businesses and is not expected to significantly impact surrounding property values.
  - e. **Responsibility:** The transition of this property from Residential to Office District will contribute to responsible growth and development in the area, especially since the majority of neighboring properties along this road are zoned for business use in the Office District or other business related zoning.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Plan Commission makes a do pass recommendation and the Council, after hearing, pass on appropriate ordinance rezoning the above described parcel of land located in the City of Elkhart.

Owner: J.Arms

Signature of Property Owner: *J.Arms, President and Legal Representative*  
Printed Name: Roger Moore

Contact Person: Kaylee Janowski

Address: 22155 Westfork Drive, Edwardsburg MI 49112

Phone: 574.606.7050

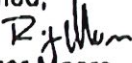
Email: kequity3@gmail.com

8/23/2024

**Designation of Representative**

I, Roger Moore, hereby designate Kaylee Janowski as the representative for my property located at 203 N Nappanee, Elkhart IN 46514, regarding all matters related to rezoning.

Signed,

  
Roger Moore

**Rod Roberson**

*Mayor*

**Michael Huber**

*Director of Development Services*



**Development Services**

*Community Development*

*Economic Development*

*Planning Services*

*Redevelopment*

229 S. Second St.

Elkhart, IN 46516

574.294.5471

Fax: 574.295.7501

DATE: October 11, 2024

TO: City of Elkhart Common Council

FROM: Michael Huber, Director of Development Services

RE: Rezoning request for 2520 and 2526 Bypass Road – (20-05-01-426-007.000-006 and 20-05-01-401-011.000-006)

At its regular meeting on Monday, October 7, 2024, the Plan Commission recommended approval of Petition 24-Z-07. The Plan Commission provided a 'Do Pass' recommendation on to the Common Council by a vote of 7-0 w/ one abstention.

The petitioner, R B Realty, LLC, has requested to rezone the former Skyline Complex. The 18.21 acre parcels are proposed to be redeveloped as multi-family housing. The plan calls for 138 units across three buildings. The rezoning to R-4, Multi Family Dwelling District from M-1, Limited Manufacturing District will allow the project to move forward.

This project also helps our community continue to address the shortage of residential dwelling units as highlighted in the Zimmerman Volk study. Currently the project is being designed to be accessible to the area's workforce, including those earning between 80-120% of the Area Median Income (AMI). The final layout for the project has not yet been finalized. However, the project will be required to be submitted for review at Technical Review and by the Building Department before permits are issued.



October 14, 2024

The Common Council  
City of Elkhart  
Elkhart, IN 46516

**RE: Petition 24-Z-07  
2520 and 2526 Bypass Road**

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, October 7, 2024**, heard the above petition as prescribed by Per Section 29.11.B, Map Amendments, a request to rezone 2520 and 2526 Bypass Road (05-01-426-007 and 05-01-401-011) from M-1, Limited Manufacturing District to R-4, Multiple Family Dwelling District.

The Plan Commission **voted 7 to 0 w/ one abstention in favor** of this rezoning petition and thus it is sent to the Common Council with a "Do Pass" recommendation.

Sincerely,

A handwritten signature in cursive script that reads "Carla Lipsey".

Carla Lipsey  
Plan Commission Recording Secretary

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

**AN ORDINANCE AMENDING THE ZONING MAP CREATED PURSUANT TO ORDINANCE NO. 4370, THE “ZONING ORDINANCE OF THE CITY OF ELKHART, INDIANA” AS AMENDED, TO REZONE 2520 AND 2526 BYPASS ROAD, ELKHART, IN 46514, FROM M-1, LIMITED MANUFACTURING DISTRICT TO R-4, MULTIPLE FAMILY DWELLING DISTRICT.**

WHEREAS, on July 20, 1998, the Common Council of the City of Elkhart, Indiana (the “Common Council”) adopted Ordinance No. 4370 (the “Zoning Ordinance of the City of Elkhart, Indiana”), creating the zoning map that established the zoning districts for all real estate located within the corporate boundaries of the City of Elkhart (commonly referred to as the “Zoning Map”); and

WHEREAS, the real estate located at 2520 and 2526 Bypass Road, Elkhart, IN 46514 (the “Real Estate”), is zoned M-1, Limited Manufacturing District; and

WHEREAS, the owner of the Real Estate petitioned the Elkhart City Plan Commission, requesting an amendment to the Zoning Map to allow for construction of one hundred thirty-eight (138) apartments across three buildings; and

WHEREAS, the intended use of the Real Estate is not a permitted use, unless the subject Real Estate is rezoned from M-1, Limited Manufacturing District to R-4, Multiple Family Dwelling District, thereby permitting the owner’s intended use; and

WHEREAS, the rezoning, as petitioned, remains compatible with the adjacent properties and reflects responsible growth and development; and

WHEREAS, on October 7, 2024, the Elkhart City Plan Commission conducted a public hearing on the petition to amend the Zoning Map for the purpose stated herein and voted to forward to this Council, the Commission’s “Do Pass” recommendation.

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

Section 1. The zoning map created pursuant to and incorporated into Ordinance No. 4370, as amended, the Zoning Ordinance of the City of Elkhart, Indiana, is hereby further amended to rezone from M-1, Limited Manufacturing District to R-4, Multiple Family Dwelling District, the following real estate, located in the City of Elkhart, County of Elkhart, State of Indiana, and more fully described in the Exhibit A attached to this Ordinance.

Section 2. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council.

*[Balance of page is intentionally blank.]*

**Exhibit A**

**Description of Real Property**

**Address(s):**

2520 and 2526 Bypass Road, Elkhart, IN 46514

**Parcel Identification Number(s):**

20-05-01-426-007.000-006

20-05-01-401-011.000-006

**Legal Description:**

TRACT I: A PART OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 4 EAST, SECOND PRINCIPAL MERIDIAN, CLEVELAND TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1" IRON PIPE THAT IS 1212.7 FEET SOUTH AND 1.57 CHAINS WEST (103.62 FEET) OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 0 DEGREES 1 MINUTE 36 SECONDS WEST, A DISTANCE OF 916.80 FEET TO A POINT ON THE CENTERLINE OF INDIANA STATE HIGHWAY 112; THENCE SOUTH 89 DEGREES 26 MINUTES 0 SECONDS EAST ALONG SAID CENTERLINE, A DISTANCE OF 509 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING EAST ALONG SAID LINE, A DISTANCE OF 400 FEET; THENCE NORTH 0 DEGREES 0 MINUTES 36 SECONDS EAST, A DISTANCE OF 50 FEET TO AN IRON PIPE ON THE NORTH RIGHT-OF-WAY SAID INDIANA STATE HIGHWAY 112; THENCE SOUTH 89 DEGREES 26 MINUTES 0 SECONDS EAST ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 100.40 FEET TO AN IRON REBAR WITH CAP (DORIOT #890028); THENCE NORTH 0 DEGREES 54 MINUTES 22 SECONDS EAST, A DISTANCE OF 768.10 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1; CONTINUING NORTH ALONG SAID LINE, A DISTANCE OF 107.31 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 2 SECONDS WEST, A DISTANCE OF 514.07 FEET TO AN IRON PIPE; THENCE SOUTH 0 DEGREES 0 MINUTES 36 SECONDS WEST, A DISTANCE OF 107.30 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1; THENCE CONTINUING SOUTH ALONG SAID LINE, A DISTANCE OF 813.80 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 10.63 ACRES, MORE OR LESS.

EXCEPTING THEREFROM: A PART OF THAT TRACT OF LAND CONVEYED TO SKYLINE CORPORATION, AS DESCRIBED IN DEED RECORD 97-000017, ELKHART COUNTY RECORDER, AND LYING IN SECTION 1, TOWNSHIP 37 NORTH RANGE 4 EAST, CLEVELAND TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1" IRON PIPE THAT IS 1212.7 FEET SOUTH AND 1.57 CHAINS WEST (103.62 FEET) OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1 (RECORD DIMENSION PER SAID SKYLINE CORPORATION LAND); THENCE SOUTH 0°01'36" WEST, A DISTANCE OF 916.80 FEET TO A POINT ON THE CENTERLINE OF INDIANA STATE HIGHWAY 112



(RECORD DIMENSION PER SAID SKYLINE CORPORATION LAND); THENCE SOUTH 89'26'00" EAST ALONG SAID CENTERLINE, A DISTANCE OF 509.00 FEET (RECORD DIMENSION PER SAID SKYLINE CORPORATION LAND) TO THE POINT OF BEGINNING OF THIS DESCRIPTION AND BEING THE SOUTHWEST CORNER OF SAID SKYLINE CORPORATION LAND; THENCE NORTH 89'25'06" EAST ALONG SAID CENTERLINE 400.00 FEET; THENCE NORTH 01 '08'18" EAST 50.00 FEET TO AN IRON PIPE ON THE NORTH RIGHT-OF-WAY LINE OF SAID INDIANA STATE HIGHWAY 112; THENCE NORTH 89'25'06" EAST ALONG SAID NORTH RIGHT-OF-WAY 100.40 FEET TO AN IRON REBAR WITH CAP (DORIOT #890028) MARKING THE SOUTHEAST CORNER OF SAID SKYLINE CORPORATION LAND; THENCE NORTH 00 14'32" WEST 603.5 FEET, PASSING A REBAR WITH CAP (MUSSER #9700002) AT 597.00 FEET, TO THE EDGE OF WATER; THENCE NORTHWESTERLY, ALONG THE SOUTHERLY EDGE OF WATER, 506 FEET TO A POINT LYING NORTH 01 '08'18" WEST 925.63 FEET AND NORTH 89'18'14" EAST 94.23 FEET FROM THE POINT OF BEGINNING AND BEING ON A LINE 107.3 FEET NORTHERLY OF THE EAST-WEST HALF SECTION LINE OF SAID SECTION 1; THENCE SOUTH 89'18'14" WEST 94.23 FEET TO A REBAR WITH CAP (MUSSER #9700002) MARKING THE NORTHWEST CORNER OF SAID SKYLINE CORPORATION LAND; THENCE SOUTH 01 '08'18" EAST 925.63 FEET TO THE POINT OF BEGINNING. CONTAINING 9.11 ACRES MORE OR LESS.

TRACT II: A PART OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 4 EAST, SECOND PRINCIPAL MERIDIAN, CLEVELAND TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1" IRON PIPE THAT IS 1212. 7 FEET SOUTH AND 1.57 CHAINS WEST (103.62 FEET) OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 0 DEGREES 1 MINUTE 36 SECONDS WEST, A DISTANCE OF 916.80 FEET TO A POINT ON THE CENTERLINE OF INDIANA STATE HIGHWAY 112; THENCE SOUTH 89 DEGREES 26 MINUTES 0 SECONDS EAST ALONG SAID CENTERLINE, A DISTANCE OF 509 FEET TO A POINT; THENCE CONTINUING EAST ALONG SAID LINE AND CENTERLINE, A DISTANCE OF 400 FEET TO A POINT; THENCE NORTH 0 DEGREES 0 MINUTES 36 SECONDS EAST, A DISTANCE OF 50 FEET TO AN IRON PIPE ON THE NORTH RIGHT-OF-WAY OF SAID INDIANA STATE HIGHWAY 112; THENCE SOUTH 89 DEGREES 26 MINUTES 0 SECONDS EAST ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 100.40 FEET TO AN IRON REBAR WITH CAP (DORI OT #890028) AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING EAST ALONG SAID LINE AND NORTH RIGHT-OF-WAY, A DISTANCE OF 77.10 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 1632. 71 FEET, A CENTRAL ANGLE OF 32 DEGREES 40 MINUTES 36 SECONDS, AND A CHORD OF 918.61 FEET BEARING NORTH 76 DEGREES 2 MINUTES 38 SECONDS EAST; THENCE EAST ALONG SAID CURVE, A DISTANCE OF 931.18 FEET TO AN IRON REBAR WITH CAP (DORI OT #890028); THENCE NORTH 0 DEGREES 36 MINUTES 53 SECONDS EAST, A DISTANCE OF 545.86 FEET TO AN IRON PIPE ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 89 DEGREES 55 MINUTES 2 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 546.49 FEET TO A POINT; THENCE DUE NORTH, A DISTANCE OF 107.30 FEET TO A POINT; THENCE NORTH 89 DEGREES 55 MINUTES 2 SECONDS WEST, A DISTANCE OF 414.11 FEET TO A POINT; THENCE SOUTH 0 DEGREES 54 MINUTES 22 SECONDS WEST, A DISTANCE OF 107.31 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1; THENCE CONTINUING SOUTH ALONG SAID LINE, A DISTANCE OF 768.10 FEET TO THE POINT OF BEGINNING. CONTAINING 16.69 ACRES, MORE OR LESS.

So ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

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

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

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

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

\_\_\_\_\_  
Rod Roberson, Mayor for the City of Elkhart

ATTEST:

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



# Staff Report

## Planning & Zoning

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**Petition:** 24-Z-07

**Petition Type:** Rezoning

**Date:** October 7, 2024

**Petitioner:** R B Realty, LLC

**Site Location:** 2520 and 2526 Bypass Road

**Request:** Per Section 29.11.B, Map Amendments, a request to rezone 2520 and 2526 Bypass Road (05-01-426-007 and 05-01-401-011) from M-1, Limited Manufacturing District to R-4, Multiple Family Dwelling District.

**Parcel I.D. Number(s):** 20-05-01-426-007.000-006 and 20-05-01-401-011.000-006

**Existing Zoning:** M-1, Limited Manufacturing District

**Size:** +/- 18.21 Acres

**Thoroughfares:** Bypass Road

**School District:** Elkhart Community Schools

**Utilities:** Available to site

**Surrounding Land Use & Zoning:**

The land to the east is zoned M-1 with older industrial and automotive uses. Land to the west is a residential care facility zoned Planned Unit Development. Land to the south is R-2, a middle school. The land to the north is a gravel pit pond.

**Applicable Sections of the Zoning Ordinance:**

See enumerated in request.

**Comprehensive Plan:**

The Comprehensive Plan calls for this area to be developed with commercial uses.

**Plan Commission Action:** Recommendation to Common Council.



## Staff Analysis

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The petitioner is requesting a rezoning from M-1, Limited Manufacturing District to R-4, Multiple Family Dwelling District with the intent of constructing 138 apartments across three buildings. The site is located on the north side of Bypass Road. It is directly across the street from West Side Middle School and within three blocks of Mary Daly Elementary School – allowing for any children in the development the opportunity to walk to school.

Long established as an industrial corridor, the uses along Bypass Road over time have changed and become far less intense. Over the last 10-15 years, new business investment and land redevelopment have evolved this segment of Bypass Road, including the introduction of senior living, and are helping to transform it into a more vibrant commercial gateway. This primary street into Elkhart will continue to transform as more commercial investment occurs. These residential units will support the existing and newer businesses in the area and the community.

The Boiling Eye Center at the west end of the corridor, the Tom Naquin and Harold Ziegler new car showrooms, the Hellenic Senior Living Center and to the east at Nappanee Street, the new commercial center with Jimmy Johns, Dunkin Donuts and I Heart Mac and Cheese - are examples of new and existing commercial businesses that have invested along the corridor.

This project also helps our community continue to address the shortage of residential dwelling units as highlighted in the Zimmerman Volk study. Currently the project is being designed to be accessible to the area's workforce, including those earning between 80-120% of the Area Median Income (AMI). The final layout for the project has not yet been finalized. However, the project will be required to be submitted for review at Technical Review and by the Building Department before permits are issued. The project will also be required to submit a minor subdivision to establish new lots of record.

This rezoning request activates land that was formerly the Skyline Corporate Headquarters. A core component of the project includes the transition of the former Headquarters building into residential apartments, along with construction of new units. Skyline Industries and its founder have a strong legacy in the City of Elkhart and in honor of company founder and former CEO, Art Decio, the project will be known as Decio Park.



# Recommendation

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

- 1) The proposed rezoning is compatible with the Future Land Use map, which calls for the area to be developed with commercial uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because the proposed multifamily development will blend well with the surrounding commercial uses;
- 3) The R-4 District does allow for the most desirable uses for which the land can be adapted;
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because the redevelopment as multifamily residential will complement the existing commercial uses in the area and represents a significant investment in a property that has been vacant for a number of years;
- 5) The rezoning of the property to R-4, Multi Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development as this use will help our community address the housing shortage and will activate a former corporate headquarters with quality redevelopment.

# Photos

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## Attachments

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Petition, appeal letter, affidavit, and site plan.



PETITION #: 24-2-07

FILING FEE: \$ 400 -

### PETITION to the PLAN COMMISSION

**PETITION TYPE: REZONING**

This action requires final approval from the Common Council

Property Owner(s): R B Realty LLC

Mailing Address: 2746 Old US 20 W Ste. B

Phone #: 800-283-8393 Email: h.boling@bolingvisioncenter.com

Contact Person: Danch, Harner & Associates - Attn: Angela Smith

Mailing Address: 1643 Commerce Drive; South Bend, IN 46628

Phone #: 574-234-4003 Email: asmith@danchharner.com

**Subject Property Address:** 2520 and 2526 Bypass Road

Zoning: Rezone from M1 to R4

Present Use: vacant Proposed Use: Multi-family residential

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): R B Realty LLC - Hayley Boling, CEO

SIGNATURE(S):  DATE: 8/29/2024

**STAFF USE ONLY:**

Staff Checklist for the applicant's submittal of a complete Petition to the Plan Commission docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.
- Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): \_\_\_\_\_

Map #: \_\_\_\_\_ Area: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

## LEGAL DESCRIPTION

TRACT I: A part of Section 1, Township 37 North, Range 4 East, Second Principal Meridian, Cleveland Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a 1" iron pipe that is 1212.7 feet South and 1.57 chains West (103.62 feet) of the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 1; thence South 0 degrees 1 minute 36 seconds West, a distance of 916.80 feet to a point on the centerline of Indiana State Highway 112; thence South 89 degrees 26 minutes 0 seconds East along said centerline, a distance of 509 feet to the point of beginning of this description; thence continuing East along said line, a distance of 400 feet; thence North 0 degrees 0 minutes 36 seconds East, a distance of 50 feet to an iron pipe on the North right-of-way said Indiana State Highway 112; thence South 89 degrees 26 minutes 0 seconds East along said North right-of-way, a distance of 100.40 feet to an iron rebar with cap (Doriot #890028); thence North 0 degrees 54 minutes 22 seconds East, a distance of 768.1 0 feet to a point on the North line of the Southeast Quarter of said Section 1; continuing North along said line, a distance of 107.31 feet; thence North 89 degrees 55 minutes 2 seconds West, a distance of 514.07 feet to an iron pipe; thence South 0 degrees 0 minutes 36 seconds West, a distance of 107.30 feet to a point on the North line of the Southeast Quarter of said Section 1; thence continuing South along said line, a distance of 813.80 feet to the point of beginning; said described tract containing 10.63 acres, more or less.

EXCEPTING THEREFROM: A part of that tract of land conveyed to Skyline Corporation, as described in Deed Record 97-000017, Elkhart County Recorder, and lying in Section 1, Township 37 North, Range 4 East, Cleveland Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a 1" iron pipe that is 1212.7 feet South and 1.57 chains West (103.62 feet) of the northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 1 (record dimension per said Skyline Corporation land); thence South 0°01'36" West, a distance of 916.80 feet to a point on the centerline of Indiana State Highway 112 (record dimension per said Skyline Corporation land); thence South 89°26'00" East along said centerline, a distance of 509.00 feet (record dimension per said Skyline Corporation land) to the Point of Beginning of this description and being the southwest corner of said Skyline Corporation land; thence North 89°25'06" East along said centerline 400.00 feet; thence North 01°08'18" East 50.00 feet to an iron pipe on the north right-of-way line of said Indiana State Highway 112; thence North 89°25'06" East along said north right-of-way 100.40 feet to an iron rebar with cap (Doriot #890028) marking the southeast corner of said Skyline Corporation land; thence North 0°14'32" West 603.5 feet, passing a rebar with cap (Musser #9700002) at 597.00 feet, to the edge of water; thence northwesterly, along the southerly edge of water, 506 feet to a point lying North 01°08'18" West 925.63 feet and North 89°18'14" East 94.23 feet from the point of beginning and being on a line 107.3 feet northerly of the East-West Half Section line of said Section 1; thence South 89°18'14" West 94.23 feet to a rebar with cap (Musser #9700002) marking the northwest corner of said Skyline Corporation land; thence South 01°08'18" East 925.63 feet to the point of beginning. Containing 9.11 acres more or less.

TRACT II: A part of Section 1, Township 37 North, Range 4 East, Second Principal Meridian, Cleveland Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a 1" iron pipe that is 1212.7 feet South and 1.57 chains West (103.62 feet) of the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 1; thence South 0



degrees 1 minute 36 seconds West, a distance of 916.80 feet to a point on the centerline of Indiana State Highway 112; thence South 89 degrees 26 minutes 0 seconds East along said centerline, a distance of 509 feet to a point; thence continuing East along said line and centerline, a distance of 400 feet to a point; thence North 0 degrees 0 minutes 36 seconds East, a distance of 50 feet to an iron pipe on the North right-of-way of said Indiana State Highway 112; thence South 89 degrees 26 minutes 0 seconds East along said North right-of-way, a distance of 100.40 feet to an iron rebar with cap (DORI OT #890028) at the point of beginning of this description; thence continuing East along said line and North right-of-way, a distance of 77.10 feet to the point of curvature of a non-tangent curve, concave to the North, having a radius of 1632.71 feet, a central angle of 32 degrees 40 minutes 36 seconds, and a chord of 918.61 feet bearing North 76 degrees 2 minutes 38 seconds East; thence East along said curve, a distance of 931.18 feet to an iron rebar with cap (DORI OT #890028); thence North 0 degrees 36 minutes 53 seconds East, a distance of 545.86 feet to an iron pipe on the North line of the Southeast Quarter of said Section 1; thence North 89 degrees 55 minutes 2 seconds West along said North line, a distance of 546.49 feet to a point; thence due North, a distance of 107.30 feet to a point; thence North 89 degrees 55 minutes 2 seconds West, a distance of 414.11 feet to a point; thence South 0 degrees 54 minutes 22 seconds West, a distance of 107.31 feet to a point on the North line of the Southeast Quarter of said Section 1; thence continuing South along said line, a distance of 768.10 feet to the point of beginning. Containing 16.69 Acres, more or less.



DATE: August 29, 2024

TO: Honorable Members of the Plan Commission  
and City Council  
City of Elkhart, Indiana

RE: Rezoning

The undersigned petitioner respectfully shows the Plan Commission and Council:

1. I, authorized agent of R B Realty Inc, am the owner of the following described real estate located within the City of Elkhart, Cleveland Township, Elkhart County, State of Indiana, to wit:  
  
(see attached)
2. The above-described real estate presently has a zoning classification of M-1 Limited Manufacturing District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner proposes to occupy the above-described property in the following manner:  
Multi-family residential development with associated community center, leasing offices, and childcare facility.
4. Petitioner desire to rezone said real estate to R-4 Multiple Family Dwelling District for that purpose.
5. The following criteria support the petition request:

The Comprehensive Plan: The proposed rezoning is generally compliant with the Comprehensive Plan. The Future Land Use map identifies this area as Commercial. Multi-family developments of medium to high density are compatible with commercial designations and often considered commercial for building and fire safety perspectives. In additional to the multi-family residential units, the proposed development consists of community gathering space, daycare, and associated offices. All uses consistent with the commercial land use designation. Future phases hope to incorporate vital commercial uses to support the development.

The Comprehensive Plan also highlights the need for new housing in the City to provide opportunities for diverse ages, income levels, and stages of life. The proposed development would serve as a positive addition to the City with traditional apartment style living that could serve as a much needed affordable option for residents. Future phases of the project could address the transition to ownership-based opportunities. The proximity to the assisted living facility to the west would also create an opportunity for multi-generational families to live in close proximity to each other and foster the long lasting support that communities like Elkhart are striving to achieve.

Current conditions and the character of current structures and uses in each district: The current characteristic of Bypass Road is a mix of institutional and low intensity commercial and industrial uses. As industrial development has moved to other areas of the City where transportation and land are butter suited for the use, Bypass Road h as become an opportunity for redevelopment for less intense uses such as commercial, multi-family residential and institutional uses. With



assisted living immediately to the west and a school located across the street, this site is well suited for a multi-family residential development.

The most desirable use for which the land in each district is adapted: The most desirable use of the land is one that is compatible with the adjacent multi-family residential and institutional uses of the area. Medium density multi-family is desirable use because of the location along a public transportation route and close proximity to schools and shopping. The north side of Bypass Road offers a unique opportunity to retain a park-like setting that takes advantage of the natural beauty of the adjacent lake and serves as a buffer from the more intense commercial uses nearby.

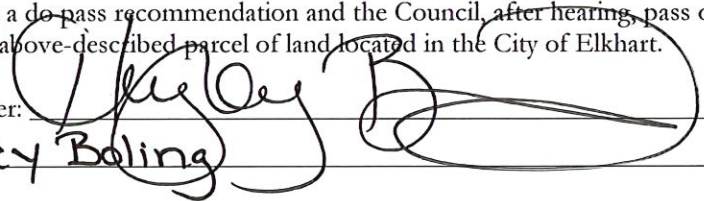
The conservation of property values throughout the jurisdiction: The proposed use is situated on a large parcel with ample room for adequate parking, active open space, and accessory services to support the proposed multi-family development. The reuse of the existing building and compatible building design of the proposed buildings will help preserve the property values throughout. The increased availability of affordable residential units will serve the community as a whole and support the increased demand for house within the City limits.

Responsible growth and development: It is responsible development and growth to ensure adequate housing is available to serve the increased demand in the area. Developing multi-development housing with the existing City limits ensure the available of proper infrastructure to serve the demand. The proposed sites location on a transportation

WHEREFOR, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate ordinance rezoning for the above-described parcel of land located in the City of Elkhart.

Signature of Property Owner: \_\_\_\_\_

Printed Name: \_\_\_\_\_

  
Hayley Boling

Contact Person: Danch, Harner & Associate - Attn: Angela M. Smith

Address: 1643 Commerce Drive; South Bend, IN 46628

Phone Number where I can be reached: (574) 234-4003

Email: asmith@danchharner.com



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## MEMORANDUM

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**DATE:** October 16, 2024

**TO:** Common Council

**FROM:** Corporation Counsel John M. Espar

**RE:** Proposed Ordinance No. 24-O-43  
Enacting and Adopting Two Supplements of the Code of Ordinances for the City of Elkhart, Indiana.

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Proposed Ordinance No. 24-O-43 is an ordinance which seeks to enact and adopt the twenty-third and twenty-fourth supplements to the Code of Ordinances for the City of Elkhart, Indiana.

These supplements will contain all ordinances of general and permanent nature that have been enacted since the previous supplement to the Code of Ordinances of the City of Elkhart was enacted in 2021.

American Legal Publishing Corporation has recommended the revisions or additions to the Code of Ordinances referencing related sections of the Indiana Code, as set forth in the attached *2022 S-23 Supplement* and *Sheet 2023 S-24 Supplement*.

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

**AN ORDINANCE ENACTING AND ADOPTING THE TWENTY-THIRD AND  
TWENTY-FOURTH SUPPLEMENTS TO THE  
CODE OF ORDINANCES FOR THE CITY OF ELKHART, INDIANA**

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WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the twenty-third supplement (S-23) and twenty-fourth supplement (S-24) to the Code of Ordinances of the City of Elkhart, Indiana, which contain all ordinances of a general and permanent nature enacted since the passage of the twenty-second supplement (S-22) to the Code of Ordinances of the City of Elkhart; and

WHEREAS, American Legal Publishing Corporation has recommended certain revisions or additions to the Code of Ordinances, which are based upon on or make reference to sections of the Indiana Code; and

WHEREAS, it is the intent of the Common Council to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operations of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this Ordinance take effect at an early date.

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

Section 1. That the twenty-third and twenty-fourth supplements to the Code of Ordinances of the City of Elkhart, Indiana, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be, and the same hereby are, adopted by reference as if set out in their entirety.

Section 2. Such supplements shall be deemed published as of the day of their adoption and approval by the Common Council, and the Elkhart City Clerk is hereby authorized and ordered to insert such supplements into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

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

PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

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

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

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

ATTEST:

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



# **THE CITY OF ELKHART, INDIANA**

## **CODE OF ORDINANCES**

2022 S-23 Supplement contains:  
Local legislation current through Ord. 5886, passed 1-3-2022; and  
State legislation current through 2021 Acts, Pamphlet No. 4

Published by:  
**AMERICAN LEGAL PUBLISHING CORPORATION**  
525 Vine Street ✧ Suite 310 ✧ Cincinnati, Ohio 45202  
1-800-445-5588 ✧ [www.amlegal.com](http://www.amlegal.com)

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**ORDINANCE NO. 5864**

**AN ORDINANCE ENACTING AND ADOPTING THE TWENTY-SECOND (22ND)  
SUPPLEMENT TO THE CITY OF ELKHART, INDIANA CODE OF ORDINANCES**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the twenty-second supplement to the Code of Ordinances of the City of Elkhart, Indiana, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Elkhart; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana Code; and

WHEREAS, it is the intent of the Common Council to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operations of the municipality and for the immediate preservation of the public peace, health, safety, and general welfare of the municipality that this Ordinance take effect at an early date.

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

Section 1. That the twenty-second (22nd) supplement to the City of Elkhart, Indiana Code of Ordinances, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Common Council, and the Elkhart City Clerk is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

SO ORDAINED this 20th day of September, 2021.

H. Brent Curry /s/  
H. Brent Curry  
President of the Common Council

ATTEST:

Debra D. Barrett /s/  
Debra D. Barrett, City Clerk

**Elkhart - Adopting Ordinance**

PRESENTED to the Mayor by me this 21 day of September, 2021, at 9:30 a.m.

Debra D. Barrett /s/  
Debra D. Barrett, City Clerk

APPROVED by me this 21 day of September, 2021.

Rod Roberson /s/  
Rod Roberson, Mayor

ATTEST:

Debra D. Barrett /s/  
Debra D. Barrett, City Clerk

**FULL-TIME HOURLY COMPENSATED OR SALARIED EMPLOYEE.** An employee who is normally scheduled to work not less than 40 hours per week.

**RETIREMENT.** That time when an employee having reached the age of 62 and having at least 5 years of uninterrupted service with the city voluntarily tenders his or her resignation and indicates his or her intention to cease further employment with the city, or when the Board of Public Works and Safety determines that the employee who has at least 5 years of uninterrupted service with the city is no longer physically or mentally competent to continue employment with the city. **RETIREMENT** shall not be construed to extend to those instances in which an employee is discharged or suspended as a disciplinary action.

(B) The provisions of this section shall apply to all full-time hourly compensated and salaried employees of the city except those employed in positions covered by the AFSCME contract, as officers of the Police and Fire Departments and elected officials. To be eligible for the benefits under this section the retiring employee shall meet all of the following requirements:

(1) The employee shall not have terminated his or her employment with the city temporarily during the last 5 years of service.

(2) An employee who retires early by reason of disability or health is eligible for the payment provided in this section, but the payment may not be made more than 1 time. In the event the employee becomes re-employed by the city, no future retirement benefit as provided in this section shall be available.

(3) In the event of the death of an employee who has met the requirements set forth in division (B)(1) and (2), above and has accumulated sick leave benefits, the benefits shall be payable to the employee's spouse, or if there is no surviving spouse to the employee's estate.

(C) Employees shall be compensated for sick leave accumulated and unused during the time of their employment with the city, and such payment shall be made within 30 days following the retirement of the employee.

(D) The maximum amount of accumulated unused sick leave time which shall be compensated for shall not exceed 640 hours, and the rate of payment for sick leave time shall be at the weighted average hourly base pay rate or, in the case of a salaried employee, the base salary during the last 2 years of the employee's service with the city.

(E) Department heads of the various departments whose employees are eligible for benefits as provided by this section shall maintain and keep an accurate record of all hours accumulating as unused sick leave time and shall include the complete record with their report which is submitted to the City Controller at the end of each year.

(F) Department heads of the various departments whose employees are eligible for benefits as provided by this section shall immediately prepare and distribute to any employee within their department who has accumulated sick leave time a record of the accumulated sick leave time as of December 31, 1979, and each department head shall within 30 days after December 31 of each succeeding year supply any employee within his or her department with the amount of accumulated sick leave time.

(G) The provisions of this section shall be effective for all employees retiring on or after January 1, 1990. (1979 Code, § 32.08) (Ord. 3098, passed 4-16-1979; Am. Ord. 3981, passed 5-7-1990)

**§ 32.019 PAYMENT OF ACCUMULATED SICK LEAVE (WHO LEAVE IN GOOD STANDING).**

(A) The following definition shall apply to this section unless the context clearly indicates or requires a different meaning.

**BENEFITS.** Monetary compensation payable to the employee at time of separation from employment by reason of accumulated unused sick leave time.

(B) *Eligibility.* All full time employees of the City of Elkhart who have been employed by the city for 15 years or more and who leave city employment for any reason other than being terminated for just cause shall receive the benefits set forth in division (D) of this section.

(C) It is determined to be beneficial and proper that city employees shall be compensated for sick leave accumulated and unused during the time of their employment with the City of Elkhart, and that such payment for accumulated sick leave shall be paid within 30 days following the separation of employee.

(D) The maximum amount of accumulated unused sick leave time which shall be compensated for shall not exceed 640 hours, and the rate of payment for the sick leave time shall be at the weighted average hourly base pay rate or, in the case of a salaried employee, the base salary, during the last 2 years of the employee's service with the city.

(E) Department heads of the various departments whose employees are eligible for benefits as provided by this section shall maintain and keep an accurate record of all hours accumulating as unused sick leave time and shall include such complete record with their report to be submitted to the City Controller at the end of each year.

(F) Department heads of the various departments whose employees are eligible for benefits as provided by this section shall forthwith prepare and distribute to any employee within their department who has accumulated sick leave time, a record of the accumulated sick leave time as of December 31, 1998, and each department head shall within 30 days after December 31 of each succeeding year supply any employee within his or her department the amount of accumulated sick leave time.

(G) The provisions of this section shall be effective for all employees separating from city employment on or after September 14, 1998.

(H) This section shall go into effect after publication pursuant to law, but shall not prohibit eligible employees from obtaining the benefit who separate from the city prior to date of publication, but on or after September 14, 1998.

(I) An eligible employee may elect to receive benefits under this section or § 32.018, but not both. (1979 Code, § 32.09) (Ord. 4383, passed 9-22-1998)

#### **§ 32.020 DEFERRED COMPENSATION PLAN ESTABLISHED.**

(A) In order to encourage its employees to save for retirement by offering salary reduction contributions, the City of Elkhart adopts the State of Indiana Public Employee Deferred Compensation Plan.

(B) The Common Council establishes a deferred compensation plan under the terms of the adoption agreement (Exhibit A of Ordinance No. 5552), which is hereby incorporated by reference as if set forth in full herein.  
(Ord. 5552, passed 2-13-2017)

#### **VACATIONS AND HOLIDAYS**

##### **§ 32.035 VACATIONS AND PAID HOLIDAY REGULATIONS.**

(A) *Scope.* This section shall apply to all employees of the city who are not covered by a collective bargaining agreement.

(B) *Vacation.* The vacation schedule for the employees of the City of Elkhart shall be as follows:

(1) Vacation time is awarded in the first year of employment upon completion of a 90-day probationary period as an employee of the city. Thereafter, vacation time is earned on the anniversary date of an employee's date of hire, according to the schedule set forth in division (B)(2) below. However, if an employee's employment is terminated, voluntarily or involuntarily, during the first year of employment, the employee shall be paid compensation based upon the employee's daily rate of pay for the days of unused vacation time, relative to and in proportion to the amount of first year worked. If an employee has used a greater percentage of the employee's vacation time than the percentage of the first year worked, then the employee's final pay shall be reduced by the amount of vacation time used that is in greater than the percent of the first year worked. The reduction shall be based upon the employee's daily rate of pay.

(2) Employees shall be entitled to:

(a) Two weeks (ten workdays) of vacation with pay after successfully completing a 90-day probationary period in the first year of employment, and on the anniversary date of the employee's date of hire in succeeding years.

(b) Three weeks (15 workdays) of vacation with pay in year four of employment.

(c) Four weeks (20 workdays) of vacation with pay in year seven of employment.

(d) Five weeks (25 workdays) of vacation with pay in year 15 of employment.

(3) In addition to the above entitlement, commencing in year 20 and each year thereafter, an employee shall receive the following:

(a) One additional vacation day with pay in year 20;

(b) One additional vacation day with pay in year 21;

(c) One additional vacation day with pay in year 22;

(d) One additional vacation day with pay in year 23;

(e) One additional vacation day with pay in year 24.

(4) Vacation time must be used by the employee's annual anniversary date. Any unused vacation time which remains on the employee's anniversary date shall lapse and shall not carry-over to be added to vacation time that an employee receives in the succeeding year.



(5) Elected and appointed officials shall be entitled to vacation time in the manner and form otherwise established for employees of the city.

(C) *Sick leave.* The sick leave schedule for employees of the city shall be as follows: Each employee will accrue 4 hours of paid sick leave each 2-week period for short-term sickness during the calendar year.

(D) *Holidays.*

(1) The employees of the city shall be granted 12 holidays with pay in addition to the primary and general election days in election years, as follows:

- (a) New Year's Day, January 1;
- (b) Martin Luther King Jr.'s Birthday, the third Monday in January;
- (c) President's Day, the third Monday in February;
- (d) Good Friday;
- (e) Memorial Day, the last Monday in May;
- (f) Juneteenth, June 19;
- (g) Independence Day, July 4;
- (h) Labor Day, the first Monday in September;
- (i) Veteran's Day, November 11;
- (j) Thanksgiving Day, the fourth Thursday in November;
- (k) Friday after Thanksgiving Day;
- (l) Christmas Day, December 25.

(2) When any of these holidays falls on Sunday, the following Monday shall be the legal holiday. When any of these holidays falls on Saturday, the preceding Friday shall be the legal holiday.

(E) *Personal hours.* After 1 year of continuous service, employees of the city shall accrue 16 personal hours per calendar year with pay.

(F) *Funeral leave.* Employees of the city may receive up to 5 days of paid funeral leave. (1979 Code, § 32.15) (Ord. 2018, passed 10-7-1963; Ord. 4507, passed 9-11-2001; Am. Ord. 4854, passed 10-7-2004; Am. Ord. 5237, passed 11-1-2010; Am. Ord. 5856, passed 7-19-2021; Am. Ord. 5885, passed 12-6-2021)

**COLLECTIVE BARGAINING**

**§ 32.045 TITLE; PUBLIC POLICY.**

(A) This subchapter shall be cited and referred to as the Collective Bargaining subchapter for certain full-time hourly employees of the city.

(B) (1) It is declared to be the public policy of the city that, to protect the public health, safety and welfare of the citizens of the city, public employees do not have, and will not be accorded, the right to strike or engage in any type of work stoppage, slowdown, picketing or any other type of job action that does or might interfere with or depart from the proper performance of their duties and responsibilities or those of any other public employees as prescribed by the city.

(2) In the event any of the actions prohibited in division (B)(1) above occur:

(a) Any court of competent jurisdiction immediately shall restrain and enjoin such actions and award to the city any and all other appropriate relief;

(b) The City Administration shall no longer have the duty to recognize or bargain with any bargaining agent then representing the bargaining unit; and

(c) All employees who have engaged in the action shall be subject to immediate termination by the Board of Public Works and Safety in conformance with relevant state law and any applicable grievance procedures.  
(1979 Code, § 32.20) (Ord. 3858, passed 5-6-1988)

#### § 32.046 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BARGAINING AGENT.** The organization, if any, elected by the bargaining unit in the manner prescribed herein to represent the bargaining unit in collective bargaining with the city.

**BARGAINING UNIT.** The full-time, hourly employees of the Aviation, Cemetery, Building and Code Enforcement, Public Work and Utilities - Wastewater (operations, maintenance and network collection systems), Public Buildings and Grounds Maintenance, Communications Center, Central Garage, Police Department - non-sworn and non-uniformed, and Fire Department - non-sworn and non-uniformed.

**CITY ADMINISTRATION.** The Mayor of the city, the Board of Public Works and the Board of Public Safety.

**CITY BARGAINING COMMITTEE.** Those persons appointed by the Mayor to represent the city in collective bargaining and the city's bargaining counsel, if the city chooses to utilize legal counsel as part of its bargaining committee. That committee may consist of as many as 5 persons appointed by the Mayor, plus any legal counsel. Bargaining unit members may not serve on the **CITY BARGAINING COMMITTEE**.

**CITY BARGAINING POLICY COMMITTEE.** A committee consisting of the Mayor or his/her designee, 1 member of the Board of Public Works or Board of Public Safety as appointed by the Mayor or his/her assign, and 2 members of the Common Council, 1 from each political party, appointed by the President of the Common Council.

**EMPLOYEES BARGAINING COMMITTEE.** The committee which meets with the city's Bargaining Committee for the purpose of collective bargaining. The **EMPLOYEES BARGAINING COMMITTEE** shall consist of no more than 4 members of the Bargaining Unit. The Bargaining Unit members have the option of including their legal counsel and a representative of the Bargaining Agent, if any, who is not a member of the Bargaining Unit as members of the **EMPLOYEES BARGAINING COMMITTEE**.

**FULL-TIME HOURLY EMPLOYEE.** Employees who are scheduled on duty an average of 40 hours or more per week.  
(1979 Code, § 32.21) (Ord. 3858, passed 5-6-1988; Am. Ord. 4569, passed 3-19-2001; Am. Ord. 5731, passed 5-6-2019)

#### § 32.047 BARGAINING AGENT, BARGAINING COMMITTEE.

(A) Any organization which currently represents the bargaining unit will continue to be recognized by the city unless the recognition is withdrawn pursuant to this subchapter by city or bargaining unit members.

(A) Auditoriums, convention centers, lecture halls, sports or entertainment arenas, including enclosed places in outdoor arenas or venues and in grandstands or other places of public gathering;

(B) Aquariums, galleries, libraries and museums, or other places of public display or collection;

(C) Bakeries, grocery stores, clothing stores, hardware stores, shopping centers, or other sales or retail establishments;

(D) A bar;

(E) Bed and breakfast facilities, inns, and hotels, motels and other places of lodging;

(F) Bingo facilities;

(G) Day care centers, senior citizen centers, homeless shelters, food banks, adoptions agencies or other social service center establishments;

(H) Elevators;

(I) Gymnasiums, health spas, bowling alleys, golf courses, or other places of exercise or recreation;

(J) Health care facilities;

(K) Laundromats, dry-cleaners, banks, barber and beauty shops, travel agencies, shoe repair shops, funeral parlors, gas stations, professional offices, and pharmacies;

(L) Lobbies, hallways, and other common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes and multiple-unit residential facilities;

(M) Motion picture houses, theaters, and similar facilities used for exhibiting motion pictures, musical recitals and other similar performances;

(N) Nurseries, elementary, secondary, undergraduate or postgraduate school, or other place of education;

(O) Parks, zoos, amusement parks, playgrounds, or other similar places of recreation;

(P) Public transportation facilities, including buses and taxicabs, and ticketing, boarding, and waiting areas of public transit depots;

(Q) Restaurants, including any outside eating or drinking areas provided by a restaurant to its patrons;

(R) Restrooms, lobbies, reception areas, hallways and other common-use areas;

(S) Service lines;

(T) Shopping malls.  
(Ord. 5102, passed 4-3-2008) Penalty, see § 153.99

**§ 153.73 PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT.**

(A) Smoking shall be prohibited in all enclosed areas within places of employment. This includes, but is not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms and all other enclosed facilities.

(B) Every employer having a building or enclosed facility where smoking is prohibited by this subchapter shall adopt, maintain and enforce a written smoking policy consistent with this subchapter.  
(Ord. 5102, passed 4-3-2008) Penalty, see § 153.99

**§ 153.74 REASONABLE DISTANCE.**

Smoking shall be prohibited out of doors within a reasonable distance from an enclosed area where

smoking is prohibited by this subchapter, but in no event any closer than 15 feet, so as to insure that tobacco smoke does not enter into establishments designated as smoke free under this subchapter through public entrances, windows, ventilation intakes or other means.

(Ord. 5102, passed 4-3-2008) Penalty, see § 153.99

### § 153.75 EXEMPTIONS.

(A) Notwithstanding the smoking prohibitions in § 153.72, smoking will be permitted in the following locations:

(1) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited under the provisions of this subchapter. The status of rooms as smoking or non-smoking shall not be changed, except to add additional nonsmoking rooms and in any case may not exceed 20% of available rooms;

(2) Retail tobacco stores;

(3) Private clubs;

(4) Halls, rooms or assembly areas owned or operated by a church, synagogue, or other place of worship if smoking is part of a religious ceremony or an essential part of the religious tenets;

(5) Outdoor areas of a golf course, not to include miniature golf courses;

(6) Private motor vehicles;

(7) Private residences except when used as a child care, adult day care or health care facility;

(8) Outdoor areas of employment.

(9) *Cigar bars.* An establishment that is owned or leased by a business that meets the following requirements:

(a) The business prohibits entry by an individual who is less than 21 years of age.

(b) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(c) The business limits smoking in the establishment to cigar smoking.

(d) During the preceding calendar year, at least 10% of the business's annual gross income was from the sale of cigars and the rental of onsite humidors.

(e) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

(f) The sale of prepared foods for on-premises consumption is prohibited.

(B) This subchapter shall allow a one-time, 12-month extension for compliance for those bars that only admit patrons aged 21 years and older. No establishments with separate family dining facilities will be eligible for this extension. In order to qualify for this extension, the bar must file an application for a certificate of extension with the enforcement authority not later than 30 days after the effective date of this subchapter. The extension shall be for a period of one calendar year from the effective date of this subchapter. Any establishment granted such an extension must clearly post notices of that the extension is in effect at all public entrances to the establishment. Only establishments currently in operation as of the effective date of this subchapter are eligible for this extension.

(C) Notwithstanding any other provision herein, smoking shall not be allowed in any area if the smoke from smoking is allowed to enter, either directly or indirectly, any other area where smoking is prohibited under this subchapter.

(D) No person or entity shall discharge, refuse to hire or retaliate in any manner against an employee, applicant for employment, or customer because of any attempt to enforce the provisions of this subchapter by such employee, applicant or customer.  
(Ord. 5102, passed 4-3-2008; Am. Ord. 5878, passed 11-1-2021)

**§ 153.76 SIGNS.**

Every place of public accommodation, building or enclosed facility and every place of employment where smoking is allowed under the provisions of this subchapter must post a conspicuous and clearly legible sign at each entrance that warns that tobacco smoke may be present.  
(Ord. 5102, passed 4-3-2008)

**§ 153.77 DECLARATION OF ESTABLISHMENT AS NONSMOKING.**

Notwithstanding any other provision of this subchapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor are as a nonsmoking place.  
(Ord. 5102, passed 4-3-2008)

**§ 153.78 ENFORCEMENT.**

(A) This subchapter shall be enforced by the Building and Code Enforcement Department or its authorized designee (hereafter the "Enforcement Authority"). Any person who desires to register a complaint under this subchapter may report a violation to the Enforcement Authority. The Enforcement Authority shall, in connection with other routine inspections, inspect for compliance with this subchapter.

(B) The record owner(s), manager(s), operator(s), tenant(s), employee(s) and/or other occupant(s) of any structure, land or part thereof, and other person(s) who commit, participate in, assist in,

and/or maintain and/or allow a violation to continue shall each be considered responsible parties and may be found liable for separate violations.  
(Ord. 5102, passed 4-3-2008)

**§ 153.99 PENALTY.**

(A) The Building Commissioner shall, in the name of the city, bring actions in any court of competent jurisdiction for mandatory and injunctive relief in the enforcement of, and to secure compliance with, any order or orders made by the Building Commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code.  
(1979 Code, § 153.998)

(B) If any person, firm or corporation shall violate any of the provisions of this code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this code, for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than \$25, nor more than \$2,500. Each day of such unlawful activity as prohibited by this section shall constitute a separate offense.

(C) (1) Any person found to be in violation of §§ 153.70 through 153.78 shall, upon conviction, be fined as follows:

(a) The issuance of a verbal warning for the first violation;

(b) The issuance of a written warning for the second violation within the same calendar year;

(c) A fine of not less than \$100 for a third violation within the same calendar year;

(d) A fine of not less than \$200 for a fourth violation within the same calendar year; and

(e) A fine not to exceed \$500 for each additional violation occurring within the same calendar year.

(2) Each day of violation shall constitute a separate and distinct offense.  
(1979 Code, § 153.999) (Ord. 3648, passed 9-26-1985; Am. Ord. 4608, passed 8-20-2001; Am. Ord. 4704, passed 9-23-2002; Am. Ord. 5102, passed 4-3-2008)

**Boundaries and Annexations**

20C

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5803	5-4-2020	Correcting scrivener's error in legal description in Ordinance 5794.
5812	7-20-2020	Annexing certain real estate commonly known as 2411 County Road 10 W and 28330 County Road 10 W into the city.
5829	12-21-2020	Annexing certain real estate commonly known as 1333 S. Nappanee Street into the city.
5832	3-1-2021	Annexing certain real estate commonly known as 23809 US 33, 23821 US 33, 23861 US 33, 23834 US 33 and 23845 US 33 into the city.
5841	5-17-2021	Annexing certain real estate commonly known as three lots at the northeast corner of W. Hively Avenue and S. 6th Street into the city.
5852	6-7-2021	Annexing certain real estate commonly known as 32.754 acres on the south side of Henke Street between Jeanwood Drive and Lane Street into the city.
5869	10-4-2021	Annexing certain real estate located in the southeast corner of the intersection of County Road 24 and State Road 19 into the city.
5879	11-1-2021	Annexing certain real estate commonly known as 28227 County Road 26 into the city.
5880	11-1-2021	Annexing certain real estate commonly known as the southwest corner of SR 19 and Charlotte Avenue, east of CR 24 into the city.



Zoning Map Changes

40G

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5638	1-8-2018	Rezoning real estate located at 1400 South Nappanee from B-1 to B-2.
5654	3-19-2018	Rezoning real estate located at the southeast intersection of County Road 6 and Stryker Street from PUD and R-1 to R-2.
5659	3-19-2018	Amending conditions of the Elkhart General Hospital PUD.
5664	5-7-2018	Rezoning real estate located at 512 Hallie Road from R-2 to R-4.
5670	5-21-2018	Amending conditions of the Mennonite Biblical Seminary/Mennonite Board of Education PUD.
5671	6-4-2018	Amending conditions of the Parkway at 17 PUD.
5672	6-4-2018	Rezoning real estate located at 3500 Cassopolis Street from R-1 to B-2.
5684	9-10-2018	Rezoning certain real estate located at vacant land on Emerson Drive from B-1 to B-2.
5707	12-17-2018	Rezoning real estate located at 750 County Road 15 from M-1 to B-2.
5738	6-3-2019	Amending planned unit development to allow construction of two apartment buildings containing a total of 28 dwelling units and 35 new parking spaces.
5747	7-1-2019	Rezoning certain real estate located at vacant lot on north side of Jackson Blvd., in the vicinity of vacated Clark Street and Pacific Street from R-2 and R-5 to CBD.
5748	7-1-2019	Rezoning certain real estate located at vacant land on Emerson Drive from B-2 to B-3.
5759	9-9-2019	Rezoning certain real estate located at 52440 County Road 101 from R-1 to M-1.
5760	9-9-2019	Rezoning certain real estate located at northwest corner of County Road 17 and Hoffman Street from B-2 to M-1.
5764	10-7-2019	Removing 1600 Osolo Road from the Planned Unit Development District and rezoning 1600 Osolo Road to R-2.
5776	11-4-2019	Removing real estate located at 3542 South Main Street from the Planned Unit Development and rezoning 3542 South Main Street to B-3.

## Elkhart - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5786	1-13-2020	Rezoning real estate located at 152 State Street and 156 State Street from R-2 to R-3.
5787	1-13-2020	Rezoning real estate located at 160 State Street from R-2 to R-3.
5788	2-3-2020	Rezoning real estate located at 2743 South Nappanee Street and vacant land southwest of Nappanee Street and Hively Avenue from M-1 to B-3.
5806	6-15-2020	Rezoning real estate located at vacant lot East Bristol Street (adjacent to 818 E. Bristol Street) from R-2 to O.
5828	12-21-2020	Rezoning approximately 28.5 acres south of Arlington Street between Cassopolis Street and Johnson Street from PUD to B-4.
5830	2-8-2021	Rezoning 1717 Fulton Street from R-2 to O.
5834	4-5-2021	Rezoning 23605 US 20 and 2704 Toledo Road from B-3 and PUD to M-1.
5839	5-3-2021	Rezoning 1313 W. Hubbard Avenue from R-3 to R-2.
5845	6-7-2021	Rezoning the lot west of 2014 E. Bristol Street from R-2 to B-1.
5846	6-7-2021	Rezoning approximately 16.2 acres at 123 County Road 17 from DPUD, M-1 to M-1.
5847	6-7-2021	Rezoning 1311 West Hubbard Avenue from R-3 to R-2.
5848	6-7-2021	Removing 2.3 acres of vacant land on Haines Drive from within Villas at Lexington Landing PUD and rezoning the same as Villas at Lexington Landing Phase II PUD.
5849	6-7-2021	Rezoning 8.34 acres of vacant land between the 2100 and 2200 blocks of Cassopolis Street from B-3 and M-1 to R-4.
5854	7-12-2021	Rezoning vacant land at the southwest corner of County Road 6 East and Elkhart East Boulevard from R-1 to M-1.
5857	8-2-2021	Amending Park Six PUD by changing the underlying standards from M-1 to B-3.
5877	11-1-2021	Rezoning the vacant lot adjacent to and east of 1440 South Nappanee Street from B-1 to B-2.

Vacations

78A

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5524	10-17-2016	Vacating the portion of the alley running east from 18th Street between Fieldhouse Avenue and Markle Avenue.
5537	12-5-2016	Vacating the portion of the east-west alley running between Washington Street and Jefferson Street, and between North Main Street and the Elkhart River.
5605	8-7-2017	Vacating North Clark Street and Hannah Court.
5616	9-11-2017	Vacating the north/south alley west of Lots 437-440 and the east/west alley extending west of Lots 437-438 to Sixth Street in Chapman's Rosedale Addition.
5623	10-16-2017	Vacating the north/south alley between Country Club Drive and Modrell Avenue.
5655	3-19-2018	Vacating the eastern portion of Doll Court.
5658	3-19-2018	Vacating a part of Highland Avenue between Massachusetts Avenue and Lawn Avenue.
5662	4-16-2018	Vacating a part of Lawn Avenue between Highland Avenue and Arcade Avenue and a portion of two north-south alleys between Highland Avenue and East Boulevard.
5679	8-20-2018	Vacating a part of Hudson Boulevard running north and south between York Street and Folsum Street.
5706	12-17-2018	Vacating a part of the remaining alleys in John W. Fieldhouse's Subdivision and the north-south alley lying between John W. Fieldhouse's Subdivision and Hannah W. Clark's addition.
5724	4-1-2019	Vacating a portion of Clark Street from Elkhart Avenue extending north approximately 124 feet.
5755	8-19-2019	Vacating a portion of a 16.5-foot wide alley located adjacent to Lot 9 and Lot 10 in the Riverview Addition extending west of the intersection of a 12-foot alley between Lot 9 and Lot 7 of said Addition.
5813	8-3-2020	Vacating Easy Shopping Place, a public right-of-way situated between the north line of East Jackson Boulevard and the south line of Elkhart Avenue.
5840	5-17-2021	Vacating an alley adjacent to Lots 25, 26, 27 and 28 of the Spring Fountain Place Addition.

**Elkhart - Table of Special Ordinances**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5867	10-4-2021	Vacating the east/west alley between 14th and 15th Street and a portion of 15th Street.
5886	1-3-2022	Vacating David Street, bounded on the west by the east right-of-way line of Plaza Court and bounded on the east by the west right-of-way line of State Road 19.

## References to Ordinances

79

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
5834	4-5-2021	T.S.O. V
5839	5-3-2021	T.S.O. V
5840	5-17-2021	T.S.O. VI
5841	5-17-2021	T.S.O. II
5845	6-7-2021	T.S.O. V
5846	6-7-2021	T.S.O. V
5847	6-7-2021	T.S.O. V
5848	6-7-2021	T.S.O. V
5849	6-7-2021	T.S.O. V
5852	6-7-2021	T.S.O. II
5854	7-12-2021	T.S.O. V
5856	7-19-2021	32.035
5857	8-2-2021	T.S.O. V
5864	9-20-2021	Adopting Ordinance
5867	10-4-2021	T.S.O. VI
5869	10-4-2021	T.S.O. II
5877	11-1-2021	T.S.O. V
5878	11-1-2021	153.75
5879	11-1-2021	T.S.O. II
5880	11-1-2021	T.S.O. II
5885	12-6-2021	32.035
5886	1-3-2022	T.S.O. VI

# **THE CITY OF ELKHART, INDIANA**

## **CODE OF ORDINANCES**

2024 S-24 Supplement contains:  
Local legislation current through Ord. 5955, passed 10-2-2023; and  
State legislation current through 2023 Acts, Pamphlet No. 3

Published by:  
**AMERICAN LEGAL PUBLISHING**  
525 Vine Street ✧ Suite 310 ✧ Cincinnati, Ohio 45202  
1-800-445-5588 ✧ [www.amlegal.com](http://www.amlegal.com)

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**CHAPTER 30: CITY COUNCIL**

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**RULES AND REGULATIONS FOR GOVERNMENT OF COUNCIL**

**§ 30.01 ADOPTION OF RULES AND REGULATIONS.**

(A) The rules and regulations prescribed in §§ 30.01 through 30.17 are hereby adopted for the government of the Council of the city and of its Council members. Any enumeration of powers in this subchapter shall not be held to limit the legislative power of the Council except where specifically provided.

(B) The Council shall have the power to adopt local laws deemed necessary for the effective operation and conduct of government with respect to municipal and internal affairs, and shall provide for the enforcement of such laws and prescribe violation and punishments thereto.

(C) The Council shall have the authority to request or compel attendance of Council members, other officers of the city and other witnesses, and may require the production of documents germane to matters being considered at meetings of the Council.

(D) The Council may punish contempt and disorder in rooms of the Council.

(E) The Council shall have the power to discipline Council members.

(F) The Council shall have the power to pass all ordinances, orders, resolutions and motions for the government of the city, for the control of its property and finances and for the appropriation of money.

(G) The Council shall have the power to supervise and investigate all departments, officers and employees of the city government and to examine into any charge preferred against them, and into the affairs of any corporation, firm or person in which the city may be interested in contracting.

(H) The Council shall have the power to manage the finances of the city subject to the powers and duties vested in the executive departments.  
(1979 Code, § 30.01) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993)

#### **§ 30.02 LEGISLATIVE POWER.**

The legislative power and authority of the city shall be vested in the Council. Unless otherwise provided by law, all powers and duties of the city which are legislative in nature shall be exercised and performed by the Council.  
(1979 Code, § 30.02) (Ord. 3116, passed 7-2-1979)

#### **§ 30.03 COMPOSITION.**

The Council shall consist of 9 members, 6 district Council members elected from districts and 3 Council members-at-large elected at large from the entire city.  
(1979 Code, § 30.03) (Ord. 3116, passed 7-2-1979)

#### **§ 30.04 ELIGIBILITY.**

To be eligible to run for the office of Council member, all persons shall be bona fide citizens of the United States and the state and shall have attained the age of 18 years when elected. Additionally, all persons shall have been a resident of the city for at least 1 year immediately preceding his or her election; and for all persons to be eligible to run for the office of district Council member shall have resided in that district for the last 6 months preceding his or her

election. Should any Council member representing any district cease to be a resident of the district or any at-large Council member cease to be a resident of the city during his or her term of office, the office shall thereby become immediately vacant.

(1979 Code, § 30.04) (Ord. 3116, passed 7-2-1979)

#### **§ 30.05 ELECTION; SALARY.**

Election of Council members shall be in accordance with all laws governing primary and general elections. The term of office of each Council member shall commence on January 1 after his or her election and shall continue for 4 years thereafter. The Council member's oath of office shall be administered by a duly qualified person to each Council member and it shall be signed and filed with the Office of City Clerk on or before January 1 after his or her election. The salary of each Council member shall be a specified amount as set forth in the salary ordinance for elected city officials.

(1979 Code, § 30.05) (Ord. 3116, passed 7-2-1979)

#### **§ 30.06 INITIAL MEETING.**

The members-elect of the Council shall hold their first regular meeting on the first or second Monday in January after their election at the hour of 7:00 p.m. in the Council chambers. At this meeting, they shall choose from the Council members a President and a Vice-President, which officers shall serve until noon of the first meeting in January of the next succeeding year. Their successors shall be chosen to serve for 1 year or until the first meeting in January of the next succeeding year.

(1979 Code, § 30.06) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993; Am. Ord. 5234, passed 10-18-2010)

#### **§ 30.07 TIME AND PLACE OF MEETINGS.**

The regular meetings of the Council shall be held at the Council chambers on the first and third Monday evenings of each month at the hour of 7:00 p.m. If any regular meeting date falls on a holiday established

by state or city law, or if a serious conflict for the Council arises as to a meeting date, the Council President, or the Council by majority vote, shall reschedule the regular meeting for any date or time, provided that such rescheduling will not result in the failure of the Council to hold at least 1 meeting during any monthly period. At the hour named, the President shall call the Council to order, and if he or she is absent, the Vice-President shall act in his or her stead. If the latter is absent, any member of the Council may, upon motion, be called to the chair and act as presiding officer only until the arrival of 1 entitled to preside.

(1979 Code, § 30.07) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993)

### **§ 30.08 COMMITTEE MEETINGS.**

The President of the Council shall schedule committee meetings of the whole Council as necessary, and shall give Council members written notice of the meeting at least 48 hours prior to the meeting. Any 3 members of the Council, after consultation with the Council President, may also call a committee meeting of the whole Council in the same manner as the Council President. The committee meetings shall be open to both the press and public as are all regular and special meetings of the Council. The President shall call the Council to order at the prescribed time, or in his or her absence, the Vice-President shall act in his or her stead. Although the parliamentary rules governing procedures for speech and debate may be set aside at the discretion of the President at such committee meetings, all other rules and regulations governing decorum and standards of conduct shall be in full force and effect whenever a Council member performs any of the duties, obligations and services mandated by his or her office.

(1979 Code, § 30.08) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993; Am. Ord. 4211, passed 8-21-1995)

### **§ 30.09 SPECIAL MEETINGS.**

(A) Special meetings of the Council shall be held on the call of the Presiding Officer of the Council or

of any 5 members of the Council, or the Mayor. The call shall be in writing, and specify therein the objects of the call, that is to say, the particular purposes for which it is called. The call shall be signed by the Presiding Officer or the Mayor, or, when made by members of the Council, by them, and sealed with the seal of the city and countersigned by the Clerk.

(B) Each member of the Council shall be notified of the holdings of the special meeting by the Chief of Police or any of the members of the police force, personally serving the call to them, or leaving a certified copy thereof at the last and usual place of residence of any member that the officer is not able to find.

(C) Only such business shall be transacted at the special meeting as is specifically stated in the call for the special meeting. The minute record shall show the issuance of the call, and the service of notice thereof, for which purpose the officer serving the notice shall make return to the Clerk.

(1979 Code, § 30.09) (Ord. 3116, passed 7-2-1979)

### **§ 30.10 QUORUM.**

A majority of all Council members to which the districts and city are entitled shall make a quorum.

(1979 Code, § 30.10) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993; Am. Ord. 4211, passed 8-21-1995)

### **§ 30.11 PRESIDENT; VICE-PRESIDENT.**

(A) The President of the Council shall preside over all regular and special meetings of the Council. The President shall call the Council to order at the hour for the opening of the meetings and on the appearance of a quorum. The President shall have the right to vote on all matters, but shall not advocate a position on an issue before the Council without first taking leave of the chair. In the event the President chooses to take leave of the chair, the Vice-President shall temporarily take the chair until the President concludes his or her discussion.

(B) The President shall:

(1) Preserve strict order and decorum;

(2) Decide all questions of order and his or her decisions shall be final unless appeals are taken to the Council; an appeal of the decision of the President or the Vice-President shall be taken as follows:

(a) The Council member shall indicate he or she is appealing the decision;

(b) The Council member shall state his or her grounds for the appeal; and

(c) The Council shall vote on the member's appeal. If the appeal passes by a majority vote of the Council, the President's decision shall be overruled.

(3) Appoint all standing committees at the first meeting in January or as soon thereafter as possible; however, the standing committees shall serve only during the term of the appointing President;

(4) Appoint all special committees which may be ordered by the Council;

(5) Fill all temporary and permanent vacancies which may occur in any of the standing or special committees;

(6) Appoint Council members to commissions, boards, departments and other agencies of the city, county or other entity when a member from the Council or other person is required or authorized to be appointed by the Council to such commission, board, department or other agency pursuant to city ordinance, county ordinance, state statute or other lawful authority.

(a) An appointment log of all such appointments shall be maintained by the Office of the City Clerk and shall be available to the Council and the Deputy Clerk of the Council;

(b) The appointment log shall include the most recent appointment by the Council and the expiration date of each appointee's term; and

(c) The Deputy Clerk of the Council shall notify the Council of any vacancies requiring appointment by the Council;

(7) Sign all ordinances and resolutions adopted by the Council prior to their presentation to the Mayor as well as all ordinances after enrollment, and the journal of the proceedings; and

(8) Exercise any power or perform any function proper and necessary for the effective and efficient operation of the office.

(C) It shall be the prerogative of the President to assign an ordinance, resolution or other document, either to committee or first reading of the ordinance.

(D) The Vice-President shall possess the powers and perform the duties of the President of the Council when the President is absent. When a vacancy occurs in the office of the President, the Vice-President shall assume the office of the President of the Council and the Council shall elect a new Vice-President for the remainder of the term.

(1979 Code, § 30.11) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993; Am. Ord. 5889, passed 2-14-2022)

#### § 30.12 SERGEANT-AT-ARMS.

(A) On the recommendation of the President of the Council, the Chief of Police shall designate, detail and assign a police officer to act as sergeant-at-arms for the Council.

(B) The sergeant-at-arms shall preserve order in and about the Council chamber.

(C) The sergeant-at-arms shall exercise and perform other duties as may be prescribed by this code and the laws of the state for the effective operation and conduct of the Council.

(1979 Code, § 30.12) (Ord. 3116, passed 7-2-1979)

**§ 30.13 DECORUM AND DEBATE.**

(A) The Presiding Officer shall preserve order and decorum at all Council meetings.

(B) Each member of the Council shall be present within the Council chamber during the sessions of the Council, unless excused or necessarily prevented from being present, and shall vote on each question put unless excused from voting by a majority of the Council members present.

(C) A Council member shall not vote, or take any other discretionary action in his or her official capacity, except in the exercise of his or her own independent judgment, reached after due regard for the collective interest of his or her constituency as a whole, and of the citizens and the community of the city. The prohibition in this section extends to any agreement to take action in violation of this section and to any effort to induce other Council members to violate it.

(D) Whenever a Council member has or is likely to have a substantial conflict of interest in connection with a matter pending before the Council, he or she shall disclose fully the nature of his or her conflict of interest and may thereafter, in the judgment of the Council member, either:

(1) Disqualify himself or herself from further action on the matter; or

(2) Continue to participate in the deliberations and to vote on the matter.

(E) Notwithstanding division (D) above, whenever a Council member has or is likely to have a private financial interest in connection with any official matter pending before the Council, he or she shall disqualify himself or herself from further participation in the proceeding.

(F) A Council member shall not derive or attempt to derive any unjustified enrichment from his or her office. This division forbids:

(1) The solicitation or acceptance of any bribe, gift or other material economic benefit, or of any promise of similar benefit, which he or she believed or reasonably should believe was intended to influence;

(2) The solicitation or acceptance of any gift or other economic benefit conferred because of any vote or other action in his or her official capacity already taken by him or her;

(3) The acquisition or use for personal purposes of any property, services or funds of the city, unless authorized by law; and/or

(4) The use for personal gain of information pertaining to the city which is not a matter of public record, at a time when it is treated as confidential by the officials of the city.

(G) When any member is about to speak or deliver any matter to the Council, he or she shall respectfully address himself or herself to the Presiding Officer, and on being recognized, confine himself or herself to the question in debate and avoid personality. The Presiding Officer shall not recognize any member as in order, unless he or she is in his or her proper seat.

(H) When 2 or more Council members seek recognition at once, the Presiding Officer shall name the member entitled to speak.

(I) No Council member shall speak more than twice on the same question without leave of the Council, nor more than once until every Council member choosing to speak has spoken.

(J) While the Presiding Officer or a Council member is addressing the Council, no Council member shall walk out of or across the Council chamber or engage in private discourse.

(K) No Council member shall impugn a motive of another.

(L) Any Council member may change his or her vote before the announcement of the result by the Presiding Officer.

(M) If any Council member, in speaking or otherwise, shall transgress the rules of the Council, the Presiding Officer shall, or any Council member may, call him or her to order, in which case he or she shall immediately cease the transgression unless permitted, on motion of another Council member, to explain; and the Council shall, if appealed to, decide the case without debate. If the decision is in favor of the Council member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to the censure of the Council.

(N) Should any Council member, in the course of his or her remarks violate a second time any rule of the Council, and again be called to order, he or she shall not speak further on the pending question, except by permission of 2/3 of the Council members present.

(O) Each Council member shall observe the highest standards of dignity, propriety, courtesy, respect and decorum when with his or her fellow Council members, officers and employees of the city, and all other persons, and when carrying out any of the responsibilities, duties and services mandated by the office of a Council member.

(1979 Code, § 30.13) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993; Am. Ord. 5889, passed 2-14-2022)

#### § 30.14 PARLIAMENTARY PROCEDURE.

(A) The most recent edition of *Robert's Rules of Order*, newly revised, shall be the authority on all questions of parliamentary law and procedure not specifically covered by this subchapter. For the purposes of this subchapter, parliamentary law shall mean the enacted rules and recognized usages which govern the procedure of legislative assemblies.

(B) It shall require a majority vote of 5 of the 9 Council members, to pass an ordinance or resolution.

Whenever by law it is required that any ordinance or resolution shall be passed by a 2/3 vote, the requirement shall be construed to mean a 2/3 vote of all Council members; i.e., 6 of the 9 members. Whenever by law it is required that any ordinance or resolution shall be passed by a 3/4 vote, the requirement shall be construed to mean a 3/4 vote of all Council members; i.e., 7 of the 9 members.

(C) No one not a member of Council shall be permitted to address the Council except on invitation by the Presiding Officer or by a majority vote of the Council.

(D) No ordinance or resolution shall be received or considered by the Council unless it is presented by some member thereof or as provided by law. Every motion made by any member of the Council and entertained by the Presiding Officer shall be reduced to writing on the demand of any Council member. When a motion has been made, the Presiding Officer shall state it, and it shall then be in the possession of the Council, but may be withdrawn at any time before a decision or amendment.

(E) When, in order to enact an ordinance, resolution or motion, state law requires a majority of the Council to vote "aye", the following procedures shall be applicable in calculating the majority.

(1) Only Council members who have disqualified themselves on a matter due to a substantial conflict of interest or have disclosed fully the nature of their conflict of interest pursuant to the provisions of this chapter are entitled to an abstention.

(2) Absentations shall not be counted as either an "aye" or "nay" vote.

(F) The Presiding Officer shall decide whether any question is carried by an affirmative or a negative vote, but if he or she is in doubt, a roll call vote shall be asked for.

(G) When a question is under debate, no motion shall be received, but to adjourn, to lay on the table, for the previous questions (which motion shall be

decided without debate), to postpone to a day certain, to refer, to amend or to postpone indefinitely, which several motions shall have preference in the order in which they are here arranged.

(1) The motion to adjourn and the motion to fix a time to which the Council shall adjourn shall always be in order, the latter motion taking precedence of the former.

(2) The motion to lay an amendment on the table shall not affect the main question which it is proposed to amend.

(3) The previous question shall be put in this form: "I move for the main question. " It shall only be granted when demanded by a simple majority of the Council; and its effect shall be to put an end to all debate, and until decided, shall preclude all other motions or amendments, except the motion to adjourn. If the motion is sustained, the Presiding Officer shall at once put the question, first on pending amendments and then on the main questions.

(4) The motion to postpone to a day certain can be amended by altering the time.

(5) The motion to commit may be amended by altering the committee or by giving instructions.

(6) A motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute to which 1 amendment may be offered, but neither may be withdrawn before amendment or decision is had thereon.

(7) No motion or proposition postponed indefinitely shall be taken up again at the same or next succeeding meeting.

(8) A question shall be divided on the demand of any Council member, if it includes 2 or more distinct propositions.

(9) A motion to strike out and insert shall be indivisible, but a motion to strike out being lost

shall neither preclude amendment nor motion to strike out and insert, and no consideration shall be submitted under color of amendment.

(10) When a motion has been made and carried or lost, it shall be in order for any member of the majority at the same or the next regular meeting, to move for the reconsideration thereof. Such a motion on being made may be seconded by any Council member and may be made at any time. It shall be debatable and requires a majority vote to prevail.

(H) When a resolution is offered or a report or other matter presented, the Presiding Officer may take the reception thereof for granted, unless objection is made, when a formal motion shall be required.

(I) Appeals, questions of order, objection to the consideration of a question, the reading of papers, leave to withdraw a motion and suspension of the rules are questions which shall take precedence of and be decided before the question which gave rise to them; which several questions cannot be amended, and all questions of order which may arise pending a question is not debatable must be decided without debate.

(1979 Code, § 30.14) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993; Am. Ord. 5889, passed 2-14-2022)

### § 30.15 ORDINANCES.

(A) All legislation of the city shall be by ordinance or by resolution. The word **RESOLUTION**, as used in this chapter, shall be the official action of the Council in the form of a motion; the action shall be limited to matters required or permitted to be done by resolution by this chapter or by state or federal law and to matters pertaining to the internal affairs or concerns of the city government. All other acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a number and short title, or by a code section number when a codification or compilation of ordinances is completed. Ordinances shall be



numbered in order as they are passed, but dispatched in order as they are introduced, except when the Council shall direct otherwise.

(1) Each proposed ordinance shall begin after a preliminary "Statement of Purpose and Intent" by the following: "NOW, THEREFORE, BE IT ORDAINED by the Council of the City, Indiana, as follows:" and a section by section format shall follow.

(2) In all proposed ordinances containing words which shall add words to an existing ordinance, the added words shall be underlined (\_\_\_\_\_).

(3) All proposed ordinances requesting deletions of words from an existing ordinance shall indicate the deletion by a dash through the word or words (- - - - -).

(4) All ordinances and resolutions must be accompanied with a letter stating who requested the ordinance or resolution and the purpose for the ordinance or resolution.

(5) Every proposed ordinance and resolution shall be examined and approved as to form by the City Attorney, or another attorney designated by the City Attorney, prior to the time it is presented to the Clerk. After such examination and approval, the City Attorney, or the attorney designated by the City Attorney, shall assign an ordinance or resolution number and shall place the proposed ordinance or resolution in the possession of the Clerk of the Council who shall introduce the ordinance or resolution as prescribed herein.

(B) Every ordinance shall be read by title, 3 times before its passage, unless pursuant to division (C) below, the ordinance is read in full on the second reading, but no ordinance shall be read the third time at the same meeting it is introduced unless by unanimous vote of all Council members present, there being present at least 2/3 of the Council members (6 Council members), this rule may be suspended by a ye and nay vote.

(C) Every ordinance shall be read by title on second reading unless the Council members request by

majority voice vote of all the Council members present, and there being present at least 2/3 of the Council members, that the ordinance be read in full, in which case the ordinance shall be read in full on second reading.

(D) No item shall appear on the agenda of a regular meeting of the Council unless the item has been filed in the office of the City Clerk on or before 12:00 noon on the Thursday immediately prior to the regular meeting. This division is not applicable to special meetings.

(E) When an ordinance is introduced, it shall be read by title, after which the chair shall state "This is the first reading of the ordinance; if there is no objection by anyone in the Council Chambers, it shall be set for second reading." If there is no objection, the ordinance shall be set for second reading. If there is objection, it shall be in order for any Council member to make a proper motion for disposition of the ordinance.

(F) Any ordinance may be stricken from the files at any time before passage by a 2/3 vote of all Council members elected.

(G) Any ordinance failing to receive a sufficient number of votes will be considered as lost and stricken from the files, provided the vote is not reconsidered, as authorized by § 30.14(G)(10). All votes on the passage of ordinances and resolutions, and on motions to reconsider shall be by roll call.

(H) When a resolution is introduced, it shall be read by title only, after which, if there is no objection, it shall stand ready for adoption. If there is objection, it shall be in order for any Council member to make a proper motion for disposition of the resolution.

(I) No proposition to rescind or change any standing rule or order of the Council shall be passed at the same meeting it is submitted, nor shall any proposition having the force and effect of a by-law or a standing rule or the like relating to the government of the Council or the duties of any of the city officers be passed except in the form of an ordinance and according to the forms prescribed for the passage of ordinances.

(J) The effective date of all ordinances shall be prescribed therein; however, no ordinance shall become effective before publication thereof.

(K) Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court of competent jurisdiction, the invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided the remaining portions or applications are not determined by the court to be inoperative and to this ordinance are declared to be severable.

(L) When a motion has been made and carried or lost, it shall be in order for any member of the prevailing side, as described at § 36(a) of the latest edition of *Robert's Rules of Order*, at the same or the next regular meeting, to move for the reconsideration thereof. Such a motion upon being made may be seconded by any Council member and may be made at any time. It shall be debatable and requires a majority vote of at least 5 votes to prevail.  
(1979 Code, § 30.15) (Ord. 3116, passed 7-2-1979; Am. Ord. 4099, passed 1-25-1993; Am. Ord. 4441, passed 8-16-1999)

**§ 30.16 STANDING COMMITTEES.**

(A) (1) There shall be 6 standing committees of the Council as listed below:

(a) Finance; (The membership of this committee shall include all Council members when the civil city budget is being considered, and the chairperson shall be the Finance Committee Chairperson.)

- (b) Planning and Development;
- (c) Public Health and Safety;
- (d) Public Works and Improvement;

(e) Cultural Arts; and

(f) Internal Controls Committee.

(2) Each committee shall consist of not less than 3 members appointed by the Council President. Both the majority and minority shall be represented on each committee. The Council President shall designate the Chairperson and Vice-Chairperson of each committee.

(B) There shall be appointed from time to time special committees as determined by the Council president or a majority of the Council. Any special committees shall have at least 3 members who are appointed by the Council president.

(C) The general responsibilities of each Council committee shall include the right to review all legislative proposals, reports and other pertinent information under its jurisdiction; and to monitor on a continuing basis the department, and bureaus and public officials under its jurisdiction. Each Council committee shall report periodically to the Council. All committees shall also deal with the issues referred to them by the President of the Council or by at least a majority of the Council.

(D) The first named Council member of each committee shall be Chairperson and, in his or her absence, the next named member.

(E) A committee shall meet on the call of the Chairperson or by the call of any 2 of its Council members in case the Chairperson is absent or declines to call the meeting.

(F) A special committee, when its report, if made, is disposed of and it has no other business, stands dissolved without motion; but an affirmative vote on recommitment has the effect of reviving the committee.

(G) When any matter has been referred to a committee, the Council member introducing the same shall have the right to meet with the committee during its deliberations thereon, but shall not vote.

(H) The rules of the Council as far as they are applicable shall be the rules of the committee, and procedure in the committee where not otherwise provided herein, shall follow the procedure of the Council.

(I) The proceedings of the committee shall be recorded by the Chairperson of the committee in a journal which shall, among other things, show those present at each meeting and include a record of the votes on any question on which a record vote is requested.

(J) (1) The Chairperson in the case of hearings to be conducted by the committee shall make public, pursuant to the office of the City Clerk, the announcement of the date, place, the subject matter of any hearing to be conducted on any measure or matter at least 1 week before the commencement of that hearing unless the committee determines that there is good cause to begin the hearing at an earlier date.

(2) In the latter event the Chairperson shall make such public announcements at the earliest possible date, but in no event shall the public announcement be shorter than 48 hours before the hearing.

(K) Council committees are authorized to hold hearings, receive exhibits, hear witnesses and report to the Council for final action, together with such recommendations as may be agreed upon by the committee.

(L) It shall be the duty of the Chairperson of each Council committee to report, within 30 days, with the exception of the budget, to the Council on all ordinances, resolutions, reports or other matters referred to it for consideration; and each Chairperson shall take or cause to be taken the necessary steps to bring such matters to a vote of the Council.

(M) (1) All hearings of a Council committee are open to the public and can be covered by the news media.

(2) However, in order to assure a respect to the conduct of the public hearings observing acceptable standards of dignity, propriety, courtesy and decorum, and to assure the proper fact-finding mission through the hearing process, the Chairperson may provide special rules governing such matters as to placement of microphones, location of cameras and the allocation of space for representatives of the media in the hearing rooms as circumstances may require. (1979 Code, § 30.16) (Ord. 3116, passed 7-2-1979; Am. Ord. 3508, passed 1-17-1984; Am. Ord. 3923, passed 6-23-1989; Am. Ord. 4099, passed 1-25-1993; Am. Ord. 5753, passed 8-5-2019)

### § 30.17 ORDER OF BUSINESS.

The order of business of the regular meetings of the Common Council shall be as follows, unless the rule is suspended by a 2/3 vote of the Council:

(A) Call to order, pledge and prayer, roll call;

(B) Minutes of last scheduled meeting and special meetings;

(C) Presentations and introductions;

(D) Unfinished business:

(1) Reports of Council Committees;

(2) Ordinances on second and third reading;

(3) Resolutions referred to committees; and

(4) Tabled ordinances, resolutions and the like.

(E) New business:

(1) Ordinances on first reading;

(2) Resolutions;

- (3) Vacation hearings;
- (4) Other new business;
- (5) Reports of Mayor, Board of Works or city departments;
- (6) Neighborhood association reports;
- (7) Privilege of the floor;
- (8) Scheduling of committee meetings.

(F) Acceptance of communications; and

(G) Adjournment.

(1979 Code, § 30.17) (Ord. 3116, passed 7-2-1979; Am. Ord. 3508, passed 1-17-1984; Am. Ord. 4904, passed 7-12-2005; Am. Ord. 5113, passed 6-16-2008)

### **§ 30.18 PARTICIPATION IN MEETINGS OF THE COUNCIL BY MEANS OF ELECTRONIC COMMUNICATION.**

(A) *Incorporation of state law.* The provisions of I.C. 5-14-1.5-1 *et seq.* (Act), including definitions, apply to this section.

(B) *Electronic Meetings Ordinance.* This section shall be known as the "Electronic Meetings Ordinance" of the Council and applies to the Council and any committee appointed directly by the Council or its presiding officer.

(C) *Participation by mean of electronic communication.* Subject to divisions (F) and (H) below, any member may participate in a meeting by any electronic means of communication that:

(1) Allows all participating members of the governing body to simultaneously communicate with each other; and

(2) Other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

(D) *Quorum and voting.* A member who participates by an electronic means of communication:

(1) Shall be considered present for purposes of establishing a quorum; and

(2) May participate in final action only if the member can be seen and heard.

(E) *Application of policy.* All votes taken during a meeting at which at least 1 member participates by an electronic means of communication must be taken by roll call vote.

(F) *Limitations on participation by electronic means of communication.*

(1) At least 50% of the members must be physically present at a meeting at which a member will participate by means of electronic communication;

(2) Not more than 50% of the members may participate by an electronic means of communication at that same meeting.

(3) A member may not attend more than 50% of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:

(a) Military service;

(b) Illness or other medical condition;

(c) Death of a relative; or

(d) An emergency involving actual or threatened injury to persons or property.

(4) A member may attend 2 consecutive meetings (a set of meetings) by electronic communication.

(5) A member must attend in person at least 1 meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (a) Military service;
- (b) Illness or other medical condition;
- (c) Death of a relative; or
- (d) An emergency involving actual or threatened injury to persons or property.

(G) *Minutes of meeting.* The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:

- (1) Identify each member who:
  - (a) Was physically present at the meeting;
  - (b) Participated in the meeting by electronic means of communication; and
  - (c) Was absent; and
- (2) Identify the electronic means of communication by which:
  - (a) Members participated in the meeting; and
  - (b) Members of the public attended and observed the meeting, if the meeting was not an executive session.

(H) *Prohibited actions.* No member of the Council may participate by means of electronic communication in a meeting at which the Council may take final action to:

- (1) Adopt a budget;
- (2) Make a reduction in personnel;
- (3) Initiate a referendum;
- (4) Impose or increase a fee;

- (5) Impose or increase a penalty;
- (6) Exercise the Council's power of eminent domain; or
- (7) Establish, impose, raise or renew a tax.

(I) *Emergency declarations.* If an emergency is declared by (1) the Governor under I.C. 10-14-3-12; or (2) the Mayor under I.C. 10-14-3-29:

- (1) Members are not required to be physically present for a meeting until the emergency is terminated; and
  - (2) Members may participate in a meeting by any means of communication, provided that:
    - (a) At least a quorum of the members participate in the meeting by means of electronic communication or in person;
    - (b) The public may simultaneously attend and observe the meeting unless the meeting is an executive session;
    - (c) The minutes or memoranda of the meeting must comply with division (G) above; and
    - (d) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.
- (Ord. 5889, passed 2-14-2022)

### **COUNCILMANIC DISTRICTS**

#### **§ 30.40 DIVISION INTO 6 DISTRICTS.**

The territory within the corporate limits of the City of Elkhart under existing ordinance is hereby divided into 6 Council Districts numbered One, Two, Three, Four, Five and Six. The boundaries of each Council District, as defined by reference to the most current voting precincts, are as follows:

(A) *District No. One:* Concord 02, Concord 03, Concord 06, Concord 07, Osolo 03, Osolo 05, Osolo 08, and part of Concord 10, east of 8th Street, north of Harrison Street.

(B) *District No. Two:* Cleveland 01, Cleveland 04, Cleveland 06, Cleveland 07, Concord 01, Concord 05, Osolo 01, Osolo 04, Osolo 06, and Osolo 07.

(C) *District No. Three:* Osolo 5, Osolo 09, Osolo 10, Osolo 11, Osolo 12, Osolo 13, Osolo 14, and Osolo 16.

(D) *District No. Four:* Concord 11, Concord 12, Concord 13 north of East Lusher Avenue, Concord 08, Concord 17, Concord 18, Concord 19 and Jefferson 01.

(E) *District No. Five:* Concord 25, Concord 16, Concord 23, Concord 21 south of West Hively Avenue and east of 8th Street, and Concord 13 south of East Lusher Avenue.

(F) *District No. Six:* Baugo 06, Concord 04, Concord 09, Concord 10 west of 8th Street, south of Harrison Street, Concord 14, Concord 15, Concord 21 west of South 6th Street, and Concord 22.

(1979 Code, § 30.40) (Ord. 2771, passed 12-16-1974; Am. Ord. 3383, passed 3-1-1982; Am. Ord. 4710, passed 10-21-2002; Am. Ord. 5325, passed 12-17-2012; Am. Ord. 5923, passed 9-12-2022)

the respective Council District. The 3 Council-at-large Councilpersons shall be elected by the voters of the entire City of Elkhart.

(1979 Code, § 30.41) (Ord. 2771, passed 12-16-1974; Am. Ord. 3383, passed 3-1-1982; Am. Ord. 4710, passed 10-21-2002; Am. Ord. 5325, passed 12-17-2012; Am. Ord. 5923, passed 9-12-2022)

***Statutory reference:***

*City primaries and elections, see I.C. 3-10-6-1 et seq.*

*Councilmen and councilmanic districts, see I.C. 36-4-6*

*Division of city into wards, see I.C. 36-4-6*

**§ 30.41 ONE COUNCIL MEMBER FOR EACH DISTRICT; 3 AT LARGE.**

Each Council District shall be represented in the Common Council of the City of Elkhart by 1 Councilperson, who shall be elected by the voters of

**CUMULATIVE SEWER FUND****§ 33.245 NECESSITY OF ESTABLISHING FUND.**

It is declared to be of indispensable public necessity to re-establish legally a cumulative building and sinking fund, hereinafter referred to as Cumulative Sewer Fund, to provide funds, to plan, construct, remodel, repair and extend storm sewers, and for relief sewers and drains in aid of the sanitary system or storm sewers of the city.  
(1979 Code, § 33.120) (Ord. 3644, passed 9-9-1985; Am. Ord. 3875, passed 8-1-1988; Am. Ord. 3888, passed 10-3-1988)

**§ 33.246 ESTABLISHMENT OF FUND.**

It is determined to re-establish, provide, and approve a Cumulative Storm Sewer Fund pursuant to I.C. 36-9-26-1 through 36-9-26-4 and, to provide for the Cumulative Sewer Fund, Council shall, at the appropriate time, levy a tax at the rate of \$0.20 on each \$100 of taxable property in the city.  
(1979 Code, § 33.121) (Ord. 3644, passed 9-9-1985; Am. Ord. 3875, passed 8-1-1988; Am. Ord. 3888, passed 10-3-1988)

**§ 33.247 EFFECTIVE DATE OF LEVY.**

The tax shall be first levied in 1988, payable in 1989, and annually thereafter for a total period of 4 years, including the levy in 1991, payable in 1992, and expiring thereafter as provided in I.C. 36-9-26-5.  
(1979 Code, § 33.122) (Ord. 3644, passed 9-9-1985; Am. Ord. 3875, passed 8-1-1988; Am. Ord. 3888, passed 10-3-1988)

**§ 33.248 PUBLIC HEARING; NOTICE.**

(A) The Council fixed October 3, 1988, at 7:00 p.m., E.S.T., as the date and time when the Council in the Council Chambers shall consider and determine to levy the tax, and the taxpayers of the city then and there had the right to be heard.

(B) The Council does direct the City Clerk, after introduction of this subchapter and before it is finally enacted, to give notice by publication in accordance with the provisions of I.C. 5-3-1, as amended, which notice shall set forth the text of this subchapter, that will include the proposed tax rate, and the year or years for which it is to be levied, and its purpose.  
(1979 Code, § 33.123) (Ord 3644, passed 9-9-1985; Am. Ord. 3875, passed 8-1-1988; Am. Ord. 3888, passed 10-3-1988)

**§ 33.249 APPROVAL OF STATE'S BOARD OF TAX COMMISSIONERS.**

(A) After the public hearing, and providing this subchapter is duly and regularly passed, the Council shall submit a copy of this subchapter, duly certified by the City Clerk, to the state's Board of Tax Commissioners for its consideration.

(B) This subchapter shall be in full force and effect upon receipt by the Auditor of Elkhart County, Indiana, of a certification from the state's Board of Tax Commissioners approving the tax levy at any amount not to exceed the levy proposed to be established.  
(1979 Code, § 33.124) (Ord. 3644, passed 9-9-1985; Am. Ord. 3875, passed 8-1-1988; Am. Ord. 3888, passed 10-3-1988)

**§ 33.250 DEPOSIT OF FUNDS.**

The taxes, when collected, shall be held in a public depository in a special fund to be known and designated as Cumulative Sewer Fund.  
(1979 Code, § 33.125) (Ord. 3644, passed 9-9-1985; Am. Ord. 3875, passed 8-1-1988; Am. Ord. 3888, passed 10-3-1988)

**§ 33.251 FUND USE CONFINED TO CITY LIMITS.**

Funds generated by this levy shall be used only on sewers within the confines of the city limits.  
(1979 Code, § 33.126) (Ord. 3875, passed 8-1-1988; Am. Ord. 3888, passed 10-3-1988)



**ENTERPRISE ZONE ALLOCATION FUND****§ 33.265 ESTABLISHMENT OF FUND.**

There is hereby established the city's Enterprise Zone Special Zone Fund.  
(1979 Code, § 33.130) (Ord. 3805, passed 6-1-1987)

**§ 33.266 DEPOSIT OF FUNDS.**

Until the end of the enterprise zone phaseout period, the city shall deposit each year in the Special Zone Fund any amount in the allocation fund derived from property tax proceeds in excess of those described in I.C. 36-7-14-39(b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in I.C. 36-7-14-39 (b)(3) for the year, all in accordance with the requirements of I.C. 36-7-14-39(g).  
(1979 Code, § 33.131) (Ord. 3805, passed 6-1-1987)

**§ 33.267 USE OF FUNDS.**

The monies in the Special Zone Fund, based on the recommendations of the city's Urban Enterprise Association, shall be used for programs in job training, job enrichment and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in I.C. 36-7-14-39(b)(3) as they pertain to that portion of the allocation area located in the enterprise zone. Those programs shall reserve at least ½ of their enrollment in any session for residents of the enterprise zone.  
(1979 Code, § 33.132) (Ord. 3805, passed 6-1-1987)

**CUMULATIVE CAPITAL DEVELOPMENT FUND****§ 33.275 REESTABLISHMENT OF FUND; DURATION.**

There is reestablished an Elkhart Cumulative Capital Development Fund. The Elkhart Cumulative Capital Development Fund is reestablished in perpetuity.  
(1979 Code, § 33.140) (Ord. 3809, passed 6-2-1987; Am. Ord. 3998, passed 9-10-1990; Am. Ord. 4121, passed 7-26-1993; Am Ord. 4563, passed 3-5-2001; Am. Ord. 4800, passed 12-16-2003; Am. Ord. 4958, passed 4-3-2006)

**§ 33.276 COLLECTION OF FUNDS.**

(A) An ad valorem property tax levy will be imposed annually, and the revenues from the levy will be retained in the Elkhart Cumulative Capital Development Fund.

(B) The maximum rate of levy under division (A) above will not exceed \$0.0500 per \$100 assessed valuation.  
(1979 Code, § 33.141) (Ord. 3809, passed 6-2-1987; Am. Ord. 3998, passed 9-10-1990; Am. Ord. 4121, passed 7-26-1993; Am. Ord. 4563, passed 3-5-2001; Am. Ord. 4800, passed 12-16-2003; Am. Ord. 4958, passed 4-3-2006; Am. Ord. 5492, passed 6-27-2016)

**§ 33.277 USE OF FUNDS.**

(A) The funds accumulated in the Elkhart Cumulative Capital Development Fund will be used as follows: Cumulative Fire Equipment Fund, as described in I.C. 36-8-14-2; and Cumulative Capital Improvement Fund, as described in I.C. 36-9-16-3.

## CHAPTER 39: CITY POLICIES

### Section

- 39.01 City credit card account; use of city credit cards
- 39.02 Payments by credit card
- 39.03 City to be governed by state law in order to receive available insurance proceeds
- 39.04 Internal control standards; materiality threshold
- 39.05 Conflict of interest
- 39.06 Responsible bidding practices and submission requirements for submitting bids to perform construction work on public works projects

(E) Only the Mayor or City Controller may permit a Director, department head or other employee to use a credit card issued on the city credit card account.

(F) The Mayor shall provide the City Controller with the name of the issuer of the credit card, the credit card account number and the expiration date of any card issued on the account.

(G) Whenever it is no longer necessary or prudent for a city employee to use a credit card in the performance of official city business, or immediately upon demand by the Mayor or his or her designee, such employee shall return the credit card to the Mayor or his or her designee.

(H) Charges shall only be made on the credit card to purchase items or services which are authorized and budgeted in the budget of the city.

(I) After each credit card use, the city employee who uses the credit card shall submit to the Mayor, or his or her designee, proper detailed documentation evidencing such use.

(J) Within 72 hours of returning to the office for normal business hours, the person using the credit card shall provide a copy of the credit card receipt and shall inform their supervisor in writing of the following:

(1) The purpose of the purchase;

(2) The line item from which the purchase is to be paid;

(3) An itemized list of all charges incurred and whether those are paid from different budget line items.

### **§ 39.01 CITY CREDIT CARD ACCOUNT; USE OF CITY CREDIT CARDS.**

(A) The city is empowered to hold and maintain a credit card account for the use of its employees.

(B) The Mayor may apply for and obtain a credit card account to be used for purchases for the city only by following the procedures set out in this section. Any credit card account application shall be signed by the Mayor and the City Controller, provided that there shall be only 1 account open at any time. Any credit card account shall be in the name of the city.

(C) All credit cards issued on the city credit card account shall be applied for, held, maintained, and monitored by the Mayor or his or her designee.

(D) The Mayor shall be responsible for maintaining written guidelines regarding the use of said credit cards that are not inconsistent with this section.

(K) All credit card billing statements shall be sent by the issuer to the City Controller and the charges on the cards shall be paid by the City Controller from the appropriate budget line item pursuant to the claim procedures of the city.

(L) All claims for payment must be properly itemized and documented. Improperly itemized or documented charges, as well as all interest, carrying charges, and/or penalties shall be the personal responsibility of the city employee using the credit card.

(M) The Mayor, or his or her designee, shall ensure that a proper accounting system or log is maintained on all city credit card usage. This system or log shall include, at a minimum, the dates of credit card use, the identity of the users, the amounts and account numbers charged, and the dates of credit card issuance and return. City credit cards shall not be used to bypass the city's accounting system.

(N) The City Controller shall pay all charges incurred on the credit card account promptly so that no interest carrying charges or penalties will be incurred due to late payments. Any city employee who causes interest, carrying charges and/or penalties to be added to the credit card account by a failure to timely provide the required information to the City Controller shall be personally liable for the interest or carrying charge.

(O) The city is authorized to pay the annual fees, including membership fees, service fees or renewal charges, if any, associated with any credit card account opened in the name of the city pursuant to this section.

(P) City credit cards shall be used for city business only. No credit card issued to the city shall be used by any person for a private purchase.

(Q) Penalty. The penalty for violation of this section shall be a fine of not less than \$100, nor more than \$2,500 for a first violation of this chapter, and not less than \$100, nor more than \$7,500 for a second or subsequent violation of this section and each violation shall constitute a separate violation.

Any person found to be in violation of this section shall be required to compensate the city for any and all costs, including interest, carrying charges, and/or penalties incurred due to the violation of this section. In addition, any city employee found to be in violation of this section and fails to make restitution to the city shall be subject to disciplinary action, up to and including termination of employment.

(Ord. 5039, passed 6-4-2007)

### § 39.02 PAYMENT BY CREDIT CARD.

#### (A) *Office of Public Works.*

(1) The Office of Public Works is authorized to accept payments for its water and sewer services by credit card under and pursuant to the procedures set forth in I.C. 36-1-8-11, as the same may be amended from time to time.

(2) If there is a charge to the Office of Public Works for the use of a credit card to make such payments, the Office of Public Works may collect a flat fee established by the City Controller from the person using the credit card.

(3) The Office of Public Works shall apply the same uniform procedures established by the City Controller for all payments made by credit card.

#### (B) *Office of Parks and Cultural Resources.*

(1) The Office of Parks and Cultural Resources is authorized to accept payments for purchases made at its various facilities by credit card under and pursuant to the procedures set forth in I.C. 36-1-8-11, as the same may be amended from time to time.

(2) If there is a charge to the Office of Parks and Cultural Resources for the use of a credit card to make such payments, the Office of Parks and Cultural Resources may collect a flat fee established by the City Controller from the person using the credit card.

(3) The Office of Parks and Cultural Resources shall apply the same uniform procedures established by the City Controller for all payments made by credit card.

(C) *Office of Planning and Development.*

(1) The Office of Planning and Development is authorized to accept payments for permits, listings and registrations by credit card under and pursuant to the procedures set forth in I.C. 36-1-8-11, as the same may be amended from time to time.

(2) If there is a charge to the Office of Planning and Development for the use of a credit card to make such payments, the Office of Planning and Development may collect a flat fee established by the City Controller from the person using the credit card.

(3) The Office of Planning and Development shall apply the same uniform procedures established by the City Controller for all payments made by credit card.

(D) *Office of Finance.*

(1) The Office of Finance is authorized to accept payments for all items for which the Office of Finance has a responsibility to collect by credit card under and pursuant to the procedures set forth in I.C. 36-1-8-11, as the same may be amended from time to time.

(2) If there is a charge to the Office of Finance for the use of a credit card to make such payments, the Office of Finance may collect a flat fee established by the City Controller from the person using the credit card.

(3) The Office of Finance shall apply the same uniform procedures established by the City Controller for all payments made by credit card. (Ord. 5040, passed 6-4-2007)

**§ 39.03 CITY TO BE GOVERNED BY STATE LAW IN ORDER TO RECEIVE AVAILABLE INSURANCE PROCEEDS.**

The City of Elkhart is authorized to be governed by I.C. 27-2-15, for purposes of receiving available insurance proceeds payable under an insurance policy, based upon a claim for damage to, or loss of, a building or other structure caused by fire or explosion. (Ord. 5416, passed 12-1-2014)

**§ 39.04 INTERNAL CONTROL STANDARDS; MATERIALITY THRESHOLD.**

(A) *Internal Control Policy adopted.* The city hereby adopts the Internal Control Policy incorporated herein as Exhibit A, attached to Ordinance 5485, passed May 25, 2016.

(B) *Personnel training.* The Controller is directed to ensure that all personnel receive training concerning the internal control procedures adopted herein and approved prior to June 30, 2016.

(C) *Materiality threshold.* The city hereby adopts a materiality threshold of \$500 for purpose of its internal control procedures adopted and approved herein. (Ord. 5485, passed 5-25-2016)

**§ 39.05 CONFLICT OF INTEREST.**

(A) Nothing in this section shall be construed to restrict the Common Council, the Board of Zoning Appeals or the Plan Commission in the performance of their duties.

(B) *Definitions.* For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CONFLICT OF INTEREST.** A direct or indirect financial interest in the issuance of a permit.

**PERMIT.** The meaning set forth in I.C. 36-7-4-110. At the time of adoption of this section the term means:

- (a) An improvement location permit;
- (b) A building permit;
- (c) A certificate of occupancy;
- (d) Approval of a site-specific development;
- (e) Approval of a primary or secondary plat;
- (f) Approval of a contingent use, conditional use, special exception or special use; or
- (g) Approval of a planned unit development.

**REPORT.** A written identification of the affected permit application and disclosure of the conflict of interest involved, signed and dated by the author.

(C) (1) Except as provided in division (C)(4) below, whenever the Building Commissioner has a conflict of interest in the issuance of a permit:

- (a) The Building Commissioner shall recuse himself or herself from the permitting process;
- (b) The Building Commissioner shall file a report of conflict of interest with the City Clerk;
- (c) The Building Commissioner shall deliver all related files to the Planning Director; and
- (d) The Planning Director shall oversee the issuance of the permit.

(2) Except as provided in division (C)(4) below, whenever the Planning Director has a conflict of interest in the issuance of a permit:

(a) The Planning Director shall recuse himself or herself from the permitting process;

(b) The Planning Director shall file a report of the conflict of interest with the City Clerk;

(c) The Planning Director shall deliver all related files to the Building Commissioner or his/her designated representative; and

(d) The Building Commissioner or his/her designated representative shall oversee the issuance of the permit.

(3) Whenever a Building Code official or inspector other than the Building Commissioner or the Planning Director has a conflict of interest in the issuance of a permit:

(a) Such person shall recuse himself or herself from the permitting process;

(b) Such person shall notify in writing his or her department head of the conflict of interest.

(4) Whenever the Building Commissioner or the Planning Director is authorized to oversee the permitting process pursuant to this section but is unavailable or unqualified:

(a) Such person shall recuse himself or herself from the permitting process;

(b) Such person shall file a conflict of interest report with the City Clerk, if applicable;

(c) The Mayor shall appoint a temporary replacement to oversee the permit; and

(d) All related files shall be delivered to the appointed temporary replacement.

(D) *Filing reports.* The City Clerk shall place reports received pursuant to this section in a separate ethics file and maintain them for at least 5 years.

(E) *References.*

(1) Except where a specific version or edition is given, reference to another section of this section or to a law, document, fund, program, department, commission, employee or public office, shall extend and apply to the same, as may be subsequently amended, elected, appointed, revised, remodified, renamed or renumbered from time to time.

(2) Reference in this section to a public servant, department, commission, committee, board or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate by the words "(of the) City of Elkhart, Elkhart County, Indiana."  
(Ord. 5779, passed 12-2-2019)

**§ 39.06 RESPONSIBLE BIDDING PRACTICES AND SUBMISSION REQUIREMENTS FOR SUBMITTING BIDS TO PERFORM CONSTRUCTION WORK ON PUBLIC WORKS PROJECTS.**

(A) *Bid submission requirements.*

(1) Contractors proposing to submit bids on any City of Elkhart ("city") project estimated to be at least \$150,000 or more must, in order to be considered a "responsive" bidder, submit a statement with the bid, made under oath and subject to perjury laws, on a form designated by the city and must include:

(a) A copy of a print-out of the Indiana Secretary of State's online records for the bidder dated within 60 days of the submission of said document showing that the bidder is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing. If the bidder is an individual, sole proprietor or partnership, this division shall not apply;

(b) A list identifying all former business names within the last 10 years;

(c) Any determinations by a court or governmental agency for violations of federal, state, or local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA);

(d) Evidence of participation in apprenticeship training programs applicable to the work to be performed on the project which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization. The required evidence includes, but may not limited to, evidence that each apprenticeship program has graduated at least 5 apprentices in each of the past 5 years;

(e) The name and description of the experience of each of the bidder's project managers and superintendents that bidder intends to assign to work on the project;

(f) A statement that all employees of the bidder who will perform work on the public works project will be in compliance with any drug testing requirements set forth in I.C. 4-13-18-5 or I.C. 4-14-18-6;

(g) Proof of any professional or trade license required by law for any trade or specialty area in which bidder is seeking a contract award; and disclosure of any suspension or revocation within the previous 5 years of any professional or trade license held by the company, or of any director, office or manager employed by the bidder;

(h) A written statement of any federal, state or local tax liens or tax delinquencies owed to any federal, state or local taxing body in the last 5 years;

(i) A statement that individuals who will perform work on the public works project on

behalf of the bidder will be properly classified as either (i) an employee or (ii) an independent contractor, under all applicable state and federal laws and local ordinances;

(j) For contracts estimated to cost at least \$300,000, certification that all contractors and subcontractors are qualified under I.C. 4-13.4 or I.C. 8-23-10;

(k) A completed Contractor's Bid for Public Works - Form 96 (latest revision) prescribed by the State Board of Accounts, which includes a list of projects completed within the last year or currently under construction and a list of names and addresses of all subcontractors from whom the bidder intends to hire on any part of the public works project.

(2) The city reserves the right to demand supplemental information from the bidder, additional verification of any of the information provided by the bidder, and may conduct random inquiries of the bidder's current and prior customers.

*(B) Post-bid submissions from subcontractors.*

(1) Each subcontractor, of any tier, and regardless of the subcontract bid amount, shall be required to adhere to the requirements of division (A) above as though it were bidding directly to the city. Subcontractors shall submit the required information to the successful bidder, who shall then forward said information to the city prior to the subcontractor's first day of work on the public works project.

(2) Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute a contractual default and/or breach by the successful bidder. However, payment shall be withheld from any subcontractor who fails to timely submit said information until such information is submitted and approved by the city. Additionally, the city may require the successful bidder and/or relevant subcontractor to remove a subcontractor from the project and replace it with a responsive and responsible subcontractor.

(3) The disclosure of a subcontractor ("disclosed subcontractor") by a bidder or a subcontractor shall not create any rights in the disclosed subcontractor. Thus, a bidder and/or subcontractor may substitute another subcontractor ("substitute subcontractor") for a disclosed subcontractor by giving the city written notice of the name, address, and type of work of the substitute subcontractor. The substitute subcontractor is subject to all of the obligations of a subcontractor under this section.

*(C) Validity of pre-qualification classification.*

(1) When pre-qualification is required by the city, as specified within the project bidding documents, upon designation by the city that a contractor's or subcontractor's submission in anticipation of a bid is complete and timely, and upon any further consideration deemed necessary by the city, the contractor or subcontractor may be pre-qualified for future city public works projects. A contractor's classification as "qualified" shall exempt the contractor or sub-contractor from the comprehensive submission requirements contained herein for a period of 12 months.

(2) Any material changes to the contractor's status, at any time, must be replied in writing within 10 days of its occurrence to the city. The pre-qualification designation is solely within the discretion of the city and the city specifically reserves the right to change or revoke the designation for a stated written reason(s).

(3) Denial of pre-qualification shall be in writing and shall be forwarded to the contractor within 7 working days of such decision. Any contractor denied or losing pre-qualification status may request reconsideration of the decision by submitting such request in writing to the city within 5 business days of receipt of notice of denial.

*(D) Incomplete submissions by bidders.* It is the sole responsibility of the bidder to comply with all submission requirements herein no later than the



public bid opening. Submissions deemed inadequate, incomplete, or untimely by the city shall result in the automatic disqualification of the bid.

(E) *Projects in good standing.* All projects the bidder currently has under contract with the city shall be in good standing. A responsive and responsible bidder shall have no city contract that is currently past contractual time limits, or assessed liquidated damages for any reason. The city may, through its City Engineer and Board of Public Works, in its sole discretion, classify a bidder non-responsive and disqualify a bidder for a period up to 2 years after liquidated damage is assessed.

(F) *Responsive and responsible bidder determination.* After its review of complete and timely submissions, taking into account all information in the submission requirements, the city shall in its sole discretion determine whether a bidder or subcontractor is responsive and responsible. The city reserves the right to utilize all information provided in the bidder or subcontractor's submission or any information obtained by the city through its own independent verification of the information provided.

(G) *Certified payroll.*

(1) When requested by the city, for projects in which the cost is at least \$150,000, the successful bidder and all subcontractors working on a public works project shall submit a certified payroll report utilizing federal form WH-347 or its successor form, which must be prepared on a weekly basis and submitted to the city within 10 calendar days after the end of each week in which the successful bidder or subcontractor performed on the public works project. Certified payroll reports shall identify the job title and craft of each employee on the project, e.g. journeyman electrician or apprentice electrician. In the event any successful bidder or subcontractor uses independent contractors to perform work on the project, such individual must be identified on the federal form WH-347 or successor form with the same information as is required for employees.

(2) The city shall not withhold payment to a successful bidder or subcontractor for failure of the successful bidder or 1 or more other subcontractors to timely submit their certified payroll reports, unless federal or state funds are withheld from the city due to failure to submit certified payroll.

(H) *Public records.* All information submitted by a bidder or a subcontractor pursuant to this section, including certified payrolls, are public records subject to review pursuant to the Indiana Access to Public Records law (I.C. 5-14-3).

(I) *Penalties for false, deceptive, or fraudulent statements/information.* Any bidder that willfully makes, or willfully causes to be made, a false, deceptive or fraudulent statement, or willfully submits false, deceptive or fraudulent information in connection with any submission made to the city shall be disqualified from bidding on all city projects for a period of 3 years.

(Ord. 5890, passed 2-14-2022)

## CHAPTER 50: WATERS AND WATER SUPPLY

### Section

#### *Water Rates and Charges*

- 50.01 Water rates and charges established
- 50.011 Nonrecurring charges
- 50.02 Charges for wastewater treatment of septic tank dumpings
- 50.03 Production, storage, transmission, sale and delivery or furnishing of water for fire protection purposes

#### *Water Utility*

- 50.10 Authorization
- 50.11 Purpose and intent
- 50.12 Title
- 50.13 Damage to Water Utility
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### **WATER RATES AND CHARGES**

#### **§ 50.01 WATER RATES AND CHARGES ESTABLISHED.**

There are established for the use of and the service rendered by the waterworks system of the city

**Elkhart - Public Works**

the reoccurring rates and charges, based on the use of water or service supplied by the waterworks system:

(A) *Monthly metered rates.* Each customer shall be charged the following rates based upon the use of water supplied by the Municipal Water Utility. Customers will be billed in either ccf (ccf equals 100 cubic feet) or 100 gallons.

<i>Block schedule (as per 100 ccf)</i>	<i>Rates per 100 ccf</i>
First 40 ccf	\$1.47
Next 740 ccf	\$1.13
Next 680 ccf	\$0.90
Over 1460 ccf	\$0.76

<i>Block schedule (as per 100 gallons)</i>	<i>Rates per 100 gallons</i>
First 299 gallons	\$0.1965
Next 5535 gallons	\$0.1511
Next 5086 gallons	\$0.1213
Over 10920 gallons	\$0.1016

(B) *Service charge.* Each user is subject to the following service charge per month, which is added to the volume charge in excess of a minimum user.

<i>Meter Size (inches)</i>	<i>Monthly Rates</i>
5/8	\$2.26
3/4	\$2.47
1	\$3.03
1-1/2	\$4.61
2	\$6.81
3	\$13.13
4	\$21.99
6	\$47.26
8	\$82.64

(C) *Minimum charge.* Each user shall pay a minimum charge according to the following meter size, for which the user will be entitled to the quantity of water shown for each month. This charge includes the monthly service charge listed in division (B) of this section.

<i>Meter Size (inches)</i>	<i>Water Allowance CCF</i>	<i>Monthly Charge</i>
5/8	4	\$8.14
3/4	6	\$11.29
1	10	\$17.73
1-1/2	20	\$34.01
2	32	\$53.85
3	60	\$94.53
4	100	\$148.59
6	200	\$286.75
8	320	\$457.84

(D) *Municipal and public fire hydrants.*

(1) Each user shall pay a charge according to the following meter size as shown below.

<i>Meter Size (inches)</i>	<i>Annual Charge</i>	<i>Monthly Charge</i>
5/8	\$33.12	\$2.76
3/4	\$36.36	\$3.03
1	\$46.32	\$3.86
1-1/4	\$52.92	\$4.41
1-1/2	\$59.76	\$4.98
2	\$96.12	\$8.01
3	\$364.56	\$30.38
4	\$464.04	\$38.67
6	\$696.12	\$58.01
8	\$961.20	\$80.10

(2) Private fire hydrants - per hydrant.

Annual Charge	Monthly Charge
\$338.04	\$28.17

(E) Private fire protection service (automatic sprinkler system).

Line Size (inches)	Annual Charge	Monthly Charge
2	\$37.20	\$3.10
4	\$151.80	\$12.65
6	\$338.04	\$28.17
8	\$601.68	\$50.14
10	\$939.72	\$78.31
12	\$1,351.92	\$112.66

(F) Temporary users. Water furnished to temporary users, such as contractors and the like, shall be charged on the basis of the metered rates as metered or estimated by the utility manager. (1979 Code, § 50.01) (Ord. 2846, passed 1-26-1976; Am. Ord. 3309, passed 5-19-1981; Am. Ord. 3623, passed 5-20-1985; Am. Ord. 3968, passed 2-5-1990; Am. Ord. 4150, passed 12-20-1993; Am. Ord. 5048, passed 8-6-2007; Am. Ord. 5913, passed 6-6-2022)

§ 50.011 NONRECURRING CHARGES.

SCHEDULE OF NONRECURRING CHARGES	
Insufficient payment charge	\$16.00
Recording/release of water liens Liens are for assessment and tap contracts only	\$50.00
Trip charge per hour, minimum 1 hour <sup>1</sup>	\$25.00
After hours service call, minimum	\$75.00
Visit to reconnect service (turned off for cause)	\$25.00
Bacteriological analysis	\$32.00

SCHEDULE OF NONRECURRING CHARGES	
Fill swimming pool	\$125.00
Permanent disconnection permit	\$250.00
New customer deposit	\$54.30
Meter testing (5/8" - 1")	\$50.00
Damaged or lost meters	At cost
3" Fire hydrant meter and backflow deposit	\$2,000.00
Fire hydrant use, metered fee	See metered rates and page 1 of the tariff
Fire hydrant use, unmetered water fee	\$76.65/per hour
<b>Fee for illegal use of hydrant:</b> The fee for illegal use of hydrant will be \$900, plus recovery of charges for the amount of water stolen. Stolen water charges will be calculated using the utility's approved metered rates and charges. The amount of water stolen will be estimated by the utility's superintendent on a per incident basis.	
<b>Repair</b> <span style="float: right;">Time and materials</span> - Labor will be charged at \$25/\$37.50 per hour - Materials will be charged according to materials bid plus 20% handling fee. - Equipment will be charged according to established equipment charges.	
<b>Tap fees</b> Up to and including 1" <span style="float: right;">\$675.00</span> For taps greater than 1" <span style="float: right;">Actual cost</span>	
<sup>1</sup> Trip charge includes special meter reading, turn off or turn on sprinkling meter, missed appointments or other services requiring a trip to a customer's location.	

(Ord. 5106, passed 4-21-08; Am. Ord. 5652, passed 3-5-2018)

§ 50.02 CHARGES FOR WASTEWATER TREATMENT OF SEPTIC TANK DUMPINGS.

(A) There are established, for the use of and the service by the wastewater treatment plant of the city, the following rates or charges for the treatment of waste for septic tank dumpings:

<i>Truck Capacity</i>	<i>Base Charge</i>	<i>Laboratory</i>	<i>Office</i>	<i>Total</i>
500 gallons	\$ 7.50	\$4.50	\$3.00	\$15.00
600 gallons	\$9.50	\$4.50	\$3.00	\$17.00
700 gallons	\$11.50	\$4.50	\$3.00	\$19.00
800 gallons	\$13.50	\$4.50	\$3.00	\$21.00

**CHAPTER 76: PARKING; PARKING METERS**

Section

- Parking Regulations*
- 76.01 Definitions
  - 76.02 Employment of persons
  - 76.03 Board of Public Works authority
  - 76.04 Seven-day parking zones
  - 76.05 Maximum parking time
  - 76.06 Occupancy of single space
  - 76.07 Double parking prohibited
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  - 76.10 Impoundment of vehicles
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  - 76.13 Authority to issue citations
  - 76.14 Enforcement remedies are non-exclusive
  - 76.15 Exemptions
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*Pierre Moran Shopping Center*

- 76.25 Definitions
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- 76.45 Adoption of legal description
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- 76.55 Definition
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**PARKING REGULATIONS**

**§ 76.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**OFF-STREET PUBLIC PARKING SPACE.** A portion of an off-street public parking zone so marked or lined as to define an area within which a single vehicle may be parked.

**PUBLIC PARKING SPACE.** A portion of a public street so marked or limited as to define an area within which a single vehicle may be parked.

**VEHICLE.** A device in, upon, or by which a person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.  
(1979 Code, § 76.01) (Ord. 2857, passed 4-19-1976; Am. Ord. 4846, passed 8-17-2004)

**§ 76.02 EMPLOYMENT OF PERSONS.**

The Board of Public Works and Safety of the city is authorized and empowered to employ persons for the purposes of issuing citation tickets for violations of all vehicle parking restrictions imposed by other ordinances of the city, both as to parking on public streets and as to parking on off-street lots owned or controlled by the city. All employees shall, by delivery of a copy of each ticket, report all violations to the Traffic Division of the Police Department of the city. No employee shall have any authority as or be deemed in any manner to be a commissioned member of that department, nor shall any employee be entitled to participate in or receive benefits under any pension plan or other similar program administered for the benefit of commissioned members of the Department. The Board of Public Works and Safety of the city is authorized and empowered to employ as many persons, at rates of compensation and on other terms and conditions as it determines, and to discharge any person, all in its sole discretion, to the end that the purposes of this section may be properly and effectively accomplished.

(1979 Code, § 76.02) (Ord. 2853, passed 4-19-1976)

*Statutory reference:*

*Local regulation of standing or parking of vehicles, see I.C. 9-21-1-3*

**§ 76.03 BOARD OF PUBLIC WORKS AUTHORITY.**

(A) The Board of Public Works, in its reasonable discretion, is authorized to designate any public area(s) as no parking zone(s) to maintain or create site triangles, maintain or create space for turning movements and for any other purpose reasonably related to public safety. The Board of Public Works, in its reasonable discretion, is further authorized to designate parking zone(s) in public area(s) that prohibit van or truck parking, allow subcompact car parking only, or contain any other restrictions or prohibitions that are reasonably related to public safety.

(B) The Board of Public Works, in its reasonable discretion, is further authorized to designate no parking zones in public areas during specific time periods on specific days of the week in order to facilitate the orderly and safe collection of refuse in the city.

(C) All no parking zones and/or any other zones described in this section that have been designated by the Board of Public Works prior to the effective date of Ord. 4846 are hereby ratified and confirmed. (1979 Code, § 76.03) (Ord. 4846, passed 8-17-2004; Am. Ord. 4999, passed 11-20-2006)

**§ 76.04 SEVEN-DAY PARKING ZONES.**

All on-street and off-street public parking areas in the city that are not regulated in § 76.03, § 76.05 or Chapter 77, Schedules I–VII are hereby designated as 7-day parking zones.

(1979 Code, § 76.04) (Ord. 4846, passed 8-17-2004)

**§ 76.05 MAXIMUM PARKING TIME.**

It shall be unlawful to, and no vehicle shall occupy any single 7-day public parking space designated at § 76.04 for a period of time exceeding 7 days.

(A) It is a defense to § 76.04 and this section that when a vehicle occupies a public parking space from seven to 30 days:

(1) The vehicle was parked for such period of time because the person(s) with legal control of the possession of the vehicle by ownership, lease or otherwise, was (were) physically absent from the city during all the subject period of time that the vehicle remained in the public parking space; or

(2) The vehicle was parked for such period of time because the person(s) with legal control of the possession of the vehicle by ownership, lease or otherwise, because of physical health, was unable to assure the removal of the vehicle within such period of time.



(B) It shall be unlawful to, and no vehicle shall occupy any single 24-hour on-street public parking space or 24-hour off-street public parking space designated in Chapter 77, Schedules I and II, for a period of time exceeding 24 hours.

(C) From 6:00 a.m. to 6:00 p.m., it shall be unlawful to, and no vehicle shall occupy any single 2-hour on-street public parking space or 2-hour off-street public parking space designated in Chapter 77, Schedules III and IV, for a period of time exceeding 2 hours.

(B) All employees of the city while operating a city vehicle within the scope of their employment. (Ord. 4846, passed 8-17-2004)

(C) §§ 76.03, 76.06, 76.10, 76.13, and 76.14 are non-exclusive and are all applicable to this section as if contained herein. (Ord. 5934, passed 11-21-2022)

**§ 76.16 REGULATION OF USE OF PARKING SPACES DESIGNATED FOR ELECTRIC VEHICLE CHARGING.**

(A) It shall be unlawful to park any non-electric vehicle in a parking space designated for electric vehicle charging.

(B) It shall be unlawful for an electric vehicle to occupy a parking space designated for electric vehicle charging unless the vehicle is engaged in the charging process. (Ord. 5934, passed 11-21-2022)

**§ 76.17 FEE FOR USE OF CITY-OWNED ELECTRIC VEHICLE CHARGING STATIONS.**

(A) Use of all city-owned electric vehicle charging stations is subject to a flat hourly rate of \$2 per hour.

(B) The city's electric vehicle charging stations located within the Central Park parking lot and the Gause parking lot were obtained, in part, through grant funding from the Indiana Department of Environmental Management under VW Project Funding Agreement Number VWL2-027. As a condition of the city's application for receipt of such grant funds, the city agreed to provide the first 2 hours of charging at the grant-funded charging stations at no cost to users for the first 2 years after its installation. The grant-funded charging stations are to be installed by no later than December 31, 2022. Thus, notwithstanding division (A), the city's electric vehicle charging stations located within the Central Park parking lot and the Gause parking lot shall provide the first two hours of charging at no cost through December 31, 2024.

***PIERRE MORAN SHOPPING CENTER***

**§ 76.25 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***PIERRE MORAN SHOPPING CENTER.*** Real estate located in the city which is more particularly described in Exhibit A of Ord. 4012, which is hereby incorporated by reference as if fully set forth by this subchapter. (1979 Code, § 76.25) (Ord. 4012, passed 11-19-1990)

**§ 76.26 FIRE LANES ESTABLISHED.**

The Pierre Moran Shopping Center, by its agents, may establish fire lanes adjacent to the buildings located on the property and erect signs identifying those fire lanes at its own expense. (1979 Code, § 76.26) (Ord. 4012, passed 11-19-1990)

**§ 76.27 UNLAWFUL PARKING.**

(A) No person shall stop, stand or park a motor vehicle, except in compliance with law or at the direction of a police officer, in a fire lane established by Pierre Moran Shopping Center.

(B) No person shall park a motor vehicle on the property of Pierre Moran Shopping Center at any time for a continuous period in excess of 24 hours. The parking shall be prohibited on the property as

described in Exhibit A of Ord. 4012, hereby incorporated by reference as if fully set forth by this subchapter.

(C) It shall be unlawful for any person to park a motor vehicle so as to occupy any portion of more than 1 parking space at one time, unless the size of the vehicle exceeds the size of any single parking space. Vehicles shall be parked in the parking spaces marked by painted lines on the parking pavement and at no other place.

(1979 Code, § 76.27) (Ord. 4012, passed 11-19-1990) Penalty, see § 76.99

#### § 76.28 MAXIMUM PARKING TIME.

Any motor vehicle parked in a fire lane or any vehicle parked in excess of 24 hours on the property described in Exhibit A of Ord. 4012, in violation of this subchapter may be towed from the property by representatives or agents of the city and caused to be stored at the expense of the owner or operator of the vehicle.

(1979 Code, § 76.28) (Ord. 4012, passed 11-19-1990) Penalty, see § 76.99

### *CONCORD MALL*

#### § 76.45 ADOPTION OF LEGAL DESCRIPTION.

Concord Mall, a Limited Partnership d/b/a Concord Mall, hereinafter referred to as "Concord Mall", owns certain real estate and improvements located in the city that are particularly described in Exhibit "A", attached to Ord. 4067, passed 7-6-1992, and incorporated herein by reference. The real estate and improvements shall hereinafter be referred to in this subchapter as the "real estate".

(1979 Code, § 76.35) (Ord. 4067, passed 7-6-1992)

#### § 76.46 ADOPTION OF CONTRACT.

A certain contract entered into by and between the Board of Public Works, the city and Concord Mall, that was executed by the Board of Works and Schostak Brothers & Company, Inc., a Michigan Corporation, as managing agent for Concord Mall, for the empowerment of the city to regulate the parking of vehicles and traffic at the Concord Mall, attached to Ord. 4067, passed 7-6-1992, is hereby approved and affirmed. The contract shall hereinafter be referred to in this subchapter as the "contract".

(1979 Code, § 76.36) (Ord. 4067, passed 7-6-1992)

#### § 76.47 FIRE LANES ESTABLISHED.

The Concord Mall, by its agents, may establish fire lanes adjacent to the buildings located on the real estate and erect signs identifying those fire lanes at its own expense.

(1979 Code, § 76.37) (Ord. 4067, passed 7-6-1992)

#### § 76.48 UNLAWFUL PARKING.

(A) No person shall stop, stand or park a motor vehicle, except in compliance with law or at the direction of a police officer, in a fire lane established by Concord Mall on the real estate.

(B) No person shall park a motor vehicle on the real estate at any time for a continuous period in excess of 24 hours. The parking shall be prohibited on the real estate.

(C) It shall be unlawful for any person to park a motor vehicle so as to occupy any portion of more than one parking space on the real estate at 1 time, unless the size of the vehicle exceeds the size of any single parking space. Vehicles shall be parked in the parking spaces marked by painted lines on the parking pavement and at no other place.

(1979 Code, § 76.38) (Ord. 4067, passed 7-6-1992) Penalty, see § 76.99

**§ 76.49 MAXIMUM PARKING TIME.**

Any motor vehicle parked in a fire lane or any vehicle parked in excess of 24 hours on the real estate may be towed from the property by representatives or agents of the city and caused to be stored at the expense of the owner or operator of the vehicle. (1979 Code, § 76.39) (Ord. 4067, passed 7-6-1992) Penalty, see § 76.99

**A/G MART**

**§ 76.55 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**A/G MART.** Real estate located in the city which is more particularly described in Exhibit A of Ord. 4327, which is hereby incorporated by reference as if fully set forth by this subchapter. (1979 Code, § 76.45) (Ord. 4327, passed 12-4-1997)

**§ 76.56 ADOPTION OF CONTRACT.**

The city, through its Board of Public Works, and John Applewhite, owner of A/G Mart, entered into a contract granting the city authority to regulate the parking at the parking area of A/G Mart. The contract is attached to Ord. 4327 as Exhibit C and is incorporated herein by reference and hereby approved and affirmed. (1979 Code, § 76.46) (Ord. 4327, passed 12-4-1997)

**§ 76.57 UNLAWFUL PARKING.**

(A) No person shall park a motor vehicle at the parking area at any time for any purpose other than to use A/G Mart as a customer, or to park as an employee of A/G Mart for A/G Mart employment reasons.

(B) It shall be unlawful for any person to park a motor vehicle so as to occupy any portion of more than 1 parking space at the parking area on the real estate at 1 time, unless the size of the vehicle exceeds the size of any single parking space. The vehicle shall be parked in the parking spaces marked by painted lines on the parking pavement and at no other place.

(C) Any motor vehicle parked at A/G Mart for reasons other than customer parking or employee parking as described in divisions (A) and (B) above may be towed from the property by representatives or agents of the city and caused to be stored at the expense of the owner/operator of the vehicle. (1979 Code, § 76.47) (Ord. 4327, passed 12-4-1997) Penalty, see § 76.99

**§ 76.99 PENALTY.**

(A) Any person who violates any provision of §§ 76.01 *et seq.* shall, upon adjudication or admission thereof, be punished as stated in this division. Violations of this subchapter are deemed to be continuing in nature and each coterminous period during which a vehicle remains parked in violation of this subchapter constitutes a separate violation. The registered owner of a vehicle parked in violation of §§ 76.01 *et seq.* is in violation of this subchapter to the same extent as the driver of the vehicle. Prosecution pursuant to this section can be made against the registered owner and/or driver and the prosecution of one does not bar the prosecution of the other.

(1) The schedule of penalties of violation of §§ 76.01 *et seq.* shall be:

(a) For the first coterminous violation, the sum of \$10 if paid in full within 72 hours from the time of the issuance of the ticket (citation).

(b) The sum of \$25 if paid in full after 72 hours from the time of the issuance of the ticket (citation) until such time as the notice of violation is sent to the City Attorney for prosecution.

(c) For each successive, coterminous violation, the sum of \$25 until such time as the notice of violation is sent to the City Attorney for prosecution.

(2) Each day a violation continues shall be considered as a separate offense. The city, in its discretion, may fine up to \$50 for repeat violations of this chapter. Violations herein may be prosecuted through the Ordinance Violations Bureau or through any other legal means.

(Ord. 4846, passed 8-17-2004)

(B) Any person who violates any provision of §§ 76.25 through 76.28 or §§ 76.45 through 76.49 shall be punished as stated in this division.

(1) When a ticket or citation for a violation of this subchapter is issued (except with respect to violations of handicapped parking space restrictions), the owner or operator of the vehicle in violation shall pay the sum of \$5 as a fine to the city within 30 days after the date shown on the ticket. Should the fine not be paid within 30 days, the fine shall increase to the sum of \$15.

(2) Violations of handicapped parking space restrictions shall result in fines of \$25 and should the fine not be paid within 30 days, the fine shall increase to the sum of \$50.

(3) After a complaint has been filed in a court of competent jurisdiction against the registered owner of the vehicle charging the person with a violation of one or more of the provisions of this chapter, that owner shall, upon conviction, pay the court costs of the proceeding and be fined not more than \$50 for each violation. All fines shall, pursuant to the terms of the contract as set out in Exhibit B of Ord. 4012 and the contract as set out in Exhibit B of Ord. 4067, which is hereby incorporated by reference as if fully set forth by this chapter, become the property of the city.

(1979 Code, § 76.99) (Ord. 4012, passed 11-19-1990; Am. Ord. 4067, passed 7-6-1992)

**Statutory reference:**

*Shopping center's right to regulate parking, see I.C. 9-21-18*

## CHAPTER 130: PERSONS AND PROPERTY

### Section

- 130.01 Careless or reckless handling of firearms
- 130.02 Selling brass knuckles or sling shots
- 130.03 Persons convicted of injuring certain property to make repairs
- 130.04 Possession of weapons in any municipal building containing a courtroom of the Elkhart City Court

#### **§ 130.01 CARELESS OR RECKLESS HANDLING OF FIREARMS.**

No person shall carelessly or recklessly handle or use any pistol, gun, musket or other firearm, in or about any house or other building in the city, upon the public streets or commons, or in the public parks, in the presence or sight of any other person, whether it is loaded or unloaded.

(1979 Code, § 130.03) (Ord. 276, passed 6-13-1900)  
Penalty, see § 130.99

#### **§ 130.02 SELLING BRASS KNUCKLES OR SLING SHOTS.**

No person shall sell, or offer or expose for sale within the city any brass knuckles, sling shots or weapons commonly known and called by these names. (1979 Code, § 130.07) (Ord. 276, passed 6-13-1900)  
Penalty, see § 130.99

#### **§ 130.03 PERSONS CONVICTED OF INJURING CERTAIN PROPERTY TO MAKE REPAIRS.**

Any person who has been convicted of injuring any street, alley, sidewalk, crosswalk or public place,

shall repair it to the satisfaction of the Street Commissioner within 24 hours, or the Street Commissioner shall make the repairs and collect the cost of the repairs from the offender.

(1979 Code, § 130.14) (Ord. 276, passed 6-13-1900)  
Penalty, see § 130.99

#### **§ 130.04 POSSESSION OF WEAPONS IN ANY MUNICIPAL BUILDING CONTAINING A COURTROOM OF THE ELKHART CITY COURT.**

(A) *Definition of weapon.* A **WEAPON, ARM** or **ARMAMENT** is any implement or device that can be used to inflict physical damage, harm, or kill. **WEAPONS** are used to increase the efficacy and efficiency of activities such as hunting, crime, law enforcement, self-defense, warfare, or suicide. In broader context, **WEAPONS** may be construed to include anything used to gain a tactical, strategic, material or mental advantage over an adversary or enemy target.

(B) Pursuant to I.C. 35-47-11.1-4(5), no person shall possess a firearm, or other weapon, in any building that contains a courtroom of the Elkhart City Court.

#### *(C) Exemptions.*

(1) Judicial officers are exempt from the application of this prohibition, under the provisions of I.C. 35-47-16-1;

(2) Law enforcement officers who are authorized to carry a firearm under I.C. 5-2-1, are exempt from the application of this prohibition, while

the law enforcement officer is engaged in the execution of the law enforcement officer's official duties.

(D) *Penalty.* Any person who violates this section shall be fined:

(1) \$500 on the first violation;

(2) \$1,000 on the second violation;

(3) \$2,500 on the third and every subsequent violation.

(Ord. 5925, passed 9-19-2022)

[Chapter 131 begins on Page 7]

National Standards Institute. The Board shall determine the general qualifications and fitness of the applicant for executing the class of work covered by the license applied for, provided that a person now holding an Elkhart Master Electrician Contractor's License will be issued a Class A license without further examination.

(B) (1) Each examination shall be conducted by a person designated by the Electrical Examining Board.

(2) A record of every examination given shall be kept on file until 1 year after the date of the examination.

(3) Any person who cheats during any examination given by the Electrical Examining Board shall be conclusively presumed unqualified and unfit for licensing pursuant to this chapter, and in addition thereto shall be guilty of a Class C infraction, punishable as provided under state statutes covering the infractions, and shall be disqualified from holding any license or applying for or taking any future examinations for licensing by the city as a licensed electrical contractor.

(C) Should an applicant fail to pass an examination at the rate established by the Electrical Examining Board for such purposes, the applicant may be reexamined upon submitting an application in writing with the requisite examination fee, if any, no less than 10 days prior to the examination date established by the Electrical Examining Board.

(1979 Code, § 157.14) (Ord. 1453, passed 6-1-1949; Am. Ord. 3295, passed 4-8-1981; Am. Ord. 3451, passed 5-2-1983; Am. Ord. 3460, passed 6-6-1983; Am. Ord. 3581, passed 10-1-1984; Am. Ord. 5070, passed 12-3-2007; Am. Ord. 5888, passed 2-7-2022) Penalty, see § 157.999

#### § 157.020 HOLDER OF LICENSE.

The holder of the license shall be the person to whom the license is issued. A person shall not hold more than 1 license issued by the city at one time, nor act as the license holder for more than 1 firm or contractor under § 157.015 at the same time.

(1979 Code, § 157.15) (Ord. 1453, passed 6-1-1949; Am. Ord. 3295, passed 4-8-1981; Am. Ord. 3451, passed 5-2-1983; Am. Ord. 3460, passed 6-6-1983) Penalty, see § 157.999

#### § 157.021 CHANGE OF REPRESENTATIVE.

Any holder of a license who is performing or supervising the installation, maintenance, alteration or repair of electrical equipment, or performing or supervising electrical work for a firm or corporation under § 157.015, whose employment with the firm or corporation shall terminate, shall immediately notify the Electrical Examining Board of that termination and the firm or corporation shall provide to the Board, within 10 days of the date of the notice, written notice of the name and address of the license holder replacing that person.

(1979 Code, § 157.18) (Ord. 1453, passed 6-1-1949; Am. Ord. 3295, passed 4-8-1981; Am. Ord. 3451, passed 5-2-1983; Am. Ord. 3460, passed 6-6-1983) Penalty, see § 157.999

#### § 157.022 CERTIFICATE OF LICENSE.

(A) Each certificate for a license shall specify the name of the person to whom the license is issued, the name of the firm or corporation he or she is representing under § 157.015, the name of the person or persons designated as the factory representative, and the expiration date.

(B) Every holder of a license shall keep the certificate of license displayed in a conspicuous place in his or her principal place of business.

(1979 Code, § 157.17) (Ord. 1453, passed 6-1-1949; Am. Ord. 3295, passed 4-8-1981; Am. Ord. 3451, passed 5-2-1983; Am. Ord. 3460, passed 6-6-1983) Penalty, see § 157.999



**§ 157.023 REVOCATION AND SUSPENSION OF LICENSES AND CERTIFICATES.**

(A) No license and certificate issued in accordance with the provisions of this chapter shall be assignable or transferable. In addition to the provisions of this chapter, any license may after a hearing be suspended for a definite length of time, or revoked by the Board of Review or Examining Board if the person holding a license willfully or negligently violates any ordinance of the city or any statute of the state relating to the installation, maintenance, alteration or repair of electrical equipment, or any orders, rules or regulations issued by authority thereof.

(B) Any license that has been revoked shall be reissued as a new license with all requirements of the same, upon the applicant's successful completion of the licensing requirements.

(1979 Code, § 157.18) (Ord. 1453, passed 6-1-1949; Am. Ord. 3295, passed 4-8-1981; Am. Ord. 3451, passed 5-2-1983; Am. Ord. 3460, passed 6-6-1983; Am. Ord. 5070, passed 12-3-2007) Penalty, see § 157.999

***PERMITS***

**§ 157.035 PERMIT REQUIRED.**

(A) No electrical wiring or equipment shall be installed within or on any building structure or premises publicly or privately owned, nor shall any alteration or addition be made in any such existing equipment without securing a permit from the Electrical Inspector. A permit must be applied for before the start of work or within 72 hours after the start of work if the permit-issuing office is closed at the time work begins.

(B) An application for a permit describing the work to be done shall be made in writing to the Electrical Inspector by the person, firm or corporation installing the work. However, the following exceptions shall apply:

(1) Permits shall not be required for electrical work specifically exempted in §§ 157.001 and 157.015.

(2) A permit shall not be required for a license holder to connect, alter or install electrical equipment on the load side of a branch circuit provided that the work complies with the electrical rules and codes recognized by this chapter.

(1979 Code, § 157.25) (Ord. 1453, passed 6-1-1949; Am. Ord. 3295, passed 4-8-1981; Am. Ord. 3451, passed 5-2-1983; Am. Ord. 3460, passed 6-6-1983; Am. Ord. 5070, passed 12-3-2007)

**§ 157.036 FEES FOR PERMITS AND INSPECTIONS.**

Before any permit is granted for the installation or alteration of electrical equipment, the person, firm or corporation making application for the permit shall pay a fee of \$25, hereafter referred to as a minimum permit fee, or an amount derived from the following fee schedule, whichever is the higher amount.

(A) Electric service entrance equipment, single phase or 3 phase:

(1) Up to and including 100 amperes: \$35.

(2) Over 100 amperes, up to and including 200 amperes: \$40.

(3) Over 200 amperes, up to and including 400 amperes: \$50.

(4) Over 400 amperes, up to and including 800 amperes: \$100.

**Boundaries and Annexations**

20C

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5803	5-4-2020	Correcting scrivener's error in legal description in Ordinance 5794.
5812	7-20-2020	Annexing certain real estate commonly known as 2411 County Road 10 W and 28330 County Road 10 W into the city.
5829	12-21-2020	Annexing certain real estate commonly known as 1333 S. Nappanee Street into the city.
5832	3-1-2021	Annexing certain real estate commonly known as 23809 US 33, 23821 US 33, 23861 US 33, 23834 US 33 and 23845 US 33 into the city.
5841	5-17-2021	Annexing certain real estate commonly known as three lots at the northeast corner of W. Hively Avenue and S. 6th Street into the city.
5852	6-7-2021	Annexing certain real estate commonly known as 32.754 acres on the south side of Henke Street between Jeanwood Drive and Lane Street into the city.
5869	10-4-2021	Annexing certain real estate located in the southeast corner of the intersection of County Road 24 and State Road 19 into the city.
5879	11-1-2021	Annexing certain real estate commonly known as 28227 County Road 26 into the city.
5880	11-1-2021	Annexing certain real estate commonly known as the southwest corner of SR 19 and Charlotte Avenue, east of CR 24 into the city.
5892	3-7-2022	Annexing certain real estate commonly known as 25610 County Road 4 and 52396 County Road 9 into the city.
5901	4-4-2022	Annexing certain real estate commonly known as 6.13 acres of vacant land south of County Road 24 and east of State Route 19 into the city.
5933	11-7-2022	Annexing certain real estate commonly known as 29224 County Road 6 West into the city.
5937	1-23-2023	Annexing certain real estate commonly known as 53400 County Road 113 into the city.

## Zoning Map Changes

40G

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5638	1-8-2018	Rezoning real estate located at 1400 South Nappanee from B-1 to B-2.
5654	3-19-2018	Rezoning real estate located at the southeast intersection of County Road 6 and Stryker Street from PUD and R-1 to R-2.
5659	3-19-2018	Amending conditions of the Elkhart General Hospital PUD.
5664	5-7-2018	Rezoning real estate located at 512 Hallie Road from R-2 to R-4.
5670	5-21-2018	Amending conditions of the Mennonite Biblical Seminary/Mennonite Board of Education PUD.
5671	6-4-2018	Amending conditions of the Parkway at 17 PUD.
5672	6-4-2018	Rezoning real estate located at 3500 Cassopolis Street from R-1 to B-2.
5684	9-10-2018	Rezoning certain real estate located at vacant land on Emerson Drive from B-1 to B-2.
5707	12-17-2018	Rezoning real estate located at 750 County Road 15 from M-1 to B-2.
5738	6-3-2019	Amending planned unit development to allow construction of two apartment buildings containing a total of 28 dwelling units and 35 new parking spaces.
5747	7-1-2019	Rezoning certain real estate located at vacant lot on north side of Jackson Blvd., in the vicinity of vacated Clark Street and Pacific Street from R-2 and R-5 to CBD.
5748	7-1-2019	Rezoning certain real estate located at vacant land on Emerson Drive from B-2 to B-3.
5759	9-9-2019	Rezoning certain real estate located at 52440 County Road 101 from R-1 to M-1.
5760	9-9-2019	Rezoning certain real estate located at northwest corner of County Road 17 and Hoffman Street from B-2 to M-1.
5764	10-7-2019	Removing 1600 Osolo Road from the Planned Unit Development District and rezoning 1600 Osolo Road to R-2.
5776	11-4-2019	Removing real estate located at 3542 South Main Street from the Planned Unit Development and rezoning 3542 South Main Street to B-3.

## Elkhart - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5786	1-13-2020	Rezoning real estate located at 152 State Street and 156 State Street from R-2 to R-3.
5787	1-13-2020	Rezoning real estate located at 160 State Street from R-2 to R-3.
5788	2-3-2020	Rezoning real estate located at 2743 South Nappanee Street and vacant land southwest of Nappanee Street and Hively Avenue from M-1 to B-3.
5806	6-15-2020	Rezoning real estate located at vacant lot East Bristol Street (adjacent to 818 E. Bristol Street) from R-2 to O.
5828	12-21-2020	Rezoning approximately 28.5 acres south of Arlington Street between Cassopolis Street and Johnson Street from PUD to B-4.
5830	2-8-2021	Rezoning 1717 Fulton Street from R-2 to O.
5834	4-5-2021	Rezoning 23605 US 20 and 2704 Toledo Road from B-3 and PUD to M-1.
5839	5-3-2021	Rezoning 1313 W. Hubbard Avenue from R-3 to R-2.
5845	6-7-2021	Rezoning the lot west of 2014 E. Bristol Street from R-2 to B-1.
5846	6-7-2021	Rezoning approximately 16.2 acres at 123 County Road 17 from DPUD, M-1 to M-1.
5847	6-7-2021	Rezoning 1311 West Hubbard Avenue from R-3 to R-2.
5848	6-7-2021	Removing 2.3 acres of vacant land on Haines Drive from within Villas at Lexington Landing PUD and rezoning the same as Villas at Lexington Landing Phase II PUD.
5849	6-7-2021	Rezoning 8.34 acres of vacant land between the 2100 and 2200 blocks of Cassopolis Street from B-3 and M-1 to R-4.
5854	7-12-2021	Rezoning vacant land at the southwest corner of County Road 6 East and Elkhart East Boulevard from R-1 to M-1.
5857	8-2-2021	Amending Park Six PUD by changing the underlying standards from M-1 to B-3.
5877	11-1-2021	Rezoning the vacant lot adjacent to and east of 1440 South Nappanee Street from B-1 to B-2.
5891	2-14-2022	Rezoning 1637, 1643, and 1649 West Indiana Avenue from R-3 to R-2.
5897	4-4-2022	Rezoning 511 Division Street from M-1 to R-4.

## Zoning Map Changes

40I

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5898	4-4-2022	Rezoning 222 Middlebury Street from O to R-4.
5899	5-2-2022	Rezoning vacant land fronting Benchmark Drive and situated south of and adjacent to 5305 Beck Drive from M-2 to M-1.
5900	4-4-2022	Rezoning two vacant lots on Benham Avenue, directly south of 245 West Hively Avenue from R-4 to B-2.
5914	6-6-2022	Rezoning 1701 Sterling Avenue from M-2 to R-4.
5915	6-6-2022	Rezoning 1710 South Main Street from M-2 to R-4.
5922	8-15-2022	Rezoning a portion of Lot 45 of the Allendale Addition from M-2 to R-4.
5924	9-12-2022	Rezoning 111 West Bristol Street together with the surrounding contiguous vacant parcels from M-2 to B-2.
5936	1-23-2023	Rezoning 2200 - 2500 Blocks of Bypass Road from M-1 to B-2.
5939	3-6-2023	Rezoning Parkway at 17 DPUD – Phase III from B-3 to R-4.
5944	5-15-2023	Amending K-2 PUD by adding component assembly and warehousing distribution as permitted uses.
5945	5-15-2023	Amending Windsor Crossing PUD by adding hotel as a permitted use.
5948	7-10-2023	Rezoning the 1600 Block of Sterling Avenue from M-2 to R-4.
5949	7-10-2023	Rezoning the Concord Mall PUD from B-4 to R-4, B-2, and M-1.
5954	10-2-2023	Rezoning 3 parcels of vacant land on the north side of the 600 Block of West Garfield Avenue from R-2 and B-1 to R-4.
5955	10-2-2023	Amending K-2 PUD by adding high end technical service center for Super C motorhomes as a permitted use and repealing Ord. 5600.

Vacations

78A

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5524	10-17-2016	Vacating the portion of the alley running east from 18th Street between Fieldhouse Avenue and Markle Avenue.
5537	12-5-2016	Vacating the portion of the east-west alley running between Washington Street and Jefferson Street, and between North Main Street and the Elkhart River.
5605	8-7-2017	Vacating North Clark Street and Hannah Court.
5616	9-11-2017	Vacating the north/south alley west of Lots 437-440 and the east/west alley extending west of Lots 437-438 to Sixth Street in Chapman's Rosedale Addition.
5623	10-16-2017	Vacating the north/south alley between Country Club Drive and Modrell Avenue.
5655	3-19-2018	Vacating the eastern portion of Doll Court.
5658	3-19-2018	Vacating a part of Highland Avenue between Massachusetts Avenue and Lawn Avenue.
5662	4-16-2018	Vacating a part of Lawn Avenue between Highland Avenue and Arcade Avenue and a portion of two north-south alleys between Highland Avenue and East Boulevard.
5679	8-20-2018	Vacating a part of Hudson Boulevard running north and south between York Street and Folsom Street.
5706	12-17-2018	Vacating a part of the remaining alleys in John W. Fieldhouse's Subdivision and the north-south alley lying between John W. Fieldhouse's Subdivision and Hannah W. Clark's addition.
5724	4-1-2019	Vacating a portion of Clark Street from Elkhart Avenue extending north approximately 124 feet.
5755	8-19-2019	Vacating a portion of a 16.5-foot wide alley located adjacent to Lot 9 and Lot 10 in the Riverview Addition extending west of the intersection of a 12-foot alley between Lot 9 and Lot 7 of said Addition.
5813	8-3-2020	Vacating Easy Shopping Place, a public right-of-way situated between the north line of East Jackson Boulevard and the south line of Elkhart Avenue.
5840	5-17-2021	Vacating an alley adjacent to Lots 25, 26, 27 and 28 of the Spring Fountain Place Addition.

**Elkhart - Table of Special Ordinances**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5867	10-4-2021	Vacating the east/west alley between 14th and 15th Street and a portion of 15th Street.
5886	1-3-2022	Vacating David Street, bounded on the west by the east right-of-way line of Plaza Court and bounded on the east by the west right-of-way line of State Road 19.
5896	3-21-2022	Vacating Wagner Avenue, between the east right-of-way line of Benham Avenue and the west right-of-way line of Chester Street.

**TABLE VII: CONTRACTS AND AGREEMENTS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3198	4-22-1980	Approving agreement between Board of Public Works and Safety for the purchase of real estate.
3199	4-22-1980	Approving agreement between Board of Public Works and Safety for the purchase of real estate.
3208	5-23-1980	Approving agreement between Board of Public Works and Safety for the purchase of real estate.
3209	5-23-1980	Approving agreement between Board of Public Works and Safety for the purchase of real estate.
3425	11-3-1982	Approving contract for parking regulations at Pierre Moran Shopping Center.
3744	9-9-1986	Entering a long-term land lease with Riblet Products.
4012	10-19-1990	Approving contract for parking regulations at Pierre Moran Shopping Center.
4067	4-7-1992	Approving contract for parking regulations at Concord Mall.
4101	4-5-1993	Prohibiting contracts with entities or individuals who are in violation of certain city ordinances.
4190	1-24-1995	Approving 50-year lease with 2 5-year options with Hawkeye Aviation, Inc.
4218	9-29-1995	Approving 10-year lease with 1 10-year option with Najeeb Khan.
4278	3-7-1997	Approving 30-year lease with 1 10-year option with Khan Aviation, Inc.
4413	3-9-1999	Approving contract for parking regulations at Pierre Moran Shopping Center.
4509	9-14-2000	Approving the leasing of sewage disposal facilities of Suburban Utilities, Inc. and approving the current rates and charges of Suburban Utilities, Inc.



**Elkhart - Table of Special Ordinances**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
4510	9-11-2000	Approving the leasing of waterworks facilities of Suburban Utilities, Inc. and approving the current rates and charges of Suburban Utilities, Inc.
4553	12-18-2000	Approving, ratifying and confirming the addendums to the lease agreements between Suburban Utilities, Inc. and the city for sewage disposal and waterworks facilities.
4827	5-7-2004	Approving a contract for parking regulations at Easy Shopping Place and Easy Shopping South.
5121	9-8-2008	Approving the land lease for aircraft hangar between the Board of Aviation Commissioners for the City of Elkhart and Khan Aviation.
R-56-22	12-5-2022	Approving a collective bargaining agreement between the City of Elkhart and the Fraternal Order of Police, Lodge No. 52.
R-57-22	12-5-2022	Approving the collective bargaining agreement between the City of Elkhart and the American Federation of State, County, and Municipal Employees, Local Number 1484.

## REFERENCES TO INDIANA CODE

<i>I.C. Section</i>	<i>Code Section</i>
1-1-1-8	10.07
1-1-4-1	10.05, 10.06
3-10-6-1 <i>et seq.</i>	30.41
4-13-18-5	39.06
4-13.4	39.06
4-14-18-6	39.06
4-21.5	93.040, 93.088
4-21.5 <i>et seq.</i>	35.50
4-21.5-3-7	153.38, 155.11
4-21.5-5	36.201
5-2-1	130.04
5-2-5-7	31.002
5-2-8-2	31.002, 31.020
5-3-1 <i>et seq.</i>	97.176, 132.25
5-3-1	33.018, 33.021, 33.248, 99.07
5-3-1-1 - 5-3-1-9	95.065
5-4-1-5.1	32.001
5-4-1-8	32.001
5-4-1-13	32.001
5-4-1-18	32.001
5-4-1-18(b)	32.001
5-4-1-19	32.001
5-4-5-2	32.001
5-10.3-1-1 <i>et seq.</i>	32.015
5-13-5-1	33.475
5-13-5-5	33.475
5-13-6-1	33.475
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5840	5-17-2021	T.S.O. VI
5841	5-17-2021	T.S.O. II
5845	6-7-2021	T.S.O. V
5846	6-7-2021	T.S.O. V
5847	6-7-2021	T.S.O. V
5848	6-7-2021	T.S.O. V
5849	6-7-2021	T.S.O. V
5852	6-7-2021	T.S.O. II
5854	7-12-2021	T.S.O. V
5856	7-19-2021	32.035
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5864	9-20-2021	Adopting Ordinance
5867	10-4-2021	T.S.O. VI
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5945	5-15-2023	T.S.O. V
5948	7-10-2023	T.S.O. V
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## Memorandum

To: Arvis Dawson, President, Elkhart City Council  
From: Jamie Arce, CPA, City Controller  
Date: October 16, 2024  
Regarding: Lerner Theatre Major Category Transfer Request - \$90,000

As you are already aware the City has retained the Conway Entertainment Group to assist in securing both a temporary and permanent General Manager at the Lerner Theatre. Previously the City Council approved a major category transfer request to cover the costs associated with the placement of Sherry May as the interim General Manager.

As part of this ongoing relationship with the Conway Entertainment Group it has been the intent of the Administration to partner with them to provide their expertise and support to the Theatre beyond just securing a permanent General Manager. To continue this relationship and support to the Theatre and its staff additional funding of \$90,000 is required in the Other Services and Charges major category. The resolution before you is requesting authorization for the City Controller to make this budget neutral transfer that is necessary to be able to proceed with finalizing the agreement between the City and the Conway Entertainment Group.

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

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
ELKHART, INDIANA, AUTHORIZING THE TRANSFER OF  
NINETY THOUSAND DOLLARS (\$90,000.00) FROM THE  
LERNER THEATRE PERSONNEL CATEGORY TO THE  
OTHER SERVICES & CHARGES CATEGORY**

---

WHEREAS, the Common Council approved Resolution No. R-48-24, to cover the costs associated with the placement of an interim general manager by Conway Entertainment Group for the Lerner Theatre, and further engage the services of Conway Entertainment Group to solicit, vet, and secure a qualified individual to serve as general manager on a long-term basis; and

WHEREAS, the Lerner Governing Board and Administration intend to broaden the scope of services provided by Conway Entertainment under a contract not-to-exceed Ninety Thousand Dollars (\$90,000.00), to collaborate with the Administration and Board in a more comprehensive review of Lerner operations, to develop a strategy to broaden the opportunities to attract talent to the Theatre, increase efficiencies, revenues, and attendance; and

WHEREAS, the Lerner Theater has funds within the Personnel category, sufficient and available for transfer to the Other Services & Charges category to engage the services of Conway Entertainment Group for the stated purpose, on a budget neutral transfer, as determined appropriate within the Other Services & Charges category by the Controller;

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

Section 1. The City Controller is hereby authorized to transfer funds from the Personnel category to the Other Services & Charges category of Lerner Theatre, as follows:



From: Personnel 2511-5-502-4100000 Series \$90,000.00  
To: Other Services & Charges 2511-5-502-4300000 Series \$90,000.00

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

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

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

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

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

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

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

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

ATTEST:

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

**Rod Roberson**  
*Mayor*

**Michael Huber**  
*Director of Development Services*



**Development Services**  
*Community Development*  
*Economic Development*  
*Planning Services*  
*Redevelopment*  
 229 S. Second St.  
 Elkhart, IN 46516  
 574.294.5471  
 Fax: 574.295.7501

DATE: October 21, 2024

TO: Elkhart Common Council Members

FROM: Mike Huber, Director of Development Services

RE: Tax Phase-in Application for Consolidated Metals, Inc.

**Background**

Consolidated Metals Inc., (CMI) is a manufacturer of steel tubing, with production capabilities for a wide variety of tubing sizes, shapes, and gauges. This opportunity involves existing building improvements, following the purchase of 3504 Cooper Drive, which will become CMI’s new headquarters. The property is currently home to Phoenix RV, who will be leasing part of the facility from CMI following the acquisition. The current property owner is included on the SB-1 real property, as the acquisition will take place following the Confirmatory Resolution.

**Private Investment**

CMI plans to invest \$625,000 real estate improvements, and \$9,129,500 in personal property equipment, for a total investment of \$9,754,500. This is projected to create 30 new positions, with an average annual salary of \$50,981. The projected tax revenue from the proposed project is \$737,084. The projected tax savings is \$409,014.

The project is being phased in over five-years for real property and five-years for personal property. The table below highlight the planned real estate investments and personal property investments. The subsequent table highlights the projected phasing of new jobs.

Calendar Year	2024	2025	2026	Total
Land Acquisition				
New building construction				
Existing building improvements	\$312,000	\$312,500		\$625,000
Manufacturing equipment		\$5,354,000	\$3,775,500	\$9,129,500
Research and				

Development equipment				
Logistics Distribution equipment				
Information Technology equipment				
On-site rail infrastructure				
On-site fiber infrastructure				
Grand total	\$312,000	\$5,666,000	\$3,775,500	\$9,754,500

Calendar Year	2025	2026	2027	Total
Management				
Professional/Technical				
Sales				
Office/Administrative Support				
Production Supervision	1			1
Production	12	15		27
Maintenance	1			1
Other	1			1
Total	15			30

**Recommendation**

Our staff, with support from the EDC, is recommending a five-year real property tax phase-in and a five-year personal property tax phase-in. Per the EDC’s Project Impact Estate sheet, the projected tax revenue generated from the proposed project \$737,084. The projected tax savings is \$409,014.

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

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DECLARING A CERTAIN AREA TO BE AN ECONOMIC  
REVITALIZATION AREA FOR THE PURPOSE OF GRANTING TAX PHASE-IN  
BENEFITS TO CONSOLIDATED METALS, INC. \ WESTWOOD MANOR, INC.**

WHEREAS, Indiana Code 6-1.1-12.1 (the “Act”) authorizes the Common Council of the City of Elkhart, Indiana (“Common Council”) to designate an area within the territorial boundaries of the City of Elkhart, Indiana as an economic revitalization area, as that term is defined in Section 1 of the Act, for the purpose of allowing certain qualified businesses the right to receive deductions from the assessed value of improvements made to real property and personal property located in the economic revitalization area; and

WHEREAS, Consolidated Metals, Inc. \ Westwood Manor, Inc., (hereinafter the “Applicant\Property Owner”) filed an application with the City of Elkhart, requesting that the real estate described in Exhibit A attached to this Resolution (the “Area”) be designated as an economic revitalization area by the Common Council for the purpose of allowing a deduction from the assessed value of the real property improvements, consisting of existing building improvements for building additions (the “Project”) and from the assessed value of the manufacturing equipment for mechanical steel mill and structural steel mill (the “New Equipment”); and

WHEREAS, the Applicant\Property Owner filed with the City a Statement of Benefits Form (SB-1/Real Property) for the Project and a Statement of Benefits Form (SB-1/Personal Property) for the New Equipment (collectively the “Statement of Benefits”); and

WHEREAS, prior to the commencement of the Project in the Area, the Area had become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values and prevented normal development and use of the property; and

WHEREAS, the Common Council has caused to be prepared maps and plats showing the boundaries of the Area; and

WHEREAS, the Common Council has studied the Area and considered the Applicant\Property Owner’s request to designate the Area as an economic revitalization area and the Applicant\Property Owner’s Statement of Benefits.

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

1. After considering the evidence presented at the public meeting conducted this date, the Common Council hereby finds and determines that:

A. the estimate of the value of the Project in the Area is reasonable for projects of this nature, and the estimate of the cost of the New Equipment is reasonable for equipment of this type in this Area;

B. the estimate of the number of individuals who will be employed or whose employment will be retained in the Area can reasonably be expected to result from the Project and installation of the New Equipment;

C. the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained in the Area can reasonably be expected to result from the Project and installation of the New Equipment;

D. the other benefits about which information was requested are benefits that can reasonably be expected to result from the Project and installation of the New Equipment; and

E. the totality of benefits is sufficient to justify declaring the Area as an economic revitalization area and allowing deductions in accordance with the Act.

2. The Area is hereby designated an economic revitalization area (“ERA”) under Section 2.5 of the Act, subject to the requirements of the Act for the purpose of allowing a deduction from the assessed value of the Project and installation of the New Equipment, respectively.

3. The Administrative Assistant of the Common Council is hereby authorized and directed to make all filings necessary or desirable with the Elkhart County Assessor, to publish all notices required by the Act, and to take all other necessary actions to carry out the purposes and intent of this Resolution and to establish and designate the Area as an economic revitalization area.

4. The Administrative Assistant of the Common Council is further authorized and directed to file this Declaratory Resolution, together with any supporting information, with each of the officers of each taxing unit that has authority to levy property taxes in the Area, as provided in the Act.

5. This Declaratory Resolution shall be submitted to the public for hearing and remonstrance as provided by the Act; and said public hearing shall be convened by the Common Council on November 4, 2024, at 6:00 p.m., at the City Hall, 229 S. Second Street, Elkhart, Indiana 46516.

6. In accordance with Section 2.5(b) of the Act, the Common Council hereby determines that a deduction for the Project under Section 3 of the Act shall be allowed for a period of five (5) years. The amount of the deduction for each eligible year shall be according to the following deduction schedule:

<b>YEAR OF REDEVELOPMENT AND REVITALIZATION OF THE REAL ESTATE</b>	<b>2025 Payable 2026</b>	<b>2026 Payable 2027</b>	<b>2027 Payable 2028</b>	<b>2028 Payable 2029</b>	<b>2029 Payable 2030</b>	<b>2030 Payable 2031</b>	<b>2031 Payable 2032</b>	<b>2032 Payable 2033</b>
2025	100%	80%	60%	40%	20%	-	-	-
2026	-	100%	80%	60%	40%	20%	-	-
2027	-	-	100%	80%	60%	40%	20%	-

7. The deduction schedule shall commence in the first year that the Project results in any increase in the assessed value of the Area designated as an ERA. The ERA shall expire on the last year of the applicable deduction schedule for the Project, unless terminated sooner by action of the Common Council under the Act.

8. In accordance with Section 2.5(b) of the Act, the Common Council hereby determines that a deduction for the installation of the New Equipment under Section 4.5 of the Act shall be allowed for a period of five (5) years. The amount of the deduction for each eligible year shall be according to the following deduction schedule:

<b>YEAR EQUIPMENT INSTALLED IN THE ERA</b>	<b>2025 Payable 2026</b>	<b>2026 Payable 2027</b>	<b>2027 Payable 2028</b>	<b>2028 Payable 2029</b>	<b>2029 Payable 2030</b>	<b>2030 Payable 2031</b>	<b>2031 Payable 2032</b>	<b>2032 Payable 2033</b>
2025	100%	80%	60%	40%	20%	-	-	-
2026	-	100%	80%	60%	40%	20%	-	-
2027	-	-	100%	80%	60%	40%	20%	-

9. The deduction schedule shall commence in the first year that the New Equipment is installed in the Area designated as an ERA. The ERA shall expire on the last year of the applicable deduction schedule for the New Equipment, unless terminated sooner by action of the Common Council under the Act.

10. The Common Council, with the consent of property owner, adopts and incorporates by reference into this Resolution the provisions of Indiana Code 6-1.1-12.1-14 and imposes a fee on the property owner equal to 15% of the tax savings as determined under Indiana Code 6-1.1-12.1-14(c).

11. The Common Council hereby adopts and incorporates by reference the provisions of Indiana Code 6-1.1-12.1-12, providing that if the owner of the property owner or tenant of the property, ceases operations at the facility for which the deduction was granted, and the designating body finds that the Applicant or property owner obtained the deduction by intentionally providing false information concerning the Applicant’s or property owner's plans to continue operations at the facility, the property owner shall pay the amount determined by the County Auditor pursuant to law, after an appeal, if any.

12. The Common Council’s designation of the Area as an economic revitalization area shall terminate after a public hearing held by the Common Council in accordance with the Act if

the Applicant and/or property owner:

A. fails to substantially complete the Project, install the proposed New Equipment, and create and maintain the level of benefits described in the Statement of Benefits;

B. fails to enter into a written agreement with the City of Elkhart confirming the Applicant\Property Owner's commitment to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in the Statement of Benefits; or

C. fails to continue operations at the facility for which the deduction was granted; or

D. intentionally provides false information to the designating body concerning the Applicant's or property owner's plans to continue operations at the facility.

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

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

*[Balance of page is intentionally blank.]*

## **Exhibit A**

### **Description of Real Property**

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

**Property Address:**

3504 Cooper Drive, Elkhart IN 46514

**Parcel Number(s):**

20-02-26-126-012.000-027

**Legal Description:**

TRACT 1:

THE EAST 200 FEET OF THE SOUTH 105 FEET OF THE NORTH 155 FEET OF LOT NUMBERED A-42, AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTHLAND PARK SECOND SECTION, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 13, PAGE 62 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

ALSO, THE EAST 75 FEET OF THE SOUTH 289 FEET OF LOT NUMBERED A-42, AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTHLAND PARK SECOND SECTION, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 13, PAGE 62 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

TRACT 2:

THE EAST 200 FEET OF THE SOUTH 245 FEET OF LOT NUMBERED A-40, AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTHLAND PARK SECOND SECTION, A SUBMMSION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 13, PAGE 62 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

ALSO, THE NORTH 50 FEET OF THE EAST 200 FEET OF LOT NUMBERED A-42, AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECODED PLAT OF NORTHLAND PARK SECOND SECTION, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 13, PAGE 62 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

TRACT 3:

LOT NUMBERED A-11 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTHLAND PARK SECOND SECTION, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 13, PAGE 62 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.



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

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

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

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

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

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

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

ATTEST:

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

STATE OF INDIANA        )  
                                  ) §  
COUNTY OF ELKHART    )

I, Debra D. Barrett, Clerk of the City of Elkhart, Indiana, do hereby certify the above is a full, true and complete copy of Resolution No. R-\_\_\_\_, adopted by the Common Council on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by a vote of \_\_\_\_\_ AYES and \_\_\_\_\_ NAYS, and was approved and signed by the Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Elkhart, Indiana, this \_\_\_\_ day of \_  
\_\_\_\_\_, \_\_\_\_\_.

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

# EDC of Elkhart County DIRECT PROJECT IMPACT ESTIMATES



**PROJECT:** Consolidated Metals One  
**TAX DISTRICT:** E.C. Osolo

**Date Printed:** 9/15/2024

### PROPERTY TAX IMPACT

Current Tax Rate Calculations	Gross Rate	PTRC	Net Rate
Structures (Real Property)	3.0000	0.0000	\$ 3.0000
Machinery & Equipment (Personal Property)	3.0000	0.0000	\$ 3.0000

Project Estimates	Investment	Phase-in Schedule	
Structures (Real Property)	\$ 625,000	5	Years
Machinery & Equipment (Personal Property)	\$ 9,129,500	5	Years

### Tax Abatement Schedules

New Structures	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	100%	\$ -	\$ 3.0000	\$ -	\$ 18,750
Year 2	80%	\$ 125,000	\$ 3.0000	\$ 3,750	\$ 15,000
Year 3	60%	\$ 250,000	\$ 3.0000	\$ 7,500	\$ 11,250
Year 4	40%	\$ 375,000	\$ 3.0000	\$ 11,250	\$ 7,500
Year 5	20%	\$ 500,000	\$ 3.0000	\$ 15,000	\$ 3,750
Year 6	0%	\$ 625,000	\$ 3.0000	\$ 18,750	\$ -
Year 7	0%	\$ 625,000	\$ 3.0000	\$ 18,750	\$ -
Year 8	0%	\$ 625,000	\$ 3.0000	\$ 18,750	\$ -
Year 9	0%	\$ 625,000	\$ 3.0000	\$ 18,750	\$ -
Year 10	0%	\$ 625,000	\$ 3.0000	\$ 18,750	\$ -
<b>TOTAL</b>				\$ 131,250	\$ 56,250

New Machinery & Equipment	Depreciation Pool #2	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	40%	100%	\$ -	\$ 3.0000	\$ -	\$ 109,554
Year 2	56%	80%	\$ 1,022,504	\$ 3.0000	\$ 30,675	\$ 122,700
Year 3	42%	60%	\$ 1,533,756	\$ 3.0000	\$ 46,013	\$ 69,019
Year 4	32%	40%	\$ 1,752,864	\$ 3.0000	\$ 52,586	\$ 35,057
Year 5	30%	20%	\$ 2,191,080	\$ 3.0000	\$ 65,732	\$ 16,433
Year 6	30%	0%	\$ 2,738,850	\$ 3.0000	\$ 82,166	\$ -
Year 7	30%	0%	\$ 2,738,850	\$ 3.0000	\$ 82,166	\$ -
Year 8	30%	0%	\$ 2,738,850	\$ 3.0000	\$ 82,166	\$ -
Year 9	30%	0%	\$ 2,738,850	\$ 3.0000	\$ 82,166	\$ -
Year 10	30%	0%	\$ 2,738,850	\$ 3.0000	\$ 82,166	\$ -
<b>TOTAL</b>					\$ 605,834	\$ 352,764

**GRAND TOTAL** \$ 737,084 \$ 409,014

### INCOME TAX IMPACT

	Total Jobs	Total Salaries	Average Salaries
Current Jobs	0	\$0	#DIV/0!
Retained Jobs	0	\$0	
New Jobs	30	\$1,529,440	\$50,981
<b>TOTAL EMPLOYMENT</b>	30	\$1,529,440	\$50,981
<b>TOTAL ANNUAL PAYROLL</b>			\$1,529,440
<b>TOTAL ANNUAL STATE INCOME TAX @ 3.4%</b>			\$52,001
<b>TOTAL ANNUAL C.A.G.I.T. @1.25%</b>			\$19,118
<b>TOTAL ANNUAL C.E.D.I.T. @ 0.25%</b>			\$3,824

**REAL PROPERTY TAX PHASE-IN POINT SYSTEM**

Company Name: Consolidated Metals INC

Date: 9-15-24

Address: 3504 Cooper Drive, Elkhart, IN

Projects will be considered for Phase-In if:

1. The company/project meets all of the criteria set forth under I.C. 6-1.1 1-12.1 et seq in the form of deductions from assessed valuation
2. The proposed new investment includes at least \$500,000 of Real Property that qualifies fro Tax Phase-In
3. Construction has not begun and/or equipment has not been ordered or the equipment will be new to Indiana
4. In addition, if the applicant is in the company, authorization of the application must be obtained from the company

TAX BASE BENEFITS		Points Possible	Points Assigned
A.	Total new investment in real property (both redevelopment (new structures) and rehabilitation)		
	▫ \$24,000,000 and above	25	
	▫ \$12,000,000 to \$23,999,999	20	
	▫ \$6,000,000 to \$11,999,999	15	
	▫ \$3,000,000 to \$5,999,999	10	
	▫ \$600,000 to \$2,999,999	5	5
<b>JOB BENEFITS</b>			
A.	Total number of jobs created at facility of proposed project		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	
	▫ 25 to 49	10	10
	▫ 10 to 24	5	
B.	Total number of existing jobs at facility of proposed project		
	▫ 250 or more	5	
	▫ 100 to 249	4	
	▫ 50 to 99	3	
	▫ 25 to 49	2	
	▫ 10 to 24	1	
C.	Median employee salary (including existing and new employees)		
	▫ \$78,000 and above	25	
	▫ \$66,000 to \$77,999	20	
	▫ \$54,000 to \$65,999	10	
	▫ \$48,000 to \$53,999	5	5
	▫ Less than \$48,000	0	
D.	Median employee compensation benefits		
	Health Insurance	2	2
	Dental Insurance	1	
	Vision Insurance	1	
	Life Insurance	1	
	Disability Insurance	1	
	Sick Leave (Paid)	1	
	Vacation (Paid)	1	1
	Holidays (Paid)	1	1
	Personal Days (Paid)	1	
	Employee Training	2	2
	Tuition Reimbursement	3	
	401k/Pension Plan	2	2
	ESOP/Profit Sharing	2	
	Succession Plan	3	
<b>REDEVELOPMENT BENEFITS</b>			
A.	Project redevelops a brownfield site.	20	



B.	Project utilizes an obsolete facility that has been vacant for at least one (1) year.	10	
C.	Project utilizes an obsolete facility that is at least twenty-five (25) years old.	10	10
D.	Project develops in a Qualified Census Tract as designated by US Housing & Urban Development	10	
<b>ECONOMIC DEVELOPMENT BENEFITS</b>			
	The project will be used for a national or regional headquarters.	10	10
<b>INFRASTRUCTURE BENEFITS</b>			
	The applicant pays for the installation of public infrastructure in the following amount		
	▫ \$900,000 or more	10	
	▫ \$480,000 to \$899,999	6	
	▫ \$240,000 to \$479,999	3	
<b>TARGETED INDUSTRY</b>			
	The project is an industry targeted by the Elkhart County Economic Development Corporation Strategic Plan	20	
	▫ Agribusiness		
	▫ Advanced Recycling		
	▫ Automotive Tier I / Tier II Production		
	▫ Electronics		
	▫ Financial and Professional Services		
	▫ Health Care		
	▫ Robotics		
	The project is an industry targeted by the Indiana Economic Development Corporation	10	
	▫ Aerospace & Aviation		
	▫ Advanced Manufacturing		10
	▫ Cybersecurity		
	▫ Defense & National Security		
	▫ Energy		
	▫ Information Technology (IT)		
	▫ Life Sciences		
	▫ Logistics & Transportation		
	▫ Motorsports		
<b>TOTAL POINTS (180 points possible)</b>			<b>58</b>
<b>OPTIONAL ECONOMIC HEALTH INDICATOR</b>			
	<u>Unemployment Rate</u>	<u>Multiplier</u>	<u>Adjusted Points</u>
	0.0% - 3.4%	90%	52.2
	3.5% - 5.0%	95%	55.1
	5.1% - 8.5%	100%	58
	8.6% and Above	105%	60.9
<b>TERM RECOMMENDATION</b>			
Over 90 Points 10-Year Tax Phase-In			
72 to 90 Points 7-Year Tax Phase-In			
51 to 71 Points 5-Year Tax Phase-In			
30 to 50 Points 3-Year Tax Phase-In			

**PERSONAL PROPERTY TAX PHASE-IN POINT SYSTEM**

Projects will be considered for Phase-In if:

1. The company/project meets all of the criteria set forth under I.C. 6-1.1 1-12.1 et seq in the form of deductions from assessed valuation
2. The proposed new investment includes at least \$500,000 of Real Property that qualifies for Tax Phase-In
3. Construction has not begun and/or equipment has not been ordered or the equipment will be new to Indiana
4. In addition, if the applicant is not the company, authorization of the application must be obtained from the company

<b>TAX BASE BENEFITS</b>		<b>Points Possible</b>	<b>Points Assigned</b>
A.	Total new investment in business personal property (or relocation of equipment from out of State)		
	▫ \$24,000,000 and above	25	
	▫ \$12,000,000 to \$23,999,999	20	
	▫ \$6,000,000 to \$11,999,999	15	15
	▫ \$3,000,000 to \$5,999,999	10	
	▫ \$600,000 to \$2,999,999	5	
<b>JOB BENEFITS</b>			
A.	Total number of jobs created at facility of proposed project		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	
	▫ 25 to 49	10	10
	▫ 10 to 24	5	
B.	Total number of existing jobs at facility of proposed project		
	▫ 250 or more	5	
	▫ 100 to 249	4	
	▫ 50 to 99	3	
	▫ 25 to 49	2	
	▫ 10 to 24	1	
C.	Median employee salary (including existing and new employees)		
	▫ \$78,000 and above	25	
	▫ \$66,000 to \$77,999	20	
	▫ \$54,000 to \$65,999	10	
	▫ \$48,000 to \$53,999	5	5
	▫ Less than \$48,000	0	
D.	Median employee compensation benefits		
	Health Insurance	2	2
	Dental Insurance	1	
	Vision Insurance	1	
	Life Insurance	1	
	Disability Insurance	1	
	Sick Leave (Paid)	1	
	Vacation (Paid)	1	1
	Holidays (Paid)	1	1
	Personal Days (Paid)	1	
	Employee Training	2	2
	Tuition Reimbursement	3	
	401k/Pension Plan	2	2
	ESOP/Profit Sharing	2	
	Succession Plan	3	
<b>REDEVELOPMENT BENEFITS</b>			
A.	Project redevelops a brownfield site.	20	
B.	Project utilizes an obsolete facility that has been vacant for at least one (1) year.	10	

C.	Project utilizes an obsolete facility that is at least twenty-five (25) years old.	10	10
D.	Project develops in a Qualified Census Tract as designated by US Housing & Urban Development	10	

ECONOMIC DEVELOPMENT BENEFITS			
	The project will be used for a national or regional headquarters.	10	10
INFRASTRUCTURE BENEFITS			
	The applicant pays for the installation of public infrastructure in the following amount		
	▫ \$900,000 or more	10	
	▫ \$480,000 to \$899,999	6	
	▫ \$240,000 to \$479,999	3	
TARGETED INDUSTRY			
	The project is an industry targeted by the Elkhart County Economic Development Corporation Strategic Plan	20	
	▫ Agribusiness		
	▫ Advanced Recycling		
	▫ Automotive Tier I / Tier II Production		
	▫ Electronics		
	▫ Financial and Professional Services		
	▫ Health Care		
	▫ Robotics		
	The project is an industry targeted by the Indiana Economic Development Corporation	10	
	▫ Aerospace & Aviation		
	▫ Advanced Manufacturing		10
	▫ Cybersecurity		
	▫ Defense & National Security		
	▫ Energy		
	▫ Information Technology (IT)		
	▫ Life Sciences		
	▫ Logistics & Transportation		
	▫ Motorsports		
<b>TOTAL POINTS</b> (190 points possible)			68
OPTIONAL ECONOMIC HEALTH INDICATOR			
	<u>Unemployment Rate</u>	<u>Multiplier</u>	
	0.0% - 3.4%	90%	61.2
	3.5% - 5.0%	95%	64.6
	5.1% - 8.5%	100%	68
	8.6% and Above	105%	71.4
TERM RECOMMENDATION			
Over 51 Points 5-Year Tax Phase-In			
30 to 50 Points 3-Year Tax Phase-In			



**Property Tax Phase-In Application**  
to Elkhart County Government

This application is to request the designation of an Economic Revitalization Area (ERA) for the purpose of obtaining a property tax phase-in (tax abatement). The application is to be completed and signed by the owner of the property where the real property improvements, the installation of personal property, and/or the occupancy of an eligible vacant building is to occur. The designating body will review this application to determine whether a particular area should be designated as an ERA in accordance with Indiana Code (I.C.) 6-1.1-12.1 and all subsequent amendments made thereafter. The designating body makes no representation as to the effect of a designation granted by it for purposes of any further applications or approvals required under I.C. 6-1.1-12.1 and makes no representation to any applicant concerning the validity of any benefit conferred.

**Application is to offset: (check all that apply)**

- Real Property Improvements (e.g. new building, addition and/or modification)
- Personal Property (e.g. Equipment for manufacturing; research and development, logistics and distribution; or information technology.)
- Vacant Building

There is a non-refundable filing fee of \$750 for each category. This filing fee is used to defray the costs incurred in processing the application pursuant to I.C. 6-1.1-12.1-2(h). A check payable to **City Of Elkhart** must be included with the application.

General Information				
Company Name	Consolidated Metals Inc. and Union Tube Mill, LLC			
Federal Employer I.D.(FEIN)	59-3516487	NAICS Code	331210	
Website	<a href="http://www.consolidatedmetalsinc.com">www.consolidatedmetalsinc.com</a>	Year Company founded	1998	
Company Business (Brief Description)				
Consolidated Metals, Inc. is a manufacturer of steel tubing. Utilizing tubing mills throughout the Midwest and Southeast, CMI has both the capacity and the capability to produce a wide variety of tubing sizes, shapes and gauges, along with the ability to ship nationwide. Tubing offered is manufactured as Hot Rolled, Pickled & Oiled, Cold Rolled, Galvanized, Galvannealed, or Aluminized. Seam remetalization and clear coating are also available on coated products.				
Project Contact Person/Representative	Sherry Ryan			
Address	9329 Paulding St. NW, Massillon, OH 44646			
Phone	904-290-6190	Email	<a href="mailto:sherry@consolidatedmet.com">sherry@consolidatedmet.com</a>	
Senior Company Official	Silvia Hansell			
Address	24 Lighthouse Court, Daufuskie Island, SC 29915			
Phone	515-554-4979	Email	<a href="mailto:silvia@consolidatedmet.com">silvia@consolidatedmet.com</a>	
Proposed Project Site Information				
Property Owner(s)	Consolidated Metals, Inc.			
Address	3504 Cooper Drive, Elkhart, Indiana 46514			
Parcel Number(s)	parcel ID number 20-02-26-126-012.000-027			
Legal Description of property (attach if necessary)				
Does Company currently do business at this site?	Yes		No	x
If no, how is site currently being used?				
What buildings are on the site?	1 large building on the site			
What is the condition of the buildings?	good			
Have the buildings at this site been vacant for more than a year?	Yes		No	x
Are the buildings at this site more than 25 years old?	Yes	x	No	
Will the proposed project be used for a national or regional headquarters?	Yes	x	No	
Is this a blighted or mitigated Brownfield site?	Yes		No	x
Current assessed value of real estate	2,030,300	Land	295,900	



Proposed Project Information			
Description of proposed improvements (Attach additional project details, if needed)			
Structures:			
Manufacturing equipment:	Mills and cutting equipment		
Research and Development equipment:			
Logistics and Distribution equipment:	Crane, hoist, forklifts		
Information Technology equipment:			
Proposed start date for project	10/1/2024	Proposed end date for project	12/31/2026
Proposed start date for operations	4/1/2025		

Has the new equipment associated with this project been used by the owner/taxpayer (or related entity) in the state of Indiana?	Yes		N/A	
	No	x		
If yes, provide details including where the equipment will come from and how it will be acquired:				

Owned R&D equipment being relocated from other company facilities				
Will the new equipment associated with this project be leased?	Yes		N/A	
	No	x		
If yes, provide details including from whom and for what term				

Will this project require approval of rezoning, plat, development plan, vacation, variance, special exemption, or contingent use?	Yes		No	x
If yes, list:				

Proposed Investment					
Calendar Year	2023	2024	2025	2026	Total
Land acquisition					
New building construction					
Existing building improvements		\$312,500	\$312,500		\$625,000
Manufacturing equipment			\$5,354,000	\$3,775,500	\$9,129,500
Research and Development equipment					
Logistics and Distribution equipment					
Information Technology equipment					
On-site rail infrastructure					
On-site fiber infrastructure					
<b>Grand Total</b>		\$312,500	\$5,666,500	\$3,775,500	\$9,754,500

**Statutory Findings**  
 Indiana Code 6-1.1-12.1-1 requires that the designating body make specific findings to justify the designation of the property as an Economic Revitalization Area. One finding is that the subject property is either in an area: *"Which has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property"* or *"Where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues."*

Are improvements on project site and/or the surrounding area obsolete?	Yes		No	x
If yes, describe the obsolescence:	The building has been vacant for several years and requires repairs and upgrades to be useable			
Are buildings at project site substandard for normal use and development?	Yes	x	No	
If yes, explain what is substandard so as to prevent normal use and development:				
Has project site and/or surrounding area declined in value in last 10 years?	Yes		No	x
If yes, explain what caused the decline in value:				
Has project site and/or surrounding area failed to develop for last 10 years?	Yes		No	x
If yes, explain what characteristics make this site difficult to develop:	power			
Are any facilities at project site technologically, economically or energy obsolete?	Yes	x	No	
If yes, describe how the facilities are obsolete:	Insufficient power to the site for intended use			



**Community Benefits**

Consolidated Metals will not only bring jobs to the area but also get involved in supporting the Community. Consolidated Metals has been a long time supporter of Elkhart Boys and Girls Club and other area organizations. Consolidated Metals would increase their community involvement with this new location.

**Impacts and status**

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

Yes  No

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

Project requires an additional 5,000 AMPS

**Employment**

Will all current employees be retained at Project Site as a result of this project?

Yes  NA  No

If no, explain:

**Current Full-Time Employment at Project Site**

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management					
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision					
Production					
Maintenance					
Other					
Total					

**Full-time jobs to be created as a result of this project**

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management					
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision	1	\$33.65	\$70,000	plus bonus	\$70,000
Production	27	\$24.00	\$49,920	plus bonus	\$52,000
Maintenance	1	\$33.65	\$70,000	plus bonus	\$70,000
Other	1	\$20.00	\$41,600	plus bonus	\$41,600
Total	30	\$ 24.51	\$50,981		

\*Do NOT include costs of any benefits

\*\* Median Annual Wage: The middle (midpoint) salary of all positions rather than the average (mean) salary

**Additional financial compensation (attach additional pages, if needed)**

Explain in detail, by job category, any additional financial compensation earned. (Examples may include commission, bonus, overtime, piece rate, attendance, etc.) plus bonus

Bonus under management incentive plan or sales incentive plan ranging 10% to 20% of base for Management and Sales positions.

**Projected Phasing of new jobs**

Calendar Year	2023	2024	2025	2026	Total
Management					
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision			1		1
Production			12	15	27
Maintenance			1		1
Other			1		1
Total			15	15	30

**Company Benefits**

Check all of the benefits listed below that the company provides to workers who have been employed for 6 months or longer. The company must pay at least 70% of the benefit cost.


		X		X	Comments
Health Insurance	Yes	X	No		
Dental Insurance	Yes		No	X	
Vision Insurance	Yes		No	X	
Life Insurance	Yes		No	X	
Disability Insurance	Yes		No	X	
Sick Leave (Paid)	Yes		No	X	
Vacation (Paid)	Yes	X	No		
Holidays (Paid)	Yes	X	No		
Personal Days (Paid)	Yes		No	X	
Employee Training	Yes	X	No		
Tuition Reimbursement	Yes		No	X	
401K/Pension	Yes	X	No		
ESOP/Profit Sharing	Yes		No	X	
Uniforms	Yes	X	No		
Other (List)					

**Signature**

*Indiana Code 6-1.1-12.1-14 provides that the designating body for the tax phase-in requested, may impose a fee not exceeding 15% of the reduction in property taxes to which the undersigned applicant is entitled in each year in which the undersigned applicant's property tax liability is reduced by a deduction approved pursuant to this application.*

The undersigned applicant consents to the following:

- Imposition of this fee provided that such fee is not more than fifteen percent (15%) of the reduction of property taxes for any tax year. These fees will be used for future Economic Development efforts.
- The current assessed tax base for this property will not be appealed over the tax phase-in period unless one of the exceptions in the tax phase-in policy applies.
- Filing this application constitutes a request for Economic Revitalization Area designation only and does not constitute an automatic reduction of property taxes. I understand it is the responsibility of property owners to file the appropriate forms on an annual basis with the Elkhart County Auditor and other governing bodies, as required, to receive any reduction of property taxes.
  - I certify the information and representations of this application are true and complete.
  - I further certify that I am the owner/taxpayer or have the authority of the owner/taxpayer to make this application and to consent to the fee as described above.

Signature			
Printed	Sherry Ryan		
Title	Chief Financial Officer	Date	10/9/2024

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



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

20\_\_ PAY 20\_\_

FORM SB-1 / Real Property

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

**INSTRUCTIONS:**

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

**SECTION 1 TAXPAYER INFORMATION**

Name of taxpayer  
**Consolidated Metals, Inc. and Union Tube Mill and Westwood Manor Inc**

Address of taxpayer (number and street, city, state, and ZIP code)  
**625 E. Twiggs St Ste 110 PMB 97617, Tampa, FL 33607**

Name of contact person <b>Sherry Ryan</b>	Telephone number <b>( 904 ) 290-6190</b>	E-mail address <b>sherry@consolidatedmet.com</b>
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**SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

Name of designating body <b>City of Elkhart</b>	Resolution number
Location of property <b>3504 Cooper Drive, Elkhart, Indiana</b>	County <b>Elkhart County</b>
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>CMI is renovating and improving main warehouse (bldg C); using additional footage for coil storage adjacent to building C; and replacing roofs over time.</b>	Estimated start date (month, day, year) <b>Nov 2024</b>
	Estimated completion date (month, day, year) <b>Nov 2025</b>

**SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT**

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
<b>0.00</b>	<b>\$0.00</b>			<b>30.00</b>	<b>\$1,529,440.00</b>

**SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		
Plus estimated values of proposed project	<b>625,000.00</b>	
Less values of any property being replaced		
Net estimated values upon completion of project	<b>625,000.00</b>	

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
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Other benefits  
Purchase and renovation of existing building for industrial use. Purchase of manufacturing equipment including mechanical and structural steel mill. This project will add 30 jobs and bring new customers, many from outside of Indiana. If approved and building is purchased, Elkhart will be the headquarters for Consolidated Metals, Inc.

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of authorized representative <i>Sherry Ryan</i>	Date signed (month, day, year) <b>10/16/24</b>
Printed name of authorized representative <b>Sherry Ryan</b>	Title <b>Chief Financial Officer</b>



**FOR USE OF THE DESIGNATING BODY**

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed \_\_\_\_\_ calendar years\* (*see below*). The date this designation expires is \_\_\_\_\_. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- B. The type of deduction that is allowed in the designated area is limited to:
  - 1. Redevelopment or rehabilitation of real estate improvements       Yes     No
  - 2. Residentially distressed areas     Yes     No
- C. The amount of the deduction applicable is limited to \$ \_\_\_\_\_.
- D. Other limitations or conditions (*specify*) \_\_\_\_\_
- E. Number of years allowed:       Year 1               Year 2               Year 3               Year 4               Year 5 (\* *see below*)  
     Year 6               Year 7               Year 8               Year 9               Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?  
 Yes     No  
 If yes, attach a copy of the abatement schedule to this form.  
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved ( <i>signature and title of authorized member of designating body</i> )	Telephone number (      )	Date signed ( <i>month, day, year</i> )
Printed name of authorized member of designating body	Name of designating body	
Attested by ( <i>signature and title of attester</i> )	Printed name of attester	

\* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (*See IC 6-1.1-12.1-17 below.*)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (*See IC 6-1.1-12.1-17 below.*)

**IC 6-1.1-12.1-17  
Abatement schedules**

**Sec. 17. (a)** A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

**(b)** This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

**(c)** An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51764 (R5 / 1-21)

Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

**INSTRUCTIONS:**

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

**SECTION 1 TAXPAYER INFORMATION**

Name of taxpayer <b>Consolidated Metals, Inc.</b>	Name of contact person <b>Sherry Ryan</b>
Address of taxpayer (number and street, city, state, and ZIP code) <b>625 E. Twiggs St. Ste 110 PMB 97617, Tampa, FL 33607</b>	Telephone number <b>( 904 ) 290-6190</b>

**SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

Name of designating body <b>City of Elkhart</b>	Resolution number (s)	
Location of property <b>3504 Cooper Drive, Elkhart, Indiana 46514</b>	County <b>Elkhart County</b>	
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. <i>(Use additional sheets if necessary.)</i>  Purchase and renovation of existing building for industrial use. Purchase of manufacturing equipment including mechanical steel mill and structural steel mill. The project will add 30 jobs and bring new customers, many from outside Indiana. If project approved and building purchased, Elkhart will be the headquarters for Consolidated Metals, Inc.	DLGF taxing district number	
	<b>ESTIMATED</b>	
		START DATE      COMPLETION DATE
	Manufacturing Equipment	11/01/2024      12/31/2026
	R & D Equipment	11/01/2024      12/31/2026
Logist Dist Equipment	11/01/2024      12/31/2026	
IT Equipment	11/01/2024      12/31/2026	

**SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT**

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
				<b>30</b>	<b>1529440</b>

**SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	<b>MANUFACTURING EQUIPMENT</b>		<b>R &amp; D EQUIPMENT</b>		<b>LOGIST DIST EQUIPMENT</b>		<b>IT EQUIPMENT</b>	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values								
Plus estimated values of proposed project	<b>9,129,500</b>							
Less values of any property being replaced								
Net estimated values upon completion of project	<b>9,129,500</b>							

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
--	--

Other benefits:

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of authorized representative <i>Sherry Ryan</i>	Date signed (month, day, year) <b>10/16/24</b>
Printed name of authorized representative <b>Sherry Ryan</b>	Title <b>Chief Financial Officer</b>

**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed \_\_\_\_\_ calendar years \* (see below). The date this designation expires is \_\_\_\_\_. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

- |  |                              |                             |  |
|--|------------------------------|-----------------------------|--|
| 1. Installation of new manufacturing equipment;            | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18<br><i>Check box if an enhanced abatement was approved for one or more of these types.</i> |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |  |
| 3. Installation of new logistical distribution equipment.  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |  |
| 4. Installation of new information technology equipment;   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |  |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. *(One or both lines may be filled out to establish a limit, if desired.)*

D. The amount of deduction applicable to new research and development equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. *(One or both lines may be filled out to establish a limit, if desired.)*

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. *(One or both lines may be filled out to establish a limit, if desired.)*

F. The amount of deduction applicable to new information technology equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. *(One or both lines may be filled out to establish a limit, if desired.)*

G. Other limitations or conditions (specify) \_\_\_\_\_

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

- |                                 |                                 |                                 |                                 |                                  |   |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|---|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5  | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18<br>Number of years approved: _____<br><i>(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)</i> |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 |   |

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?  Yes  No  
If yes, attach a copy of the abatement schedule to this form.  
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)	Telephone number ( )	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by: (signature and title of attester)	Printed name of attester	

\* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

**IC 6-1.1-12.1-17**

**Abatement schedules**

**Sec. 17. (a)** A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

**(b)** This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

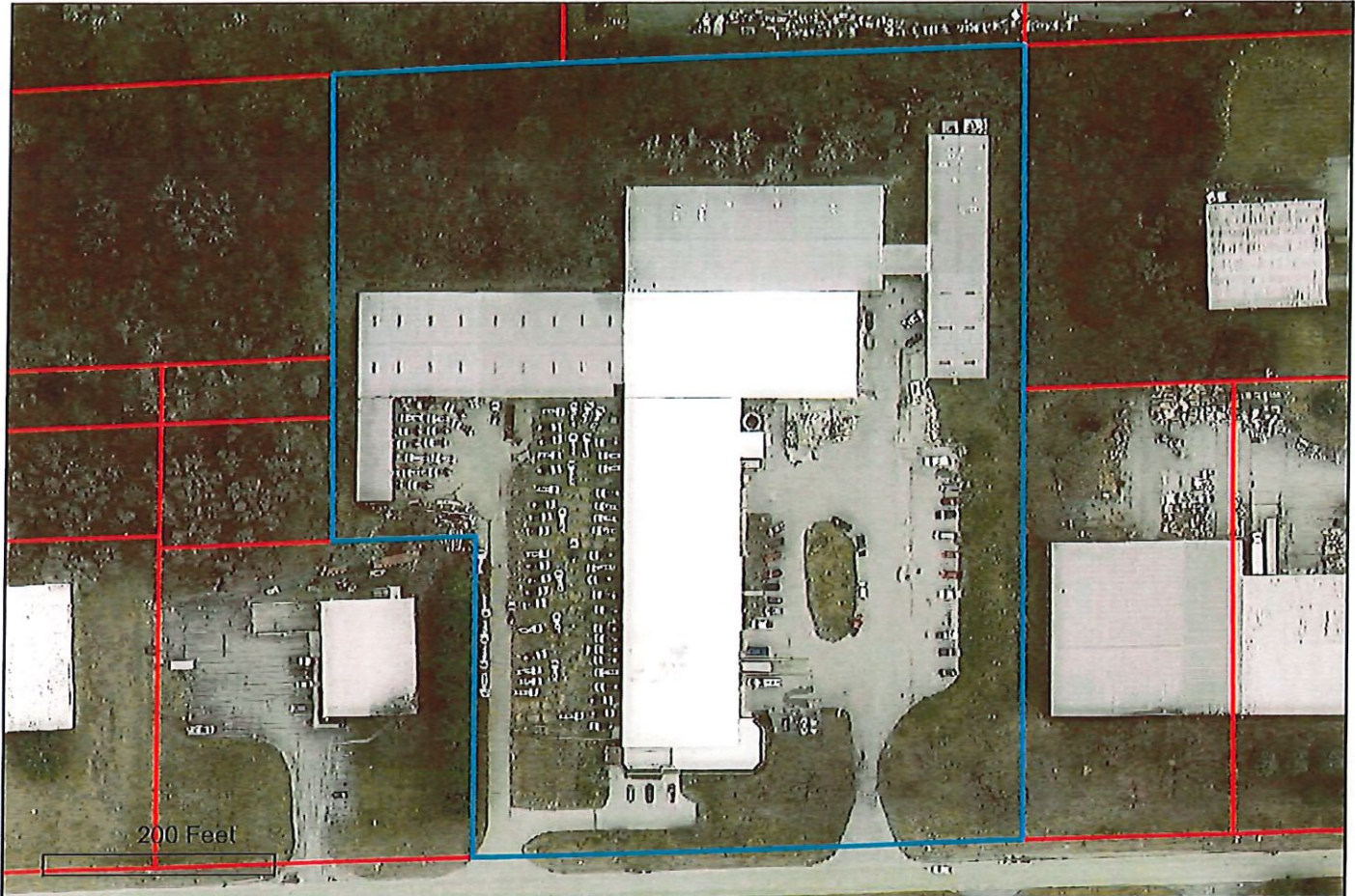
**(c)** An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



# Elkhart County, IN

3504 COOPER DRIVE, ELKHART, IN 46514

20-02-26-126-012.000-027



## Parcel Information

Parcel Number: 20-02-26-126-012.000-027

Alt Parcel Number: 02-26-126-012-027

Property Address: 3504 COOPER DRIVE  
ELKHART, IN 46514

Neighborhood: 2737009-Industrial-Acre-City Public  
Utilities-Good

Property Class: Industrial: Light Manufacturing & Assembly - 340

Owner Name: WESTWOOD MANOR INC

Owner Address: 22114 ALPINE RIDGE COURT  
SOUTH BEND, IN 46628

Legal Description: NORTHLAND PARK 2ND SEC LOT A-11 & E  
PT LOTS A-40 A-42

## Taxing District

Township: OSOLO TOWNSHIP

Corporation: Elkhart Community Schools

## Land Description

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
Primary Com & Ind	5.651	
Undeveloped Usable Com & Ind	0.076	

DISCLOSURE FEE PAID  
DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

May 14 2021  
PATRICIA A. PICKENS, AUDITOR  
02630  
50.00

2021-12684

ELKHART COUNTY RECORDER  
JENNIFER L. DORJOT  
FILED FOR RECORD ON  
05/14/2021 02:56 PM  
AS PRESENTED

GENERAL WARRANTY DEED

20-39140 (G#)

*Meridian Title*

THIS INDENTURE is made on the 13th day of May, 2021, by and between Elkhart Transloading Facility, Inc., an Indiana corporation having an address of 1620 Middlebury St. Elkhart, IN 46516 (hereinafter "Grantor"), and Westwood Manor, Inc., an Indiana corporation having an address of 22114 Alpine Ridge Court, South Bend, IN 46628 (hereinafter "Grantee").

WITNESSETH:

THAT Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it paid by Grantee, the receipt of which is hereby acknowledged, does by these presents, grant, warrant generally, sell and convey unto the said Grantee, its successors and assigns, the lots, tracts or parcels of land lying, being and situated in the City of Elkhart, County of Elkhart, State of Indiana, and more particularly described as follows:

TRACT 1:

THE EAST 200 FEET OF THE SOUTH 105 FEET OF THE NORTH 155 FEET OF LOT NUMBERED A-42, AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTHLAND PARK SECOND SECTION, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 13, PAGE 62 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

ALSO, THE EAST 75 FEET OF THE SOUTH 289 FEET OF LOT NUMBERED A-42, AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTHLAND PARK SECOND SECTION, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 13, PAGE 62 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

TRACT 2:

THE EAST 200 FEET OF THE SOUTH 245 FEET OF LOT NUMBERED A-40, AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTHLAND PARK SECOND SECTION, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 13, PAGE 62 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

ALSO, THE NORTH 50 FEET OF THE EAST 200 FEET OF LOT NUMBERED A-42, AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED

20-02-26-126-023/025/028.000-027

2021-0513-M/GDB

20-02-26-126-011/012.000-027

SD

JM



PLAT OF NORTHLAND PARK SECOND SECTION, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 13, PAGE 62 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

TRACT 3:

LOT NUMBERED A-11 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTHLAND PARK. SECOND SECTION, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 13, PAGE 62 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Subject to easements and restrictions of record and to real estate taxes for 2020 and thereafter. Tax Key Numbers:

20-02-26-126-023.000-027  
20-02-26-126-025.000-027  
20-02-26-126-028.000-027  
20-02-26-126-011.000-027  
20-02-26-126-012.000-027

TO HAVE AND TO HOLD the premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said Grantee and unto Grantee's heirs, successor and assigns forever, the said Grantor hereby covenanting that the premises are free and clear from any encumbrance done or suffered by Grantor; and that Grantor will warrant and defend the title to said premises unto the said Grantee and unto Grantee's heirs, successors and assigns forever, against the lawful claims and demands of all persons claiming otherwise.

Grantor represents and certifies that the undersigned persons executing this Deed on behalf of the Grantor are duly elected or authorized by the Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor to execute and deliver this Deed; that Grantor has full company capacity to convey the real estate described herein and that all necessary company action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the said Grantor has executed this General Warranty Deed the day and year above written.

Elkhart Transloading Facility, Inc., an  
Indiana corporation

By:   
Timothy M. Gerstbauer, President



City of Elkhart  
Redevelopment Commission

Aurora Capital Development Corporation  
Meeting Minutes  
Tuesday, September 10, 2024

Present: Dina Harris, Gerry Roberts, Sandi Schreiber, Willie Brown, Gary Boyn, Sherry Weber  
(Recording Secretary), Adam Fann, Joshua Hofer

Present via Webex: Chris Pottratz

**Call to Order:**

This meeting was held in-person, telephonically and virtually through WEBEX. Ms. Schreiber called meeting to order at 3:31 pm

**Approval of the August 13, 2024 Regular Meeting Minutes:**

Ms. Schreiber asked for a motion to approve the August 13, 2024 Regular Meeting Minutes. The motion was moved by Ms. Harris. Seconded by Mr. Brown. Voice vote carried with all in favor, non-opposed. Minutes are approved.

**July 2024 ACDC Expense Report**

Ms. Schreiber asked for a motion to approve the August 2024 ACDC Expense Report in the amount of \$2,817.52. The motion was moved by Mr. Brown. Seconded by Ms. Harris. Voice vote carried with all in favor, non-opposed. Motion approved.

**Adjournment**

There being no further discussion, Ms. Schreiber asked for a motion to adjourn the meeting. Moved by Mr. Brown. Seconded by Ms. Harris. Voice vote carried with all in favor, non-opposed. Motion approved. Meeting adjourned at 3:32 pm. Next meeting is on Tuesday, October 8, 2024 at 3:30 p.m. in Council Chambers.

Sandra Schreiber, President



BOARD OF PUBLIC SAFETY  
Tuesday, September 24, 2024

Chairman Kara Boyles called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, September 24, 2024. Maria Leon called the roll. Kara Boyles, Anthony Coleman and LaLaesha Black were present. Brian Thomas and Dacey Davis were absent.

1. APPROVE AGENDA

A motion was made by Anthony Coleman and seconded by Laesha Black to approve the agenda. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the agenda was accepted as amended by removing the OTA Bid for 1253 Columbian from the bid opening and bid award and adding Notice of Administrative Leave to the Police Department.

2. OPEN BIDS: ORDER TO TAKE ACTION DEMOLITION BIDS

933 Princeton Street

Three quotes were received for the demolition of 933 Princeton Street. Beaver Excavating quoted \$32,600.00. Cross Excavating and Demolition quoted \$13,785.00. Pelley Excavating quoted \$16,448.00. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the quotes were given to staff to review and report back with a recommendation later in the meeting.

1440 Cedar Street

Three quotes were received for the demolition of 1440 Cedar Street. Beaver Excavating quoted \$15,600.00. Cross Excavating and Demolition quoted \$1,985.00. Pelley Excavating quoted \$1,496.00. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the quotes were given to staff to review and report back with a recommendation later in the meeting.

2711 Hawthorne Street

Three quotes were received for the demolition of 2711. Hawthorne Street. Beaver Excavating quoted \$7,250.00. Cross Excavating and Demolition quoted \$10,022.00. Pelley Excavating quoted \$5,997.00. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the quotes were given to staff to review and report back with a recommendation later in the meeting.

3. MINUTES- Regular Meeting August 27, 2024

On motion by Anthony Coleman, seconded by Laesha Black and carried 3-0, the minutes from August 27, 2024 were approved as presented.

4. POLICE

Chief Daniel Milanese presented Notice of paid Administrative Leave for Cpl. Jared Habermehl which began on September 19, 2024 pending an investigation. Kara Boyles accepted the notification.

Chief Milanese notified the Board of two staffing changes. Captain Travis Hamlin has been reassigned to Captain of Patrol. Lt. Travis Snider moved to Services Division to replace Captain Hamlin.

5. FIRE

Chief Rodney Dale notified the Board that William Sullivan was promoted to the position of Division Chief of Administration, and Noah Lace was promoted to the position of Division Chief of Building Services. Kara accepted the notifications and placed them on file.

Chief William Sullivan presented an Agreement with National Medical Education & Training (NMETC) that allows students from NMETC to participate in



BOARD OF PUBLIC SAFETY  
Tuesday, September 24, 2024

field training hours with our Fire Department. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board approved a Field Practicum Agreement between the Elkhart Fire Department and NMETC, and authorized the Chief to sign the agreement.

6. COMMUNICATIONS

Dustin McLain presented the August Month End Report. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board accepted and placed on file the August Month End Report.

Dustin asked the Board to approve three Conditional Offers of Employment. On motion by Anthony Coleman, seconded by Laesha Black and carried 3-0, the Board approved Conditional Offers of Employment for Abigail Voreis, Nicole White, and Austin Stonewall.

7. BUILDING & CODE ENFORCEMENT

Month End Report for August

Tim Vistine presented the August Month End Report. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board accepted and placed on file the August Month End Report.

Award Demolition Bids

On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 933 Princeton Street to Cross Excavating as the lowest, responsive and responsible bidder with a contract price of \$13,785.00.

On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 1440 Cedar Street to Pelley Excavating as the lowest, responsive and responsible bidder with a contract price of \$1,496.00.

On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 2711 Hawthorne Street to Pelley Excavating as the lowest, responsive and responsible bidder with a contract price of \$5,997.00.

8. OTHER PUBLIC SAFETY MATTERS

BOS Resolution 24-R-01 Resolution of Disposal of Surplus Property


On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board approved Resolution 24-R-01, a Resolution to dispose of surplus property, and approved an Agreement between the City of Elkhart and LaSalle Council Boy Scouts of America for the purchase of the 1986 Wells Cargo trailer for \$1.00.

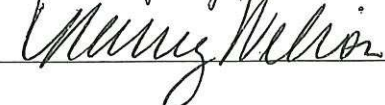
Fire Merit Commission Minutes

On motion by Anthony Coleman, seconded by Laesha Black and carried 3-0, the Board accepted and placed on file the Fire Merit Commission minutes from August 12, 2024 as presented.

9. ADJOURNMENT

Chairman Kara Boyles adjourned the Board of Safety meeting at 9:18 a.m.

 Kara Boyles, Chairman

Attest:  Nancy Wilson, Clerk of the Board



BOARD OF PUBLIC WORKS  
Tuesday, October 1, 2024

Vice-President Jamie Arce called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, October 1, 2024. Clerk of the Board Nancy Wilson called the roll. Andy Jones, Rose Rivera, Jamie Arce, and Ronnie Davis attended in person. Mike Machlan was absent. Jamie noted the time was after 9:00 a.m. and no more bids or quotes would be accepted.

1. Approve Agenda

A motion was made by Rose Rivera and seconded by Ron Davis to approve the agenda. On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the agenda was amended by adding under Engineering VII(a) Award Bid 24-20 Bristol Street Clearing, under New Business VIII Microsoft Contract, and removing Tax Issues 111 W Lexington and Tax Issues Lexington Business Center. The amended agenda carried 4-0.

2. Open Quotes

Bid #24-13 Oakland Avenue Project B: CSO Storage Project

Proof of publication was presented which appeared in The Elkhart Truth on August 24 and August 31, 2024. The following bids were received:

Kokosing Industrial Inc. Submitted a signed and certified bid summary form with all items checked. The base bid was \$43,681,400.00.

Thieneman submitted a signed and certified bid summary form with all items checked. The base bid was \$40,975,400.00.

C&E Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$40,994,000.00.

Selge Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$36,891,918.14.

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at a future meeting.

Quote #24-28 Wolf Ave Drainage Improvements

One quote was received for the Wolf Avenue Drainage Improvement project from Premium Services for \$89,822.00. On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the quote was referred to staff to review and award later in the meeting if practical.

Quote #24-29 Bypass Road Drainage Improvements

Three quotes were received for the Bypass Road Drainage Improvement project. John Boettcher Sewer & Excavating quoted \$36,927.20. Selge Construction quoted \$46,066.00. Premium Services quoted \$70,930.00. On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the quotes were referred to staff to review and award later in the meeting if practical.

Proposals- HUD Five Year Consolidated Plan Services

Four proposals were received for the HUD Five-year Consolidated Plan Services. Urban Design submitted a plan totaling \$76,000.00. Community Planning Insights submitted a plan totaling \$75,800.00. Arsh Group submitted a plan totaling \$77,000.00. Abonmarche submitted a plan totaling \$95,000.00. On motion by Andy Jones, seconded by Rose Rivera and carried 4-0, the proposals were given to staff to review and award at a future meeting.



BOARD OF PUBLIC WORKS  
Tuesday, October 1, 2024

3. Claims & Allowance Docket

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the claims and allowance docket in the amount of \$4,591,056.60, consisting of 31 pages as prepared on September 24, 2024 at 9:54 a.m.

4. Minutes Regular Meeting September 17, 2024 and Memorandum of Special Meeting in Executive Session September 17, 2024

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Minutes of the Regular Meeting September 17, 2024. On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Memorandum of Special Meeting in Executive Session on September 17, 2024.

5. Utilities

(A.) Administration

Amendment No. 1: PSA with DLZ Indiana, LLC Benham West Tower Rehabilitation Project

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved Amendment #1 with DLZ Indiana, LLC for the Benham Water Tower Rehabilitation Project, for an increase of \$39,260.00, bringing the current not-to-exceed fee to \$111,860.00.

Revised Water Utility MRO for July 2024

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board accepted and placed on file the revised Water Utility MRO for July 2024.

(B.) Pretreatment

JBS Prepared Foods Permit #2002-01

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the request to extend the JBS Administrative Order deadline by 60 days to November 29, 2024. Steve Brown explained the request. We have been in contract with them since the administrative order was issued in June. The extension is to continue to work together, and for them to come into compliance. Jamie asked if we have had any more issues. Steve said there is an issue that will be brought to the Board at a later date. Jamie mentioned previously there was the possibility of an abatement of their fines, and asked if this extension would affect that. Maggie Marnocha responded that is part of the negotiations they are having with them right now.

Baker's Nook Café 127 Easy Shopping Place FOG Variance Request

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved a FOG Variance from having to install a grease control device for Baker's Nook Café. Steve Brown explained the request to the Board. There have not been any grease issues in the past. The building they are in now is going to be demolished. The owner was present. Jillian Arnold said they took over in June of 2023. She explained that they put the grill waste in the trash every day. She said the entire plaza was sold last year and they do plan to tear it down. Steve said they would continue to do visual monitoring on their outfall.

Elwood's 115 East Lexington Avenue 90 day Extension Request

On motion by Andy Jones, seconded by Rose Rivera and carried 4-0, the Board granted Elwood's a 90-day extension to have the appropriate grease control device installed no later than December 30, 2024. Steve Brown explained the



BOARD OF PUBLIC WORKS  
Tuesday, October 1, 2024

request to the Board and said staff supports the extension. The owner David Osborne explained the delays. It took time to find a plumber that could install everything. They are not doing any cooking and have no grease. They do not even serve coffee yet. It is a Historic building so things move a little slower.

BD Industries Permit #88-03

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved BD Industries Permit #88-03 five-year Industrial Wastewater Discharge Permit renewal.

Norfolk Southern Industrial Wastewater Discharge Permit #85-27

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved Norfolk Southern Permit #85-27 five-year Industrial Wastewater Discharge Permit renewal. Carlos Medina, Pretreatment Inspector presented the permit renewal to the Board.

Huntington Alloys Industrial Wastewater Discharge Permit #86-07

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved Huntington Alloys Permit #86-07 five-year Industrial Wastewater Discharge Permit renewal. Carlos Medina, Pretreatment Inspector presented the permit renewal to the Board.

Accept Communication Bimbo Bakeries Permit #2006-03 Appeal

A motion was made by Andy Jones and seconded by Rose Rivera to accept the email communication received from Bimbo Bakeries. Jonathan Kania, Environmental Manager of Bimbo Bakeries attended the meeting on WebEx. He said he supports 15 BBU Bakeries in the upper Midwest. On July 22, 2024, Elkhart Public Works issued a draft of Bimbo's newest Wastewater Permit. On August 7, 2024 BBU expressed concerns on the new one size fits all permit conditions. The permit increased monitoring and testing for new pollutants. These pollutants included Arsenic, Cadmium, Cyanide, Lead, Nickel, Phenol, Silver, Chromium, and Total Petroleum Hydrocarbons. We requested on August 13, 2024 to test out by demonstrating through sampling its non-applicability. BBU was told by Elkhart Public Works monitoring waivers were not being issued. On August 20, 2024 a new Industrial Wastewater Discharge Permit #2006-03 was issued with no changes or monitoring waivers. On August 27, 2024 an appeal was made by Bimbo Bakeries USA. Bimbo Bakeries Elkhart is a commercial bakery that produces bread, buns, and English muffins for public consumer use. We do not use or process heavy metals in our bakery. In adding heavy metal neurotoxins to our permit, it opens BBU Bakery to scrutiny on social audits from Walmart, and Target for pollutants we do not produce. Our bakeries throughout the upper Midwest test for PH, Ammonia, Oil and Grease, Phosphorous, BOD and TSS with consistency, and was akin to our previous permit. Our nearest sister facility which also produces bread and buns in Grand Rapids, MI tests for these very same parameters. He appreciates the opportunity to express their concerns, and hopes we can come to an agreeable solution with a goal of achieving monitoring waivers for the above mentioned parameters.

Jamie asked Maggie in these situations when we are accepting communication and we allow the Industry to speak to the appeal, is it appropriate for us to engage in discussion or ask questions, or is this similar to public participation when we hear the person speak and then refer them to staff. Maggie responded yes,



BOARD OF PUBLIC WORKS  
Tuesday, October 1, 2024

that is correct (similar to public participation). When Steve Brown got the letter, they discussed it needed to go to the Board for discussion. Maggie said one of the things she pointed out also is they understand his concerns, but we also have to refer to the regulations, and Steve and Laura and I will be attending another EPA seminar on Pretreatment. As things come up, it is a good place to hone in on them. This is one of the questions we are going to have for them, because we understand his concerns but reading of the regulation does not allow us to waive because of their Classification. Maggie told Jamie to accept his communication and forward it on to staff for review. Jamie said the Board will leave it to staff to continue to work on it appropriately. The communication was accepted and placed on file.

6. Engineering

(A.) Administration

Driveway Width Variance 4019 Timber Court (tabled)

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board removed the Driveway Width Variance for 4019 Timberstone Court from the table for discussion. A motion was made by Rose Rivera and seconded by Andy Jones to approve the Driveway Width Variance for 4019 Timber Court. Jeff Shaffer said they did a little more investigation after the last Board meeting and looked at it from a more holistic perspective. Jeff said they had discussions with the HOA, and based on those discussions, Tom Graber, the President of the HOA is here to talk about the approach the HOA would like to take on driveways in Timberstone.

Tom Graber gave the Board a map of the Timberstone Development phases 1-5. He said he is here to speak on behalf of Scott Hamilton. Considering the lots, we have 92 lots with an average of 51' frontage, 23 lot and a half lots with an average of 77', and double lots that average 104' wide. Scott's is a double lot and measures 101' wide. His request is for a 40' wide driveway. Tom said he lives two doors down. On the map he pointed out to the Board 66S is Scott's lot. He said his lot is to the left, 66W and 66V that are combined into one now. Tom said his driveway is 43' wide. The HOA Board feels like they need something in their covenants to give the neighborhood direction for the driveway widths. They moved by majority that the single lots would be not more than 30' wide, the lot and a half not more than 35' wide, and the double lots not more than 40' wide. He said they are asking the Board for the Variance, and for future driveway consideration. If you consider the garage doors, he said he has a three-stall garage at his house. The garage door width is about 8.5'. Scott's plan is to build another garage attached to his present house. Allowing him a 40' driveway will allow him to drive straight in to each stall. Jamie thanked him for all of third work he and the HOA board did while the item was tabled. He thanked him for working with the Engineering team to come up with a good resolution.

Jeff Shaffer discussed the definition of a lot with Eric Trotter. Eric said he is confident they can work with the single, lot and a half, and double lots in Timberstone. Jeff said once the covenants and restrictions have been approved by the HOA, they would like to see a document in writing. Jeff said staff supports the driveway width variance and will continue to work with their HOA moving forward. At the conclusion of discussion, Jamie called for the vote. The motion carried 4-0.

Driveway Width Variance 2539 Timberstone Drive East



BOARD OF PUBLIC WORKS  
Tuesday, October 1, 2024

A motion was made by Andy Jones and seconded by Rose Rivera to approve the Driveway Width Variance for David Bortner Revocable Trust (owner) and Dynamic Custom Homes (contractor) for a proposed new driveway at 2539 Timberstone Drive East that exceeds 40' in width. Jeff Shaffer let the Board know the driveway permit application that was submitted was for 30' width. If approved, they need documentation from the HOA supporting the width, and a corrected Driveway Permit application. Jeff Showalter, the owner of Dynamic Custom Homes represented the Variance petition. He said they applied for a driveway permit and submitted scale drawings. It was approved. The driveway has been in place 4-6 weeks. At some point, it came to the City's attention it was too wide and we were to halt construction. All we have left to do outside is sidewalks. He asked the Board to grant permission for a 40' driveway. The project is on a double lot and is the biggest home in the neighborhood. He said they have 250' of curb frontage. Jamie pointed to the map that these are lots 177 and 178 in phase 5. Jeff said the Architect puts on every one of his drawings Driveway 30' plus or minus. He said the reason they submit a scale drawing that shows the driveway straight off of a 3-stall garage is that the scale can be used to tell the actual width of the driveway. He said Timberstone is unique and has received a lot of grace. He said they turn in what the homeowner wants, and if it does not pass they try again. Jamie explained that Mr. Graber explained the position of the HOA, and the Board leans on staff's expertise to help them make the decisions. Tom Graber spoke in favor of the variance. The HOA board discussed it and unanimously approved double lots with 40' wide driveways. On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board amended the motion removing exceeds, making it 40' in width. Jamie called for the vote on the amended motion and it carried 4-0.

Award Bid #24-17 SR 19 Access Management Permanent Plan Phase 1

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board awarded Bid #24-17 SR 19 Access Management Permanent Plan Phase 1 to Premium Services who submitted the lowest responsive bid with a contract price in the amount of \$286,754.00.

Award Bid #24-18 Hively Avenue Overpass Demolition Contract #5

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board awarded Bid #24-18 Hively Avenue Overpass Demolition Contract #5 to John Boettcher Sewer & Excavating who submitted the lowest responsive bid with a contract price of \$186,737.46.

Award Bid #24-19 Hively Avenue Overpass Demolition Contract #6

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board awarded Bid #24-19 Hively Avenue Overpass Demolition Contract #6 to John Boettcher Sewer & Excavating who submitted the lowest responsive bid with a contract price of \$83,225.00.

Change Order #1 & Final Bid #24-01 2024 ADA Funded Curb Ramp

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved Change Order #1 and Final for Bid #24-01, ADA-funded Curb Ramp Replacement, increasing the contract value by \$7,199.50, resulting in a contract price of \$217,399.50



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Tuesday, October 1, 2024

Award Bid #24-20 Bristol Street Widening Project-Clearing

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board awarded Bid #24-20 Bristol Street Widening Project-Clearing, to Homer Tree Service, who submitted the lowest responsive bid, with a contract price in the amount of \$187,480.00.

(B.) Utility

Change Order #7 for Bid #21-13 Elkhart WWTP Capacity Upgrades Phase II-QA7634 (tabled)

No action was taken.

Service Line Identification Project: Ratify Partial Payment #4 to Premium Services

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board ratified partial payment #4, retainage in the amount of \$19,977.00 to Premium Services from the allocated SRF Loan for work on the Service Line Identification project.

Ratify Partial Payment #16 to C&E Excavating: Oakland Avenue Forcemain

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board ratified partial payment request #16 in the amount of \$532,723.00 to C&E Excavating from SRF Loan WW22162005 and \$65,636.00 from loan DW22232001 for construction on the Oakland Avenue Forcemain- Phase A project.

Ratify Partial Payment Request #36 to American Structurepoint

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board ratified partial payment request #36 of SRF loan WW22162005 in the amount of \$43,730.00 to American Structurepoint from the allocated SRF loan for professional services on the Oakland Avenue: Project C- Harrison Street Design.

Change Order Request #1: CSO 39 Sewer Separation –SA7913/ WA7914

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved Change Order #1 for the CSO 39 Sewer Separation Project for an increase of \$9,811.25, bringing the current Contract price to \$5,161,907.45.

7. New Business

Tyler Technologies AP Automation Contract

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Tyler Technologies agreement and authorized the City Controller to execute and sign the agreement.

Uniform Conflict of Interest Disclosure- Annie Klehfoth

On motion by Andy Jones, seconded by Rose Rivera and carried 4-0, the Board accepted and placed on file the Uniform Conflict of Interest Disclosure form from Annie Klehfoth.

Microsoft EA Agreement Revision

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Microsoft EA Agreement and authorized IT Director James Gerald to sign and execute said agreement.

BOARD OF PUBLIC WORKS  
Tuesday, October 1, 2024

8. Award Quotes

Award Quote #24-28 Wolf Avenue Drainage Improvements

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board awarded Quote #24-28 Wolf Avenue Drainage Improvements to Premium Services who submitted the lowest responsive quote with a contract price in the amount of \$89,822.00.


Award Quote #24-29 Bypass Road Drainage Improvements

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board tabled the award of Quote #24-29 to the October 15, 2024 meeting.

9. Adjournment

On motion by Andy Jones, seconded by Ron Davis and carried 4-0, the Board of Works adjourned at 10:49 a.m.

  
\_\_\_\_\_  
Jamie Arce, Vice-President

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





City of Elkhart  
*Redevelopment Commission*

REGULAR MEETING  
ELKHART REDEVELOPMENT COMMISSION  
LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS  
Tuesday, September 10, 2024  
4:00 p.m.

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PRESENT: Dina Harris, Gerry Roberts, Sandi Schreiber, Wes Steffen, Willie Brown, Gary Boyn, Sherry Weber (Recording Secretary), Mike Huber, Adam Fann, Jacob Wolgamood, Corinne Straight, Mary Kaczka, Jeff Shaffer

PRESENT BY WEBEX: Chris Pottratz, Lewis Anne Deputy, Rose Rivera

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CALL TO ORDER

This meeting was held in-person, telephonically, and virtually through WEBEX. The meeting was called to order at 4:00 p.m. by Ms. Schreiber, President.

AMENDMENT TO THE AGENDA

Ms. Schreiber asked for a motion to amend the agenda for September 10, 2024. Moved by Ms. Harris. Seconded by Mr. Brown. Voice vote, all in favor. Motion approved.

APPROVAL OF AUGUST 13, 2024 REGULAR MEETING MINUTES

Ms. Schreiber asked for a motion to approve the August 13, 2024 Regular Meeting Minutes. Moved by Ms. Harris. Seconded by Mr. Brown. Voice vote, all in favor. Motion approved.

NEW BUSINESS

A. OPENING OF BIDS

Adam Fann addressed the commission stating there are no bids to open.

B. PUBLIC HEARING TO REVIEW THE 2023 CAPER

Mrs. Schreiber opened the Public Hearing. Mary Kaczka presented on the 2023 Consolidated Annual Performance and Evaluation Report (CAPER) and answered questions. Mr. Gary Boyn noted the public notice that is required to be filed and printed in the local paper has run. There was no public comment. Ms. Schreiber closed the public hearing.

C. OFFERING OF REAL ESTATE



Mr. Adam Fann addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the proposed resolution authorizing the offer of those lots for sale, provide notice that was attached to the resolution and its publication and the offering sheet that was attached so that this property can be offered to the public for sale with an opening of bids at the October 8 2024 meeting. Mr. Boyn informed the Commission that public notice for this bid opening is being published as of October 8<sup>th</sup>. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

#### D. SALE OF REAL ESTATE

Mr. Adam Fann addressed the commission and answered their questions. Ms. Schreiber asked for a motion to authorize the offering price of \$6,500, approving the offering to all the abutting land owners, publication of notice not more than 10 days after the date of this meeting identifying the property that we are offering. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

#### E. TRANSFER OF REAL ESTATE TO BOARD OF PUBLIC WORKS

Mr. Adam Fann addressed the commission and answered their questions. Ms. Schreiber asked for a motion to authorize the transfer of lot 126 in south Elkhart third addition to the City of Elkhart acting through the Board of Public Works and authorize the execution of the quit claim deed. Moved by Ms. Harris. Seconded by Mr. Brown. Voice vote, all in favor. Motion approved.

#### F. HRP CONSTRUCTION, INC. USE AGREEMENT FOR 3508 SOUTH MAIN STREET

Mr. Adam Fann addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the request for access to the property at 3508 South Main Street to HRP Construction, Inc. and approve the form of agreement by authorizing the president or other officers in her absence to execute that agreement. Moved by Mr. Brown. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

#### G. 117 FREIGHT STREET FURTHER SITE INVESTIGATION

Mr. Adam Fann addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the additional study to be performed on this site and approve the employment of Heron Environmental to do that work at the cost of \$2,700 to be paid out of the Brownfield Services Special Fund. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

#### H. CASSOPOLIS STREET IMPROVEMENTS

Mr. Adam Fann addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the project work on Cassopolis Street as described and request the Board of Public Works execute all contracts and take all actions necessary to supervise and complete the project and appropriate \$350,000 from the Cassopolis Corridor Economic Development Area Allocation Area Special Fund to cover the cost of the project with any unused funds being returned to the appropriate account. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

#### I. WOODLAND CROSSING LISTING AGREEMENT WITH MARKET PLACE REALTY

Ms. Mary Kaczka addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the offering of real estate for lease through this listing agent contingent upon authorizing the staff to further negotiate certain provisions of the listing agreement and at such time as they reach acceptable terms, execute the same. Moved by Ms. Harris. Seconded by Mr. Brown. Voice vote, all in favor. Motion approved.

#### J. WOODLAND CROSSING SNOW AND SALT CONTRACT WITH DS GROUNDS CARE

Ms. Mary Kaczka addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the contract with DS Grounds Care, LLC for sweeping services, snow removal and salt/deicing treatments to be paid from the CAM budget at the Woodland Crossing. Moved by Mr. Brown. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

#### K. SOUTH MAIN STREETSCAPE IMPROVEMENTS

Mr. Adam Fann addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the employment of Christopher B. Burke Engineering, LLC to perform the services set forth in the contract at a price of \$156,730, approve the form of contract attached to the resolution and appropriate \$117,547.50 from the Consolidated TIF and \$39,182.50 from the Downtown Area No. 1 Special Fund. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote all in favor. Motion approved.

#### L. BAKER TILLY CONTRACT

Mr. Mike Huber addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the employment of Baker Tilly Municipal Advisors, LLC to provide the services described in the agreement, approve the form and content of the agreement and approve the fee arrangements specified in the agreement, authorize the payment of the EOC fees incurred from the Downtown Elkhart Areas Four, Five and Six Special Funds and the Parkway Fees from the Parkway 17 Allocation Special Fund. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

#### M. GRANT ACCESS TO REAL ESTATE AT 138-4 WOODLAND CROSSING

Ms. Mark Kaczka addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the request for access by the Great Lakes Mennonite Thrift, Inc. approving the form in terms of the agreement attached and authorizing its execution. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

#### N. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEAR 24 SUBRECIPIENT AGREEMENT

Ms. Mary Kaczka addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the proposed subrecipient agreements for the Boys and Girls Club, Goodwill Industries of Michiana, Health Plus Indiana, Maple City Healthcare, St. James AME Church and the YWCA of South Central Indiana in the amounts specified. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

#### O. PARK RFP RELEASE



Ms. Adam Fann addressed the commission and answered their questions. Ms. Schreiber asked for a motion to authorize the Parks Department to issue the RFP while Redevelopment still owns the property and work through the process of transferring the property to the Parks Department. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved

#### STAFF UPDATES

Mr. Adam Fann and Mr. Mike Huber addressed the commission with updates on projects around the city

- Roundhouse – EPA is currently on site. They have been doing excavations on the tunnels that were left over in the foundations. Overall budget for all of the work the EPA is doing at the Roundhouse with the 10 acre scrape is \$1.65 million, the Federal Government stepped in to help us out..
- State Road 19 – A lot of plantings have gone in at the Linear Park and they have two of the blade structures up on the west side bump outs. The Welcome To Elkhart sign is on the wall at Linear Park and it is operational. They are still on schedule to finish up yet this year with a few touch ups next spring.
- Freight Street – We will bring a demolition for Freight Street structures and a fence to the commission next month.

#### OTHER BUSINESS

Ms. Schreiber asked for a motion to approve the Warrick and Boyn invoice in the sum of \$28,922.48. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

The commissioners have the TIF Report.

#### PUBLIC COMMENT

No one from the public was there at address the Commission.

#### ADJOURNMENT

There being no further discussion, Ms. Schreiber asked for a motion to adjourn the meeting. It was moved by Ms. Harris. Seconded by Mr. Brown. Voice vote, all in favor. Motion approved. The meeting adjourned at 4:49 p.m. Next meeting is on Tuesday, October 8, 2024 at 4:00 p.m. in Council Chambers.

  
Sandra Schreiber, President



City of Elkhart  
*Redevelopment Commission*

Elkhart Redevelopment Commission  
Pre-Agenda Meeting Summary  
For September 6, 2024

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PRESENT: Dina Harris, Sandi Schreiber, Gary Boyn, Mike Huber, Adam Fann,  
Jacob Wolgamood, Sherry Weber, Corinne Straight, Joshua Hofer,  
Mary Kaczka, Drew Wynes.

PRESENT BY WEBEX: Chris Pottratz, Willie L. Brown

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The Commission reviewed each agenda item and staff explained the status of each matter to date and the need for and purpose of the proposed Resolution to be acted upon at the upcoming Elkhart Redevelopment Commission meeting on September 10, 2024.



LERNER THEATRE BOARD  
Wednesday, September 11, 2024

President Gary Boyn called the Regular Meeting of the Lerner Theatre Board to order at 10:00 a.m. on Wednesday, September 11, 2024. The Clerk of the Board, Nancy Wilson called the roll. Gary Boyn, Diana Lawson, Jamie Arce, Dina Harris, and Dallas Bergl attended in-person. Carrie Berghoff was absent. There is one vacancy on the Lerner Governing Board. This being the anniversary of the 9-11 tragedy, Gary Boyn took a moment of silence to honor everyone that was harmed or injured, and all of the survivors of that, and to recognize the marvelous job that was done on that day and the days after by the emergency and municipal staffs of New York. Everyone stood and observed a moment of silence.

1. AGENDA

On motion by Dallas Bergl, seconded by Dina Harris and carried 5-0, the agenda was approved as presented.

2. MINUTES: Regular Meeting August 14, 2024

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board approved the minutes from August 14, 2024.

3. TREASURER'S REPORT

Financials July 31, 2024

Michelle Adams of Kruggel, Lawton and Co. attended on WebEx. The July 31, 2024 financial report was submitted to the Board for review. Total operational expenses of \$1,013,450 were covered by a City contribution of \$460,825 (45%) and a Lerner contribution of \$552,625 (55%). This compared with 2023 City's contribution of 63% and the Lerner's contribution of 37%. The net income from Theatre operations only (shown as Gross Profit) at the end of the period was \$496,564 which was an increase of \$177,168 from 2023. The YTD net income for all Lerner operations (including City expenses) at the end of the period was \$122,508 which was an improvement of \$201,583 from the net loss on last year's statement of (\$79,075). On budgeted City Operational Expenses alone we were under-budget by \$437,738 year-to-date. On motion by Dina Harris, seconded by Dallas Bergl and carried 5-0, the Financials from July 31, 2024 were approved. Dallas commented on a substantial swing from last year, the City's contribution was \$633,242 and this year the City's contribution was \$460,825, a swing of \$200,00.00, and the net income reflects the same thing, up \$200,000.00. That is an impressive swing, and we hope to continue that progress and we move through the rest of the year and into 2025.

Claims and Allowance Docket

On motion by Dallas Bergl, seconded by Dina Harris and carried 5-0, the Board approved the claims and allowance docket totaling \$43,622.99 as listed on the register consisting of 5 pages, prepared on September 9, 2024 at 7:57 a.m.

4. PRESIDENT'S REPORT

Gary Boyn said the Conway Entertainment Group Contract is an agenda item the Board will discuss later. He and Diana met with them and were very impressed with the presentation, and he looked forward to discussing what they have in mind.

Diana Lawson gave an update on the 100-year celebration planning. The first committee meeting was held September 10, 2024 at 9:00 a.m. in the Cittadine Room and was well attended. Diana thanked the Mayor for honoring her with the challenge to manage this initiative. The committee is off and running and Diana



LERNER THEATRE BOARD  
 Wednesday, September 11, 2024

said she will give an update every month. We are going to have an excellent year that kicks off on November 24, 2024 on the same date with the same Buster Keeton silent movie that was on the screen 100 years ago!

5. CRYSTAL BALLROOM CATERING

Leah Ramanujan presented the report August Month End report. On motion by Dina Harris, seconded by Carrie Berghoff and carried 6-0, the Crystal Ballroom report for July was accepted and placed on file. She said we are having a fantastic year in the Ballroom, and it looks like it will be the second best ever! She said they are working in great unison with the Lerner staff. Gary asked how bookings are looking for 2025, and Leah said June 2025 is almost fully booked already.

6. PREMIER ARTS

The Director of Premier Arts Craig Gibson said they are a proud partner of the Lerner and they are looking forward to the 100-year celebration! They are going to kick off the festivities by doing the windows a little early so they will be ready for people. The windows celebrate all of the decades of the Lerner, from the Lerner to the Warner, to the Elco, and back to the Lerner. They will be really special and of course they will add a little Christmas to them. Premier Arts is creating a new musical that will be the holiday feature next year that surrounds the opening of the Lerner. The Premier Arts School started with 100 more kids than last year! He noted that normally during transitional periods there are hiccups, but this time there have been no hiccups. Deen and Sarah along with Kurt in the Ballroom have made it seamless. With the new leadership coming in, he said he is looking forward to moving into the next phase. Diana said Premier Arts has been with us since the beginning as our resident theatre company and we really appreciate them and the partnership.

7. DIRECTOR OF EVENTS REPORT

The Director of Events Report has been inserted in the minutes as presented.

**DIRECTOR OF EVENTS**

PREPARED BY: SARAH MACER

<b>Activity (Sept-November)</b>	<b>As % of 90 days</b>	
<b>52 Events</b>	58%	<b>Activity in theatre</b>
<b>26 Ticketed Events</b>	29%	<b>Ticketed events</b>
14 Non-Ticketed Events	16%	Non-Ticketed events
<b>12 Rehearsal Dates</b>	13%	<b>Rehearsal Space</b>

Compare to 2023 Board Report Ticketed Events: 29

Compare to 2023 Board Report Non-Ticketed Events +Rehearsals: 34

- I know I've said it a few times, but where did August go? This month started with a busy weekend full of people downtown enjoying the Grand Prix along with our American ELO band in the theatre. We were given a week to relax and then dove back into it with the Elkhart Black Expo's Leroy Robinson Soul Festival; we hosted the Leroy Robinson African American Arts and Cultural Pavilion in the lobby where different community artists showcased their works and then that Friday had the Southern Soul Music Festival starring Calvin Richardson and Friends. We ended the month with the entertaining Celia

## LERNER THEATRE BOARD

Wednesday, September 11, 2024

Weiss and a free Lunchtime Live concert during the day followed by Dancing Queen outside on the Central Green for Lerner on the Lawn.

- The Annual Volunteer Banquet was a beautiful event celebrating our Volunteers. The Ballroom outdid themselves with the amazing food and service. Thank you Dallas, for your generous gift and Diana and Dina, it was lovely seeing the two of you. I want to personally thank Deen and Tristin for getting up there and speaking with me and to Brittany for putting in a lot of extra work helping both with the Peer Committee and to make that night a success.
- DLZ came to do their ADA walkthrough that Public Works lined up for the city and we look forward to seeing them again next week for the second half of their inspection. We're excited to hear what they find and to see if they have any suggestions as to what we can do to make visiting our building a better experience for all.

### **Accomplished in August:**

- Facility Occupancy numbers were sent off to the other city departments for life safety of those visiting The Lerner. Google Calendar and Prism are both updated
- Deen and I met with Bradley, Jamie and the Mayor to go over the budget and talk through the upcoming year
- I am still working on facilitating shows with Deen and the rest team. It has been slower and I'm grateful for that time to put some new practices in place where more of the team is included in the process rather than one person having all of the information.
- Monthly meetings of the 100 year have begun and we've reached out to individual committees. We're ready to bring the whole group together in September.
- All of the usual tasks associated with my position have been completed; Show Closings sheets have been completed for each show and the show closing schedule for the month was sent to KL.

### **Updates for August:**

#### **100 Year Planning:**

We will be meeting on the 10<sup>th</sup> of September with the entire group to begin diving into plans for the 100 years. The committees are set, other members are being invited along to help and we're on our way.

#### **Budget:**

When September hits, that means it's almost time for budget. Jamie has been doing a great job keeping Deen and I included and updated on any invoices that have popped up along with expenses that weren't on our radar. I'll be working with the Mayor's staff in the next few weeks to get details in place about the vision they have for the public presentations on stage and we look forward to hosting the event.

#### **Volunteer Banquet:**

The Banquet was a success and it was a wonderful evening with everyone that was



## LERNER THEATRE BOARD

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able to attend. The Chef that cooked the meal outdid himself and everyone loved the food. It was some of the best I've had from the Ballroom and their food is always lovely. Deen and Jacob brought the newly lit ELCO sign to the Ballroom for a photo opportunity and it was an amazing evening celebrating our incredible Volunteers. We truly cannot do it without them.

### **Event Planning:**

As we've been working on cleaning up tasks and starting new processes we are excited for shows to start up. In September we'll have the Chicago Flyhouse work in the theatre making sure that's ready to go along with our annual Emergency Training for our staff and volunteers. We'll return to Wellfield for our annual Symphony event hosted at the gardens and have the City budget hearings on stage. Throw in a few events on the stage and it's a good kick off before we get slammed in the fall.

## **TECHNICAL AND FACILITIES DIRECTOR**

PREPARED BY: DEEN TUGGLE

### Overview

In the words of Taylor Swift, "August slipped away into a moment in time." Where did the month go? This month we started off with a Friend of The Lerner show, The American ELO. During this time, I was on vacation and my assistant Jacob was able to step up and lead the charge. He did a great job, and everything went smooth. After that, DLZ came in to do an ADA review of the building. They will finish that up in September. We then hosted two events for the Elkhart chapter of Indiana Black Expo. We had a lovely arts and culture event in the lobby, followed by the Leroy Robinson Southern Soul and Soul Music Festival. After that, my tech staff was able to make my vision a reality by completing the ELCO sign revitalization and modernizing it to be all LED. The reception has been spectacular, and we even had it on display for our annual Volunteer Recognition Banquet, held in the Crystal Ballroom. The evening was spectacular, and our volunteers really enjoyed their time. August has given us a lot of time to work on routine maintenance throughout the building as well as deep cleaning. We will wrap the month up with the lovely Celia Weiss and then an ABBA tribute for Lerner on the Lawn. It's time to disco!

### Accomplished in August:

- ELCO sign revitalization.
- Black Expo events.
- Volunteer Banquet.

### Upcoming tasks:

- Chicago Flyhouse rigging work.
- Annual emergency preparedness training.
- Budget hearings! :)

LERNER THEATRE BOARD  
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**OPERATIONS MANAGER**  
PREPARED BY: WAYNE NEFF

Overview August:

I have been working with the new facility manager on the new Maintenance software that Deen was able to implement. The group was able to catch up with many repairs and cleaning items needed.

Accomplished in August:

- Trained new facility's manager on change 220 volt plugs.
- Helped the new auto flush system, many questions.
- Taught team how to do a deep clean on the A/C units.

Upcoming Tasks:

- Teaching facility manager how to work on the ac units.
- Have roof drains that are going to be adjusted on two roofs.
- Drains in the roof have to be worked on for better drainage.

**COMMUNICATIONS & MARKETING COORDINATOR**  
PREPARED BY: JENNA BROUILLETTE

And just like that, August is in the books! We've finished up the Lerner's Tasty Tuesdays series with the goal of bringing people downtown to enjoy lunch and shop at local businesses as well as hosted the Leroy Robinson Southern Soul and Soul Music Fest. At the beginning of the month, we hosted Evil Woman - The American ELO, and are ending the month with Dancing Queen: An ABBA Salute for this month's Lerner on the Lawn!

Administratively, I've been working to advertise for our upcoming shows and prepare for our centennial celebration! We've got a great team working towards this celebration, and the passion shared for The Lerner and its value is a refreshing experience! Additionally, we were honored to celebrate our volunteers with a banquet at the end of August.

Here is a snapshot of The Lerner Theatre's Socials as of 8/28/24:

	May 2024	June 2024	July 2024	August 2024	1-Month Change
Total Audience	36,932	36,347	36,402	36,484	0.3% Increase
Total Impressions	777,487	828,948	328,338	466,095	13.5% Increase
Total Engagement	23,497	28,159	13,789	19,622	13.3% Increase

**Additional Social Context:** *At the beginning of June 2024, The City of Elkhart announced the following regarding meetings and social platforms. "The City of*



## LERNER THEATRE BOARD

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*Elkhart utilizes its Facebook pages to share information and engage with our constituents. We will continue to use all city pages with that goal in mind, however, commenting on future posts will not be allowed."*

*As a City-Owned building, this policy affects our pages as well, effectively impacting show announcements, promotions, information sharing, and interaction with patrons (positive or negative). We are currently navigating this constraint and seeing significant challenges to our social data as this limits engagement with our posts and impressions as well.*

*Additionally, with fewer shows in July and August, it is normal for The Lerner to see a dip in numbers during these months.*

### **Done in August**

- Finished up our weekly food truck events!
- Continued internal meetings to plan and organize the 100<sup>th</sup> anniversary celebration
- Annual Volunteer Banquet!

### **Goals for September**

- Work with Holly to update our website and create a more comprehensive accessibility page for the Lerner Website
- Distribute the Year in Review and Community Update for the year
- Continue as a liaison to the Lerner's 100 year celebration committees in the areas of History+Renovation and Communications.

## **MEDIA SPECIALIST**

PREPARED BY: HOLLY COWAN

The month of August I've been working on some back burner items for The Lerner. I was able to create a new seating map showing off the pit seating for use in our Usher and Box Office manuals. I have also created a Google Form for our volunteers to fill out. This form will help give the floor managers feedback so that we know where our volunteers are struggling and what questions they may have.

In August we celebrated the Lerner Volunteer Banquet! In the weeks leading up to the event, I worked on printing the table tents, drink vouchers and award certificates in-house. I spent the evening taking photographs of the event and the newly renovated ELCO letter signs.

In August I was also able to floor manage the Leroy Robinson: African American Arts & Culture Pavilion for the Indiana Black Expo. This event was much different compared to our usual shows. We had several artists setting up tables to display their work. I was able to take photographs of the artists and their works during this event. I would love to be part of more art related events moving forward. I think this will be a great connection for the theater and will help us promote the arts further in the city.

### **Accomplishments in August**

- Working on graphics and announce emails for upcoming shows

LERNER THEATRE BOARD  
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- 2023 Year End Report and Community Update are ready to print after quote is approved
- Created new seat map for training manuals
- Created a new volunteer survey to get feedback

**Upcoming Goals for September**

- Create a new page for the website about our accessibility offerings
- New page for the website about artwork on display in The Lerner
- Ongoing – update The Lerner Website and Friends of The Lerner Website information
- Work on 100<sup>th</sup> celebration branding ideas
- Design a new Know Before You Go social graphic and email

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

**Box Office Manager Accomplishments for August 2024**

- Hired 2 new Box Office Team Members and 1 new Usher
- Successfully built 5 shows, with 3 of those on-sales in one week!
- Continued to help Jenna with our Friends of the Lerner Endowment Program - We are looking to reinstate the program for our 100 Year Anniversary!

**Box Office Assistant Manager Accomplishments for August 2024**

- Completed 2 Box Office Orientations and 2 Usher Orientations
- Helped host the Annual Volunteer Banquet
- Finished updating Box Office Operations Manual

**Box Office Manager Goals for September 2024**

- Complete the new Box Office Operations Manual
- Schedule a Mandatory Box Office Meeting to go over the new Box Office Operations Manual
- Continue to work with Jenna on our FOL Endowment Program and help out with the 100 Year Anniversary

**Box Office Assistant Manager Goals for September 2024**

- Make all Box Office SOP's uniform and complete updates
- Train new Box Office staff

Date	Time	Event Name	On Sale Date	Sold	Revenue w/Hist. Fee	Net Revenue	Hist. Fee	Total Revenue
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8/3/2024	7:30 PM	Evil Woman - The American ELO	5/30/2024	111	\$3,335.00	\$3,002.00	\$333.00	\$3,335.
8/16/2024	7:00 PM	The Calvin Richardson Experience	4/17/2024	187	\$4,810.00	\$4,249.00	\$561.00	\$4,810.
9/8/2024	4:00 PM	Elkhart County Symphony - Rhythms in Bloom	7/24/2024	165	\$1,868.20	\$1,373.20	\$495.00	\$1,868.
9/8/2024	4:00 PM	Elkhart County Symphony - Rhythms in Bloom (Original Event - Now not used)	7/24/2024	2	\$64.00	\$58.00	\$6.00	\$64.00
9/14/2024	8:00 PM	4192: An Evening with Pete Rose Live!	4/1/2024	77	\$4,343.00	\$4,112.00	\$231.00	\$4,343.
9/19/2024	7:30 PM	Kimball Organ - The Cat and The Canary	2/1/2024	13	\$172.50	\$133.50	\$39.00	\$172.50
9/27/2024	8:00 PM	Home Free - Crazy(er) Life Tour	6/21/2024	61	\$3,581.25	\$3,398.25	\$183.00	\$3,581.
10/5/2024	7:00 PM	The Voices of Rock Radio	4/12/2024	58	\$2,852.40	\$2,678.40	\$174.00	\$2,852.
10/6/2024	7:00 PM	The Mersey Beatles	4/23/2024	10	\$462.00	\$432.00	\$30.00	\$462.00
10/18/2024	7:30 PM	Premier Arts: School of Rock	1/1/2024	0	\$0.00	\$0.00	\$0.00	\$0.00
10/19/2024	7:30 PM	Premier Arts: School of Rock	1/1/2024	7	\$181.00	\$160.00	\$21.00	\$181.00
10/20/2024	2:00 PM	Premier Arts: School of Rock	1/1/2024	3	\$64.00	\$55.00	\$9.00	\$64.00
10/23/2024	6:00 PM	Sesame Street Live! - Say Hello	6/28/2024	69	\$3,236.50	\$3,029.50	\$207.00	\$3,236.
10/25/2024	7:30 PM	Judy Collins	6/21/2024	41	\$2,330.00	\$2,207.00	\$123.00	\$2,330.
11/1/2024	7:30 PM	Finding Nemo Jr	3/27/2024	9	\$122.00	\$95.00	\$27.00	\$122.00
11/2/2024	2:00 PM	Finding Nemo Jr	3/27/2024	10	\$215.00	\$185.00	\$30.00	\$215.00
11/6/2024	7:30 PM	A Taste of Ireland	8/29/2024	13	\$908.00	\$869.00	\$39.00	\$908.00
11/7/2024	7:00 PM	World Ballet Series: Swan Lake	4/2/2024	71	\$4,483.00	\$4,270.00	\$213.00	\$4,483.
11/8/2024	7:00 PM	Jeremy Camp Deeper Waters Tour	8/22/2024	285	\$13,918.50	\$13,063.50	\$855.00	\$13,918.
11/9/2024	7:00 PM	Ginger Billy	6/21/2024	73	\$2,927.20	\$2,708.20	\$219.00	\$2,927.
11/15/2024	7:30	DAYBREAK: The	8/15/2024	32	\$1,364.00	\$1,268.00	\$96.00	\$1,364.

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	PM	Music and Passion of Barry Manilow						
11/17/2024	4:00 PM	Elkhart County Symphony - Mahler Symphony Number 2	7/24/2024	42	\$942.00	\$816.00	\$126.00	\$942.00
11/23/2024	7:00 PM	Joe Gatto: Let's Get Into It	6/21/2024	37	\$2,003.00	\$1,892.00	\$111.00	\$2,003.00
11/24/2024	3:00 PM	Kimball Organ - The Navigator	2/1/2024	4	\$50.00	\$38.00	\$12.00	\$50.00
12/4/2024	7:00 PM	Christmas in the Air	8/15/2024	27	\$1,098.00	\$1,017.00	\$81.00	\$1,098.00
12/5/2024	7:00 PM	Charlie Berens: Good Old Fashioned Tour	6/21/2024	26	\$1,088.00	\$1,010.00	\$78.00	\$1,088.00
12/6/2024	7:30 PM	The Rat Pack is Back for The Holidays	3/1/2024	18	\$1,010.00	\$956.00	\$54.00	\$1,010.00
12/7/2024	6:00 PM	Hometown Jams: Night Ranger	8/14/2024	365	\$31,166.59	\$30,071.59	\$1,095.00	\$31,166.59
12/13/2024	7:30 PM	Premier Arts: Elf the Musical	1/1/2024	14	\$324.00	\$282.00	\$42.00	\$324.00
12/14/2024	2:00 PM	Premier Arts: Elf the Musical All-Youth Performance	1/1/2024	10	\$250.00	\$220.00	\$30.00	\$250.00
12/14/2024	7:30 PM	Premier Arts: Elf the Musical	1/1/2024	8	\$188.00	\$164.00	\$24.00	\$188.00
12/15/2024	2:00 PM	Premier Arts: Elf the Musical	1/1/2024	27	\$601.00	\$520.00	\$81.00	\$601.00
2/2/2025	4:00 PM	Elkhart County Symphony - Mahler Symphony Number 2	7/24/2024	111	\$1,322.20	\$989.20	\$333.00	\$1,322.20
2/2/2025	4:00 PM	Elkhart County Symphony - Mahler Symphony Number 2 (Original Event - Now not used)	7/24/2024	2	\$64.00	\$58.00	\$6.00	\$64.00
3/30/2025	4:00 PM	Elkhart County Symphony - Passion and Poetry	7/24/2024	36	\$750.00	\$642.00	\$108.00	\$750.00
5/18/2025	4:00 PM	Elkhart County Symphony - Rebel Symphnoire	7/24/2024	36	\$750.00	\$642.00	\$108.00	\$750.00

<b>Total Ticket Revenue</b>	<b>\$92,840.00</b>
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LERNER THEATRE BOARD  
Wednesday, September 11, 2024

**LERNER SERVICES COORDINATOR**  
PREPARED BY: DIANA GALVES

In August, The Lerner had a few performances as well as a few events in the Ballroom.

Accomplished in August:

- Lerner services staff vacuumed/shampooed all Dressing rooms 1 thru 4 including Green room dressing room.
- Lerner services staff vacuumed/shampooed the whole Ballroom carpet per request of Navarra.
- Lerner services staff vacuumed/shampooed the Ballroom hallway.
- Lerner services staff vacuumed/shampooed the Cittadine room carpet.
- Lerner services staff started working on polishing brass railings and kick plates.

Upcoming Tasks:

- Lerner services will continue to work on polishing brass railings and kick plated.
- Continue daily cleaning and maintenance throughout the Lerner.

**FACILITIES MANAGER**  
PREPARED BY: TIM GARDNER

August:

- 1) All Auto flushers replaced and fully functional. We have now a couple of toilets that weep a little, from being kicked. Got the correct bladder vacuum assemblies to repair those, and those will be all finished by end of August.
- 2) Both Main street window flashings have been repaired and painted.
- 3) Replaced many bulbs in Cittadine Room and Ballroom. Reported to me last week that more are out, will address those before months end.
- 4) RTU4 is the last unit to clean, but all other RTU's have had a deep clean of all the inner and outer coils (set up as a PM measure in Asset program) and filters changed

LERNER THEATRE BOARD  
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- 5) Inventory completed
- 6) Cleaned/repaired sump pump in Organ/Piano Storage
- 7) Premier Arts (rear entrance door) fixed sag in hinges

Sept. Goals

- 1) From Aug. bulbs in Lerner Blade Sign.
- 2) Repair Ballroom doors, will need major hinge work
- 3) Work on sidewalk outside of box office to get ready for fall, remove ice melt residue and work on more testing/repairs to terrazzo.

7. NEW BUSINESS

Contract with Conway Entertainment

Chief of Staff Bradley Tracey presented the Conway Entertainment contract to the Board for approval. Blake McDaniel, Scott Welch, and Sherry May were present from Conway Entertainment. Blake said he is a small town guy stuck in the big city of Nashville, Tn., where he has been for 24 years. He talked about his experience in the music industry and his vision for the Lerner. Scott talked about his experience as a tour manager for several bands. They said our theatre is a jewel, and they have been amazed at how well the community loves that building. He said the Lerner should have world class entertainment and it should make money. That is why they are here. Sherry talked about her experience and background. She is from Memphis, Tn. where she successfully managed an outdoor theatre in a City-owned botanic gardens. She thanked the Board for the opportunity. Gary Boyn clarified that Sherry May will be the interim General Manager, and will be helping the existing staff operate, and evaluate how the operation runs and look for ways to improve things and come up, along with Blake and Scott, an operational plan for the next 100 years. Hopefully when we get a new GM, they can walk in the door and take over, because they will have a plan to work from and don't have to figure it out from day one. On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board approved a contract with Conway Entertainment in an amount not to exceed \$30,000.00.

Interim General Manager

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board approved a contract with Sherry May in an amount not to exceed \$10,000.00/month and \$2,500.00/month for lodging, and gave the Board President authority to sign the final agreement implementing the suggestions made, after final Legal approval.

8. PUBLIC PARTICIPATION

Mayor Rod Roberson thanked the Board for their deliberations over the contracts presented, as well as their involvement during the transitional period over the last ninety days. There have been some tough times and some challenging times, but we have seen those as opportunities for the Lerner. The City sees the

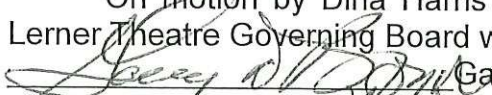


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importance of this venue, and we see the relationship you (the Board) have with it just as important. The Mayor has three things he wants to see as an administration regarding the Lerner. He wants to make sure that the transition happens as smoothly as possible. The Mayor said he has a distinct eye on the future and where we would like to see the Lerner go. It's not just the Lerner. It's the way we speak to Arts Culture and that relationship to our City. We all know the impact of the Lerner has driven, it has driven what we feel is a corner we have to turn with Quality of Place and Quality of Life in our City in a very distinct way. Our population growth can be tracked to when we re-opened the Lerner in 2010 in a profound way, and that is important to us. The Mayor is excited about the level of talent being discussed. Elkhart is a different place for multiple different reasons, and being able to provide this level of talent, being able to support it with a venue like the Lerner, being able to see the future in a manner where it's not just Earth, Wind, & Fire, it is a wonderful kaleidoscope of opportunities. People who drive right by here on a regular basis stopping to perform and provide a level of entertainment for our community we have never had. He said he truly believes after talking with the Conway Entertainment Group and Sherry May that this relationship is a beginning. The third goal is to continue to accelerate the future of Elkhart towards the population growth, utilizing Quality of Place & Quality of Life as the concept that drives it. That is what our downtown plan says, that's what everything we do as an administration says, and that's what was articulated in a periodical that was a monthly periodical done by the Elkhart Truth that was published in October of 1924. It indicated that Elkhart was moving forward from 1924, and that was 100 years ago! They were thinking back then how progressive we were and how large we were as a City in the Midwest, doing the things that we were doing at that time. It is just amazing that we can say we were a progressive City 100 years ago moving around Arts and Culture, and we are moving around it right now. He thanked the Board for their efforts and for what they do. It is right in line with where we need to go, to pass the baton to the next generation. He added he appreciates the relationship we are fostering with Conway, but he wanted to make sure he let the Board know that the administration is in strong support of what the Lerner Governing Board does, and he really believes that at the end of this search, which they also said they are committed to looking at local talent, it's not just national talent to fill that space with the skill set, capabilities, qualities, and they can help mold into where we are moving as well. This is a wonderful time to say that we have an opportunity in front of us that we can seize. The Mayor said he doesn't miss many lay-ups, and we want to make sure we don't miss one now. Gary Boyn followed by saying the article the Mayor mentioned from 100 years ago, he recalled yesterday the History Committee asked for a copy of that, and he was sure it will be used in various ways.

9. ADJOURNMENT

On motion by Dina Harris seconded by Jamie Arce and carried 5-0, the Lerner Theatre Governing Board was adjourned at 11:03 a.m.

  
Gary Boyn, President

Attest:  Nancy Wilson, Clerk of the Board